



**Marine  
Management  
Organisation**

Marine Licensing  
Lancaster House  
Hampshire Court  
Newcastle upon Tyne  
NE4 7YH

T +44 (0)300 123 1032  
[www.gov.uk/mmo](http://www.gov.uk/mmo)

Dogger Bank South Case Team  
Planning Inspectorate  
[DoggerBankSouth@planninginspectorate.gov.uk](mailto:DoggerBankSouth@planninginspectorate.gov.uk)

**(Email only)**

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

19 March 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 3 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 (DML) under Part 4 (Marine Licensing) of Marine and Coastal Access Act 2009 (MCAA 2009).

This document comprises of the MMO's Deadline 3 submission.

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  
Marine Licencing Case Officer

D +44 [REDACTED]  
E [REDACTED]@[marinemanagement.org.uk](mailto:[REDACTED]@marinemanagement.org.uk)

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# 1. Comments on REP1-004/005 Applicant's Draft DCO (Clean/Tracked)

## 1.1 More detail on major concerns

1.1.1 The MMO welcomes updates to the condition wording from “Marine Licence” to “deemed marine licence”.

1.1.2 The MMO welcomes the updates to ensure all references link to the correct sections across the DMLs’.

1.1.3 The MMO notes that changes have been made within each DML however the following still has not been included, the MMO requests this to be updated:

- The maximum number of piles, per day and per project and for both projects combined and separately (this should not exceed the overall total for the entire project assessed within the Environmental Statement (ES)).
- The maximum dredge depth.
- The maximum dredge volume per DML (this should not exceed the overall total for the entire project assessed within the ES); and
- The maximum disposal volume per DML (this should not exceed the overall total for the entire project assessed within the ES).

## 1.2 Decommissioning

1.2.1 The MMO notes that a draft decommissioning programme would be submitted prior to the construction of the projects as set out in Schedule 2, Part 1, Requirement (7).

1.2.2 The MMO requests an outline decommissioning plan to be part of the consenting process. The recently published guidelines by Offshore Energies UK (OEUK, 2024) for ‘Designing for Decommissioning of Offshore Wind’ states that:

*“Assets should be designed to be decommissioned with a technology available at the time of commissioning”*

1.2.3 The MMO notes Examining Authority for Five Estuaries Offshore Wind Farm Limited (project EN010115) has requested from the Applicant that:

*“Decommissioning is required to be assessed in order that the Examining Authority (ExA) and Secretary of State can have regard to the likely significant effects of the whole project over its lifecycle in making a recommendation and determination.”*

1.2.4 This can be achieved by following the OEUK ‘Designing for Decommissioning of Offshore Wind’ guidelines and assessing decommissioning based on available technologies now and not in the future.

## 1.3 Disposal

1.3.1 The MMO requests a shape file of each disposal site in order to start the process of designating the disposal sites so the references can be included within the DMLs.

## 1.4 Chemicals

1.4.1 The MMO requests that Condition 13(1) is removed and the following updates are made to Condition 15(1)(d) to include the following:

*“(ii) a chemical risk register, including information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice*

*guidance and standards;*

*(X) 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;*

*(aa) the function of the chemical,*

*(bb) the quantities being used and the frequency of use,*

*(cc) the physical, chemical, and ecotoxicological properties of the chemical. 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;*

*Submissions for approval must take place no later than ten weeks prior to use;"*

- 1.4.2 This would also include adding the following definitions to the 'interpretation' section of the DML:

*"pathway to the marine environment" open systems or closed systems that require top up.*

*"chemicals" comprise both substances and preparations.*

*"preparation" means a mixture or solution composed of two or more substances.*

*"substance" means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including 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.*

- 1.4.3 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.
- 1.4.4 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.
- 1.4.5 Past DML's (including the current Condition 19(1)) 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
- 1.4.6 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.
- 1.4.7 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.
- 1.4.8 For all chemicals, written approval from the MMO must be obtained before their use,

regardless of the risk of entering the marine environment. This is already standard practice and is conditioned by the requirement for a chemical risk assessment (or risk register) 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).

