

Offshore Wind Farm

Statement of Common Ground

Marine Management Organisation

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Glossary of Acronyms

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DCO	Development Consent Order	
DMLs	Deemed Marine Licences	
EIA	Environmental Impact Assessment	
EPP	Evidence Plan Process	
ETG	Expert Topic Group	
ММО	Marine Management Organisation	
МММР	Marine Mammal Mitigation Protocol	
NFOW	North Falls Offshore Wind Farm Limited	
PEIR	Preliminary Environmental Information Report	
SoS	Secretary of State	
SoCG	Statement of Common Ground	
UXO	Unexploded Ordnance	
WTG	Wind turbine generator	

Glossary of Terminology

Array area	The offshore wind farm area, within which the wind turbine generators, array cables, platform interconnector cable, offshore substation platform(s) and/or offshore converter platform will be located.	
Array cables	Cables which link the wind turbine generators with each other, the offshore substation platform(s) and/or the offshore converter platform.	
Landfall	The location where the offshore export cables come ashore at Kirby Brook.	
Offshore converter platform	Should an offshore connection to a third party HVDC cable be selected, an offshore converter platform would be required. This is a fixed structure located within the array area, containing HVAC and HVDC electrical equipment to aggregate the power from the wind turbine generators, increase the voltage to a more suitable level for export and convert the HVAC power generated by the wind turbine generators into HVDC power for export to shore via a third party HVDC cable.	
Offshore export cables	The cables which bring electricity from the offshore substation platform(s) to the landfall, as well as auxiliary cables.	
Offshore substation platform(s)	Fixed structure(s) located within the array area, containing HVAC electrical equipment to aggregate the power from the wind turbine generators and increase the voltage to a more suitable level for export to shore via offshore export cables.	

Platform interconnector cable	Cable connecting the offshore substation platforms (OSP); or the OSP and offshore converter platform (OCP)	
Safety zones	A marine zone outlined for the purposes of safety around a possibly hazardous installation or works / construction area	
Scour protection	Protective materials to avoid sediment being eroded away from the base of the wind turbine generator foundations and offshore substation platform (OSP) or / and offshore converter platform (OCP) foundations as a result of the flow of water.	
The Applicant	North Falls Offshore Wind Farm Limited (NFOW).	
The Project Or 'North Falls'	North Falls Offshore Wind Farm, including all onshore and offshore infrastructure.	
Wind turbine generator (WTG)	Power generating device that is driven by the kinetic energy of the wind	

1. Introduction

1.1 Background

- 1. This Statement of Common Ground (SoCG) has been prepared by North Falls Offshore Wind Farm Limited (NFOW) (the Applicant) and the Marine Management Organisation (MMO). It identifies areas of North Falls Offshore Wind Farm (hereafter 'the Project' or 'North Falls') where matters are agreed, not agreed or that remain under discussion between the parties.
- 2. The Applicant has had regard to the Planning Inspectorate (2024) guidance regarding Statements of Common/Uncommon Ground for Hearings and Inquiries when compiling the SoCG.
- 3. This SoCG has been structured to reflect topics of the application which are of interest to the MMO. The applicable matters considered within the SoCG apply to the MMO statutory and non-statutory remit.
- 4. Table 1.1 presents the topics included in the SoCG with the Applicant and the MMO.

Table 1.1 Topics included in the SoCG

Topic/ Document	DCO Document Reference
Development Consent Order (DCO)	REP3-008/9
Site Characterisation Report	APP-261
Environmental Statement (ES) Chapter 8 Marine Geology, Oceanography and Physical Processes	APP-022
ES Chapter 9 Marine Water and Sediment Quality	APP-023
ES Chapter 10 Benthic and Intertidal Ecology	APP-024
ES Chapter 11 Fish and Shellfish Ecology	APP-025
ES Chapter 12 Marine Mammals	APP-026
ES Chapter 14 Commercial Fisheries	APP-028
In Principle Monitoring Plan	APP-245
Draft Marine Mammal Mitigation Protocol	REP3-013/4
Outline Fisheries Liaison and Co-existence Plan	APP-244

- 5. The MMO defers the following topics:
 - Ornithology to Natural England;
 - Offshore archaeology to Historic England;

