



SCOTTISHPOWER  
RENEWABLES

# East Anglia ONE North and East Anglia TWO Offshore Windfarms

## Applicants' Comments on Marine Management Organisation's Deadline 7 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**



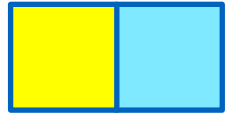
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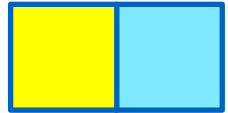
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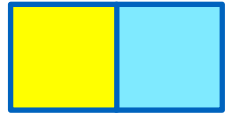
## Glossary of Acronyms

AEol	Adverse Effect on Integrity
AS	Additional Submission
DCO	Development Consent Order
DML	Deemed Marine Licence
EIA	Environmental Impact Assessment
ES	Environmental Statement
FFC	Flamborough & Filey Coast
HRA	Habitats Regulation Assessment
IPMP	In-Principle Monitoring Plan
IPSIP	In-Principle Site Integrity Plan
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
NE	Natural England
NPS	National Policy Statement
OTE	Outer Thames Estuary
OWF	Offshore Windfarm
PD	Procedural Decision
PTS	Permanent Threshold Shift / Permanent Auditory Injury
PVA	Population Viability Analysis
RSPB	Royal Society for the Protection of Birds
RTD	Red-Throated Diver
SAC	Special Area of Conservation
SCC	Suffolk County Council
SIP	Site Integrity Plan
SNS	Southern North Sea
SPA	Special Protected Area
UXO	Unexploded Ordnance

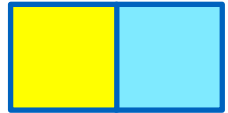


## Glossary of Terminology

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

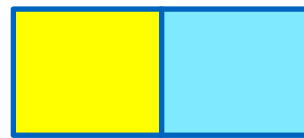
1. This document presents the Applicants' comments on the Marine Management Organisation's (MMO) Deadline 7 submissions.
2. This document is applicable to both the East Anglia TWO and East Anglia ONE North DCO applications, and therefore is endorsed with the yellow and blue icon used to identify materially 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 7 Submissions

ID	MMO Comment	Applicants' Comments
<b>Deemed Marine Licences</b>		
1	<p>The MMO had a meeting with the Applicant on 2 March 2020 to discuss and agree the wording for the following draft DML conditions:</p> <ul style="list-style-type: none"> <li>• Updated Unexploded Ordnance (UXO) Activities (Condition 16 and 13)</li> <li>• Southern North Sea Special Area of Conservation Site Integrity Plan (Updated wording in light of Section 9.10 of REP5-075)</li> <li>• Scour and cable protection (Updated wording in light of section 11.2 of REP6-104)</li> <li>• Piling/UXO commitments condition (New condition to be added)</li> <li>• Cessation of piling (the wording amended slightly)</li> </ul> <p>The MMO understands the Applicant is including the agreed condition wording within the dDCO to be submitted at Deadline 7. The MMO will review the Deadline 7 dDCO and intends to confirm our agreement at Deadline 8.</p> <p>Please note that whilst the MMO is content with the wording of the conditions, this does not alter our current 'without prejudice' positions that UXO clearance activities and any new scour or cable protection installed after construction, that is not defined as maintenance, should not be included in the dDCO. The MMO's</p>	<p>The Applicants included these updated conditions in the draft DCO submitted at Deadline 8 and welcomes that the MMO intends to confirm their agreement (noting that some are on a 'without prejudice' basis) on them at Deadline 8.</p>





ID	MMO Comment	Applicants' Comments
	<p>default position remains that these activities should be subject to a separate marine licence application.</p> <p>In addition to this the MMO and the Applicant discussed the following topics:</p> <ul style="list-style-type: none"> <li>• Herring Spawning</li> <li>• Completion of Construction reporting (“As-built” report)</li> <li>• Sediment Contaminant Sampling</li> <li>• Disposal Sites</li> </ul>	
2	<p>The MMO and the Applicant have discussed the wording of the herring spawning condition in detail, however we were unable to agree the precise wording to be included in the Deadline 7 dDCO. The MMO notes the Applicant has included different wording within the dDCO but has committed to further discussions on this matter. The MMO's latest position is to include the below wording and will continue to engage with the Applicant on this matter.</p> <p><b>Herring Spawning</b></p> <p>(1) —The undertaker must not undertake pile driving or UXO detonations during a defined period between the 1 November and 31 January. To define the period the undertaker must submit a herring spawning report to the MMO at least six months prior to—</p> <p>(a) the date on which it is intended for UXO clearance activities to begin; or</p> <p>(b) the commencement of construction, whichever is earlier.</p>	<p>The Applicants 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. For more details see ID MMO-306 of the MMO SoCG submitted at Deadline 8 (document reference ExA.SoCG-6.D8.V5) and Written Summary of Oral Case (ISH15) (document reference ExA.SN7.D8.V1).</p>



