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

23 May 2025

Dear Sir or Madam,

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

Deadline 5

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

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

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

This document comprises of the MMO's Deadline 5 response.

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



Yours Sincerely,

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Contents

1. Comments on Doc Reference Applicant's Draft DCO Tracked Changes.....	4
1.2 DCO and DML Major Comments.....	4
1.3 Decommissioning	4
1.4 Disposal.....	4
1.5 Chemicals.....	4
1.6 Coastal Processes	4
1.7 Repowering	4
1.8 Fisheries.....	5
1.9 Benthic	15
1.10 Coastal processes.....	16
1.11 UWN.....	16
1.12 Dropped Objects	16
2. Comments on Applicant's amended application Documents	17
3. Remaining DCO/DML comments not agreed with applicant	17
4. Response to the Examining Authority's Written Questions (ExQ2) – PD-022	18
4.1 BE.2.3.....	18
4.2 CF.2.1.....	18
5.1 FSE.2.4	18
5.2 FSE.2.5	19
5.3 FSE.2.7	19
5.4 FSE.2.9	19
5.5 FSE.2.10	20
5.6 FSE.2.12	20
5.7 FSE.2.14	21
5.8 MCP.2.10	22
5.9 MCP.2.11	23
5. References	24
6. Annex 1: Table of DCO/DML comments between MMO and the Applicant. Responding to REP4	26

1. Comments on Doc Reference Applicant's Draft DCO Tracked Changes

1.1 DCO and DML Major Comments

1.1.1 In response to REP3-045:1.1, the MMO requested an update to include the maximum pile numbers, maximum dredge depth and maximum dredge volumes. The MMO agree with the Applicant that it is not possible to specify at this time and will be assessed at the post consent stage. The MMO considers this matter to be agreed.

1.2 Decommissioning

1.2.1 The Applicants note that 'it is the explicit position of Government in the Guidance that the 'Energy Act' (2008) process should form a "one-stop shop" for decommissioning of offshore windfarms. The decommissioning programme which will be required under that Act includes the timing of the decommissioning to be undertaken, securing a limit on the operational life of the windfarm from before construction'. The Applicant accordingly maintains that the DCO does not need to duplicate this regime and should not seek to do so given the clear position of Government that the Energy Act (2008) is the appropriate mechanism for securing and controlling decommissioning.

1.2.2 The MMO believes an outline decommissioning plan should be submitted prior to construction.

1.3 Disposal

1.3.1 The MMO are awaiting changes as per previous advice before designating the disposal sites.

1.4 Chemicals

1.4.1 The MMO note that the Applicants have queried "*Submissions for approval must take place no later than ten weeks prior to use*" as 'The oil and gas standard request is eight weeks', The MMO have requested our standard 10 weeks to allow time for consultation and response.

1.5 Coastal Processes

1.5.1 The MMO notes that 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 in Deadline 4

1.5.2 1.5.2 The MMO welcome changes to the modelling report and will provide comments at Deadline 6

1.6 Repowering

1.6.1 The MMO welcomes the Applicant's agreement on this subject and has no further comments.

1.7 Fisheries

Comments from REP2-061

- 1.7.1 The MMO thanks the Applicants for clarifying that the vessel monitoring system (VMS) data included in the sandeel habitat suitability 'heat' map actually represents 5 years of VMS data (2016-2020), rather than a single year as indicated by the original figure legend. This is appropriate.
- 1.7.2 With regard to REP2-061:19 which relates to the Applicants lack of acknowledgement of the North Sea Sandeel Survey (NSSS) data in the Preliminary Environmental Information Report (PEIR) and Environmental Statement (ES). The Applicant's response appears to confuse previous MMO comment that NSSS data should be included in the sandeel habitat suitability 'heat' map. To be clear, the NSSS data should not be included in the 'heat' map as it is not a layer described and assessed within the Kyle-Henney *et al.*, (2024) methodology. Sandeel records in the OneBenthic database are included in the 'heat' mapping methodology but these records present anecdotal evidence of sandeel presence without abundance information. In comparison, the NSSS is a targeted sandeel dredge survey that has been carried out since December 2004 and includes a number of stations in and around the DBS OWFs. This survey represents the best source of abundance data for sandeel in the Dogger Bank region, which is an area of known high importance for sandeel as acknowledged by the Applicant throughout the ES. It was requested early in the application process that the Applicant should consult and present the NSSS data as part of the characterisation of the area around the DBS OWF array for sandeel. Further, the Applicant's comment that the NSSS data are of limited relevance to the DBS OWF because *"Three sampling stations are located >10km south of the Offshore Export Cable Corridor but no samples are located within the cable corridor beyond the boundary between the Array Areas and Offshore Export Cable Corridor."* This misrepresents the sampling points presented in Figure 1.1 of Appendix A which clearly shows there are indeed three sampling points within 20 Kilometre (km) of the Export Cable Corridor (ECC), but that there are also six sampling points within the DBS OWF array boundary, one sampling point between the diverging ECC routes for the East and West arrays, and another four sampling points within 20km of the array area boundary. Sandeel abundance data for each of these sampling points would have greatly supported the Applicant's characterisation of the area for sandeel. Although the MMO do not believe the presentation of this data at this late stage in the application process will significantly change the outcomes of the assessment, it is disappointing that the Applicant has failed to present this data, despite it being requested several times

Herring and Underwater Noise (UWN) from piling (REP2-061:22- REP2-061:23)

- 1.7.3 The MMO disagrees with the Applicants statement in REP2-061:22 that "the majority of impact pathways for the Projects relating to Atlantic herring spawning grounds occur within the Offshore Export Cable Corridor". Whilst the MMO is content with the Applicants statement that there is "some degree of overlap with the Temporary Threshold Shift (TTS) extent for piling activities occurring in the northeastern extent of the potential spawning habitat", as shown by Figure 2.1 in the previous Heat Mapping Report: Atlantic Herring and Sandeel, the UWN contour for behavioural effects in herring (as a result of piling noise) shows significant overlap with the Banks herring spawning ground, and the MMO therefore consider this a significant pathway for

impact. The MMO note that the Applicants have restated their opposition to the use of the 135dB SEL_{ss} threshold for the purpose of modelling behavioural effects in herring in REP2-061:22. This opposition is noted, however this does not change the fact that the 135dB SEL_{ss} threshold as defined by Hawkins *et al.*, (2014) represents a precautionary but appropriate threshold for the purpose of modelling behavioural responses in herring at their spawning ground. The MMO's position on this will not change unless the Applicant can produce a compelling and appropriate alternative behavioural response threshold for clupeid fish. Please see points 1.7.33-1.7.37 for further discussion.

- 1.7.4 In response to the Applicants assertion in REP2-061:22 that “for assessing the potential for a significant effect from TTS, the International Herring Larvae Survey (IHLS) data shows that the overlapping potential spawning habitat is not highly productive” as shown by Figure 2.7 of the Heat Mapping Report: Atlantic Herring and Sandeel, the MMO advised previously that the presentation of this figure should be amended so that the data can be more clearly interpreted. As outlined section 1.7 of REP4-115, the main issue with Figure 2.7 is that the Applicant has aggregated 15 years of IHLS data into a single plot which does not fully represent the spatial and temporal fluctuations in herring spawning intensity across the spawning ground over the time period. It is possible for areas of herring spawning grounds where spawning activity was previously low to be recolonised and so it is important to see these data presented as a separate map for each individual year of IHLS data, so that the relative importance of the spawning habitat which underlies the ECC can be clearly examined and assessed.
- 1.7.5 Regarding REP2-061:23, The MMO supports that the Applicants have asserted that “On a precautionary and without prejudice basis, the Applicant have included noise reduction systems, such as Noise Abatement Systems (NAS), within the Projects’ procurement strategy as an optional element, allowing the Projects to consider the use of NAS at the earliest point during the procurement process”. However, there are a number of issues to consider here. The first is that the Applicant has not provided any modelling indicating what NAS would be considered and what the achievable noise reduction of these systems would be. It is therefore not possible to determine whether the systems employed at the point of construction would be sufficient to minimise noise emissions to within an acceptable level. Currently, this does not provide any evidence to inform a decision to support the Applicant’s request for the removal of the recommended piling restriction. In the absence of evidence that a piling restriction is not required, we must apply the precautionary principle and thus recommend piling restrictions are included as licence conditions when the Deemed Marine Licence (DML) is granted.
- 1.7.6 Mitigation measures in the form of licence conditions are recommended for implementation at the consenting stage and are based on the information provided in the Applicant’s ES, which is based on the maximum design scenario (MDS). It is commonplace for project design parameters to be refined post-consent, and requests are often made to reconsider whether mitigation measures are still necessary when taking into account the changes that have been made to the project. When this happens, a variation to the marine licence may be requested and new evidence is presented for review, such as revised underwater noise modelling based on the refined project parameters.

1.7.7 Regarding references to under water noise (UWN) arising from UXO clearance activities in REP2-061:23, the MMO is content with the Applicants response.

Herring and habitat destruction from cable laying (REP2-061:24 – REP2-061:28)

1.7.8 The MMO note additional temperature data under Appendix A of the response document (Figures 2.1 – 2.4 and Figures 3.1 – 3.4) However, the MMO has a number of comments to make on the response provided in REP2-061:24 and REP2-061:27.

- i. Firstly, it is acceptable to use the 'TempMaxSam' seabed temperature data collected by IHLS surveys in the pre-2017 data, however the Applicant should recognise that the true seabed temperature for these samples may well have been lower than the value recorded as the maximum sample temperature taken from repeated samples.
- ii. Secondly, it cannot be clearly seen from Figures 2.1 – 2.4 and Figures 3.1 – 3.4 of Appendix A what the interannual variation in seabed temperature is as the Applicant has present four figures each for data collected between 2007-2017 and 2018-2023 by categorising the temperature data as being < 12°C (Fig 2.1 and 3.1), 12 – 12.8°C (Fig 2.2 and 3.2), 12.8 – 13°C (Fig 2.3 and 3.3), or as > 13°C (Fig 2.4 and 3.4). As explained in section 1.7 of REP4-115, it is not appropriate to present so many years of data in an amalgamated format (such as the Applicant has presented) as this prevents the spatial and temporal fluctuations in seabed temperature across the spawning ground from being examined across the time period. With this in mind, the MMO requests that the Applicant please present the data used to produce Figures 2.1 – 2.4 and Figures 3.1 – 3.4 of Appendix A as separate plots for each year of data, with the temperature of each sample point labelled. The current amalgamation of all seabed temperatures as either being < 12°C, between 12 – 13°C, or > 13°C does not offer enough resolution to support the Applicant's back calculation.
- iii. It would be helpful for the Applicant to provide a technical note which presents all the data used to underpin the back-calculation referenced in REP2-061:24 so that the back-calculation steps can be checked for accuracy and transparency against the data used to inform their back-calculation.

1.7.9 Regarding REP2-061:26, The MMO recognise that a cumulative impact assessment has been undertaken by the Applicant, and that it is for the MMO and PINS as the competent authorities to ensure that significant degradation does not occur to sensitive marine features (in this case the Banks herring spawning ground at Flamborough Head). By implementing a temporal restriction on works which interact with the seabed within the Banks Herring spawning grounds (including seabed preparatory works, cable trenching etc.) during the Banks herring spawning season (1 August – 31 October inclusive), uniformly for all projects which wish to deploy infrastructure through the spawning ground, the risk of disturbance to gravid herring engaged in spawning is negated. This would represent a tangible, meaningful step towards more strategic cumulative impact management by the responsible authorities.

1.7.10 Regarding REP2-061:28, please see point 1.7.3 on the use of the 135dB SEL_{ss} threshold defined by Hawkins *et al.*, (2014) for the purpose of modelling behavioural responses in herring at their spawning ground.