- 1.4.9 The condition generally reads as follows “chemical risk assessment/register 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.
- 1.4.10 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.
- 1.4.11 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.
- 1.4.12 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 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.
- 1.4.13 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.
- 1.4.14 The MMO further includes clarity on where other regulations/ agreements exempt chemicals from this process.
- 1.4.15 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.
- 1.4.16 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.

1.4.17 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.

1.4.18 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 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.

## **1.5 Coastal Processes**

1.5.1 The MMO notes that Applicant disagrees with the need to monitor beach recovery due to the removal of the short trenchless crossing at landfall from the ES. The trenchless bore exit pits will not be located on the beach and therefore won't need monitoring. The MMO are currently reviewing this and will provide a response in Deadline 4

1.5.2 The MMO welcome changes to the modelling report and will provide comments at Deadline 4.

## **1.6 Repowering**

1.6.1 The MMO acknowledges the Applicant's comments stating, 'given the uncertainty regarding the technical specifications around any potential repowering and potential levels of impacts, repowering was not assessed in the ES, nor are powers for repowering being applied of as part of the Development Consent Order sought by the Applicants.'

1.6.2 The MMO is currently content that repowering will have to be reassessed should this be required closer to the end of life.

## **1.7 Underwater Noise**

1.7.1 The MMO welcomes the updates to the Marine Mammal Mitigation Protocol (MMMP) and will provide comments at Deadline 4. The MMO welcomes updates to the unexploded ordnance (UXO) clearance information and assessment and will review once this becomes available.

## **1.8 Fisheries and Shellfisheries**

1.8.1 The MMO welcomes the planned updates to the Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment (Revision 2) and will review once submitted.

## **1.9 Dogger Bank South Compensation Plans**

1.9.1 The MMO acknowledges the Applicant's comments stating that changes cannot be made to the Round 4 Dogger Bank Strategic Compensation Plan [APP-060] as it was produced on behalf of the Crown Estate.

## **1.10 Dropped Objects**

1.10.1 The MMO notes that dropped objects are mentioned within article 13 (10) in DML 1 and 2 and 11 (10) in DML 3 and 4 and 9 (10) in DML 5 however the MMO requests the updates to this condition to provide more detail on the back of discussions with MCA. The MMO has provided the following wording which has been agreed by the MCA:

*"(13) (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 number), and the UK Hydrographic Office email: [navwarnings@btconnect.com](mailto:navwarnings@btconnect.com).

*(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.*

*(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."*

1.10.2 The MMO is currently reviewing the Dropped Object Procedure and there is a potential of a change of wording to align with Marine Directorate (<https://www.gov.scot/publications/offshore-renewables-accidental-deposit-of-an-object-at-sea-form-and-guidance/h>). This change shouldn't alter the requirement by the Applicant or any changes to the DML as (b) identifies what should be submitted it would just be a change in wording.

1.10.3 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.

## **2. Comments on Applicant's amended application Documents**

### **2.1 General Comments**

2.1.1 The following documents are currently being reviewed and some initial comments have been provided below however further comments may be provided at Deadline 4:

- REP2-018 - 7.8.8.3 Environmental Statement Appendix 8-3 – Marine Physical Processes Modelling Technical Report (Revision 3) (Tracked)
- REP2-026 - 8.6 Commitments Register (Revision 2) (Tracked)
- REP2-036 - 8.18 Disposal Site Characterisation Report (Revision 2) (Tracked)
- REP2-040 - 8.20 Cable Statement (Revision 3) (Tracked)
- REP2-042 - 8.21 Outline Project Environmental Management Plan (Revision 2) (Tracked)
- REP2-044 - 8.23 In Principle Monitoring Plan (Revision 2) (Tracked)
- REP2-046 - 8.24 Outline Offshore Operations and Maintenance Plan (Revision 3) (Tracked)
- REP2-048 - 8.25 Outline Marine Mammal Mitigation Protocol (Revision 3) (Tracked)
- REP2-050 - 8.26 In Principle Site Integrity Plan for the Southern North Sea Special Area of Conservation (Revision 3) (Tracked)
- REP2-052 - 8.27 Outline Scour Protection Plan (Revision 3) (Tracked)
- REP2-054 - 8.28 Outline Fisheries Liaison and Co-existence Plan (Revision 3)

