

From: [REDACTED]
To: [Dogger Bank South](#)
Cc: [REDACTED]
Subject: IP 20050160 - Deadline 9 submission missing
Date: 31 July 2025 14:42:06
Attachments: [image001.png](#)
[DCO.2022.00007 - Deadline 9 Response - MMO.pdf](#)

Good Afternoon,

I have just been made aware by the Applicant that you never received the MMO's deadline 9 submission. I know I submitted it on Thursday 10 July via the website, please can you confirm whether this was received as I can't see it in the examination library.

I also sent a copy to the applicant on the same day directly, so they are aware of it.

I have attached the same copy as the one submitted

Kind Regards,

[REDACTED]

Marine Licensing Case Officer | Marine Management Organisation
Trinity House | The Quay | Harwich | CO12 3JW
[REDACTED]@marinemangement.org.uk | [REDACTED]

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Please direct any specific enquires about the consultation to marine.licensing@defra.org.uk and reiterate that this is a Defra consultation.

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Marine Management Organisation

Marine Licensing T +44 (0)300 123 1032
Lancaster House www.gov.uk/mmo
Hampshire Court
Newcastle upon Tyne
NE4 7YH

Dogger Bank South Case Team
Planning Inspectorate
DoggerBankSouth@planninginspectorate.gov.uk

(Email only)

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

10 July 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 9 Submission

On 10 July 2024, the Marine Management Organisation (the MMO) received notice under section 56 of the Planning Act 2008 (the PA 2008) that the Planning Inspectorate (PINS) had accepted an application made by RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd (the Applicants) 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 9 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,

[REDACTED]

[REDACTED]

Marine Licencing Case Officer

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

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1. Additional Closing Statement

1.1 General Comments

1.1.1 The MMO provided comments in Section 1 of REP8-048.

1.1.2 The issues that remain outstanding are:

- Transfer of Benefit – Article 5 – The MMO still maintains that reference to the DML's Article 5 should be removed. Please see Section 1.2 of REP2-061 for more information and note Section 1.8 of REP8-048.
- Force Majeure - The MMO notes this is likely to be not agreed by the end of Examination. The MMO's position is detailed in Section 1.3 of REP2-061.
- Determination dates - Please see Section 1.7 in REP7-148.
- Fisheries back calculations & herring Spawning restriction plan (Export cable corridor and piling restrictions – Please see Section 3 in REP8-048 and the additional comments on the conditions in Section 1.2 and 1.3 of this response.

1.1.3 The MMO understands there is disagreements with NE and the Applicants in relation to monitoring and cable protection. As these could link to the DML please find comments on Monitoring in Section 1.4 of this document and Cable protection in Section 5 of REP8-048.

1.2 Closing statement on the Herring restriction for noise (piling)

1.2.1 This matter is relating to the impact of noise from piling. There is no disagreement on refinement of the seasonal restriction for piling due to the wider impacts and 1 August to 31 October inclusive is agreed between the Applicants and the MMO, noting the Applicants position is without prejudice as they do not believe there should be a restriction.

1.2.2 Herring migrates through the North Sea in a north-to-south direction during their spawning season. The range of effect for underwater noise (UWN) and vibration from piling can cover very large areas and UWN modelling has frequently been shown to predict large swathes of the North Sea to be affected by UWN from piling. With this in mind, it is understood that UWN from piling can cause behavioural responses in fish and act as an acoustic 'barrier' to fish movement and migration. In the case of herring, which are highly sensitive to noise and vibration, and rely on specific spawning habitat on which to lay their eggs, there is potential that these acoustic 'barrier' effects may hinder herring migration, preventing them from reaching their spawning grounds. The MMO would highlight that implementing a piling restriction based on a 'peak' spawning period, is futile if the herring have not been able to migrate to their spawning grounds in the first place.

1.2.3 The Applicants have included Condition 30 on a without prejudice basis within the relevant DMLs (noting the Works number changes depending on the Schedule) (REP7-011). The MMO highlighted within REP7-148 that the MMO was largely content with the conditions, dependant on the documents that were referred to within the conditions being agreed.

1.2.4 The MMO provided detail technical comments within REP8-048 and advised that we were not content with the Herring Spawning Noise Restriction Boundary within the Herring Spawning Plan (REP7-135).

1.2.5 As per Figure 2.1 in REP5-042 (Modelling of underwater noise associated with alternative piling locations to inform potential impacts on Atlantic herring spawning grounds) this shows the worst case scenario with unmitigated piles. Figure 2.2 showed the 'Extent of preferred and marginal potential spawning habitat for Atlantic herring in the vicinity of the Dogger Bank South Offshore Windfarms overlaid with contours associated with revised and original monopiling locations'. The Noise Restriction Boundary line does not sit along the border of the preferred and marginal potential spawning habitat. The use of the terms 'preferred' and 'marginal' only refers to the types of sediment that herring spawning on (e.g. gravel & sandy gravel = preferred, gravelly sand = marginal). To be clear, the maps are 'heat' maps comprised of several layers of data including IHLS data and sediment (PSA data). Each data layer is associated with a scoring method, and when the scores of each data layer are combined, an overall 'confidence' score can be given. This gives some areas higher or lower scores, which broadly equate to the different 'heat' colours of the map. So, the heat maps show high (red) confidence in spawning near Flamborough Head, and high to medium confidence (peach) for much of the offshore area, with small patches of low (blue) confidence further out.

The Herring Spawning plan shows the Herring Spawning Noise Restriction Boundary along the border the habitat identified within Figure 2.2. Effectively the Applicant has drawn a boundary when there is no evidence linking this boundary to the impact pathway for UWN from piling.

