

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

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

**Dogger Bank South Offshore
Wind Farms**

**Marine Management Organisation – Statement of
Common Ground Update**


Document Date: December 2025

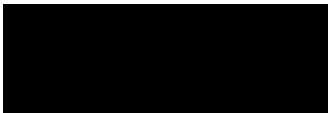
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Rev No.	Date	Status/Reason for Issue	Author	Checked by	Approved by
01	December 2025	Request for Information 1	Haskoning	RWE	RWE

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Glossary

Term	Definition
Array Areas	The DBS East and DBS West offshore Array Areas, where the wind turbines, offshore platforms and array cables would be located. The Array Areas do not include the Offshore Export Cable Corridor or the Inter-Platform Cable Corridor within which no wind turbines are proposed. Each area is referred to separately as an Array Area.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
Dogger Bank South (DBS) Offshore Wind Farms	The collective name for the two Projects, DBS East and DBS West.
Environmental Statement (ES)	A document reporting the findings of the EIA and produced in accordance with the EIA Directive as transposed into UK law by the EIA Regulations.
Offshore Development Area	The Offshore Development Area for ES encompasses both the DBS East and West Array Areas, the Inter-Platform Cable Corridor, the Offshore Export Cable Corridor, plus the associated Construction Buffer Zones.
The Applicants	The Applicants for the Projects are RWE Renewables UK Dogger Bank South (East) Limited and RWE Renewables UK Dogger Bank South (West) Limited. The Applicants are themselves jointly owned by the RWE Group of companies (51% stake) and Masdar (49% stake).
The Projects	DBS East and DBS West (collectively referred to as the Dogger Bank South Offshore Wind Farms).

Acronyms

Acronym	Definition
DBS	Dogger Bank South
DCO	Development Consent Order
ES	Environmental Statement
MMO	Marine Management Organisation
SoCG	Statement of Common Ground

1 Marine Management Organisation - SoCG Update

1. This document details the progress made post-Examination on fish and shellfish matters previously noted as 'not agreed' in the **Marine Management Organisation Statement of Common Ground (SoCG) (Revision 4)** [REP9-013] issued at Deadline 9 of the Dogger Bank South (DBS) Examination.
2. For any outstanding issues not included in this report, the Applicants believe that no further progress can be made in relation to these issues and that these items are now for the Secretary of State to decide on.
3. To easily identify whether a matter is 'agreed', 'not agreed' or 'under discussion', a colour coding system red, amber, green is used respectively within the 'position status colour' column as set out in **Table 1-1**.

Table 1-1 Agreement logs position status key

Position Status	Position Status Colour
The matter is considered to be agreed between the parties.	Agreed
The MMO does not agree with the Applicants' current position or approach and consider that this could make a material difference to the outcome of the decision-making process for this project. However, the MMO recognise this will be a point of continued discussion with the Applicants post-Examination.	Under discussion – material impact
The matter is not agreed between the parties, however the outcome of the approach taken by either the Applicants or the MMO is not considered to result in a material impact to the assessment conclusions. Discussions have concluded.	Not agreed – No material impact
The matter is not agreed between the parties and the outcome of the approach taken by either the Applicants or the MMO is considered to result in a materially different outcome on the assessment conclusions.	Not agreed – material impact
The MMO defers to another Interested Party.	N/A

