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Subject: Norfolk Vanguard Deadline 6 MMO response
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Attachments: [EN010079 Appendix 2 - Standard Navigational Conditions MMO FINAL.pdf](#)
[EN010079 Post hearing submission including written submission of oral cases MMO FINAL.pdf](#)

Dear Norfolk Vanguard Project Team,

Please find enclosed the Marine Management Organisation's (MMO) submission for Deadline 6, comprising:

1. MMO Post hearing response
2. Appendix 1

I would be grateful if you could respond to this e-mail confirming safe receipt.

Kind Regards
Rebecca

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Planning Inspectorate
(Email only)

MMO Reference: DCO/2016/00002
Planning Inspectorate Reference:
EN010079
Identification Number: 20012773

5 April 2019

Dear Sir or Madam,

Planning Act 2008, Vattenfall Wind Power Limited, Proposed Norfolk Vanguard Offshore Wind Farm

On 26 June 2018, 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 Norfolk Vanguard Limited (the “Applicant”) for determination of a development consent order for the construction, maintenance and operation of the proposed Norfolk Vanguard Offshore Wind Farm (the “DCO Application”) (MMO ref: DCO/2016/00002; PINS ref: EN010079).

The DCO Application seeks authorisation for the construction, operation and maintenance of Norfolk Vanguard offshore wind farm, comprising of up to 200 wind turbine generators together with associated onshore and offshore infrastructure and all associated development (“the “Project”).

This document comprises the MMO comments in respect of the DCO Application submitted in response to Deadline 6. 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 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 faithfully



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The MMO Post Hearing Submissions including Written Submission of Oral Cases

1. Summary of Oral Cases made during the Environmental Issues Specific Hearing 4 (ISH)

1.1 Marine Mammals

1.1.1 Multiple construction activities at once

The MMO provided an update on the Southern North Sea cSAC underwater noise regulator group raised in deadline 4 comment 1.3 (REP4-059).

The MMO explained the group had laid out the terms of reference and advised there would be stakeholder consultation on the proposed mechanism in quarter 3 2019, with the intention to provide the response in quarter 4 2019. This might be in time for the Secretary of State (SoS) to take into account when making a determination. However, if the decision occurs prior to a mechanism being defined, the MMO considers that, under the Marine and coastal Access Act 2009 (MCAA), it would be able to vary the Deemed Marine Licences should such a variation be deemed necessary. The current requirement for a Site integrity Plan (SIP) is likely to be sufficient to allow any mechanism to be fully incorporated without need for variation.

1.2 Haisborough, Hammond and Winterton (HHW) Special Area of Conservation (SAC) Site Integrity Plan (SIP)

1.2.1 Requirements within the SIP

The MMO advised the outline HHW SIP should include a detailed timetable of when, and how, the cable protection would be placed, and to include timelines of the indicative mitigation. The HHW SIP should identify how decisions like the location of the cable or mitigation would be made including any consultation periods and this should be clear and concise.

The Applicant advised the following would be included in the HHW SIP and this would have to be agreed by the MMO in consultation with Natural England (NE):

- Conservation objectives/features
- Site Targets
- Consultation process
- Preconstruction and maintenance
- Decommissioning
- Outline plan - detailed cable installation plan and on board surveys based on up to date data.
- Potential cable protection mitigation

The MMO advised that from this discussion they were content with the list of proposed content. However, we would review the outline SIP and provide further comment. The MMO raised further points in 1.2.3 that highlighted concerns on the use of the SIP.

1.2.2 Proposed condition and Dispute Resolution Issues

The MMO notes the additional wording within condition 9 (1) (m) below means no activity can take place until the SIP has been agreed by the MMO in consultation with NE.

The licensed activities, or any phase of those activities must not commence until a site integrity plan which accords with the principles set out in the outline Norfolk Vanguard Haisborough, Hammond and Winterton Special Area of Conservation Site Integrity Plan has been submitted to the MMO and the MMO (in consultation with the relevant statutory nature conservation body) is satisfied that the plan provides such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2017 Regulations) of a relevant site, to the extent that sandbanks and Sabellaria spinulosa reefs are a protected feature of that site.

The MMO would look at the activities planned and Statutory Nature Conservation Bodies (SNCB) advice as part of the sign off process. In this process, the MMO would consider the need for an updated Habitat Regulations Assessment (HRA) to ensure the content of what is proposed can be placed in the specific area.

