



# Marine Management Organisation

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**(Email only)**

MMO Reference:  
DCO/2022/00001

Planning Inspectorate Reference:  
EN010121

15 October 2024

Dear Sir or Madam,

## Planning Act 2008, Floatation Energy, Proposed Morecambe Offshore Wind Farm

On 27 June 2024 the MMO received notice under Section 56 of the the Planning Act 2008 (the PA 2008) that the Planning Inspectorate (PINS) had accepted an application made by Floatation Energy, for determination of a development consent order (DCO) for the construction, maintenance and operation of the proposed Morecambe Offshore Windfarm (the DCO application) (MMO ref: DCO/2022/00002, PINS reference EN0121).

The DCO Application seeks authorisation for the construction, operation and maintenance of Morecambe Offshore Generation Assets. The proposal is located 30 kilometres (km) from the Lancashire coast, England. The windfarm Agreement for Lease area awarded by The Crown Estate spans 125 km<sup>2</sup>. The proposed windfarm site development area has been reduced to approximately 87km<sup>2</sup>. All project infrastructure will be located within the 87km<sup>2</sup> windfarm site. The project consists of up to 35 Wind Turbine Generators (WTGs), up to two Offshore substations (OST), their associated foundations and platform link cables. Inter-array cables. Scour protection around foundations and subsea cable protection where required.

One Deemed Marine Licence (DML) is included in the draft DCO. The DML relates to offshore (WTG) and Associated Infrastructure and Associated Development.

As a marine licence has been deemed within the draft DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement, and revocation of provisions relating to the marine environment. As such, the MMO has an interest in ensuring that provisions drafted in a deemed marine licence enable the MMO to fulfil these obligations.

The summary of the MMO's written relevant representation (RR), show below, is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This representation summary is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.



Yours sincerely

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# Summary of MMO's Relevant Representation (RR-047) (1500 words)

## 1. Development Consent Order (DCO) and Deemed Marine Licences (DML)

### 1.1. Draft Development Consents

- 1.1.1. The MMO requests that the details of licensed marine activities of the DML should include exact coordinates.
- 1.1.2. If geophysical surveys are required the wording of section 2(d) should be clear that geophysical surveys are excluded from the licence.

### 1.2. General Conditions of the DML

- 1.2.1. The MMO requests that the conditions include a sediment sampling plan.
- 1.2.2. The MMO requests that a reporting condition in relation to 'Reporting of Impact Pile Driving/Detonation of Explosives' for reporting to the Marine Noise Registry is included.

### 1.3. Maintenance of the Authorised Project

- 1.3.1. Condition 2(3) should be amended to include that maintenance works will be in accordance with the approved operations and maintenance plan.

### 1.4. Amendments to Other Conditions

- 1.4.1. Condition 7(6) should include the requirement of submission and approval by the MMO (point 2.5.1 of MMO RR-047).
- 1.4.2. Condition 7(10) should be amended as requested by the MMO (point 2.52 of the MMO RR-047).
- 1.4.3. The Force Majeure condition should be removed or amended as requested by the MMO (point 2.6 of the MMO RR-047).
- 1.4.4. Condition 9 regarding pre-construction plans and documentation should include archaeological reports (point 2.7.1 of the MMO RR-047).
- 1.4.5. Condition 13 should be amended as requested by the MMO (point 2.8 of the MMO RR-047).

### 1.5. Development Consent Order



- 1.5.1. Regarding the Benefit of the Order any reference to the MMO and DML should be removed for transfer of the benefit of the DCO (point 2.9.1 of the MMO RR-047).
- 1.5.2. Regarding Protective Provisions it is not clear if the MMO is responsible for the approval of protective provisions.

