

**RWE Renewables UK Dogger Bank
South (West) Limited**

**RWE Renewables UK Dogger Bank
South (East) Limited**

**Dogger Bank South Offshore
Wind Farms**

**Marine Management Organisation Statement
of Common Ground (Revision 2)**

Submission for Deadline 4

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Glossary

Term	Definition
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
Environmental Statement (ES)	A document reporting the findings of the EIA and produced in accordance with the EIA Directive as transposed into UK law by the EIA Regulations.
Evidence Plan Process (EPP)	A voluntary consultation process with specialist stakeholders to agree the approach, and information to support, the Environmental Impact Assessment (EIA) and Habitats Regulations Assessment (HRA) for certain topics.
Expert Topic Group (ETG)	A forum for targeted engagement with regulators and interested stakeholders through the EPP.
Habitats Regulation Assessment (HRA)	The process that determines whether or not a plan or project may have an adverse effect on the integrity of a European Site or European Offshore Marine Site.
National Significant Infrastructure Project	Large scale development including power generating stations which requires development consent under the Planning Act 2008. An offshore wind farm project with a capacity of more than 100MW constitutes an NSIP
Order land	The land shown on the land plans which is within the Order Limits in respect of which rights are to be acquired and described in the book of reference.
Preliminary Environmental Information Report (PEIR)	Defined in the EIA Regulations as information referred to in part 1, Schedule 4 (information for inclusion in Environmental Statements) which has been compiled by the applicants and is reasonably required to assess the environmental effects of the development
Project Change Request 1	The changes to the DCO application for the Projects set out in Project Change Request 1 - Offshore & Intertidal Works [AS-141] which was accepted into Examination on 21 st January 2025.

Term	Definition
Receptor	A distinct part of the environment on which effects could occur and can be the subject of specific assessments. Examples of Receptors include species (or groups) of animals, plants, people (often categorised further such as 'residential' or those using areas for amenity or recreation), watercourses etc.
Section 42 Consultee	Organisations and individuals that are required to be consulted by the Applicants under Section 42 of the Planning Act 2008. Non-prescribed Section 42 consultees may be included by Applicants if identified as being of significance.
The Applicants	The Applicants for the Projects are RWE Renewables UK Dogger Bank South (East) Limited and RWE Renewables UK Dogger Bank South (West) Limited. The Applicants are themselves jointly owned by the RWE Group of companies (51% stake) and Masdar (49% stake).
The Projects	DBS East and DBS West (collectively referred to as the Dogger Bank South Offshore Wind Farms).

Acronyms

Acronym	Definition
AEoI	Adverse Effect on Integrity
ANS	Artificial Nesting Sites
BAP	Biodiversity Action Plan
CEA	Cumulative Effects Assessment
CIMP	Compensation Implementation and Monitoring Plan
DBS	Dogger Bank South
DCO	Development Consent Order
DML	Deemed Marine Licence
EIA	Environmental Impact Assessment
EPP	Evidence Plan Process
ES	Environmental Statement
ETG	Expert Topic Group
ExA	Examining Authority
FLCP	Fisheries Liaison and Co-existence Plan
HRA	Habitats Regulations Assessment
MCZ	Marine Conservation Zone
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
NAS	Noise Abatement Systems
NIS	Non-Invasive Species
NSIP	Nationally Significant Infrastructure Project
OFTO	Offshore Transmission Owner

Acronym	Definition
PEIR	Preliminary Environmental Information Report
PEMP	Project Environmental Management Plan
PINS	Planning Inspectorate
PSA	Particle Size Analysis
RIAA	Report to Inform Appropriate Assessment
SAC	Special Area of Conservation
SIP	Site Integrity Plan
SNCB	Statutory Nature Conservation Body
SNS	Southern North Sea
SoCG	Statement of Common Ground
UXO	Unexploded Ordnance

1 Introduction

1.1 Background

1. The Application is for development consent for the Applicants to construct and operate the proposed Projects under the Planning Act 2008. Further description of the Projects is available in **Chapter 5 Project Description (Revision 3)** [REP1-009].
2. This Statement of Common Ground (SoCG) has been prepared between RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd, ('the Applicants') and the Marine Management Organisation (MMO) to set out the areas of agreement and disagreement between the two parties in relation to the proposed Development Consent Order (DCO) application for the Dogger Bank South ('DBS') West Offshore Wind Farm and DBS East Offshore Wind Farm, collectively known as DBS Offshore Wind Farms (herein 'the Projects').
3. In drafting this SoCG, the Applicants have had regard to the Planning Act 2008 Guidance: Examination stage for Nationally Significant Infrastructure Projects (Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities, 2024).
4. The need for a SoCG between the Applicants and the MMO has been set out within the Rule 6 letter [PD-002] issued by the Planning Inspectorate post-application of the Projects DCO.
5. This SoCG is intended to provide the Examining Authority (ExA) with a clear summary of discussions between the parties and has been structured to reflect topics which are of interest to the MMO and which have been raised within the **MMO's Relevant Representation** [RR-030] and **Written Representations** [REP1-075] to the Dogger Bank South Offshore Wind Farms DCO that has been submitted to the Planning Inspectorate pursuant to the Planning Act 2008.
6. It is the intention that this document will facilitate further discussions between the Applicants and the MMO and will provide the ExA with a clear overview of the level of common ground between both parties. This document will be updated throughout the Examination process.
7. The following application documents have informed the discussions with the MMO and address the elements of the Projects that may affect the interests of the MMO (**Table 1-1**):

Table 1-1 - Application documents of interest to the MMO

ES Chapter/ Application Document	Planning Inspectorate (PINS) Reference
Deemed Marine Licences (within the Draft Development Consent Order)	APP-027 (superseded by Revision 6 – REP3-004)
Chapter 4 Site Selection and Assessment Alternatives	APP-067 (superseded by Revision 2 - AS-017 and AS-018)
Chapter 4 - Site Selection and Assessment of Alternatives Figure 4-1 to Figure 4-36	APP-068

ES Chapter/ Application Document	Planning Inspectorate (PINS) Reference
Chapter 5 Project Description	APP-071 (superseded by Revision 3 – REP1-009)
Chapter 5 - Project Description Figure 5-1 to Figure 5-4	APP-072
Appendix 5-1 Project Description Consultation Responses	APP-073
Chapter 8 Marine Physical Environment	APP-080
Chapter 8 - Marine Physical Environment Figure 8-1 to Figure 8-13	APP-081 (superseded by Revision 2 – REP3-011)
Appendix 8-1 Marine Physical Environment Consultation Responses	APP-082
Appendix 8-2 Met Mast Survey Analysis	APP-083
Appendix 8-3 Marine Physical Processes Modelling Technical Report	APP-084 (superseded by Revision 3 – REP1-017)
Chapter 9 Benthic and Intertidal Ecology	APP-085
Chapter 9 - Benthic and Intertidal Ecology Figure 9-1 to Figure 9-6	APP-086
Appendix 9-1 Benthic and Intertidal Ecology Consultation Responses	APP-087
Appendix 9-2 Intertidal Survey Report	APP-088
Appendix 9-3 Benthic Ecology Monitoring Report	APP-089
Appendix 9-4 Environmental Features Report	APP-090
Chapter 10 Fish and Shellfish Ecology	APP-091
Chapter 10 - Fish and Shellfish Ecology Figure 10-1 to Figure 10-10	APP-092
Appendix 10-1 Fish and Shellfish Ecology Consultation Responses	APP-093
Appendix 10-2 Fish and Shellfish Ecology Technical Appendix	APP-094

ES Chapter/ Application Document	Planning Inspectorate (PINS) Reference
Chapter 11 Marine Mammals	APP-095
Chapter 11 - Marine Mammals Figure 11-1 to 11-9	APP-096
Appendix 11-1 Marine Mammal Consultation Responses	APP-097
Appendix 11-2 Marine Mammal Information Report	APP-098
Appendix 11-3 Underwater Noise Modelling Report	APP-099 (superseded by Revision 2 – AS-137)
Appendix 11-4 iPCoD Modelling	APP-100 (superseded by Revision 2 – AS-139)
Appendix 11-5 CEA Screening	APP-101
Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment	APP-102 (superseded by Revision 3 – REP3-012)
Chapter 12 Offshore Ornithology	APP-103 (superseded by Revision 2 - AS-057)
Chapter 12 Offshore Ornithology - Figure 12-1	AS-059
Appendix 12-1 Offshore Ornithology Consultation Responses	APP-104
Appendix 12-2 Technical Appendix	APP-105
Appendix 12-3a-c Monthly Abundance - All, Sitting, Flying	APP-106 (superseded by Revision 2 – AS-060)
Appendix 12-4a-c Monthly Densities - All, Sitting, Flying	APP-107 (superseded by Revision 2 – AS -062)
Appendix 12-5a-c Seasonal Peak Abundance - All, Sitting, Flying	APP-108 (superseded by Revision 2 - AS-064)
Appendix 12-6a-c Seasonal Peak Density - All, Sitting, Flying	APP-109 (superseded by Revision 2 – AS-066)
Appendix 12-7a-c Survey Abundances - All, Sitting, Flying	APP-110 (superseded by Revision 2 – AS-068)
Appendix 12-8a-c Survey Densities - All, Sitting, Flying	APP-111 (superseded by Revision 2 - AS-070)
Appendix 12-9 Collision Risk Modelling Outputs	APP-112

ES Chapter/ Application Document	Planning Inspectorate (PINS) Reference
Appendix 12-10 Species Distribution Figures	APP-113
Appendix 12-11 Review of Turbines Lighting - Furness 2018	APP-114
Appendix 12-12 Seasonal Displacement Matrices Upper Lower C.I. Abundance	APP-115
Appendix 12-13 Population Viability Analyses	APP-116
Chapter 13 Commercial Fisheries	APP-117
Chapter 13 Commercial Fisheries Figure 13-1 to Figure 13-2	APP-118
Appendix 13-1 Commercial Fisheries Consultation Responses	APP-119
Appendix 13-2 Commercial Fisheries Technical Report	APP-120
Appendix A - Habitats Regulations Assessment (HRA) Screening	APP-049
Outline Marine Mammal Mitigation Protocol	APP-249 (superseded by Revision 3 - REP2-047)
In Principle Site Integrity Plan for the Southern North Sea Special Area of Conservation	APP-250 (superseded by Revision 3 - REP2-049)
Heat Mapping Report: Atlantic Herring and Sandeel	AS-105
The Applicants' Responses to Relevant Representations	PDA-013
Project Change Request 1 - Offshore & Intertidal Works	AS-141
Cable Statement	APP-244 (superseded by Revision 3 – REP2-039)
In Principle Monitoring Plan	APP-247 (superseded by Revision 2 – REP2-043)

ES Chapter/ Application Document	Planning Inspectorate (PINS) Reference
Outline Offshore Operations and Maintenance Plan	APP-248 (superseded by Revision 3 – REP2-045)
Outline Scour Protection Plan	APP-251 (superseded by Revision 3 – REP2-051)
Outline Fisheries Liaison and Co-existence Plan	APP-252 (superseded by Revision 3 – REP2-053)
Outline Project Environmental Management Plan	APP-245 (superseded by Revision 2 – REP2-041)
Disposal Site Characterisation Report	APP-242 (superseded by Revision 3 – REP2-035)

8. The MMO and the Applicants have been working together to minimise possible impacts of the Projects on the MMO's operations. In the case of National Significant Infrastructure Projects, the Planning Act 2008 (the 2008 Act) enables DCOs for projects which affect the marine environment to include provisions which deem marine licences. As a prescribed consultee under the 2008 Act, the MMO advises developers during pre-application on those aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction, deposit or removal within the marine area, this also includes assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works. Where a marine licence is deemed within a DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a deemed marine licence (DML) enable the MMO to fulfil these obligations.

1.2 Approach to SoCG

9. This SoCG has been developed during the pre-examination and examination phases of the Projects. In accordance with discussions between the Applicants and the MMO, this SoCG is focused on matters of material interest and relevance to the MMO, namely matters covered in the Application Documents outlined in **Table 1-1** and related topics.
10. The structure of this SoCG is as follows:
- **Introduction:** background to the development of the SoCG.
 - **Consultation:** a summary of consultation to date.
 - **Agreement Log:** a record of the Applicants' position alongside the MMO's position. **Table 3-2** to **Table 3-7** sets out those areas agreed, 'not agreed' or 'under discussion' in relation to the application documents set out in **Table 1-1**.

11. It is agreed that this SoCG is an accurate description of the areas agreed and under discussion between the parties, and that this SoCG accurately records key meetings and consultation with the MMO.

2 Consultation

2.1 Introduction to Consultation

12. The MMO have been consulted on the proposed development throughout the pre-application stage (e.g. Scoping and PEIR), having engaged in the Site Selection, Marine Physical Environment, Benthic and Intertidal Ecology, Fish and Shellfish Ecology, Marine Mammals, and Offshore Ornithology (ETG) meetings under the Evidence Plan Process (EPP), as well as via non-statutory and statutory consultation under Section 42 of the Planning Act 2008.

2.2 Consultation Summary

13. **Table 2-1** summarises the consultation that the Applicants have undertaken with the MMO as statutory or non-statutory consultation during the pre-application and post-application phases.

Table 2-1 - Summary of pre-application and post-application consultation with the MMO

Date	Form of Consultation	Meeting Title/ Topic	Summary of Consultation
Pre-Application			
17/09/2021	DBS ETG Meeting	Marine Mammals Pre-Scoping	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> Project Update; EPP; Scoping Report and the approach to the EIA (offshore); and Site Selection Methodology.
28/09/2021	DBS ETG Meeting	Seabed	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> Project Update; EPP; Scoping Report and the approach to the EIA (offshore); Marine Physical Environment; Benthic Habitat and Species; Fish and Shellfish Ecology; Approach to HRA; and Site Selection Methodology.
13/10/2021	DBS ETG Meeting	Offshore Ornithology	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> Project Update;

Date	Form of Consultation	Meeting Title/ Topic	Summary of Consultation
		Pre-Scoping	<ul style="list-style-type: none"> EPP; Scoping Report and the approach to the EIA (offshore); Approach to HRA; and Site selection methodology.
16/12/2021	Meeting	DBS MMO Regular Meeting	<p>Meeting to discuss the following with the MMO:</p> <ul style="list-style-type: none"> Project background; Current status; Indicative programme; Current priorities; and Survey Plans.
21/04/2021	Meeting	DBS MMO Regular Meeting	<p>Meeting to discuss the following with the MMO:</p> <ul style="list-style-type: none"> Any outstanding actions; DBS update: Project programme; DBS update: Survey Plans; and MMO updates.
16/02/2022	Meeting	DBS MMO Regular Meeting	<p>Meeting to discuss the following with the MMO:</p> <ul style="list-style-type: none"> Next round of ETGs; Metocean buoy deployment; Marine traffic surveys; Ornithology and marine mammal aerial surveys; and 2022 site investigation campaign.
04/05/2022	DBS ETG Meeting	Site Selection	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> Provide ETGs with a project update; and Review the site selection work for Creyke Beck.
23/05/2022	DBS ETG Meeting	Site Selection MMO/Natural England	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> Provide ETGs with a project update; Site selection work for Creyke Beck; and Onshore Ecology Survey.
26/05/2022	DBS ETG Meeting	Marine Physical Environment Benthic Habitat	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> Benthic survey campaign methodology;

Date	Form of Consultation	Meeting Title/ Topic	Summary of Consultation
		Benthic/ Marine Physical Processes Method Statement	<ul style="list-style-type: none"> Marine physical processes assessment methodology; and Methodology for both aspects of discussion.
21/06/2022	Meeting	DBS MMO Regular Meeting	<p>Meeting to discuss the following with the MMO:</p> <ul style="list-style-type: none"> Actions; DBS update: Site selection; DBS update: Scoping; DBS update: Further issues; Programme update; Survey update; and MMO update.
21/06/2022	Email	Marine Physical Environment	MMO provided comment on the Marine Physical Processes Method Statement and confirmed no comment on the benthic/physical processes ETG minutes.
01/09/2022	Meeting	DBS MMO Regular Meeting	<p>Meeting to discuss the following with the MMO:</p> <ul style="list-style-type: none"> Actions; DBS update: Site selection; DBS update: Scoping; Programme update; Consultation; Survey update; HRA; and MMO update.
20/10/2022	Meeting	DBS MMO Regular Meeting	<p>Meeting to discuss the following with the MMO:</p> <ul style="list-style-type: none"> Actions; DBS update: Site selection; DBS update: Scoping; Programme update; Consultation; Survey update; and MMO update.
07/12/2022	Meeting	DBS MMO Regular Meeting	<p>Meeting to discuss the following with the MMO:</p> <ul style="list-style-type: none"> Actions; DBS update: Site selection;

