

# **MORGAN AND MORECAMBE OFFSHORE WIND FARMS: TRANSMISSION ASSETS**

**Annex 3.2 to Applicants' Response to WRs from Statutory Consultees:  
Marine Management Organisation**



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## Glossary

Term	Meaning
Applicants	Morgan Offshore Wind Limited (Morgan OWL) and Morecambe Offshore Windfarm Ltd (Morecambe OWL).
Candidate Special Areas of Conservation	Areas that were submitted to the European Commission as candidates for designation as a Special Area of Conservation before the end of the Transition Period following the UK's exit from the EU, but not yet formally designated. See also Special Areas of Conservation.
Development Consent Order	An order made under the Planning Act 2008, as amended, granting development consent.
Environmental Impact Assessment	The process of identifying and assessing the significant effects likely to arise from a project. This requires consideration of the likely changes to the environment, where these arise as a consequence of a project, through comparison with the existing and projected future baseline conditions.
Environmental Statement	The document presenting the results of the Environmental Impact Assessment process.
European Protected Species	Species (such as bats, great crested newts, otters and dormice) which receive full protection under The Conservation of Species and Habitats Regulations 2017 and Conservation of Offshore Marine Habitats and Species Regulations 2017.
Generation Assets	The generation assets associated with the Morgan Offshore Wind Project and the Morecambe Offshore Windfarm include the offshore wind turbines, inter-array cables, offshore substation platforms and platform link (interconnector) cables to connect offshore substations.
Greenhouse gas	A gas that absorbs and emits radiant energy within the thermal infrared range, causing the greenhouse effect. Examples include carbon dioxide and methane.
Habitats Regulations	The Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended).
Kyoto Protocol	The Kyoto Protocol is an international agreement linked to the United Nations Framework Convention on Climate Change, which commits its parties to reducing greenhouse gas emissions by setting internationally binding emission reduction targets, implemented primarily through national measures but also via wider market-based mechanism.
Landfall	The area in which the offshore export cables make landfall (come on shore) and the transitional area between the offshore cabling and the onshore cabling. This term applies to the entire landfall area at Lytham St. Annes between Mean Low Water Springs and the transition joint bay inclusive of all construction works, including the offshore and onshore cable routes, intertidal working area and landfall compound(s).
Local Planning Authority	The local government body (e.g., Borough Council, District Council, etc.) responsible for determining planning applications within a specific area.

Term	Meaning
Marine licence	The Marine and Coastal Access Act 2009 requires a marine licence to be obtained for licensable marine activities. Section 149A of the Planning Act 2008 allows an applicant for to apply for 'deemed marine licences' in English waters as part of the development consent process.
Morecambe OWL	Morecambe Offshore Windfarm Ltd is a joint venture between Cobra Instalaciones y Servicios, S.A. (Cobra) and Flotation Energy Ltd.
Morgan and Morecambe Offshore Wind Farms: Transmission Assets	<p>The offshore export cables, landfall and onshore infrastructure for the Morgan Offshore Wind Project and the Morecambe Offshore Windfarm. This includes the offshore export cables, landfall site, onshore export cables, onshore substations, 400 kV grid connection cables and associated grid connection infrastructure such as circuit breaker compounds.</p> <p>Also referred to in this report as the Transmission Assets, for ease of reading.</p>
Morgan OWL	Morgan Offshore Wind Limited is a joint venture between bp Alternative Energy investments Ltd. and Energie Baden-Württemberg AG (EnBW).
National Policy Statement(s)	The current national policy statements published by the Department for Energy Security and Net Zero in 2023.
Planning Inspectorate	The agency responsible for operating the planning process for applications for development consent under the Planning Act 2008.
Protected species	A species of animal or plant which it is forbidden by law to harm or destroy.
Ramsar sites	Wetlands of international importance that have been designated under the criteria of the Ramsar Convention. In combination with Special Protection Areas and Special Areas of Conservation, these sites contribute to the national site network.
Renewable energy	Energy from a source that is not depleted when used, such as wind or solar power.
Special Areas of Conservation	A site designation specified in the Conservation of Habitats and Species Regulations 2017. Each site is designated for one or more of the habitats and species listed in the Regulations. The legislation requires a management plan to be prepared and implemented for each SAC to ensure the favourable conservation status of the habitats or species for which it was designated. In combination with Special Protection Areas and Ramsar sites, these sites contribute to the national site network.
Special Protection Areas	A site designation specified in the Conservation of Habitats and Species Regulations 2017, classified for rare and vulnerable birds, and for regularly occurring migratory species. Special Protection Areas contribute to the national site network.
The Secretary of State for Energy Security and Net Zero	The decision maker with regards to the application for development consent for the Transmission Assets.
Transmission Assets	See Morgan and Morecambe Offshore Wind Farms: Transmission Assets (above).

# **1 Applicants' response to Written Representations of the Marine Management Organisation**

## **1.1 Introduction**

- 1.1.1.1 Following Deadline 1, Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited (hereafter, 'the Applicants') have taken the opportunity to review each of the Written Representations (WRs) and post hearing submissions received from stakeholders who registered as Interested Parties in the Examination.
- 1.1.1.2 Details of the Applicants' response to each of the Written Representations (WRs) and post hearing submissions of the Marine Management Organisation are set out in the subsequent sections of this Annex 3.2.

## 2 Responses to Written Representations

### 2.1 Marine Management Organisation

**Table 2.1: REP1-086 – Marine Management Organisation**

Reference	Written Representation Comment	Applicants' response
REP1-086 086.1	<p><b>2. Comments on Relevant Representations from other Interested Parties</b></p> <p><b>2.1 General Comments</b></p> <p>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.</p> <p>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.</p>	The Applicants note this comment.
REP1-086 086.2	<p><b>2.2 Natural England (RR-1601)</b></p> <p>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</p>	The Applicants note this comment. The Applicants refer to their response to Natural England's Relevant Representation (PDA-014) and the Applicants Rule 9 – ES assessment of Construction Scenarios (AS-070) and Clarification Note: Construction Scenarios (REP1-060) in relation to these matters. Further the Applicants refer to Sections 7 and 8 of the Applicants' Response to Hearing Action Points: ISH1 6, 8, 9, 19, 26 & 28 (REP1-039) which provides further detail on how Morgan OWL and Morecambe OWL have coordinated and will continue to



Reference	Written Representation Comment	Applicants' response
	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.	coordinate to deliver the Transmission Assets and the rationale for and need to retain the ability within the draft DCO for the projects to construct either sequentially or concurrently.
REP1-086 086.3	<p>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.</p> <p>2.2.3 The MMO recognises that the Applicants responded to this query at Procedural Deadline A (PDA-014), stating <i>"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."</i> The MMO notes this commitment and will keep a watching brief.</p>	The Applicants note this comment. The Applicants also refer the MMO to ISH1_23 in the Applicants' response to Hearing Action Points due at Deadline 1 (REP1-037) which provides further clarity with regards to the Applicants' staged approach to construction of the Transmission Assets.
REP1-086 086.4	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".	The Applicants note this comment and refer the MMO to REP1-086.2 and REP1-086.3 above. In particular, the Applicants refer to paragraph 7.2.3.3 of Annex 5.2 to the Applicants response to Hearing Action Points: ISH1 6, 8, 9, 19, 26 & 28 (REP1-039) with



Reference	Written Representation Comment	Applicants' response
	Therefore, it seems unclear to what extent the transmission assets are intended to be delivered together or strategically.	regards to the Applicants' approach to outline and detailed management plans.
REP1-086 086.5	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.	The Applicants refer to their response to Natural England's Relevant Representation (PDA-014). Further, the Applicants refer to Sections 7 and 8 of the Applicants' Response to Hearing Action Points: ISH1 6, 8, 9, 19, 26 & 28 (REP1-039) which provides further detail on how Morgan OWL and Morecambe OWL have coordinated and will continue to coordinate to deliver the Transmission Assets and the rationale for and need to retain the ability within the draft DCO for the projects to construct either sequentially or concurrently.
REP1-086 086.6	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.	[ ]The Applicants note this comment which relates to Natural England's comments on the Commitments Register (AS-030). The Applicants have provided an updated Commitments Register at Deadline 2 (F1.5.3/F03). The draft Development Consent Order (C1/F04) requirements and conditions are clearly and precisely drafted to deliver the mitigation measures required for the Transmission Assets. The Applicants do not therefore consider that the draft Development Consent Order (C1/F04) requires any further updating in this regard.
REP1-086 086.7	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	The Applicants highlight that the Outline MMMP (J18/F02) has been updated and submitted at Deadline 2 to account for the publication of the updated UXO Joint Position Statement and new Mitigation Outlines (as highlighted by the MMO here, and Natural England in their Relevant Representations).  As set out in PDA-014 (Procedural deadline A Submission - Annex 3.2.7 to Response to RR - Natural England (RR-1601)) the Applicants will follow a mitigation hierarchy for UXO clearance with the preferred approach being to avoid UXOs if

Reference	Written Representation Comment	Applicants' response
	<ul style="list-style-type: none"> <li>• UXO clearance supporting guidance providing more detail for Supporting minimising environmental impacts from unexploded ordnance clearance - GOV.UK</li> <li>• JNCC guidelines for minimising the risk of injury to marine mammals from unexploded ordnance (UXO) clearance in the marine environment   JNCC Resource Hub</li> </ul> <p>The Applicants should review the content of these documents and ensure their assessment and mitigation measures are aligned.</p>	<p>possible, then clear using low order techniques if avoidance is not possible.</p> <p>The Applicants removed high order UXO detonation from the draft DCO (Document reference C1) at Deadline 1. Should high order UXO clearance be required, authorisation would be sought through a separate marine licence. Removal of high order UXO clearance from this DCO is reflected in the updated drafting of the deemed marine licences (DML) in Schedules 14 &amp; 15, Condition 20(1)(b) in the draft DCO (Document reference C1). The Commitments Register (F1.5.3/F03)) has also been updated at Deadline 2 to reflect these changes (see CoT64). The updates also include amendments to make clear that no high order UXO clearance is permitted and to specify the maximum number of low order UXO clearances authorised by each DML.</p> <p>The Applicants highlight that whilst the updated UXO Joint Position Statement and new Mitigation Outlines have been taken into account with regards to mitigation, the publication of these documents makes no material difference to the impact assessment carried out for the assessment of Injury and disturbance from elevated underwater sound during UXO clearance, as set out in Volume 2, Chapter 4: Marine mammals (APP-050).</p>
REP1-086 086.8	<p><b>2.3 Environment Agency (RR-0677)</b></p> <p>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.</p> <p>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</p>	<p>The Applicants welcome the MMO's representation confirming that the majority of the Environment Agency concerns have been responded to at Procedural Deadline A (PDA-010).</p> <p>The EA has confirmed the response provided by the Applicants regarding effects of EMF is appropriate and has closed this issue with the Applicants (REP1-076, 076.4).</p>

