



**Marine
Management
Organisation**

Marine Licensing T +44 (0)300 123 1032
Lancaster House www.gov.uk/mmo
Hampshire Court
Newcastle upon Tyne
NE4 7YH

Dogger Bank South Case Team
Planning Inspectorate
DoggerBankSouth@planninginspectorate.gov.uk

(Email only)

MMO Reference: DCO/2022/00007
Planning Inspectorate Reference: EN010125
Identification Number: 20050160

14 February 2025

Dear Sir or Madam,

Planning Act 2008, RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd Proposed Dogger Bank South Offshore Wind Farms Order

Deadline 1 Submission

On 10 July 2024, the Marine Management Organisation (the MMO) received notice under section 56 of the Planning Act 2008 (the PA 2008) that the Planning Inspectorate (PINS) had accepted an application made by RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd (the Applicant) for determination of a development consent order for the construction, maintenance and operation of the proposed Dogger Bank South Offshore Wind Farms (the DCO Application) (MMO ref: DCO/2022/00007; PINS ref: EN010125).

The DCO Application seeks authorisation for the construction, operation and maintenance of Dogger Bank South (DBS) Offshore Wind Farm (OWF), comprising of up to 100 wind turbine generators in DBS East and up to 100 wind turbine generators in DBS West together with associated onshore and offshore infrastructure and all associated development (the Project).

The DCO Application includes a draft development consent order (the DCO) and an Environmental Statement (the ES). The draft DCO includes, Marine Licence 1 (Schedule 10), Marine Licence 2 (Schedule 11), Marine Licence 3 (Schedule 12), Marine Licence 4 (Schedule 13) and Marine Licence 5 (Schedule 14) which are draft Deemed Consent under Part 4 (Marine Licensing) of MCAA 2009 (DML).

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



Yours Sincerely,

Leah Cameron

Leah Cameron
Marine Licencing Case Officer

D [REDACTED]
E [REDACTED]@[marinemanagement.org.uk](mailto:[REDACTED]@marinemanagement.org.uk)

Contents

1. Comments on Relevant Representations from other interested Parties	4
1.1 Corporation of Trinity House of Deptford Strond (TH) (RR-008)	4
1.2 East Riding of Yorkshire Council (RR-012)	4
1.3 Environment Agency (EA) (RR-015)	4
1.4 Historic England (RR-022)	4
1.5 Lincolnshire Wildlife Trust (LWT) (RR-028)	4
1.6 Maritime and Coastguard Agency (MCA) (RR-031)	4
1.7 National Federation of Fisherman's Organisations (NFFO) (RR-034)	4
1.8 Natural England (NE) (RR-039)	4
1.9 RSPB (RR-049)	4
1.10 UK Chamber of Shipping (RR-0052)	4
1.11 The Wildlife Trusts (TWT) (RR-057)	4
1.12 Yorkshire Wildlife Trust (RR-059)	5
2. Comments on Pre-Examination Procedural Deadline Submissions	5
2.1 The MMO reviewed a number of documents submitted prior to deadline 1 and provided comments. Benthic Ecology	5
2.2 Coastal processes	5
2.3 Fisheries and Shellfisheries	5
2.4 Underwater Noise (UWN)	5
2.5 Outline Marine Mammal Mitigation Protocol (MMMP) – AS-101	6
2.6 Dogger Bank South Compensation Plans	6
2.7 Outline Project Environmental Management Plan – Volume 8.21 – APP-245 ..	6
2.8 . Outline Scour Protection Plan – Volume 8.27 – APP-251	6
3. Initial Statements of Common Ground (SoCG)	6
4. Comments from Issue Specific Hearing 1 (ISH1) & ISH2	6
5. Response to Applicants responsible to Relevant rep (PDA-013 and AS-048)	7
6. Remaining DCO/DML comments not agreed with Applicant	7
7. Notification by Statutory Parties of their wish to be considered as an IP by the ExA	7
8. Notification of wish to have future correspondence received electronically	7

1. Comments on Relevant Representations from other interested Parties

1.1 Corporation of Trinity House of Deptford Strond (TH) (RR-008)

1.1.1 The MMO maintains a watching brief.

1.2 East Riding of Yorkshire Council (RR-012)

1.2.1 The MMO maintains a watching brief.

1.3 Environment Agency (EA) (RR-015)

1.3.1 The MMO maintains a watching brief.

1.3.2 The MMO requests clarification on whether the cable crossings onshore are on sections of tidal rivers and whether they will be bored tunnels or trenches.