Date	Form of Consultation	Meeting Title/ Topic	Summary of Consultation
			<ul style="list-style-type: none"> DBS update: PEIR; Programme update; Consultation; Survey update; HRA; and MMO update.
20/01/2023	DBS ETG Meeting	Marine Physical Environment Pre-PEIR	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> Baseline environment characterisation; Approach to coastal erosion assessment; Marine Physical Processes Method Statement and applicability of Creyke Beck; and Numerical Modelling to the Dogger Bank South Projects.
30/01/2023	Email	HRA Screening	MMO provided comments on the HRA Screening report.
07/02/2023	DBS ETG Meeting	Benthic Habitats and Fish and Shellfish Ecology Seabed pre-PEIR	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> Project update; Baseline environment for the Benthic & Intertidal Ecology and Fish & Shellfish Ecology site-specific surveys undertaken in 2022; and Impacts assessed for Benthic & Intertidal Ecology.
15/02/2023	Meeting	DBS MMO Regular Meeting	<p>Meeting to discuss the following with the MMO:</p> <ul style="list-style-type: none"> Actions; DBS update: Site selection; DBS update: PEIR; Programme update; Consultation; Survey update; HRA; and MMO update.
21/02/2023	DBS ETG Meeting	Marine Mammals Pre-PEIR	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> Project update; and

Date	Form of Consultation	Meeting Title/ Topic	Summary of Consultation
			<ul style="list-style-type: none"> Summary on responses to: <ul style="list-style-type: none"> Scoping comments, the site specific surveys undertaken to inform PEIR, the underwater; and Noise modelling approach and a brief summary of sites screened in for HRA.
19/04/2023	Meeting	DBS MMO Regular Meeting	<p>Meeting to discuss the following with the MMO:</p> <ul style="list-style-type: none"> Actions; DBS update: PEIR; Programme update; Consultation; Survey update; and HRA.
09/05/2023	DBS ETG Meeting	Offshore Ornithology Non-Kittiwake Compensation	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> Discuss potential compensation measures for non-kittiwake species.
24/05/2023	Meeting	DBS MMO Regular Meeting	<p>Meeting to discuss the following with the MMO:</p> <ul style="list-style-type: none"> Project Update; Offshore Completed Surveys; Offshore Upcoming Surveys; HRA; and MMO Update.
21/06/2023	Meeting	DBS MMO Regular Meeting	<p>Meeting to discuss the following with the MMO:</p> <ul style="list-style-type: none"> Outstanding Actions; Project Update; Survey Activity; HRA; and MMO Update.
17/07/2023	Section 42 Consultation	Benthic Habitats Marine Physical Environment Fish and Shellfish Ecology Marine Mammals	<p>The MMO's response to Section 42 consultation on PEIR. See Appendix G Section 42 and 47 Responses and Applicants regard [APP-044] of the Consultation Report [APP-034].</p>

Date	Form of Consultation	Meeting Title/ Topic	Summary of Consultation
		Commercial Fisheries	
13/08/23	Meeting	DBS MMO Regular Meeting	<p>Meeting to discuss the following with the MMO:</p> <ul style="list-style-type: none"> • Outstanding Actions; • Project Update; • Survey Activity; • HRA; and • MMO Update.
11/09/2023	DBS ETG Meeting	Marine Physical Processes	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> • Project Update; • Marine Physical Processes Numerical Modelling: <ul style="list-style-type: none"> ○ Approach; ○ Progress; ○ Initial results; and ○ Ongoing modelling. • PEIR responses.
14/09/2023	DBS ETG Meeting	Marine Mammals	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> • Project update; • Site selection; • Marine Mammals: PEIR comments and responses; • Updated underwater noise modelling; • Noise mitigation measures; and • Noise monitoring: <ul style="list-style-type: none"> ○ Cumulative Effects Assessment (CEA); ○ Summary and next step.
21/09/2023	DBS ETG Meeting	Benthic and Intertidal Ecology	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> • Project Update: <ul style="list-style-type: none"> ○ Benthic and Intertidal Ecology; and ○ Review of PEIR Responses. • Marine Conservation Zone Area Considerations: <ul style="list-style-type: none"> ○ Fish and Shellfish Ecology; and

Date	Form of Consultation	Meeting Title/ Topic	Summary of Consultation
			<ul style="list-style-type: none"> ○ Herring and Sandeel PEIR Queries. ● Other Related Queries.
09/10/2023	Meeting	DBS MMO Regular Meeting	<p>Meeting to discuss the following with the MMO:</p> <ul style="list-style-type: none"> ● Outstanding Actions; ● Project Update; ● Survey Activity; ● HRA; and ● MMO Update.
15/01/2024	DBS ETG Meeting	Marine Mammals Pre-ES	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> ● Project Update; ● Marine Mammals Update: <ul style="list-style-type: none"> ○ Summary of densities; ○ PIER comments; ○ Significant impacts in the ES; ○ Cumulative assessment and population modelling; ○ Preliminary RIAA Assessment results; ○ SIP; and ○ Marine Mammal Monitoring Protocol (MMMP). ● In-Principle monitoring plan.
17/01/2024	Meeting	DBS MMO Regular Meeting	<p>Meeting to discuss the following with the MMO:</p> <ul style="list-style-type: none"> ● Outstanding Actions; ● Project Update; ● Survey Activity; ● HRA; and ● MMO Update.
25/01/2024	Meeting	Pre-Application Steering Group Meeting	<p>Meeting with the MMO, The Planning Inspectorate, Historic England, Natural England, East Riding of Yorkshire Council and the Environment Agency to discuss the following:</p> <ul style="list-style-type: none"> ● Programme for application; ● Pre-application consultation programme: <ul style="list-style-type: none"> ○ Project programme (ETG topics, Auk compensation); and ○ RWE aims and expectations.

Date	Form of Consultation	Meeting Title/ Topic	Summary of Consultation
			<ul style="list-style-type: none"> Stakeholder feedback on resourcing and any foreseeable issues; and The Planning Inspectorates thoughts of 2024 examinations.
25/01/2024	Email	Steering Group Meeting	MMO issued comments on the pre-application steering group meeting.
25/01/2024	Email	Offshore Ornithology	The Applicants issued a summary report detailing the collision and displacement numbers of key species that were used to inform the Offshore Ornithology ES chapter
29/01/2024	DBS ETG Meeting	Benthic Ecology and Physical Processes	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> Project Update; Physical Processes: <ul style="list-style-type: none"> Modelling update; Summary of construction impacts and model results; and Summary of operation impacts. Benthic and Intertidal Ecology: <ul style="list-style-type: none"> Benthic Ecology Monitoring Survey Summary; Impact results from the ES; and Results from the CEA. Report to Inform Appropriate Assessment (RIAA) conclusions.
06/02/2024	DBS ETG Meeting	Offshore Ornithology Pre- ES	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> DBS Project Update; Discussion of key PEIR comments; Presentation of preliminary ES results; and Presentation of preliminary HRA results for project alone key SPAs.
15/02/2024	Email	Marine Mammals	MMO issued comments on the 15 th January pre-EA Marine Mammal ETG.
23/02/2024	DBS ETG Meeting	Fish and Shellfish Ecology	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> Project Update;

Date	Form of Consultation	Meeting Title/ Topic	Summary of Consultation
			<ul style="list-style-type: none"> Draft Assessment Findings; Potential Mitigation Options; and PEIR Comments.
29/02/2024	DBS Draft ETG Meeting	Offshore Ornithology Auks Compensation	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> Project updates; Long-list of measures for Auk species compensation; and Next step.
28/03/2024	Email	Dogger Bank South OWF - 2024 Geotechnical Campaign	Submission of 2024 Geotechnical Campaign updated from the 2024 campaign
10/04/2024	DBS Draft ETG Meeting	Offshore Ornithology Auks Compensation	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> Project updates; Predator eradication / reduction; Bycatch and Artificial Nesting Sites (ANS); and Next steps.
10/04/2024	Email	General	Draft DCO was submitted.
10/04/2024	Meeting	DBS MMO Regular Meeting	<p>Meeting to discuss the following with the MMO:</p> <ul style="list-style-type: none"> Outstanding Actions; Project Update; Survey Activity; HRA; and MMO Update.
11/04/2024	DBS ETG Meeting	Benthic Habitats Benthic HRA and Compensation	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> Project Update; RIAA Conclusions; and Compensation.
24/04/2024	Email	Steering Group Meeting	The Applicants issued Steering Group Meeting minutes. No comments were received.

Date	Form of Consultation	Meeting Title/ Topic	Summary of Consultation
25/04/2024	DBS ETG Meeting	Offshore Ornithology South Kittiwake Compensation	The following topics were discussed during the ETG meeting: <ul style="list-style-type: none"> Project updates; Conclusions for FFC SPA Kittiwake; Overview of the Approach to Compensation; and Offshore ANS Proposal.
23/05/2024	Meeting	DBS MMO Regular Meeting	Meeting to discuss the following with the MMO: <ul style="list-style-type: none"> Outstanding Actions; Project Update; Survey Activity; HRA; and MMO Update.
30/05/2024	Email	Offshore Ornithology	MMO made no changes to second auk compensation meeting minutes. They stated that they do not support compensation to be agreed post-consent when it is a condition on the deemed marine licence.
30/05/2024	Email	Offshore Ornithology	MMO made no changes to kittiwake compensation meeting minutes. They stated that they do not support compensation to be agreed post-consent when it is a condition on the deemed marine licence.
Post-Submission			
03/10/2024	Meeting	DBS MMO Regular Meeting	Meeting to discuss the following with the MMO: <ul style="list-style-type: none"> Outstanding Actions; Project Update; Survey Activity; HRA; and MMO Update.
09/09/2024	Email	Relevant Representation	Received the MMO's relevant representation to The Planning Inspectorate.
08/10/2024	Email	Relevant Representation	The Applicants responded to the MMO's Relevant Representation within The Applicants'

Date	Form of Consultation	Meeting Title/ Topic	Summary of Consultation
			Responses to Relevant Representations [PDA-013].
10/10/2024	Dedicated Meeting	Draft SoCG meeting	Meeting held to discuss the draft SoCG with the MMO.
15/11/2024	Email	Project Change Request 1	Project Change Request 1 - Environmental Assessment Update [AS-141] issued to the MMO for comment.
26/11/2024	Email	Draft SoCG meeting minutes	Draft SoCG meeting minutes sent to MMO for review.
27/11/2024	Email	Draft SoCG	MMO provided comments on the draft SoCG previously issued.
28/11/2024	Meeting	DBS MMO Regular Meeting	<p>Meeting to discuss the following with the MMO:</p> <ul style="list-style-type: none"> ● Outstanding Actions; ● Project Update; ● Survey Activity; ● HRA; and ● MMO Update. <p>MMO also stated that they had no comments on the draft minutes.</p>
12/12/2024	Email	SoCG meeting minutes and Revised Draft SoCG	Final SOCG meeting minutes sent to the MMO alongside a revised draft of the SoCG.
16/12/2024	Email	Project Change Request 1	MMO provided comments on Project Change Request 1 – Environmental Assessment Update [AS-141].
20/01/2025	Email	Draft SoCG	The MMO returned the revised draft SoCG with minor comments.
21/01/2025	Email	Draft SoCG	Revised draft SoCG issued to the MMO.
27/01/2025	Email	Draft SoCG	The MMO confirmed agreement of the Draft SoCG for submission into Examination at Deadline 1.

Date	Form of Consultation	Meeting Title/ Topic	Summary of Consultation
23/01/2025	Meeting	DBS MMO Regular Meeting	Meeting to discuss the following with the MMO: <ul style="list-style-type: none"> Outstanding Actions; Project Update; Survey Activity; HRA; and MMO Update.
29/01/2025	Email	Deadline 1	The MMO provided their Deadline 1 response and Written Representations.
14/02/2025	Email	Deadline 2	The Applicants provided a response to Deadline 1 submissions and Written Representations from the MMO.
17/02/2025	Email	Deadline 2	The MMO provided their Deadline 2 response.
20/02/2025	Email	Fish and Shellfish	The Applicants contacted MMO requesting a meeting with the MMO and Cefas in relation to some queries on Fish and Shellfish.
27/02/2025	Meeting	DBS MMO Regular Meeting	Meeting to discuss the following with the MMO: <ul style="list-style-type: none"> Outstanding Actions; Project Update; Survey Activity; HRA; and MMO Update.
10/03/2025	Email	Fish and Shellfish	The MMO advised that due to Cefas capacity, they would address the Fish and Shellfish queries at the next consultation request.
19/03/2025	Email	Deadline 3	The MMO provided their Deadline 3 response.
19/03/2025	Email	Deadline 3	The Applicants provided a response to Deadline 2 submissions from the MMO.
20/03/2025	Email	Disposal site shape files	The Applicants provided shapefiles of the proposed disposal sites that were requested by the MMO in their Deadline 3 submission.
27/03/2025	Meeting	DBS MMO Regular Meeting	Meeting to discuss the following with the MMO: <ul style="list-style-type: none"> Outstanding Actions; Project Update;

Date	Form of Consultation	Meeting Title/ Topic	Summary of Consultation
			<ul style="list-style-type: none"> • Survey Activity; • HRA; and • MMO Update.
02/04/2025	Email	SoCG Revision 2	The Applicants provided Revision 2 of the SoCG to the MMO for comment.
04/04/2025	Email	Fish and Shellfish	The MMO provided a response to the email dated 20/02/25 which would be also submitted at Deadline 4.
17/04/2025	Email	SoCG Revision 2	The MMO returned the revised SoCG with minor comments. They stated that a lot of comments were received at Deadline 3 which need to be reviewed. The MMO will be taking full in-depth review of everything at Deadline 4 and will provide more detail at Deadline 5.

3 Agreement Log

3.1 Overview

14. The following sections of this SoCG summarise the level of agreement between the parties for each relevant offshore topic.
15. To easily identify whether a matter is 'agreed', 'not agreed' or 'under discussion', a colour coding system red, amber, green is used respectively within the 'position status colour' column as set out in **Table 3-1**.