1.1 Fish and Shellfish Ecology

Table 1-2 Fish and Shellfish Ecology Updates

SoCG ID	The Applicants' Position	MMO's Position	Position Status
EIA – Planning and Policy			
63	<p>All relevant plans and policies have been identified in section 10.4.1 of Chapter 10 Fish and Shellfish Ecology [APP-091] and these have been appropriately considered in the assessment.</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agrees with the Applicants and consider this matter agreed.	
EIA – Baseline Environment			
64	<p>The ES adequately characterises the baseline environment as detailed in section 10.5 of Chapter 10 Fish and Shellfish Ecology [APP-091].</p> <ol style="list-style-type: none"> The Applicants maintain that the ES adequately characterises the baseline environment as detailed in section 10.5 of Chapter 10 Fish and Shellfish Ecology [APP-091]. The Applicants acknowledged the MMO's position in The Applicants' Responses to Written Representations [REP2-057] (REP1-074:2.4) but would welcome any comments at the earliest opportunity. The Applicants provided responses to the MMO's queries in The Applicants' Responses to Deadline 2 Documents [REP3-028] (REP2-061:15 to REP2-061:31). The Applicants confirmed that 5 years of VMS data had been used in the Heat Mapping Report Atlantic Herring and Sandeel [AS-105] rather than 1 year, and presented the NSSS data in Appendix A of The Applicants' Responses to Deadline 2 Documents [REP3-028]. The Applicants responded to the MMO's email in The Applicants' Fish and Shellfish Response to the MMO [REP4-088] submitted at Deadline 4. The Applicants have provided responses to these points in The Applicants' Responses to Deadline 5 Documents [REP6-052] (REP5-049:1.72 to REP5-049: 1.7.37). In addition, regarding the back calculation methodology, the Applicants submitted Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period [REP6-014] at Deadline 6. The Applicants in principle agree with the MMO's request but have requested further information prior to this update being made. As such, the Applicants direct the ExA to potential further updates on this matter in the MMO's and the Applicants submissions at Deadline 9 of Examination 	<ol style="list-style-type: none"> The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. The MMO stated in the Written Representations [REP2-057] that they would provide a response to comments relating to Fisheries and Shellfish at Deadline 2 or 3. The MMO provided comments on Fish and Shellfish at Deadline 2 [REP2-061]. Queries were raised on the VMS data and lack of North Sea Sandeel Survey (NSSS) data used in the Heat Mapping Report Atlantic Herring and Sandeel [AS-105]. The MMO is reviewing the information provided at Deadline 3 and will provide a response in due course. The MMO provided a response in their Deadline 4 submission [REP4-115] to the Applicants query in The Applicants' Responses to Deadline 2 Documents [REP3-028]. Note that this was provided by email to progress discussions in a timely manner. The MMO provided further responses in their Deadline 5 submission [REP5-049] in relation to the North Sea Sandeel Survey (NSSS) data and back calculations use for the Heat Mapping Report Atlantic Herring and Sandeel [AS-105]. The MMO still requires updates to these documents. The MMO notes due to the time scales if this can't be provided then it is for the Secretary of State to decide if it is required as part of the decision process. The MMO would request a commitment on the commitment register for the additional information requested in our Deadline 8 response and sent to the Applicant 3rd July 2025 to be included in the document submitted post consent to continue this discussion further. This would enable the matter to be not agreed - material impact. Noting the linked agreed without prejudice conditions set out within SoCG ID 22 & 24 above. The MMO welcomes the additional commitment and that discussions will continue. The MMO has provided changes to the conditions for consideration within Deadline response. The MMO notes that these have not been shared with the Applicants and Natural England and will continue discussions post-examination. 	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	<p>7. The Applicants acknowledge that discussions will continue on these documents post-examination and have added a commitment to the Commitments Register (Revision 5) [document reference 8.6] to update the Back-calculation of the Peak Atlantic Herring Spawning Period [REP6-014] and produce the herring spawning piling restriction plan (in accordance with the 'Without Prejudice' Herring Spawning Plan [REP7-135]) post-consent, based on the final Project Design, should the Secretary of State decide to implement the Applicants' 'Without Prejudice' Herring Piling Restriction.</p> <p>8. The Applicants provided a response to the MMO's Deadline 9 Submission to the Secretary of State on the 10th October 2025 (see The Applicants' response to the Marine Management Organisation's Deadline 9 Document [document reference 20.2]). In relation to the suggested amendment to the Deemed Marine Licence (DML) condition drafting regarding cable installation works, the Applicants are content with the wording proposed by the MMO to reference 'a period of settlement'.</p> <p>In addition, the Applicants have continued discussions with the MMO post-consent, holding meetings on 5th August 2025 and 15th September. The Applicants have updated the Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period (Revision 3) [application reference 7.10.10.3] to reference a restriction on cable laying activities during 21st August to 30th September (inclusive). The MMO confirmed agreement to this document via email on 20th November 2025, stating <i>'no further changes to the method are required'</i>.</p>	<p>8. The MMO welcomes the changes to the DML to reference 'a period of settlement'. Discussions on fish and shellfish ecology have continued with the Applicants post-examination. The MMO has reviewed the revised Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period (Revision 3) [application reference 7.10.10.3] and are content with the updated methodology and that no further changes are required and the MMO is content with the baseline information.</p>	
65	<p>Sufficient survey data has been collected to inform the assessment as presented within section 10.5 of Chapter 10 Fish and Shellfish Ecology [APP-091].</p> <p>1. The Applicants believe the data sources used to inform the assessment in this chapter are sufficient and have provided further explanatory text in response to the MMO's Relevant Representation (RR-030:5.5.1) within The Applicants' Responses to Relevant Representations [PDA-013].</p> <p>A Heat Mapping Report: Atlantic Herring and Sandeel [AS-105] with updated heat mapping based on the latest MarineSpace guidance was submitted on 28th November 2024.</p> <p>2. The Applicants acknowledged the MMO's position in The Applicant's Responses to Written Representations [REP2-057] (REP1-074:2.4) but would welcome any comments at the earliest opportunity.</p> <p>3. The Applicants provided responses to the MMO's queries in The Applicants' Responses to Deadline 2 Documents [REP3-028] (REP2-061:15 to REP2-061:31). The Applicants confirmed that 5 years of VMS data had been used in the Heat Mapping Report Atlantic Herring and Sandeel [AS-105] rather than 1 year, and presented the NSSS data in Figure 1-1 (Appendix A) of The Applicants' Responses to Deadline 2 Documents [REP3-028].</p> <p>4. See points 4-8 in SoCG ID 64 above.</p>	<p>1. Within the Relevant Representation [RR-030], the MMO states that several data sources used to inform the chapter are missing. Additional data is also suggested to add to the herring and sandeel potential spawning heat maps.</p> <p>2. The MMO state in the Deadline 1 submission [REP1-074] that they would provide a response to comments relating to Fisheries and Shellfish at Deadline 2 or 3.</p> <p>3. The MMO provided comments on Fish and Shellfish at Deadline 2 [REP2-061]. Queries were raised on the VMS data and lack of NSSS data used in the Heat Mapping Report Atlantic Herring and Sandeel [AS-105].</p> <p>4. The MMO is reviewing the information provided at Deadline 3 and will provide a response in due course.</p> <p>5. See point 4-8 in SoCG ID 64 above.</p>	