1.2.6 Our main concern is that the Applicant **cannot** draw a physical boundary on the unmitigated noise impact.

1.2.7 The UWN behavioural extent issue can only be resolved through spatial refinement of the piling plan using a zoning plan. This may mean they can pile in the furthest parts of the array during the spawning season providing that modelling shows no overlap with areas of potential spawning habitat or through reducing the range of impact using noise abatement, the latter being the easier of the two.

1.2.8 The MMO would highlight that zoning mapping was done on Rampion 2 Offshore Wind Farm and this was submitted at the final deadline, therefore further Secretary of State (SoS) requests were required. On Rampion 2 the MMO and the Applicant did continue discussions during the Examining Authority (ExA) recommendation period to submit and agreed position during the SoS decision period and could do it on this occasion if the Applicants requested this.

1.2.9 As the MMO is not content with the proposed boundary then the MMO is not content with the condition. The MMO has proposed an alternative condition below linking to worst case scenario figure rather than the herring spawning plan:

[30.—(1) No piling activity can commence within Work Nos. 1A and 4A during ~~the herring spawning season~~ 1 August to 31 October inclusive until a herring spawning piling restriction plan ~~(in accordance with the herring spawning plan)~~ is submitted to and approved in writing by the MMO, in consultation with the relevant statutory nature conservation body.

(2) The herring spawning piling restriction plan must be submitted to the MMO no later than six months prior to the commencement of the relevant activities unless otherwise agreed in writing by the MMO.

(3) The herring spawning piling restriction plan must ~~present~~ include:

1. updated underwater noise modelling, which must be based on final project parameters to be used to install piles

2. details of any mitigation measures to be employed

3. comparisons against the modelling presented within the Environmental Statement and Modelling of underwater noise associated with alternative piling locations to inform potential impacts on Atlantic herring spawning grounds.

~~(4) If the updated underwater noise modelling referred to in sub-paragraph (3) above demonstrates that noise levels above 135 decibel from any piling area within Work Nos. 1A and/or 4A will impact the Herring Spawning Noise Restriction Boundary during the herring spawning season then any piles located within that piling area must not be installed during the herring spawning season without written approval from the MMO.~~

(5) Any piling activity within Work Nos. 1A and 4A during the herring spawning season must be undertaken in accordance with the approved herring spawning piling restriction plan approved under sub-paragraph (1) ~~or in accordance with any approval given by the MMO under sub-paragraph (4) above.~~

~~(6) In this condition-~~

~~“Herring Spawning Noise Restriction Boundary” means the boundary indicated by the red line on the herring spawning area plan, with the restricted area being the area shoreward of this boundary~~

~~“herring spawning plan” means the document certified by the Secretary of State as the herring spawning plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified)~~

~~“herring spawning season” means 1 August to 31 October inclusive or such other period as agreed in writing with the MMO;~~

~~“piling area” means any area within Work Nos. 1A and/or 4A within which one or more piled foundations is proposed to be installed.]~~

1.2.10 The MMO has continued to engage with the Applicant on this matter but has not had time to share this update prior to Deadline 9 or with any other interested parties.

1.2.11 To date the Applicant has failed to present appropriate UWN modelling to demonstrate that underwater noise and vibration will not cause behavioural responses in herring, either migrating to/from, or at their spawning grounds. The MMO is content for discussions to continue post consent however requests the conditions secure the correct information to be able to decide post consent, and these should be based on evidence, rather than compromise, and that where there is a lack of evidence, a precautionary approach should be adopted.

1.2.12 The MMO requests that should the ExA recommend/SoS decision include alternative dates or conditions then these are provided to the MMO prior to decision for review to ensure the understanding on the post consent discharge process and provide any further comments to be considered. Should this be the case the MMO would request the decision letter is clear what evidence was used.

1.2.13 The MMO would highlight that within Hornsea 4 Offshore Wind Farm decision the seasonal restriction was reduced, as no work has taken place, it is unclear the impact of this, but the in combination assessment of refinement of restrictions for multiple projects will likely have an overall impact on the Herring in future years.

1.3 Closing statement on the Herring restriction for cable corridor

- 1.3.1 This matter is relating to the cable works within the herring spawning habitat and the disturbance and loss of the habitat. For the avoidance of doubt the Applicant has provided further information and the MMO is content the only impacted area for disturbance is between KP20-KP40. The MMO is also content with REP8-045 - 18.5 Cable Installation Works Restricted Area Plan.
- 1.3.2 The Applicant has included the below condition within the relevant DMLs (noting the Works number changes depending on the Schedule) (REP7-012). The MMO highlighted within REP7-148 that the MMO was largely content with the conditions, dependant on the documents that were referred to within the conditions being agreed.
- 1.3.3 The MMO provided detail technical comments within REP8-048 and advised that we are not content with the back calculation technical report Appendix 10-3. In relation to the comment 3.3.7 on updating the date from 1 August - 31 October to 10 August - 30 September this was an example of the type of calculation and information the MMO would expect in this document and the MMO does not agree that the evidence within this document allows the date to change to 10 August - 30 September as a period of settlement also needs to be included.
- 1.3.4 As the MMO is not content with the back calculation technical report the MMO has made a minor change to the condition below and requested in REP8-048 that the Applicant must include a commitment within the commitments register that the comments raised in REP8-048 will be considered in the updated Back Calculation Technical Report post consent. The MMO is unsure if this update to the commitments register will be included and highlights that this is a major concern. If this is not included then the report will likely be submitted similar to as is and therefore the MMO would reject any reduction in the restricted period.

