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(Email only)

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

28 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 Additional 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 additional 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,

[Redacted Signature]

[Redacted Name]

Marine Licencing Case Officer

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Table 1 – MMO comments from Deadline 3 on the DCO and DML

The MMO has provided comments on the majority of these at Deadline 2 and will review the Applicant's comments submitted at Deadline 3 on these comments. Where the MMO said they would provide a comment at Deadline 3 or in due course the MMO has provided an update or clarified when an update will be provided.

	Main DCO		MMO Comments	Applicant Comments	Deadline 3 Comments
1	Part 1 – Preliminary Interpretation (2)(1)	“building” includes any structure or erection or any part of a building, structure or erection;	Please can the Applicant confirm that ‘building’ does not include any offshore structures, and therefore that the protective works to building schedule does not apply to offshore structures.	The definition of "building" could apply to offshore structures. If the MMO have any concerns with this approach, the Applicants request that further details be provided. The definition of "building" and the terms of Article 17 are well precedented, and commonly included in DCOs	The MMO will review the Applicants response and provide comments at Deadline 4.
2		<p>“DBS East Project offshore works” means Work Nos. 1A to 9A and any other authorised development and ancillary works associated with those works.</p> <p>“DBS West Project offshore works” means Work Nos. 1B to 9B and any other authorised</p>	<p>The MMO notes that works 9A and 9B have been included in the offshore works.</p> <p>The works are to provide means of emergency access along the existing beach between Work No. [....] to allow for access in the event of accidents and / or environmental incidents. Can the Applicant clarify when these activities will be undertaken (when is</p>	<p>These works will not include any marine licensable activities. These elements of the works have been included to afford vehicular access to the intertidal area to allow the clean-up of any drilling fluids which could escape from the bores drilled beneath the beach as part of the trenchless crossing works (e.g. Horizontal Directional Drilling works) at landfall.</p>	The MMO is still reviewing the practicalities of the inclusion of this and will provide a response at Deadline 4.

		development and ancillary works associated with those works.	it an emergency?), if these works include any marine licensable activities or if the works will impact the environment e.g. abrasion/disturbance to a priority habitat.		
5		“maintain” includes inspect, upkeep, repair, adjust, alter, and further includes remove, reconstruct and replace (including replenishment of cable protection), but does not include the removal, reconstruction or replacement of foundations associated with the authorised project, to the extent assessed in the environmental statement; and “maintenance” must be construed; accordingly,	The MMO requests the text is updated to: “maintain” includes inspect, upkeep, repair, adjust, alter, and further includes remove, reconstruct and replace (but only in relation to any of the ancillary works in Part 2 of Schedule 1 (ancillary works) to the Order and any component part of any [wind turbine generator, offshore electrical platform, construction, operations and maintenance platform or meteorological mast] described in Part 1 of Schedule 1 (authorised development to the Order not including the	The Applicants do not consider that the wording within the definition of "maintain" in the Draft DCO [APP-027] and in each DML in schedules 10 - 14 of the Draft DCO [APP-027] needs to be updated. The purpose of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 is to identify the likely significant environmental effects that will arise from a project. That facilitates the relevant decision maker making an informed decision on the likely effects of the project before they grant or refuse consent. The detail in an Environmental Statement (ES) is not intended to be wholly prescriptive. That is not how the Environmental Impact Assessment (EIA) regime	The MMO is content with the Applicant's explanation and no further updates are required.

			<p>alteration, removal or replacement of foundations), to the extent assessed in the environmental statement; and “maintenance” must be construed accordingly.</p> <p>The MMO notes that within conditions or within attached/ supporting Plans (for example "Offshore Operations and Maintenance Plan") where "replacement" is noted, that it references its limitations of the replacement to be in line with "like-for-like" or "as within the project envelope".</p>	<p>operates. In undertaking an EIA, a developer has to make certain assumptions about how the project will be undertaken, particularly in respect of the operation and maintenance phase. Key parameters that underpin the assessment will then be included in the terms of the consent granted. Where relevant, these key parameters relating to issues including, but not limited to, numbers of maintenance vessel movements, cable repair quantities, remedial cable protection quantities and number of jack-up activities have been included within the worst case scenario tables across ES chapters and within the assessments of operations and maintenance activities.</p>	
6		<p>“MHWS” or “mean high water springs” means the highest level that spring tides reach on average over a period of time;</p>	<p>The MMO request the definition is updated to: ‘The height of Mean High-Water Springs (MHWS) is the average throughout the year, of two successive high waters, during a 24-hour</p>	<p>This definition is well preceded, and commonly included in DCOs. No change to the Draft DCO [APP-027] is proposed.</p>	<p>The MMO will review the Applicant’s response submitted at Deadline 3 and provide a response at Deadline 4.</p>

			period in each month when the range of the tide is at its greatest (Spring tides).		
7		<p>“undertaker” means, subject to article 5 (benefit of Order),—</p> <p>(a) for the purposes of constructing, maintaining and operating the DBS East works and any related ancillary works, DBSEL; (b) for the purposes of constructing, maintaining and operating the DBS West works and any related ancillary works, DBSWL; and</p> <p>(c) in any other case, DBSEL and DBSWL;</p>	<p>The undertaker definition must be updated. This should exclusively be the named companies (RWE Renewables UK Dogger Bank South (East) Limited, company reference number 13656240 and RWE Renewables UK Dogger Bank South (West) Limited, company reference number 13656525,).</p> <p>In addition, the Applicant should remove ‘subject to article 5’ (benefit of the order).</p> <p>The above updates should also be made to the DBSEL and DBSWL definitions.</p>	<p>The Applicants disagree that transfers of the DMLs should be regulated by the provisions of section 72 of the Marine and Coastal Access Act (MCAA) 2009. Where a transfer of a DML is proposed, the SoS would be looking at that in the context of all the provisions of the DCO. There are some Articles and Requirements relating to offshore matters within the DCO which overlap with the DMLs. In that context, it is entirely appropriate that the SoS has the ability to approve the transfer of a DML. Article 5(14) confirms that section 72(7) and (8) (variation, suspension, revocation and transfer) of the 2009 Act does not apply to a transfer of the DMLs falling within Article 5. Section 72(7) permits the licensing authority to transfer a marine licence to another person. Section 72(8) provides</p>	<p>The MMO acknowledges the Applicants comments however still maintains that reference to the DMLs in Article 5 should be removed. Please see section 1.2 in REP2-061 for more information.</p> <p>The MMO would also advise that the company reference number should be referenced within the interpretation to provide clarity on the undertake during compliance checks. It needs to be clear who the undertaker is at all times.</p>

