

## Vattenfall Wind Power Ltd Thanet Extension Offshore Wind Farm

Annex A to Appendix 11 to Deadline 6
Submission: MMO's tracker of consultation between the parties

Relevant Examination Deadline: 6

Submitted by Vattenfall Wind Power Ltd

Date: May 2019

Revision A

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Approved By:	Daniel Bates
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Revision A	Original document submitted to the Examining Authority

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Representation Number	Subject Issues raised in the Relevant Representation	Applicant's Response	MMO Interim comments	Document Page References MMO comments following deadline 1/2	MMO Comments prior to Deadline 3  Applicant Response post-ISH7/at Deadline 3	eadline MMO comments prior to Telecon 26/3/2019	MMO comment on Telecon 26/03/2019	MMO response following deadline 4, 4b & 4c submissions 11/04/19	MMO response at deadline 5	Resepone at Deadline 5A (comments on dDCO) & Modelling / following publication of ExA's dDCO commentary.	date at telecon on 15 May 2019
MMO-1	1.1 The DCO includes a Schedule (Schedule 9) detailing the process for arbitration, which is supported by Article 36 and several conditions throughout the DCO. The process for arbitration detailed in this DCO proposes that any difference shall be referred to and settled in arbitration in accordance with the rules at Schedule 9 of the DCO. Whilst not referenced in the DMLs, the MMO assumes that the Applicant intends for this provision to also apply to any difference between the regulator and the undertaker in respect of the DMLs. In comparison to previously used articles for arbitration, the process sets out significantly different conditions and timeframes, which the MMO considers are inappropriate, and therefore strongly recommends, should be removed from the DCO.		The MMO does not consider this provision is intended for this purpose. The NMO has discretion, as delegated by Secretary of State to approve or not to approve an application. MMO's position is set out in detail in its deadline 3 submission for the Hornea 3 project: https://intear.cuture.planninginape.cora.e.gov.uk/wp-content/pc/uploads/projects/9N000806/EN010080-001343-Matine-WOManagement/S2007gastal biomago-2200806/S0010800-001343-Matine-WOManagement/S2007gastal biomago-22008/S0010800-001343-Matine-WOManagement/S2007gastal biomago-22008/S0010800-001343-Matine-WOManamian already exists under article 73 of the Marine automation, as prescribed by the Marine Licending (Matines Appeals) A statutory mechanism already exists under article 73 of the Marine automation, as prescribed by the Marine Licending (Matines Appeals) facility. Whist the MMO's position is undergade, it would welcome further deficiation in the instances with "nor determination or non-approval through the conditions" would apply. For example, if a plan is submitted for approval where the methodologies or pradicted impacts are not what were assessed in the ES and requiring further assessment with the submitted of approval where the methodologies or pradicted impacts are not what were assessed in the ES and requiring further assessment with a proposal conditions, and the State of the Sta		1. Applicant provided amended word the DCO which excluded the Secreta State from the process.  2. The Applicant notes (in ENO10084 001256-D3_Appendix13_TEOW_ISH7Oral_Re Appendix 13 to Deadline 3 Submission Written Summary of Vattenfulls (Sora Jut at the Issue Specific Hearing) the the creation of the Planning Act 200 arbitration provision has been included made DCOs, and indeed such a provincluded within the Model Articles (A 42). The need for an Arbitration mee is well recognised as part of the regin established by the 2008 Act, to ensu nationally significant infrastructure pare not subject to delays due to an in between parties.  Regarding the conflict with the dutie obligations of statutory regulators, the Applicant has taken expert legal advithis point from litigation and public I specialists at Wombie Bond Dickinso LLP. In short, there is no known statt basis as to why public law bodies consider they would be fettered in some way subject to some form of arbitration. Arbitration is a agreement to resolve dispute in a certain way and as such, general assertion that statutory bed dispute in a certain way and as such, general assertion that statutory bed dispute in a certain way and as such, general assertion that statutory bed dispute in a certain way and as such, general assertion that statutory bed dispute in a certain way and as such, general assertion that statutory bed dispute in a certain way and as such, general assertion that statutory bed of the points raised by stake the rationale provided previously do explain in sufficient detail as to why indeed the case. The Applicant will negate the specific powers that those bodies to seek to resolve this and up Examining Authority accordingly.  The Applicant has clarified that the a bodies to seek to resolve this and up Examining Authority accordingly.	evB - on: al Case lat since las, an ided in ision is Article chanism me ure that projects mpasse  es and the ice on law on (UK) utory  that by being	Applicant legal team drafting response to MMO legal response at D3.  MMO concurrently seeking clarification on questions posed by the the applicant (see column I) at D3 with its own legal team in order to provide a response at D4.  Applicant confirmed receipt of MMO D3 responses. DCO/DMI being updated for D4.	MMO position is outlined in its deadline 4 response. In summary: The MMO notes that some amendments have been made to the arbitration provision in article 36. Whilst these amendments are welcome, the current drafting does not make it explicit that the arbitration provisions do not apply to approvals under the DMLs.  The applicant has provided an updated response at deadline 4C: ACTION: MMO to review and respond accordingly at deadline 5.	MMO position unchanged. MMO responses to a number of points raised by the applicant at deadline 4c.  ACTION: MMO understands following ISH9 action 5, the applicant has been requested to research the precedent for arbitration. MMO to provide comment in due course if necessary.  Currently disagreed on the SoCG.	As stated in column M adjacent.  ACTIONS:  - MMO to provide comment on the applicant's advice from Counsel for Deadline 6.  - MMO to provide comment on ExA's dDCO commentary at D6.  - Highlight in SoCG at D6.  - MMO to provide comment on applicant's response to dDCO commentary at D7.  ACTI and according to the comment on applicant and according to the comment of t	olicant advised that HOW3 & Vanguard intained arbitration is appropriate, wever have also referred to other echanisms. Would be amiss of them to not count for what is happening in these cases. By remaintaining arbitration is the primary echanism to resolve any uptes/disagreements under the order, By would also seek to include a deemed proval mechanism and an appeals echanism. I.e. there has to be something in the art older of examination.  TIONS: MMO to reflect on Counsel adviced noting the applicant's comment respond cordingly at D6.
	1.2 The interpretation of 'commence' for both the DCO and DMLs excludes offshore site preparation works. The definition for 'Offshore Site Preparation Works' specifically.	The DCO process has moved forward by some measure since its inception and it is important to ensure the provisions that exist to govern it actually work and will be adopted by the parties subject to any development consent order.  The proposed arbitration provision is the only mechanism to resolve disputes within the dMLs and therefore it is an important inclusion in order to provide fair, impartial and final award on substantive difference between parties.  The Applicant agrees entirely with the MMO that arbitration should not be the first point of call when a difference of opinion is encountered. The proposed arbitration provision does not contradict this approach. The arbitration process would only begin in the event of non-determination or non-approval through the conditions set out in the dML. The MMO would therefore have a minimum of four months to consider their position on the matter and would have already undertaken consultation with their technical and legal advisors and other consultes. It is extremely likely that further discussions would continue following the end of the determination period set out in the dML and would include discussions on the potential for using the arbitration provisions. The MMO and their advisors would have a significant amount of time to consider the issues that could ultimately be presented at arbitration and to reach a conclusion on their position. The 14 day period is therefore appropriate; it allows for this laready known information to be collated and avoids further delay Allowing six weeks for further consultation would negate the purpose of the arbitration provisions in seeking a conclusion in a reasonable timeframe following a lengthy but ultimately unsuccessful process to discharge a condition under the dML.  The Applicant notes the MMO's comment regarding the allocation of costs. The Applicant does not agree that the provision contradicts with the principle of the 'Polluter Pays', which is an entirely separate compliance regime relating, as it does, to the effects	s.	"Seabed preparation and clearance" has been removed. "Pre-commencement work	will either be agreed upon by the par by the Centre for Effective Dispute Resolution. The option to refer the appointment of the arbitrator to the Secretary of State has been removed because the Secretary of State could directly affected by, or in some way a interested party to, the difference wheing arbitrated. In this scenario, it is not be appropriate for the SoS to apparbitrator.  The Applicant has also clarified that is period will be calculated from the dathe Arbitrator notifies the parties in of their acceptance, whether they are appointed by agreement between the or by the Centre for Effective Dispute Resolution.  The Applicant has amended the precommencement conditions through DMLs in the dDCO submitted at Dead	d. This is d be an which is would opoint an	MMO advised that given there's been an additional pre			Interpretation of commence – The provisions for precommencement activities (i.e. seabed preparation) are at	
MMO-2	works and their potential impacts on marine protected areas	The Applicant notes the representation and is content to include wording within the DMLs to require seabed preparation works to be included in a plan to the submitted for approval by the MMO within the revised order before any phase or phases of the licensed works commence, which will be amended within the draft Order (as provided in Appendix X of this response) for Deadline 1. To be clear, it will be proposed that this plan is submitted as part of the "precommencement" works as defined within the draft Order.  The Applicant notes the MMO's comment regarding UXO clearance and refers the MMO to the Applicant's response to MMO-45	Re e Acknowledged, MMO will review and consider the revised wording proposed in the next iteration of the draft DCO	Definitions- p89  Condition 20- Seabed prepand clearance and clearance  Condition 20- Seabed prepand clearance  Condition 20- Seabed prepand clearance  Condition 20- Seabed prepand clearance  Current drafting does not adequately secutive necessary pre-construction documentation/monitoring that needs to approved before these activities commence. g. disposal plans, NtMs, bathy surveys/Annex 1 etc?  No timescales appear to be conditions for submission and approval of documents associated with the pre-commencement activities	seen as follows:  Seabed preparation and clearance Pre-commencement works relating to seabed preparation and clearance metake place in accordance with a methemore wording captures all activities that will occur. To review at Deadline 3.  To review at Deadline 3.  (a) has been properly informed by an necessary surveys as are required; and (b) has been submitted to and approtent the MMO accompanied by all relevant documentation that may be required (c) which has regard to the Biogenic Mitigation Plan and the offshore archaeological draft written scheme investigation (which are the plans as in accordance with article 35).	Seabed preparation and clearance is still included in the definition of commence.  Applicant proposed inclusion as separate commencement activity, condition for document approvals and mitigation are currently sufficient for post-consent. The documents required to be submitted pring the undertaking of these works need to clearly defined in Schedule 11, Part 4, Condition 20(b) and Schedule 12, Part 4, Condition 20(b). Mitigation for other sea users must also apply to seabed levelling activities	be submitted in respect of the current condition of precommence needs to be clearly outlined as per the other conditions.  In addition notifications etc. all tie into the defintiion of commence and don't tie into pre-commencement activities. The DCO is getting cumbersome in order to secure this however should be amended to ensure pre-commencement activities are covered.  Applicant raised the point around uncertaintly of what documents will be needed at the time and therefore which to state on the DCO. MMO raised that certain documents will always be necessary, e.g. disposal plan (with respect to seabed preparation). Agreed that MMO will mark up the DCO and provide specific comments as necessary.		Ongoing - The provisions for pre-commencement activities (seabed preparation) are at present not sufficient and therefore, as currently drafted, the MMO considers that seabed preparation activities should be included in the definition of commence. The definition of pre-commencement activities and how they are secured on the DML remains und discussion through the SoCG. The MMO has engaged direct with the applicant to highlight those conditions currently on linked to the definition of commence which also need to applicate to pre-commencement activities. The MMO awaits clarification on how this will be reflected on the DML.  ACTION: Review RevF of the DCO for changes	present not sufficient and therefore, as currently drafted, the MMO considers that seabed preparation activities should be included in the definition of commence. The definition of precommencement activities and how they are secured on the DML remains under discussion through the SoCG. The MMO has engaged directly with the applicant to highlight those conditions currently only linked to the definition of commence which also need to apply to pre-commencement activities. The MMO notes this remained unchanged in the current revision of the dDCO and awaits clarification on how this will be reflected on the DML.  ACTION:  - to discuss w/applicant (nb: currently disagreed); - provide response to ExA dDCO commentary; - review applicant's response to ExA dDCO commentary at D6 reflect in SocG at D6.	oplicant confirmed rationale for splitting at pre-commencement activites and asured that drafting in the next iteration of e dDCO would secure the necessary offications, inspections and approvals for abed clearance as would be required if it ere included under the definition of ommence'.  CTION:  eview next iteration of dDCO comment at D6 aise in SoCG
MMO-3	submission to allow for sufficient stakeholder consultation and comment to be provided. (Please also see comment 1.59 in regards to recommended timescales to agree survey plans). The MMO also requests the removal of the requirement that any failure to provide a decision in time	The DMLs do not contain a timescale requiring of 8 weeks following receipt of all pre, during and post construction documentation. The Applicant suggests that this must be a misreading on the MMO's part. The DMLs require each programme, statement, plan or scheme requiring MMO approval to be submitted for approval at least four months prior to the commencement of the licensed activities (Schedule 11, Part 4 (14) and Schedule 12, Part 4 (12)).  The Applicant maintains that the four month time frame conditioned within the DMLs is appropriate and proportionate to allow the MMO sufficient time for stakeholder consultation and the provision of comments, whilst ensuring no unnecessary delay to the commencement of development. This time period is contained on a number of other offshore wind farm DCOs and is established as an appropriate time frame and one that ensures the expedient discharge of the necessary conditions attached to the DML.	process can be very time consuming, and the proposed four month submission time does not account for the additional time needed for the applicant to update and resubmit any documentation. Please see MMO response re: 6-months in MMO-01. 01/02/19 - remains outstanding	Interim comments	MMO investigating whether some documents can have 6 months and others 4 months.	MMO currently discussing internally	Remains under discussion as stated adjacent.	ACTION: MMO has produced case-specific timescales for documents and is currently consulting as to their appropriateness - to update in due course.  Update at deadline 4c: Applicant notes they await response and reaffirms they don't agree with any documents being longer than 4-months.	Timescales for approval of pre-construction plans and documentation – At deadline 4 the MMO commented that was in consultation regarding a case-specific approach regarding approval periods for pre-construction plans and documentation. Discussion remains ongoing through the So on this matter. Following recent developments on other OV cases progressing through Examination the MMO is considering its position and will provide a suggested approach in due course.  ACTION: to update applicant in due course	the MMO.	agree in SoCG - applicant considers 4 nths w/written approval to dictate erwise.
MMO-4	1.4 The volumes and figures presented in the DCO are not always represented within the ES project description. On numerous occasions, the total figures for cable protection, scour protection and disposal volumes do not match across the ES, the DMLs and Schedule 1 of the DCO. The MMO requests that these volumes and figures for maximum parameters are provided in a clear table to allow for accurate consideration of the potential impacts of these elements of the proposed development, and requests that this level of clarity is reflected in the maximum parameters set out in the DMLs. Please see paragraphs 1.19, 1.20 and 1.59 for further detail.	A tabulated clarification note is included as Appendix X to this representation which provides detail of all assessed parameters. The Applicant notes the representation and will produce a table clearly referencing the maximum scour protection volumes and disposal volumes with the documents submitted for Deadline 1. The Applicant is content to provide the volumes and figures for maximum parameters on the face of the DMLs in the revised draft Order submitted for Deadline 1.	Noted, MMO to consider when submitted 01/02/19 - Volume for sandwave modelling is included in clarification note, though footprint appears to not be mentioned.	Maximum Scour protection added. Volum for sandwave levelling is included in clarification note, though footprint is not mentioned. Raised in Deadline 2 submission that max footprints not stated. MMO provided comment on rev B of of DML that max. footprints should be captured on the DML p.35 p.40 (clarification mote) [Need footprint]  [Need footprint]  [ExAQ 1.11.3.  [ExAQ 1.11.3.  [In a will provide clarity of what is permitted and will assist in ensuring compliance with the maximum footprints permitted. For benthic impacts the area of impact is a key parameter and should therefore it is appropriate to define the maximum area of impact to ensure it is not exceeded. This applies to activities such as sandwave levelling/pre-sweeping, & installation of scour protection/cable protection.  Total value of inert material changed—	As stated adjacent. To review Annex A + B at Deadline 3. MMO to reflect on case for certified documents  of	> A footprint value for sandwave levellin appears to be missing and has not been provided in the Clarficiation Note issued Deadline 1 or in D3_Appendix1_AnnexA_TEOW_PDTransion_RevB proviced at Deadline 3.  > The MMO maintain maximum parame should be on DMLs- see MMO deadline submission  > The MMO are considering the approach proposed about including the ES as a certified document, and will aim to province propose for DL 4.	GoBe (on behalf of the applicant) to double check on value for Sandwave levelling and provide clarification/signposting.  NB: GoBe confirm the 'PD transcription_RevB' document issued at Deadline 3 will be included in the explantory memorandum as well if consented.  MMO to submit a response at D4 outlining comments on certified documents.	Total <b>volume</b> for sandwave clearance has been provided in Table 14.4 for the Offshore Export Cable Corridor (OECC) and Array in the following document: 'Sand Wave Clearance, Dredging and Drill Arising: Disposal Site Characterisation - Document Ref 8.14 (Rev B)'  This value needs to be included on the DML given the MMO current position outlined at deadline 4 that the DMLs are 'standalone' documents and therefore certified documents can't be relied upon.  Total <b>area</b> for sand wave clearance is provided in D4C_Appendix4_TEOW_PDAudit_RevC on pages 7 & 14 respectively. The total value needs to be included on the DML.	<ul> <li>the number of cable crossings,</li> <li>maximum disposal volume/footprint for sandwave levelling and maximum hammer energy.</li> <li>This is to ensure the maximum impacts remain within those assessed and approved.</li> </ul>	MMO response at deadline 5A summarises the parameters to be included on the DMLs, in summary:  - Maximum permitted cable protection footprint - Maximum permitted scour protection footprint - Maximum number of cable crossings - Hammer Energy  MMO's position is that certification of the ES is not appropriate for reasons expanded on at deadline 5A. MMO therefore believe the maximum parameters as defined in the ES should be transferred onto the DML.  ACTIONS: - to discuss w/applicant to comment on applicant's response on dDCO commentary at D7 highlight in SoCG at D6.	oplicant agreed to provide these trameters on the face of the DMLs  CTIONS: Review next iteration of dDCO tomment at D6 to aise in SoCG
MMO-5	DCO  1.5 The MMO recommends that figures for maximum sandwave levelling and boulder clearance should be included in the DCO/DMLs to ensure that the limits permitted under the DML are clearly defined and adhered to. For sandwave levelling this should include both the maximum footprint and maximum volume.  1.7 Part 1(2) (page 6) "commence" and offshore site preparation works. Interpretation of 'commence' and 'offshore site preparation works'. The MMO does not agree with the definition of commence which currently excludes seabed preparation and clearance. This interpretation implies that offshore site preparations works such as UXO clearance, pre- grapnel runs or sand wave levelling can be undertaken without being subject to any notifications and inspections (condition 6), aids to navigation (condition 7), or pre- construction plans, documentation or surveys (conditions 12-15). Offshore site preparation works have been identified in the ES as having the potential to cause significant impacts on the marine environment. The MMO therefore considers that offshore site preparation works should be included within the definition of commence, in order to ensure that the works cannot be undertaken until the pre-construction documentation for those activities has been approved by the MMO and all pre-construction monitoring has been undertaken (where relevant). The MMO considers that pre-construction surveys and monitoring activities should be the only activities that can be excluded from the interpretation of 'commencement'. This 1.8 Article 5(1) and 5(13) (page 10) Benefit of the Order. The MMO notes that the DMLs cannot be split and will be transferred in whole and that any obligation regarding the transferred in whole and that any obligation regarding the transferred in whole and that any obligation regarding the transferred in whole and that any obligation regarding the transferred in whole and that any obligation regarding the transferred in whole and that any obligation regarding the transferred in whole and that any	A tabulated clarification note identifying all assessed parameters will be drafted and submitted for Deadline 1.  See the Applicant's response to MMO-02.	Noted, MMO to consider when this is submitted 01/02/19 - Total value of inert material changed – though max footprint and max volume don't appear to be mentioned.  Deal with under MMO-02	though max footprint and max volume do	n't   See MMO-4	See MMO-2  See MMO-2	See MMO-2  See MMO-2				
MMO-7	transferred in whole, and that any obligation regarding the DML is not discharged when the licence is transferred or leased for anything that occurred before that transfer. As referenced within Section 1 of the DML, the undertaker of the current DCO means "Vattenfall Wind Power Limited". Should the benefit of the order be transferred, it is the responsibility of the undertaker to ensure that all details on the DML are accurate. It is the undertaker's responsibility to ensure that for monitoring and enforcement purposes, the DML reflects a new undertaker if the benefit of the order is transferred. Where a benefit of the order is transferred, the undertaker must formally notify the MMO to submit a variation to request such a change. The undertaker must provide written notification to Secretary of State, the MMO and the relevant planning authority at least 14 days prior to transferring or granting any benefit. The MMO notes that article 5 has included reference to arbitration under article 36. Where the SoS is minded to refuse any application or fails to determine an application within 8 weeks of receipt then the Undertaker may refer the matter for determination	The Applicant notes the representation and is aware of the obligations on the undertaker should the benefit of the order be transferred. Article 5 of the DCI sets out these obligations.  The Applicant notes the MMO's comments regarding the arbitration process and refers the MMO to the Applicant's response to MMO-01.	close off benefit of the order, arbitration being dealt with under MMO-01								