EIA – Assessment Methodology			
66	<p>The study area identified in section 10.3.1 of Chapter 10 Fish and Shellfish Ecology [APP-091] is appropriate.</p>	<p>The MMO agrees with the Applicants and consider this matter agreed.</p>	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.		
67	<p>The realistic worst-case scenario presented in the assessment for the development scenarios, as outlined in Table 10-1 of Chapter 10 Fish and Shellfish Ecology [APP-091] is appropriate.</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agrees with the Applicants and consider this matter agreed.	
68	<p>The embedded mitigation measures in Table 10-3 of Chapter 10 Fish and Shellfish Ecology [APP-091] are appropriate.</p> <ol style="list-style-type: none"> The Applicants maintain their previously issued position that the guidance MMO have referenced in support of the 135db single threshold criteria is not relevant in the context of the Offshore Development Area and should not be used to determine the distance at which behavioural changes for herring may occur. As such the Applicants believe that Noise Abatement Systems (NAS) are not necessary to mitigate potential impacts on herring. <p>However, in relation to marine mammals, the Applicants are considering the use of NAS as mitigation for underwater noise, and the use of it will be dependent on the final project design and determined at the post-consent stage. NAS is being included within the Projects' procurement strategy as an optional element to allow it to be called upon should it be required based on the final design parameters.</p> <ol style="list-style-type: none"> The Applicants acknowledged the MMO's position in The Applicant's Responses to Written Representations [REP2-057] (REP1-074:2.4) but would welcome any comments at the earliest opportunity. The Applicants provided a response in The Applicants' Responses to Deadline 2 Documents [REP3-028]. In summary, based upon the evidence provided the document the Applicants do not consider the implementation of a temporal piling restriction for the purpose of mitigating potential effects upon spawning Atlantic herring to be proportionate, as this requirement is based on an inappropriate threshold as discussed above. Further, the application of mitigation would be contrary to the finding of the EIA for the impacts of noise this species which has concluded that any effects are Not Significant in EIA terms. The Applicants acknowledge the MMO's comment. The Applicants disagree with the MMO and NE, where the Applicants request the application of any restriction is to be clearly contextualised. The Applicants directs the ExA and the MMO to the response provided to the Examining Authority's Second Written Question - FSE.2.15 in The Applicants' Responses to the Examining Authority's Second Written Questions (ExQ2) [REP5-036]. <p>Following a meeting with the MMO and Cefas on the 15th May 2025, it was determined that Cefas required time to review the documents submitted into Examination and that further discussions on any restrictions were needed. Further discussions are to take place on the 6th June 2025.</p>	<ol style="list-style-type: none"> Within the Relevant Representation [RR-030], the MMO does not believe the embedded mitigation measures are sufficient to mitigate the likely significant impacts to herring from underwater noise as a result of piling and UXO clearance and believes NAS should be included as a mitigation measure for the Projects. <p>The MMO agreed that the embedded mitigation measures, while not being specific to shellfish, would be sufficient for mitigation of impacts on shellfish.</p> <ol style="list-style-type: none"> The MMO stated in the Deadline 1 submission [REP1-074] that they would provide a response to comments relating to Fisheries and Shellfish at Deadline 2 or 3. In Deadline 2 submission [REP2-061], the MMO also maintains that it is necessary to request a temporal restriction on all piling and UXO clearance activities during the Banks herring spawning season (1 August – 31 October inclusive). The MMO is reviewing the information provided at Deadline 3 and will provide a response in due course. The MMO agrees with the NE conclusions that a seasonal restriction is needed to reduce population impacts on the Banks Herring population. The MMO still requires updates to these documents. The MMO notes due to the time scales if this can't be provided then it is for the Secretary of State to decide if it is required as part of the decision process. The MMO would request a commitment on the commitment register for the additional information requested in our Deadline 8 response and sent to the Applicants 3rd July 2025 to be included in the document submitted post consent to continue this discussion further. This would enable the matter to be not agreed - material impact. Noting the linked agreed without prejudice conditions set out within SoCG ID 22 & 24 above. The MMO welcomes the additional commitment and that discussions will continue. The MMO has provided changes to the conditions for consideration within Deadline response. The MMO notes that these have not been shared with the Applicants and Natural England and will continue discussions post-examination. 	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	<p>With the meeting on the 6th June, the Applicants maintained their position that a noise restriction for impacts upon herring is not required for the Projects given that no likely significant impacts have been identified in relation to this matter as part of the comprehensive EIA that has been undertaken. Notwithstanding this, the Applicants, are continuing to engage with MMO and Cefas on a 'without prejudice' basis to identify areas of common ground in relation to the matter.</p> <p>Following meetings with the MMO and to address the potential that the Secretary of State does not agree with the Applicants' position on this matter, the Applicants have drafted a condition on a without prejudice basis which has been agreed between the Applicants, MMO and Natural England and has been inserted into the Draft DCO (Revision 10) [REP7-011] submitted at Deadline 7 on a without prejudice basis which will allow the Secretary of State to apply this restriction in the final order, should they be minded to do so.</p> <p>6. The Applicants in principle agree with the MMO's request but have requested further information prior to this update being made. As such, the Applicants direct the ExA to potential further updates on this matter in the MMO's and the Applicants submissions at Deadline 9 of Examination.</p> <p>7. The Applicants acknowledge that discussions will continue on these documents post-examination and have added a commitment to the Commitments Register (Revision 5) [document reference 8.6] to update the Back-calculation of the Peak Atlantic Herring Spawning Period [REP6-014] and produce the herring spawning piling restriction plan (in accordance with the 'Without Prejudice' Herring Spawning Plan [REP7-135]) post-consent, based on the final Project Design, should the Secretary of State decide to implement the Applicants' 'Without Prejudice' Herring Piling Restriction.</p> <p>8. The Applicants provided a response to the MMO's Deadline 9 Submission to the Secretary of State on the 10th October 2025 (see The Applicants' response to the Marine Management Organisation's Deadline 9 Document [document reference 20.2]). In relation to the suggested amendment to the Deemed Marine Licence (DML) condition drafting regarding cable installation works, the Applicants are content with the wording proposed by the MMO to reference 'a period of settlement'.