1.7.11 Regarding REP2-061:29, the MMO support the Applicant's continued engagement with regards to these issues. It cannot be overstated that what the Applicant is trying to convey in their representations REP2-061:22 to REP2-061:28 is a complex approach to spatial and temporal refinement of the recommended restrictions which requires careful presentation and interpretation of multiple pieces of evidence to ensure that the data has been correctly interpreted and that the various risks to spawning herring, which in the MMO opinion remains at an unacceptable level, have been appropriately managed and suitably mitigated.

Concerns

1.7.12 There are several points of concern with the Applicant's response that the recommended herring spawning restrictions are not necessary. Firstly, The Applicant has referenced some seabed temperature data in their responses provided in REP3-028, however these responses are not comprehensive enough for the period of the recommended herring spawning restrictions to be temporally refined at this stage. If the Applicant wishes to carry out a back-calculation approach to accurately temporally refine the recommended restrictions in a way which is supported by appropriate evidence and literature, then they should provide a dedicated technical note which details their calculations. The MMO have provided instructions on how to appropriately carry out the back-calculation approach in points 1.7.14-1.7.28.

1.7.13 Secondly, presentation of separate maps for individual years of IHLS larval abundance data for the Banks herring spawning ground are yet to be provided. The MMO have also requested in point 1.7.8ii above that the Applicant should present individual years of seabed bottom temperature data because the current, amalgamated presentations of this data are not fully representative of the spatial and temporal variation in the data. For example, it is possible for areas of herring spawning grounds where spawning activity was previously low to be recolonised and so it is important to see these data presented as separate maps for each individual year of IHLS data so that the relative importance of the spawning habitat which underlies the ECC can be clearly examined and assessed (See point 1.7.29 for detail). As outlined in point 1.7.8 above, the same is true for the seabed bottom temperature data presented in support of the Applicant's request to temporally refine the recommended restrictions for herring. These data will be crucial, along with Particle Size Analysis (PSA) data quantifying the seabed sediment composition along the ECC, if the Applicant wishes to have the recommended restriction on cable laying works in the herring spawning ground spatially refined.

Instructions on the Herring spawning period back-calculation approach

1.7.14 Below the MMO have outlined an acceptable approach to determining the 'peak' of herring spawning for the Banks population using a back-calculation approach and have provided an example of my workings. These instructions highlight some key points of understanding concerning North Sea autumn spawning herring reproduction and the IHLS and the Applicant will need to interrogate the data for themselves using a larger temporal dataset (see point 1.7.6), following the steps outlined below.

1.7.15 Key points of understanding on herring reproduction:

- i. The Banks herring spawning season is understood to take place from 1st August to 31st October (inclusive) (see Ellis *et al.*, 2012).
- ii. North Sea autumn spawning herring (including the Banks herring population) migrate from north to south during their spawning season and it is widely understood that spawning generally occurs earlier in the spawning season further north (see Cushing & Bridger, 1966; Burd, 1978 and Cushing, 2001), and later in the season further south, as the herring migrate southwards. This is also supported by IHLS data.
- iii. Herring do not arrive at their spawning grounds as one big shoal at the same time, but in 'waves' (Lambert, 1987), spawning across areas of suitable spawning habitat (gravel/coarse substrate).
- iv. The eggs develop for a period of days before hatching. The time taken for eggs to develop is dependent on sea bottom temperatures (see Russell, 1976).
- v. Larvae hatch with yolk-sacs attached which contain nutrients stored in the sac for survival. The newly hatched larvae remain on or close to seabed until their yolk-sacs are absorbed. The time taken for the yolk-sacs to be absorbed is also dependent on sea bottom temperatures (see Russell, 1976).
- vi. When the yolk-sacs have been absorbed, the larvae drift away from the spawning grounds.

1.7.16 Key points of understanding on the IHLS data:

- i. The IHLS is conducted every year across North Sea spawning grounds. The equipment used is a Gulf VII plankton sampler which is towed through the water and samples to a depth of approximately 5metres (m) above the seabed.
- ii. It is important to note that it does not touch the seabed so does not sample eggs, but 'newly hatched larvae'.
- iii. The International Council for the Exploration of the Sea (ICES) which conducts the IHLS classifies 'newly hatched larvae' as those <10-millimetre (mm) for Central North Sea (CNS; Banks) stocks (which is different to the <11m classified for Southern North Sea (Downs) stocks).
- iv. The timing of the IHLS is already clearly targeted to the 'peak' of when the herring larvae will be most abundant. The IHLS survey was originally comprised of three separate surveys which covered the full spawning period but has since been reduced; the full survey extent was originally 1st – 15th September (discontinued from 1999), 16th – 30th September (ongoing) and 1st – 15th October (discontinued from 2004). The survey has been reduced in duration not because the 'peak' period of spawning activity has reduced, but due to temporal and budgetary constraints.
- v. Hence, when attempting to determine the 'peak' of herring spawning activity, we can use IHLS data to establish the period when the newly hatched larvae are most abundant and work backwards from this to establish the period prior to this when spawning would have been most prolific, and the majority of eggs would have been laid.
- vi. Taking this approach requires an element of conservatism, especially given ICES latest advice on North Sea autumn spawning herring (which includes the Banks population) which the MMO have summarised in point 1.7.3 and considering that the most recently available IHLS data for the Banks spawning ground already represented a significantly reduced temporal period.

1.7.17 ICES' 2024 advice for herring in Subarea 4 and divisions 3.a and 7.d, autumn spawners (North Sea, Skagerrak and Kattegat, and eastern English Channel) notes

that a continuous decline in the spawning population of North Sea herring has been observed over recent years. Given their concerns, ICES has proposed a reduction in the fishing quota of 22.5% for North Sea herring (to 412,383 tons in 2025). ICES further advises that no activities that might have a negative impact on the spawning habitat of herring (e.g., extraction of gravel and offshore renewable energy) should occur unless the effects of these activities have been assessed and shown to be non-detrimental. At present, ICES is not fully able to quantify the level and relative impact of cumulative non-fisheries anthropogenic factors on the reproductive capacity of the stock. However, the recommendation highlights the important link between habitat protection and population recovery ICES, 2024).

1.7.18 Key points of understanding on the limitations of performing a back-calculation:

- i. See points 1.7.15i and 1.7.15ii - whilst a 'peak' in spawning can be established, it must be remembered that spawning may occur at any time between 1st August and 31st October.
- ii. See points 1.7.15iii and 1.7.15iv – egg development and yolk-sac absorption are temperature dependent. Sea bottom temperature data used in the back-calculation is taken from previous years' IHLS surveys so may not necessarily represent sea bottom temperatures for future years.
- iii. See point 1.7.31iv. The central North Sea (CNS) IHLS survey period has already been refined to target the 'peak' of larval abundance (not for biological reasons) so further refinement of a 'peak' period requires careful consideration of an extended IHLS dataset to ensure that any identifiable trends in larval abundance throughout the whole survey period can be identified. For this reason, the Applicant should consider a timeseries of data much longer than the 10 years of data consulted thus far.

1.7.19 Approach to back-calculation:

- i. Start of 'peak' spawning period = start date of the peak of high larval abundance – (growth days + no. of days for yolk-sac absorption + no. of days for egg development)
- ii. End of peak spawning period = end of peak larval abundance.
- iii. IHLS data for the years 2003 – present should be used following the above approach, as these data are the best available evidence on herring larvae in the CNS.

1.7.20 The MMO have outlined the parameters that should be used in the back-calculation below and provided comments on the Applicant's use and interpretation of data under each of these headings:

- i. IHLS survey timings
- ii. Larval length in survey sample data
- iii. Larval length at hatching
- iv. Duration of egg development
- v. Duration of yolk-sac absorption
- vi. Growth rate

1.7.21 IHLS Survey Timings

- i. Thus far, the Applicant has consulted IHLS data for the Banks stock for the years 2007-2016 to reflect inter-annual variations in larval abundances in their characterisation. Given the limitation highlighted in point 1.7.18iii, the MMO recommend using a larger temporal range of IHLS data 2003 – present (noting that

data for some years during this period may be absent e.g. due to Covid-19). The Applicant can focus on data from survey sample stations relevant to the project area, rather than the entire survey area.

- ii. The Applicant will need to interrogate data for this extended period (2003 – present) to determine the full extent of egg laying dates in the CNS.

1.7.22 Larval length in survey sample data

- i. For the Banks herring stock, ICES classify newly hatched larvae as those <10mm. We consider it acceptable to use a larval length of 9mm for use in the back-calculation, only on the basis that the majority of larvae caught in IHLS surveys are equal to or less than 9mm in length.

1.7.23 Larval length at hatching

- i. IHLS data show hatch sizes of 5mm (minimum) and 6mm in significant quantities. A conservative approach should use the minimum (5mm), though the data should be interrogated by the Applicant independently of this example.

1.7.24 Duration of egg development

- ii. The MMO have maintained that using the egg development periods cited in Russell (1976) is appropriate (despite the age of the data which informed this study) because it allows for a range of days to account for variations in egg development periods found in various studies and allowed for variations in parameters such as environmental conditions, the timing of spawning (e.g. spring or autumn), and the anatomical differences between spawning stocks used in the various studies. Thus, the egg development periods in Russell (1976) are suitably conservative – see Table 1. The MMO maintain that the periods specified in Russell (1976) are applicable and should be used in conjunction with sea bottom temperatures from the IHLS data for the nearest sampling locations to the project. The MMO have reviewed the IHLS sea-bottom temperature presented by the Applicant in Appendix A of their response document and have requested that the seabed bottom temperature data be presented annually in order to be fully examined (points 1.7.13 and 1.7.29). For the purposes of this worked example; assuming that temperatures at sampling stations within herring spawning habitat were between 12 - 13°C and in order to be conservative, we recommend that the maximum number of days is used, in this case 9 days based on the lower temperature of 12°C.

Table 1 Egg development periods

iii. Average temperature	iv. Days
vii. 12 - 13° C	viii. 7-9
xi. 10 - 11° C	xii. 10-12
xv. 7 - 8° C	xvi. 14-18
xix. 3 -4° C	xx. 49

Table 2 Yolk absorption

v. Average temperature	vi. Days
ix. 12.8° C	x. 3 & 9
xiii. 12.0° C	xiv. 5 & 14
xvii. 10.7° C	xviii. 7 & 16
xxi. 10.3° C	xxii. 7 & 20

From Russell 1976.

1.7.25 Duration of yolk-sac absorption

- i. The duration of yolk-sac absorption was also the subject of the previous discussions. As with the egg development periods, using a range of days to account for variations in yolk-sac absorption development periods is more appropriate and conservative to allow for variations in environmental conditions, the timing of spawning, anatomical differences between spring vs autumn spawning stocks etc, and we maintain that the periods specified in Russell (1976) (Table 2) are applicable and should be used in conjunction with sea bottom temperatures from the IHLS data for the nearest sampling locations to the project (the OWF Array and the ECC). Again, in order to be conservative, we recommend that the maximum number of days is used, in this case 14 days based on a temperature of 12°C.

1.7.26 Growth rate

- i. There are a number of literature sources which provide data on growth rates in herring larvae, however, to the best of my knowledge, only one study contains growth rates based on field observations of North Sea herring larvae. Heath (1993) notes that growth rates estimated from field investigations of North Sea herring larvae have been approximately 0.2 to 0.3 mm d⁻¹. On this basis, I would recommend an assumed larval growth rate of 0.25mm d⁻¹.
- ii. The MMO have provided a worked back-calculation example below, based on the recommended process. The parameters used are considered sufficiently conservative, but not overly conservative, especially given the current state of the stock and ICES' latest advice.