(Tracked)

## **2.2 REP2-040 - 8.20 Cable Statement (Revision 3) (Tracked)**

2.2.1 The MMO welcomes the updates to this document including how and when the final document will be submitted to the MMO as well as updating section 1.4.5.2 to state that separate marine licence consents are required for UXO surveys and clearance.

## **2.3 REP2-042 - 8.21 Outline Project Environmental Management Plan (PEMP) (Revision 2) (Tracked)**

2.3.1 The MMO welcomes the updates to include the check clean dry practice within section 6.3 - Invasive non-native species.

2.3.2 The MMO welcomes the Applicant's updates to include a Legislative and Regulatory Compliance section

2.3.3 The MMO defers to NE in relation to the Red Throated Diver Vessel updates in paragraph 54.

## **2.4 REP2-044 - 8.23 In Principle Monitoring Plan (Revision 2) (Tracked)**

2.4.1 The MMO welcomes the changes to amend the commitment that no jack-up activities will occur with the Holderness Inshore Marine Conservation Zone (MCZ), to also include anchoring and will confirm if this closes out the comment at Deadline 4.

2.4.2 The MMO's current position is that at least two of the first four piles should be the worst-case piles, this has changed from previous OWF examinations due to the monitoring being provided on projects in the construction stage highlighting concerns in the predictions made, along with issues raised by the Statutory Nature Conservation Body's (SNCBs). The MMO understands that the Applicant's require flexibility as usually the first four piles are softer sediment to ensure the equipment is working as expected.

2.4.3 However, the MMO requires commitment that two of the worst-case piles will be monitored, this may be after the first four piles, but this would allow the predictions to be validated. Or if this is not possible how the ES predictions can be validated fully at the post consent stage. This commitment should be updated within the condition.

2.4.4 The MMO is currently reviewing the condition wording with SNCBs including the submission date of the data and may suggest updated wording in due course. The MMO welcomes further discussions with the App on this request and how it can be captured within the DML.

## **2.5 REP2-046 - 8.24 Outline Offshore Operations and Maintenance Plan (Revision 3) (Tracked)**

2.5.1 The MMO welcomes the update to maintenance within section 1.1. paragraph 5.

2.5.2 The MMO welcomes the update to the wording within Table 2.2 and understands this is a worst-case scenario.

2.5.3 The MMO welcomes the changes made to Table 2.3 with regards to the wording and when a separate marine licence is required.

## **2.6 REP2-048 - 8.25 Outline Marine Mammal Mitigation Protocol (MMMP) (Revision 3) (Tracked)**

2.6.1 The MMO welcomes the updates in relation to the new noise policies issued in January and is reviewing the commitment to noise reduction methods and will provide updates at

Deadline 4.

2.6.2 The MMO welcomes the updates on the breaks in piling (section 3.1.6) procedure.

### **2.7 REP2-050 - 8.26 In Principle Site Integrity Plan (SIP) for the Southern North Sea (SNS) Special Area of Conservation (SAC) (Revision 3) (Tracked)**

2.7.1 The MMO welcomes the addition of map of the project's location within the SNS SAC.

2.7.2 The MMO welcomes the updates to the SIP:

- Introduction
- The Southern North Sea SAC
- Project Description
- Project Commitments
- In Principle Management and Mitigation Measures
- Measure X: Scheduling of UXO Clearance
- Measure X: Clustering of UXO devices
- Measures Not Applicable
- Other Mitigation Measures outside the scope of the SIP

2.7.3 The MMO welcomes the updates in relation to the new noise policies issued in January and is reviewing the commitment to noise reduction methods and will provide updates at Deadline 4.