</p> <p>In addition, the Applicants' have continued discussions with the MMO post-consent, holding meetings on 5th August 2025 and 15th September. The Applicants have updated the Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period (Revision 3) [application reference 7.10.10.3] to reference a restriction on cable laying activities during 21st August to 30th September (inclusive). The MMO confirmed agreement to this document via email on 20th November 2025, stating 'no further changes to the method are required'.</p> <p>9. Regarding the 'Without Prejudice' Herring Piling Restriction, the Applicants submitted The Applicants' and the MMO's Post-Examination Joint Statement on the Without Prejudice Herring Noise Restriction [document reference 20.6] to the Secretary of State on the 14th October 2025. This document summarises the position of the MMO and the Applicants with regard to a piling restriction and details agreed without prejudice DCO wording should the Secretary of State choose to include it in the DCO as-made.</p>	<p>8. The MMO welcomes the changes to the DML to reference 'a period of settlement'. Discussions on fish and shellfish ecology have continued with the Applicants post-examination. The MMO has reviewed the revised Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period (Revision 3) [application reference 7.10.10.3] and are content with the updated methodology and that no further changes are required.</p> <p>9. With regards to the herring piling restriction, agreement between the MMO and the Applicants has not been reached. However, as detailed in the MMOs letter to the Secretary of State dated 14th October and The Applicants' and the MMO's Post-Examination Joint Statement on the Without Prejudice Herring Noise Restriction [document reference 20.6], both parties have agreed to without prejudice DCO wording should the Secretary of State choose to include it in the DCO as-made. It is for the Secretary of State to decide on whether a condition should be included in the DCO as-made.</p>	
69	<p>The impact assessment methodologies used for the EIA, as presented in section 10.4.3 of Chapter 10 Fish and Shellfish Ecology [APP-091], provide an appropriate approach to assessing potential impacts of the Projects.</p>	<p>1. The MMO requests that the Applicants revises their potential herring spawning habitat and potential sandeel habitat 'heat' maps preferably using the updated version of the MarineSpace methodologies.</p>	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	<ol style="list-style-type: none"> The heat mapping methodology has been updated using the latest MarineSpace guidance within the Heat Mapping Report: Atlantic Herring and Sandeel [AS-105], submitted 28th November 2024. The Applicants acknowledged the MMO's position in The Applicant's Responses to Written Representations [REP2-057] (REP1-074:2.4) but would welcome any comments at the earliest opportunity. The Applicants provided a response in The Applicants' Responses to Deadline 2 Documents [REP3-028] (REP2-061:24). In addition, figures presenting the IHLS data were provided in Appendix A (Figures 2-1 to 2-4 and Figures 3-1 to 3-4) of The Applicants' Responses to Deadline 2 Documents [REP3-028]. The Applicants acknowledge the MMO's comment. During a meeting with the MMO and Cefas on the 15th May 2025, it was confirmed that the additional figures supplied in Appendix A (Figures 2-1 to 2-4 and Figures 3-1 to 3-4) of The Applicants' Responses to Deadline 2 Documents [REP3-028] were sufficient. The Applicants consider this matter closed out. 	<ol style="list-style-type: none"> The MMO stated in the Deadline 1 submission [REP1-074] that they would provide a response to comments relating to Fisheries and Shellfish at Deadline 2 or 3. The MMO provided comments on Fish and Shellfish at Deadline 2 [REP2-061] but queried that the Applicants are missing some key data in the Heat Mapping Report Atlantic Herring and Sandeel [AS-105]. The MMO is content with the heat maps provided. 	
70	<p>The assessment of the significance of effects presented in section 10.6 of Chapter 10 Fish and Shellfish Ecology [APP-091] is consistent with the agreed assessment methodologies.</p> <p>The MMO did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their Relevant Representation. It is therefore considered by the Applicants that the matter is agreed.</p>	The MMO agrees with the Applicants and consider this matter agreed.	
71.	<p>Section 10.6.1 of Chapter 10 Fish and Shellfish Ecology [APP-091] represents a comprehensive list of the potential impacts during construction.</p> <ol style="list-style-type: none"> The Applicants responded to the MMO's Relevant Representation within The Applicants' Responses to Relevant Representations [PDA-013]. However, the Applicants maintain that section 10.6.1 of Chapter 10 Fish and Shellfish Ecology [APP-091] represents a comprehensive list of the potential impacts during construction. The Applicants acknowledged the MMO's position in The Applicant's Responses to Written Representations [REP2-057] (REP1-074:2.4) but would welcome any comments at the earliest opportunity. The Applicants provided responses to the MMO's comments on Fish and Shellfish at Deadline 3 (The Applicants' Responses to Deadline 2 Documents [REP3-028] (see SoGC ID REP2-061:15 to REP2-061:31)) and are awaiting a response. The Applicants acknowledge the MMO's comment but note they are seeking a meeting with the MMO and Cefas to discuss this topic before Deadline 5. The Applicants are awaiting a response from the MMO. However, following a meeting with the MMO and Cefas on the 15th May 2025, it was determined that Cefas required time to review the documents submitted into Examination and that further discussions on any restrictions were needed. 	<ol style="list-style-type: none"> The MMO requested updates and clarifications to the potential impacts assessed during the construction phase in their Section 42 response. The Applicants provided responses and made updates where appropriate in Chapter 10 Fish and Shellfish Ecology [APP-091]. No further points were raised in the MMO's Relevant Representation. The MMO stated in the Deadline 1 submission [REP1-074] that they would provide a response to comments relating to Fisheries and Shellfish at Deadline 2 or 3. The MMO provided comments on Fish and Shellfish at Deadline 2 [REP2-061] but no comments were raised regarding impacts not assessed. The MMO would like to keep this open (amber) until all Fish and Shellfish impacts have been fully assessed. The MMO will provide a response in Deadline 5. The MMO provided a response in their Deadline 4 submission [REP4-115] to the Applicants' query in The Applicants' Responses to Deadline 2 Documents [REP3-028]. Note that this was provided by email to progress discussions in a timely manner. The MMO provided further responses in their Deadline 5 submission [REP5-049] in relation to the North Sea Sandeel Survey (NSSS) data and back calculations use for the Heat Mapping Report Atlantic Herring and Sandeel [AS-105]. 	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	<p>Further discussions were held on the 6th June 2025 regarding back-calculation of the herring spawning period and potential Draft DCO wording regarding cable and piling restrictions. The MMO / Cefas tentatively agreed that refining the cable restriction between KP20 – KP40 would be sufficient; however suggested DCO wording would need to be reviewed before confirming acceptance.</p> <p>In addition, the Applicants will draft without prejudicing wording for potential inclusion into the DCO and would welcome the MMO's comment.</p> <p>In addition, regarding the back calculation methodology, the Applicants direct the MMO to Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period [REP6-014] submitted at Deadline 6.</p> <p>In a meeting held on the 18th June to discuss the SoGC, the MMO confirmed that any without prejudice condition wording which would impose a restriction on cable works along the Offshore Export Cable Corridor, could be amended to be between KP 20 – 40 during the Banks herring spawning season (1st August – 31st October inclusive). A condition relating to this restriction, applied to KP20-KP40 has been agreed between the Applicants, MMO and Natural England. This restriction has been added in to the Draft DCO (Revision 10) [REP7-011] submitted at Deadline 7.