Representation Number	Subject Issues raised in the Relevant Representation	Applicant's Response	MMO Interim comments	Document Page References	MMO comments following deadline 1/2 MMO Comments prior to Deadline 3  Applicant Response post-ISH7/at Dead 3	MMO comments prior to Telecon 26/3/2019  MMO comment on Telecon 26/03/2019	MMO response following deadline 4, 4b & 4c submissions 11/04/19  MMO response at deadline 5	Resepone at Deadline 5A (comments on dDCO) & Modelling / following publication of ExA's dDCO commentary.	Update at telecon on 15 May 2019
MMO-8	DCO/DML  1.9 Part 6, 29 (page 24) Operations. The MMO request that the permitted timeframe for the operational phase the generation station is referenced here. See also community and 1.29 and 1.38.	of lenvironmental statement primarily to make clear that all tonic chapters have undertaken their assessment assuming that any operational impacts would	For any impacts assessed as reversible a lime limit should be captured, as the 'recoverability' would be based on an impact on a set amount time. Additionally, the impacts for O&M were assessed based on a certain number of activities, over a certain amount of time; as such a cleatine frame over which these activities are permitted to occur is required in order to MMO can monitor compliance. 01/02/19 – no timeframe added for operational life	lear n 24	Applicant's comments are noted in respect of the assessment. However it's note quite clear how the assessment will be considered in regards to any decisions made in regards to lease extensions/repowering, however assume that this will be reviewed at that time?	Resolved - applicant confirmed re- assessment would be required beyond 30 years and this would be reviewed at the time of the lease end.			
MMO-9	1.10 Article 36 (page 27) — Arbitration. Article 36 proportion that any difference shall be referred to and settled in arbitration in accordance with the rules at Schedule 9 of DCO. In comparison to previously used articles for arbitration, Article 36 sets out significantly different conditions and timeframes, which the MMO does not consider to be appropriate. The MMO therefore recommends this article be removed from the DCO and DMLs. The Applicant's reasoning for departing from the model provision and for including the extended clause is it agrees with the approach on the draft Hornsea Three Offshore Wind Farm Order in that "this approach will provide greater certainty to all parties involved in the process and is preferential to the approach adopted in t model provisions". It is the MMO's opinion that the progoes beyond providing greater certainty. Arbitration provisions tend to follow model clauses and be confined disputes between the Applicant/beneficiary of the DCO third parties e.g. in relation to rights of entry or rights to install/maintain apparatus. The MMO does not consider	that that See the Applicant's response to MMO-01.  The posal to and the posal that the posal tha	See MMO's response to the applicant in MMO-01. 01/02/19 – no changes made	p.26	Dealt with under MMO-01	See MMO-1  Dealing with under MMO-1.			
MMO-10	that it was intended to apply such provisions to disagreements between the undertaker and the regulator 1.11 Article 38 (page 27) – Abatement of works		Noted- MMO to review next draft DCO	n 27	Work. No. 2 has been added included MMO				
MMO-11	1.12 Part 1, 1(d) - Work number 1 (d) and Works 3. W No 1 and Works No. 3 note the inclusion of one or more cable crossings. The maximum number of crossings is no mentioned in Schedule 1 Part 3 requirements. The ES project description Table 1.10 and Table 1.17 states 9 ca crossings for the inter array cables and 20 for export cab However, the maximum number of crossings is not mentioned in Schedule 1 Part 3 requirements. The maximum number of cable crossings assessed in the ES represents maximum number of crossings that are permitted. The maximum parameters should therefore be clearly define the DCO and, accordingly, in both DMLs.	t deble siles. A tabulated clarification note identifying all assessed parameters is provided at Appendix X to deadline 1.	Noted- MMO to review appendix X when available 01/02/19 – maximum number of cable crossings has not been added to Schedule 1 p 3, though note they are included in the clarification note.	p.29 p.11 clarification note p.16 clarification note.	Content with amendment  Maximum number of cable crossings has not been added to Schedule 1 Part 3, as requested. They are cited in the clarification note, as below:  Number of (inter-array) cable crossing cited as 12.  Number of crossings for export cables cited as 20.  MMO to review updated clarification note at Deadline 3  The number of cable crossings should be limited to the maximums set out in the ES and clearly defined on the DML. It's recognised that the maximum volume for cable protection is provided in the proejct description, have reversal extent is not	> Maximum number of Cable crossings should be defined on the DML.  As with MMO-4, MMO to confirm legal position in respect of certified documents.			
MMO-12	1.13 Part 1, 1 (page 29) – authorised development. Wo No. 1 and Works No. 3 note the inclusion of 'one or mor cable crossings. The maximum number of crossings is not mentioned in Schedule 1 Part 3 requirements. The ES project description Table 1.10 and Table 1.17 assessed 9 cable crossings for the inter array cables and 20 for expectables. The maximum number of cable crossings should clearly defined on the DCO as this sets out the maximum number of crossings permitted for the development. This also applies to part 3 of Schedules 11 and 12.  1.14 Part 1, 1, Further Works (b) (page 31). The cable protection measures include "with or without the use of	t  A tabulated clarification note identifying all assessed parameters is provided at Appendix X to deadline 1.  be  s  The second secon	Noted- MMO to review appendix X when available 01/02/19 – Maximum number of cable crossings not defined on DML.	p29	As above – maximum no. of cable crossings has not been defined on DML. See MMO-11  MMO to review updated clarification note at Deadline 3	> See MMO-11 > See MMO-11			
MMO-13	frond devices". The ES project description for the frond mattress describes "continuous lines of overlapping polypropylene fronds (Chapter 1, paragraph 1.4.54). The MMO considers the use of polypropylene fronds should avoided where possible due to potential degradation an release of plastic into the marine environment. This also applies to part 3 of Schedules 11 and 12.  1.15 Part 1 Further Works (c) (page 31) - Disposal	Following discussion with the MMO on 8 <sup>th</sup> -October 2018 it is understood that this relevant representation does not represent the current position of the be discussion with the MMO and that frond mattressing may be used where appropriate. As such, no changes are proposed to the draft Order.	Whilst MMO is not encouraging unnecessary release of plastic into the marine environment, it is acknowledged MMO must consider the vimpacts, having regard to the need to protect human health, the need to protect the environment, and the need to protect interference will legitimate uses of the sea.			>MMO previously requested that the			
MMO-14	volumes. The DCO states "In connection with Work Nos. 3 and above the MLWS to Work No. 3A and 3B to the exthat they do not otherwise form part of any such work, "further associated development comprising" states the maximum disposal volume as 1,728,000 cubic metres. Total appears to match the totals for the worst case scent reported within the disposal site characterisation report.  Total disposal volumes stated on the DMLs are 1,430,317.3m <sup>3</sup> (generation assets) and 1,449,600m <sup>3</sup> for Schedule 12 (transmission assets). When added together	tent ne his nario .	Noted- MMO to review appendix X when available 01/02/19 – Disposal volumes updated however split into material is not detailed on the DMLs or clarification note. This is required for OSPAR returns. To pick up on call with Cefas.	p.33 (total disposal value) p.96 (schedule 11 values)	Maximum drill arising is provided for each   Gobe to address the adjacent issues in   No further response	maximum disposal volumes for each activity are clearly defined on the DML and that disposal volumes need to be split into licensed quantities for each type of material e.g. drill arisings, boulders, sand etc. to clearly define the maximum amount of each type of disposal material to that which is permitted. Disposal volumes don't appear to have been split into material types and do not feature in the DML or clarification note - MMO seeks clarification on where this	TH153 - TEOW Disposal Site 1 (the most offshore site) TH154 - TEOW Disposal Site 2 (located at the inner side of the array)  Position remains at stated in column L.	Resolved: the requested information was added	
	total is 2,879.917.3m³ which is significantly more than to maximum amount stated in the DCO. See below for breakdown.  The MMO queries whether the array cables will require seabed preparation works as the ES project description array cable installation is similar to that of the export calculated where disposal of 1,440,000m³ is required. The MMO second clarification on the actual disposal quantities required at where these were derived from in the ES.  The MMO requests that the maximum disposal volume of the maximum disposal volume of the part 1, 1 (i) (page 31) Further Works. The MMO	any for coles, eks and the coles of the cole		p.111 (schedule 12 values)	DML in the clarification note Maximum distance sediment for cable installation is provided, but not broken down into substrate  Maximum volumes for each activity still not included on DML. MMO requests clarity from developer on where/how this will be presented  Point does not appear to have been amended as advised in applicant's RR	information will be presented  > Disturbance sediment for cable installation has been provided in the clarification note, but has not been broken down into substrate.  > Maximum volumes for each activity are still not included on DML.  Applicant confirmed now moving from 4 disposal sites to three.  Action: MMO to go back to Cefas re: new shape files for disposal code.	ACTION: Applicant to now include site references and respective disposal volumes for each site on the face of the DMLs.  ACTION: Review RevF of the DCO for changes  ACTION: Review RevF of the DCO for changes		
MMO-15	rivers, streams or watercourses only includes works that located above the level of mean high water springs (MH)  1.17 Part 3, 3(1) (page 34) requirements The requirements that the maximum number of Floating Lidar Devices	are Ws).  hent es			response – no addition of MHWS, however applicant's explanation is noted. Potentially closed out subject to clarification on whether wording is still to be revised.  GoBe to update.  Wave buoy addedMMO content with	MMO is content with the additional wording that has been added in DCO rev C- can be closed out (p.35 DCO RevC)			
MMO-16	one FLD and one wave buoy. The wave buoy should also included within the requirement.  1.18 Part 3, 2(1)(b) (page 34) requirements. The draft		ine 1. Noted-MMO to review updated wording when available	Part 3, 3(1) (page 34)	amendment				
MMO-17	references a maximum hub height of 140 metres to the height of the centreline of the generator shaft forming positive of the hub when measured from HAT. However, ES projection does not detail the maximum hub height.	art ect  A tabulated clarification note identifying all assessed parameters is provided at Appendix X to deadline 1.  Met  ests	Noted- MMO to review appendix X when available 01/02/19 -		Reference to 140m maximum height not mentioned in the clarification note. Can applicant signpost to where the hub height was assessed?  MMO to review updated clarification note at Deadline 3	> No reference made in the updated PDTranscription_RevB of the hub height - The MMO requests signposting on where the WTG height of 140m is stated and assessed. MMO still awaits this clarification  Resolved - applicant confirms it has been assessed and signposted to Chapter 12: Seascape, Landscape and Visual Impact Assessment- Table 12.12.			
MMO-18	parameters. This requirement details the length of cable and the volume of cable protection. The impact assessed the ES (e.g. Chapter 5 Table 5.10: Maximum design scen assessed) includes both the footprint area of impact. Bo the maximum volumes and area of impact should be clearly defined on the DCO and DMLs in order to ensure impacts remain within the worst case scenario assessed Additionally, the ES project description only clearly define the maximum area of cable protection for the export an inter array cables, but does not define the maximum volume. For cable crossings a cable protection volume p	d in ario the ethe es d	Noted- MMO to review appendix X when available 01/02/19		Updates in the clarification note are noted, however maximum volumes and footprint should appear on the DML Cable protection installation per cable for inter-array cable crossings appears to be missing. The maximum cable protection volume for export cables (145,000) matches the clarification note, however the maximum MMO to review clarification note at Deadline	> MMO requires maximum area of impact for cable protection to be defined on DMLs.  > MMO previously stated that Cable protection maximum qauntities for interarray cable crossings was missing from the clarification note provided at Deadline 1 and expected this to be addresssed at deadline 3. This does not appear to have been provided in the PDTranscription RevB document.  [Dealing with under MMO-4] - see latest position adjacent.			
	crossing is provided, which allows the total volume for comprotection at cable crossings to be calculated. However, array and export cable installation these figures are not evident. This makes it difficult to be certain the correct figures are included within the DCO. Figures in project Eddescription: Table 1.9 array cables 80,000m2. Table 1.10 array cables cable crossings 12 x 1000m² Table 1.16 exp cables 210,000m². Table 1.17 export cables cable crossi 20 x 1000m². Figures on DCO: Array cables 92,000m³. Examples 145,000m³. Clarity on how these figures were	able for S.		n 37	not. NB: 92,000 is however referenced in other areas of the appendix.  MMO requests that the applicant provides clarity on how these figures were derived, and the maximum quantities that are permitted is not present on the DCO/DMLs.	MMO still requests this information.  [Dealing with under MMO-4]  > Cable protection volume for inter-array has been amended from 92,000 to 34,750 on the DML, this matches the PDTranscription_RevB document.			
MMO-19	parameters. Scour protection is given as a total volume the entire project (1,112,647m³). The ES project descriptable 1.7, pages 1-16 details a maximum volume of 1,112,647m³ for WTGs which matches the volume state the DCO. However, tables 1.12 and 1.13 in the ES project description give the maximum footprint of the scour protection area for the offshore substation as 7,854m², would be in addition to the scour protection stated for two WTG. Clarification is required on the maximum volume of scour protection protection that is permitted for the offshore substation. The maximum volume and footprint of scour protection permitted for each activity should then be cleated as the DCO/DMLs, in order to ensure scour protection is installed within the predicted maximum	tor, do on t this he of The Applicant notes the representation and a tabulated clarification note identifying all assessed parameters is provided at Appendix X to deadline 1.	Noted- MMO to review appendix X when available 01/02/19 - The maximum volume of scour protection permitted for each activity is clear defined on the DCO/DMLs, as requested. However footprint is only provided in the clarification note.	p.36 early p.26 (clarification note)	The maximum scour protection for the OSS & the WTGs has been listed on the DMLs and matches the total figure on the DCO.  The maximum volume of scour protection permitted for each activity is clearly defined on the DCO/DMLs, as requested. However footprint is not. Footprint is provided in the clarification note, represented as area.  Table 3 (scour protection area) and Table 4 (scour protection volume) details considerations for the met mast, as requested by MMO, noting they are based on assumptions made for the WTGs.	> MMO requires that footprint for scour protection provided on the DMLs. MMO position unchanged - Dealing with under MMO-4			
	parameters assessed in ES. Recent experience related to construction of an offshore windfarm has highlighted an issue that a developer had adhered to only volumes on the licence. This led to an impact that was several times the assessed (but within the volume assessed). Therefore, the use of volume alone is no longer considered appropriate. This also applies to figures given within Schedules 11 and 1.21 General comment. Notwithstanding the MMO's position set out in comments 1.10 above, in the MMO's opinion, arbitration should be a measure of last resort, following open discussions and debates between the regulator, developer and relevant stakeholders. Schedules 1.1.	he area ne			MMO considers the maximum footprint for scour protection is a key parameter for the assessment of impacts to benthic receptors, and therfore should be limited to the extents assessed in the ES and clearly defined on the DML.	[Dealing with under MMO-4] - see latest position adjacent.			
MMO-20	regulator, developer and relevant stakeholders. Schedul implies that arbitration will be the first point of call show any difference in opinion be encountered. The MMO considers the DCO approval process should allow for the DCO Secretary of State to refuse an arbitration request due to other issue resolution options being available. The MMO therefore considers that the proposal for an independer arbitration process should be removed, together with the subsidiary conditions proposed in the draft DCO. Curren procedures in place to resolve disputes have been proved be effective in taking account of relevant stakeholder perspectives to enable appropriate consideration of the views in line with existing legislation (see Paragraph 1.10 1.22 Provision 3 (page 83) – Timelines. The timeline with existing legislation is the timeline with existing legislation.	Please see Applicant's response to MMO-1.  thin  thin	Please see MMO's response to the applicant in MMO-01. 01/02/19 – No changes made, issue remains outstanding	p.83	Relates to arbitration – no changes made as per main arbitration issue above. Dealing with under MMO-01  With under MMO-01  Dealing with under MMO-01	Dealing with under MMO-01			
MMO-21	this provision would require the MMO to undertake consultation with its consultees and produce reports with 14 days of notice. The MMO considers the time period proposed to be insufficient to allow for appropriate consultation and any necessary legislative assessments which may arise from the fulfilment of conditions. The proposed 14 day timescale for responses would present unacceptable resource implications for the MMO and its consultees. The MMO generally recommend time scales minimum of 6 weeks. This includes a 4 week consultation period and a 2 week determination period.	Please see Applicant's response to MMO-1.  of a	Please see MMO's response to the applicant in MMO-01. 01/02/19 – No changes made, issue remains outstanding	p.84	Dealing with under MMO-01  Dealing with under MMO-01	Dealing with under MMO-01  Dealing with under MMO-01			

