



Marine
Management
Organisation

Marine Licensing
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH

T +44 (0)300 123 1032
www.gov.uk/mmo

Morgan and Morecambe OWFTA Case Team
Planning Inspectorate
MorganandMorecambeOWFTA@planninginspectorate.gov.uk

(Email only)

MMO Reference: **DCO/2022/00010**
Planning Inspectorate Reference: **EN020028**
Identification Number: **20051136**

20 May 2025

Dear Sir or Madam,

Planning Act 2008, Morgan Offshore Wind Ltd, Proposed Morgan and Morecambe Offshore Windfarm Transmission Assets Order

Deadline 1 Submission Summary

On 12 December 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 Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited (“the Applicants”) for determination of a development consent order for the construction, maintenance and operation of the proposed Morgan and Morecambe Offshore Windfarm Transmission Assets Order (the DCO Application) (MMO ref: DCO/2022/00010; PINS ref: EN020028).

The Applicants seeks authorisation for the construction, operation and maintenance of Morgan and Morecambe Offshore Windfarm Transmission Assets, comprising of two onshore substations, 6 offshore export cables, 18 onshore export cables (6 circuits), 12 400 kilovolt (kV) grid connection cables (4 circuits) as well as the associated cables corridors with associated onshore and offshore infrastructure and all associated development (the Project).

This document comprises the MMO’s summary of submission for Deadline 1. 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.

Marine Licensing Case Manager



Marine
Management
Organisation

...ambitious for our
seas and coasts





[\[redacted\]@marinemanagement.org.uk](mailto:[redacted]@marinemanagement.org.uk)



Marine
Management
Organisation

...ambitious for our
seas and coasts



Contents

1. Comments on Relevant Representations from other Interested Parties	4
2. Comments on Pre-Examination Procedural Deadline Submissions	5
3. Notification by Statutory Parties of their wish to be considered as an IP by the ExA6	
4. Artificial Intelligence (AI)	6
5. Notification of wish to have future correspondence received electronically	6
6. Statements of Common Ground (SoCG)	6
7. Comments on ISH1	6
8. Additional Application Documents	7
9. Additional comments on DCO/DML	7



1. Comments on Relevant Representations from other Interested Parties

1.1 The MMO's Deadline 1 response contains detailed comments on the following Interested Parties, Relevant Representations:

1.2 Natural England

1.2.1 The MMO requests further consideration regarding the sequential construction to the Project Description or within the MDS and impact assessments.

1.2.2 The MMO notes NEs concern about the staged approach.

1.2.3 The MMO notes NE would welcome a firm commitment to continuing the current coordinated approach.

1.2.4 The MMO recommends that commitments are strengthened to make them unequivocal statements, or firm commitments.

1.2.5 The MMO notes that the applicant should review the content of the updated UXO Joint Position Statement and New Mitigation Outlines.

1.3 Environment Agency

1.3.1 The MMO notes that EA have raised concerns towards electromagnetic field generation.

1.3.2 The MMO maintains a watching brief.

1.4 Historic England

1.4.1 The MMO welcome HE's response.

1.5 The Crown Estate; Trinity House; Maritime and Coastguard Agency; Preston City Council

1.5.1 The MMO maintains a watching brief.

1.6 The Wildlife Trusts

1.6.1 The MMO notes TWTs concerns towards the context and clarity of the applicant's submission.

1.6.2 The MMO notes TWT concerns to spatial overlap with Flyde MCZ.

1.6.3 The MMO notes TWT concerns towards construction noise on marine life.

1.6.4 The MMO notes that TWT prefers a commitment to the use of mitigation for the MMMP.

1.6.5 The MMO notes TWT disappointment that a future monitoring plan for many receptors has not been embedded.

1.7 Morecambe Wind Limited, Walney (UK) Offshore Windfarms Limited & Ørsted Burbo (UK) Limited; Newton and Freckleton Marshowners; Lancashire County Council; Canal and River Trust

1.7.1 The MMO defer option to NE and will keep a watching brief.



1.8 Flyde Borough Council & South Ribble Borough Council

1.8.1 The MMO defer option to NE and will keep a watching brief.

1.8.2 The MMO note raised concerns about separating the generation and transmission impacts.

2. Comments on Pre-Examination Procedural Deadline Submissions

2.1 The MMO has reviewed the following documents submitted by the Applicants

2.1.1 Annex 3.2.6 to Response to RR -Marine Management Organisation (RR-1414)

- Transmission Assets RRs meeting with MMO 2025.3.17
- The MMO have no further comments.

2.2 Major Comments UXO

2.3 The MMO will review the updates to the DML submitted at Deadline 1 and provide further comments in due course.

2.4 Construction Scenarios

2.4.1 The MMO will provide further comment at Deadline 3.

2.5 Minor Comments

2.5.1 The MMO has no further comments.

2.6 Article 6 Benefit of the order; The Basis for Objection; Previous DCOs; Materially Inferior Procedure; Pre-application consultation with the Secretary of State; Grant of a DML; A Time Limited DML; Disapplication of the Secretary of State's Consent; Power to Amend DMLs to Reflect Transfer; Overall Effect on Ability to Enforce; Other Considerations

2.6.1 The MMOs stance on the Transfer of Benefit of the Order still stands.

2.7 Use of 'Maintain' and 'Materially'

2.7.1 The MMO strongly considers that the activities authorised under the DCO and DML should be limited to those that are assessed within the EIA.

2.8 Determination Dates

2.8.1 The MMO has concerns with timelines.

2.9 Force Majeure

2.9.1 The MMO maintains its position regarding Force Majeure.

2.10 Benthic Subtidal and Intertidal Ecology

2.10.1 The MMO agree with the applicants' approach provided the required associated details are provided.

2.11 Coastal Processes



2.11.1 The applicant should indicate the maximum rate of shoreline retreat and the resulting effect on cable burial depth.

2.12 Fish Ecology

2.12.1 The MMO will provide further comments at Deadline 2 or 3.

2.13 Shellfish Ecology; Commercial Fisheries; Underwater Noise; Shipping and Navigation; Offshore Ornithology; Marine Archaeology and Cultural Heritage; Seascape, Landscape and Visual Resources; Marine Conservation Zone Assessment; Habitats Regulation Assessment

2.13.1 The MMO will continue to maintain a watching brief and provide further comments at Deadline 2 or 3.

2.14 Outline Marine Mammal Mitigation Protocol

2.14.1 The MMO has requested that further consideration is undertaken.

2.15 Habitat Suitability Assessment

2.15.1 The MMO has no further comments.

2.2 The MMO acknowledges the submission of these responses and will provide further comments at Deadline 2 and throughout the examination process. The MMO has added their initial comments within Table 1.

3. Notification by Statutory Parties of their wish to be considered as an IP by the ExA

3.1.1 The MMO wishes to be considered as an interested party by the ExA.

4. Artificial Intelligence (AI)

4.1.1 The MMO confirms that no AI has been or will be used to create or alter any part of our documents submitted to the ExA.

5. Notification of wish to have future correspondence received electronically

5.1 The MMO request future correspondence is received electronically.

6. Statements of Common Ground (SoCG)

6.1 The MMO has worked with the Applicants to prepare a SoCG which will be submitted at Deadline 1 and will continue to work with the Applicant outside of the written process.

7. Comments on ISH1

7.1 The MMO has reviewed 'EV4-018 Action points arising from issue specific hearing 1 on 30 April and 1 May 2025' and notes that there are no action points for the MMO.



8. Additional Application Documents

8.1 The MMO has provided comments on Outline Plans J13 – J23.

9. Additional comments on DCO/DML

9.1 The MMO has provided more specific comments, the MMO may provide further comments at Deadline 3.

9.2 Schedule 2 Requirement 1 – Time Limits/Lifespan

9.2.1 The MMO will provide further comments during examination.

9.3 Schedule 1 Part 2 Article Benefit of the Order

9.3.1.1 The MMO's stance on the Transfer of Benefit of the Order still stands. The MMO requests that all references to the MMO and DML should be removed from Article 6 for Transfer of Benefit of the Order of the DCO.

9.4 Schedule 14 Part 1, Paragraph 2(f) and Part 2, Condition 16(5)– Disposal sites

9.4.1 The MMO is hoping the information provided by the Applicant satisfies the disposal site designation however proposes two options, one if the reference can be provided prior to the end of examination and one if not.

9.5 Schedule 14 Part 2 Condition 11 Maintenance of the authorised scheme

9.5.1 The MMO recommends amendments to the condition.

9.6 Schedule 14 Part 2 Condition 14 Notifications and Inspections

9.6.1 The MMO recommends that Condition 14(1)(b) is updated.

9.7 Schedule 14 Part 2 Condition 16(1) Chemicals, drilling, debris

9.7.1 The MMO requests Condition 16(1) is to be removed, and Condition 18(1)(f) should be updated.

9.8 Schedule 14 Part 2 Condition 16 (10) – Dropped Objects

9.8.1 The MMO recommends that Condition 16(10) is updated.

9.9 Schedule 14 Part 2 Condition 20

9.9.1 The MMO is still reviewing this condition.

9.10 Schedule 14 Part 2 Condition 21 Marine Noise Registry (MNR)

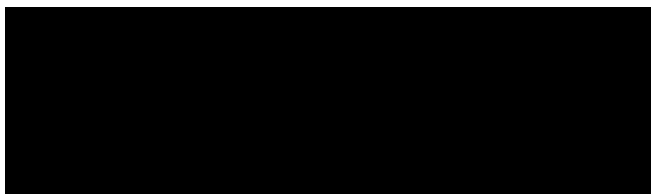
9.10.1 The MMO will provide an update at Deadline 3.

9.11 Schedule 14 Part 2 Condition 23 Reporting of engaged agents, contractors and vessels



9.11.1 The MMO recommends that Condition 23 is updated.

Yours faithfully,



Marine Licensing Case Manager



[\[redacted\]@marinemanagement.org.uk](mailto:[redacted]@marinemanagement.org.uk)



Marine
Management
Organisation

...ambitious for our
seas and coasts





Marine
Management
Organisation

Marine Licensing
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH

T +44 (0)300 123 1032
www.gov.uk/mmo

Morgan and Morecambe OWFTA Case Team
Planning Inspectorate
MorganandMorecambeOWFTA@planninginspectorate.gov.uk

(Email only)

MMO Reference: **DCO/2022/00010**
Planning Inspectorate Reference: **EN020028**
Identification Number: **20051136**

20 May 2025

Dear Sir or Madam,

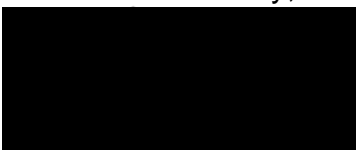
Planning Act 2008, Morgan Offshore Wind Ltd, Proposed Morgan and Morecambe Offshore Windfarm Transmission Assets Order - Deadline 1 Submission

On 12 December 2024, the Marine Management Organisation (the MMO) received notice under section 55 of the Planning Act 2008 (the PA 2008) that the Planning Inspectorate (PINS) had accepted an application made by Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited (the Applicants) for determination of a development consent order for the construction, maintenance and operation of the proposed Morgan and Morecambe Offshore Windfarm Transmission Assets Order (the DCO Application) (MMO ref: DCO/2022/00010; PINS ref: EN020028).

The Applicants seeks authorisation for the construction, operation and maintenance of Morgan and Morecambe Offshore Windfarm Transmission Assets, comprising of two onshore substations, 6 offshore export cables, 18 onshore export cables (6 circuits), 12 400 kilovolt (kV) grid connection cables (4 circuits) as well as the associated cables corridors with associated onshore and offshore infrastructure and all associated development (the Project).

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 faithfully,



Marine Licensing Case Officer



@marinemanagement.org.uk



Marine
Management
Organisation

...ambitious for our
seas and coasts

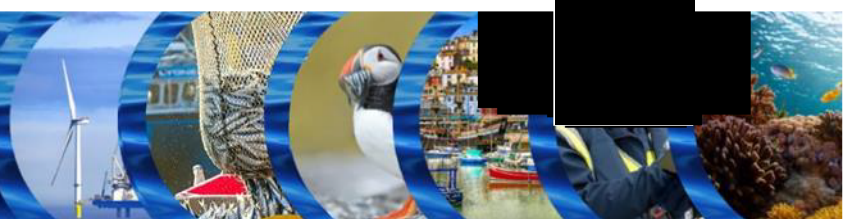


1. Contents

2. Contents	2
3. Comments on Relevant Representations from other Interested Parties	4
3.1 General Comments	4
3.2 Natural England (RR-1601)	4
3.3 Environment Agency (RR-0677)	5
3.4 Historic England (RR-0839)	6
3.5 The Crown Estate (RR-2169)	6
3.6 The Wildlife Trusts (RR-1655 & RR-2180)	7
3.7 Corporation of Trinity House of Deptford Strond (RR-0442)	7
3.8 Maritime and Coastguard Agency (RR-1418)	7
3.10 Newton and Freckleton Marshowners (RR-1611)	8
3.11 Flyde Borough Council (RR-0705) & South Ribble Borough Council (RR-2027)	8
3.12 Preston City Council (RR-1775)	8
3.13 Lancashire County Council (RR-1262)	8
3.14 Canal & River Trust (RR-0287)	9
4. Comments on Pre-Examination Procedural Deadline Submissions	10
4.1 PDA-013 The Applicant's Response to Marine Management Organisation	10
5. Artificial Intelligence (AI)	82
6. Notification of wish to have future correspondence received electronically	82
7. Statement of Common Ground (SoCG)	83
8. Comments from ISH1	83
9. Additional Application Documents	84
9.2 APP-219 J14 Outline Cable Burial Risk Assessment	84
9.3 APP-220 J15 Outline Offshore Cable Specification and Installation Plan	84
9.4 APP-221 J16 Measures to minimise disturbance to marine mammals and rafting birds from vessels	85
9.5 APP-222 J17 Outline Offshore Written Scheme of Investigation and Protocol for Archaeological Discoveries	85
9.6 APP-223 J18 Outline Marine Mammal Mitigation Protocol	85
9.7 APP-224 J19 Outline offshore operations and maintenance plan	85
9.8 APP-225 J20 Offshore In Principle Monitoring Plan	86
9.9 APP-226 J21 Outline Vessel Traffic Management Plan	87
9.10 APP-227 J22 Dredging and disposal - site characterisation plan	87
9.11 APP-228 J23 Cable Statement	88
10. Additional comments on DCO/DML	89
10.1 General comments	89
10.2 Schedule 2 Requirement 1 – Time limits/Lifespan	89
10.3 Schedule 1 Part 2 Article 6 Benefit of the Order	89



10.4 Schedule 14 Part 1, Paragraph 2(f) and Part 2, Condition 16(5)– Disposal sites	92
10.5 Schedule 14 Part 2 Condition 11 Maintenance of the authorised scheme.....	92
10.6 Schedule 14 Part 2 Condition 14 Notifications and Inspections	93
10.7 Schedule 14 Part 2 Condition 16(1) Chemicals, drilling, debris	93
10.8 Schedule 14 Part 2 Condition 16 (10) – Dropped Objects	96
10.9 Schedule 14 Part 2 Condition 20.....	97
10.10 Schedule 14 Part 2 Condition 21 Marine Noise Registry (MNR)	97
10.11 Schedule 14 Part 2 Condition 23 Reporting of engaged agents, contractors and vessels	97
12. References	98



2. Comments on Relevant Representations from other Interested Parties

2.1 General Comments

1.1.1 The MMO has reviewed the Relevant Representations (RR) of a number of parties and provided initial comments below. The MMO notes that a number of comments have been raised in relation to development location, cable routing, and impact to other industries. The MMO hopes the Applicants can resolve these comments and defers to the Interested Parties. The MMO will maintain a watching brief for any concerns where Deemed Marine Licence (DML) conditions may be required.

1.1.2 The MMO has reviewed the responses to Relevant Representations at Procedural Deadline A to Natural England (NE) (PDA-014), Environment Agency (EA) (PDA-010, and the Local Councils (PDA-011, PDA-026, and PDA-030), and provided our initial comments below.

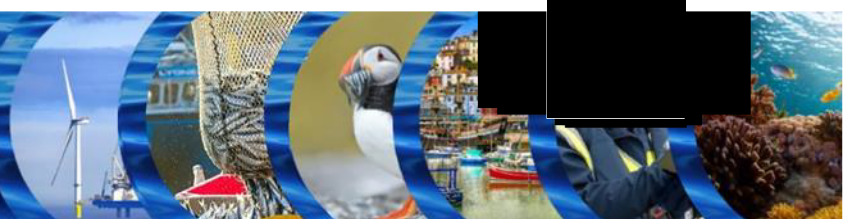
2.2 Natural England (RR-1601)

2.2.1 The MMO notes within paragraph 5.10 that NE has concerns in regard to worse-case construction scenarios. Construction Scenario 3b states that there could be sequential construction with a gap of up to four years between the completion of construction of the transmission assets for the first project (i.e. Morgan), and commencement of construction for the second project (i.e. Morecambe). However, it is NE's opinion that the gap of up to four years has not been considered within the Project Description or within the MDS and impact assessments for the topic areas. The MMO would also question how this would work in practice as it was our understanding that the transmission assets to be delivered together. This approach would mean that the activities would be completed at different times.

2.2.2 NE highlighted within paragraph 5.11 that the Applicants have stated that the Transmission Assets may adopt a staged approach to the approval of DCO requirements to allow flexibility. Whilst the MMO is not opposed in principle to partial discharge, we are concerned that this will not allow for the implications to be considered holistically or against the findings of the Environmental Statement (ES), noting NE raised concerns on the potential to hinder positive nature conservation outcomes that can be developed and adopted collaboratively, including strategic mitigation measures.

2.2.3 The MMO recognises that the Applicants responded to this query at Procedural Deadline A (PDA-014), stating *"The Applicants note that Natural England is not opposed in principle to partial discharge of DCO requirements. Providing a mechanism for a staged approach to discharge of requirements is entirely proportionate and a reasonable approach to take for long linear projects where works have to be completed in stages along the route. For this reason, the draft DCO (AS-004) includes Requirement 3 in Schedule 2A and 2B, which provides for each project to submit details in relation to differing stages of development, and the subsequent development of each project must be carried out in compliance with those details as approved."* The MMO notes this commitment and will keep a watching brief.

2.2.4 NE noted in paragraph 5.12 that it is stated multiple times that named plans will be provided twice (i.e. once for each project), but it is not clear that they will be "carbon copies". Therefore, it seems unclear to what extent the transmission assets are intended to be delivered together or strategically.



2.2.5 NE welcomed the coordinated cable route approach for the two OWF, however NE is concerned that in the post-consent phase, coordination appears to cease, with separate post-consent condition discharge streams envisaged for each project (paragraph 5.13). The MMO would like to see a firm commitment to continuing the current coordinated approach into the post-consent phase. The MMO was under the understanding that a joint DCO would mean that the project would reduce the impacts and construction time frame overall but it seems that this project could be constructing for longer than two separate applications.

2.2.6 NE highlighted that several of the commitments are equivocal in nature e.g. 'where possible', 'where practicable' within paragraph 5.14. Where this is the case, and where the commitment is not reinforced by a more concrete condition in the DCO/DML, NE can only place limited confidence on these commitments providing appropriate mitigation measures. The MMO recommends that the commitments should be strengthened to make them unequivocal statements and that the DCO is updated to include firm commitments.

2.2.7 The MMO agrees with NEs comments in paragraph 5.15 on updating documents based on the updated UXO Joint Position Statement and new Mitigation Outlines:

- An updated Unexploded Ordnance (UXO) Joint Position Statement, which can be found here - [Marine environment: unexploded ordnance clearance Joint Position Statement - GOV.UK](#)
- UXO clearance supporting guidance providing more detail for [Supporting minimising environmental impacts from unexploded ordnance clearance - GOV.UK](#)
- JNCC guidelines for minimising the risk of injury to marine mammals from unexploded ordnance (UXO) clearance in the marine environment | [JNCC Resource Hub](#)

The Applicants should review the content of these documents and ensure their assessment and mitigation measures are aligned.

2.3 Environment Agency (RR-0677)

2.3.1 The MMO notes that the majority of the EA concerns have now been responded to at Procedural Deadline A (PDA-010), the MMO will provide further comments where we deem necessary.

2.3.2 The EA raised concerns electromagnetic field (EMF) generation on the impact of fish receptors. The Applicants have responded "*EMFs occur naturally as well as being produced wherever electricity is generated, transmitted or used. For the Ribble Estuary crossing, the much greater cable burial depth will mean that EMFs will be negligible at the riverbed and as such smelt will not be capable of detecting these and therefore there is no impact. No specific EMF monitoring is proposed in Volume 2, Chapter 3: Fish and shellfish ecology (APP-048) as the potential impact of EMF on fish is assessed as a minor adverse effect, which is considered not significant in Environmental Impact Assessment (EIA) terms.*"

2.3.3 The EA requested amendments to the wording of Requirement 12 (Ecological Management Plan) to include that approval by the local planning authority is in consultation with the EA. The Applicants has acknowledged this and they have confirmed they are engaging with EA to discuss their concerns. An update will be provided at Deadline 1. The MMO will maintain a watching brief.

2.3.4 The EA noted that only one Otter survey was completed in the area south of River Ribble and highlighted that this is potential under-recording of this protected species resulting in inadequate mitigation. The Applicants responded that the surveys were



undertaken in accordance with the agreed methodology agreed with the EWG and are reported in Volume 3, Annex 3.12: Otter Survey Technical Report (APP-086). Pre-construction surveys for European Protected Species (including otter) will be undertaken (as secured in Requirement 13 of Schedules 2A & 2B of the draft DCO (AS-004). The MMO will maintain a watching brief over this matter, and defers to EA.

2.3.5 The MMO notes that EA will provide further comments through their Written Representation for any other matters that are relevant to the water environment. The MMO will maintain a watching brief on this.

2.4 Historic England (RR-0839)

2.4.1 The MMO notes that Historic England (HE) mentions that the Applicants ES relies on embedded mitigation to avoid significant impacts to archaeological features. The determination of residual effects, and the reliance on embedded mitigation measures, such as recording archaeology before any loss, would not reduce harm or magnitude of impact. HE therefore does not agree with the downgrading of residual impact and concluding residual effects as “not significant” in EIA terms. The MMO hopes this issue will be addressed during Examination.

2.4.2 HE has concerns that the Applicants do not appear to confirm that submission/consent and pre-construction surveys will be undertaken. Although “commitments” and the production of a “post-consent detailed offshore WSI(s) for archaeology...” (Chapter 8, Table 8.21) have been referenced, HE recommends that there should be obligations within the dDCO, including DMLs, for delivery of appropriate mitigation measures inclusive of in-situ avoidance. The MMO is in support of this.

2.4.3 The MMO notes that HE will provide further comment on the Outline Offshore Written Scheme of Investigations (WSI) for archaeology submitted by the Applicants (APP-222) and confirm that the production of a scheme specific Offshore WSI is required, as conditioned within the deemed Marine Licences (Schedules 14 and 15) of the draft Development Consent Order (APP-005). The MMO will keep a watching brief on any updates and comments.

Environmental Statement Volume 3, Chapter 5

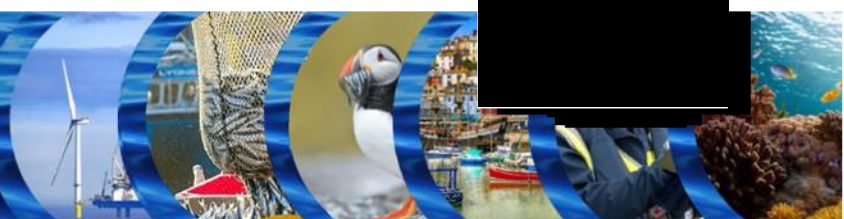
1.14.11 Para. 5.11.2 highlights the potential for works to disturb deposits of geoarchaeological and paleoenvironmental interest. Further geoarchaeological programmes will help outline the significance of these deposits and help to mitigate loss or harm. Identified sensitive areas to dewatering should be avoided and mitigated against.