</p> <p>6. The Applicants in principle agree with the MMO's request but have requested further information prior to this update being made. As such, the Applicants direct the ExA to potential further updates on this matter in the MMO's and the Applicants submissions at Deadline 9 of Examination.</p> <p>7. The Applicants provided a response to the MMO's Deadline 9 Submission to the Secretary of State on the 10th October 2025 (see The Applicants' response to the Marine Management Organisation's Deadline 9 Document [document reference 20.2]).</p> <p>In addition, the Applicants' have continued discussions with the MMO post-consent, holding meetings on 5th August 2025 and 15th September. The Applicants have updated the Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period (Revision 3) [application reference 7.10.10.3] to reference a restriction on cable laying activities during 21st August to 30th September (inclusive). The MMO confirmed agreement to this document via email on 20th November 2025, stating '<i>no further changes to the method are required</i>'.</p>	<p>6. The MMO still requires updates to these documents. The MMO notes due to the time scales if this can't be provided then it is for the Secretary of State to decide if it is required as part of the decision process. The MMO would request a commitment on the commitment register for the additional information requested in our Deadline 8 response and sent to the Applicants 3rd July 2025 to be included in the document submitted post consent to continue this discussion further. This would enable the matter to be not agreed - material impact. Noting the linked agreed without prejudice conditions set out within SoCG ID 22 & 24 above.</p> <p>7. Discussions on fish and shellfish ecology have continued with the Applicants post-examination. The MMO has reviewed the revised Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period (Revision 3) [application reference 7.10.10.3] and are content with the updated methodology and that no further changes are required.</p>	
72	<p>Section 10.6.2 of Chapter 10 Fish and Shellfish Ecology [APP-091] represents a comprehensive list of the potential impacts during operation.</p> <p>1. The Applicants responded to the MMO's Relevant Representation within The Applicants' Responses to Relevant Representations [PDA-013]. However, the Applicants maintain that section 10.6.1 of Chapter 10 Fish and Shellfish Ecology [APP-091] represents a comprehensive list of the potential impacts during operation.</p> <p>2. The Applicants acknowledged the MMO's position in The Applicant's Responses to Written Representations [REP2-057] (REP1-074:2.4) but would welcome any comments at the earliest opportunity.</p> <p>3. The Applicants provided responses to the MMO's comments on Fish and Shellfish at Deadline 3 (The Applicants' Responses to Deadline 2 Documents [REP3-028] (see SoGC ID REP2-061:15 to REP2-061:31)) and are awaiting a response.</p>	<p>1. The MMO requested updates and clarifications to the potential impacts assessed during the operation phase in their Section 42 response. The Applicants provided responses and made updates where appropriate in Chapter 10 Fish and Shellfish Ecology [APP-091]. No further points were raised in the MMO's Relevant Representation.</p> <p>2. The MMO stated in the Deadline 1 submission [REP1-074] that they would provide a response to comments relating to Fisheries and Shellfish at Deadline 2 or 3.</p> <p>3. The MMO provided comments on Fish and Shellfish at Deadline 2 [REP2-061] but no comments were raised regarding impacts not assessed.</p> <p>4. The MMO would like to keep this open (amber) until all Fish and Shellfish impacts have been fully assessed. The MMO will provide a response at Deadline 5.</p> <p>5. As per above comments this is to remain open.</p>	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	<p>4. The Applicants acknowledge the MMO's comment.</p> <p>5. The Applicants in principle agree with the MMO's request but have requested further information prior to this update being made. As such, the Applicants direct the ExA to potential further updates on this matter in the MMO's and the Applicants submissions at Deadline 9 of Examination</p> <p>6. The Applicants acknowledge that discussions will continue on these documents post-examination and have added a commitment to the Commitments Register (Revision 5) [document reference 8.6] to update the Back-calculation of the Peak Atlantic Herring Spawning Period [REP6-014] and the 'Without Prejudice' Herring Spawning Plan [REP7-135] post-consent, based on the final Project Design, should the Secretary of State decide to implement the Applicants' 'Without Prejudice' Herring Piling Restriction.</p> <p>7. The Applicants provided a response to the MMO's Deadline 9 Submission to the Secretary of State on the 10th October 2025 (see The Applicants' response to the Marine Management Organisation's Deadline 9 Document [document reference 20.2]). In relation to the suggested amendment to the Deemed Marine Licence (DML) condition drafting regarding cable installation works, the Applicants are content with the wording proposed by the MMO to reference 'a period of settlement'.</p> <p>In addition, the Applicants' have continued discussions with the MMO post-consent, holding meetings on 5th August 2025 and 15th September. The Applicants have updated the Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period (Revision 3) [application reference 7.10.10.3] to reference a restriction on cable laying activities during 21st August to 30th September (inclusive). The MMO confirmed agreement to this document via email on 20th November 2025, stating <i>'no further changes to the method are required'</i>.</p> <p>8. Regarding the 'Without Prejudice' Herring Piling Restriction, the Applicants submitted The Applicants' and the MMO's Post-Examination Joint Statement on the Without Prejudice Herring Noise Restriction [document reference 20.6] to the Secretary of State on the 14th October 2025. This document summarises the position of the MMO and the Applicants with regard to a piling restriction and details agreed without prejudice DCO wording should the Secretary of State choose to include it in the DCO as-made.</p>	<p>6. The MMO welcomes the additional commitment and that discussions will continue. The MMO has provided changes to the conditions for consideration within Deadline response. The MMO notes that these have not been shared with the Applicant and NE and will continue discussions post-examination.</p> <p>7. The MMO welcome the changes to the DML to reference 'a period of settlement'. Discussions on fish and shellfish ecology have continued with the Applicants post-examination. The MMO has reviewed the revised Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period (Revision 3) [application reference 7.10.10.3] and are content with the updated methodology and that no further changes are required.</p> <p>8. With regards to the herring piling restriction, agreement between the MMO and the Applicants has not been reached. However, as detailed in the MMOs letter to the Secretary of State dated 14th October and The Applicants' and the MMO's Post-Examination Joint Statement on the Without Prejudice Herring Noise Restriction [document reference 20.6], both parties have agreed to without prejudice DCO wording should the Secretary of State choose to include it in the DCO as-made. It is for the Secretary of State to decide on whether a condition should be included in the DCO as-made.</p>	
