



SCOTTISHPOWER
RENEWABLES

East Anglia ONE North and East Anglia TWO Offshore Windfarms

Applicants' Comments on Marine Management Organisation's Deadline 4 Submissions

Applicant: East Anglia TWO and East Anglia ONE North Limited

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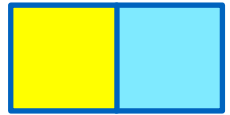
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Applicable to **East Anglia ONE North** and **East Anglia TWO**



Revision Summary

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Description of Revisions

Rev	Page	Section	Description
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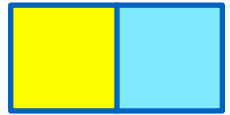
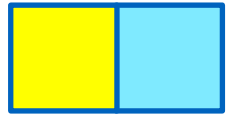


Table of Contents

1	Introduction	1
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Glossary of Acronyms

APP	Application Document
CFWG	Commercial Fisheries Working Group
DCO	Development Consent Order
DML	Deemed Marine Licence
EIA	Environmental Impact Assessment
ES	Environmental Statement
HRA	Habitats Regulation Assessment
IPMP	In-Principle Monitoring Plan
LAT	Lowest Astronomical Tide
MCA	Maritime and Coastguard Agency
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
OOOMP	Outline Operations and Maintenance Plan
RR	Relevant Representation
SAC	Special Area of Conservation
SIP	Site Integrity Plan
SLVIA	Seascape, Landscape and Visual Impact Assessment
SNS	Southern North Sea
UXO	Unexploded Ordnance



Glossary of Terminology

Applicant	East Anglia ONE North Limited / East Anglia TWO Limited
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 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 ONE North / 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.
HDD temporary working area	Temporary compounds which will contain laydown, storage and work areas for HDD drilling works.
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.
Landfall	The area (from Mean Low Water Springs) where the offshore export cables would make contact with land, and connect to the onshore cables.
Meteorological mast	An offshore structure which contains meteorological instruments used for wind data acquisition.
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.
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 ONE North / East Anglia TWO 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.
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 is applicable to both the East Anglia ONE North and East Anglia TWO applications, and therefore is endorsed with the yellow and blue icon used to identify materially identical documentation in accordance with the Examining Authority's (ExA) procedural decisions on document management of 23rd December 2019. Whilst for completeness of the record this document has been submitted to both Examinations, if it is read for one project submission there is no need to read it again for the other project.
2. This document presents the Applicants' comments on the Marine Management Organisation's (MMO) Deadline 4 submission (REP4-081). Note that the Applicants have not provided specific responses to the comments made by the MMO within section 4 '*MMO's Response to Applicants' Comments on Marine Management Organisations Deadline 2 submissions [REP3-069]*' of their Deadline 4 Response. This is because the MMO either agreed with comments made by the Applicants, deferred further comments until later deadlines or have made the same comment elsewhere within their Deadline 4 response to which the Applicants have responded in this document. In addition, the Applicants have not responded to the MMO's comments within section 2 '*Comments on any updated Statement of Commons Ground (SOCG)*' because the comments made are either welcoming updates made to the SoCGs, deferring matters to other stakeholders or deferring comment to later deadlines.



Point	MMO Comment	Applicants' Response
Comments on Applicants' Revised dDCO (REO3-011)		
001	1.1 Article 2 (1) Interpretations The MMO is content with the changes made to the definition of 'deemed marine licences' by the Applicant.	Noted
002	The MMO notes the update to the changes made to "offshore preparation works" and query why the reference to 'seaward of MHWS' [Mean High Water Springs] has been removed by the Applicant. The MMO also understands that this amendment has not alleviated all of Natural England's concerns. The MMO will continue to engage in discussions with both parties.	This was deleted in error and will be reinserted in the next version of the draft DCO.
003	The MMO notes the additions of several plans to the definitions, particularly the Outline Fisheries Liaison Plan and the Outline Sabellaria Plan. The MMO is content with these updates.	Noted
004	1.2 Articles The MMO is content with the update to Article 31: Deemed Marine Licences under the 2009 Act.	Noted
005	The MMO notes the updates to Article 36 and has further comments in section 3.12 in relation to the certification of plans.	Noted. See the Applicants' response to the MMO's section 3.12 comments at Point 038 below.
006	The MMO notes the update to Article 38 and as this is for Requirements under Schedule 3 Part 1 the MMO is content that they are not subject to Schedule 16.	Noted
007	1.3 Schedule 1, Part 1, Authorised Project	The Applicants have discussed this matter with the MMO.



Point	MMO Comment	Applicants' Response
	<p>The MMO notes the inclusion of the additional foundation type to include monopiles. The Applicant needs to ensure that the monopile has been assessed in the Environmental Statement (ES) in relation to whether the turbine assessment is sufficient to cover the additional foundations for the offshore platforms. The MMO does not consider that this will have been assessed directly. The MMO notes that the Applicant considers that this will be less of an impact than using eight leg jackets. The MMO appreciates the inclusion of a table in REP3-052 for the worst case scenario which demonstrates that the hammer energy to install the monopile will significantly increase compared to the pin piles for the eight legged jackets. The MMO is currently reviewing this further and will provide a response at Deadline 5.</p>	<p>The worst case scenario associated with the substation monopile is identical to that for a wind turbine (i.e. 15m diameter, 4000kJ maximum hammer energy and located within the offshore windfarm site) therefore, the Applicants consider that the impacts of a monopile foundation are currently captured within the ES assessment in Chapter 12 Marine Mammals (APP-059). With regard to impacts on the Southern North Sea (SNS) Special Area of Conservation (SAC), the hammer energy is irrelevant because the impact is considered against the effective deterrent range of 26km which is determined by the cumulative noise exposure rather than the noise produced by single strikes of the pile.</p> <p>Whilst the maximum hammer energy for the monopile is greater than the maximum hammer energy for the pin-piles, the use of the monopile solution would reduce the potential total number of piling events for the substations from 40 to 5, reduce the duration of piling overall and reduce the physical footprint on the seabed, as highlighted in Table 4 of the Deadline 3 Project Update Note (REP3-052).</p>
008	<p>1.4 Part 3, Requirements</p> <p>The MMO notes the updated the turbine height from 300m to 282m and air clearance height change from 22m to 24m. The MMO understands this is in relation to the discussions with Natural England on ornithology issues and welcomes this commitment from the Applicant. The MMO defers to Natural England on ornithological matters.</p> <p>The MMO welcomes the Applicant's commitment that the monopile foundations must not have a total footprint at the seabed, which is more than 177 m², raised in both points 7(3) and 8(3).</p>	Noted