				<p>that "a licence may not be transferred except in accordance with subsection 7". Article 5 however provides for a transfer to take place in a different way to section 72(7). Since Article 5 is different from the precise wording of section 72(7) of the 2009 Act it is necessary to specify that section 72(7) only applies to a transfer not falling within Article 5 in order to enable Article 5 to operate. Without specifying this, Article 5 might be claimed to be inoperative because of adopting a different wording from section 72(7).</p> <p>The Applicants also note that this approach is aligned with "good practice point 11" in the Planning Inspectorate Advice Note 15: drafting Development Consent Orders (2018), which states that "Applicants should give careful consideration to the terms of the transfer Article they include in their draft DCO so as to ensure that it reflects how they envisage the NSIP being operated post-consent and, if</p>	
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				possible, avoid potential inconsistencies between how DCO and DML transfer arrangements would operate." The Applicants' approach is intended to ensure that inconsistencies in the transfer arrangements do not arise.	
8		(7) In this Order "includes" must be construed without limitation unless the contrary intention appears.	The MMO are discussing this section internally and will provide further comments in due course.	It is noted that the MMO are discussing this sub- paragraph. The Applicants note that this wording is well preceded, and commonly included in DCOs.	The MMO does not agree that ' <i>well preceded and commonly included in DCOs</i> ' provides enough justification for not updating the definition. The MMO requests the Applicant highlights which DCOs this has been included in and if this relates to the DML or not.
11	Part 1 – Preliminary Interpretation (3)	Please see section 3.3.1 in this document for further information	Please see section 3.3 in this document for further information.	For the reasons set out below, the Applicants do not agree with the removal of the parts of Article 5 of the Draft DCO [APP-027] requested by the MMO. Paragraph (14) of Article 5 disapplies sections 72(7) and (8) of the Marine and Coastal Access Act 2009 in relation to a transfer or grant of the benefit of a Deemed Marine Licence (DML). The drafting is based on the Model Provisions and reflects a long- established precedent regarding the transfer of DCO powers and	The MMO still maintains that reference to the DMLs Article 5 should be removed. Please see Section 1.2 of REP2-061 for more information.

				<p>DMLs that has been endorsed by the Secretary of State (SoS) many times, including most recently in the Sheringham Shoal and Dudgeon Extensions DCO. Where a transfer of the DML is sought under Article 5, the SoS would consider the appropriateness of the party to whom the transfer or grant is proposed and would also take into account any representations made by the MMO before determining whether to grant consent, noting that Article 5 (paragraphs (6) and (9)) includes provisions requiring notification and consultation with the MMO where a transfer or grant of the benefit of a DML is proposed.</p> <p>From a procedural perspective, it is important that the DCO and any DML can be transferred together using the process set out in Article 5. It is considered important that the timing of any transfer or grant of powers/ authorisations under the DCO and a DML be aligned, as there is considerable overlap</p>	
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				<p>between the authorisations and the requirements/conditions. This justifies a departure from the procedure under the Marine and Coastal Access Act 2009. Having deemed the marine licence in the DCO, it is also appropriate that any transfer under the Order include the DML as part of the wider transfer- it is one element of the wider order powers and should not be separated out from the authority to construct, operate and maintain the Nationally Significant Infrastructure Project (NSIP) granted by the Order.</p> <p>The PA 2008 is clear that marine licences may be deemed in a DCO in appropriate areas (s149A) and that a DCO may include such further provisions ancillary to the operation of that DML (s122(3)), including transfer of the benefit. Section 122(5)(a) and (c) set out that a DCO may "apply, modify or exclude a statutory provision which relates to any matter for which provision may be made</p>	
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				<p>in the order" or "include any provision that appears to the Secretary of State to be necessary or expedient for giving full effect to any other provision of the order". The ability to transfer a DML is related to the deeming and it is therefore a sensible, expedient part of the wider power to transfer the benefit of the order.</p> <p>Overall, the drafting of this article reflects the equivalent provision in recent offshore wind DCOs including Hornsea Three, Norfolk Boreas, Norfolk Vanguard, East Anglia One North, East Anglia Two, Awel y Mor, Hornsea Four and Sheringham Shoal and Dudgeon Extensions. As noted above, this article is necessary to provide the Applicants with the appropriate commercial freedom to sell or lease the authorised projects while ensuring that the SoS can control such sale or lease through the need to obtain their consent.</p>	
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15	Part 4 – Interpretation	36. —(1) This article applies to— (a) any agreement for leasing to any person the whole or any part of the authorised project or the right to operate the same; and (b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised project, or any part of it; so far as the agreement relates to the terms on which any land that is the subject of a lease granted by or under that agreement is to be provided for that person's use. (2) No enactment or rule of law regulating the rights and obligations of	Please confirm this is for onshore works only.	This wording is well preceded, and commonly included in DCOs.	The MMO will review the Applicant's comments submitted at Deadline 3 and provide a response at Deadline 4.
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		<p>landlords and tenants prejudices the operation of any agreement to which this article applies.</p> <p>(3) Accordingly, no such enactment or rule of law applies in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to— (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter; (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in</p>			
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		relation to land that is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.			
16	Part 7 Miscellaneous and general Abatement of works abandoned or decayed	43.—(1) Where the DBS East Project offshore works or any part of them are abandoned or allowed to fall into decay the Secretary of State may, following consultation with DBSEL, by notice in writing require DBSEL at its own expense either to repair, make safe and restore one or	The MMO advises this condition is updated to say the undertaker must ensure they also obtain the necessary consents.	This wording is well preceded, and commonly included in DCOs. Failure to obtain any necessary consents would be dealt with under the relevant consenting regime, and therefore inclusion of a requirement in this article to obtain necessary consents would be superfluous. No change to the Draft DCO [APP-027] is proposed.	The MMO does not agree that ' <i>well preceded and commonly included in DCOs</i> ' provides enough justification for not updating the definition. The MMO notes that previous DCOs may have similar definitions however the MMO believes this should be updated to the following wording (and similar updates to sub-limb (2)): <i>Where the DBS East Project offshore works or any part of them are abandoned or allowed to fall into decay the Secretary of State may, following consultation with DBSEL, by notice in writing require DBSEL issue a</i>