1.14.12 The MMO notes that HE will provide further comments through their Written Representation for any other matters that are relevant to the historic environment. The MMO will keep a watching brief on these.

1.14.13 The MMO notes that there doesn't seem to be a specific response from the Applicants to this RR at Procedural Deadline A. The MMO will keep a watching brief on any future comments throughout examination.

2.5 The Crown Estate (RR-2169)

2.5.1 The MMO notes that the Crown Estate hold Agreements for Lease from ‘The Crown Estate for the associated Generation assets’ and ‘Agreements for Lease of the Transmission Assets’; these are progressing with an expectation to enter these ahead of the close of the



examination. The MMO will keep a watching brief on any future comments throughout examination.

2.6 The Wildlife Trusts (RR-1655 & RR-2180)

2.6.1 The Wildlife Trust for Lancashire, Manchester and North Merseyside, and Northwest Wildlife Trust (hereon collectively referred to as The Wildlife Trusts (TWT)), have both raised significant concerns arising from substantial deficiencies in the content and clarity of the Applicants submission, compounded by significant errors and omissions that have undermined confidence in its credibility. The assessment lacks the critical detail and data necessary to conduct a thorough and reliable evaluation of the potential impacts.

2.6.2 The MMO notes that TWT raise concerns in relation to spatial overlap between transmission assets and Flyde Marine Conservation Zone (MCZ). The MMO defers to NE in relation to the inclusion of an in-principle Measures of Equivalent Environmental Benefit (MEEB).

2.6.3 TWT are concerned about the impact of subsea construction noise on marine life, particularly cetaceans. The assessment and proposed mitigation and management of underwater noise disturbance impacts on marine mammals during the construction, operation, and decommissioning will be carried out in accordance with new legislation (as mentioned in paragraph 1.2.7 of this response).

2.6.4 For UXO clearance, low noise methods should be the default method and there should be adequate monitoring in place for a UXO clearance licence. The MMO is in agreement with this and provided comments on UXO in our RR (RR-1414-27) will be keeping a watching brief over UXO matters.

2.6.5 TWT welcomes the adherence to a Marine Mammal Mitigation Protocol (MMMP) but would like to see a commitment to the use of mitigations options available such as bubble curtains, timing of piling, or piling methods in accordance with industry best practice. The MMO supports this.

2.6.6 The MMO notes that TWT are disappointed that a future monitoring plan of many of the ecological receptors has not been embedded into the project to validate predictions in the DCO and inform future projects. The MMO will maintain a watching brief in relation to the required monitoring.

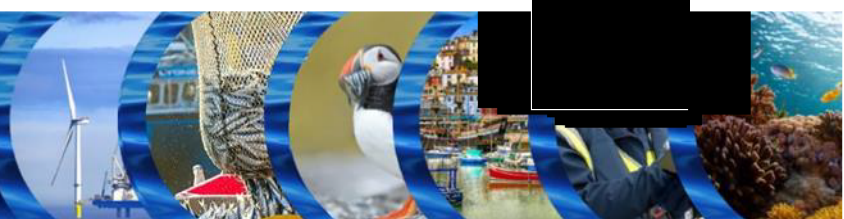
2.6.7 The MMO notes that there doesn't seem to be a specific response to this Relevant Rep at Procedural Deadline A. The MMO will keep a watching brief on any future comments throughout examination.

2.7 Corporation of Trinity House of Deptford Strond (RR-0442)

2.7.1 The MMO notes that Trinity House may have further comments to make on the Application and the draft DCO. The MMO will keep a watching brief on any future comments throughout examination.

2.8 Maritime and Coastguard Agency (RR-1418)

2.8.1 The MMO notes that the Maritime and Coastguard Agency (MCA) do not have significant concerns to raise on the Navigation Risk Assessment and Shipping & Navigation chapter of the EIA Report, however, they will be requesting amendments to the DML conditions. The MMO will keep a watching brief on any future comments throughout examination and will provide further comments at Deadline 3.



2.9 Morecambe Wind Limited (RR-1558), Walney (UK) Offshore Windfarms Limited (RR-2266) & Ørsted Burbo (UK) Limited (RR-2303)

2.9.1 The MMO notes that Morecambe Wind Limited, Walney Offshore Windfarms Limited, and Ørsted Burbo (UK) Limited have concerns regarding the assessment of environmental impacts, noting a number of discrepancies, and a lack of certainty of the compensation measures in respect of Red-throated divers. The MMO notes that there doesn't seem to be a specific response to this Relevant Rep at Procedural Deadline A, however, the MMO will defer opinion to NE as the leading Statutory Nature Conservation Body (SNCB) on these matters.

2.10 Newton and Freckleton Marshowners (RR-1611)

1.9.1 The MMO notes that the Newton and Freckleton Marshowners, who are responsible for the land management of the marsh land at Freckleton, have concerns regarding impacts to Black-tailed Godwits, and other sensitive marshland and wetland birds. The MMO notes that there doesn't seem to be a specific response to this Relevant Rep at Procedural Deadline A, however, the MMO defers to NE as the leading SNCB on these matters.

2.11 Flyde Borough Council (RR-0705) & South Ribble Borough Council (RR-2027)

2.11.1 The MMO notes that both Flyde Borough Council (FBC) and South Ribble Council (SRC) highlight that the Seascape, Landscape, and Visual Resources Assessment (SLVA) (APP-123 – APP-127) is limited to onshore elements of the generation development, therefore lacking in offshore transmission assessment. The MMO will keep a watching brief on any SLVA comments that may impact the licensable activities. The Applicant's responded in PDA-026 and PDA-030, respectively: "*Paragraph 10.4.1.2 of Volume 3, Chapter 10: Landscape and Visual Resources of the Environmental Statement (APP-123) states that the study area is defined by the four main elements of the Transmission Assets, which are noted as the onshore substations, the landfall and the onshore export cable corridor/400 kV grid connection corridor. The Applicants refers the Council to the Glossary of Volume 3, Chapter 10: Landscape and Visual Resources of the Environmental Statement (APP-123) – presented on pages v to vii – which defines each of these Transmission Asset elements at the outset of the Chapter*". The MMO notes this statement and has no further comments to make at this time.

2.11.2 Both Councils raise concerns about separating the generation and transmission impacts. They suggest that the in-combination effects of both the generation and transmission infrastructure must be considered to properly assess the impact on seascape, landscape and visual resources. The Applicant's responded in PDA-026 and PDA-030, respectively: "*The Applicants confirm that they have considered the in-combination effects of the Transmission Assets and the Generation Assets. The Applicants refer the Council to Volume 4, Chapter 3: Inter-relationships of the Environmental Statement (APP-143), which summarises the likely significant inter-related effects in Table 3.24.*" The MMO notes this commitment and has no further comments to make at this time.

2.12 Preston City Council (RR-1775)

2.12.1 The MMO notes that Preston City Council will be deferring their ecology comments to the Greater Manchester Ecology Unit who act as the Council's Ecology advisors. The MMO will keep a watching brief over any intertidal matters.

2.13 Lancashire County Council (RR-1262)



2.13.1 The MMO recognises that Lancashire County Council (LCC) are concerned that impacts on over-wintering birds associated with coastal European level wildlife sites have not been fully assessed or have insufficient mitigation/compensation measures identified within the ES and the dDCO. The MMO defers to NE as the leading SNCB on these matters.

2.13.2 The MMO notes that the Applicants responded to these concerns at Procedural deadline A (PDA-012). The Applicants state that *"The majority of potential impacts associated with the construction of the Transmission Assets will be temporary and minimal, with some permanent habitat loss which will be mitigated through the provision of a permanent high tide roost at Fairhaven saltmarsh and permanent mitigation area south of Newton-with-Scales (for waders and farmland birds. These are outlined in the Outline Ecological Management Plan (EMP) (APP-212)". "Detailed Ecological Management Plan(s) will be implemented by the Applicants as approved by relevant local authorities in consultation with Natural England, as appropriate"*. Therefore, the MMO defers to NE.

2.14 Canal & River Trust (RR-0287)

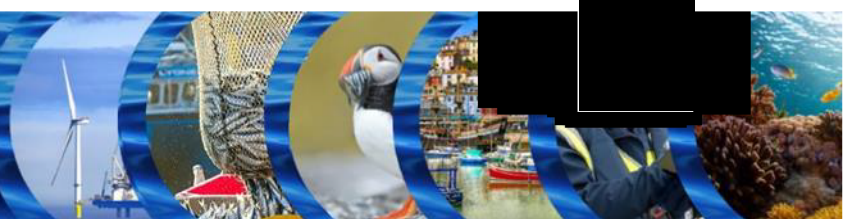
2.14.1 The MMO notes that the Canal & River Trust (CRT) have identified that works number 25A and 25B [cable circuits and associated cable ducts laid underground; construction compounds and permanent access] have the potential to directly affect the Ribble Link where those works cross the Ribble Link. All works near to the Ribble Link also have the potential to affect the waterway by factors such as silt or chemical run offs during the construction phase or maintenance activities during the operational phase. CRT have noted that their preference would be for the underground Ribble Link crossing to be installed using horizontal directional drilling with the launch pit and reception pit set well away from the waterway corridor.

2.14.2 The MMO notes that CRT has noted that to enable CRT to assess whether any discharge could impact navigational safety, they would need to understand existing and proposed peak flows and peak velocities from the outfalls affected. CRT would wish to understand details of the discharges sought to the Ribble Link (if any), to ensure that the principle of this would be acceptable.

2.14.3 The MMO notes that CRT have noted that it is not clear at this stage what mitigation is proposed within Lea Marsh County Wildlife Site, that appears as a temporary construction mitigation area. CRT have highlighted that it is essential that any tree planting here is offset from the Ribble Link by a minimum of 5m to ensure that the roots of the trees do not interfere with the watercourse and cause leakage or undermine the stability of the Ribble Link.

2.14.4 The MMO notes that CRT have highlighted that Construction Environment Management Plans (CEMP) should include details of how materials fuels, chemicals and wastes will be stored and where; measures for the prevention of dust generation and windblown litter and debris; measures to prevent run off into the Brook and connecting ditches, pollution response emergency procedures (including training of individuals, reporting as well as the physical mitigation and incident clean up); measures to be taken to ensure noise and vibration from drilling would not affect waterway users; and details of any oil interceptors and spill kits and the steps to be taken if any unknown contamination is encountered during the works. The MMO will keep a watching brief on any updates made to the CEMP.

2.14.5 The MMO notes that CRT have highlighted that the outline Construction Traffic Management Plan (APP-211) and associated Access to Works Plan (APP-157) do not



appear to include any crossings of the Trust owned bridges. The MMO will keep a watching brief on any future comments throughout examination.

2.14.6 The MMO notes that CRT have highlighted that with regards to temporary construction activities associated with the cable corridor, the sensitivity of the receptors is assessed as high but overall the magnitude is assessed as negligible. There would be some temporary localised impacts associated with the construction works but given that the crossing of the Ribble Link would be underground and carried out via a horizontal directional drilling technique (or similar) then the impact on the immediate environs of the waterway and its users should be limited. The MMO will keep a watching brief on any future comments throughout examination.

3. Comments on Pre-Examination Procedural Deadline Submissions

3.1 PDA-013 The Applicant's Response to Marine Management Organisation

2.1.1 The MMO acknowledges the submission of this response and will provide further comments at Deadline 2 or 3 and throughout the examination process. The MMO has added initial comments in Table 1 for ease of viewing. We have highlighted in blue text where we will provide further comments at Deadline 2 or 3.

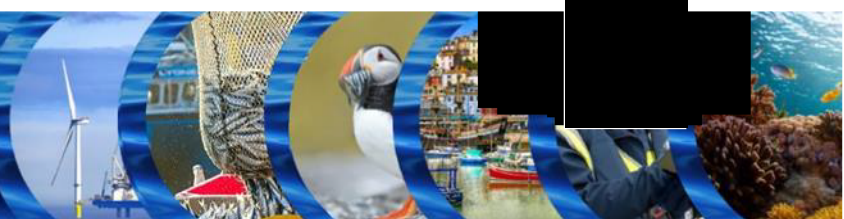


Table 1: MMO Response to Applicants Pre-Examination Procedural Deadline A Submission to the MMO

Applicant's Reference	Relevant Representation Comment	Applicant's Response	MMOs Deadline 1 Response
RR-1414-01	<p>Proposed Development Details</p> <p>1.1.1 Morgan and Morecambe Offshore Windfarm Transmission Assets is a single consent for two aligned but electrically separate sets of transmission works connecting the Morgan Offshore Windfarm and Morecambe Offshore Windfarm to the National Grid.</p> <p>1.1.2 The transmission assets will include two onshore substations, 6 offshore export cables, 18 onshore export cables (6 circuits), 12.400 kV grid connection cables (4 circuits) as well as the associated cables corridors.</p> <p>1.1.3 Four DML's are included in the draft DCO, with schedules 14 and 16 relating to the licensed activities for the Morgan assets, and schedules 15 and 17 relating to licensed activities of the Morecambe assets.</p>	This is noted by the Applicants.	The MMO has no further comments.
RR-1414-02	Major Comments UXO	The Applicants thank the Marine Management Organisation (MMO) for this submission. The Applicants	The MMO welcomes the Applicants commitment to remove high order UXO

	<p>2.1.1 The MMO does not agree with the approach of the Applicants to include UXO clearance within the DML.</p> <p>2.1.2 The MMO's general position is that UXO activities are sought within a separate marine licence due to the nature of the impacts.</p> <p>2.1.3 The MMO is content for the UXO investigation activities to be included and recommend this is a clearly identifiable activity within the DML.</p> <p>2.1.4 However, the MMO is reviewing the DML further on a without prejudice position if the Secretary of State (SoS) is minded to include UXO clearances. The DML should be updated to ensure these activities are set out as a separate activity taking into account activities 10-13 under section 66(1) (licensable marine activities) of the 2009 Act. This would also include any lift and shift opportunities.</p> <p>2.1.5 The number of UXOs to be fully assessed at this stage and the maximum number to be included within the DML. The MMO will review the documents further and provide comments in due course</p>	<p>confirm that high order unexploded ordnance clearance (UXO) clearance (i.e. involving detonation) will be explicitly excluded from the draft Development Consent Order (DCO) and all deemed marine licences (DMLs) (AS-004). Should high order clearance be required, it would be the subject of a separate marine licence application to the MMO. The draft DCO and DMLs will be updated and submitted at Deadline 1. The Applicants confirm that low order unexploded ordnance clearance will remain within the scope of the DMLs. The list of licenced activities will therefore be updated to include "low order unexploded ordnance clearance" as a distinct licensable activity under paragraph 2 and for the purposes of Condition 20 of the DMLs at Schedules 14 and 15 of the draft DCO (AS-004). The DMLs will also be amended to clearly distinguish between low and high order UXO clearance, to confirm that high order UXO detonation is not permitted and to specify the maximum number of low order UXO clearances authorised by each DML. The Applicants acknowledge that the</p>	<p>clearance from the DCO and DMLs.</p> <p>The MMO notes that the Applicants recognises that separate marine licences will be required should they need high order UXO clearance, and low order UXO clearance will remain within the DMLs.</p> <p>The MMO will review the updates to the DML submitted at Deadline 1 and provide further comments in due course.</p> <p>The MMO believes that the Outline Marine Mammal Mitigation Protocol (Document reference J18) will also be updated and will provide comments upon review.</p>
--	--	---	--

		MMO intends to provide further comments on the DMLs in due course and will continue to engage constructively on this matter.	
RR-1414-03	<p>Construction scenarios</p> <p>2.1.6 The Applicants has proposed several construction scenarios in Section 3.9.2 of the Project Description (APP-024) and throughout various ES Chapters in the Application. Scenario 3 is made up of two sub options: 3a – Immediate sequential construction with no gap between construction of the first project and commencement of construction of the second project; and 3b – Sequential construction with a gap of up to a maximum of four years between completion of construction of the first project and commencement of the second.</p> <p>2.1.7 We highlight that the worst-case scenario for ‘Construction Scenario 3b’ states that there could be sequential construction with a gap of up to four years between the completion of construction of the transmission assets for the first project (i.e. Morgan) and commencement of construction for the second project (i.e. Morecambe). However, it is the MMO’s opinion that the gap of up to four years has not been considered within the Project Description or within the impact assessments for the topic areas. The MMO questions this approach.</p>	<p>Please refer to the Rule 9 – ES assessment of Construction Scenarios (AS-070) which sets out how sequential construction with a maximum gap of up to four years has been considered as part of the impact assessment of each Environmental Statement topic. <u>Staged Discharge of Requirements/Conditions</u></p> <p>The Applicants note that the MMO is not opposed in principle to partial discharge of DCO requirements. Providing a mechanism for a staged approach to discharge of requirements is entirely proportionate and a reasonable approach to take for large linear projects where works have to be completed in stages along the route. This established approach is reflected in multiple DCOs with linear connections including the joint SEP and DEP DCO. It does not prevent proper consideration against the findings of the ES, nor does it prevent collaborative working</p>	<p>The MMO welcomes the response to the Rule 9 letter and is currently reviewing the detail with our scientific advisors.</p> <p>The MMO will provide further comments at Deadline 3.</p>

	<p>2.1.8 The Applicants has stated that the Transmission Assets may adopt a staged approach to the approval of DCO requirements to allow flexibility. Whilst the MMO is not in disagreement with part discharges of documents, we are concerned that this will not allow for the impacts to be considered holistically or against the findings of the Environmental Statement. The MMO would also question how this would work in practice as it was our understanding that the transmission assets to be delivered together. This approach would mean that the activities would be completed at different times.</p> <p>2.1.9 The MMO is still reviewing the overall impact of this proposal and will provide further comments in due course.</p>	<p>with other projects, where appropriate. Whilst the Applicants intend to work collaboratively where practical and reasonable, it is not possible for the Applicants to commit to joint delivery as set out in the Rule 9 – ES assessment of Construction Scenarios (AS-070).</p>	
RR-1414-04	<p>Minor Comments</p> <p>2.2.1 The presentation of evidence in this application tends to cover both generation and transmission assets, while only the latter is the subject of this DCO which can distract attention from the actual application.</p>	<p>The Offshore Order Limits and Grid Coordinates Plan (APP-149) illustrates that the Generation Assets fall entirely within the Transmission Assets Order Limits. As such, sources of information and evidence originating from the Generation Assets (such as surveys, modelling and baseline data) are relevant to inform the baseline for the assessment of the Transmission Assets. Where such information has been appropriately drawn upon in the Environmental</p>	<p>The MMO welcomes this clarification and has no further comments.</p>

		<p>Statement (ES). Where such information has been used, it is clearly referenced within the relevant chapter of the ES. The Transmission Assets will provide the offshore and onshore infrastructure required to connect the Morgan Offshore Wind Project: Generation Assets and the Morecambe Offshore Windfarm: Generation Assets to the national grid. Due to the inherent linkage between the Transmission Assets and the Generation Assets, it is necessary to consider both together in the cumulative assessment. As detailed in section 5.4.9 of Volume 1, Chapter 5: Environmental Assessment Methodology (APP-034), the ES adopts a cumulative approach based on three scenarios (Cumulative Scenarios 1, 2 and 3), which reflect the various potential phasing and delivery combinations of the Generation Assets and the Transmission Assets. This approach is in line with relevant guidance and ensures that the likely significant cumulative effects are appropriately assessed. The inclusion of information relating to the Generation Assets within the</p>	
--	--	---	--

		application is therefore not intended to distract from the Transmission Assets, but is necessary to present a complete, a robust and policy compliant Environmental Impact Assessment (EIA).	
RR-1414-05	2.2.2 The ES correctly identified that the proposed development is within the Northwest Inshore and Offshore Plan Area. The MMO welcomes document J28.2 Marine policies tracker (APP-235) and is reviewing this document to ensure all policies are adequately updated.	The Applicants note this response and that the MMO may wish to provide further comments upon completion of their review of the Marine Policies Tracker (APP-235).	The MMO has reviewed the Marine Policies Tracker (APP-235) and is content that these have been adequately updated. The MMO will keep a watching brief and provide comments on any further updates throughout examination.
RR-1414-06	Article 6 Benefit of the Order 3.2.1 The MMO understands that Article 6 – Benefit of the Order is drafted in a similar way to previous consents granted by the Secretary of State (SoS), however the MMO has major concerns over the wording. 3.2.2 Article 6 (1)-(3) gives the right to permanently transfer the benefits of the DCO including the DMLs in Schedules 14-17 to a third party with the consent of the SoS. The MMO considers that this is a clear departure from the 2009 Act, which would normally require the licence holder (here ‘the undertaker’) to make an application to the MMO for a licence to be transferred. Instead, this provision operates to make the decision that of the undertaker, with the Secretary of State (SoS) providing consent	The Applicants note the MMO’s concerns regarding Article 6 of the draft DCO (AS-004), which provides for the transfer of the benefit of the DCO, including the deemed marine licences (DMLs) in Schedules 14 to 17 of the draft DCO (AS-004). As set out in the Explanatory Memorandum (AS-007) at sections 1.6.3.12 to 1.6.3.15, the Applicants consider that there is clear legal basis for the inclusion of Article 6 and the disapplication of sections 72(7) and 72(8) of the Marine and Coastal Access Act 2009 (the 2009 Act). There is no legal barrier to including these provisions in the draft DCO	Please see Section 10.3 of this document for further comments.