Representation Number	Subject Issues raised in the Relevant Representation Applicant's Response	MMO Interim comments	Document Page Reference	es MMO comments following deadline 1/2	MMO Comments prior to Deadline 3  Applicant	nt Response post-ISH7/at Deadline MMO comments 26/3/2019	prior to Telecon  MMO comment on Telecon 26/03/2019	MMO response following deadline 4, 4b & 4c submissions 11/04/19  MMO response at deadline 5	Resepone at Deadline 5A (comments on dDCO) & Modelling / following publication of ExA's dDCO commentary.	Update at telecon on 15 May 2019
	1.23 Provision 6 (page 85) - Costs. This provision stated that the award of costs will be made by the arbitrator and would be based on the degree of success of the party as stated under provision 6(4). It is the MMO's interpretation									
	that, in the event that any arbitration decision goes against the opinion of the MMO, the MMO may be required to cover any cost for the arbitration process including the costs to the developer and other parties involved. The MMO									
MMO-22	considers that such an approach would directly contradict the 'Polluter Pays' principle which underlines a sustainable approach to environmental consenting. The MMO considers that the costs associated with determining a marine licence Please see Applicant's response to MMO-1.	Please see MMO's response to the applicant in MMO-01. 01/02/19 – No changes made, issue remains outstanding	p.83	Dealing with under MMO-01	Dealing with under MMO-01	Dealing with unde	er MMO-01 Dealing with under MMO-01			
	(or any part of it) including any costs for arbitration should not be borne by the taxpayer, but should be solely borne by the Applicant, unless it is deemed that a party has acted unreasonably or in bad faith. Moreover, such an approach									
	may encourage developers to resolve issues by challenging them through arbitration early in the consideration process, since only limited discussions and expert involvement would be expected to have taken place at this stage. The MMO is									
	concerned that such an approach could hinder MMO's ability to make robust decisions based on best available  1.24 Provision 7 (page 85) – Confidentiality This provision									
MMO-23	states that all matters discussed as part of the arbitration process must remain confidential. As the matters discussed will relate to environmental consenting decisions, the MMO is confident that it would not be able to refuse a request for such information under the Freedom of Information Act or	Please see MMO's response to the applicant in MMO-01. 01/02/19 – No changes made, issue remains outstanding	p.85	Dealing with under MMO-01	Dealing with under MMO-01	Dealing with unde	er MMO-01 Dealing with under MMO-01			
	the Environmental Information Regulations (2004).  Confidentiality clauses for arbitration process discussions  would directly contradict the requirement for transparency in decision making.									
MMO-24	DCO Schedule 11 Deemed Marine Licence – Generation Assets. The comments made below should, where appropriate, be duplicated in Schedule 12 and are to be read  The Applicant notes the representation and has applied the comments below accordingly.	No action required								
	across both DMLs [1.25 to 1.73]									
						1.25 The MMO re a pre-constructio condition requirir	ecommends the inclusion of n plans and documentation ng the submission of a Site allow the consideration of			
MMO-25	DCO/DML Missing? Missing?	Missing?	Asked applicant to clarify		GoBe to check if this is a valid point that was omitted some point previously in error or has been resolved	final project enve	our porpoise based on the lope as defined in the condition when a marked up version of the DCO is sent through.  MMO to flag minor wording clarification in respect of the SIP condition when a marked up version of the DCO is sent through.			
					been resolved	out detailed timin suitable mitigatio condition to be up wording is sugges	through.  Condition when a marked up version of the DCO is sent through.  It is alone and in combination when a marked up version of the DCO is sent through.  It is alone and in combination through.			
						foundations are p	driven or part-driven pile proposed to be used, the			
							on Southern North Sea cSAC			
	1.26 Part 4, 5 (page 95) - Maintenance. The ES project			Applicant response noted-see MMO interim						
	description states that various Operational & Maintenance (O&M) activities are included in the ES. However, for non-cable related activities the impact assessment (Chapter 1, Section 1.6), appears to be limited to the number of jack up	O&M		comments  Worst case lifetime/annual values are presented in the clarification note for O&M activities applicant has clarified that the						
	vessels required over the lifetime of the project. No detail is provided on the total number of licensable activities that have been assessed under each category (e.g. anode replacement / ladder replacement) either in the Project	The deposit into the sea of guano/marine growth forms part of the licensable activities and therefore should be captured, although it recognised that is not possible to quantify the exact volume of the materials to be deposited. However, due to the small scale of the original states are deposited.	deposit	activities are defined by no.vessel trips/spud deployments.  However, note that the activities themselve	d	> MMO has provi	ded suggested changes to	Revised plan (RevB) has clarified which activities are now considered 'amber' (and therefore requiring an additional		
MMO-26	Description or the Operations and Maintenance plan. The MMO requires these amounts to be stated in any standard marine licence application for O&M activities and considers that the maximum number of instances that each discrete that the maximum number of instances that each discrete the MMO requires these amounts to be stated in any standard marine licence application for O&M activities and considers that the maximum number of instances that each discrete the MMO requires these amounts to be stated in any standard marine licence application for O&M activities and considers that the maximum number of instances for each O&M activities must be undertaken in accordance with the Environmental Statement, which assesses long term effects on the basis of a reasonal estimation of the lifetime of the wind farm. The Applicant will need to ensure that any O&M activities reates unnecessary rigidity within the DCO that is not required when the control of the Environmental Statement. Providing a precise number of O&M activities creates unnecessary rigidity within the DCO that is not required when the control of the Environmental Statement. Providing a precise number of O&M activities creates unnecessary rigidity within the DCO that is not required when the control of the Environmental Statement. Providing a precise number of O&M activities creates unnecessary rigidity within the DCO that is not required when the control of the Environmental Statement. Providing a precise number of O&M activities creates unnecessary rigidity within the DCO that is not required when the control of the Environmental Statement. Providing a precise number of O&M activities creates unnecessary rigidity within the DCO that is not required when the control of the Environmental Statement.	that will be mixed with seawater, it is considered that such a deposit will quickly dissipate and is not capable of being deposited in sufferovided in en any such that will be mixed with seawater, it is considered that such a deposit will quickly dissipate and is not capable of being deposited in sufferovided in ensure compliance- i.e in the event that a great number of activities were to be undertaken than was predicted.	fficient ne is to  See also applicant response NE-211 in RR	2 TO I	MMO to review and provide more detail	· ·	the applicant via email on update as per MMO previous comments.  Applicant confirms submission of a revised plan for Deadline update as per MMO previous comments.	marine licence if exceeding what is assessed in the ES) and has committed to providing: the duration of the activities and programme of works; locations (where possible) and methodologies with submission of a final plan.		
	O&M activity will be undertaken needs to be defined in DMLs and the O&M plan. In addition, an assessment of expected volumes of material to be deposited in the marine environment from the activities is required (e.g. J-tube, ladder cleaning, and bird waste removal). Please also see	his would		deployments). Could potentially be resolved with some clarification in the O&M plan of the activities vs impact, which can then be validated through the review periods to						
	comments on Outline Operations and Maintenance Plan point 8.1.			ensure compliance with what's been undertaken vs, what was assessed						
	1.27 Part 4 (decommissioning) The MMO recommends the inclusion of decommissioning condition; some suggested wording is provided for consideration;									
MMO-27	a) No decommissioning activities may commence until a plan for the carrying out of the activities has been submitted to and approved in writing by the MMO  b) The plan must be submitted for approval at least six  DECO/DML  The Applicant is content to include the amended wording suggested by the MMO relating to decommissioning in the revised draft Order submitted for approval at least six  Deadline 1.	ted for MMO To review following Deadline 1.	p.105 Condition 22	Wording around decommissioning has been added- MMO content with amendment	n					
	months before the intended start of the decommissioning activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.  c) The plan must be implemented as approved.									
	1.28 Part 4 (Dredge disposal) The MMO recommends the inclusion of the following conditions in relation to disposal									
MMO-28	activities: 'The licence holder must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site (reference to be provided).' To ensure that the disposal sites are closed in line with OSPAR recording Order submitted for Deadline 1.	sed draft  To review following Deadline 1.	p.122 Condition 21	MMO content with amendment						
	requirements.  · 'Any man-made material must be separated from the dredged material and disposed of on land.' to ensure that no man-made material is disposed to sea.									
MMO-29	1.29 Interpretations The lifetime of the project given in the ES project description is 30 years. This is an important metric for the assessment of impacts. The project operation and lifetime should be defined in the interpretation section and environmental statement primarily to make clear that all topic chapters have undertaken their assessment assuming that any operational impact limits the state of the second of th	ts would be 01/02/19 - See MMO response in MMO-08.	p.89	Close of as Dealing with under MMO-08						
	limited to the period assessed in the detailed impact assessment chapters of the ES. See also comment 1.9 and 1.38.  1.30 Part 1, 1 (page 88) "2007 Regulations", "European long term. That period of 30 years is not specifically relied upon as a result. It is not appropriate, nor necessary, to anyway limit time period of the second of the									
MMO-30	DCO/DML Offshore Marine Site and "European Site" This requires updating to the Conservation of Offshore Marine Habitats and Species Regulations 2017.  The Applicant notes and agreed with the representation and the amended wording will be included in the revised draft Order submitted for Dead	dline 1. Noted, To review following Deadline 1.	p.89, p105	MMO content with amendment						
MMO-31	DCO/DML DCO/DML 1.31 Part 1, 1 (page 88) "authorised deposits" This should say "authorised deposits" means the substances and articles specified in Part 2, paragraph 2(3) of this licence.  1.32 Part 1, 1 (page 88) "authorised deposits" This should say "authorised scheme" This should 1.32 Part 1, 1 (page 88) "authorised scheme" This should 1.34 Part 1, 1 (page 88) "authorised scheme" This should 1.35 Part 1, 1 (page 88) "authorised scheme" This should 1.36 Part 1, 1 (page 88) "authorised scheme" This should 1.37 Part 1, 1 (page 88) "authorised scheme" This should 1.38 Part 1, 1 (page 88) "authorised scheme" This should 1.39 Part 1, 1 (page 88) "authorised scheme" This should 1.30 Part 1, 1 (page 88) Part 1, 1 (page 88	dline 1. Noted- To review following Deadline 1.	p89	Authorised deposits wording has been amended as requested MMO content with amendment						
	say "authorised scheme" means Work No. 1 and 2 described in Part 2, paragraph 3 of this licence or any part of that work;			Looks like all references to OSS have been						
MMO-32	In addition "authorised scheme" includes Works No. 2 which is for Offshore Substation. The MMO seeks clarity of the intention as to which DML work No. 2 will be built under, and preference is for the construction to be captured on one DML only. The DMLs should act as standalone marine  In addition "authorised scheme" includes Works No. 2 which is for Offshore Substation. The MMO seeks clarity of the intention as to which DML work No. 2 will be built under, and preference is for the construction to be captured on one DML only. The DMLs should act as standalone marine  The Applicant notes the representation and is content to include the Offshore Substation only in the Deemed License for the Export Cable System wording in the generation DML will be amended appropriately to remove all reference to the construction of the Offshore Substation in the revision of the Offshore Substation on the offsh	m. The sed draft MMO welcomes this amendment. To review following Deadline 1.	p.89 onwards	removed from Schedule 11 (generation assets) specific removal on p.95 & p.96 Authorised scheme wording has been added Looks like all references to OSS have been						
	licences, and as such, as a minimum; a condition should be included to each DML requiring the undertaker to confirm which DML the substation will be built under, prior to the submission of pre-construction plans/documentation.  Order submitted for Deadline 1.			removed from Schedule 11 (generation assets) specific removal on p.95 & p.96 OSS removed from p.95 Issue closed out						
	<ul> <li>Part 3, 2(3) (page 93) – licensed marine activities</li> <li>Part 4, 3(3) (page 95) - Design parameters – the</li> <li>reference to OSS should be removed</li> </ul>									
MMO-33	1.33 Part 1, 1 (page 88) –"cable protection" "cable protection" includes frond devices. The ES project description for the frond mattress is comprise continuous Following discussion with the MMO on the 8 <sup>th</sup> October 2018 it is noted that this does not represent the current position of the MMO and that from the first of everlapping polygropylene fronds. The MMO does following discussion with the MMO on the 8 <sup>th</sup> October 2018 it is noted that this does not represent the current position of the MMO and that from the first of everlapping polygropylene fronds. The MMO does following discussion with the MMO on the 8 <sup>th</sup> October 2018 it is noted that this does not represent the current position of the MMO and that from the first of everlapping polygropylene fronds. The MMO does followed the first of everlapping polygropylene fronds. The MMO does followed the first of everlapping polygropylene fronds. The MMO does followed the first of everlapping polygropylene fronds. The MMO does followed the first of everlapping polygropylene fronds. The first of everlapping polygropylene fronds are consistent to the first of everlapping polygropylene fronds are consistent to the first of everlapping polygropylene fronds are consistent to the first of everlapping polygropylene fronds are consistent to the first of everlapping polygropylene fronds are consistent to the first of everlapping polygropylene fronds are consistent to the first of everlapping polygropylene fronds are consistent to the first of everlapping polygropylene fronds are consistent to the first of everlapping polygropylene fronds are consistent to the first of everlapping polygropylene fronds are consistent to the first of everlapping polygropylene fronds are consistent to the first of everlapping polygropylene fronds are consistent to the first of everlapping polygropylene fronds are consistent to the first of everlapping polygropylene fronds are consistent to the first of everlapping polygropylene fronds are consistent to the first of everlapping polygropylene fr	See MMO response in MMO-13.	p.101							
	not support the introduction of plastic into the marine environment. This also refers throughout the DML e.g. Part 3, 2 (4)(b) (page 94).  1.34 Part 1, 1 (page 89) "commence" and "pre-									
MMO-34	commencement works" Interpretation of "commence" and "offshore site preparation works". The MMO does not agree with the definition of commence including save for 'seabed preparation and clearance' and considers that pre-  See the Applicant's response to MMO-02.	See MMO's response to the applicant in MMO-02.		Dealing under MMO-02	Dealing with under MMO-02	Dealing with unde	er MMO-02 Dealing with under MMO-2			
	construction surveys and monitoring should be the only licenced works not included in the interpretation of 'commencement' and 'pre- commencement works'. See comments at 1.7.									
MMO-35	DCO/DML  1.35 Part 1, 1 (page 89) "condition" This should read: "condition" means a condition in Part 4 of this licence.  The Applicant notes and agreed with the representation and the amended wording will be included in the revised draft Order submitted for Dead  1.36 Part 1, 1 (page 89) "licensed activities" This should		p89	Wording related to "condition" amended.  MMO content with amendment  Wording related to "licensed activities"						
MMO-36	DCO/DML  1.36 Part 1, 1 (page 89) "licensed activities" This should read: activities specified in Part 2 of this licence.  1.37 Part 1, 1 (page 90) "offshore platform" The MMO notes and agrees with the interpretation of 'Offshore notes and agrees with the interpre	dline 1. Noted- To review following Deadline 1.	p.89	Wording related to "licensed activities" amended. MMO content with amendment						
MMO-37	substation' in Schedule 12 as the detailed description and request this is used across both DMLs for consistency. However as indicated in point 1.32, the MMO seeks clarity of the intention of inclusion of the offshore substation on both DMLs.		p.90	MMO content with amendment						
MMO-38	both DMLs.  1.38 Part 2, 1 (page 92) – licensed marine activities- general The DML should reference the end date or lifespan of the operation/maintenance. See also comment 1.9 and 1.39 above  See the Applicant's response submitted for MMO-29.	01/02/19 - See MMO's response to the applicant in MMO-29.	p.24	Dealing with under MMO-08						
MMO-39	1.29 above.  DCO/DML Part 2, 2 (page 92) – licensed marine activities- general This refers to benefit of the Order and cross references to article 6, this should be corrected to article 5.  The Applicant notes and agrees with the representation and the amended wording will be included in the revised draft Order submitted for Dead	dline 1. Noted- to review at deadline 1	p.95	Has been corrected to article 5. MMO content with amendment						
MMO-40	DCO/DML  1.40 Part 3, 1(a) (page 93)1(a) refers to "the deposit at sea of the substances and articles specified in sub-paragraph (3) below:" The MMO queries whether this is the correct reference.  The Applicant notes the representation and considers that the reference to sub-paragraph 3 is the correct reference. This will be included in the reference.  Order submitted for Deadline 1.	revised draft The MMO queries whether this (Work No. 2) is the correct reference given it refers only to the substation and not to other works that associated with deposit at sea.	p.93 & 94	given reference to paragraph 5 in part 2, which lists the items to be deposited. MMO content.						
	1.41 Part 3, 1(d) and 2(4)(c) (page 93-94)- licensed marine activities Please note the specific disposal site reference number will need to be inserted once the number has been			Potentially occurred to	h. To review following Capacitics	assigned the follo TH154, TH155 an	lated the now four sites and wing references - TH153, d TH156. MMO requests the applicant of the Applicant has revised disposal site from four to three via e-matching the applicant of the Applicant has revised disposal site from four to three via e-matching the applicant of the Applicant has revised disposal site from four to three via e-matching the applicant of the Applicant has revised disposal site from four to three via e-matching the applicant of the Applicant has revised disposal site from four to three via e-matching the applicant of the Applicant has revised disposal site from four to three via e-matching the applicant of the Applicant has revised disposal site from four to three via e-matching the applicant of the Applicant has revised disposal site from four to three via e-matching the applicant of the Applicant has revised disposal site from four to three via e-matching the applicant of the Applicant has revised disposal site from four to three via e-matching the applicant of the Applicant has revised disposal site from four to three via e-matching the applicant of the Applicant has revised disposal site from four to three via e-matching the applicant has revised disposal site from four to three via e-matching the applicant has revised disposal site from four to three via e-matching the applicant has revised disposal site from four to three via e-matching the applicant has revised disposal site from four to three via e-matching the applicant has revised disposal site from four to three via e-matching the applicant has revised disposal site from four to three via e-matching the applicant has revised disposal site from four to three via e-matching the applicant has revised disposal site from four to three via e-matching the applicant has revised disposal site from four to three via e-matching the applicant has revised disposal site from four to three via e-matching the applicant has revised disposal site from four to three via e-matching the applicant has revised disposal site from four to the applica	il		
MMO-41	DCO/DML provided to MMO by Centre for Environment Fisheries and Aquaculture Science (Cefas). In addition please see comment 1.15 regarding clarification required on the disposal quantities and sediment types required.  The Applicant notes the representation and agrees that the specific disposal site reference number will be inserted once it has been provided.  The Applicant notes the representation and agrees that the specific disposal site reference number will be inserted once it has been provided.  The Applicant notes the representation and agrees that the specific disposal site reference number will be inserted once it has been provided.  The Applicant notes the representation and agrees that the specific disposal site reference number will be inserted once it has been provided.	Noted 01/02/19 – NB to be added once confirmed.	[Need to get disposal site number from Cefas in future	e] disposal site ref	h To review following GoBe action on disposal sites	breakdown of vo	Iumes to be disposed of at these can be included on MLs.  MMO to resubmit revised shape files to Cefas for re-issue of three site references.	11.1621100  With under  1/10/10  1/1		