		<p>any of those works, or any relevant part of them, or to remove them and, without prejudice to any notice served under section 105(2) of the 2004 Act, restore the site to a safe and proper condition, to such an extent and within such limits as may be specified in the notice.</p> <p>(2) Where the DBS West Project offshore works or any part of them are abandoned or allowed to fall into decay the Secretary of State may, following consultation with DBSWL, by notice in writing require DBSWL at its own expense either to repair, make safe and restore one or any of those works,</p>			<p><i>written notice requiring DBSEL at its own expense either to repair, make safe and restore one or any of those works, or any relevant part of them, or to remove them and, without prejudice to any notice served under section 105(2) (requirement to prepare decommissioning programmes) of the 2004 Act, restore the site to a safe and proper condition, to such an extent and within such limits as may be specified in the notice.</i></p>
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		or any relevant part of them, or to remove them and, without prejudice to any notice served under section 105(2) of the 2004 Act, restore the site to a safe and proper condition, to such an extent and within such limits as may be specified in the notice.			
22	Schedule 1 – Authorised Project Part 2 – Ancillary works	Notification of generation of power 28.—(1) DBSEL must notify the relevant planning authority and the MMO upon first generation of power from each phase of the DBS East Project no later than seven days after the occurrence of this event. (2) DBSWL must notify the relevant planning authority and the MMO upon	The MMO would like to understand the inclusion of this notification and will provide further comment once this has been reviewed.	This notification has been included to align with the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024. As the Draft DCO [APP-027] authorises the construction of two projects, the notification ensures the relevant planning authority and MMO will have clarity as to when first generation is for each project. The Applicants would be content to delete this requirement if the relevant planning authority and MMO do not consider it necessary.	The MMO acknowledges the Applicants response and are content with the inclusion and may provide further comments upon discussions with the LPA.

		first generation of power from each phase of the DBS West Project no later than seven days after the occurrence of this event			
24	Schedule 2 Part 1 Requirements	Amendments to approved details 34.—(1) Where any requirement requires the authorised project to be carried out in accordance with the details approved by the relevant planning authority or another person (the “approving authority”), the approved details must be taken to include any amendments that may subsequently be approved by the approving authority (after consulting any person that the approving authority	For cases that contain definitions or the use of the terms "maintenance"/ "materially", the MMO strongly considers that the activities authorised under the DCO and DML should be limited to those that are assessed within the Environmental Impact Assessment (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. The MMO considers that wording should be updated to ‘do not give rise to any new	This wording is well preceded and commonly included in DCOs. Most recently, it is included in the Sheringham and Dudgeon DCO (2024), which provides in its DMLs in Part 1: "8(2) Any amendments to or variations from the approved details, plans or schemes must be in accordance with the principles and assessments set out in the environmental statement and approval of an amendment or variation may only be given where it has been demonstrated to the satisfaction of the MMO that it is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement."	The MMO does not agree that ‘ <i>well preceded and commonly included in DCOs</i> ’ is a substantive position. The MMO notes that previous DCOs may have similar definitions however this does not mean that they should be included going forward. However, on this occasion the MMO is content with the wording.

		<p>is required to consult under the relevant requirement).</p> <p>(2) The approving authority must not approve an amendment unless it is satisfied that the amendment is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement</p>	<p>or different environmental effects to those assessed in the Environmental Statement'. This also applies to the definition of "maintain".</p> <p>The MMO does not consider that it is appropriate to use the word 'material' in these circumstances.</p>	<p>It is necessary for DCOs to allow for a degree of flexibility, in particular to allow for the use of new or improved construction methods or emerging technologies. Allowing actions which can be demonstrated not to have materially new or different environmental effects cannot be contrary to the EIA regime, which is intended to proportionately control likely significant effects. The EIA regime is not intended to control any effect regardless of how insignificant it may be. If an effect is not materially new or different, it cannot give rise to a risk of a significant effect arising which is not assessed in the ES.</p>	
25	<p>Part 2 Approval of matters specified in requirements</p> <p>Further Information</p>	<p>Further information 3.—(1) In relation to any application referred to in paragraph 2, the discharging authority may request such further information from the undertaker as it considers</p>	<p>3.11.1 The MMO has provided detailed comments in Table 1 below. Please find a summary of the main concerns below.</p> <p>Determination dates: The MMO strongly considers that it is inappropriate to put</p>	<p>3.11.1 The Applicants have responded to the MMO's detailed comments in Table 1 below and 3.11.3 The Applicants require certainty that the discharge of conditions under the DMLs will not cause undue delay to the delivery of the Projects. The Applicants note that, whilst the MMO is not</p>	<p>The MMO notes that this is in relation to Part 2 of Schedule 2 where the MMO is not the discharging authority. However, this is relevant in relation to Condition 15(5) and maintains their position that a determination date is should not be included.</p> <p>The MMO welcomes that documents will be submitted six months before the</p>

		<p>necessary to enable it to consider the application. (2) If the discharging authority considers that further information is necessary, and the requirement concerned contained in Part 1 of this Schedule does not specify that consultation with a consultee is required, the discharging authority must, within ten days of receipt of the application, notify the undertaker in writing specifying the further information required. (3) If the requirement concerned contained in Part 1 of this Schedule specifies that consultation with a consultee is required, the</p>	<p>timeframes on complex technical decisions of this nature. The time it takes the MMO to make such determinations depends on the quality of the application made, the complexity of the issues and the amount of consultation the MMO is required to undertake with other organisations to seek resolutions.</p> <p>3.11.3 The MMO's position remains that it is inappropriate to apply a strict timeframe to the approvals the MMO is required to give under the conditions of the DML, given this would create disparity between licences issued under the DCO process and those issued directly by the MMO, as marine licences issued by the MMO is not subject to set determination periods. This applies for the following conditions:</p>	<p>subject to set determination periods for the discharge of conditions for marine licences issued by the MMO, the MMO does aim to make a decision on most marine licence applications within 13 weeks of an application being validated. It would therefore seem reasonable that the MMO is able to make a decision on the discharge of conditions within a period double that length. The Applicants therefore submit that six months is a reasonable amount of time for the MMO to determine any approvals sought, noting that the provisions of the DMLs (condition 8 on DML 1 and 2, condition 6 on DML 3 and 4 and condition 4 on DML 5) do allow for an alternative timeframe to be agreed between the MMO and the undertaker, which could be utilised in the unlikely event that six months was not sufficient in individual cases.</p> <p>3.11.4 The Applicants welcome the MMO's confirmation that it does not delay determining whether to grant or refuse such</p>	<p>intended commencement of licensed activities.</p>
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		<p>discharging authority must issue the application to the consultee within five working days of receipt of the application and notify the undertaker in writing specifying any further information requested by the consultee within five working days of receipt of such a request. (4) If the discharging authority does not give the notification within the period specified in subparagraphs (2) or (3) it (and the consultee, as the case may be) is deemed to have sufficient information to consider the application and is not entitled to request further information without</p>	<ul style="list-style-type: none"> • Extension of time Periods (condition 8 on DML 1 and 2, condition 6 on DML 3 and 4 and condition 4 on DML} • Pre-construction plans and documentation (condition 15 on DML 1 and 2, condition 13 on DML 3 and 4 and condition 11 on DML s) • Site integrity plans (condition 16 on DML 1 and 2 and condition 14 on DML 3 and 4) <p>3.11.4 Whilst the MMO acknowledges that the Applicant may wish to create some certainty around when it can expect the MMO to determine any applications for an approval required under</p>	<p>approvals unnecessarily. This supports the Applicants' position that six months should be a sufficient amount of time for such approvals to be considered, noting that an alternative timeframe can be agreed in the unlikely event that six months was not sufficient in individual cases.</p> <p>3.11.2, 3.11.5 and 3.11.6 The Applicants' position is that the submission of certain plans for approval at least four months prior to commencement of operation of licensed activities is appropriate and precedented (for example Hornsea Four and East Anglia One North OWFs). Notwithstanding that, the Applicants welcome that the MMO is open to discussion on this point and will therefore seek to agree the relevant timescales with the MMO and update the Examining Authority (ExA) once those discussions have taken place</p>	
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		<p>the prior agreement of the undertaker.</p>	<p>the conditions of a licence, and whilst the MMO acknowledges that delays can be problematic for developers and that they can have financial implications, the MMO stresses that it does not delay determining whether to grant or refuse such approvals unnecessarily. The MMO makes these determinations in as timely a manner as it is able to do so.</p> <p>3.11.5 The MMO's view is that it is for the developer to ensure that it applies for any such approval (with all information required) in sufficient time as to allow the MMO to properly determine whether to grant or refuse the application. The MMO believes that if time scales are included within the DML for plans,</p>		
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			<p>then these should be 6 months and not 4 months.</p> <p>3.11.6 However, without prejudice to this position, the MMO is open to discussions on which documents should be 6 months and which documents could be 4 months, in order to take into account the concerns that the Applicant may have</p>		
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Schedule 10 Schedule 14 – Deemed Marine Licences