Point	MMO Comment	Applicants' Response
009	<p>1.5 Schedule 13 and Schedule 14, Part 1 (1)</p> <p>The MMO welcomes the updated definitions to include 'Best Practice Protocol for minimising disturbance to Red-Throated Diver', 'Outline Fisheries Liaison and Coexistence Plan' and 'Outline Sabellaria Reef management plan'. As with comment 1.1 above the MMO query why the reference to 'seaward of MHWS' has been removed in the definition of 'Offshore Preparation Works'.</p>	See the Applicants' response to Point 002 above.
010	<p>1.6 Schedule 13 and Schedule 14, Part 1 (1)(4)(b)</p> <p>The MMO welcomes the updated telephone number for the MMO Coastal Office in Lowestoft.</p>	Noted
011	<p>1.7 Schedule 13, Part 1 (3)(2 & 3) and Schedule 14, Part 1 (3)(1 & 2)</p> <p>Please see comment 1.3 of this document.</p>	See the Applicants' response to Point 007 above.
012	<p>1.8 Schedule 13, Part 2 Condition 1 (a & e)</p> <p>The MMO notes the updates of the turbine height change from 300m to 282m and air clearance height change from 22m to 24m. The MMO understands this is in relation to the discussions with Natural England on ornithology issues and welcomes this commitment from the Applicant. The MMO defers to Natural England on ornithological matters.</p>	Noted
013	<p>1.9 Schedule 13, Part 2 Conditions 8 (3) and 9 (3) and Schedule 14, Part 2 Conditions 4 (3) and 5 (3)</p> <p>The MMO welcomes the Applicant's commitment that the monopile foundations must not have a total footprint at the seabed which is more than 177m² to reflect the inclusion of a monopile foundation as a</p>	Noted



Point	MMO Comment	Applicants' Response
	potential foundation option for the construction, maintenance and operation platform.	
014	<p>1.10 Schedule 13, Part 2 Conditions 10 (6), 10 (7)(a) and 10 (8) and Schedule 14, Part 2 Conditions 6 (6), 10 (7)(a) and 10 (8)</p> <p>The MMO notes these conditions have been updated to ensure Unexploded Ordnance (UXO) clearance activities are secured within the notification requirements. The MMO still believes that UXO clearance activities should not be included within the dDCO as set out in Section 5 of this document. Notwithstanding this the MMO welcomes the inclusion of these updates by the Applicant.</p>	Noted. See the Applicants' responses to the MMO's detailed points regarding this in Points 046-056 below.
015	<p>1.11 Schedule 13, Part 2 Condition 10 (10) and Schedule 14, Part 2 Condition 6 (10)</p> <p>The MMO notes these conditions have been updated to ensure UXO clearance activities are secured within the notification requirements. The MMO still believes that UXO clearance activities should not be included within the dDCO as set out in Section 5 of this document. Notwithstanding this the MMO welcomes the inclusion of these updates by the Applicant. In addition to this the Applicant has included a timescale of notification to the MMO and the MMO welcomes this addition.</p>	Noted. See the Applicants' responses to the MMO's detailed points regarding this in Points 046-056 below.
016	<p>1.12 Schedule 13, Part 2 Condition 10 (12) and Schedule 14, Part 2 Condition 6 (12)</p> <p>The MMO understands the update to these conditions is to reflect the standard conditions requested by the Maritime and Coastguard Agency (MCA). The MMO supports the MCA on this matter and welcomes the updated wording of these conditions by the Applicant.</p>	Noted



Point	MMO Comment	Applicants' Response
017	<p>1.13 Schedule 13, Part 2 Condition 16 (1) and Schedule 14, Part 2 Condition 12 (1)</p> <p>The MMO notes this update is to secure the requirement for environmental micro-siting to be considered in the method statement for UXO clearance activities which must be submitted to and approved by the MMO prior to any UXO clearance activities taking place. The MMO still believes that UXO activities should not be included within the dDCO for the reasoning set out in Section 5 of this document. Notwithstanding this the MMO welcomes the inclusion of these updates by the Applicant.</p>	<p>Noted. See the Applicants' responses to the MMO's detailed points regarding this in Points 046-056 below.</p>
018a	<p>1.14 Schedule 13, Part 2 Condition 16 (3) and Schedule 14, Part 2 Condition 12 (3)</p> <p>The MMO understands this has been updated to address concerns raised by the MMO in relation to the requirement for the submission of both the Marine Mammal Mitigation Protocol (MMMP) and the Southern North Sea (SNS) Special Area of Conservation (SAC) Site Integrity Plan (SIP) for UXO clearance activities before UXO clearance activities can take place. The MMO appreciates the Applicant's inclusion of this wording to secure the submission of plans prior to the activities so as to alleviate the concerns raised in the MMO's Relevant Representation (RR-052) and Deadline 1 (REP1-144) response. However, the MMO is not content with the timescale proposed by the applicant and maintains its position that these documents should be submitted 6 months prior to any UXO activities taking place. The MMO remains in discussion with the Applicant on this issue and has provided an update in Section 5 of this document.</p>	<p>The Applicants discussed the timing of the submission of these documents with the MMO at a meeting on the 18th of January 2021. It is proposed that the SIP, MMMP, and most parts of the UXO method statement can be submitted to the MMO for approval six months prior to any UXO activities taking place. However, the final detailed plan of the UXO locations and the exclusion zones/environmental micro-siting requirements are unlikely to be able to be finalised six months prior to the activity and therefore the Applicants have proposed providing these in a draft form as early as possible but have suggested a commitment within the DML condition to submit these documents at least three months prior to UXO clearance activities. The MMO indicated they were content with this approach.</p> <p>The Applicants have updated the condition in the draft DCO submitted at Deadline 5 to reflect the amended timescales for submission of these documents.</p>