	<p>to the transfer, rather than the MMO as the regulatory authority for marine licences considering the merits of any application for a transfer.</p> <p>3.2.3 Parliament has already created a statutory regime for such a process, and it is unclear what purpose the written consent of the SoS actually serves. If the intention is for the undertaker to be able to transfer the benefits under the terms of the DCO outside the established procedures under 2009 Act, the MMO queries why is it considered necessary or appropriate for the SoS to 'approve' the transfer of the DML.</p> <p>3.2.4 It is also unclear what criteria the SoS would be taking in determining whether to approve any transfer, and how this would differ from a consent granted by the MMO under the existing 2009 Act regime. 3.2.5 Because of this confusion and potential duplication, it is the position of the MMO that these provisions are removed and that any transfer should be subject to the existing regime under the 2009 Act, with the decision maker remaining the MMO.</p> <p>3.2.6 Article 6(2)(b) and 6(3)(b) gives the right to temporarily transfer the benefits of the DCO (including DML) to a third party.</p> <p>3.2.7 The MMO resists the inclusion of this article. Here the written consent of the SoS is not required. The MMO does not recognise</p>	<p>(AS-004). Specifically, section 149A of the Planning Act 2008 (the 2008 Act) authorises marine licences to be deemed in a DCO in appropriate areas. Section 120(3) of the 2008 Act provides that a DCO may include such further provisions ancillary to the proposed development, and which in practice includes transfer or grant of the benefit of any DML. Section 120(5)(a) allows for statutory provisions to be applied, modified or excluded, whilst section 120(6) provides that a DCO may include a provision where necessary or expedient to give full effect to any other provision of the DCO. The power to transfer or grant the benefit of a DML is related to it being deemed under the draft DCO (AS-004). It is therefore a sensible, expedient part of the wider power to transfer or grant the benefit of the draft DCO (AS-004). There is accordingly no legal barrier or regulatory restriction for including these provisions in the draft DCO (AS004) and there is established precedent in other made DCOs for offshore wind projects in English waters. This position has been</p>	
--	--	--	--

	<p>that this would create a more streamlined system. Rather, it operates simply to create an additional administrative procedure for marine licences (and one not envisaged by Parliament) and with no clarity in how it will operate.</p> <p>3.2.8 The MMO has concerns regarding Article 6(4). The MMO notes that there is no obligation for the SoS to take into account the views of the MMO when providing its consent. Furthermore, there is no obligation for the MMO to be informed of the decision of the SoS, notwithstanding its impact on the MMO as the licencing authority. From a regulatory perspective it is highly irregular that a decision to transfer a licence should not be the decision of the regulatory authority in that area (the MMO) but instead should be subject to such a cursory process as is set out in Article 6(1)-(3).</p> <p>3.2.9 The MMO thus resists this change as unworkable. As explained above, Articles 6 (1)- (3) sets out what is effectively a new non-legislative regime for the variation and transfers of marine licences. In support of these provisions, Article 6(12) explicitly disapplies sections 72(7) and (8) of the 2009 Act, which would otherwise govern these procedures. 3.2.10 This conflicts with the MMO's stated position that the DML granted under a DCO should be regulated by the</p>	<p>repeatedly adopted by the SoS, has not been subject to legal challenge as to its competency, and reflects standard practice. Whilst Article 6 of the draft DCO (AS-004) does not set out any specific criteria that the SoS must consider in determining whether to approve any transfer or grant, this aligns with section 72 of the 2009 Act, which also does not prescribe specific criteria which must be taken into consideration by the licensing authority before making their decision. As is standard practice under the 2009 Act, where a transfer of the DML is sought under Article 6 of the draft DCO (AS-004), the SoS would consider the appropriateness of the party to whom the transfer or grant is proposed and would also take into account any representations made by the MMO where relevant. From a commercial and regulatory perspective, it is important that the transfer or grant of powers or authorisations under the draft DCO (AS004) and associated DMLs be aligned. Separating the transfer of the draft DCO (AS-004) from the transfer of the DMLs could lead to inconsistencies and create</p>	
--	--	--	--

	<p>provisions of the 2009 Act, and specifically by all provisions of section 72.</p> <p>3.2.11 Section 72(7)(a) of the 2009 Act permits a licence holder to make an application for a marine licence to be transferred, and, where such an application is approved, for the MMO to then vary the licence accordingly (s. 72(7)(b)). This power that should be retained and used in relation to the DML granted under the DCO and the MMO therefore resists the inclusion of this Article 6(12) to disapply these provisions.</p> <p>3.2.12 The key concern held by the MMO is that Article 6 operates to override and/or unsatisfactorily duplicate provision that already exist within the 2009 Act for dealing with variations to marine licences. Such provisions are also inconsistent with the PINS Guidance on how DMLs should operate within a DCO. Advice Note Eleven, Annex B, provides that where the undertaker choses to have a marine licence deemed by a DCO, the MMO, “will seek to ensure wherever possible that any deemed licence is generally consistent with those issued independently by the MMO.” Article 6 as drafted is not in compliance with this guidance.</p> <p>3.2.13 The MMO objects to the provisions relating to the process of transferring and/or granting the deemed marine licences set out in the draft DCO at Part 2, Article 6 insofar as</p>	<p>unnecessary complexity, as there is considerable overlap between the authorisations and the requirements/conditions. This justifies a departure from the procedure under the 2009 Act by way of Article 6(12). In that context, it is appropriate that the SoS has the ability to approve the transfer or grant of a DML such that the transfer or grant can fully reflect the relevant DCO and DML powers. It is undesirable to separate the transfer or grant of the benefit of the order and the transfer or grant of the benefit of the DML, as doing so presents the risk of transfers of the draft DCO (AS-004) provisions and transfers of the DMLs occurring at different times and could result in inconsistency in position. It would make any transfer or grant from one undertaker to another more complicated to manage, and commercially it would be unhelpful and unnecessary to create uncertainty around the date (or indeed likelihood of approval) for any such transfer taking place. The Applicants disagree that there is any issue from a regulatory perspective. With regards to the identity of DCO</p>	
--	--	---	--

	<p>these are intended to apply to the MMO and requests paragraphs 6(4), 6(8) and 6 (12) be removed in their entirety, with a clarification added to specifically exclude these provisions from applying to the MMO (with corresponding wording amended in the Deemed Marine Licences).</p> <p>3.2.14 The MMO is concerned that the procedure proposed represents an unnecessary duplication of the existing statutory regime set out in s72 of the 2009 Act and that it will give rise to significant enforcement difficulties for the MMO. The MMO also considers that it has the potential to prejudice the operation of the system of marine regulatory control in relation to the proposed development. The MMO also regards the proposed procedure as cumbersome, more administratively burdensome, slower and less reliable than the existing statutory regime set out in s72 of the 2009 Act.</p> <p>3.2.15 To summarise, the MMO considers that little advantage is gained for the Applicants by these provisions, and the tangible risks and disadvantages that it poses can be avoided by retaining the existing statutory regime in full.</p>	<p>undertakers, this falls within the regulatory remit of the SoS to consider the draft DCO (AS-004) as a whole, including the DMLs, when deciding whether to grant development consent, and for the reasons already explained it does not make sense to separate out the responsibility for any transfer approvals to two separate regulatory bodies.</p> <p>The Applicants also disagree that the transfer provisions are not in compliance with Advice Note Eleven, Annex B, noting the use of the words 'wherever possible' which acknowledges that departures may need to be made. The Applicants have sought to align the drafting of the DMLs overall to ensure consistency with those issued independently by the MMO. For the reasons already set out, the transfer provisions are a reasonable, necessary and a justified departure. The Applicants do not consider that any confusion will arise by virtue of the transfer or grant of benefit mechanism sitting in the draft DCO (AS004). Indeed, the Applicants are aware that to date relatively limited use has been made of transfer</p>	
--	--	--	--

		<p>provisions in offshore wind DCOs and, where they have been used, is unaware that any significant issues or prejudice has arisen from the use of those provisions in practice. It is common practice for a variation application to be made to the MMO either at the same time as applying to the SoS for consent to transfer the benefit or immediately following the approved transfer, in order to vary the name of any new DCO undertaker(s). Indeed, as an acknowledgement of this position, the Applicants are aware that a number of recent draft DCOs, including the draft DCO for the Morgan Generation Assets, have proposed the inclusion of wording in this regard which the Applicants consider sensible and reflective of the situation in practice. The Applicants will therefore update Article 6(12) as follows: <i>(12) Section 72(7) and (8) of the 2009 Act do not apply to a transfer or grant of the benefit of the provisions of any deemed marine licences to another person by the undertaker pursuant to an agreement under this article save that the MMO may amend any deemed marine licence granted</i></p>	
--	--	--	--

		<i>under Schedules 14, 15, 16 or 17 of the Order to correct the name of the undertaker to the name of a transferee or lessee under this Article 6 (benefit of the Order).</i>	
RR-1414-07	<p>3.2.16 In addition to the above the MMO has provided a more detailed position which can be found below. 3.2.17 The MMO objects to the provisions relating to the process of transferring and/or granting the deemed marine licences set out in the draft DCO at Article 7. 3.2.18 If the application for the DCO is granted, the MMO will be the regulatory authority responsible for the enforcement of the provisions of the DMLs. As a result, it must retain a record of the DML and who holds the benefit of that license in order to be able to fulfil its statutory responsibilities as it does in respect of any other Marine Licence. 3.2.19 The 2009 Act addresses the procedure for transfer of a Marine Licence as follows: “(7) On an application made by a licensee, the licensing authority which granted the licence— (a) may transfer the licence from the licensee to another person, and (b) if it does so, must vary the licence accordingly. (8) A licence may not be transferred except in accordance with subsection (7).” 3.2.20 The purpose of these provisions is to ensure that there is at all times a record of the person who has the benefit of the licence. That is because pursuant to the 2009 Act section 65(1), no person may carry</p>	<p>The Applicants refer to the points set out in RR-1414.6 above. The Applicants acknowledge the MMO’s role as the regulatory authority and fully recognise the importance of maintaining an accurate and up-to date record of the person or entity holding the benefit of each DML, in accordance with the 2009 Act. In particular, the Applicants note that the MMO would always remain aware of who the relevant undertaker is for the purposes of enforcement of any conditions in the DMLs (AS-004). No transfer would be made without putting the MMO on notice of such a transfer occurring. Firstly, because Article 6 of the draft DCO (AS-004) requires the SoS to consult the MMO before any transfer or grant of the DMLs is approved and also requires the undertaker to notify the MMO of the date of any such transfer. The MMO will therefore always be informed of any transfer and the identity of the new undertaker in advance of the</p>	<p>Please see Section 10.3 of this document for further comments.</p>

	<p>on a licensable marine activity, or cause or permit any other person to carry on such an activity, except in accordance with a marine licence granted by the appropriate licensing authority. A person who contravenes section 65(1) or fails to comply with any condition of a marine licence, commits an offence (see section 85(1) of the 2009 Act). 3.2.21 Thus, it is a key part of the enforcement provisions of the 2009 Act, that the MMO maintains a record of the person who has the benefit of a marine licence at all times. 3.2.22 In practice, the process of obtaining a transfer is relatively quick. Whilst the MMO officially indicates that this can take up to 13 weeks, it is an administrative task and in practice often much quicker and around six weeks. The MMO is not required to consult with any other body. As far as it is aware, the MMO has never refused a request to transfer a Marine Licence.</p>	<p>transfer taking legal effect. Secondly, it is standard practice for a variation application to be made to amend the undertaker's name following transfer of the DML. As set out at RR.1414.6 above, the Applicants intend to amend Article 6(12) of the draft DCO (AS-004) to reflect this position. The Applicants therefore do not consider that Article 6 displaces or undermines the MMO's enforcement role. Rather, it ensures that the MMO is consulted and informed, and able to update its records in the ordinary way to ensure continued compliance with sections 65 and 85 of the 2009 Act. While the MMO notes that the transfer process under the 2009 Act is relatively quick, the Applicants maintain that aligning the transfer of the DMLs with the DCO transfer process is procedurally simpler, reduces the risk of misalignment and provides commercial certainty for undertakers. In practice, this mechanism ensures that the MMO is kept informed and able to carry out its regulatory duties, without creating unnecessary duplication or inconsistency.</p>	
--	--	---	--

RR-1414-08	<p>The Basis for Objection</p> <p>3.2.23 The MMO raises objection to Article 6 in relation to: a. The procedure seeking to duplicate the existing statutory regime set out in s72 of the 2009 Act; b. The proposed procedure being cumbersome, more administratively burdensome, slower and less reliable than the existing statutory regime set out in s72 of the 2009 Act; c. No pre-consultation required with the Secretary of State; d. The power for an undertaker to grant a DML; e. The power to grant a DML for a period of time; f. The basis for disapplication of the need for Secretary of State's consent to a transfer/grant for DML is unrelated to any matters relating to marine licensing. g. The absence of any power provided to the MMO to change the DML held in its records to reflect any transfer. h. The overall effect on the ability of the MMO to enforce the marine licensing regime in respect of any transferred or granted DML.</p>	Please refer to response in RR-1414.06	Please see Section 10.3 of this document for further comments.
RR-1414-09	<p>Previous DCOs</p> <p>3.2.24 It is acknowledged that DCOs previously granted have removed the effect of s72 of the 2009 Act and made provision for the transfer of DMLs including by way of example, Sheringham Dudgeon OFW, Times Tideway Tunnel DCO and Sizewell C DCO.</p> <p>3.2.25 However, it is to be noted that in very few, if any, do the relevant ExAs explain the</p>	As set out in the Explanatory Memorandum (AS-007), the drafting of Article 6 of the draft DCO (AS-004) follows a well-established and consistent precedent. This drafting cannot reasonably be described as 'highly unusual' or 'new' in the context of offshore wind DCOs and the Applicants note that similar	Please see Section 10.3 of this document for further comments.

	<p>rationale for the approach adopted. The same is true of the relevant decision letters. To date, the Applicants has not provided the MMO with any ExA Report or Decision letter which explains why the approach it seems to adopt in the dDCO is appropriate nor indeed to be preferred to the existing statutory procedures.</p> <p>3.2.26 The MMO notes within Rampion 2 OWF Examination Dogger Bank Creyke Beck Offshore Wind Farm was raised as a precedent. The ExA in that case addressed the issue of transfer at paragraph 15.25 and following. At Para 15.26 it explained that the Applicants in that case and the MMO had reached agreement in relation to the issue of transfer as follows: “The MMO also requested that additional drafting be included in Article 8, such that it would be consulted prior to any transfer of the benefits of the Order, providing details such as the person responsible for carrying out the activities, location and timing of works etc (REP-274). The applicants and the MMO reached agreement on this point, such that version 5 of the draft DCO included the proposed insertion of a clause at Article 8(7) which would require the undertaker to consult the MMO prior to the transfer to another person; and inclusion of an amendment to Article 8(9) which requires the MMO to be informed in writing within 14 days (previously 21 days) should any agreement come into effect which transfers the relevant</p>	<p>provisions have been included in numerous made DCOs, including the Hornsea Four OWF Order 2023 (article 5(6)), Hornsea Three OWF 2020 (article 5(6)), East Anglia One North Offshore Wind Farm Order 2022 (article 5(4)), East Anglia Two (Offshore Wind Farm Order 2022 (article 5(4)) and Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (article 5(6)). The Applicants are aware that the MMO has made similar submissions in many of those DCOSs and that the ExAs and SoS have, in each case, chosen to retain the transfer or grant of the benefit drafting in the final made Orders. Whilst the Applicants acknowledge that in many of the MMO’s examples, neither the ExA recommendation report nor the SoS decision letters provide detailed justification for adopting the transfer or grant of the benefit drafting, the absence of an explicit explanation does not necessarily imply a lack of consideration. Had the SoS disagreed with the approach, they would have amended or removed the provisions when making the DCO. Furthermore, there is clear</p>	
--	---	--	--

	<p>provisions to another person (REP-480). These proposed changes have been carried forward into Article 8 of the ExA's recommended DCO, together with some minor changes to the drafting in the interests of clarity, which don't materially alter the intention and effect of the articles which have been subject to examination."</p> <p>3.2.27 Thus, the Dogger Bank decision did not determine that the mechanism now proposed is to be preferred to the statutory mechanisms – rather it was a compromise reached between the parties in that case. The MMO has consistently challenged provisions of this nature in draft DCOs as the existing statutory procedure is to be preferred to mitigate risk on all parties by using established mechanisms.</p> <p>3.2.28 None of the ExA Reports or Decision Letters relating to the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 raised by the Applicants contain any rationale for the transfer provisions. In addition to this no other projects (Hornsea Four Offshore Wind Farm Order 2023, East Anglia One North Offshore Wind Farm Order 2022, East Anglia Two Offshore Wind Farm Order 2022, Sizewell C or Thames Tideway Tunnel) contain any rationale.</p> <p>3.2.29 To date the Applicants has not identified any reasoned justification in any previous decision which explains why the transfer</p>	<p>rationale in at least one recent DCO. In the Examination of the Hornsea Four Offshore Wind Farm Order 2023, the ExA examined the MMO's position in detail and concluded that the same provisions had been included in numerous recently made orders and for consistency did not agree with the MMO's suggested change. The ExA recommended retaining the transfer mechanism to ensure consistency across DCOs, suggesting only minor amendments to reflect the latest drafting practices. The draft DCO (AS-004) aligns closely with the final wording in the Hornsea Four Offshore Wind Farm Order 2023. See paragraphs 16.4.7 to 16.4.16, paragraph 16.8.21 and Table 16.2 of the ExA's recommendation report as provided at Appendix 1 to this response. The SoS decision letter subsequently endorses the ExA's position (see paragraph 2.2 of the decision letter as provided at Appendix 1 to this response). The Applicants accordingly submit that this issue has already been considered by the SoS on multiple occasions and, for the reasons set out at RR-1414.6</p>	
--	---	---	--

	<p>process which it proposes is justified and to be preferred over the existing statutory mechanism.</p> <p>3.2.30 The MMO, of course, accepts that there is a need for consistency in decision making. However, a decision maker is not bound by previous decisions and can depart from them where there is good reason to do so.</p> <p>3.2.31 If the Secretary of State in the present case determined that on balance, the existing statutory mechanisms relating to transfer of marine licenses is to be preferred to the mechanism proposed in the dDCO, then it is open to him to so determine provided he gives reasons for so doing. The absence of any reasoned decision which determines the point previously and which provides a rationale for departing the existing statutory mechanism is a reason to look at this issue again.</p>	and RR-1414.7 above, there is no reason to depart from precedent.	
RR-1414-10	<p>Materially Inferior Procedure</p> <p>3.2.32 As explained above, the statutory system for transfer requires an application to the MMO. There is no further consultation, and the transfer is given effect by amendment to the licence holder section of the Marine Licence. The MMO does not have any relevant statutory or non-statutory policy relating to the transfer of a licence – it is essentially a purely administrative act to ensure that the licence contains the name of the person with the benefit of the licence. As explained, as far as</p>	Please refer to responses to RR-1414-06, RR-1414-07 and RR-1414-09.	Please see Section 10.3 of this document for further comments.

	<p>the MMO is concerned it has never refused an application for a transfer. 3.2.33 In contrast, the dDCO Article 6 procedure requires: • An application to the Secretary of State; • Consultation with the MMO; • A decision by the Secretary of State; • Notification of the decision; 3.2.34 Given the contrast between the two procedures, the MMO does not consider that the dDCO procedure has any material procedural or administrative advantages over the existing statutory process. Indeed, the dDCO procedure is decidedly more complex, is more administratively burdensome for all parties, and will take longer to give effect to a transfer. The MMO believes that as a result the dDCO should be amended to remove the mechanisms to enable transfer of the DMLs and to remove the exclusion of the existing s72 process; the statutory regime which already exists is a much better option for all and should remain applicable.</p>		
RR-1414-11	<p>Pre-application consultation with the Secretary of State</p> <p>3.2.35 The MMO notes that there is not a mechanism for pre-consultation with the Secretary of State – should the Secretary of State decide to include the transfer of benefit this pre-consultation would be welcomed in the form of the following wording: “(X) The undertaker must consult the Secretary of State</p>	<p>The Applicants do not consider this additional drafting to be necessary. Articles 6(2) and 6(3) of the draft DCO (AS-004) provides that the written consent of the SoSt is required for any transfer or grant of any of the provisions of the DCO or the DMLs. Under Article 6(4), the SoS must consult the MMO prior to giving consent for the transfer or</p>	<p>Please see Section 10.3 of this document for further comments.</p>

	<p>before making an application for consent under this article by giving notice in writing of the proposed application.”</p>	<p>grant of the benefit or provisions of the relevant DML. Article 6(6) provides for some exceptions to this and sets out the circumstances where SoS consent is not required, including where the transferee or lessee is a licence holder under section 6 of the 1989 Act. Please see RR-1414.12 for further detail below. In addition, Article 6(8) provides that the undertakers must give notice to the SoS of a transfer or grant prior to any transfer or grant under Article 6 taking effect. The undertaker must also notify the MMO and relevant planning authority if the transfer or grant relates to the exercise of powers in their area. The Applicants therefore consider that the SoS (and where relevant the MMO) has sufficient opportunity for consultation and to seek further information from the undertaker if necessary.</p>	
RR-1414-12	<p>The Grant of a DML</p> <p>3.2.36 dDCO Articles 6(2)(b) and 6(3)(b) seek to make provision for the undertaker to “grant” another person the “benefit of the provisions of the Order (including the deemed marine licences for Article 6(3)(b)) and such related statutory rights as may be so agreed” or “the</p>	<p>The Applicants refer to the points already made to responses in RR-1414-06, RR-1414-07 and RR-1414-09. In response to the MMO’s specific concern regarding Articles 6(2)(b) and 6(3)(b) of the draft DCO (AS-004), the Applicants wish to clarify that this does not confer a</p>	<p>Please see Section 10.3 of this document for further comments.</p>

	<p>whole of any of the deemed marine licences and such related statutory rights as may be so agreed”.</p> <p>3.2.37 This appears to be drawn from Article 9(1)(b) of the Sizewell C DCO, although it is unclear from the wording of that provision whether the power to grant “the benefit of the provisions of this Order and such related statutory rights” includes the power to grant a new DML to a third party. Further, the rationale for the inclusion of such a power or the basis upon which it is to be exercised is not explained in the DCO, the ExA Report or the Decision Letter for the Sizewell C project.</p> <p>3.2.38 The Applicants has not justified or explained: • Why it is necessary for it to have the power to grant a DML; • Why it is necessary for it to have the power to grant a DML when it would have a power to transfer a DM; • The basis on which such a power to grant will be exercised; • The basis on which it will determine whether or not grant a DML • The basis on which it will determine the conditions to be imposed on the grant of a DM; • Why it is appropriate for it to be able to grant DMLs without the consent of the Secretary of State or the MMO.</p> <p>3.2.39 The MMO considers that the power sought for the undertaker to grant a DML would confuse and usurp its statutory function. It would allow licences to be granted on terms</p>	<p>power to create or issue a new DML. Rather, this allows the Applicants to grant the benefit of an existing DML to a third party for a defined period and subject to the same restrictions, obligations and enforcement regime that would apply if the Applicants were exercising the powers directly (see Article 6(5)(c) of the draft DCO (AS-004)). This is not equivalent to a transfer of the DML, which permanently transfers the benefit and responsibility for the DML (as provided for separately under Article 6(3)(a) of the draft DCO (AS-004)). The reference to “grant” mirrors the drafting included in other made DCOs, including The Sizewell C (Nuclear Generating Station) Order 2022 (Article 9), and reflects the fact that this is a temporary transfer of an existing benefit under the draft DCO (AS-004), rather than the grant of a new DML that bypasses the statutory marine licensing regime. Article 6(2)(b) of the draft DCO (AS-004) provides for the grant to a lessee for a specified time of the benefit of any or all of the benefit of the provisions of the DCO, whilst Article (3)(b) provides for the grant to a lessee for a specified time of any</p>	
--	---	---	--

	<p>wholly different from those accepted as part of the DCO process. The power to grant a DML should therefore be removed from the dDCO.</p> <p>3.2.40 In the event that its primary position that the existing statutory mechanism should remain applicable is rejected, the MMO considers that, at most, the power to transfer the benefit of an existing DML to another person is all that is required.</p>	<p>of the DMLs. This power is limited by Article 6(4) of the draft DCO (AS-004), which provides that the SoS must consult the MMO before giving consent to the transfer or grant to another person of the benefit of the provisions of the relevant DML, subject to some exceptions as set out in Article 6(6) of the draft DCO (AS-004). The Applicants therefore respectfully disagree with the MMO's assertion that this Article "confuses and usurps" its statutory function. The power to "grant" the DMLs does not bypass the marine licensing regime, create new licences or alter the terms of the DMLs. The Applicants therefore consider that no amendment to Article 6(2)(b) or (3)(b) is required.</p>	
RR-1414-13	<p>A Time Limited DML</p> <p>3.2.41 dDCO Article 6(3)(b) seeks to make provision for a DML to be granted by the undertaker to another person for a limited period of time.</p> <p>3.2.42 The only precedent for this provision which the MMO has found is Article 9(1)(b) of the Sizewell C DCO, to the extent that that power applies to DMLs (which is unclear). The Sheringham DCO does not provide a power for</p>	<p>Please refer to response to RR-1414-12. The Applicants note that Article 6(3)(b) is preceded in the majority of offshore wind DCOs including most recently Norfolk Vanguard Offshore Wind Farm Order 2022, Norfolk Boreas Offshore Wind Farm Order 2021, East Anglia One North Offshore Windfarm Order 2022, East Anglia Two Offshore Windfarm Order 2022</p>	<p>Please see Section 10.3 of this document for further comments.</p>

	<p>the undertaker to grant a DML for a limited period of time.</p> <p>3.2.43 The Applicants has not explained why these provisions are necessary or why a departure from the statutory provisions within the 2009 Act is justified.</p> <p>3.2.44 In the event that its primary position that the existing statutory mechanism should remain applicable is rejected, the MMO considers that, if the intention is to enable the transfer of the benefit of a DML to a third party for a defined period of time, with the benefit of that DML then reverting to the undertaker at the end of that period, a provision can be drafted to give effect to this.</p>	and Hornsea Project Four Offshore Wind Farm Order 2023.	
RR-1414-14	<p>Disapplication of the Secretary of State's Consent</p> <p>3.2.45 As explained above, Article 6(6) disapplies the need for the consent of the Secretary of State to be obtained and the need for any consultation with the MMO where: "(a) the transferee or lessee is the holder of a licence under section 6 of the 1989 Act"</p> <p>3.2.46 Whilst it is recognised that the drafting here reflects earlier DCOs, the rationale for the removal of the need for consent or consultation when this criterion is met has not been explained. The Applicants has not explained why the fact that the transferee holds a s6 licence should mean that the consent of the</p>	The Applicants disagree that they have not provided an explanation as to why it is appropriate to provide for transfer where the transferee or lessee is the holder of a licence under section 6 of the Electricity Act 1989 (the 1989 Act). Paragraph 1.6.3.10 of the Explanatory Memorandum (AS-007) sets this out and explains that as these transfers are restricted to persons holding appropriate licences, such persons will already have been determined to be fit to operate such facilities, and in any event this would not amend the licensed activities	Please see Section 10.3 of this document for further comments.