Table 3-1 Agreement logs position status key

Position Status	Position Status Colour
The matter is considered to be agreed between the parties.	Agreed
The matter is neither 'agreed' or 'not agreed' and is a matter where further discussion is required between the parties, for example where relevant documents are being prepared or reviewed.	Under discussion
The matter is not agreed between the parties, however the outcome of the approach taken by either the Applicants or the MMO is not considered to result in a material impact to the assessment conclusions. Discussions have concluded.	Not agreed – No material impact
The matter is not agreed between the parties and the outcome of the approach taken by either the Applicants or the MMO is considered to result in a materially different outcome on the assessment conclusions.	Not agreed – material impact

3.2 General

Table 3-2 General Topics agreed, in discussion or not agreed with the MMO

SoCG ID	The Applicants' Position	MMO's Position	Position Status
EIA – Consultation			
1	<p>The Applicants have adequately consulted with the MMO throughout all stages of the Projects to date and the summary of Consultation (section 2.2 of this SoCG) is a fair and accurate record of pre-application consultation.</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agrees with the Applicants and considers this matter agreed.	
Project Change Request 1			
2	Project Change Request 1: Offshore and Intertidal Works [AS-141] is appropriate and acceptable.	The MMO broadly welcomed the proposed changes, with specific points raised in the below topic sections	
EIA – Site Selection and Assessment of Alternatives			
3	<p>The site selection and route refinement outlined in Chapter 4 Site Selection and Assessment of Alternatives [APP-067] has properly considered the alternatives for the relevant elements of the Projects.</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agrees with the Applicants and considers this matter agreed.	
EIA – Decommissioning			
4	<p>The ES chapters appropriately consider decommissioning at this stage of the process. The detail and scope of the decommissioning works will be determined by the relevant legislation and guidance at the time of decommissioning and will be agreed with the regulator.</p> <p>1. The Applicants response to the MMOs request within The Applicants' Responses to Relevant Representations [PDA-013] (RR-030:5.1) stated:</p> <p><i>'The approach to assessing decommissioning impacts within the ES has followed the industry standard approach and is proportionate to the level of information available to consider on the topic at this time. The decommissioning sequence will generally be the reverse of construction and will involve similar types and numbers of vessels and equipment. As such, the effect of decommissioning on the marine physical environment will be comparable or lesser than those during the construction phase.'</i></p> <p>Therefore, the ES chapters already appropriately consider decommissioning at this stage of the process and no further changes or additions need to be made.'</p> <p>2. In The Applicants' Responses to Deadline 1 Documents [REP2-058] (Point 69, Table 2-9) it is stated</p>	<p>1. The MMO's Relevant Representation [RR-030] states:</p> <p><i>'The MMO requests the Applicant to amend the ES chapters by incorporating a section which clearly outlines the anticipated impacts to receptors from the decommissioning stage of the development. All impacts scoped into the decommissioning phase must be appropriately assessed in the ES so that it is clear to the examining authority that the Applicant has put sufficient thought into the impacts that their proposed development will have on the environment at all stages of its lifecycle. Presenting an incomplete assessment for a development of this nature and scale is not acceptable'.</i></p> <p>2. The MMO's Relevant Representation [RR-030] states 'It has been discussed that a section / table is included within the ES that combines each chapters decommissioning detail and scope. This is to give a clearer overview of impacts at the decommissioning stage within one section'.</p> <p>3. The MMO note in their Written Representation [REP1-075] that works cannot commence until the decommissioning plan has been submitted to the Secretary of State for approval. MMO are currently reviewing decommissioning process and will provide comments in due course.</p>	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	<p><i>'The Applicants do not intend to update the ES in this manner, recalling only that MMO would be provided with direction relating to sections of the ES that are of relevance to decommissioning. The Applicants refer to their relevant representation response [PDA-013] in that each chapter has a 'Potential effects During Decommissioning' section which describes the impacts of relevance and details how / if they differ from construction...'</i></p> <p>3. In The Applicants' Responses to Deadline 1 Documents [REP2-058] (REP1-075:1.4), it is noted that the MMO have acknowledged that works cannot commence until the decommissioning plan is approved by the Secretary of State. It is for this reason that the Draft DCO (Revision 5) [REP1-005] contains Requirement 7 which prescribes that the Projects:</p> <p><i>'must not be commenced until a written decommissioning programme in compliance with any notice served upon the undertaker by the Secretary of State pursuant to section 105(2)(a) (requirement to prepare decommissioning programmes) of the 2004 Act has been submitted to the Secretary of State for approval.'</i></p> <p>4. The Applicants have responded to the MMO at Deadline 4. The Applicants note that decommissioning has been assessed in line with best practice for offshore wind farm environmental impact assessments within all appropriate chapters in the Environmental Statement submitted in support of the Dogger Bank South consent application.</p> <p>In terms of decommissioning, a programme will be provided for Secretary of State approval under S105 of the Energy Act 2004 prior to construction. This commitment is secured in Requirement 7 of the Draft DCO (Revision 7) [document reference 3.1] which states that the Projects: 'must not be commenced until a written decommissioning programme in compliance with any notice served upon the undertaker by the Secretary of State pursuant to section 105(2)(a) (requirement to prepare decommissioning programmes) of the 2004 Act has been submitted to the Secretary of State for approval' (see full response in The Applicants' Responses to Deadline 3 Documents [document reference 14.4] (REP3-045:1.2)).</p>	<p>4. In the Deadline 3 submission [REP3-045] the MMO requests that a draft decommissioning programme be submitted prior to the construction of the Projects and that an outline decommissioning plan be part of the consenting process. The MMO is awaiting the response at Deadline 4</p>	
Other Documents			
5	<p>The Outline Scour Protection [APP-251] provides sufficient details on the principles of how the Dogger Bank South Offshore Wind Farms intend to manage the effects of scour and hazards post-construction and throughout the operational life of the Projects.</p> <p>1. The Applicants acknowledged the MMO's requests in Table 4.6.1 of The Applicants' Responses to Relevant Representations [PDA-013] (RR-030: 4.6) and Table 2-6 of The Applicants' Responses to Written Representations (Revision 1) (REP1-074:2.9.1 to REP1- 074:2.9.7) [REP2-057] and the updated Outline Scour Protection Plan (Revision 3) [REP2-051] was submitted at Deadline 2, taking account of the MMO's request for an update outlining the document's purpose.</p> <p>2. The Applicants welcome the MMO's agreement on this point.</p> <p>3. The Applicants note the MMO's position.</p>	<p>1. Within the Relevant Representation [RR-030], the MMO requests that 'Section 1.1 Purpose of this document' is updated to state how and when the plan will be agreed.'</p> <p>2. In the Deadline 3 submission [REP3-045], the MMO welcomes the updates to the plan to consider the use of plastics in the marine environment in the final plan.</p> <p>3. The MMO has no further changes at this stage however the status is still in discussion to ensure the MMO is content all other interested parties' comments on this document have been resolved or a clear process post consent is established.</p>	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
6	<p>The Outline Offshore Operations and Maintenance Plan [APP-248] provides a description of the maintenance activities assessed in the ES at the Projects in order to inform the final Operation and Maintenance Plans(s) post-consent.</p> <ol style="list-style-type: none"> The Applicants acknowledged the MMO's request within The Applicants' Responses to Relevant Representations [PDA-013] (RR-030: 4.5.1) and submitted the Outline Offshore Operations and Maintenance Plan (Revision 2) [AS-027] on the 8th November 2024. In The Applicants' Responses to Deadline 1 Document [REP2-058] the MMO are directed to a previously submitted response (RR-030: 4.5.4) on the matter in The Applicants' Responses to Relevant Representations [PDA-013] is detailed below: <i>'The Applicants acknowledge this comment. The requested amendment to clarify that a separate licence will be sought for the deposit of new cable and scour protection in areas where no protection was installed during construction will be made in an update to the Outline Offshore Operations and Maintenance Plan [APP-248].</i> <i>The wording related to "New cable protection beyond the maximum, in terms of both volume of material and area covered, set out in for construction under the relevant Deemed Marine Licences" and "New scour protection beyond the maximum, in terms of both volume of material and area covered, set out in the relevant Deemed Marine Licences" will be updated to clarify that protection in new areas will require a separate Marine Licence. The updated Outline Offshore Operations and Maintenance Plan [APP-248] will be presented at Deadline 1.'</i> To note an updated version of the Outline Offshore Operations and Maintenance Plan [AS-027] was issued on the 8th November 2024 and an updated version of Other Consents and Licences (Revision 3) [REP1-023] was submitted at Deadline 1 to address this matter In The Applicants' Responses to Deadline 1 Document [REP2-058] the MMO are directed to a previously submitted response (RR-030: 4.5.4) on the matter in The Applicants' Responses to Relevant Representations [PDA-013] is detailed below: <i>'By way of clarification, detail related to scour protection for offshore platforms is presented under the heading "Wind Turbine and Platform Foundations" within Table 2-3 (of the Outline Offshore Operations and Maintenance Plan [APP-248]).'</i> The Applicants welcome the MMO's agreement on this point. The Applicants note the MMO's position. 	<ol style="list-style-type: none"> Within the Relevant Representation [RR-030], the MMO requests that the definition of maintenance should be clearly defined and restricted to works that have been assessed and consented. In addition, clarification is sought on the numbers for the footprint of potential cable re-burial and cable protection replacement and whether scour protection is included within the offshore platforms section. The MMO notes in their Written Representation [REP1-075] that Table 2-3 inappropriately considers new cable / scour protection placed in an area where there was no protection during construction as 'maintenance'. The MMO state in their Written Representations [REP1-075:2.4.3] that there needs to be clarification on whether scour protection is required for the offshore platform. In the Deadline 3 submission [REP3-045] the MMO welcomes the update to maintenance within section 1.1. paragraph 5 and the wording within Table 2.2, understanding that this is a worst-case scenario. The MMO also welcomes the changes made to Table 2.3 with regards to the wording and when a separate marine licence is required. The MMO has no further changes at this stage however the status is still in discussion to ensure the MMO is content all other interested parties comments on this document have been resolved or a clear process post consent is established. 	
7	<p>The Cable Statement [APP-244] sufficiently sets out the considerations for cable route design and the approach to installation, presenting preliminary information regarding the cable specification, burial depths and cable protection both offshore and onshore.</p> <ol style="list-style-type: none"> The Applicants acknowledged this request within The Applicants' Responses to Relevant Representations [RR-030:4.2] [PDA-013] and submitted the Cable Statement (Revision 2) [AS-078] on the 22nd November 2024. 	<ol style="list-style-type: none"> The MMO requests in their relevant representation [RR-030] that 'Section 1.2 Purpose of the Cable Statement' is updated to state how and when the final cable statement will be agreed. This should state that the final document will be submitted to the MMO for approval. The MMO also requests that 'Section 1.4.5.2 UXO clearance' is updated to clarify that separate marine licence consents are required for UXO surveys and clearance. The MMO welcomes that a separate investigation and clearance Marine Licence will be applied for post-consent [REP1-075]. 	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	<p>2. In The Applicants' Responses to Deadline 1 Document [REP2-058] (RR-030:4.2) it is confirmed that updates to the sections will be made for Deadline 2 and an updated the Cable Statement (Revision 3) [REP2-039] was submitted, taking account of the MMO's request for updates.</p> <p>3. The Applicants welcome the MMO's agreement.</p> <p>4. The Applicants note the MMO's position.</p>	<p>3. In the Deadline 3 submission [REP3-045], 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.</p> <p>4. The MMO has no further changes at this stage however the status is still in discussion to ensure the MMO is content all other interested parties comments on this document have been resolved or a clear process post consent is established.</p>	
8	<p>The Outline Fisheries Liaison and Co-existence Plan (FLCP) [APP-252] provides a sufficient overview of sections that will be included in the final FLCP in order to facilitate and promote positive relationships and working between the Projects and local commercial fishing interests.</p> <p>1. The Applicants acknowledged the MMO's request in Table 4.6.1 of The Applicants' Responses to Relevant Representations [PDA-013] (RR-030: 4.7.2) and the updated Outline Fisheries Liaison and Co-existence Plan (Revision 3) [REP2-053] was submitted at Deadline 2.</p> <p>2. The Applicants welcome MMO's agreement on this point.</p> <p>3. The Applicants note the MMO's position.</p>	<p>1. The MMO requests the below text in section 1.2 paragraph 6 is updated to remove the word 'material'. All changes to the Fisheries Liaison and Co-existence Plan must be submitted to the MMO for approval.</p> <p><i>'The MMO will be consulted on any material changes to the FLCP. At the time of Offshore Transmission Owner (OFTO) Transaction, post construction, RWE and Masdar will make the latest finalised FLCP available to the OFTO for their awareness'.</i></p> <p>2. The MMO notes in their Relevant Representation [RR-030:4.7.1] that they find the following text appropriate:</p> <p><i>'The Marine Management Organisation will not act as arbitrator or be involved in any commercial negotiations with any association / organisation, and / or individual fishermen'. This is appropriate.'</i></p> <p>3. In the Deadline 3 submission [REP3-045], 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.</p>	
9	<p>The In Principle Monitoring Plan (IPMP) [APP-247] provides a sufficient plan for monitoring measures that is required by conditions within the Deemed Marine Licences for the Projects.</p> <p>1. The Applicants acknowledged these requests within The Applicants' Responses to Relevant Representations [PDA-013].</p> <p>With regards to invasive species, through the employment of biosecurity measures embedded into the Projects' design, the potential for the spread and colonisation of invasive species will be negligible. As such the Applicants believe that monitoring of NIS during the operational stages of the Projects is not required.</p> <p>In relation to the Holderness Inshore MCZ, the Applicants committed pre-submission to no jack-up activities occurring within the MCZ. This commitment has been amended to include anchoring, therefore there is no longer any potential for direct impacts during cable installation activities to occur within the MCZ and as such no monitoring is required.</p> <p>2. The Applicants noted that a response had been provided in The Applicants' Responses to Relevant Representations [PDA-013] (RR-030: 4.15.1) and an updated version of the IPMP (Revision 2) [REP2-043] was submitted at Deadline 2.</p>	<p>1. The MMO notes in their Relevant Representation [RR-030] that 'The MMO advise that monitoring of non-native invasive species (NIS) is undertaken to manage colonisation of infrastructure during the operation lifetime.</p> <p>In addition, as there maybe anchoring events within the Holderness Inshore Marine Conservation Zone (MCZ), monitoring would be required to ensure that there is no impact More information is also required on the timings of surveys and the expectations of the monitoring.</p> <p>2. In the Deadline 1 submission [REP1-075] the MMO stated that 'IPMP does not include MCZ monitoring and the MMO has concerns in relation to the Holderness Inshore MCZ. If anchoring events do happen in MCZ area, the MMO would expect that monitoring would be required.'</p> <p>3. In their Deadline 2 submission [REP2-061], the MMO requested further information included within the IPMP relating to a project on the standardisation of offshore wind post-consent monitoring data.</p> <p>4. In their Deadline 3 submission [REP3-045], the MMO welcomes the commitments that no jack-up or anchoring will occur in the Holderness Inshore MCZ and will confirm if this closes out the comment at Deadline 4.</p> <p>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</p>	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	<p>3. The Applicants stated in The Applicants' Responses to Deadline 2 Documents [REP3-028] that a general commitment which notes that any standards or best practice adhered to during monitoring will be clearly outlined clearly within the relevant monitoring reports will be added to a revised version of the IPMP and submitted at Deadline 4.</p> <p>4. The Applicants have provided a response to the MMO at Deadline 4 (The Applicants' Responses to Deadline 3 Documents [document reference 14.4] (see REP3-045:2.4))</p> <p>'The Applicants welcome the MMO's agreement regarding the commitment to jack-up or anchoring activities occurring in the Holderness Inshore MCZ.</p> <p>The Applicants understand that the MMO is currently reviewing the condition that at least two of the first four piles should be the worst-case piles. However, this might not be feasible for the Projects to achieve as it would be dependent on a variety of factors including the availability of location specific monopiles. Furthermore, the piling schedule is constrained by a number of other factors including the site layout and geology, array electrical design, commissioning sequence, pile design clustering, fabrication sequencing and vessel considerations. Additionally, what constitutes the de facto 'worst case' is not necessarily possible to determine ahead of time, given that for noise emissions this could be influenced by potentially unforeseen ground conditions and unanticipated interruptions in piling (for example hammer break down).</p> <p>Additional monitoring after the first four piles would also have additional financial and timing implications for the Projects due to the need to demobilise and remobilise equipment and personnel.</p> <p>The Applicants note that the MMO are reviewing the condition wording with SNCBs and welcome further discussions regarding the DMLs.'</p>	<p>how the ES predictions can be validated fully at the post consent stage. This commitment should be updated within the condition.</p> <p>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 on this request and how it can be captured within the DML. The MMO will review once it has been submitted in Deadline 4.</p>	
10	<p>The Outline Project Environmental Management Plan (PEMP) [APP-245] provides sufficient detail on the linkages between the impact assessment for the offshore components of the Projects in order to inform the final PEMP.</p> <p>1. The Applicants acknowledged the MMO's requests in Table 2-6 of The Applicants' Responses to Written Representations [REP2-057] (REP1- 074:2.8.2 and REP1- 074:2.8.3) and submitted an updated Outline PEMP (Revision 2) [REP2-041] at Deadline 2.</p> <p>2. The Applicants acknowledge the MMO's comments.</p>	<p>1. In the Deadline 1 submission [REP1-074], the MMO requested 'a Legislative and Regulatory Compliance section is included within the document' and noted that 'the Applicant has not committed to the check clean dry practice within section 6.3 - Invasive non native species. The MMO request the Applicant follows this procedure as best practice and this should be within the document'</p> <p>2. In the Deadline 3 submission [REP3-045], the MMO welcomes the updates to include the check clean dry practice within section 6.3 - Invasive non-native species and updates to include a Legislative and Regulatory Compliance section</p> <p>The MMO also defers to NE in relation to the Red Throated Diver Vessel updates in paragraph 54.</p> <p>The MMO has no further changes at this stage however the status is still in discussion to ensure the MMO is content all other interested parties' comments on this document have been resolved or a clear process post consent is established.</p>	
11	<p>The In Principle Site Integrity Plan (SIP) for the Southern North Sea (SNS) Special Area of Conservation (SAC) [APP-250] sufficiently sets to sets out the approach for the Applicants to deliver potential mitigation and management measures that may be required to ensure the avoidance of Adverse Effect on Integrity (AEoI) on the designated feature of the SNS SAC.</p>	<p>1. With the Relevant Representation [RR-030], the MMO requests a map of the SNS SAC and the projects' location in relation to this be added and that the following sections are also included within the SIP:</p> <ul style="list-style-type: none"> Introduction: 	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	<p>1. The Applicants acknowledged the MMO's request within The Applicants' Responses to Relevant Representations [PDA-013]. The requested sections were added to the In Principle SIP for the SNS SAC (Revision 2) [AS-102] submitted on 29th November 2024.</p> <p>However, revision 3 of the document was submitted at Deadline 2 to incorporate the Project Change Request 1 – Offshore and Intertidal Works [AS-141] which was accepted into Examination on 21st January 2025 and updates following the Applicants' review of Defra's policy paper on marine noise.</p> <p>2. The Applicants note the additional request of including other schemes for context. Schemes that are considered in the in-combination assessment have been included in Figure 5-1 of the In Principle SIP for the SNS SAC (Revision 3) [REP2-049] submitted at Deadline 2.</p> <p>3. The Applicants acknowledge the comment.</p>	<ul style="list-style-type: none"> ○ The Southern North Sea SAC. ● Project Description: <ul style="list-style-type: none"> ○ Project Commitments. ● In Principle Management and Mitigation Measures: <ul style="list-style-type: none"> ○ Measure X: Scheduling of Unexploded Ordnance (UXO) Clearance; ○ Measure X: Clustering of UXO devices; ○ Measures Not Applicable; and ○ Other Mitigation Measures outside the scope of the SIP. <p>2. In the Deadline 1 submission [REP1-075], the MMO requested a map of SNS SAC and project location included in relation to other schemes for context.</p> <p>3. In the Deadline 3 submission [REP3-045], the MMO welcomes the addition of Figure 5-1 and the updates to the SIP. 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.</p>	
12	<p>The Outline Marine Mammal Mitigation Protocol (MMMP) [APP-249] sufficiently demonstrates the principles of the final MMMP to be submitted for approval under the Draft Development Consent Order (DCO) [APP-027].</p> <p>1. The Applicants acknowledged the MMO's request in Table 4.6.1 of The Applicants' Responses to Relevant Representations [PDA-013] (RR-030: 4.17.1) with a section on noise abatement systems added to Outline MMMP (Revision 2) [AS-100] and submitted on 22nd November 2024.</p> <p>However, revision 3 of the Outline MMMP [REP2-047] was submitted at Deadline 2 to incorporate the Project Change Request 1 – Offshore and Intertidal Works [AS-141] which was accepted into Examination on 21st January 2025 and updates following the Applicants' review of Defra's policy paper on marine noise and associated documents.</p> <p>2. The Applicants acknowledge the MMO's comments and will review the MMO's Deadline 4 submission.</p>	<p>1. Within the Relevant Representation [RR-030] and Deadline 1 submission [REP1-075], the MMO 'largely agree with the approach set out in the document' but requests minor changes regarding the breaks in piling and noise abatement measures.</p> <p>2. In the Deadline 3 submission [REP3-045], the MMO welcomes the updates on the breaks in piling (section 3.1.6) procedure and 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.</p>	
13	<p>The Disposal Site Characterisation Report [APP-242] provides sufficient information to characterise the disposal requirements for the Projects.</p> <p>1. The Applicants acknowledged this request within The Applicants' Responses to Relevant Representations [PDA-013] and will update the Disposal Site Characterisation Report [APP-242] during the Examination process.</p> <p>The Applicants confirmed that section 3 (paragraph 25) of the Disposal Site Characterisation Report [APP-242] presents the proposed disposal areas whilst Figure 3-1 displays the five different proposed disposal sites.</p> <p>2. The Applicants submitted an updated Disposal Site Characterisation Report (Revision 2) [REP2-035] at Deadline 2.</p>	<p>1. Within the Relevant Representation [RR-030] the MMO agrees that "The characterisation report is therefore sufficient to designate the disposal sites".</p> <p>However, the MMO requires information from the Applicants in relation to the specific sites to allow these to be designated.</p> <p>During a recent call with the Applicants the MMO discussed concerns regarding double consenting as disposal sites overlap and would like for this to be considered in the updates for Deadline 1.</p> <p>The MMO also note in their Relevant Representation [RR-030] that there are only four disposal sites in the in the main text of the report, yet the Applicants are proposing five new disposal sites (see RR-030) for full response). The MMO states that this should be clearly named within the appropriate DML.</p>	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	<p>The Draft DCO (Revision 6) [REP3-004] was updated with the names of the relevant disposal sites and any associated changes at Deadline 3.</p> <p>3. The Applicants provided the requested shape files to the MMO via email on 20/03/2025.</p> <p>4. The Applicants acknowledge the MMO's comment.</p>	<p>2. The MMO has stated in their Deadline 1 submission [REP1-075] that they would like clarity on disposal sites and is working with the Applicants to ensure they are designated and included in the DMLs.</p> <p>3. In the Deadline 3 submission [REP3-045], 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.</p> <p>4. The MMO is in the process of designating disposal sites and will provide a response in due course.</p>	