## 2. Other Application Documents

### 2.1. Draft Marine Mammal Mitigation Protocol (MMMP) (APP-149, PINS Document Reference: 6.5)

- 2.1.1. The MMO note that bubble curtains will be a mandatory requirement for any high-order clearance operations.
- 2.1.2. The MMO request JNCC (2010) guidance is adhered to with regard to breaks in piling.
- 2.1.3. Discrepancies between Table 3.1 and Appendix 11.1 must be checked and clarified.

### 2.2. Appendix 11.3 Marine Mammal Unexploded Ordnance Assessment (APP-067)

- 2.2.1. With regard to Appendix 11.3 Marine Mammal Unexploded Ordnance Assessment, the MMO note a minor discrepancy in Table 4.8 and 4.9, criteria for UXO (unexploded ordnance) are based on the SPLpeak (peak sound pressure level) metric, and the SELss (single strike sound exposure level) metric, not the SELcum (cumulative sound exposure level).
- 2.2.3. Table 5-1 confirms that 616 individual harbour porpoise are at risk of PTS (permanent threshold shift) during high-order detonation (353.6 kg Net Explosive Quantity (NEQ) plus donor charge) but this has been assessed as having a 'Medium' magnitude. For Low-Order clearance, 7 individual harbour porpoise are at risk of PTS, and this has also been assessed as having 'Medium' magnitude. The MMO question whether 'Medium' magnitude is appropriate for the high-order assessment.
- 2.2.4. Following on from the previous point, the MMO also question the magnitude scoring in Table 5.2.
- 2.2.5. With regard to Section 5.2, 'Disturbance from underwater noise associated with UXO clearance', The MMO do not support the use of TTS (temporary threshold shift) as a proxy for disturbance. Therefore, the MMO disagree with paragraph 84.
- 2.2.6. To quantify the risk of behavioural responses where there are no better alternatives, the effective deterrence ranges (EDRs) in place for noise management in harbour porpoise Special Areas of Conservation (SACs) could be used instead.



2.2.7. In regard to Section 5.2, paragraph 90 there is no certainty or guarantee that animals will be deterred beyond the maximum impact ranges. The MMO request that the ADD (acoustic deterrent device) activation times are revisited once further details of the proposed UXO works are known.

### **2.3. The Outline Project Environmental Management Plan. PINS Document Reference: 6.2 (APP-146)**

2.3.1. The MMO do not have any major comments on the Outline Project Environmental Management Plan (PEMP).

### **2.4. In Principle Monitoring Plan (IPMP). PINS Document Reference: 6.4 (APP-148)**

2.4.1. The MMO do not have any major comments in regard to the IPMP.

## **3. Environmental Statement (ES)**

### **3.1. General Comments**

3.1.1. MMO has focused its review on the following chapters of the Morecambe Offshore Windfarm: Generation Assets, Environmental Statement, volume 5.

5.1.1 Volume 5 – Chapter 1 – Introduction (APP-038)

5.1.5 Volume 5 - Chapter 5 – Project Description (APP-042)

5.1.7 Volume 5 – Chapter 7 – Marine Geology, Oceanography and Physical Processes (APP-044)

5.1.9 Volume 5 – Chapter 9 – Benthic Ecology (APP-046)

5.1.10 Volume 5 – Chapter 10 – Fish and Shellfish Ecology (APP-047)

5.1.11 Volume 5 - Chapter 11 - Marine Mammals (APP-048)

5.1.12 Volume 5 - Chapter 12 - Offshore Ornithology (APP-049)

5.1.13 Volume 5 - Chapter 13 - Commercial Fisheries (APP-050)

### **3.2. Coastal Processes**

3.2.1. The MMO considers there to be no outstanding concerns in regard to coastal processes.

### **3.3. Dredge and Disposal**

3.3.1. Concentration of contaminants do not indicate any levels of concern. The MMO defer to the Environment Agency to comment on water quality.

3.3.2. With regard to section 8.52 of Chapter 8 of the Environmental Statement (APP-045, PINS Document Reference 5.1.8) there is no indication of why pesticides (OCs) and other resistant chemicals like brominated flame retardants (PBDEs) were not included in the list of contaminants analysed for. Justification should be provided.