	<p>Secretary of State is not required nor that consultation with the MMO is unnecessary.</p> <p>3.2.47 In the absence of any clear justification for excluding a consent process, consent should be required to reflect the process in section 72 of the 2009 Act. In other words, a transfer of a DML should not be given effect unless it has been approved by a decision maker. The MMO's primary position is that the statutory mechanism should remain applicable and that it should remain the relevant decision maker. If that is rejected then the next best option would be for the Secretary of State to be the relevant decision maker but unable to consent to the transfer without the approval of the MMO. If that is rejected, then the next best option would be for the Secretary of State to be the relevant decision maker in consultation with the MMO.</p> <p>3.2.48 It is not acceptable, however, for the Applicants (or any successor) to be able to transfer a DML to whomever they wish whenever they wish which is eventually the effect of the provisions in the dDCO</p>	<p>pursuant to any DML. This approach is consistent with precedent in other made DCOs and reflects a proportionate approach. Where the transferee or lessee is already an appropriate licence holder, the requirement for further consent from the SoS and consultation with the MMO is not considered necessary or appropriate. The Applicants therefore consider that Article 6(6)(a) is justified and proportionate and that no amendment is required.</p>	
RR-1414-15	<p>Power to Amend DMLs to Reflect a Transfer</p> <p>3.2.49 The MMO is a statutory body. As a result, it can only act where it has statutory power to do so. The dDCO provides for the transfer of a DML, however it does not give the MMO the power to amend the DML it holds in its records upon notification that a transfer is to</p>	<p>Please refer to the response to RR-1414-06.</p>	<p>Please see Section 10.3 of this document for further comments.</p>

	<p>occur. This has the potential to cause real difficulties going forward since, in the absence of such a power, the MMO records will not be changed. This is likely to cause significant administrative difficulties and could result in obstacles to enforcement.</p> <p>3.2.50 Such a confusion is but one symptom of the complications which result from the dDCO's proposed transfer mechanism. This reinforces the MMO's primary position that the existing statutory mechanism is to be preferred and to remain applicable.</p> <p>3.2.51 If the Secretary of State was to retain the Article, then the MMO would still require the Applicants to submit a DML variation to the MMO to ensure the undertaker is updated to the correct entity within the DML and within the MMO's systems.</p>		
RR-1414-16	<p>Overall Effect on Ability to Enforce</p> <p>3.2.52 As drafted, the ability to transfer licences, grant licences for a limited time, to transfer/grant without consultation and without providing a power for the MMO to amend its records, will give rise to significant enforcement difficulties for the MMO and has the potential to prejudice the operation of the system of marine regulatory control in relation to the proposed development. Further, the dDCO procedure is administratively burdensome and time consuming.</p>	Please refer to the response to RR-1414-07.	Please see Section 10.3 of this document for further comments.

	<p>3.2.53 All of these difficulties can be avoided by retaining the existing statutory regime which is simple to operate and relatively speedy. The best way forward for all concerned is to retain the statutory procedure for transfer as set out in s72 of the 2009 Act. This will also require changes to Part 1 Paragraph 7 of each dDML.</p>		
RR-1414-17	<p>Other Considerations</p> <p>3.2.54 The MMO questions why it is ok to require the SoS to consult with the MMO? If the SoS fails to do this they commit an offence under s161(1)(b) of the Planning Act if the SoS does not have a reasonable excuse. This is another unintended consequence if the inclusion of the DML in this Article.</p> <p>3.2.55 The reason that the DCOs only deem the Marine Licence to be granted, rather than bringing the ML into the DCO as it does for other permissions under s33 of the Planning Act 2008 is because the MMO was considered to be the expert in this area (see PINS Advice Note Eleven, Annex B). The MMO questions why now is the SoS best placed to consider the implications of the marine licence being transferred and what might need to change?</p> <p>3.2.56 Therefore, the provision in paragraph (4) should not extend to the DML. The Order and the DML are not the same thing and so this provision does not extend to the DML, and references to the undertaker in the DML will stay as is. Whilst the mechanism is different,</p>	<p>As set out in the response to RR-1414-09, this position has been accepted by the SoS in numerous DCOs. This method is ultimately not dissimilar to local planning authorities (LPA) consulting on the discharge of requirements under Schedules 2A and 2B of the draft DCO (AS-004), or to the requirement for the MMO to consult with relevant key stakeholders in relation to the discharge of standalone marine licence conditions. It is highly unlikely that the SoS would fail to comply with its statutory requirements. Overall, Article 6 of the draft DCO (AS-004) reflects the equivalent provision in recent offshore wind DCOs including Hornsea Three Offshore Wind Farm Order 2020, Norfolk Boreas Offshore Wind Farm Order 2022, Norfolk Vanguard Offshore Wind Farm Order 2022, East Anglia One North Offshore Windfarm Order</p>	<p>Please see Section 10.3 of this document for further comments.</p>

	<p>what falls out of the DCO process is a marine licence granted under MCAA which is distinct and separate to the DCO itself. The DML falls back to the MMO to further manage/regulate under the provisions of MCAA once the DCO is granted, to be regulated alongside and consistently with all the other marine licences we might issue. This is in part why s149A(4) says a person who fails to comply with a condition of the DML does not commit an offence under the s161 of the Planning 2008 Act and why 149A(5) disapplies the notification of application and representations provisions of MCAA from the DCO process.</p> <p>3.2.57 The MMO would also highlight that even for granted offshore windfarm orders that include a form of the Benefit of the Order Article, the MMO has done multiple variations alongside the transfer of benefit to ensure the DML variation is issued as close to the approval from the SoS to ensure the correct undertaker is on the face of the DML and so that updates to the Marine Case Management system can be completed enabling compliance to continue to be monitored.</p> <p>3.2.58 With the addition of Article 6 (8) current wording this causes the MMO concern as this is just a notice of the transfer and does not include an official variation request to the MMO as required under Section 72 of the Marine and Coastal Access Act 2009. The MMO does not</p>	<p>2022, East Anglia Two Offshore Windfarm Order 2022, Awel y Môr Offshore Wind Farm Order 2023, Hornsea Project Four Offshore Wind Farm Order 2023 and Sheringham Shoal and Dudgeon Extensions Offshore Win Farm Order 2024. As set out at paragraph 1.6.3.15 of the Explanatory Memorandum (AS-007), Article 6 of the draft DCO (AS-004) is necessary to provide the Applicants with the appropriate commercial freedom to sell or lease the authorised projects while ensuring that the SoS can control such sale or lease, through the need to obtain their consent. In practice, the most common transfer scenario is when the offshore transmission infrastructure is transferred to the separate Offshore Electricity Transmission (OFTO) licence-holder following a public tender exercise via Ofgem, and it is important that an OFTO licence-holder have certainty that all consents, licences and permits will transfer concurrently via the same approval process. The MMOs position is noted. However, the Applicants maintain that making the requested amends would result in</p>	
--	---	--	--

	<p>believe the SoS can amend the DML once consented. Therefore, the MMO would have to use their regulatory power to conduct a variation and vary the licence to ensure the correct undertaker is on the schedule, this could cause a potential delay the project as if the transferring of unvaried licence impacted on our ability to enforce during this time, the MMO may have to suspend the licence while the MMO conducted the variation.</p> <p>3.2.59 This process could be delayed without the direct contact to the MMO to vary the DML. In addition to this the MMO has statute to charge for any variations and this is not covered by the current Article. This is an issue for two reasons, the Applicants would be getting work at a different rate as the consultation would be a statutory request from the SoS and this is not aligning with other marine licences as per PINS Advice Note Eleven, Annex B and two this puts the emphasise for the MMO to vary the licence once notified so there would still be an additional step for the MMO to take. The MMO strongly objects to the inclusion of the Article and the fundamental impact and change to the process.</p>	<p>the DCO as granted being inconsistent with the SoS's recent decision making on this issue. The MMO's assertion that the 2009 Act should automatically prevail is contrary to the intention and spirit of the 2008 Act.</p>	
RR-1414-18	<p>Use of 'Maintain' and 'Materially'</p> <p>3.2.60 The MMO is reviewing the use of Maintain and materiality within the DML and will provide comments in due course</p>	<p>This response is noted by the Applicants.</p>	<p>The MMO strongly considers that the activities authorised under the DCO and DML</p>

			<p>should be limited to those that are assessed within the EIA.</p> <p>The MMO considers that the definition of maintain should be updated to include reference to any activities that do not give rise to any new or different environmental effects to those assessed in the environmental statement.</p>
RR-1414-19	<p>Determination Dates</p> <p>3.2.61 The MMO strongly considers that it is inappropriate to put timeframes on complex technical decisions of this nature. The time it takes the MMO to make such determinations depends on the quality of the application made, the complexity of the issues, and the amount of consultation the MMO is required to undertake with other organisations to seek resolutions. The MMO's position remains that it is inappropriate to apply a strict timeframe to the approvals the MMO is required to give under the conditions of the DML given this would create disparity between licences issued under the DCO process and those issued directly by the MMO, as marine licences issued by the MMO are not subject to set determination periods.</p>	<p>The Applicants highlight that the conditions of the DMLs (condition 19 of the DMLs at Schedules 14 and 15 and condition 17 of the DMLs at Schedules 16 and 17) (AS-004) sets out a four months determination period but that this period can be extended by agreement in writing with the undertaker. This provides built-in flexibility, enabling extensions to be agreed where additional time is required for consultation, the provision of further information, or the resolution of any outstanding issues. It is in the undertaker's interest to facilitate such extensions where reasonable, particularly where they are necessary to ensure approval can be granted. Should key consultees</p>	<p>The MMO acknowledges the Applicant's comments. The MMO has two concerns with timelines.</p> <ol style="list-style-type: none"> 1. Approval timescale (Schedule 14, Part 2, Condition 19(2) and similar conditions in Schedule 15, 16, & 17 and throughout the DML). 2. 4-month submission timescale throughout Condition 19 and throughout the DML. <p>4 months has been standard in a number of offshore windfarms, especially round 3 projects. However, the MMO along with our consultees have noticed a change in the submission</p>

	<p>3.2.62 Whilst the MMO acknowledges that the Applicants may wish to create some certainty around when it can expect the MMO to determine any applications for an approval required under the conditions of a licence, and whilst the MMO acknowledges that delays can be problematic for developers and that they can have financial implications, the MMO stresses that it does not delay determining whether to grant or refuse such approvals unnecessarily. The MMO makes these determinations in as timely a manner as it is able to do so. The MMO's view is that it is for the developer to ensure that it applies for any such approval in sufficient time as to allow the MMO to properly determine whether to grant or refuse the approval application.</p>	<p>raise concerns or require more time, the MMO is not bound to approve submissions within the initial four months period and can request additional information or ultimately refuse the application to approve on the basis of insufficient information. The Applicants note that this drafting is well precedented and has been accepted in all previous offshore wind DCOs.</p>	<p>information and required rounds of consultation to ensure the MMO is confident to discharge the documents submitted.</p> <p>The MMO would highlight that this has been requested by the MMO since the Hornsea Project Three Offshore Wind Farm Examination. Since this examination, there is even more of a concern that more and more time is being spent working to determine documents submitted. There are a number of instances on projects where the submission at the four- or six-month date does not include everything that is required or within the outline plans and is more of a compliance requirement to ensure something is submitted in line with the consent. This leads to requests for additional information and multiple rounds of consultation and updates to ensure enough information is provided for the MMO to make a determination. It is becoming increasingly difficult to review the first submission of a document and therefore delays</p>
--	---	---	---

			<p>to the determination could cause significant impact to both the MMO and the Applicants.</p> <p>In relation to precedented timescales within other offshore wind DCOs. The MMO, of course, accept that there is a need for consistency in decision making. However, a decision maker is not bound by previous decisions and can depart from them where there is good reason to do so.</p> <p>The MMO welcomes Condition 11 that extensions can be agreed but believes this is an additional step which could also take time to agree between parties.</p> <p>The MMO would reiterate that it does not delay approvals unnecessarily and believes more realistic timescales should be included to allow for the Applicants to account for this within their programming.</p> <p>The MMO also highlights that it is also unclear what consequences would result if this deadline was not met, and</p>
--	--	--	---

			<p>how that would impact on the MMO's regulatory function. The MMO believes there is clear evidence with projects increasing in size as part of this discharge process that 4 months is not enough time to discharge a document and the MMO requests that all timescales are updated to 6 months submission timescales and that Condition 19(2) is removed.</p> <p>However, without prejudice to this position, the MMO believes that if time scales are included within the DML for plans then these should be six months as standard, not four months. The MMO is open to discussions on which documents must be six months, and which documents could be four months, to take into account the concerns that the Applicants may have. The MMO will continue to work with the Applicants to advise on any plans or documents that could have a four-month timescale.</p>
--	--	--	--

<p>RR-1414-20</p>	<p>Force Majeure</p> <p>3.2.63 The MMO believes the Force Majeure condition should be removed as it is not necessary to be included within the DMLs, as section 86 of the 2009 Act provides a defence for action taken in an emergency in breach of any licence conditions. The MMO requires justification or rationale as to why this provision is considered necessary. It is not something that the MMO would include in standalone marine licences. PINS Advice Note Eleven, Annex B says that DMLs should be broadly consistent with standalone marine licences.</p> <p>3.2.64 The MMO understands that Force Majeure is about events, situations and circumstances that arise which are outside of a person's control. Currently the condition wording used is drafted to apply for stress of weather or any other cause which is very broad. It could cover anything, including causes which are entirely within the master's control such as negligence matters. Currently the MMO believes Condition 19 in Schedules 3 and 4 does not meet the five tests as set out in the National Planning Policy Framework for a number of reasons: • necessary; • relevant to planning; • relevant to the development to be permitted; • enforceable; precise; and • reasonable in all other respects.</p> <p>Necessary 3.2.65 If you read Section 86(1)(b) and 86(2) of 2009 Act, for the defence to be</p>	<p>The Applicants disagree with the MMO's position on Condition 17 of the DMLs at Schedules 14 and 15 and Condition 15 of the DMLs at Schedules 16 and 17 of the draft DCO (AS-004). These force majeure conditions serve slightly different purposes to section 86 of the 2009 Act. This condition imposes a duty on the undertaker to notify the MMO within 48 hours if the master of a vessel determines that it is necessary to deposit authorised deposits within or outside of the Order Limits because the safety of human life or of the vessel is threatened due to stress of weather or any other cause. This ensures that the MMO is provided with that information. Section 86 of the 2009 Act does not contain any such duty. It simply acts as a defence in the event a person is charged with an offence. The Applicants will however update the drafting in the force majeure condition to include a new sub-paragraph (2), which will be provided in an updated draft DCO at Deadline 1: <i>"The unauthorised deposits must be removed at the expense of the undertaker unless</i></p>	<p>The MMO acknowledges the difference proposed between Section 86 of the 2009 Act and the inclusion of this condition and notes the updated part (2) of the condition.</p> <p>However, maintains its position regarding Force Majeure, as it is not necessary to be included within the DMLs. It is not something that the MMO would include in standalone marine licences.</p> <p>The MMO questions on if the inclusion of this condition is allowing an unknown licensable activity (deposit) that has not been assessed.</p> <p>The MMO believes the Applicants response still does not refute that the use of 'any other cause' is a very broad statement. Conditions must be precise, which currently using this term, it is not precise and could cover anything, therefore we believe this condition should be removed.</p>
--------------------------	--	---	---

	<p>relied on the person relying on it must inform the MMO that the act was carried out, tell it where it was carried out, the circumstances in which it was carried out, and what articles/objects were concerned. The inclusion of Condition 17 removes this defence and replaces it with a wider and less stringently controlled authorisation to deposit articles/substances and the MMO does not believe this is necessary.</p> <p>Enforceable 3.2.66 The condition as it stands is too subjective and therefore unenforceable and this due to the fact that it is down to the master to determine whether it is necessary to make the deposit and there are no defined criteria.</p> <p>Precise 3.2.67 The condition is also not restricted to Force Majeure situations or 'no fault situations', due to the inclusion of 'for any other cause'. The MMO questions this wording and why this has been included?</p> <p>3.2.68 In effect the only obligation the master would have if Condition 17 is included, is to notify the MMO within 48 hours that the deposits have been made. The MMO questions if this notification would be enough to allow enforceability and if it was to remain should there not be further requirements to then remove the items.</p> <p>Reasonable 3.2.69 The test set in Condition 17 which must be met to allow these deposits</p>	<p><i>written approval is obtained from the MMO".</i></p> <p>This ensures that action must be taken to remedy any emergency deposits. This also addresses the MMO's concerns on enforcement as if removal is not undertaken and agreement is not reached with the MMO, the MMO can take enforcement steps against the undertaker to ensure such removal</p>	
--	---	---	--

	<p>to be made is a much lower threshold test to that set in Section 86 of MCAA. This is because the safety of human life and/or the vessel is threatened is not the same as for the purpose of saving life or securing the safety of the vessel. The MMO questions why these masters and vessels be treated more favourably than others in this situation?</p> <p>3.2.70 The MMO also notes that ‘any other cause’ is the wording used in precedent licences, including the 2024 Sheringham and Dudgeon order and there is precedent set in other licences.</p> <p>3.2.71 The MMO is reviewing the ExA’s Recommendation Report and SoS decision to understand if any reasoning or further information was included on the inclusion of this and may provide an update at Deadline 6.</p> <p>3.2.72 To summarise the MMO requests that condition 17 is removed from all DMLs, as the defence (Section 86 of 2009 Act) will apply if the Applicants or vessel masters needs to make a deposit for a Force Majeure reason.</p>		
RR-1414-21	<p>General Comments</p> <p>4.1.1 The MMO has focused its review on the following chapters of volume 1 and volume 2 of the Morgan and Morecambe Offshore Windfarm Transmission Assets: Environmental Statement (ES). However, the MMO has also reviewed the accompanying</p>	<p>This is noted by the Applicants. The Applicants have responded to all comments raised by the MMO in future detail in the responses below.</p>	<p>Nothing further to add.</p>

	<p>reports in volume 3 and relevant technical reports in volume 4 where required: Volume 1, Chapter 1: Introduction (APP-021) Volume 1, Chapter 3: Project Description (APP-024) Volume 2, Chapter 1: Physical Processes (APP-042) Volume 2, Chapter 2: Benthic Subtidal and Intertidal Ecology (APP-045) Volume 2, Chapter 3: Fish and Shellfish Ecology (APP048) Volume 2, Chapter 4: Marine Mammals (APP-050) Volume 2, Chapter 5: Offshore Ornithology (APP-053) Volume 2, Chapter 6: Commercial fisheries (APP-054)</p> <p>4.1.2 An up-to-date schedule including specific timings and dates for each of the proposed works must be provided to the MMO. The MMO must be further informed of any updates, or changes to the schedule, prior to the commencement of the works, to ensure an effective inspection can occur. The MMO notes this will be provided as part of the notifications and within Condition 18 (1)(c)</p>		
RR-1414-22	<p>Benthic Subtidal and Intertidal Ecology (APP-045)</p> <p>4.2.1 The MMO has no concerns on the matters scoped out of the assessment.</p> <p>4.2.2 The MMO currently does not consider there to be any information gaps that require attention.</p>	The Applicants welcome the MMOs comments.	The MMO notes that the Applicants have confirmed that any requirement for clearance of high order unexploded ordinance (UXO) will be subject to a separate marine licence and will not be included in the draft Development Consent Order (DCO). The Applicants intends

	<p>4.2.3 The MMO notes that a comprehensive search of relevant data sources was undertaken during a desk study and site - specific benthic surveys have been carried out in support of the application. The results of which have facilitated the identification and assessment of the potential impacts to benthic ecology receptors. Furthermore, pre - construction benthic surveys will be undertaken to determine the presence of protected habitats along the export cable corridor. The MMO considers these to be appropriate data sources.</p> <p>4.2.4 The MMO agrees with the proposed mitigation measures which include adequate burial of cables (to avoid requirement of remedial rock protection works), minimising the potential for introduction of non -native taxa through adherence to relevant guidelines (e.g., those relating to International Maritime Organisation ballast water management), use of low -profile cable protection when necessary to minimise any disturbance to natural sediment movements (e.g., at cable crossings).</p> <p>4.2.5 The MMO considers there to be an adequate description of the potential cumulative and inter -related impacts in section 2.12 of the ES using a tiered approach to provide a clear assessment of the</p>		<p>to update the draft DCO to clarify that no high order UXO clearance will be undertaken and that the number of permitted low order detonations will be detailed within each deemed marine licence. The MMO agrees with this approach, provided the required associated details e.g., location/habitat and potential impacts to benthic receptors because of confirmed UXO detonation are included with the marine licence application.</p> <p>The Applicants have also provided a response to clarify a query regarding the proposed construction scenario for the sequential construction (with a gap of up to four years) of the Morgan Offshore Wind Project and Morecambe Offshore Windfarm. It is the MMOs understanding that the worst-case scenario considered within the Environmental Statement (ES) relating to the construction activities associated with the Transmission Assets includes a development gap of up to four years and as such is</p>
--	--	--	---