Part 1

31	<p>Part 1</p> <p>Licensed marine activities Interpretation</p> <p>DML1 - DML5</p>	<p>“authorised deposits” means the substances and articles specified in paragraph 4 of Part 1 of this marine licence;</p>	<p>The MMO requests this is updated to clarify that the materials need approval by the MMO in order to be deposited.</p>	<p>This wording is well preceded, and commonly included in DCOs. It is considered that the additional detail proposed by the MMO is not appropriate or necessary for the purposes of defining the meaning of "authorised deposits".</p> <p>No change to the Draft DCO [APP-027] is proposed.</p>	<p>As above the MMO does not believe that precedent is justification alone. It is for the MMO to designate the disposal sites in conjunction with our scientific advisors Centre for Environment Fisheries and Aquaculture Science (Cefas).</p> <p>The MMO has received shape files from the Applicants and will work on designating these and provide the reference numbers to be included in Paragraph 4 and Condition 13 (5) as soon as possible.</p>
32	Part 1	<p>“cable protection” means measures to</p>	<p>The MMO requests the condition wording is</p>	<p>This wording is well preceded, and commonly</p>	<p>The MMO does not believe that precedent is justification alone. The</p>

	Licensed marine activities Interpretation DML1 - DML 5	protect cables forming part of the authorised scheme from physical damage and exposure due to loss of seabed sediment including, but not limited to, rock placement, concrete mattresses with or without frond devices, protective aprons or coverings, bagged solutions filled with sand, rock, grout or other materials and protective shells;	updated to the below to ensure that the reason why cable protection is being used is clear. "cable protection" means measures for offshore cable crossings and where cable burial is not possible due to ground conditions or approaching offshore structures, to protect cables forming part of the authorised scheme from physical damage and exposure due to loss of seabed sediment including, but not limited to, rock placement, concrete mattresses with or without frond devices, protective aprons or coverings, bagged solutions filled with sand, rock, grout or other materials and protective shells;"	included in DCOs. It is considered that the additional wording proposed by the MMO is not appropriate or necessary for the purposes of defining the meaning of "cable protection". No change to the Draft DCO [APP-027] is proposed.	MMO believes cable crossings should be included within the interpretation.
33	Part 1 Licensed marine activities Interpretation	"intrusive activities" means activities including anchoring of vessels, jacking	The MMO would like to remind the Applicant that temporary deposits are still licensable. The	The Applicants would welcome a discussion with the MMO regarding the scope of "temporary deposits" before	The MMO will review the Applicant's comments submitted at Deadline 3 and discuss this matter further.

	DML1 - DML5	up of vessels, temporary deposits and temporary wet storage areas;	Applicant should not undertake temporary deposits that are not licensed under a DML. The MMO request the phrase 'temporary deposit' is removed from this definition within the DMLs. Can the Applicant confirm where this has been assessed within the ES?	committing to making this change.	
35	Part 1 Licensed marine activities Interpretation DML1 - DML 5	"maintain" includes inspect, upkeep, repair, adjust, alter, remove, reconstruct and replace (including replenishment of cable protection), but does not include the removal, reconstruction or replacement of foundations associated with the authorised scheme, to the extent assessed in the environmental statement; and	The MMO advise the text is updated to: "maintain" includes inspect, upkeep, repair, adjust, alter, and further includes remove, reconstruct and replace (but only in relation to any of the ancillary works in Part 2 of Schedule 1 (ancillary works) to the Order and any component part of any wind turbine generator, offshore electrical platform, construction, operations and maintenance platform or	The Applicants do not consider that the wording within the definition of "maintain" in the Draft DCO [APP-027] and in each DML in schedules 10 - 14 of the Draft DCO [APP-027] needs to be updated. The purpose of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 is to identify the likely significant environmental effects that will arise from a project. That facilitates the relevant decision maker making an informed decision on the likely effects of the project before they grant or refuse consent. The detail in an Environmental Statement (ES) is	Please see row 24 for more detail.

		<p>“maintenance” must be construed accordingly;</p>	<p>meteorological mast described in Part 1 of Schedule 1 (authorised developed) to the Order not including the alteration, removal or replacement of foundations), to the extent assessed in the environmental statement; and “maintenance” must be construed accordingly. The MMO note that within conditions or within attached/ supporting Plans (for example "Offshore Operations and Maintenance Plan") where "replacement" is noted that it references its limitations of the replacement to be in line with "like-for-like" or "as within the project envelope".</p>	<p>not intended to be wholly prescriptive. That is not how the Environmental Impact Assessment (EIA) regime operates. In undertaking an EIA, a developer has to make certain assumptions about how the project will be undertaken, particularly in respect of the operation and maintenance phase. Key parameters that underpin the assessment will then be included in the terms of the consent granted. Where relevant, these key parameters relating to issues including, but not limited to, numbers of maintenance vessel movements, cable repair quantities, remedial cable protection quantities and number of jack-up activities have been included within the worst case scenario tables across ES chapters and within the assessments of operations and maintenance activities</p>	
36	Part 1 Licensed marine activities Interpretation	<p>“MHWS” or “mean high water springs” means the highest level that spring tides reach on</p>	<p>The MMO request the definition is updated to: ‘The height of Mean High Water Springs (MHWS) is the average</p>	<p>This wording is well preceded, and commonly included in DCOs. No change to the Draft DCO [APP-027] is proposed.</p>	Please see row 6 for more information