Point	MMO Comment	Applicants' Response
018b	<p>In addition to this the MMO still believes that UXO activities should not be included within the dDCO. The MMO has provided further information in Section 5.</p> <p>Notwithstanding this, the MMO has provided a without prejudice position in Section 5.4 below. The MMO is continuing discussions with the Applicant and Natural England on the condition wording.</p>	Noted. See the Applicants' responses to the MMO's detailed points regarding this in Points 046-056 below.
019	<p>1.15 Schedule 14, Part 2 Condition 13 (1)(d)(ii)(bb)</p> <p>This condition has been included by the applicant to ensure that the relevant cable landfall information is included in the cable laying plan following MMO comments on the Landfall Construction Method Statement (REP1-042) submitted at Deadline 2 (REP2-048). The MMO is content with the update to this condition and has no further concerns.</p>	Noted
020	<p>1.16 Schedule 13, Part 2 Condition 17 (1)(e)(v) and Schedule 14, Part 2 Condition 13 (1)(e)(v)</p> <p>The MMO is content with the update to secure the submission of the Fisheries Liaison and Coexistence Plan in accordance with the Outline Plan, the MMO welcomes this inclusion.</p>	Noted
021	<p>1.17 Schedule 13, Part 2 Condition 17 (1)(e)(vi) and Schedule 14, Part 2 Condition 13 (1)(e)(v)</p> <p>The MMO is content with the update to include the certified document Best Practice Protocol for Minimising Disturbance to Red-Throated Divers.</p>	Noted



Point	MMO Comment	Applicants' Response
022	<p>1.18 Schedule 13, Part 2 Condition 17 (1)(j) and Schedule 14, Part 2 Condition 13 (1)(e)(v)</p> <p>The MMO is content with the update to include the certified document the Sabellaria Reef Management Plan.</p>	Noted
023	<p>1.19 Schedule 14, Part 2 Condition 13 (1)(d)(ii)(bb)</p> <p>The MMO welcomes the update to the condition due to the inclusion of the monopile foundation for the offshore platforms. Please see comment 1.3 for the concerns relating to this amendment.</p>	See the Applicants' response at Point 007 above.
024	<p>1.20 Schedule 13, Part 2 Condition 20 (2)(b) and Schedule 14, Part 2 Condition 16 (2)(b)</p> <p>The MMO welcomes the update as requested by the Maritime and Coastguard Agency (MCA) and has no further comments.</p>	Noted
025	<p>1.21 Schedule 13, Part 2 Condition 20 (2)(d) and Schedule 14, Part 2 Condition 16 (2)(d)</p> <p>This update has been included to secure pre-construction ornithological monitoring as requested by Natural England. The MMO supports Natural England on this matter and is continuing discussions with Natural England on the appropriateness of the wording of this condition.</p>	Noted
026	<p>1.22 Schedule 13, Part 2 Condition 21 (3) and Schedule 14, Part 2 Condition 17 (3)</p> <p>The MMO welcomes the inclusion of the additional wording in relation to the cessation of piling as requested by both the MMO and Natural England. The MMO is engaged in internal discussions regarding the</p>	Noted



Point	MMO Comment	Applicants' Response
	effectiveness of this condition and will provide a further update in due course.	
027	<p>1.23 Schedule 13, Part 2 Condition 22 (2)(e) and Schedule 14, Part 2 Condition 18 (2)(e)</p> <p>This update has been included to secure post construction ornithological monitoring as requested by Natural England. The MMO supports Natural England on this matter and are continuing discussions with Natural England on the appropriateness of the wording of this condition.</p>	Noted
028	<p>1.24 Schedule 13, Part 2 Condition 22 (3) and Schedule 14, Part 2 Condition 18 (3)</p> <p>The MMO is content with the removal of the wording 'for up to 3 years post-construction, which could be non-consecutive years'.</p>	Noted
029	<p>1.25 Schedule 13, Part 2 Condition 24 and Schedule 14, Part 2 Condition 20</p> <p>This condition has been included to secure the details of any additional scour or cable protection in different locations to scour or cable protection installed during construction. The MMO welcomes clarity on this proposal and the relevant updates to the Outline Operations and Maintenance Plan (OOOMP).</p> <p>The MMO is currently reviewing this condition to determine if this alleviates the concerns raised at Deadline 2 (REP2-048). The MMO will engage with the Applicant on any potential updates and will provide an update at deadline 5.</p>	Noted



Point	MMO Comment	Applicants' Response
030	<p>1.26 Schedule 13, Part 2 Condition 25 and Schedule 14, Part 2 Condition 21</p> <p>This condition has been included by the applicant to ensure co-operation between the undertakers of the East Anglia TWO (EA2) Project and the EA1N Project, the MMO welcomes the inclusion of this condition and is content with its wording.</p>	Noted
Comments on any additional information/submissions received at Deadline 3		
031	<p>3.6 Outline Offshore Operations and Maintenance Plan (OOOMP) [REP3-038]</p> <p>The MMO is currently reviewing the updates to the document and will provide a response at Deadline 5.</p> <p>The MMO highlighted concerns at Deadline 2 (REP2-048) in relation to the inclusion of any additional scour or cable protection in different locations to scour or cable protection installed during construction. The MMO notes the Applicant has now included this activity within the dDCO at Schedule 13, Part 2 Condition 24 and Schedule 14, Part 2 Condition 20 and this has also been updated within the OOOMP, with reference to these conditions.</p> <p>The MMO is currently reviewing this condition to see if they alleviate the concerns raised and will provide further comments on the requirements within the OOOMP. The MMO will provide an update at Deadline 5.</p>	Noted
032	3.7 Offshore In-Principle Monitoring Plan (IPMP) [REP3-040]	Noted. The Applicants will continue discussions with the MMO and Natural England and will update and resubmit the IPMP (anticipated to be at