Reference	Written Representation Comment	Applicants' response
	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."	
REP1-086 086.9	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.	The Applicants confirm that Requirement 12 of the draft DCO (Document reference C1) has been updated to include the EA as a named consultee.
REP1-086 086.10	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.	The Applicants note this comment.
REP1-086 086.11	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.	The Applicants note this comment. The Applicants note that they have provided a response at Deadline 2 to the Environment Agency's Written Representation in Table 2.1 (REP1-076) of the Applicants' Response to Written Representations of Statutory Consultees(S_D2_3).
REP1-086 086.12	<b>2.4 Historic England (RR-0839)</b>	The Applicants have provided a detailed response on this in The Applicants' Response to Relevant Representations Part 2 at

Reference	Written Representation Comment	Applicants' response
	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.	reference RR-0839 839.2 (PDA-007). The Applicants have also responded on this matter at Deadline 2 in response to the Historic England written representation (see the Applicants response in Table 2.7 in row 082.8 of (S_D2_3)).
REP1-086 086.13	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.	As stated in The Applicants' Response to Relevant Representations Part 2 at reference RR-0839 839.4 (PDA-007), this is noted by the Applicants. It is acknowledged that action to record sites cannot remove the magnitude of the impact on marine archaeology receptors and therefore the significance of effect. However, the primary project mitigation will be avoidance, which would be achieved for known receptors through the implementation of AEZs and for unknown receptors and low potential anomalies through pre-construction site investigation surveys, micro-siting, and other mitigation such as the Protocol for Archaeological Discoveries and Temporary AEZs. These are set out and will be secured within the Outline Offshore WSI and PAD (APP-222) and will be implemented through the detailed Offshore WSI and PAD for archaeology, as secured within Conditions 18(1)(g) and (2) within the deemed marine licences in the draft DCO (Document reference C1).
REP1-086 086.14	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.	The Applicants note this comment. The Applicants note that they have responded to all comments raised in the Historic England written representation (REP1-082) in The Applicants response to Historic England's written representation at Deadline 2 (S_D2_3).

Reference	Written Representation Comment	Applicants' response
REP1-086 086.15	<p><u>Environmental Statement Volume 3, Chapter 5</u></p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>The Applicants note that this comment relates to comments by Historic England against the onshore historic environment. The Applicant has responded to all comments raised in the Historic England written representation (REP1-082) in The Applicants response to Historic England's written representation at Deadline 2 (S_D2_3).</p>
REP1-086 086.16	<p><b>2.5 The Crown Estate (RR-2169)</b></p> <p>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.</p>	<p>The Applicants note this comment.</p>
REP1-086 086.17	<p><b>2.6 The Wildlife Trusts (RR-1655 &amp; RR-2180)</b></p> <p>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</p>	<p>Matters raised by the Wildlife Trust for Lancashire, Manchester and North Merseyside in their written representation (REP1-210) (noting the North West Wildlife Trusts did not submit a written representation) regarding the offshore environment below mean high water springs relate to the following:</p> <ul style="list-style-type: none"> <li>Fylde Marine Conservation Zone and the need for the Applicants to prepare an in-principle Measures of Equivalent Environmental Benefit (MEEB) – The Applicants submitted an</li> </ul>

Reference	Written Representation Comment	Applicants' response
	detail and data necessary to conduct a thorough and reliable evaluation of the potential impacts.	<p>in-principle MEEB at Deadline 1 (see Stage 2 MCZ Assessment (REP1-059)).</p> <ul style="list-style-type: none"> <li>Subsea Construction Noise, where the Wildlife Trusts welcome the Applicants commitments to employing mitigation in line with the latest Government guidelines.</li> </ul> <p>All other matters raised by the Wildlife Trusts in REP1-210 relate to the onshore environment. The Applicants have responded to REP1-210 at Deadline 2 (S_D2_3.5).</p>
REP1-086 086.18	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).	The Applicants note this comment and that the MMO will defer to NE in relation to the inclusion of an in-principle MEEB, which the Applicants submitted into the Examination at Deadline 1 (REP1-059).
REP1-086 086.19	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).	The Applicants have provided a detailed response on this subject within The Applicants' Response to Relevant Representations Part 2 at reference RR-1655 1655.4 (PDA-007). Additionally, please note the Applicants response to REP1-086 086.17 above.
REP1-086 086.20	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.	<p>The Applicants note that the MMO will be keeping a watching brief over UXO matters.</p> <p>Please see the response above to REP1-086 086.7 regarding the Applicants' approach to mitigation for UXO clearance. The Applicants highlight that this is in line with their response to the MMO's RR (RR-1414) (see PDA-013 - Procedural deadline A Submission - Annex 3.2.6 to Response to RR - Marine Management Organisation (RR-1414) at reference RR-141 141.27).</p> <p>The Applicants highlight that as set out in the Outline MMMP (J18/F02), dedicated and trained Marine Mammal Observers will</p>



Reference	Written Representation Comment	Applicants' response
		be used to survey the mitigation zone and conduct 'pre-start searches' and 'post clearance searches' for any UXO clearance (using low order techniques). If required, Passive Acoustic Monitoring (PAM) will also be conducted during pre-start and post-clearance searches (the requirement for PAM will be agreed with the MMO post-consent once relevant activity parameters are known and will be set out in the detailed MMMP(s)). Monitoring will be undertaken in line with the latest JNCC guidelines for minimising the risk of injury to marine mammals from UXO clearance (JNCC, 2025).
REP1-086 086.21	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.	<p>The Applicants have removed high order UXO clearance from the draft DCO ( Document reference C1) (see response above to REP1-086 086.7 for further details). Further, please see the response above to REP1-086 086.7 regarding the Applicants' approach to mitigation for UXO clearance. As such, further mitigation (e.g. bubble curtains) is not required for low order UXO clearance activities.</p> <p>The Applicants highlight that piling is not an activity that will be licenced under the draft DCO (Document reference C1) and was therefore not assessed in the Environmental Impact Assessment. As such the Applicants have given no further consideration to the mitigation suggestions related to piling ("timing of piling, or piling methods in accordance with industry best practice").</p>
REP1-086 086.22	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.	The Applicants note this comment. The Applicants refer to Table 2.86 row RR-1655 1655.5 of The Applicants Response to Relevant Representations Part 2 – Affected parties and statutory consultees (PDA-007) which confirms how appropriate monitoring, including for ecological receptors, has been secured through the draft Development Consent Order (C1/F04).



Reference	Written Representation Comment	Applicants' response
REP1-086 086.23	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.	The Applicants responded to the Wildlife Trusts relevant representations in Table 2.86 (The North West Wildlife Trust) and Table 2.119 (The Wildlife Trust for Lancashire, Manchester and North Merseyside) of Procedural deadline A Submission - 3.2 The Applicants' Response to Relevant Representations Part 2 - Affected parties and statutory consultees (PDA-007).
REP1-086 086.24	<b>2.7 Corporation of Trinity House of Deptford Strond (RR-0442)</b> 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.	The Applicants have addressed comments submitted by Trinity House at Deadline 1 (REP1-209) within the Applicants Response to Written Representations from Statutory Consultees (S_D2_3) at Deadline 2.
REP1-086 086.25	<b>2.8 Maritime and Coastguard Agency (RR-1418)</b> 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.	The Applicants have addressed comments submitted by the Maritime and Coastguard Agency at Deadline 1 (REP1-088) within the Applicants Response to Written Representations from Statutory Consultees (S_D2_3) at Deadline 2.
REP1-086 086.26	<b>2.9 Morecambe Wind Limited (RR-1558), Walney (UK) Offshore Windfarms Limited (RR-2266) &amp; Ørsted Burbo (UK) Limited (RR-2303)</b> 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,	The Applicants specific responses to RR-1558, RR-2266 and RR-2303 was provided within PDA-007 'The Applicants' Response to Relevant Representations Part 2 - Affected parties and statutory consultees'. The Applicants have also provided a response to these entities within their response to the Orsted IPs written representation (REP1-188) in the Applicants Response to Written Representations from Statutory Consultees (S_D2_3) at Deadline 2.

Reference	Written Representation Comment	Applicants' response
	however, the MMO will defer opinion to NE as the leading Statutory Nature Conservation Body (SNCB) on these matters.	
REP1-086 086.27	<p><b>2.10 Newton and Freckleton Marshowners (RR-1611)</b></p> <p>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.</p>	The Applicants note this comment. The Applicants responded to the relevant representation from Newton and Freckleton Marshowners at Table 2.84 within The Applicants Response to Relevant Representations Part 2 – Affected parties and statutory consultees (PDA-007).
REP1-086 086.28	<p><b>2.11 Flyde Borough Council (RR-0705) &amp; South Ribble Borough Council (RR-2027)</b></p> <p>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: <i>"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".</i> The</p>	The Applicants note this comment.

Reference	Written Representation Comment	Applicants' response
	MMO notes this statement and has no further comments to make at this time.	
REP1-086 086.29	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.	The Applicants note this comment.
REP1-086 086.30	<b>2.12 Preston City Council (RR-1775)</b> 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.	The Applicants note this comment.
REP1-086 086.31	<b>2.13 Lancashire County Council (RR-1262)</b> 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 <i>"The majority of potential impacts associated with the construction of the Transmission Assets will be temporary and</i>	The Applicants note this comment.