The MMO disagrees with the need for the condition to be included within the DCO, please see the reasoning in comment 1.2.3.

1.2.3 Similarities to the Marine Mammal (MM) SIP

The MMO notes the applicant's comments that the adverse effect on integrity (AEOI) is an issue in relation to the Southern North Sea SAC where the MM SIP has been implemented through a condition. The same approach has been taken for the HHW SIP.

In response to these comments the MMO would highlight the MM SIP is in place due to the uncertainty of the in-combination aspects of multiple projects creating underwater noise. This is outside the scope of this project and cannot be considered in detail within the National Significant Infrastructure project (NSIP) process.

While the MMO understands the uncertainty of the cable route and volumes, the MMO do not think it is comparable to the MM SIP. The MMO believe it is possible to present a worst case scenario informed with updated data to undertake an HRA to conclude if there is AEOI due to the cable protection within the HHW SAC. This impact should be assessed alone, and with any in-combination aspects allowing a decision to be made. The MMO, therefore, questions if it is appropriate for this process to be deferred to post consent. This would lead to looking at other options through the HRA process such as alternatives or compensation which may cause a high risk to the development and a major financial burden to the applicant. However, the MMO will defer to the advice of the SNCB with the information supplied and the assessment to be made during this application process.

1.3 Proposed Bye-law areas

1.3.1 Further Information and Impacts to Norfolk Vanguard

The MMO advised they would provide a detailed background and impacts to the bye-law process and how the potential bye-law would impact this project. Please find a further information in comment 3.1 of this document.

2. Summary of Oral Cases made during the DCO/DML Issues Specific Hearing 5 (ISH)

2.1 Proposed Arbitration Procedures

2.1.1 Arbitration

The MMO are satisfied with the change of wording under Article 38 to remove the MMO from the arbitration procedure.

The MMO note that the applicant has amended Article 38 with the addition of deemed discharged conditions in condition 15. The MMO feel this is not acceptable and the deemed discharge condition should be removed further information can be found in section 2.2 and 7.1.

If Article 38 was to be reinstated to the original wording where the MMO were subject to arbitration, the MMO would reiterate the previous comments in representations REP1-084, REP3-046REP4-059).

2.2 Proposed Condition 15 amendments and Timescales

2.2.1 MMO Position

The MMO outlined the following concerns in relation to the changes to condition 15 associated with the amendment to Article 38 (Arbitration) at the Issue Specific Hearing 5.

The MMO notes the changes proposed to condition 15. Specifically the addition of 15 (4) and 15 (5). The MMO objects to their inclusion within the deemed marine licences.

2.2.2 Timescales

The MMO refers to its previous position to increase the timescale from 4 months to 6 months on projects of the size and scale as this. We note the applicant's response that they would seek to engage with the MMO and other bodies prior to this and we welcome this proposal. However, there is no facility within the licence to enforce this kind of engagement. If the applicant decides later not to, or if the project is sold to another undertaker who decides not to engage, then the MMO and our consultees again face a four month deadline with no reasonable ability to extend.

The MMO acknowledge there is the ability to request an extension from the applicant through agreement. This extension explicitly requires their agreement, The MMO would note that within the applicant's own response to deadline 4 second round of examiners questions, question 20.139 they have confirmed that, because of Contract for Difference (CfD) timeframes they cannot grant an extension to the 4 month timeframe. The MMO believe it is not possible to have confidence that extensions could be agreed upon within condition 15 (4) and that any restarting of the 4 month period would not be a desirable outcome for either party.

The MMO consider it is important to note the actual practicalities of these kinds of sign-off as well as the wording within the consent. If the works are submitted at 4 months prior to the construction start date then by this point the applicant already has contracts with vessels, and the construction and transport of components will be underway. If there are delays then the applicant will face significant costs from vessels sitting idle and the potential need to resource storage areas for wind farm infrastructure components that should have been installed. It is therefore very likely that the applicant will apply all pressure it can on the MMO and its consultees to adhere to a faster timeframe. This often leads to resource being drawn from other areas in order to try and facilitate a quicker turn around. By giving the MMO and its consultees 6 months there is more time to reach a conclusion, and less risk of any need for extension or delay.

