

# Sea Link

## Volume 7: Other Documents

Document 7.4.4: Draft Statement of Common Ground Between National Grid Electricity Transmission and the Marine Management Organisation.

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| <b>Version</b> |                |               |                               |
|----------------|----------------|---------------|-------------------------------|
| <b>Date</b>    | <b>Version</b> | <b>Status</b> | <b>Description / Changes</b>  |
| March 2025     | A              | DRAFT         | Issued with DCO application   |
| November 2025  | B              | DRAFT         | Issued to PINS for Deadline 1 |



# 1. Introduction

## 1.1 Overview

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared to support the application ('The Application') for the Sea Link Project ('Proposed Project') made by National Grid Electricity Transmission Ltd ('the Applicant'). The Application was submitted to the Secretary of State for a Development Consent Order (DCO) and accepted for examination on the 23 April 2025.
- 1.1.1 The aim of a SoCG is to help the Examining Authority manage the Examination Phase of a DCO application. Understanding the status of the matters at hand will allow the Examining Authority to focus their questioning and provide greater predictability for all participants in Examination. A SoCG may be submitted prior to the start of or during Examination and then updated as necessary or as requested during the Examination Phase.
- 1.1.2 This SoCG is between the Applicant and the Marine Management Organisation (MMO) relating to the DCO application for the Proposed Project. It has been prepared in accordance with the guidance published by the Ministry of Housing, Communities and Local Government (Ministry of Housing, Communities and Local Government, 2024).

## 1.2 This Statement of Common Ground

- 1.2.1 This SoCG has been prepared to identify matters agreed and matters currently outstanding between The Applicant and the MMO. The SoCG will evolve as the DCO application progresses through examination.
- 1.2.2 The Applicant prepared an initial draft (Version A) of the Statement of Common Ground (SoCG) for submission with the Application, based on engagement with the MMO throughout the development of the Proposed Project. Since submitting the Application, the Applicant has continued working with the MMO to address outstanding issues as the Proposed Project moves through the Pre-Examination and Examination stages.
- 1.2.3 This draft SoCG was shared with the MMO shortly before Deadline 1. Due to the limited time before the deadline, no comments have yet been received on this version. Any new matters added since then are marked as "under discussion." The Applicant will continue collaborating with the MMO to resolve issues during the Examination phase and will update future versions of the SoCG to reflect any agreements reached.
- 1.2.4 For the purpose of this SoCG, The Applicant and the MMO will jointly be referred to as the 'Parties'. When referencing the MMO alone, they will be referred to as 'the Consultee'.

## 1.3 Role of the Marine Management Organisation in the DCO Process

- 1.3.1 The Consultee is an executive non-departmental public body, which was established under the Marine and Coastal Access Act 2009. The Consultee is a statutory consultee within the DCO process and consultation with the Consultee is required.
- 1.3.2 The main purpose of the Consultee is to protect and enhance the United Kingdom's marine environment, and support UK economic growth by enabling sustainable marine

activities. The Consultee manages 230 000 km<sup>2</sup> of diverse seas, which includes the marine area that would be impacted by the Proposed Project.

- 1.3.3 As a prescribed consultee under the Planning Act 2008, the MMO advises developers during preapplication on those aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction, deposit or removal within the marine area, this also includes assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works. Also, the MMO works as a licensing and consenting body.
- 1.3.4 The MMO is responsible for issuing a deemed marine licence (dML) as well as enforcing, post-consent monitoring, varying, suspending and revoking any deemed marine licence as part of the DCO.

## 1.4 Description of the Proposed Project

- 1.4.1 The Proposed Project is a proposal by The Applicant to reinforce the transmission network in the South East and East Anglia. The Proposed Project is required to accommodate additional power flows generated from renewable and low carbon generation, as well as an addition to new interconnection with mainland Europe.
- 1.4.2 The Applicant owns, builds and maintains the electricity transmission network in England and Wales. Under the Electricity Act 1989, The Applicant holds a transmission licence under which it is required to develop and maintain an efficient, coordinated, and economic electricity transmission system.
- 1.4.3 This would be achieved by reinforcing the network with a High Voltage Direct Current (HVDC) Link between the proposed Friston substation in the Sizewell area of Suffolk and the existing Richborough to Canterbury 400 kV overhead line close to Richborough in Kent.
- 1.4.4 The Applicant is also required, under Section 38 of the Electricity Act 1989, to comply with the provisions of Schedule 9 of the Act. Schedule 9 requires license holders, in the formulation of proposals to transmit electricity, to:

Schedule 9(1)(a) “...have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest”; and

Schedule 9(1)(b) “...do what [it] reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.”

- 1.4.5 The Proposed Project would comprise the following elements:

### The Suffolk Onshore Scheme

- A connection from the existing transmission network via Friston Substation, including the substation itself. Friston Substation already has development consent as part of other third-party projects. If Friston Substation has already been constructed under another consent, only a connection into the substation would be constructed by the Sea Link project.

- A high voltage alternating current (HVAC) underground cable of approximately 1.9 km in length between the proposed Friston Substation and a proposed converter station (below).
- A 2 GW high voltage direct current (HVDC) converter station (including permanent access from the B1121 and a new bridge over the river Fromus) approximately 26 m high plus external equipment (such as lightning protection, safety rails for maintenance works, ventilation equipment, aerials, similar small scale operational plant, or other roof treatment) near Saxmundham.
- A HVDC underground cable connection of approximately 10 km in length between the proposed converter station near Saxmundham, and a transition joint bay (TJB) approximately 900 m inshore from a landfall point (below) where the cable transitions from onshore to offshore technology.
- A landfall on the Suffolk coast (between Aldeburgh and Thorpeness).