28.—(1) The cable installation works listed at sub-paragraphs (a) – (f) below must not be undertaken on the seabed within the restricted area during the restricted period, unless otherwise agreed in writing by the MMO:—

- (a) pre-sweeping;*
- (b) dredging;*
- (c) mechanical ploughing;*
- (d) cutting;*
- (e) water jetting; and*
- (f) cable burial operations.*

(2) No later than sixteen weeks (or such other period as agreed by the MMO in writing) prior to the commencement of any licensed activities in sub-paragraph (1) within Work No. 3B, a Back Calculation Technical Report, which must include details of the restricted period, must be submitted to the MMO for approval.

(3) The licensed activities in sub-paragraph (1) within Work No. 3B must not commence until the MMO has approved the Back Calculation Technical Report.

(4) In this condition—

“Back Calculation Technical Report” means an updated version of environmental statement Appendix 10-3, which must include evidence to support the restricted period, including reference to a period of settlement;

“cable installation works restricted area plan” means the plan certified by the Secretary of State as the cable installation works restricted area plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

“restricted area” means the area of seabed within Work No. 3B between KP20 and KP40 as shown on the cable installation works restricted area plan”;

“restricted period” means 1 August to 31 October inclusive or such other period indicated by the Back Calculation Technical Report as the period when herring are most likely to have spawned and where eggs and newly hatched larvae should be undisturbed to avoid any adverse impacts to those eggs or larvae and any such alternative period must be agreed with the MMO in writing.

- 1.3.5 The MMO would highlight that the Applicant has currently set out information on a shorter restricted period, and the MMO cannot agree and unless further evidence is provided post consent will likely not be in a position to agree the dates within Appendix 10-3.
- 1.3.6 The MMO has continued to engage with the Applicant on this matter but has not had time to share this update prior to Deadline 9 or with any other interested parties.
- 1.3.7 The MMO requests that should the ExA recommend/SoS decision include alternative dates or conditions then these are provided to the MMO prior to decision for review to ensure the understanding on the post consent discharge process and provide any further comments to be considered. The MMO would highlight that in the Hornsea Four Offshore Wind Farm the seasonal restriction for piling was reduced as part of the decision and the MMO queried the evidence base for it as the impact would have happened during migration route and settlement therefore would not prevent impact prior to spawning beginning. Should this be the case the MMO would request the decision letter is clear what evidence was used.

1.4 Closing statement on the Monitoring

- 1.4.1 The MMO understands Natural England (NE) still has outstanding concerns in relation to the In Principle Monitoring Plan (IPMP) (REP7-116) and the required monitoring not yet agreed with the Applicant.
- 1.4.2 The MMO advised we were largely content with the IPMP but noted the outstanding concerns.
- 1.4.3 The MMO has reviewed the following documents when formulating a response:
- PD-028 – The Examining Authority's Schedule of Recommended Amendments to the Applicant's draft Development Consent Order
 - REP8-004 – Draft Development Consent Order (Revision 11) (Tracked
 - REP8-056 – Risk & issues log for deadline 8 (Rev. 8)
 - REP8-042 - 18.2 The Applicants' Closing Statements
 - REP8-043 - 18.3 The Applicants' Responses to Deadline 7 Documents
 -
- 1.4.4 The MMO has provided updates to conditions for consideration of the ExA/SoS.

Changes to Condition 15(1)(a)

1.4.5 In the ExA recommendation document PD-028 the ExA proposed the following condition:

Schedule 10 DML1 - Part 2, 20(4)(e) Schedule 11 DML2 - Part 2, 20(4)(e) Schedule 12 DML3 - Part 2, 18(4)(e) Schedule 13 DML4 - Part 2, 18(4)(e)

(e) a survey of seabird densities and distributions in the study area to identify areas where impacts are likely to be particularly high. The report must include an explanation of how this additional post consent ornithological mapping has influenced the array, size or layout to mitigate impacts as much as possible.

1.4.6 The MMO has reviewed the Applicants' and NE's comments and believes this is for the SoS to consider within their decision. Should the SoS include the condition then requests the following is considered and detailed comments provided within the decision report:

- 1) Should this be better placed within the DCO?
- 2) If the decision is to remain within the DML; what is the expectation of the MMO after consultation with the SNCB? E.g. would the layout require changing?
- 3) If the condition should remain within the DML, then the condition should be included as part of the layout plan (Condition 15(1)(a) below) as no additional survey is required just further analysis based on the information provided to date.

15(1) The licensed activities or any phase of those activities must not commence until the following (insofar as relevant to that activity or phase of activity) have been submitted to and approved in writing by the MMO, in consultation with Trinity House, the MCA, the relevant statutory nature conservation body and UKHO as appropriate —

(a) a layout plan setting out proposed details of the authorised scheme, including the:

(i) number, dimensions, specification, foundation type(s) and depth for each wind turbine generator and offshore accommodation platform;

(ii) the grid coordinates of the centre point of the proposed location for each wind turbine generator and offshore accommodation platform;

(iii) proposed layout of all cables;

(iv) location and specification of all other aspects of the authorised scheme; ~~and~~

(v) any exclusion zones or micro-siting requirements identified pursuant to 15(1)(e)(iv) or relating to any habitats of principal importance, Annex I subtidal habitats or surficial 120 deposits of glacial till identified as part of surveys undertaken in accordance with condition 20; and