	<p>Transmission Assets alongside other relevant projects, plans and activities.</p> <p>4.2.6 The MMO considers that the ES is a well written and comprehensive document that addresses relevant benthic ecological concerns arising from the project. This document includes useful signposting and cross referencing to related technical reports and topics with the impacts to benthic ecology receptors comprehensive and informed by proportionate assessment.</p>		<p>appropriate. The Morgan and Morecambe Array Projects may develop differently, and each entity is likely to pursue Project specific milestones regarding their connection to the national grid. However, the Applicants are committed to working collaboratively, where practical and reasonable to do so, for the transmission assets.</p>
RR-1414-23	<p>Coastal Processes (APP-42 – APP-44)</p> <p>4.3.1 The MMO notes that for the specific areas (e.g., MCZs, SACs, SPAs, Ramsar and SSSI) in Table 1.10 of the ES, the physical processes that support these are not separately defined as receptor(s). Impacts to physical processes are scoped in, but the assessments rate only impacts on protected areas. There is a minor risk that this will result in impacts being assessed as negligible when long-term impacts are not easily projected to seascape feature scale. The assessment indicates that OWF developments such as this (multiple sites in close proximity) lead to accumulating low impacts over space and time. As observed on terrestrial sites, the environment is gradually degraded with impacts on biodiversity and environmental</p>	<p>Response to 4.3.1</p> <p>The Applicants note the MMO's comment regarding designated features. The impacts to physical processes are scoped into the assessment presented in Volume 2, Chapter 1: Physical processes (APP-042) with activities, impacts and receptors and their grouping agreed through the Scoping, PEIR and EWG processes as documented in the Consultation Report - Consultation Report Appendices (APP-170, APP-187) and Technical engagement plan Appendix B (APP-190). In this regard a holistic assessment has been undertaken to quantify the magnitude of these impacts</p>	<p>The MMO notes that with regards to comment 4.3.5 in the document RR-1414. The Applicants have provided an explanatory discussion of the shoreline impact assessment at the landfall site. The explanation provided is sufficient to understand the assessment and satisfied the previous request.</p> <p>The Applicants indicate a natural variability in beach level between 1-3m, and hence define a target cable burial depth of 3m – as had been stated in the Environmental Statement (Volume 2 Chapter 1: Physical processes, paragraph 1.10.4.4) – and provides some</p>

	<p>conditions which could not be attributed to individual pressures.</p> <p>4.3.2 In the assessment of impact magnitude, the receptor value is based on conservation designation (Table 1.16 of the ES), so naturally any impact on a key process within a non-designated area would be rated as negligible; this is of particular relevance to the landfall site. Additionally, the assessment appears to rely on a blanket assessment of all receptors as low sensitivity (i.e., not differing between process/impact types), which means that significance is constrained to be insignificant unless magnitude is assessed as high – no impacts are given this magnitude, so all impacts are of low adverse, or negligible adverse significance.</p> <p>4.3.3 The MMO considers the Applicant's assessment is proportionate to fully identify and assess the potential impacts.</p> <p>4.3.4 The MMO does not consider there to be any information gaps that need highlighting. The evidence provided is extensive and in line with typical OWF applications.</p> <p>4.3.5 The MMO notes that Section 1.5.4 of the physical processes chapter does not discuss the coastal context of the landfall (i.e., whether the site is even currently stable, or how the longshore processes here operate). The landfall is a key element of the coastal impact, and no receptor is defined here, subsequently</p>	<p>throughout the study area and is not limited to those areas with designated features.</p> <p>Response to 4.3.2</p> <p>For clarification, the significance of the effect upon physical processes in Volume 2, Chapter 1: Physical processes (APP-042) has been determined by considering the sensitivity of the receptor and the magnitude of the impact. In this way, coastal process and likely significant impacts on coastal features may be identified, regardless of designated status. The Value is an additional parameter used to inform the assessment outcome where two levels of significance are present within the matrix or expert judgement is required. As such undesigned features are not rated as negligible by default. The Applicants confirm that a blanket assessment of all receptors as low sensitivity has not been applied. By way of explanation, the study area is comprised of active seabed features and is influenced by large variations in tidal currents and wave exposure. Therefore, features are naturally adaptable to minor changes in</p>	<p>explanation of the cause of this variability. The Applicants response highlights the spatial variability of the landfall site and the inconstant patterns of sediment transport and change – with a sediment transport divide located near the landfall site, migrating alongshore according to annually-varying wave distributions.</p> <p>The MMO recognises that it is not reasonable to predict future beach changes in such conditions, and that the risk of cable exposure is a financial risk that the Applicants would be seeking to avoid. However, the discussion does indicate that <i>“The updated National Coastal Erosion Risk Mapping (NCERM) (Environment Agency, 2024) indicates areas of recession at the landfall site, and ... the Shoreline Management Plan (SMP)... is assigned managed realignment of natural features”</i>, and so the to complete the assessment the Applicants should indicate the maximum rate of shoreline retreat that could be anticipated and the</p>
--	--	--	---

	<p>there is no focus on the beach and open-trench methods for cable burial, because these will not affect the defined receptors. The assessment in Section 1.10.4 of the ES describes effects as negligible adverse, but it is not clear (due to absence of clear link to the baseline discussion), how this has been determined. The MMO requests justification for this assessment and a description of the coastal processes at the landfall site.</p> <p>4.3.6 The MMO considers that the approach to cumulative assessment that has become established is limited and focussed on overlapping or directly interacting impacts and not on the actual cumulative, incremental impacts over large areas and time caused by increasing marine activity.</p> <p>4.3.7 The Marine Enhancement Statement (APP-217) mentions various potential measures that are not required (because marine net gain is not yet a statutory requirement) but could be beneficial. In the absence of clear (long-term) knowledge as to the ecological effects of low-level marine process impacts following increasing marine development, any voluntary application of potential enhancements may be valuable.</p>	<p>physical processes as detailed in section 1.5.4 of Volume 2, Chapter 1: Physical processes (APP-042). These natural variations in baseline conditions give rise to low sensitivity. Therefore, within the context of this assessment, should a high magnitude of impact have been detected for these receptors then impacts of minor significance would have been identified in the rating, i.e. not constrained to low adverse, or negligible adverse significance.</p> <p>Response to 4.3.3 and 4.3.4</p> <p>The Applicants welcome the MMO's comments in 4.3.3 and 4.3.4 with regards to the information used and the proportionality of the assessment.</p> <p>Response to 4.3.5</p> <p>Sediment supply along the coast is controlled in part by tidal currents that drive net onshore sediment transport of seabed sediment from sand banks offshore, and by alongshore sediment transport driven by littoral currents which are influenced by wave climate as detailed in section 1.5.4 of Volume 2, Chapter 1: Physical processes (APP-042). Sediment transport</p>	<p>resulting effect this might have on cable burial depth over the lifetime of the development i.e., to confirm their understanding of the risk of future cable exposure (necessitating reworking) under conditions of shoreline retreat; and whether the natural realignment is factored into the landfall location and burial depth design.</p>
--	---	---	---

		<p>numerical modelling undertaken as part of the detailed sediment mobility study indicated there is a sediment divide in the vicinity of landfall (section 1.5.4 of APP-042 and APP-044). To the north of this divide, sediment is transported north. To the south, sediment is transported south towards the Ribble Estuary. These studies indicated low sediment transport rates at the landfall site. It is however noted that the exact location of the divide varies depending on wave climate and there is potential for this divide to move to the north and south. This is corroborated within the Morgan Offshore Wind Project: Generation Assets modelling study (APP-044) where littoral and residual currents were examined under a range of conditions. This could change net longshore sediment transport pathways on an annual basis and is further evidenced by coastal migration data (EMODnet) which indicates sections of seaward migration (accretion), landward migration (erosion) interspersed with stable sections of coastline in the vicinity of landfall. The updated</p>	
--	--	---	--

		<p>National Coastal Erosion Risk Mapping (NCERM) (Environment Agency, 2024) indicates areas of recession at the landfall site, and it is noted under the Shoreline Management Plan (SMP) that this region (Cell 11B2.1) is assigned managed realignment of natural features. The detailed sediment mobility study undertaken for Morgan Offshore Wind Project: Generation and Transmission Assets (ABPmer, 2023) was used to inform the Outline CSIP (APP-220) and Outline Cable Burial Risk Assessment (APP-219). They identify the risks to the offshore export cables such as those associated with sediment mobility, including details of target burial depths and depth of lowering required to provide asset security and ensure cables do not become exposed. The Outline CBRA (APP-219) has demonstrated that a target depth of lowering of 1.5 m covers all external risk with the exception of specific areas, such as those with softer sediments or high mobility such as the beach, where a 3 m target depth is recommended. As such, a target depth of lowering of</p>	
--	--	---	--

		<p>between 1 and 3 metres, with a proposed minimum of 0.5 m has been applied for the Project Design Envelope (see section 2, Outline CSIP (APP-220). At landfall, to ensure no exposure of cabling occurs in the event of opencut trenching, a target depth of 3 m for each of the six offshore export cables within the intertidal is recommended in the Outline CBRA (APP219). Given natural beach variability falls within 1 m to 3 m, it can be expected that trenching to this depth will avoid cable exposure. Trenches will then be backfilled to beach level. As such, there will be no interruption in sediment transport hence the effects being categorised as negligible adverse due to short term and temporary construction phase activities. The Applicants note that Condition 18(1)(e) of Schedules 14 and 15 of the draft DCO (AS-004) secures the submission and approval by the MMO of construction method statements, incorporating detailed CSIPs and CBRAs to be developed in accordance with the outline CSIP (APP-220) and outline CBRA (APP-219).</p>	
--	--	---	--

		<p>Response to 4.3.6</p> <p>The Applicants note the MMO's comment regarding the cumulative assessment methodology adopted for the assessment presented in Volume 2, Chapter 1: Physical processes (APP-042). In the first instance the purpose of the EIA is to identify and, if appropriate, mitigate for likely significant impacts. Therefore, it is appropriate when undertaking the cumulative assessment for physical processes to focus on overlapping or directly interacting impacts which are potentially of greatest consequence. It is also recognised that incremental low-level impacts over large areas and time may potentially be caused by increasing marine activity. By the low-level nature of these impacts, they would not be determined as likely significant impacts under the EIA definition. This is a complex issue as it is underpinned by the definition of baseline conditions and is also influenced by the adaptability of the active seabed features and processes that exist within the study area. It is however noted that as a result of the application of the mitigation hierarchy throughout the</p>	
--	--	--	--

		<p>design process, which aims to avoid or reduce any impacts in the first instance, the contribution of the Transmission Assets to the cumulative impacts from each development is minimised to the level at which they are not significant in EIA terms.</p> <p>Response to 4.3.7</p> <p>The Applicants welcome MMOs comments on its marine enhancement proposals. As stated in the Marine Enhancement Statement (APP-217), the Applicants will seek to enhance biodiversity in the marine environment and will continue to explore marine enhancement opportunities, where possible, as the Transmission Assets' designs mature, in collaboration with stakeholders post-consent.</p>	
RR-1414-24	<p>Fish ecology (APP-48 - APP-49)</p> <p>4.4.1 Regarding data sources, the MMO considers that the Applicants has appropriately defined the study area for the characterisation of fish and shellfish ecology. The key demersal, pelagic and migratory species, as well as several important elasmobranch species, have been generally well characterised. Generally, appropriate</p>	<p>Response to 4.4.1</p> <p>The Applicants welcome the agreement on the use of Coull <i>et al.</i>, (1998) and Ellis <i>et al.</i>, (2012), and the use of other research and datasets specific to the Irish Sea.</p> <p>Response to 4.4.2</p>	<p>4.4.3</p> <p>The MMO would like to thank the Applicants for providing clarification regarding the origin of a fourth hearing category for fish, which was derived from Popper and Hawkins (2019). The MMO further notes that for the range of effect from vessel</p>

	<p>data sources have been used to characterise fish receptors in the region including the use of spawning and nursery ground data from Coull <i>et al.</i>, (1998) and Ellis <i>et al.</i>, (2012). The Applicants has acknowledged that these publications represent the most comprehensive studies of their type to date, and are considered to remain relevant, whilst acknowledging time since publication, which is acceptable. The Applicants has also drawn upon MMO commercial fishing data and data from scientific fishing surveys carried out in the region to support the characterisation of fish species present within the vicinity of the site. These include data from herring larvae surveys of the north Irish Sea by the Agri-food and Biosciences Institute (AFBI), the Northern Irish Ground Fish Trawl Survey published by the International Council for the Exploration of the Sea (ICES), and the pelagic ecosystem survey in the western English Channel and eastern Celtic Sea by Centre for Environment, Fisheries and Aquaculture Science (Cefas).</p> <p>4.4.2 The MMO notes that the study area defined by the Applicants matches the fish and shellfish ecology study area used for the Morgan and Morecambe OWF (generation assets) projects and encompasses much of the Irish Sea region. The study area is large enough to account for the spatial and temporal variability of fish populations in the region,</p>	<p>The Applicants welcome the agreement on the study area.</p> <p>Response to 4.4.3</p> <p>The Applicants note the comments made by the MMO with respect to the use of three fish hearing categories. For clarity, the definition of four groups was based on a refinement of the Popper <i>et al.</i> (2014) guidance published by Popper and Hawkins (2019), in which further detail on morphological features involved in hearing were presented for fish groups. However, the assessment modelling and conclusions within Volume 2, Chapter 3: Fish and shellfish ecology (APP-048) are not changed by the use of four separate groups, as the modelling was performed by treating group 3 and 4 fish as a single receptor group, in terms of impact thresholds. This is evidenced in Table 3.18 in section 3.11.4 of Volume 2, Chapter 3: Fish and shellfish ecology (APP-048), where these two groups are considered together. As such, the impact assessment and the overall conclusions within Volume 2, Chapter 3: Fish and shellfish</p>	<p>and construction noise, groups 3 and 4 fishes were modelled together using the appropriate thresholds from Popper <i>et al.</i> (2014) for the impacts of recoverable injury and temporary threshold shift (TTS) using 170 dB rms for 48 hours and 158 dB rms for 12 hours, respectively. The MMO considers this matter closed.</p> <p>4.4.4</p> <p>The MMO thanks the Applicants for confirming that Table 3.17 of Volume 2, Chapter 3: Fish and shellfish ecology presents the modelled impact ranges for high and low order detonations for mortality and potential mortal injury in fish (all groups), rather than permanent threshold shift (PTS). The threshold of 229-234 dB peak used in the modelling is appropriate.</p> <p>The MMO will confirm closure of this issue on review of the updated documents submitted at Deadline 1.</p> <p>The MMO further notes that high order UXO detonation techniques have now been</p>
--	---	---	---

	<p>including migrations where relevant. This is considered suitable.</p> <p>4.4.3 The MMO highlights that Popper <i>et al.</i>, (2014) clearly defines three categories of hearing ability in fish, not four. In Popper <i>et al.</i>, (2014) fish hearing classifications are not explicitly categorised as numbered groups but there are three clearly defined hearing categories: • fish with no swim bladder (e.g., dab and other flatfish); • fish with a swim bladder not involved in hearing (e.g., Atlantic Salmon) and; • fish with a swim bladder involved in hearing (e.g., Atlantic cod and clupeid species). Popper <i>et al.</i>, explicitly group cod and herring together in their classification of fish with respect to sound exposure risk from noise. This classification is based on empirical evidence and audiograms reviewed by the authors. It is therefore unclear why the Applicants has separated cod and herring into different categories of hearing sensitivity when cod and herring are both 'Group 3' fish with a swim bladder involved in hearing. In the context of numbered groups, the Applicants has numbered groups 1 and 2 in line with the classifications of Popper <i>et al.</i>, (2014), but has subdivided Popper <i>et al.</i>'s category of 'fish with a swim bladder involved in hearing' into groups 3 and 4 which is not appropriate. Therefore, the MMO requests the Applicants stops using this incorrect terminology, as cod and herring</p>	<p>ecology are unaffected by this difference in fish groupings.</p> <p>Response to 4.4.4</p> <p>The Applicants have already performed underwater sound modelling on mortality and potential mortal injury in fish at 229-234 decibels (dB) peak and have presented the upper and lower range limits for mortality in Table 3.17 of Volume 2, Chapter 3: Fish and shellfish ecology (APP-048), based on the results presented in Table 1.22 of Volume 1, Annex 5.2: Underwater sound technical report (APP-036). This has been mistakenly labelled as PTS and will be included within the errata provided at Deadline 1 and should read "mortality and potential mortal injury". The Applicants would also note that as per the response to RR-1414.2, high order UXO detonation techniques have been removed from the draft DCO, and as such only the mortality and potential mortal injury ranges for low order UXO detonation (as presented in Table 3.17 of Volume 2, Chapter 3: Fish and shellfish ecology (APP-048) are now relevant to the</p>	<p>removed from the draft DCO, therefore only the mortality and potential mortal injury impact ranges for low order UXO detonation are now relevant to the assessment. The MMO agrees with the Applicants that the ranges for low order and low yield detonations are much reduced (<147m). We are therefore content that in the absence of high order detonations, significant impacts to fish receptors are not likely to occur at a population level.</p> <p>The MMO will confirm closure of this issue on review of the updated documents submitted at Deadline 1.</p> <p>4.4.5 & 4.4.6</p> <p>The MMO thanks the Applicants for signposting to the table of qualitative impact ranges found in Table 1.7 of Volume 1, Annex 5.2: Underwater sound technical report. Whilst the Applicants note that behavioural effects may occur and have potential to affect fish during spawning seasons, they highlight that the temporal overlap between UXO</p>
--	---	---	--

	<p>are both 'Group 3' fish with a swim bladder involved in hearing.</p> <p>4.4.4 Regarding the Applicant's Underwater Noise (UWN) Assessment for Unexploded Ordnance (UXO) clearance activities, the Applicants has indicated that as many as 25 UXOs, ranging from between 25 kilograms (kg) up to 907 kg in size, may be cleared. In the UWN technical report, the Applicants appears to have presented the range of impact for Permanent Threshold Shift (PTS) in reference to fish receptors. This is not appropriate, as PTS is not relevant to fish receptors, only to marine mammals (see Popper <i>et al.</i>, 2014). The Applicants has correctly identified the Popper <i>et al.</i>, (2014) criteria for injury to fish due to explosives in Table 1.7 of the UWN technical report. It is therefore not clear why PTS ranges are expressed for fish in Tables 1.22 and 1.23 of the report. The range of impact from PTS to fish has also been incorrectly carried across to the Applicant's dedicated impact assessment in the fish ecology ES chapter (Table 3.17). Instead of PTS, these tables for fish should refer to 'mortality and potential mortal injury' as per the Popper <i>et al.</i>, (2014) guidelines. The Applicants should amend this assessment by providing numerical modelling of the range of impact for mortality and potential mortal injury in fish (using the Popper <i>et al.</i>, (2014) criteria for high hearing sensitivity fish, 229-234</p>	<p>assessment with a much reduced impact on fish and shellfish receptors.</p> <p>Response to 4.4.5</p> <p>As per the Popper <i>et al.</i>, (2014) guidelines, TTS and recoverable injury impacts would likely be expected to occur at a range of tens to hundreds of meters (i.e. the near to intermediate fields; see Table 1.7 of Volume 1, Annex 5.2: Underwater sound technical report (APP-036) for the highest sensitivity group of fish which includes cod and herring. This qualitative assessment of impact ranges indicates that the potential sound impacts are unlikely to have any significant overlap with the nearby herring and cod spawning grounds, as concluded in section 3.11.4 of Volume 2, Chapter 3: Fish and shellfish ecology (APP-048). The Applicants still consider the modelled injury and mortality ranges to be the key impact assessment criteria for fish species. Although behavioural effects may occur and have potential to affect fish during spawning seasons, the temporal overlap between UXO detonation and spawning periods is</p>	<p>detonation and spawning periods is likely to be minimal because of the extremely short-term nature of the noise associated with UXO clearance activities (i.e. seconds). In light of high order UXO detonation being removed from the draft DCO, the MMO is content that mitigation for low order and low yield detonation during the cod and herring spawning season is not required under the draft DCO and therefore no seasonal restriction is required.</p> <p>Should high order UXOs detonation be required, this would be licensed under a separate marine licence and further assessment will be undertaken at time of the licence application.</p> <p>4.4.7</p> <p>The MMO welcomes the Applicants considered response to our concerns raised on potential cumulative and inter-related impacts from the construction of Morgan.</p>
--	---	---	---

	<p>decibels (dB) peak, to provide an indication of the range at which fish might experience a fatal response to UXO detonation. Given the project in close proximity to both the Isle of Man herring spawning grounds and the Irish Sea high intensity cod spawning ground, it is important that accurate predicted impact ranges are provided.</p> <p>4.4.5 The MMO also notes that Temporary Threshold Shift (TTS) and recoverable injury may also be experienced by fish receptors, but the predicted range of effect for TTS from UXO in Popper <i>et al.</i>, 2014, is expressed qualitatively ('near', 'intermediate' and 'far'), rather than quantitatively which means numerical modelling of impact ranges for TTS and recoverable injury is not possible. It would be beneficial, given the location of the project in close proximity to both the Isle of Man herring spawning grounds and the Irish Sea high intensity cod spawning ground, if a qualitative predicted range of impact for TTS and recoverable injury is provided.</p> <p>4.4.6 In addition to this, the Applicants has also not discussed the use of additional noise mitigation strategies (for example noise abatement systems such as bubble curtains) in relation to fish where high order detonation techniques are needed. The MMO therefore requests that this is reviewed and updated.</p>	<p>likely to be minimal because of the extremely short-term nature of the noise associated with UXO clearance activities (i.e. seconds).</p> <p>Response to 4.4.6</p> <p>The Applicants will be removing high order UXO detonation from the draft DCO (AS-004) (see RR-1414.2), and therefore further mitigation is not required. Should high order UXOs detonation be required, this would be licensed under a separate marine licence. As low order UXO detonation will lead to significantly reduced impact ranges (see Table 3.17 of Volume 2, Chapter 3: Fish and shellfish ecology (APP-048)), further mitigation measures such as noise abatement are not required.</p> <p>Response to 4.4.7</p> <p>The Applicants welcome the agreement on the inter-related impacts and effects on the physical and biological environment and reiterates that the Applicants will be removing high order UXO detonation from the draft DCO/DMLs (AS-004)(see RR-</p>	<p>4.4.8 & 4.4.9 have been addressed above.</p>
--	---	--	--

	<p>4.4.7 The MMO considers the description of potential cumulative and inter-related impacts and effects on the physical and biological environment to be appropriate. However, the MMO strongly requests that the projects' UXO detonation campaign be mindfully scheduled to prevent overlap with other impulsive noise generating activities (e.g., piling activities and UXO detonation) happening at nearby Offshore Windfarm (OWF) developments (such as the Morgan, Morecambe and Mona OWF generation assets projects), and to coordinate with the relevant developers to manage noise emissions where developments are concurrent. The MMO is currently reviewing how this will be managed across the other projects in Examination and would welcome the Applicants comments on this matter.</p> <p>4.4.8 As per the MMO comments above, the MMO does not consider that the Applicants has appropriately assessed the range of effect for mortality or potential mortal injuries to fish and has not fully discussed the potential for recoverable injury and TTS effects in fish with high hearing sensitivity.</p> <p>4.4.9 Therefore, the MMO requests that a seasonal restriction is conditioned on the face of the DML. Draft wording has been provided below but this can be discussed with the Applicants further: UXO clearance must not</p>	<p>1414.2). Due to the exclusion of high order UXO detonation from the draft DCO/dMLs (AS-004), effects on fish and shellfish IEFs, including fish spawning habitats, will be greatly reduced from those predicted in Volume 2, Chapter 3: Fish and shellfish ecology (APP-048) and therefore further mitigation (including scheduling with other project activities during fish spawning seasons) is not required to ensure significant effects are avoided. The Applicants note that all the projects (Morgan Offshore Wind Project: Generation Assets, Morecambe Offshore Wind Farm: Generation Assets, the Transmission Assets and Mona Offshore Windfarm) have endeavoured to take a consistent approach to DCO (including DML) drafting and will continue to maintain consistent approaches to post consent matters wherever practicable. It is simply not in the commercial interests of the projects to do otherwise. The draft DCOs for Morgan Offshore Wind Project: Generation Assets, and Mona Offshore Windfarm include UXO clearance conditions which require</p>	
--	---	---	--