Point	MMO Comment	Applicants' Response
	<p>In relation to Section 1.4.1 Key Project Characteristics Parameters – the MMO welcomes the updated parameters for maximum wind turbine tip height (LAT) and minimum clearance above sea level.</p> <p>Section 1.7.4 Benthic Ecology has been updated to reflect the inclusion of the Sabellaria Reef Management Plan. The MMO will confirm at Deadline 5 if these updates are satisfactory.</p> <p>The MMO is content with the updates to Section 1.7.8 Commercial Fisheries.</p> <p>The MMO welcomes the updates to section 1.7.11 Marine Archaeology and Cultural Heritage.</p> <p>The MMO understands Natural England has requested further information in relation to Ornithology and the MMO is in discussion with Natural England to understand if the IPMP includes enough information to alleviate their concerns.</p>	<p>Deadline 6) once further advice has been provided to ensure that all concerns are addressed as far as possible.</p>
033	<p>3.8 Draft Marine Mammal Mitigation Protocol (MMMP) [REP3-042]</p> <p>The MMO is currently reviewing this document and will provide updates at Deadline 5.</p>	<p>Noted</p>
034	<p>3.9 In-principle Southern North Sea Special Area of Conservation Site Integrity [REP3-044]</p> <p>The MMO has major concerns related to the inclusion of UXO activities and the use of the SNS SAC SIP for project alone impacts. As these concerns are linked and the MMO has provided further comments in Section 5 of this document.</p>	<p>See the Applicants' responses to the MMO's detailed points regarding this in Points 046-056 below.</p>



Point	MMO Comment	Applicants' Response
035	<p>3.10 Outline EA1N &EA2 Displacement of red-throated divers in the Outer Thames Estuary SPA – Version 01 [REP3-049]</p> <p>The MMO defers to Natural England on ornithological matters. The MMO understands there are ongoing discussions between the Applicant and Natural England with regards ornithology. The MMO is reviewing this document and will review Natural England's response with a view to providing comments on impacts to the dDCO/DMLs at Deadline 5 if required.</p>	Noted
036	<p>3.11 Outline Fisheries Liaison and Coexistence plan [REP3-050]</p> <p>The MMO welcomes the updates to the document, particularly pertaining to roles and responsibilities in Appendix 1 of the Outline Fisheries Liaison and Co-existence Plan [REP03-050].</p> <p>The MMO notes that the Applicant has not included a table of timescales as set out in section 1.4.2 of the MMO's Deadline 2 response [REP2-048]. The MMO has had further discussions with the Applicant and is now content with this approach.</p>	Noted
037	<p>The MMO does have further concerns in relation to the impact on the local fishing industry. These have been set out below:</p> <p>a) Transfer of rock armour between vessels - The MMO highlights that there is currently a number of major concerns regarding the use of rock protection and the increase in rock dropped when transferring between vessels in known fishing grounds. The MMO is in discussion with the Applicant to ascertain whether any further information can be provided at this stage to alleviate these concerns. The MMO is reviewing the dropped object form set out in Schedule 13, Condition 14 (10) and Schedule 14, Condition 10 (10) and the Notification to Mariners</p>	<p>The Applicants highlight that it is likely that, due to the sandy and gravelly nature of the sediment throughout the Projects' offshore development areas, it is anticipated that the majority of offshore cables will be buried using a cable plough and will not require cable protection. Cables will be buried to at least 1m.</p> <p>a) The Applicants would request further clarity from the MMO on this comment. The Applicants will raise this at the next SoCG meeting with the MMO.</p>



Point	MMO Comment	Applicants' Response
	<p>conditions to decide if any amendments are required to ensure all parties are aware of the location of the rock at the earliest opportunity.</p> <p>b) The size and grade of rock protection – The MMO would like to ensure that the any rock used for protection is suitable for the marine environment and minimises risk to the fishing industry and this should be provided once the protection is identified.</p> <p>The MMO notes that there is a conflict of interest between Natural England and the fishing industry on the type of protection used. The MMO notes that the fishing industry prefer rock protection as this is less of a snagging risks to trawling vessels. However, Natural England prefer concrete mattresses due to their ability to be extracted.</p> <p>Concrete Mattresses - The MMO has concerns about the use of concrete mattresses, in particularly the major snagging risk for trawling vessels.</p>	<p>b) The need, type, quantity and installation methods for any required scour protection and cable protection would be detailed in the construction method statement which requires to be approved by the MMO prior to commencement. . It should be noted however that where rock dump is required it would likely take the form of gravel as opposed to larger rocks. The use of gravel dumping as a means of cable protection would vastly reduce the risk of snagging of fishing gear.</p> <p>Regarding the use of concrete mattresses, the Commercial Fisheries Working Group (CFWG), which includes representatives of the local fishing fleet have not raised an issue with regard to the use of concrete mattresses, or a preference for mattresses versus gravel protection, as evidenced through the fully agreed draft Statement of Common Ground with the Commercial Fisheries Working Group (REP3-079). However, as noted in section 13.6.2.2 of Chapter 13 Commercial Fisheries, and agreed in the aforementioned statement of common ground (agreement statement CFWG-012), in line with standard practice in the North Sea oil and gas industry, measures would be undertaken to ensure that where cable protection is required, the protection methods used are compatible with fishing activities where practically possible. Through the aforementioned statement of common ground, the Applicants have committed to engaging with the CFWG on pre-construction plans (agreement statement CFWG-010)</p>
038	<p>3.12 Deadline 3 Project Update Note [REP3-052]</p> <p>The MMO welcomes this document, as set out in section 1.3 the MMO is currently discussing the inclusion of the monopile foundation and will provide an update at Deadline 5.</p> <p>The MMO questions if this document will be certified during the Examination process. The MMO believes that any updates or</p>	<p>The Applicants will be incorporating a new schedule into the draft DCO listing the documents to be certified at Deadline 7 and will consider this comment from the MMO in preparing the schedule.</p>