(vi) an analysis of seabird densities and distributions in the study area from baseline survey data to identify areas where impacts are likely to be particularly high. The report must include an explanation of how this additional post-consent ornithological mapping has influenced the array, size or layout to mitigate impacts as much as possible.

to ensure conformity with the description of Work No. 1A and 4A and compliance with conditions 1 to 5;

1.4.7 The MMO notes this wording has been agreed with NE but it was unable to be shared with the Applicant prior to Deadline 9 submission. However, the MMO notes that the Applicant provided comments at Deadline 8 to NE's response and does not agree that

this is required and that further information was provided in 17.10 Appendix A - Offshore Ornithology Year 1 and 2 Combined Spatial Plots (REP7-137). The MMO notes NE welcomes this document but believes it still doesn't address their concerns and notes the concerns have been raised since Preliminary Environmental Information Report (PEIR). The MMO defers to NE on the technical nature of these discussions. The MMO agrees that this is only relevant to DMLs with turbines included and therefore not relevant to Schedule 12 DML3 and Schedule 13 DML4.

Changes to Condition 15(1)(b)

- 1.4.8 The MMO has made a minor update to this condition below and believes this update is required to ensure that each relevant topic has a standalone monitoring plan (where no overlap occurs), this allows for the documents to be discharged more efficiently post consent.
- 1.4.9 The MMO notes the current IPMP only sets out that the Ornithology monitoring will be submitted in a standalone plan. For example, if there were outstanding issues raised within consultation in relation to benthic monitoring but no issues relating to marine mammal monitoring the MMO would be unable to discharge the whole plan until the issues had been resolved.
- 1.4.10 The MMO has included "unless otherwise agreed in writing with the MMO" which will allow further discussion post consent where monitoring may overlap and this would be better for one plan to be submitted.
- 1.4.11 The MMO notes this has not been suggested previously by the MMO and has included a condition based on the comments from NE and the ExA recommended changes to the DCO.
- 1.4.12 The MMO notes this wording has been agreed with Natural England but was unable to be shared with the Applicant prior to Deadline 9 submission.

15(1)...(b) a construction programme and monitoring plan (which accords with the in principle monitoring plan) which, save in respect information submitted pursuant to subparagraph (b)(iii)(aa), is to be submitted to the MMO at least six months prior to commencement of licensed activities and to include details of—

- (i) the proposed construction start date;*
- (ii) proposed timings for mobilisation of plant delivery of materials and installation works;*
- (iii) proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction surveys and monitoring and related reporting in accordance with conditions 20, 21 and 22 to be submitted to the MMO in accordance with the following (unless otherwise agreed in writing with the MMO):—*
 - (aa) at least six months prior to the first survey, detail of the pre-construction surveys and an outline of all proposed pre-construction monitoring;*
 - (bb) at least six months prior to construction, detail on construction monitoring; and*
 - (cc) at least six months prior to commissioning, detail of post-construction (and operational) monitoring;*
- (iv) an indicative written construction programme for all wind turbine generators and cables including fibre optic cables comprised in the works at Part 1 (licensed marine activities) of this Schedule (insofar as not shown in paragraph (ii) above); and*

(v) a monitoring plan *for each topic identified, unless otherwise agreed in writing with the MMO*, setting out the circumstances in which monitoring will be required and the monitoring to be carried out in such circumstances;

Changes to Condition 20 Pre-construction monitoring and surveys

20.—(1) *The undertaker must, in discharging condition 15(1)(b), submit a monitoring plan or plans in accordance with the in principle monitoring plan for written approval by the MMO in consultation with the relevant statutory nature conservation body, which must contain details of proposed monitoring and surveys, including methodologies and timings, and a proposed format and content for a pre-construction baseline report.*

(2) *The survey proposals submitted under sub-paragraph (1) must be in accordance with the principles set out in the in principle monitoring plan and must specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the post-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.*

(3) *The baseline report proposals submitted under sub-paragraph (1) must ensure that the outcome of the agreed surveys, together with existing data and reports, are drawn together to present a valid statement of the pre-construction position, with any limitations, and must make clear what post-construction comparison is intended and the justification for this being required.*

(4) *The pre-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed in writing with the MMO, include, but not be limited to, the need to undertake—*

(a) a survey to determine the location, extent and composition of any habitats of principal importance, Annex 1 subtidal habitat, habitat with suitability for sandeel or surficial deposits of glacial till in the parts of the Order limits in which it is proposed to carry out construction works;

(b) a swath-bathymetry survey to IHO Order 1a standard that meets the requirements of MGN654 and its annexes, and side scan sonar, of the area(s) within the Order limits in which it is proposed to carry out construction works including an appropriate buffer around the location of each work;

(c) undertake any monitoring required by the SIP submitted in accordance with condition 16; and

(d) undertake or contribute to any marine mammal monitoring referred to in the marine mammal mitigation protocol submitted in accordance with condition 15(1)(g).;

(e) any marine mammal monitoring required by the monitoring plan submitted in accordance with condition 15(1)(b), including information on indirect effects;

(f) any sandeel monitoring required by the monitoring plan submitted in accordance with condition 15(1)(b), including information on indirect effects;

(g) any benthic monitoring required by the monitoring plan submitted in accordance with condition 15(1)(b); and

(h) any marine processes monitoring required by the monitoring plan submitted in accordance with condition 15(1)(b).

(5) The undertaker must carry out the surveys specified within the monitoring plan or plans in accordance with that plan or plans, unless otherwise agreed in writing by the MMO in consultation with the relevant statutory nature conservation body.