	<p>take place during the herring spawning season from 01 September to 31 October inclusive and the cod spawning season from 01 January to 30 April inclusive. This condition will prevent significant adverse effects to spawning Cod and Herring along with their eggs and larvae from underwater noise. If the Applicants provides updated modelling along with the requested clarifications, then the MMO may refine this restriction.</p>	<p>each project to submit for approval by the MMO a method statement which will include a programme of works for low order clearances, and the Morecambe Offshore Wind Farm: Generation Assets has assessed UXO clearance but will be applying for a separate marine licence which will have its own method statement. The MMO will therefore maintain an element of control and influence over each projects' UXO campaigns because they cannot proceed without the MMO's approval. In discharging those conditions, the MMO will be able to consider and manage the potential for cumulative impacts arising. This is no different to the role the MMO usually has when discharging conditions where a number of projects are coming forward in a certain area and there is the potential for cumulative impacts. The Applicants further note for clarity that the undertakers for the Morgan Offshore Wind Project: Generation Assets DCO and the Morgan element of the Transmission Assets (Project A in the draft DCO (AS-004) are the same and whilst consent for those</p>	
--	---	---	--

		<p>two elements has been sought separately, the two elements of the Morgan Offshore Wind Project will be delivered by the same Undertaker as one coordinated project post- consent. The same is true for the Morecambe Generation Assets DCO and the Morecambe element of the Transmission Assets (Project B in the draft DCO (AS-004), which together comprise the Morecambe Offshore Windfarm.</p> <p>Response to 4.4.8</p> <p>The Applicants have clarified these points in response to paragraphs 4.4.4 and 4.4.5.</p> <p>Response to 4.4.9</p> <p>The Applicants maintain the position that the seasonal restrictions are not necessary for the reasons set out in the response to RR-1414.24 and due to high-order UXO detonation being removed from the draft DCO/DMLs (AS-004) (see RR-1414.2).</p>	
RR-1414-25	<p>Shellfish Ecology (APP-48 - APP-49)</p> <p>4.5.1 The MMO has no concerns in relation to the assessment of shellfish ecology. The Applicants has provided a clearly presented,</p>	<p>The Applicants note and welcome this response</p>	<p>The MMO believes there are no outstanding issues related to shellfish ecology.</p> <p>The MMO will continue to maintain a watching brief in</p>

	<p>well justified assessment for shellfish with sufficient evidence and no information gaps.</p> <p>4.5.2 The MMO notes that there is no mitigation measures proposed specifically for shellfish, this is considered acceptable as shellfish were assessed as experiencing minor adverse impacts as a result of the proposed works. Mitigation measures are not required for impacts assessed as minor adverse.</p> <p>4.5.3 The Applicants has stated that “The assessment of impacts on fish and shellfish ecology as a result of the construction, operation and maintenance, and decommissioning phases of the Transmission Assets are predicted to be not significant in EIA terms. Based on the predicted impacts to fish and shellfish ecology receptors, it is concluded that no specific monitoring to test the predictions made within the impact assessment is required.” The MMO agrees with this statement which is in line with the expectations for when monitoring is required.</p>		<p>relation to any concerns on commercial shellfisheries and may provide comments in future responses.</p>
RR-1414-26	<p>Commercial Fisheries (APP54 – APP55)</p> <p>4.6.1 The MMO suggests that there should be the creation of a monitoring programme on the impacts to the nearby Bass and other commercial fisheries to benefit local fishers as there is the possibility that the noise and disturbance from the construction of the transmission assets, as well as the in-combination effects from the other windfarms</p>	<p>Potential impacts to migratory routes (4.6.1)</p> <p>No significant impact on any fish and shellfish, including bass, has been identified for the Transmission Assets, either alone or in combination with other plans or projects (section 3.11 and section 3.13 respectively in Volume 2,</p>	<p>4.6.1</p> <p>The MMO welcomes the Applicant’s response. The MMO is reviewing this internally and will provide a response at Deadline 3.</p> <p>4.6.2</p>

	<p>in the area, could impact the migratory routes of these species.</p> <p>4.6.2 The MMO defers to the National Federation of Fishermen's Organisations (NFFO) along with standalone representatives on matters of commercial fisheries. The MMO will continue to be part of the discussions relating to securing any mitigation, monitoring or other conditions required within the DMLs.</p>	<p>Chapter 3: Fish and shellfish ecology (APP-048)), with no monitoring identified as being required (section 3.11.11). The largest potential impact from the Transmission Assets to migratory routes would be from underwater sound as a result of pre-construction surveys (i.e. UXO clearance and surveys, as assessed in section 3.11.3 of APP-048)) and construction activities (e.g. vessel sound emissions, cable burial (assessed in section 3.11.4 of APP-048)), however the Applicants maintain for the reasons set out below, that this would not be a barrier to migration, and monitoring is not justified. As detailed in Volume 2, Chapter 3: Fish and shellfish ecology (APP-048), UXO clearance sound is very short (seconds) whilst geophysical survey is short term and spatially limited. Other noise from vessels and construction is intermittent and spatially and temporarily limited, occurring within a marine environment of anthropogenic ambient background sound. There is no piling associated with the Transmission Assets and the Applicants will be removing high-</p>	<p>The MMO welcomes this engagement and will maintain a watching brief on the discussions.</p> <p>The MMO has provided comments on the FLCP in Section 9.1 of this document.</p>
--	--	--	--

		<p>order UXO detonation from the draft DCO/DMLs (AS-004) (see RR-1414.2). As such, there is a limited spatial extent and durations in which noise would occur, and the construction of the Transmission Assets would not be a barrier to migration.</p> <p>Engagement with commercial fisheries (4.6.2)</p> <p>The Applicants note the MMO's response in 4.6.2. The Applicants are working to facilitate co-existence with existing commercial fishing activity and minimise disruption as far as is practicably possible. Early and extensive engagement was established with the NFFO and other fisheries stakeholders in June 2021 as detailed in section 1.4.1 of the Technical Engagement Plan (APP-189) to understand stakeholder requirements for co-existence and will continue throughout the lifetime of the projects. Detailed Fisheries Liaison and Coexistence Plans (FCLP) will be developed by the Applicants through ongoing consultation with fisheries stakeholders and in accordance with the outline FCLP</p>	
--	--	--	--

		(APP-218). This is secured by Condition 18(1)(f) within Schedules 14 and 15 of the draft Development Consent Order (AS-004).	
RR-1414-27	<p>Underwater Noise</p> <p>4.7.1 The MMO considers that the appropriate impacts have been considered in the ES with the assessment being proportionate to fully identify and assess the potential impacts.</p> <p>4.7.2 The MMO has noted that Section 4.11.2.11 of the ES states that Southall <i>et al.</i>, (2007) recommended the use of TTS as the most appropriate proxy disturbance from single pulses (such as UXO detonation) and therefore this has been applied to inform the assessment. The MMO does not consider it appropriate to use TTS-onset thresholds as a proxy for disturbance. TTS occurs at much higher sound exposures, and so will underestimate the risk of disturbance.</p> <p>4.7.3 The document concludes that “All marine mammals are deemed to have some resilience to TTS, exhibit high recoverability and are considered of international value. The sensitivity of the receptor to TTS is therefore, considered to be low” (see Section 4.11.2.21 of the ES). The MMO notes that while the document provides a detailed justification for assigning a low sensitivity score to marine mammals for TTS and underwater noise, it is important to recognise that TTS is still a form</p>	<p>Response to 4.7.1</p> <p>The Applicants welcome the response</p> <p>Response to 4.7.2</p> <p>As highlighted in Volume 2, Chapter 4: Marine Mammals (APP-050), there are currently no agreed thresholds for the onset of a behavioural response from underwater noise generated by sound resulting from UXO clearance activities. While there are empirically-derived dose-response relationships for pile driving, these are not directly applicable to the assessment of UXO clearance due to the differences in the nature of the sound emission. There are no dose-response functions available for UXO clearance that describe the short-term nature and extent of the behavioural impact of UXO clearance on marine mammals. The EIA for other made DCOs which have assessed UXO clearance</p>	<p>4.7.2 & 4.7.3</p> <p>The MMO is still reviewing this information and will provide a response at Deadline 3.</p>

	<p>of temporary injury. TTS may impair essential life functions such as foraging, navigation, communication, and predator avoidance, even if the effects are temporary and reversible. Repeated exposure to sound levels that cause TTS can lead to prolonged periods of hearing impairment, potentially impacting individual health and fitness. Given these considerations, a more precautionary approach is warranted, and the sensitivity score should be reevaluated to better reflect the potential impacts on marine mammals.</p> <p><u>Underwater Sound Technical Report (APP-036)</u></p> <p>4.7.4 The MMO considers that the underwater sound technical report provides a detailed assessment of noise generating activities that will be undertaken for the Morgan and Morecambe Transmission Assets.</p> <p>4.7.5 Overall, the MMO has no major concerns with the noise assessment presented. However, the MMO has previously raised concerns regarding how property “α” was calculated or estimated based on the properties of Table 1.18 in the PEIR consultation for the acoustical properties of the sediments. There is a mention in the report of a single set of values being used to represent the seabed acoustic parameters. The MMO therefore requests the Applicants clarify which approach was taken.</p>	<p>activities have applied the same Temporary Threshold Shift (TTS)-onset threshold to indicate the level at which a ‘fleeing’ response may be expected to occur in marine mammals (see Awel y Môr Offshore Wind Farm (RWE Renewables, 2022); Hornsea Project Four Offshore Wind Farm (Ørsted, 2022); and Llŷr One Floating Offshore Wind Farm (Floventis Energy, 2024). This derives from a discussion in Southall <i>et al.</i>, (2007) which states that in the absence of empirical data on responses, the use of the TTS onset threshold may be appropriate for single pulses (like UXO detonation): “Even strong behavioural responses to single pulses, other than those that may secondarily result in injury or death (e.g., stampeding), are expected to dissipate rapidly enough as to have limited long-term consequence. Consequently, upon exposure to a single pulse, the onset of significant behavioural disturbance is proposed to occur at the lowest level of noise exposure that has a measurable transient effect on hearing (i.e., TTS-onset). We recognise that this is not a behavioural effect per se, but we use</p>	
--	--	---	--

	<p>4.7.6 In addition to this, the MMO requires further clarification from the Applicants as to whether absorption in water was included/considered in the model. The Weston model does not include this effect implicitly. The absorption in water is especially relevant for the sources with substantial high frequency spectral components and neglecting it could lead to the overestimation of impact ranges. We assume that the model included this effect as an additional term to the Weston model equations (Table 1.17) although this was not mentioned explicitly in the report.</p> <p>4.7.7 The MMO notes that Section 3.11.4.7 states that “SELs have been estimated for each source based on 24 hours continuous operation, although it is important to note that it is highly unlikely that any marine mammal or fish would stay at a stationary location or within a fixed radius of a vessel (or any other sound source) for 24 hours. Consequently, the acoustic modelling has been undertaken based on an animal swimming away from the source (or the source moving away from an animal)”. For fish, the Popper <i>et al.</i>, (2014) thresholds for continuous sources have been adopted in the assessment for recoverable injury and TTS (specifically 170 dB Root Mean Square (rms) for 48 hours and 158 dB rms for 12 hours for TTS respectively). The Sound Pressure Level (SPL)_{rms} metric is instantaneous and therefore there would be no</p>	<p>this auditory effect as a de facto behavioural threshold until better measures are identified. Lesser exposures to a single pulse are not expected to cause significant disturbance, whereas any compromise, even temporarily, to hearing functions has the potential to affect vital rates through altered behaviour” (Southall <i>et al.</i>, 2007). Therefore, an estimation of the extent of behavioural disturbance was based on the sound levels at which the onset of TTS is predicted to occur from impulsive sounds. TTS thresholds are taken as those proposed for different functional hearing groups by Southall <i>et al.</i> (2019) in Volume 2, Chapter 4: Marine Mammals (APP-050).</p> <p>Response to 4.7.3</p> <p>TTS is identified as the received levels and auditory weighting functions (or criteria) at which individual marine mammals are predicted to experience temporary changes in their hearing sensitivity. The NMFS (2024) “Update to: Technical Guidance for Assessing the Effects of Anthropogenic Sound</p>	
--	--	--	--

	<p>fleeing element involved. Please could the Applicants provide further clarity.</p>	<p>on Marine Mammal Hearing (Underwater and InAire Criteria for Onset of Auditory Injury and Temporary Threshold Shifts)” clearly differentiate auditory injury and TTS; the assessment presented in Volume 2, Chapter 4: Marine mammals (APP-050) highlighted that there is an important distinction between a Permanent Threshold Shift (PTS) and TTS, given that TTS is only temporary hearing impairment, is less likely to lead to acute effects and will largely depend on recoverability. Whilst the Applicants acknowledge the MMO’s point that “Repeated exposure to sound levels that cause TTS can lead to prolonged periods of hearing impairment”, the assessment presented in Volume 2, Chapter 4: Marine mammals (APP-050) was based on the potential for marine mammals to experience temporary changes in their hearing sensitivity as a result of a maximum design scenario (MDS) of 25 individual UXO clearance events, each occurring over a matter of seconds (rather than repeated impulsive events over 24 hours). The behavioural disturbance response to</p>	
--	---	---	--

		<p>these events is likely to be limited to 'a short-lived startle reaction' (Finneran and Jenkins, 2012), which is further supported by the statement that "the magnitude of the consequence is likely to be related to the duration and magnitude of the TTS" (Kastelein <i>et al.</i>, 2012), noting the removal of high order UXO detonation from the draft DCO (see RR1414.2). Given that TTS is a temporary and reversible hearing impairment, it is anticipated that any animals experiencing this shift in hearing would recover once the animal had moved beyond elevated sound levels which could result in TTS. The assessment set out in Volume 2, Chapter 4: Marine mammals (APP050) considered the available evidence in the context of the MDS, focusing on susceptibility of an animal to TTS, the biological effects of TTS, and recoverability following cessation of the activity. Based on these considerations, it was concluded that animals would be able to recover hearing after they are no longer exposed to elevated sound levels (which occur over seconds only) and it is expected that animals would be able to tolerate</p>	
--	--	--	--

		<p>TTS without any impact on reproduction or survival rates, with the ability to return to previous behavioural states or activities once the activity had ceased. It was therefore concluded in Volume 2, Chapter 4: Marine mammals (APP-050) that "All marine mammals are deemed to have some resilience to TTS, exhibit high recoverability and are considered of international value. The sensitivity of the receptor to TTS is therefore, considered to be low." (paragraph 4.11.2.21). The Applicants are therefore confident that the assessment of low sensitivity is robust and appropriate, and a more precautionary assessment would not be proportionate to the potential impact being assessed. Furthermore, the Applicants highlight that the existing assessment of the number of animals predicted to experience TTS as a result of UXO clearance is likely an overestimate of the potential for an ecologically significant effect. This is because the TTS-thresholds (criteria) applied (from Southall <i>et al.</i>, 2019) describe the thresholds at which the onset of TTS is observed, which is, per their</p>	
--	--	---	--

		<p>definition, a 6 dB shift in the hearing threshold, usually measured four minutes after sound exposure, which is considered as “the minimum threshold shift clearly larger than any day-to-day or session-to-session variation in a subject’s normal hearing ability”, and which “is typically the minimum amount of threshold shift that can be differentiated in most experimental conditions.” As such, it is expected that not all animals within the modelled TTS range would experience the predicted temporary hearing shift. Finally, see the Applicants response to RR-1414.2 (regarding the removal of high order UXO detonation from the draft DCO).</p> <p>Response to 4.7.4 to 4.7.7</p> <p>Within the Underwater Sound Technical Report (APP-036), the attenuation term (alpha, hereafter referred to as) in the Weston model is defined in units of dB per radian and is derived from the acoustical properties of the top layer of the seabed. Therefore, the water and sediment sound speed, densities and attenuation coefficient (in dB</p>	
--	--	---	--

		<p>per wavelength) are inputs to the Weston model in order to determine using standard acoustic theory. The attenuation term can be calculated as:</p> $a_{dB} = \frac{a_s}{\pi} \frac{p_s c_w^2}{p_w c_s^2 \sin^3 \theta_c}$ <p>Where P_s and P_w are the densities of the sediment and water respectively, c_s and c_w are the sound speeds in the sediment and water respectively and θ_c is the critical angle. The water and sediment sound speed, densities and attenuation coefficients in Table 1.18 of the Underwater Sound Technical Report (APP-036) are also used in the calibration of the site-specific Weston Energy Flux sound propagation model. In order to carry out this calibration, the model results were compared against the results from the Parabolic Equation solver (Collins, 1991; Jensen, 1994) and the Normal Mode solver (Jensen, 1994; Pedersen and Keane, 2016). Further, the Applicants confirm that the effect of water absorption was</p>	
--	--	---	--

		<p>included in the modelling as a separate term to those included in the Weston model, based on the method described in Ainslie and McColm (1998) (The Journal of the Acoustical Society of America 103, 1671 (1998); doi: 10.1121/1.421258). As stated in section 3.11.4.7 of the Underwater Sound Technical Report (APP-036), the thresholds based on the SEL metric have been estimated based on source operating continuously for 24 hours: this includes PTS and TTS for marine mammals. The thresholds based on the rms metric have been modelled as a single instantaneous level, however it should be noted that although levels are assessed against the rms metric, the thresholds assume 12 to 48 hours continuous exposure to sound of this level (Popper <i>et al.</i>, 2014), which is considered an unlikely scenario and therefore a precautionary assessment.</p>	
RR-1414-28	<p>Shipping and Navigation (APP-56)</p> <p>4.8.1 The MMO defers to the Maritime and Coastguard Agency and Trinity House on matters of shipping and navigation and supports any comments raised. The MMO will continue to be part of the discussions relating</p>	<p>The Applicants note this response and confirm that they have engaged extensively with the Maritime Coastguard Agency (MCA) throughout the pre-application period as detailed in section 1.3.1 of</p>	<p>The MMO has provided some updates to agreed DML conditions with Trinity House and MCA in Section 10 of this document and will maintain a</p>

	to securing any mitigation, monitoring or other conditions required within the DMLs.	the Technical Engagement Plan (APP-189) and will continue to engage with the MCA through the Examination.	watching brief on any navigational issues.
RR-1414-29	Offshore Ornithology (APP-53) 4.9.1 The MMO defers to NE as the Statutory nature conservation body (SNCB), and supports any comments raised in relation to the Ornithology. The MMO will continue to be part of the discussions relating to securing any mitigation and monitoring or other conditions required within the DMLs	The Applicants note this response and confirm that they have engaged extensively with the NE throughout the pre-application period as detailed in section 1.2.4 of the Technical Engagement Plan (APP-189) and will continue to engage with NE through the Examination	The MMO will maintain a watching brief on any issues relating to the DML in relation to ornithology.
RR-1414-30	Marine Archaeology and Cultural Heritage (APP-59 – APP-60) 4.10.1 The MMO defers to Historic England (HE) on matters of marine archaeology and supports any comments raised. The MMO will continue to be part of the discussions relating to securing any mitigation, monitoring or other conditions required within the DMLs.	The Applicants note this response and confirm that they have engaged extensively with the Historic England throughout the pre-application period as detailed in section 1.3.2 of the Technical Engagement Plan (APP-189) and will continue to engage with Historic England through the Examination.	The MMO will maintain a watching brief on any issues relating to the DML in relation to Marine Heritage.
RR-1414-31	Seascape, Landscape and Visual Resources (APP123 – APP-127) 4.11.1 The MMO defers to NE as the SNCB, along with HE and the Local Planning Authorities on matters of Seascape, Landscape and Visual Resources and supports any comments raised. The MMO will continue to be part of the discussions relating to securing any mitigation and monitoring or other conditions required within the DMLs	The Applicants note this response and confirm that they have engaged extensively with Natural England, Historic England and Local Planning Authorities throughout the pre-application period as detailed in section 1.4.3 of the Technical Engagement Plan (APP-189) and will continue to engage with Natural England, Historic England and Local	The MMO will maintain a watching brief on any issues relating to the DML in relation to Seascape.

		Planning Authorities through the Examination.	
RR-1414-32	<p>General comments</p> <p>5.1.1 The MMO is still reviewing the following documents and will provide comments in due course: • Marine Enhancement Statement (APP-217) • Outline Fisheries Liaison and Co-existence Plan (APP218) • Outline Cable Burial Risk Assessment (APP-219) • Outline Offshore Cable Specification and Installation Plan (APP-220) • Measures to minimise disturbance to marine mammals and rafting birds from vessels (APP-221) • Outline Offshore Written Scheme of Investigation and Protocol for Archaeological Discoveries (APP-222) • Outline offshore operations and maintenance plan (APP-224) • Offshore In Principle Monitoring Plan (APP-225) • Outline Vessel Traffic Management Plan (APP-226) • Dredging and disposal - site characterisation plan (APP-227) • Cable Statement (APP-228)</p>	The Applicants acknowledge that further comments will be provided through Written Representations where necessary.	The MMO has provided further comments in Section 9 below.
RR-1414-33	<p>Outline Marine Mammal Mitigation Protocol (MMMP) (APP-223)</p> <p>5.2.1 Please see the comments in Section 2.1 for UXO inclusion on a DML.</p> <p>5.2.2 Regarding the Outline Marine Mammal Mitigation Protocol (MMMP), the MMO notes that Table 1.6 in the document shows the minimum Acoustic Deterrent Devices (ADD) duration for high order UXO Clearance and the associated displacement distances. The table</p>	<p>5.2.1 The Applicants note the submission.</p> <p>5.2.2. and 5.2.3 Please see the Applicants response to 1414.2 (regarding the removal of high order UXO detonation from the draft DCO). The removal of high order UXO detonation from the draft DCO (AS-004) (as detailed in RR-1414.2) means that the maximum design</p>	<p>The MMO welcomes the update to remove high order UXO clearances from the project.</p> <p>The MMO will review the updated document and provide comments Deadline 2 or 3.</p>

	<p>highlights that for a UXO size of 26 kg to 130 kg, a 60- minute ADD duration will not be sufficient to deter Very High Frequency (VHF) cetaceans, such as harbour porpoises, out to 8,045 metres, which is the maximum PTS range. It is important to note that while a UXO size of 130 kg is considered the most likely scenario, the worst case scenario of up to 907 kg is not addressed in Table 1.6. However, other tables in the MMMP, such as Table 1.5, do consider a UXO size of 907 kg. This should be amended in Table 1.6.</p> <p>5.2.3 The MMO notes that section 1.5.5.3 of the MMMP states that “for UXO sizes larger than 130 kg, the use of NAS as an additional secondary mitigation technique will be considered as an option post-consent.” Please note that Noise Abatement Systems (NAS) (e.g., a bubble curtain) must be deployed for ALL high order clearance, not just for UXO sizes over 130 kg. Additionally, it is the MMO’s position that that deploying a bubble curtain is mandatory for high order UXO clearance and cannot be considered as an option post-consent, unless other noise abatement is presented post consent.</p> <p>5.2.4 The MMO notes that the MMMP includes the standard measures such as the implementation of a mitigation zone (the mitigation zone will be determined considering</p>	<p>scenario for UXO clearance is low order clearance. The largest modelled PTS ranges for low order UXO clearance is for Very High Frequency (VHF) cetaceans (such as harbour porpoise) at a maximum of 2,290 m. Whilst mitigation will therefore still be required beyond embedded mitigation, to ensure animals are out with the injury zone, the application of an ADD for 30 minutes would be sufficient to deter all marine mammals from the relevant injury zones. Detailed Marine Mammal Mitigation Protocol(s) (MMMPs) (and ADD parameters) will be developed in lines with the outline plan (APP-223) and in consultation with relevant stakeholders, post-consent, and will be informed by the most recent guidance. The Applicants will therefore update the Outline MMMP (APP-223) to focus on low order UXO clearance only, removing mitigation for high order UXO detonation including the use of scare charges as a mitigation option for high order detonation. Mitigation for high order UXO detonation will still be included as an Addendum to the Outline MMMP (APP-223) to</p>	
--	--	---	--

	<p>the largest injury zone across all species) and Marine Mammal Observers, the potential requirement for Passive Acoustic Monitoring (PAMs) and the use of ADDs. The MMO welcomes that the Applicants has committed to the prioritisation of low order clearance methods in the first instance, where possible.</p>	<p>align with the assessment of high order UXO in Volume 2, Chapter 4: Marine Mammals (APP-050) and to support a separate standalone marine licence if high order clearance is required. Should Noise Abatement Systems (NAS) for high order clearance be required, this will be discussed and agreed with the MMO and relevant stakeholders if and when a separate Marine Licence application may be required for high order UXO detonation. Therefore the Applicants confirm that Table 1.6 (Minimum ADD duration for high order UXO clearance and associated displacement distance, showing whether the individual can move away from the injury range during ADD activation) of the outline MMMP will be updated to "Table 1.6: Minimum ADD duration for low order UXO clearance and associated displacement distance, showing whether the individual can move away from the injury range during ADD activation" and therefore does not include details on high order UXO detonation for UXO of 907 kg. The Applicants highlight that the detailed MMMP(s), which will be</p>	
--	--	---	--

		<p>developed in accordance with the outline MMMP (APP-223), are intended to operate as a live document which will be updated through discussions with stakeholders and agreed with the MMO prior to commencement of construction. The detailed MMMPs (and ADD parameters) will be developed in consultation with relevant stakeholders and will be informed by the most recent guidance.</p> <p>5.2.4 The Applicants note the submission and highlight the responses to 5.2.3 and 5.2.4 (regarding the removal of high order UXO clearance from the draft DCO (AS-004)).</p>	
RR-1414-34	<p>Habitats Regulations Assessment (APP-015 – APP-018)</p> <p>5.3.1 The MMO defers to and supports NE as SNCB regarding the Habitats Regulations.</p> <p>5.3.2 The MMO will keep a watching brief on these documents and would ask for any compensation requirements to be included within the DCO at this stage to ensure all parties have reviewed the wording, should the Secretary of State be minded to include compensation.</p>	The Applicants note this response.	The MMO will maintain a watching brief.

