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The Planning Inspectorate
National Infrastructure Directorate
[e-mail only]

Your reference: EN010053
Our reference:
DCO/2013/00013

10 December 2015

Dear Sir/Madam,

PROPOSED HORNSEA PROJECT TWO OFFSHORE WIND FARM ORDER RESPONSE TO EXAMINATION DEADLINE 7

The Marine Management Organisation (MMO) is an interested party for the examination of Development Consent Order (DCO) applications for Nationally Significant Infrastructure Projects (NSIPs) in the marine area.

The MMO has an interest in the construction and operation of up to 360 wind turbine generators and associated development within English waters. The DCO application includes four deemed marine licences (DMLs) under Section 65 of the Marine and Coastal Access Act 2009 (MCAA09). Should consent be granted for the project, the MMO would be responsible for the monitoring, compliance and enforcement of the DML conditions.

The MMO received from the Examining Authority (ExA) two Rule 17 letters on 26 November 2015 and 7 December 2015 for the proposed Hornsea Project Two Offshore Wind Farm (Ref EN010033). Please find the MMO's response to the ExA's questions below for your consideration. Please note that the MMO reserves the right to make further comment on this application throughout the examination process based upon new information, other interested parties responses and any proposed monitoring or mitigation. In order to ensure clarity, the question to which the answer has been provided has been incorporated in this response.

1. Rule 17 letter dated 26 November 2015; Question 8

"The ExA would welcome the views of the Applicant, E.ON E&P Ltd and the Marine Management Organisation (MMO) on how the policies within the Eastern Inshore and Offshore Marine Plan (particularly the OG and WIND policies and GOV3) are secured by the proposed Hornsea Project 2 with respect to potentially competing/conflicting developments of wind energy and oil and gas exploitation."

MMO Response

Section 58 (1) of the MCAA09 requires all public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area to do so in accordance with the appropriate marine policy documents, for example the UK Marine Policy Statement (MPS), unless relevant considerations indicate otherwise.

Section 59 (3) stipulates that marine plans are also to be considered appropriate marine policy documents. Marine plans provide detailed policy and spatial guidance for an area and help ensure that decisions made within a plan area contribute to the delivery of UK, national and any area-specific policy objectives.

In determining applications for development consent for NSIPs, the MMO believes that the Secretary of State (SoS) must, therefore, have regard to the relevant marine plan, if adopted, and the MPS.

The MMO refers the ExA to the [Marine Information System](#) (MIS), which is designed to provide support to public authorities in their use of marine plans in decision making. The MIS details all policies within the Eastern Marine Plan area and provides information and considerations for each policy.

It is important to note that the MIS is not intended to be used in isolation for the purposes of decision making. When considering the marine plan policies, decision makers should consider the following:

- policies should not be read in isolation as more than one policy could apply to any proposal. The high level objectives of the marine plans provide some context to considering the range of policies;
- policies should be applied proportionately depending on the size and complexity of the proposal or activity; and
- policies should be applied alongside existing legislation and information where relevant, including requirements for Environmental Impact Assessment and Habitats Regulations Assessment where necessary.

Key plans/policies of relevance

The MMO considers the following policies from the Eastern Marine Plans to be most relevant to this proposal with respect to potentially competing/conflicting developments of wind energy and oil and gas exploitation:

- Governance Policy GOV2
Opportunities for co-existence should be maximised wherever possible.
- Governance Policy GOV3
Proposals should demonstrate in order of preference:
 - a. that they will avoid displacement of other existing or authorised (but yet to be implemented) activities;

- b. how, if there are impacts resulting in displacement by the proposal activity, they will minimise them;
 - c. how, if the impacts resulting in displacement by the proposal activity, cannot be minimised, they will be mitigated against;
 - d. the case for proceeding with the proposal if it is not possible to minimise or mitigate the impacts of displacement.
- Energy Policy OG1
Proposals within areas with existing oil and gas production should not be authorised except where compatibility with oil and gas production and infrastructure can be satisfactorily demonstrated.
 - Energy Policy OG2
Proposals for new oil and gas activities should be supported over proposals for other development.
 - Energy Policy WIND1
Developments requiring authorisation, that are in or could affect sites held under a lease or an agreement for lease that has been granted by The Crown Estate for development of an offshore wind farm (OWF), should not be authorised unless:
 - a. they can clearly demonstrate that they will not compromise the construction, operation, maintenance, or decommissioning of the OWF;
 - b. the lease or agreement for lease has been surrendered back to The Crown Estate and not been re-tendered;
 - c. the lease or agreement for lease has been terminated by the Secretary of State;
 - d. in other exceptional circumstances.
 - Energy Policy WIND2
Proposals for OWFs inside Round 3 zones, including relevant supporting projects and infrastructure, should be supported.

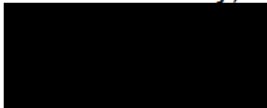
Whilst the applicant should demonstrate that the proposed development is in accordance with the MPS and marine plans, the MMO believes that it is the decision-maker who is responsible for deciding if this has been demonstrated satisfactorily. As such the MMO believes that the SoS should consider whether or not any oil and gas development is considered to be 'authorised' at this time, and whether scope for co-existence exists between the projects.

2. Rule 17 letter dated 7 December 2015

The ExA wished to seek views of all interested parties, specifically Natural England, the Royal Society for the Protection of Birds (RSPB) and the MMO, on the proposed changes in relation to refinement of the Rochdale envelope, as outlined in the Applicant's Submission of 4 December 2015.

The MMO considers that the proposed changes do not exceed the worst case parameters set out in the Environmental Statement (ES) for this project and should be accepted into the examination.

Yours sincerely,



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