(6) When any surveys are carried out in accordance with sub-paragraph (5) a survey report must be submitted to the MMO following completion of the relevant survey. Any report submitted under this sub-paragraph must be submitted prior to the commencement of licensed activities for the relevant stage.

(7) All monitoring reports must be made publicly available and submitted to relevant evidence databases no later than six months following completion of the monitoring required unless otherwise agreed in writing by the MMO.

Changes to Condition 21 Construction monitoring and surveys

21.—(1) The undertaker must, in discharging condition 15(1)(b), for each phase of construction submit details (which accord with the in principle monitoring plan) for approval in writing by the MMO in consultation with the relevant statutory nature conservation bodies of any proposed monitoring and surveys, including methodologies and timings, to be carried out during the construction of the authorised scheme. The survey proposals must specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.

(2) In the event that driven or part-driven pile foundations are proposed, such monitoring must include measurements of noise generated by the installation of the first four piled foundations of each piled foundation type to be installed unless the MMO otherwise agrees in writing.

(3) The undertaker must carry out the surveys approved under sub-paragraph (1), including any further noise monitoring required in writing by the MMO, and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with the relevant statutory nature conservation bodies.

(4) The results of the initial noise measurements monitored in accordance with sub-paragraph (2) must be provided to the MMO within six weeks of the installation of the first four piled foundations. The assessment of this report by the MMO will determine whether any further noise monitoring is required. If, in the reasonable opinion of the MMO in consultation with the relevant statutory nature conservation body, the assessment shows significantly different impacts to those assessed in the environmental statement or failures in mitigation, all piling activity must cease until an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed.

(5) The undertaker must carry out the surveys specified in the construction monitoring plan in accordance with that plan, including any further noise monitoring required in writing by the MMO under sub-paragraph (4), unless otherwise agreed in writing by the MMO in consultation with the relevant statutory nature conservation body.

(6) Construction monitoring must include vessel traffic monitoring in accordance with the outline vessel traffic monitoring plan, including the provision of reports on the results of that monitoring by automatic identification system at the end of each year of the construction period to the MMO, MCA and Trinity House.

(7) *In the event that piled foundations are proposed to be used, the details submitted in accordance with the marine mammal mitigation protocol must include proposals for monitoring marine mammals.*

(8) *All monitoring reports must be made publicly available and submitted to relevant evidence databases no later than six months following completion of the monitoring required unless otherwise agreed in writing by the MMO.*

Changes to Condition 22 Post-construction monitoring and surveys

22.—(1) *The undertaker must, in discharging condition 15(1)(b), submit details (which accord with the in principle monitoring plan) for approval in writing by the MMO in consultation with relevant statutory nature conservation bodies of proposed post-construction monitoring and surveys, including methodologies and timings, and a proposed format, content and timings for providing reports on the results.*

(2) *The survey proposals must specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.*

(3) *The post-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed in writing with the MMO, have due regard to, but not be limited to, the need to—*

(a) *undertake a survey to determine any change in the location, extent and composition of any habitats of principal importance, Annex 1 subtidal habitat, habitat with suitability for sandeel or surficial deposits of glacial till identified in the pre-construction survey in the parts of the Order limits in which construction works were carried out. The survey design must be informed by the results of the pre-construction benthic survey and the construction benthic surveys;*

(b) *undertake, within 12 months of completion of the licensed activities, a full sea floor coverage swath-bathymetry survey to IHO Order 1a standard that meets the requirements of MGN654 and its annexes, and side scan sonar, of the area(s) within the Order limits in which construction works were carried out to assess any changes in bedform topography and such further monitoring or assessment as may be agreed to ensure that cables (including fibre optic cables) have been buried or protected;*

(c) *undertake any monitoring required by the SIP submitted in accordance with condition 16;*

(d) *undertake post-construction vessel traffic monitoring in accordance with the outline vessel traffic monitoring plan by automatic identification system for a duration of three consecutive years following the completion of construction of the authorised project, unless otherwise agreed in writing by the MMO, with provision for a report to be submitted annually to the MMO, Trinity House and the MCA; ~~and~~*

(e) *undertake any marine mammal monitoring referred to in the marine mammal mitigation protocol submitted in accordance with condition 15(1)(g);*

(f) *any marine mammal monitoring required by the monitoring plan submitted in accordance with condition 15(1)(b), including monitoring operational underwater noise levels along with a verification process to check impacts remain within those predicted within the environmental statement;*

(g) any sandeel monitoring required by the monitoring plan submitted in accordance with condition 15(1)(b), including information on indirect effects and how the monitoring will validate predictions regarding heat impacts on sediment from inter-array cables.

(h) any benthic monitoring required by the monitoring plan submitted in accordance with condition 15(1)(b).

(i) any marine processes monitoring required by the monitoring plan submitted in accordance with condition 15(1)(b).

(4) The undertaker must carry out the surveys agreed under sub-paragraph (1) and provide the agreed reports to the MMO in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with the relevant statutory nature conservation bodies.

(5) In the event that the reports provided to the MMO under sub-paragraph (4) identify a need for additional monitoring, the requirement for any additional monitoring will be agreed with the MMO in writing and implemented as agreed.

(6) All monitoring reports must be made publicly available and submitted to relevant evidence databases no later than six months following completion of the monitoring required unless otherwise agreed in writing by the MMO.

For marine mammal monitoring:

1.4.13 In the ExA recommendation document PD-028 the ExA proposed the following condition:

Schedule 10 – DML1; Schedule 11 – DML2: Part 2, 22(3)(e) Schedule 12 – DML3; Schedule 13 – DML4: Part 2, 20(3)(e)

(e) undertake any marine mammal monitoring referred to in the marine mammal mitigation protocol submitted in accordance with condition 15(1)(g), including monitoring of operational underwater noise levels along with a verification process to check they remain within those predicted within the environmental statement; and..