3.3 Deemed Marine Licences

Table 3-3 Topics agreed, in discussion or not agreed in relation to the Deemed Marine Licences

SoCG ID	The Applicants' Position	MMO's Position	Position Status
14	<p>All provisions set out in Article 5 (Benefit of the Order) in the DMLs within the Draft DCO [APP-027] are considered appropriate.</p> <p>1. The Applicants disagree with the MMO's position on this point and have provided a response within The Applicants' Responses to Relevant Representations [PDA-013], submitted at Pre-Exam Procedural Deadline A. Awaiting further comments from the MMO on this topic.</p> <p>2. In The Applicants' Responses to Deadline 1 Documents [REP2-058] it is noted that the Applicants previously submitted a response on the matter is detailed under Item 6, RR-030: 3.3.1 in Annex 1 of the Responses to the Applicants' Response to RRs [PDA-013] and [AS-048] [REP1-074], stating that they do not agree with the removal of the parts of Article 5 of the Draft DCO [APP-027] requested by the MMO.</p> <p>3. In the Applicants' Responses to Deadline 2 Documents [REP3-028] the Applicants refer to The Applicants' Responses to Relevant Representations [PDA-013], in particular response RR-030: 3.3.1</p> <p>4. The Applicants have provided a response to the MMO at Deadline 4 (The Applicants' Responses to Deadline 3 Documents [document reference 14.4] (see I.D 7 of Table2-3)) and do not propose to comment further on the inclusion of the DMLs in Article 5 as extensive submissions on this matter have already been submitted. However, the Applicants would note that the recently made Rampion 2 DCO does include transfer of the Deemed Marine Licences with the transfer of benefit provisions and that the Secretary of State provided the following reasoning for this in the Decision Letter (paragraph 6.23):</p> <p><i>"The Secretary of State has considered the MMOs position. However, the Secretary of State agrees with the ExA that Article 5 should be retained because it does not just deal with deemed marine licenses, but all other licences required to construct the Proposed Development, and the purpose of the PA2008 is to provide a simple one-stop shop process for obtaining consent for national infrastructure projects and to have one legal instrument, the Recommended Order, as its control."</i></p>	<p>1. In the Relevant Representation [RR-030] the MMO have requested for several sections of text to be removed from Article 5.</p> <p>2. In the Deadline 1 submission [REP1-075], the MMO has a major issue on the inclusion of this Article (sections 3.3.1 to 3.10.4 of the Relevant Representations).</p> <p>3. In the Deadline 2 submission [REP2-061], the MMO objects to the provisions relating to the process of transferring and / or granting the DML set out in the draft DCO at Article 5 and has major concerns over the wording.</p> <p>4. In the Additional Submission at Deadline 3 [AS-169], the MMO acknowledges the Applicants comments, however, maintains that reference to the DMLs in Article 5 should be removed. The MMO will review once a response has been submitted at Deadline 4.</p>	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
15	<p>The timeframes set out in the DMLs within the Draft DCO [APP-027] for the MMO's review of plans submitted by the Applicants are considered appropriate.</p> <ol style="list-style-type: none"> The Applicants disagree with the MMO's position on this point, and have provided a response within The Applicants' Responses to Relevant Representations [PDA-013], submitted at Pre-Exam Procedural Deadline A. <p>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 was not sufficient in individual cases.</p> <ol style="list-style-type: none"> The Applicants previously submitted response on the matter is detailed in The Applicants' Response to Relevant Representations [PDA-013] and the Applicants have made a number of amendments to the Draft DCO (Revision 6) [REP3-004] at the MMO's request. The Applicants note that the MMO will provide comment on the remaining representations at Deadline 2 of the Examination. The Applicants acknowledge the MMO's comments and maintain their position on condition 15(5) as set out in The Applicants' Responses to Relevant Representations [PDA-013] (RR-030: 3.11). The Applicants maintain the position previously set out in response to this point (The Applicants' Responses to Deadline 3 Documents [document reference 14.4] (see I.D 7 of Table 2-3)). <p>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 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>	<ol style="list-style-type: none"> In the Relevant Representation [RR-030] the MMO noted that 'The MMO strongly considers that it is inappropriate to put 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.' In their Relevant Representation [RR-030] 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 are not subject to set determination periods. <p>The MMO state whilst they acknowledge the Applicants wish to create some certainty around when it can be expected for the MMO to determine any applications for an approval required under the conditions of a licence, they stress that it does not delay determining whether to grant or refuse such approvals unnecessarily.</p> <ol style="list-style-type: none"> In the Deadline 2 submission [REP2-061] the MMO states 'In relation to Condition 15(5) the MMO maintains their position and believes this will be a matter for the SoS to decide. In the Additional Submission at Deadline 3 [AS-169], the MMO maintains their position that a determination date should not be included. The MMO will review once a response has been submitted at Deadline 4. 	
16	<p>The application timeframes for submission of plans to the MMO for approval as detailed in the DMLs within the Draft DCO [APP-027] are considered appropriate.</p> <ol style="list-style-type: none"> 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 once those discussions have taken place. <p>The Applicants previously submitted a response on the matter is detailed under RR-030: 3.11 in The Applicants' Response to Relevant Representations [PDA-013]. All time periods associated with documents for MMO's approval presented within Draft DCO (Revision 6) [REP3-004] are now reflective of a 6-month advance submission period. The Applicants note that the MMO will provide comment on the remaining representations at Deadline 2 of the Examination.</p>	<ol style="list-style-type: none"> In the Relevant Representation [RR-030] the MMO noted that 'The MMO believes that if time scales are included within the DML for plans, then these should be 6 months and not 4 months.', also noting however that '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>The MMO also state that whilst they acknowledge the Applicants wish to create some certainty around when it can be expected for the MMO to determine any applications for approval required under the conditions of a licence, they stress that it does not delay determining whether to grant or refuse such approvals unnecessarily. .</p>	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	2. The Applicants welcome the MMO's agreement. 3. The Applicants acknowledge the MMO's comment.	2. The MMO welcomes that documents will be submitted six months before the intended commencement of licensed activities. 3. The MMO has no other comments to make on the submission timescales. The MMO does have comments on the timescales in Condition 17 and will provide comments at Deadline 4.	
17	The disposal sites identified in the DMLs within the Draft DCO [APP-027] are considered appropriate. 1. The Applicants will update the appropriate DMLs to add the names of the relevant disposal sites and will submit an updated Draft DCO (Revision 3) [AS-120 and AS-121] in a future revision of the document. 2. The Draft DCO (Revision 6) [REP3-004] was updated with the names of the relevant disposal sites and any associated changes and submitted at Deadline 3. 3. The Applicants provided the requested shape files to the MMO via email on 20/03/2025. 4. The Applicants acknowledge the MMO's comment.	1. In the Relevant Representation [RR-030] the MMO requested further clarification on the number and purpose of the disposal sites identified within the DMLs. During a recent call with the Applicants, the MMO discussed concerns regarding double consenting as disposal sites overlap and would like for this to be considered in the updates for Deadline 1. 2. The MMO have stated in their Deadline 1 submission (REP1-075) that they would like clarity on disposal sites and is working with the Applicants to ensure they are designated and included in the DMLs. In the Deadline 3 submission [REP3-045], 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. 3. In the Additional Submission at Deadline 3 [AS-169], the MMO stated that they had 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. 4. The MMO is in the process of designating disposal sites and will provide a response in due course.	
18	All potential risks of chemicals in the marine environment have been considered with appropriate conditions included in the DMLs within the Draft DCO [APP-027]. 1. The Applicants acknowledge this request within The Applicants' Responses to Relevant Representations [PDA-013] and updated the Outline Scour Protection Plan (Revision 3) [REP2-051] in line with the request at Deadline 2. The Applicants note that the MMO is considering this further. 2. As stated in The Applicants' Responses to Deadline 3 Documents [document reference 14.4] (REP3-045:1.4), The Applicants are considering the wording suggested by the MMO and plan to discuss it with the MMO at an upcoming meeting that has been arranged for 13 th May 2025, as the Applicants have a query on the proposed wording for the MMO to clarify. The Applicants will provide a further update after the meeting has taken place.	1. In the Relevant Representation [RR-030] the MMO requested that 'the Applicant should consider the risks of placing plastic infrastructure into the marine environment, should they degrade. This should be discussed in the Outline Scour Protection Plan (document 8.26).' The MMO notes the International Convention for the Prevention of Pollution from Ships 1973 does not apply to chemicals used by the offshore wind industry. The MMO is discussing this further internally and will provide further comments in due course. 2. The MMO provided a response in REP3-045- in section 1.4 Chemicals. The MMO is awaiting a response from the Applicants before providing further comments	
19	The DMLs within the Draft DCO [APP-027] include all relevant maximum design parameters for the Projects. 1. The Applicants acknowledge this comment within The Applicants' Responses to Relevant Representations [PDA-013] (RR-030:3.16.4) and have made appropriate updates to the DMLs, submitted Draft DCO (Revision 3) [AS-120] on 6 th December 2024. 2. The Applicants thanked the MMO for highlighting this omission and updated the Draft DCO (Revision 6) [REP3-004] at Deadline 3.	1. In the Relevant Representation [RR-030] the MMO noted some design parameters that were missing from the DMLs and requested their addition. 2. In the Deadline 2 submission [REP2-061], the MMO welcomed the Applicants' changes however notes that 2 (2) No wind turbine generator piled monopile foundation may have a pile diameter exceeding 15 metres still contains the word "may". The MMO requests that this is updated. 3. The MMO welcomes the updates and has no further comments	