- Seascape, Landscape and Visual to Historic England and the Local Planning Authorities; and
- Shipping and Navigation to the Maritime and Coastguard Agency and Trinity House.
- 6. The MMO will continue to be part of discussions on these topics where it pertains to the Deemed Marine Licences and this will be reflected in Section 2.1.
- 7. Topic specific matters agreed, not agreed, and matters that remain under discussion between the Applicant and the MMO are included within this SoCG. Matters that are not yet agreed will be the subject of ongoing discussion between the Applicant and the MMO to reach agreement on each matter whatever possible or refine the extent of disagreement between parties.
- 8. It is the intention that this document provides the Planning Inspectorate with a clear overview of the level of common ground between both parties. This document will be updated if any additional points are identified or any positions change during the course of the Examination.

1.2 Consultation with MMO

- 9. The Applicant has engaged with the MMO on the Project during the pre-Application process, both in terms of informal non-statutory engagement and statutory consultation carried out pursuant Section 42 of the Planning Act 2008.
- 10. During the statutory (Section 42) consultation, the MMO provided comments on the Preliminary Environmental Information Report (PEIR) by way of letter dated 14th July 2023.
- 11.Further to the statutory consultation, several meetings were held with the MMO through the Evidence Plan Process (EPP) (Table 1.2). Further information on consultation with the MMO is provided in the Consultation Report [APP-215] and ES Chapters listed in Table 1.1.

Table 1.2 Summary of Evidence Plan Process Meetings with the MMO

Date	Topic
5 th July 2021	Expert Topic Group (ETG) to introduce the Project and to summarise the information in the Environmental Impact Assessment (EIA) Scoping Report regarding marine geology, oceanography and physical processes; marine water and sediment quality; benthic and intertidal ecology; and fish and shellfish ecology.
9 th July 2021	ETG to introduce the Project and to summarise the information in the EIA Scoping Report regarding marine mammals.
20 th June 2022	Key milestones for the Project and approach to characterising the seabed baseline environment
19 th October 2023	Project updates and discussions on key Preliminary Environmental Information Report (PEIR) feedback regarding marine geology, oceanography and physical processes; marine water and sediment quality; and benthic and intertidal ecology.

Date	Topic
2 nd November 2023	Project updates and discussions on key Preliminary Environmental Information Report (PEIR) feedback regarding marine mammals and fish ecology.
31st January 2025	Catch up call
14 th April 2025	Catch up & discussion of SOCG

1.3 Summary of Agreed, Not Agreed and In Discussion

- 12.In order to easily identify whether a matter is 'agreed', 'not agreed', or 'in discussion' the position status colour coding system set out in Table 1.3 is used in the SoCG.
- 13. Details of specific topics that are 'agreed', 'not agreed', or 'in discussion' between the Applicant and MMO are presented in Table 1.3.

Table 1.3 Position status key

Position Status	Position Colour Coding
Agreed. The matter is considered to be agreed between the parties.	Agreed
Not Agreed- no material impact The matter is not yet agreed between the parties however the outcome of the approach taken by either the Applicant and MMO is not considered to result in a material impact to the assessment conclusions and the matter is considered to be closed for the purposes of this SoCG. Discussion on these matters have concluded.	Not Agreed - no material impact
Not Agreed- material impact The matter is not agreed between the parties and the outcome of the approach taken by either the Applicant and MMO is considered to result in a materially different impact to the assessment conclusions. Discussions on these matters have concluded.	Not Agreed- material impact
In discussion The matter is neither 'agreed' nor 'not agreed' and is a matter where further discussion is required between the parties (e.g. where the documents are yet to be shared with MMO).	In discussion

2. Statement of Common Ground

14.A summary of the consultation undertaken to date with the MMO and the matters agreed or not agreed between the Applicant and the MMO (based on discussions and information exchanged between the Applicant and MMO to date) are set out below for each of the SoCG topic areas.