1.4.14 The MMO has updated both the pre-construction and post-construction conditions to allow for the baseline information to be provided to ensure comparison against the operational monitoring can be provided.

1.4.15 The MMO notes this wording has been agreed with Natural England but was unable to be shared with the Applicant prior to Deadline 9 submission. However, the MMO notes that the Applicant provided comments at Deadline 8 to NE's response and does not agree that this is required due to the conclusion of no significant impact. The MMO notes that the modelling for operational underwater noise is based on wind turbine generators that are significantly smaller than those that will be installed (which has been acknowledged by the Applicants) so it is unknown how reliable the evidence and the conclusion is, and NE considers this to be a key evidence gap which requires monitoring. The MMO notes that this is a reason set out within Section 1.4 of the IPMP, where monitoring may be required.

1.4.16 The MMO has reviewed the Applicants' and NE's comments and believes this is for the SoS to consider within their decision as there is a fundamental disagreement. Should the SoS include the condition then the MMO requests the conditions are updated as above. Should the SoS not include a condition then the MMO requests detailed comments provided within the decision report to ensure it is clear why these were not included.

1.4.17 The MMO agrees that this is only relevant to DMLs with turbines included and therefore not relevant to Schedule 12 DML3 and Schedule 13 DML4 or Schedule 14 DML5 and Schedule 15 DML6 .

For Benthic and sandeel indirect effect monitoring:

1.4.18 In the ExA recommendation document PD-028 the ExA proposed the following condition:

Schedule 10 – DML1; Schedule 11 – DML2: Part 2, 22(3)(f)Schedule 12 – DML3;Schedule 13 – DML4 Part 2, 20(3)(f),Schedule 14 – DML5:Part 2, 16(3)(d)

(f) undertake any monitoring necessary to validate the predictions made in the ES and HRA with respect to potential effects from indirect impacts on benthic Annex I habitats and linked receptor groups as relevant. Discussions should take place in advance with the MMO in consultation with the statutory nature conservation body on how potential indirect ecosystem impacts will be monitored and reported and written agreement on the approach to monitoring and evaluating indirect effects should be obtained from the MMO in consultation with the statutory nature conservation body before construction commences.

1.4.19 The MMO has updated both the pre-construction and post-construction conditions to allow for the baseline information to be provided to ensure comparison against the operational monitoring can be provided.

1.4.20 The MMO notes this wording has been agreed with Natural England but was unable to be shared with the Applicant prior to Deadline 9 submission. However, the MMO notes that the Applicant provided comments at Deadline 8 to NE's response and does not agree that this is required as this is already within the IPMP. The MMO understands the NE disagrees with this as whilst the Applicants have committed to doing benthic sampling for sandeel and halo effects, there is no consideration of 'linked receptor groups'. The MMO defers to NE in relation to the technical detail.

1.4.21 The MMO has reviewed the Applicants' and NE's comments and believes this is for the SoS to consider within their decision. Should the SoS include the condition then the MMO requests the conditions are updated as above. Should the SoS not include a condition then the MMO requests detailed comments provided within the decision report to ensure it is clear why these were not included as a condition. It would also be helpful to the MMO to understand what the post consent expectations are in relation to this matter to be discussed in full within the decision report so it is clear to the MMO what will be required as part of the approval of the monitoring plan post consent.

1.4.22 The MMO has also reviewed the recommended changes to Condition 29 and has included a condition for all monitoring to be shared in each of the monitoring conditions.

Adaptive management

1.4.23 The MMO notes that the ExA recommended updates to the conditions to include adaptive management wording. The MMO has agreed the process wording within the IPMP but would highlight that our position is that an adaptive management condition should be included as a standalone condition. The MMO notes NE's comments on updated wording and would welcome this *"...the requirement for any additional monitoring and/or remedial action will be agreed with the MMO in writing and implemented as agreed..."*.

- 1.4.24 The MMO does note that if a condition is required then Condition 22 (5) may need amended so there is no overlap.
- 1.4.25 The MMO also agrees with NE that the below sentence is not required. The MMO notes that the adaptive management/mitigation would not be able to begin until consent was granted and believes this sentence is not necessary.

Where a separate consent is required to undertake the agreed adaptive management or mitigation, the undertaker shall only be required to undertake the adaptive management or mitigation once the consent is granted.

Changes to condition 29 Ornithological monitoring

- 1.4.26 In the ExA recommendation document PD-028 the ExA proposed the following condition:

Schedule 10 – DML1; Schedule 11 – DML2: Part 2, 29(4)

(4) The ornithological monitoring plan must provide details of proposed post-construction and operational surveys, including methodologies and timings, and a proposed format, content and timings for providing post-construction and operational monitoring reports. The plan must—

(a) specify each bird species survey objectives and explain how it will assist in informing a useful and valid comparison with the pre-construction position for each bird species and how it will enable the validation or otherwise of key predictions in the environmental statement;

(b) have due regard to the need to undertake monitoring to determine the distribution and behaviour of each bird species within the array areas of the proposed developments and the rates of collision and avoidance of each bird species with wind turbine generators within the array areas; and

(c) ensure that the outcome of the agreed surveys together with existing data and reports are drawn together to present a valid statement of the postconstruction and operational position, with any limitations, and must make clear what pre-construction comparison is intended and the justification for this.

