



John Wheadon
Head of Energy Infrastructure Planning Delivery &
Innovation
3-8 Whitehall Place
London
SW1A 2AW
DoggerBankSouth@planninginspectorate.gov.uk

(Email only)

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05 March 2026

Dear Mr Wheadon,

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

Department for Energy Security & Net Zero (DESNZ) – Further Information Request – 05 February 2026

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 the MMO's response to the letter sent on 05 February 2026 from DESNZ on behalf of the Secretary of State (SoS) for further information.

This written response 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.



Marine Licencing Case Officer

D +44 (0) [redacted]
E [redacted]

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1. Habitats Regulations Assessment

1.1.1 The MMO has reviewed the following documents:

- PID-002 - 6.1 Report to Inform Appropriate Assessment Habitats Regulations Assessment Volume 6 Part 2 of 4 – Annex I Offshore Habitats and Annex II Migratory Fish (Revision 6) (Clean)
- PID-002 - PID-002 - 6.2 Habitats Regulations Derogation Provision of Evidence (Revision 5) (Tracked)

1.1.2 The MMO welcomes the updates made in both documents and defers to Natural England (NE) for further comments.

2. Ornithology

2.1.1 The MMO has reviewed the following documents:

- PID-002 - 20.8 Position Statement on Kittiwake Compensation Calculations
- C1-010 - Responses to Secretary of State's consultation 1 - 6.2.1 Appendix 1 - Project Level Kittiwake Compensation Plan (Revision 8) (Clean)
- C1-010 - Responses to Secretary of State's consultation 1 - 6.2.1.2 Outline Kittiwake Compensation Implementation and Monitoring Plan (Revision 4) (Tracked)
- C1-010 - Responses to Secretary of State's consultation 1 - 6.2.2.1 Annex A - Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan (Revision 4) (Tracked)
- C1-016 - Responses to Secretary of State's consultation 1 - 6.2.2 Appendix 2 Guillemot and Razorbill Compensation Plan (Revision 8) (Tracked)
- C1-026 - Response to Secretary of State Consultation 1 - Late submission accepted at the discretion of the Secretary of State for the Department of Energy Security and Net Zero
- C2-002 - Response to Secretary of State Consultation 2
- C2-005 - 6.2.2 Appendix 2 - Guillemot [and Razorbill] Compensation Plan (Revision 9) (Clean)

2.1.2 The MMO defers to NE on all ornithological matters and if compensation and implementation plans are appropriate.

3. Fisheries

3.1 PID-002 - 20.6 The Applicants' and the MMO's Joint Statement on the Without Prejudice Herring Noise Restriction

3.1.1 The MMO has signed this and has agreed to the condition wording that was proposed by the Applicant.

3.2 C1-009 - Responses to Secretary of State's consultation 1 - 7.10.10.3 Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period (Revision 3) (Clean)

3.2.1 The MMO has responded to the Applicants regarding the above document in C1-018 – Response to Secretary of State's consultation 1 as well as REP5-049 - Comments on any further information/submissions received by Deadline 4 and Response to The Examining Authority's Second Written Questions (ExQ2). The MMO's stance has not changed.

- i. The MMO notes the amendments that have been made to the updated back-calculation method for determining the 'peak' of the Atlantic herring spawning period, and the Applicant's acceptance of the temporal mitigation period of 21 August to 30 September (inclusive) for cable laying activities for the DBS export cable/s. No further changes to the method are required.
- ii. In reference to the Applicants comment that using a 9-day egg development period is over-precautionary, we refer them to our advice in our Deadline 5 response which sets out the reasoning for taking a precautionary approach for the back-calculation method. A summary of the key reasons are:
 - o Bank herring spawning may occur at any time between 1 August and 31 October. Whilst a 'peak' in spawning can be established, it must be remembered that spawning may occur at any time between 1 August and 31 October.
 - o Herring do not arrive at their spawning grounds as one big shoal at the same time, but in 'waves' (Lambert (1987), spawning across areas of suitable spawning habitat (gravel/coarse substrate).
 - o Egg development and yolk-sac absorption periods are dependent on sea bottom temperatures (Russell, 1976). Sea bottom temperature data used in the back-calculation are taken from previous years' International Herring Larvae Survey (IHLS) surveys so may not necessarily represent sea bottom temperatures for future years.
 - o The timing of the IHLS is already clearly targeted to the 'peak' of when the herring larvae will be most abundant. The IHLS survey was originally comprised of three separate surveys which covered the full spawning period as follows: 1 – 15 September (discontinued from 1999), 16 – 30 September (ongoing) and 1 – 15 October (discontinued from 2004). The survey has been reduced in duration not because the 'peak' period of spawning activity has reduced, but due to temporal and budgetary constraints.

4. DCO/DML

4.1 C1-016 - Responses to Secretary of State's consultation 1 - 3.1 Draft DCO (Revision 13) (Tracked)

4.1.1 The MMO notes that Schedule 12 and 13, Condition 27 (noise restriction) needs updating to the same wording as Schedule 10 and 11, Condition 30.

4.1.2 The MMO considers the following issues remain outstanding:

- Transfer of Benefit – Article 5 – The MMO still maintains that reference to the DMLs Article 5 should be removed. Please see Section 1.2 of REP2-061 for more information and note Section 1.8 of REP8-048.
- Force Majeure - This is a fundamental disagreement for the SoS to make a determination on. The MMO's position is detailed in Section 1.3 of REP2-061.
- Determination dates - Please see Section 1.7 in REP7-148 for the MMO's position regarding this.

4.2 C1-009 - Responses to Secretary of State's consultation 1 - 8.6 Commitments Register (Revision 5) (Tracked)

4.2.1 The MMO welcomes the addition of dredge disposal within the Dogger Bank Special Area of Conservation (SAC) to the commitments register.

4.3 C1-016 - Responses to Secretary of State's consultation 1 - 3.4 Schedule of Changes to Draft DCO (to Revision 13)

4.3.1 The MMO welcomes all updates to schedules 10-14a in response to the Deadline 9 document the MMO submitted (PID-002).

4.4 C1-027 - Late response to Secretary of State (SoS) Consultation - Development Consent Order Updates following Marine Recovery Fund Guidance

4.4.1 The MMO has reviewed the above document and considers it is for Department for Environment Food and Rural Affairs (Defra)/NE to comment on. The MMO will keep a watching brief of any outcomes.

5. Applicant Comments on MMO submitted documents and Statement of Common Ground

5.1 PID-002 - 20.2 The Applicants' Response to the Marine Management Organisation's Deadline 9 Document

5.1.1 Please see Annex 1 – **Table 1** – MMO's response to the PID-002 - 20.2 The Applicants' Response to the Marine Management Organisation's Deadline 9 Document for full response.

5.2 C1-016 - Responses to Secretary of State's consultation 1 - 22.6 Marine Management Organisation Statement of Common Ground Update

5.2.1 The MMO has previously commented on the Statement of Common Ground and has nothing further to add.

6. Comments on Applicants' response

6.1 C1-016 - Responses to Secretary of State's consultation 1 - 22.2 The Applicants' Response to Secretary of State Request for Information

6.1.1 Section **3 Fisheries** of this document has further information pertaining to comments 22 and 23 in C1-016. The MMO has nothing further to add.

6.2 C2-005 - 23.2 The Applicants' Response to the Secretary of State's Second Request for Information (Revision 1)

6.2.1 Table 2.3 line 12, the MMO discussed the amendment with the Applicants via email and can confirm that we are content with the updated wording.

6.2.2 Table 2.4 – The MMO welcomes the Applicants' confirmation in relation to DMLs 3 and 4 updated wording for the Without Prejudice Herring Noise Restriction condition.