- 3.3.3. Section 8.61 should be clarified to include the types of chemical analyses performed on samples and which if any together with the location of those samples that exceeded action level 2.
- 3.3.4. The final design of the frond mattresses for scour protection, as described in section 5.53 of Chapter 2 of the Environmental Statement (APP-039, PINS Document Reference: 6.5) should be detailed in the offshore construction method statement that will be submitted to and approved by the MMO prior to commencement of development.
- 3.3.5. In line with OSPAR guidance on the construction operation maintenance and decommissioning of offshore windfarms, notification should be given to the regulator. Additionally, the use of drilling fluids cements or cement additives etc., should be notified to the MMO for approval prior to use (section 5.103 of Chapter 5 of the Environmental Statement, APP-039, PINS Document Reference: 5.1.5).
- 3.3.6. Clarification on whether the gravity based options will include antifouling or biocide (section 5.100 of Chapter 5 of the Environmental Statement, APP-039, PINS Document Reference: 5.1.5) should be provided.
- 3.3.7. The construction method statements must include comment on what measures are to be taken to prevent the release of excess grout/cement to the wider environment with regard to the use of suction buckets.
- 3.3.8. Drilling fluids together with all chemicals with a pathway to the marine environment should be included in plans for reporting.
- 3.3.9. If the sandwave clearance material is anticipated to be placed back within the array area you would likely have to apply to the MMO to designate the area as a disposal site.

### **3.4. Benthic Ecology**

- 3.4.1. The MMO considers that there are no outstanding concerns in relation to benthic ecology.

### **3.5. Fish Ecology**

- 3.5.1. Figure 10.6 of Volume 5 Chapter 10 (APP-047) Fish and Shellfish Ecology Figures should be updated for transparency/clarity.
- 3.5.2. The MMO do not support the conclusions made in the CIA (Cumulative Impact Assessment). The MMO would have expected more data to be used. In the absence of such data the MMO requests a piling restriction is in place to avoid the cod spawning period.

### **3.6. Shellfish ecology**



3.6.1. The MMO considers there to be no outstanding concerns in regard to shellfish.

### **3.7. Commercial Fisheries**

3.7.1. The MMO defers to the National Federation of Fishermen's Organisations along with standalone representatives on matters of commercial fisheries.

### **3.8. Underwater Noise**

3.8.1. With regard to Section 4.2.3 – SW location – installation of single monopile, of Appendix 11.1, (APP-065, PINS Document Reference: 5.2.11.1) relatively high noise levels are shown. The MMO would expect overall larger injury effect ranges for marine mammals. We note that these larger impact ranges seem to align well with the predictions presented in the draft MMMP document (Table 3.1 from the draft MMMP). The predicted impact ranges presented in the draft MMMP differ to those ranges presented in Appendix 11.1.

3.8.2. There is a minor discrepancy in regard to maximum pile diameter (m) for multi-legged pin piled jacket in Table 5.5 in Chapter 5 Project description (APP-042) and Appendix 11.1 (APP-065). This should be clarified.

### **3.9. Shipping and Navigation**

3.9.1. MMO defers to the Maritime and Coastguard Agency and Trinity House on matters of shipping and navigation.

### **3.10. Marine Archaeology and Cultural Heritage**

3.10.1. The MMO defers to Historic England (HE) with regard to marine archaeology and cultural heritage.

### **3.11. Seascape, Landscape and Visual Impact**

3.11.1. The MMO defers to NE as the SNCB (Statutory Nature Conservation Body), along with HE and the Local Planning Authorities, with regard to seascape, landscape and visual impacts.

### **3.12. Offshore Ornithology**

3.12.1. The MMO defers to NE as SNCB on matters of ornithology.

Yours sincerely





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## References

JNCC (2010). Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise August 2010.

