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(Email only)

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 Summary**

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

Yours Sincerely,

[REDACTED]



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

## 1.1 DCO and DML Major Comments

- 1.1.1 The MMO agree with the applicant on maximum pile numbers, maximum dredge depth and maximum dredge volumes.

## 1.2 Decommissioning

- 1.2.1 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 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 6
- 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 With regard to REP2-061:19, 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.

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

- 1.7.2 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".
- 1.7.3 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.

1.7.4 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).

1.7.5 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)

1.7.6 The MMO has a number of comments to make on the response provided in REP2-061:24 and REP2-061:27.

- i. 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.

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.

- ii. 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.

1.7.7 Regarding REP2-061:29, the MMO support the Applicant's continued engagement with regards to these issues.

#### Concerns

1.7.8 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.

1.7.9 Secondly, presentation of separate maps for individual years of IHLS larval abundance data for the Banks herring spawning ground are yet to be provided.

#### Presentation of the Herring larval data presented annually

1.7.10 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.

1.7.11 The back-calculation approach cannot be used to *spatially* refine the recommended restrictions. 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 relative to the Banks herring spawning ground presented at present is not acceptable.

1.7.12 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.

#### MMO position on 135db threshold

1.7.13 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.

1.7.14 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.

1.7.15 For the purpose of modelling behavioural responses in herring at their spawning ground, a threshold of 135dB (SELss) 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. 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.

1.7.16 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).

### **1.8 Benthic**

1.8.1 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.

1.8.2 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.

### **1.9 UWN**

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

### **1.10 Dropped Objects**

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

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

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

2.2.1 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 (in full response)

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

### **Benthic and intertidal ecology**

#### **4.1 BE.2.3:**

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:**

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.

### **Fish and Shellfish ecology**

#### **4.3 FSE.2.4:**

4.3.1 The MMO would like to refer the applicants to point 1.7.8 for further details on figures 1-2 and 2-2.

#### **4.4 FSE.2.5**

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

#### **4.5 FSE.2.7**

4.5.1 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.

#### **4.6 FSE.2.9**

4.6.1 The MMO do not believe that this has been resolved.

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

#### **4.7 FSE.2.10**

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

#### **4.8 FSE.2.12**

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

#### **4.9 FSE.2.14**

4.9.1 The MMO has a requested that within the Banks Herring Spawning ground that there should be a temporal restriction.

4.9.2 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.

### **Marine and Coastal processes**

#### **4.10 MCP.2.10**

4.10.1 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

4.10.2 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.

4.10.3 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.

#### **4.11 MCP.2.11**

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