7. Other documents

7.1 C2-005 - 23.3 The Applicants' Response to the Secretary of State's Request for Information on Wake Effects (Revision 1)

7.1.1 The MMO believes this is a matter for the SoS and has no comments to add.

7.2 C1-009 - Responses to Secretary of State's consultation 1 - 8.20 Cable Statement (Revision 6) (Tracked)

7.2.1 The MMO welcomes the updated commitment regarding dredged material from within the Dogger Bank SAC.

7.3 C1-010 - Responses to Secretary of State's consultation 1 - 8.23 In Principle Monitoring Plan (Revision 7) (Tracked)

7.3.1 The MMO welcomes the updates to include:

- Approach to adaptive management
- The post consent development of the marine physical environment monitoring plan
- The post consent development of the benthic and intertidal monitoring plan
- The post consent development of the sandeel monitoring plan
- Addition on making monitoring reports publicly available.

8. Marine Recovery Fund (MRF)

8.1.1 The MMO has discussed the Applicants' proposed DCO wording regarding the MRF and notes this will be submitted at this deadline. The MMO defers to NE, Defra and DESNZ in relation to the as built adjustments that are included in this Schedule.

8.1.2 During this discussion the MMO highlighted that we are reviewing marine licence condition requirements to ensure that no activities take place prior to compensation delivery. In terms of the MRF, this would be the confirmation that the transfer of liability and proof of payment has been made. The MMO would prefer a new DML notification condition to be included to ensure no approval can be provided for works to begin, as once consent is received the DMLs are the responsibility of the MMO. The MMO would welcome a condition added by the SoS if deemed necessary.

8.1.3 However, due to the stage of this project we requested a requirement to add a further condition within Schedule 18 Part 1, that states that the Applicant must notify the MMO when they have entered into a contract and once the first/full payment is received. The Applicant provided draft wording and the MMO is content with the wording proposed, noting this will likely change for future projects.

Yours sincerely,

[Redacted Signature]

[Redacted Name]

Marine Licencing Case Officer

D +44 (0) [Redacted]

E [Redacted]

9. References

Lambert, T. 1987. Duration and intensity of spawning in herring *Clupea harengus* as related to the age structure of the mature population. Mar. Ecol. Prog. Ser. 39: 209-200.

Russell, F.S. 1976. The eggs and planktonic stages of British marine fishes, London: Academic Press. 524 pp.

10. Annex 1

Table 1 - MMO's response to the PID-002 - 20.2 The Applicants' Response to the Marine Management Organisation's Deadline 9 Document

Applicant ID	MMO Comment	Applicants' response	MMO Response
1.2.1	<p>1.2 Closing statement on the Herring restriction for noise (piling) 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.</p>	<p>During Examination, a key disagreement was discussed between the Applicants and the MMO regarding the potential noise impacts caused by piling on herring during their spawning season (1st August – 31st October inclusive). To mitigate these effects, the MMO and Natural England have pressed the Applicants to secure additional mitigation through the inclusion of temporal restrictions on piling activity between August and October (inclusive). The Applicants do not agree that the assessment work undertaken in relation to this matter supports an argument for the adoption of mitigation and noted the impacts that the suggested restriction could have on the timely delivery and business case for the Projects as part of the Examination. The issues relating to this matter are summarised in Summary of Herring Noise Impact Discussions During Examination [REP7-134], and in section 5.5 of The Applicants' Closing Statements [REP8-042]. However, given the differing positions on the need for a restriction, the Applicants provided 'without prejudice' wording for a condition that could be imposed if required by the Secretary of State (SoS).</p> <p>The current 'without prejudice' noise restriction wording in the Draft DCO (Revision 12) [REP9-003] states:</p> <p><i>(1) No piling activity can commence within Work Nos. 1A and 4A during the herring spawning season 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</i></p>	<p>The MMO has discussed the herring spawning issues with the Applicants post examination in multiple meetings which included our scientific advisors. The most up to date position can be found in Section 3 Fisheries above.</p>

		<p><i>statutory nature conservation body.</i></p> <p>(2) <i>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.</i></p> <p>(3) <i>The herring spawning piling restriction plan must present updated underwater noise modelling, which must be based on final project parameters to be used to install piles and must include details of any mitigation measures to be employed.</i></p> <p>(4) <i>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 area shoreward of 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.</i></p> <p>(5) <i>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 subparagraph (4) above.</i></p> <p>In practice, this means that for the Applicants to avoid a piling restriction during the herring spawning season, they must demonstrate that the 135dB behaviour threshold contour (based on underwater noise modelling of the final project design), would remain seaward of the Herring Spawning Noise Restriction Boundary during construction (see 'Without Prejudice' Herring Spawning Plan</p>	
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		<p>(Revision 2) [REP9-020]). There were disagreements around the location of the Herring Spawning Noise Restriction Boundary which were unresolved by the end of Examination.</p> <p>Following Examination, the Applicants have continued to engage with the MMO during the Examining Authority's (ExA) recommendation period, with meetings being held on 5th August 2025 and 15th September 2025 to discuss the MMO's Deadline 8 / 9 responses and reach agreement on solutions to the concerns raised therein.</p> <p>The Applicants provided the MMO with a figure and explanatory note regarding the Herring Spawning Plan (see Appendix A). The figure in Appendix A shows that to avoid an overlap of the 135db behaviour threshold contour with the Herring Spawning Noise Restriction Boundary, the Applicants must apply a minimum 7db of noise reduction measures. This results in a 'mitigation corridor' with a minimum distance of 38km between the coast and the 135dB contour. To put this into context, the proposed precautionary 'migration corridor' is larger than the width of the Strait of Dover, through which the Downs herring spawning stock migrates to reach spawning grounds within the English Channel.</p> <p>The MMO / Cefas confirmed via email on the 24th September 2025 that they were content with the location of the Herring Spawning Noise Restriction Boundary, with a minor edit to the condition wording in the Draft DCO requested, to reference the minimum distance of 38km.</p> <p>Although the Applicants and the MMO disagree on the requirement of a noise restriction, a joint position statement on the issue has been developed (The Applicants' and the MMO's Post-Examination Joint Position on the without prejudice herring noise restriction [document reference: 20.6]), with both parties demonstrating their agreement of the revised without prejudice noise restriction condition wording presented within the document.</p>	
1.2.2	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	The requirement for a migration corridor is acknowledged and has been discussed during meetings held between the Applicants and the MMO in meetings post-examination	The MMO has discussed the herring spawning issues with the Applicants post examination in

	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.	(5/08/25 & 15/09/25). Appendix A indicates that if the 135dB behaviour threshold contour (based on underwater noise modelling of the final project design) is seaward of the proposed Herring Spawning Noise Restriction Boundary this will result in a minimum 38km distance between the coast and the 135dB contour. This distance increases rapidly to both the north and south of Flamborough Head. Thus, if the without prejudice condition were applied, a significant migration corridor beyond the reaches of the 135db contour would need to be maintained in order for piling during the restricted period to continue. Notwithstanding the above, it should be noted that there is no evidence to suggest that noise at 135db would act as any kind of acoustic barrier to herring migration.	multiple meetings which included our scientific advisors. The most up to date position can be found in Section 3 Fisheries above.
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.	The Applicants note that the Without Prejudice Herring Spawning Plan (Revision 2) [REP9-020] has been agreed with MMO post-examination. A minor amendment to the wording of the relevant without prejudice condition in the Draft DCO has been requested by the MMO, to incorporate a reference to the minimum distance of 38km (shown in Appendix A) between the coast and the 135dB contour. In addition, a joint position statement has been developed (The Applicants' and the MMO's Post-Examination Joint Position on the without prejudice herring noise restriction [document reference: 20.6]), with both parties demonstrating their agreement with the revised without prejudice noise restriction condition wording presented within the document.	The MMO has discussed the herring spawning issues with the Applicants post examination in multiple meetings which included our scientific advisors. The most up to date position can be found in Section 3 Fisheries above.
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	The Herring Spawning Noise Restriction Boundary shown on the ' Without Prejudice' Herring Spawning Plan (Revision 2) [REP9-020] has been included where both confidence is identified as 'higher' (<0.05), and where sediment is considered to be either preferred or marginal. In areas where only one or neither of these conditions are met, the likelihood of herring spawning occurring is greatly reduced. The region of medium (peach) confidence indicated is a result of the presence of the International Herring Larvae Survey (IHLS) (general) data layer, which is a polygon surrounding all IHLS sampling locations that have sampled larvae. Whilst this data layer contributes to greater	The MMO has discussed the herring spawning issues with the Applicants post examination in multiple meetings which included our scientific advisors. The most up to date position can be found in Section 3 Fisheries above.

