



East Anglia Three Case Team
The Planning Inspectorate (by email only)
EastAngliaThree@pins.gsi.gov.uk

Your Reference: EN010056
Our reference: DCO/2013/00014

13 July 2016

Dear Sir or Madam,

Deadline 1 - MMO written summary of oral submissions presented at the East Anglia Three Issue Specific Hearing 29 June 2016

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 English marine area. Also the MMO is the enforcing body for the Deemed Marine Licence (DML(s)) issued as schedules of any DCO. In our role as interested party and enforcing body the MMO attended the East Anglia Three Offshore Wind Farm Project Issue Specific Hearing on 29 June 2016. Please see below a brief written summary of the oral representations made by the MMO representatives.

1. Structure (Schedule 1)

1.1 Phasing, DMLs and Benefit of the Order

The MMO is content with the order as drafted with regard to transfer of benefit and phasing of the project. The MMO takes a pragmatic approach to enforcement and the discharge of conditions. A multi-DML approach removes future complexity and allows discharge of conditions for separate phases of the project to be managed effectively.

2. Structure (Schedules 10 – 15)

2.1 'Not Used'

The MMO is content with the approach used in the DML; however, neither would we object to the Examining Authority's proposal to amend the DML. We would however seek to be consulted on any proposals.

3. Article 2(1)

3.1 Definition of 'maintain'

The MMO has carefully considered the definition of maintain within the order and is content with the description. This definition is supported by the Outline Offshore Operation and Maintenance Plan which details what has been assessed within the Environmental Statement (ES), including the replacement of some components.

The MMO is satisfied that the current definition of maintain will not authorise activities that have not been assessed.

4. Article 3(2)

4.1 The MMO has no preference with regard to the removal or retention of this article.

5. Article 4

5.1 The MMO has no preference with regard to the inclusion of an additional provision to clarify that matters not covered in the DMLs, but that are licensable activities in the marine environment, need a separate marine licence. The MMO would expect the applicant to seek a marine licence for any activity not provided for in the Order. The MMO would note that it is the undertaker's responsibility to ensure they have all the required consents and permissions to undertake works.

6. Article 5

6.1 The MMO is content with the current drafting of 'Benefit of the Order' as presented in the draft order.

7. Article 28

7.1 The MMO is in favour of the inclusion of multiple DMLs in the Order. With a phased build and, potentially, multiple asset owners it may be operationally difficult and complex to partially discharge conditions within a single DML. We have significant experience in condition discharge for such projects, and should the Examining Authority seek to amend the structure of the DCO/DML, then we advise further advice from the MMO is sought.

8. Article 34

8.1 The MMO is content with the drafting of this provision.

9. Schedule 1 Authorised Project

9.1 The Examining Authority asked the MMO to confirm whether the coordinates provided in the application are checked by the MMO. The MMO can confirm that the coordinates provided have been checked against information previously provided in the application process. Also, if a Development Consent Order is made the MMO will check any coordinates provided in pre-construction plans to ensure that the works fall within the coordinates of the authorised project. However, the MMO would note that it is the undertaker's responsibility to ensure they have provided the correct coordinates for the project.

10. Schedule 1 Part 3, Requirement 2(1)

10.1 The MMO has no objection to the use of different terms within the detailed design parameters, on the understanding that the applicant is able to demonstrate that the measurements used fall within those assessed in the ES.

11. Schedule 1 Part 3, Requirement 3

11.1 Requirement 3(1)

The MMO agrees with the Examining Authority that this requirement should limit the total number of meteorological masts to two.

11.2 Requirement 3(2)

The MMO agrees with the Examining Authority that 'any' should be changed to 'the', as there can only be one accommodation platform.

- 11.3 Requirement 3(6)
The MMO is content with the drafting of this requirement.
- 12. Schedule 1 Part 3, Requirement 4(1)**
12.1 The MMO is content with the drafting of this requirement.
- 13. Schedule 1 Part 3, Requirement 5**
13.1 The MMO is in agreement with the explanation provided by the applicant during the Issue Specific Hearing and is content to defer to Natural England's expertise with regards to potential underwater noise impact on marine mammals.
- 14. Missing Provisions**
14.1 Transmission System
The MMO does not believe a requirement to notify it of the choice of generating station is required. The MMO believes that notification will already have been made through engagement with East Anglia Three Limited in discharge of DML conditions.
14.2 Marine Mammal Mitigation Protocol (MMMP)
The MMO does not believe that the requirement providing for a MMMP needs to be duplicated within the DCO. It is the MMO's opinion that the wording of the current DML condition is appropriate. However, we do consider that mitigation, including its inclusion in the DCO, for marine mammals more broadly, should be kept under review, in consideration of potential mitigation requirements through Habitat Regulations Assessment. .
- 15. Schedules 10-15, General**
15.1 The MMO has no further concerns with either transfer of benefit or the definition of 'undertaker'.
- 16. Schedules 10-15, All DMLs**
16.1 Definitions
The MMO has no concerns with regards to definition of 'the 2004 Act' in the DMLs.
16.2 Amending provisions proposed by Trinity House
The MMO advises that discussions are ongoing with Trinity House (TH) and the Maritime and Coastguard Agency (MCA) with regards to amending existing wording for navigational requirements. The DML as drafted includes the current agreed standard conditions and the MMO believes that these should remain until or unless new standard wording is agreed. At the Examining Authority's request the MMO will look to discuss this with TH and MCA and will attempt to submit a joint statement by deadline 3.
- 17. Schedules 10 & 11, Generation Assets**
17.1 The MMO is content with the explanation provided by the applicant during the Issue Specific Hearing and has no concerns regarding this requirement. The MMO is satisfied that the provisions in Schedule 1, Part 3, 3(1), and the design parameters in Schedules 10 – 13 will not allow the same asset to be built under more than one DML.
- 18. Schedule 12 & 13, Transmission Assets**

18.1 The MMO is content with the explanation provided by the applicant during the Issue Specific Hearing and has no concerns regarding this requirement. The MMO is also satisfied that the stated maximum values do not exceed the ES assessment.

19. Schedule 14 & 15, Interconnection Assets

19.1 The MMO is content with the explanation provided by the applicant during the Issue Specific Hearing and has no concerns regarding this requirement. The MMO is satisfied that sufficient provisions exist to ensure that the same asset will not be built under more than one DML.

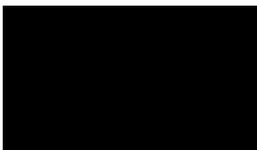
20. Schedules 10 – 15, 13 (h), Archaeological Assessment

20.1 The MMO has no objections to the amendments proposed by Historic England with regard to archaeological assessment and reporting as detailed in 'Pre-construction plans and documentation' of Schedules 10 to 15.

21. Missing DML Condition

21.1 Coexistence statement – The MMO understands that the requirement for a coexistence statement was incorporated into the East Anglia One Order following a proposal submitted by the National Federation of Fishermen's Organisations (NFFO) at Deadline IV, which was not challenged by the applicant. However, limited rationale was provided for the inclusion of the coexistence statement which created difficulties for the MMO in discharging the condition. The MMO believes that coexistence with the fishing industry is appropriately provided for through the existing requirement for a fisheries liaison and coexistence plan which must be submitted to and approved by the MMO.

Yours sincerely



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