	DML1 - DML 5	average over a period of time;	throughout the year, of two successive high waters, during a 24-hour period in each month when the range of the tide is at its greatest (Spring tides).		
39	Part 1 Licensed marine activities Interpretation DML1 - DML 5	“undertaker” means DBSEL and DBSWL;	The MMO request this is updated. Only one company can own the marine licence and be the undertaker. Please also include the company name and registration number.	Company details are provided in the definition of DBSEL and DBSWL. Marine Licence 5 relates to cabling inter-linking the two Projects and would be owned jointly by DBSEL and DBSWL. A separate DML has been included in order to allow for the transfer of these transmission assets to an Offshore Transmission Owner in due course. The Applicants are not aware of any legal restriction preventing a DML being granted to joint undertakers. No change to the Draft DCO [APP-027] is proposed.	The MMO will review the Applicants comments submitted at Deadline 3 and provide comments at Deadline 4.
43	Part 1 Licensed marine activities Interpretation	under article 42“outline offshore operations and maintenance plan”	Please delete ‘under article 42’ as this appears to be an error.	The Applicants acknowledge this comment and will make appropriate updates to the Draft DCO [APP-027] to	The MMO believes this has been updated and has no further comments.

	DML 3 and DML 4	means the document certified as the outline offshore operations and maintenance plan by the Secretary of State under article 42 (certification of documents and plans, etc.) of the Order;		address the point raised by the MMO and submit an updated Draft DCO [APP-027] for Deadline 1.	
47	Drill arisings	DML 1 – Schedule 10 – Works No. 7a (f) DML 2 - Schedule 11 - Works No. 7b (f) DML 3 – Schedule 12 – Works No 7a (f) DML 4 – Schedule 13 – Works No 7b (f)	Chapter 5 section 5.5.3.2.1 table 5-7 states maximum drill arisings per foundation and maximum volume of arisings differ to what is detailed within each DML: ES: Maximum drill arisings per foundation (m3) – small turbines 2,012. Large turbines 4,712 Maximum volume of arisings (m3) – Small turbines 20,106. Large Turbines 26,625 DML 1: 37,917 DML 2: 35,086 DML 3: 2,815	The Applicants note that the numbers presented are correct and as intended. The reasoning for the apparent inconsistencies relates to the optionality retained within the Projects relating to different types of foundations that could be used and how arisings are grouped for different purposes within the Draft DCO [APP-027] and DMLs. For example, there are figures presented in Tables 5-7 and 5-9 of Chapter 5 Project Description [APP-071) which are different because Table 5.7 relates to arisings generated by turbine monopile foundations only, whilst Table 5-9 relates to	The MMO will review the Applicants comments submitted at Deadline 3 and provide comments at Deadline 4.

			<p>DML 4: 2,815</p> <p>Please ensure consistency across all documentation.</p> <p>In addition, it needs to be clear within the DMLs if the maximum parameters are across all DMLs. The maximum parameters should be conditioned to ensure the works are within the parameters assessed in the ES.</p>	<p>arisings generated by turbine jacket foundations only. Each type of foundation could create a different volume of arisings as a worst case, hence different numbers are presented.</p> <p>Within the Draft DCO [APP-027] the numbers relating to arisings presented in Schedule 1 Part 1 are for each project taken separately and include both the worst case or turbine foundation arisings combined with the worst case foundation arisings, plus the worst case foundation arisings from the platforms associated.</p> <p>The numbers relating to drill arisings presented within each DML relate to the worst case arising calculations associated with the infrastructure included within the given licence. For example, DML 1 covers the worst case values for drill arisings from all turbines, plus the worst case values for drill arisings from the platforms included within that licence</p>	
Part 2 Conditions					

48	Design Parameters	<p>DML 1: Condition 1 - Condition 5</p> <p>DML 2: Condition 1 – Condition 5</p> <p>DML 3: Condition 1 – Condition 3</p> <p>DML 4: Condition 1 – Condition 3</p>	<p>The MMO requests the wording of these conditions are updated to ensure they are enforceable by changing ‘may’ to ‘will’ or by stating ‘must not be higher’ etc. for all conditions.</p>	<p>The Applicants acknowledge this comment and will make appropriate updates to the Draft DCO [APP-027] to address the point raised by the MMO and submit an updated Draft DCO [APP-027] for Deadline 1.</p>	<p>The MMO will review the Applicants comments submitted at Deadline 3 and provide comments at Deadline 4.</p>
49		<p>DML 1: Condition 3 – Offshore accommodation platform dimensions</p> <p>DML 2: Condition 3 – Offshore accommodation platform dimensions</p> <p>DML 3: Condition 1 – Offshore electrical installation dimensions</p> <p>DML 4: Condition 1 – Offshore electrical installation dimensions</p>	<p>The Applicant has stated: The ‘dimensions of any offshore accommodation platform must not exceed’... and ‘The dimensions of any offshore electrical installation must not exceed’... However they have excluded helidecks, lighting protection, towers, masts and cranes from the dimensions. Please clarify how the maximum dimensions of these helidecks etc will be secured on the DML.</p>	<p>Exclusion of these elements is well precedented, including with the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024, and the East Anglia ONE North Offshore Wind Farm Order 2022. It is well precedented for these elements not to be subject to restrictions. No change to the Draft DCO [APP-027] is proposed.</p>	<p>As above precedent is not justification for the inclusion. However, on this occasion the MMO has no further comments.</p>

51	Phases of the authorised Scheme	DML 1: Condition 6 DML 2: Condition 6 DML 3: Condition 4 DML 4: Condition 4 DML 5: Condition 2	<p>The MMO requests the wording is updated to:</p> <p>‘(1) The authorised scheme must not commence until a written scheme setting out the phases of construction of the authorised scheme has been submitted to and approved in writing by the MMO.</p> <p>(2) The authorised scheme must be submitted at least 6 months prior to the proposed commencement of the works.</p> <p>(3) Any subsequent amendments to the written scheme submitted for approval under sub-paragraph (1) must be submitted to the MMO for approval in writing’.</p> <p>(4) The written scheme submitted for approval under sub-paragraph (1)</p>	<p>The principle of a time period for submission of the written scheme is acceptable to the Applicants. However, the Applicants propose a four month time period is included in the new sub-paragraph (2). The Applicants will update the Draft DCO [APP-027] on this basis. The Applicants will also update the Draft DCO [APP-027] to refer to this scheme as the "Offshore Works Phasing Scheme" and submit an updated Draft DCO [APP-027] at Deadline 1.</p>	<p>The MMO will review the Applicants comments submitted at Deadline 3 and provide comments at Deadline 4.</p>
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			<p>must be implemented as approved. The approved details shall be taken to include any amendment that may subsequently be approved by the MMO in accordance with sub-paragraph (2).</p> <p>In addition, the MMO note that the Offshore Works Phasing Scheme will be submitted under the related return for this condition at the post-consent stage. This document should be clearly named in the condition.</p>		
53	Extension of Time periods	DML 1: Condition 8 DML 2: Condition 8 DML 3: Condition 6 DML 4: Condition 6 DML 5: Condition 4	The MMO requests this condition is removed from all the DMLs. Please see comments under 3.11.2-3.11.6 determination dates.	Please see response above. This condition is precedent, for example within the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024, and the Hornsea Four Offshore Wind Farm Order 2023. No change to the Draft DCO [APP-027] is proposed.	The MMO will review the Applicants comments submitted at Deadline 3 and provide comments at Deadline 4.