	<p>= 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.</p> <p>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.</p>	<p>overall confidence, it is not considered reasonable to attribute the presence of this data layer to meaningfully increase the likelihood of herring spawning occurring beyond that of the low (blue) confidence regions further offshore. Therefore, the Herring Spawning Noise Restriction Boundary shown on the 'Without Prejudice' Herring Spawning Plan (Revision 2) [REP9-020] has been drawn along what is considered a realistic, evidence led, boundary dividing a distinct region of higher and lower potential for herring spawning. If the precautionary 135dB behaviour threshold contour (based on underwater noise modelling of the final project design), is seaward of the proposed Herring Spawning Noise Restriction Boundary this will result in a minimum distance of 38km between the coast and the 135dB contour, this distance increases rapidly to both the north and south of Flamborough Head.</p> <p>After continued engagement during the ExA's recommendation period, the MMO / Cefas confirmed via email on the 24th September 2025 that they were content with a 38km migratory corridor (shown in Appendix A) at the shortest distance and the location of the Herring Spawning Noise Restriction Boundary. A joint position statement has been developed (The Applicants' and the MMO's Post-Examination Joint Position on the without prejudice herring noise restriction [document reference: 20.6]), with both parties demonstrating their agreement with the revised without prejudice noise restriction condition wording presented within the document.</p>	
1.2.6	<p>Our main concern is that the Applicant cannot draw a physical boundary on the unmitigated noise impact.</p>	<p>The Applicants are concerned that without determining an evidence led boundary relating to potential impacts of unmitigated noise on herring spawning grounds, any marine licence condition relating to this issue would be both complex and open to interpretation. A clear and enforceable condition – which is necessary to provide certainty to the Applicants as they develop plans for delivery over lead times which extend across several years and which cannot be altered without significant increases in costs and delays to programme a few months before the commencement of construction - necessitates a spatial element, which the</p>	<p>The MMO has discussed the herring spawning issues with the Applicants post examination in multiple meetings which included our scientific advisors. The most up to date position can be found in Section 3 Fisheries above.</p>

		<p>Applicants have endeavoured to define using an evidence led approach. Should the MMO determine this approach to be inappropriate, it is imperative that an alternative, clear, enforceable, and evidence led approach is indicated. After continued engagement during the ExA's recommendation period, the MMO / Cefas confirmed via email on the 24th September 2025 that they were content with a 38km migratory corridor (shown in Appendix A) at the shortest distance and the location of the Herring Spawning Noise Restriction Boundary. A joint position statement has been developed (The Applicants' and the MMO's Post-Examination Joint Position on the without prejudice herring noise restriction [document reference: 20.6]), with both parties demonstrating their agreement with the revised without prejudice noise restriction wording presented within the document.</p>	
1.2.7	<p>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.</p>	<p>The Applicants acknowledge this. The Herring Spawning Noise Restriction Boundary shown on the 'Without Prejudice' Herring Spawning Plan (Revision 2) [REP9-020] has been produced based on information from preferred and marginal substrate and higher (<0.05) potential herring spawning grounds. This approach aims to establish how mitigation can be applied, if required, once final project design parameters have been finalised. The wording as provided by the Applicants in the 'without prejudice' conditions included in Draft DCO (Revision 12) [REP9-003] has been drafted to allow for zoning should it be request through referencing 'piling areas'. Notwithstanding this the Applicants note that agreement has been reached in relation to the wording of the without prejudice herring noise restriction and the details of the Without Prejudice Herring Spawning Plan (Revision 2) [REP9-020] with MMO since the close of Examination. This agreement is recorded within The Applicants' and the MMO's Post-Examination Joint Position on the without prejudice herring noise restriction [document reference: 20.6]. If the SoS believes that a restriction for piling noise should be imposed on the Projects to mitigate impacts to spawning herring the Applicants suggest the updated without prejudice wording included in The Applicants' and the</p>	<p>The MMO has discussed the herring spawning issues with the Applicants post examination in multiple meetings which included our scientific advisors. The most up to date position can be found in Section 3 Fisheries above.</p>

		MMO’s Post-Examination Joint Position on the without prejudice herring noise restriction [document reference: 20.6] should be imposed alongside the Without Prejudice Herring Spawning Plan (Revision 2) [REP9-020].	
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.	The Applicants have continued to engage with the MMO during the ExA’s recommendation period, with meetings being held on 5 th August 2025 and 15 th September 2025 to discuss the MMO’s Deadline 8 / 9 responses and reach agreement on solutions to the concerns raised therein. The Applicants have reached an agreed position with the MMO which is summarised in The Applicants’ and the MMO’s Post-Examination Joint Position on the without prejudice herring noise restriction [document reference: 20.6] and has been submitted to SoS. If the SoS believes that a restriction for piling noise should be imposed on the Projects to mitigate impacts to spawning herring the Applicants suggest the updated without prejudice wording included in The Applicants’ and the MMO’s Post-Examination Joint Position on the without prejudice herring noise restriction [document reference: 20.6] should be imposed alongside the Without Prejudice Herring Spawning Plan (Revision 2) [REP9-020].	The MMO has discussed the herring spawning issues with the Applicants post examination in multiple meetings which included our scientific advisors. The most up to date position can be found in Section 3 Fisheries above..
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: <i>[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.</i> <i>(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.</i> <i>(3) The herring spawning piling restriction plan must present</i>	The Applicants have been discussing the wording for this condition with the MMO and have now agreed the amended wording below: <i>30.—(1) No piling activity can commence within Work Nos. 1B and 4B during the herring spawning season 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.</i> <i>(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.</i> <i>(3) The herring spawning piling restriction plan must present updated underwater noise modelling, which must be based on final project parameters to be used to install</i>	The MMO has discussed the herring spawning issues with the Applicants post examination in multiple meetings which included our scientific advisors. The most up to date position can be found in Section 3 Fisheries above.