### **2.8 REP2-052 - 8.27 Outline Scour Protection Plan (Revision 3) (Tracked)**

2.8.1 The MMO welcomes the updates to the plan to consider the use of plastics in the marine environment in the final plan.

### **2.9 REP2-054 - 8.28 Outline Fisheries Liaison and Co-existence Plan (Revision 3) (Tracked)**

2.9.1 The MMO welcomes the updates to this plan and maintains a watching brief in relation to the National Federation of Fisherman's Organisations (NFFO) comments.

## **3. Comments on Natural England's (NE) written representations**

### **3.1 REP2-064 - Appendix B2 - Natural England's comments and updated advice on Marine Physical Environment**

3.1.1 The MMO agrees with NE on their comments regarding the Marine Physical Environment

### **3.2 REP2-065 - Appendix C2.1 - Natural England's comments and updated advice on Benthic and Intertidal Ecology**

3.2.1 The MMO agrees that the sediment deposition from sandwave levelling/seabed clearance should be located within areas of similar sediment type.

3.2.2 The MMO will keep a watching brief on justification from the Applicant as to why sandwave levelling for this project is required when it has not for Dogger Bank A, B C and Sofia.

3.2.3 The MMO will keep a watching brief NE's expectation that the Applicant use a down pipe with a TSHD and how this would work with the harder substrate that may compact within the TSHD.

3.2.4 The MMO notes NE does not agree with the wording "*it is intended that no new marine licences will be sought for any additional or replenishment protection required during the*

*operational phase in areas that were protected as part of construction, unless such protection would exceed the maximum amounts authorised by the DMLs. The Applicants are of the opinion that a distinction should not be drawn in protection maintenance licencing terms between areas within or beyond any Marine Protected Areas as long as any future protection levels fall below the worst-case scenario levels assessed within the Environmental Statement (ES) and the Report to Inform Appropriate Assessment (RIAA). The impacts of this protection will be compensated for as part of the Dogger Bank (DBS) South benthic Special Area of Conservation (SAC) compensation proposals”.*

3.2.5 The MMO agrees with NE that the Applicants should consider decommissioning – please see Section 1.3 of this document for more details.

3.2.6 The MMO note that NE maintain their previous advice that the placement of drill arisings adjacent to turbines may result in further habitat loss/change unless the Applicants can commit to placing drill arisings in similar habitat/particle size, as was committed by Dogger Bank A, B C and Sofia. The MMO will keep a watching brief regarding drill arisings.

### **3.3 REP2-066 - Appendix C2.2 - Natural England’s advice on cable protection assessment for offshore windfarms and inclusion in marine licenses**

3.3.1 The MMO is currently reviewing the discussion with the Applicant and NE in relation to the suggested wording in relation to the as built scenario. The MMO would highlight that this is standard practice now when using cable protection and this is the most recent condition used within some DCOs:

#### ***Reporting of cable protection***

*XX—(1) Not more than 4 months following completion of the construction phase of the authorised project, the undertaker must provide the MMO and Natural England with a report setting out details of the cable protection used for the authorised project.*

*(2) The report is to include the following information—*

*(a) location of the cable protection;*

*(b) volume of cable protection; and*

*(c) any other information relating to the cable protection as agreed between the MMO and the undertaker.*

3.3.2 However, the MMO notes the suggested wording from NE and welcomes the addition of:

*(3) For any subsequent deployments of cable protection following the completion of construction, the undertaker will provide an updated report as defined in (1) and (2) not more than 4 months following deployment of the cable protection.*

### **3.4 REP2-067 - Appendix F2 - Natural England’s comments and advice on Marine Mammals**

3.4.1 The MMO agrees with NE regarding noise abatement systems and their

implementation.