Representation Number	Subject Issues raised in the Relevant Representation	Applicant's Response	MMO Interim comments	Document Page Refer	erences MMO comments following deadline 1/2 MMO Comments prior to Deadline 3  Applicant Response post-ISH7/at Dead 3	dline MMO comments prior to Telecon 26/3/2019 MMO comment on Telecon 26/03/2019	MMO response following deadline 4, 4b & 4c submissions 11/04/19  MMO response at deadline 5	Resepone at Deadline 5A (comments on dDCO) & Modelling / following publication of ExA's dDCO commentary.  Update at telecon on 15 May 2019
MMO-42	1.42 Part 3, 2(1)(d) (page 93) – licensed marine activities It is noted that maximum number of cable crossings permitted under the licence are not included here. As they are licensed activity they should be clearly defined and limited to the		Noted- to review appendix X when available 01/02/19 – note that maximum number of cables crossing is included in the clarification note however they are not on the DML.	e p.94 p.11 & p.16 (clari note)		> As per MMO-11 cable crossing not provided on the DMLs > As per MMO-11 cable crossing not provided on the DMLs		
	maximum number of crossings assessed in the ES.  1.43 Part 3, 2(2)(b) (page 93) — licensed marine activities— The condition should state "up to one meteorological mast—				See comment on MMO-11			
MMO-43	DCO/DML  fixed to the seabed within the area shown on the works planby an associated foundation (namely one or more of the following: monopoles, three legged jackets on either pinpiles or suction caisson anchoring; four legged jackets on pinpiles or suction caisson anchoring and their associated foundations);	The Applicant notes and agrees with the representation and the amended wording will be included in the revised draft Order submitted for Deadline 1.	Noted- To review following Deadline 1.	p.94	MMO content with amendment			
MMO-44	DCO/DML  1.44 Part 3, 2(4)(c) (page94) – licensed marine activities It is not clear how the activities described are different from 1(d) other than it mentions the 'removal and disposal'. As comment 1.15 the DMLs should clearly set out the volumes and sediment types permitted for dredging/disposal under each individual activity	The Applicant potes the representation and a tabulated elevification note identifying all assessed personators is provided at Appendix V to deadling 1	Noted- To review appendix X when available. 01/02/19 - Volume and sediment types for each dredging/disposal activity not added on the DML. Individual material references are not given (see MMO-14)	p.95	Volume and sediment types for each dredging/disposal activity not added on the DML.  Individual material references are not given Clarification needed on where this will be addressed. See comments to MMO-14  To review following GoBe action on disposal sites	> As per MMO-14, disposal volumes not given as yet. > Values for sediment types not provided, whether on the DMLs or elsewhere. > As per MMO-14, disposal volumes not given as yet. > Values for sediment types not provided, whether on the DMLs or elsewhere.		
MMO-45	1.45 Part 3, 2(5)(c)(page 94) – licensed marine activities The MMO queries the need for this condition, as the licensable activities that are permitted under the licence should be clearly stated in the DML. The MMO considers that this provision implies activities such as UXO detonation would be able to be undertaken. The MMO does not consider this appropriate, and considers that UXO activities are not included under the DMLs, and the MMO considers the activities within this provision should be defined more clearly in order that an enforcement officer can be clear what is permitted.	Include the maximum parameters of OXO detonation activities and the necessary conditions to satisfy the OK Marine Noise Registry requirements. The	MMO await to review wording amendments. NB, following a recent upgrade to the Marine Noise registry, there is no longer a requirement of monthly updates, this should now be done on an annual basis. However, any activities spanning a year end must be entered separately. MN conditions standard condition for close out requirements has therefore changed and MMO suggests the wording of condition 18(1)(b) be amended to: "every year by 25 March following the commencement of pile driving, information on the locations and dates of impact pile driving to satisfy the Marine Noise Registry's Close Out requirements" 01/02/19 – as previously stated	P.33	Further review of wording to make it clear activities not permitted as per applicant deadline 1 response as this does not appear to have been amended yet  NB- for marine noise registry see proposed tracked changes to draft DML rev B sent to applicant 13/2/19- condition 18(1)(b). This reflects a change in the system since the latest upgard requiring seperate entries for activities spanning year end  As adjacent	> p.98 & p.116 - wording which excludes undertaking UXO has been added to the DMLs. MMO is content with amendments made in DCO RevC.		
MMO-46	DCO/DML scenario (5,000 kilojoules)(kJ) assessed in the ES. The MMO suggests the following condition wording for consideration:	The draft Order requires the production and submission of a construction method statement (CMS) (Schedule 11, Part 12(1)(c) and Schedule 12, Part 12 (1)(d)), which will include details of the maximum hammer energy. It will also require all construction parameters to be the same as those assessed within the ES. In the Applicant's experience, variations are common where precise figures of this nature are included on the face of the DML. The CMS as required provides a more effective mechanism for the MMO to approve these details at the stage when they can be fully defined.	MMO has received a number of requests to increase the maximum hammer energy, which have all been submitted in advance of formal submission of the construction method statement, in order to have some security in what can be taken forward into the construction method statement. Such requests have required the submission of detailed modelling data and an environmental appraisal in order to consider whether or not the effect is within what was originally assessed. The MMO considers that as a key metric in the ES, capturing any changes to it would be more properly dealt with as a variation request. 01/02/19 – Condition for hammer energy not added as requested. See above.	p.95. ther See also NE's commen RR NE-35	MMO position unchanged. The maximum hammer energy is an important metric in ensuring that impulsive noise is within the maximum that was assessed in the ES (and potentially the HRA). If the proposed hammer energy is to increase, the implication is that underwater noise impacts will increase, and further modelling would e required to demonstrate the scale of this impact. Such a change would most appropriately be dealt with through a variation to the DML.  Furthermore, in discussions that have been requested on other projects post consent, the maximum hammer energy is required to be agreed well in advance of submission of the construction method statement.	t of See MMO-4 re: maximum parameters		
MMO-47	Work No. 1 (inter-array) and Work No. 1 (export cable). The export cables are listed as Work No. 3, No 3A and No. 4A and should be removed from Schedule 11. Additionally please see 1.19 regarding cable protection values required for both volume and area.	The Applicant notes and agrees with the representation and the references will be removed in the revised draft Order submitted for Deadline 1. The Applicant notes the representation and a tabulated clarification note identifying all assessed parameters is provided at Appendix X to deadline 1. The Applicant is content to provide the maximum cable protection volumes on the face of the DMLs in the revised draft Order submitted for Deadline 1. The Applicant notes the MMO's comment regarding the area of cable protection and refers the MMO to the Applicant's response to MMO-18.		p.95	DCO/DMLs.  Dealing under MMO-18	> As with MMO-18, <b>Area</b> for cable protection does not appear on the DCO/DMLs.  See MMO-4 re: maximum parameters		
MMO-48	DCO/DML  1.48 Part 4, 3(3) (page 95) - Design parameters The maximum diameter should also include the Met Mast.  1.49 Part 4, 4 (page 95) - Design parameters The total amount of scour protection on this DML currently includes scour protection for the OSS. This is recommended to be	The Applicant notes and agrees with the representation and the maximum diameter of the met mast will be included in the revised draft Order submitted for Deadline 1.	Noted- To review following Deadline 1.	p96	Meteorological mast has been added as requested.			
MMO-49	DCO/DML included on the transmission asset DML only. The ES project description does not include scour protection for the Met Mast.  The MMO seeks clarification that no scour protection is considered to be required for the Met Mast. The MMO seeks clarification on the scour protection values, associated	The Applicant notes the representation and a tabulated clarification note identifying all assessed parameters is provided at Appendix X to deadline 1.	Noted- To review Appendix X when available. 01/02/19	p98	OSS has been removed from this section; met mast is included already. Re: scour protection values associated with each asset- dealing under MMO-19  To review following clarification note at D3	The MMO seeks clarification on the scour protection values, associated with each asset - dealing with under MMO-19.  See MMO-4 re: maximum parameters		
MMO-50	that only the maintenance activities listed in 5(3) are	The Applicant believes that the wording as currently drafted in the draft Order submitted with the application is appropriate. It is not to the MMO's benefit that all licensable activities are limited: the MMO retains control over ensuring the DML is complied with and this flexibility acts only to allow activities that have been assessed in the Environmental Statement, as and when they are required.	If an activity is licensable, and has been assessed (therefore permitted), it should be captured in order to be clear it's permitted and any mitigation (if necessary) has been accordingly secured, for example through relevant notifications etc. Otherwise, if an activity has been assessed in the ES, but has not been considered further through the process, mitigation may not have been sufficiently considered and adequately secured. An example of this could be UXO detonation, which is not considered to be licensed. 01/02/19 – no change. Issue remains previously stated.		Request further clarity to be clear to a case team dealing with this post consent that activities such as UXO not permitted.  MMO to review condition wording	Closed out following exclusion of UXO as per MMO-45.		
MMO-51	DCO/DML    Consented under the DML.	The Applicant notes and agrees with the representation and the amended wording will be included in the revised draft Order submitted for Deadline 1.	Noted- To review following Deadline 1.	p.96-97	"Authorised project" changes to "licensed activities" in all instances. MMO content with amendment  Having reviewed Rev A and B of the DML, I			
MMO-52	DCO/DML  1.52 Part 4, 6(7)(a) (page 96) - Notifications and inspections The MMO recommends "two weeks" is changed to "10 days" for consistency with Schedule 12 condition 5(7)(a)	The Applicant notes the representation. In order to ensure consistency, the wording of the condition will be amended to 'fourteen days' (rather than ten days) in both Schedules in the revised draft Order submitted for Deadline 1.	Noted- To review following Deadline 1.	p.97	believe the intention was to request that this was to say "ten working days" across both DMLs. This was purely for consistency as one DML said 10 days and one said 14 days. The applicant agreed in response to the RR to amend to 14 days throughout which was welcome, however, this has been amended to 10 days instead. As the bulleting is a fortnightly bulletin, I think that this should remain at 14 days, or 10 working days, throughout, as otherwise the notification may not appear in the bulletin before the work commences.	> Amended to say ten working days in DCO RevC. MMO content with amendment.		
MMO-53		The Applicant notes the representation. In order to ensure consistency, the wording of the condition will be amended to 'commencement of development' both Schedules in the revised draft Order submitted for Deadline 1.		p.98	MMO content that 'commence' is used instead			
MMO-54	navigation plan should be 12(1)(j), not 12(1)(i) as stated.  1.55 Part 4, 9 (page 97) – Aviation safety The MMO	The Applicant notes and agrees with the representation and the amended cross reference will be included in the revised draft Order submitted for Deadline 1.  The Applicant is providing the MMO with copies of the notifications for information purposes only, and as such a timeframe for that notification is not	As the body responsible for enforcement post-consent, a timeframe is required in order for MMO to ensure that the undertaker remains		MMO content with amendment		Timeframe of 28 days added to Revision D of the DCO - issue	
MMO-55	notifications that are to be submitted to the MMO, i.e. within 5 days of issue.  1.56 Part 4, 10(2) (page 98) – Chemicals, drilling and	required.	compliant with the conditions of the DML in a timely manner, and can take prompt action in the event of any compliance issues. 01/02/19 – change, issue remains as previously stated.	– No p.98	MMO position as per RR  GoBe to discuss w/Applicant  MMO content with amendment	>MMO requests update from applicant  GoBe to amend and provide timeframe	now closed out.	
MMO-57	reference should be removed from the condition.  1.57 Part 4, 10(5) (page 98) – Chemicals, drilling and debris It is unclear how 'inert material produced during the	The Applicant notes and agrees with the representation and the amended wording will be included in the revised draft Order submitted for Deadline 1.  Inert material refers to the inner geology present on site, which is released upon drilling mud. Drilling mud is a product taken to the site and used in order to lubricate the drill. The Applicant therefore maintains this distinction but hopes this clarification assists the MMO. These terms are both well-known and defined, however the specific definitions can be stated on the face of the DML and updated in the revised draft Order submitted for Deadline 1.		p.101 & p.118	Response from applicant acknowledged and considers this closes out this point			
MMO-58	to be inserted once the disposal site reference has been provided to MMO by Cefas.  DML: Pre- construction plans and documentation The MMO requires	The Applicant notes the representation and agrees that the specific disposal site reference number will be inserted once it has been provided.	Noted- To review following Deadline 1.	p.100	MMO content with amendment			
	"agreed in writing" to be changed to "approved in writing by"  1.59 Part 4, 12(1)(b)(iii) and (aaa) (page 99) - Preconstruction plans and documentation The MMO recommends that monitoring plans should be submitted 18 months prior of the commencement of licenced activities to enable at least six months consultation time and the completion of the pre-construction surveys prior to				I have reviewed NE's comments NE-46 of the RR, who echo the view that sumission of preconstruction survey plans 4 months priort to construction may note be the best approach and requesting some more discussion on monitoirng timelines. I also note applicant's			
MMO-59	that there is insufficient time to agree the survey scopes,	Whilst this may be appropriate for other projects of a larger scale or proposed in new/novel areas this is disproportionate for a comparatively small extension project. The Thanet Extension project has put forward detailed monitoring proposals that are based on the uncertainties present. By virtue of the	The proposed development is still double the size of the existing Thanet OWF when examining the red line boundary. As such the MMO do not wholly agree, however will review this in order to align with other stakeholder discussions related to monitoring. The MMO suggests 6 months		comments that where there are potential risks to the undertaker's construction programme from presenting pre- construction monitoring plans too close to	> MMO position currently unchanged, however under discussion internally to look at key documents where there are issues  [Dealing with under MMO-03]		
IMINIO-35	and that the MMO may not consider the commencement date to be appropriate, which could potentially lead to delays in the construction programme. The MMO would welcome further discussion on proposed monitoring timelines, which can inform some suggested wording for the condition which would capture more appropriate timescales. In addition, timescales for submission of preconstruction documents are also referred to in conditions 12(1)(b) (page 99), 12(1)(h) (page 100) and 12(1)(i) (page 101) and condition 14(1) at four months prior to the		may be more appropriate. 01/02/19 – No change, issue remains as previously stated		within the control of the undertaker and should be managed by them.  For the biogenic reef surveys in particular, where there is potentially a staged approach in monitoring, MMO remains concerned that the 4 month period may note be sufficient	at key documents where there are issues with timescales		
MMO-60	commencement of licensed activities and should be changed  1.60 Part 4, 12(1)(b)(iv) (page 99) Pre-construction plans  and documentation The MMO queries the cross reference to	The Applicant notes and agrees with the representation and the amended cross reference will be included in the revised draft Order submitted for Deadline 1.	Noted—To review following Deadline 1.	p100	MMO content with amendment			
	"(licenced marine activities" should read "licensed activities".  1.61 Part 4, 12(c) and (g) (pages 99 - 100) — Preconstruction plans and documentation These conditions							
MMO-61	DML: Preconstruction plans  plans  both require the submission of cable installation plans.  However, neither of the conditions detail a requirement to— discuss ground preparation activities, exclusion zones and— potential disposal activities involved. Given the preparation— works have potential to pose the greatest impact due to— cable installation, the MMO considers such activities be— included in the cable installation plans to ensure the likely— impacts of the detailed plans are with what was assessed in— the ES, and that appropriate mitigation is secured, where— relevant. The plans provide detailed information on the— location, methodology and volumes of any disposal activities— involved.	Seabed preparation works are distinct and separate from cable installation in the majority of cases. It is therefore appropriate for the activities to be maintained as separate within the dML and associated documents.  The Applicant does not consider that the detail contained within the cable installation plan must be included on the face of the DML. The Condition require the cable installation plan to be approved in writing by the MMO and can be amended and approved through this mechanism if required. This is more efficient that amendment through a variation to the approved DML, whilst still maintaining the required control by the MMO in relation to the development as consented.	The MMO welcomes the suggested amendment to the definition of 'commence', which now means that seabed preparation is now included—within the definition of commence, and therefore the submission and approval of the pre-construction plans will apply where they didn't—previously. MMO believes this may have addressed it's concern, subject to review of the amended draft order that will be submitted at deadling.  1.	d dline	Seabed preparation now included in interpretation of commence as a precommencment activity. Dealing with under MMO-2  Dealing with under MMO-2	Dealing with under MMO-2  Dealing with under MMO-2		
MMO-62	plans (WSI) will also need to cover the intertidal area for licensable activities undertaken under work number 3A.  1.64 Part 4. 12(1)(i) (page 101) — Pro-construction plans.			p118	"Mean low water" deleted as requested, requested further clarity for consistency across the DMLs as the generation DML still only captures MLW. Minor clarifications required before this can be closed out, please see tracked changes to Draft DCO rev B - sent 13/2/2019  GOBe to review	> The tracked change to schedule 11 presented in DCO RevC re: MHWS has been accepted but Schedule 12 wording doesn't refer to MLWS/MHWS- this should be amended. Doesn't matter so much for the array, but will for the export cable DML where our remit covers the intertidal"    Cobe to update as requested	Appears to be outstanding in Revision E of the DCO - see page 121. Reference to MLWS/MHWS needs to be inserted in Part 4 Condition 10(i)  Action: Review RevF of DCO for changes.	Resolved: "seaward of mean high water" has now been added
MMO-63	DML: Pre- construction plans  1.64 Part 4, 12(1)(j) (page 101) — Pre-construction plans  and documentation The MMO queries whether the cross- reference to Aids to Navigation condition 8 should be- condition 7.  1.65 Part 4, 11(1) (page 117) — Pre-construction plans and	The Applicant notes and agrees with the representation and the amended cross reference will be included in the revised draft Order submitted for Deadline 1.	Noted-To review following Deadline 1.		Cross reference changed to correctly refer to "condition 7" not 8, as requested.			
MMO-64	DML: Pre- construction documentation The offshore WSI referred to in this condition (see comment 1.63 above) is only for works below	The Applicant notes and agrees with the representation and can confirm that the Written Scheme of Investigation (WSI) (Application Ref 8.6; PINS Ref APP-141) covers up to mean high water springs. Amended wording will be included in the revised draft Order submitted for Deadline 1 to reflect this.	Noted- To review following Deadline 1.		See MMO-62  Dealing with under MMO-62  Following review of the wording the still of	Dealing with under MMO-62  Dealing with under MMO-62		
MMO-65	1.66 Part 4, 13(2) (page 101) – Pre-construction plans and documentation The MMO requests the insertion of "Any archaeological reports produced in accordance with condition 12 are to be agreed with the statutory historic body and must be submitted to the MMO for approval"	The Applicant does not consider that the archaeological reports themselves require approval. The scope of the report will be defined in the approved WSI (Application Ref 8.6; PINS Ref APP-141) and the production of any report can be controlled and monitored through this mechanism.	As the body responsible for ensuring compliance with the DMLs (including the of the WSI), Should the reports demonstrate the WSI is not fit for purpose and requires amendment for example, or if it appears that the WSI had not been followed, the MMO would be responsible for enforcement and therefore should be responsible for approval of any reports. 01/02/19 – note amended wording however issue remains as to reports should be approved by the MMO.		Following review of the wording I'm still of the opinoin that MMO should have overall controll e.g. should the reports demonstrate the WSI is not fit for purpose and requires amendment for example, or if it appears that the WSI had not been followed. However, I'm content that the reporting mechanism can be controlled through the WSI & with the wording proposed in Rev A			
MMO-66	DML: Preconstruction plans and documentation 14(2) and 14(3) cross reference to condition 13, the MMO considers condition 12 should also be cross referenced.	The Applicant notes and agrees with the representation and the amended cross reference will be included in the revised draft Order submitted for Deadling 1.	Noted-To review following Deadline 1.		Cross references to condition 12 have been added as requested			