## The Offshore Scheme

- Approximately 122 km of subsea HVDC cable, running between the Suffolk landfall location (between Aldeburgh and Thorpeness), and the Kent landfall location at Pegwell Bay.

## The Kent Onshore Scheme

- A landfall point on the Kent coast at Pegwell Bay.
- A TJB approximately 800 m inshore to transition from offshore HVDC cable to onshore HVDC cable, before continuing underground for approximately 1.7 km to a new converter station (below).
- A 2 GW HVDC converter station (including a new permanent access off the A256), approximately 28 m high plus external equipment such as lightning protection, safety rails for maintenance works, ventilation equipment, aerials, and similar small scale operational plant near Minster. A new substation would be located immediately adjacent.
- Removal of approximately 2.2 km of existing HVAC overhead line, and installation of approximately 3.5 km of new HVAC overhead line from the substation near Minster and the existing Richborough to Canterbury overhead line.

1.4.6 The Proposed Project also includes modifications to sections of existing overhead lines in Suffolk (only if Friston Substation is not built pursuant to another consent) and Kent, diversions of third-party assets, and land drainage from the construction and operational footprint. It also includes opportunities for environmental mitigation, compensation and enhancement (which could include hedgerow creation, native tree planting, or habitat creation). The construction phase will involve various temporary construction activities including overhead line diversions, use of temporary towers or masts, working areas for construction equipment and machinery, site offices, parking spaces, storage, accesses, bellmouths, and haul roads, as well as watercourse crossings and the diversion of public rights of way (PRoWs) and other ancillary operations.

## 1.5 Format of Document and Terminology

1.5.1 Section 2 of this SoCG summarises the engagement the Parties have had with regard to the Proposed Project.

- 1.5.2 Section 3 of this SoCG summarises the issues that are ‘agreed’, ‘not agreed’ or are ‘under discussion’. ‘Not agreed’ indicates a final position where the Parties have agreed to disagree, whilst ‘Agreed’ indicates where the issue has been resolved.
- 1.5.3 Abbreviations used within the SoCG are provided in Table 1.1 below.

**Table 1.1 Abbreviations**

| <b>Abbreviation/Term</b> | <b>Definition</b>                                      |
|--------------------------|--|
| CBRA                     | Cable Burial Risk Assessment                           |
| CEFAS                    | Centre for Environment, Fisheries and Aquatic Sciences |
| DCO                      | Development Consent Order                              |
| dML                      | Deemed Marine Licence                                  |
| DoL                      | Depth of Lowering                                      |
| EIA                      | Environmental Impact Assessment                        |
| EMF                      | Effects of Electromagnetic Fields                      |
| ES                       | Environmental Statement                                |
| HVAC                     | High Voltage Alternating Current                       |
| HVDC                     | High Voltage Direct Current                            |
| INNS                     | Invasive Non-Native Species                            |
| JNCC                     | Joint Nature Conservation Committee                    |
| LPA                      | Local Planning Authority                               |
| MCZ                      | Marine Conservation Zone                               |
| MMO                      | Marine Management Organisation                         |
| NMFS                     | National Marine Fisheries Service                      |
| NPS                      | National Policy Statement                              |
| PEIR                     | Preliminary Environmental Impact Report                |
| PTS                      | Permanent Threshold Shift                              |
| PRoW                     | Public Right of Way                                    |
| RPL                      | Route Position List                                    |
| RSMP                     | Regional Seabed Monitoring Plan                        |
| SEL                      | Sound Exposure Level                                   |
| SoCG                     | Statement of Common Ground                             |
| SPL                      | Sound Pressure Level                                   |



| Abbreviation/Term | Definition                |
|-------------------|---------------------------|
| TJB               | Transmission Joint Bay    |
| TTS               | Temporary Threshold Shift |
| UWN               | Under Water Noise         |
| UXO               | Unexploded Ordnance       |

## 2. Record of Engagement

### 2.1 Summary of discussions to date

2.1.1 Table 2.1 summarises the consultation and engagement that has taken place between the Parties.

**Table 2.1 Discussions to date**

| <b>Date</b>       | <b>Topic</b>   | <b>Discussion points</b>   |
|-------------------|--|--|
| 18 August 2021    | Introduction to project                              | Marine survey, consenting approach, development of proposal  |
| 13 June 2022      | MMO, The Applicant, - Project update meeting         | Project update, marine route corridor, route development and refinement, additional survey requirements, future engagement   |
| 20 September 2022 | MMO, The Applicant, - Project update meeting         | Route refinements, additional survey requirements, dredge sample plan and archaeological analysis of vibrocores  |
| 09 January 2023   | MMO, The Applicant, - Project update meeting         | Sea Link Project and timeline, Project Update Non statutory consultation - overview of eight-week public consultation, briefings with community action groups, briefing with Commercial fisheries working group, public events, Local Planning Authority site visits and webinars: dredge sample plan, next steps and AOB/questions. |
| 24 April 2023     | MMO and The Applicant - Physical Environment Meeting | Project update, timelines, scoping comments, data sources, assessment methodology.   |
| 09 May 2023       | MMO and The Applicant - Marine mammals Meeting       | Project update, timelines, scoping comments, data sources, Under Water Noise (UWN) assessment methodology.   |
| 31 May 2023       | MMO and The Applicant - Fish and Shellfish Meeting   | Herring and sandeel assessment methodology with Cefas and the MMO.   |
| 12 June 2023      | MMO, The Applicant, - Project update meeting         | Statement of Community Consultation, River Stour Crossing, Unexploded Ordnance (UXO) Consenting Strategy   |
| 09 October 2023   | MMO, The Applicant, - Project update meeting         | Marine route run through and history of the project to update new staff, agreed on UXO consenting strategy   |