2.1 **Development Consent Order**

Table 2.1 Topics agreed, in discussion or not agreed in relation to the Development Consent Order

ID	The Applicant Position	MMO Position	Position Summary
1	Article 5 (Benefit of the Order) The Applicant's position is that the scope and drafting in article 5 (Benefit of the Order) of the draft DCO is appropriate.	The MMO understands that this is drafted in a similar way to previous consents granted by the Secretary of State (SoS), however the MMO has major concerns over the wording.	In discussion The Applicant provided a response on this matter at Deadline 1 in the Applicant's Responses to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees [REP1-044]. The MMO responded on this matter in Comments on Pre-Examination Procedural Deadline Submissions, comments on the updated DCO/ Deemed Marine Licences (DMsL) and comments on the Statement of Common Ground [REP2-043] and in their Additional Submission ([AS-051], ref MMO-83).
2	Authorised activities under the DCO and DMLs It is an essential component of EIA that the assessment is proportionate, allowing for knowledge of likely significant effects and for their control as appropriate. The EIA regime does not exist to elucidate on and control every effect, regardless of its level of significance, and nor is that the intention of the EIA legislation. On that basis, allowing actions which can be demonstrated not to have materially new or different environmental effects cannot be contrary to the EIA regime or the purpose of legislation underpinning it. If an effect is not materially new or different, it cannot rise to the level of there being a risk of a significant effect not assessed in the EIA. This draft DCO wording is well-precedented and has been recently deemed to be acceptable by the Secretary of State. It is included in the Sheringham Shoal and Dudgeon Extension	The MMO strongly considers that the activities authorised under the DCO and DML should be limited to those that are assessed within the EIA, and the statement that the activities authorised under the DCO and DML should be limited to those that are assessed within the EIA, 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. On this occasion the MMO is content with the wording of 'materially new or materially greater environmental effects' and this is reflected in our Deadline 4 response.	The Applicant provided a response on this matter at Deadline 1 in the Applicant's Responses to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees [REP1-044]. The MMO responded on this matter in Comments on Pre-Examination Procedural Deadline Submissions, comments on the updated DCO/DML and comments on the Statement of Common Ground [REP2-043]. The Applicant responded to REP2-043 in the Applicant's comments on other Deadline 2 submissions and Applicant's responses on comments to Relevant Representations [REP3-038].





ID	The Applicant Position	MMO Position	Position Summary
	Projects Offshore Wind Farm Order 2024, where it is included in Part 1 of the DMLs for that Order.		
3	Other DCO and DML matters	See Relevant Representation	In discussion
			The Applicant provided responses on these matters at Deadline 1 in the Applicant's Responses to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees (Document Reference: 9.2).
			The MMO responded in Comments on Pre-Examination Procedural Deadline Submissions, comments on the updated DCO/DML and comments on the Statement of Common Ground [REP2-043] and in their Additional Submission ([AS-051], ref MMO-83).
			The Applicant responded to REP2-043 in the Applicant's comments on other Deadline 2 submissions and Applicant's responses on comments to Relevant Representations [REP3-038].

2.2 Certified Plans and Other Documents

Table 2.2 Topics agreed, in discussion or not agreed in relation to Development Consent Order Documents

ID	The Applicant Position	MMO Position	Position Summary
In Principle	Monitoring Plan		
1	Benthic and Intertidal Ecology Monitoring the condition of infrastructure (e.g. flaking paint) described in the In Principle Monitoring Plan is appropriate. It is not in the Project's interests to have flaking paint and exposed metal surfaces due to the potential for infrastructure to become damaged. Therefore, there will be	S56 - point 5.4.4 - Should a robust assessment of surficial sediment bound paint flakes be undertaken during pre-construction monitoring (even if this solely involves the collection, storage and / or provision of samples to collaborators for this purpose) a robust comparison of the sediment bound paint flakes could be made in the future. Adequate sampling of the pre-construction condition is a pre-requisite for robust comparison with post-construction condition, and the	Agreed In their Additional Submission ([AS-051], ref MMO-151) the MMO notes that they have no further comments.