2.2.3 Condition 15(4)

The MMO considers it inappropriate to put a timeframe on decisions of such a nature. As outlined in response to other issues, such as arbitration, a Deemed Marine Licence should be treated equal to a marine licence and the conditions imposed should be equivalent to those that would be granted on a marine licence. The MMO would not willingly seek to constrain our ability to make an appropriate decision on post consent sign off of plans and documentation, we would never include such a restriction on any other consent.

The MMO previously raised concerns regarding the complexity of documentation and the need for these timeframes to be longer, indicating that there is likely to be insufficient time to consider all the relevant issues and seek appropriate feedback from statutory bodies. With such tight restrictions, the MMO is more likely to refuse an application for discharge. This would increase the risk to the development because, if these works were not granted discharge, the undertaker would have to provide updated documentation which would restart the process and potentially cause unnecessary delay

The MMO also notes this condition seeks to restrict its ability to request further information to one month after submission. Again, this is incompatible with current licencing procedures. We would also note the timeframe given for this is entirely unreasonable. The applicant is aware that the MMO has service level agreements with many statutory consultees that requires a four week consultation period. The MMO may simply be unaware of a need for further information until such time as the first round of consultation is complete. Our only option then would be to refuse discharge and to require resubmission, again risking further delay.

2.2.4 Condition 15 (5)

With regard to condition 15 (5) the MMO once again considers this inappropriate, and not commensurate with current marine licensing practice. The documentation involved in discharge covers a wide range of mitigation and has been applied due to significant risks. For it to be considered discharged in such a manner could mean that important environmental or navigational safety mitigations are not adequate. The inclusion of this condition risks a refusal late in the process and a return to the submission of documents stage increasing the risk of delay to the project. The MMO would also consider this a fettering of our authority to discharge licence conditions under the Marine and Coastal Access Act 2009 (MCAA).

It is noted that these conditions have been added due to the removal of the arbitration provision against the MMO. The MMO would like to reiterate that the arbitration provisions were removed by the Secretary of State on the recent Tilbury 2 determination without the need for further controls placed on the regulatory body. The MMO question why such a restriction should be placed on the Vanguard project when it has not been deemed necessary or reasonable on any other deemed marine licence to date.

The MMO have reviewed the Tilbury 2 conditions and would like to note the inclusion of wording that 'the MMO must give notice of determination as soon as is reasonably practicable'. The MMO would suggest this wording could be included within the deemed marine licences to give further assurance these matters are treated with all due priority.

Finally, the MMO is a government body assigned powers and responsibilities by parliament to make these decisions and within that responsibility is a requirement to be reasonable. We have always been willing to work with both the applicants and our stakeholders to push for resolution to a timetable that is appropriate for all parties. We would never seek to delay making a decision unless there were significant concerns and issues to be addressed. The MMO will always make best endeavours to sign off all documentation in time for the proposed start date.

2.3 Transfer of Benefit

2.3.1 Co-existence

The MMO had no concerns on the transfer of benefit, the MMO have previously requested a coexistence condition within the DML. The MMO have discussed this with the applicant and due to the limited cross over area on the project the MMO has withdrawn the request for this condition.

2.4 Schedule 1, Part 3, Requirements

2.4.1 Requirements 5 and 11

The MMO believe the cable protection volumes and areas need to be shown in the text of the DCO. The MMO notes that there is a change in the cable protection volumes from 10% to 5%, and that this would need to be accounted for within the overall cable protection volumes and areas. The MMO raised further comments on cable protection and scour protection below.

2.4.2 Scour Protection

The MMO has requested that the maximum area of scour protection be included within the DML for individual structures such as turbines or offshore platforms, to ensure that the works brought forward match those that were assessed in the ES. The MMO note the ES did assess a large volume of such works in total. It is, in the MMO's opinion, inappropriate to consider this a bank of hard substrate to be used to whatever extent required.

Within the ES each foundation type is given a maximum scour footprint area, for both turbines and other offshore structures. If we were to apply just the maximum volume of scour protection to the licence in isolation this would allow the potential creation of a large continuous area of hard substrate. This may have very different impacts and considerations than that implied by the use of individual maximum footprints. Larger areas of impact take a greater time to recover, provide more area for invasive species and have potentially greater impact on coastal processes.