## **4. Response to the Examining Authority's Written Questions (ExQ1) – PD-014**

### **4.1 ARMC. 1.2: Notification Periods**

*Are you supportive of the fourteen and five-day notification periods in Condition 12 of DML 1 [REP1-004] and do you have any other comments on the condition as drafted? The ExA notes this condition is repeated in other DMLs and will consider comments received relevant for all instances*

4.1.1 The MMO is supportive of the notification periods set out in Condition 12 of DML 1 and on subsequent DMLs but notes that the MMO will have sight of the design plan with further detail in prior to this time period. The MMO will maintain a watching brief on the responses from other interested parties.

### **4.2 CF. 1.1: Commercial Fisheries**

*Can you comment on the Applicants' approach to undertaking surveys, the identified limitations [APP120, Table 2.2.2] and whether these would cause significant uncertainty or unreliability to the assessment [APP-117, paragraph 45]? Please comment on whether further survey or engagement could have reasonably been undertaken. Your response should include justification.*

4.2.1 The MMO and our scientific advisors Centre for Environment, Fisheries and Aquaculture Science (Cefas) have reviewed the information in relation to impacts to fish, no comments were raised as part of our Relevant Representation (REP2-061) however we would defer to Inshore Fisheries and Conservation Authorities (IFCA) and NFFO for more detailed comments on the surveys used and real time impacts to commercial fisheries.

### **4.3 CF. 1.10: Alternative Dispute Resolution (ADR)**

*The Outline Fisheries Liaison and Co-existence Plan (Revision 2) [AS-082, paragraph 54] states, 'Both parties have to agree to refer their dispute to ADR, which will be undertaken by a mutually agreed third party by both sides of the dispute. ADR will be considered as an escalation process and an effort to avoid any contentious and unpreferable legal procedures. Mediation is the preferred ADR mechanism, which is confidential in nature'. Explain what would happen in the event of a dispute where both parties didn't agree to refer it to ADR? In addition, how would the costs of the ADR process, including access to any expert and legal advice, be covered?*

4.3.1 The MMO does not take part in any disputes in relation to fishing and this is made clear in paragraph 55 of REP2-053/4.

### **4.4 CF. 1.11: Commercial Fisheries**

*Do you agree with the Applicants' conclusion that, 'cumulative magnitude of effect during the operational phase due to loss or restricted access to fishing grounds is expected to be lower than that presented during construction as many fishing practices can resume access across the Offshore Export Cable corridor, Array Areas and within other constructed wind farms' [APP-117, paragraph 438]*

4.4.1 The MMO notes that there would be exclusion zones during the construction phase which would restrict access to fishing grounds however once construction has finished and the operational phases commences then those exclusion zones would no longer be in place.

The MMO defers to IFCA and NFFO in relation to the magnitude.

#### **4.5 MCP. 1.6 - Water quality information**

*ES Chapter 8 [APP-080, paragraph 107] states that, 'site specific water quality information is not available for the Array Areas', and reference is made to the 2010 Quality Status Report with the location of the site in the Region II 'Greater North Sea'. Can you explain why you consider the document, which was prepared 15 years ago, to remain relevant? Should further surveys be undertaken for the array area to understand and assess site specific water quality? Can you also signpost or provide a plan showing the Order Limits in relation to the Region II boundaries?*

*MMO and NE: Do you accept the information provided in relation to water quality or do you consider that additional surveys should be undertaken to assess water quality within the array areas? Please explain your view.*

4.5.1 The MMO is reviewing this comment further with its scientific advisors and will respond at Deadline 4.

#### **4.6 MCZ. 1.1 – MCZ Conclusion**

*Do you agree with the Applicants' conclusion to the Phase 1 MCZ Assessment [APP-240]? If not, explain why. A cross reference to a point in a WR or Issues Log would be acceptable.*