Point	MMO Comment	Applicants' Response
	<p>references to updates to the Environmental Statement (ES) Assessments should be a certified document and should be set out with in the dDCO. The MMO believes this is in line with the comments raised in section 2.4 of the MMO's Deadline 2 response [REP2-048/050]. The MMO believes that it needs to be clear at the outset of the dDCO which documents and information is certified at the consenting stage. The MMO believes that putting certified documents within a separate schedule allows for more detail to be captured, for example any documents linked with the ES. This will reduce any issues that may arise on the exact parameters/agreed mitigation at post consent stage.</p> <p>The MMO is continuing discussions with the Applicant and will provide an update at Deadline 5.</p>	
039	<p>3.13 HRA Derogation Case- Version 1 [REP3-053]</p> <p>The MMO welcomes the provision of this document at Deadline 3. The MMO defers to Natural England on ornithological matters and Habitats Regulations Assessment (HRA) matters. The MMO understands there is ongoing discussions between the Applicant and Natural England regarding Ornithology. The MMO is reviewing this document and will review Natural England's response with a view to providing comments on impacts to the dDCO/DMLs if required at Deadline 5.</p>	Noted
040	<p>3.15 Clarification Note- Effects on Supporting Habitats of Outer Thames Estuary Special Protected Area (SPA) [REP3-059]</p> <p>The MMO welcomes this clarification by the Applicant as to the effects on supporting habitats of the Outer Thames Estuary SPA. The MMO defers to Natural England on Habitats Regulations matters, however the MMO will monitor the discussions and submissions throughout</p>	The Applicants' note that this document is fully agreed with Natural England as stated by them at Issue Specific Hearing 3 on the 19 th January 2021 and within their Deadline 4 Risk and Issues Log (REP4-095)



Point	MMO Comment	Applicants' Response
	Examination and provide any comments in relation to any requirements that impact the DMLs.	
041	<p>3.16 Applicants' Comments on Marine Management Organisations Deadline 2 submissions [REP3-069]</p> <p>Due to the size of this document the MMO has provided further comments in Section 4 of this document.</p>	<p>Noted.</p> <p>The Applicants have not provided specific responses to the comments made by the MMO within section 4 of their Deadline 4 Response (REP4-081). This is because the MMO either agreed with comments made by the Applicants, deferred further comments until later deadlines or have made the same comment elsewhere within this document to which the Applicants have responded.</p>
042	<p>3.17 Applicants' Comments on Natural England's Deadline 2 Submissions [REP3-070]</p> <p>The MMO has reviewed this document and at this stage has no additional comments. The MMO understands there are a number of outstanding issues between the Applicant and Natural England in relation to offshore matters. The MMO will continue to review the status of these discussions and be involved in any matters relating to the dDCO where required.</p>	Noted
043	<p>3.18 Offshore Commitments- Version 1 [REP3-073]</p> <p>The MMO believes this document presents the Applicant's offshore commitments clearly and the MMO is content that the commitments have been secured within the dDCO. The MMO understands these issues relate to Ornithological, Seascape Landscape and Visual Impact Assessment (SLVIA) and Habitats Regulations matter. The MMO defers to Natural England on these issues. The MMO understands there is ongoing discussions with Natural England and the MMO will provide any future comments as required.</p>	Noted



Point	MMO Comment	Applicants' Response
044	<p>3.25 Appendix B2 NE Comments on Information to Support Appropriate Assessment – Addendum for Marine Mammals [REP1-038] [REP3-118]</p> <p>The MMO have reviewed Natural England's comments, the MMO is in agreement with Natural England in that neither UXO detonations or piling should, or would, ever take place without mitigation in place which has been approved by MMO in consultation with Natural England, prior to works commencing. The MMO acknowledges Natural England has some concerns that the commitments listed in the draft SIP are immutable and should be conditioned on the face of the DML to ensure they are adhered to. The MMO will review the progress between the Applicant and Natural England on this matter and provide any comments relating to DMLs where required.</p> <p>Furthermore, the MMO shares Natural England's disagreement with the proposal to expand the scope of the SIP for the Southern North Sea SAC to include project-alone impacts please see Section 5 of this document on this matter. On all matters related to HRA, the MMO defers to Natural England.</p>	<p>See the Applicants' response to Points 002 and 004 in section 4 of the <i>Applicants' Comments on Natural England's Deadline 3 Submissions</i> (REP4-016).</p>
045	<p>3.28 The Wildlife Trust's Summary of Oral Submission and Comments on the Addendum for Marine Mammals [REP1-038] [REP3-148]</p> <p>The MMO acknowledges the comments made by The Wildlife Trust in relation to the SNS SAC noise management mechanism and will continue to provide updates on the status of the discussions in the SNS Regulators Working Group throughout Examination.</p> <p>In relation to the comments on the SNS SAC SIP the MMO agrees the SIP should only be used for in combination impacts and has provided further comments in Section 5 of this document.</p>	<p>See the Applicants' responses to the MMO's detailed points regarding this in Points 046-056 below.</p>