1.7.27 Start of 'peak' spawning period = start date of the peak of high larval abundance – (growth days + no. of days yolk absorption + no. of days egg development)

- iii. Start date of peak high larval abundance: *16th September
- iv. No. of days to grow from hatch length (5mm) to length in survey sample (9mm) at growth rate of 0.25mm d⁻¹: 16 days
- v. Duration of yolk-sac absorption: 14 days
- vi. Duration of egg development: 9 days

Start of 'peak' spawning period = 16th September – (16 + 14 + 9) = 8th August.

*End of peak spawning period = end of peak larval abundance = 1st October.

* Start and end of peak spawning period assumed for Demonstration Purposes ONLY, the Applicant should determine these dates from their independent interrogation of the CNS IHLS data for the years 2003 – present*

1.7.28 If the Applicant wishes to carry out a back-calculation approach to temporally refining the recommended herring spawning periods, then they should provide a dedicated technical note which details their calculations following the steps outlined above in the

described sequence. This technical note should be accompanied by a spreadsheet with the raw data the Applicant has drawn on so that their working can be sense-checked for accuracy.

Presentation of the Herring larval data presented annually

- 1.7.29 It was raised in REP2-061 that the Applicant's presentation of 15-years of Banks IHLS data in one plot was not acceptable as it is not easy to determine the relative IHLS larval abundances with the sampling points for different years laid on top of each other. These data would be better presented as separate maps for individual years of data so that the relative importance of the area of spawning habitat which underlies the ECC can be clearly seen. Further clarification of the presentation that was expected was provided in a consultation response query email¹, and provision of this evidence by the Applicant is pending.
- 1.7.30 Please see points 1.7.14-1.7.28 regarding the Applicant's responses to temporally refining the recommended herring spawning restrictions and details of the appropriate back-calculation approach which the Applicant should follow if they wish to use this method. If the Applicant wants to go down the route carrying out of a spawning back-calculation to temporally refine the recommended piling and cable laying restrictions, they should carefully follow the steps outlined under points 1.7.14-1.7.28 and present the evidence requested in full in a dedicated technical note for the MMO to review.
- 1.7.31 The back-calculation approach cannot be used to *spatially* refine the recommended restrictions. Spatial refinement is only possible for the recommended restriction on cable laying activities in the herring spawning ground, as due to the dispersive nature of impulsive UWN effects it is not possible to spatially refine the recommended piling restriction, unless the Applicant wishes to pursue a spatial zoning approach in their piling programme which will be more labour-intensive during this Examination period than simply committing to implementing noise abatement systems and providing supporting modelling of the mitigated UWN impact ranges. In order to reduce the range of effect from UWN as a result of piling, the Applicant should explore noise abatement options as the current modelled range of UWN-related impacts (physiological and behavioural) relative to the Banks herring spawning ground presented at present is not acceptable.
- 1.7.32 To spatially refine the recommended restriction on cable works along the ECC during the herring spawning season, the Applicant needs to present the requested annual heatmaps of IHLS larval abundance data, along with PSA data quantifying the seabed sediment composition along the ECC with the Kilometre Points (KP) points for the ECC indicated. Mapped PSA data for the ECC should be overlaid over the British Geological Survey (BGS) broadscale sediment data map and can be further supplemented by the addition of PSA data from the Cefas OneBenthic Grab/Core data extraction tool².

MMO position on 135db threshold

² [REDACTED]

- 1.7.33 A key aspect of the UWN modelling for the DBS OWF will be whether the range of noise impact from piling is likely to overlap the herring spawning ground at Flamborough Head and cause disturbance to herring during their spawning season. In this context, the term '*Disturbance*' describes the ecological response of herring when affected by UWN pressure arising from piling) and is inherently linked to the physiology and behaviour of herring. In this instance, 'disturbance' of herring as a result of UWN arising from piling produces physiological (TTS etc.,) responses which then influence survivability (e.g., ability to detect predators) as well as behavioural responses (e.g., avoidance of migratory routes due to acoustic barriers) which then influence reproductive success (e.g., ability to reach spawning grounds at the appropriate time and successfully carry out spawning).
- 1.7.34 The criteria for behavioural responses in fish included in the Popper *et al.*, (2014) guidelines are qualitative and broad by nature, owing to the inherent difficulties in quantifying the various ecological and behavioural responses of different fish species to underwater noise at varying distances. As a result, given that these criteria can only be broadly defined, they can neither be considered conservative or unconservative. Furthermore, qualitative behavioural criteria cannot be easily mathematically modelled to illustrate a range of impact. Accordingly, quantitative modelling of UWN impact ranges cannot be done appropriately with qualitative criteria. Determination of the maximum spatial extent of likely behavioural impacts can only be achieved by modelling a quantitative threshold, based on the best available evidence.
- 1.7.35 For the purpose of modelling behavioural responses in herring at their spawning ground, a threshold of 135dB (SEL_{ss}) is recommended by Cefas Fisheries advisors as a conservative indicator of the risk of a behavioural response, especially for clupeid fishes such as herring. This 135-dB threshold is based on research by Hawkins *et al.*, (2014), who exposed wild schooling sprat to short sequences of repeated impulsive playback sounds at different sound pressure levels, to resemble that of a percussive pile driver. Observed behavioural responses included the break up of fish schools. The sound pressure levels to which the fish schools responded on 50% of the presentations were 163.2 and 163 dB re 1 μ Pa (peak-to-peak), and as a result the concluded single strike sound exposure level was 135 dB re 1 μ Pa² ·s. The MMO recognise that this may be a conservative threshold as the Hawkins study was carried out in Lough Hyne, which is an enclosed, quiet coastal sea loch, where fish were not accustomed to heavy disturbance from shipping and other sounds (Hawkins *et al.*, 2014). However, the study species, sprat, are a clupeid species meaning sprat are closely related and anatomically similar to herring, and similarly sensitive to underwater sound (sprats also possess a swim bladder involved in hearing). Given an absence of other peer-reviewed empirical evidence of behavioural responses in clupeid fishes to support an alternative threshold for quantitatively modelling the impact ranges for impulsive noise, Hawkins *et al.*, (2014) is currently considered the best available scientific evidence by Cefas Fisheries and Underwater Noise specialists, and as such 135dB is deemed an appropriate threshold for modelling behavioural responses. Notwithstanding, the MMO would be willing to consider the use of an alternative quantitative threshold for modelling behavioural responses in herring (or a similar clupeid fish), should the Applicant be able to provide one which is based on suitable, peer-reviewed literature.
- 1.7.36 The MMO nonetheless recognise the limitations of this study, for example it is accurate that the 135dB SEL_{ss} threshold was determined based on sprat schooling in the water

column rather than sprat (or herring) engaged in spawning. However, there is little empirical evidence to indicate how herring (or sprat) engaged in spawning activity may respond to impulsive piling noise. For example, herring *may* display a biological drive to spawn regardless of the UWN disturbance, however, it is equally possible that such disturbance may cause herring to abandon necessary migrations to the gravel beds on which they need to spawn in order to escape the disturbance, potentially resulting in reduced spawning success and limited recruitment of herring larvae into the North Sea stock. Limited available research into the behaviour of herring engaged in spawning, has indicated that spawning aggregations gather in high densities over a smaller area of seabed than schooling fish involved in migration or feeding (Nøttestad *et al.*, 1996), and during the period of spawning, herring which have spawned do not disperse but remain in the water column above the demersal spawning aggregation (Axelsen *et al.*, 2000).

- 1.7.37 In response to the Applicant's comment that the 135dB threshold should not be incorporated into MMO advice for the purposes of EIA as a behavioural threshold based on the cautions provided by (Hawkins and Popper, 2014; Hawkins *et al.*, 2014), The MMO must restate that in the absence of appropriate, empirical evidence indicating that herring will continue to spawn when subject to UWN disturbance, or the production of an alternative threshold or a more sophisticated approach (such as the "distance of effect" reported for in-situ behavioural studies), which is based on suitable, peer-reviewed literature, a precautionary approach, based on the best available, peer-reviewed evidence, should be adopted (ICES, 2003, 2015, 2018). For the reasons given above, we consider that the 135dB (as per Hawkins *et al.*, 2014), although not explicitly perfect, represents a precautionary but appropriate threshold for the purpose of modelling behavioural responses in herring at their spawning ground. Our position will not change unless the Applicant can produce a compelling and appropriate alternative behavioural response threshold for clupeid fish.

1.8 Benthic

- 1.8.1 The nearshore Zone of influence (Zol) for changes in suspended sediment concentrations due to cable installation has been updated from 14 km to 28 km as modelling work indicated 28 km was the maximum plume extent close to the coast. The maximum plume size in the array area was modelled as 2 km. Therefore, the Applicant considers the application of an offshore 14 km Zol to be an appropriate approach. While the MMO defer to the relevant specialist advisor regarding the calculation of maximum plume sizes at different levels in the water column and at the different locations (nearshore through to offshore), the MMO consider the approach sound. The MMO note the Applicant proposes no change to the assessment as no further receptors were identified due to the increase in nearshore Zol (Section 1.1. of the benthic ecology technical note document referenced in paragraph 6).
- 1.8.2 Regarding the Benthic Ecology Technical Note (document referenced in paragraph 6), the MMO defer to the expertise and response of the relevant SNCB regarding potential effects of the project on protected features within designated areas. The MMO note that there is no impact pathway for direct effects on the Holderness Inshore and Holderness Offshore Marine Conservation Zones (MCZs) and the Flamborough Head SAC because of cable installation works. The Applicant predicts that increased suspended sediment concentrations could arise during cable installation, and operation and maintenance activities. However, the increase in Zol, from 14 km to

28 km, did not alter the conclusions of the assessment and the Applicant has confirmed that all subtidal features of the SAC and MCZs “were considered irrespective of their mapped location within the site”.

- 1.8.3 The MMO agree with the Applicant’s assessment regarding the magnitude of the impact from increased suspended sediment concentrations (SSCs) and that the maximum deposition resulting from trenching is likely to occur in the region immediately adjacent to the activity and outside the MCZs and SAC. The MMO also agree with the Applicant’s determination of the significance and magnitude of the effect of SSC on benthic receptors. However, The MMO defer to the relevant SNCB regarding the potential impact of increased SSC on the conservation objectives at the Holderness Inshore and Holderness Offshore MCZs and Flamborough Head SAC.
- 1.8.4 The MMO have no further comments regarding the high-level proposals for benthic sampling in response to Section 1.4 BE.1.12 (document referenced in paragraph 7). The proposal includes relevant grab sampling and seabed imagery acquisition to provide suitable data for comparison with the post-construction condition of the seabed at a subset of locations within the array and export cable corridor. It is the MMO’s understanding that details of the proposed post-consent monitoring will be provided for review in advance of survey and the Applicant will consider all relevant guidance, including the MMO post-consent monitoring standards document, due in 2025.

1.9 Coastal processes

- 1.9.1 The Coastal Erosion Technical Note has been updated due to the comments made by Natural England (NE); which requested that the National Coastal Erosion Risk Mapping project (NCERM₂) is added to this document. In summary, concerns were that the beach elevation change data presented was out of date (2008 – 2015), the use of UK Climate Projections (UKCP18) emission scenario at 50% confidence level was not consistent with the NCERM₂’s use of 70th and 95th percentile confidence levels.
- 1.9.2 Updated erosion rates have been provided (up to 2024) by the applicant and the applicant has included data from the 70th and 95th percentile for emission scenarios. These emission scenarios have been included when predicting cliff erosion rates and the maximum erosion distance for the cliffs. The inclusion of this data does not affect the original assessment due to the commitment to trenchless techniques for cable installation means there should be no significant effect to the Holderness cliffs.
- 1.9.3 The use of the NCERM₂ model has provided erosion estimates that are smaller than the previous methodology of the Leatherman equation (1990) and reported on in Chapter 8 Marine Physical Environment. The MMO agree with this conclusion.

