



Morgan Offshore Windfarm Generation Assets Case Team
Planning Inspectorate
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(Email only)

MMO Reference: DCO/2022/00003
Planning Inspectorate Reference: EN010136
Identification Number: 20048964

03 October 2024

Dear Susan Hunt,

Planning Act 2008, BP Alternative Energy Investments Ltd, Proposed Morgan Offshore Windfarm Generation Assets Order

Deadline 1 Submission – Summary of MMO Relevant Representation

On 30 May 2024 the MMO received notice under Section 56 of the Planning Act 2008 (the PA 2008) that the Planning Inspectorate (PINS) had accepted an application made by bp Alternative Energy Investments Ltd, (the Applicant) for determination of a development consent order (DCO) for the construction, maintenance and operation of the proposed Morgan Generation Offshore Windfarm (the DCO Application) (MMO ref: DCO/2022/00003 PINS ref: EN010136).

The DCO Application seeks authorisation for the construction, operation and maintenance of the Morgan Offshore Windfarm Generation Assets (MOWF) located approximately 22 kilometres (km) from the Isle of Man Coastline and approximately 37km from the Northwest coast of England; comprising of up to 96 wind turbine generators, all associated array area infrastructure and all associated development in an area approximately 280 square kilometres (km²).

Two Deemed Marine Licences (DML) are included in the draft DCO. One in relation to Wind Turbine Generators (WTG) and Associated Infrastructure, and one for Offshore Substation Platforms and Interconnector Cables.

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 Relevant Representation (RR-020) (1500 words)

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

1.1. Unexploded Ordnance (UXO)

1.1.1. Clarity on the investigation and detonation of UXOs is required.

1.2. Arbitration

1.2.1. The MMO requests the removal of Article 13 which references a new enhanced appeals procedure.

1.3. Transfer of Benefit of the Order

1.3.1. The MMO requests several text amendments be made in order to improve clarity and address practical concerns (sections 3.3.1 to 3.3.9 of the MMO RR).

1.4. Use Of 'Maintain' and 'Materially'

1.4.1. The MMO strongly considers that the activities authorised under the DCO and DML should be limited to those that are EIA assessed within the ES, and the statement that activities will be limited to those that 'do not give rise to any materially new or materially different environmental effects' should be updated to clarify this.

1.4.2. The use of 'maintain' and 'materially' are too flexible. The MMO requests that wording should be updated to 'do not give rise to any new or different environmental effects to those assessed in the environmental information'.

1.5. Schedules 3 and 4

1.5.1. Paragraph 7 of Part 1 which refers the provisions of section 72 should be removed in its entirety.

1.5.2. For regulatory certainty and consistency with other DMLs, the MMO proposes that Paragraph 9, Part 1 is amended.

1.6. Determination Dates

1.6.1. The MMO suggests strongly that the timeframes are not suitable on complex technical decisions (determination dates), as marine licences issued by the MMO are not subject to set determination periods.

1.7. Additional Conditions

1.7.1. The MMO requests the removal of 'substantially' from condition 13(3) as it is not required.

- 1.7.2. The MMO requests clarity in the plan referenced in conditions 13(4).
- 1.7.3. The MMO, in addition to being informed of cable damage, destruction and decay further requires a notification of cable repair.
- 1.7.4. The MMO has proposed additional conditions be added to the post-construction monitoring and surveys condition (condition 29 of Schedules 3 and 4) to allow the applicant to provide potential solutions when reviewing the results of monitoring.

1.8. Conditions to Remove

- 1.8.1. The MMO requests justification for the necessity of the Force Majeure condition.

2. Environmental Statement (ES)

2.1. General Comments

- 2.1.1. The MMO has focused its review on the following chapters of volume 1 and volume 2 of Morgan Offshore Wind Project: Generation Assets Environmental Statement (ES). However, the MMO has also reviewed the accompanying reports in Volume 3 and relevant technical reports in Volume 4 where required:
 - Volume 1, Chapter 1: Introduction
 - Volume 1, Chapter 3: Project Description
 - Volume 2, Chapter 1: Physical Processes
 - Volume 2, Chapter 2: Benthic Subtidal Ecology
 - Volume 2, Chapter 3: Fish and Shellfish Ecology
 - Volume 2, Chapter 4: Marine Mammals
 - Volume 2, Chapter 5: Offshore Ornithology
 - Volume 2, Chapter 6: Commercial Fisheries
- 2.1.2. An up-to-date schedule including specific timings and dates for each of the proposed works must be provided to the MMO.