The MMO has asked that the licence explicitly states the maximum areas of scour footprint, for the different types of structure, so that it is clear to the applicant and any subsequent undertaker exactly what is permitted. This allows the applicant to understand if there is a need to apply for a variation, should there be a need for works outside what is assessed. It reduces the risk of miss-interpretation of what will be permitted by the MMO on application of such documents and assists in a smoother pre consent sign off process.

The MMO advised that we would consider two options – either the outline Scour and Cable Protection Plan is amended to include individual figures, or the individual figures to be laid out on the face of the DML. The MMO took this away to provide further comments at deadline 6, please see comment 4.1.1 of this document for the final position.

2.4.3 Cable Protection

The ExA advised that condition 11 (1e) includes descriptions of the need, type and sources etc. of scour protection and if changes to this wording, including distribution, be able to assist with concerns the MMO have? The MMO advised that this could be a possibility.

The MMO has further significant concerns regarding the implication that cable protection works are considered, by the applicant, to be licenced for deployment at any time during the operation of the works. On all previous developments the MMO has been clear that it considers that once the construction period has ended any subsequent construction activities will need to be separately licenced. The reason the MMO has taken this stance is due to the inherent uncertainty in licensing such works to be constructed at any point within a large temporal and spatial scale. The marine environment is a dynamic system and therefore it is impossible to accurately assess the impacts of intermittent construction works on the development over its proposed 30 year operational lifespan.

In addition the ES has considered the construction of the works and the worst case scenario that these works will be deployed for the full operational lifetime. There is no consideration of the impacts from deploying cable protection up to twenty-five years following construction. The ES also assessed recovery. However, if further construction works can occur at any point in the duration of the operational lifetime then the ability of the habitat to recover is in question. This also raises questions about consideration of disturbance impacts to both ecological receptors as well as socio-economic receptors.

The uncertainty of these works is further compounded by the significant spatial scale over which they may occur. This development includes many kilometres of cable installed over a vast area of the seabed. With, as yet, no specific cable layout provided.

The applicant has proposed that the MMO would have control as we would have to discharge an updated cable protection plan condition. Approving a plan under the Deemed Marine licence would allow the MMO to consider the impacts from a Habitats perspective. However, the MMO's ability to consider impacts on the environment and other legitimate users of the sea, during post consent sign off, is limited. Indeed, The MMO's scope for consultation on such documents is also limited, as there is no provision to advertise such a plan and so the MMO may, therefore, be entirely unaware of significant impacts to other legitimate users of the sea.

The MMO considers that prior to licensing such works a consideration must be made whether it is reasonable to consider that all impacts from these works have been assessed to the extent that the uncertainty is reduced to sufficient levels to grant consent. The MMO would also raise the question on whether all parties who may be impacted by such works over such a large undefined spatial and temporal scale have been given a reasonable chance to raise their concerns. The MMO does not believe this to be the case.

The MMO notes that the definition of 'maintain' on both the DCO and DML includes: inspect, upkeep, repair, adjust and alter. And further includes remove, reconstruct and replace. The MMO considers the deployment of cable protection is not covered by this definition of maintain and therefore would be considered part of construction.

There is currently a disagreement with the applicant on this issue and although there are ongoing discussion through the Statement of Common Ground (SoCG) the MMO requests that it is made explicit within the DCO that cable protection may only be deployed during construction, and deployment at any other time during the operational lifespan is approved through separate licence applications.

Please find further information in section 4.3 of this document.

2.4.4 Hornsea Offshore Wind Farm 3 (HOW3)

The MMO raised the possibility of adding a similar DML condition to Hornsea 3 prior to the monitoring conditions section within the DML. This condition ensures that the applicant produces a Cable Protection Report to advise what has been installed. This would provide exact locations of what is installed and where to provide clarity to the MMO. This would also identify areas of impact within the HHW SAC.

The MMO has provided the condition in point 6.1.1 of this document.

2.5 Schedules 9, 10, 11 and 12 – Deemed Marine Licences

2.5.1 MM SIP and Marine Mammal Mitigation Protocol (MMMP) construction techniques

Question 4.9 of the second round of ExA questions, asked for comments concerning other construction techniques and whether they should be highlighted within the MM SIP and MMMP. During the hearing the ExA asked for further comments. In response to comments from NE, the applicant advised that they are going to reword the relevant documents to include any piling rather than just pile driving. The MMO confirmed this was satisfactory.

