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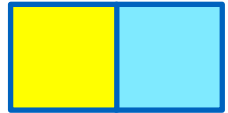
# East Anglia ONE North and East Anglia TWO Offshore Windfarms

## Applicants' Comments on Marine Management Organisation's Deadline 9 Submissions

Applicant: East Anglia TWO and East Anglia ONE North Limited  
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Applicable to **East Anglia ONE North** and **East Anglia TWO**



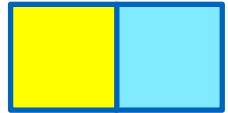
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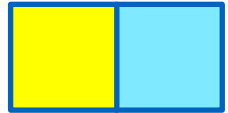
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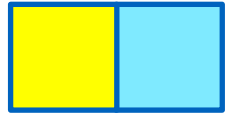
## Glossary of Acronyms

AEol	Adverse Effect on Integrity
AS	Additional Submission
DCO	Development Consent Order
DML	Deemed Marine Licence
EIA	Environmental Impact Assessment
ExA	Examining Authority
FFC	Flamborough and Filey Coast
HDD	Horizontal Directional Drilling
HDD	Horizontal Directional Drilling
HE	Historic England
HRA	Habitats Regulation Assessment
IPMP	In-Principle Monitoring Plan
ISH	Issue Specific Hearing
JNCC	Joint Nature Conservation Committee
MCA	Maritime and Coastguard Agency
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
NE	Natural England
OOMP	Offshore Operations and Maintenance Plan
OTE	Outer Thames Estuary
PD	Procedural Decision
PTS	Permanent Threshold Shift / Permanent Auditory Injury
RIES	Report on Implications for European Sites
RTD	Red-Throated Diver
SAC	Special Area of Conservation
SIP	Site Integrity Plan
SNS	Southern North Sea
SoS	Secretary of State
SPA	Special Protection Area
TTS	Temporary Threshold Shift / Temporary Auditory Injury
UK	United Kingdom
UWN	Underwater Noise
UXO	Unexploded Ordnance
WSI	Written Scheme of Investigation

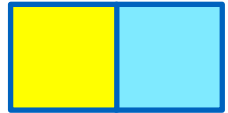


## Glossary of Terminology

Applicant	East Anglia TWO Limited / East Anglia ONE North Limited
Construction operation and maintenance platform	A fixed offshore structure required for construction, operation, and maintenance personnel and activities.
East Anglia ONE North project	The proposed project consisting of up to 67 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
East Anglia ONE North windfarm site	The offshore area within which wind turbines and offshore platforms will be located.
East Anglia TWO project	The proposed project consisting of up to 75 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
East Anglia TWO windfarm site	The offshore area within which wind turbines and offshore platforms will be located.
European site	Sites designated for nature conservation under the Habitats Directive and Birds Directive, as defined in regulation 8 of the Conservation of Habitats and Species Regulations 2017 and regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017. These include candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas.
Generation Deemed Marine Licence (DML)	The deemed marine licence in respect of the generation assets set out within Schedule 13 of the draft DCO.
Horizontal directional drilling (HDD)	A method of cable installation where the cable is drilled beneath a feature without the need for trenching.
Inter-array cables	Offshore cables which link the wind turbines to each other and the offshore electrical platforms, these cables will include fibre optic cables.
Jointing bay	Underground structures constructed at intervals along the onshore cable route to join sections of cable and facilitate installation of the cables into the buried ducts.
Landfall	The area (from Mean Low Water Springs) where the offshore export cables would make contact with land, and connect to the onshore cables.
Link boxes	Underground chambers within the onshore cable route housing electrical earthing links.



Meteorological mast	An offshore structure which contains metrological instruments used for wind data acquisition.
Mitigation areas	Areas captured within the onshore development area specifically for mitigating expected or anticipated impacts.
Marking buoys	Buoys to delineate spatial features / restrictions within the offshore development area.
Monitoring buoys	Buoys to monitor <i>in situ</i> condition within the windfarm, for example wave and metocean conditions.
Natura 2000 site	A site forming part of the network of sites made up of Special Areas of Conservation and Special Protection Areas designated respectively under the Habitats Directive and Birds Directive.
Offshore cable corridor	This is the area which will contain the offshore export cables between offshore electrical platforms and landfall.
Offshore development area	The East Anglia TWO / East Anglia ONE North windfarm site and offshore cable corridor (up to Mean High Water Springs).
Offshore electrical infrastructure	The transmission assets required to export generated electricity to shore. This includes inter-array cables from the wind turbines to the offshore electrical platforms, offshore electrical platforms, platform link cables and export cables from the offshore electrical platforms to the landfall.
Offshore electrical platform	A fixed structure located within the windfarm area, containing electrical equipment to aggregate the power from the wind turbines and convert it into a more suitable form for export to shore.
Offshore export cables	The cables which would bring electricity from the offshore electrical platforms to the landfall. These cables will include fibre optic cables.
Offshore infrastructure	All of the offshore infrastructure including wind turbines, platforms, and cables.
Offshore platform	A collective term for the construction, operation and maintenance platform and the offshore electrical platforms.
Platform link cable	Electrical cable which links one or more offshore platforms. These cables will include fibre optic cables.
Safety zones	A marine area declared for the purposes of safety around a renewable energy installation or works / construction area under the Energy Act 2004.
Scour protection	Protective materials to avoid sediment being eroded away from the base of the foundations as a result of the flow of water.
Transition bay	Underground structures at the landfall that house the joints between the offshore export cables and the onshore cables.
Transmission DML	The deemed marine licence in respect of the transmission assets set out within Schedule 14 of the draft DCO.



