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**(By email only)**

MMO Reference: DCO/2016/00005  
Planning Inspectorate Reference: EN010078  
Identification Number: 200241119

5 July 2021

Dear Rynd Smith,

### **Planning Act 2008, Scottish Power Renewables, Proposed East Anglia Two (EA2) Offshore Windfarm Order**

#### **MMO Deadline 13 Response**

On 19 December 2019, the Marine Management Organisation (the “MMO”) received notice under section 56 of the Planning Act 2008 (the “PA 2008”) that the Planning Inspectorate (“PINS”) had accepted an application made by Scottish Power Renewables (the “Applicant”) for determination of a development consent order (DCO) for the construction, maintenance and operation of the proposed East Anglia Two Wind Farm (the “DCO Application”) (MMO ref: DCO/2016/00005; PINS ref: EN010078).

The Applicant seeks authorisation for the construction, operation and maintenance (O&M) of the DCO Application, comprising of up to 67 wind turbine generators together with associated onshore and Offshore infrastructure and all associated development (“the “Project”). This includes two Deemed Marine Licences (DMLs) under Schedules 13 and 14.

This document comprises the MMO comments in respect of the DCO Application submitted in response to Deadline 13.

The MMO submits the following:

- 1. Comments on any additional information/submissions received at Deadline 12**
- 2. Comments on Applicant’s comments on MMO Deadline 11 Response**
- 3. Clarification Comment**
- 4. Deadline 13 Position**

This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the Examination process. This representation is also submitted without prejudice to any decision the MMO may make on any associated applications for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

Yours sincerely,



Rebecca Reed  
Marine Licensing Case Officer



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## 1. Comments on any additional information/submissions received at Deadline 12

### 1.1 Natural England (NE)

The MMO defers to NE on Ornithological matters and has reviewed the following documents submitted by NE and has no comments to make on their content:

- NE Cover Letter Deadline 12 [REP12-088]
- Appendix A15d - NE Comments on HRA Derogation [REP11-069] Offshore Ornithology Compensation Measures [REP11-070] Deadline 12 [REP12-089]
- Appendix A16c - NE Comments on Cumulative and In-Combination Collision Risk [REP11-027] Deadline 12 [REP12-090]
- Appendix C11 - NE Comments to Hundred River Ecology Survey Report [REP11-063] Deadline 12 [REP12-091]
- Appendix K8b - NE Comments on the Updated RIES [PID-051] Deadline 12 [REP12-093]
- Appendix 11i - NE Risk and Issues Log Deadline 12 [REP12-092]

### 1.2 The Applicant

The MMO has reviewed the following documents submitted by the Applicant and has no comments to make on their content (for Ornithological and Habitats Regulation Assessment matters, the MMO defers to NE):

- EA2 Deadline 11 Cover Letter [REP12-001]
- EA2 Guide to the Application - Version 12 [REP12-002]
- EA2 Schedule of Changes to the Draft DCO (version 7) [REP12-015]
- EA2 Outline Landfall Construction Method Statement (version 4) [REP12-025] / EA2 Outline Landfall Construction Method Statement (tracked) [REP12-026]
- East Anglia One North (EA1N) & EA2 Comments on Natural England's Deadline 11 Submissions [REP12-030]
- EA1N & EA2 Comments on RSPB's Deadline 11 Submissions [REP12-031]
- EA1N & EA2 Comments on East Suffolk Council's Deadline 11 Submissions [REP12-032]
- EA1N & EA2 Comments on Historic England's Deadline 11 Submissions [REP12-035]
- EA2 HRA: Derogation Case (version 5) [REP12-059]
- EA2 Offshore Ornithology Without Prejudice Compensation Measures (clean/tracked) [REP12-060/REP12-061]
- EA1N & EA2 Deadline 12 Offshore Ornithology Cumulative and In Combination Collision Risk Update [REP12-066]
- EA2 Applicants' Comments on the Updated Report on Implications for European Sites [REP12-068]
- EA1N&EA2 Statement of Common Ground with Marine Management Organisation (Version 06) [REP12-073]
- EA1N&EA2 Procedural Decision 12 Tracking List [REP12-074]
- EA1N&EA2 Changes to Application Documents and Plans Tracking List [REP12-075]
- EA1N&EA2 Changes to Mitigation Measures Tracking List [REP12-076]



### 1.3 EA2 Draft Development Consent Order (version 8) [REP12-013] / EA2 Draft Development Consent Order (tracked) [REP12-014] / Certified Documents (Schedule 17) Audit [REP12-064]

The MMO has reviewed the dDCO and the certified documents audit and is content with the updates in the dDCO and requires no further amendments by the Applicant.

## 2. Comments on Applicant's comments on MMO Deadline 11 Response [REP12-067]

### 2.1 Identification Number (ID)-1

The MMO agrees with the Applicant that the Herring Spawning matter is now closed and refer the Examining Authority (ExA) to Section 5 of our Deadline 12 response [REP12-087] for a detailed review of the MMO position.