1.4 Historic England (RR-022)

1.4.1 The MMO welcomes HE's response.

1.5 Lincolnshire Wildlife Trust (LWT) (RR-028)

1.5.1 The MMO defers to NE on matters of biodiversity and compensation measures.

1.5.2 The MMO notes that the LWT 'disagree with the scoping out of direct damage and impacts to fish and shellfish'.

1.5.3 The MMO notes that LWT has raised concerns regarding impacts to the sandeel stock.

1.5.4 LWT disagrees with the Applicant's decision to lower the appraised sensitivity to habitat disturbance.

1.5.5 The MMO defers to NE on the marine protected area aspect and will maintain a watching brief.

1.6 Maritime and Coastguard Agency (MCA) (RR-031)

1.6.1 Attention should be paid to cabling routes and where appropriate burial depth for which a Burial Protection Index study should be completed and subject to the traffic volumes, an anchor penetration study may be necessary.

1.6.2 It was noted that the Export Cable will now be High Voltage Direct Current (HVDC). There is a potential impact on ships compasses from the electro-magnetic field generated. It is noted that mitigations to address this have been considered. However, a pre-construction compass deviation study may still be required.

1.7 National Federation of Fisherman's Organisations (NFFO) (RR-034)

1.7.1 The MMO maintains a watching brief.

1.8 Natural England (NE) (RR-039)

1.8.1 The MMO maintains a watching brief.

1.9 RSPB (RR-049)

1.9.1 The MMO defers to the Statutory Nature Conservation Body (SNCB) on these matters (NE).

1.10 UK Chamber of Shipping (RR-0052)

1.10.1 The MMO maintains a watching brief.

1.11 The Wildlife Trusts (TWT) (RR-057)

- 1.11.1 The MMO notes that TWT only supports site extension as compensation for the impacts to the SAC.
- 1.11.2 The MMO notes that TWT does not agree with the Applicant's position on no Adverse Effect on Integrity (AEI) on Dogger Bank SAC due to the impact of physical damage on the subtidal sandbank. The plan level assessment undertaken by the Crown Estate concluded habitat damage of 32.209 Kilometers squared (km²) which would delay restoration, which is contrary to the conservation objectives of the SAC
- 1.12 Yorkshire Wildlife Trust (RR-059)**
- 1.12.1 The MMO maintains a watching brief.

2. Comments on Pre-Examination Procedural Deadline Submissions

2.1 The MMO reviewed a number of documents submitted prior to deadline 1 and provided comments. Benthic Ecology

- 2.1.1 The MMO understands that details of post-construction monitoring will be confirmed based on results of the pre-construction survey.
- 2.1.2 Statutory advice regarding compensation measures, as well as designated features and sites, is provided by the relevant SNCB. The MMO defers to their expertise and recommendations on these matters.

2.2 Coastal processes

- 2.2.1 The MMO notes that re-powering was discussed in Chapter 5 of the ES. If re-powering were to be considered an option at decommissioning then further consent or new EIA would be necessary.
- 2.2.2 More consideration is needed following the 30-year lifespan of the project and how the changes of sediment gradients might change the baseline at the end of the project.
- 2.2.3 In section 8.3.4.2 of the modelling document; the tables haven't been updated accordingly.

2.3 Fisheries and Shellfisheries

- 2.3.1 The MMO will provide a response at Deadline 2.

2.4 Underwater Noise (UWN)

- 2.4.1 The MMO notes that the DML conditions will be updated if the Applicant's change request is accepted by the ExA.
- 2.4.2 The MMO will review the post-consent monitoring plans and provide comments in due course.
- 2.4.3 The MMO acknowledges that APP-102 will be updated with regards to potential mitigation options, including noise abatement systems (NAS) and will review when available.
- 2.4.4 The MMO acknowledges the Applicant's response in regards to the von Pein et al. (2022) study. However, it is important to highlight recent and relevant findings from the peer-reviewed literature.
- 2.4.5 The study of von Pein et al. acknowledges the various limitations of their modelling and analysis.. It has potential implications of diameter scaling law on the modelling

predictions and the magnitude of their impacts can be quite considerable. The MMO requests that this is updated.