Reference	Written Representation Comment	Applicants' response
	<i>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.</i>	
REP1-086 086.32	<p><b>2.14 Canal &amp; River Trust (RR-0287)</b></p> <p>2.14.1 The MMO notes that the Canal &amp; 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.</p> <p>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.</p> <p>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</p>	<p>The Applicants note this comment. The Applicants responded to the relevant representation from the Canal &amp; River Trust at Table 2.16 within The Applicants Response to Relevant Representations Part 2 – Affected parties and statutory consultees (PDA-007). The Applicants have also responded to the Canal &amp; River Trust's written representation within the Applicants' Response to Written Representations from Statutory Consultees and other organisations (S_D2_3)] at Deadline 2 and are continuing to engage positively with the Canal &amp; River Trust on the matters they have raised.</p>

Reference	Written Representation Comment	Applicants' response
	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.	
REP1-086 086.33	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.	The Applicants note this comment. Please refer to response to REP1-086 086.32 above.
REP1-086 086.34	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.	The Applicants note this comment. Please refer to response to REP1-086 086.32 above.
REP1-086 086.35	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	The Applicants note this comment. Please refer to response to REP1-086 086.32 above.

Reference	Written Representation Comment	Applicants' response
	MMO will keep a watching brief on any future comments throughout examination.	
REP1-086 086.36	<b>3. Comments on Pre-Examination Procedural Deadline Submissions</b> <b>3.1 PDA-013 The Applicant's Response to Marine Management Organisation</b> 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.	The Applicants note this comment. See Appendix A of this document for the Applicants' Deadline 2 response to MMO's Deadline 1 response set out in Table 1 of MMO Written Representations (REP1-086).
REP1-086 086.37	<b>4. Notification by Statutory Parties of their wish to be considered as an IP by the ExA</b> 4.1.1 The MMO wishes to be considered as an interested party by the ExA. <b>5. Artificial Intelligence (AI)</b> 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. <b>6. Notification of wish to have future correspondence received electronically</b> 6.1.1 The following people request future correspondence is received electronically: <ul style="list-style-type: none"> <li>• Jordana.Chell@marinemanagement.org.uk</li> <li>• Helen.Gunton@marinemanagement.org.uk</li> <li>• Rebecca.reed@marinemanagement.org.uk</li> </ul>	The Applicants note this comment.
REP1-086 086.38	<b>7. Statement of Common Ground (SoCG)</b>	The Applicants note this comment. The Applicants and the MMO submitted an initial SoCG at Deadline 1 (REP1-053).

Reference	Written Representation Comment	Applicants' response
	<p>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.</p> <p>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.</p> <p>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.</p>	
REP1-086 086.39	<p><b>8. Comments from ISH1</b></p> <p>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.</p> <p>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.</p> <p>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</p>	<p>The Applicants confirm that high order UXO clearance was removed from the DCO through amendments to the deemed marine licences in Schedules 14 and 15 of the draft DCO submitted at Deadline 1 (Document reference C1).</p>



Reference	Written Representation Comment	Applicants' response
	that separate marine licences will be required should they need high order UXO clearance.	
REP1-086 086.40	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.	The Applicants note this comment. As set out against ISH1_22 in the Applicants' response to Hearing Action Points due at Deadline 1 (REP1-037), Volume 1, Chapter 3: Project Description of the Environmental Statement has been updated and has been submitted at Deadline 2 (F1.3/F03).
REP1-086 086.41	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.	The Applicants note this comment. The Applicants refer to Appendix B of the Applicants response to Hearing Action Points due at Deadline 1 (REP1-037).
REP1-086 086.42	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.	The Applicants note this comment. See also, the Applicants response to row REP1-086 086.18.
REP1-086 086.43	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.	The Applicants note this comment. The Applicants refer to the Applicants response to Hearing Action Points: ISH1 13, 14, 16, 17 (REP1-040).
REP1-086 086.44	<b>9. Additional Application Documents</b> <b>9.1 APP-218 J13 Outline Fisheries Liaison and Co-existence Plan (FLCP)</b>	9.1.1 The Applicants acknowledge and welcome the MMO's support for the commitment to follow the Fisheries Liaison and Co-existence Plan (FLCP) as secured within the draft DCO (Document reference C1)). The Applicants remain committed to implementing the FLCP in line with best practice to support

Reference	Written Representation Comment	Applicants' response
	<p>9.1.1 The MMO welcomes the Applicants commitment to following the fisheries liaison and co-existence plan within the DMLs.</p> <p>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.</p> <p>9.1.3 The MMO is satisfied that the implementation of FLCPs has been committed to within the DCO Schedules 14 &amp; 15 (CoT62).</p> <p>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).</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>continued engagement and co-existence with the commercial fisheries sector.</p> <p>9.1.2 The Applicants acknowledge the MMO's support regarding the inclusion of the removal of static fishing gear as a licensable activity within the draft DCO (Document reference C1). The Applicants confirm that, as set out in Section 1.4.4 of the Outline FLCP (APP-218), any such activity will be undertaken in accordance with the Fishing Liaison with Offshore Wind and Wet Renewables Group (FLOWW) guidance and in consultation with relevant commercial fisheries stakeholders.</p> <p>9.1.3 The Applicants welcome the MMO's confirmation that the commitment to implement FLCPs is satisfactorily secured within the draft DCO (Document reference C1) under Schedules 14 and 15.</p> <p>9.1.4 The Applicants acknowledge the MMO's comment and welcomes its recognition that key topics specific to commercial fisheries, raised during consultation, have been addressed and considered in the development of the Outline FLCP (APP-218) as detailed in Volume 2, Chapter 6: Commercial Fisheries of the Environmental Statement (APP-054).</p> <p>9.1.5 The Applicants acknowledge and welcomes the MMO's support for the proposed communication and information distribution strategy within the Outline FLCP (APP-218). As noted above in response to 9.1.1, the Applicants are committed to proactive and transparent engagement with commercial fisheries stakeholders to minimise potential interference, promote co-existence and support continued access where safe and practicable. These principles are embedded within the Outline FLCP (APP-218).</p> <p>9.1.6 The Applicants acknowledge the MMO's request and can confirm that the following wording will be included within Section 1.4.3 "Co-existence Procedures" of the Outline FLCP as a new paragraph (1.4.3.2) at Deadline 3: <i>"The MMO will not act as an</i></p>

Reference	Written Representation Comment	Applicants' response
		<p><i>arbitrator or be involved in any commercial negotiations with any association, organisation and/or individual fisheries stakeholders".</i></p> <p>9.1.7 The Applicants acknowledge the MMO's position and welcome continued engagement and input from the NFFO and other relevant interested parties throughout the Examination process.</p>
REP1-086 086.45	<p><b>9.2 APP-219 J14 Outline Cable Burial Risk Assessment</b></p> <p>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.</p> <p>9.2.2 The MMO is still reviewing this document and will provide further comment at Deadline 3.</p>	The Applicants note this comment.
REP1-086 086.46	<p><b>9.3 APP-220 J15 Outline Offshore Cable Specification and Installation Plan</b></p> <p>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.</p> <p>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</p>	<p>9.3.1: With regards to the MMO's comments relating to the mitigation of impacts within and outside benthic designated sites, the Applicants would highlight that the mitigation hierarchy has been applied throughout the pre-application process of design, scoping, Preliminary Environmental Impact Report (PEIR) and Expert Working Group (EWG) consultations. The mitigation hierarchy has been applied to avoid and reduce impacts to benthic habitats, including designated features of the Fylde MCZ as detailed in Table 1.13 within the MCZ Screening and Stage 1 Assessment Report (APP-019). The Applicants refer the MMO to Volume 1, Annex 5.3: Commitments Register of the Environmental Statement (F1.5.3/F03), which documents the mitigation measures ('Commitments') identified through the Environmental Impact Assessment (EIA) process. These measures, adopted by the Applicants, seek to avoid, reduce or</p>

Reference	Written Representation Comment	Applicants' response
	<p>referenced within APP-220, however, these have not been secured within the DCO/DMLs.</p> <p>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.</p> <p>9.3.4 The MMO may provide further comments at Deadline 3.</p>	<p>mitigate potential impacts, where possible. As outlined in the Outline offshore CSIP (J15/F02), and specifically with regards to disposal activities, include these commitments to limit sandwave clearance to up to 5% of the offshore export cable corridor route within the Fylde MCZ (CoT47). The commitments set out in the Outline CSIP are secured through Part 2 - Condition18(1)(e) (Pre-construction plans and documentation) of Schedules 14 and 15 of the draft DCO (Document reference C1), which requires that the construction method statement includes details of cable specification, installation and monitoring in accordance with the outline CSIP.</p> <p>Additionally the Applicants have committed to depositing any material arising from sandwave clearance within the Transmission Assets Order Limits in close proximity to the works and within the licensed disposal sites within the Order Limits, as detailed in the Dredging and Disposal - Site Characterisation Plan (APP-227) (CoT116). This is secured through paragraph 2(g), Part 1 of Schedules 14 and 15 of the draft DCO (Document reference C1). Furthermore the requirements for sandwave clearance will be informed through the undertaking of survey works pre-construction (CoT47).</p> <p>9.3.2: With regards to the MMO's point regarding cable protection in the nearshore, the Applicants have provided further information relating to this at RR-1601 1601.B.17 of the Applicants' response to the Natural England's Relevant Representation (PDA-016).</p> <p>9.3.3: With regards to the MMO's comment relating to cable protection making one linear line of protection, the Applicants have provided further information relating to this at RR-1601 1601.C.17 of the Applicants' response to the Natural England's Relevant Representation (PDA-017). Section 7.2 of the Outline offshore CSIP (J15/F02) states that some of the crossings are in close proximity such as the Havhingsten and Lanis crossings,</p>