ID	The Applicant Position	MMO Position	Position Summary
	minimal flaking paint and no further monitoring or research of paint flakes is required.	MMO would encourage the Applicant to seek opportunities for collaboration between researchers and industry to ensure that the opportunity to investigate this relatively recently identified potential impact to benthic ecology (see Tagg et al., 2024) is not missed	
2	Benthic and Intertidal Ecology Monitoring of changes to biogenic or geogenic reef features, as described in the In Principle Monitoring Plan, is appropriate. Subject to the findings of the preconstruction surveys to determine presence of biogenic or geogenic reef features, post-construction benthic monitoring whereby 10% of the Wind Turbine Generator foundations are proposed to be surveyed (grab sampling) to assess change from the pre-construction condition	Agreed	Agreed
3	Benthic and Intertidal Ecology Monitoring spread of marine non-native species on the infrastructure described in the In Principle Monitoring Plan is appropriate and consistent with other consented projects, such as Dudgeon and Sheringham Shoal Extension Projects. Grab sample data will be analysed to determine species composition and the presence of any marine non-native species.	The MMO recommends that the Applicant considers collecting scrape samples and assesses imagery from infrastructure monitoring alongside grab sampling to determine the presence and composition of the Invasive Non-Native Species assemblage that may colonise WTG infrastructure	In discussion
4	Marine Mammals Monitoring of underwater noise, as described in the In Principle Monitoring Plan, is appropriate. The build out sequence of North Falls will need to ensure safety of mariners. For the first four piles to be the worst case for	The MMO would like the report updated to ensure a commitment that the first four piles monitored would be the worst-case scenario piles. Monitoring of less impactful piles would not validate the predictions of the worst case scenario within the ES.	In discussion In their Additional Submission ([AS-051], the MMO states they are currently reviewing this condition with the SNCB after feedback that the monitoring requested and timing of information provided is not fit for

ID	The Applicant Position	MMO Position	Position Summary
	underwater noise, this could lead to piles being scattered around the array area which could have safety implications for shipping traffic.		purpose. The MMO will provide an update as soon as possible
Draft Marine Ma	ammal Mitigation Protocol		
5	Marine Mammals Mitigation of the risk of auditory injury to marine mammals, as presented in the Marine Mammal Mitigation Protocol (MMMP) is appropriate	See Relevant Representation comments on the MMMP The MMO requests that a specific section regarding noise abatement is added to the MMMP. At this stage the MMO considers there is clear justification and evidence that noise abatement measures will be required for the project, to reduce the risk of potential impact on marine receptors. (4.12.1) The MMO notes that the methods for reducing the potential impacts of any Unexploded Ordnance (UXO) clearance will be agreed with the MMO in consultation with the relevant SNCBs and will be secured as commitments within the final MMMP. The MMO welcomes that further discussion on this matter will take place before the finalisation of the MMMP. (4.12.3) The MMO does not agree that as mitigation will be carried prior to each pile. Mitigation should be based on the potential for effect from each individual pile, rather than the total piles to be installed within 24 hours. Even if mitigation is required prior to piling at each location (which is, nevertheless, standard practice), this does not negate the fact that an animal may still be exposed (to underwater noise) more than once from multiple piles. The Developer should put forward an appropriate justification to explain why the cumulative sound exposure of two piles is not required in their MMMP. In	In discussion The Applicant updated the draft MMMP [REP3-013/14] and the MMO will provide comments at Deadline 4.

ID	The Applicant Position	MMO Position	Position Summary
		recommends that mitigation is required prior to piling of foundations at each pile location, and the mitigation requirements should be based on the predicted PTS ranges for the cumulative exposure for three monopiles and six pin piles installed sequentially (or whatever the finalised worst-case number of monopiles/pin piles installed in 24-hours will be). (5.7.6)	
Outline Fishe	ries Liaison and Co-existence Plan		
6	The mitigation secured in the Outline Fisheries Liaison and Co-existence Plan is appropriate.	The MMO requests that the text in Section 1.2 paragraph 10 is updated to remove the word 'material'. All changes to the Fisheries Liaison and Co-existence Plan must be submitted to the MMO for approval. It should also be clear within this document that the MMO will not be an arbitrator or part of any discussions on compensation matters and this should be updated during examination.	In discussion
HRA Compensation			
7	Outline Compensation Implementation and Monitoring Plans The compensation proposals presented in the following documents are appropriate: • Appendix 2 Lesser Black-backed Gull Compensation Document REP1-018 / REP1-017 • Annex 2A Outline Lesser Black-backed Gull Compensation Implementation and Monitoring Plan REP1-020 / REP1-019	The MMO defers to Natural England on matters relating to ornithology.	N/A