2.4.6 The MMO notes the Applicant has stated that changes will be made to Peak Sound Pressure Level (SPL_{peak}) source level and single strike Sound Exposure Level (SEL_{ss}) source.

2.4.7 The MMO highlighted that the impact ranges presented for monopile and pin pile foundations are significant, and the risk of potential impact is not going to be sufficiently mitigated.

2.5 Outline Marine Mammal Mitigation Protocol (MMMP) – AS-101

2.5.1 Tables have been updated to include the predicted PTS and TTS impact, the Applicant should review these values for accuracy.

2.5.2 The MMO notes the Applicant is updating the MMMP with regards to noise mitigation and piling and will maintain a watching brief on this.

2.6 Dogger Bank South Compensation Plans

2.6.1 The MMO generally defers to NE as the SNCB.

2.7 Outline Project Environmental Management Plan – Volume 8.21 – APP-245

2.7.1 The MMO requests a Legislative and Regulatory Compliance section is included within the document.

2.7.2 The MMO notes the Applicant has not committed to the check clean dry practice and request the Applicant adds this to the document.

2.7.3 Vessel good practice. The MMO understands flexibility is required in case of emergency issues but this is standard and the commitment should be more than “*where possible*”.

2.7.4 The MMO requests the PEMP is submitted at least 6 months prior to construction commencing.

2.8 . Outline Scour Protection Plan – Volume 8.27 – APP-251

2.8.1 The MMO notes that the Applicant plans to update the APP-251 for Deadline 2 and provided comments to include in this update.

3. Initial Statements of Common Ground (SoCG)

3.1.1 The MMO has worked with the Applicant to prepare a SoCG which will be submitted at Deadline 1 and will work with the Applicant outside of the written process to ensure issues are being moved to resolution where possible.

4. Comments from Issue Specific Hearing 1 (ISH1) & ISH2

4.1.1 The MMO has reviewed EV4-003 Action Points from ISH1 (Day 1) held on Wednesday 15 January 2025 and will maintain a watching brief on Action Point 22.

4.1.2 The MMO has reviewed EV5-003 Action Points from ISH2 (Day 1) held on Wednesday 15 January 2025 and has the provided comments below.

Action Point 29 - Maximum hammer energies

4.1.3 The MMO notes that the ExA queried the 6000 kilojoule (kJ) maximum hammer energy for hammer piling with the Applicant and that this is higher than similar projects within

the area.

- 4.1.4 The MMO notes that the maximum hammer energies are stipulated within the DMLs (Condition 15(7)) and notes the Applicant is providing more information and will provide a response at Deadline 2.

Noise abatement systems

- 4.1.5 The MMO understands the Applicant is providing more information on the use of NAS at Deadline 1, will review these comments and provide a response at Deadline 2.
- 4.1.6 The Department for Environment Food and Rural Affairs (DEFRA) has issued a policy on reducing noise at source. This policy can be found at this web address:

[Reducing marine noise - GOV.UK.](#)

The MMO will submit a PDF version of the webpage at Deadline 2 if this is not submitted at Deadline 1.

MMMP & SIP

Please find comments on the MMMP in section 2.6.

- 4.1.7 The MMO defers to NE in relation to the HRA conclusions.

5. Response to Applicants responsible to Relevant rep (PDA-013 and AS-048)

- 5.1.1 The MMO provided comments in relation to the Applicants response.

6. Remaining DCO/DML comments not agreed with Applicant

- 6.1.1 The MMO is currently reviewing the most recent version of the draft DCO and will provide a response at Deadline 2.

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

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

8. Notification of wish to have future correspondence received electronically

- 8.1.1 The MMO requested future correspondence to be received electronically.

Yours Sincerely,



Leah Cameron
Marine Licencing Case Officer