| <b>Date</b>       | <b>Topic</b>                                       | <b>Discussion points</b>   |
|-------------------|--|--|
| 18 January 2024   | MMO, The Applicant, - Project update meeting       | Program update, statutory consultation, additional survey, UXO licensing requirements, self-service licensing for intertidal boreholes   |
| 05 February 2024  | Letter   | Response to MMO's Statutory Consultation<br>Response to set out that further marine surveys are to be carried out in response to the comments from MMO; commitment to routing cable around Goodwin Sands Marine Conservation Area. |
| 08 February 2024  | MMO and The Applicant - Fish and Shellfish Meeting | Herring and sandeel assessment methodology and preliminary findings with Centre for Environment, Fisheries and Aquatic Sciences (Cefas) and the MMO.   |
| 18 April 2024     | MMO, The Applicant, - Project update meeting       | Thematic meetings update, Cable Burial Requirements,   |
| 02 May 2024       | MMO and The Applicant - Marine Mammals Meeting     | Email correspondence regarding Underwater Sound and marine mammal assessments with Cefas and the MMO.  |
| 24 May 2024       | MMO, The Applicant, - Project update meeting       | Survey update, seasonal restrictions, cable burial requirements,   |
| 13 June 2024      | MMO, The Applicant, - Project update meeting       | Cable burial requirements, sand eel and herring, marine survey update, sampling requirements,  |
| 11 July 2024      | MMO, The Applicant, - Project update meeting       | Cable burial depth requirements, SoCGs, deemed Marine Licence (dML) conditions   |
| 24 July 2024      | Additional PEIR consultation                       | Further consultation response  |
| 08 August 2024    | MMO, The Applicant, - Project update meeting       | Key milestones, updated timeline, cable burial, dML comments   |
| 12 September 2024 | MMO, The Applicant, - Project update meeting       | Future engagement, cable burial depths, SoCGs  |
| 14 November 2024  | MMO, The Applicant, - Project update meeting       | Key milestones and programme, engagement strategy and design changes, cable burial depths, dML edits   |
| 09 Jan 2025       | MMO, The Applicant, - Project update meeting       | Cable burial depths, working draft SoCG comments, DML comments. MCMS admin.  |
| 13 Feb 2025       | MMO, The Applicant, - Project update meeting       | Cable burial depths, working draft SoCG comments, DML comments. MCMS admin.  |
| 13 March 2025     | MMO, The Applicant, - Project update meeting       | Expected timelines to submission. MCMS/fees admin. DML comments  |

| <b>Date</b>   | <b>Topic</b>                                    | <b>Discussion points</b>  |
|---------------|---|---|
| 10 April 2025 | MMO, The Applicant<br>Project update meeting    | Confirmation of submission on 27 March 2025.<br>Discussed process to agreement of SoCG.<br>Discussed strategy options to secure additional required marine licences for UXO clearance activities.   |
| 16 May 2025   | MMO, The Applicant, -<br>Project update meeting | SoCG relating to Target depth of lowering and various DML potential conditions (Agreed position on sandeel and herring; discussed condition wording re: various seasonal restrictions)              |
| 12 June 2025  | MMO, The Applicant<br>Project update meeting    | Discussed additional sediment sampling results and use of chemicals (bentonite for HDD activities).<br>Further comments on DML. Further discussion on SoCG content (CBRA, DML condition on sandeel) |
| 10 July 2025  | MMO, The Applicant<br>Project update meeting    | Discussed RR. Shipping and Navigation update.<br>Agreed grouping of actions from RR in the SoCG.  |
| 11 Sept 2025  | MMO, The Applicant<br>Project update meeting    | Discussed RR regarding dML wording, particularly on authorised substances and objects for deposit at sea.<br>Also reviewed the change request for order limits at the Hoverport.                    |

### 3. Areas of Discussion Between the Parties

#### 3.1 Assessment Methodologies

Table 3.1 Assessment Methodologies

| Ref   | Relevant Application Document   | Summary of Description of Matter                     | MMO Current Position   | The Applicant Current Position  | Status |
|-------|---|--|--|---|--------|
| 3.1.1 | <b>Application Document 6.14 Environmental Scoping Report 2022</b><br><br><b>Application Document 6.15 Scoping Opinion 2022</b> | Environmental Impact Assessment (EIA) Scoping Report | The Consultee agrees that the methodology and scope in the EIA Scoping Report is adequate. | The scope of the EIA that is set out in the Applicant's Scoping Report (see <b>Application Document 6.14 Environmental Scoping Report 2022 [APP-299]</b> ), taking account of the Consultee's comments made in its response to the request for a scoping opinion (see <b>Application Document 6.15 Scoping Opinion 2022 [APP-300]</b> ), is adequate. | Agreed |



3.2 Physical Environment and Benthic Ecology

Table 3.2 Physical Environment and Benthic Ecology

| Ref   | Relevant Application Document   | Summary of Description of Matter             | MMO Current Position  | The Applicant Current Position  | Status |
|-------|---|--|---|---|--------|
| 3.2.1 | Application Document 6.2.4.2<br>Part 4 Marine Chapter 2 Benthic Ecology | Goodwin Sands Marine Conservation Zone (MCZ) | The Consultee has raised concerns on potential impacts to the Goodwin Sands MCZ. Their preference would be to avoid routing through this MCZ. As the Proposed Project has now committed to this, this matter is agreed. | At Environmental Statement (ES) scoping stage, the Proposed Project was undertaking steps to re-route the offshore cable outside of the Goodwin Sands MCZ. This has now been confirmed and therefore this issue is agreed.<br><br>This has been set out in Application Document 6.2.4.2 (C) Part 4 Marine Chapter 2 Benthic Ecology, submitted at Deadline 1. | Agreed |

