



# Marine Management Organisation

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Norfolk Vanguard Case Team  
Planning Inspectorate  
(Email only)

MMO Reference: DCO/2016/00002  
Planning Inspectorate Reference:  
EN010079  
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Dear Sir or Madam,

## **Planning Act 2008, Vattenfall Wind Power Limited, Proposed Norfolk Vanguard Offshore Wind Farm Response to Examining Authority's (ExA) Rule 8 Letter - Summary of Relevant Representations**

In its Rule 8 letter dated 19 December 2018, the Planning Inspectorate (PINS) requested that interested parties submit a summary of Relevant Representations not exceeding 1500 words. Please find the Marine Management Organisation's (MMO's) summary below.

The MMO is an interested party in the examination of Norfolk Vanguard offshore wind farm (OWF) because the Development Consent Order (DCO) application includes four deemed Marine Licences (DMLs) under Section 65 of the Marine and Coastal Access Act 2009 ('the 2009 act'). Should consent be granted for the project, the MMO will be responsible for monitoring, compliance and enforcement of DML conditions.

Yours faithfully



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## **1. Summary of the MMO's Relevant Representation**

### **Summary of Issues raised in the DCO and DMLs**

This document provides a summary reflecting the MMO's position set out in its Relevant Representation submitted to the ExA on 14 September 2018.

#### **Arbitration**

- 1.1 Schedule 14 details the process for arbitration, which was supported by Article 38 and several conditions throughout the DCO/DMLs. The MMO believes the described process shifts the responsibility of decision making from the regulator to an independent arbitrator, which would be contrary to the intent of Parliament set out in the Marine and Coastal Access Act 2009 (MCAA) and would usurp the role of the MMO as a regulator. The MMO requested that this provision should be removed from the DCO.

#### **Timescales**

- 1.2 The proposed timescales conditioned in the DMLs required a response period of four months following receipt of all post-consent documentation and all pre-construction documentation and plans to be submitted for approval 4 months prior to the commencement of any licensed activity. Considering the increased size and complexity of the newer OWFs, the MMO considered that a timeframe of 6 months would be more appropriate to address such issues. The MMO also recommended removal of the requirement that any failure to provide a decision may be referred to arbitration.

#### **Cooperation**

- 1.3 The DCO consists of four deemed marine licences: two for the generation assets and two for the transmission assets. Presumably this is to facilitate a phased development however it also opens the possibility of a transfer of benefit, meaning the licensed activities could be carried out by multiple undertakers. If a transfer of benefit were to happen, it is unclear what mechanisms would be in place to ensure two different windfarm developers working in the same area could work in cooperation especially with regard to in-combination effects.

#### **Figures**

- 1.4 On numerous occasions, the figures for cable length, cable protection, scour protection and disposal volumes did not match between the DCO, the DMLs and the Environmental Statement (ES) project description. The MMO requested that these are addressed to allow for accurate consideration of the potential impacts.

#### **Benthic Monitoring**

- 1.5 The MMO recommended that conditions for pre – and/or post construction monitoring for features of all ecological importance should be included in the DMLs, and post construction surveys should be conducted for a period of 3 non-consecutive years to assess any long term effects. The MMO suggested conditions for pre-/post-

construction monitoring surveys to determine the location/extent of any benthic communities/benthos constituting Annex 1 reef habitats of principal importance should extend outside the Order Limits.

### **In Principle Monitoring Plan (IPMP)**

- 1.6 The MMO requested some amendments to ensure the information presented within the IPMP aligns with the conditions on the DMLs, and raised points to ensure that all monitoring proposed to be undertaken is adequately captured.

### **In Principle Site Integrity Plan (IPSIP)**

- 1.7 The MMO considered further consideration of potential in-combination effects with other projects is required in order to be confident that the mitigation proposed is adequately defined and can be reasonably delivered. The MMO recognises the benefits of a strategic approach to the management of noise generating activities, however notes there is not a current mechanism or agreement in place for a regulator to manage this.

### **Summary of issues raised in the ES**

- 1.8 The MMO raised concerns relating to the following chapters in the ES:

- Marine Processes
- Water Quality and Sediment Quality
- Benthic Ecology
- Fish and Shellfish
- Underwater Noise

In general, further clarification of statements made in the ES and/or further evidence to support the predictions made in the ES were required. In particular, concerns around the operation and maintenance impacts, how the worst case scenario for sediment disposal/boulder clearance on *Sabellaria* reef was defined, along with highlighting the underwater noise mitigation for both fish and marine mammals.