	<p>include:</p> <ol style="list-style-type: none"> 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. <p>(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.</p> <p>(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.</p> <p>(6) In this condition-</p> <p>“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</p> <p>“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)</p> <p>“herring spawning season” means 1 August to 31</p>	<p>piles and must include details of any mitigation measures to be employed.</p> <p>(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:</p> <ol style="list-style-type: none"> (a) the area shoreward of the Herring Spawning Noise Restriction Boundary, and/or (b) any area within 38km seaward of MHWS, <p>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.</p> <p>5) Any piling activity within Work Nos. 1B and 4B 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.</p> <p>(6) In this condition—</p> <p>“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</p> <p>“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)</p> <p>“herring spawning season” means 1 August to 31 October inclusive or such other period as agreed in writing with the MMO;</p> <p>“piling area” means any area within Work Nos. 1B and/or 4B within which one or more piled foundations is proposed to be installed.</p>	
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	<i>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.]</i>	This agreement is recorded within The Applicants' and the MMO's Post-Examination Joint Position on the without prejudice herring noise restriction [document reference: 20.6]. If the SoS believes that a restriction for piling noise should be imposed on the Projects to mitigate impacts to spawning herring the Applicants suggest the updated without prejudice wording included in The Applicants' and the MMO's Post-Examination Joint Position on the without prejudice herring noise restriction [document reference: 20.6] should be imposed alongside the Without Prejudice Herring Spawning Plan (Revision 2) [REP9-020]. As such, the Applicants submit that the suggested wording provided by MMO should be disregarded as it has been superseded by discussions between the parties.	
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.	The Applicants received the MMO's Deadline 9 submission on 10 th July 2025 and have continued to engage with the MMO during the ExA's recommendation period, with meetings being held on 5 th August 2025 and 15 th September 2025 to discuss the MMO's Deadline 8 / 9 responses and reach agreement on solutions to the concerns raised therein. This agreement is recorded within The Applicants' and the MMO's Post-Examination Joint Position on the without prejudice herring noise restriction [document reference: 20.6]. If the SoS believes that a restriction for piling noise should be imposed on the Projects to mitigate impacts to spawning herring the Applicants suggest the updated without prejudice wording included in The Applicants' and the MMO's Post-Examination Joint Position on the without prejudice herring noise restriction [document reference: 20.6] should be imposed alongside the Without Prejudice Herring Spawning Plan (Revision 2) [REP9-020]. As such, the Applicants submit that the suggested wording provided by MMO should be disregarded as it has been superseded by discussions between the parties.	The MMO has discussed the herring spawning issues with the Applicants post examination in multiple meetings which included our scientific advisors. The most up to date position can be found in Section 3 Fisheries above.
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	As mentioned in I.D. 1.2.1, a key disagreement was discussed during Examination between the Applicants and the MMO regarding the potential noise impacts caused by piling on herring during their spawning season. The issues relating to this matter are summarised in Summary of	The MMO has discussed the herring spawning issues with the Applicants post examination in multiple meetings which included our scientific advisors. The most

	<p>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.</p>	<p>Herring Noise Impact Discussions During Examination [REP7-134], and in section 5.5 of The Applicants' Closing Statements [REP8-042].</p> <p>However, given the differing positions on the need for a restriction, the Applicants provided 'without prejudice' wording for a condition that could be imposed if required by the SoS.</p> <p>The Herring Spawning Noise Restriction Boundary shown on the 'Without Prejudice' Herring Spawning Plan [REP7-135], has been drawn along what is considered a realistic, evidence led, boundary dividing a distinct region of higher and lower potential for herring spawning. If the without prejudice condition was applied and the precautionary 135dB behaviour threshold contour (based on underwater noise modelling of the final project design) as modelled post-consent, lay seaward of the proposed Herring Spawning Noise Restriction Boundary this will result in a minimum distance of 38km between the coast and the 135dB contour, this distance increases rapidly to both the north and south of Flamborough Head. If post-consent modelling based on noise parameters proposed for construction demonstrated that the 135dB behaviour threshold contour lay landward of the Herring Spawning Noise Restriction Boundary then piling could not take place during the restricted period.</p> <p>Notwithstanding the above, the Applicants note agreement in relation to this matter has been reached with MMO in relation to the without prejudice herring noise restriction issues. This agreement is recorded within The Applicants' and the MMO's Post-Examination Joint Position on the without prejudice herring noise restriction [document reference: 20.6]. If the SoS believes that a restriction for piling noise should be imposed on the Projects to mitigate impacts to spawning herring the Applicants suggest the updated without prejudice wording included in The Applicants' and the MMO's Post-Examination Joint Position on the without prejudice herring noise restriction [document reference: 20.6] should be imposed alongside the Without Prejudice Herring Spawning Plan (Revision 2) [REP9-020].</p>	<p>up to date position can be found in Section 3 Fisheries above.</p>
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1.2.12	<p>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.</p>	<p>No response is required. However, if the ExA or SoS considers amending what is in the current Draft DCO (Revision 12) [REP9-003] or the suggested wording agreed between the Applicants and the MMO in The Applicants' and the MMO's Post-Examination Joint Position on the without prejudice herring noise restriction [document reference: 20.6], the Applicants would kindly request the opportunity to comment on suggested amended wording before implementation.</p>	<p>The MMO has discussed the herring spawning issues with the Applicants post examination in multiple meetings which included our scientific advisors. The most up to date position can be found in Section 3 Fisheries above.</p>
1.3.3	<p>1.3 Closing statement on the Herring restriction for cable corridor</p> <p>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.</p>	<p>The Applicants have continued to engage with the MMO and Cefas during the ExA's recommendation period, with meetings being held on 5th August 2025 and 15th September 2025 to discuss the MMO's Deadline 8 / 9 responses and reach agreement on solutions to the concerns raised therein.</p> <p>Regarding a period of settlement, at the meeting on the 15th September the Applicants presented evidence from plume dispersion modelling of export cable installation using the worst case installation method (jetting) and worst case volume and footprint of sediment disturbed (see Appendix 8-3 Marine Physical Processes Modelling Technical Report (Revision 3) [REP2-017]).</p> <p>A time series plot showing the duration of increased suspended sediment concentrations following construction activity was extracted at a point located within the Offshore Export Cable Corridor at approximately KP21. The time series shows that SSC increase and then return to background levels within a 2-hour period. The finer fraction will be transported by the tide and predictions of changes in seabed level show that between KP20 and KP40 the sediment settles within 500m of the point of disturbance resulting in changes in seabed level of less than 2cm. This small area reflects the short (<2 hrs) duration of the disturbance and subsequent resettling.</p> <p>A time series plot from a point at KP80 shows similar characteristics with disturbance and resettling occurring in a period of less than 2 hours, within 500m of the point of disturbance. Therefore, the Applicants consider that <i>no post-work settlement period is required</i>.</p>	<p>The MMO welcomes the Applicants agreement to a 24-hour post work settlement period for herring.</p>

		<p>During the meeting, MMO and Cefas agreed that no more than 24hrs was needed to allow waves of herring to move into the area for spawning. In the efforts of resolving the issue, the Applicants agree to a 24-hour post-work settlement period. This has been represented in an updated Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period (Revision 2) [document reference: 7.10.10.3] and sent to the MMO on 3rd October for comment. However, they have been unable to review prior to formal submission.</p>	
1.3.4	<p>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.</p> <p><i>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:—</i></p> <p><i>(a) pre-sweeping;</i></p> <p><i>(b) dredging;</i></p> <p><i>(c) mechanical ploughing;</i></p> <p><i>(d) cutting;</i></p> <p><i>(e) water jetting; and</i></p> <p><i>(f) cable burial operations.</i></p> <p><i>(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</i></p>	<p>The Applicants have continued to engage with the MMO and Cefas during the ExA’s recommendation period, with meetings being held on 5th August 2025 and 15th September 2025 to discuss the MMO’s Deadline 8 / 9 responses and reach agreement on solutions to the concerns raised therein. The Applicants have updated Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period (Revision 2) [document reference: 7.10.10.3] and sent to the MMO on 3rd October for comment. However, they have been unable to review prior to formal submission. The Applicants submitted an updated Commitments Register (Revision 4) [REP9-009] at Deadline 9, which included a commitment to update the Back Calculation Report (where agreed) post-consent based on most recent IHLS information. In relation to the suggested amendment to the Deemed Marine Licence (DML) condition drafting, the Applicants are content with the wording proposed by the MMO.</p>	<p>The MMO welcomes the Applicants agreement for Condition 28 however still have some concerns which have been raised in Section 3 Fisheries above. The MMO welcomes the Applicant committing to update the back calculation report post consent.</p>