2.5.2 UXO Clearance

The MMO confirmed they were content that there is no UXO activity included within the DCO.

2.5.3 Maximum disposal volumes and drill arisings

The MMO welcomed the inclusion of the maximum disposal and drill arising volumes. The MMO still request that the volumes for disposal within the HHW SAC are separately defined within the DMLs.

2.5.4 Cable Crossings

The MMO advised that after discussions with the applicant the cable crossing numbers do not need to be defined within the DCO. This is due to the specific volumes being included within the total cable protection volume on the licence. The MMO note the applicant has advised that the numbers will be confirmed through the Scour and Cable protection plan.

2.5.5 Changes requested by Trinity House (TH)

The MMO acknowledge the concern the applicant raised about the consistency of requests by the MMO, TH and Maritime and Coastguard Agency (MCA). The MMO have provided up to date conditions agreed by the MMO, MCA and TH in September 2018 in appendix 1.

2.5.6 Consistencies in DML's between Hornsea 3 and Thanet Extension DCO's

The MMO acknowledge the concern Historic England (HE) expressed about inconsistencies across the current DCO's undergoing examination. The MMO have

not had time to reach a resolution on this issue and advise we will discuss with HE and provide further comments in Deadline 7.

3. Action Point from the Environmental Issue Specific Hearing 4 (ISH)

3.1 Provide position statement on EIFCA byelaw issues including reference to relevant maps.

3.1.1 Further Information and Impacts to Norfolk Vanguard

The MMO advised they would provide a detailed background and impacts to the bye-law process and how the potential bye-law would impact this project.

The large area described by Natural England is a Department for Environment, Food and Rural Affairs (DEFRA) management area not a MMO bye-law area. The MMO only advise DEFRA within this process. The MMO cannot provide further information on the timescales and outcome.

Due to the current politically sensitivity the MMO received comments from DEFRA on the process and updates below:

Under the Common Fisheries Policy (CFP), fisheries management measures for MPAs must be agreed by other Member States' with an active interest in the site. However, because other Member States with a direct management interest have not yet consented to our proposals, therefore, we have not yet been able to introduce measures.

The Fisheries Bill contains new powers enabling the MMO to implement management measures much more quickly both in our MPAs and across our EEZ post-Exit. This will enable us to rapidly make progress on a number of measures following EU Exit.

The MMO considers that, irrespective of the bye-laws, this issue is related to the need to appropriately assess the impacts to the HHW SAC prior to making a determination. The data underpinning the bye-law could be included as part of this assessment. However, the MMO defers to the opinion of Natural England as the relevant SNCB on if, and how, this data should be included and assessed.

4. Action Points from the Draft DCO Issue Specific Hearing 4 (ISH)

4.1 Action Point 3: Response in relation to Scour Protection and Cable Protection Plan and whether this alleviates its concerns

4.1.1 Scour Protection

The MMO have reviewed the comments from the hearings and after internal discussions can confirm that MMO require the figures to be laid out in the text of the DCO/DML. The MMO's reasoning is in comment 2.4.2.

4.2 Action Point 5: Submission of wording from Hornsea 3 and Thanet

4.2.1 Consistencies in DML's between Hornsea 3 and Thanet Extension DCO's

The MMO are still reviewing the differences between the DML's. The MMO will continue to discuss any changes to the DML's with the applicant and will provide a detailed response for deadline 7.

4.3 Action Point 7: Further discussions on the long-term deployment of cable protection, particularly within the HHW SAC, and submission of Hornsea Three Cable Protection Report.

4.3.1 Cable Protection

In addition to the comments within the 2.4.3 of this document the MMO view is that cable protection is not usually permitted within O&M applications due to the longevity of the lifespan of the licences. It is unfeasible to consult with the fishing industry on unknown possible future parameters and the MMO position is that cable protection applications need to be informed by the inclusion of specific parameters (footprint/ location/ type etc.). A separate ML application will be required for cable protection, unless the specific details (outlined above) are known. Cable protection already deployed may be moved or extended within a small extent to be assessed and defined within the application.

The MMO will continue to discuss this with the applicant.

4.4 Action Point 9: MMO to provide Applicant with its preferred wording for Conditions 19 and 20 of Schedules 9 and 10, and confirmation as to whether the amended wording also needs to be reflected in the relevant Conditions of Schedules 11 and 12.