1.10 UWN

- 1.10.1 The MMO have no further comments to make on Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment (Revision 3) [REP3-012]

1.11 Dropped Objects

- 1.11.1 The MMO welcome the updates to Condition 13 (10), (11) and (12) and has no further comments.

2. Comments on Applicant's amended application Documents

2.1 General Comments

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

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

2.2.1 The MMO welcomes the updates to this document and has no further comments to add

2.3 REP2-044 - 8.23 In Principle Monitoring Plan (Revision 2) (Tracked)

2.3.1 With regard to REP3- 045:2.4 which the MMO have requested:

2.3.2 The MMO's current position is that at least two of the first four piles should be the worst-case piles. This has changed from previous OWF examinations due to the monitoring being provided on projects in the construction stage highlighting concerns in the predictions made, along with issues raised by the Statutory Nature Conservation Body's (SNCBs). The MMO understands that the Applicant's require flexibility as usually the first four piles are softer sediment to ensure the equipment is working as expected. However, the MMO requires commitment that two of the worst-case piles will be monitored, this may be after the first four piles, but this would allow the predictions to be validated. Or if this is not possible how the ES predictions can be validated fully at the post consent stage. This commitment should be updated within the condition

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

3. Remaining DCO/DML comments not agreed with applicant

3.1.1 The MMO and the applicant are not in agreement with the following topics: (amend as required)

- Decommissioning

- Chemicals
- Definitions
- Force Majeure

3.1.2 Please see Annex 1 Table 1 for details of all outstanding issues.

4. Response to the Examining Authority's Written Questions (ExQ2) – PD-022

Benthic and intertidal ecology

4.1 BE.2.3:

Report to Inform Appropriate Assessment (RIAA) Habitats Regulations Assessment (HRA) Part 2 of 4 - Annex 1 Offshore Habitats and Annex II Migratory Fish Revision 4

The applicants have submitted an updated RIAA HRA Part 2 of 4 - Annex I Offshore Habitats and Annex II Migratory Fish Revision 4 into the examination at deadline (DL) 4 [REP4-014]. There were considerable updates to section 6.4.2.6.1 physical change (to another seabed / sediment type) of the Dogger Bank Special Area of Conservation (SAC). Please provide any comments you have on this updated section or any other parts of this document.

4.1.1 The MMO welcomes these changes and will defer to Natural England (NE) on matters relating to the HRA.

Commercial Fisheries

4.2 CF.2.1:

The ExA notes your position to not fulfil an arbitration role for commercial fishing receptors commercial negotiations. To provide certainty that the proposed mitigation of adverse effects could be achieved, would you agree to receiving evidence that an agreement has been reached?

4.2.1 This would form part of the Fisheries Liaison and Coexistence Plan (FLCP), and agreement would be sought through the discharge process of the FLCP.

4.2.2 Where MMO are referenced as an "arbitrator" for the FLCP: The MMO strongly maintains its position that it is made clear within the document that "the MMO will not act as arbitrator and will not be involved in discussions on the need for, or amount of, compensation being issued".

Fish and Shellfish ecology

5.1 FSE.2.4:

Please provide the MMO's opinion on the applicants' use and comparison of Figure 1-2 and Figure 2-2 described above and their relevance to areas of medium and high potential herring spawning areas.

5.1.1 The MMO would like to refer the applicants to point 1.7.8 for further details on figures

1-2 and 2-2.

5.2 FSE.2.5

Atlantic herring heat map The applicants state in their summary of representations at ISH5 [REP4-086], that the 135dB disturbance threshold is inappropriate to the assessment of herring and dispute the claim that the 135dB limit establishes the best available scientific evidence but rather that it represents preliminary findings to inform a more comprehensive behavioural disturbance metric in future studies and that the greatest range at which an impact should be considered for herring is 186dB. The applicants state further in the same reference that there is no evidence in Hawkins et al. (2014) or Popper et al. (2014) that shows that 135db would have an impact on herring spawning behaviour, going on to state that they do not consider that relying on Hawkins et al. (2014) is appropriate or justified as the authors note themselves that it should not be used in the way purported by the MMO or NE. Please explain the MMO's view of the relevance of the 135dB disturbance threshold and the 186dB TTS threshold. Justify your response explaining what types of behavioural disturbance would likely be experienced over 135dB and how this could impact the existing herring population and spawning rates.

5.2.1 Section 1.7.33 to 1.7.37 of this response explains in detail the MMO's stance on the 135dB threshold.

5.3 FSE.2.7

Worst-case piling locations for herring in responses to questions on this topic at ISH5 [EV10-006] the applicants stated moving the worst-case location modelling location to the south-west corner might move the noise contours further south, so they overlapped less with the preferred substrates to the north on Figure 2-2 [AS-105]. This is based on the assumption that the worst-case noise modelling to produce contours for Figure 2-1 and Figure 2-2 is restricted to two locations only. Should the worst-case noise contour envelopes not be derived from all three locations, the two locations originally modelled and the additional modelling using the south-west location of the array area to produce the worst-case noise envelope contours?

5.3.1 The MMO are currently reviewing this and will provide a response in deadline 6. The Worst-case piling scenario is still based on 2 locations.

5.4 FSE.2.9

Export cable proposed through the Flamborough Head herring spawning ground The ExA is aware of the questions and responses between the applicants and the MMO regarding herring larval abundance mapping and presentation of the density data.

a) Can you confirm if this issue has now been resolved and if it is satisfied with the quality and presentation of the data regarding herring larval abundance and density submitted into the examination by the applicants at DL4 [REP4-098]. If not, please explain why not.

b) If so, what is your position on potential impacts of the construction and

installation of the export cable corridor on spawning herring?

c) What is your opinion on whether the applicants have fully adhered to the mitigation hierarchy on this issue?

d) Are the applicants' proposed mitigations sufficient and are you satisfied with the way they are secured in the DMLs?

5.4.1 The MMO do not believe that this has been resolved, please see points 1.7.8 to 1.7.11 in this response for further details

5.4.2 The MMO are currently reviewing questions B, C and D and will provide a response at deadline 6.

5.5 FSE.2.10

The MMO: Please provide your position on the applicants' statements in paragraph 10 on page 8 of the applicants' Fish and Shellfish Response to the MMO [REP4-098] and [paragraph 39 page 26 of the Heat Mapping Report: Atlantic Herring and Sandeel [AS-105]. Please state whether you are in agreement or not with these statements and what impact the export cable construction and installation could have on drifting, developing herring larvae

5.5.1 The MMO are currently reviewing this response and will provide an update at Deadline 6

5.6 FSE.2.12

Potential effects on sandeel and herring populations The ExA would welcome a brief, high level summary of the MMO's, NE's and the applicants' latest positions on the following issues including positions on whether proposed mitigation from the applicants is adequate. Cross references to other documentation submitted into the examination which give the detail would also be helpful.

a) Potential impacts on fish from underwater noise from piling in the array areas for: i) Herring ii) Sandeel

b) Potential impacts on fish from construction activity along the export cable corridor through the Flamborough Head spawning ground for: i) Herring ii) Sandeel

c) Potential impacts on fish from underwater noise from UXO clearance in the array areas and along the export cable corridor through the Flamborough Head spawning ground for: i) Herring ii) Sandeel

d) Potential effects on fish spawning areas from benthic ecological halo effects associated with above ground structures including cable protection installed on the seabed for: i) Herring ii) Sandeel

e) Potential effects on fish spawning areas from EMF effects and the localised heating of sediment within the array areas and along the export cable corridor for: i) Herring ii) Sandeel

f) Potential cumulative effects from the proposed development in combination with other planned projects on: i) Herring ii) Sandeel

g) Potential long term or permanent effects if cable protection was not removed from the export cable corridor post decommissioning within areas of high - very

high potential spawning habitat for: i) Herring ii) Sandeel

5.6.1 The MMO are currently reviewing this response and will provide an update at Deadline 6

5.7 FSE.2.14

Seasonal restrictions for piling in the array areas in relation to potential impacts on herring and sandeel NE has maintained its advice at DL4 that as the behavioural threshold of 135dB SELss (decibel sound exposure level single strike) overlaps a significant area of the high and very high spawning habitat potential sites when piling in the array areas a seasonal restriction on piling may be required and defers to the Centre for Environment, Fisheries and Aquaculture Science (Cefas) for advice on timing on any such restriction. The MMO's DL4 submission states on page 15 that it agrees with NE's conclusions and agrees that a seasonal restriction is needed to reduce population impacts on the Banks Herring population.

a) What is Cefas's advice on the timing of a potential seasonal restriction for piling in the array areas to reduce the potential impacts on herring and sandeel?

b) Please update the examination on the latest discussions with the applicants regarding any seasonal piling restrictions if discussions have taken place since ISH5 and DL4 submissions.

c) During ISH5 the ExA suggested [EV10-006] the applicants and the MMO discuss the herring piling restriction in condition 26 of the Rampion 2 made Order to see whether a similar condition could be used for the DMLs for the proposed development as a way to resolve this issue. Have discussions taken place? Are there any further data you require from the applicants in order to move forward this issue? If so, please specify.

5.7.1 The MMO has requested that within the Banks Herring Spawning ground that there should be a temporal restriction. Please see point 1.7.9 for more information as well as sections 2.2.8 and 2.2.9 in REP2-061

5.7.2 Discussions were undertaken on 13 May 2025, The MMO are open to the addition of a herring piling restriction similar to Schedule 11, Condition 26 in Rampion 2:

26.— (1) No piling activity can commence within the eastern array area during the herring spawning season until a spawning herring piling restriction plan (in accordance with the outline spawning herring piling restriction plan) containing updated underwater noise modelling has been submitted to and approved by the MMO. The updated underwater noise model must be based on final project parameters to be used to install piles in the eastern array area and must include details of any verified mitigation measures to be employed.

(2) If the herring spawning plan demonstrates that noise levels associated with piling activity in the eastern array area during the herring spawning season will exceed the levels shown on the spawning herring piling restriction plan then no piling activity may be undertaken within the eastern array area during the herring spawning season without the written approval of the MMO.

(3) All piling activity within the eastern array area during the herring spawning season must

be undertaken in accordance with the details approved under sub-paragraph (1) or as required as a condition of approval under sub-paragraph (2).

(4) In this condition—

“eastern array area” means the area identified as the eastern array area within the spawning herring piling restriction plan;

“outline spawning herring piling restriction plan” means the plan certified as the outline spawning herring piling restriction plan by the Secretary of State for the purposes of the Order under article 49 (certification of plans and documents etc); and

“herring spawning season” means 1 November to 31 January inclusive.

Marine and Coastal processes

5.8 MCP.2.10

Cable protection licensing Noting the applicants’ response in relation to cable protection licensing at ISH5 [REP4-086, paragraph 257], do you consider a change in the lengths to the proposed licensing period from the applicants’ proposed 10 years for new cable protection on designated sites could be more appropriate? If yes, explain the suggested lengths and why? In addition, the response states that ‘any replenishment would occur on ‘lost’ habitat so there is no real risk of new harm to licence in this scenario’. However, if there is a period of up to 10 years of no or limited interaction, what are the possibilities of the habitat being restored during that time?

5.8.1 It is the MMO’s view that the longevity of these projects coupled with the dynamic nature of the marine environment means that it is generally only appropriate to licence at the outset of the project, the scour and cable protection that will be employed during the construction of the wind farm. Any scour and cable protection employed during the construction of the wind farm can be maintained through the Operation and Maintenance plan which is required under the requirements of the DCO/DML.