Reference	Written Representation Comment	Applicants' response
		<p>which may make it difficult to bury the cable in between crossing points, leading to the potential need for continuous hard protection. The requirements for additional cable protection at crossings are subject to crossing and proximity agreements with existing asset owners, and the Applicants will seek to reduce the exclusion zone around existing cables for burial tools and trenches in consultation with the asset owners to reduce the risk for additional cable protection at these locations, wherever practicable.</p> <p>The MDS for long term habitat loss associated with cable protection for crossings (and ground conditions) is fully assessed in section 2.11.5 of Volume 2, Chapter 2: Benthic subtidal and intertidal ecology (APP-045). Additionally, the Applicants have provided further information relating to the seabed mobility and provision of cable protection at RR-1601 1601.B.16 of the Applicants' response to the Natural England's Relevant Representation (PDA-016). It was outlined that cable protection measures will be tailored to the specific location and installed to ensure compliance with CoT45 (J15/F02) and Condition 2(2) of Schedules 14 and 15 to the draft DCO (Document reference C1) to limit change in water depth to 5% (unless otherwise approved by the MMO in consultation with the Maritime Coastguard Agency). This commitment will therefore also ensure that any cable protection (including for crossings) is of a sufficiently low height in relation to the water column to cause minimal changes to wave climate and tidal flow which are the driving forces of sediment transport and allow sediment transport to continue.</p> <p>To address concerns by Natural England on the Fylde MCZ, the Applicants have updated the Outline offshore CSIP at Deadline 2 (J15/F02) to remove the 'rock dump' option from the cable protection types. Accordingly, the Volume 1, Chapter 3: Project Description of the Environmental Statement has also been updated at Deadline 2 (F1.3/F03) to reflect this new commitment.</p>

Reference	Written Representation Comment	Applicants' response
		9.3.4: The Applicants note this comment.
REP1-086 086.47	<p><b>9.4 APP-221 J16 Measures to minimise disturbance to marine mammals and rafting birds from vessels</b></p> <p>9.4.1 The MMO notes that the Applicants have considered the adoption of a staged approach to the approval of DCO requirements.</p> <p>9.4.2 The MMO requests that unexploded ordnance investigation is clearly defined within pre-construction surveys within 1.2.1.4.</p> <p>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.</p> <p>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.</p>	Measures to minimise disturbance to marine mammals and rafting birds from vessels (J16/F02) has been updated to clearly define UXO investigation as part of the pre-construction surveys, as submitted at Deadline 2.
REP1-086 086.48	<p><b>9.5 APP-222 J17 Outline Offshore Written Scheme of Investigation and Protocol for Archaeological Discoveries</b></p> <p>9.5.1 The MMO defers to Historic England and maintains a watching brief on any DML updates required.</p>	The Applicants note this comment.
REP1-086 086.49	<p><b>9.6 APP-223 J18 Outline Marine Mammal Mitigation Protocol</b></p> <p>9.6.1 The MMO has some minor requests in relation to the layout of the document so that sections are clearly defined:</p> <ul style="list-style-type: none"> <li>• Relevant legislation and any updated guidance should be referred to within this document as part of a separate section;</li> <li>• Noise Abatement Measures are considered in their own section;</li> </ul>	<p>The Outline MMMP has been updated at Deadline 2 (J18/F02), and the Applicants have considered these additional requests from the MMO. The Applicants have provided responses to the individual requests below:</p> <ul style="list-style-type: none"> <li>• “Relevant legislation and any updated guidance should be referred to within this document as part of a separate section”: The Applicants confirm that relevant legislation</li> </ul>



Reference	Written Representation Comment	Applicants' response
	<ul style="list-style-type: none"> <li>• Applicants reporting should be a standalone section; and</li> <li>• Injury to marine mammals from elevated underwater sound should also be a standalone section.</li> </ul> <p>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.</p>	<p>and guidance has been clearly set out in section 1.2 of the Outline MMMP (updated at Deadline 2).</p> <ul style="list-style-type: none"> <li>• “Noise Abatement Measures are considered in their own section”: The Outline MMMP has been updated at Deadline 2 to include “Secondary mitigation measures for high order UXO clearance” under Appendix A. This section of the Outline MMMP provides a summary of measures currently available or likely to be available in the future, which could be applicable to further reducing residual effects from underwater sound from high order UXO clearance if required under separate marine licences. Please see the response above to REP1-086 086.7 regarding the removal of high order UXO clearance from the draft DCO (Document reference C1).</li> <li>• “Applicants reporting should be a standalone section”: The Applicants confirm that the section “Reporting” sets out the approach to submission of the mitigation compliance report to the MMO, and an overview of the details that will be included in this report. The Applicants have set out this section as a standalone section in section 1.7 of the Outline MMMP (updated at Deadline 2).</li> <li>• “Injury to marine mammals from elevated underwater sound should also be a standalone section”: The Applicants highlight that technical background information regarding the potential for injury from elevated underwater sound during UXO clearance has been set out in section 4.11.2 of Volume 2, Chapter 4: Marine mammals of the Environmental Statement (APP-050). This has been signposted to in paragraph 1.1.3.3 of the updated Outline MMMP (updated at Deadline 2). The Applicants believe therefore that to repeat this information in the Outline MMMP is unnecessary, and would take away from the key focus of the Outline MMMP (to set out</li> </ul>



Reference	Written Representation Comment	Applicants' response
		<p>the protocol for mitigation at the Morgan and Morecambe Offshore Wind Farms: Transmission Assets).</p> <p>Further, the Applicants highlight that Figure 1.2 of the Outline MMMP provides an example of a sequence of events and the necessary lines of communication for implementing the Outline MMMP for UXO clearance. The approach to communication will be reviewed and finalised post-consent, and set out in the detailed MMMP(s). However, this would not be considered a variation to the marine licence, and therefore the wording (set out in paragraph 1.5.6.2 of the Outline MMMP (J18/F02), and paragraph 1.6.6.2 of the updated Outline MMMP (updated at Deadline 2)) has been updated to remove any potential confusion on this.</p>
REP1-086 086.50	<p><b>9.7 APP-224 J19 Outline offshore operations and maintenance plan</b></p> <p>9.7.1 Please see comments relating to the Condition 11 in Section 10.5 of this document.</p> <p>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.</p> <p>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.</p>	<p>9.7.1: The Applicants note this comment.</p> <p>9.7.2, 9.7.3 and 9.7.5 – 9.7.8: The Applicants note these comments and will engage with the MMO on the updates required to the Outline Offshore Operations and Maintenance Plan (OOMP) (APP-224) with the aim of submitting an updated Outline OOMP at Deadline 3.</p> <p>9.7.4: Clearance of unexploded ordnance (UXO) has not been assessed as an O&amp;M activity. This will be made clear in the updated Outline OOMP at Deadline 3.</p> <p>9.7.8 (Marine Archaeology): Marine archaeology activities have not been assessed as O&amp;M activities. Most of the archaeological work set out in the Outline Offshore Written Scheme of Investigation and Protocol for Archaeological Discoveries (APP-222) will be undertaken in the pre-construction and construction phases. Monitoring of Archaeological Exclusion Zones (AEZs) undertaken in the O&amp;M phase, where required, would typically use geophysical survey data captured for other purposes and may be considered exempt from requiring a marine licence. If</p>

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	<p>9.7.4 The MMO notes that unexploded ordnance is not part of the O&amp;M activities is this correct. If so please make it clear within Table 1.1.</p> <p>9.7.5 For any cable repairs the maximum volume and footprint should also be included in Table 1.1.</p> <p>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.</p> <p>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.</p> <p>9.7.8 The MMO also requests if any other O&amp;M activity has been assessed:</p> <ul style="list-style-type: none"> <li>• Marine Archaeology</li> <li>• Use of artificial lighting</li> <li>• Recovery of dropped objects</li> <li>• Seabed preparation activities as a result of jack-up operation</li> </ul>	<p>there is an unforeseen archaeological activity that takes place during the O&amp;M phase, for instance following the discovery of an unknown archaeological receptor that requires further investigation, the Applicants would discuss any marine licence requirements with the MMO..</p>
REP1-086 086.51	<p><b>9.8 APP-225 J20 Offshore In Principle Monitoring Plan (IPMP)</b></p> <p>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.</p> <p>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.</p>	<p>The Applicants note this comment and will engage with the MMO on the updates required to the Offshore In-principle Monitoring Plan with the aim of submitting an updated Offshore In-principle Monitoring Plan at Deadline 3.</p>

Reference	Written Representation Comment	Applicants' response
	<p>9.8.3 The MMO requests that any residual effects are included in the document.</p> <p>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.</p> <p>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.</p> <p>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&amp;M phase etc.).</p> <p>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.</p>	
REP1-086 086.52	<p>9.8.8 In addition to the comments regarding the IPMP, the MMO would like further information included within the IPMP.</p> <p>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.</p> <p>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.</p> <p>9.8.11 This will make it easier to compare and collate monitoring data from different projects, and ensure we get the most value</p>	See the Applicants response to row REP1-086 086.51 above.

Reference	Written Representation Comment	Applicants' response
	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
REP1-086 086.53	<p><b>9.9 APP-226 J21 Outline Vessel Traffic Management Plan</b></p> <p>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.</p> <p>9.9.2 The MMO notes that within Chapter 3, the maximum number of vessels for the maximum design parameter for tug 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.</p> <p>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</p>	<p>The Applicants note that the MMO defers to the MCA and Trinity House as the statutory consultees for shipping and navigation matters.</p> <p>The Applicants have responded to each of the MMO points below:</p> <ul style="list-style-type: none"> <li>9.9.2: the Applicants confirm that the Maximum Design Scenario (MDS) for number of tug / anchor handling vessels is three, comprising of two for the Morgan Offshore Wind Project and one for the Morecambe Offshore Windfarm. Document J21 Outline Vessel Traffic Management Plan (APP-226) Table 1.2 mistakenly indicates the MDS is four tug / anchor handling vessels (column six of the table). The number of tug / anchor handling vessels by project is correct (columns one and four),</li> </ul>

