



Giles Scott
National Infrastructure Consents
(email only)

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

24 June 2016

Dear Mr Scott,

MARINE MANAGEMENT ORGANISATION RESPONSE TO DECC LETTER INVITING COMMENTS FROM INTERESTED PARTIES

The Marine Management Organisation (MMO) is an interested party in the examination of Hornsea Project Two offshore wind farm because the Development Consent Order (DCO) application includes four deemed Marine Licences (DMLs) under Section 65 of the Marine and Coastal Access Act 2009 ('the 2009 act'). Should consent be granted for the project, the MMO will be responsible for monitoring, compliance and enforcement of DML conditions.

The MMO wishes to make a representation in response to the Secretary of State's (SoS's) letter dated 26 May 2016 which invited comments from any interested parties on the applicant's representation in relation to the Southern North Sea potential special area of conservation (pSAC) dated 24 May 2016. The context of this response was that it followed a suite of representations intended to inform the issues surrounding a Habitats Regulations Assessment (HRA) required under the The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 ('2007 Regulations') to assess the effect of the proposed Hornsea Project Two Offshore Wind Farm on the Southern North Sea pSAC proposed for designation for harbour porpoise species.

As the body responsible for monitoring compliance and undertaking enforcement under the DMLs, Schedules H, I, J and K of the DCO, the MMO advises that any mitigation required as a result of the project HRA undertaken by the SoS is effectively secured in the DMLs.

Whilst the MMO understands that the applicant has utilised a Rochdale Envelope approach meaning that the final construction details may represent less of an effect than the maximum parameters assessed in the project Environmental Statement (ES) and supporting environmental information, it is important that the worst case scenario is considered within the HRA. I note that under the 2007 Regulations, the assessment will need to consider any mitigation deemed necessary to conclude no adverse effect for the project to be permitted. It is the view of the MMO that as any mitigation deemed necessary to permit the project must be intrinsic, effective and reasonably deliverable, and be accurately and specifically reflected in relevant DML conditions.

It is understood that following the decision, new information may become available on the scope and timing of other plans and projects with the potential to change the magnitude of the predicted in-combination effect on the site prior to construction. As such, the MMO will need to take this into consideration when discharging licence conditions and consider whether additional mitigation is required. The applicant has proposed a mechanism for capturing this additional mitigation with the addition of a DML condition. The MMO agrees with the principle of adopting such an additional condition requiring approval of a Southern North Sea pSAC Mitigation Plan.

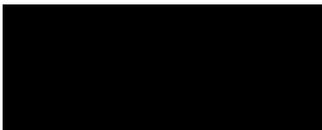
Whilst the MMO is not proposing any draft conditions within this representation, it is of the opinion that the most recent drafting proposed by the applicant could more effectively secure any minimum mitigation measures deemed necessary to conclude no adverse effect. The Southern North Sea pSAC Mitigation Plan condition should outline the types and magnitude of intrinsic mitigation determined through the HRA and any additional methods that will likely need to be considered in order to prevent adverse effects on site integrity should any additional in-combination effects be predicted post-consent.

In addition, the MMO also advises that careful consideration is given to the coordination between the wording of the DCO and DMLs to ensure that requirements to secure relevant mitigation are not duplicated.

Please note that as it is possible for the project parameters to be refined to result in less of an effect to the site, the any DML conditions adopted should contain a provision for approval to be sought from the MMO to reduce the stated mitigation if the project envelope is reduced.

If you have any questions please do not hesitate to contact me.

Yours sincerely,



Lindsey Booth-Huggins
Marine Case Manager (Offshore Renewables)

D 0208 026 5351

E lindsey.booth-huggins@marinemanagement.org.uk