5.8.2 The MMO’s view is that any new scour or cable protection which is to be used in areas where no such protection was employed during construction of the wind farm is new scour or cable protection which cannot properly be considered to be the maintenance of the cable and scour protection employed in the construction phase. As a result, any new scour or cable protection must generally be consented through a separate marine licence and not through the O&M plan

5.8.3 The licence, if granted, would ordinarily use the same methodology as an Operation and Maintenance plan in that the licence will generally include conditions which will require:

- i. The MMO’s approval for campaigns of protection to be sought 2 months before the anticipated commencement of the works and will require the submission of a report confirming justification for the amounts of protection required as well as details of the location for where, and the method by which, the scour and cable protection will be

employed.

- ii. A requirement to review the suitability of the licence every 5 years which will require the provision of further up to date survey data. Where a marine licence is granted which authorises new scour and cable protection to be employed for up to 10 years, any further marine licences that will be required to authorise scour and cable protection beyond 10 years should be applied for at least 6 months before the current licence expires so as to ensure a smooth transition from one marine licence to another.

5.8.4 Where new scour and cable protection is to be employed within a marine protected area in which the marine protected features include benthic habitats, the MMO will generally require a separate marine licence to be in place for each, and every individual campaign of scour and cable protection employed throughout the lifetime of the project.

5.8.5 The MMO may in some circumstances consent scour and cable protection in these protected areas where the applicant can show that there is no alternative method available to it to protect the infrastructure in these areas. The MMO generally expects each such application to be supported by a report which sets out a comprehensive assessment of the impacts and which details the justification for no alternative to scour and cable protection.

5.8.6 Regarding the possibilities of the habitat being restored the MMO would defer to NE

5.9 MCP.2.11

Flamborough Front The applicants have submitted the 'Review of Flamborough Front Technical Note' [REP4-092] at DL4. a) Do you consider the updated assessment of significance to be appropriate? If not, why not? b) Do you consider the detailed monitoring proposals as explained in the updated In Principle Monitoring Plan (IPMP) [REP4-052] in relation to near-field and far-field monitoring to be sufficient? If not, explain any outstanding requirements. c) Do you agree with the conclusions of the document? If you have any outstanding concerns, explain what they are and how they could be addressed.

5.9.1 The MMO is currently reviewing this document and will provide a response at deadline 6.

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6. Annex 1: Table of DCO/DML comments between MMO and the Applicant. Responding to REP4

	Main DCO		MMO Comments	Applicant Comments	Deadline 5 Comments
1	Part 1 – Preliminary Interpretation (2)(1)	“building” includes any structure or erection or any part of a building, structure or erection;	Please can the Applicant confirm that ‘building’ does not include any offshore structures, and therefore that the protective works to building schedule does not apply to offshore structures.	The Applicants previously responded as follows to this point and would hope that this matter is now resolved (see ID REP2-061:A1 in The Applicants’ Responses to Deadline 2 Documents (Revision 1)[REP3-028]): <i>“The Applicants have reviewed the use of the word “building” in the Draft Development Consent Order (DCO) (Revision 6) [document reference 3.1] and can confirm that it is only used in the context of buildings that are located onshore. However, the definition of “building” is well preceded and it is not proposed to amend it.”</i>	The MMO welcomes the Applicant’s updates and has no further comments.

2		<p>“DBS East Project offshore works” means Work Nos. 1A to 9A and any other authorised development and ancillary works associated with those works.</p> <p>“DBS West Project offshore works” means Work Nos. 1B to 9B and any other authorised development and ancillary works associated with those works.</p>	<p>The MMO notes that works 9A and 9B have been included in the offshore works. The works are to provide means of emergency access along the existing beach between Work No. [....] to allow for access in the event of accidents and / or environmental incidents. Can the Applicant clarify when these activities will be undertaken (when is it an emergency?), if these works include any marine licensable activities or if the works will impact the environment e.g. abrasion/disturbance to a priority habitat.</p>	<p>These works will not include any marine licensable activities. These elements of the works have been included to afford vehicular access to the intertidal area to allow the clean-up of any drilling fluids which could escape from the bores drilled beneath the beach as part of the trenchless crossing works (e.g. Horizontal Directional Drilling works) at landfall.</p>	<p>It is not MMO standard to include areas of non-licensable activities within a marine licence. The MMO understands why these works are included and are reviewing how to capture these.</p> <p>The MMO and the Applicant discussed this on 13 May 2025 and there are ongoing discussions in relation to how this is connected to an activity within the DML.</p> <p>The MMO is hopefully this can be resolved prior to Deadline 7.</p>
6		<p>“MHWS” or “mean high water springs” means the highest level that spring tides reach on average over a period of time;</p>	<p>The MMO request the definition is updated to: ‘The height of Mean High-Water Springs (MHWS) is the average throughout the year, of two successive high waters, during a 24-hour period in each month when the range of the</p>	<p>This definition is well preceded and commonly included in DCOs. No change to the Draft DCO [APP-027] is proposed.</p>	<p>The MMO welcomes the Applicant’s update to this definition and have no further comments</p>

			tide is at its greatest (Spring tides).		
7		<p>“undertaker” means, subject to article 5 (benefit of Order),— (a) for the purposes of constructing, maintaining and operating the DBS East works and any related ancillary works, DBSEL; (b) for the purposes of constructing, maintaining and operating the DBS West works and any related ancillary works, DBSWL; and (c) in any other case, DBSEL and DBSWL;</p>	<p>The undertaker definition must be updated. This should exclusively be the named companies (RWE Renewables UK Dogger Bank South (East) Limited, company reference number 13656240 and RWE Renewables UK Dogger Bank South (West) Limited, company reference number 13656525.).</p> <p>In addition, the Applicant should remove ‘subject to article 5’ (benefit of the order).</p> <p>The above updates should also be made to the DBSEL and DBSWL definitions.</p>	<p>The Applicants disagree that transfers of the DMLs should be regulated by the provisions of section 72 of the Marine and Coastal Access Act (MCAA) 2009. Where a transfer of a DML is proposed, the SoS would be looking at that in the context of all the provisions of the DCO. There are some Articles and Requirements relating to offshore matters within the DCO which overlap with the DMLs. In that context, it is entirely appropriate that the SoS has the ability to approve the transfer of a DML. Article 5(14) confirms that section 72(7) and (8) (variation, suspension, revocation and transfer) of the 2009 Act does not apply to a transfer of the DMLs falling within Article 5. Section 72(7) permits the licensing authority to transfer a marine licence to another person. Section 72(8) provides that "a licence may not be transferred except in accordance with subsection 7". Article 5 however provides for a transfer to take place</p>	<p>Two points still exist:</p> <p>1) ToB including the DML</p> <p>The MMO acknowledges the Applicants comments however still maintains that reference to the DMLs in Article 5 should be removed and therefore the definition updated. Please see section 1.2 in REP2-061 for more information.</p> <p>2) Company Reference Number (CRN)</p> <p>To ensure all parties are aware of who the undertaker is within compliance activities the CRN must be included within this. This is standard on marine licences and there is no justification provided to date why this cannot be included.</p>

				<p>in a different way to section 72(7). Since Article 5 is different from the precise wording of section 72(7) of the 2009 Act it is necessary to specify that section 72(7) only applies to a transfer not falling within Article 5 in order to enable Article 5 to operate. Without specifying this, Article 5 might be claimed to be inoperative because of adopting a different wording from section 72(7).</p> <p>The Applicants also note that this approach is aligned with "good practice point 11" in the Planning Inspectorate Advice Note 15: drafting Development Consent Orders (2018), which states that "Applicants should give careful consideration to the terms of the transfer Article they include in their draft DCO so as to ensure that it reflects how they envisage the NSIP being operated post-consent and, if possible, avoid potential inconsistencies between how DCO and DML transfer arrangements would operate." The Applicants' approach is intended to ensure that</p>	
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				inconsistencies in the transfer arrangements do not arise.	
8		(7) In this Order “includes” must be construed without limitation unless the contrary intention appears.	The MMO are discussing this section internally and will provide further comments in due course.	<p>It is noted that the MMO are discussing this sub- paragraph. The Applicants note that this wording is well preceded and commonly included in DCOs.</p> <p>To address the MMO’s request, examples of other offshore wind DCOs where this wording has been included include Hornsea Four, East Anglia One North, East Anglia Two, Norfolk Vanguard and Norfolk Boreas. The Applicants confirm that this wording is included in Article 2 of the Draft DCO (Revision 7) [document reference 3.1] and not in the individual DMLs.</p>	The MMO is content with the current wording and has nothing to add at this stage.
11	Part 1 – Preliminary Interpretation (3)	Please see section 3.3.1 in this document for further information	Please see section 3.3 in this document for further information.	<p>For the reasons set out below, the Applicants do not agree with the removal of the parts of Article 5 of the Draft DCO [APP-027] requested by the MMO.</p> <p>Paragraph (14) of Article 5 disapplies sections 72(7) and (8) of the Marine and Coastal Access Act 2009 in relation to a transfer or grant of the benefit of a Deemed Marine Licence (DML). The drafting is based on</p>	The MMO still maintains that reference to the DMLs Article 5 should be removed. Please see Section 1.2 of REP2-061 for more information.

				<p>the Model Provisions and reflects a long- established precedent regarding the transfer of DCO powers and DMLs that has been endorsed by the Secretary of State (SoS) many times, including most recently in the Sheringham Shoal and Dudgeon Extensions DCO. Where a transfer of the DML is sought under Article 5, the SoS would consider the appropriateness of the party to whom the transfer or grant is proposed and would also take into account any representations made by the MMO before determining whether to grant consent, noting that Article 5 (paragraphs (6) and (9)) includes provisions requiring notification and consultation with the MMO where a transfer or grant of the benefit of a DML is proposed.</p> <p>From a procedural perspective, it is important that the DCO and any DML can be transferred together using the process set out in Article 5. It is considered important that the timing of any transfer or grant of powers/ authorisations under the DCO</p>	
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				<p>and a DML be aligned, as there is considerable overlap between the authorisations and the requirements/conditions. This justifies a departure from the procedure under the Marine and Coastal Access Act 2009. Having deemed the marine licence in the DCO, it is also appropriate that any transfer under the Order include the DML as part of the wider transfer- it is one element of the wider order powers and should not be separated out from the authority to construct, operate and maintain the Nationally Significant Infrastructure Project (NSIP) granted by the Order.</p> <p>The PA 2008 is clear that marine licences may be deemed in a DCO in appropriate areas (s149A) and that a DCO may include such further provisions ancillary to the operation of that DML (s122(3)), including transfer of the benefit. Section 122(5)(a) and (c) set out that a DCO may "apply, modify or exclude a statutory provision which relates to any matter for which provision may be made</p>	
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				<p>in the order" or "include any provision that appears to the Secretary of State to be necessary or expedient for giving full effect to any other provision of the order". The ability to transfer a DML is related to the deeming, and it is therefore a sensible, expedient part of the wider power to transfer the benefit of the order.</p> <p>Overall, the drafting of this article reflects the equivalent provision in recent offshore wind DCOs including Hornsea Three, Norfolk Boreas, Norfolk Vanguard, East Anglia One North, East Anglia Two, Awel y Mor, Hornsea Four and Sheringham Shoal and Dudgeon Extensions. As noted above, this article is necessary to provide the Applicants with the appropriate commercial freedom to sell or lease the authorised projects while ensuring that the SoS can control such sale or lease through the need to obtain their consent.</p>	
15	Part 4 – Interpretation	36. —(1) This article applies to— (a) any agreement for	Please confirm this is for onshore works only.	This wording is well preceded and commonly included in DCOs.	The MMO are content with the Applicant's explanation and is content that there are no changes needed.