Point	MMO Comment	Applicants' Response
MMO's Comments on Noise Management		
046a	<p>5.1 Inclusion of UXO within the dDCO</p> <p>The MMO maintains the position that UXO clearance activities should be controlled via a separate marine licence. The MMO acknowledges the Applicant's main reasoning for including UXO within the dDCO below:</p> <p>'The DCO regime set out within the Planning Act is designed to remove the need for Applicants of nationally significant projects to obtain multiple consents from various authorities. Instead, the necessary consents, powers and rights can be included within the DCO, and this includes deemed marine licences. Requesting that the Applicant apply for a separate marine licence for UXO clearance activities, particularly when such activities have been assessed within the ES, is contrary to the intended purpose of the DCO regime.'</p> <p>In addition to this the MMO understands the Applicant has provided more information within the MMMP and SNS SAC SIP and updated the notification conditions within the dDCO [REP3-011] to ensure that all parties are aware of the UXO activities and bring this in line with similar UXO marine licence conditions. The MMO welcomes these updates and has provided a without prejudice position in Section 5.4.</p> <p>The MMO has provided further reasoning for the UXO activities not to be included in the dDCO below:</p> <p>a) Since the SNS SAC was designated, the MMO has a duty as a regulator to ensure that noisy activities are properly controlled. The key concern, as set out in the Secretary of State (SoS) recent SNS SAC</p>	<p>The Applicants acknowledge the MMO's arguments for controlling UXO activities via a separate marine licence but maintain their position that inclusion of UXO activities within the DMLs is appropriate and is consistent with the intended purpose of the DCO regime. Following ongoing discussions throughout January 2021 it is understood that the MMO are now content with controlling these activities through the DMLs.</p> <p>The Applicants await MMO's without prejudice comments on the wording of the dDML condition.</p> <p>The Applicants will be required to feed into the MMO Noise activity register that the MMO is developing, negating the need for other developers to search and review marine licences (ML) or environmental statements (ES). Additionally, the MMMP and SIP would be on the MMO register once approved and the MMO noise activity register¹ would have to include information on maximum charge weight, UXO micrositing requirements, number of UXO detonations etc.</p>

¹ <https://mnr.jncc.gov.uk/>



Point	MMO Comment	Applicants' Response
	<p>Review of Consents Habitats Regulations Assessment (HRA), was the avoidance of different projects' noisy activities acting in combination.</p> <p>All approved marine licences are required by law to be placed on the MMO Public Register. The Public Register includes details of all relevant licenced activities. Crucially, it includes spatial data, which is a key aspect of assessing noisy activities. A marine licence including the noisy activity would be more easily available for public, developer, and MMO scrutiny. Therefore, any other applications for noisy activities can be more accurately accessed and assessed for in combination impacts. The MMO highlights that for DML conditions, and any associated approved documentation, whilst also being publicly available do not function in the same way and spatial data is limited.</p> <p>Through SoCG discussions with the Applicant on 7 January 2021 the MMO notes that the Applicant questions why this is not raised for piling activities. While this concern is present for piling activities, this is less of a risk as the majority of the piling activities are in the Array area and this is easily identifiable on the Public Register. In addition to this we know the maximum number and size for piling at this stage. The UXO locations and impacts due to the size are unknown and will be embedded within a document that will be more difficult to identify for all parties when searching through the Public Register.</p>	
046b	<p>b) The MMO classes UXO detonations as high risk activities and as the number of expected detonations will not be known until after the DCO were to be consented, the MMO has concerns that if a large number or multiple larger size UXOs are required to be detonated then discharging the SNS SAC SIP for UXO activities may be more difficult and take longer than the agreed timescale. Further, this may potentially lead to a material change, which could lead to impacts to</p>	<p>The risk highlighted by the MMO would apply whether UXO clearance is conditioned within the DMLs or as a new Marine Licence (ML). The reason for this is that a ML application would be made at the point at which the site investigation has been completed and the location of potential UXO has been identified, but prior to the investigation at each potential UXO by remotely operated submersible and clearance. As with the East Anglia ONE ML application for UXO clearance, the basis of the maximum number</p>



Point	MMO Comment	Applicants' Response
	<p>the construction programme and cause the developer delays and financial implications. This would put the MMO in a potential position where UXO activities have been consented but due to the impacts we are unable to approve the activities, therefore delaying the project overall.</p> <p>A marine licence application will contain more up to date information and provide confidence that the concerns can be reviewed in detail at the time of the application and will not impact on the remaining consented activities. Please also see Section 5.2 on the timescale within Condition 16 (Schedule 13) and Condition 10 (Schedule 14).</p>	<p>of UXO detonations and maximum size class of UXO was an estimate based on the number of potential UXO that had been identified.</p> <p>The assessments included in the Projects' Applications made an assumption of a maximum of 80 detonations per Project which was based on the experience from East Anglia ONE, a larger windfarm site by area with a significantly longer offshore export cable. It is likely that conditioning UXO clearance under a new ML would make the same assumptions for the purpose of the application. Whether UXO clearance is conditioned under the DMLs or new MLs, there would always be the risk that following discharge of pre-commencement requirements under the DMLs, or approval of a new ML, the clearance activity could result in a greater number of UXO requiring clearance than the 80 per Project included in the Applications or the 80 that would be included in a ML application. Under such a scenario, a further ML application would have to be made for the exceedance, which is a risk that the Applicants accept. However, as stated above, the Applicants are confident in the predicted maximum 80 number assessed, and therefore the risk of the need to licence further UXO clearance is low.</p> <p>With regard to charge weight / multiple larger size UXOs, the Applicants are confident in the assumptions made in the assessments, which were based on the experience of charge weights encountered on East Anglia ONE. As a result of this, the Applicants do not agree that there is a 'material change DCO application' risk.</p> <p>With regard to timescales and programme risk refer to row 018a above. These have been agreed with the MMO and secured within the draft DCO submitted at Deadline 5.</p> <p>The Applicants would also note that the MMO aim to make a decision on ML applications within 13 weeks. This is a considerably shorter period than</p>