55	Notifications and Inspections	<p>DML 1: Condition 9 (1) (b)</p> <p>DML 2: Condition 9 (1) (b)</p> <p>DML 3: Condition 7 (1) (b)</p> <p>DML 4: Condition 7 (1) (b)</p> <p>DML 5: Condition 5 (1) (b)</p>	<p>The MMO request this section of the condition is removed. It is the undertaker's responsibility to notify the MMO. This is reflected in the updated Condition (1) (a) wording provided above.</p>	<p>This condition is well precededented, and commonly included in DCOs. No change to the Draft DCO [APP-027] is proposed.</p>	<p>The MMO will review the Applicants comments submitted at Deadline 3 and provide comments at Deadline 4.</p>
56		<p>DML 1: Condition 9 (6)</p> <p>DML 2: Condition 9 (6)</p> <p>DML 3: Condition 7 (6)</p> <p>DML 4: Condition 7 (6)</p> <p>DML 5: Condition 5 (6)</p>	<p>The MMO should be notified upon commencement and completion of any part of the licensed activities, particularly when works are being undertaken in phases. The MMO requests the condition is updated to: (6) The undertaker must inform the MMO Local Office in writing at least 14 days prior to the commencement of the licensed activities or any part of them including providing a programme of works for future activities and within five days of the completion of</p>	<p>The Draft DCO [APP-027] provides for five days prior notice of commencement of licensed activities, rather than the 14 days requested by the MMO. Five days' notice is well precededented, and no change to the Draft DCO [APP-027] is proposed.</p>	<p>The MMO will review the Applicants comments submitted at Deadline 3 and provide comments at Deadline 4.</p>

			the licensed activities or any part of them.		
58		DML 1: Condition 9 (8) DML 2: Condition 9 (8) DML 3: Condition 7 (8) DML 4: Condition 7 (8) DML 5: Condition 5 (8)	The MMO notes that the notice to mariners are only for works numbers 1A to 8A and 1B to 8B. Can the Applicant confirm why this is not for the other works undertaken under each DML?	This condition is well preceded, and commonly included in DCOs. The condition requires notification prior to the commencement of the authorised scheme or any part thereof. No change to the Draft DCO [APP-027] is proposed.	The MMO will review the Applicants comments submitted at Deadline 3 and provide comments at Deadline 4.
59		DML 1: Condition 9 (9) DML 2: Condition 9 (9) DML 3: Condition 7 (9) DML 4: Condition 7 (9) DML 5: Condition 5 (9)	The MMO requests the words '(unless otherwise agreed)' is removed from this condition.	This condition is preceded within the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024. The Applicants consider this flexibility is helpful to allow the option for the Applicants and the MMO to agree weekly notifications are not required in certain circumstances, such as during period of the construction period when the on-going construction activities are not changing from week to week. This wording requires agreement with the MMO, and therefore the default position is that the undertaker will be	The MMO will review the Applicants comments submitted at Deadline 3 and provide comments at Deadline 4.

				required to provide weekly, unless the MMO is satisfied it is unnecessary. No change to the Draft DCO [APP-027] is proposed.	
60		DML 1: Condition 9 (10) DML 2: Condition 9 (10) DML 3: Condition 7 (10) DML 4: Condition 7 (10) DML 5: Condition 5 (10)	This condition states the undertaker must notify the UK Hydrographic Office (UKHO) of the progress of construction. The Applicant should clarify the reporting timeframe and what progress (stages) will require a notification. If this is agreed in a plan, this plan should be referenced and the condition the plan will be approved under.	This condition is well preceded, and commonly included in DCOs. No change to the Draft DCO [APP-027] is proposed.	The MMO is reviewing is content with this remaining as the MMO believes that the progress will include weekly updates. The MMO requests that the condition is updated to change fourteen days to ten days to ensure the information is as up to date as possible. This has been agreed with MCA.
62		DML 1: Condition 9 (13) DML 2: Condition 9 (13) DML 3: Condition 7 (13) DML 4: Condition 7 (13) DML 5: Condition 5 (13)	The MMO requests this is updated to "at least 14 days prior to the commencement"... In addition the condition should clearly define repair, replacement, and protection replacement. This should be defined under maintain and linked to the Outline Offshore Operations and	The Draft DCO [APP-027) provides for five days prior notice of commencement of cable repair, replacement, or protection replenishment activity, rather than the 14 days requested by the MMO . Five days' notice is preceded within the Hornsea Four Offshore Wind Farm Order. No change to the Draft DCO [APP-027] is proposed.	The MMO does not agree that precedent is enough justification for five days' notice to remain. The MMO will review the Applicants comments submitted at Deadline 4 and respond at Deadline 3.

		<p>'The undertaker must notify the MMO in writing a minimum of 5 days in advance of the commencement of each discrete incident of cable repair, replacement, or protection replenishment activity.</p>	<p>Maintenance Plan (OOOMP) or those assessed in the Environmental Statement. We consider that these works should be restricted to those that have been assessed and consented and the definition should clearly demonstrate this.</p>		
63	Colouring of Structures	<p>DML 1: Condition 11 DML 2: Condition 11 DML 3: Condition 9 DML 4: Condition 9</p>	<p>The MMO recommend the wording is updated to: 'The undertaker must paint all structures forming part of the authorised scheme yellow (colour code RAL 1023) from at least HAT to the height agreed in writing with Trinity House. The undertaker must paint the remainder of the structures grey (colour code RAL 7035). Requests to change the colouring of the structure must be submitted to the MMO in writing and must not be undertaken</p>	<p>The Applicants acknowledge this comment and will make appropriate updates to the draft DCO to address the point raised by the MMO and submit an updated Draft DCO [APP-027] for Deadline 1.</p>	<p>The MMO will provide any updates to the Applicant and at Deadline 4.</p>