3.3 Benthic Ecology

Table 3.3 Benthic Ecology

| Ref   | Relevant Application Document   | Summary of Description of Matter | MMO Current Position   | The Applicant Current Position   | Status |
|-------|---|----------------------------------|--|--|--------|
| 3.3.2 | <b>Application Document 6.2.4.2 Part 4 Marine Chapter 2 Benthic Ecology</b>   | Thermal Emissions                | Disturbance to benthic habitats and species due to subsea cable thermal emissions is acknowledged as a potential impact from the Proposed Project. However, the heating of sediment above the buried cable may result in the “direct loss of subtidal benthic habitats and species” and the Consultee recommend that this impact is included in any assessment of thermal emissions because of the cable installation works. | The Applicant agree to scope thermal emissions back into the assessment. This has been set out in <b>Application Document 6.2.4.2 (C) Part 4 Marine Chapter 2 Benthic Ecology</b> submitted at Deadline 1.   | Agreed |
| 3.3.3 | <b>Application Document 6.3.1.5.A ES Appendix 1.5.A Cumulative Effects Assessment Methodologies</b><br><br><b>Application Document 6.2.4.10 Part 4 Marine Chapter 10 Intra-Project Cumulative Effects</b><br><br><b>Application Document 6.2.4.11 Part 4 Marine Chapter 11 Inter-Project Cumulative Effects</b> | Cumulative Effects               | The Consultee is content that there is adequate description of the potential cumulative and inter-related impacts on the benthic environment, which are discussed in chapter 12 of the PEIR. The Consultee notes that a study area of 10km from the offshore scheme boundary is used for the benthic ecology assessment, which is deemed appropriate.  | The cumulative assessment methodology has been presented in the PEIR. The Cumulative Effects Assessment methodology has been included in the ES for the DCO application ( <b>Application Document 6.3.1.5.A ES Appendix 1.5.A Cumulative Effects Assessment Methodologies [APP-091]</b> ). The conclusions of the Cumulative Effects will be detailed in <b>Application Document 6.2.4.10 Part 4 Marine Chapter 10 Intra-Project Cumulative Effects [APP-083]</b> and <b>Application Document 6.2.4.11 Part 4 Marine Chapter 11 Inter-Project Cumulative Effects [APP-084]</b> . | Agreed |

3.4 Fish and Shellfish

Table 3.4 Fish and Shellfish

| Ref   | Relevant Application Document   | Summary of Description of Matter | MMO Current Position   | The Applicant Current Position   | Status           |
|-------|---|----------------------------------|--|--|------------------|
| 3.4.1 | Application Document 6.2.4.3 Part 4 Marine Chapter 3 Fish and Shellfish Ecology | Herring and Sandeel              | Overall, the Consultee and Cefas were happy with the level of analysis shown in this presentation. The revised MarineSpace methodology has recently been signed off by the Consultee so will be available to use. However, given the current analysis goes over and above the 2013 methods , revised analysis to the new methodology is not required. Furthermore, OneBenthic data (which includes Regional Seabed Monitoring Plan (RSMP) data) is also sufficient in order to keep proportionate to the Proposed Project.   | The Applicant have provided a detailed walkthrough of the analysis conducted across the cable corridor for herring and sandeel on the 8 February 2024, and as such do not propose any further updates to accommodate new methodology, as it has been agreed the level carried out is appropriate.  | Agreed           |
| 3.4.2 | Application Document 6.2.4.3 Part 4 Marine Chapter 3 Fish and Shellfish Ecology | Herring and Sandeel              | Mapping suggests that the project is on the fringes of important spawning areas for herring, but from an initial assessment these conclusions are generally accepted, but this will need to be taken away for further detailed review. The Proposed Project does pass through high confidence sandeel areas but should be put in the context of the wider habitat available in the North Sea which is currently shown in the mapping. Once the ES is submitted, an assessment will be made against the types of activities undertaken as part of the proposed project when providing a response. | The Applicant have provided preliminary conclusions for herring and sandeel to Cefas on the 8 February 2024, which were generally accepted by the consultee, however we understand that the final ES must be reviewed before these conclusions can be agreed fully.<br><b>Application Document 6.3.4.3.A Part 4 Marine Chapter 3 Appendix A Herring and Sandeel Assessment [APP-200]</b> identified the presence of potential herring spawning habitat within the central sections and nearshore area in the south, as identified by the EMODnet data and MMT benthic characterisation survey. As stated by the MMO, the suitability of these seabed sediments in these locations cannot rule out the potential of spawning, noting that it is of lower intensity. A precautionary approach has been taken within <b>Application Document 6.2.4.3 (C) Part 4 Marine Chapter 3 Fish and Shellfish Ecology</b> (submitted at | Under discussion |

| Ref | Relevant Application Document | Summary of Description of Matter | MMO Current Position | The Applicant Current Position   | Status |
|-----|-------------------------------|----------------------------------|----------------------|--|--------|
|     |                               |                                  |                      | Deadline 1) and has assessed the potential effects to these habitats accordingly, concluding no significant effects. |        |