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	3. The Applicants welcome the MMO's agreement.		
20	<p>All appropriate conditions regarding the reporting of impact pile driving have been included in the DMLs within the Draft DCO [APP-027].</p> <ol style="list-style-type: none"> The Applicants acknowledge this comment within The Applicants' Responses to Relevant Representations [PDA-013] (RR-030:3.17) and have made appropriate updates to the DMLs, submitted Draft DCO Revision 3 [AS-120] on 6th December 2024. The Applicants direct the MMO to responses to these requests within The Applicants' Responses to Relevant Representations [PDA-013] and have made a number of amendments to the Draft DCO (Revision 5) [REP1-004] at the MMO's request. The Applicants await the MMO's further comments on Condition 26 in due course. The Applicants welcome the MMO's agreement. 	<ol style="list-style-type: none"> In their Relevant Representation [RR-030] the MMO requested an additional condition be added to the DMLs on the reporting of impact pile driving to comply with UK requirements on noise reporting. In the Deadline 2 submission [REP2-061], the MMO noted that they had requested a number of conditions to be included in the DML and that 'Due to updates to the Marine Noise Registry the MMO will be requesting updates to Condition 26 Reporting of impact pile driving in due course.' The MMO notes the Applicants have updated this condition in the Draft Development Consent Order (Revision 6) [REP3-004] and is content with these updates. 	
21	<p>All appropriate conditions regarding maintenance reporting have been included in the DMLs within the Draft DCO [APP-027].</p> <ol style="list-style-type: none"> The Applicants acknowledge this comment within The Applicants' Responses to Relevant Representations [PDA-013] (RR-030:3.18) and have made appropriate updates to the DMLs, submitted Draft DCO (Revision 3) [AS-120] on 6th December 2024. The Applicants direct the MMO to responses to these requests within The Applicants' Responses to Relevant Representations [PDA-013] and have made a number of amendments to the Draft DCO (Revision 5) [REP1-004] at the MMO's request. The Applicants acknowledge the MMO's comment. 	<ol style="list-style-type: none"> In their Relevant Representation [RR-030] the MMO requested an additional condition be added to the DMLs with regards to maintenance reporting. In the Deadline 2 submission [REP2-061], the MMO noted they will provide comment on RR-030: 3.18 and RR-030: 3.21.5 (regarding maintenance reporting and sediment sampling) at Deadline 2. The MMO welcomes the addition of Condition 27 to DML 1 and on subsequent DMLs and has no further comments to add at this time. 	
22	<p>All seasonal restrictions on works have been included in the DMLs within the Draft DCO [APP-027].</p> <ol style="list-style-type: none"> The Applicants have committed to seasonal restrictions on piling with the Electrical Switching Platform search area (being the area shown on the works plans for Work Nos. 6A and 6B). This commitment is secured as standalone conditions 24 in DML3 and DML4 of the Draft DCO (Revision 3) [AS-120]. The Applicants do not anticipate any further seasonal restrictions being required, but the MMO's position is noted. If the Applicants do make any additional commitments to seasonal restrictions, these will be included as standalone conditions to the relevant DML(s). With regards to seasonal piling restrictions, the Applicants note that the Draft DCO [REP1-005] was updated to remove standalone conditions 24 in DML 3 and 4 following acceptance of Project Change Request 1 – Offshore and Intertidal Works [AS-141] into Examination on 21st January 2025 which includes the removal of the Electrical Switching Platform and removes piling in the Offshore Export Cable Corridor [REP1-075:1.6]. The Applicants acknowledge the MMO's comment and will provide a response at Deadline 5. 	<ol style="list-style-type: none"> In their Relevant Representation [RR-030] the MMO requested that any seasonal restrictions for any activities are clearly conditioned as a stand-alone condition and not within an additional plan. In the Deadline 1 submission [REP1-075], the MMO requested that any seasonal restrictions are a standalone condition. The MMO is currently reviewing the seasonal piling restrictions and will provide a response at Deadline 4. 	
23	The DMLs within the Draft DCO [APP-027] include all appropriate ornithological monitoring conditions.	<ol style="list-style-type: none"> In their Relevant Representation [RR-030] the MMO requested a specific ornithological monitoring condition to be added to the DMLs. They state that this will ensure the monitoring report and results are submitted. 	

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	<ol style="list-style-type: none"> The Applicants disagree with the MMO's position on this point and have provided a response to this within The Applicants' Responses to Relevant Representations [PDA-013] (RR-030: 3.20), submitted at Pre-Exam Procedural Deadline A. Awaiting further comments from the MMO on this topic. The Applicants have reviewed their position on this and updated the wording in the Draft DCO (Revision 6) [REP3-004] as requested, submitting the updated version at Deadline 3. The Applicants acknowledge the MMO's comment and will provide a response at Deadline 5. 	<ol style="list-style-type: none"> In the Deadline 1 submission [REP1-075] the MMO would highlight that a number of projects include Ornithological monitoring as a separate document, this is best practice due to the detailed discussions required. Due to the number of issues raised on ornithology the MMO believes that a separate plan is the best place for ornithological monitoring to be as it enables specific discussions on a complex topic. In addition to this if the ornithological discussions are ongoing there could be a delay to the discharge of other monitoring as in the current format there would be no possibility of a phased approach to discharging parts of the IPMP. The MMO welcomes the updated condition and will provide comments at Deadline 4. 	
24	<p>All appropriate conditions regarding piling restrictions have been included in the DMLs within the Draft DCO [APP-027].</p> <ol style="list-style-type: none"> The Applicants acknowledge this comment within The Applicants' Responses to Relevant Representations [PDA-013] (RR-030: 3.21.2) and will make appropriate updates to the DMLs to address the concerns raised by the MMO and submit an updated Draft DCO [APP-027] for Deadline 1. <p>In addition the Applicants note that 'The change request will be supported by a Request for Design Change – Environmental Assessment Update document which will describe any resultant changes to the assessment conclusions presented in the ES, thus informing a consultation with relevant stakeholders (as agreed by the ExA) as part of the change request process. All the changes are expected to be positive i.e. reducing or removing impacts. The change proposed of relevance to these representations is the removal of all platforms from the Offshore Export Cable Corridor, which would mean that no piling activity will take place within the Offshore Export Cable Corridor.'</p> <ol style="list-style-type: none"> The Applicants have provided responses to these requests within The Applicants' Responses to Relevant Representations [PDA-013] and have made a number of amendments to the Draft DCO (Revision 5) [REP1-004] at the MMO's request. <p>With regards to seasonal piling restrictions, the Applicants also note that the Draft DCO [REP1-005] was updated to remove standalone conditions 24 in DML 3 and 4 following acceptance of Project Change Request 1 – Offshore and Intertidal Works [AS-141] into Examination on 21st January 2025 which includes the removal of the Electrical Switching Platform and removes piling in the Offshore Export Cable Corridor [REP1-075:1.6].</p> <ol style="list-style-type: none"> The Applicants acknowledge the MMO's comment and will provide a response at Deadline 5. 	<ol style="list-style-type: none"> In the Relevant Representation [RR-030] the MMO requested piling restriction conditions are included within the DML 1 (Schedule 10) and DML 2 (Schedule 11). <p>The MMO also requested that no piling activity within the Offshore Export Cable Corridor (ECC) between the months of August and October is undertaken to mitigate for disturbance to the Banks population of Atlantic herring via impulsive underwater noise impacts.</p> <ol style="list-style-type: none"> In the Deadline 1 submission [REP1-075], the MMO requested that any seasonal restrictions are a standalone condition. As per SoCG ID 22, the MMO is currently reviewing the seasonal piling restrictions and will provide a response at Deadline 4. 	
25	<p>No additional conditions regarding activities interacting with the seabed within the Offshore Export Cable Corridor are required to be included in the DMLs within the Draft DCO [APP-027] with regard to herring.</p>	<ol style="list-style-type: none"> In their Relevant Representation [RR-030] the MMO requested that a temporal restriction from the 1st August – 31st October to be placed on works which interact with the seabed within the Offshore Export Cable Corridor, noting however it may be possible for this restriction to be refined spatially given that some areas of the cable route offshore are not situated within the herring spawning ground. <p>The MMO further added that a temporal restriction during the Banks herring spawning season (1st August – 31st October inclusive) should apply to both construction and maintenance activities. They add that '<i>any spatial refinement will be subject to the provision of an appropriately formed</i></p>	

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	<p>1. In The Applicants' Responses to Relevant Representations [PDA-013] (RR-030:3.21.3), the Applicants welcome the MMO's pragmatism in the potential for the spatial refinement of the proposed temporal restriction. The Heat Mapping Report: Atlantic Herring and Sandeel [AS-105] submitted on 28th November 2024, presents an updated heat map using the Kyle-Henney <i>et al.</i> (2024) methodology, and utilise Particle Size Analysis (PSA) data to ground-truth the underlying EMODnet data layers. Areas characterised as unsuitable potential spawning habitat by the PSA data (aligning the Folk classifications with the description of unsuitable habitat in Kyle-Henney <i>et al.</i> (2024) will be deemed as 'not a potential spawning habitat for Atlantic herring'.</p> <p>The restriction as proposed in its current form does not align with the most recent restrictions pertaining to herring spawning in the North Sea. The Heat Mapping Report: Atlantic Herring and Sandeel [AS-105] assesses the suitability of the proposed temporal restrictions, whilst also further refining regions of the Offshore Development Area where herring spawning potential is 'moderate' to 'higher' based on best available data.</p> <p>2. The Applicant provided a detailed technical response against the restriction in REP2-061:24 of The Applicants' Responses to Deadline 2 Documents [REP3-028].</p> <p>3. The Applicants are seeking a meeting with the MMO and Cefas to continue discussions on this topic.</p>	<p>'heat' map (see comments in point 5.5.3), which draws on the correct data and provides an accurate characterisation of the herring spawning habitat potential along the cable route'.</p> <p>2. In the MMOs Deadline 2 submission [REP2-061] it is stated that 'The Applicant has provided additional ecological data in an attempt to have the 11 requested temporal restriction for cable works along the ECC route dismissed. Section 2.3 of the Heat Mapping Report (document listed in point 7) uses parts of the approach employed for the Eastern Greenlink 216 EGL2: MLA/2022/00273/1, L/2023/00211/1 (EGL2) subsea cable marine licence (ML) (which is also proposed to run through the Flamborough Head herring spawning ground) as the rationale for removing the requested temporal restriction on cable installation works along the ECC route. There is some merit in the approach however the Applicant's rationale is missing some key data:....'</p> <p>3. This is an ongoing issue which the MMO are working to resolve with the Applicants and is in the planning processes to get a meeting between the Applicant and Cefas for further clarity.</p>	
26	<p>All necessary timeframes for dredging and clearance activities have been included in the DMLs within the Draft DCO [APP-027].</p> <p>1. In The Applicants' Responses to Relevant Representations [PDA-013] (RR-030:3.21.5), the Applicants state that they are not able to confirm at this stage whether any dredging or clearance activities will take longer than three years from commencement and on that basis, the Draft DCO (Revision 3) [AS-12] has been updated to include a sediment sampling condition in the DMLs.</p>	<p>1. In the Relevant Representation [RR-030] the MMO requested clarity on if any dredging or clearance activities will take longer than 3 years from commencement, and if so that an additional condition be added to the DMLs.</p>	
27	<p>The Applicants' inclusion of the "Force Majeure" conditions within the Draft DCO [APP-027] are relevant and in line with other offshore wind DCOs.</p> <p>1. In The Applicants' Responses to Relevant Representations [PDA-013], it is stated that 'This condition is well preceded, and commonly included in DCOs.'</p> <p>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.</p> <p>No change to the Draft DCO [APP-027] is proposed.</p> <p>2. In The Applicants' Responses to Deadline 2 Documents [REP3-028] (REP2-061:13), the Applicants note the MMO's position but do not agree. The Applicants would highlight that "force majeure" is defined in law as covering events outwith a parties' reasonable control commonly including Acts of God, flood, drought, earthquake or other natural disaster; terrorist attack, civil war, civil commotion or riots, war, threat of or preparation for war, armed conflict, imposition of sanctions, embargo, or breaking off of diplomatic relations; nuclear, chemical or biological contamination or sonic boom; fire, explosion or accident.</p>	<p>1. The MMO request that "Force Majeure" conditions are removed from the DML (See Row 6g in Table 4.6.2 in Relevant Representation [RR-030]). 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.</p> <p>2. In the Deadline 2 submission [REP2-061], the MMO maintains its position regarding Force Majeure, as it is not necessary to be included within the DMLs. It is not something that the MMO would include in standalone marine licences. PINS advice note Annex 11 - MMO says that DMLs should be broadly consistent with standalone marine licences.</p> <p>3. In the additional Deadline 3 submission [AS-16g], the MMO note that they will review the Applicants comments submitted at Deadline 3 and provide an any further comments at Deadline 4. The MMO notes that this is not likely to be agreed by the end of Examination. The MMO will review a response once received at Deadline 4</p>	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	3. The Applicants acknowledge the MMO's comment and await a response at Deadline 4. However the Applicants note that very similar wording has just been accepted by the Secretary of State for the Rampion 2 DCO.		

3.4 Marine Physical Environment

Table 3-4 Topics agreed, in discussion or not agreed in relation to Marine Physical Environment