			unless approved in writing by the MMO’.		
64	Aviation Safety	DML 1: Condition 12 DML 2: Condition 12 DML 3: Condition 10 DML 4: Condition 10 DML 5: Condition 8	The MMO requests this condition is removed and included in the DCO as the Defence Infrastructure Organisation Safeguarding and Civil Aviation Authority can review this through the DCO requirements.	This condition is well preceded, and commonly included in DCOs. No change to the Draft DCO [APP-027] is proposed.	The MMO will review the Applicants comments submitted at Deadline 3 and provide a response at Deadline 4.
65	Chemicals, drilling and debris	DML 1: Condition 13 (1) DML 2: Condition 13 (1) DML 3: Condition 11 (1) DML 4: Condition 11 (1) DML 5: Condition 9 (1) ‘Unless otherwise agreed in writing by the MMO, the carriage and use of chemicals in the construction of the authorised scheme must comply with the International	The MMO note the International Convention for the Prevention of Pollution from Ships 1973 does not apply to chemicals used by the offshore wind industry. The MMO are discussing this further internally and will provide further comments in due course.	The Applicants note that the MMO is considering this further.	The MMO provided comments in section 1.4 of REP3-045.

		Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997.“			
66		<p>DML 1: Condition 13 (2)</p> <p>DML 2: Condition 13 (2)</p> <p>DML 3: Condition 11 (2)</p> <p>DML 4: Condition 11 (2)</p> <p>DML 5: Condition 9 (2)</p> <p>The undertaker must ensure that any coatings and treatments are suitable for use in the marine environment and are used in accordance with guidelines approved by the Health and Safety Executive and the Environment Agency</p>	<p>The final design of the frond mattresses will be detailed in the offshore construction method statement that will be submitted to and approved by the MMO prior to commencement of development. It should also be noted that any paints coatings and chemicals with a pathway to the marine environment should be approved by the MMO prior to use. Part 2 section 7 also allows the undertaker at any time to maintain the authorised scheme at (c) allows for “Painting and applying other coatings to wind turbine generators or offshore accommodation</p>	<p>The Applicants note that it is stated in the Outline PEMP [APP-245] that all chemicals used (including paints) would be certified for use in the marine environment (unless otherwise agreed with the MMO) to ensure that there would be no risk anticipated to arise from normal operations of the Projects. The Applicants submit that the control afforded to the MMO for the use of any chemicals (including paints) not certified for use in the marine environment through the Outline PEMP [APP-245] and any final PEMP is sufficient. As such no change to the Draft DCO [APP-027] is proposed. The PEMP will cover both the construction and operational phases of the Projects</p>	<p>The MMO provided comments in section 1.4 of REP3-045.</p>

		Pollution Prevention Control Guidelines.'	platforms", as these may also contain plastics. Coatings and paints under OSPAR guidance should have their properties known and therefore should be notified to the MMO for approval prior to use. Therefore, the condition 13 (2) wording should be amended to reflect OSPAR guidance.		
68		<p>DML 1: Condition 13 (5)</p> <p>DML 2: Condition 13 (5)</p> <p>DML 3: Condition 11 (5)</p> <p>DML 4: Condition 11 (5)</p> <p>DML 5: Condition 9 (5)</p> <p>'The undertaker must ensure that only inert material of natural origin, produced during the drilling installation of or seabed preparation for foundations, and</p>	<p>The Applicant should state the name of the disposal site that the material will be deposited in. The MMO is working to designate the disposal sites and will provide an update in due course. See further comments about disposal sites in section 3.14.</p> <p>In the event that no activity has taken place during the reporting period the undertaker must provide a null (0) return to the MMO.</p>	<p>The Applicants acknowledge this comment and will make appropriate updates to the Draft DCO [APP-027] to address the point raised by the MMO and submit an updated Draft DCO [APP-027] for Deadline 1.</p>	<p>The MMO has received the shape file of each disposal site and is proceeding to designate disposal sites for these references to be included within the DML.</p>

		drilling mud is disposed of within the Order limits seaward of MHWS'.			
39	Force Majeure	DML 1: Condition 14 DML 2: Condition 14 DML 3: Condition 12 DML 4: Condition 12 DML 5: Condition 10	The MMO request that "Force Majeure" conditions are removed from the DML. The MMO does not consider provisions on Force Majeure to be necessary as Section 86 MCAA 2009 provides a defence for action taken in an emergency in breach of any licence conditions. The defence under Section 86 of MCAA has two limbs, and in the event that the undertaker fails to notify the appropriate licensing authority, in this case the MMO, within a reasonable time of their actions (Section 86(2) "matters") the defence cannot be relied upon in the event of any enforcement action.	This condition is well precedented, and commonly included in DCOs. The Applicants do not agree that this wording is not necessary. Section 86 provides a defence for actions taken in an emergency, whereas this condition is about notifying the MMO of a deposit made in those circumstances. It does not overlap with Section 86, which will still apply. No change to the Draft DCO [APP-027] is proposed.	The MMO will review the Applicants comments submitted at Deadline 3 and provide any further comments at Deadline 4, however the MMO notes this is likely to be not agreed by the end of Examination.
77		DML 1: Condition 15 (3)	The MMO is concerned that the Applicant could	As a variety of sediment types are present on the Dagger	Please see row 68 above for more information regarding dredging and

	Pre-construction plans and documentation	<p>DML 2: Condition 15 (3)</p> <p>DML 3: Condition 13 (3)</p> <p>DML 4: Condition 13 (3)</p> <p>DML 5: Condition 11 (3)</p> <p>'Any sediment removed from within the Dogger Bank Special Area of Conservation during construction of the authorised scheme must be disposed of within that part of the Dogger Bank Special Area of Conservation which falls within the Order limits'.</p>	<p>dispose of material on non-sand bank habitats within the SAC.</p> <p>The MMO requests the condition is updated to state that dredged material is disposed on the same material type.</p> <p>This is to prevent dredged material being deposited on sensitive habitats.</p> <p>'Any sediment removed from within the Dogger Bank Special Area of Conservation during construction of the authorised scheme must be disposed of within that part of the Dogger Bank Special Area of Conservation which falls within the Order limits. Material to be disposed must be placed on the same material type'.</p> <p>This is so that all requirements regarding the location of the material to be disposed is clearly written within</p>	<p>Bank, the Applicants believe that stipulating material to be disposed must be placed on the same material type cannot be guaranteed and would be difficult and onerous to apply in reality. Dredging, particularly for the linear aspects of the Projects such as the subsea cable installations, may occur over a variety of sediment types to allow installation to occur. The resultant mixed cargo could not be disposed of on any single, specific material type. Hence, compliance with such a condition would require the dredge, transit and deposition of very high numbers of potentially very limited cargoes of specific sediment types for specific disposal on patches of that same sediment type. The dredge, transit and disposal and the 'stop-start' nature of dredging mean that this would be highly time consuming and inefficient. Given the practical difficulties associated with this request, the Applicants do not</p>	<p>disposal. The MMO is reviewing this condition and is working on designating the disposal sites and will provide more information as soon as possible.</p>
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			<p>the same condition. The disposal site must also be named within the condition. The MMO recommend a disposal site is designated for the disposal within the SAC to clearly signpost the area.</p> <p>The MMO is working to designate the disposal sites and will provide an update in due course</p>	agree that this should be added as conditions of the DMLs.	
79		<p>DML 1: Condition 15 (5)</p> <p>DML 2: Condition 15 (5)</p> <p>DML 3: Condition 13 (5)</p> <p>DML 4: Condition 13 (5)</p> <p>DML 5: Condition 11 (5)</p> <p>The MMO must determine an application for approval made under condition 11 within a period of six months commencing on the date the</p>	<p>The MMO requests this is removed. It is not appropriate for the determination times to be conditioned. The MMO set their own timescales, and this is dependent upon the quality of the submission and the availability of primary advisors, see comments 3.11.2-3.11.6 for determination dates.</p> <p>In addition, the Applicant has referenced the wrong condition within the text.</p>	<p>3.11.1 The Applicants have responded to the MMO's detailed comments in Table 1 below and 3.11.3 The Applicants require certainty that the discharge of conditions under the DMLs will not cause undue delay to the delivery of the Projects. The Applicants note that, whilst the MMO is not subject to set determination periods for the discharge of conditions for marine licences issued by the MMO, the MMO does aim to make a decision on most marine licence applications within 13 weeks of an application being validated. It would therefore</p>	Please see comments in row 25 above.