Representation Number	Subject Issues raised in the Relevant Representation Applicant's Response	MMO Interim comments  Dela comments	Document Page Reference	s MMO comments following deadline 1/2 MMO Comments prior to Deadline 3  Applicant Response post-ISH7/at Dead	adline MMO comments prior to Telecon 26/3/2019	NO comment on Telecon 26/03/2019	MMO response following deadline 4, 4b & 4c submissions	MMO response at deadline 5	Resepone at Deadline 5A (comments on dDCO) & Modelling / following publication of ExA's dDCO commentary.  Update at telecon on 15 May 2019
MMO-67	DML: Pre- construction  and surveys The wording "agreed with the construction and the amended cross reference will be included in the revised draft Order submitted for Deadle		p.103	Wording amended to "agreed by MMO" as requested.					publication of Expt 3 disco commentary.
	MMO" should be amended to "agreed by MMO". The MMO also considers the word "habitat" should be deleted.   1.69   Part 4, 15(2)(b) (page 102) – Pre-construction monitoring and surveys This condition requiring a   1.69   Part 4, 15(2)(b) (page 102) – Pre-construction monitoring and surveys This condition requiring a   1.69   Part 4, 15(2)(b) (page 102) – Pre-construction monitoring and surveys This condition requiring a   1.69   Part 4, 15(2)(b) (page 102) – Pre-construction monitoring and surveys This condition requiring a   1.69   Part 4, 15(2)(b) (page 102) – Pre-construction monitoring and surveys This condition requiring a   1.69   Part 4, 15(2)(b) (page 102) – Pre-construction monitoring and surveys This condition requiring a   1.69   Part 4, 15(2)(b) (page 102) – Pre-construction monitoring and surveys This condition requiring a   1.69   Part 4, 15(2)(b) (page 102) – Pre-construction monitoring and surveys This condition requiring a   1.69   Part 4, 15(2)(b) (page 102) – Pre-construction monitoring and surveys This condition requiring a   1.69   Part 4, 15(2)(b) (page 102) – Pre-construction monitoring and surveys This condition requiring a   1.69   Part 4, 15(2)(b) (page 102) – Pre-construction monitoring and surveys This condition requiring a   1.69   Part 4, 15(2)(b) (page 102) – Pre-construction monitoring and surveys This condition requiring a   1.69   Part 4, 15(2)(b) (page 102) – Pre-construction monitoring and surveys This condition requiring a   1.69   Part 4, 15(2)(b) (page 102) – Pre-construction monitoring and surveys This condition requiring a   1.69   Part 4, 15(2)(b) (page 102) – Pre-construction monitoring and surveys This condition requiring a   1.69   Part 4, 15(2)(b) (page 102) – Pre-construction monitoring and surveys This condition requiring a   1.69   Part 4, 15(2)(b) (page 102) – Pre-construction monitoring a   1.69   Part 4, 15(2)(b) (page 102) – Pre-construction monitoring a   1.69   Part 4, 15(2)(b) (page 102) – Pre-construction monitoring a   1.69   Part 4, 15(2)(b) (page 102)	р.	p.103	Would be helpful if this was made explicit, however MMO agrees with response.					
MMO-68	bathymetric survey to be undertaken includes "an appropriate buffer area around the site of each work". The MMO recommends that the extent of the buffer is specified in the condition.  The details of the proposed surveys are required to be contained within the construction programme and monitoring programme, which must be submit to the MMO prior to undertaking the first survey (Schedule 11, Part 12 (1)(b) and Schedule 12, Part 10 (10(c). In the Applicant's experience, it is most appropriate for the extent of the buffer to be determined at this stage. Variations are common where precise figures of this nature are included on the factoric proposed that the buffer details of the proposed surveys are required to be contained within the construction programme and monitoring programme, which must be submit to the MMO prior to undertaking the first survey (Schedule 11, Part 12 (1)(b) and Schedule 12, Part 10 (10(c). In the Applicant's experience, it is most appropriate for the extent of the buffer to be determined at this stage. Variations are common where precise figures of this nature are included on the factoric proposed surveys are required to be contained within the construction programme and monitoring programme, which must be submit to the MMO prior to undertaking the first survey (Schedule 11, Part 12 (1)(b) and Schedule 12, Part 10 (10(c). In the Applicant's experience, it is most appropriate for the extent of the buffer to be determined at this stage. Variations are common where precise figures of this nature are included on the factoric propriate for the extent of the buffer to be determined at this stage.	The MMO queries whether this could be defined more clearly in the DML? For example, including a buffer that must be defined and agreed as part of the survey plan.		However Will O agrees with response.					
MMO-69	monitoring and surveys The condition states: "The— undertaker must carry out the surveys agreed under sub— DML: Pre- construction plans    monitoring and surveys The condition states: "The— undertaker must carry out the surveys agreed under sub— paragraph (2) and provide the baseline report to the MMO— construction plans    monitoring and surveys The condition states: "The— undertaker must carry out the surveys agreed under sub— paragraph (2) and provide the baseline report to the MMO— construction plans    timetable". The wording of the equivalent condition in— Schedule 12 (13(3)—page 118) cross references to sub— paragraph (1). The MMO recommends both DMLs include— reference to sub-paragraph (1).	Noted To review following Deadline 1. p1	p105, p122	MMO content with amendment					
	1.71 Part 4, 16 (page 102) - Construction monitoring The MMO considered that mitigation should be included to  This relates to a separate project and is no longer considered to represent the MMO position.	Whilst triggered from other projects, a valid concern was identified regarding what action should be taken in the event that observed noise is greater than predicted, in order ensure the likely effects are adequately mitigated. The MMO suggest that the outline noise monitoring plan/MMMP is updated to include provision for this. For example, to include a communication/reporting mechanism to MMO in the event of	p103 FxA O 1 1 22	We've discussed this internally and with NE and support thie inclusion of the additional wording. The intent is to make it clear that if observed noise levels exceed what was assessed in the ES, piling shouldn't continue until it's been adequately demonstrated that either the current mitigation is still sufficient, or additional mitigation is agreed.  However, as per MMO's comments to ExA Q  1.1.22, MMO would like to include further develop the outline monitoring plans to include further measures to ensure prompt  The MMO supports wording proposed by Deadline 3 and hasn't had opportunity to the control of the DCO. New DCO was submitted at Deadline 3 and hasn't had opportunity to the DCO.	App wor resp 16 - thea requ > Applicant position TBC following MMO The submission of suggested wording condition  thea thea thea thea thea thea thea the	policant advised they don't anticipate they'll revise the rding of this condition for reason they have given in their ponse to ExA Action points following ISH3 - see Action Point — Cessation of piling - noise levels. In summary applican'ts position is that the additional wording is not uired because:  a MMO has a general power to suspend a licence where are is a breach of its provisions, or for any reason the		Remains unchanged as per position in column K - to mark	MMO reiterated it's position at deadline 5A.  ACTIONS:  - Review applicant's response to dDCO commentary at D7 (noting the ExA has requested the applicant either accede to Disagree on SoCG - applicant advises they
MMO-70	Construction monitoring minimise noise impacts if the noise monitoring indicated the observed noise is greater than predicted, The MMO require further discussion with the Applicant on how this could be secured as a condition on the DMLs.  Furthermore the Applicant is required to submit proposed monitoring and mitigation to the MMO and is to conduct further noise monitoring as required the MMO (Schedule 11, Part 16 (2) and Schedule 12, Part 14 (2). The Applicant therefore does not believe that it is necessary to amend the wording of the monitoring of the monitoring and mitigation to the monitoring and mitigation to the monitoring as required to submit proposed monitoring and mitigation to the monitoring as required the monitoring and mitigation to the monitoring as required to submit proposed monitoring and mitigation to the monitoring as required the monitoring as required the monitoring and mitigation to the monitoring as required the monitoring and mitigation to the monitoring as required the monitoring and mitigation to the monitoring as required the monitoring and mitigation to the monitoring as required the monitoring and mitigation to the monitoring as required the monitoring and mitigation to the monitoring as required the monitoring and mitigation to the monitoring as required the monitoring and mitigation to the monitoring as required the monitoring and mitigation to the monitoring and mitigation to the monitoring as required the monitoring and mitigation to the monitoring and mitigation to the monitoring as required the monitoring and mitigation to	failure of monitoring equipment, notifying MMO in the event that any interim results suggest noise levels greater than predicted, and/or mitigation 'trigger levels' that can be followed in the interim while MMO considers the impact. This strategy would allow for a prompt resolution and enable MMO to be satisfied with the mitigation measures, even if noise levels were greater than predicted. MMO would welcome further discussion on ow this can be secured in the monitoring plans.		communication and review of issues, to reduce the likelihood of reaching such a situation. In our interim comments we suggested that the outline noise monitoring plan/MMMP is updated to include provision for this. For example, to include a communication/reporting mechanism to MMO in the event of failure of monitoring equipment, notifying MMO in the event that any interim results suggest noise levels  Natural England for condition 16(3) and has submitted rationale in response to the ExA Questions (see EN010084 Deadline 3)  revised by the aplicant. To review once applicant has reviewed suggested wording submitted at Deadline 3 by NE, which M support.	as requested by the ExA at D3.  autility  MMO  MMV  the	MO advise that suggested wording was recently accepted on Hornsea 3 OWF.	emains unchanged as per position in column K - to mark as isagreed on SoCG.	ACTION: MMO to review model provision provided on HC	the request and propose drafting, or provide further justification for it's position that this provision is not necessary).  - Provide commentary at D7 clarifying whether the final wording would be necessary to secure a conclusion of No AEOI in relation to the Harbour Porpoise feature of the Southern North Sea SAC.
	1.72 Part 4, 17(1) (page 102) – Post construction The MMO recommends that the condition is amended to include			MMO content in principle, subject to					
MM0-71	reference to an In- Principle Monitoring Plan. The MMO considers a standalone document post consent which sets out the rationale that underpins the monitoring that will be undertaken during all phases will be beneficial. In addition amendments are made as underlined below (as per condition 15 on Schedule 12).  17.—(1) The undertaker must, in discharging condition 12(b), submit details which accord with the In Principle Monitoring Plan of a full sea floor coverage swath-bathymetry survey for approval by the MMO in consultation with relevant statutory bodies of	MMO content in principle, subject to interested parties being satisfied that the draft plans adequately capture the rationale for the monitoring that is required		interested parties being satisfied that the draft plans adequately capture the rationale for the monitoring that is required. See also MMO-70					
	offshore Wind Farm, and as such there is very little uncertainty and limited justification for an extensive monitoring plan. Given the Applicant's confidence methodologies and timings, and a proposed format, content and timings for providing reports on the results. The MMO will wish to make further comment on this section of the DML upon receipt and review of the In Principle Monitoring Plan. There will be further monitoring requirements (e.g. marine mammal/ ornithological) that will need to be secured within the DML.  1.73 Part 4, 18 (page 103) — Reporting of impact pile-driving Under the UK Marine Strategy, all developers are								
MMO-72	committed to record human activities in UK seas that produce loud, low to medium frequency (10Hz-10Hz) impulsive noise. UXO detonation is detailed within the ES—Project Description (Table1.21) however no specific mention of UXO is detailed within the DCO/DML. The MMO believes the intention is for the Project to apply for a separately and would impact pile driving  However if it is decided during the DCO application (and a full assessment presented in the ES) to include UXO—detonation or removal, the use of explosives, and the maximum parameters of UXO detonation activities should—  committed to record human activities in UK seas that produce loud, low to medium frequency (10Hz-10Hz) impulsive noise. UXO detonation of UXO detonation within the DCO. A license would be applied for and licensed separately and would include the maximum parameters of UXO detonation activities and the necessary conditions to satisfy the UK Marine Noise Registry requirements.  However if it is decided during the DCO application (and a full assessment presented in the ES) to include UXO—detonation activities and the necessary conditions to satisfy the UK Marine Noise Registry requirements.  However if it is decided during the DCO application (and a full assessment presented in the ES) to include UXO—detonation activities should—	-Noted		Closed off as no UXO proposed					
	be clearly defined in the DCO/DML. In addition condition 18 should be amended to refer to UXO detonation to satisfy the UK Marine Noise Registry requirements.  DCO Schedule 12 Deemed Marine Licence – Export Cable System [1.74 to 1.92]  1.25 The MMO recommends the inclusion of a preconstruction plans and documentation condition requiring the submission of a Site Integrity Plan, to allow the consideration of impacts on harbour porpoise based on the final project envelope as defined in the construction plan alone and in combination with projects at the time. The plan				Current wording suggest the SIP is to be subtmitted prior to operation of the scheme. Please amend wording to schedule 11, part 4 condition 12(k) and schedule 12 part 4 condition 10(l) to clarify that the SIP is to be			At deadline 5 MMO commented that: Following Revision B of the draft Site Integrity Plan (SIP) (1022) the MMO has the following comments: 2.1.2 Current wording in the dDCO suggests the Site Integrity	EP4- Current wording in the dDCO suggests the Site Integrity Plan (SIP) is to be approved prior to 'operation' of the scheme. The
MMO-73	should set out detailed timings for consultation, suitable mitigation and the process for the condition to be updated. Some proposed wording is suggested below for consideration: n the event that driven or part-driven pile foundations are proposed to be used, the licensed activities, must not commence until a Thanet Extension Southern North Sea cSAC Site Integrity Plan which accords with the principles set out in the In Principle Thanet Extension Southern North Sea cSAC Site Integrity Plan has been submitted to the MMO and the MMO is satisfied that the planprovides such mitigation as is necessary to avoid adversely affecting the integrity (within the	Missing? Co	Condition 10 (I)	The response appears to be missing from deadline 1, however the SIP condition has been included in Draft DML rev B in Condition 10 (I).  Content with the inclusion subject to review/refinement of specific wording  MMO to review	approved prior to any licensed activities commencing. Suggested text as follows: MM	MO raised this issue as stated adjacent, applicant to address and provided with a marked up version of the DCO.		Plan (SIP) is to be approved prior to 'operation' of the sch The MMO queries whether this is an error and that the applicant intended the wording to schedule 11, part 4 condition 12(k) and schedule 12 part 4 condition 10(l) to require the SIP to be submitted prior to commencement of icensed activities.  2.1.3 The condition should also be amended to recognise the timescales on the DMLs are not currently consistent with the draft SIP which proposes two 4-month review stages.  ACTION: Review RevF of the DCO for changes.	submitted prior to commencement of the licensed activities.  ACTIONS:  - discuss w/applicant  - Resiterate at D6 in SocG
MMO-74	meaning of the 2017 Regulations) of a relevant site, to the  1.74 MMO preference would be for Schedule 12 Deemed licence has been labelled in such a way so as to ensure it is proper and accurate when it is utilised by the holder of the appropriate electricity licence. At present, it is possible that the holder of that licence may benefit from a distribution, not a transmission, licence. As such it is considered corre keep the reference as the Deemed License for the Export Cable System.	- Noted	1	.05 Content to leave as proposed					
MMO-75	1.75 The MMO recommends that an additional condition should be added to this Schedule, which would require that an updated Saltmarsh Mitigation, Reinstatement and monitoring Plan is submitted to the MMO for approval at least 8 months prior to construction. This is to ensure that the plan is updated and aligned once the detailed cable installation plans are known.  1.75 The MMO recommends that an additional condition should be added to this Schedule, which would require that an updated Saltmarsh Mitigation, Reinstatement and Monitoring Plan is submitted to the MMO for approval at least 8 months prior to construction. This is to ensure that the plan is updated and aligned once the detailed cable installation plans are known.  1.76 Part 1, 1 (page 105) "restricted area" The-			There was no clear action on this, however the saltmarsh monitoring, reinstatement and monitoring plan is on as a certified document and condition in the DML condition					
MMO-76	interpretation of 'restricted area' "means the area hatched-black on the works plan being 250 metres from site 30". The holder on the revised draft O works plan document reference 2.5 Thanet Extension on Offshore Wind Farm Works Plan (Offshore) does not appear to contain an area hatched black or reference to site 30.  The MMO seeks clarification on this.	der Noted- To review following Deadline 1.	1	.07 Agreed with amendment					
MMO-77	DML: interpretation n  DMC: interpretation n			Agreed with amendment  Agreed with amendment					
IVIIVIO 78	Fish Market Rock a- Nore Road Hastings East Sussex TN34 3DW Tel: 01424 424 10  DML: details  Fish Market Rock a- Nore Road The Applicant notes and agrees with the representation and the amended wording well be included in the revised draft Order submitted for Deadline 1.  The Applicant notes and agrees with the representation and the amended wording well be included in the revised draft Order submitted for Deadline 1.  The Applicant notes and agrees with the representation and the amended wording well be included in the revised draft Order submitted for Deadline 1.								
MMO-79	of licensed marine activities  1.79 Part 3 1(a) (page 109) — details of licensed marine activities  1.79 Part 3 1(a) (page 109) — details of licensed marine activities  1.79 Part 3 1(a) (page 109) — details of licensed marine activities  1.79 Part 3 1(a) (page 109) — details of licensed marine activities  1.79 Part 3 1(a) (page 109) — details of licensed marine activities  1.79 Part 3 1(a) (page 109) — details of licensed marine activities  The Applicant notes the representation and considers that the correct cross reference should be to the same paragraph 1. The amended cross reference be included in the revised draft Order submitted for Deadline 1.  (7) below:" The MMO queries whether this is the correct reference to sub-paragraph (7).	Noted-To review following Deadline 1.		Agreed with amendment					
MMO-80	DML: details of licensed marine activities  1.80 Part 3, 2(4)(b) (page 110) – details of licensed marine activities  1.80 Part 3, 2(4)(b) (page 110) – details of licensed marine activities  1.80 Part 3, 2(4)(b) (page 110) – details of licensed marine activities at what point the sea wall will be reinstatement of the sea wall is contained with Work No. 3B (3B(b)(iii)). Prior to the commencement of any part of Work No. 3B the Applicant is required. (17)). The Applicant does not therefore agree that is appropriate for the timeframe to be included on the face of the DML.	I ha DCO lasts for 30 years, the timetrame is to ensure that the wall is reinstated promptly and not left unperessarily. Without a timetrame, the I	10 (b)	Agree with applicant on the basis that the construction programme/method statement will address this for reinstatement of the sea wall					
MMO-81	of licensed marine activities  DML: details of licensed more of licensed marine activities Typographical error "buoys" should read "buoys".  DML: details of licensed marine activities Typographical error "buoys" should read "buoys".  The Applicant notes and agreed with the representation and the amended wording will be included in the revised draft Order submitted for Deadline 1.  The Applicant notes and agreed with the representation and the amended wording will be included in the revised draft Order submitted for Deadline 1.  The Applicant notes and agreed with the representation and the amended wording will be included in the revised draft Order submitted for Deadline 1.  The Applicant notes and agreed with the representation and the amended wording will be included in the revised draft Order submitted for Deadline 1.  The Applicant notes the representation and can confirm that the MMO's interpretation is correct. The wording will be amended to make explicitly clear to the properties of the Applicant notes the representation and can confirm that the MMO's interpretation is correct. The wording will be amended to make explicitly clear to the properties of the Applicant notes and agreed with the representation and the amended wording will be included in the revised draft Order submitted for Deadline 1.  The Applicant notes the representation and can confirm that the MMO's interpretation is correct. The wording will be amended to make explicitly clear to the properties of the prope	TNoted- To review following Deadline 1.		agreed with amendment					
MMO-82 MMO-83	works for the benefit or protection of land or structures activities    Morks for the benefit or protection of land or structures affected" is referring to works only below MHWS i.e. cofferdams.    DML: part 4   1.83 - Part 4, Conditions   The MMO recommends that a condition is included to source the cable exclusion zone restriction. Set out in ES.    The Applicant notes the representation and can confirm that the MMO's interpretation is correct. The wording will be amended to make explicitly clear to this refers only to works below MHWS and this will be included in the revised draft Order submitted for Deadline 1.    The Applicant notes the representation and the amended wording will be included in the revised draft Order submitted for Deadline 1.    The Applicant notes the representation and the amended wording will be included in the revised draft Order submitted for Deadline 1.	Noted-To review following Deadline 1.  Noted-To review following Deadline 1.  Noted-To review following Deadline 1.	1	agreed with amendment  13 agreed with amendment					
MMO-84	DML: notifications and and  DMC: notifications and and and  DMC: notifications and	Noted, however the MMO MMO requested this for consistency with condition 6(1)(a)(i) of the Generation Assets DML, which states 'agents		Noted, however the MMO MMO requested this for consistency with condition 6(1)(a)(i) of the Generation Assets DML, which states 'agents and contractors'. MMO also notes that under condition 5(2) Only those persons and vessels notified to the MMO in accordance with condition 5(12) are					
	inspections consistency with Schedule 11. The MMO queries whether the reference to condition 4(12) should refer to 5(12).	5(12) are permitted to carry out the licensed activities. It is the undertaker's responsibility to ensure any persons undertaking work on their behalf are aware of the requirements of the license.		accordance with condition 5(12) are permitted to carry out the licensed activities. It is the undertaker's responsibility to ensure any persons undertaking work on their behalf are aware of the requirements of the licence.					Unchanged - MMO response from Deadline 5A as follows:
MMO-85	DML: notifications and inspections The MMO requests the insertion of the following text at the end of the paragraph: "Copies of all notices must be submitted to the MMO within 5 days."  The Applicant is providing the MMO with copies of the notifications for information purposes only, and such as a timeframe is not required.  The Applicant is providing the MMO with copies of the notifications for information purposes only, and such as a timeframe is not required.	The timeframe is required in order to ensure compliance in a timely manner and can take enforcement action if appropriate. 01/02/19 – no change, issue remains outstanding.	1	Comment still open as per MMO interim comments- timeframes are to ensure compliance in a timely manner.  GoBe to review	> The following has not been added as requested:  "Copies of all notices must be submitted to the MMO within 5 days."  MMO requests an update on applicant position	Be (on behalf of the applicant) to update as requested.	evision E of the DCO appears to be unchanged - issue remains utstanding as raised in column C.	Jnchanged	1.1.1 Notifications and inspections – condition 6(10) at schedule 11 stipulates that "Copies of all notices must be provided to the MMO within 5 days." The same condition in schedule 12 should be revised to also include this timeframe.  ACTIONS:  - Discuss w/applicany - Reiterate at D6 in SoCG - Check next iteration of revised dDCO
MMO-86	DML: aids to navigation  1.86 Part 4, 7 (page 113) — Aids to navigation The MMO-requests the insertion of the following new paragraph: "(2) Subject to sub-paragraph (1) above, unless the MMO-otherwise directs, the undertaker must paint the remainder of the structures submarine grey (colour code RAL 7035)."  DML:  1.87 Part 4, Aviation safety The MMO queries whether condition 0 (Aviation Safety) on School up all should also be condition and the additional wording will be included in the revised draft Order submitted for Deadline 1.	—Noted-To review following Deadline 1.—	1	.15 Agreed with amendment					
MMO-87	aviation safety on Schedule 11 should also be aviation safety on Schedule 12, to the extent that it applies to the construction of the OSS.  The Applicant notes and agrees with the representation and the additional wording will be included in the revised draft Order submitted for Deadline 1. The Applicant notes and agrees with the representation and the additional wording will be included in the revised draft Order submitted for Deadline 1. Construction of the OSS.	-Noted- To review following Deadline 1.	1	Agreed with amendment					