SoCG ID	The Applicants' Position	MMO's Position	Position Status
EIA – Planning and Policy			
28	<p>All relevant plans and policies have been identified in section 8.4.1 of Chapter 8 Marine Physical Environment [APP-080] and these have been appropriately considered in the assessment.</p> <p>1. The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation.</p>	1. The MMO notes that this will need to remain open until all other topics have been agreed.	
EIA – Baseline Environment			
29	<p>The ES adequately characterises the baseline environment as detailed in section 8.5 of Chapter 8 Marine Physical Environment [APP-080].</p> <p>1. The Applicants maintain that the ES adequately characterises the baseline environment as detailed in section 8.5 of Chapter 8 Marine Physical Environment [APP-080].</p>	<p>1. In their Section 42 response the MMO noted that that the physical process impacts were 'generalised (i.e., estimated based on an 'expert judgement' application of impacts approximated on the basis of other locations)'.</p> <p>In the final ES chapter the marine physical processes baseline has been updated with project specific data and the results from Appendix 8-3 Marine Physical Processes Modelling Technical Report [APP-084]. No further comments were made in the MMO's Relevant Representations [RR-030] regarding the baseline environment.</p> <p>The MMO will provide a further response to this in Deadline 2 this is not yet considered agreed.</p>	
30	<p>Sufficient survey data has been collected to inform the assessment as presented within section 8.5 of Chapter 8 Marine Physical Environment [APP-080].</p> <p>1. The Applicants maintain that sufficient survey data have been collected to inform the assessment as presented within section 8.5 of Chapter 8 Marine Physical Environment [APP-080].</p> <p>The Applicants welcome agreement with the MMO on this point (The Applicants' Responses to Relevant Representations [PDA-013] (RR-030:5.3.1).</p>	<p>1. In the Relevant Representation [RR-030], the MMO notes site-specific surveys and information sources were provided in Table 8-6 (Chapter 8 Marine and Physical Environment [APP-080]).</p> <p>The MMO agreed with the Applicants' comment that the sediment contaminant concentrations are deemed to be low risk from a sediment disposal perspective, and in line with comments made at the intertidal ecology expert topic group meeting held on the 29th January 2024 [RR-030: 5.3.1].</p>	
EIA – Assessment Methodology			
31	<p>The study area identified in section 8.3.1 of Chapter 8 Marine Physical Environment [APP-080] is appropriate.</p>	1. The MMO agrees with the Applicants and consider this matter agreed.	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	<p>1. The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>		
32	<p>The realistic worst-case scenario presented in the assessment for the development scenarios, as outlined in Table 8-1 of Chapter 8 Marine Physical Environment [APP-080] is appropriate.</p> <p>1. The Applicants have provided further explanatory text within The Applicants' Responses to Relevant Representations [PDA-013] (RR-030:5.2.5) in response to the MMO's Relevant Representation.</p> <p>2. The Applicants previously submitted explanation on this matter is detailed under RR-030: 5.2.5 in The Applicants' Response to Relevant Representations [PDA-013]. The Applicants note the following response from the MMO: <i>'The MMO welcomes this explanation, and considers the matter closed'</i> in the Responses to the Applicants' Response to RRs [PDA-013] and [AS-048] [REP1-074].</p>	<p>1. Within the Relevant Representation [RR-030], the MMO would like clarification on how the maximum volume of sediment disturbed due to seabed preparation was calculated.</p> <p>2. In the Written Representation [REP1-075], the MMO queried volume for the changes on suspended sediment concentration and transport due to seabed preparation for foundation installation.</p>	
33	<p>The embedded mitigation measures in Table 8-3 of Chapter 8 Marine Physical Environment [APP-080] are appropriate.</p> <p>1. The Applicants acknowledge this comment within The Applicants' Responses to Relevant Representations [PDA-013] (RR-030:5.2.6) and note that the Draft DCO (Revision 3) [AS-120] was submitted on 6th December 2024.</p>	<p>1. The MMO did not comment on the appropriateness of the embedded mitigation measures within their Relevant Representation [RR-030], only that they should be clearly reflected in the DML.</p> <p>A further response will be provided in Deadline 1 or 2 following review of the Applicants' response to the MMOs Relevant Representation.</p>	
34	<p>The project-specific numerical modelling undertaken for the assessment as presented in Appendix 8-3 Marine Physical Processes Modelling Technical Report (Revision 3) [REP2-017] is sufficient to inform the assessment of effects presented in section 8.6 of Chapter 8 Marine Physical Environment [APP-080].</p> <p>1. The Applicants believe the worst-case array layout option used to inform the assessment within Appendix 8-3 Marine Physical Processes Modelling Technical Report (Revision 3) [REP2-017] is a realistic option based on design parameters included in the application that represents the absolute worst-case for effects on the marine physical environment.</p> <p>2. The Applicants acknowledge this comment.</p>	<p>1. The MMO have noted that the worst-case turbine array layout options remain under discussion and may provide a further response at future examination deadlines.</p> <p>2. In the Deadline 3 submission [REP3-045], the MMO welcome changes to the modelling report and will provide comments at Deadline 4.</p>	
35	<p>The impact assessment methodologies used for the EIA, as presented in section 8.4.3 of Chapter 8 Marine Physical Environment [APP-080], provide an appropriate approach to assessing potential impacts of the Projects.</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	<p>The MMO agrees with the Applicants and consider this matter agreed.</p>	
36	<p>The assessment of the significance of effects presented in section 8.7 of Chapter 8 Marine Physical Environment [APP-080] is consistent with the agreed assessment methodologies.</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	<p>The MMO agrees with the Applicants and consider this matter agreed.</p>	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
37	<p>Section 8.7.3 of Chapter 8 Marine Physical Environment [APP-o8o] represents a comprehensive list of the potential impacts during construction.</p> <ol style="list-style-type: none"> In their responses to Section 42, the Applicants noted that 'Given the uncertainty regarding the technical specifications around any potential repowering and therefore potential levels of impacts, reference to repowering has not been made in this ES The Applicants welcome the MMO's agreement on this matter. 	<ol style="list-style-type: none"> In their Section 42 response the MMO requested that the ES should note the potential for impacts of re-powering in the assessment. In the Deadline 3 submission [REP3-045], the MMO acknowledges the Applicants' 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.' <p>The MMO is currently content that repowering will have to be reassessed should this be required closer to the end of life.</p>	
38	<p>Section 8.7.4 of Chapter 8 Marine Physical Environment [APP-o8o] represents a comprehensive list of the potential impacts during operation.</p> <ol style="list-style-type: none"> The Applicants maintain that section 8.7.4 of Chapter 8 Marine Physical Environment [APP-o8o] represents a comprehensive list of the potential impacts during operation. The Applicants previously submitted a response on the matter in The Applicants' Responses to Relevant Representations [PDA-013]. See RR-030:5.2.1 for full response. The Applicants acknowledge the MMO's comment and will provide a response at Deadline 5. 	<ol style="list-style-type: none"> The MMO notes in the Relevant Representation [RR-030] "that consideration of the 30-year operational lifespan hasn't been discussed, in terms of what might be predicted would be happening at the end of the operational lifespan. This should be addressed." <p>The MMO will provide a further response to this in Deadline 2, the MMO does not yet consider this matter agreed.</p> <ol style="list-style-type: none"> In the Deadline 1 submission [REP1-075], the MMO requests the Applicant discusses 30-year operational lifespan on coastal processes (see RR 5.2.1 - 5.2.3). The MMO provided responses to the Marine Physical Environment in Deadline 3 and will provide more comments in Deadline 4. 	
39	<p>The assessment of cumulative effects, as detailed in section 8.8 of Chapter 8 Marine Physical Environment [APP-o8o] is consistent with the agreed methodologies.</p> <ol style="list-style-type: none"> The Applicants have provided further explanatory text in response to the MMO's Relevant Representation within The Applicants' Responses to Relevant Representations [PDA-013], submitted at Pre-Exam Procedural Deadline A. See RR-030:5.2.2, and RR-030:5.2.3. The Applicants acknowledge the MMO's comment and will provide a response at Deadline 5. 	<ol style="list-style-type: none"> The MMO notes in the Relevant Representation [RR-030] that they would like the Applicants to discuss comments regarding sediment transport and sedimentary features within the cumulative impacts assessment. The MMO provided responses to the Marine Physical Environment in Deadline 3 and will provide more comments in Deadline 4. 	
EIA - Assessment Conclusions			
40	<p>The conclusions of assessment of significance as detailed in section 8.7 of Chapter 8 Marine Physical Environment [APP-o8o] are appropriate and are considered not significant in EIA terms.</p> <ol style="list-style-type: none"> The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. 	<ol style="list-style-type: none"> The MMO notes that this will need to remain open until all other topics have been agreed. 	
EIA – Cumulative Effects Assessment (CEA) Conclusions			
41	<p>The conclusions of the CEA as detailed in section 8.8 of Chapter 8 Marine Physical Environment [APP-o8o] are appropriate and are considered not significant in EIA terms.</p>	<ol style="list-style-type: none"> The MMO notes in the Relevant Representation [RR-030] that they would like the Applicants to discuss comments regarding sediment transport and sedimentary features within the cumulative impacts assessment. 	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	1. The Applicants have provided further explanatory text in response to the MMO's Relevant Representation within The Applicants' Responses to Relevant Representations [PDA-013], submitted at Pre-Exam Procedural Deadline A. See RR-030:5.2.2 and RR-030:5.2.3		
Other Matters as Required			
42	<p>The proposed minimising of cable protection measures in the nearshore environment are considered acceptable with regards to the significance of effect assessed in section 8.7 of Chapter 8 Marine Physical Environment [APP-080].</p> <ol style="list-style-type: none"> The Applicants believe the embedded mitigation included in the Projects design to commit to only 10% of the length of cabling within the 10m depth contour is sufficient to reduce the potential effects on sediment transport and coastal processes in the nearshore environment. The Applicants acknowledge this point. 	<ol style="list-style-type: none"> The MMO has noted they are keeping a watching brief on discussions around this topic and will consider providing further comments at future deadline responses. The MMO notes in their Relevant Representation [RR-030] there are proposed embedded mitigation measures outlined in Table 8.3 of the ES which relates to marine physical processes (These include the use of scour protection, consideration of methods around piling foundation types and cable burial and offshore export cable burial). These are all measures that the MMO would expect to see for a project of this nature and should be clearly reflected in the DML. 	
43	<p>No significant effects on coastal processes within the landfall and wider region will occur as a result of the Projects.</p> <ol style="list-style-type: none"> The Applicants believe the embedded mitigation included in the Projects design to commit to only 10% of the length of cabling within the 10m depth contour is sufficient to reduce the potential effects on sediment transport and coastal processes in the nearshore environment. The Applicants acknowledge the MMO's comment and will provide a response at Deadline 5. 	<ol style="list-style-type: none"> The MMO has noted they are keeping a watching brief on discussions around this topic and will consider providing further comments at future deadline responses. The MMO notes in the Deadline 3 submission [REP3-045] that the Applicants disagree 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 is currently reviewing this and will provide a response at Deadline 4. 	

3.5 Benthic and Intertidal Ecology

Table 3-5 Topics agreed, in discussion or not agreed in relation to Benthic and Intertidal Ecology

SoCG ID	The Applicants' Position	MMO's Position	Position Status
EIA – Planning and Policy			
44	<p>All relevant plans and policies have been identified in section 9.4.1 of Chapter 9 Benthic and Intertidal Ecology [APP-085] and these have been appropriately considered in the assessment.</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agrees with the Applicants and consider this matter agreed.	
EIA – Baseline Environment			

SoCG ID	The Applicants' Position	MMO's Position	Position Status
45	<p>The ES adequately characterises the baseline environment as detailed in section 9.5 of Chapter 9 Benthic and Intertidal Ecology [APP-085].</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agrees with the Applicants and consider this matter agreed.	
46	<p>Sufficient survey data has been collected to inform the assessment as presented within section 9.5 of Chapter 9 Benthic and Intertidal Ecology [APP-085] and described in Appendix 9-2 - Intertidal Survey Report [APP-088], Appendix 9-3 - Benthic Ecology Monitoring Report [APP-089] and Appendix 9-4 - Environmental Features Report [APP-090].</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agrees with the Applicants and consider this matter agreed.	
EIA – Assessment Methodology			
47	<p>The study area identified in section 9.3.1 of Chapter 9 Benthic and Intertidal Ecology [APP-085] is appropriate.</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agrees with the Applicants and consider this matter agreed.	
48	<p>The realistic worst-case scenario presented in the assessment for the development scenarios, as outlined in Table 9-1 of Chapter 9 Benthic and Intertidal Ecology [APP-085] is appropriate.</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agrees with the Applicants and consider this matter agreed.	
49	<p>The embedded mitigation measures in Table 9-3 of Chapter 9 Benthic and Intertidal Ecology [APP-085] are appropriate.</p> <ol style="list-style-type: none"> The Applicants have provided further explanatory text in response to the MMO's Relevant Representation within The Applicants' Responses to Relevant Representations [PDA-013]. The Applicants acknowledge the MMO's comment and will provide a response at Deadline 6. 	<ol style="list-style-type: none"> Broad agreement with the MMO, however some additional information and commitments have been requested for pre-construction surveys and micro-siting. The MMO have noted that a condition (21 and 22) has been added for pre and post construction surveys. The MMO will provide a response in Deadline 5. 	
50	<p>The approach to Pre-construction surveys and micro-siting (as detailed in 9-3 of Chapter 9 Benthic and Intertidal Ecology [APP-085] is appropriate.</p> <ol style="list-style-type: none"> The Applicants stated 'Pre-construction surveys will be undertaken to determine the presence of potential Annex I / UK Biodiversity Action Plan (BAP) Priority Habitats within the proposed wind turbine locations or the Offshore Export Cable Corridor' and provided further explanatory text in response to the within The Applicants' Responses to Relevant Representations [PDA-013] (RR-030:5.4.3). 	<ol style="list-style-type: none"> In their Relevant Representation [RR-030:5.4.3] the MMO stated that 'The MMO broadly agrees with the approach set out by the Applicant regarding the pre-construction monitoring survey to determine the presence of Annex I / UK Biodiversity Action Plan (BAP) Priority Habitats within the development area and inform the detailed layout design to avoid as necessary'. <p>In addition, the MMO also recommended that 'the Applicant provides further clarification on specific mitigation measures to avoid Piddock' habitat', and that 'Inclusion of the requirement</p>	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	<p>2. The Applicants previously agreed to these requests in The Applicants' Responses to Relevant Representations [PDA-013] and have made the corresponding updates to the relevant DML Conditions in the Draft DCO (Revision 5) [REP1-004]. The Applicants note the MMO welcomed this update in item 82, RR-030:5-4-1 of Annex 1 of the Responses to the Applicants' Response to RRs [PDA-013] and [AS-048] [REP1-074].</p> <p>3. The Applicants acknowledge the MMO's comment and will provide a response at Deadline 6.</p>	<p>to provide the information on the "as built plan" of the development (relevant sections of the draft DCO referenced in paragraph 9) will allow subsequent assessment of any change from the pre-construction condition of the benthic environment by informing the design of future research surveys.'</p> <p>2. In the Deadline 1 submission [REP1-075], the MMO requested that 'the design of the pre-construction monitoring survey is submitted at least six months prior to the first survey.'</p> <p>3. The MMO will review and provide a response in Deadline 5.</p>	
51	<p>The project-specific numerical modelling undertaken for the assessment as presented in Appendix 8-3 Marine Physical Processes Modelling Technical Report [APP-084] is sufficient to inform the assessment of effects presented in section 8.6 of Chapter 9 Benthic and Intertidal Ecology [APP-085].</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agrees with the Applicants and consider this matter agreed.	
52	<p>The impact assessment methodologies used for the EIA, as presented in section 9.4.3 of Chapter 9 Benthic and Intertidal Ecology [APP-085], provide an appropriate approach to assessing potential impacts of the Projects.</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agrees with the Applicants and consider this matter agreed.	
53	<p>The assessment of the significance of effects presented in section 9.6 of Chapter 9 Benthic and Intertidal Ecology [APP-085] is consistent with the agreed assessment methodologies.</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agrees with the Applicants and consider this matter agreed.	
54	<p>Section 9.6.2 of Chapter 9 Benthic and Intertidal Ecology [APP-085] represents a comprehensive list of the potential impacts during construction.</p>	<p>In their Section 42 response the MMO recommended that the potential pollution impacts of paint flakes and sacrificial anodes were assessed in the ES.</p> <p>Potential pollution from paint flakes was agreed to be discounted from the assessment in the Marine Physical Processes and Benthic Ecology ETG held on the 29th January 2024, Cefas stating that any type of chemical should be considered early in the Project Environmental Management Plan. The Outline PEMP [APP-245] includes paints within section 4.2 Chemical Risk Assessment.</p> <p>Potential seabed contamination from sacrificial anodes was also agreed to be discounted from assessment in the Marine Physical Processes and Benthic Ecology ETG held on the 29th January 2024.</p> <p>The MMO agrees with the Applicants and consider this matter agreed.</p>	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
55	Section 9.6.3 of Chapter 9 Benthic and Intertidal Ecology [APP-085] represents a comprehensive list of the potential impacts during operation.	<p>In their Section 4.2 response the MMO recommended that the potential pollution impacts of paint flakes and sacrificial anodes were assessed in the ES.</p> <p>Potential pollution from paint flakes was agreed to be discounted from the assessment in the Marine Physical Processes and Benthic Ecology ETG held on the 29th January 2024, Cefas stating that any type of chemical should be considered early in the Project Environmental Management Plan. The Outline PEMP [APP-245] includes paints within section 4.2 Chemical Risk Assessment.</p> <p>Potential seabed contamination from sacrificial anodes was also agreed to be discounted from assessment in the Marine Physical Processes and Benthic Ecology ETG held on the 29th January 2024.</p> <p>The MMO agrees with the Applicants and consider this matter agreed.</p>	
56	<p>The assessment of cumulative effects, as detailed in section 9.8 of Chapter 9 Benthic and Intertidal Ecology [APP-085] is consistent with the agreed methodologies.</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 4.2 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agree with the Applicants and consider this matter agreed.	
EIA - Assessment Conclusions			
57	<p>The conclusions of assessment of significance as detailed in section 9.6 of Chapter 9 Benthic and Intertidal Ecology [APP-085] are appropriate and are considered not significant in EIA terms.</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 4.2 response, or within their Relevant Representation.</p>	The MMO notes that this will need to remain open until all other topics have been agreed.	
EIA – Cumulative Effects Assessment (CEA) Conclusions			
58	<p>The conclusions of the CEA as detailed in section 9.8 of Chapter 9 Benthic and Intertidal Ecology [APP-085] are appropriate and are considered not significant in EIA terms.</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 4.2 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agrees with the Applicants and consider this matter agreed.	
Other Matters as Required			
59	<p>The proposed minimising of cable protection measures in the nearshore environment is considered acceptable with regards to the significance of effect assessed in section 9.6 of Chapter 9 Benthic and Intertidal Ecology [APP-085].</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 4.2 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agrees with the Applicants in relation to benthic ecology and consider this matter agreed.	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
60	The sites screened in for assessment in the RIAA HRA - Part 2 of 4 – Annex I Offshore Habitats and Annex II Migratory Fish [APP-046] are appropriate.	On this topic, in their Relevant Representation the MMO note: <i>'The MMO defer to Natural England as the SNCB.'</i>	
61	The Applicants' primary compensation measure for the Dogger Bank (new SAC designation or extension) as detailed in the Project Level Dogger Bank Compensation Plan [APP-059] provides sufficient compensation for the Projects activities within the Dogger Bank SAC. 1. The Applicants acknowledge the MMO's position. 2. The Applicants acknowledge the MMO's comment.	1. In their Relevant Representation [RR-030] the MMO note: 'The MMO defers to the Statutory Nature Conservation Body (SNCB) on the need for, or amount of, compensation. The level of compensation required is not for the MMO to determine.' The MMO also welcome that the compensation measures are secured as a schedule on the DCO and that the MMO will be consulted. The MMO would like to remind the Applicant that some compensation measures may require a further marine licence consent. For example, construction, maintenance and decommissioning of the artificial nesting structures. 2. In the Deadline 1 responses [REP1-075], the MMO confirms that they defer to Natural England (NE) for appropriateness of compensation measures secured in DCO.	
62	The outline Dogger Bank Compensation Implementation and Monitoring Plan (CIMP) [APP-061] provides a sufficient plan for the development of future implementation and monitoring of any agreed compensation measures, should consent for the Projects be granted and compensation for the Dogger Bank Special Area of Conservation (DB SAC) sandbank feature be required. 1. As above (SoCG ID 64). 2. As above (SoCG ID 64).	1. As above (SoCG ID 64). 2. As above (SoCG ID 64).	