		<p>leasing to any person the whole or any part of the authorised project or the right to operate the same; and (b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised project, or any part of it; so far as the agreement relates to the terms on which any land that is the subject of a lease granted by or under that agreement is to be provided for that person's use. (2) No enactment or rule of law regulating the rights and obligations of landlords and tenants prejudices the operation of any agreement to which this article applies. (3) Accordingly, no</p>		<p>As stated in The Applicants' Responses to Deadline 2 Documents (Revision 1) [REP3-028] (ID REP2-061:A15): "The Applicants acknowledge the MMO's comments. The intention of Article 36 is that it would apply to the onshore elements of the Projects. It is not thought that it would be necessary for Article 36 to apply to offshore elements i.e. to an agreement for lease or lease from the Crown Estate. However, given that the current wording is based on the model provisions and well preceded in DCOs, the Applicants do not propose to update the drafting.</p>	
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		<p>such enactment or rule of law applies in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to— (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter; (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land that is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or (c) restrict the</p>			
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		enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.			
16	Part 7 Miscellaneous and general Abatement of works abandoned or decayed	43.—(1) Where the DBS East Project offshore works or any part of them are abandoned or allowed to fall into decay the Secretary of State may, following consultation with DBSEL, by notice in writing require DBSEL at its own expense either to repair, make safe and restore one or any of those works, or any relevant part of them, or to remove them and, without prejudice to any notice served under section 105(2) of the 2004 Act, restore the site to a safe and proper	The MMO advises this condition is updated to say the undertaker must ensure they also obtain the necessary consents.	This wording is well preceded and commonly included in DCOs. Failure to obtain any necessary consents would be dealt with under the relevant consenting regime, and therefore inclusion of a requirement in this article to obtain necessary consents would be superfluous. No change to the Draft DCO [APP-027] is proposed. The Applicants do not believe that the amendment suggested by the MMO changes the substance of the drafting such that it is necessary to include it and do not propose to update the Draft DCO (Revision 7) [document reference 3.1].	The MMO does not agree that ' <i>well preceded and commonly included in DCOs</i> ' provides enough justification for not updating the definition. The MMO notes that previous DCOs may have similar definitions however the MMO believes this should be updated to the following wording (and similar updates to sub-limb (2)): <i>Where the DBS East Project offshore works or any part of them are abandoned or allowed to fall into decay the Secretary of State may, following consultation with DBSEL issue a written notice requiring DBSEL at its own expense either to repair, make safe and restore one or any of those works, or any relevant part of them, or to remove them and, without prejudice to any notice served under section 105(2) (requirement to prepare decommissioning programmes) of the 2004 Act, restore the site to a safe and proper condition, to such an extent and</i>

		<p>condition, to such an extent and within such limits as may be specified in the notice.</p> <p>(2) Where the DBS West Project offshore works or any part of them are abandoned or allowed to fall into decay the Secretary of State may, following consultation with DBSWL, by notice in writing require DBSWL at its own expense either to repair, make safe and restore one or any of those works, or any relevant part of them, or to remove them and, without prejudice to any notice served under section 105(2) of the 2004 Act, restore the site to a safe and proper condition, to such an extent and within such limits as may</p>			<p><i>within such limits as may be specified in the notice.</i></p>
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		be specified in the notice.			
25	Part 2 Approval of matters specified in requirements Further Information	Further information 3.— (1) In relation to any application referred to in paragraph 2, the discharging authority may request such further information from the undertaker as it considers necessary to enable it to consider the application. (2) If the discharging authority considers that further information is necessary, and the requirement concerned contained in Part 1 of this Schedule does not specify that consultation with a consultee is required, the discharging authority must, within ten days of receipt of the application, notify the undertaker in writing specifying the further	3.11.1 The MMO has provided detailed comments in Table 1 below. Please find a summary of the main concerns below. Determination dates: 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. 3.11.3 The MMO's position remains that it is inappropriate to apply a strict timeframe to the approvals the MMO is required to give under the conditions of the DML, given this would	3.11.1 The Applicants have responded to the MMO's detailed comments in Table 1 below and 3.11.3 The Applicants require certainty that the discharge of conditions under the DMLs will not cause undue delay to the delivery of the Projects. The Applicants note that, whilst the MMO is not subject to set determination periods for the discharge of conditions for marine licenses 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	The MMO notes that this is in relation to Part 2 of Schedule 2 where the MMO is not the discharging authority. However, this is relevant in relation to Condition 15(5) and maintains their position that a determination date should not be included. The MMO welcomes that documents will be submitted six months before the intended commencement of licensed activities.

		<p>information required.</p> <p>(3) If the requirement concerned contained in Part 1 of this Schedule specifies that consultation with a consultee is required, the discharging authority must issue the application to the consultee within five working days of receipt of the application and notify the undertaker in writing specifying any further information requested by the consultee within five working days of receipt of such a request. (4) If the discharging authority does not give the notification within the period specified in subparagraphs (2) or (3) it (and the consultee, as the case may be) is</p>	<p>create disparity between licenses issued under the DCO process and those issued directly by the MMO, as marine licenses issued by the MMO is not subject to set determination periods. This applies for the following conditions:</p> <ul style="list-style-type: none"> • Extension of time Periods (condition 8 on DML 1 and 2, condition 6 on DML 3 and 4 and condition 4 on DML} • Pre-construction plans and documentation (condition 15 on DML 1 and 2, condition 13 on DML 3 and 4 and condition 11 on DML s) • Site integrity plans (condition 16 on DML 1 and 2 and condition 14 on DML 3 and 4) 	<p>agreed between the MMO and the undertaker, which could be utilised in the unlikely event that six months was not sufficient in individual cases.</p> <p>3.11.4 The Applicants welcome the MMO's confirmation that it does not delay determining whether to grant or refuse such approvals unnecessarily. This supports the Applicants' position that six months should be a sufficient amount of time for such approvals to be considered, noting that an alternative timeframe can be agreed in the unlikely event that six months was not sufficient in individual cases.</p> <p>3.11.2, 3.11.5 and 3.11.6 The Applicants' position is that the submission of certain plans for approval at least four months prior to commencement of operation of licensed activities is appropriate and precedented (for example Hornsea Four and East Anglia One North OWFs). Notwithstanding that, the Applicants welcome that the MMO is open to discussion on this point and will therefore seek</p>	
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		<p>deemed to have sufficient information to consider the application and is not entitled to request further information without the prior agreement of the undertaker.</p>	<p>3.11.4 Whilst the MMO acknowledges that the Applicant may wish to create some certainty around when it can expect the MMO to determine any applications for an approval required under the conditions of a licence, and whilst the MMO acknowledges that delays can be problematic for developers and that they can have financial implications, the MMO stresses that it does not delay determining whether to grant or refuse such approvals unnecessarily. The MMO makes these determinations in as timely a manner as it is able to do so.</p> <p>3.11.5 The MMO's view is that it is for the developer to ensure that it applies for any such approval (with all information required) in sufficient time as to allow</p>	<p>to agree the relevant timescales with the MMO and update the Examining Authority (ExA) once those discussions have taken place</p> <p>The Applicants maintain the position previously set out in response to this point (as contained in the column entitled "Applicant Comments" in this row 25), noting also that the Draft DCO (Revision 7) [document reference 3.1] has been previously updated so that documents will be submitted 6 months in advance, rather than the original 4 months.</p>	
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			<p>the MMO to properly determine whether to grant or refuse the application. The MMO believes that if time scales are included within the DML for plans, then these should be 6 months and not 4 months.</p> <p>3.11.6 However, without prejudice to this position, the MMO is open to discussions on which documents should be 6 months, and which documents could be 4 months, in order to take into account the concerns that the Applicant may have</p>		
Schedule 10 Schedule 14 – Deemed Marine Licences					
Part 1					
31	<p>Part 1 Licensed marine activities Interpretation</p> <p>DML1 - DML5</p>	<p>“authorised deposits” means the substances and articles specified in paragraph 4 of Part 1 of this marine licence;</p>	<p>The MMO requests this is updated to clarify that the materials need approval by the MMO in order to be deposited.</p>	<p>The Applicants acknowledge the MMO’s comments. The Applicants will update paragraph 4 of Part 1 of the DMLs with the relevant reference numbers for the disposal sites once these are available.</p>	<p>The MMO welcome the Applicant’s updates.</p> <p>It is for the MMO to designate the disposal sites in conjunction with our scientific advisors Centre for Environment Fisheries and Aquaculture Science (Cefas).</p>

					The MMO has received shape files from the Applicants and will work on designating these and provide the reference numbers to be included in Paragraph 4 and Condition 13 (5) as soon as possible.
32	Part 1 Licensed marine activities Interpretation DML1 - DML 5	“cable protection” means measures to protect cables forming part of the authorised scheme from physical damage and exposure due to loss of seabed sediment including, but not limited to, rock placement, concrete mattresses with or without frond devices, protective aprons or coverings, bagged solutions filled with sand, rock, grout or other materials and protective shells;	The MMO requests the condition wording is updated to the below to ensure that the reason why cable protection is being used is clear. “cable protection” means measures for offshore cable crossings and where cable burial is not possible due to ground conditions or approaching offshore structures, to protect cables forming part of the authorised scheme from physical damage and exposure due to loss of seabed sediment including, but not limited to, rock placement, concrete mattresses with or without frond devices, protective aprons or coverings, bagged solutions filled with sand, rock, grout or other	This wording is well precededented, and commonly included in DCOs. It is considered that the additional wording proposed by the MMO is not appropriate or necessary for the purposes of defining the meaning of "cable protection". No change to the Draft DCO [APP-027] is proposed. The definition of “cable crossing” includes “physical protection measures including cable protection” and therefore it would not work to also include “cable crossing” in the definition of “cable protection”. No updates to the Draft DCO (Revision 7) [document reference 3.1] are therefore proposed.	The MMO is on this occasion content with the Applicant’s wording and has no further comments on this matter.

			materials and protective shells;”		
33	Part 1 Licensed marine activities Interpretation DML1 - DML5	“intrusive activities” means activities including anchoring of vessels, jacking up of vessels, temporary deposits and temporary wet storage areas;	The MMO would like to remind the Applicant that temporary deposits are still licensable. The Applicant should not undertake temporary deposits that are not licensed under a DML. The MMO request the phrase ‘temporary deposit’ is removed from this definition within the DMLs. Can the Applicant confirm where this has been assessed within the ES?	The Applicants would welcome a discussion with the MMO regarding the scope of "temporary deposits" before committing to making this change. The use of the wording “temporary deposits” has been previously removed from the Draft DCO (Revision 7) [document reference 3.1] and so the Applicants consider that this matter is now resolved.	The MMO welcome the Applicant’s updates and have no further comments.
36	Part 1 Licensed marine activities Interpretation DML1 - DML 5	“MHWS” or “mean high water springs” means the highest level that spring tides reach on average over a period of time;	The MMO request the definition is updated to: ‘The height of Mean High Water Springs (MHWS) is the average throughout the year, of two successive high waters, during a 24-hour period in each month when the range of the tide is at its greatest (Spring tides).	This wording is well preceded, and commonly included in DCOs. No change to the Draft DCO [APP-027] is proposed.	Please see row 6 for more information.

39	Part 1 Licensed marine activities Interpretation DML1 - DML 5	“undertaker” means DBSEL and DBSWL;	The MMO request this is updated. Only one company can own the marine licence and be the undertaker. Please also include the company name and registration number.	Company details are provided in the definition of DBSEL and DBSWL. Marine Licence 5 relates to cabling inter-linking the two Projects and would be owned jointly by DBSEL and DBSWL. A separate DML has been included in order to allow for the transfer of these transmission assets to an Offshore Transmission Owner in due course. The Applicants are not aware of any legal restriction preventing a DML being granted to joint undertakers. No change to the Draft DCO [APP-027] is proposed.	The MMO discussed this with the Applicant on 13/05 and understand that another DML to separate the companies will be included at a later deadline to ensure all other comments on the DML are taking into account for ease. The MMO is content with this approach and will provide confirmation at the final deadline.
47	Drill arisings	DML 1 – Schedule 10 – Works No. 7a (f) DML 2 - Schedule 11 - Works No. 7b (f) DML 3 – Schedule 12 – Works No 7a (f) DML 4 – Schedule 13 – Works No 7b (f)	Chapter 5 section 5.5.3.2.1 table 5-7 states maximum drill arisings per foundation and maximum volume of arisings differ to what is detailed within each DML: ES: Maximum drill arisings per foundation (m3) – small turbines 2,012. Large turbines 4,712 Maximum volume of arisings (m3) – Small	The Applicants note that the numbers presented are correct and as intended. The reasoning for the apparent inconsistencies relates to the optionality retained within the Projects relating to different types of foundations that could be used and how arisings are grouped for different purposes within the Draft DCO [APP-027] and DMLs. For example, there are figures presented in Tables 5-7 and	The MMO welcomes the Applicant's comments and has nothing further to add on the matter.