3.5 Marine Mammals

Table 3.5 Marine Mammals

| Ref   | Relevant Application Document                                       | Summary of Description of Matter | MMO Current Position   | The Applicant Current Position  | Status |
|-------|---|----------------------------------|--|---|--------|
| 3.5.1 | Application Document 6.2.4.4 Part 4 Marine Chapter 4 Marine Mammals | Underwater Sound                 | <p>The Consultee are content that all potential noise generating sources have been appropriately identified. However, not all these sources have been fully considered in terms of their potential impacts on marine mammals.</p> <p>For instance, Table 4.17 refers to cable installation and cable lay vessels, rock placement and support vessels, which are all continuous or non-impulsive sources. In the case of non-impulsive sound, the Permanent Threshold Shift (PTS) / Temporary threshold Shift (TTS) thresholds are not explicitly defined for the Sound Pressure Levels peak (SPLpeak) metric. The thresholds are based on the cumulative sound exposure level (SELcum). National Marine Fisheries Service (NMFS) (2018) intends for the weighted SELcum metric to account for the accumulated exposure, i.e., over the duration of the activity within a 24-hour period. For any given activity and receptor, the accumulated exposure depends not only on the spatial distribution of the noise generated by the activity, but also on the position of the receptor in the field which might change over the duration of the activity within a 24-hour period.</p> <p>The reason why Cefas (as the technical experts on behalf of the Consultee) raised the original point above regarding the sound exposure level thresholds for continuous sources was to make</p> | <p>Continuous sound sources for the project are vessel noise and from installation activities such as cable lay and rock placement. The Consultee correctly notes that the key thresholds for these sound sources are Sound Exposure Level (SEL) not Sound Pressure Level (SPL). SPL refers to impulsive sounds generally. SEL allows the determination of sound propagation over time and is usually determined for a 24-hour period (though this can be varied if specifically stated and justified).</p> <p>Based on a review of the assessment methods included in previous Offshore HVDC projects such as Eastern Link 1 and Eastern Link 2, The Applicant considers that undertaking full sound propagation modelling is not a proportionate approach for the Proposed Project. The Applicant therefore does not have specific impact distances calculated for continuous sounds and instead has used a more qualitative approach, as mentioned by Cefas, drawing on existing literature to derive assessment conclusions, and present evidence to ascertain the risk of potential impact in the ES (see Section 4.9 of <b>Application Document 6.2.4.4 (E) Part 4 Marine Chapter 4 Marine Mammals</b>, updated at Deadline 1 along with <b>Application Document 9.49 Seals and Airborne Sound Disturbance Technical Note</b>) and the inclusion of JNCC measures to minimise injury in our mitigation.</p> | Agreed |



| Ref | Relevant Application Document | Summary of Description of Matter | MMO Current Position   | The Applicant Current Position   | Status |
|-----|-------------------------------|----------------------------------|--|--|--------|
|     |                               |                                  | <p>the Applicant aware that the noise criteria (as per Southall et al. (2019) are dual criteria. The PEIR only referred to the peak sound pressure level (SPL<sub>peak</sub>) thresholds (which, as explained, are not applicable for continuous sources of noise).</p> <p>Specifically, the Consultee noted that the thresholds for continuous (or non-impulsive) sources are based on the cumulative sound exposure level (SEL<sub>cum</sub>). NMFS (2018) intends for the weighted SEL<sub>cum</sub> metric to account for the accumulated exposure, i.e., over the duration of the activity within a 24-hour period. For any given activity and receptor, the accumulated exposure depends not only on the spatial distribution of the noise generated by the activity, but also on the position of the receptor in the field which might change over the duration of the activity within a 24-hour period. In order to appropriately determine the cumulative sound exposure level (SEL<sub>cum</sub>), this needs to be modelled using relevant noise exposure criteria or thresholds (i.e., NMFS, 2018). The risk of impact depends on the duration of the activity (within a 24-hour period), and on the position of the animal in relation to the source.</p> <p>However, this is not to say that The Applicant must undertake full noise propagation modelling. If The Applicant cannot, or does not propose to undertake modelling, then another (and perhaps more proportionate) approach, in this instance, could be to draw on existing literature to derive assessment conclusions, and present evidence to ascertain the risk of potential impact. The</p> | <p>The Applicant note the recent (2023) Oslo and Paris (OSPAR) report on the impacts of cable installation states:</p> <p><i>“iv) Noise from cables and associated activities: Sound emissions related to cable survey and installation activities generally do not exceed the background levels of shipping and other anthropogenically-induced emissions and are limited in time (i.e., restricted to survey and installation periods). There are no clear indications that noise impacts related to the installation (or removal) and operation of subsea cables pose a high risk of harming marine fauna.”</i></p> |        |

| Ref   | Relevant Application Document  | Summary of Description of Matter | MMO Current Position  | The Applicant Current Position   | Status |
|-------|--|----------------------------------|---|--|--------|
|       |  |                                  | <p>important thing is that an appropriate evidence-based case is presented. In essence, The Applicant should present appropriate evidence to justify why the risk of potential impact is likely to be low.</p> <p>The Consultee notes that The Applicant reference the recent 2023 OSPAR report on the impacts of cable installation and suggests that it would be good for The Applicant to draw on this material. The Consultee notes that the OSPAR report recognises that there is only little information on potential noise effects due to the installation (or removal) and operation of subsea cables.</p>  |  |        |
| 3.5.2 | <b>Application Document 6.2.4.4 Part 4 Marine Chapter 4 Marine Mammals</b> | Underwater Sound                 | <p>Regarding works within the Consultee's jurisdiction, it is understood that refinements to the marine HVDC cable route have reduced the offshore cable length by approximately eight kilometres (km). These adjustments allow The Applicant to avoid areas where sea aggregate is extracted, the Goodwin Sands marine protection area, migrating sands unsuitable for cable protection, and the Harwich deep water channel and SUNK pilot station. The Consultee also notes changes to the approach for backfilling marine trenches.</p> <p>An additional PEIR has been produced, prompting further consultation. The Consultee has reviewed the provided documents and notes no new impacts beyond those outlined in the original PEIR, with no new proposed works. A full assessment, carried out by the Consultee and its advisors, of all</p> | <p>The Applicant understand that in regard to additional PEIR updates presented on the project, activities which fall outside the hearing ranges of marine mammals have not been considered but the Consultee has reviewed the provided documents and notes no new impacts beyond those outlined in the original PEIR, with no new proposed works, within the jurisdiction of the Consultees.</p> <p>No further comments received from the Consultee on this topic following submission of final ES.</p> | Agreed |