		<p>application is received by the MMO, unless otherwise agreed in writing with the undertaker.</p>	<p>seem reasonable that the MMO is able to make a decision on the discharge of conditions within a period double that length. The Applicants therefore submit that six months is a reasonable amount of time for the MMO to determine any approvals sought, noting that the provisions of the DMLs (condition 8 on DML 1 and 2, condition 6 on DML 3 and 4 and condition 4 on DML 5) do allow for an alternative timeframe to be agreed between the MMO and the undertaker, which could be utilised in the unlikely event that six months was not sufficient in individual cases.</p> <p>3.11.4 The Applicants welcome the MMO's confirmation that it does not delay determining whether to grant or refuse such approvals unnecessarily. This supports the Applicants' position that six months should be a sufficient amount of time for such approvals to be considered, noting that an alternative timeframe can be agreed in the unlikely event that six months</p>	
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				<p>was not sufficient in individual cases.</p> <p>3.11.2, 3.11.5 and 3.11.6 The Applicants' position is that the submission of certain plans for approval at least four months prior to commencement of operation of licensed activities is appropriate and preceded (for example Hornsea Four and East Anglia One North OWFs). Notwithstanding that, the Applicants welcome that the MMO is open to discussion on this point and will therefore seek to agree the relevant timescales with the MMO and update the Examining Authority (ExA) once those discussions have taken place</p> <p>The Applicants will amend cross-references within this sub-paragraph and submit an updated version of the Draft DCO [APP-027] at Deadline 1.</p>	
82		<p>DML 1: Condition 17</p> <p>DML 2: Condition 17</p> <p>DML 3: Condition</p>	<p>The MMO requests that the condition 16 (DML1) and condition 17 (DML1) are combined, and this update is also reflected</p>	<p>The Applicants' preference is not to combine these two conditions, as changes to condition numbering would have an impact on cross-</p>	<p>Please see comments in row 25 above.</p>

		15 DML 4: Condition 15	<p>within the other DMLs listed.</p> <p>The MMO also request that condition 17 (2) for DML 1 and 2 and 15 (2) for DML 3 and 4 is removed as this is not appropriate to be in a condition. The MMO set their own timescales. See comments 3.11.2-3.11.6 for determination dates.</p>	<p>references to DML conditions in a number of other application documents. In relation to sub-paragraph (2), please see response to RR-030=3.11 above.</p> <p>No change to the Draft DCO [APP-027] is proposed.</p>	
88	Construction monitoring and surveys	DML 1: Condition 21 DML 2: Condition 21 DML 3: Condition 19 DML 4: Condition 19 DML 5: Condition 15	Please explicitly state within the conditions where the results will be submitted.	<p>The Applicants consider this detail should be approved as part of the approval of the monitoring plan(s). It is not precededented for this to be specified in DCO DML conditions.</p> <p>No change to the Draft DCO [APP-027] is proposed.</p>	The MMO believes this is covered within Condition 21 (3) and has no further comments.
89		DML 1: Condition 21 (4) DML 2: Condition 21 (4) DML 3: Condition 19	The MMO will keep a watching brief on this condition as there are ongoing internal discussions.	The Applicants acknowledge the MMO's response.	The MMO discussed this point with the Applicant on 27 March 2025 and will continue discussions in relation to this requirement.

		(4) DML 4: Condition 19 (4)			
90		New subsection: DML 1: Condition 21 (8) DML 2: Condition 21 (8) DML 3: Condition 19 (8) DML 4: Condition 19 (8) DML 5: Condition 15 (5)	The MMO requests that a provision for adaptive management is included within this condition.	The Applicants would request that the MMO provide further detail on this point, in order to allow consideration of drafting.	<p>The MMO is requesting this to implement a more proactive process to manage issues, in the event that post construction monitoring shows a greater impact than that assessed in the Environmental Statement. The MMO is currently experiencing this on Round 1 and 2 offshore wind farms.</p> <p>The additional conditions ensure that all parties are clear what is required if the monitoring shows higher impacts than predicted during the assessment stage. It also allows the Applicant themselves to provide potential solutions when reviewing the results of monitoring, to then be discussed with the MMO and SNCBs.</p> <p>The aim of the condition is to provide a clear process to the Applicant, the MMO and any consultees if, in preparing the monitoring reports, the Applicant identifies greater impact than the Environmental Statement (ES) predicted rather than a report being submitted and then a discussion having to take place upon review/consultation of the reports.</p>

					The MMO notes that if impacts are higher than predicted, the MMO can utilise Section 72 of 2009 Act and vary the marine licence to request Adaptive Management but believes the addition of this condition gives a clear process to all and allows for proactive management by the Applicant, rather than reactive management by the MMO.
94		New subsection DML 1: Condition 22 (6) DML 2: Condition 22 (6) DML 3: Condition 20 (6) DML 4: Condition 20 (6) DML 5: Condition 16 (6)	The MMO requests that a provision for adaptive management is included within this condition	The Applicants would request that the MMO provide further detail on this point, in order to allow consideration of drafting.	Please see comments above in line 90.

Yours Sincerely,

[Redacted Signature]

[Redacted Name]

Marine Licencing Case Officer

D [Redacted]
E [Redacted]

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