			<p>turbines 20,106. Large Turbines 26,625 DML 1: 37,917 DML 2: 35,086 DML 3: 2,815 DML 4: 2,815 Please ensure consistency across all documentation. In addition, it needs to be clear within the DMLs if the maximum parameters are across all DMLs. The maximum parameters should be conditioned to ensure the works are within the parameters assessed in the ES.</p>	<p>5-9 of Chapter 5 Project Description [APP-071) which are different because Table 5.7 relates to arisings generated by turbine monopile foundations only, whilst Table 5-9 relates to arisings generated by turbine jacket foundations only. Each type of foundation could create a different volume of arisings as a worst case, hence different numbers are presented. Within the Draft DCO [APP-027] the numbers relating to arisings presented in Schedule 1 Part 1 are for each project taken separately and include both the worst case or turbine foundation arisings combined with the worst case foundation arisings, plus the worst case foundation arisings from the platforms associated. The numbers relating to drill arisings presented within each DML relate to the worst case arising calculations associated with the infrastructure included within the given licence. For example, DML 1 covers the worst case values for drill arisings from all turbines, plus the worst case values for drill</p>	
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				arisings from the platforms included within that licence	
Part 2 Conditions					
48	Design Parameters	DML 1: Condition 1 - Condition 5 DML 2: Condition 1 – Condition 5 DML 3: Condition 1 – Condition 3 DML 4: Condition 1 – Condition 3	The MMO requests the wording of these conditions are updated to ensure they are enforceable by changing 'may' to 'will' or by stating 'must not be higher' etc. for all conditions.	The Applicants acknowledge this comment and will make appropriate updates to the Draft DCO [APP-027] to address the point raised by the MMO and submit an updated Draft DCO [APP-027] for Deadline 1.	The MMO welcome the Applicant's updates however resolved 2 (3) still states "will" and not "must not" this needs to be amended prior to the MMO considering this matter.
51	Phases of the authorised Scheme	DML 1: Condition 6 DML 2: Condition 6 DML 3: Condition 4 DML 4: Condition 4 DML 5: Condition 2	The MMO requests the wording is updated to: '(1) The authorised scheme must not commence until a written scheme setting out the phases of construction of the authorised scheme has been submitted to and approved in writing by the MMO. (2) The authorised scheme must be submitted at least 6 months prior to the proposed commencement of the works.	The principle of a time period for submission of the written scheme is acceptable to the Applicants. However, the Applicants propose a four month time period is included in the new sub-paragraph (2).The Applicants will update the Draft DCO [APP-027] on this basis. The Applicants will also update the Draft DCO [APP-027] to refer to this scheme as the "Offshore Works Phasing Scheme" and submit an updated Draft DCO [APP-027] at Deadline 1.	The MMO welcomes the Applicant's updates but still believes 6 months is appropriate. Please see row 25

			<p>(3) Any subsequent amendments to the written scheme submitted for approval under sub-paragraph (1) must be submitted to the MMO for approval in writing’.</p> <p>(4) The written scheme submitted for approval under sub-paragraph (1) must be implemented as approved. The approved details shall be taken to include any amendment that may subsequently be approved by the MMO in accordance with sub-paragraph (2).</p> <p>In addition, the MMO note that the Offshore Works Phasing Scheme will be submitted under the related return for this condition at the post-consent stage. This document should be clearly named in the condition.</p>		
53	Extension of Time periods	DML 1: Condition 8 DML 2: Condition 8	The MMO requests this condition is removed	Please see response above. This condition is precededented,	The MMO welcomes the Applicant’s updates and has no further comments.

		DML 3: Condition 6 DML 4: Condition 6 DML 5: Condition 4	from all the DMLs. Please see comments under 3.11.2-3.11.6 determination dates.	for example within the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024, and the Hornsea Four Offshore Wind Farm Order 2023. No change to the Draft DCO [APP-027] is proposed. The Applicants note that the MMO previously responded to confirm that it was content on the condition remaining but requested a minor amendment to ensure any agreement is “in writing”. The Applicants previously updated this wording in the relevant conditions and hope that this matter is now resolved.	
55	Notifications and Inspections	DML 1: Condition 9 (1) (b) DML 2: Condition 9 (1) (b) DML 3: Condition 7 (1) (b) DML 4: Condition 7 (1) (b) DML 5: Condition 5 (1) (b)	The MMO request this section of the condition is removed. It is the undertaker’s responsibility to notify the MMO. This is reflected in the updated Condition (1) (a) wording provided above.	This condition is well preceded, and commonly included in DCOs. No change to the Draft DCO [APP-027] is proposed. The Applicants note that amendments have been made to the relevant conditions previously in order to seek to address the MMO’s concerns and hope that this matter is now resolved.	The MMO welcomes the Applicant’s updates and has no further comments.

56		<p>DML 1: Condition 9 (6)</p> <p>DML 2: Condition 9 (6)</p> <p>DML 3: Condition 7 (6)</p> <p>DML 4: Condition 7 (6)</p> <p>DML 5: Condition 5 (6)</p>	<p>The MMO should be notified upon commencement and completion of any part of the licensed activities, particularly when works are being undertaken in phases. The MMO requests the condition is updated to:</p> <p>(6) The undertaker must inform the MMO Local Office in writing at least 14 days prior to the commencement of the licensed activities or any part of them including providing a programme of works for future activities and within five days of the completion of the licensed activities or any part of them.</p>	<p>The Draft DCO [APP-027] provides for five days prior notice of commencement of licensed activities, rather than the 14 days requested by the MMO.</p> <p>Five days' notice is well precedented, and no change to the Draft DCO [APP-027] is proposed.</p>	<p>The MMO has requested that this notification is 14 days to allow enough time for the MMO local office to prepare for any compliance inspections. Anything shorter would not allow the team enough time to review the entire DM/.</p> <p>The MMO does not agree with the five-day time period and require the 14 as requested.</p> <p>The MMO discussed this with the Applicants on 13 May and will continue to engage in this matter.</p>
58		<p>DML 1: Condition 9 (8)</p> <p>DML 2: Condition 9 (8)</p> <p>DML 3: Condition 7 (8)</p> <p>DML 4: Condition 7 (8)</p> <p>DML 5: Condition 5 (8)</p>	<p>The MMO notes that the notice to mariners are only for works numbers 1A to 8A and 1B to 8B. Can the Applicant confirm why this is not for the other works undertaken under each DML?</p>	<p>This condition is well precedented, and commonly included in DCOs. The condition requires notification prior to the commencement of the authorised scheme or any part thereof.</p> <p>No change to the Draft DCO [APP-027] is proposed.</p>	<p>On this occasion the MMO is content to agree with the condition.</p>

59		<p>DML 1: Condition 9 (9)</p> <p>DML 2: Condition 9 (9)</p> <p>DML 3: Condition 7 (9)</p> <p>DML 4: Condition 7 (9)</p> <p>DML 5: Condition 5 (9)</p>	<p>The MMO requests the words '(unless otherwise agreed)' is removed from this condition.</p>	<p>This condition is preceded within the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024.</p> <p>The Applicants consider this flexibility is helpful to allow the option for the Applicants and the MMO to agree weekly notifications are not required in certain circumstances, such as during period of the construction period when the on-going construction activities are not changing from week to week.</p> <p>This wording requires agreement with the MMO, and therefore the default position is that the undertaker will be required to provide weekly, unless the MMO is satisfied it is unnecessary.</p> <p>No change to the Draft DCO [APP-027] is proposed.</p> <p>The Applicants have previously made the amendments suggested at Deadline 2 by the MMO and hope that this matter is now resolved.</p>	<p>On this occasion the MMO is content with the condition and welcomes the updates to date.</p>
60		<p>DML 1: Condition 9 (10)</p> <p>DML 2: Condition 9</p>	<p>This condition states the undertaker must notify the UK Hydrographic</p>	<p>This condition is well preceded, and commonly included in DCOs.</p>	<p>The MMO welcomes the Applicant's updates and has no further comments.</p>

		<p>(10) DML 3: Condition 7 (10) DML 4: Condition 7 (10) DML 5: Condition 5 (10)</p>	<p>Office (UKHO) of the progress of construction. The Applicant should clarify the reporting timeframe and what progress (stages) will require a notification. If this is agreed in a plan, this plan should be referenced and the condition the plan will be approved under.</p> <p>The MMO is reviewing is content with this remaining as the MMO believes that the progress will include weekly updates. The MMO requests that the condition is updated to change fourteen days to ten days to ensure the information is as up to date as possible. This has been agreed with MCA</p>	<p>No change to the Draft DCO [APP-027] is proposed.</p>	
62		<p>DML 1: Condition 9 (13) DML 2: Condition 9 (13) DML 3: Condition 7 (13) DML 4: Condition 7</p>	<p>The MMO requests this is updated to “at least 14 days prior to the commencement’... In addition the condition should clearly define repair, replacement, and</p>	<p>The Draft DCO [APP-027) provides for five days prior notice of commencement of cable repair, replacement, or protection replenishment activity, rather than the 14 days requested by the MMO.</p>	<p>The MMO has requested that this notification is 14 days to allow enough time for the MMO local office to prepare for any compliance inspections. Anything shorter would not allow the team enough time to review the entire DML.</p>

		<p>(13) DML 5: Condition 5 (13)</p> <p>'The undertaker must notify the MMO in writing a minimum of 5 days in advance of the commencement of each discrete incident of cable repair, replacement, or protection replenishment activity.</p>	<p>protection replacement. This should be defined under maintain and linked to the Outline Offshore Operations and Maintenance Plan (OOOMP) or those assessed in the Environmental Statement. We consider that these works should be restricted to those that have been assessed and consented and the definition should clearly demonstrate this.</p>	<p>Five days' notice is precededented within the Hornsea Four Offshore Wind Farm Order. No change to the Draft DCO [APP-027] is proposed.</p>	<p>The MMO does not agree with the five-day time period and require the 14 as requested.</p> <p>The MMO discussed this with the Applicants on 13 May and will continue to engage in this matter.</p>
63	Colouring of Structures	<p>DML 1: Condition 11 DML 2: Condition 11 DML 3: Condition 9 DML 4: Condition 9</p>	<p>The MMO recommend the wording is updated to: 'The undertaker must paint all structures forming part of the authorised scheme yellow (colour code RAL 1023) from at least HAT to the height agreed in writing with Trinity House. The undertaker must paint the remainder of the structures grey (colour code RAL 7035). Requests to change the colouring of the structure must be submitted to the</p>	<p>The Applicants acknowledge this comment and will make appropriate updates to the draft DCO to address the point raised by the MMO and submit an updated Draft DCO [APP-027] for Deadline 1. The Applicants have updated the Draft DCO (Revision 7) [document reference 3.1] with the wording that has been agreed between the MMO and Trinity House and so hope that this matter is now resolved</p>	<p>The MMO welcome the Applicant's updates to this condition which was agreed with Trinity House and has no further comments to make.</p>

			MMO in writing and must not be undertaken unless approved in writing by the MMO'.		
64	Aviation Safety	DML 1: Condition 12 DML 2: Condition 12 DML 3: Condition 10 DML 4: Condition 10 DML 5: Condition 8	The MMO requests this condition is removed and included in the DCO as the Defence Infrastructure Organisation Safeguarding and Civil Aviation Authority can review this through the DCO requirements.	This condition is well preceded, and commonly included in DCOs. No change to the Draft DCO [APP-027] is proposed.	The MMO generally prefer this condition to be removed as it relates to different legislation and is usually covered within the DML however on this occasion the MMO are content to leave it in.
65	Chemicals, drilling and debris	DML 1: Condition 13 (1) DML 2: Condition 13 (1) DML 3: Condition 11 (1) DML 4: Condition 11 (1) DML 5: Condition 9 (1) 'Unless otherwise agreed in writing by the MMO, the carriage and use of chemicals in the construction of the authorised scheme must comply with the International	The MMO note the International Convention for the Prevention of Pollution from Ships 1973 does not apply to chemicals used by the offshore wind industry. The MMO are discussing this further internally and will provide further comments in due course.	The Applicants note that the MMO is considering this further. The 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 13th 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.	The MMO and the Applicant had a meeting on 13 May to discuss this matter in more detail including the background and 10 week submission timeline requirement and will continue to discuss this to try to come to an agreement.

		Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997.“			
66		<p>DML 1: Condition 13 (2)</p> <p>DML 2: Condition 13 (2)</p> <p>DML 3: Condition 11 (2)</p> <p>DML 4: Condition 11 (2)</p> <p>DML 5: Condition 9 (2)</p> <p>‘The undertaker must ensure that any coatings and treatments are suitable for use in the marine environment and are used in accordance with guidelines approved by the Health and Safety Executive and the Environment Agency Pollution Prevention Control Guidelines.’</p>	<p>The final design of the frond mattresses will be detailed in the offshore construction method statement that will be submitted to and approved by the MMO prior to commencement of development. It should also be noted that any paints coatings and chemicals with a pathway to the marine environment should be approved by the MMO prior to use. Part 2 section 7 also allows the undertaker at any time to maintain the authorised scheme at (c) allows for “Painting and applying other coatings to wind turbine generators or offshore accommodation platforms”, as these may also contain plastics.</p>	<p>The Applicants note that it is stated in the Outline PEMP [APP-245] that all chemicals used (including paints) would be certified for use in the marine environment (unless otherwise agreed with the MMO) to ensure that there would be no risk anticipated to arise from normal operations of the Projects. The Applicants submit that the control afforded to the MMO for the use of any chemicals (including paints) not certified for use in the marine environment through the Outline PEMP [APP-245] and any final PEMPs is sufficient. As such no change to the Draft DCO [APP-027] is proposed. The PEMPs will cover both the construction and operational phases of the Projects</p> <p>The Applicants are considering the wording suggested by the</p>	<p>The MMO provided comments in section 1.4 of REP3-045.</p> <p>The MMO and the Applicant had a meeting on 13 May to discuss this matter in more detail including the background and 10 week submission timeline requirement and will continue to discuss this to try to come to an agreement.</p>

			Coatings and paints under OSPAR guidance should have their properties known and therefore should be notified to the MMO for approval prior to use. Therefore, the condition 13 (2) wording should be amended to reflect OSPAR guidance.	MMO and plan to discuss it with the MMO at an upcoming meeting that has been arranged for 13th 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.	
68		DML 1: Condition 13 (5) DML 2: Condition 13 (5) DML 3: Condition 11 (5) DML 4: Condition 11 (5) DML 5: Condition 9 (5) 'The undertaker must ensure that only inert material of natural origin, produced during the drilling installation of or seabed preparation for foundations, and drilling mud is disposed of within the Order limits seaward of MHWS'.	The Applicant should state the name of the disposal site that the material will be deposited in. The MMO is working to designate the disposal sites and will provide an update in due course. See further comments about disposal sites in section 3.14. In the event that no activity has taken place during the reporting period the undertaker must provide a null (0) return to the MMO.	The Applicants acknowledge this comment and will make appropriate updates to the Draft DCO [APP-027] to address the point raised by the MMO and submit an updated Draft DCO [APP-027] for Deadline 1. The Applicants acknowledge the MMO's comments. The Applicants will update paragraph 4 of Part 1 of the DMLs with the relevant reference numbers for the disposal sites once these are available.	The MMO has received the shape file of each disposal site and is proceeding to designate disposal sites once the changes have been made as detailed in REP4 we will provide these to the Applicant to be updated.

39	Force Majeure	DML 1: Condition 14 DML 2: Condition 14 DML 3: Condition 12 DML 4: Condition 12 DML 5: Condition 10	The MMO request that “Force Majeure” conditions are removed from the DML. The MMO does not consider provisions on Force Majeure to be necessary as Section 86 MCAA 2009 provides a defence for action taken in an emergency in breach of any licence conditions. The defence under Section 86 of MCAA has two limbs, and in the event that the undertaker fails to notify the appropriate licensing authority, in this case the MMO, within a reasonable time of their actions (Section 86(2) “matters”) the defence cannot be relied upon in the event of any enforcement action.	This condition is well preceded, and commonly included in DCOs. The Applicants do not agree that this wording is not necessary. Section 86 provides a defence for actions taken in an emergency, whereas this condition is about notifying the MMO of a deposit made in those circumstances. It does not overlap with Section 86, which will still apply. No change to the Draft DCO [APP-027] is proposed.	The MMO notes this is likely to be not agreed by the end of Examination. The MMO’s position is detailed in REP2-061 Section 1.3
77	Pre-construction plans and documentation	DML 1: Condition 15 (3) DML 2: Condition 15 (3) DML 3: Condition 13 (3) DML 4: Condition 13 (3)	The MMO is concerned that the Applicant could dispose of material on non-sand bank habitats within the SAC. The MMO requests the condition is updated to state that dredged	As a variety of sediment types are present on the Dagger Bank, the Applicants believe that stipulating material to be disposed must be placed on the same material type cannot be guaranteed and would be difficult and onerous to apply in	Please see row 68 above for more information regarding dredging and disposal. The MMO is reviewing this condition and is working on designating the disposal sites and will provide more information in Deadline 6

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

				<p>DMLs (condition 8 on DML 1 and 2, condition 6 on DML 3 and 4 and condition 4 on DML 5) do allow for an alternative timeframe to be agreed between the MMO and the undertaker, which could be utilised in the unlikely event that six months was not sufficient in individual cases.</p> <p>3.11.4 The Applicants welcome the MMO's confirmation that it does not delay determining whether to grant or refuse such approvals unnecessarily. This supports the Applicants' position that six months should be a sufficient amount of time for such approvals to be considered, noting that an alternative timeframe can be agreed in the unlikely event that six months was not sufficient in individual cases.</p> <p>3.11.2, 3.11.5 and 3.11.6 The Applicants' position is that the submission of certain plans for approval at least four months prior to commencement of operation of licensed activities is appropriate and preceded (for example Hornsea Four and East Anglia One North OWFs).</p>	
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				<p>Notwithstanding that, the Applicants welcome that the MMO is open to discussion on this point and will therefore seek to agree the relevant timescales with the MMO and update the Examining Authority (ExA) once those discussions have taken place.</p> <p>The Applicants will amend cross-references within this sub-paragraph and submit an updated version of the Draft DCO [APP-027] at Deadline 1.</p>	
82		<p>DML 1: Condition 17</p> <p>DML 2: Condition 17</p> <p>DML 3: Condition 15</p> <p>DML 4: Condition 15</p>	<p>The MMO requests that the condition 16 (DML1) and condition 17 (DML1) are combined, and this update is also reflected within the other DMLs listed.</p> <p>The MMO also request that condition 17 (2) for DML 1 and 2 and 15 (2) for DML 3 and 4 is removed as this is not appropriate to be in a condition. The MMO set their own timescales. See comments 3.11.2-3.11.6 for determination dates.</p>	<p>The Applicants' preference is not to combine these two conditions, as changes to condition numbering would have an impact on cross-references to DML conditions in a number of other application documents. In relation to sub-paragraph (2), please see response to RR-030=3.11 above.</p> <p>No change to the Draft DCO [APP-027] is proposed.</p>	Please see comments in row 25 above.

89	Construction monitoring and surveys	DML 1: Condition 21 (4) DML 2: Condition 21 (4) DML 3: Condition 19 (4) DML 4: Condition 19 (4)	The MMO will keep a watching brief on this condition as there are ongoing internal discussions.	The Applicants acknowledge the MMO's response.	The MMO discussed this point further with the Applicant on 13 May 2025 and advised that there was no update with the SNCBs. The MMO requested if it could not be updated within the condition on this occasion the MMO could accept a commitment to discuss the monitoring requirements post consent – specifically which piles to monitor once the design is finalised. The MMO would also add if noise reduction measures are used further monitoring may be required and this will be discussed through the IPMP.
90		New subsection: DML 1: Condition 21 (8) DML 2: Condition 21 (8) DML 3: Condition 19 (8) DML 4: Condition 19 (8) DML 5: Condition 15 (5)	The MMO requests that a provision for adaptive management is included within this condition. The MMO is requesting this to implement a more proactive process to manage issues, in the event that post construction monitoring shows a greater impact than that assessed in the Environmental Statement. The MMO is currently experiencing this on Round 1 and 2 offshore wind farms.	The Applicants would request that the MMO provide further detail on this point, in order to allow consideration of drafting. The need for further monitoring and actions is reflected in section 1.4 of the In Principle Monitoring Plan (Revision 3) [document reference 8.23] which states (paragraph 17): “The scope and design of all monitoring work should be finalised and agreed following review of the results of any preceding survey and / or monitoring work (i.e. an adaptive monitoring approach), including those surveys conducted in	The MMO position is always that the condition sets out a process for adaptive management as a standalone condition. Further discussions with the Applicant on 13 May 2025 led to a potential agreement with the IPMP being updated further with a process of what should be provided if adaptive management is required. This is an ongoing area of discussion.

			<p>The additional conditions ensure that all parties are clear what is required if the monitoring shows higher impacts than predicted during the assessment stage. It also allows the Applicant themselves to provide potential solutions when reviewing the results of monitoring, to then be discussed with the MMO and SNCBs.</p> <p>The aim of the condition is to provide a clear process to the Applicant, the MMO and any consultees if, in preparing the monitoring reports, the Applicant identifies greater impact than the Environmental Statement (ES) predicted rather than a report being submitted and then a discussion having to take place upon</p>	<p>support of the EIA. This includes the potential for survey requirements to be adapted based on the results of the monitoring outlined in this document, including in the event that unforeseen effects arise, which may in turn give rise to the need for adaptive management measures to be considered. Where it has been agreed that there are no significant effects, monitoring need not be conditioned through the DMLs.” The Applicants maintain that there is no need for any further provision in the Draft DCO (Revision 7) [document reference 3.1] in this regard.</p>	
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			<p>review/consultation of the reports.</p> <p>The MMO notes that if impacts are higher than predicted, the MMO can utilise Section 72 of 2009 Act and vary the marine licence to request Adaptive Management but believes the addition of this condition gives a clear process to all and allows for proactive management by the Applicant, rather than reactive management by the MMO.</p>		
94		<p>New subsection</p> <p>DML 1: Condition 22 (6)</p> <p>DML 2: Condition 22 (6)</p> <p>DML 3: Condition 20 (6)</p> <p>DML 4: Condition 20 (6)</p> <p>DML 5: Condition 16 (6)</p>	<p>The MMO requests that a provision for adaptive management is included within this condition</p>	<p>The Applicants would request that the MMO provide further detail on this point, in order to allow consideration of drafting.</p>	<p>Please see comments above in line 90.</p>