| Ref | Relevant Application Document | Summary of Description of Matter | MMO Current Position  | The Applicant Current Position | Status |
|-----|-------------------------------|----------------------------------|---|--------------------------------|--------|
|     |                               |                                  | impacts will occur upon receipt of the environmental statement. |                                |        |

3.6 Further Consultation

Table 3.6 Further Consultation

| Ref   | Relevant Application Document | Summary of Description of Matter        | MMO Current Position  | The Applicant Current Position   | Status |
|-------|-------------------------------|---|---|--|--------|
| 3.6.1 |                               | Further consultation on additional PEIR | <p>Regarding works within the Consultee’s jurisdiction, it is understood that refinements to the marine HVDC cable route have reduced the offshore cable length by approximately eight kilometres (km). These adjustments allow The Applicant to avoid areas where sea aggregate is extracted, the Goodwin Sands marine protection area, migrating sands unsuitable for cable protection, and the Harwich deep water channel and SUNK pilot station. The Consultee also notes changes to the approach for backfilling marine trenches.</p> <p>An additional PEIR has been produced, prompting further consultation. The Consultee has reviewed the provided documents and notes no new impacts beyond those outlined in the original PEIR, with no new proposed works. A full assessment, carried out by the Consultee and its advisors, of all impacts will occur upon receipt of the environmental statement.</p> | The Applicant has noted that the Consultee has reviewed the additional PEIR. | Agreed |

3.7 General

Table 3.7 General

| Ref   | Relevant Application Document   | Summary of Description of Matter | MMO Current Position  | The Applicant Current Position  | Status           |
|-------|---|----------------------------------|---|---|------------------|
| 3.7.1 |   | UXO Consenting Strategy          | The Consultee advised the Proposed Project team to exclude UXO clearance from the dML and follow the approach taken by Dogger Bank A and B. The Consultee recommended a two-licence approach: one for the UXO survey and one for the UXO clearance.   | The Applicant have agreed with the Consultee's approach to seek a separate Marine Licence Application for UXO surveys and UXO clearance.  | Agreed           |
| 3.7.2 | Application Document 6.2.1.4 Part 1 Introduction Chapter 4 Description of the Proposed Project. | Target depth of lowering         | The Consultee has advised that they need to review Environmental Statement chapters and accompanying Cable Burial Risk Assessment (CBRA) in order to fully understand the potential environmental and navigational risks posed by the proposed cable burial procedure. Until this supporting information has been reviewed, the Consultee will not be able to confirm if they agree that a 1m cable burial depth is a suitable restriction across parts of the cable route. | <p>In April 2023 the Proposed Project's CBRA included target Depth of Lowering (DoL) of 1 m. This was increased to 1.5 m following the relevant guidance documents available at the time. The 1.5 m was recommended to minimise effect of electromagnetic fields (EMF), at the time this was in-line with the National Policy Statement for Renewable Energy Infrastructure (EN-3; July 2011). The National Policy Statement for Renewable Energy Infrastructure (EN-3) NPS EN3 document has been updated November 2023 and is in force from 17 January 2024 and removes the recommendation for a burial depth of 1.5 m below seabed to mitigate EMF effects.</p> <p>The Proposed Project Route Position List (RPL) has differing levels of third-party threat, and the Target DoL is adjusted in order to maintain the required anchor strike return period. For the low-risk areas, a minimum depth of 1 m is appropriate (As per April 2023 CBRA). A change in DOL from 1.5m to 1.0 m provides many advantages, including faster deployment and less disruption overall to both the environment and other sea users.</p> | Under discussion |



| Ref | Relevant Application Document | Summary of Description of Matter | MMO Current Position | The Applicant Current Position   | Status |
|-----|-------------------------------|----------------------------------|----------------------|--|--------|
|     |                               |                                  |                      | <p>The overall proposed length of cable that would be lowered/buried at a minimum 1.0 m depth corresponds to 22% of the entire marine RPL. Full details of cable burial approach can be found in <b>Application Document 6.2.1.4 Part 1 Introduction Chapter 4 Description of the Proposed Project [AS-018]</b>.</p> <p>Therefore, NGs position is for a target DoL of 1, in line with the most recent guidance as explained above.</p> <p>The Applicant has subsequently shared the CBRA document with the Consultee and are awaiting further comment following their review.</p> |        |