(5) The undertaker must carry out the surveys for each bird species as agreed under sub-paragraph (4) and provide the post-construction and operational monitoring reports to the MMO and Natural England in the agreed format and in accordance with the agreed timetable, unless otherwise agreed in writing by the MMO, in consultation with Natural England.

(6) Any monitoring report compiled in accordance with the monitoring schemes required under sub-paragraph (4) must be provided to the MMO and Natural England no later than four months following completion of the monitoring to which it relates, unless otherwise agreed in writing by the MMO, in consultation with Natural England.

(7) All monitoring reports must be made publicly available and submitted to relevant evidence databases no later than six months following completion of the monitoring required by the ornithological monitoring plan unless otherwise agreed in writing by the MMO, in consultation with Natural England

- 1.4.27 The MMO has reviewed the Applicants' and NE's comments and believes most the additional information relating to monitoring is not required as this is captured within the

IPMP. The MMO has proposed additional changes to the condition to link to the IPMP and to ensure the information is shared.

1.4.28 The MMO notes this wording has been agreed with Natural England but was unable to be shared with the Applicant prior to Deadline 9 submission. However, the MMO notes that the Applicant provided comments at Deadline 8 to NE's response and does not agree that this is required as this is already within the IPMP. The MMO notes that most of this information is within the IPMP and defers to any remaining outstanding issues that should be included.

1.4.29 Should the SoS include the condition then the MMO requests the condition is updated to:

29.—(1) The licensed activities or any phase of those activities must not commence until an ornithological monitoring plan [in accordance with condition 15\(1\)\(b\)](#) setting out the circumstances in which ornithological monitoring will be required and the monitoring to be carried out in such circumstances has been submitted to and approved in writing by the MMO, in consultation with the relevant statutory nature conservation body.

(2) The ornithological monitoring plan must be submitted in writing to the MMO no later than six months prior to the first pre-construction survey.

(3) The undertaker must carry out any monitoring agreed under sub-paragraph (1) and provide the agreed reports to the MMO in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with the relevant statutory nature conservation body.

(4) All monitoring reports must be made publicly available and submitted to relevant evidence databases no later than six months following completion of the monitoring required by the ornithological monitoring plan unless otherwise agreed in writing by the MMO, in consultation with Natural England

2. Comments on Applicant's Draft DCO Tracked Changes (REP8-004) and The Applicants' Responses to Deadline 7 Documents (REP8-043)

2.1 DCO and DML Major Comments

2.1.1 The MMO welcomes the addition of splitting DML 5 in two and creating DML 6, this ensures that each undertaker has a separate DML for all works.

2.1.2 The MMO welcome the changes to condition 30 in DML 1 and 2 to include the relevant work numbers.

2.1.3 Then MMO welcomes the changes to condition 28 in DML 3 and 4, noting the "without prejudice" has been removed and relevant work numbers have been included.

2.2 Disposal

2.2.1 Through email correspondence between the MMO and the Applicant on 07 July 2025 the MMO has agreed the suggested additional wording to include “and any other disposal sites approved in writing by the MMO” which will allow further disposal site to be designated for use post consent.

2.2.2 The MMO considers all disposal matters resolved.

2.3 Coastal Processes

2.3.1 The information provided in REP03-23 and REP5-040 is, detailed in terms of numerical characterisation but lacks a statement of what it all ‘means’ when considered together – by which the MMO means that the cliff erosion rate at Landfall is discussed in terms of multiple interpretations of historical cliff retreat rates, but there is no mention in this of the longshore transport, wave climate data i.e., no explanation, or interpretation, of why rates should change or differ over time. There are several questions from the Environment Agency in REP3-023 which effectively query the same thing – why rates differ and why one estimate should be considered more reliable than another. In this report, the Applicants expressly dismisses systems models as unreliable – and does not provide any conceptual model either.

2.3.2 Although we cannot be certain of the degree of conservatism in the estimates of cliff retreat as there is a lack of an explanatory model, this simply means that it is not possible to judge how conservative any estimate of future coastal change is because we can’t relate it to system process changes.

2.3.3 As the Applicant has committed to long trenchless installation and avoidance of nearshore cable protection, we consider this to be precautionary responses to uncertainty in the system processes.

2.3.4 The MMO considers this issue to be resolved.

3. Comments on Applicants response to ExA’s schedule of recommended amended to the applicant – Table 2.6 (REP8-043)

3.1 General Comments

1.1 The MMO welcomes the following changes/additions/agreements:

- Definition of undertaker
- The inclusion of “and offshore accommodation platform” as per requirement 4
- The agreement to not included the North Norfolk Coast and Wash Special Area of Conservation and Humber Estuary SAC within condition 2.
- Condition 21 (2) which relates to piling monitoring – the MMO agreed this section 5 of REP8-048