Point	MMO Comment	Applicants' Response
		the commitment the Applicants have made to issuing key documents 6-months prior to undertaking UXO clearance activities.
046c	c) As the survey will be carried out at the post consent stage there is the potential for a larger number or size of UXOs to be identified. The MMO believes there is a risk if the survey identified potential larger or more UXOs within the location requiring detonation than had been assessed within the ES. This would mean a separate marine licence would have to be sought at the time to account for the additional assessment of impacts which could cause delay to the project.	The assessment within Chapter 11 Marine Mammals (APP-059) and the Information to Support Appropriate Assessment – Addendum for Marine Mammals (REP1-038) assessed a worst case of up to 80 detonations (per Project), which is conservative in that it is greater than the number detonated at the East Anglia ONE project which is a larger site by area with a longer offshore cable corridor. Therefore, the risk of exceeding what was assessed within the Projects' assessments is low. However, the Applicants accept the risk that a new ML could be required if additional UXO beyond the 80 assessed becomes a reality as noted in the assessment within Chapter 11 Marine Mammals (APP-059)
046d	d) The MMO understands that UXO detonation technology is improving at pace and there may be more technologies that are available at the time of signing off the plans. The MMO believes that all of these technologies may not be assessed fully within the Environmental Statement therefore the method would be more accurately described in a marine licence application.	The Applicants consider that any new mitigation technologies will be described in the MMMP and therefore a separate ML is not necessary to capture new mitigation technologies. The Applicants note that the worst case potential impact has been assessed and do not anticipate that any new mitigation technologies would generate greater potential impacts than the worst case already assessed.
047	e) The MMO does not agree with the use of the SNS SAC SIP for project alone impacts between UXO and piling activities. The MMO believes that this is another reason for UXO activities not to be included in the dDCO/DMLs. Please see Section 5.4 for further information.	It is the Applicants' view that the commitments already made allow for robust control of this issue by the MMO (see response to Row 004 in section 4 of the Applicants' Comments on Natural England's Deadline 3 Submissions (REP4-016) and that no further conditions are necessary. However, in recognition of the MMO's and Natural England's position on this matter, the Applicants are exploring the potential for a DML condition to be included in the DCO. The Applicants will continue to engage with Natural England and MMO on this matter and will provide a further update through submissions to the examination anticipated to be at Deadline



Point	MMO Comment	Applicants' Response
		6. The Applicants would however re-emphasise that they consider that the approval process of the SIP and MMMP together with the associated DML conditions are the appropriate mechanisms in which to secure the commitments that have been made.
048	<p>5.2 3-month versus 6-month timescale for UXO activities</p> <p>Condition 16 (Schedule 13) and Condition 10 (Schedule 14) were updated at Deadline 3 [REP3-011] to include a timescale of 3 months for the submission of the required information and documents for UXO activities. As highlighted in section 5.1b the MMO's concerns relate to the ability to discharge the condition within the timescale.</p> <p>UXO clearance activities require detailed assessments and as a SNS SAC SIP would be used for the in-combination impacts (please see section 5.4 for project alone impacts) the discharge process is complex and time consuming. The MMO would highlight that the normal Key Performance Indicator for a marine licence application is 13 weeks, however in recent years UXO clearance applications have taken longer than this up to 8 months.</p> <p>The MMO believes 3 months is not long enough to adequately assess and approve the information. The MMO believes 6 months is more appropriate to provide more confidence to the Applicant that the document will be discharged prior to the and therefore not impact on the procurement process or construction programme.</p> <p>The MMO's initial comments on timescales in Relevant Representation [RR-052] and the Applicant's response were in relation to the preconstruction stage and multiple documents being submitted at once (over 30). The MMO has continued discussions with the Applicant on 18 December 2020 and 7 January 2021, during these discussions the</p>	See the Applicants response at 018a.



Point	MMO Comment	Applicants' Response
	<p>Applicant provided further reasoning on the work they would be conducting prior to the submission of these documents and the MMO proposed alternatives to be discussed. The MMO believes 6 months is appropriate but if not has provided an order of preference below:</p> <p>1) 6 months with the wording 'unless otherwise agreed in writing with the MMO' to allow for any potential delays to the document</p> <p>2) 4 months with the wording 'unless otherwise agreed in writing with the MMO' to allow for any potential delays to the document</p> <p>The MMO will continue these discussions throughout the Examination.</p>	
049	<p>5.3 The Use of the SNS SAC SIP for Project Alone Impacts</p> <p>The MMO notes that in response to Written Question 1.2.30 at Deadline 2 [REP2-048] the MMO highlighted that the SIP was the appropriate mechanism to manage both UXO and piling. After reviewing the Applicant's Deadline 3 submissions, and further internal discussion on the implication of this comment, the MMO's still believes the SIP is the appropriate mechanism to manage both UXO and piling but only for in combination impacts i.e. in combination impacts between different projects not in combination of different noisy activities within the same project (UXO and piling). The MMO does not believe that the SNS SAC SIP is the appropriate mechanism to manage UXO clearance activities and piling activities for a project alone.</p>	<p>See the Applicants' response to Points 002 and 004 in section 4 of the <i>Applicants' Comments on Natural England's Deadline 3 Submissions</i> (REP4-016).</p>
050	<p>The MMO has previously raised concerns on the use of a Site Integrity Plan for project alone impacts in the Norfolk Vanguard and Norfolk Boreas Offshore Wind Farm Examination process. The MMO notes</p>	<p>See the Applicants' response to Points 002 and 004 in section 4 of the <i>Applicants' Comments on Natural England's Deadline 3 Submissions</i> (REP4-016).</p>



Point	MMO Comment	Applicants' Response
	that this was in relation to Benthic Ecology matters of Annex 1 features however the same concerns arise.	
051	<p>During the Issue Specific Hearing 1 the Applicant advised that the use of a SIP for the management of project alone noise impacts was a novel approach and has provided further information in the Deadline 3 submission. The MMO welcomed these documents but still believes that the SIP should only be used for in combination impacts. The MMO also note that Natural England does not agree with the use of the SIP for project alone impacts and the MMO supports this position.</p> <p>The MMO believes there is a fundamental difference in the need for a SIP for noise impacts between the UXO and piling within a project alone and for the in-combination noise impact within the SNS SAC.</p> <p>The MMO understands that the current DCO process involves project impacts alone being clearly identified, assessed and any possible mitigation proposed, described in detail, which all parties can have confidence in.</p> <p>The MMO believes that the SNS SAC SIP was specifically utilised for the uncertainty around in combination impacts that would have an adverse effect on the integrity of a designated site. In combination impacts are out of the Applicant's control therefore the SIP guard against the risks associated with long term planning in combination uncertainties.</p>	See the Applicants' response to Points 002 and 004 in section 4 of the <i>Applicants' Comments on Natural England's Deadline 3 Submissions</i> (REP4-016).
052	The MMO understands the Applicant's reasoning to include the project alone impacts within the SIP is due to the assessment of the potential for AEoI in relation to two noisy (UXO or piling) events in the same 24 hours in the winter part of the SNS SAC for the project alone. The MMO defers to Natural England on the conclusions of HRA, however has	See the Applicants' response to Points 002 and 004 in section 4 of the <i>Applicants' Comments on Natural England's Deadline 3 Submissions</i> (REP4-016).