Representation Number	Subject Issues raised in the Relevant Representation Applicant's Response	MMO Interim comments  Document Page Reference	es MMO comments following deadline 1/2	MMO Comments prior to Deadline 3  Applicant Response post-ISH7/at Deadline	MMO response following deadline 4, 4b & 4c submissions 11/04/19  MMO response at deadline 5	Resepone at Deadline 5A (comments on dDCO) & Modelling	Update at telecon on 15 May 2019
	DML:  chemicals,  this condition cross references to the survey agreed under—  the Applicant notes the representation and the amended cross reference should state condition 10(d). This will be included in the revised draft Order—  The Applicant notes the representation and the amended cross reference should state condition 10(d). This will be included in the revised draft Order—			3 26/3/2019 Entertain the second of the seco	11/04/19 Wilvio response at deadline 3	/ following publication of ExA's dDCO commentary.	
MMO-88	drilling & debris   debris  1.89 Part 4, 10,(1)(b)(v) – Pre-construction plans and	Noted-review following deadline 1	116 Agreed with amendment				
MMO-89	DML: Pre- construction plans    DML: Pre-   Construction plans   D	Noted—To review following Deadline 1.—	117 Agreed with amendment				
MMO-90	DML: Pre- construction plans and documentation The MMO queries what the cross- plans reference should be as there is no condition 9(1)(i).  The Applicant notes the representation and the reference to condition 9(1)(i) will be removed in the revised draft Order submitted for Deadline 1.  The Applicant notes the representation and the reference to condition 9(1)(i) will be removed in the revised draft Order submitted for Deadline 1.  The Applicant notes the representation and the reference to condition 9(1)(i) will be removed in the revised draft Order submitted for Deadline 1.  The Applicant notes the representation and the reference to condition 9(1)(i) will be removed in the revised draft Order submitted for Deadline 1.	Noted—To review following Deadline 1.	117 Agreed with amendment				
MMO-91	DML: Preconstruction plans  1.91 Part 4, 10(1)(c)(iv) (page 115) Pre-construction plans and documentation The MMO believes the condition plans and documentation The MMO believes the condition and the amended cross reference will be included in the revised draft Order submitted for Dead the condition plans are documentation. The Applicant notes and agrees with the representation and the amended cross reference will be included in the revised draft Order submitted for Dead the condition and the amended cross reference will be included in the revised draft Order submitted for Dead the condition and the amended cross reference will be included in the revised draft Order submitted for Dead the condition and the amended cross reference will be included in the revised draft Order submitted for Dead the condition and the amended cross reference will be included in the revised draft Order submitted for Dead the condition and the amended cross reference will be included in the revised draft Order submitted for Dead the condition and the amended cross reference will be included in the revised draft Order submitted for Dead the condition and the amended cross reference will be included in the revised draft Order submitted for Dead the condition and the amended cross reference will be included in the revised draft Order submitted for Dead the condition and the amended cross reference will be included in the revised draft Order submitted for Dead the condition and the amended cross reference will be included in the revised draft Order submitted for Dead the condition and the amended cross reference will be included in the revised draft Order submitted for Dead the condition and the amended cross reference will be included in the revised draft Order submitted for Dead the condition and the condit	Noted To review following Deadline 1.	117 Agreed with amendment				
MMO-92	DML: Pre- construction plans  DML: Pre- construction plans  1.92 Part 4, 12 and 12 (1) (page 117) – Pre-construction- plans and documentation This condition cross references to condition 10 and should include condition 10 and 11.  The Applicant notes and agrees with the representation and the amended cross reference will be included in the revised draft Order submitted for Deacher 1.92 Part 4, 12 and 12 (1) (page 117) – Pre-construction and the amended cross reference will be included in the revised draft Order submitted for Deacher 1.92 Part 4, 12 and 12 (1) (page 117) – Pre-construction and the amended cross reference will be included in the revised draft Order submitted for Deacher 1.92 Part 4, 12 and 12 (1) (page 117) – Pre-construction and the amended cross reference will be included in the revised draft Order submitted for Deacher 1.92 Part 4, 12 and 12 (1) (page 117) – Pre-construction and the amended cross reference will be included in the revised draft Order submitted for Deacher 1.92 Part 4, 12 and 12 (1) (page 117) – Pre-construction and the amended cross reference will be included in the revised draft Order submitted for Deacher 1.92 Part 4, 12 and 12 (1) (page 117) – Pre-construction and the amended cross reference will be included in the revised draft Order submitted for Deacher 1.92 Part 4, 12 and 12 (1) (page 117) – Pre-construction and the amended cross reference will be included in the revised draft Order submitted for Deacher 1.92 Part 4, 12 and 12 (1) (page 117) – Pre-construction and the amended cross reference will be included in the revised draft Order submitted for Deacher 1.92 Part 4, 12 and 12 (1) (page 117) – Pre-construction and the amended cross reference will be included in the revised draft Order submitted for Deacher 1.92 Part 4, 12 and 12 (1) (page 117) – Pre-construction and the amended cross reference will be included in the revised draft Order submitted for Deacher 1.92 Part 4, 12 and 12 (1) (page 117) – Pre-construction and the page 12 (1) (page 117) – Pre-construction and 1	Noted-To review following Deadline 1.	117 Agreed with amendment				
MMO-93	ES: general Es: ge	No further comment MMO RR					
	and fit for purpose.  3.1 The MMO considers that the physical processes chapter identified all relevant topics that would be expected for this proposal and closely defines each topic in terms of its						
MMO-94	ES: Marine   tor this proposal and clearly defines each topic in terms of its   The observations made by the MMO are welcome   Processes   role as a pathway or a receptor. The chapter is well   The observations made by the MMO are welcome   structured, and where impacts to pathways are identified,   their linkages to other ES chapters clearly stated.	— No further comment— MMO RR					
			ExAq doc also reviewed:  https://infrastructure.planninginspectorate. gov.uk/wp-				
		The document 6.2.2 (PINS Ref App-043) does not indicate that quantitative assessment has been undertaken to establish whether the	content/ipc/uploads/projects/EN010084/EN010084-001137- Vattenfall%20Wind%20Power%20Limited%20-				
	3.2 There is an assumption made that local wave energy reduction (10% in the lee of the array) will be immeasurable  The statement (in Application Ref 6.2.2: PINS Ref APP-043, Paragraph 2.11.94) is made on the basis that the project is sufficiently distant from land (wi	reduction in wave energy predicted in the lee of the wind farm will affect sediment transport and therefore morphology of the coastal receptors or nearby sandbanks. Although it is stated that the associated wave height reduction is likely to be small (~2.7% in the lee of the wind farm and likely smaller at the receptors), this corresponds to a 10% reduction in energy, and the fact that this reduction in wave height would be difficult to physically measure in the field does not necessarily mean that there will be no effect on receptors. The MMO seeks clarity on the evidence to	h %20Applicant's%20Comments%20on%20Re ponses%20to%20the%20Examining%20Authority's%20First%20Written%20Questions%20-%20EXQ1.pdf				
MMO-95	at sandbank and coastline receptors (Document 6.2.2, Processes Paragraph 2.11.94). Clarification is required to understand the rationale for this statement.	support the applicant's response. The MMO also queries the impact of a 10% reduction in energy on nearby sandwave fields (for example, those on the north-western side of the proposed wind farm boundary, which are migrating northwest, in the direction of Margate Sands, and therefore MMO seeks clarity on the predicted indirect effects on the sandbank are. The MMO considers that complete quantitative	ExA requested further documentation to support the statement-provided in response				
		assessment of how the wave energy reduction in the lee of the wind farm may propagate towards the coastal and sandbank receptors should be provided, or suggest that monitoring is undertaken of these receptors for potential impacts.	to Q1.11.4.  The applicant qualitatively argues that the magnitude of the reduction in wave height				
			(and therefore energy) at the coastal and sandbank receptors is likely to be small due to its distance from the array, and reiterates that this would not be practicably				
	3.3 It is stated that as the foundations in Thanet Offshore Wind Farm (TOWF) have small pile diameters in comparison to the likely wavelengths at the site, there will be no impact						
	on the wave regime from these structures; and on this basis, subsequent analysis addresses impacts from the larger diameter foundations in Thanet Extension Offshore Wind Farm (TEOWF) only. Whilst this report does not aim to		Applicant response to ExAQ 1.11.4 (b): The method for the assessment of potential impacts on wave height is described in Section 7.4 of Volume				
	assess impacts of TOWF, the MMO considers that further detail is required relating to potential cumulative impacts of the turbines from both wind farms, given the proximity of The presence of TOWF and its affects on the local wave climate are considered within the baseline of the assessment (Application Ref 6.2.2; PINS Ref Alexander 1998).	6.2.2; PINS Ref APP-043, Although it is not explicitly stated in the paragraph referenced by the applicant, their statement indicates that the two wind farms have been Paragraph 2.7.11	6, Annex 2-1: Marine Geology, Oceanography, Physical Processes Technical Report (PINS Ref APP-070/ Application Ref				
MIMO-96	Processes the two sites, and the potential that the full array of TOWF and TEOWF together may cause a significant impact on waves passing through the site. Whilst the MMO acknowledges the basic assessment of a single TOWF turbine  1. Si Marine the two sites, and the potential that the full array of TOWF together may cause a significant impact on cumulatively.  1. O43, Paragraph 2.7.11). Therefore, by assessing the presence of the additional presence of WTGs for Thanet Extension the two projects are considered cumulatively.  2. O43, Paragraph 2.7.11). Therefore, by assessing the presence of the additional presence of WTGs for Thanet Extension the two projects are considered cumulatively.	considered cumulatively.  See also ExAQ 1.11.4 (b)	6.4.2.1) of the Environmental Statement. The assessment takes account of the potential combined effects of both Thanet Extension and TOWF by accounting				
	indicates minimal impact, the MMO seeks to understand how other factors that may influence how the waves will respond to a larger group of turbines may interact in a cumulative manner. Given that the result of this section of		for the total obstacle cross section presented by the realistic worst-case and actual installed WTG foundations in the two areas, respectively.				
	the EIA feeds many other sections of the assessment, it is essential to ensure cumulative impacts have been appropriately assessed.		respectively.				
MM0-97	3.4 Clarification is sought on how the cable landfall installation plan required as condition 10(d)(iv) (Schedule ES: Marine 12) will account for the dynamic nature of the intertidal defences at the landfall although it is noted here that under these scenarios channel behaviour will be governed almost entirely by the position of the	The MMO welcomes the clarification that the design of the landfall will give consideration to morphological behaviour over the lifetime of the					
IVIIVIO-97	Processes channel of the River Stour, in order to avoid re-exposure of the cables post installation, as stated as a requirement in ES Chapter 2, paragraph 2.11.100. existing defences, not the new (modified) defence at the landfall. Regardless, the design of the cable landfall will give consideration to environmental factorial including morphological behaviour over the lifetime of the project.	ctors, project.					
MMO-98	3.5 Whilst a full hydrodynamic modelling exercise has not been undertaken to assess impacts to waves and tidal ES: Marine processes, the MMO considers that the utilisation of Processes available evidence from other modelling studies, and	— No further comment					
	analysis of datasets from TOWF where conditions are largely analogous, is sufficient.  3.7 Whilst particle size analysis (PSA) was undertaken for						
MMO-100	ES: Marine    Coations within the intertidal and subtidal areas of the proposed development, the results of which are presented in the documents relating to benthic surveys, it would aid    Coations within the intertidal and subtidal areas of the proposed development, the results of which are presented in the documents relating to benthic surveys, it would aid    Coations within the intertidal and subtidal areas of the proposed development, the results of which are presented in the documents relating to benthic surveys, it would aid    Coations within the intertidal and subtidal areas of the proposed development, the results of which are presented in the documents relating to benthic surveys, it would aid    Coations within the intertidal and subtidal areas of the proposed development, the results of which are presented in the documents relating to benthic surveys, it would aid    Coations within the intertidal and subtidal areas of the proposed development, the results of which are presented in the documents relating to benthic surveys, it would aid    Coations within the intertidal and subtidal areas of the proposed development, the results of which are presented in the documents relating to benthic surveys, it would aid    Coations within the intertidal and subtidal areas of the proposed development, the results of which are presented in the documents relating to benthic surveys, it would aid    Coations within the intertidal and subtidal areas of the proposed development, the results of which are presented in the following the	The previous comment referred to intertidal PSA data in Annex 5-1 Export Cable Route Intertidal Report (6.4.5.1). However, these results were not presented in detail in the main body of the Physical Processes ES Chapter (6.2.2) or within Figure 2.14. This omission does not affect the validity of the assessment, however such data should be incorporated into the assessment of geomorphological behaviour of coastal receptors.	No further changes proposed, however note that this information should be considered in				
	clarity if this data was integrated into the baseline section of the physical processes chapter, as they are of direct relevance when interpreting impacts to coastal receptors.	around the cable landfall, as discussed in representation number MMO-97.	landfall design & approval				
MMO-101	ES: Water Quality & acceptable for the disposal activities proposed in the site—sediment characterisations, subject to the following clarifications: [see   The Applicant welcomes the confirmation of the MMO that the disposal sites are suitable.  The disposal sites are generally considered to be—acceptable for the disposal activities proposed in the site—sediment characterisations, subject to the following clarifications: [see   The Applicant welcomes the confirmation of the MMO that the disposal sites are suitable.	-No further comment					
	quality points below]  4.2 The draft DCO proposes far higher volumes for deposit than assessed in the ES. On page 93 (in Part 3 of						
	Schedule 11 of the DCO), 1,112,647.4 m <sup>3</sup> is requested for the WTGs, plus 39,269.9 m <sup>3</sup> for the meteorological masts.  The disposal site characterisation report (document 8.14,						
MMO-102	ES: Water Quality & sediment quality and it is this volume which the assessment has been made against. Likewise, Schedule 12 of the DCO, states a disposal volume of 9,600m³ for the offshore substation, while in the	1. To review following Deadline 1. Clarification note	No further comment				
	ES this is incorporated into the array totals, not the Offshore Export Cable Corridor (OECC). The licensed volumes in the DCO should reflect tables 14.1 and 14.2 from the disposal site characterisation report (document 8.14) i.e. a total of						
	288,000m³ for the array and 1,440,000m³ for the offshore export cable corridor.						
	4.3 Disposal sites cannot overlap with existing open designated disposal sites. It appears the proposed offshore export cable corridor disposal site overlaps with the existing	To arrange further discussion with the applicant following Cefas advice to adequately capture disposal sites. The applicant would need to calculate the volume of material that may be deposited within the existing disposal site boundary and add this to their licence application. See	Call with MMO, applicant and Cefas held on				
MMO-103	Quality & sediment quality  Pegwell Bay disposal site (TH140) and Nemo Disposal Site C (TH152). The MMO requests that the proposed cable corridor disposal site excludes these areas, and if necessary the Applicant applies to use the existing disposal sites for	also response to MMO-104. The reason for this requirement is that disposal sites must be reported to OSPAR and LP/LC in a list of coordinates therefore it is not possible to represent holes in the reported data. MMO advises that TH152 has, since the previous advice was provided, been closed as a disposal site as it is no longer a concern. TH140 is still open. MMO will be happy to engage with the applicant and Cefas to discuss the best options to designate the OECC disposal site around this existing site. An option could be that two separate OECC sites need to be	11 Feb 2019 outlinining potenitial ways to define the disposal zones around the 'holes'.  Applicant to consider options and update MMO				
	any material they consider will need to be disposed of within the disposal sites already designated.	designated, one either side of TH140.					
	4.4 The proposed disposal site geometry cannot have 'holes' in the shapes (Figure 14.1 in document 8.14 illustrates a geometric hole in the centre of the array disposal site and on the western end of the cable corridor).						
MMO-104	ES: Water Quality & sediment sediment sediment without any sediment sedimen	pears  To arrange further discussion with the applicant following Cefas advice to adequately capture disposal sites.	Call with MMO, applicant and Cefas held on 11 Feb 2019 outlinining potenitial ways to define the disposal zones around the 'holes'.	proposed sites provided by the applicant.			
	quality purposes, the MMO suggests that the whole area from the outer boundary inwards is designated. Although the excluded 'holes' have not specifically been assessed in the ES, it is not expected substantial volumes (if any) of material		Applicant to consider options and update MMO	each DML and disposal amount for each. one. [Dealing with under MMO-41]			
	will be required to be disposed in these areas and therefore the MMO considers it low risk to designate this additional area of the seabed as a disposal site.						
	4.5 With regards to the release and redistribution of sediment bound contaminants; the number of samples collected for contaminants is low compared to the number -						
MMO-105	collected for contaminants is low compared to the number—which may be expected for maintenance or capital dredging—ES: Water campaigns. However considering the offshore nature of the—Quality & works, local redeposit of the material, and that most of the—sediment material has been characterised as coarse material (sand—This is noted by the Applicant. See response to MMO-106.	—No further comment					
	sediment material has been characterised as coarse material (sand-quality and gravel), the MMO considers the contamination risk to be low. Pending clarification on the level of sampling see comment 4.6, the MMO is therefore content that the						
	current level of sampling is acceptable to characterise the chemical contaminants to support dredging.						
	4.6 As raised in MMO's Section 42 response, the number of stations sampled for contaminants is not clear. Paragraph 3.7.8 describes 19 array samples plus 4 intertidal samples, however in section 3.7.14 seven array samples are referred for the intertidal contaminants sampling is presented in Volume 4, Annex 5-1: Export Cable Route Intertidal Report (Application Ref 6.4.5.1; Full details of the intertidal contaminants sampling is presented in Volume 4, Annex 5-1: Export Cable Route Intertidal Report (Application Ref 6.4.5.1; Full details of the intertidal contaminants sampling is presented in Volume 4.	PINS					
MMO-106	Quality & The subtidal report (document 6.4.5.2), also appears to locations of the transects and sampling locations are presented in Figures 3 and 4 of 6.4.5.1. The results of sediment contaminants analysis undertaken	in MMO considers that the description of the results in the WQ&SQ report (Document 6.2.3), in particular paragraph 3.7.8 is misleading. Whilst it	No further comment				
	sediment quality confirm 7 samples were tested for contaminants. Furthermore, Figure 3.6 appears to show 2 samples from in the route area (CR10 and CR03); whereas the Subtidal report document (document 6.4.5.2) details chemistry results from three stations (CR03, CR04 and CR10). Clarification on the sampling regime undertaken is required.  confirm 7 samples were tested for contaminants. Furthermore, Figure 3.6 appears to show 2 samples from in the array and offshore parts of the OECC, for seven samples, are presented in Section 5.6 of Volume 4, Annex 5-2: Benthic Characterisation Report (Application Ref 6.4.5.2; PINS Ref APP-082). The 19 samples presented in paragraph 3.7.8 refer to the initial grab samples undertaken for heavy metal and the array and offshore parts of the OECC, for seven samples, are presented in Section 5.6 of Volume 4, Annex 5-2: Benthic Characterisation Report (Application Ref 6.4.5.2; PINS Ref APP-082). The 19 samples presented in paragraph 3.7.8 refer to the initial grab samples undertaken for heavy metal and the array and offshore parts of the OECC, for seven samples, are presented in Section 5.6 of Volume 4, Annex 5-2: Benthic Characterisation Report (Application Ref 6.4.5.2; PINS Ref APP-082). The 19 samples presented in paragraph 3.7.8 refer to the initial grab samples undertaken for heavy metal and the array and offshore parts of the OECC, for seven samples, are presented in Section 5.6 of Volume 4, Annex 5-2: Benthic Characterisation Report (Application Ref 6.4.5.2; PINS Ref APP-082). The 19 samples presented in paragraph 3.7.8 refer to the initial grab samples undertaken for heavy metal and the array and offshore parts of the OECC, for seven samples are presented in Section 5.6 of Volume 4, Annex 5-2: Benthic Characterisation Report (Application Ref 6.4.5.2; PINS Ref APP-082). The 19 samples presented in PINS Ref APP-082 (Application Ref 6.4.5.2; PINS Ref APP-082). The 19 samples presented in PINS Ref APP-082 (Application Ref 6.4.5.2; PINS Ref APP-082). The 19 samples presented in	were analysed.					
	sampling regime undertaken is required.  4.7 Potential effects of construction presented in table—  3.10 (volume 6.2.3) appears to be missing the 9,600m3 of						
MMO-107	Quality & sediment quality    3.10 (volume 6.2.3) appears to be missing the 9,600m3 of dredge material expected from the Met Mast installation (as the detailed in volume 8.14, table 14.1), the MMO believes this should not affect the overall conclusion of the ES.	-No further comment					
	5.1 The ES (Section 1.6.6 of Offshore Project Description, chapter 6.2.1) details operation and maintenance activities such as bird waste removal, paint and repair, J-tube and lead to be a lead to be	d.					
MMO-108	ES: Benthic ES: Benthic Subtidal and Intertidal Ecology to meet the requirements of the maintenance condition in Schedules 11 (condition 5) and The relevant O&M phase impacts have been considered. Further to this the impacts of operations and maintenance works on the benthos, including from the semination of the possible use of jack-up vessels is considered in paragraphs 5.11.23 et seq of Chapter 5: Benthic and Intertidal Ecology (Application Ref 6.2.5; PINS Foundation and Intertidal Ecology to meet the requirements of the maintenance condition in Schedules 11 (condition 5) and the possible use of jack-up vessel is the only impact expected to occur on the benthos from these works and therefore, it is not necessary to assess these works directly, but rather considered them under the general impacts from operations and maintenance works.	Ref Please see MMO response in MMO-26	Closed out in respect of benthic?	Closed			
	Schedule 12 (condition 4).  5.2 Assessment (Chapter 6.4.5.3) Section 5.4.8 states						
	that any impacts that are concluded to have a negligible effect on benthic ecology receptors can be screened out (following guidance in MMO 2013). However, the MMO considers such effects should be screened in for the inter-						
	related effects assessment as per the S42 response— submitted by Agence Française pour la Biodiversite (P1-2 of doc 6.1.3.1_TEOW_CEA), and the text in document— 6.1.3.1_TEOW_CEA (paragraph 1.6.8) which states:						