Reference	Written Representation Comment	Applicants' response
	<p>Applicants confirm the vessel requirements during offshore operation and maintenance phase.</p> <p>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.</p>	<p>which is also consistent with the MDS provided in the Navigation Risk Assessment (NRA) (APP-057) Section 1.6.3.</p> <ul style="list-style-type: none"> <li>9.9.3: The document J21 Outline Vessel Traffic Management Plan (APP-226) is used for management and safety of marine vessels and their operations for the Project. Whilst aerial traffic such as helicopters and drones may be used for the Project, they are not influential of marine traffic management and are not considered within this document.</li> <li>9.9.4: Similar to the response in 9.9.2 above, Table 1.2 of APP-226 mistakenly lists a total of four tug/anchor handling vessels instead of the correct total of three. The resulting MDS for maximum total number of vessels is therefore 30, not 31. The sub-totals are correct for each project (columns 2 and 4), ie, 19 for the Morgan Offshore Wind Project and 11 for the Morecambe Offshore Windfarm.</li> </ul> <p>The Applicants will provide an updated Outline VTMP at Deadline 3.</p>
REP1-086 086.54	<p><b>9.10 APP-227 J22 Dredging and disposal - site characterisation plan</b></p> <p>9.10.1 The MMO may provide further comments on this document at Deadline 2 or 3.</p> <p>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.</p>	<p>The Applicants note that the MMO may provide further comments on the Dredging and disposal - site characterisation plan (APP-227) at Deadline 2 or Deadline 3. The Applicants have responded to the point regarding updates to the draft DMLs in row REP1-086 086.61 above.</p>
REP1-086 086.55	<p><b>9.11 APP-228 J23 Cable Statement</b></p> <p>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.</p>	<p>The Applicants have responded to each of the MMO points below:</p> <ul style="list-style-type: none"> <li>9.11.1: The Applicants note this comment.</li> <li>9.11.2: The overall cable protection parameters are outlined in Table 3.7 of Volume 1, Chapter 3: Project Description of the Environmental Statement (F1.3/F03) In summary, cable</li> </ul>

Reference	Written Representation Comment	Applicants' response
	<p>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.</p> <p>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.</p> <p>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'.</p>	<p>protection may be required for up to 10% of the whole route, with 3% contingency for cable protection in the Fylde MCZ.</p> <ul style="list-style-type: none"> <li>9.11.3: The Applicants note this comment.</li> <li>9.11.4: The Applicants use of the term 'permanent' in paragraph 1.3.2.1 of the Cable Statement (APP-228) "<i>The permanent offshore infrastructure for the Transmission Assets includes the offshore export cables</i>" simply reflects that the export cables comprise the only infrastructure offshore that would be in place permanently over the life of the project in comparison to offshore infrastructure that would be deployed through the construction phase, such as cable installation tools and vessels that interact with the seabed such as a jack-up vessel. At the end of the lifetime of the project, the offshore infrastructure would be decommissioned in accordance with the Decommissioning Programmes approved under the Energy Act 2004 (as secured in requirement 21 of Schedules 2A and 2B of the draft DCO (Document reference C1)).</li> </ul>
REP1-086 086.56	<p><b>10. Additional comments on DCO/DML</b></p> <p><b>10.1 General comments</b></p> <p>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.</p> <p>10.1.2 The MMO may provide further minor comments at Deadline 3 and will continue to discuss these with the Applicants.</p>	The Applicants note this comment.



Reference	Written Representation Comment	Applicants' response
REP1-086 086.57	<p><b>10.2 Schedule 2 Requirement 1 – Time limits/Lifespan</b></p> <p>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&amp;M) phase.</p> <p>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&amp;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.</p> <p>10.2.3 The MMO is still discussing a position internally and may provide further comments ExA and SoS for consideration during the Examination.</p>	<p>The Applicants approach to EIA which includes setting out an assumed operational lifespan of the Transmission Assets is a standard approach to assessment. The Applicants are not aware of other offshore windfarms that have taken a different approach to their ES.</p> <p>The Applicants do not consider there to be any justification to specify within the DCO or deemed marine licences an end date for the operation and maintenance activities. The Applicants confirmed at Issue Specific Hearing 1 (REP1-035) that it is not standard practice to include a time limit within a DCO on the operational lifetime of a project and that, whilst the Transmission Assets will in practice be limited by the operational lifetime of the Morgan Offshore Wind: Generation Assets and Morecambe Offshore Windfarm: Generation Assets, the Transmission Assets have been considered to be permanent infrastructure, and are assessed within the ES as such, (although the wind farms will be decommissioned at the end of their lifetime).</p> <p>The DCO and DMLs already include sufficient controls over operation and maintenance activities and decommissioning through the various requirements, conditions and management plans. In particular, in relation to offshore activities, the Applicants note that an outline Offshore Operations and Maintenance Plan (OOMP) (APP-224) has been submitted with the Application and Condition 11 of Schedules 14 and 15 of the draft DCO (Document reference C1) requires operational and maintenance activities to be carried out in accordance with the approved OOMPs for each project. Any offshore activities falling outside of this would require a further discussion with the MMO and where necessary, a further marine licence would be sought. This approach reflects that taken for other offshore wind farm DCOs, including most recently, the Rampion 2 Offshore Wind Farm Order 2025 (the Rampion 2 DCO).</p>



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REP1-086 086.58	<p><b>10.3 Schedule 1 Part 2 Article 6 Benefit of the Order</b></p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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?</p> <p>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.</p> <p>10.3.6 Whilst the mechanism is different, what falls out of the DCO process is a marine licence granted under MCAA which is</p>	<p>The Applicants have set out their position clearly in their response to the MMO's relevant representation (PDA-013). The Applicants further note that its position that it is appropriate and necessary to include the ability to transfer or grant the whole of each DML within Article 6 is supported by the decision on the Rampion 2 DCO. During the Examination of the Rampion 2 DCO, the MMO put forward their position on the transfer of the benefit article and asked the Secretary of State to make a clear determination on the matter. Both the ExA Recommendation Report and the Secretary of State Decision Letter for the Rampion 2 DCO support the Applicants' position. Specifically, the Applicants point to section 7.4 of the Recommendation Report and paragraph 6.23 of the Decision Letter. Paragraph 6.23 of the Decision Letter states:</p> <p><i>"The MMO stated at the ISH2 [REP4-072] that it wanted the Secretary of State to consider this a test case of its argument. The ExA sets out its assessment in detail [ER 7.4.4 et seq]. The Secretary of State has considered the MMOs position. However, the Secretary of State agrees with the ExA that Article 5 should be retained because it does not just deal with deemed marine licenses, but all other licences required to construct the Proposed Development, and the purpose of the PA2008 is to provide a simple one-stop shop process for obtaining consent for national infrastructure projects and to have one legal instrument, the Recommended Order, as its control."</i></p> <p>The relevant extracts of the Rampion 2 Recommendation Report and Decision Letter are appended to this response at Appendix B.</p> <p>The Applicants note that the Secretary of State included some additional drafting in Article 5 of the Rampion 2 Order requiring the Secretary of State to consult with the MMO and have regard to responses before giving consent to the transfer or grant to another person of the benefit of the deemed marine licences. The</p>

Reference	Written Representation Comment	Applicants' response
	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.	Applicants have updated Article 6(5)(b) of the draft DCO at Deadline 2 to align with this drafting (Document reference C1).
REP1-086 086.59	<p>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.</p> <p>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.</p> <p>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</p>	

Reference	Written Representation Comment	Applicants' response
	<p>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.</p> <p>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.</p>	
REP1-086 086.60	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	

Reference	Written Representation Comment	Applicants' response
	<p>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.</p> <p>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):</p> <p><i>“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).”</i></p> <p>10.3.17 Therefore, the transfer and variation completed by the MMO is the right and proper way to amend the DML.</p> <p>10.3.18 As per Section 72 (7) &amp; (8) of the Marine and Coastal Access Act 2009 (MCAA 2009):</p> <p><u>Variation, suspension, revocation and transfer</u></p> <p><i>...(7)On an application made by a licensee, the licensing authority which granted the licence—</i></p> <p><i>(a)may transfer the licence from the licensee to another person, and</i></p> <p><i>(b)if it does so, must vary the licence accordingly.</i></p> <p><i>(8)A licence may not be transferred except in accordance with subsection (7).</i></p> <p>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</p>	

Reference	Written Representation Comment	Applicants' response
	<p>licence whilst that variation takes place, depending on what the nature of the required variation would be.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
<p>REP1-086 086.61</p>	<p><b>10.4 Schedule 14 Part 1, Paragraph 2(f) and Part 2, Condition 16(5)– Disposal sites</b></p> <p>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.</p> <p>10.4.2 Should the disposal site reference be provided Paragraph 2a and Condition 10(5) should be updated to the following:</p>	<p>The Applicants note the MMO's proposed drafting and will continue to discuss this with the MMO during Examination.</p>

Reference	Written Representation Comment	Applicants' response
	<p><u>... (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.</u></p> <p><u>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.</u></p> <p>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.</p>	
REP1-086 086.62	<p><b>10.5 Schedule 14 Part 2 Condition 11 Maintenance of the authorised scheme</b></p> <p>10.5.1 Alongside comments in Table 1, 11 (3) should be updated to:</p> <p><i>'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.'</i></p> <p>10.5.2 11(4) should be removed as per the comments within Table 1.</p> <p>10.5.3 In 11(4) <i>'All operation and maintenance activities must be carried out in accordance with the approved plan.'</i> should be updated to a sub return.</p>	<p>The Applicants do not consider that condition 11(3) requires updating or that Condition 11(4) should be removed or amended. The drafting in 11(3) and 11(4) together make clear that all operations and maintenance activities must be carried out as approved. As per RR-1414 1414.19 of the Applicants' response to the Marine Management Organisations Relevant Representation (PDA-013) it is considered necessary and reasonable to include determination timescales for the MMO and sufficient flexibility has been included in the drafting to allow for extensions of time where required.</p>



Reference	Written Representation Comment	Applicants' response
REP1-086 086.63	<p>10.5.4 In addition to this the following should be added as a new sub condition</p> <p><i>'(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.</i></p> <p><i>(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.</i></p> <p><i>(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—</i></p> <p><i>(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</i></p> <p><i>(b) reconfirm the applicability of the methodologies and frequencies of the licensed activities permitted by this licence for the duration of this licence.</i></p>	<p>The Applicants have updated Schedules 14 and 15 of the draft DCO (Document reference C1) to include these additional sub-paragraphs at Condition 11. However, the Applicants note that the timing for submission of the consolidated maintenance report has been set as 'every fifth year' to align with the Morgan Generation Assets draft DCO and the Morecambe Generation Assets draft DCO.</p>
REP1-086 086.64	<p><b>10.6 Schedule 14 Part 2 Condition 14 Notifications and Inspections</b></p> <p>10.6.1 The MMO requests that Condition 14(1)(b) is updated to ensure the undertaker submits the confirmation rather than those persons.</p> <p>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</p>	<p>10.6.1: The Applicants note that the drafting in Condition 14(1)(b) is standard and reflective of that included in offshore wind DCOs including most recently the Rampion 2 DCO. Condition 14(1)(b) requires the undertaker to ensure those specified in 14(1)(a) confirm receipt direct to the MMO which is logical given the undertaker is not itself the person in receipt of the copies of the licence.</p> <p>10.6.2: The Applicants have updated Condition 14(6) to provide that 14 days' notice of commencement of licensed activities is given to the MMO local office.</p>