Point	MMO Comment	Applicants' Response
	<p>raised some concerns on the link between potential HRA conclusions and the DCO process in relation to the SNS SAC SIP below.</p> <p>The MMO reiterates that confidence in the mitigation proposed is a necessary requirement for consent without which there is a burden of risk, the consequences of which is not felt by the developer alone. The MMO notes the Applicant has stated within the ISAA (HRA) Addendum Marine Mammals [REP1-038]:</p> <p><i>“The option to allow both piling and UXO clearance in the same 24-hour period in the winter area during the winter period has been removed, unless it can be demonstrated that effective mitigation can be provided for either activity (or both).”</i></p> <p><i>“The SIP will therefore cover this case if this is required to maintain this flexibility for construction.”</i></p> <p>The MMO does not believe that the flexibility for construction and UXO clearance would be appropriate in this case as the DCO cannot fully condition mitigation that cannot be committed to until post-consent.</p> <p>The MMO highlights this is a major risk to a consented wind farm. If no possible mitigation solution is found at the post consent stage, or a variation to the DML/Marine licence is not granted, then the developer would have few further options? The risk and consequences would not be felt solely by the developer. The regulator and stakeholders could also feel increased pressure in trying to progress an already consented wind farm whilst still enforcing regulations as per their remit.</p> <p>The MMO believes that if the SIP is used for project alone impacts there could be a future scenario where multiple wind farms are consented with project alone SIP documents for the same marine protected area. This could lead to a possibility that the associated risk</p>	



Point	MMO Comment	Applicants' Response
	<p>and in combination impacts could not be assessed fully at the consenting stage.</p> <p>The MMO, therefore, questions whether it is appropriate for this process to be deferred to post consent as this could lead to looking at other options through the HRA process such as alternatives or compensation which may cause a high risk to the development and a major financial burden to the Applicant.</p> <p>The MMO believes that this would set a precedent that such uncertainties can be dealt with at a post consent stage. The MMO believes the SoS is required to make a decision on impacts to Marine Protected Areas at consenting stage and using a SIP to manage alone impacts goes against this process. The MMO defers to the advice of the Statutory Nature Conservation Body in relation to the information supplied and the assessment to be made during this application process.</p>	
053	<p>The MMO notes that the Consented Norfolk Vanguard Offshore Wind Farm project included a SIP for project alone impacts within the DCO. The MMO would like to highlight that this was for Benthic ecology within the Haisborough, Hammond and Winterton SAC. The MMO highlights paragraph 5.9 of the SoS Decision Letter states:</p> <p><i>'Also in relation to this site, the Secretary of State notes the Applicant's commitment to producing a Haisborough, Hammond and Winterton Site Integrity Plan, which he views as an additional safeguarding mechanism, although it is not critical to our recommendation. The Site Integrity Plan commits the Applicant to agree all works and potential mitigation measures associated with offshore cable installation (including seabed preparation works and cable protection) and maintenance within the Haisborough, Hammond and Winterton SAC,</i></p>	Noted. See the Applicants' response to Point 047 above.



Point	MMO Comment	Applicants' Response
	<p><i>with the MMO in consultation with Natural England, in order to ensure there would be no AEol. The Secretary of State considers that it provides sufficient detail on potential mitigation measures at this stage, whilst granting the Applicant a flexible approach until the extent and nature of mitigation becomes clear.'</i></p> <p>This shows the SIP with information on project alone concerns did not contribute to the assessment decision but was only included as an additional safeguarding mechanism to deal with any concerns on impacts to the designated features at the post consent stage.</p>	
054	<p>The MMO does not agree that the supporting Grampian condition for the SNS SIP should be included for project alone impacts. As stated above the DCO process outlines these issues should be dealt with at consenting stage via the HRA, therefore the MMO does not agree that the SIP is the most appropriate approach.</p> <p>The MMO believes that the concept of a SIP for a single project be rejected as adopting this approach would theoretically allow for any construction scenario to be carried forward, even if it was assessed as being significant or having an adverse effect during the EIA and/or HRA process.</p> <p>The MMO considers that this uncertainty also provides reasoning for UXO activities not to be included on the face of the dDCO due to the uncertainties and lack of information.</p> <p>The MMO will continue discussions with the Applicant and Natural England on this matter.</p>	See the Applicants' response to Point 047 above.
055	5.4 Without Prejudice Position on the inclusion of UXO activities	See the Applicants' response to Point 046 above.



Point	MMO Comment	Applicants' Response
	<p>As set out in Section 5.1 the MMO believes the inclusion of UXO activities within the dDCO could cause concerns if consented.</p> <p>Notwithstanding this the MMO has reviewed the updated dDCO. The MMO welcomes the notification updates but requires further information to be secured:</p> <p>a) How will updates between piling and UXO activities will be managed along with a timescale for the submission of potential updates to any required documents?</p>	
056	<p>b) The MMO believes that there needs to be a requirement for a UXO Clearance Close Out Report to be submitted to the MMO. The report should be provided at agreed intervals during the construction phase and must include each detonation undertaken:</p> <p style="padding-left: 40px;">a. coordinates, depth, current speed, charge utilised and the date and time of each detonation and whether any mitigation was deployed. Including feedback on practicalities of deployment of equipment and efficacy of the mitigation where possible or justification if this information is not available.</p> <p>The MMO will continue discussions with the Applicant to see if all matters raised could be resolved by updating the condition and be part of a without prejudice position. The MMO will provide an update at Deadline 5.</p>	The Applicants will continue to engage with the MMO on this matter.