RR-1414-35	<p>Marine Conservation Zone Assessment (APP-019)</p> <p>5.4.1 The MMO defers to and supports NE as SNCB regarding impacts to Marine Conservation Zones for the project.</p> <p>5.4.2 The MMO will keep a watching brief on this document and discussions in relation to MCZs and would remind the Applicants that any mitigation secured through these assessments will need to be included within the conditions on the DML.</p>	The Applicants note this response.	<p>The MMO will maintain a watching brief on the assessments.</p> <p>The MMO would highlight that we are currently reviewing the impacted MCZ's in relation to our protection legislative requirements and may provide further comments at Deadline 3.</p>
RR-1414-36	<p>Habitat Suitability Assessments</p> <p>5.5.1 The MMO notes that the Particle Size Analysis (PSA) data used to assess habitat suitability for herring spawning within the Transmission Assets Boundary (TAB) showed that only 2 stations out of 103 sampled were comprised of sediments that are suitable for herring spawning. The Applicants suggests that this indicates a relatively low potential for herring spawning habitat to be present throughout the TAB. Based on the presentation of PSA data in Figure 3.2 which have been appropriately categorised as 'preferred', 'marginal' or 'unsuitable' (as per Reach <i>et al.</i>, 2013), the MMO agrees with the Applicants. Given the TAB's location in relation to the main herring spawning grounds around the Isle of Man, and the PSA data presented in Figure 3.2 which shows the majority of the TAB area is not suitable herring spawning habitat, the MMO is content with the Applicant's</p>	The Applicants note this response and welcome the agreement from the MMO that the majority of the Transmission Assets Order Limits is unsuitable for herring spawning habitat and unlikely to result in significantly adverse effects on herring spawning habitats in the area.	The MMO has no further comments on herring spawning. Further comments have been provided in row RR-1414-24.

	assessment of temporary habitat loss and physical disturbance during construction of the TAB being unlikely to result in significantly adverse effects on herring spawning habitats in the area.		
RR-1414-37	<p>5.5.2 In addition to the previous point, the MMO notes that PSA data was also used to assess habitat suitability for sandeel within the TAB. Analysis of the sediment composition indicated that “83% of the surveyed stations comprised mud content in excess of 4%, rendering the majority of sediments within the [TAB] outside of the preferred sandeel habitat composition”. The Applicants takes this to conclude that the seabed area within the TAB has low potential for sandeel habitation and spawning. Figure 3.3 shows that approximately 39 stations out of the 103 locations sampled were classed as having marginal potential as sandeel habitat based on the classifications of Latta <i>et al.</i>, 2013, and the majority of these locations are located within the Morgan Array portion of the TAB. Figure 3.3. Although the PSA data presented in Figure 3.3 shows that the Morgan Array portion of the TAB has a matrix of some preferred, mostly marginal, and some unsuitable sediment types for sandeel, given the wider availability of seabed substrates that are suitable as sandeel habitat outside the TAB area, the MMO is content with the Applicant’s assessment of temporary habitat</p>	<p>The Applicants note this response and welcome the agreement from the MMO that the Transmission Assets Order Limits is unlikely to result in significant adverse effects on sandeels in the area.</p>	<p>The MMO has no further comments</p>

	loss and physical disturbance during construction of the TAB being unlikely to result in significant adverse effects on sandeels in the area.		
--	---	--	--



Marine
Management
Organisation

4. Notification by Statutory Parties of their wish to be considered as an IP by the ExA

4.1.1 The MMO wishes to be considered as an interested party by the ExA.

5. Artificial Intelligence (AI)

5.1.1 The MMO confirms that no AI has been or will be used to create or alter any part of our documents submitted to the ExA.

6. Notification of wish to have future correspondence received electronically

6.1.1 The following people request future correspondence is received electronically:

- Jordana.Chell@marinemanagement.org.uk
- Helen.Gunton@marinemanagement.org.uk
- Rebecca.reed@marinemanagement.org.uk



Marine
Management
Organisation

...ambitious for our
seas and coasts



7. Statement of Common Ground (SoCG)

7.1.1 The MMO is working with the Applicants to prepare a SoCG which will be submitted by the Applicants at Deadline 1, this will not fully reflect the up to date agreed position within this document based on the timescales of review, response to the Applicants.

7.1.2 The MMO and the Applicants will review the SoCG and may submit another SoCG as per the Rule 6 letter to assist the Examining Authority in highlighting the major outstanding issues.

7.1.3 The MMO will continue to work with the Applicants outside of the written process to ensure issues are being moved to resolution where possible.

8. Comments from ISH1

8.1.1 The MMO has reviewed 'EV4-018 Action points arising from issue specific hearing 1 on 30 April and 1 May 2025' and notes that there are no action points for the MMO.

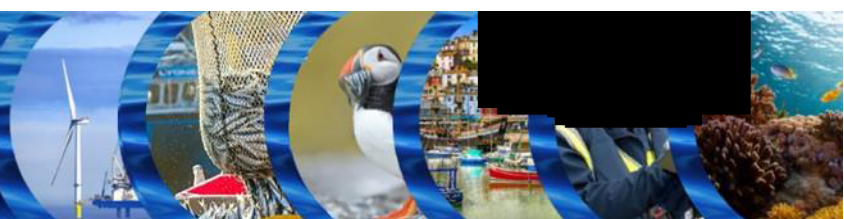
8.1.2 The MMO notes that the Applicants commented on the seasonal restrictions with regards to herring spawning season from the 1 of September to the 31 of October and the cod spawning season from the 1 of January to the 30 April inclusive. The MMO notes that the Applicants stated that the main impacts from UXO clearance is from injury and mortality rather than disturbance, which occurs over a period of seconds, and doesn't lead to significant behavioural effects. Please note that the MMO requested mitigation of '*no clearance of UXO during the herring and cod spawning seasons*' is no longer required under the DML as set out within Table 1 Section RR-1414-24 of this document. However, should high order UXO detonation be required, this will fall under a separate marine licence and further assessment will be undertaken at time of the licence application.

8.1.3 The MMO notes that the Applicants is intending to remove high order UXO clearance from the DCO application. The MMO welcomes this. The MMO notes that the Applicants recognises that separate marine licences will be required should they need high order UXO clearance.

8.1.4 The MMO welcomes the inclusion of a note explaining the use of indicative in the context of the Rochdale envelope and how various elements of that are secured elsewhere and how they apply to various elements of the work and how they will be managed through the DCO.

8.1.5 The MMO welcomes the inclusion of a table showing what the total time frames programme would be with a four-year gap.

8.1.6 The MMO notes that the Applicants have stated that the measures of equivalent ecological benefit is not required for the transmission assets due to the small-scale, long-term habitat loss, as a result of that which is 0.012% for Fylde Marine Conservation Zone. The MMO defers to NE and will continue to maintain a watching brief on this topic. The MMO notes that Fylde MCZ does not yet have management in place, which can be classed as material consideration, however, this activity could potentially impede future protection activity. The MMO may provide further comments in due course.



8.1.7 The MMO welcomes the inclusion of an indicative plan with regards to the exit pit locations and cofferdam locations and the graphical representation.

9. Additional Application Documents

9.1 APP-218 J13 Outline Fisheries Liaison and Co-existence Plan (FLCP)

9.1.1 The MMO welcomes the Applicants commitment to following the fisheries liaison and co-existence plan within the DMLs.

9.1.2 The MMO welcomes the Applicants confirming that the removal of static fishing gear has been included as a licensable activity within the deemed marine licences. The MMO would highlight that this should be agreed with the relevant fishing interested parties.

9.1.3 The MMO is satisfied that the implementation of FLCPs has been committed to within the DCO Schedules 14 & 15 (CoT62).

9.1.4 The MMO notes that information on key topics specific to commercial fisheries raised during consultation and how these topics have been considered in the production of the Outline FLCP is provided in Volume 2, Chapter 6: Commercial fisheries of the ES (document reference F2.6).

9.1.5 The MMO welcomes the implementation of an appropriate communication and information distribution strategy to minimise interference with the fishing industry and to promote co-existence and co-location between the Transmission Assets and commercial fishing interests. The Applicants have committed to proactively engaging with fisheries stakeholders.

9.1.6 The MMO requests that it is made clear within the FLCP that the MMO will not act as an arbitrator in relation to compensation.

9.1.7 The MMO notes National Federation of Fisherman's Organisation (NFFO) and other relevant interested parties are providing comments throughout this process and will maintain a watching brief. The MMO does not want to be in a position post consent where the MMO cannot discharge the FLCP due to disagreements between parties that should have been resolved during the consenting decision process.

9.2 APP-219 J14 Outline Cable Burial Risk Assessment

9.2.1 The MMO notes that several Relevant Representatives raised concerns regarding cable burial and locations. The MMO will maintain a watching brief of the Applicants responses to these issues and hopes that a resolution can be met.

9.2.2 The MMO is still reviewing this document and will provide further comment at Deadline 3.

9.3 APP-220 J15 Outline Offshore Cable Specification and Installation Plan

9.3.1 The MMO welcome further information on dredge and disposal activities with regards to Fylde MCZ. The Application states that disposal activities including sandwave clearance will be conducted throughout the Transmission Assets Order Limits but that no commitments have been proposed to mitigate impacts either within or outside of benthic designated sites.



9.3.2 The MMO is unable to provide advice on the full impacts of cable protection as there are several references to cable protection in the nearshore, but a worst case scenario based on extent, type and location of cable protection is not assessed in the ES chapters. The MMO notes that mitigation has been referenced within APP-220, however, these have not been secured within the DCO/DMLs.

9.3.3 The MMO is concerned about the potential physical processes and benthic impacts from the distance between the cable crossing, as this indicates separation in cable protection making one linear line of protection. The MMO requests that the worst case is clarified.

9.3.4 The MMO may provide further comments at Deadline 3.

9.4 APP-221 J16 Measures to minimise disturbance to marine mammals and rafting birds from vessels

9.4.1 The MMO notes that the Applicants have considered the adoption of a staged approach to the approval of DCO requirements.

9.4.2 The MMO requests that unexploded ordnance investigation is clearly defined within pre-construction surveys within 1.2.1.4.

9.4.3 The MMO notes that further consideration has to be made to address the overall disturbance from elevated underwater sound due to other sound producing activities within the Offshore Environmental Management Plan, as the mitigation measure to minimise disturbance to marine mammals are only relevant to the transiting vessels.

9.4.4 The MMO notes NE and Natural resources Wales raised comments on this topic and will maintain a watching brief in relation to this document.

9.5 APP-222 J17 Outline Offshore Written Scheme of Investigation and Protocol for Archaeological Discoveries

9.5.1 The MMO defers to Historic England and maintains a watching brief on any DML updates required.

9.6 APP-223 J18 Outline Marine Mammal Mitigation Protocol

9.6.1 The MMO has some minor requests in relation to the layout of the document so that sections are clearly defined:

- Relevant legislation and any updated guidance should be referred to within this document as part of a separate section;
- Noise Abatement Measures are considered in their own section;
- Applicants reporting should be a standalone section; and
- Injury to marine mammals from elevated underwater sound should also be a standalone section.

9.6.2 The MMO notes in point 1.5.6.2, the Applicants mention the necessary lines of communication for implementing the Outline MMMP for high order UXO clearance may be varied and updated post-consent in the detailed MMMP(s). The MMO welcomes early engagement on any possible marine licence variations.

9.7 APP-224 J19 Outline offshore operations and maintenance plan



9.7.1 Please see comments relating to the Condition 11 in Section 10.5 of this document.

9.7.2 The MMO notes that in the event of unexpected maintenance activities that are not included in Table 1.1, the Applicants have stated they would discuss the marine licence requirements and work with the MMO to determine if the works required are listed under the marine licence as submitted by the Applicants for the Transmission Assets Application, or if a new marine licence would be required. The MMO welcomes this recognition.

9.7.3 Table 1.1 should be updated to make it clear where the activity was assessed within the ES, where a marine licence is required or not and where consultation is required with MMO/any other statutory bodies/interested parties.

9.7.4 The MMO notes that unexploded ordnance is not part of the O&M activities is this correct. If so please make it clear within Table 1.1.

9.7.5 For any cable repairs the maximum volume and footprint should also be included in Table 1.1.

9.7.6 The MMO requests confirmation within Table 1.1 of the impact from jack up barges including footprint for the jack up and any anchoring.

9.7.7 The maximum parameters of the cable protection should be stated within Table 1.1 and not just referred to in other documents. The MMO advice that the MDS parameters for the project should be revised to only include cable/scour protection anticipated to be installed during construction within the MCZ, and within 10 years of construction outside the MCZ. All other cable protection after this date, within the MCZ require a new marine licence.

9.7.8 The MMO also requests if any other O&M activity has been assessed:

- Marine Archaeology
- Use of artificial lighting
- Recovery of dropped objects
- Seabed preparation activities as a result of jack-up operations

9.8 APP-225 J20 Offshore In Principle Monitoring Plan (IPMP)

9.8.1 The MMO has reviewed the commitments made by the Applicants in Tables 1.1 and 1.2 and welcomes the inclusion of these commitments within the DCO Schedule conditions.

9.8.2 The MMO is largely content with the proposed monitoring but will maintain a watching brief on monitoring discussions with other interested parties.

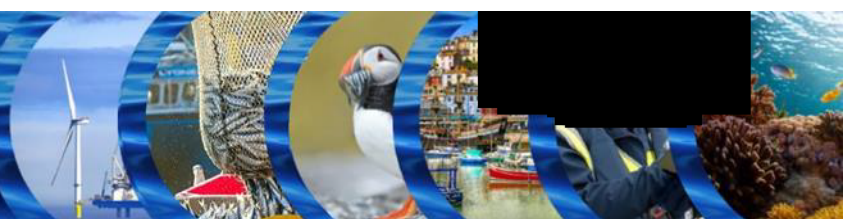
9.8.3 The MMO requests that any residual effects are included in the document.

9.8.4 The MMO requests an update to make clear, along with justification that no monitoring is planned for applicants fish and shellfish ecology, marine mammals.

9.8.5 A commitment should be made to sharing data, including submitting monitoring reports to the Marine Data Exchange as part of Section 1.4.2.

9.8.6 Section 1.5.2 should be expanded to include the different stages of the project (e.g. pre-construction, construction and O&M phase etc.).

9.8.7 The MMO also requests that the tables are updated to include the phase of the project where the monitoring will take place.



9.8.8 In addition to the comments regarding the IPMP, the MMO would like further information included within the IPMP.

9.8.9 The MMO is currently undertaking a project on the standardisation of offshore wind post-consent monitoring data. This project aims to standardise the collecting and reporting of offshore wind environmental monitoring data in English waters, for receptors/monitoring techniques where a widely recognised standard for monitoring already exists, and to implement this approach in post-consent monitoring for wind farms in English waters.

9.8.10 The MMO has engaged a range of stakeholders, including SNCB's, industry, and Renewable UK to identify standards, and are currently finalising a list of agreed standards across 6 receptors: marine mammals, underwater noise, ornithology, fish and shellfish, benthic and geophysical monitoring.

9.8.11 This will make it easier to compare and collate monitoring data from different projects, and ensure we get the most value out of monitoring. It will also ensure that developers know what is expected of them in terms of monitoring and add weight to previously agreed standards (e.g. NEs Best Practice Guidance). Standardisation will only be applied where an agreed standard already exists, and standardisation will deliver benefits.

9.8.12 The final list of standards is expected to be agreed in 2025. These will then become the default approach to post-consent monitoring of these receptors. We request that the IPMP be updated to reference this project, where any of these 6 receptors are applicable. The project can be referenced as (MMO Standardisation of Offshore Wind Post-Consent Monitoring, forthcoming). This should be included in section 1.4.2.

9.8.13 The MMO also requests that section 1.4.2 includes a general commitment to ensuring that any standards or best practice adhered to during monitoring, is outlined clearly within the relevant monitoring reports.

9.8.14 The MMO will engage with the Applicants to ensure that this reference is included, and agreement can be made prior to the next deadline.

9.9 APP-226 J21 Outline Vessel Traffic Management Plan

9.9.1 The MMO defers to the MCA and NE in relation to their statutory duties on the information within this document and will keep a watching brief on any concerns raised.

9.9.2 The MMO notes that within Chapter 3, the maximum number of vessels for the maximum design parameter for tub and anchor is 3, however, within APP-227, the maximum number of vessels is 4. Please can the Applicants confirm the maximum number of vessels for the maximum design parameter.

9.9.3 The MMO notes that within Chapter 3, the design envelope considers helicopters and inspection drones, however, these are not included within Table 1.2 or Table 1.3. Please can the Applicants confirm the vessel requirements during offshore operation and maintenance phase.

9.9.4 The Applicants have stated up to a total of 30 construction vessels on site at any one time (including tug/anchor handlers, cable lay vessels, guard vessels, survey vessels, seabed preparation vessels, Crew Transfer Vessels (CTVs) and cable protection installation vessels), however, the maximum number of vessels is 31. Please can the applicants confirm the total number of construction vessels on site at any one time.

9.10 APP-227 J22 Dredging and disposal - site characterisation plan



9.10.1 The MMO may provide further comments on this document at Deadline 2 or 3.

9.10.2 The MMO notes that the disposal site has been created, IS156 Morgan and Morecambe, this should be referenced in the DMLs as set out within Section 10.4 below.

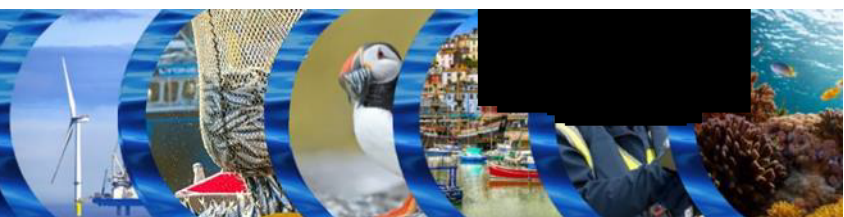
9.11 APP-228 J23 Cable Statement

9.11.1 The MMO notes that the cable site selection will depend on factors such as the design parameters and site-specific environmental or engineering constraints. The MMO will maintain a watching brief and provide comments at Deadline 2 if necessary.

9.11.2 The MMO notes that the Applicants have committed to limit the extent of cable protection to 10% across the overall route, noting a reduced level of cable protection of up to 3% in the Fylde Marine Conservation Zone. However, within Chapter 3, the Applicants have stated that 'The cable protection parameters have been reduced for the Morgan Offshore Wind Project from 20% to 10% across the overall route with 3% contingency for cable protection in the Fylde MCZ and the Morecambe Offshore Windfarm from 15% to 10% across the overall route with 3% contingency for cable protection in the Fylde MCZ.' Please can the Applicants confirm the overall cable protection parameters.

9.11.3 The MMO notes that the Applicants has stated that activities will involve sandwave clearance and full consideration on applicants mitigation of impacts towards benthic communities and designated sites should be considered. The MMO defers to NE in relation to this.

9.11.4 The MMO notes that up to six offshore export cables will be required (up to four for the Morgan Offshore Wind Project and up to two for the Morecambe Offshore Windfarm). The applicants refers to these as 'permanent' features of the offshore infrastructure. The MMO raises concerns of the use of the word 'permanent'. At this stage the current understanding is that all infrastructure would be removed at the decommissioning stage. Please clarify the use of 'permanent'.



10. Additional comments on DCO/DML

10.1 General comments

10.1.1 The MMO has reviewed the DCO/DML and has set out more specific comments below. If comments have been raised on Schedule 14, it should be assumed that similar comments relate to Schedules 15, 16 and 17 unless otherwise stated.

10.1.2 The MMO may provide further minor comments at Deadline 3 and will continue to discuss these with the Applicants.

10.2 Schedule 2 Requirement 1 – Time limits/Lifespan

10.2.1 The MMO has noted that on some offshore windfarms that the ES has not assessed a number of years during the Operation and Maintenance (O&M) phase.

10.2.2 This is not the case for the Project. However, the MMO wanted to highlight to the ExA and SoS that there may be a benefit to including an end date of the O&M phase within the DCO and DML in relation to the lifespan of the project to ensure that it is clear that any repowering etc. would be subject to a new consent or variation. The MMO notes that Marine Licences have end dates for all construction and maintenance activities and there is a clear line when a new consent is required.

10.2.3 The MMO is still discussing a position internally and may provide further comments ExA and SoS for consideration during the Examination.

10.3 Schedule 1 Part 2 Article 6 Benefit of the Order

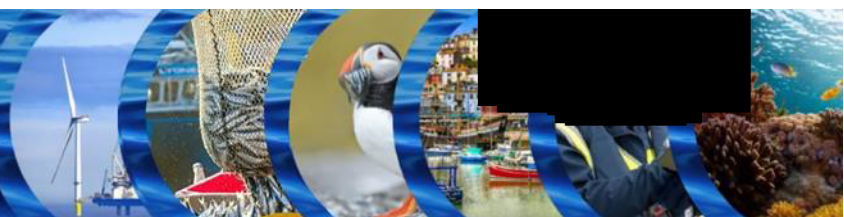
10.3.1 The MMO would welcome an update to Article 6 (12) however this does not remove the position that the DML should be removed from Article 6.

10.3.2 As a matter of public law, the MMO does not believe the Order can contain a provision transfer of Benefit of the DML as is being proposed. PA 2008 Section 120(3) should read against Section 120(4) and Part 1 of Schedule 5, which the MMO believes limits what the Order can contain to provisions which deem a marine licence to be granted under the order and to the conditions that should be deemed attached to that licence. The MMO does not consider this to be sufficiently wide as to allow the inclusion of provisions which transfer the Benefit of the Order.