ID	MMO Comment	Applicants' Comments
	<p>(2) In reviewing the herring spawning report in (1) the MMO will confirm in writing to the undertaker that such works can take place during this period.</p> <p>(3) The herring spawning report must include as a minimum;</p> <p>(a) analysis of 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;</p> <p>(b) methodology of analysis of (3)(a).</p>	
3	<p><b>Completion of Construction Reporting</b></p> <p>The MMO remains in discussions with the Applicant regarding the exact wording in relation to the completion of construction condition or if it should be included at this stage in relation to how this relates to any condition that may arise from the Crown Estate-sponsored Ornithological Headroom Discussion Group. The MMO and the Applicant will continue discussions to reach an agreement.</p>	<p>The Applicants and the MMO have now agreed to the wording of the Completion of Construction condition which has been included in the updated draft DCO submitted at Deadline 8.</p>
4	<p><b>Sediment Contaminant Sampling and disposal sites</b></p> <p>In relation to sediment contaminant sampling and disposal sites the MMO's current position is that the sampling that has been completed is not sufficient to allow for the MMO to designate the disposal sites. This is because the sampling undertaken to date does not satisfy requirements set out in the OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic.</p> <p>In these circumstances, the MMO consider 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</p>	<p>The Applicants reference their response to this matter within Point 087 of REP7-055 in which they dispute the requirement for additional sediment contaminants sampling.</p> <p>However, the Applicants have agreed with the MMO to include a new sediment sampling condition in the DMLs and this can be found in Condition 30 of the Generation DML) and condition 26 of the Transmission DML. Paragraph 2(1)(i) of Part 1 of each licence has also been updated as requested by the MMO.</p>



ID	MMO Comment	Applicants' Comments
	<p>has made a pragmatic decision to agree to the inclusion of the dredge and disposal activity within the DCO consent. In order to reflect this, the MMO proposes the following amendments to the DML conditions in blue below.</p> <p>—(1) Subject to the licence conditions, this licence authorises the undertaker (and any agent or contractor acting on their behalf) to carry out the following licensable marine activities under section 66(1) of the 2009 Act—</p> <p>(a) the deposit at sea of the substances and articles specified in paragraph 4 below;</p> <p>(b) the construction of works in or over the sea and/or on or under the sea bed;</p> <p>(c) dredging for the purposes of seabed preparation for foundation works and/or cable laying preparation works;</p> <p>(d) debris clearance works;</p> <p>(e) boulder clearance works either by displacement ploughing or subsea grab technique or other equivalent method;</p> <p>(f) UXO clearance works;</p> <p>(g) the removal of out of service cables;</p> <p>(h) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation; and</p> <p>(i) the disposal of up to 3,022,423 m<sup>3</sup> of inert material of natural origin and/or dredged material within the offshore Order limits produced during construction drilling or seabed preparation for foundation works, sandwave clearance and boulder clearance</p>	



ID	MMO Comment	Applicants' Comments
	<p>works at disposal site reference(s) to be provided by the MMO within the extent of the Order limits seaward of MHWS comprising—</p> <ul style="list-style-type: none"> <li>(i) 1,779,891 m3 in respect of the wind turbine generators;</li> <li>(ii) 400,000 m3 in respect of the inter-array cables;</li> <li>(iii) 23,732 m3 in respect of the meteorological mast;</li> <li>(iv) 668,800 m3 in respect of the construction, operation and maintenance platform and the offshore electrical platforms (some of which may alternatively be disposed under licence 2 (transmission)); and</li> <li>(v) 150,000 m3 in respect of the platform link cables (some of which may alternatively be disposed under licence 2 (transmission)).</li> </ul> <p>In addition, the MMO recommends the following condition is added to the DMLs, which is intended to make clear that dredging and disposal activities cannot be undertaken until further information is provided. Please note the MMO has not provided a time scale for submission of the further information but will continue to discuss this with the Applicant.</p> <p><b>Dredge and Disposal Activities</b></p> <p><i>XX – (1) No works relating to dredge and disposal can take place until the following have been submitted to and approved in writing by the MMO unless agreed otherwise in writing by the MMO: a) a request to determine the details of an additional sediment contaminants sampling campaign; and b) a dredge and disposal process document, in light of the results, to identify what requirements will need to be adhered to during any dredge and</i></p>	