3.6 Fish and Shellfish Ecology

Table 3-6 Topics agreed, in discussion or not agreed in relation to Fish and Shellfish Ecology

SoCG ID	The Applicants' Position	MMO's Position	Position Status
EIA – Planning and Policy			
63	All relevant plans and policies have been identified in section 10.4.1 of Chapter 10 Fish and Shellfish Ecology [APP-091] and these have been appropriately considered in the assessment. The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.	The MMO agrees with the Applicants and consider this matter agreed.	
EIA – Baseline Environment			
64	The ES adequately characterises the baseline environment as detailed in section 10.5 of Chapter 10 Fish and Shellfish Ecology [APP-091].	1. The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation.	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	<ol style="list-style-type: none"> The Applicants maintain that the ES adequately characterises the baseline environment as detailed in section 10.5 of Chapter 10 Fish and Shellfish Ecology [APP-091]. The Applicants acknowledged the MMO's position in The Applicants' Responses to Written Representations [REP2-057] (REP1-074:2.4) but would welcome any comments at the earliest opportunity. The Applicants provided responses to the MMO's queries in The Applicants' Responses to Deadline 2 Documents [REP3-028] (REP2-061:15 to REP2-061:31). The Applicants confirmed that 5 years of VMS data had been used in the Heat Mapping Report Atlantic Herring and Sandeel [AS-105] rather than 1 year, and presented the NSSS data in Appendix A of The Applicants' Responses to Deadline 2 Documents [REP3-028]. 	<ol style="list-style-type: none"> The MMO stated in the Written Representations [REP2-057] that they would provide a response to comments relating to Fisheries and Shellfish at Deadline 2 or 3. The MMO provided comments on Fish and Shellfish at Deadline 2 [REP2-061]. Queries were raised on the VMS data and lack of North Sea Sandeel Survey (NSSS) data used in the Heat Mapping Report Atlantic Herring and Sandeel [AS-105]. The MMO is reviewing the information provided at Deadline 3 and will provide a response in due course. 	
65	<p>Sufficient survey data has been collected to inform the assessment as presented within section 10.5 of Chapter 10 Fish and Shellfish Ecology [APP-091].</p> <ol style="list-style-type: none"> The Applicants believe the data sources used to inform the assessment in this chapter are sufficient and have provided further explanatory text in response to the MMO's Relevant Representation (RR-030:5.5.1) within The Applicants' Responses to Relevant Representations [PDA-013]. A Heat Mapping Report: Atlantic Herring and Sandeel [AS-105] with updated heat mapping based on the latest MarineSpace guidance was submitted on 28th November 2024. The Applicants acknowledged the MMO's position in The Applicant's Responses to Written Representations [REP2-057] (REP1-074:2.4) but would welcome any comments at the earliest opportunity. The Applicants provided responses to the MMO's queries in The Applicants' Responses to Deadline 2 Documents [REP3-028] (REP2-061:15 to REP2-061:31). The Applicants confirmed that 5 years of VMS data had been used in the Heat Mapping Report Atlantic Herring and Sandeel [AS-105] rather than 1 year, and presented the NSSS data in Figure 1-1 (Appendix A) of The Applicants' Responses to Deadline 2 Documents [REP3-028]. 	<ol style="list-style-type: none"> Within the Relevant Representation [RR-030], the MMO states that several data sources used to inform the chapter are missing. Additional data is also suggested to add to the herring and sandeel potential spawning heat maps. The MMO state in the Deadline 1 submission [REP1-074] that they would provide a response to comments relating to Fisheries and Shellfish at Deadline 2 or 3. The MMO provided comments on Fish and Shellfish at Deadline 2 [REP2-061]. Queries were raised on the VMS data and lack of NSSS data used in the Heat Mapping Report Atlantic Herring and Sandeel [AS-105]. The MMO is reviewing the information provided at Deadline 3 and will provide a response in due course. 	
EIA – Assessment Methodology			
66	<p>The study area identified in section 10.3.1 of Chapter 10 Fish and Shellfish Ecology [APP-091] is appropriate.</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agrees with the Applicants and consider this matter agreed.	
67	<p>The realistic worst-case scenario presented in the assessment for the development scenarios, as outlined in Table 10-1 of Chapter 10 Fish and Shellfish Ecology [APP-091] is appropriate.</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agrees with the Applicants and consider this matter agreed.	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
68	<p>The embedded mitigation measures in Table 10-3 of Chapter 10 Fish and Shellfish Ecology [APP-091] are appropriate.</p> <ol style="list-style-type: none"> The Applicants maintain their previously issued position that the guidance MMO have referenced in support of the 135db single threshold criteria is not relevant in the context of the Offshore Development Area and should not be used to determine the distance at which behavioural changes for herring may occur. As such the Applicants believe that Noise Abatement Systems (NAS) are not necessary to mitigate potential impacts on herring. <p>However, in relation to marine mammals, the Applicants are considering the use of NAS as mitigation for underwater noise, and the use of it will be dependent on the final project design and determined at the post-consent stage. NAS is being included within the Projects' procurement strategy as an optional element to allow it to be called upon should it be required based on the final design parameters.</p> <ol style="list-style-type: none"> The Applicants acknowledged the MMO's position in The Applicant's Responses to Written Representations [REP2-057] (REP1-074:2.4) but would welcome any comments at the earliest opportunity. The Applicants provided a response in The Applicants' Responses to Deadline 2 Documents [REP3-028]. In summary, based upon the evidence provided the document the Applicants do not consider the implementation of a temporal piling restriction for the purpose of mitigating potential effects upon spawning Atlantic herring to be proportionate, as this requirement is based on an inappropriate threshold as discussed above. Further, the application of mitigation would be contrary to the finding of the EIA for the impacts of noise this species which has concluded that any effects are Not Significant in EIA terms. The Applicants acknowledge the MMO's comment. 	<ol style="list-style-type: none"> Within the Relevant Representation [RR-030], the MMO does not believe the embedded mitigation measures are sufficient to mitigate the likely significant impacts to herring from underwater noise as a result of piling and UXO clearance and believes NAS should be included as a mitigation measure for the Projects. <p>The MMO agreed that the embedded mitigation measures, while not being specific to shellfish, would be sufficient for mitigation of impacts on shellfish.</p> <ol style="list-style-type: none"> The MMO stated in the Deadline 1 submission [REP1-074] that they would provide a response to comments relating to Fisheries and Shellfish at Deadline 2 or 3. In Deadline 2 submission [REP2-061], the MMO also maintains that it is necessary to request a temporal restriction on all piling and UXO clearance activities during the Banks herring spawning season (1 August – 31 October inclusive). The MMO is reviewing the information provided at Deadline 3 and will provide a response in due course. 	
69	<p>The impact assessment methodologies used for the EIA, as presented in section 10.4.3 of Chapter 10 Fish and Shellfish Ecology [APP-091], provide an appropriate approach to assessing potential impacts of the Projects.</p> <ol style="list-style-type: none"> The heat mapping methodology has been updated using the latest MarineSpace guidance within the Heat Mapping Report: Atlantic Herring and Sandeel [AS-105], submitted 28th November 2024. The Applicants acknowledged the MMO's position in The Applicant's Responses to Written Representations [REP2-057] (REP1-074:2.4) but would welcome any comments at the earliest opportunity. The Applicants provided a response in The Applicants' Responses to Deadline 2 Documents [REP3-028] (REP2-061:24). In addition, figures presenting the IHLS data were provided in Appendix A (Figures 2-1 to 2-4 and Figures 3-1 to 3-4) of The Applicants' Responses to Deadline 2 Documents [REP3-028]. The Applicants acknowledge the MMO's comment. 	<ol style="list-style-type: none"> The MMO requests that the Applicants revises their potential herring spawning habitat and potential sandeel habitat 'heat' maps preferably using the updated version of the MarineSpace methodologies. The MMO stated in the Deadline 1 submission [REP1-074] that they would provide a response to comments relating to Fisheries and Shellfish at Deadline 2 or 3. The MMO provided comments on Fish and Shellfish at Deadline 2 [REP2-061] but queried that the Applicants are missing some keep data in the Heat Mapping Report Atlantic Herring and Sandeel [AS-105]. The MMO is reviewing the information provided at Deadline 3 and will provide a response in due course. 	
70	<p>The assessment of the significance of effects presented in section 10.6 of Chapter 10 Fish and Shellfish Ecology [APP-091] is consistent with the agreed assessment methodologies.</p>	<p>The MMO agrees with the Applicants and consider this matter agreed.</p>	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.		
71.	<p>Section 10.6.1 of Chapter 10 Fish and Shellfish Ecology [APP-091] represents a comprehensive list of the potential impacts during construction.</p> <ol style="list-style-type: none"> The Applicants responded to the MMO's Relevant Representation within The Applicants' Responses to Relevant Representations [PDA-013]. However, the Applicants maintain that section 10.6.1 of Chapter 10 Fish and Shellfish Ecology [APP-091] represents a comprehensive list of the potential impacts during construction. The Applicants acknowledged the MMO's position in The Applicant's Responses to Written Representations [REP2-057] (REP1-074:2.4) but would welcome any comments at the earliest opportunity. The Applicants provided responses to the MMO's comments on Fish and Shellfish at Deadline 3 (The Applicants' Responses to Deadline 2 Documents [REP3-028] (see SoGC ID REP2-061:15 to REP2-061:31)) and are awaiting a response. The Applicants acknowledge the MMO's comment but note they are seeking a meeting with the MMO and Cefas to discuss this topic before Deadline 5. 	<ol style="list-style-type: none"> The MMO requested updates and clarifications to the potential impacts assessed during the construction phase in their Section 42 response. The Applicants provided responses and made updates where appropriate in Chapter 10 Fish and Shellfish Ecology [APP-091]. No further points were raised in the MMO's Relevant Representation. The MMO stated in the Deadline 1 submission [REP1-074] that they would provide a response to comments relating to Fisheries and Shellfish at Deadline 2 or 3. The MMO provided comments on Fish and Shellfish at Deadline 2 [REP2-061] but no comments were raised regarding impacts not assessed. The MMO would like to keep this open (amber) until all Fish and Shellfish impacts have been fully assessed. The MMO will provide a response in Deadline 5. 	
72	<p>Section 10.6.2 of Chapter 10 Fish and Shellfish Ecology [APP-091] represents a comprehensive list of the potential impacts during operation.</p> <ol style="list-style-type: none"> The Applicants responded to the MMO's Relevant Representation within The Applicants' Responses to Relevant Representations [PDA-013]. However, the Applicants maintain that section 10.6.1 of Chapter 10 Fish and Shellfish Ecology [APP-091] represents a comprehensive list of the potential impacts during operation. The Applicants acknowledged the MMO's position in The Applicant's Responses to Written Representations [REP2-057] (REP1-074:2.4) but would welcome any comments at the earliest opportunity. The Applicants provided responses to the MMO's comments on Fish and Shellfish at Deadline 3 (The Applicants' Responses to Deadline 2 Documents [REP3-028] (see SoGC ID REP2-061:15 to REP2-061:31)) and are awaiting a response. The Applicants acknowledge the MMO's comment but note they are seeking a meeting with the MMO and Cefas to discuss this topic before Deadline 5. 	<ol style="list-style-type: none"> The MMO requested updates and clarifications to the potential impacts assessed during the operation phase in their Section 42 response. The Applicants provided responses and made updates where appropriate in Chapter 10 Fish and Shellfish Ecology [APP-091]. No further points were raised in the MMO's Relevant Representation. The MMO stated in the Deadline 1 submission [REP1-074] that they would provide a response to comments relating to Fisheries and Shellfish at Deadline 2 or 3. The MMO provided comments on Fish and Shellfish at Deadline 2 [REP2-061] but no comments were raised regarding impacts not assessed. The MMO would like to keep this open (amber) until all Fish and Shellfish impacts have been fully assessed. The MMO will provide a response in Deadline 5. 	
73	The assessment of cumulative effects, as detailed in section 10.7 of Chapter 10 Fish and Shellfish Ecology [APP-091] is consistent with the agreed methodologies.	<ol style="list-style-type: none"> In their Section 42 response the MMO requested a detailed CEA be included with the final ES. This was included by the Applicants in section 10.7 of Chapter 10 Fish and Shellfish Ecology [APP-091]. No further comments regarding the CEA were raised in the MMO's Relevant Representation. 	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	<ol style="list-style-type: none"> The Applicants responded to the MMO's Relevant Representation within The Applicants' Responses to Relevant Representations [PDA-013]. However, the Applicants maintain that the assessment of cumulative effects, as detailed in section 10.7 of Chapter 10 Fish and Shellfish Ecology [APP-091] is consistent with the agreed methodologies. The Applicants acknowledged the MMO's position in The Applicant's Responses to Written Representations [REP2-057] (REP1-074:2.4) but would welcome any comments at the earliest opportunity. The Applicants provided a response in The Applicants' Responses to Deadline 2 Documents [REP3-028] (REP2-061:26 - REP2-061:29). The Applicants maintain that a cumulative impact assessment has been undertaken within Chapter 10 Fish and Shellfish Ecology [APP-091] to assess this risk. All impacts with the potential for cumulative effects when considering relevant schemes with spatial/temporal overlap or proximity with the Projects were considered within this assessment. All impacts assessed were identified as having negligible or minor adverse effect, which is not significant in EIA terms. 	<ol style="list-style-type: none"> The MMO stated in the Deadline 1 submission [REP1-074] that they would provide a response to comments relating to Fisheries and Shellfish at Deadline 2 or 3, this is not yet considered to be agreed. The MMO provided comments on Fish and Shellfish at Deadline 2 [REP2-061]. As there are a number of projects constructing in the vicinity of the Banks herring spawning ground off Flamborough head, the MMO maintains the requested temporal restriction on works which interact with the seabed along the ECC route (including seabed preparatory works, cable trenching etc.) during the Banks herring spawning season (1 August – 31 October inclusive), and that this restriction should apply to both construction and maintenance activities. 	
EIA - Assessment Conclusions			
74	<p>The conclusions of assessment of significance as detailed in section 10.6 of Chapter 10 Fish and Shellfish Ecology [APP-091] are appropriate and are considered not significant in EIA terms.</p> <ol style="list-style-type: none"> The Applicants believe the conclusions reached in the assessment Chapter 10 Fish and Shellfish Ecology [APP-091] are scientifically robust and based on sufficient supporting evidence. <p>The Applicants responded to the MMO's Relevant Representation on this matter as detailed in The Applicants' Responses to Relevant Representations [PDA-013] (RR-030: 5.5.15).</p> <ol style="list-style-type: none"> The Applicants acknowledged the MMO's position in The Applicant's Responses to Written Representations [REP2-057] (REP1-074:2.4) but would welcome any comments at the earliest opportunity. The Applicants provided responses to the MMO's queries in The Applicants' Responses to Deadline 2 Documents [REP3-028] (REP2-061:15 to REP2-061:31). Regarding the temporal restriction; the Applicants strongly oppose the use of the 135dB behavioural threshold for the assessment of potential impacts to Atlantic herring. The scientific publications upon which this threshold is based (Hawkins and Popper, 2014; Hawkins et al., 2014) explicitly state that: "these data cannot yet be used to define the sound exposure criteria"; and "We would stress, however, that it would be premature to use these data to define sound exposure criteria for sprat and mackerel" respectively. Therefore, on the evidence of the authors own position, the use of 135dB as a behavioural threshold should not be incorporated into MMO advice for the purposes of EIA. Guidance for impact thresholds is provided within Popper et al. (2014), (published the same year, and noting the common authors between these publications), the underwater noise impact thresholds presented are considered best practice guidance since its publication and are the ones used in the Applicants' assessment (Chapter 10 Fish and Shellfish Ecology [APP-091]). <p>For the above reasons, the Applicants do not agree that the proposed restriction is proportionate, evidence based or necessary.</p>	<ol style="list-style-type: none"> The MMO noted their strong disagreement with the assessment of effects associated with underwater noise and vibration via impact piling and UXO within the Array Areas on Atlantic Herring. The MMO stated in the Deadline 1 submission [REP1-074] that they would provide a response to comments relating to Fisheries and Shellfish at Deadline 2 or 3. In the Deadline 2 submission [REP2-061], the MMO also maintains that it is necessary to request a temporal restriction on all piling and UXO clearance activities during the Banks herring spawning season (1 August – 31 October inclusive). The MMO is reviewing the information provided at Deadline 3 and will provide a response in due course. 	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	4. The Applicants acknowledge the MMO's comments but note they are seeking a meeting with the MMO and Cefas to resolve this discussion.		
75	<p>No additional mitigation measures are required to mitigate for any potential effects of the Projects activities with regards to Fish and Shellfish receptors.</p> <ol style="list-style-type: none"> The Applicants responded to the MMO's Relevant Representation within The Applicants' Responses to Relevant Representations [PDA-013] (RR-030:5.5.15). The Applicants maintain their previously issued position that the guidance MMO have referenced in support of the 135db single threshold criteria is not relevant in the context of the Offshore Development Area and should not be used to determine the distance at which behavioural changes for herring may occur. As such the Applicants believe that NAS are not necessary to mitigate potential impacts on herring. However, in relation to marine mammals, the Applicants are considering the use of NAS as mitigation for underwater noise, and the use of it will be dependent on the final project design and determined at the post-consent stage. NAS is being included within the Projects' procurement strategy as an optional element to allow it to be called upon should it be required based on the final design parameters. The Heat Mapping Report: Atlantic Herring and Sandeel [AS-105], submitted 28th November 2024 discusses the proposed restrictions along the Offshore Export Cable Corridor and presents the Applicants' latest position on the need for mitigation. The Applicants acknowledged the MMO's position in The Applicant's Responses to Written Representations [REP2-057] (REP1-074:2.4) but would welcome any comments at the earliest opportunity. The Applicants provided responses to the MMO's queries in The Applicants' Responses to Deadline 2 Documents [REP3-028]. See SoCG ID 68, 73 and 74. The Applicants acknowledge the MMO's comment but note they are seeking a meeting with the MMO and Cefas to discuss this topic before Deadline 5. 	<ol style="list-style-type: none"> The MMO disagrees with this position in their Relevant Representation [RR-030], noting several measures that the Applicants should commit to including: <ul style="list-style-type: none"> Noise Abatement; Shellfish Monitoring; and Piling and Trenching restrictions during herring/sandeel spawning seasons. The MMO stated in the Deadline 1 submission [REP1-074] that they would provide a response to comments relating to Fisheries and Shellfish at Deadline 2 or 3. The MMO provided comments on Fish and Shellfish at Deadline 2 [REP2-061]. Discussions were raised on noise abatement and piling and trenching restrictions. The MMO is reviewing the information provided at Deadline 3 and will provide a response in due course. 	
EIA – Cumulative Effects Assessment (CEA) Conclusions			
76	<p>The conclusions of the CEA as detailed in section 10.7 of Chapter 10 Fish and Shellfish Ecology [APP-091] are appropriate and are considered not significant in EIA terms.</p> <ol style="list-style-type: none"> The Applicants maintain that the conclusions of the CEA as detailed in section 10.7 of Chapter 10 Fish and Shellfish Ecology [APP-091] are appropriate and are considered not significant in EIA terms. The Applicants acknowledged the MMO's position in The Applicant's Responses to Written Representations [REP2-057] (REP1-074:2.4) but would welcome any comments at the earliest opportunity. The Applicants provided responses in The Applicants' Responses to Deadline 2 Documents [REP3-028] (REP2-061:26 - REP2-061:29). The Applicants maintain that a cumulative impact assessment has been undertaken within Chapter 10 Fish and Shellfish Ecology [APP-091] to assess this risk. All impacts with the potential for cumulative effects when considering relevant schemes with spatial/temporal overlap or proximity with the Projects were considered within this assessment. All impacts assessed were identified as having negligible or minor adverse effect, which is not significant in EIA terms. 	<ol style="list-style-type: none"> In their Section 4.2 response the MMO requested a detailed CEA be included with the final ES. This was included by the Applicants in section 10.7 of Chapter 10 Fish and Shellfish Ecology [APP-091]. No further comments regarding the CEA were raised in the MMO's Relevant Representation. The MMO will provide a further response to this in Deadline 2, this is not yet considered to be agreed. The MMO stated in the Deadline 1 submission [REP1-074] that they would provide a response to comments relating to Fisheries and Shellfish at Deadline 2 or 3. 	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
		3. The MMO provided comments on Fish and Shellfish at Deadline 2 [REP2-061]. As there are a number of projects constructing in the vicinity of the Banks herring spawning ground off Flamborough head, the MMO maintains the requested temporal restriction on works which interact with the seabed along the ECC route (including seabed preparatory works, cable trenching etc.) during the Banks herring spawning season (1 August – 31 October inclusive), and that this restriction should apply to both construction and maintenance activities.	