2.2. Coastal Processes

- 2.2.1. The MMO has highlighted points (4.2.1 to 4.2.4) within this section of the RR relating to required amendments to Volume 2 Chapter 1 of the ES. These amendments include clarification and evidence as to why certain impacts have been scoped out of the ES.
- 2.2.2. Overall, the data is high quality and informative in terms of Coastal Processes.

2.3. Dredge, Disposal and Chemical Use

- 2.3.1. The MMO advises that any decommissioning plan provided should have a clear strategy for how such materials are to be recovered and re-used or disposed.

- 2.3.2. The MMO has proposed suitable amendments to the Mitigation and Monitoring Schedule (Document J6).
- 2.3.3. Volume 1, Chapter 3, section 3.5.8 details scour protections for foundations. The MMO is considering the risks of placing plastic infrastructure into the marine environment should the infrastructure degrade.
- 2.3.4. The MMO advises that information on extraction methods should be provided in the ES, ensuring that only methods matching those used to determine the relevant sediment quality guideline be followed.

2.4. Benthic Ecology

- 2.4.1. The MMO has outlined several pre and post construction monitoring points (4.4.1 to 4.4.4 of the RR) to be considered, such as, an assessment of surficial sediment bound paint flakes, and further assessments of wind turbine generator foundations to identify Invasive Non-Native Species.

2.5. Fish Ecology

- 2.5.1. The MMO has identified inconsistencies between the Maximum Design Scenario (MDS) outlined in the project design (Volume 1, Chapter 3) and MDS used to inform the impact assessment in the fish ecology chapter (Table 3.18 and Table 3.32, Volume 2, chapter 3). The MMO requests that clarification is provided on the comments presented in points 4.5.4 to 4.5.6. of the RR).

2.6. Underwater Noise and Fish Ecology

- 2.6.1. The MMO requests clarifications in relation to the (Underwater Noise) UWN modelling presented within Volume 2, Chapter 3. The MMO advises that the clarifications requested in points 4.6.2 to 4.6.5 are presented in a technical addendum to the ES.
- 2.6.2. The MMO also requests improvements to the modelling, clarification of the MDS used throughout the cumulative assessment and improvements to data presentation, referenced in points 4.6.6 to 4.6.12 of the RR.

2.7. Habitat Suitability Assessment for Herring and Sandeel

- 2.7.1. The MMO has presented additional information and requested improvements to the habitat suitability assessments for sandeel and herring, and amendments to the table of Key species to reflect the presence of spawning and nursery grounds in the area (4.7.1 to 4.7.4 of the RR).
- 2.7.2. Revision to Table 3.7 Volume 2, Chapter 3 (Annex 7.1) to include permanent alteration to the habitat.
- 2.7.3. Overall, the data is high quality and informative.

2.8. Shellfish Ecology

2.8.1. The MMO considers that there are no outstanding concerns in relation to this application in relation to shellfish.

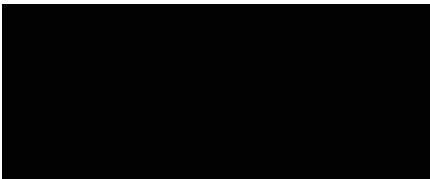
2.9. Underwater Noise

2.9.1. The MMO has presented the major concerns relating to UWN of the original RR, 4.9.2 to 4.9.9. There are several points raised in relation to UWN that need to be resolved throughout examination.

3. Other Application Documents

3.1. The MMO has provided comments on the remaining chapters and Plans in pages 26 and 27 of the RR. These comments contain several recommendations and proposed measures that the MMO would like to see addressed during examination.

Yours sincerely



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