ID	The Applicant Position	MMO Position	Position Summary
	Appendix 3 Red Throated Diver Compensation Document REP1-022 / REP1-021		
	 Annex 3A Outline Red Throated Diver Compensation Implementation and Monitoring Plan REP1-024 / REP1- 023 		
	Appendix 4 Kittiwake Compensation Document REP2-012 / REP2-011		
	 Annex 4A Outline Kittiwake Compensation Implementation and Monitoring Plan REP1-026 / REP1-025 		
	Appendix 5 Guillemot and Razorbill Compensation Document REP1-028 / REP1-027		
	Annex 5A Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan REP1-030 / REP1-029		

2.3 Sediment Disposal and Landfall Drilling

Table 2.3 Topics agreed, in discussion or not agreed in relation to Sediment Disposal and Landfall Drilling

ID	The Applicant Position	MMO Position	Position Summary
1	Site Characterisation Report The Applicant is refining disposal as a result of Relevant Representations from stakeholders on various topics and will consult the MMO in due course.	The MMO has yet to comment on the site characterisation report submitted with the DCO Application.	In discussion
2	Site Characterisation Report The assessment of landfall works and proposed mitigation is appropriate	The MMO does not consider the implementation of embedded mitigations to be robust and would expect to see further consideration of mitigations.	In discussion The Applicant is unclear what additional mitigation the MMO is suggesting. The MMO will provide an update following review of the survey data provided in February 2025.

2.4 Marine Geology, Oceanography, Physical Processes and Sediment and Water Quality

Table 2.4 Topics agreed, in discussion or not agreed in relation to Marine Geology, Oceanography and Physical Processes and Marine Water and Sediment

Quality

ID	The Applicant Position	MMO Position	Position Summary
1	The site specific surveys informing Marine Geology, Oceanography and Physical Processes are appropriate.	Subject to receipt of data in the requested format	In discussion Data in the MMO's requested format was provided by email on the 18 th February.
2	The approach to contaminants analysis is appropriate	Subject to receipt of data in the requested format	In discussion Data in the MMO's requested format was provided by email on the 18 th February.
3	The methodology for the impact assessment for Marine Geology, Oceanography and Physical Processes is appropriate	Agree	Agreed
4	The receptors scoped into the EIA for Marine Geology, Oceanography and Physical Processes are appropriate	Agree	Agreed
5	The conclusions of the Marine Geology, Oceanography and Physical Processes assessment are appropriate	Agree	Agreed

2.5 Benthic and Intertidal Ecology

Table 2.5 Topics agreed, in discussion or not agreed in relation to Benthic and Intertidal Ecology

ID	The Applicant Position	MMO Position	Position Summary
1	The EIA baseline characterisation site specific surveys for Benthic and Intertidal Ecology are appropriate	Tbc	Agreed
2	The methodology for the impact assessment for Benthic and Intertidal Ecology is appropriate	Agree	Agreed
3	The receptors scoped into the EIA for Benthic and Intertidal Ecology are appropriate	Agree	Agreed
4	The conclusions of the Benthic and Intertidal Ecology EIA are appropriate	Agree	Agreed
5	The conclusions of the Benthic shadow Appropriate Assessment are appropriate	Defer to Natural England	N/A
6	North Falls will not hinder the conservation objectives of the Kentish Knock East Marine Conservation Zone	Defer to Natural England	N/A
7	North Falls will not have an adverse effect on the integrity of the Margate and Long Sands Special Area of Conservation.	Defer to Natural England	N/A

2.6 Fish and Shellfish Ecology and Commercial Fisheries

Table 2.6 Topics agreed, in discussion or not agreed in relation to Fish and Shellfish Ecology and Commercial Fisheries