ID	MMO Comment	Applicants' Comments
	<p><i>disposal activities. (2) Any dredge and disposal activities must be undertaken in accordance with the dredge and disposal process document approved under paragraph (1).</i></p> <p>The MMO provided our comments on the above to the Applicant prior to Deadline 7 and is in discussion with the Applicant regarding the exact wording.</p>	
<b>Resolved Issues</b>		
5	<p><b>2a Commercial fisheries</b></p> <p>The MMO is content with all commercial fisheries issues and welcomes the use of gravel rather than larger rocks as cable protection. In addition to this the MMO is content with the use of concrete mattresses and has no further comments.</p>	The Applicants welcome this position.
6	<p><b>2b Seaward of Mean High Water Springs Co-ordinates</b></p> <p>The MMO notes the Applicant has confirmed the co-ordinates in Schedule 1 are correct and the MMO has reviewed these along with the Co-ordinates in Schedule 13 and 14 and confirms that these are correct.</p>	Noted
7	<p><b>2c Maximum turbine generator tip heights within Schedule 1 Works 1-4</b></p> <p>The MMO agrees with the Applicant that there is no need for these heights to be included in Schedule 1 as they are included in the DMLs and has not further comments on this matter</p>	The Applicants welcome this position.
8	<p><b>2d Maximum heights of offshore ancillary works</b></p>	The Applicants welcome this position.



ID	MMO Comment	Applicants' Comments
	The MMO agrees with the Applicant that reference to the maximum height of the offshore platform inclusive of these ancillary structures is not required.	
9	<p><b>2e Arbitration</b></p> <p>The MMO can confirm that the current DCO drafting excludes the Deemed Marine Licences and the MMO from Arbitration and has no further comments to make.</p>	Noted
<b>Outstanding Issues</b>		
10	<p><b>3a Compensation</b></p> <p>The MMO understands the Applicant is providing a Compensation Schedule at Deadline 7 and the MMO will review this and provide comments to the Applicant. In addition to this the MMO is attending a joint workshop with the Applicant, Natural England and Royal Society for the Protection of Birds (RSPB) next week to discuss these matters further.</p>	<p>The Applicants submitted the updated draft DCO at Deadline 7 which included a schedule on compensation and held a workshop with the MMO and NE where this matter was discussed.</p> <p>The Applicants will consider any comments from the MMO on the compensation schedule received at Deadline 8 and respond at Deadline 9.</p>
11	<p><b>3b Hornsea Project Three Offshore Wind Farm (HOW03) decision implications</b></p> <p>The MMO is still discussing the implications on [EA2/EA1N] of the Hornsea Project Three decision and will provide further comments at Deadline 8.</p>	Noted
12	<p><b>3c Vanguard decision</b></p> <p>The MMO is still discussing the implications on EA2 of the Norfolk Vanguard Offshore Wind Farm Judicial Review decision and will provide further comments at Deadline 8.</p>	Noted



ID	MMO Comment	Applicants' Comments
13	<p><b>3d Aldeburgh Town Council</b></p> <p>The MMO notes the Aldeburgh Town Council's submission at Deadline 6 and will provide a response at Deadline 8.</p>	No response required
14	<p><b>3e Benthic Ecology</b></p> <p>The MMO will confirm at Issue Specific Hearing 13/14 or Deadline 8 that all issues are resolved.</p>	The Applicants welcome this position.
15	<p><b>3f Fish Ecology</b></p> <p>The MMO will confirm at Issue Specific Hearing 13/14 or Deadline 8 that all issues are resolved.</p>	The Applicants welcome this position however note the response at ID 2
16	<p><b>3g Underwater Noise</b></p> <p>The MMO will confirm at Issue Specific Hearing 13/14 or Deadline 8 that all issues are resolved.</p>	
17	<p><b>3h Offshore In Principle Monitoring Plan</b></p> <p>The MMO is still reviewing the updated Offshore In Principle Monitoring Plan submitted at Deadline 6 and will provide an update at Issue Specific Hearing 14 or Deadline 8.</p>	Noted
18	<p><b>3i Sabellaria Reef Management Plan</b></p> <p>The MMO is still reviewing the updated Offshore In Principle Monitoring Plan submitted at Deadline 6 and will provide an update at Issue Specific Hearing 14 or Deadline 8.</p>	Noted