

SCOTTISHPOWER
RENEWABLES

East Anglia ONE North and East Anglia TWO Offshore Windfarms

Applicants' Comments on Marine Management Organisation's Deadline 10 Submissions

Applicant: East Anglia TWO and East Anglia ONE North Limited
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Author: Royal HaskoningDHV

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



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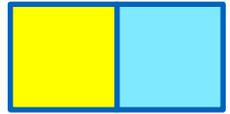
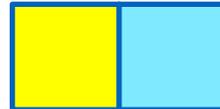


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Glossary of Acronyms

AS	Additional Submission
DCO	Development Consent Order
DML	Deemed Marine Licence
HDD	Horizontal Directional Drilling
HRA	Habitats Regulation Assessment
ISH	Issue Specific Hearing
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
NE	Natural England
OPRED	Offshore Petroleum Regulator for Environment and Decommissioning
OWF	Offshore Windfarm
PD	Procedural Decision
SAG	Special Advisory Group
SIP	Site Integrity Plan
SPA	Special Protection Area
SNS	Southern North Sea
SoS	Secretary of State
SPA	Special Protection Area
TTS	Temporary Threshold Shift / Temporary Auditory Injury
TWT	The Wildlife Trust
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.

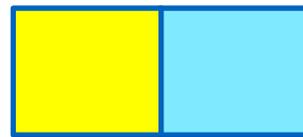


Monitoring buoys	Buoys to monitor <i>in situ</i> condition within the windfarm, for example wave and metocean conditions.
Natura 2000 site	A site forming part of the network of sites made up of Special Areas of Conservation and Special Protection Areas designated respectively under the Habitats Directive 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 10 submissions (REP10-049).
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 23rd 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.

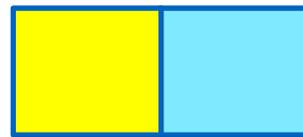


2 Comments on MMO's Deadline 10 Submissions

ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
1. Underwater Noise Update		
1	<p>1.1 Sequential Piling</p> <p>The MMO set out in its Deadline 9 response [REP9-021] that it was not content that the Applicant has adequately assessed the risk of installing more than one monopile in a 24-hour period in their Underwater Noise Update [REP8-040] submitted at Deadline 8, this concern centred around the fact that the monopiles will likely be installed at different locations.</p> <p>The Applicants provided the modelling to the MMO and Cefas following a workshop on 13th April. The MMO are engaging with the Applicants regarding the updated REP8-040 with the aim of reaching agreement by Deadline 11. The MMO will continue discussions with the Applicant on this matter.</p>	<p>The Applicants have been engaging with the MMO on this matter and have now reached agreement on the underwater noise modelling report which has been submitted at Deadline 11 (document reference ExA.AS-5.D11.V2).</p>
2. Contaminant Sampling Update		
2	<p>2.1 Sediment Sampling</p> <p>The MMO outlined in its Deadline 9 response [REP9-021] that the contaminant sampling conducted by the Applicant for these projects is insufficient at this stage. The MMO also pointed out that due to these Examinations being extended, the MMO is still engaging in discussions on these matters with the Applicant to see if the additional sampling can be conducted and submitted into these Examinations before they conclude.</p> <p>The MMO and its scientific advisors attended a meeting with the Applicant on 13 April 2021 where additional sampling was discussed.</p> <p>The MMO can confirm that the Applicant has submitted a sampling plan request to the MMO. The case reference for this is SAM/2021/00026 and covers both East Anglia One North and East Anglia Two Offshore Windfarms locations and is available to view on the MMO Public Register.</p>	<p>As noted in Applicants' Comments on Marine Management Organisation's Deadline 6 Submissions (REP7-055), this issue arose as a result of the Marine Management Organisation's (MMO's) advice on sediment contaminants sampling changing during the Examinations from what was provided pre-application. Notwithstanding that, 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 as noted by the MMO. However, it is not anticipated that this</p>