73	<p>The assessment of cumulative effects, as detailed in section 10.7 of Chapter 10 Fish and Shellfish Ecology [APP-091] is consistent with the agreed methodologies.</p> <p>1. The Applicants responded to the MMO's Relevant Representation within The Applicants' Responses to Relevant Representations [PDA-013]. However, the Applicants maintain that the assessment of cumulative effects, as detailed in section 10.7 of Chapter 10 Fish and Shellfish Ecology [APP-091] is consistent with the agreed methodologies.</p> <p>2. The Applicants acknowledged the MMO's position in The Applicant's Responses to Written Representations [REP2-057] (REP1-074:2.4) but would welcome any comments at the earliest opportunity.</p>	<p>1. In their Section 4.2 response the MMO requested a detailed CEA be included with the final ES. This was included by the Applicants in section 10.7 of Chapter 10 Fish and Shellfish Ecology [APP-091]. No further comments regarding the CEA were raised in the MMO's Relevant Representation.</p> <p>2. The MMO stated in the Deadline 1 submission [REP1-074] that they would provide a response to comments relating to Fisheries and Shellfish at Deadline 2 or 3, this is not yet considered to be agreed.</p>	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	<p>3. The Applicants provided a response in The Applicants' Responses to Deadline 2 Documents [REP3-028] (REP2-061:26 - REP2-061:29). The Applicants maintain that a cumulative impact assessment has been undertaken within Chapter 10 Fish and Shellfish Ecology [APP-091] to assess this risk. All impacts with the potential for cumulative effects when considering relevant schemes with spatial/temporal overlap or proximity with the Projects were considered within this assessment. All impacts assessed were identified as having negligible or minor adverse effect, which is not significant in EIA terms.</p> <p>4. The Applicants responded to the MMO's email in The Applicants' Fish and Shellfish Response to the MMO [REP4-088] submitted at Deadline 4.</p> <p>During a meeting with the MMO and Cefas on the 15th May 2025, it was confirmed that the additional figures supplied in Appendix A (Figures 2-1 to 2-4 and Figures 3-1 to 3-4) of The Applicants' Responses to Deadline 2 Documents [REP3-028] were sufficient.</p> <p>5. The Applicants have provided responses to these points in The Applicants' Responses to Deadline 5 Documents [REP6-052] (REP5-049:1.72 to REP5-049: 1.7.37). In addition, regarding the back calculation methodology, the Applicants submitted Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period [REP6-016] at Deadline 6.</p> <p>In a meeting held on the 18th June to discuss the SoGC, the MMO confirmed that any without prejudice condition wording which would impose a restriction on cable works along the Offshore Export Cable Corridor, could be amended to be between KP 20 – 40 during the Banks herring spawning season (1st August – 31st October inclusive). A condition relating to this restriction, applied to KP20-KP40 has been agreed between the Applicants, MMO and Natural England. This restriction has been added in to the Draft DCO (Revision 10) [REP7-011] submitted at Deadline 7.</p> <p>6. The Applicants in principle agree with the MMO's request but have requested further information prior to this update being made. As such, the Applicants direct the ExA to potential further updates on this matter in the MMO's and the Applicants submissions at Deadline 9 of Examination</p> <p>7. The Applicants acknowledge that discussions will continue on these documents post-examination and have added a commitment to the Commitments Register (Revision 5) [document reference 8.6] to update the Back-calculation of the Peak Atlantic Herring Spawning Period [REP6-014] and the 'Without Prejudice' Herring Spawning Plan [REP7-135] post-consent, based on the final Project Design, should the Secretary of State decide to implement the Applicants' 'Without Prejudice' Herring Piling Restriction.</p> <p>8. See point 7 and 8 in SoGC ID 72, above.</p>	<p>3. The MMO provided comments on Fish and Shellfish at Deadline 2 [REP2-061]. As there are a number of projects constructing in the vicinity of the Banks herring spawning ground off Flamborough head, the MMO maintains the requested temporal restriction on works which interact with the seabed along the ECC route (including seabed preparatory works, cable trenching etc.) during the Banks herring spawning season (1 August – 31 October inclusive), and that this restriction should apply to both construction and maintenance activities.</p> <p>4. The MMO highlights in their Deadline 4 submission [REP4-115] that the need for data to be 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. In addition, the MMO provided a response to the Applicants' query in The Applicants' Responses to Deadline 2 Documents [REP3-028].</p> <p>5. The MMO provided further responses in their Deadline 5 submission [REP5-049] in relation to the North Sea Sandeel Survey (NSSS) data and back calculations use for the Heat Mapping Report Atlantic Herring and Sandeel [AS-105].</p> <p>6. The MMO still requires updates to these documents. The MMO notes due to the time scales if this can't be provided then it is for the Secretary of State to decide if it is required as part of the decision process. The MMO would request a commitment on the commitment register for the additional information requested in our Deadline 8 response and sent to the Applicant 3 July 2025 to be included in the document submitted post consent to continue this discussion further. This would enable the matter to be not agreed - material impact. Noting the linked without prejudice conditions set out within SoCG ID 22 & 24 above.</p> <p>7. The MMO welcomes the additional commitment and that discussions will continue. The MMO has provided changes to the conditions for consideration within Deadline response. The MMO notes that these have not been shared with the Applicants and Natural England and will continue discussions post-examination.</p> <p>8. See point 7 and 8 in SoGC ID 72, above.</p>	
EIA - Assessment Conclusions			
74	<p>The conclusions of assessment of significance as detailed in section 10.6 of Chapter 10 Fish and Shellfish Ecology [APP-091] are appropriate and are considered not significant in EIA terms.</p> <p>1. The Applicants believe the conclusions reached in the assessment Chapter 10 Fish and Shellfish Ecology [APP-091] are scientifically robust and based on sufficient supporting evidence.</p>	<p>1. The MMO noted their strong disagreement with the assessment of effects associated with underwater noise and vibration via impact piling and UXO within the Array Areas on Atlantic Herring.</p> <p>2. The MMO stated in the Deadline 1 submission [REP1-074] that they would provide a response to comments relating to Fisheries and Shellfish at Deadline 2 or 3.</p>	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	<p>The Applicants responded to the MMO's Relevant Representation on this matter as detailed in The Applicants' Responses to Relevant Representations [PDA-013] (RR-030: 5.5.15).</p> <p>2. The Applicants acknowledged the MMO's position in The Applicant's Responses to Written Representations [REP2-057] (REP1-074:2.4) but would welcome any comments at the earliest opportunity.</p> <p>3. The Applicants provided responses to the MMO's queries in The Applicants' Responses to Deadline 2 Documents [REP3-028] (REP2-061:15 to REP2-061:31). Regarding the temporal restriction; the Applicants strongly oppose the use of the 135dB behavioural threshold for the assessment of potential impacts to Atlantic herring The scientific publications upon which this threshold is based (Hawkins and Popper, 20144; Hawkins et al., 20143) explicitly state that: "these data cannot yet be used to define the sound exposure criteria"; and "We would stress, however, that it would be premature to use these data to define sound exposure criteria for sprat and mackerel" respectively. Therefore, on the evidence of the authors own position, the use of 135dB as a behavioural threshold should not be incorporated into MMO advice for the purposes of EIA. Guidance for impact thresholds is provided within Popper et al. (20145), (published the same year, and noting the common authors between these publications), the underwater noise impact thresholds presented are considered best practice guidance since its publication and are the ones used in the Applicants' assessment (Chapter 10 Fish and Shellfish Ecology [APP-091]).