3.8 Deemed Marine Licence (dML)

Table 3.8 Deemed Marine Licence

| Ref   | Relevant Application Document  | Summary of Description of Matter          | MMO Current Position   | The Applicant Current Position  | Status           |
|-------|--|---|--|---|------------------|
| 3.8.1 | <b>Application Document 3.1 draft Development Consent Order Schedule 16 Deemed Marine Licence</b>  | dML - conditions                          | The Consultee recommends that the project be divided into phases, clearly delineated within the DML, with corresponding conditions specified for each phase.   | <p>The ordering of the dML conditions has been rearranged to better reflect the order of consent discharge. It has not been broken down into further categories at this time due to the overall small size of the dML. Discussed further during meeting with the Consultee on 14 November 2024 and The Applicant considered at this stage that the concern raised by the Consultee is addressed by Part 2, 3. (3) of the dML.</p> <p>An updated dML is being submitted at Deadline 1, following which further discussion is anticipated with the Consultee.</p>   | Under discussion |
| 3.8.2 | <b>Application Document 6.2.4.3 Part 4 Marine Chapter 3 Fish and Shellfish Ecology</b><br><br><b>Application Document 6.3.4.3.A ES Appendix 4.3.A Herring and Sandeel Assessment</b> | dML – conditions for sandeels and herring | It is unclear whether conditions for Sandeel and Herring protection are necessary without the ES. The Consultee recommends that this will need to be reviewed. | <p>There is no requirement for a condition relating to sandeel and herring restrictions. Evidence to support this has been added to the ES and will be submitted as part of the DCO application. This is found in <b>Application Document 6.2.4.3 (C) Part 4 Marine Chapter 3 Fish and Shellfish Ecology</b>, submitted at Deadline 1. A separate assessment of sandeels and herring has been made in <b>Application Document 6.3.4.3.A ES Appendix 4.3.A Herring and Sandeel Assessment [APP-200]</b>.</p> <p>An updated dML is being submitted at Deadline 1, following which further discussion is anticipated with the Consultee.</p> | Under discussion |
| 3.8.3 | <b>Application Document 3.1 draft Development Consent Order</b>  | dML – cable details.                      | The DML should reference cable burial depth, maximum cable protection, and dredge quantity.  | <p>This has been addressed for DCO submission (Part 2, para 1) of the dML.</p> <p>An updated dML is being submitted at Deadline 1, following</p>  | Agreed           |

| Ref   | Relevant Application Document  | Summary of Description of Matter | MMO Current Position  | The Applicant Current Position  | Status |
|-------|--|----------------------------------|---|---|--------|
|       |  |                                  |   | which further discussion is anticipated with the Consultee.   |        |
| 3.8.4 | <b>Application Document 3.1 draft Development Consent Order</b>                                    | dML                              | Additional information is required for the Red Throated Diver condition, specifically relating to date.   | <p>This has been addressed for DCO submission (Part 2, para 10) of the dML.</p> <p>An updated dML is being submitted at Deadline 1, following which further discussion is anticipated with the Consultee.</p>   | Agreed |
| 3.8.5 | <b>Application Document 3.1 draft Development Consent Order Schedule 16 Deemed Marine Licence</b>  | dML                              | All conditions must be enforceable; therefore, appropriate timeframes must be included.   | <p>This has been addressed for DCO submission within the draft DCO Schedule 16 Deemed Marine Licence (<b>Application Document 3.1 draft Development Consent Order Schedule 16 Deemed Marine Licence</b>).</p> <p>An updated dML is being submitted at Deadline 1, following which further discussion is anticipated with the Consultee.</p> | Agreed |
| 3.8.6 | <b>Application Document 3.1 draft Development Consent Order Schedule 16 Deemed Marine Licence.</b> | dML                              | The referencing of legislation should be reviewed carefully. For instance, condition 5(1) should reference the UK Standard Marking Schedule for Offshore Installations.   | <p>This has been addressed for DCO submission in <b>Application Document 3.1 draft Development Consent Order Schedule 16 Deemed Marine Licence [APP-007]</b>.</p> <p>An updated dML is being submitted at Deadline 1, following which further discussion is anticipated with the Consultee.</p>   | Agreed |
| 3.8.7 | <b>Application Document 3.1 draft Development Consent Order Schedule 16 Deemed Marine Licence.</b> | dML - Condition Wording          | Ensure that the wording of conditions aligns with the Consultee's standard wording for dML conditions. It is important to highlight that the Consultee is the regulating authority post consent and has the final decision on submissions and compliance. This should be reflected in all conditions involving other authorities going consultation with the Consultee. | <p>This has been addressed for DCO submission, following standard wording of dML conditions in recently granted dMLs.</p> <p>An updated dML is being submitted at Deadline 1, following which further discussion is anticipated with the Consultee.</p>   | Agreed |

| Ref   | Relevant Application Document  | Summary of Description of Matter                             | MMO Current Position   | The Applicant Current Position   | Status           |
|-------|--|--|--|--|------------------|
| 3.8.8 | Application Document 3.1 draft Development Consent Order Schedule 16 Deemed Marine Licence | dML - Condition Wording and timing requirements for approval | <p>The Consultee does not agree with applicants imposing timing restrictions on timescales for approval for documents.</p> <p>The MMO's position remains that it is inappropriate to apply a strict timeframe to the approvals the MMO is required to give under the conditions of the DML given this would create disparity between licences issued under the DCO process and those issued directly by the MMO, as marine licences issued by the MMO are not subject to set determination periods. Whilst the MMO acknowledges that the Applicant may wish to create some certainty around when it can expect the MMO to determine any applications for an approval required under the conditions of a licence, and whilst the MMO acknowledges that delays can be problematic for developers and that they can have financial implications, the MMO stresses that it does not delay determining whether to grant or refuse such approvals unnecessarily.</p> <p>The MMO makes these determinations in a timely manner as it is able to do so. The MMO's view is that it is for the developer to ensure that it applies for any such approval in sufficient time as to allow the MMO to properly determine whether to grant or refuse the approval application.</p> | <p>Timing restrictions included in the dML are required to ensure delays to project do not occur as a result of sign off delays. Timeframes for approval have been increased from 12 weeks to 16 weeks.</p> <p>Time frames for determinations on key consent documents are common within dMLs and are an essential aspect of this project to provide certainty on project delivery. Delays for consent approval could put at risk the delivery of the Proposed Project by 2030 in line with the ASTI programme. Time frames provided have been determined to provide sufficient and reasonable time for any consultation requirements and determination decisions. Time frames for decisions by the Consultee are also consistent with other recently granted dMLs.</p> <p>In order to mitigate any challenges to approvals, the Applicant has included condition 2 in the dML that allows for extensions of time frames for either party when agreed by both, and would not be unduly withheld.</p> <p>An updated dML is being submitted at Deadline 1, following which further discussion is anticipated with the Consultee.</p> | Under Discussion |
| 3.8.9 | Application Document 3.1 draft Development Consent Order Schedule 16 Deemed Marine Licence | dML- Timing Extensions                                       | <p>The MMO also does not agree with the inclusion of timing extensions and requests this is removed.</p>   | <p>The inclusion of extensions of time periods for the submission and discharge of documents is secured as part of the dML as an appropriate measure to enable greater flexibility to suit all parties. This inclusion does not weaken any of the conditions included within the dML, as it is only implemented on the agreement of</p>  | Under Discussion |