	<p><i>No. 3B, a Back Calculation Technical Report, which must include details of the restricted period, must be submitted to the MMO for approval.</i></p> <p><i>(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.</i></p> <p><i>(4) In this condition—</i></p> <p><i>“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;</i></p> <p><i>“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);</i></p> <p><i>“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”;</i></p> <p><i>“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.</i></p>		
1.3.5	<p>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.</p>	<p>The Applicants acknowledge that at the end of Examination a shorter restricted period had been suggested within Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period [REP6-014]. However, meetings held on 5th August 2025 and 15th September 2025 discussed the MMO’s comments and issues were resolved. Amendments were made to the document, with Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period (Revision 2) [document reference: 7.10.10.3] being issued to the MMO on 3rd October for</p>	<p>The MMO welcomes the Applicants changes to the back calculation document. Whilst we are largely content there are still some concerns which can be found in Section 3 Fisheries above.</p>

		comment. However, they have been unable to review prior to formal submission.	
1.4.1	<p>1.4 Closing statement on the Monitoring</p> <p>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.</p>	<p>The Applicants' note Natural England's concerns on the In Principle Monitoring Plan (IPMP) (Revision 5) [REP7-116] and have continued to engage during the ExA's recommendation period, with a meeting held on 16th September 2025 to discuss Natural England's Deadline 9 documents and reach agreement on solutions to the concerns raised therein.</p> <p>Following the meeting, the Applicants provided revised wording regarding secondary scour and monitoring of disposal mounds in the IPMP for comment.</p> <p>At a meeting on the 2nd October 2025, Natural England advised that they were in agreement with the changes made in the IPMP, which is reflected in section 1.2 of the Natural England SoCG Update [document reference: 20.3].</p>	The MMO welcomes the updates to the IPMP.
1.4.4	The MMO has provided updates to conditions for consideration of the ExA/SoS.	See responses to I.D. 1.4.5 to 1.4.29, below.	See below
1.4.5	<p>Changes to Condition 15(1)(a)</p> <p>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) <i>(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.</i></p>	<p>Please see the Applicants' Comments on the Examining Authority's Proposed Schedule of Changes to the Draft Development Consent Order [REP7-130], which sets out the Applicants' position on the ExA's proposed drafting. In summary, the Applicants do not agree that the proposed condition is necessary or proportionate, for the following reasons:</p> <ol style="list-style-type: none"> 1. The Applicants note that Natural England is not requesting more surveys be undertaken (see Natural England's Comments on the Examining Authority's Schedule of Recommended Amendments to the Applicant's Draft Development Consent Order [REP7-151]); 2. The Applicants have already followed the mitigation hierarchy and sought to avoid and minimise potential impacts on ornithological receptors (see paragraphs 138 – 141 of The Applicants' Closing Statements [REP8-042]); 3. Any changes would be likely to reduce the capacity of the arrays; 	The MMO defers to NE on this matter.

		<p>4. The Applicants have already considered density mapping data and have already taken steps to reduce the array areas to avoid areas of higher species density (see Appendix A - Offshore Ornithology Year 1 and 2 Combined Spatial Plots (Revision 2) [REP8-040]). Since the close of examination, the Applicants have undertaken further modelling in order to address Natural England's remaining comments and have submitted Spatial modelling of baseline seabird data for Dogger Bank South [document reference: 20.4] to the SoS. It is therefore not necessary to include a condition to require this work to be done;</p> <p>5. Additional survey work would not provide any material evidence for which to inform any further refinement of the Projects Array Areas;</p> <p>6. Hotspot modelling is an unreliable basis on which to conduct any boundary changes or micro-siting;</p> <p>7. Additional surveys would delay delivery of the Projects; and</p> <p>DMLs 3 and 4 (Schedules 12 and 13) are not relevant as the proposed wording only relates to the Array Areas.</p>	
1.4.6	<p>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:</p> <ol style="list-style-type: none"> 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 	<p>As set out above, the Applicants' position is that the suggested condition does not meet the relevant legal tests as it is not necessary or proportionate.</p> <p>The Applicants submit that this work has already been carried out and has been submitted to the Examining Authority in Appendix A - Offshore Ornithology Year 1 and 2 Combined Spatial Plots (Revision 2) [REP8-040]. The Applicants sought to accommodate all requests from Natural England in relation to the provision of this information but note that Natural England (in their Deadline 8 Cover Letter [REP8-051]) has also requested additional modelling to be undertaken, which was not possible previously due to the time constraints of the examination. Given the variability of seabird distributions through time, the monthly snapshots requested by Natural England are not considered to represent static and consistent locations</p>	<p>The MMO has nothing further to add.</p>

	<p>based on the information provided to date.</p> <p><i>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 —</i></p> <p><i>(a) a layout plan setting out proposed details of the authorised scheme, including the:</i></p> <p><i>(i) number, dimensions, specification, foundation type(s) and depth for each wind turbine generator and offshore accommodation platform;</i></p> <p><i>(ii) the grid coordinates of the centre point of the proposed location for each wind turbine generator and offshore accommodation platform;</i></p> <p><i>(iii) proposed layout of all cables;</i></p> <p><i>(iv) location and specification of all other aspects of the authorised scheme; and</i></p> <p><i>(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</i></p> <p><i>(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.</i></p> <p><i>to ensure conformity with the description of Work No. 1A and 4A and compliance with conditions 1 to 5</i></p>	<p>and therefore additional modelling is not considered worthwhile but have been provided in Spatial modelling of baseline seabird data for Dogger Bank South [document reference: 20.4] to seek to resolve Natural England's outstanding concerns. The raw data of monthly locations provided in Appendix A - Offshore Ornithology Year 1 and 2 Combined Spatial Plots (Revision 2) [REP8-040] also offers very similar information should it be required. As stated previously, density mapping data has already been considered and the Applicants have already taken steps to refine the boundaries of the Array Areas to avoid areas of higher species density. Specifically, Appendix A - Offshore Ornithology Year 1 and 2 Combined Spatial Plots (Revision 2) [REP8-040] shows instances where higher densities were noted at the previous boundary between The Crown Estate leasing areas, for example with gannet and kittiwake in the non-breeding season. This data was then used to support the refinement of the Array Areas that took place following the submission of the Projects Preliminary Environmental Information Report (PEIR) and prior to the submission of the Environmental Statement (ES) (see section 4.7.1 of Chapter 4 - Site Selection and Assessment of Alternatives (Revision 3) [REP7-028] for further information. Following this refinement, the DBS Array Areas no longer overlap with these areas of higher abundance estimates, as demonstrated in this Appendix. Despite the Applicants' views as set out above and the work already presented, the Applicants have sought to address the outstanding comments from Natural England since the close of examination and have undertaken further modelling which is presented in Spatial modelling of baseline seabird data for Dogger Bank South [document reference: 20.4]. As this work has already been carried out, it is therefore not necessary for a condition to be included to require it to be undertaken. Following the close of Examination, the Applicants have continued to address Natural England's remaining</p>	
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		<p>comments on the matter. The proposed outputs of this additional work were to:</p> <ul style="list-style-type: none"> Undertake hotspot modelling for five species: kittiwake, guillemot, razorbill, puffin, gannet; Provide maps for species-specific seasons; Provide monthly hot spot maps for each species, where possible; Use standardised z-axis (i.e. colour scale) for each species to allow comparison between months/seasons; Overlay the 'refined' boundaries and buffers (of the submitted wind farm design); and Provide full model and diagnostic details – for >100 models (subject to robust model fitting). <p>The proposed outputs of the work were shared with Natural England prior to the work commencing, with Natural England responding via email on 20th August 2025 that they were 'on the whole happy with the proposed outputs', with minor clarifications issued to Natural England following this email.</p> <p>The final outputs of this report are presented in Spatial modelling of baseline seabird data for Dogger Bank South [document reference: 20.4]. These additional outputs show little to indicate the presence of any areas of consistently high or low activity from the spatial models for any species that could be used to justify further refinement of the Array Areas.</p> <p>Therefore, Spatial modelling of baseline seabird data for Dogger Bank South [document reference: 20.4] further supports both the evidence provided in Appendix A - Offshore Ornithology Year 1 and 2 Combined Spatial Plots [REP7-137] and [REP8-040] and the Applicants' position that all reasonable steps have already been taken to avoid potential areas of high abundance for ornithological receptors, and that additional survey work would not provide any material evidence with which to inform any further refinement of the DBS Array Areas.</p> <p>The Applicants provided a draft of Spatial modelling of baseline seabird data for Dogger Bank South [document reference: 20.4] to Natural England on 2nd October 2025, however there was insufficient time for it to be reviewed</p>	
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		prior to formal submission. This is reflected in section 1.4 of the Natural England SoCG Update [document reference: 20.3].	
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.	As set out above, the Applicants have sought to accommodate all of Natural England's requests in relation to the information presented in Appendix A - Offshore Ornithology Year 1 and 2 Combined Spatial Plots (Revision 2) [REP8-040] and since the close of examination have undertaken the additional modelling work requested. It is therefore not necessary for a condition to be imposed requiring this work to be undertaken. The Applicants welcome the MMO's agreement that the proposed condition would only be applicable to DMLs 1 and 2 (Schedules 10 and 11).	The MMO has nothing further to add.
1.4.8	Changes to Condition 15(1)(b) 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.	The Applicants are willing to agree the principle of having standalone monitoring plans for each of the topics and are content with the amended wording to condition 15(1)(b) suggested by the MMO.	The MMO welcomes the Applicants' agreement.
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.		
1.4.12a	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.		