Reference	Written Representation Comment	Applicants' response
	<p>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.</p> <p>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</p> <p><i>'(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 (<a href="https://kingfisherbulletin.org/submit-notice">https://kingfisherbulletin.org/submit-notice</a>) and sent to <a href="mailto:kingfisher@seafish.co.uk">kingfisher@seafish.co.uk</a>—</i></p> <p><i>(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</i></p> <p><i>(b) as soon as reasonably practicable and no later than 24 hours after completion of the authorised scheme</i></p> <p><i>and confirmation of notification must be provided to the MMO within five days.'</i></p> <p>10.6.4 Condition 14(9) should be updated to <i>'...at least fourteen days before any planned operations and maintenance works...'</i></p>	<p>10.6.3: The Applicants have updated Condition 14(7) as requested.</p> <p>10.6.4: Regarding the MMO comment against Condition 14(9), the Applicants consider that 5 days notification is reasonable and proportionate and aligns to drafting in other offshore wind DCOs including most recently the Rampion 2 DCO.</p>
REP1-086 086.65	<p><b>10.7 Schedule 14 Part 2 Condition 16(1) Chemicals, drilling, debris</b></p> <p>10.7.1 The MMO requests Condition 16(1) is to be removed and Condition 18(1)(f) should be updated to the following:</p> <p><i>'...(f) an offshore environmental management plan covering the period of construction and operation to include details of—</i></p> <p><i>(i) a marine pollution contingency plan to address the risks, methods and procedures to deal with any spills and collision</i></p>	<p>[10.7.1: The Applicants have updated Condition 16 of Schedules 14 and 15 of the draft DCO (Document reference C1) to remove sub-paragraph 1. The Applicants note that Applicants have updated Condition 18(1)(f)(i) is already included in Schedules 14 and 15 of the draft DCO (Document reference C1).</p> <p>The Applicants have updated Condition 18(1)(f)(ii) of Schedules 14 and 15 of the draft DCO (Document reference C1) and added</p>

Reference	Written Representation Comment	Applicants' response
	<p><i>incidents during construction and operation of the authorised scheme in relation to all activities carried out;</i></p> <p><i>(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;</i></p> <p><i>(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></p> <p><i>(i) the function of the chemical;</i></p> <p><i>(ii) the quantities being used and the frequency of use;</i></p> <p><i>(iii) the physical, chemical, and ecotoxicological properties of the chemical,</i></p> <p><i>unless otherwise agreed in writing by the MMO.</i></p> <p><i>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;</i></p> <p><i>Submissions for approval must take place no later than ten weeks prior to use...'</i></p> <p>10.7.2 This would also include adding the following definitions to the 'interpretation' section of the DML:</p> <p><i>"pathway to the marine environment" open systems or closed systems that require top up.</i></p> <p><i>"chemicals" comprise both substances and preparations.</i></p> <p><i>"preparation" means a mixture or solution composed of two or more substances</i></p> <p><i>"substance" means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including</i></p>	<p>Condition 18(1)(f)(iii) to reflect the changes requested by the MMO'.</p>

Reference	Written Representation Comment	Applicants' response
	<p><i>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.</i></p> <p>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.</p> <p>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.</p> <p>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.</p>	
REP1-086	10.7.6 For all chemicals, written approval from the MMO must be obtained before their use, regardless of the risk of entering the	

Reference	Written Representation Comment	Applicants' response
086.66	<p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	

Reference	Written Representation Comment	Applicants' response
	<p>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.</p> <p>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.</p> <p>10.7.11 The MMO further includes clarity on where other regulations/ agreements exempt chemicals from this process.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	



Reference	Written Representation Comment	Applicants' response
	<p>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.</p> <p>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.</p>	
REP1-086 086.67	<p><b>10.8 Schedule 14 Part 2 Condition 16 (10) – Dropped Objects</b></p> <p>10.8.1 The MMO requests this condition is updated to the following wording that has been agreed with the MCA:</p> <p><i>'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), and the UK Hydrographic Office email: <a href="mailto:navwarnings@btconnect.com">navwarnings@btconnect.com</a>.</i></p> <p><i>(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.</i></p> <p><i>(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.'</i></p>	The Applicants have updated Condition 16 of Schedules 14 and 15 of the draft DCO (C01/F04) to incorporate these proposed amendments.

Reference	Written Representation Comment	Applicants' response
	<p>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 - <a href="https://www.gov.scot/publications/offshore-renewables-accidental-deposit-of-an-object-atsea-form-and-guidance/">https://www.gov.scot/publications/offshore-renewables-accidental-deposit-of-an-object-atsea-form-and-guidance/</a> (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.</p> <p>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.</p> <p>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.</p>	
REP1-086 086.68	<p><b>10.9 Schedule 14 Part 2 Condition 20</b></p> <p>10.9.1 The MMO is reviewing this condition in light of the updates to UXO clearances.</p>	The Applicants note this comment.
REP1-086 086.69	<p><b>10.10 Schedule 14 Part 2 Condition 21 Marine Noise Registry (MNR)</b></p>	The Applicants note this comment. The Applicants will review the MMO and JNCC's drafting proposals following receipt at Deadline 3.

Reference	Written Representation Comment	Applicants' response
	10.10.1 The MMO has liaised with the Joint Nature Conservation Committee (JNCC) and will provide an updated condition at Deadline 3.	
REP1-086 086.70	<b>10.11 Schedule 14 Part 2 Condition 23 Reporting of engaged agents, contractors and vessels</b> 10.11.1 The MMO believes this condition should be updated to include ' <i>unless otherwise agreed in writing with the MMO</i> ' in relation to 24 hours to allow post consent efficiencies when providing this information.	The Applicants have updated Condition 23 of Schedules 14 and 15 of the draft DCO (C01/F04) to incorporate this proposed amendment.

### 3 Appendices

#### 3.1 Appendix A – Response to Table 1: MMO Response to Applicants Pre-Examination Procedural Deadline A Submission to the MMO

**Table 3.1: Response to Table 1: MMO Response to Applicants Pre-Examination Procedural Deadline A Submission to the MMO**

Reference	MMOs Deadline 1 Response	Applicants' response at Deadline 2
RR-1414-01	The MMO has no further comments.	The Applicants note this comment.
RR-1414-02	<p>The MMO welcomes the Applicants commitment to remove high order UXO 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>	The Applicants note this comment. The Applicants will review any further comments provided by the MMO at Deadline 3. The Applicants have submitted an updated Outline Marine Mammal Mitigation Protocol (J18/F02) at Deadline 2.
RR-1414-03	<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>	The Applicants note this comment. The Applicants will review any further comments provided by the MMO at Deadline 3.
RR-1414-04	The MMO welcomes this clarification and has no further comments.	The Applicants note this comment.
RR-1414-05	<p>The MMO has reviewed the Marine Policies Tracker (APP-235) and is content that these have been adequately updated.</p> <p>The MMO will keep a watching brief and provide comments on any further updates throughout examination.</p>	The Applicants note this comment.

Reference	MMOs Deadline 1 Response	Applicants' response at Deadline 2
RR-1414-06	Please see Section 10.3 of this document for further comments.	Please see response above at [REP1-086 086.58].
RR-1414-07	Please see Section 10.3 of this document for further comments.	Please see response above at [REP1-086 086.58].
RR-1414-08	Please see Section 10.3 of this document for further comments.	Please see response above at [REP1-086 086.58].
RR-1414-09	Please see Section 10.3 of this document for further comments.	Please see response above at [REP1-086 086.58].
RR-1414-10	Please see Section 10.3 of this document for further comments.	Please see response above at [REP1-086 086.58].
RR-1414-11	Please see Section 10.3 of this document for further comments.	Please see response above at [REP1-086 086.58].
RR-1414-12	Please see Section 10.3 of this document for further comments.	Please see response above at [REP1-086 086.58].
RR-1414-13	Please see Section 10.3 of this document for further comments.	Please see response above at [REP1-086 086.58].
RR-1414-14	Please see Section 10.3 of this document for further comments.	Please see response above at [REP1-086 086.58].
RR-1414-15	Please see Section 10.3 of this document for further comments.	Please see response above at [REP1-086 086.58].
RR-1414-16	Please see Section 10.3 of this document for further comments.	Please see response above at [REP1-086 086.58].
RR-1414-17	Please see Section 10.3 of this document for further comments.	Please see response above at [REP1-086 086.58].
RR-1414-18	<p>The MMO strongly considers that the activities authorised under the DCO and DML 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>	<p>The Applicants note that the definition of 'Maintain' has already been updated in Article 2 and in the DMLs contained in Schedules 14 and 15 of the draft DCO submitted at Deadline 1 (Document reference C1) in line with the Applicants' response to Natural England - Appendix A (PDA-015).</p>
RR-1414-19	The MMO acknowledges the Applicant's comments. The MMO has two concerns with timelines.	The Applicants updated condition 19(1) of Schedules 14 and 15 of the draft DCO at Deadline 1 (Document reference C1) to provide that all pre-construction documents listed in condition 18 must be submitted for approval at least 6 months before the intended commencement of licensed activities. This drafting update was

Reference	MMOs Deadline 1 Response	Applicants' response at Deadline 2
	<p>1. Approval timescale (Schedule 14, Part 2, Condition 19(2) and similar conditions in Schedule 15, 16, &amp; 17 and throughout the DML).</p> <p>2. 4-month submission timescale throughout Condition 19 and throughout the DML.</p> <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 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 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>already made in response to Natural England's Relevant Representation (PDA-015).</p> <p>As per RR-1414 1414.19 of the Applicants' response to the Marine Management Organisation's Relevant Representation (PDA-013) it is considered necessary and reasonable to include determination timescales for the MMO and sufficient flexibility has been included in the drafting to allow for extensions of time where required.</p>