### 2.2 ID-6

The MMO welcomes the Applicant's comments that they agree with the MMO's position regarding these dDCO acting as standalone consents that don't have any interdependencies between them. The MMO has no further comments to make on this.

### 2.3 ID-21

The MMO acknowledges the Applicant's position that they do not consider that increasing prey availability is a feasible compensation measure for offshore windfarm developers to implement, ultimately, the MMO defers to NE on the appropriateness and feasibility of compensation measures.

The MMO welcomes clarification from the Applicant that they do not anticipate that any of the proposed compensation measures will consist of elements that require a marine licence. The MMO further welcomes the Applicant's statement that should this be the case, a marine licence will be sought from the MMO and appropriate consultation will be undertaken. The MMO has no further comments to make at this stage.

The MMO welcomes the Applicant's assertion that should Ornithological Bycatch be considered an appropriate compensation measure by the Secretary of State (SoS), the Applicant will engage in discussions with the MMO. The MMO has no further comments to make on this matter.

### 2.4 ID-28

The MMO understands the Applicant's position in that the Outline Offshore Operations and Maintenance Plan (OOMP) should reflect the current without prejudice wording in the dDCO and not reflect that a separate marine licence should be required for the installation of cable or scour protection in areas where it wasn't installed previously. The MMO welcomes the Applicant's clarity on this point and believes it is now up to the SoS to decide if this should be included in the dDCO.

## 3. Clarification Comment

### 3.1 MMO clarification on Requirement 13

The MMO would like to add clarification to comment 7.5 in our Deadline 12 submission (REP12-087). The MMO stated:

*'The MMO welcomes the Applicant's assertion that consultation on monitoring of coastal processes and remedial actions will be undertaken through Requirement 13(1)(b) of the dDCO and that the MMO remain a named consultee on this document, as stated in the MMO's Deadline 9 response [REP9-060]. The MMO has no further comments to make on this issue.'*

To confirm, the MMO is a consultee in Requirement 13(1)(a) on the landfall construction method statement. The MMO is not however a consultee on the landfall monitoring plan.

The MMO is content with this, as Condition 18 of Schedule 14 (Transmission DML) requires submission and approval of post-construction survey methodologies within the order limits. The MMO also notes that paragraph (4) of the Condition states that "following installation of cables, the cable monitoring



plan required under condition 13(1)(d)(ii)(cc) of Schedule 14 must be updated with the results of the post installation surveys. The plan must be implemented during the operational lifetime of the project and reviewed as specified within the plan, following cable burial surveys, or as instructed by the MMO” Therefore, the MMO is content that all monitoring requirements have been captured within the dDCO and DMLs.

#### 4. Deadline 13 Position

The Applicant submitted a final agreed Statement of Common Ground at Deadline 12 [REP12-073]. The MMO has included a table below of what is outstanding and what is not agreed and is now for the SoS to decide.

Table 1: Final Position	
<b>Outstanding</b>	
Disposal Sites Site Characterisation Report (Windfarm Site) Site Characterisation Report (Offshore Cable Corridor)	<p>The MMO has provided updates throughout the Examination in terms of the concerns regarding insufficient site sampling which meant that the MMO was unable to designate disposal sites at this stage.</p> <p>The MMO and the Applicant agree that this will be dealt with post consent and no further action is required at this stage.</p>
<b>Not Agreed</b>	
Schedule 18 timescale	<p>The MMO believes that a minimum of six-weeks’ timescale should be included in all Parts of Schedule 18 so all parties understand their requirements at the post-consent stage.</p> <p>The Applicant still maintains that it is not necessary for a consultation period to be specified within paragraph 3 of each part of Schedule 18.</p> <p>The MMO believes this is now up to the SoS to decide.</p>
The inclusion of UXO activities within the dDCO	<p>The MMO believes it is appropriate for high risk activities such as UXO activities to be in a separate marine licence, therefore any reference of UXO activities should be removed from the dDCO.</p> <p>The MMO believes this is now up to the SoS to decide if UXO activities are to be included in the dDCO.</p> <p>If the SoS is minded to include UXO activities the MMO has agreed a without prejudice position on the condition wording for UXO activities and these are included in the dDCO to be submitted at Deadline 12.</p>



The inclusion of new scour and cable protection not installed during construction within the dDCO

Outline Offshore Operations and Maintenance Plan (OOMP)

The MMO believes it is appropriate for high risk activities such as installing scour and cable protection in new locations to be assessed in a separate marine licence application and should therefore be removed from the dDCO and the OOMP.

The MMO believes this is now up to the SoS to decide if this activity should be included in the dDCO and if so to what extent.

If the SoS is minded to include the activity the MMO has agreed a without prejudice position on the condition wording for the activities to be included for a maximum of five years after the construction end date.

Yours sincerely,



Rebecca Reed  
Marine Licensing Case Officer