Representation Number Su	bject Issues raised in the Relevant Representation Applicant's Response	MMO Interim comments  Document Page Referen	ences MMO comments following deadline 1/2	MMO Comments prior to Deadline 3	ant Response post-ISH7/at Deadline MMO comments prior to Telecon  36 /2 /2010  MMO comment on Telecon 26/03/2019	MMO response following deadline 4, 4b & 4c submissions 11/04/19  MMO response at deadline 5	Resepone at Deadline 5A (comments on dDCO) & Modelling / following publication of ExA's dDCO commentary.  Update at telegraphics of the commentary of the co	telecon on 15 May 2019
MMO-109	'effects that have no impact are unlikely to have inter—  All impacts greater than negligible are screened in subject to professional judgement. The detailed assessment has considered all relevant inter-related assessment has considered all relevant inter-related assessment. The detailed assessment has considered all relevant inter-related assessment has considered all relevant inter-related assessment.			3	26/3/2019 William Comment on Telecon 25/05/2015	11/04/19 Wilvio response at deadline 5	/ following publication of ExA's dDCO commentary.	10:000 10:00 10:00 10:00 10:00 10:00 10:00 10:00 10:00 10:00 10:00 10:00 10:00 10:00 10:00 10:00 10:00 10:00 1
	related effects when combined with other impacts and therefore can be scoped out of the inter-related effects as identified within the inter-related effects chapter (Volume 2, Chapter 14 of the ES (Application Ref 6.2.14; PINS Ref APP 055)).  assessment. However, where impacts that have a							
	significance of negligible or higher are identified, interactions may be of greater significance than the individual impacts in isolation; these are considered through							
	professional judgement.' The MMO considers that all- relevant impacts greater than negligible should be screened in to the inter-related effects assessments and clarification is							
	required as to whether this is the case.					MMO response in deadline 5A:		
						Pre-construction monitoring and surveys in Goodwin Sands - The MMO notes the revision made to schedule 12, condition		
					Note that rMCZ has been considered in the applicant's MCZ assessment & note	15 regarding monitoring provisions for Goodwin Sands pMCZ on the DML, however suggests the following amendments:  1.3.1 At 15(2)(b)(i) – the MMO questions whether reference		
	5.3 Table 5.9 of Chapter 5: Benthic and Subtidal and Intertidal Ecology (Chapter 6.2.5) (Subtidal biogenic reefs')  Reference is already made to the Goodwin Sands rMCZ in both the chapter (PINS Ref APP-046) and the MCZ assessment (Application Ref 6.4.5.3; PIN	The MMO notes inclusion of the Goodwin Sands rMCZ in the applicants MCZ assessment. MMO defers to the advice of the SNCB. MMO recognises that there is already reference to the Goodwin Sands rMCZ within the text however, this comment was raised specifically in relation	MMO requests clarification on how		applicant's MCZ assessment & note uncertainty remains re: the impacts on cable protection and need for monitoring in MCZ  MMO to provide comment on this in RevD of the DCO to be	to "sub-paragraph (2)(c)" in this section is correct given this refers to a different set of surveys related to saltmarsh.	Not discussed from NE as years. To clarify internally within MMO/NE on whether the latest	sed on telecon as no response syet.
MMO-110 ES	Henthic should be updated to include reference to the Goodwin Sands recommended MCZ has not been formally designated at this stage. However, the impacts on biogenic resistance in the should be updated to include reference to the Goodwin Sands recommended MCZ has not been formally designated at this stage. However, the impacts on biogenic resistance in the should be updated to include reference to the Goodwin Sands recommended MCZ has not been formally designated at this stage. However, the impacts on biogenic resistance in the should be updated to include reference to the Goodwin Sands recommended MCZ has not been formally designated at this stage. However, the impacts on biogenic resistance in the should be updated to include reference to the Goodwin Sands recommended MCZ has not been formally designated at this stage. However, the impacts on biogenic resistance in the should be updated to include reference to the Goodwin Sands recommended MCZ has not been formally designated at this stage. However, the impacts on biogenic resistance in the should be updated to include reference to the Goodwin Sands recommended MCZ has not been formally designated at this stage. However, the impacts on biogenic resistance in the should be updated to include reference to the Goodwin Sands recommended MCZ has not been formally designated at this stage. However, the impacts on biogenic resistance in the should be updated to include reference to the Goodwin Sands recommended MCZ has not been formally designated at this stage. However, the impacts on biogenic resistance in the should be updated to include reference to the Goodwin Sands recommended MCZ has not been formally designated at this stage. However, the impacts on biogenic resistance in the should be updated to include reference to the Goodwin Sands recommended MCZ has not been formally designated at this stage.	to the table (5.9). Paragraph 5.7.44 states that the OECC no longer passes through the Thanet Coast MCZ but does pass through the Goodwin Sands rMCZ, The MMO therefore suggests that the features present within the rMCZ should be considered within Table 5.9 as VERs within the Thanet Extension benthic ecology study area.	Goodwind sands has been considered in table 5.9	MMO to review following Deadline 3	(NE representation at deadline 3). Potentially close out subject to being satisfied that the Monitoring in the MCZ is adequately defined	wording proposed for monitoring in the Goodwin Sands rMCZ (see Schedule 12, Part 4 Condition 13(b), p.123 of DCO RevE)  [1.3.2 At 15(2)(b)(i) and (ii) — the current wording only provide for surveys to be undertaken post-construction — i.e. after cable protection has been installed. This wording needs to be	revisions of the dDCO resolve this matter.  EDIT: 16/05/ wording not econsturction	5/19 - NE still maintain condition ot explicit enough to guarantee preon surveys will occur prior to cable
					and secured.	pre-construction – i.e. where it is anticipated cable protection will be installed and prior to such works being carried out.	protection be	being installed (if it is installed).
						1.3.3 At 15(2)(b)(i) – the current wording should also be amended to provide for surveys taken out pre-construction and post-construction for sandwave clearance and post-		
						impact if sandwave clearance were undertaken in the pMCZ.		
	5.4 Page 5-39 of ES Volume 2 Chapter 5 Benthic Subtidal and Intertidal Ecology (Chapter 6.2.5) Paragraph 5.7.44							
	are present within the section of the OECC which coincides— with the Goodwin Sands rMCZ. However, limited data were— collected along the OECC and none were collected within the							
MMO_111	area which corresponds with the Goodwin Sands rMCZ- (according to figures 5.6 and 5.7). As such further evidence- is required to support this statement. If additional data-	ts on— No further comment						
	sources were used, the MMO requests that these sources— are appropriately referenced in the text and figures.— Additionally, cable preparation works (sandwave clearance)—							
	are likely to occur where the cable corridor passes through— Goodwin Sands rMCZ (paragraph 5.10.44). The MMO requests evidence to demonstrate that no benthic Features—							
	of Conservation Importance will be affected by the cable— works.							
MMO-112 ES	5.5 The MMO has some concerns regarding the use of the core reef approach to identify which areas may require mitigation, and whether the monitoring proposals are  This document has updated in line with all received comments and resubmitted to stakeholders.	Please see response in MMO-113.		GoBe updating following Cefas feedback	See MMO-113 See MMO-113			
	adequate.		*awaiting update from Cefas					
			Updated Biogenic reef plan submitted at deadline 1.  ExAQ 1.1.33 requested further information					
	5.6 The suggested approach documented in paragraph 4.6.3 of the Biogenic Reef Mitigation Plan (Chapter 8.15) for		on the approach .  Applicant also signposted to their RR response to NE regarding this- RR ref NE46					
MMO-113	a theoretical set of surveys, states that if surveyed areas do not meet the core reef value of > 1 they will not be considered core reef and will not need mitigation. This are not within a MPA but we do note that <i>S. spinulosa</i> are protected under the NERC Act. There has been a net increase of reef and the project propose to trial the core reef approach which does not require mitigation for all observed reef given that a proposed Order Limits are not within a MPA but we do note that <i>S. spinulosa</i> are protected under the NERC Act. There has been a net increase of reef approach which does not require mitigation for all observed reef given that a proposed Order Limits are not within a MPA but we do note that <i>S. spinulosa</i> are protected under the NERC Act. There has been a net increase of reef approach which does not require mitigation for all observed reef given that a proposed Order Limits are not within a MPA but we do note that <i>S. spinulosa</i> are protected under the NERC Act. There has been a net increase of reef approach which does not require mitigation.	Also EvAC 1 1 22	and NE66.  MMO has reviewed the revised Biogenic Rec	ef MMO to review	>MMO submitted comments to applicant via	Suggested amends to the Biogenic Reef Plan have been made though please note a minor amendment is required to point references made elsewhere in the document and securing on		
IVIIVIO-115	: Benthic suggests that even if an area of 'high reefiness' was observed in the most recent survey, it will not be mitigated for as it does not meet the criteria of core reef as outlined within this been a first b	/ICHOUT   construction reef survey	MMO has reviewed the revised Biogenic Rec Mitigation Plan and is content that the plan confirms that geophysical survey would cover then entire development area. The		>MMO submitted comments to applicant via email on 18/0319. MMO awaits a response Deadline 4 (Appendix 21).	though please note a minor amendment is required to point 5.1.1 - this point should say "in consultation with Natural England and agreed by MMO".  Resolved: the minor amend was deemed unnecessary given references made elsewhere in the document and securing on the DCO.		
	document. The MMO would advise mitigation where any reef (low to high reefiness) has been observed.		Plan has also been updated to account for the limited temporal data to be used in the assessment of core reef and recognises that					
			there may be a need to resort back to the traditional methods used to mitigate for real MMO would encourage the Applicant to use	ef. e				
	5.7 The core reef approach outlined here is reliant on		the information on reef location from all the studies undertaken from the Thanet OWF.					
	excellent weather and expert interpretation of the acoustic and Drop-Down Video (DDV) information during all surveys selected for inclusion. Annex 5-2: Subtidal Benthic  Characterization Beneat (Characteric A. F. 2) states that the survey methodology followed for the data collection consisted of an acoustic survey (not affected by poor visibility) that was then							
MMO-114 ES	characterisation report (Chapter 6.4.5.2) states that the groundtruthed by video surveys. As these video surveys were targeted and focused on specific sites considered to have the potential to constitute reconstructive poor underwater visibility at the time of the survey,	4.6.3	See MMO-114					
	Dec. Poor survey conditions may result in areas of reef being missed due to the quality of the data. The MMO seeks	the pre-	6					
	clarification on how the quality of the data will be taken into account, and how the risk of false negative results will be avoided.							
	5.8 Para 4.5.6. states that the characterisation surveys for TEOW will be used along with pre- construction surveys and site-specific data (within the TEOW area) collected for	v for						
MMO-115 ES	the existing TOWF. The MMO notes that the characterisation survey for TEOW was not designed  the existing TOWF. The MMO notes that the characterisation survey for TEOW was not designed  the existing TOWF. The MMO notes that the characterisation survey for TEOW was not designed  the existing TOWF. The MMO notes that the characterisation survey for TEOW was not designed  the core reef approach and that the pre-construction survey for Thanet Extension (the methodology for which will be agreed with the MMO and National Nati	sampling stations are randomly spaced. Was the acoustic data examined for reef features prior to video survey? If not, MMO would advise reviewing the backscatter data for any biogenic reef signatures to determine whether the survey sampled all areas of possible reef. The	See MMO-114					
	specific surveys in order to work. The approach requires	characterisation information may therefore not be completely suitable for use in the core reef approach as it is not targeted towards the reef feature.  NE RR: NE-46 and NE-6	6					
	good quality side-scan sonar and targeted DDV.		Applicant did not provide a response to this point previously, however did comment on		> Outside of a designated site the applicant has committed to avoiding reef by using the			
	ES Volume 2 Chapter 5 Benthic Subtidal and Intertidal Ecology (Chapter 6.2.5) in relation		this in response to ExAQ 1.1.33. Stating that "In the unlikely scenario that recovery is no complete at the end of the monitoring		core reef approach and 'reefiness' index to microsite, pre-construction. The applicant has considerable understanding of core reef			
	to benthic monitoring, states that confidence in the ES predictions is high based on sitespecific knowledge gained from post-construction monitoring undertaken for TOWF.		period, a mechanism for monitoring recover of the saltmarsh will be agreed with the MMO and Natural England as appropriate.		in the area derived from TOWF to support this. If reef is identified these areas will be monitored post-construction to determine			
MANO 116	However only one year post construction monitoring has been undertaken for TOWF to date and no long term impacts due to operation have been assessed so far. The MMO therefore question whether there is sufficient  Response Not provided	4.6.3  MMO-116 was absent from the most recent version of this document provided by Vattenfall, please clarify what representation this refers to.	RE biogenic reef specifically: Question whether 1 year is sufficient to adequately demonstrate recovery. The level of survey	To ravious following Doadling 2	impact. The question of recovery time then is resolved insomuch that the applicant has committed to avoiding core reef from the			
IVIIVIO-110	MMO therefore question whether there is sufficient evidence to demonstrate that only one year of post-construction monitoring (and only when biogenic reef is		demonstrate recovery. The level of survey needed to confidently demonstrate recover should be conditioned, with caveat that we	ту	outset.  MMO feel the modified core reef approach in			
	found) is sufficient (as described in Condition 15, Schedule  11). The MMO recommends post construction monitoring is extended to 3 years (which can be non-consecutive) in line		can agree no further monitoring is required recovery is demonstrated earlier than this.  Suggest that this is increased to 3 years and	1	this specific instance is acceptable. In addition, the applicant has proposed further monitoring with respect to reef identified in			
	with the timescales set out for saltmarsh surveys (condition 12.–(3) of Schedule 12).		in writing by MMO'. This gives us flexibility tagree that the survey programme can		a MCZ and agreed to undertake post- construction defined in consultation with Natural England. Natural England have			
	5.10 ES Volume 2 Chapter 5 Benthic Subtidal and		conclude early if recovery has been demonstrated		confirmed they are satisfied with this approach. (see comments in MMO 110)			
	Intertidal Ecology (Chapter 6.2.5), Table 5-10 'O&M', mentions 'Direct introduction and subsequent colonisation of hard substrate (scour protection/ cable protection) may Turbid wakes are a well-known phenomenon in this area and have been the subject of previous studies (Forster, 2017), which monitoring at Thanet		I note the applicants response that monitoring at Thanet ext is well		Email from MMO sent 21/03/19 clarifying  Following telecop, GoBe (on hebalf of the applicant)	MMO currently consulting with Cefas - response expected  12th April.		
MMO-117	affect benthic ecology and biodiversity' and 'Indirect disturbance leading to alterations of seabed habitats arising from scour effects and changes in the sediment and wave to be a sediment and wave to be a sediment and wave to be a sediment and substrate also is a phenomenon seen at all offshore wind farms, with no extra effects predicted to occur at Thanet Extension. The	Turbid wakes appear to have been studied in relation to the sediment but not the fauna. The MMO seeks clarification of how the wakes affect fauna in the long term is lacking. MMO recognises the limitations on monitoring of OWFs to date which has only generally been carried out for up to 3 years (mainly consecutive), with the monitoring of the turbines themselves being carried out at very few developments. Therefore,	in other local OWFs e.g Kenthish flats. Can		information that is required. Await update from applicant.	EDIT: Whilst the MMO could not completely rule out the impact of turbid wakes following Cefas advice, given the low		
	regime plus that of the turbid wakes arising from the presence of the WTGs'. As these impacts are specific to the operational phase, the MMO considers that operational monitoring would not provide any new information beyond that already available from earlier developments.  The colonisation of hard substrate also is a phenomenon seem at all offshore wind farms, with no extra effects predicted to occur at maniet extension. The operational monitoring would not provide any new information beyond that already available from earlier developments.	uncertainty remains on the long-term effects of OWFs. Long term monitoring is recommended.	applicant provide a summary of evidence in Thanet OWF for MMO to consider balance of evidence of impacts in the long term?		MMO to take away and review to clarify the issue.	levels of impact, risk and unknowns it was not considered proportional to impose an additional monitoring regime.		
	monitoring should be undertaken to assess the significance of any changes observed.  5.11 ES Volume 2 Chapter 5 Benthic Subtidal and							
	Intertidal Ecology (Table 5-10) (Chapter 6.2.5)—  'Decommissioning', mentions direct loss of species and habitats from the removal of foundations. Furthermore,							
MMO 119	paragraph 5.12.11, states that 'where it is identified that- reef structures (e.g. S. spinulosa reef) have formed on the foundations, the appropriate approach to the This is noted by the Applicant	No further comment						
ES	This is noted by the Applicant.    Applicant	— No further comment—						
	should to be undertaken prior to decommissioning, and— suggests that this requirement is captured as a condition on— the DMLs. See comment 1.27 on decommissioning condition—							
	required in DMLs.  5.12 Based on data from the original TOWF, the effects of							
MMO-119	placement of the turbine foundations and subsequent scour, and changes in sediment regime (including turbid wakes) have been assessed as minor adverse to negligible. However, this is based on only one was past construction monitoring.  The Thanet Extension project, by virtue of being an extension, has both a robust site specific dataset and can draw on wider industry literature in ord have confidence in the assessment findings. The combination of site specific and wider industry experience suggests that the assessment conclusion of the surface of the surf	Could you expand on this response and provide the evidence that underpins this conclusion (or signpost me to it!), in order that I can raise this with our technical advisers in a more targeted manner? As per comment to MMO-117, monitoring of OWFs in the UK has largely been 17. (2)- p106	See MMO-117	See MMO-117				
	have been assessed as minor adverse to negligible. However, this is based on only one-year post construction monitoring at TOWF. This MMO questions whether this is sufficient to draw conclusions the long-term effects of foundation presence.  The Thanet Extension project, by virtue of being an extension, has both a robust site specific dataset and can draw on wider industry literature in ord have been assessed as minor adverse to negligible. However, this is based on only one-year post construction monitoring at TOWF. This MMO questions whether this is sufficient to draw conclusions the long-term effects of foundation presence.	however long-term effects are virtually unknown therefore confidence is low. Hence, an assessment of negligible may not be appropriate.						
	5.13 There is a discrepancy in the number of samples— taken for sediment chemistry. The Subtidal Benthic—							
MMO-120	Characterisation Report (Chapter 6.4.5.2) section 5.6  : Benthic (Sediment chemistry) details results for 7 stations. This see response to MMO-106.  doesn't match with the information in section 5.1 which	-Noted-						
	states that 22 samples were acquired for chemistry analysis.  This should be clarified as per comment 4.6.							
NANAO 424	5.14 None of the data collected for the original TOWF— were used for the characterisation of the benthic— environment for Thanet Extension. This would have been—  The Thanet Extension project site specific data has been used for the purposes of characterising the receiving environment (as presented within paragonal strength of the purpose of characterising the receiving environment (as presented within paragonal strength of the purpose of characterising the receiving environment (as presented within paragonal strength of the purpose of characterising the receiving environment (as presented within paragonal strength of the purpose of characterising the receiving environment (as presented within paragonal strength of the purpose of characterising the receiving environment (as presented within paragonal strength of the purpose of characterising the receiving environment (as presented within paragonal strength of the purpose of characterising the receiving environment (as presented within paragonal strength of the purpose of characterising the receiving environment (as presented within paragonal strength of the purpose of characterising the receiving environment (as presented within paragonal strength of the purpose of characterising the receiving environment (as presented within paragonal strength of the purpose of characterising the receiving environment (as presented within paragonal strength of the purpose of characterising the receiving environment (as presented within paragonal strength of the purpose of characterising the receiving environment (as presented within paragonal strength of the purpose of characterising the receiving environment (as presented within paragonal strength of the purpose of characterising the receiving environment (as presented within paragonal strength of the purpose of characterising the receiving environment (as presented within paragonal strength of the purpose of characterising the receiving environment (as presented within paragonal strength of the purpose of characterising the							
IMINIO-121	:Benthic environment for Thanet Extension. This would have been useful information particularly on the distribution of S. spinulosa reef. The MMO seeks clarification as to why the benthic survey data for TOWF was not used.  5.7.5 et seq. of Application Ref 6.2.5; PINS Ref APP-046). This dataset is considered to be fit for this purpose. Where relevant the existing Thanet OWI (TOWF) project data are also use to compliment the site specific characterisation data. For example, data for TOWF were referred to within the coreassessment document.	eef—						
	5.15 The Biogenic Reef Mitigation Plan (8.15), paragraph  2.4.3 suggests that only reef classified as 'high reefiness'							
MMO-122	qualifies for assessment, however, paragraph 4.1.2 suggests:  Benthic that all reefiness (high, med and low) will be included in the assessment. Clarification is required whether sentence.	-Noted						
	(2.4.3) relates only to the previous assessment undertaken- by Pearce et al, 2014.							
MMO-123	5.16 ES Volume 2 Chapter 5 Benthic Subtidal and Intertidal Ecology, P5-38 (Chapter 6.2.5): Please provide a figure showing intertidal sediments/biotopes as has been  Figure 19 of Volume 4, Annex 5-1: Export Cable Route Intertidal Report (Application Ref 6.4.5.1; PINS Ref APP-081) of the ES presents the intertidal based on the sampling locations. A biotope map was not produced from this data.	Application Ref 6.4.5.1 Ref APP-081	PINS Signposting provided					
	presented for the Array and OECC.  6.1 Generally, the ES chapters have correctly identified the fish species present in the TEOWF study area, and							
MMO-124	the fish species present in the TEOWF study area, and characterisation of fish and fish ecology is adequate, with:  Fish relevant potential impacts considered. However, there are some areas of the ES which the MMO feels should be	No further comments MMO points addressed below						
	addressed in order to add greater confidence to the assessment;							
	6.2 The MMO requests a provisional timetable of site preparation and construction activities to consider how the activities may overlap with the seasonal spawning events of the overall short duration of the effect, the impact ranges predicted through the site specific modelling, and the understanding of the	ranges predicted through the site specific modelling, and the understanding of the resolving environment. NAMO has concerns regarding the	Close out as residual comments re: noise					
MIMO-125	sole, herring and sandeel. Once this information is presented the need for additional mitigation in the form of seasonal piling restrictions can be reviewed. See additional shellfish concludes all effects to be not significant with regards the EIA Regulations, and as such no further mitigation is considered appropriate.		dealt with below					
	information below:							