Reference	MMOs Deadline 1 Response	Applicants' response at Deadline 2
	<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 how that would impact on the MMO's regulatory function.</p> <p>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>	
RR-1414-20	<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 Applicants have set out their position at RR-1414 1414.20 of the Applicants' response to the Marine Management Organisation's Relevant Representation (PDA-013). The Applicants maintain that the drafting of this Condition is sufficiently clear and precise and is well precedented, noting that this drafting has most recently been retained in the Rampion 2 DCO.</p>

Reference	MMOs Deadline 1 Response	Applicants' response at Deadline 2
	<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>	
RR-1414-21	Nothing further to add.	The Applicants note this response.
RR-1414-22	<p>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 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 agree s 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>	The Applicants confirm that amendments have been made to the deemed marine licences in Schedules 14 and 15 of the draft DCO submitted at Deadline 1 (Document reference C1) to remove high order UXO clearance.
	<p>The Applicants ha v e 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>The Applicants confirm the MMO's understanding in relation to how the Transmission Assets and Generation Asset DCOs could be brought forward. The Applicants further confirm it is committed to working collaboratively where practical and reasonable to so and refers to Annex 5.2 to the Applicant's response to Hearing Action Points: ISH1 6, 8, 9, 19, 26 &amp; 28 (REP1-039) for further information on this.</p>

Reference	MMOs Deadline 1 Response	Applicants' response at Deadline 2
	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.	
RR-1414-23	<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 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 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</p>	

Reference	MMOs Deadline 1 Response	Applicants' response at Deadline 2
	of shoreline retreat; and whether the natural realignment is factored into the landfall location and burial depth design.	
RR-1414-24	<p><b>4.4.3</b></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 and construction noise, groups 3 and 4 fishes were modelled together using the appropriate thresholds from Popper et al. (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><b>4.4.4</b></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 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 (&lt;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>4.4.3: The Applicants welcome the agreement from the MMO that this matter is closed.</p> <p>4.4.4: The Applicants welcome the response to these points (as addressed in response to RR-1414 1414.24 in PDA-013) and awaits confirmation of closure.</p> <p>4.4.5 and 4.4.6: The Applicants welcome the MMO confirming that seasonal restrictions are not required for UXO clearance in the DCO.</p> <p>4.4.7: The Applicants welcome this response from the MMO.</p> <p>4.4.8 and 4.4.9: As per 4.4.5 and 4.4.6 above, the Applicants welcome the MMO confirmation that seasonal restrictions are not required.</p>

Reference	MMOs Deadline 1 Response	Applicants' response at Deadline 2
	<p>The MMO will confirm closure of this issue on review of the updated documents submitted at Deadline 1.</p> <p><b>4.4.5 &amp; 4.4.6</b></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 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><b>4.4.7</b></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><b>4.4.8 &amp; 4.4.9</b> have been addressed above.</p>	
RR-1414-25	<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 relation to any concerns on commercial shellfisheries and may provide comments in future responses.</p>	<p>The Applicants welcome this response and note that the MMO may provide further comments at the future Deadlines in relation to their concerns on commercial shellfisheries.</p>

Reference	MMOs Deadline 1 Response	Applicants' response at Deadline 2
RR-1414-26	<p><b>4.6.1</b> The MMO welcomes the Applicant's response. The MMO is reviewing this internally and will provide a response at Deadline 3.</p> <p><b>4.6.2</b> The MMO welcomes this engagement and will maintain a watching brief on the discussions. The MMO has provided comments on the FLCP in Section 9.1 of this document.</p>	<p>4.6.1: The Applicants acknowledge that the MMO may provide further response at Deadline 3.</p> <p>4.6.2: The Applicant acknowledges the MMO's response and refers the MMO to its detailed response provided in REP1-086 086.44 above.</p>
RR-1414-27	<p><b>4.7.2 &amp; 4.7.3</b> The MMO is still reviewing this information and will provide a response at Deadline 3.</p>	The Applicants acknowledge that the MMO may provide further response at Deadline 3.
RR-1414-28	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 watching brief on any navigational issues.	The Applicants note this response.
RR-1414-29	The MMO will maintain a watching brief on any issues relating to the DML in relation to ornithology.	The Applicants note this response.
RR-1414-30	The MMO will maintain a watching brief on any issues relating to the DML in relation to Marine Heritage.	The Applicants note this response.
RR-1414-31	The MMO will maintain a watching brief on any issues relating to the DML in relation to Seascape.	The Applicants note this response.
RR-1414-32	The MMO has provided further comments in Section 9 below.	The Applicants note this response.
RR-1414-33	<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>	The Applicants note that the MMO may provide further comments at Deadline 2 or 3 in relation to removal of high order UXO clearances from the project.
RR-1414-34	The MMO will maintain a watching brief.	The Applicants note this response.



Reference	MMOs Deadline 1 Response	Applicants' response at Deadline 2
RR-1414-35	The MMO will maintain a watching brief on the assessments. 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.	The Applicants note that the MMO may provide further comments at Deadline 3 in relation to their protection legislative requirements on the impacted MCZ.
RR-1414-36	The MMO has no further comments on herring spawning. Further comments have been provided in row RR-1414-24.	The Applicants welcome this response.
RR-1414-37	The MMO has no further comments	The Applicants welcome this response.

## 3.2 Appendix B – Response to REP1-086 086.58: Relevant extracts of the Rampion 2 Recommendation Report and Decision Letter

### Extract from the Examining Authority's Recommendation Report for Rampion

#### Article 5 – Benefits of the Order

- 7.4.2 The MMOs position is summarised in its written submission at Deadline 4 [REP4- 088], following a discussion on the topic at ISH2 [REP4-072]. In summary, the MMO does not consider that it should be bound by Article 5. This is because it says it is a duplication of powers already contained within s72(7) and (8) of the MCAA2009. This states:
- (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).
- 7.4.3 The MMO [REP4-088] is of the view that s72(7) and (8) should be the only applicable legislation in respect to the transfer of a licence. It contends that the MCAA's purpose is precisely to control licensing and that granting the said power in this Order, which would then disapply s72(7) and (8) of the MCAA, not only undermines the primary legislation, but also places additional and unnecessary burdens on the Applicant. The MMO further considers that the MCAA makes no provision for temporary transfers of licences and that the practice is unlawful. Furthermore, the MMO considers Article 5 undermines its role in a transfer process, placing all the power and responsibility with the Secretary of State rather than itself, which is the case in the MCAA. The MMO accepts that other Orders have used similar wording. However, it stated at the ISH2 [REP4-072] that it wanted the Secretary of State to consider this a test case of its argument.
- 7.4.4 The Applicant provided a comprehensive response to the MMO at Deadline 5 [REP5-122]. It stated that it is imperative that the Undertaker has certainty over the ability to transfer or grant the benefit of either of the DMLs to a third party contemporaneously with the transfer of the DCO in order that the same entity has the benefit of and liability under both the DCO and the associated DMLs at all material times. If separate entities had the benefit/liability of the DCO and the marine licence it would risk delaying delivery of the project (since both consents are required), create uncertainty in the enforcement regime, and frustrate the "one stop shop" approach to the ability to deem marine licences to be granted alongside the DCO itself.
- 7.4.5 The Applicant noted [REP5-122] that whilst the MMO has indicated that it has never refused an application to transfer a marine licence, it is not prevented from doing so, and further there are no statutory timescales within which a

decision must be made on an application. The undertaker could be left waiting for some time for confirmation that its application has indeed been processed with uncertainty as to whether the transferee or lessee does have authority to carry out licensed marine activities.

- 7.4.6 While the ExA accepts that Article 5 of the Order may be more onerous on the Applicant, the ExA considers that Article 5 does not just deal with deemed marine licenses, but all other licences required to construct the Proposed Development, and therefore must be fit for purpose for those eventualities. The ExA's concern is that the MMO's position in this matter strikes at the very heart of the PA2008 and its purpose, which is to provide a simpler one-stop shop process for obtaining consent for national infrastructure projects and to have one legal instrument, the Recommended Order, as its control. The MMO does not make any comment on its position and how this sits within the PA2008.
- 7.4.7 For these reasons, the ExA does not therefore share the MMO's concern and does not recommend it is made exempt from Article 5. However, should the Secretary of State disagree, the following amendments would need to be made to the final draft DCO [REP6-007]:
- Delete Article 5(3).
  - Delete Article 5(6).
  - Remove references to the MMO in Article 5(9)
  - Replace Article 13 with “(13) *This Article does not apply to the MMO*”.
- 7.4.8 Turning to the issue of temporary transfer of the DML for a limited time-period, (Article 5(3)(b)) of the Recommended DCO. At ISH2 [REP4-072] the ExA questioned the MMO whether the MCAA2009 prohibited temporary licence transfers, or whether it was instead just silent on the matter. The MMO response was emphatic that the MCAA2009 did not permit temporary transfers of licences, only to transfer the licence from the licensee to another person. Therefore, Article 5(3)(b) was, in effect, unlawful.
- 7.4.9 In its Deadline 4 written response [REP4-088], the MMO stated that the only precedent for this provision which the MMO has found was in the Sizewell C DCO, (to the extent that whether that power applies to DMLs is unclear). The Sheringham and Dudgeon Order made no such provision for the undertaker to grant a DML for a limited period of time. The MMO further stated that the Applicant had not explained why these provisions are necessary or why a departure from the statutory provisions within the MCAA2009 is justified. The MMO further stated that should the Secretary of State disagree and wish to retain the power for the temporary transfer of the DML for a time-limited period, an additional paragraph would be needed to revert the licence to the undertaker at the end of that period.
- 7.4.10 The Applicant provided a response to the MMO's Deadline 4 written submission at Deadline 5 [REP5-122]. It stated that in other ExA recommendation reports and Secretary of State decision letters, similar MMO representations did not include extensive rationale for the transfer provisions. However, it stated that it was clear that the MMO had presented its argument for exclusion of these provisions in the various Orders, but the ExA and the

Secretary of State had been unpersuaded to change them. The Applicant further stated that the inclusion of the transfer provisions is considered necessary and appropriate for inclusion to facilitate the efficient delivery of the Proposed Development and its subsequent operation, including the required transfer of transmission assets to the Offshore Transmission Owner, without threat of enforcement action due to delays in processing of an application by the MMO.