	<p>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—</p> <p>(i) the proposed construction start date;</p> <p>(ii) proposed timings for mobilisation of plant delivery of materials and installation works;</p> <p>(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):—</p> <p>(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;</p> <p>(bb) at least six months prior to construction, detail on construction monitoring; and</p> <p>(cc) at least six months prior to commissioning, detail of post-construction (and operational) monitoring;</p> <p>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</p>		
1.4.12b	<p>Changes to Condition 20 Pre-construction monitoring and surveys</p> <p>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</p>	<p>The Applicants are content with the list of topics included in the amended wording by the MMO. However, the Applicants do not agree that it is necessary to include reference to “information on indirect effects” in relation to marine</p>	<p>The MMO is satisfied with the Applicants wording for condition 20 (7) and has no further comments.</p>

<p><i>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.</i></p> <p>2) <i>The survey proposals submitted under sub-paragraph (1) must be in accordance with the principles set out in the 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.</i></p> <p>3) <i>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.</i></p> <p>4) <i>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—</i></p> <p>a) <i>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;</i></p> <p>b) <i>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;</i></p> <p>c) <i>undertake any monitoring required by the SIP submitted in accordance with condition 16; and</i></p>	<p>mammals and sandeel at the proposed new conditions 20(4)(e) and (f).</p> <p>With regards to marine mammals, the Applicants note that Natural England confirmed at Deadline 9 of the Examination in their Risk and Issues Log (Rev 9) [REP9-031] that the issue they had previously raised in relation to indirect effects to marine mammals as a result of impacts on prey species had been satisfactorily resolved. The Applicants therefore submit that it is not necessary for information on indirect effects to be provided as part of any marine mammal monitoring.</p> <p>In relation to sandeel, the Applicants' position is that monitoring for indirect effects is not required. Natural England have suggested that monitoring is required to validate predicted impacts on linked receptor groups (i.e. predator species) as a result of impacts to benthic habitats and localised prey populations from loss of spawning habitat. However, any monitoring of predator species (marine mammals and bird species) is already secured through the provision of monitoring plans for those species. In addition, Natural England appears to suggest that the requested monitoring is required to "fill evidence gaps" rather than being necessary as a result of the proposed development. The Applicants therefore submit that the inclusion of such a provision would fail to meet the relevant legal tests.</p> <p>The Applicants' preferred amended wording for condition 20(4)(e) and (f) is therefore:</p> <p><i>(e) any marine mammal monitoring required by the monitoring plan submitted in accordance with condition 15(1)(b), including information on indirect effects;</i></p> <p><i>(f) any sandeel monitoring required by the monitoring plan submitted in accordance with condition 15(1)(b), including information on indirect effects;</i></p> <p>In relation to the MMO's new proposed wording at condition 20(7), the Applicants suggest that it would be more appropriate for reports to be made publicly available and submitted to relevant evidence databases within six months of those reports being approved by the MMO, rather than on</p>	<p>The MMO is satisfied with the Applicants wording for condition 20(4)(e) with respect to marine mammals. However, the MMO defers to Natural England regarding sandeel 20(4)(f) and notes their concerns, and therefore we note that this will be for the SoS to make a decision.</p>
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	<p>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).;</p> <p>e) any marine mammal monitoring required by the monitoring plan submitted in accordance with condition 15(1)(b), including information on indirect effects;</p> <p>f) any sandeel monitoring required by the monitoring plan submitted in accordance with condition 15(1)(b), including information on indirect effects;</p> <p>g) any benthic monitoring required by the monitoring plan submitted in accordance with condition 15(1)(b); and</p> <p>h) any marine processes monitoring required by the monitoring plan submitted in accordance with condition 15(1)(b).</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>completion of the monitoring itself. It can take some time for the reports to be produced and finalised after the monitoring has been completed and the Applicants would also want to ensure that the version of each relevant report that is made publicly available is that which has been submitted to and approved by the MMO. The Applicants would also suggest that “relevant evidence databases” is not very precise and would suggest adding “as agreed with the MMO” to ensure that there is clarity over which databases are being referred to. The amended wording proposed by the Applicants for condition 20(7) is therefore:</p> <p><i>(7) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, completion of the monitoring required unless otherwise agreed in writing by the MMO.</i></p>	
1.4.12c	<p>Changes to Condition 21 Construction monitoring and surveys</p> <p>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</p>	<p>Please see the Applicants’ response in row 1.4.12b above. The Applicants propose the following wording is used instead of that suggested by the MMO, for the reasons set out above:</p> <p><i>(8) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this</i></p>	<p>The MMO is satisfied with the Applicants wording for condition 21 (7) and has nothing further to add.</p>

<p>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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	<p>condition, completion of the monitoring required unless otherwise agreed in writing by the MMO.</p>	
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	<p>(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.</p> <p>(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.</p> <p>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.</p>		
1.4.12d	<p>Changes to Condition 22 Post-construction monitoring and surveys</p> <p>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.</p> <p>(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.</p> <p>(3) The post-construction surveys referred to in subparagraph (1) must, unless otherwise agreed in writing with the MMO, have due regard to, but not be limited to, the need to—</p> <p>(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</p>	<p>The Applicants are willing to agree the principle of listing individual topics and associated monitoring plans but propose the following amendments to the suggested new conditions 22(3)(f) and (g):</p> <p>(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;</p> <p>(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.</p> <p>The reasons for the Applicants' suggested changes are included in rows 1.4.13 - 1.4.17 below for marine mammals and rows 1.4.18 - 1.4.21 below for sandeel.</p> <p>The Applicants would also suggest that the MMO's suggested wording for condition 22(6) is amended as follows (for the reasons given in row 1.4.12b above):</p> <p>(6) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written</p>	<p>The MMO is satisfied with the Applicants wording for condition 21(6) with respect to marine mammals. However, the MMO defers to Natural England regarding sandeel and notes their concerns, and therefore we note that this will be for the SoS to make a decision.</p>