| Ref    | Relevant Application Document  | Summary of Description of Matter | MMO Current Position  | The Applicant Current Position  | Status           |
|--------|--|----------------------------------|---|---|------------------|
|        |  |                                  |   | <p>both the Applicant and the Consultee. It therefore only provides the potential for increased flexibility should the appropriate need arise.</p> <p>An updated dML is being submitted at Deadline 1, following which further discussion is anticipated with the Consultee.</p>  |                  |
| 3.8.10 | Application Document 3.1 draft Development Consent Order Schedule 16 Deemed Marine Licence | dML – Force Majeure              | <p>The MMO does not consider provisions on Force Majeure to be necessary as Section 86 MCAA 2009 provides a defence for action taken in an emergency in breach of any licence conditions. The defence under Section 86 of MCAA has two limbs, and in the event that the undertaker fails to notify the appropriate licensing authority, in this case the MMO, within a reasonable time of their actions (Section 86(2) “matters”) the defence cannot be relied upon in the event of any enforcement action.</p> <p>If the Applicant maintains that the proposed provision does not duplicate Section 86 MCAA and instead introduces a reporting requirement which did not previously exist, we would advise that it should be made clear that this provision is in addition to Section 86 and its requirements.</p> | <p>The Applicant disagrees that 9(2) is not necessary as it is covered by the dropped object procedure. The purpose of the force majeure condition is that it will apply in an emergency scenario. Section 86 of the MCAA provides a defence for actions taken in an emergency whereas this condition is about notifying of a deposit in those circumstances. It does not overlap with s86, which will still apply. The wording is well-precedented in other made DCOs with a dML and no change to the draft DCO is proposed.</p> <p>Notwithstanding this, an updated dML is being submitted at Deadline 1, following which further discussion is anticipated with the Consultee.</p> | Under Discussion |
| 3.8.11 | Application Document 3.1 draft Development Consent Order Schedule 16 Deemed Marine Licence | Post Consent Monitoring          | <p>The MMO requests that regular maintenance reports be submitted post construction and requests that a separate section “<b>Post consent monitoring</b>” be included within the DML. Full details of requirements outlined within the MMO relevant representation.</p>   | <p>The Applicant does not agree to the requirements put forward under the heading of a “post consent monitoring” section. Maintenance will only be required if the cable becomes exposed or there is a cable fault. The current schedule of post installation survey campaigns is not determined but will not be a regular annual basis. The Applicant is engaging further with the Consultee to consider further</p>   | Under Discussion |



| Ref    | Relevant Application Document                            | Summary of Description of Matter                       | MMO Current Position   | The Applicant Current Position  | Status           |
|--------|--|--|--|---|------------------|
|        |  |  |  | the requirements for maintenance reporting.   |                  |
| 3.8.12 | Application Document 3.1 draft Development Consent Order | Main DCO Part 2 Principal powers Benefits of the Order | The MMO objects to the provisions relating to the process of transferring and/or granting the DML set out in the draft DCO. The MMO does not consider that the 2008 Act allows the DCO to make a provision to transfer the benefit of the DML in the way that is proposed. As such, all references must be removed.              | <p>The Applicant will amend the wording of this section to include consultation with the Consultee before any such transfer of benefit. This is consistent with the approach used in other DCOs.</p> <p>This will be submitted within the updated DCO at Deadline 1 and further engagement with Consultee will occur.</p> | Under Discussion |
| 3.8.13 | Application Document 3.1 draft Development Consent Order | Main DCO Part 6 Miscellaneous And General Arbitration  | It must be made expressly clear that the MMO is not to be subject to the arbitration provisions. This must be amended to specifically exclude the MMO, as below: “Any matter for which the consent or approval of the Secretary of State of the MMO is required under any provision of this Order is not subject to arbitration” | This will be amended within the next version of the DCO inline with the Consultee’s comments, removing the Consultee from the requirements of arbitration.  | Under Discussion |

# 4. Approvals

|              |               |
|--------------|---------------|
| Signed       |               |
| On Behalf of | National Grid |
| Name         |               |
| Position     |               |
| Date         |               |

|              |                                |
|--------------|--------------------------------|
| Signed       |                                |
| On Behalf of | Marine Management Organisation |
| Name         |                                |
| Position     |                                |
| Date         |                                |

## 5. References

Ministry of Housing, Communities and Local Government. (2024). *Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects*. Retrieved from <https://www.gov.uk/guidance/planning-act-2008-examination-stage-for-nationally-significant-infrastructure-projects>

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