</p> <p>For the above reasons, the Applicants do not agree that the proposed restriction is proportionate, evidence based or necessary.</p> <p>4. The Applicants acknowledge the MMO's comments but note they are seeking a meeting with the MMO and Cefas to resolve this discussion.</p> <p>5. The Applicants responded to the MMO's email in The Applicants' Fish and Shellfish Response to the MMO [REP4-088] submitted at Deadline 4. The Applicants do not agree that a seasonal restriction on piling is necessary. However, the Applicants are continuing discussions with the MMO. Following a meeting with the MMO and Cefas on the 15th May 2025, it was determined that Cefas required time to review the documents submitted into Examination and that further discussions on any restrictions were needed.</p> <p>Further without prejudice discussions were held on the 6th June 2025 regarding a piling restriction. The Applicants will draft without prejudicing wording for potential inclusion into the DCO and would welcome the MMO's comment.</p> <p>Following meetings with the MMO and to address the potential that the Secretary of State does not agree with the Applicants' position on this matter, the Applicants have drafted a condition on a without prejudice basis which has been agreed between the Applicants, MMO and Natural England and has been inserted into the Draft DCO (Revision 10) [REP7-011] submitted at Deadline 7 on a without prejudice basis which will allow the Secretary of State to apply this restriction in the final order, should they be minded to do so.</p> <p>6. The Applicants in principle agree with the MMO's request but have requested further information prior to this update being made. As such, the Applicants direct the ExA to potential further updates on this matter in the MMO's and the Applicants submissions at Deadline 9 of Examination</p>	<p>3. In the Deadline 2 submission [REP2-061], the MMO also maintains that it is necessary to request a temporal restriction on all piling and UXO clearance activities during the Banks herring spawning season (1 August – 31 October inclusive).</p> <p>4. The MMO is reviewing the information provided at Deadline 3 and will provide a response in due course.</p> <p>5. The MMO provided comments on Fish and Shellfish in their Deadline 4 submission [REP4-115]. The MMO maintain their position that seasonal piling restrictions are necessary.</p> <p>6. The MMO still requires updates to these documents. The MMO notes due to the time scales if this can't be provided then it is for the Secretary of State to decide if it is required as part of the decision process. The MMO would request a commitment on the commitment register for the additional information requested in our Deadline 8 response and sent to the Applicant 3 July 2025 to be included in the document submitted post consent to continue this discussion further. This would enable the matter to be not agreed - material impact. Noting the linked without prejudice conditions set out within SoCG ID 22 & 24 above.</p> <p>7. The MMO welcomes the additional commitment and that discussions will continue. The MMO has provided changes to the conditions for consideration within Deadline response. The MMO notes that these have not been shared with the Applicants and Natural England and will continue discussions post-examination.</p> <p>8. See points 5-8 in SoGC ID 73, above.</p>	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	<p>7. The Applicants acknowledge that discussions will continue on these documents post-examination and have added a commitment to the Commitments Register (Revision 5) [document reference 8.6] to update the Back-calculation of the Peak Atlantic Herring Spawning Period [REP6-014] and the 'Without Prejudice' Herring Spawning Plan [REP7-135] post-consent, based on the final Project Design, should the Secretary of State decide to implement the Applicants' 'Without Prejudice' Herring Piling Restriction</p> <p>8. See points 5-8 in SoGC ID 73, above.</p>		
75	<p>No additional mitigation measures are required to mitigate for any potential effects of the Projects activities with regards to Fish and Shellfish receptors.</p> <ol style="list-style-type: none"> The Applicants responded to the MMO's Relevant Representation within The Applicants' Responses to Relevant Representations [PDA-013] (RR-030:5.5.15). The Applicants maintain their previously issued position that the guidance MMO have referenced in support of the 135db single threshold criteria is not relevant in the context of the Offshore Development Area and should not be used to determine the distance at which behavioural changes for herring may occur. As such the Applicants believe that NAS are not necessary to mitigate potential impacts on herring. However, in relation to marine mammals, the Applicants are considering the use of NAS as mitigation for underwater noise, and the use of it will be dependent on the final project design and determined at the post-consent stage. NAS is being included within the Projects' procurement strategy as an optional element to allow it to be called upon should it be required based on the final design parameters. The Heat Mapping Report: Atlantic Herring and Sandeel [AS-105], submitted 28th November 2024 discusses the proposed restrictions along the Offshore Export Cable Corridor and presents the Applicants' latest position on the need for mitigation. The Applicants acknowledged the MMO's position in The Applicant's Responses to Written Representations [REP2-057] (REP1-074:2.4) but would welcome any comments at the earliest opportunity. The Applicants provided responses to the MMO's queries in The Applicants' Responses to Deadline 2 Documents [REP3-028]. See SoCG ID 68, 73 and 74. The Applicants acknowledge the MMO's comment but note they are seeking a meeting with the MMO and Cefas to discuss this topic before Deadline 5. See points 5-8 in SoGC ID 74, above. 	<ol style="list-style-type: none"> The MMO disagrees with this position in their Relevant Representation [RR-030], noting several measures that the Applicants should commit to including: <ul style="list-style-type: none"> Noise Abatement; Shellfish Monitoring; and Piling and Trenching restrictions during herring/sandeel spawning seasons. The MMO stated in the Deadline 1 submission [REP1-074] that they would provide a response to comments relating to Fisheries and Shellfish at Deadline 2 or 3. The MMO provided comments on Fish and Shellfish at Deadline 2 [REP2-061]. Discussions were raised on noise abatement and piling and trenching restrictions. The MMO is reviewing the information provided at Deadline 3 and will provide a response in due course. See points 5-8 in SoGC ID 74, above. 	
EIA – Cumulative Effects Assessment (CEA) Conclusions			
76	<p>The conclusions of the CEA as detailed in section 10.7 of Chapter 10 Fish and Shellfish Ecology [APP-091] are appropriate and are considered not significant in EIA terms.</p> <ol style="list-style-type: none"> The Applicants maintain that the conclusions of the CEA as detailed in section 10.7 of Chapter 10 Fish and Shellfish Ecology [APP-091] are appropriate and are considered not significant in EIA terms. The Applicants acknowledged the MMO's position in The Applicant's Responses to Written Representations [REP2-057] (REP1-074:2.4) but would welcome any comments at the earliest opportunity. 	<ol style="list-style-type: none"> In their Section 4.2 response the MMO requested a detailed CEA be included with the final ES. This was included by the Applicants in section 10.7 of Chapter 10 Fish and Shellfish Ecology [APP-091]. No further comments regarding the CEA were raised in the MMO's Relevant Representation. The MMO will provide a further response to this in Deadline 2, this is not yet considered to be agreed. 	