<p>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;</p> <p>(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;</p> <p>(c) undertake any monitoring required by the SIP submitted in accordance with condition 16;</p> <p>(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</p> <p>(e) undertake any marine mammal monitoring referred to in the marine mammal mitigation protocol submitted in accordance with condition 15(1)(g);</p> <p><i>(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;</i></p> <p><i>(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.</i></p>	<p><i>approval of the relevant report by the MMO under this condition, completion of the monitoring required unless otherwise agreed in writing by the MMO.</i></p>	
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	<p><i>(h) any benthic monitoring required by the monitoring plan submitted in accordance with condition 15(1)(b).</i></p> <p><i>(i) any marine processes monitoring required by the monitoring plan submitted in accordance with condition 15(1)(b).</i></p> <p><i>(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.</i></p> <p><i>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.</i></p> <p><i>(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.</i></p>		
1.4.13	<p>For marine mammal monitoring: In the ExA recommendation document PD-028 the ExA proposed the following condition:</p> <p>Schedule 10 – DML1; Schedule 11 – DML2: Part 2, 22(3)(e) Schedule 12 – DML3; Schedule 13 – DML4: Part 2, 20(3)(e) <i>(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..</i></p>	<p>The Applicants responded to the ExA’s suggested wording in The Applicants’ Comments on the Examining Authority’s Proposed Schedule of Changes to the draft Development Consent Order [REP7-130], as follows:</p> <p><i>“The Applicants do not propose to update the Draft DCO (Revision 10) [document reference 3.1] because the Applicants do not consider the conclusion of no significant impact to marine mammals from operational noise in the ES to warrant further monitoring requirements. Such a requirement appears to be unprecedented, and as such would affect the relative competitiveness of the Dogger Bank Projects in comparison with other schemes with similarly sized turbines who do not have such a condition included in their DCO.</i></p> <p><i>This recommendation is not relevant to Schedule 12 DML3 and Schedule 13 DML4 as these do not allow for</i></p>	<p>The MMO maintains their stance and believes this is a matter for the SoS to decide.</p>

		<p><i>the erection of wind turbines.”</i></p> <p>The Applicants note that since the close of the Projects’ examination, DCOs have been granted for Mona Offshore Wind Farm and Morgan Offshore Wind Farm and neither of those included requirements for the monitoring of operational underwater noise. Paragraph 4.83 of the SoS’s decision letter in relation to Morgan explains that the ExA <i>“concluded that further marine mammal monitoring measures would not be necessary, considering there is no deficiency in the Applicant’s assessments and without clear rationale identified for carrying out monitoring, the information gathered may not prove relevant to future projects [ER 3.8.105].”</i></p> <p>The Applicants submit that the same position would apply in the case of the Projects, where there is no clear rationale for carrying out the monitoring due to the conclusion of no significant impact to marine mammals from operational noise. The Applicants submit that such a condition would therefore fail to meet the relevant legal tests.</p>	
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.	The Applicants do not agree with the wording proposed by the MMO and do not agree that the imposition of such a condition is necessary or proportionate, for the reasons set out above.	The MMO maintains its stance on this issue and does not agree with the Applicants’ reasoning. The MMO considers this is for the SoS to decide.
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	<p>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.</p>		
1.4.18	<p>For Benthic and sandeel indirect effect monitoring: In the ExA recommendation document PD-028 the ExA proposed the following condition:</p> <p>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)</p> <p><i>(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.</i></p>	<p>The Applicants maintain their position as set out in their response to the ExA's suggested wording in The Applicants' Comments on the Examining Authority's Proposed Schedule of Changes to the draft Development Consent Order [REP7-130]:</p> <p><i>"The Applicants submit that the requirement for monitoring of potential effects from indirect impacts on benthic Annex I habitats and linked receptor groups is already secured through the In Principle Monitoring Plan (Revision 5) [document reference 8.23] and therefore does not require securing through the Draft DCO.</i></p> <p><i>The Applicants have explained the approach to monitoring for these indirect impacts in Appendix E - Ecological Halo Effects Technical Note (Revision 2) [document reference 15.7]:</i></p> <p><i>"76. The In Principle Monitoring Plan (Revision 4) [document reference 8.23] highlights that monitoring should take account of the set of broad benthic monitoring objectives which Natural England and the Joint Nature Conservation Committee have produced. These cover the conservation objectives for the Dogger Bank SAC and can be applied to developments across the Dogger Bank Zone. These objectives are:</i></p> <ul style="list-style-type: none"> <i>• Objective 1: Determine the impacts on and recovery rates of sandbank physical features affected by wind farm installation, including large and fine scale topography, sediment composition and distribution;</i> <i>• Objective 2: Characterise and identify impacts on</i> 	<p>The MMO maintains its stance on this issue and does not agree with the Applicants' reasoning. The MMO considers this is for the SoS to decide.</p>

		<p><i>benthic biodiversity and community structure as a result of windfarm installation, i.e. changes in abundance, composition and distribution of native communities;</i></p> <ul style="list-style-type: none"> • <i>Objective 3: Determine the impacts of hard substrate infrastructure introduction on sedimentary benthic communities; and</i> • <i>Objective 4: Assess the impact of Objectives 2 and 3 on the wider community and structure i.e. linked receptors groups including epifauna, fish and birds.</i> <p><i>77. Objectives 2 – 4 directly relate to potential halo effects (and (4) reef or refugia effects).</i></p> <p><i>78. The Applicants do not propose detailed methods at this time. As stated in the In Principle Monitoring Plan (Revision 4) [document reference 8.23], proposals for monitoring should be based, as a starting point, on the best practice and outcomes of the latest review of environmental data associated with post-consent monitoring of licence conditions of Offshore Wind Farms (MMO, 2014) and applying more recent best practice guidance and lessons learnt (including from the existing Dogger Bank A, B and C and Sofia programmes) where relevant.”</i></p> <p><i>The drafting of the condition is also not suitably precise and not necessary or reasonable, on the basis that it is already secured through the IPMP.</i></p> <p><i>No updates to the Draft DCO are proposed in this regard.”</i></p>	
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.	The Applicants have commented above on the suggested amendments to the conditions and do not agree with the wording proposed by the MMO for the reasons set out above (see row 1.4.12b and 1.4.12d).	
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	As set out in I.D. 1.4.12b above, Natural England have suggested that monitoring is required to validate predicted impacts on linked receptor groups (i.e. predator species) as a result of impacts to benthic habitats and localised prey populations from loss of spawning habitat. However, any monitoring of predator species (marine mammals and bird species) is already secured through the provision of	

	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.	monitoring plans for those species. In addition, Natural England appears to suggest that the requested monitoring is required to "fill evidence gaps" rather than being necessary as a result of the proposed development. The Applicants therefore submit that the inclusion of such a provision would fail to meet the relevant legal tests.	
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.	The Applicants have commented above on the suggested amendments to the conditions and do not agree with the wording proposed by the ExA or the MMO for the reasons set out above (see I.D. 1.4.12b, 1.4.12d and 1.4.18).	
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.	The Applicants are content with the principle of the MMO's suggestion but have proposed amended wording (see I.D. 1.4.29 below).	The MMO has no concerns with the Applicants updated wording and have nothing further to add.
1.4.23	Adaptive management 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...".	The Applicants' position, as previously agreed with the MMO, has always been that the adaptive management process to be followed, in the event that monitoring shows a higher impact than was concluded in the ES, is secured through the In Principle Monitoring Plan (Revision 5) [REP7-115]. Paragraph 17 of that document sets out that: <i>"The scope and design of all monitoring work should be finalised and agreed following review of the results of any preceding survey and / or monitoring work (i.e. an adaptive monitoring approach), including those surveys conducted in support of the EIA. This includes the potential for survey requirements to be adapted based on the results of the monitoring outlined in this document, including in the event that unforeseen effects arise, which may in turn give rise to the need for adaptive management measures to be considered. In the event that a review of the construction monitoring results shows a greater impact than that assessed in the ES, the</i>	As the Applicants' previously agreed with the MMO, we have no further comments to make.