4.4.1 Navigation Conditions

The MMO support Trinity house on their inclusion within Condition 19 (4) and 20 (2d). The MMO propose the following wording:

19 (4) Construction monitoring must include traffic monitoring in accordance with the outline marine traffic monitoring strategy, including the provision of reports on the results of that monitoring as periodically requested by the MMO in consultation with the MCA and Trinity House.

20 (2d) post-construction traffic monitoring in accordance with the outline marine traffic monitoring strategy, including the provision of reports on the results of that monitoring as periodically as requested by the MMO in consultation with the MCA and Trinity House.

The MMO believe these conditions do not need to be added to Schedule 11 and 12 as there are less traffic risks from the cables installation. In addition to this the infrastructure that does exist will be inside the windfarm array area and will be captured by the generation asset monitoring.

5. Summary of Clarifications on Environmental Issues as discussed at the Issues Specific Hearing 4 (ISH)

5.1.1 Cable burial risk assessment

The ExA highlighted that a Cable Burial Risk Assessment will be produced. This was highlighted as part of 14 (1g). The MMO believe this may be sufficient to provide the information required. However, the timelines for this document will need to be matched against any timescales for the production of a SIP for the HHW SAC, should such a condition be added.

6. Summary of Clarifications on DCO/DML Issues as discussed at the Issues Specific Hearing 3 (ISH)

6.1 Schedules 9, 10, 11 and 12 – Deemed Marine Licences

6.1.1 HOW3 Condition

The MMO wishes to add the following condition that has been presented within the HOW3 DCO:

Reporting of cable protection

23.—(1) Not more than 4 months following completion of the construction phase of the project, the undertaker shall provide the MMO and the relevant SNCBs with a report setting out details of the cable protection used for the authorised scheme.

(2) The report shall include the following information—

(a) location of the cable protection;

(b) volume of cable protection; and

(c) any other information relating to the cable protection as agreed between the MMO and the undertaker.

7. The MMO remaining DCO/DML comments not discussed at the ISH

7.1 Schedules 9, 10, 11 and 12 – Deemed Marine Licences

7.1.1 Proposed Condition 15 amendments

The MMO questions why the applicant seeks to impose such time restrictions as this may threaten the previous flexibility offered to developers in the past when they have sought prioritisation of their activities for a justifiable reason, and the MMO has responded accordingly to facilitate. The applicant is reminded that the MMO is processing numerous applications within any given time and needs to be offered the opportunity to be flexible to offer a fair and quality service to all applicants.

The MMO note that the applicant stated that if the Arbitration, determination of conditions and deemed discharge conditions were not accepted by the ExA the applicant would look to amend the wording to include a commitment from the MMO that it would make best endeavours to discharge the conditions within 4/6 months of receipt of the documents. The MMO would agree with the concept in principle.

Appendix 2 – Standard Navigational Conditions

Standard navigation conditions for inclusion within Deemed Marine Licences (DML) for offshore renewable energy installations. Agreed by Marine Management Organisation (MMO), Trinity House and Maritime and Coastguard Agency (MCA) September 2018.

Notifications and Inspections:

1) The undertaker must inform the MMO Coastal Office in writing at least 5 days prior to the commencement of the authorised project or any part thereof, and within 5 days of completion of the authorised project.

2) The Kingfisher Information Service of Seafish, must be informed of details of the vessel routes, timings and locations relating to the construction of the authorised project or any part thereof by email to kingfisher@seafish.co.uk :-

a) at least 2 weeks prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data, and;

b) as soon as reasonably practicable and no later than 24 hours of completion of all offshore activities.

Confirmation of notification must be provided to the MMO within 5 days.

3) The undertaker must ensure that a local notice to mariners is issued at least 10 days prior to the commencement of the authorised project or any part thereof advising of the start date of each Work No. <insert> and the expected vessel routes from the construction ports to the relevant location.

Copies of all notices must be provided to the MMO and UKHO within 5 days.

4) The undertaker must ensure that local notice to mariners are updated and reissued at weekly intervals during construction activities and at least 5 days before any planned operations and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction and monitoring programme approved under deemed marine licence condition <insert>.

Copies of all notices must be provided to the MMO and UKHO within 5 days.

5) The undertaker must notify the UKHO of the completion (within 10 days) of the authorised project or any part thereof in order that all necessary amendments are made to nautical charts.