SoCG ID	The Applicants' Position	MMO's Position	Position Status
	<p>3. The Applicants provided responses in The Applicants' Responses to Deadline 2 Documents [REP3-028] (REP2-061:26 - REP2-061:29). The Applicants maintain that a cumulative impact assessment has been undertaken within Chapter 10 Fish and Shellfish Ecology [APP-091] to assess this risk. All impacts with the potential for cumulative effects when considering relevant schemes with spatial/temporal overlap or proximity with the Projects were considered within this assessment. All impacts assessed were identified as having negligible or minor adverse effect, which is not significant in EIA terms.</p> <p>4. See SoCG IDs 74 and 75 above.</p>	<p>2. The MMO stated in the Deadline 1 submission [REP1-074] that they would provide a response to comments relating to Fisheries and Shellfish at Deadline 2 or 3.</p> <p>3. The MMO provided comments on Fish and Shellfish at Deadline 2 [REP2-061]. As there are a number of projects constructing in the vicinity of the Banks herring spawning ground off Flamborough head, the MMO maintains the requested temporal restriction on works which interact with the seabed along the ECC route (including seabed preparatory works, cable trenching etc.) during the Banks herring spawning season (1 August – 31 October inclusive), and that this restriction should apply to both construction and maintenance activities.</p> <p>4. See SoCG IDs 74 and 75 above.</p>	

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