- 7.4.11 The ExA considers that the key issue between the MMO and the Applicant is whether a time-limited transfer is lawful, rather than whether the Applicant has justified the need for such power and provision in the Recommended DCO. Whilst s72(7) of the MCAA2009 refers to the transfer of a lease, the term “*transfer*” is not defined and does not necessarily imply permanency. Accordingly, the ExA considers that the MCAA2009 does not necessarily prohibit the time-limiting of transfers and the MMO offered no legal explanation where its view has taken precedence. In any event, s72(7) and (8) of the MCAA would be disapplied in the Recommended DCO.
- 7.4.12 Furthermore, the ExA notes that such provisions similar to Article 5(3)(b) have been allowed by the Secretary of State in the Hornsea 4 Order, the East Anglia One North Order and the East Anglia 2 Order. While no such power exists on the Hornsea 3 Order or within the Sheringham and Dudgeon Order, this does not suggest the Secretary of State took a different view on those Orders on the lawfulness of time-limited transfers.
- 7.4.13 The Applicant has stated that the provisions contained in Articles 5(2) and 5(3) are necessary to construct the Proposed Development. The ExA has no reason to disagree and considers there to be no obvious or legal reason why Article 5(3)(b) should be removed for the Order. Therefore, the ExA does not accept the MMO’s position on this matter. However, should the Secretary of State disagree, Article 5(3)(b) can be excised without any other consequence for the Article as drafted.
- 7.4.14 The MMO [REP4-088] stated that should the Secretary of State disagree with its position on the matters concerning Article 5, it nonetheless objected to the drafting of Article 5 which it felt gave too much leeway to the Undertaker (earlier versions of Articles 5(2) and 5(3) of the draft DCO did not exclude the DML, which the MMO deemed as unprecedented). In addition, the MMO felt that Article 5 in practice excluded the MMO from the process of an application to transfer or grant a licence temporarily, and there was no obligation on the Secretary of State to seek the views of or take into consideration its comments.
- 7.4.15 To resolve these concerns, the ExA put forward a number of suggested changes to Article 5 in its Schedule of Changes to the draft DCO [PD-013], which are set out in Table I below; the reference column indicating the list number within the ExA’s Schedule of Changes.

**Table 3.2: Summary of ExA's Schedule of Changes to the draft DCO in respect to Article 5**

No.	Ref.	Paragraph in Question	Summary of Change	App response [REP5-121]	MMO Response [REP5-146]
1	3, 4, 5	Article 5(2)(b), 5(3)(b) and 5(6)	Replace " <i>grant</i> " with " <i>transfer</i> " in respect to Articles 5(2)(b), 5(3)(b) and 5(6) for temporary transfers. This is discussed in more detail below.	Not amended	Continues to support the sole use of " <i>transfer</i> "
2	3	Article 5(2)(a) and (b)	Insert " <i>(excluding the deemed marine licences)</i> " in relation to the powers in the Article, which the MMO stated [REP4-088] were unprecedented.	Amended	Supported
3	4	Article 5(3)(a) and (b)	Insert " <i>granted under Schedules 11 and 12 of this Order</i> " to reinforce that the DMLs mean Schedules 11 and 12 of the Recommended DCO.	Amended	Supported
4	5	Article 5(6)	Insert " <i>on receipt of a request under paragraphs (2) and (3) the Secretary of State must consult the MMO and must have regard to its response...</i> " to strengthen the role of the MMO in the licence transfer process.	Amended with caveat of 28-day time period	Supported
5	6	Article 5(8)	Insert new subparagraph (d) " <i>in the cases of (a)(b) and (c) the MMO has been consulted and has raised no objections.</i> "	Not amended but removed subparagraph (b) instead.	Not commented

7.4.16 The above changes sought to tighten the Article and give greater assurance to the MMO should a transfer be requested. The Applicant accepted all (except No.1 above). The ExA has noted the MMO's response to these changes [REP5-146] and considers the matters resolved.

7.4.17 In respect to Article 5(8), which relates to the exclusions where Articles 5(2) and 5(3) would not apply, the draft DCO at Deadline 4 [REP4-004] included a subparagraph (b) which allowed a transfer where "*the transferee or lessee is a holding company or subsidiary of the Undertaker.*" The ExA expressed concern [PD013] that it was not clear whether such a holding company or subsidiary of the undertaker is a responsible holder of a DML. The ExA's solution was to ensure such provision had the approval of the MMO through the insertion of a new subparagraph (d). The MMO in its Deadline 5 response [REP5-146] stated that it did not understand the ExA's reasoning for the change. However, the Applicant response was to delete the offending subparagraph (b) instead. The ExA is content with this change and considers the MMO to be equally satisfied.

7.4.18 Turning to this issue of the terms "*transfer*" versus "*grant*". The MMO considered [REP4-088] both a permanent and temporary granting of the licence should refer to "*transfer*" because the word "*grant*" suggests the Applicant is in effect taking over the responsibilities of the MMO as the regulator; that is to say, only the MMO should have the power to "*grant*" marine licences.

7.4.19 In its response at Deadline 5 [REP5-121], the Applicant stated that the terminology is considered appropriate in the context of an arrangement whereby a third party, a lessee, is afforded the ability to exercise some or all of the powers under the Order for a limited period of time, but with the undertaker



still retaining a residual interest, benefit and liability according to the terms of the grant. The Applicant stated that the term “*transfer*” relates to the transfer of the entirety of the benefit and liability being transferred. The Applicant stated that the term “*grant*” is consistent with Article 5(1)(b) of the Model Provisions and with the wording in Article 5(2) of the Sheringham and Dudgeon Order in addition to numerous previously made DCOs for offshore wind farms and other infrastructure developments. The MMO retains its objection at the close of the Examination [REP5-146 and REP6-302].

- 7.4.20 The Cambridge Dictionary defines the verb “*grant*” as “*to give or to allow someone something, usually in an official way*”. The term “*transfer*” is defined as “*to make something the legal property of another person*”. Looking at the definitions in their basic terms, the ExA considers that the term “*transfer*” implies a degree of permanency within its meaning, whereas “*grant*” does not. In such circumstances, it would therefore be correct that a temporary licence should be “*granted*” and not “*transferred*”.
- 7.4.21 The Secretary of State will note that there appears to be no precedence for any previous Orders that have substituted the word “*grant*” with “*transfer*” in respect to temporary leases. Indeed, the MMO accepts, as stated above, that this is a test case for the Secretary of State to consider. Because of this and the dictionary definitions discussed above, the ExA is not, on the evidence submitted, convinced that Article 5 in this Order, or equivalent such Articles in previous Orders have been incorrectly drafted.
- 7.4.22 The ExA therefore does not accept the MMO’s argument that the term “*grant*” should be substituted with “*transfer*” in respect to Articles 5(2)(b), 5(3)(b) and 5(6). However, the Secretary of State is at liberty to find otherwise and may wish to make this change if they disagree with the ExA.
- 7.4.23 In its Deadline 6 submission [REP6-280] the MMO included in Annex 1 its preferred version of Article 5. The ExA had no previous site of this alternative wording. The MMO stated that it submitted this alternative version to the Applicant on a without prejudice basis on 12 June 2024. The ExA notes that neither the Applicant’s SoCG with the MMO submitted at Deadline 5 [REP5-100], which was 9 July 2024, nor the Applicant’s response to the MMO’s Deadline 4 submissions [REP5-122] and Deadline 5 submissions [REP6-274] mention this alternative wording or provide any response.
- 7.4.24 The MMO has not identified the specific differences between Article 5 of the final draft DCO [REP6-007] and the MMO’s alternative. Indeed, the MMO only stated that having received no response from the Applicant, the MMO provides it to the ExA for consideration alongside previous responses on this issue. From an initial inspection, the ExA notes that the MMO has removed Article 5(3)(b) which permits the temporary transfer of a DML. It also appears to have added significant new paragraphs (4) to (8) and (10) as well as new paragraph (16). Moreover, it appears to largely ignore the required changes the MMO sought during the Examination and reported on in the ExA’s Scheduled Changes to the draft DCO [PD-013].
- 7.4.25 The Applicant has not had the opportunity to respond to this alternative wording, and the Secretary of State may wish to seek further information from the Applicant on it. However, the ExA does not propose amending Article 5 as

set out in the final draft DCO [REP6-007]. The MMO has not cited other Orders where such wording has been used, and it has not adequately justified why the alternative wording should replace its extant counterpart. The ExA further considers the removal of Article 5(3)(b) is without merit or justification. The ExA, therefore does not consider any further action is required.

## **Extract from the Secretary of State's Decision Letter for Rampion 2**

### **Article 5 – Benefits of the Order**

- 6.23 The MMOs position is summarised in its written submission at Deadline 4 [REP4-088], following a discussion on the topic at ISH2 [REP4-072] and in summary, the MMO does not consider that it should be bound by Article 5 and this is because it says it is a duplication of powers already contained within s72(7) and (8) of the MCAA2009 [ER 7.4.2]. The MMO [REP4-088] is of the view that s72(7) and (8) should be the only applicable legislation in respect to the transfer of a licence and the MMO considers Article 5 undermines its role in a transfer process, placing all the power and responsibility with the Secretary of State rather than itself, which is the case in the MCAA 2009. The MMO stated at the ISH2 [REP4-072] that it wanted the Secretary of State to consider this a test case of its argument. The ExA sets out its assessment in detail [ER 7.4.4 et seq]. The Secretary of State has considered the MMOs position. However, the Secretary of State agrees with the ExA that Article 5 should be retained because it does not just deal with deemed marine licenses, but all other licences required to construct the Proposed Development, and the purpose of the PA2008 is to provide a simple one-stop shop process for obtaining consent for national infrastructure projects and to have one legal instrument, the Recommended Order, as its control.