4.6.1 The MMO defers to NE regarding the conclusion on the Stage 1 MCZ Assessment (APP-240).

#### **4.7 MCZ. 1.2 – Mitigation**

*Are you satisfied that the Applicants' proposed mitigation reduces the risk of activities associated with the Proposed Development to a level that has no significant risk of hindering the conservation objectives of the Holderness Inshore and Holderness Offshore MCZs? If so, are you satisfied with the way this is secured in the draft DCO? If not, can you explain how you consider the draft DCO should be amended?*

4.7.1 The MMO notes that section 5.4 of the Stage 1 MCZ Assessment (APP-240). lists the embedded mitigation and defers to NE in relation to the efficiency of the mitigation. The MMO will maintain a watching brief in relation to any updates required the DML.

#### **4.8 MCZ 1.3**

*Would you be able to exercise your functions to further the conservation objectives of the Holderness Inshore and Holderness Offshore MCZs if the Proposed Development was to go ahead?*

4.8.1 The MMO would highlight that there is a possibility in the future that approval of the proposed development could cause issues in relation to being able to exercise our functions. The MMO is currently reviewing previous DCO decisions and the impact these have had in relation to this topic. The MMO may provide further comments at Deadline 4 in relation to this.

#### **4.9 MM. 1.8 – Breaks in piling**

*Procedure after breaks in piling In relation to mitigation measures and breaks in piling operations, reports of pre-application discussions between you suggest a difference of opinion over the need to adhere to the JNCC guidance that a pre-piling search and soft-start procedure should be repeated before piling recommences when the delay has been more than ten minutes. The ExA notes the Applicants' response to RRs [PDA-013] stating that the*

*oMMMP would be updated to follow the breaks in piling procedure in the JNCC guidelines for piling (2010). The ExA notes updates have been made to the oMMMP [REP2-047] since this issue was raised particularly to section 3.1.2 but is not aware that specific updates in relation to this issue have been made to section 3.1.6 'Breaks in piling'. Can the Applicants and the MMO respond as to whether this is an outstanding issue or whether it has been resolved? If it is outstanding, can you explain why and how it is intended to be resolved by the close of the Examination?*

4.9.1 The MMO does not believe this has been updated in the MMMP section 3.1.6. There are ongoing discussions on all issues with the Applicant.

#### **4.10 OR. 1.37 - NPS EN-3 in relation to offshore ornithology**

*Looking at the evidence in front of the Examination at this time, what is your position in respect of the following tests in NPS EN-3 (which the ExA must consider in its recommendation to the SoS)?*

*a) 'The Secretary of State may consider that monitoring of any impact is appropriate owing to the complex nature of offshore wind development, and the difficulty in establishing the evidence base for marine environmental recovery'. NPS EN-3 paragraph 2.8.296.*

*b) 'The Secretary of State must be satisfied that displacement assessments have been conducted to a satisfactory standard having had regard to the advice from the relevant statutory advisor'. NPS EN-3 paragraph 2.8.315.*

4.10.1 a) 'The conservation status of seabirds is of relevance and the Secretary of State should take into account the views of the relevant statutory advisors and be satisfied that cumulative and in-combination impacts on seabird species have been considered'. NPS EN-3 paragraph 2.8.316. a) The MMO believes that monitoring will be required and defers to NE as the SNCB.

4.10.2 b) The MMO defers to NE as the SNCB in relation to displacement.

4.10.3 c) The MMO defers to NE as the SNCB in relation to in-combination impacts.

## **5. Other comments**

5.1.1 The MMO has some outstanding comments that were deferred from Deadline 1 and 2 in relation to the DCO/DML. The MMO will provide an update to the Applicants, week commencing 24 March and will also submit this into the Examination as an additional submission. The MMO notes the ExA may not accept an additional submission and if so the information will be provided at Deadline 4. However, the MMO will ensure ongoing discussions are taking place with the Applicant.