## 1 Introduction

1. This document presents the Applicants' comments on the Marine Management Organisation's (MMO) Deadline 9 submissions (REP9-060).
2. For ease of review the Applicants have greyed out all rows where both parties are now in agreement or where the matter is considered to be closed. The Applicants highlight the following matters which are outstanding with the MMO:
  - Schedule 18 of the dDCO (ID4, ID23) noting that both parties have set out their position and have no further comments;
  - Deemed Marine Licence (DML) Condition 29 (Schedule 13) and Condition 25 (Schedule 14) regarding herring spawning (ID7 and ID60);
  - Contaminant sampling and disposal sites (ID10);
  - Cable and scour protection installation during operation (ID18), although the Applicants and the MMO have reached final positions on this matter; and
  - Underwater Noise Modelling report (ID39).
3. In addition, the MMO have deferred a number of matters to Natural England and these matters have generally not been greyed out unless the matter has been agreed with Natural England (NE).
4. This document is applicable to both the East Anglia TWO and East Anglia ONE North DCO applications, and therefore is endorsed with the yellow and blue icon used to identify materially identical documentation in accordance with the Examining Authority's procedural decisions on document management of 23<sup>rd</sup> December 2019 (PD-004). Whilst this document has been submitted to both Examinations, if it is read for one project submission there is no need to read it for the other project submission.



## 2 Comments on MMO's Deadline 9 Submissions

ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
<b>Action Points from Issue Specific Hearing (ISH) 15</b>		
1	<b>Action Point 2 - Responses to Applicants Revised Preferred dDCOs</b>	
2	<p><b>Article 5 – Benefit of the Order</b></p> <p>The MMO previously stated that it had concerns regarding the drafting of this Article, as it differed to Article 6 of the Norfolk Vanguard DCO and Article 5 of the Hornsea 3 (HOW3) Offshore Wind farm DCO. The MMO considered that these Articles should be consistent in order to support standard wording going forward for all DCO's.</p> <p>The MMO has reviewed the updates to this article and is content that the Applicant has included all necessary notifications. The MMO welcomes these additions from the Applicants and has no further comments to make.</p>	The Applicants consider that this matter is resolved.
3	<p><b>Landfall construction method statement and monitoring plan</b></p> <p>In [REP8-156], the MMO requested an amendment be made to this condition to make the MMO a consultee. This position had been formulated by the MMO after discussion with East Suffolk Council (ESC) and Natural England (NE). The MMO has reviewed the updated dDCO and is content with alterations the Applicant has made to this condition. The MMO has no further comments to add.</p>	The Applicants consider that this matter is resolved.
4	<p><b>Schedule 18</b></p> <p>The MMO notes that the Applicant has changed the name of this schedule to 'Offshore Ornithology Compensation Measures' as they had indicated that they would. The MMO is content with this change and considers this wording to be appropriate.</p> <p>In [REP8-156], the MMO stated that although the Applicant has included a 6 week timescale for consultation of Compensation Measures within their Offshore Ornithology Without Prejudice Compensation Measures document [REP6-045] the Applicant should include this timescale on the face of</p>	<p>The Applicants maintain the position from their previous response (REP9-021)</p> <p>The Applicants do not consider this level of detail to be appropriate for inclusion in the Schedule. The drafting seeks to provide a clear process and mechanism for the delivery of compensation</p>





ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
	<p>the DCO as this will add clarity and assist the Secretary of State (SoS) when determining the security of such measures. The MMO notes that the Applicant has not made this change to the DCO. The MMO understands the Applicants position but considers this a missed opportunity to provide clarity to the Compensation packages proposed. The MMO has no further comments to make.</p>	<p>measures and specific details in relation to timescales for consultation etc. are not considered to be appropriate for inclusion in the Schedule. Such details will be determined by the Secretary of State at the relevant time.</p> <p>The Applicants consider this to be the final position of both parties and have no further comments to make.</p>
5	<p><b>New scour protection and cable protection during operation</b></p> <p>The MMO's position remains that new scour and cable protection that is not defined as maintenance should not be included in the DCO and should be provided for in a separate marine licence. As a result of this, the MMO considers that Condition 24 (Schedule 13) and Condition 20 (Schedule 14) should be removed from the DMLs. The MMO notes that the Applicants have kept these conditions in the DMLs.</p> <p>Whilst the MMO in principle does not agree with the inclusion of these conditions, the MMO reminds the ExA that it worked on a 'without prejudice' basis with the Applicant to ensure that the wording of these conditions were appropriate.</p> <p>The MMO confirmed that the wording was appropriate at Deadline 8 [REP8-156] and this remains the MMO position currently</p>	<p>The Applicants consider this matter to be closed.</p>
6	<p><b>UXO clearance activities included in Deemed Marine Licence</b></p> <p>The MMO's position remains that the best mechanism for controlling UXO clearance is a separate marine licence. This is because the MMO considers that it could be difficult to manage multiple consents that have UXO clearance activities within their respective DMLs. This is due to potential in-combination effects being more transparent nearer to the activity taking place, and the potential to implement new technology should it become available.</p>	<p>The Applicants consider this matter to be closed.</p>



ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
	<p>The MMO worked on a 'without prejudice' basis with the Applicant to draft Condition 16 (Schedule 13) and Condition 12 (Schedule 14) in the DMLs. The MMO is content with the amendment made by the Applicant to Part 5 of this condition to include a 3-month timescale.</p> <p>Furthermore, MMO notes replacement of "<i>may be provided</i>" with "<i>will be provided</i>" in relation to the submission of UXO clearance activity reports, and the MMO welcomes this update. Overall, the MMO is now broadly content with the wording of this condition, however, remains of the opinion that it should not be included in the DMLs and a separate marine licence should be sought for UXO activities.</p> <p>The MMO believes that it is now up to the ExA recommendation and SoS to make a decision on whether UXO clearance activities should be included within the DCO.</p>	
7	<p><b>Herring Spawning</b></p> <p>The MMO reminds the ExA that a restriction during the Herring Spawning period between 1 November and 31 January is considered necessary for these projects by the MMO. The MMO also consider that additional data is required from the Applicant to define a restriction during the Herring Spawning period, although it was agreed between both parties that this could be done post-consent, so the data was up to date.</p> <p>The MMO proposed Condition 28 (Schedule 13) and Condition 24 (Schedule 14) which was amended by the Applicant and included as a condition in [REP7-007]. The MMO has one outstanding concern regarding the inclusion of the phrase '<i>period of approximately 14 days</i>' proposed by the Applicant. The MMO refers the ExA to [REP8-156] for detailed comments on this condition.</p> <p>The MMO proposed revised wording for this condition at Deadline 8, however, the MMO notes that the Applicant has chosen to maintain the condition from [REP7-007] which includes the phrase '<i>period of approximately 14 days</i>'. The MMO remains of the opinion that this condition does not meet the tests of enforceability or precision that all marine licence conditions need to meet.</p> <p>As stated in [REP8-156] the MMO, following advice from Cefas, our scientific advisors, considers that a condition is required that excludes the period of November-January in order to account for Spawning Herring. The MMO proposes the following condition:</p>	<p>The Applicants maintain their position as set out in the <b><i>Applicants' Comments on Marine Management Organisation's Deadline 8 Submissions</i></b> (REP9-021) (see ID49)</p>



ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
3	<p><i>Herring spawning</i></p> <p>24.—(1) <i>The undertaker must not undertake pile driving or UXO detonations during the herring spawning period.</i></p> <p>(2) <i>The “herring spawning period” means the period between 1 November and 31 January to be confirmed in writing by the MMO following submission of a herring spawning report by the undertaker which analyses the International Herring Larval Survey data for the periods 1-15 January and 16-31 January for the preceding ten years in order to determine when the highest larval densities occur</i></p> <p><i>The report referred in paragraph (2) must be submitted to the MMO at least six months prior to—</i></p> <p>(a) <i>the date on which it is intended for UXO clearance activities to begin; or</i></p> <p>(b) <i>the commencement of construction, whichever is earlier.</i></p> <p>The MMO has drafted this condition having looked at the Rampion One Offshore Wind Farm (OWF) condition that restricts piling works during the Herring Spawning Season.</p> <p>The MMO believes that it is now up to the ExA recommendation and the SoS to decide on an appropriate condition to mitigate against impacts to Spawning Herring from these projects.</p> <p>The MMO also wish to stress that this is not a live consideration, the period would be set and would be derived from the most up to date and appropriate data sources on the matter, including consultation with Cefas, the MMO's scientific advisers.</p>	
8	<p><b>Completion of Construction Condition</b></p> <p>The MMO stated in [REP8-156] that discussions had continued with the Applicant regarding the inclusion of a condition for the completion of construction and the submission of a Wind Turbine Generator construction close out report. The MMO was of the understanding that the proposed wording that was agreed between both parties would be included into the dDCO at Deadline 8.</p>	<p>The Applicants consider this matter to be closed.</p>



ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
	<p>The MMO has reviewed the updated dDCO and is content with the wording of Condition 31 (Schedule 13) and Condition 27 (Schedule 14) the Applicant has inserted, noting the difference in wording is because the wind turbines are only included in Schedule 13.</p>	
9	<p><b>Southern North Sea (SNS) Special Area of Conservation (SAC) Site Integrity Plan (SIP) Condition</b></p> <p>The MMO stated in [REP8-156] that after further discussion with NE, that there should be a separate SNS SAC SIP submitted 6 months prior to each noisy activity (piling and UXO clearance activities) and that this should be reflected in the DMLs. This was considered to be the most efficient way of separating these activities.</p> <p>The MMO notes that the Applicant has included an additional condition, specifically for piling, to ensure that these activities are separated sufficiently. The MMO is content with this amendment as it reflects the dialogue had with the Applicant and NE. The MMO has no further comment to make on this matter.</p>	<p>The Applicants consider this matter to be closed.</p>
10	<p><b>Contaminant Sampling and Disposal Sites</b></p> <p>The MMO set out in [REP8-156] that the contaminant sampling conducted by the Applicant at this stage is insufficient. The MMO would normally advise that all dredge and disposal activity should be removed from the dDCO and a separate sediment sampling plan and marine licence sought by the Applicant. However, due to the late stage of the application process the MMO made a pragmatic decision to agree to the inclusion of the dredge and disposal activity within the DCO consent.</p> <p>Regarding Schedule 13, Condition 31(1) and (2)/Schedule 14, Condition 27(1) and (2), the MMO is content with the wording of this condition as it accurately reinforces that dredge and disposal activities cannot take place until results of sediment sampling information and proposed dredge and disposal activities have been approved by the MMO.</p> <p>The MMO highlights that due to the Examination being extended there is still ongoing discussions on these matters with the Applicant to see if the sampling can be provided prior to the close of Examination. This could mean that these conditions may not be required in the final dDCO, the MMO will provide an update at future deadlines.</p>	<p>The Applicants are continuing to engage with the MMO on this matter and have submitted a sampling plan for sediment contaminants sampling into the MMO Marine Case Management System. However, it is not anticipated that this matter can be concluded within the timeframe of the Examination due to the timescale required for engagement on and approval of the sampling plan, collection of samples, analysis, reporting and sufficient time for engagement on the report with the MMO and their advisors.</p> <p>Therefore, the Applicant's do not anticipate any further changes to the conditions in the DMLs.</p>



ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
11	<p><b>Additional Points</b></p> <p>The MMO notes the inclusion of a definition of 'JNCC Guidance' in Article 1 of Schedule 13/14, the MMO is content with this amendment.</p> <p>The MMO notes the inclusion of a definition for 'Layout Principles Statement' in Article 1 of Schedule 13/14. The MMO is content with this amendment.</p> <p>The MMO notes the rewording of Article 2(i) to confirm that disposal site references are to be provided by the MMO post-consent. The MMO welcomes this amendment.</p> <p>The MMO notes the updates the Applicant has made to Schedule 13, Condition 17(a)(x) and (e)(iv) and Schedule 14, Condition 13(a)(x) and (e)(vi) to reflect that Wind Turbine Generators layout will be in accordance with the Layout Principles Statement. The MMO notes this is also to ensure that best practice Red Throated Diver (RTD) protocol must be adopted during 1 November to 1 March (inclusive). The MMO welcomes these amendments to this condition.</p> <p>The MMO welcomes the update the Applicant has made to Schedule 13, Condition 21(3)/Schedule 14 Condition 17(3) by amending "<i>statistically significant differences</i>" to "<i>significantly different impacts</i>". The MMO considers this amendment accurately reflects discussions held with the Applicant and NE.</p>	<p>The Applicants consider these matters to be closed.</p>
<b>Action Point 5 - Schedule 17: Document to be certified</b>		
12	<p><u>Having regard to the Applicants' dDCOs submitted at D8, provide any final comments on the documents (and documents versions) to be included in Schedule 17.</u></p> <p>The MMO notes the submission of the Layout Principles Statement as a part of this Schedule. The MMO welcomes the principles set out in the document, which the MMO understands have been agreed with the Maritime and Coastguard Agency (MCA).</p> <p>The MMO also acknowledges that Principles 1 and 2 are controlled via DCO constraints. The MMO notes that in the relevant conditions in the Generation and Transmission DMLs, the wording specified that "<i>no part of the authorised scheme may commence until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that part of the</i></p>	<p>The Applicants consider this matter to be closed.</p>



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	<p><i>authorised scheme, adequately addressed all MCA recommendations as appropriate to the authorised scheme contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes". The MMO is content with this updated wording.</i></p>	
13	<p>The MMO notes the inclusion of the <i>Offshore Ornithology Cumulative and In Combination Collision Risk Update</i> as a certified document. The MMO ultimately defers to NE on the appropriateness of this inclusion.</p>	<p>The Applicant has included all documents which equate to an update of the Applications as requested by IPs.</p>
<p><b>Comments on any additional information/submissions received at Deadline 8</b></p>		
14	<p><b>Appendix A19- NE's Comments/Conclusions on Environmental Impact Assessment (EIA) Scale Impacts for EA1N and EA2 OWFs [REP8-159]</b></p> <p>The MMO notes that NE is unable to rule out an adverse effect cumulatively with other plans &amp; projects for several Ornithological features present near these projects. The MMO also notes NE's point that because the Norfolk Vanguard consent decision was overturned in February 2021, it is highly probable that East Anglia One North (EA1N) and East Anglia Two (EA2) will be under consideration within the planning system at the same time as Norfolk Vanguard as Vattenfall are aiming to resubmit fresh considerations as soon as possible. Ultimately, the MMO defers to NE on matters of Ornithology and has no further comments to make.</p>	<p>Noted. The Applicants responded to REP8-159 in REP9-016.</p>
15	<p><b>Appendix A20- Natural England's Red-Throated Diver (RTD) Displacement Clarification Note [REP8-160]</b></p> <p>The MMO understands that the issues surrounding RTD remain unresolved between the Applicant and NE and the MMO notes that NE's advice on the displacement of RTD remains the same as their previous submission on the subject [REP7-072]. The MMO defers to NE on all Ornithological matters and has no further comments to make.</p>	<p>Noted. The Applicants responded to REP8-160 in REP9-016.</p>



ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
16	<p><b>Appendix B3b- NE's Further Comments on the Draft Marine Mammal Mitigation Protocol (MMMP) [REP7-029, REP7-030] and In Principle Southern North Sea SAC Site Integrity Plan (INSIP) [REP7-031, REP7-032] [REP8-161]</b></p> <p>The MMO notes that NE are now content with the updated Marine Mammal swimming speed and mitigation commitments secured in the DMLs with regards to the MMMP. The MMO welcomes this position and welcomes the fact that there are no outstanding issues remaining with this document.</p> <p>The MMO also notes that NE welcome the Applicants updated text for the definition of 'detonation' within the DMLs, which confirms that these works allow some clustering, but only under a very specific scenario where two UXO's are discovered so close that individual detonation is not possible. The definition goes on to state that it is ensured that such a detonation would need specific approval and that it could be expected that information to support this would be provided as part of the approval process. This scenario strengthens the MMO's opinion that the best mechanism for controlling UXO activity is a separate marine licence, as this potential occurrence would not be known until after UXO surveying has been completed. The MMO concurs with NE's contentment on this issue and has no further comments to make on this document.</p>	<p>The Applicants consider this matter to be closed.</p>
17	<p><b>Appendix C9-NE's Update and Comments to Terrestrial Ecology Documents Submitted at Deadline 6 and Deadline 7 [REP8-162]</b></p> <p>The MMO has no comment to make on this document as it is specifically related to the terrestrial environment.</p>	<p>Noted</p>
18	<p><b>Appendix F10- NE's Update on All Other Matters [REP8-164]</b></p> <p>The MMO notes that NE does not support the use of new cable protection, or scour protection during the Operations and Maintenance (O&amp;M) phase and therefore cannot agree to the Outline Offshore Operations and Maintenance Plan (OOMP) until this issue is resolved. The MMO notes this position and highlights that this is the same position as the MMO as set out in [REP8-132].</p>	<p>The Applicants maintain their position as set out in their previous response in the <b>Applicants' Comments on Natural England's Deadline 8 Submissions</b> (REP9-016).</p> <p>The Applicants welcome that the MMO and NE have agreed to the condition wording on a without prejudice basis and</p>



ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
		<p>consider that the outline OOMP should reflect the draft DCO.</p> <p>The Applicants therefore do not consider that the outline OOMP should be updated to reflect that a separate marine licence should be required for the installation of cable or scour protection in areas where it was not installed previously.</p>
19	<p><b>Appendix G5- NE's Comments on EA1N/EA2 DCO Application Version 5 [REP8-163]</b></p> <p>The MMO notes that NE have closed out most of their concerns with the Applicant with regards to the dDCO and welcomes this assertion. The MMO understands that NE has an outstanding concern regarding Schedule 18, Part 5, Condition 3, this is due to the condition currently being incomplete. Having reviewed this condition, the MMO concurs with NE however, the MMO suspects this is a typographical error. The MMO anticipates this will be resolved by Deadline 9.</p>	<p>With respect to condition 3 within Part 5 of Schedule 18, this was a formatting error. The full text of paragraph 3 was included in Part 5 but paragraph (a) was showing as paragraph 4. This formatting error was corrected in the draft DCO submitted at Deadline 8.</p>
20	<p><b>Appendix I1f- Natural England's Risk and Issues Log – Deadline 8 [REP8-168]</b></p> <p>The MMO appreciates the usefulness of this document insofar as visualising the amount of unresolved issues associated with these applications and welcomes the updates at each deadline.</p>	Noted
21	<p><b>Appendix K6- Natural England's Responses to Outstanding ISH Action Points [REP8-165]</b></p> <p>The MMO appreciates the formatting of this document and urges NE to continue with this format for any future submissions related to ISH Action Points. The MMO welcomes the NE assertion that they have agreed to the wording of both Requirement 13 and Condition 17 (1)(vi) proposed 23rd March. The MMO consider these matters to now be closed out.</p>	The Applicants consider this matter to be closed.
22	<p><b>Appendix K7- NE's Responses to Rule 17 Letter [REP8-166]</b></p>	Noted





**Applicants' Comments on MMO's Deadline 9 Submissions**  
6<sup>th</sup> May 2021

ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
	<p>The MMO understands NE's point regarding the implications of the quashing of the decision to grant Norfolk Vanguard DCO in that cumulative and in-combination figures with and without Norfolk Vanguard should be presented in order to 'de-risk' the projects and provide the SoS with all relevant information in order for them to make an informed judgement. Ultimately, the MMO defers to NE on issues related to Habitats Regulations Assessment (HRA) but notes their position.</p>	
23	<p>The MMO also notes that NE has concerns with the Applicant following the same approach as HOW3 in that they disagree with the Applicant pushing Compensation discussions to post- consent. This is because, under this approach, there is no guarantee that the Compensation can be delivered. The MMO supports this position and has engaged in discussions with the Applicant and NE to ensure that the obligation to deliver Compensation is properly secured.</p>	<p>The Applicants maintain their position (as stated in <b><i>Applicants' Comments on Natural England's Deadline 8 Submissions</i></b> (REP9-016)) that the compensation measures proposed are appropriately secured at a level that provides adequate levels of compensation to offset the potential impacts of the Projects (noting that the extremely low numbers that would potentially need to be offset for the Projects even on the basis of NE's worst case assessment conclusions means that over-compensation is inevitable) whilst providing the necessary flexibility to allow for refinements in detail as the specifics of the measures are developed and agreed with stakeholders, Government, partners etc.</p>
24	<p>The MMO notes that NE is satisfied that there will be no Adverse Effect on Integrity (AEOI) alone for the harbour porpoise feature of the Southern North Sea SAC. The MMO welcomes this point.</p>	<p>The Applicants consider this matter to be closed.</p>
25	<p>The MMO also understands that NE cannot exclude AEOI of the SNS SAC in-combination until a mechanism is in place to manage multiple SIPs (as per our Relevant Representation). The MMO notes</p>	<p>The Applicants concur with the MMO.</p>



ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
	<p>this and concurs with NE that this issue is an industry-wide issue that needs to be explored at a regulatory level.</p> <p>Finally, the MMO notes that NE maintains that the mechanism for control of in-combination noise impacts needs to be provided at the earliest opportunity. The MMO acknowledges these comments and believes that the SNS SAC SIP is the appropriate document to manage the in-combination noise impacts, along with the SNS Regulators Working Group.</p>	<p>The Applicants consider this matter to be closed.</p>
26	<p><b>Appendix K8- Natural England's Comments on Report on the Implication for European Sites (RIES) [PD-033] [REP8-168]</b></p> <p>The MMO notes that there remain several unresolved issues regarding potential impacts to the National Site Network and the Ornithological features associated with them. The MMO defers to NE on Ornithological matters and hopes that any unresolved issues can be resolved prior to the close of examination. The MMO has no further comments to make on this document.</p>	<p>Noted</p>
27	<p><b>NE Deadline 8 Cover Letter [REP8-158]</b></p> <p>The MMO has reviewed this document and has no comments to make on its content.</p>	<p>Noted</p>
28	<p><b>Deadline 8 Submission- Guide to the Application [REP8-002]</b></p> <p>The MMO appreciates the usefulness of this document and thanks the Applicant for regularly updating it throughout the course of this examination</p>	<p>Noted</p>
29	<p><b>EA2 Draft Development Consent Order (clean)- Version 6 [REP8-003]</b></p> <p>The MMO has provided comment on the updated dDCO in Section 1.1 of this document. The MMO asks that the ExA refers to this.</p>	<p>See ID2 to ID11</p>
30	<p><b>Schedule of Changes to the draft Development Consent Order [REP8-005]</b></p> <p>The MMO appreciates the usefulness of this document in noting changes made to the dDCO and thanks the Applicant for updating this regularly throughout the examination process.</p>	<p>Noted</p>



ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
31	<p><b>Appendix 6.2- Relationship of onshore Plans Secured by the DCO [REP8-015]</b></p> <p>The MMO has reviewed this document and notes that it is concerned with the terrestrial aspects of these projects. As such, the MMO has no comments to make on this document.</p>	Noted
32	<p><b>Offshore In-Principle Monitoring Plan (IPMP)- Version 4 [REP8-028]</b></p> <p>The MMO welcomes the updated draft of this document and commends the Applicant for updating it in line with the concerns of the regulatory bodies involved in this examination. As set out in the MMO's Deadline 8 response [REP8-156] the MMO had one outstanding issue regarding this document; the use of the words 'statistically significant' in Table 4.</p> <p>The MMO notes that this has been amended by the Applicant and has been changed to 'significantly different'. The MMO is content with this change and as such, is content with this document.</p>	The Applicants consider this matter to be closed.
33	<p><b>Draft Marine Mammal Mitigation Protocol (MMMP)- Version 4 [REP8-029]</b></p> <p>The MMO confirmed at Deadline 8 that this document has now been agreed between both the MMO and the Applicant, this is following the Applicant addressing the MMO's remaining concerns regarding the inclusion of maximum potential Permanent Threshold Shift (PTS) impact ranges for marine mammals and the Applicant's agreement that the most appropriate metric for assessing the potential impacts of UXO detonation is the peak sound pressure level (SPL<sub>peak</sub>) (rather than the single strike sound exposure level). The MMO remains in agreement with the Applicant on these points and consider all issues related to the MMMP to be closed out.</p>	The Applicants consider this matter to be closed.
34	<p><b>In-Principle Site Integrity Plan for the Southern North Sea Special Area of Conservation (IPSIP)- Version 4 [REP8-031]</b></p> <p>The MMO raised one outstanding concern regarding this plan in [REP8-156]. The MMO stated that Temporary Threshold Shift (TTS) should be included as a potential negative impact of these projects, in addition to permanent auditory injury and disturbance. In a meeting between the MMO, the Applicant and the MMO's scientific advisors on 22 March 2021, the Applicant committed to incorporating this into this plan at Deadline 8.</p>	The Applicants consider this matter to be closed.



## Applicants' Comments on MMO's Deadline 9 Submissions

6<sup>th</sup> May 2021

ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
	The MMO has reviewed this updated document and can confirm that it is content with all the changes made by the Applicant. The MMO has no outstanding issues in relation to this document.	
35	<p><b>Habitat Regulations Assessment Derogation Case- D8 Update [REP8-088]</b></p> <p>The MMO defers the appropriateness of the Compensation measures listed in this document to NE. The MMO provided detailed comments on its position on Compensation measures being secured in schedule 18 of the DMLs in Section 9.8 of [REP8-156] as such, the MMO defers the ExA to this for its position on Compensation.</p>	See ID4 and ID19
36	<p><b>Displacement of Red-Throated divers in the Outer Thames Estuary SPA- Deadline 8 update [REP8-033]</b></p> <p>The MMO is aware that the displacement of Red Throated Divers (RTD's) remains an outstanding issue between the Applicant and NE. The MMO defers Ornithological matters to NE.</p>	Noted
37	<p><b>Deadline 8 Offshore Ornithology Cumulative and In-Combination Collision Risk Update [REP8-035]</b></p> <p>The MMO defers matters of Cumulative and In-Combination collision risk to NE and the appropriateness of the updated figures presented by the Applicant.</p>	Noted
38	<p><b>Best Practice Protocol for Minimising Disturbance to Red-Throated Diver [REP8- 036]</b></p> <p>The MMO commends the Applicant for their persistence in updating this document in line with feedback from Interested Parties who are principally concerned with Ornithology. The MMO defers to NE on the appropriateness of the information contained within this document as we do on all Ornithological matters.</p>	<p>The Applicants note that NE is now content with the Protocol (see REP9-063)</p> <p>The Applicants consider this matter to be closed.</p>
39	<p><b>Underwater Noise Modelling Update [REP8-040]</b></p> <p>The MMO thanks the Applicant for submitting this data so quickly and with such detail. The MMO and scientific advisors attended a meeting with the Applicant on 22 March 2021 where the detail was presented to the advisors, they confirmed that they are content with most of the data the Applicant had submitted.</p>	The Applicants provided the modelling to MMO and Cefas following a workshop on 13 <sup>th</sup> April 2021 and are engaging with the MMO in finalising the updated REP8-040 which it has been agreed will be submitted at Deadline 11.



## Applicants' Comments on MMO's Deadline 9 Submissions

6<sup>th</sup> May 2021

ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
	<p>However, the MMO has one outstanding issue in relation to this document. The MMO is not content that the Applicant has adequately assessed the risk of installing more than one monopile in a 24-hour period, this is because the monopiles will likely be installed at different locations.</p> <p>The MMO attended a meeting with the Applicant and the MMO's scientific advisors on 13 April 2021 to discuss updates made by the Applicant to this modelling, the MMO welcomes the Applicants commitment to resolving this issue. The MMO is still reviewing this update modelling data and will provide a finalised position at Deadline 10.</p>	
40	<p><b>Applicants' Comments on Historic England's Deadline 7 Submissions [REP8-044]</b></p> <p>The MMO notes that most issues appear to be closed out between the Applicant and Historic England (HE). The MMO welcomes this but is aware that the <i>Onshore Written Scheme of Investigation</i> remains outstanding between the Applicant and HE. The MMO has no comment to make on this document but hope that this outstanding concern can be addressed prior to the conclusion of examination</p>	<p>The Applicants confirm that the onshore WSI is agreed with HE (see REP8-127).</p> <p>The Applicants consider this matter to be closed.</p>
41	<p><b>Applicants' Comments on Natural England's Deadline 6 Submissions: Responses to RTD statistical analysis [REP8-043]</b></p> <p>The MMO is aware that the displacement of RTD's remains an outstanding issue between the Applicant and NE. The MMO defers Ornithological matters to NE but hope that a resolution can be reached by the close of examination.</p>	Noted
42	<p><b>Windfarm Layout Principles Statement [REP8-082]</b></p> <p>The MMO thanks the Applicant for submitting this document and recognises its usefulness at this stage of the examination process. The MMO is content with all the information supplied by the Applicant and has no further comments to make.</p>	The Applicants consider this matter to be closed.
43	<p><b>Offshore Ornithology Compensation Measures Funding Statement [REP8-081]</b></p> <p>The MMO welcomes the Applicants assertion that the SoS can be satisfied both that funding is likely to be available for any Ornithology Compensation measures determined to be required and also that the Project</p>	The Applicants consider this matter to be closed.



ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
	is soundly backed and that there is no reason to believe that, if the Order is made, the Project will not proceed. The MMO has no further comment to make on the Applicants funding strategy for these projects.	
44	<p><b>Deadline 8 Covering Letter [REP8-001]</b></p> <p>The MMO appreciates the usefulness of this document and thanks the Applicant for submitting it. The MMO also welcomes the Applicants submission of a table detailing which Statement of Common Grounds (SoCG) have been signed and submitted into this examination as finalised documents.</p>	Noted
45	<p><b>Applicant's Comments on the Report on Implications for European Sites [REP8- 094]</b></p> <p>The MMO is aware that the potential impacts to the National Site Network is still an issue of discussion between the Applicant and NE and that this is unlikely to be resolved prior to the conclusion of this examination. The MMO defers to NE on all matters associated with HRA.</p>	Noted
46	<p><b>Statement of Commonality [REP8-102]</b></p> <p>The MMO welcomes the submission of this document and appreciate its usefulness in visualising the various topics and issues that stakeholders involved in this examination have either resolved or remain outstanding with the Applicant.</p> <p>The MMO has reviewed all the positions the Applicant has stated the MMO has taken and concur with all of them. The MMO has no further points to raise on this document.</p>	The Applicants consider this matter to be closed.
47	<p><b>Applicants' Comments on Natural England's Deadline 7 Submissions [REP8-043] Summary of NE's position</b></p> <p>The MMO notes that there remains disagreement between NE and the Applicant regarding the appropriateness of the Compensation packages proposed by the Applicant. The MMO largely defers to NE on this matter, however, the MMO provided comments on Schedule 18 in Section 2.2 and 9.8 at Deadline 8 [REP8-156], this remains the MMO position.</p>	The Applicants maintain the position from their previous response in the <b><i>Applicants' Comments on Natural England's Deadline 8 Submissions</i></b> (REP9-016).
48	<b>Derogations</b>	The Applicants maintain their position on mitigation as presented in <b><i>Habitats</i></b>



ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
	<p>The MMO understands that the mitigation proposed by the Applicants remains a point of disagreement between the Applicant and NE. The MMO does not consider that this issue will be resolved prior to the conclusion of this examination and will need to be judged by the SoS. The MMO ultimately defers to NE on this matter.</p>	<p><b>Regulations Assessment Derogation Case - Version 3</b> (REP8-088).</p>
49	<p><b>Fisheries Management</b></p> <p>The MMO understands that this Compensation measure remains an area of disagreement between the Applicant and NE as the Applicant does not consider that prey enhancement in this way would be a viable Compensation measure.</p> <p>The MMO also understands that NE does not consider this to be the case but is sympathetic to the Applicants position due to fisheries being under government control. The MMO ultimately defers to NE on the viability and appropriateness of all Compensation matters.</p>	<p>The Applicants maintain their position on prey enhancement as presented in <b>Offshore Ornithology Without Prejudice Compensation Mechanisms - Annex 1 - Prey Availability Compensation Mechanisms</b> (REP6-046).</p> <p>The Applicants consider this matter to be closed.</p>
50	<p><b>Appendix 1: Kittiwake from the Flamborough and Filey Coast (FFC) SPA</b></p> <p>The MMO notes that the Compensation measures proposed by the Applicant to benefit Kittiwake in the FFC SPA remains an area of disagreement between NE and the Applicant. The MMO ultimately defers to NE on the appropriateness of any Compensation packages proposed by the Applicant.</p>	<p>Noted</p>
51	<p><b>Appendix 2: Gannet from the Flamborough and Filey Coast (FFC) SPA</b></p> <p>The MMO notes that the Applicant has attempted to address NE's initial concerns that they have not provided enough data to support their assertion that the provision of artificial nesting sites is a sound Compensation package.</p> <p>The MMO also notes that the Applicant has included an additional, potential Compensation measure relating to the removal of plastic waste at gannet colonies within the updated Offshore Ornithology Without Prejudice Compensation Measures document [REP6-045].</p>	<p>The removal of plastic waste has not been put forward as a proposed compensation measure at this time, it is mentioned as a potential line of inquiry in the future because the Applicants consider that there may be merit in it.</p>



ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
	<p>The MMO welcomes this update from the Applicant and commends their commitment to securing appropriate Compensation packages for all Ornithological species, however, the MMO ultimately defers to NE on the detail of all Compensation packages proposed.</p> <p>The MMO will review how the removal of plastic waste will be conditioned in Schedule 18, in terms of marine licensing.</p>	
52	<p><b>Appendix 3 and 4: Guillemot and Razorbill from the Flamborough and Filey Coast (FFC) SPA</b></p> <p>The MMO notes that the Applicant has updated their submission to include specific locations for where rat eradication would take place in order to benefit both Guillemot and Razorbill species.</p> <p>The MMO welcomes that Applicants attempt to answer some of NE's concerns, however, the MMO ultimately defers to NE on the appropriateness of these updates in relation to Compensation for these projects.</p>	Noted
53	<p><b>Appendix 5: Lesser Black-backed gull from the Alde-Ore Estuary SPA</b></p> <p>The MMO notes that the use of New Zealand style predator proof fencing as Compensation for this species in this SPA has been agreed in principle between both the Applicant and NE. The MMO welcomes this position from both parties, however, the MMO notes that NE would prefer the Applicant to have submitted candidate locations for such fence placement, but that the Applicants consider this not to be feasible due to the advanced stage of the examination that the projects are currently in.</p> <p>The MMO welcomes the Applicant's commitment that should the SoS consider that Compensation packages are required that they would engage in a scoping process with NE to ascertain the most appropriate locations. However, the MMO defers to NE on this matter.</p>	Noted
54	<p><b>Appendix 6: Red throated diver from the Outer Thames Estuary SPA</b></p> <p>The MMO notes that the potential impacts to RTD remain an area of outstanding disagreement between the Applicant and NE and is most likely going to remain as such at the close of this examination.</p> <p>The MMO notes the Applicant's assertion that they have put forward a practical measure which goes above and beyond the measures proposed in Best-Practice Protocols for Minimising Disturbance to RTD</p>	Noted





ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
	<p>that the Applicants have seen for other windfarm projects. This includes East Anglia ONE and East Anglia THREE (noting that this proposed Compensation measure has incorporated project vessel traffic management for East Anglia THREE) which will see the Applicants avoiding vessel transits through the OTE SPA during the winter period during construction of the projects and during the entire operational period.</p> <p>The MMO welcomes this commitment from the Applicant, however, the MMO defers to NE on the appropriateness of this Compensation package.</p>	
55	<p><b>Outline Sabellaria Reef Management Plan [REP6-039, REP6-040]</b></p> <p>The MMO is aware that this document remains an area of disagreement between the Applicant and NE, and that NE do not consider that this issue can be resolved prior to the close of examination. The MMO notes NE's position in relation to this plan.</p>	<p>Noted. The Applicants note that as per ID MMO-707 of the MMO SoCG (REP8-132) the outline <i>Sabellaria</i> Reef Management Plan is 'Agreed'.</p>
56	<p><b>Offshore In-Principle Monitoring Plan (IPMP) [REP6-015, REP6-016]</b></p> <p>The MMO notes that the Applicant has tried to address all of NE's concerns regarding the security of monitoring required in relation to Compensation measures, residual impacts to designated sites and the inclusion of sandeel monitoring as a provision of this document.</p> <p>The MMO also notes that the Applicant has updated the document to include reference to reef recovery, something NE requested of them, the MMO further welcomes this update. The MMO ultimately defers to NE on the appropriateness of these updates and is hopeful that all issues can be resolved as of the conclusion of Examination.</p>	<p>The Applicants note that NE is now content with the IPMP (see REP9-063)</p> <p>The Applicants consider this matter to be closed.</p>
57	<p><b>Outline Landfall Construction Method Statement [REP6-022, REP6-023]</b></p> <p>The MMO welcomes the Applicant's assertion that have updated the draft DCO at Deadline 8 to include NE and the MMO as a consultee on the Landfall Construction Method Statement.</p> <p>The MMO has provided detailed comments on the updated dDCO in Section 1.1 of this document. The MMO has reviewed the document and defers to NE and the local planning authority in relation to the content of this plan.</p>	<p>The Applicants note that NE is now content with the Protocol (see REP9-063)</p> <p>The Applicants consider this matter to be closed.</p>



ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
58	<p><b>Horizontal Directional Drilling Verification Clarification Note [REP6-024]</b></p> <p>The MMO understands that there is disagreement between the Applicant and NE as to the need for this document to be produced for these projects. The MMO supports NE's position on this document but consider this disagreement to be fairly minor in terms of these projects.</p>	<p>The Applicants would clarify that the area of disagreement relates to whether this document should be a certified plan within the DCO/DML. The HDD Verification Clarification Note has been produced to demonstrate the viability of HDD. The detailed design of the HDD, which will be based upon the results of the pre-construction ground investigations, will be presented within the final Landfall Construction Method Statement which must be approved by the relevant planning authority in consultation with the relevant statutory nature conservation body and the MMO.</p> <p>The approved Landfall Construction Method Statement will therefore supercede the HDD Verification Clarification Note, and as such, there is no benefit in the HDD Verification Clarification Note being a certified document.</p>
<p><b>Comments on Applicant's comments on MMO Deadline 7 Response [REP8-047]</b></p>		
<p><b>3.1 Deemed Marine Licences</b></p>		
59	<p>The MMO welcomes the Applicant's commitment to updating the listed DMLs condition and including them in the most recent dDCO submission. The MMO has provided detailed comments on the dDCO in Section 1.1 of this document.</p>	<p>Noted</p>



ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
60	<p>The MMO notes the Applicant's assertion that themselves and the MMO are not agreed on the wording of Condition 29 of the Generation DML and Condition 25 of the Transmission DML with reference to a Herring Spawning restriction. The MMO concurs with this and direct the ExA to Section 9.4 of [REP8-156] for the MMO comments as to why an agreement has not been reached between both parties.</p>	See ID7
61	<p>The MMO reiterates that the Applicant and MMO have agreed to include a new sediment sampling condition in the DMLs (Condition 30 of the Generation DMLs and condition 26 of the Transmission DMLs) the MMO acknowledges that the Applicants dispute the requirement for additional sediment contaminants sampling, however, the MMO position remains the same on this issue, further details of which can be found in Section 8.8 of [REP8-156]. The MMO is content with the conditions as they stand in the DMLs.</p> <p>The MMO would highlight that discussions on this matter are continuing with the Applicant now the Examination has been extended with the hope that the sampling can be completed prior to the close of Examination.</p>	See ID10
62	<p><b>Resolved Issues</b></p> <p>The MMO has no comments on the Applicant's comments on this Section.</p>	Noted
63	<p><b>Outstanding Issues</b></p> <p>The MMO welcomes the Applicants agreement on all the issues that remaining outstanding for these projects.</p> <p>Regarding Compensation, the MMO has provided detailed comments on this issue in Section 9.9 of [REP8-156], the MMO defers the ExA to this for our comments</p>	See ID4, ID19, ID23 ID 50 and ID51