3.7 Marine Mammals

Table 3-7 Topics agreed, in discussion or not agreed in relation to Marine Mammals

SoCG ID	The Applicants' Position	MMO's Position	Position Status
EIA – Planning and Policy			
77	All relevant plans and policies have been identified in section 11.4.1 of Chapter 11 Marine Mammals [APP-095] and these have been appropriately considered in the assessment. The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.	The MMO agrees with the Applicants and consider this matter agreed.	
EIA – Baseline Environment			
78	The ES adequately characterises the baseline environment as detailed in section 11.5 of Chapter 11 Marine Mammals [APP-095]. The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.	The MMO agrees with the Applicants and consider this matter agreed.	
79	Sufficient survey data has been collected to inform the assessment as presented within Appendix 11-2 - Marine Mammal Information Report [APP-098] and discussed in section 11.5 of Chapter 11 Marine Mammals [APP-095]. The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.	The MMO agrees with the Applicants and consider this matter agreed.	
EIA – Assessment Methodology			
80	The study area identified in section 11.3.1 of Chapter 11 Marine Mammals [APP-095] is appropriate.	The MMO agrees with the Applicants and consider this matter agreed.	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.		
81	<p>The realistic worst-case scenario presented in the assessment for the development scenarios, as outlined in Table 11-1 of Chapter 11 Marine Mammals [APP-095] is appropriate.</p> <ol style="list-style-type: none"> The Applicants have provided further explanatory text in response to the MMO's Relevant Representation (RR-030:5.7.5) within The Applicants' Responses to Relevant Representations [PDA-013]. The Applicants acknowledged the MMO's comments within The Applicant's Responses to Written Representations [REP2-057] (REP1-074:2.5.8) relating to von Pein et al. (2022) and the complexity of modelling in general but advised that <i>'While the paper does contribute to the overall knowledge of piling noise, Subacoustech has developed a model adjusted and validated using a very large dataset of piling noise in UK waters.'</i> The Applicants acknowledge the MMO's comment. 	<ol style="list-style-type: none"> The MMO have queried the worst-case parameters used to inform the Appendix 11-3 Underwater Noise Modelling Report [APP-099] that informs Chapter 11 Marine Mammals [APP-095]. The MMO acknowledged the Applicants' response within The Applicant's Responses to Written Representations [REP1-074] but believes that establishing such trend details would require much more comprehensive datasets. The MMO is reviewing this information and will provide a response in due course. 	
82	<p>The embedded mitigation measures in Table 11-3 of Chapter 11 Marine Mammals [APP-095] are appropriate.</p> <ol style="list-style-type: none"> The Applicants noted in The Applicants' Responses to Relevant Representations [PDA-013] (RR-30:5.7.20) that potential mitigation options, including NAS, are listed within the Outline Marine Mammal Mitigation Protocol (MMMP) (Revision 2) [AS-100] and In Principle Site Integrity Plan (SIP) for the Southern North Sea Special Area of Conservation (Revision 2) [AS-102], which would be finalised post consent in line with the final design of the Projects. The Applicants maintain that they are considering the use of noise reduction systems as mitigation for underwater noise but that they do not consider it appropriate to include a condition in the DMLs. See responses to REP1-074:4.1.6, REP1-074:4.1.7 and REP1-074: 2.5.14 in Table 2-6 of The Applicants' Responses to Written Representations [REP2-057] submitted at Deadline 2 for further explanatory text. <p>The Applicants have submitted an updated Outline MMMP (Revision 3) [REP2-047] and In Principle SIP for the SNS SAC (Revision 3) [REP2-049] at Deadline 2 following acceptance of the change request into the examination and review of Defra's recent policy paper published on the 21st January 2025 on marine noise.</p> <ol style="list-style-type: none"> The Applicants welcome the MMO's agreement and acknowledge the comment. 	<ol style="list-style-type: none"> The MMO have requested in the Relevant Representation [RR-030] that NAS is included as a mitigation measure, with its inclusion reflected throughout all relevant documents. The MMO stated within the Deadline 1 submission [REP1-074] that it believes that if NAS is to be used then this commitment should be on the DML and not within a plan (MMMP or SIP) and that there should also be stronger wording within the plans in relation to the procurement and availability of NAS and that this would not stop the use of NAS at the post consent stage. In the Deadline 3 submission [REP3-045], the MMO welcomes the updates on the MMMP and In Principle SIP in relation to the new noise policies issued in January 2025 and on the breaks in piling (section 3.1.6) procedure. The MMO is reviewing the commitment to noise reduction methods and will provide updates at Deadline 4. 	
83	<p>The project-specific underwater noise modelling undertaken for the assessment as presented in Appendix 11-3 - Underwater Noise Modelling Report [APP-099] is sufficient to inform the assessment of effects presented in section 11.6 of Chapter 11 Marine Mammals [APP-095].</p> <ol style="list-style-type: none"> The Applicants' provided further explanatory text in response to the MMO's queries on the underwater noise modelling report within The Applicants' Responses to Relevant Representations [PDA-013]. <p>The Applicants direct the MMO to Appendix 11-3 Underwater Noise Modelling Report (Revision 2) [AS-137], which was submitted alongside the Project Change Request 1 – Offshore and Intertidal Works [AS-141] and accepted into Examination on 21st January 2025.</p>	<ol style="list-style-type: none"> The MMO raised several queries with regards to Appendix 11-3 - Underwater Noise Modelling Report [APP-099] in their Relevant Representation [RR-030]. 	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
84	<p>The project-specific iPCoD modelling undertaken for the assessment as presented in Appendix 11-4 - iPCoD Modelling [APP-100] is sufficient to inform the assessment of effects presented in section 11.6 of Chapter 11 Marine Mammals [APP-095].</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation.</p> <ol style="list-style-type: none"> The Applicants maintain that the project-specific iPCoD modelling undertaken for the assessment as presented in Appendix 11-4 - iPCoD Modelling [APP-100] is sufficient to inform the assessment of effects presented in section 11.6 of Chapter 11 Marine Mammals [APP-095]. The Applicants acknowledge this comment. 	<ol style="list-style-type: none"> The MMO will provide a further response to this in Deadline 2, the MMO do not yet consider this agreed. In the Deadline 1 submission [REP1-074], the MMO defers to NE for comments on the iPCoD modelling as well as for the information presented in Appendix C Marine Mammal Report to Inform Appropriate Assessment. 	
85	<p>The impact assessment methodologies used for the EIA, as presented in section 11.4.3 of Chapter 11 Marine Mammals [APP-095], provide an appropriate approach to assessing potential impacts of the Projects.</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agrees with the Applicants and consider this matter agreed.	
86	<p>The assessment of the significance of effects presented in section 11.6 of Chapter 11 Marine Mammals [APP-095] is consistent with the agreed assessment methodologies.</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agrees with the Applicants and consider this matter agreed.	
87	Section 11.6.1 of Chapter 11 Marine Mammals [APP-095] represents a comprehensive list of the potential impacts during construction.	In their Section 42 response the MMO noted ' <i>The MMO believes that all relevant impacts have been scoped in for assessment</i> '.	
88	Section 11.6.2 of Chapter 11 Marine Mammals [APP-095] represents a comprehensive list of the potential impacts during operation.	<p>In their Section 42 response the MMO noted '<i>The MMO believes that all relevant impacts have been scoped in for assessment</i>'.</p> <p>The MMO agrees with the Applicants and consider this matter agreed.</p>	
89	<p>The assessment of cumulative effects, as detailed in section 11.7 of Chapter 11 Marine Mammals [APP-095] is consistent with the agreed methodologies.</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agrees with the Applicants and consider this matter agreed.	
EIA - Assessment Conclusions			
90	<ol style="list-style-type: none"> The conclusions of assessment of significance as detailed in section 11.6 of Chapter 11 Marine Mammals [APP-095] are appropriate and are considered not significant in EIA terms. 	<ol style="list-style-type: none"> The MMO notes that this will need to remain open until all other topics have been agreed. 	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation.		
91	<p>The additional mitigation proposed in section 11.6 of Chapter 11 Marine Mammals [APP-095] are sufficient to reduce the potential significance of effect of the Projects.</p> <ol style="list-style-type: none"> The Applicants note that potential mitigation options, including NAS, are listed within the Outline Marine Mammal Mitigation Protocol [APP-249] and In Principle Site Integrity Plan for the Southern North Sea Special Area of Conservation (Revision 2) [AS-102 and AS-103], which would be finalised post consent in line with the final design of the Projects. <p>However, in relation to marine mammals, the Applicants are considering the use of NAS as mitigation for underwater noise, and the use of it will be dependent on the final project design and determined at the post-consent stage. NAS is being included within the Projects' procurement strategy as an optional element to allow it to be called upon should it be required based on the final design parameters.</p> <ol style="list-style-type: none"> The Applicants maintain that they are considering the use of noise reduction systems as mitigation for underwater noise but that they do not consider it appropriate to include a condition in the DMLs. See responses to REP1-074:4.1.6, REP1-074:4.1.7 and REP1-074: 2.5.14 in Table 2-6 of The Applicants Responses to Written Representations [REP2-057] submitted at Deadline 2 for further explanatory text. <p>The Applicants have submitted an updated Outline MMMP (Revision 3) [REP2-047] and In Principle SIP for the SNS SAC (Revision 3) [REP2-049] at Deadline 2 following acceptance of the change request into the examination and review of Defra's recent policy paper published on the 21st January 2025 on marine noise.</p> <ol style="list-style-type: none"> The Applicants acknowledge this comment. 	<ol style="list-style-type: none"> The MMO has requested that NAS is included as a mitigation measure, with its inclusion reflected throughout all relevant documents. The MMO stated within the Written Representation [REP1-074] that it believes that if NAS is to be used then this commitment should be on the DML and not within a plan (MMMP or SIP) and that there should also be stronger wording within the plans in relation to the procurement and availability of NAS and that this would not stop the use of NAS at the post consent stage. <p>The MMO understands the Applicants are providing more information on the use of NAS at Deadline 1, the MMO will review these comments and provide a response at Deadline 2.</p> <ol style="list-style-type: none"> In the Deadline 3 submission [REP3-045], the MMO welcomes the updates on the MMMP and In Principle SIP in relation to the new noise policies issued in January and on the breaks in piling (section 3.1.6) procedure. The MMO is reviewing the commitment to noise reduction methods and will provide updates at Deadline 4. 	
EIA – Cumulative Effects Assessment (CEA) Conclusions			
92	<p>The CEA screening presented in Appendix 11-5 - CEA Screening [APP-101] is appropriate to inform the CEA assessment within section 11.7 of Chapter 11 Marine Mammals [APP-095].</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agrees with the Applicants and consider this matter agreed.	
93	<p>The conclusions of the CEA as detailed in section 11.7 of Chapter 11 Marine Mammals [APP-095] are appropriate and are considered not significant in EIA terms.</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agrees with the Applicants and consider this matter agreed.	

4 Summary

2. This SoCG has outlined the consultation that has taken place between the Applicants and the MMO during the pre-application and Examination phases. This SoCG will be updated as discussions progress and made available to PINS as requested through the DCO examination phase.

5 References

Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities (2024). Planning Act 2008: Examination stage for Nation-ally Significant Infrastructure Projects. Available at: <https://www.gov.uk/guidance/planning-act-2008-examination-stage-for-nationally-significant-infrastructure-projects>. [Accessed August 2024].

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