10.3.3 If the Order cannot contain a DML transfer provision for the reasons set out, then it cannot exclude Section 72 of Marine and Coastal Access Act 2009 (MCAA) in the way proposed as Section 120(5) is limited to applying/modifying/excluding only those statutory provisions which relate to any matter for which a provision may be made in the order.

10.3.4 The reason that the DCOs only deem the Marine Licence to be granted, rather than bringing the DML into the DCO as it does for other permissions under s33 of the PA 2008 is because the MMO was considered to be the expert in this area (see PINS note Annex 11 - MMO). The MMO questions why now is the SoS best placed to consider the implications of the marine licence being transferred and what might need to change?

10.3.5 Therefore, the provision in paragraph (3) should not extend to the DML. The Order and the DML are not the same thing and so this provision does not extend to the DML, and references to the undertaker in the DML will stay as is.



10.3.6 Whilst the mechanism is different, what falls out of the DCO process is a marine licence granted under MCAA which is distinct and separate to the DCO itself. The DML falls back to the MMO to further manage/regulate under the provisions of MCAA once the DCO is granted, to be regulated alongside and consistently with all the other marine licences we might issue.

10.3.7 The MMO notes the Applicant's concern in relation to the undertaker being required by statute to transfer the transmission assets to an OFTO and cannot retain those in the same ownership as the generation assets and that this is done at the earlier stages and any delay in this process. However, even for granted offshore windfarm orders that include a form of the Benefit of the Order Article, the MMO has done multiple variations alongside the transfer of benefit to ensure the DML variation is issued as close to the approval from the SoS to ensure the correct undertaker is on the face of the DML and so that updates to the Marine Case Management System can be completed.

10.3.8 With the addition of Article 6 (9) current wording this causes the MMO concern as this is just a notice of the transfer and does not include an official variation request to the MMO as required under Section 72 of the Marine and Coastal Access Act 2009. The MMO does not believe the SoS can amend the DML once consented. Therefore, the MMO would have to use their regulatory power to conduct a variation and vary the licence to ensure the correct undertaker is on the schedule, this could cause a potential delay the project as if the transferring of unvaried licence impacted on our ability to enforce during this time, the MMO may have to suspend the licence while the MMO conducted the variation.

10.3.9 This process could be delayed without the direct contact to the MMO to vary the DML. In addition to this the MMO has statute to charge for any variations, and this is not covered by the current Article. This is an issue for two reasons, the Applicants would be getting work at a different rate as the consultation would be a statutory request from the SoS and this is not aligning with other marine licences as per PINS MMO advice note 11 and two this puts the emphasise for the MMO to vary the licence once notified so there would still be an additional step for the MMO to take which adds in further timescales.

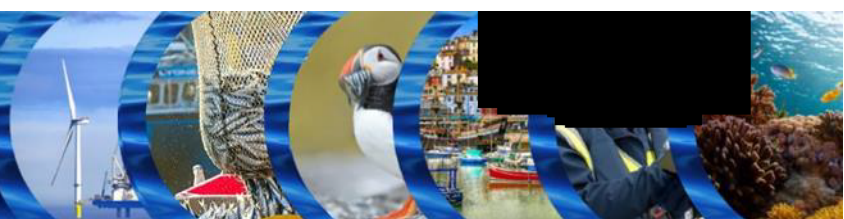
10.3.10 This means that the process is not achieving the required streamlined version the Applicants is requiring and actually increases the work and risk to the process.

10.3.11 With regards to Transfer of Benefit being included in other DCOs and setting a precedent, the MMO considers that this does not mean the provisions that are in other orders should be repeated here, especially if there is good reason why they should not be included. The MMO had model provisions, however we have moved away from them now as our stance has changed.

10.3.12 The MMO also notes that it is not clearly explained within the Sheringham and Dudgeon Extension Recommendation report or Decision document on the inclusion of the Transfer of Benefit. The MMO acknowledges the ExA and SoS made amendments in Hornsea Four OWF recommendation report/decision and notes the only reasoning provided was to keep them consistent with other consents and the SoS removed the ability to transfer part of the DML.

10.3.13 The MMO has provided further reasoning since that Examination including counsel comments from Rampion 2 Examination, that were incorporated into our relevant and written representations alongside further comments on the Planning Act.

10.3.14 The MMO notes the most recent Rampion 2 Offshore Wind Consent Decision where the ExA and SoS discussed this topic. Although the Article remained in this DCO the MMO



has provided further arguments within this section which have not been commented on by the Applicants.

10.3.15 The MMO does not agree that because there is a provision in other DCOs that this is reason enough to include it in this one, as the drafting process is iterative.

10.3.16 Even if the SoS approves a transfer of benefit for the DML the SoS has no power under the Planning Act 2008 to change the DML once consented. As set out in Schedule 6 Paragraph 2 (13) and Paragraph 5 (6):

“The power may not be exercised in relation to provision included in an order granting development consent by virtue of paragraph 30A or 30B of Schedule 5 (deemed marine licence under Marine and Coastal Access Act 2009).”

10.3.17 Therefore, the transfer and variation completed by the MMO is the right and proper way to amend the DML.

10.3.18 As per Section 72 (7) & (8) of the Marine and Coastal Access Act 2009 (MCAA 2009):

Variation, suspension, revocation and transfer

...(7)On an application made by a licensee, the licensing authority which granted the licence—

(a)may transfer the licence from the licensee to another person, and

(b)if it does so, must vary the licence accordingly.

(8)A licence may not be transferred except in accordance with subsection (7).

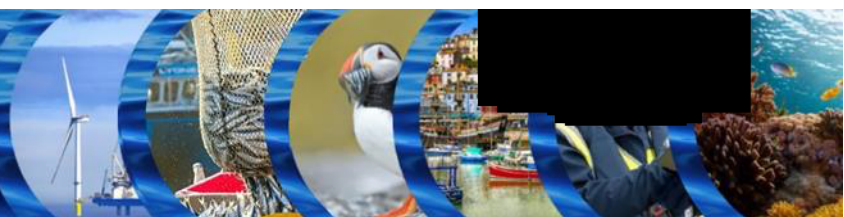
10.3.19 The reason MCAA says if the MMO transfer the licence must be varied is because it recognises that it is necessary to vary on transfer to maintain the enforceability of the licence. If DMLs are transferred under Article 5, but cannot be varied by the SoS, the MMO would have to review and then vary under its powers under Section 72(3)(d) (MCAA 2009) should a variation be required and it may well have to consider suspending the licence whilst that variation takes place, depending on what the nature of the required variation would be.

10.3.20 There is no good reason to move away from the process already set out in MCAA, save for operator convenience, and the MMO's strongest preference remains for the DMLs not to be made subject to the Transfer of Benefit provisions in the main body of the order, in full or in part.

10.3.21 The MMO is not trying to be unduly difficult over the issue, and has not yet been in a position to use this route as for all other consented offshore wind farms, even those with the more recent proposed wording, the undertakers have provided a request to the MMO for a variation alongside the Transfer of Benefit request to the SoS, therefore the MMO is not entirely sure what consequences will be.

10.3.22 The MMO believes there is more risk included the DML with the inclusion of Article 6 than managing it under the current process.

10.3.23 The MMO's stance on the Transfer of Benefit of the Order still stands. The MMO requests that all references to the MMO and DML should be removed from Article 6 for Transfer of Benefit of the Order of the DCO.



10.4 Schedule 14 Part 1, Paragraph 2(f) and Part 2, Condition 16(5)– Disposal sites

10.4.1 It is standard to have the disposal site reference number on the DML. The MMO is hoping the information provided by the Applicants satisfies the disposal site designation, and the correct reference can be included within the DML prior to the end of examination.

10.4.2 Should the disposal site reference be provided Paragraph 2a and Condition 10(5) should be updated to the following:

... (f) the disposal of up to 1,080,000 cubic metres of inert material of natural origin within the Order limits produced during seabed preparation for cable works and boulder clearance works at disposal site reference IS156 within the Order limits seaward of MHWS unless otherwise agreed in writing by the MMO.

16(5) The undertaker must ensure that only inert material of natural origin, produced during the seabed preparation and cable installation is disposed of within disposal site reference IS156 within the Order limits seaward of MHWS unless otherwise agreed in writing by the MMO.

10.4.3 The MMO acknowledges that the accurate site reference may not be ready during the course of examination, and if this is the case, the MMO will work with the applicant to develop a solution for drafting the above conditions.

10.5 Schedule 14 Part 2 Condition 11 Maintenance of the authorised scheme

10.5.1 Alongside comments in [Table 1](#), 11 (3) should be updated to:

'No maintenance works authorised by this licence may be carried out until an offshore operations and maintenance plan in accordance with the outline offshore operations and maintenance plan has been submitted to the MMO for approval in writing at least six months prior to commencement of the operation of licensed activities.'

10.5.2 11(4) should be removed as per the comments within [Table 1](#).

10.5.3 In 11(4) *'All operation and maintenance activities must be carried out in accordance with the approved plan.'* should be updated to a sub return.

10.5.4 In addition to this the following should be added as a new sub condition

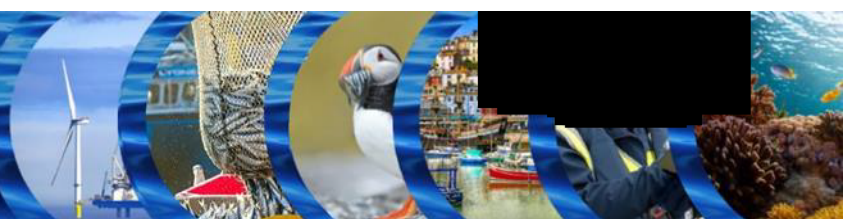
'(6) An annual maintenance report must be submitted to the MMO within one month following the first anniversary of the date of first operation of the authorised development (notified in accordance with Condition 28 (Completion of construction)) and every year thereafter until the permanent cessation of operation.

(7) The annual maintenance report in sub-paragraph (6) must provide a record of the licensed activities during the preceding year, the timing of activities and methodologies used.

(7) Every third year, the undertaker must submit to the MMO, within one month of the anniversary of the date of first operation of authorised development (notified in accordance with Condition 28 (Completion of construction)), a consolidated maintenance report which will—

(a) include a review of licensed activities undertaken during the preceding five years with reference to the reports submitted in accordance with sub-paragraph (6) of this licence; and

(b) reconfirm the applicability of the methodologies and frequencies of the licensed activities permitted by this licence for the duration of this licence.



10.6 Schedule 14 Part 2 Condition 14 Notifications and Inspections

10.6.1 The MMO requests that Condition 14(1)(b) is updated to ensure the undertaker submits the confirmation rather than those persons.

10.6.2 The MMO requests that Condition 14(6) the notification is updated to 14 days. This is to allow coastal officers to have enough time to prepare and arrange coastal compliance inspections. This has been requested to be updated on all Marine Licences and all DMLs going forward and the MMO would note that the Applicants programme of works will allow enough time for these notifications to be issued within the updated timescales. To assist with planning and resources this earlier notification would be welcomed even if any changes should occur to the activity start date.

10.6.3 The MMO has recently had a meeting with Kingfisher and requests that Schedule 10, Part 2, Condition 14(7), has a minor update and is updated to

‘(7) The Kingfisher Information Service of Seafish must be informed of details of the vessel routes, timings and locations relating to the construction of the authorised scheme or part thereof by include the information in a notice via their portal (<https://kingfisherbulletin.org/submit-notice>) and sent to kingfisher@seafish.co.uk—

(a) at least 14 days prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data; and

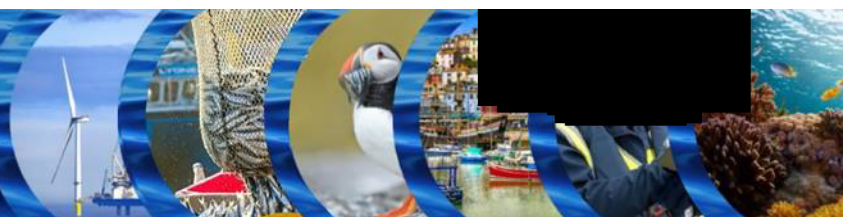
(b) as soon as reasonably practicable and no later than 24 hours after completion of the authorised scheme

and confirmation of notification must be provided to the MMO within five days.’

10.6.4 Condition 14(9) should be updated to *‘...at least fourteen days before any planned operations and maintenance works...’*

10.7 Schedule 14 Part 2 Condition 16(1) Chemicals, drilling, debris

10.7.1 The MMO requests Condition 16(1) is to be removed and Condition 18(1)(f) should be updated to the following:



‘...(f) an offshore environmental management plan covering the period of construction and operation to include details of—

- (i) a marine pollution contingency plan to address the risks, methods and procedures to deal with any spills and collision incidents during construction and operation of the authorised scheme in relation to all activities carried out;*
- (ii) a chemical risk assessment, including information regarding how and when all chemicals are to be used, stored and transported in accordance with recognised best practice guidance and standards;*
- (iii) a site specific 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, to include;*
 - (i) the function of the chemical;*
 - (ii) the quantities being used and the frequency of use;*
 - (iii) the physical, chemical, and ecotoxicological properties of the chemical, unless otherwise agreed in writing by the MMO. 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;*

Submissions for approval must take place no later than ten weeks prior to use...’

10.7.2 This would also include adding the following definitions to the ‘interpretation’ section of the DML:

“pathway to the marine environment” open systems or closed systems that require top up.

"chemicals" comprise both substances and preparations.

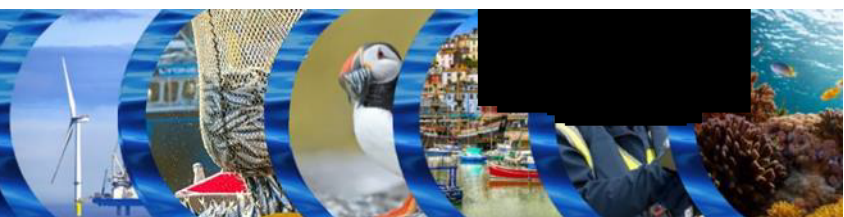
"preparation" means a mixture or solution composed of two or more substances

"substance" means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition.

10.7.3 Based on the best available evidence to date, the MMO aims to create a revised, consistent and thorough approach to chemical consenting for OWF. This should proactively avoid last minute delays and provide robust evidence regarding environmental impacts.

10.7.4 The current approach for consented OWF projects requires chemical information to be submitted in an inconsistent manner across different projects. This results in many chargeable hours from both the MMO and Centre for Environment Fisheries and Aquaculture Science (Cefas) for reviewing, assessing and requesting information from applicants.

10.7.5 Past DML’s have referenced the Offshore Chemical Notification Scheme (OCNS) definitive ranked list of registered products (or otherwise incorrectly termed “approved list of chemicals”) for offshore petroleum activities, stating that chemicals for use should be chosen from this list or consent sought where unable. However, the use of this list for offshore petroleum activities does not remove the need for approval and reporting, as such, the use of this list for OWF should also not remove the need for approval and reporting. Noting that the list contains chemicals considered to be a threat to the marine environment (Chemicals of Priority Action) (as reported by OSPAR), the list should not be relied upon for assumption



of safe use. The MMO has reviewed this past way of working, alongside new available evidence and is proposing an improved process. The approach being sought through this new condition is explained below.

10.7.6 For all chemicals, written approval from the MMO must be obtained before their use, regardless of the risk of entering the marine environment. This is already standard practice and is conditioned by the requirement for a chemical risk assessment to be submitted to and approved by the MMO before the licensed activities or any phase of those activities may commence (usually held within the pre-construction plans and documentation of the DML conditions, e.g. the Project Environmental Management Plan). The condition generally reads as follows “chemical risk assessment including information regarding how and when all chemicals are to be used, stored and transported in accordance with recognised best practice guidance and standards”. For completeness, the MMO outlines that this should include information on chemical use including function (meaning what the chemical will be used for, e.g., use within engines, paint, degreaser), methodology, quantity, and frequency of use.

10.7.7 The MMO is proposing a change for chemicals with a pathway to the marine environment, where more information beyond the standard chemical risk assessment (above) is required.

10.7.8 A more detailed chemical risk assessment (CRA) should be provided for any chemical with a “pathway to the marine environment”, this includes chemicals used in both open systems, and closed systems where “top-up” is required (i.e., repeated use or maintenance). The CRA should include information on the physical, chemical, and ecotoxicological (bioaccumulation, biodegradability and aquatic toxicity) properties, and function of the chemical, alongside the quantities and frequency of use. This should be submitted to the MMO no later than 10 weeks prior to use. The review of this information and/or in consultation with Cefas, will allow the MMO to make a determination on an approval for chemicals use by a project.

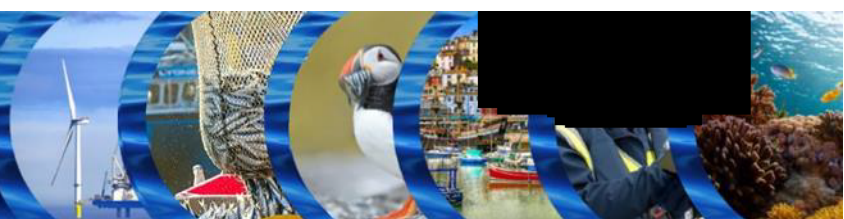
10.7.9 The MMO is aware that concerns may be raised around the 10-week submission timescale proposed within the condition and provide the following justification. Based on the information intended to be assessed by Cefas obtained through this condition, the MMO has accounted for an 8-week-period for their review. The MMO further anticipates a 2-week period within which to review the submission, regard Cefas advice, and make a determination. This is deemed to be acceptable considering the current timeframes for which projects currently receive post-consent chemical discharges.

10.7.10 The definitions to be included within the consents pertaining to the new condition wording, come from the definition for ‘chemicals’, ‘preparation’ and ‘substance’ given within OSPAR Decision 2002/2 on a Harmonised Mandatory Control System for the Use and Reduction of the Discharge of Offshore Chemicals.

10.7.11 The MMO further includes clarity on where other regulations/ agreements exempt chemicals from this process.

10.7.12 This approach should exempt fluids used within gears and machinery (closed systems) from requiring a more detailed CRA, and disregards chemicals used on vessels and accommodation type chemicals (bleaches/toilet cleaners/grey water etc.), which are covered by alternative regulations.

10.7.13 As the OSPAR Commission considers that the substances on the “OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk



to the Environment (PLONOR)” pose little or no risk to the environment and that they do not normally need to be strongly regulated they have been exempted from the need for approval.

10.7.14 The MMO notes that the same CRA can be used for submission across both conditions, as long as they contain the necessary information and presented in a format allowing for clear distinction between the two requirements.

10.7.15 The MMO is committed to supporting all of the UK government's environmental goals, this includes both net zero targets and nature and biodiversity targets by promoting sustainable practices to protect and enhance the marine environment. This new condition enables both, by ensuring the proactive collection, assessment and management of evidence regarding chemical use post-consent.

10.7.16 This is the MMO's position and this has been set out in all current Examinations, however the MMO is open to condition placement and potential amended wording with discussion with the Applicants.

10.8 Schedule 14 Part 2 Condition 16 (10) – Dropped Objects

10.8.1 The MMO requests this condition is updated to the following wording that has been agreed with the MCA:

‘16 (10) (a) Debris or dropped objects which are considered a danger or hazard to navigation must be reported as soon as reasonably practicable but no later than six hours from the undertaker becoming aware of an incident, to the relevant HM Coastguard Maritime Rescue Co-ordination Centre by telephone (add relevant number from this link [HM Coastguard rescue coordination centre contact details - GOV.UK](https://www.gov.uk/government/organisations/hm-coastguard/about-us/maritime-rescue-co-ordination-centre)), and the UK Hydrographic Office email: navwarnings@btconnect.com.

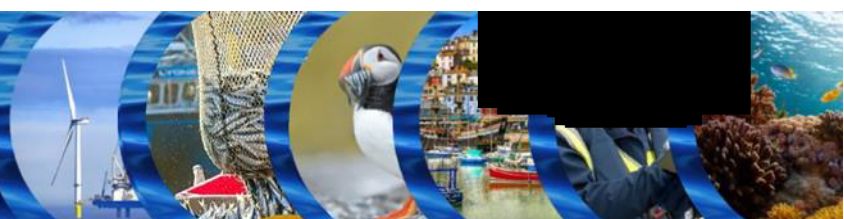
(b) All dropped objects including those in (a), must be reported to the MMO using the Dropped Object Procedure Form (including any updated form as provided by the MMO) as soon as reasonably practicable and in any event within 24 hours of the undertaker becoming aware of an incident, unless otherwise agreed in writing with the MMO.

(c) On receipt of notification or the Dropped Object Procedure Form the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the marine environment at the undertaker's expense if reasonable to do so.’

10.8.2 The MMO is currently reviewing the Dropped Object Procedure and there is a potential of a change of wording to align with Marine Directorate - <https://www.gov.scot/publications/offshore-renewables-accidental-deposit-of-an-object-at-sea-form-and-guidance/> (The MMO can PDF this webpage if requested by the ExA). This change should not alter the requirement by the Applicants or any changes to the DML as (b) identifies what should be submitted, it would just be a change in wording.

10.8.3 The aim of this update is to ensure that reports must be made no later than 6 hours after the incident has been discovered for more major ‘deposits’ i.e. those that may be hazardous to shipping and within 24 hours of the incident being discovered in all other cases. A defined list of major deposits cannot be provided due to the nature of the activity. If the Project is in doubt whether an object is a danger/hazard to navigation, then we would encourage them to assume it is and report it within 6 hours as per the condition.

10.8.4 The MMO believes this change does not increase the reporting requirements as for major incidents/deposits the undertakers usually do contact the coastguard in less time than



the 24 hours. All this updated condition is doing is ensuring it is clear for all parties on the expectations should an incident occur and does not believe this is burdensome.

10.9 Schedule 14 Part 2 Condition 20

10.9.1 The MMO is reviewing this condition in light of the updates to UXO clearances.

10.10 Schedule 14 Part 2 Condition 21 Marine Noise Registry (MNR)

10.10.1 The MMO has liaised with the Joint Nature Conservation Committee (JNCC) and will provide an updated condition at Deadline 3.

10.11 Schedule 14 Part 2 Condition 23 Reporting of engaged agents, contractors and vessels

10.11.1 The MMO believes this condition should be updated to include '*unless otherwise agreed in writing with the MMO*' in relation to 24 hours to allow post consent efficiencies when providing this information.

Yours faithfully,

[Redacted Signature]

[Redacted Name]

Marine Licensing Case Officer

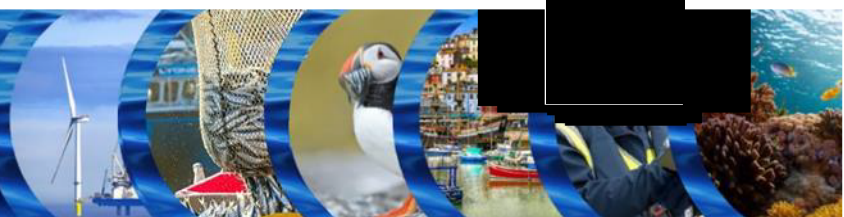
[Redacted Email Address]

[Redacted Email Address] marinemanagement.org.uk



Marine
Management
Organisation

...ambitious for our
seas and coasts



11. 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., Zeddis, 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).

Popper A.N., Hawkins A.D. 2019. An overview of fish bioacoustics and the impacts of anthropogenic sounds on fishes. J Fish Biol. 2019 May;94(5):692-713. doi: 10.1111/jfb.13948. Epub 2019 Apr 5. PMID: 30864159; PMCID: PMC68

