



East Anglia ONE North and East Anglia TWO Offshore Windfarms

Applicants' Responses to the Secretary of State's Questions of 20th December 2021 (Item 9)

Applicants: East Anglia ONE North Limited and East Anglia TWO Limited
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Glossary of Acronyms

DCO	Development Consent Order
DML	Deemed Marine Licence
MMO	Marine Management Organisation
SoS	Secretary of State for Business, Energy and Industrial Strategy

1 Introduction

1. This document has been prepared by East Anglia TWO Limited and East Anglia ONE North Limited (the Applicants) in relation to the East Anglia TWO and East Anglia ONE North Development Consent Order (DCO) applications (the Applications). It provides information regarding the marine licences in response to Item 9 of the letters published by the Secretary of State for Business, Energy and Industrial Strategy (SoS) on 20th December 2021 (the SoS letters).
2. Although the SoS letters relate to the East Anglia TWO and East Anglia ONE North Offshore Windfarm projects respectively, the contents of each are identical. This document is therefore applicable to both projects (the Projects).

1.1 Purpose

3. Item 9 of the SoS letters invites comment on the following:
 - *“The Secretary of State notes that the Applicant and MMO had agreed following Deadline 12 submissions that disposal sites would be dealt with post consent. The Secretary of State also notes that in Version 8 of the draft DCO submitted by the Applicant at Deadline 12, condition 14(5) of the Deemed marine licence – generation assets (Schedule 13) and condition 10(5) of the Deemed marine licence – transmission assets (Schedule 14) still include uncompleted square brackets for the co-ordinates of the disposal sites. The Applicant and the MMO are asked to confirm to the Secretary of State whether, in coming to a view that the disposal sites could be dealt with post consent, it was intended that these conditions be appropriately amended and if so to provide that agreed wording.”*
4. **Section 2** of this document provides the Applicants' comments on Item 9 of the SoS letters and Section 3 identifies a consequential minor correction required to 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).

2 Applicants' Comments on Item 9 (Marine Licences)

5. The incomplete square brackets referred to relate to text in Condition 14(5) of the Generation DML in Schedule 13 and Condition 10(5) of the Transmission DML in Schedule 14 of the draft DCO (REP12-013).
6. During the Examination, the MMO requested an amendment to paragraph 2(1)(i) of Part 1 of the DMLs to address the fact that the disposal site references intended to be included within the empty square brackets would be provided at a later date. The Applicants incorporated this change in Version 6 of the draft DCO submitted during the Examination (REP8-003) as follows:

“(i) the disposal of up to [...]m³ 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 works at disposal site reference(s) to be provided by the MMO[-] within the extent of the Order limits seaward of MHWS comprising— ”

7. In amending paragraph 2(1)(i) of Part 1 of the DMLs, the Applicants acknowledge that a similar change should also have been made to Condition 14(5) of the Generation DML and Condition 10(5) of the Transmission DML.
8. The Applicants would therefore request that in the event that the SoS decides to grant consent for the Projects, Condition 14(5) of the Generation DML in Schedule 13 and Condition 10(5) of the Transmission DML in Schedule 14 be amended as follows:

“(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.”

9. The Applicants have discussed this proposed change with the MMO and understand that the MMO are content with the proposed amendment.

3 Minor Correction to Protective Provisions

10. In considering Item 9 of the SoS letters, the Applicants 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).
11. The Applicants would request 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;~~”
12. This change only relates to the Protective Provisions between the Applicants and both Applicants agree to this change.