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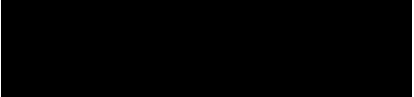
Dear Sir or Madam

**Planning Act 2008: Proposed Thanet Extension Offshore Wind Farm
Summary of Relevant Representation.**

The Marine Management Organisation (MMO) received a Rule 8 letter on 18 December 2018 for the proposed Thanet Extension Offshore Wind Farm (Ref EN010084). In its Rule 8 letter, the Planning Inspectorate (PINS) requested that interested parties submit a summary of Relevant Representations not exceeding 1500 words. Please find the MMO's summary below.

This 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 sincerely,


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1. Summary of the MMO's Relevant Representation

Summary of Issues raised in the Development Consent Order and Deemed Marine Licence (DML)

This document provides a summary reflecting the MMO's position in the Relevant Representation submitted to the Examining Authority (ExA) on 12 September 2018.

Arbitration

1.1 The DCO for Thanet Extension included a Schedule (Schedule 9) detailing the process for arbitration, which was supported by Article 36 and several conditions throughout the DCO/DMLs, which could apply to 'differences' between the regulator and the undertaker in respect of the DMLs. It was the MMO's opinion that 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 requests that this provision should be removed from the DCO.

Interpretation of 'commence'

1.2 The MMO considers that offshore preparation works should be included in the interpretation of 'commence'. Exclusion of these works from the definition of 'commence' could allow the developer to undertake sandwave levelling, boulder relocation and other activities prior to the agreement of any required mitigation, sufficient consideration and consultation upon construction methods and monitoring plans and prior to the requirement to perform any necessary pre-construction monitoring surveys.

Timescales

1.3 Both DMLs set out the requirement for all pre-construction documentation and plans to be submitted for approval 4 months prior to the commencement of any licensed activity. The MMO considers that a timeframe of 6 months would be more appropriate and achievable to address such issues through consultation prior to their approval. The MMO also recommended removal of the requirement that any failure to provide a decision in time may lead for the matter to be referred to arbitration (See item 1.1)

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 errors should be addressed.

1.5 The MMO also recommended that figures for maximum sandwave levelling and boulder clearance should be included in the DCO/DMLs.

1.6 The MMO recommended that a condition is included to restrict the maximum hammer energy to 5,000 kilojoules (kJ).

Summary of Issues raised in the Environmental Statement

1.7 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
- Plans (Outline Operations and Maintenance Plan; Fisheries Liaison and Co-Existence Plan)

In general, further clarification of the statements made in the ES and/or further evidence to support the predictions is required. In particular, concerns around the suitability of the 'Core Reef' Approach, and the impact assessment for spawning herring were raised.

On the outline Operations and Maintenance plan, MMO suggested that activities such as cable repair, cable replacement, additional cable laying, and cable reburial should be marked as amber, as additional submissions are likely to be required to demonstrate that the works are within the parameters assessed in the ES, and confirmation that any additional mitigation is being adhered to, such as the issuing of notices to mariners.

With the exception of the Marine Processes chapter in the ES, discussions remain ongoing to resolve the outstanding issues through the SoCG with the applicant.

In Principle Monitoring plan

The MMO recommended the inclusion of an In-Principle Monitoring Plan, a standalone document which sets out the rationale that underpins the monitoring that will be undertaken during all phases.