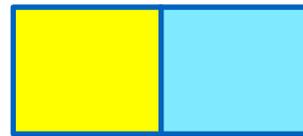
ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
	<p>The MMO has agreed with its scientific advisors to endeavour to expedite this request in order to provide the Applicant with an appropriate plan with which they can undertake sampling. The MMO will keep the Examining Authority (ExA) updated on the progress of this sampling plan request throughout the remainder of the Examination process and will provide a written update at Deadline 11.</p>	<p>matter can be concluded within the timeframe of the Examinations due to the timescales 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 Applicants do not anticipate any further changes to the conditions in the DMLs. The Applicants consider that the inclusion of the dredge and disposal activity within the DMLs is entirely appropriate and suitably controlled through Schedule 13, Condition 31 and Schedule 14, Condition 27 which the MMO have confirmed they are comfortable with in their Deadline 9 submission (REP9-060).</p>
<p>3. Comments on any additional information/submissions received at Deadline 9</p>		
3	<p>3.1 Trinity House (TH) Deadline 9 Submission - Comments on submissions received by Deadline 8 [REP9-090]</p> <p>The MMO notes that TH has requested confirmation on the drafting of Schedule 14, Part 2, Condition 13(1)(a) in relation to the Layout Principles Statement. The MMO notes the Applicant is discussing this with TH and believes this will be resolved prior to the close of Examination.</p>	<p>The Applicants have responded to REP9-090 within the Applicants' Comments on Trinity House's Deadline 9 Submissions (REP10-017).</p>
4	<p>3.2 Natural England (NE)</p> <p>Appendix A15c- Natural England's Comments on Offshore Ornithology Without Prejudice Compensation Measures v2 [REP9-065]</p>	<p>Noted. The Applicants have responded to REP9-065 within the Applicants' Comments on Natural England Deadline 9 Submissions REP10-017</p>



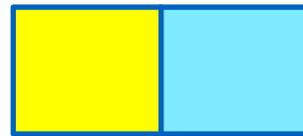
ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
	<p>The MMO notes that there remains disagreement between the Applicant and NE regarding the appropriateness of the Ornithological Compensation measures proposed by the Applicant.</p> <p>The MMO welcomes the continued discussions between the Applicant and NE regarding Compensation and will continue to review any documents submitted into the Examination. The MMO has no further comments to make on this document.</p>	
5	<p>Appendix G6- Natural England's Comments on EA1N/EA2 DCO Application Version 6 [REP9-068]</p> <p>The MMO welcomes the number of agreements that have been reached between the Applicant and NE and notes that Schedule 18 Ornithology Compensation remains the only outstanding offshore issue regarding the dDCO. The MMO will remain in discussion with both parties about this specific topic and reminds the Applicant that the Secretary of State (SoS) would usually expect compensation measures to be agreed before the completion of the Examination process, not during the Post-Consent stage.</p>	<p>The Applicants have responded to REP9-068 within the Applicants' Comments on Natural England Deadline 9 Submissions REP10-017</p> <p>See the Applicants response at ID 11 of section 7 of the Applicants' Comments on Natural England's Deadline 9 Submissions (REP10-017) for a response on this matter.</p>
6	<p>Other Documents</p> <p>The MMO has also reviewed the following documents submitted by NE and has no comments to make on their content:</p> <ul style="list-style-type: none"> • Appendix A14c- Natural England's Response to The Applicant's Legal Submissions at ISH 14 [REP9-064] • Appendix A16b- Natural England's Comments on Cumulative and In-combination Collision Risk Update [REP9-066] • Appendix A17b- Natural England's Comments on Updated Displacement of Red-throated Divers in the Outer Thames Estuary SPA [REP9-067] • Appendix I1G- NE Risk and Issues Log- Deadline 9 [REP9-069] • NE Cover Letter Deadline 9 [REP9-063] 	Noted



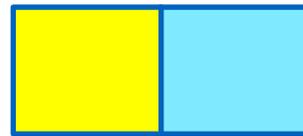
ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
7	<p>Deadline 9 Topic Position Statements- Version 1 [REP9-009]</p> <p>The MMO welcomes the submission of this document and understands its purpose of being entered into the Examination at this stage. The MMO is content that the Applicant has adequately captured the position the MMO takes in relation to all offshore topics and is pleased that the Applicant has used the most recent Statement of Common Ground [REP8-132] to draft this document. The MMO has no further comments to make.</p>	Noted
8	<p>Applicants' Comments on The Wildlife Trusts' (TWT) Deadline 8 Submissions [REP9-015]</p> <p>The MMO notes that TWT wish to review the results of the Applicants pre and post works sandeel monitoring, and the final marine mammal monitoring reports. The MMO also notes that the Applicants intend to provide TWT with this information after it has been submitted to the MMO and is in the public domain. The MMO considers the TWT request to be reasonable and we support the Applicant's approach to providing them with the relevant information.</p> <p>The MMO is aware that TWT is largely dissatisfied that monitoring of underwater noise levels will only occur during the construction of the first four piles and consider there to be a missed opportunity to coordinate the harbour porpoise monitoring programme with further underwater noise monitoring in order to have a complete and accurate picture of the impacts of the construction programme.</p> <p>The MMO also notes that the Applicant has stated that, of the monitoring of the first four piles, at least one of which will be in an area anticipated to generate the greatest noise emissions is agreed with the MMO, and that this combined with Passive Acoustic Monitoring (PAM) monitoring (the exact form of which will be agreed post consent) will provide an accurate picture of the potential impacts on harbour porpoise in the vicinity of the Projects during construction and builds on the monitoring undertaken at East Anglia ONE. The MMO is content with this approach. As set out in Section 1.1 of this document there is only one outstanding MMO concern in relation to underwater noise.</p> <p>Finally, the MMO sits on the Southern North Sea (SNS) Regulators Working Group and is currently working with the Offshore Petroleum Regulator for Environment and Decommissioning (OPRED)</p>	Noted



ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
	<p>and the Ministry of Defence (MoD) on multiple noisy activities in the SNS Special Area of Conservation (SAC). The MMO will provide an update from the next meeting, which is due to take place on 13 May 2021, at Deadline 11. The MMO also wishes to point out the TWT are participants in the Special Advisory Group (SAG) that advises the regulatory forum that the MMO is a part of and the issues of monitoring noisy activities has been raised to them through this medium.</p>	
9	<p>3.4 Other Documents</p> <p>The MMO has also reviewed the following documents submitted by the Applicant and has no comments to make on their content:</p> <ul style="list-style-type: none"> • Deadline 9 Submission- Guide to the Application- Version 10 [REP9-002] • Windfarm Layout Principles Statement- Version 02 [REP9-031] • Deadline 9 Submission- Cover Letter [REP9-001] • Applicants' Comments on Natural England's Deadline 8 Submissions [REP9-016] • Applicants' Comments on the Royal Society for the Protection of Birds' Deadline 8 Submissions [REP9-020] 	Noted
<p>4. Comments on Applicant's comments on MMO Deadline 8 Response [REP9-021]</p>		
10	<p>4.1 Summary of Oral Cases made during the Biodiversity and Habitats Regulations Assessment (HRA) Issue Specific Hearing (ISH) 14</p> <p>The MMO is largely content with the wording of Condition 16 of Schedule 13 and Condition 12 of Schedule 14 and welcomes the inclusion of a 3-month timescale for the submission of a UXO Close-Out report.</p> <p>Regarding the wording of Condition 27 of Schedule 13 and Condition 23 of Schedule 14 in the DCO, the MMO is content with the definition of 'UXO Detonation' being included in the Marine Mammal Mitigation Protocol (MMMP) and the In-Principle Site Integrity Plan (SIP), the MMO consider this matter to be resolved.</p>	Noted, the Applicants consider these matters to be closed.



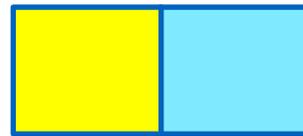
ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
	<p>The MMO maintains its position that the best mechanism for managing UXO activities is a separate marine licence, however, the MMO is aware that the Applicant considers the most appropriate mechanism for managing such activities is through the conditions of the DML. The MMO has worked with the Applicant on a without-prejudice basis to ensure that the impacts of UXO activity are appropriately controlled but will maintain its position that a separate marine licence would be more appropriate until the end of these Examinations.</p> <p>The MMO remains in agreement with the Applicant that the SIP is the most suitable mechanism for managing in-combination Underwater Noise impacts in the SNS SAC.</p> <p>The MMO acknowledges that the Applicant does not consider that Temporary Threshold Shift (TTS) should be included within the SIP, however, the MMO welcomes the Applicant's decision to include it in table 5.1 of [REP8-032] as requested by the MMO and its scientific advisors. Having consulted our advisors on the updated document, they have confirmed that they are content with the Applicant's inclusion of TTS and the MMO concurs with the Applicant that this issue is now resolved.</p>	
11	<p>4.2 Summary of Oral Cases made during the draft Development Consent Orders & Other Matters Issue Specific Hearing (ISH) 15</p> <p>The MMO notes that the Applicant disagrees that the Benefit of the Order provision needs to be standard across all DCOs. The MMO also understands the Applicant's rationale behind this assertion, in that every project is different and the Benefit of the Order Article need not be consistent throughout every DCO project.</p> <p>However, the MMO welcomes that the Applicants have included paragraphs 14, 15 and 16 of Article 6 from the Norfolk Vanguard DCO in order to provide further clarity around the notification procedures. The MMO is content with the updates the Applicant has made and considers this issue to be resolved.</p>	Noted, the Applicants consider these matters to be closed.



ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
	<p>The MMO welcomes the update to Requirement 13 to include the MMO as a consultee in respect of the offshore elements of the Landfall Construction Method Statement and concur with the Applicant that this matter has been resolved.</p> <p>In respect of Condition 16, Schedule 13 and Condition 12, Schedule 14, the MMO welcomes that the Applicant has included a requirement to submit the close out report within three months and have also amended the text in paragraph (6) from “may” to “will”. The MMO has no further outstanding issues regarding these conditions.</p> <p>In respect of Condition 21, Schedule 13 and Condition 17, Schedule 14, the MMO notes that the Applicant has reverted back to the original wording of this condition as requested by the MMO in [REP8-156]. The MMO welcomes this action and considers this matter to be resolved.</p> <p>The MMO welcomes the updated text in Article 44 and Schedule 18 to refer to “Offshore Ornithology Compensation Measures” to clarify the context in which the word “Compensation” is used, the MMO considers this change to be appropriate.</p>	
12	<p>The MMO also understands that the Applicant does not consider that a consultation period should be specified in Schedule 18 as this level of detail would not be necessary, the MMO disagrees with this and considers that Compensation packages should have a timescale of 6 weeks so all parties understand their requirements at the Post-Consent stage. Please see [REP8-156] for the MMO's full position on this issue. The MMO will continue discussions with the Applicant to ensure that a satisfactory position is reached by both parties at the end of Examination.</p>	<p>The Applicants maintain that it is not necessary for a consultation period to be specified within paragraph 3 of each part of Schedule 18. 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 measures and specific details in relation to timescales for consultation 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>



ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
		See also ID35 of the Applicants' Comments on the ExA's Commentary on the dDCO (document reference ExA.dDCO.D11.V1).
13	The MMO notes that the Applicant has stated that the Ornithological Compensation measures currently proposed do not involve licensable marine activities. This is a welcome clarification for the MMO to receive, however, given that this is a developing situation, the MMO will monitor the progress made by the Applicant with regards to Ornithological Compensation measures for these projects and should any marine licensable activities become a part of the Compensation packages, the MMO must be included in any discussions regarding their implementation.	Noted. If compensation measures are considered to be necessary by the Secretary of State and any of the measures require a marine licence, then the Applicants will engage with the MMO.
5. Other Comments		
14	<p>5.1 MMO comments on the Extended Examination</p> <p>The MMO has already sent feedback to the PINS in respect of the decision to extend these Examinations. However, the MMO considers it appropriate to reiterate its position in this response so it is available to all Interested Parties involved.</p> <p>The MMO is aware that for EA1N and EA2 Offshore Wind Farms (OWF), PINS sent an email to the SoS on 9 February 2021 to extend the Examination timetables by four months from 6 April 2021 to 6 August 2021. The main reasons for this decision were as follows;</p> <p><i>The impact of the Covid-19 restrictions and two national lockdowns on the ability of Interested Parties, Local Authorities and Statutory Bodies to engage effectively in the Examinations;</i></p> <p><i>The impact of the Covid-19 restrictions and two national lockdowns on the ability of the Panels and Case Teams to examine the applications fully and produce robust recommendation reports that would enable the SoS to reach decisions within the statutory timescales; and</i></p> <p><i>The range, scale and pace of the two simultaneous Examinations during this unprecedented time, leading to a strain on delivery by participants.</i></p>	No comments



ID	MMO Comment / Section of MMO Response Considered	Applicants' Comments
	<p>The MMO questions why it took until 30th March 2021 for a decision to be reached on this matter? The MMO is aware that several Interested Parties have ongoing resourcing issues due to the impacts of the Covid-19 pandemic, as well as other internal difficulties, and several parties worked under pressure to ensure that as many issues related to these projects could be resolved as soon as possible, prior to Deadline 8. Had the ExA been able to communicate this extension to Interested Parties in a timelier manner, it would have reduced the pressure on the relevant case teams.</p> <p>The MMO is aware that a similar situation took place during the Examination period of the Norfolk Boreas OWF when the Examination was extended on the final day of the final Examination deadline, it was thought that this would not be a precedent set by the Examining Authority going forward.</p> <p>The MMO hopes extensions of this nature can be communicated to Interested Parties sooner in future DCO Examinations but welcomes feedback from PINS on this matter should they consider it necessary.</p>	