3.2 Other Comments

3.2.1 The MMO has no concerns and has no preference whether the project must commence no later than five or seven years.

3.2.2 The MMO has provided comments on monitoring and ornithology conditions in Section 1 of this document.

4. MMO's Review of Environmental Statement (ES) Chapters

4.1.1 The MMO has reviewed the following Chapters:

- REP7-023 - 7.0 Environmental Statement Non-Technical Summary (Revision 2) (Tracked)
- REP7-025 - 7.1 Environmental Statement Chapter 1 - Introduction (Revision 2) (Tracked)
- REP7-027 - 7.3 Environmental Statement Chapter 3 - Policy and Legislative Context (Revision 2) (Tracked)
- REP7-029 - 7.4 Environmental Statement Chapter 04 Site Selection and Assessment of Alternatives (Revision 3) (Tracked)
- REP7-030 - 7.4.1 Environmental Statement Chapter 4 - Site Selection and Assessment of Alternatives Figure 4-1 to Figure 4-37 (Revision 2)
- REP7-033 - 7.5 Environmental Statement Chapter 5 - Project Description (Revision 4) (Tracked)
- REP7-034 - 7.5.1 Environmental Statement Chapter 5 Project Description - Figure 5-1 to Figure 5-4 (Revision 3)
- REP7-036 - 7.8 Environmental Statement Chapter 8 - Marine Physical Environment (Revision 2) (Tracked)
- REP7-037 - 7.8.1 Environmental Statement Chapter 8 - Marine Physical Environment Figure 8-1 to Figure 8-13 (Revision 3)
- REP7-039 - 7.9 Environmental Statement Chapter 9 - Benthic and Intertidal Ecology (Revision 2) (Tracked)
- REP7-040 - 7.9.1 Environmental Statement Chapter 9 - Benthic and Intertidal Ecology Figure 9-1 to Figure 9-6 (Revision 2)
- REP7-041 - 7.9.9.5 Appendix 9-5 Biotopes of Designated Sites
- REP7-043 - 7.10 Environmental Statement Chapter 10 - Fish and Shellfish Ecology (Revision 2) (Tracked)
- REP7-044 - 7.10.1 Environmental Statement Chapter 10 - Fish and Shellfish Ecology Figure 10-1 to Figure 10-10 (Revision 2)
- REP7-046 - 7.11 Environmental Statement Chapter 11 - Marine Mammals (Revision 2) (Tracked)
- REP7-047 - 7.11.1 Environmental Statement Chapter 11 Marine Mammals - Figure 11-1 to Figure 11-6 (Revision 2)
- REP7-049 - 7.13 Environmental Statement Chapter 13 Commercial Fisheries (Revision 2) (Tracked)
- REP7-050 - 7.13.1 Environmental Statement Chapter 13 - Commercial Fisheries Figure 13-1 to Figure 13-2 (Revision 2)
- REP7-052 - 7.14 Environmental Statement Chapter 14 - Shipping and Navigation (Revision 2) (Tracked)
- REP7-053 - 7.14.1 Environmental Statement Chapter 14 - Shipping and Navigation - Figure 14-1 to Figure 14-7 (Revision 2)
- REP7-055 - 7.14.14.2 Environmental Statement Appendix 14-2 - Navigational Risk Assessment (Revision 2) (Tracked)
- REP7-063 - 7.17 Environmental Statement Chapter 17 - Offshore Archaeology and Cultural Heritage (Revision 2) (Tracked)

4.1.2 The MMO is largely content with the updates to the above ES chapters other than in relation to the fisheries conclusions as per our earlier representations. The MMO supports the relevant SNCBs as well as other relevant interested parties' comments on these documents.

5. Comments on stakeholder's deadline 8 submissions

5.1.1 The following documents have been reviewed:

- REP8-016 - 9.3 Environment Agency Statement of Common Ground (Revision 3)
- REP8-017 - 9.4 Historic England Statement of Common Ground (Revision 3)
- REP8-020 - 9.7 Maritime and Coastguard Agency Statement of Common Ground (Revision 3)
- REP8-022 - 9.11 Northern Power Grid Statement of Common Ground (Revision 3)
- REP8-024 - 9.13 National Federation of Fishermen's Organisation (NFFO) Statement of Common Ground (Revision 3)
- REP8-026 - 9.16 The Wildlife Trust Statement of Common Ground (Revision 3)
- REP8-027 - 9.17 Trinity House Statement of Common Ground
- REP8-028 - 9.18 UK Chamber of Shipping Statement of Common Ground (Revision 3)
- REP8-029 - 9.19 The Lincolnshire Wildlife Trust Statement of Common Ground (Revision 3)
- REP8-030 - 9.20 Humber Archaeology Partnership Statement of Common Ground (Revision 3)
- REP8-031 - 9.22 Dogger Bank A Projco Dogger Bank B Projco Dogger Bank C Projco Statement of Common Ground (Revision 3)
- REP8-032 - 9.23 Natural England Statement of Common Ground
- REP8-041 - 17.10 Appendix A - Offshore Ornithology Year 1 and 2 Combined Spatial Plots (Revision 2) (Tracked)
- REP8-052 – NE's Appendix B8 - End of examination position on the applicant's assessment of marine physical environment & benthic and intertidal ecology
- REP8-053 – NE's Appendix G8 - End of examination position on offshore ornithology
- REP8-054 – NE's Appendix H8 - End of examination position on the applicant's proposed offshore ornithology compensatory measures
- REP8-055 – NE's Appendix P8 - Comments on Environment Statement Conclusions from Rule 17 letter
- REP8-056 – NE's Late submission, accepted at the discretion of the Examining Authority. Risk & issues log for deadline 8 (Rev. 8)
- REP8-057 - The Wildlife Trust Closing Statement
- AS-183 – RSPB - Updated position and comments
- AS-184 – NE's comments and updated advice on Fish and Shellfish

5.1.2 The MMO notes that the remaining concerns from NE that could impact the DML are:

- Monitoring
- Cable protection
- Impacts to Marine Protected Areas

5.1.3 The MMO is open to further discussion on any topics post-examination

Yours Sincerely,

[Redacted Signature]

[Redacted Name]

Marine Licencing Case Officer

D [Redacted]
E [Redacted] [@marinemanagement.org.uk](mailto:[Redacted]@marinemanagement.org.uk)