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Identification Number: 200241119

31 January 2022

Dear Rynd Smith,

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

MMO comments on the Secretary of State's (SoS) letter dated 20 December 2021 and Interested Parties comments

The MMO received a letter from the SoS dated 20 December 2021 outlining various matters and requesting updated information from the MMO regarding the Deemed Marine Licences (DMLs) for the East Anglia One North (EA1N) and East Anglia Two (EA2) Offshore Wind Farm applications. In this document, the MMO has provided a response to the matters raised by the SoS regarding the DMLs. The MMO has also provided comments on submissions made by other interested parties in respect of the SoS's request, that were submitted for the deadline of 30 November 2021.

Deemed Marine Licence

The MMO notes that the SoS has questioned whether the designation of the disposal sites for these works are intended to be dealt with in the Post-Consent stage of this project. The MMO can confirm that this remains the case. The MMO also notes that the SoS has pointed out that the Draft DML that was submitted at Deadline 12 still contains 'uncompleted square brackets for the co-ordinates of the disposal sites'. The MMO subsequently attended a meeting with the Applicant to discuss this matter on 12 January 2022. The updated wording for this condition was agreed between both parties and the MMO understands that an updated DML will be submitted by the Applicant to correct this error. For completeness, the MMO has included the updated condition wording below with the changes written in red:



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...ambitious for our
seas and coasts



'(5) The undertaker must ensure that only inert material of natural origin, drilling mud and dredged material, produced during the drilling installation of or seabed preparation for foundations, and sandwave clearance works is disposed of within ~~site~~ the disposal ~~site~~ reference(s) provided by the MMO[-] within the extent of the Order limits seaward of MHWS. Any material of anthropogenic origin will be screened out and disposed of at an appropriate waste facility onshore.'

Protective Provisions

In considering Item 9 of the SoS letter, the MMO understands that the Applicant identified an additional square bracket relating to disposal site references in the definition of 'cable route disposal area(s)' in paragraph 2 of the Protective Provisions contained in Part 5 of Schedule 10 (Protection for East Anglia TWO Limited/Protection for East Anglia ONE North Limited) to the draft DCO (REP12-013).

The MMO understands that the Applicants have requested that in the event that the SoS decides to grant consent for the Projects, the definition of 'cable route disposal area(s)' within paragraph 2 of Part 5 of Schedule 10 is amended as follows:

"cable route disposal area(s)" means ~~the~~ disposal site reference(s) provided by the MMO [-] whose coordinates are specified in accordance with Schedule 14 (deemed licence under the 2009 Act – offshore transmission assets) to this Order and in accordance with the deemed marine licence in Schedule 14 (deemed licence under the 2009 Act – offshore transmission assets) to the East Anglia [ONE North/TWO] Order;

The MMO is content with the above proposed changes.

Comments on Interested Parties Submissions

Natural England (NE)

The MMO notes that NE's main concerns with the 'Offshore Ornithology Cumulative and In-Combination Collision Risk and Displacement Update' remain unchanged from Deadline 13. In addition to this, the MMO notes that NE has requested a right to respond to the updated Herring Gull and Great Black-Backed Gull mortality figures that the Applicant intends to provide, as they were considered to be incorrect in their Deadline 13 response. The MMO ultimately defers to NE on matters of Ornithology and considers this request to be appropriate.

The MMO has also noted that NE has altered its position on Collision Risk Modelling. The MMO is aware that NE's position now is that it is not appropriate to use the recommended rates in the British Trust for Ornithology (BTO) report. This report was previously commissioned by NE for the undertaking of an analysis that combines the avoidance rates from various sites as presented in Cook et al. (2014), with those derived from the Offshore Renewables Joint Industry Programme (ORJIP) study (Bowgen & Cook 2018) and any additional sites where the appropriate data are available for these works. The MMO notes this clarification and ultimately defers to NE on matters related to Offshore Ornithology.

Royal Society for the Protection of Birds (RSPB)

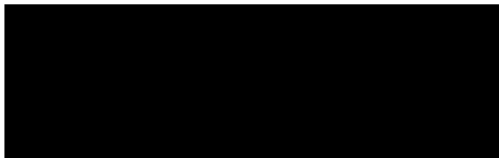
The MMO notes that the RSPB set out their position regarding the potential for an adverse effect on several Ornithological features within the Flamborough and Filey Coast Special Protection Area (SPA), Alde-Ore Estuary SPA and Outer Thames Estuary SPA at Deadline 8 and notes also, that this position is essentially unchanged with the exception of the addition of the issue of displacement as an exacerbating factor in respect of impacts to Gannets. The MMO also notes that RSPB remain in disagreement with the Applicant regarding the decision to remove Hornsea Project 3, in respect of Kittiwake Collision Risk on the basis that it was compensated for and have provided additional rationale to supplement this position. The MMO ultimately defers to NE on matters related to Offshore Ornithology but welcomes the RSPB's continued engagement on this matter.

The Applicant

The MMO notes that the Applicant has provided an updated Offshore Ornithology Cumulative and In-Combination Collision Risk and Displacement assessment for both the EA1N and EA2 projects. The MMO welcomes this submission as it was required to address discrepancies identified by NE within their Deadline 13 response (REP13-048). The MMO defers to NE on the content and findings of this document. The MMO notes that the Applicant has not made any further increases to the turbine draught height commitment of 24m above mean high water springs (MHWS) secured within the final draft DCO submitted at Deadline 12 for the reasons stated within the Offshore Commitments document (REP3-073) and expanded upon within Appendix A.1.3 of the Habitats Regulation Assessment Derogation Case (REP12-059). The MMO welcomes this clarification.

This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application. This representation is also submitted without prejudice to any decision the MMO may make on any associated application 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,



Jack Coe
Marine Licencing Case Officer