Copies of all notices must be provided to the MMO within 5 days.

6) In case of damage to, or destruction or decay of, the authorised project or any part thereof the undertaker shall as soon as reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify MMO, MCA, Trinity House and the UKHO.



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Pre-construction plans and documents:

The authorised project shall not commence until the following have been submitted to and approved by the MMO. Each programme, statement, plan, protocol, scheme or other detail required to be approved under this condition must be submitted to the MMO for approval at least 4 months prior to the commencement of the authorised project except where otherwise stated.

1) A plan to be agreed in writing with the MMO following appropriate consultation with Trinity House and the MCA setting out proposed details of the authorised project, including the:

- a) number, dimensions, specification, foundation type(s) and depth for each WTGs, offshore platforms, substations and meteorological masts;
- b) the grid coordinates of the centre point of the proposed location for each WTG, platform, substation and meteorological mast;
- c) proposed layout of all cables; and
- d) location and specification of all other aspects of the authorised project.

2) An Aids to Navigation Management Plan to be agreed in writing by the MMO following appropriate consultation with Trinity House specifying how the undertaker will ensure compliance with conditions (1) to (4) of '**Aids to Navigation**' from the commencement of construction of the authorised project to the completion of decommissioning.

3) No part of the authorised project may commence until the MMO has received a SAR checklist containing all the required elements from Annex 5 of MGN 543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response" which have been agreed with the MCA. The agreed checklist must be updated throughout the lifecycle of the project.

The checklist must include an agreement to supply the MCA with an Emergency Response Co-operation Plan (ERCoP), maintained to the satisfaction of the MCA, at least three months before construction commences.

4) The undertaker must conduct a swath bathymetric survey to IHO Order 1a of the site and its immediate environs extending to 500m outside of the authorised project area. The survey shall include all proposed cable routes.

This should fulfil the requirements of MGN 543 and its supporting 'Hydrographic Guidelines for Offshore Developers', which includes the requirement for the full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications. This must be submitted as soon as possible, and no later than three months prior to construction. The Reports of survey must also be sent to the MMO.

Aids to Navigation:

1) The undertaker shall during the whole period from the commencement of construction of the authorised project to the completion of decommissioning exhibit such lights, marks, sounds, signals and other aids to navigation, and to take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.

2) The undertaker must during the whole period from the commencement of construction of the authorised project to the completion of decommissioning keep Trinity House and the MMO informed of progress of the authorised project including;



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- a) *notice of commencement of construction of the authorised project within 24 hours of commencement having occurred;*
- b) *notice within 24 hours of any aids to navigation being established by the undertaker; and*
- c) *notice within 5 days of completion of construction of the authorised project.*

3) *The undertaker must report the availability of aids to navigation to Trinity House daily using the reporting system provided by Trinity House.*

4) *The undertaker must during the whole period from the commencement of construction of the authorised project to the completion of decommissioning notify Trinity House and the MMO of any failure of the aids to navigation and the timescales and plans for remedying such failures, as soon as possible and no later than 24 hours following the undertaker becoming aware of any such failure.*

Colouring of structures:

1) *Except as otherwise required by Trinity House the undertaker must paint all structures forming part of the authorised project yellow (colour code RAL 1023) from at least HAT to a height as directed by Trinity House. Unless the MMO otherwise directs, the undertaker must paint the remainder of the structures grey (colour code RAL 7035).*

Separate provision

1) *No part of the [authorised] project may commence until the MMO in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the project, adequately addressed all MCA recommendations as appropriate to the authorised project contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes.*

Post-construction plans and documents

1) *The undertaker must conduct a swath bathymetric survey to IHO Order 1a of the installed export cable route and provide the data and survey report(s) to the MCA and UKHO. The MMO should be notified once this has been done, with a copy of the Reports of Survey also sent to the MMO.*

2) *On Post Decommissioning, the undertaker must conduct a swath bathymetric survey to IHO Order 1a of the cable route and the area extending to 500m from the installed generating assets area, and provide the data and survey report(s) to the MCA and UKHO [Decommissioning is not consented at this stage so this can't be included in DCO DML.]*

This should fulfil the requirements of MGN 543 and its supporting 'Post Construction Hydrographic Guidelines for Offshore Developers, which includes the requirement for the full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications.



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