ID	The Applicant Position	MMO Position	Position Summary
1	Characterisation of the Existing Environment for Fish and Shellfish Ecology is appropriate	The MMO notes that the Applicant has used generally appropriate data sources to inform their assessment for fish. The North Sea Sandeel Survey (NSSS) data could have also been used to supplement the characterisation of sandeel habitat for the ES. Some clarifications and corrections are also needed regarding the Applicant's potential herring spawning habitat and potential sandeel habitats 'heat' maps which have been presented to support the habitat suitability assessments	In discussion The Applicant provided a response on these matters at Deadline 1 in the Applicant's Responses to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees (Document Reference: 9.2).
2	The methodology for the impact assessment for Fish and Shellfish Ecology is appropriate	As above	In discussion
3	The receptors scoped into the EIA Fish and Shellfish Ecology are appropriate	Agree	Agreed
4	The conclusions of the EIA regarding fish ecology are appropriate	Subject to responses to ID 1	In discussion
5	The conclusions of the EIA regarding shellfish are appropriate	Agree	Agreed
6	The mitigation regarding fish and shellfish ecology is appropriate	The MMO supports the Applicant's acceptance of a temporal piling restriction during the Downs herring spawning season, however the Applicant's commitment to the piling restriction is framed as "restricting piling activities during a suitable period of time between the 1 November and 31 January" which the MMO maintains is unacceptable.	In discussion
7	The conclusions of the EIA regarding commercial fisheries are appropriate	Agree	Agreed

	ID	The Applicant Position	MMO Position	Position Summary
8	8	The mitigation regarding commercial fisheries is appropriate	See Section 2.2 comments re. Outline Fisheries Liaison and Coexistence Plan	In discussion

2.7 Marine Mammals

Table 2.7 Topics agreed, in discussion or not agreed in relation to Marine Mammals

ID	The Applicant Position	MMO Position	Position Summary
1	Characterisation of the Existing Environment for Marine Mammals is appropriate	Agree	Agreed
2	The methodology for the impact assessment for Marine Mammals is appropriate	Agree (excluding underwater noise, see below)	Agreed (excluding underwater noise, see below)
3	The methodology for underwater noise modelling is appropriate	See Relevant Representation comments 5.7.18 to 5.7.20	In discussion The Applicant provided a response on this matter at Deadline 1 in the Applicant's Responses to Relevant Representations Received from Statutory Consultees and Non Prescribed Consultees [REP1-044]. In their Additional Submission [AS-051], the MMO notes the Applicant's response and confirms they will provide an update at Deadline 5.
4	The receptors scoped into the EIA Marine Mammals are appropriate	Agree	Agreed
5	The conclusions of the Marine Mammals EIA are appropriate. Justification on the magnitudes are provided in the Further Information Regarding Marine Mammals [REP1-057] submitted at Deadline 1.	The MMO would question the 'Medium' rating for harbour porpoises, especially when 1,981 individuals are predicted to be at risk of PTS (refer to Table 1.7). Similarly, for TTS, the assessment concludes that for the high-order detonation of the maximum potential UXO with an NEQ of 750kg plus donor charge, the magnitude for TTS is assessed as a worst-case scenario (Table 1.8) to be 'Low' for harbour porpoises and minke whales, 'Negligible' for grey seals, and 'Negligible to low' for harbour seals. For harbour porpoises, a total of 6,832 individuals are at risk of TTS, which casts doubt on the 'Low' magnitude rating.	Agreed In their Additional Submission ([AS-051], MMO-199) the MMO states they have no further comments.

ID	The Applicant Position	MMO Position	Position Summary
6	The conclusions of the Marine Mammals shadow Appropriate Assessment are appropriate	Defer to Natural England	N/A
7	Mitigation of disturbance to harbour porpoise from the Southern North Sea Special Area of Conservation, as presented in the Site Integrity Plan is appropriate	Defer to Natural England	N/A
8	UXO clearance will be subject to a separate Marine Licence and mitigation will be agreed and secured through that process	Agree	Agreed

3. Signatures

16. The above SoCG is agreed between the Applicant and MMO on the day specified below.

Signed:				
Print Name:	-			
Job Title:	-			
Date:				
Duly authorised for and on behalf of the MMO				
Signed:				
Print Name:	-			
Job Title:	-			
Date:	-			
Duly authorised for and on behalf of the Applicant				