		<p><i>Applicants will use an adaptive management approach. Within the monitoring reports, the Applicants will provide a review of the monitoring results to determine whether results show an impact assessed either within or above those in the ES with justification of this conclusion supported by an interpretation of the monitoring results. Where the Applicants consider that the monitoring results show an impact greater than that assessed in the ES, the monitoring report will include proposals for solutions and/or additional monitoring that the Applicants will submit to the MMO and SNCBs for further discussion. Where it has been agreed that there are no significant effects, monitoring need not be conditioned through the DMLs.”</i></p> <p>The Applicants note that adaptive management conditions have been included in some (but not all) recent offshore wind farm DCOs and that the inclusion of such a provision has been dependent on individual circumstances and has not become the default position without consideration of whether such a condition is necessary and proportionate. It is the Applicants’ position that the condition as currently drafted does not meet the necessary legal tests as it is not sufficiently precise or certain what the Applicants would be committing to undertake. It is also not necessary or proportionate to include such a condition when the process for adaptive management is set out and secured through the construction programme and monitoring plan to be submitted and approved under condition 15(1)(b) of DMLs 1 and 2 (and equivalent provisions in the other DMLs), which must be in accordance with the In Principle Monitoring Plan.</p>	
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.	For the reasons set out above, the Applicants do not agree that a standalone adaptive management condition is necessary but agree with the MMO that if the SoS disagrees with the Applicants’ position and imposes a standalone adaptive management condition then condition 22(5) would need to be amended to ensure that there is no overlap.	The MMO has no further comments to add.
1.4.26	Changes to condition 29 Ornithological monitoring In the ExA recommendation document PD-028 the ExA proposed the following condition: Schedule 10 – DML1; Schedule 11 – DML2: Part 2, 29(4)	The Applicants provided their response to the ExA’s proposed wording in The Applicants’ Comments on the Examining Authority’s Proposed Schedule of Changes to the draft Development Consent Order [REP7-130]:	The MMO has nothing further to add to the Applicants’ comments.

<p>(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—</p> <p>(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;</p> <p>(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</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>All monitoring reports must be made publicly available and submitted to relevant evidence databases no later than six</p>	<p>“The Applicants could not find equivalent wording in any other Offshore Wind Farm DCO but are aware that similar condition wording was imposed within the Rampion 2 DCO by the Secretary of State, specifically for great black-backed gull and that the ExA have adapted this wording as part of their recommendation for the Projects.</p> <p>The reason the Secretary of State chose to include such a condition in the Rampion 2 DCO was because the ExA’s report concluded that there could be a significant effect in respect of great black-backed gull when considered cumulatively with other offshore windfarms. As the Applicant concluded the significance of effect to be negligible (not significant), they did not provide adequate mitigation or compensation for great black-backed gull. The Secretary of State therefore took the decision to amend the condition wording to include requirements for a great black-backed gull monitoring plan to be approved by the MMO in consultation with NE to determine whether the effects are as predicted by the Applicant. The Applicants do not consider this to be appropriate as the context in which this wording was created by the Secretary of State is neither applicable to the DBS Projects or suitably precise.</p> <p>The Applicants have already provided monitoring proposals for displacement of auks from the operational wind farm site, and collision risk in section 1.6.7 of the In Principle Monitoring Plan (Revision 5) [document reference 8.23]. These proposals have been put forward for impacts and species where there are evidence gaps and/or where the EIA and/or RIAA conclude a significant impact or AEoI, including where these conclusions have been taken on a without prejudice basis. This monitoring is in addition to the monitoring that will be undertaken to determine the success of compensatory measures for kittiwake and guillemot that are outlined in Appendix 1 - Project Level Kittiwake Compensation Plan (Revision 6) [REP6-010] and Appendix 2 - Guillemot [and</p>	
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	<p>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</p>	<p>Razorbill] Compensation Plan (Revision 5) [REP6-012]. The drafting of the condition is also not necessary or reasonable, on the basis that this monitoring is already detailed and secured through the IPMP. The identified measures in the IPMP (Revision 5) [document reference: 8.23] would form the basis of discussions with Natural England in order to determine those most appropriate to take forward to implementation post-consent to form the Ornithological Monitoring Plan.</p> <p>As stated in response to [REP3-056], reiterated in the Applicants' response at Deadline 6 [REP6-052] and repeated here for convenience: 'The Applicants consider that it is important to retain flexibility in In Principle Monitoring Plans (IPMPs) to allow for the incorporation of new information as studies of seabird ecology in relation to offshore wind farms is constantly developing and do not propose to further update the IPMP for offshore ornithology within this Examination. Further detail on the monitoring aims and hypotheses will be provided in the development of these proposals in collaboration with Natural England and other statutory nature conservation bodies in the post-consent stages of the Projects.'</p> <p>With regard to adaptive management, following a meeting with the MMO on 13th May 2025, the Applicants agreed to update the IPMP to include further detail on the adaptive management process that the Applicants would implement in the event that monitoring showed a higher impact than was concluded in the ES and submitted the updated IPMP at Deadline 5. In the MMO's Deadline 6 submission [REP6-069], it states that "the MMO welcomes the updates to include adaptive management. The MMO will always prefer a condition on the face of the DML but is content with the wording within the IPMP". The Applicants therefore consider the matter of adaptive management resolved and do not propose to update the Draft DCO (Revision 10) [document reference 3.1].</p> <p>The Applicants have updated the IPMP (Revision 5) [document reference: 8.23] to provide further details on</p>	
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		content of the ornithological monitoring plan as provided in the ExA’s recommended condition wording at Deadline 7.”	
1.4.29	<p>Should the SoS include the condition then the MMO requests the condition is updated to:</p> <p><i>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.</i></p> <p><i>(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.</i></p> <p><i>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.</i></p> <p><i>(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</i></p>	<p>The Applicants are content with the additional wording suggested by the MMO for condition 29(1).</p> <p>The Applicants would suggest the following amendments are made to the new wording proposed for condition 29(4) for the reasons given in row 1.4.12b above:</p> <p><i>(4) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, completion of the monitoring required unless otherwise agreed in writing by the MMO, in consultation with Natural England.</i></p>	<p>The MMO has no concerns with the Applicants updated wording and has nothing further to add.</p>
2.3.1	<p>2.3 Coastal Processes</p> <p>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</p>	<p>The Applicants included multiple scenarios in their predictions of cliff retreat within the various revisions of the Coastal Erosion Technical Note [AS-116, REP3-023] and the Assessment of Coastal Processes at the Dogger Bank South Landfall [REP5-040] based on advice from the Environment Agency who requested different future climate scenarios were presented, and that the outputs from the newly released (January 2025) National Coastal Erosion Risk Mapping 2 were also included. The Applicants followed this advice, which has resulted in an iterative assessment throughout the examination period. They also provided a discussion outlining the differences between the scenarios/approaches in Section 4 of Coastal Erosion</p>	<p>The MMO defers to Defra/EA on this matter.</p>

	<p>dismisses systems models as unreliable – and does not provide any conceptual model either.</p>	<p>Technical Note (Revision 2) [REP3-023], concluding <i>“Considering NCERM2 is published by the Environment Agency, and that it is advertised as ‘providing the most up to date national picture of coastal erosion risk for England’, understanding of cliff retreat rates at the landfall should be informed by this national dataset”</i>.</p> <p>The Applicants advise that NCERM2 utilises the outcomes of the Defra / Environment Agency research project SC120017 Shore and Cliff Sensitivity to Accelerated Sea Level Rise¹ which is underpinned by the Soft Cliff and Platform Erosion [SCAPE] system model².</p>	
2.3.2	<p>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.</p>	<p>See response to I.D. 2.3.1 above.</p>	