Representation Number	Subject Issues raised in the Relevant Representation	Applicant's Response	MMO Interim comments  Document Page Referen	rences MMO comments following deadline 1/2 MMO Comments prior to Deadline 3  Applicant Response post-ISH7/at Deadline 3	eadline MMO comments prior to Telecon 26/3/2019  MMO comment on Telecon 26/03/2019	MMO response following deadline 4, 4b & 4c submissions 11/04/19  MMO response at deadline 5	Resepone at Deadline 5A (comments on dDCO) & Modelling / following publication of ExA's dDCO commentary.  Update at telecon on 15 May 2019
MMQ-126	Herring (6.3 to 6.9) 6.3 It is not clear from Figure 6.14 'Comparison of SELcum1 noise contours with herring spawning grounds'	As explained in paragraph 6.10.51, Figure 6.14 (Application Ref 6.2.6; PINS Ref APP-047) shows an overlay of the 186 dB re 1 uPa2s (threshold for tempor threshold shift) contours from the two modelled piling locations with herring spawning areas. The herring spawning areas are defined in two ways: by Cou	MMO welcomes the clarification that Figure 6.14 shows an overlay of the 186 dB re 1 uPa2s (threshold for temporary threshold shift)	Applicant confirmed the modelling is base			
IVIIVIO-120	(Chapter 6) what scenario is being modelled, i.e. this show be clarified.  6.4 Behavioural impact ranges for spawning herring do	et al. (1998) and larval abundance using IHLS data.	al. (1998) and larval abundance using IHLS data. However, please could the applicant clarify if the modelling is based on the maximum hammer energy (of 5,000 kJ)?  The modelling presented in the ES used of an assumed fleeing swimming speed of 1.5ms-1 for fish as a receptor, and whilst this swimming speed is not unrealistic, it is overly simplistic as it overlooks the various swimming capabilities and sizes of different species of fish, as well as biological drivers in fish such as migration, spawning and philopatric behaviour. More importantly, the use of an assumed swimming speed is not appropriate when modelling the impact ranges to eggs and larvae which are a stationary receptor. Had modelling been undertaken for eggs and larvae as part of the EIA, then it is understood that the predicted TTS impact range zones presented would be much larger, and probably	ExAQ: 1.1.28. Applicant summarised no significant effects concluded for fish.  Email from applicant 1/2/2019: Again the criteria were agreed as part of the Evidence Plan process and I am surprised that Cefas seem to query if the correct criteria have been applied. Notwithstanding	Applicant submitted representation at deadline 3 (D3_Appendix 1_TEOW_ISH3 Actions_RevA - Action Point 17) in response	Further to MMO deadline 4 response this was discussed further in a call with GoBe who have agreed to provide additional information.  Summary of discussion:  - Applicant considers they have not seen any new evidence is available than what was available at the time the modelling	Following Cefas advice on the modelling provided by the applicant at deadline 5A the MMO requested a temporal piling restriction however provided the applicant with the option to use bubble curtains as a mitigation options. A full response is provided in the MMO's deadline 5A submission.
MMO-127	not appear to have been adequately assessed as no modelling has been presented for this. Should piling be ES: Fish undertaken just before and during the spawning season, noise and vibration may impede gravid herring from transiting to nearby spawning grounds. The MMO considerable this should be addressed.		extend into the herring spawning ground in Herne Bay, as well as extend further into the Eastern Channel spawning ground. As no modelling of eggs and larvae as a stationary receptor was included in the EIA, there is currently insufficient evidence to be confident that noise and vibration won't reach the Herne Bay and Downs herring spawning grounds. Using an evidence based approach, and in the absence of further modelling to the contrary, it is recommended that suitable mitigation measures be made to minimise the impacts to spawning herring and their eggs and larvae at both the Eastern Channel and Herne Bay sites. This should be in the form of temporal restrictions to pile driving between February and April (inclusive) for the Thames herring stock, and the last week of November (23rd) to 15th January (inclusive) for the Downs herring stock. MMO acknowledges that the recommended piling restrictions equate to four and half months of each construction year when piling would not be permitted. This would inevitably create a prolonged construction schedule and increase the cost of the development. The use of bubble curtains should be considered during piling work, as this form of mitigation could potentially enable piling to continue unhindered during part or all of the spawning seasons of herring, or could be used in conjunction with spatial piling restrictions.	for modelling effects on fish eggs and larvae is in my understanding, through reference to the Popper et al 2014 paper, and through reference to the recent (2018) ORJIP study authored by GoBe (Impacts on Fish from Piling at Offshore Wind Sites), 207dB SPL peak (noting SELcum applies the fleeing speed, not SPLpeak). This is also referred to in Table 6.9 of the Fish and Shellfish Chapter (Application Ref 6.2.6). I can also confirm that at Section 5 of the underwater noise technical report (Application Ref 6.4.6.3)  207dB SPL has been modelled and results in	to ExA questions on this matter, advising that they do not understand with the rationale behind the request and as such have not provided additional modelling.  MMO currently don't have the evidence presented to suppoort whether or not it can agree with impact assessment.	therefore consider this an inappropriate change in goal posts.  - Applicant disagrees that the evidence base does not provide evidence to support a fleeing response. There was discussion around the observed responses that have been seen in other studies and that there is evidence of a startle response, or movement, or moving to seabed. ACTION: GoBe requested to provide justification for how they consider these studies support the fleeing assumptions- i.e. actively moving away from the source for the duration of the exposure period.  - Discussed how there is some work to suggest that fish move closer to ground to avoid the noise source (noise doesn't	10/05/19 - the applicant has provided commentary and requested clarifications on elements of the MMO's submission.  ACTIONS: - continue to discuss w/applicant & Cefas provide response at D6 in SoCG
MMO-128	flee from the source of impact overlooks other factors suc	This is noted by the Applicant. For Popper <i>et al.</i> (2014) and fish, the assessment assumes a fleeing animal model for the SELcum results with a flee speed of 1.5 ms <sup>-1</sup> . This is based on data from Hirata (1999). The Applicant considers that the assessment undertaken is robust and that further modelling would no alter the outcomes of the assessment. No significant effects were identified.	I Please see response in MMO-125 MMO requests rationale be provided to understand why the undertaking of any additional modelling based. I	See MMO-125.  See MMO-127	See MMO-127  See MMO-127		
MMO-129	6.6 The MMO understands that had modelling been undertaken for eggs and larvae as part of the EIA, and considers the predicted Temporary Threshold Shift (TTS) impact range zones presented would probably extend into the herring spawning ground in Herne Bay, as well as exter further into the Eastern Channel spawning ground. As no modelling of eggs and larvae as a stationary receptor has been presented, there is currently insufficient evidence to confident that noise and vibration won't affect the Herne Bay and Downs herring spawning grounds.	This is noted by the Applicant. Modelling has been undertaken on eggs and larvae as a stationary receptor through consideration of the SPLpeak metric (2 dB). The associated ranges are presented within Application Refs 6.4.6.3 (PINS Ref APP-086) throughout and 6.2.6 at 6.10.34 et seq (underwater noise are technical annex and fish and shellfish chapter respectively). The maximum ranges are 330 m and are therefore considered to be a small scale effect that we not result in a significant effect on herring spawning grounds, and eggs/larvae in particular. The Applicant therefore considers that the assessment undertaken is robust and that further modelling would not alter the outcomes of the assessment. No significant effects were identified.	Table 6.10 shows mean noise impact ranges for fish at the modelled locations and noise levels for monopile installation (5,000 kJ hammer energy). The modelling results for cumulative sound exposure level (SELcum) in this table assumed a fleeing animal, with the receptor fleeing from the source at a constant rate of 1.5 m/s (para.6.10.45). As per comments to points MMO-125 and MMO-128, modelling should be based on a stationary receptor for fish. Modelling of cumulative sound exposure level (SELcum), for all fish groups (Groups 1,2, 3 and 4, and eggs and larvae) using a stationary receptor is likely to result in much larger impact ranges than those shown in Table 6.10, which may extend into the Herne Bay and Downs herring spawning grounds.	See also MMO-125. Primary concern impact ranges based on the SELcum thresholds assume a fleeing response. MMO feels there is currently insufficient evidence that fish flee noise exposure nor at what speed that would support this assumption.  MMO content with the potential mortality based on the SPL peak modelling for fish, eggs & larvae. However, The predicted impact ranges based on the SELcum are <10 m appear to be based on a fleeing receptor. Eggs and larvae in particular have limited mobility and cannot 'flee'. Therefore, the SELcum impact ranges based on a stationary receptor should be provided (for the threshold of 210 dB re 1 μPa 2 ·s).	See MMO-127 See MMO-127		
MMO-130	6.7 In the absence of further modelling to the contrary suitable mitigation measures must be made to minimise t impacts to spawning herring and their eggs and larvae at both the Eastern Channel and Herne Bay sites. This should be in the form of temporal restrictions to pile driving between February and April (inclusive) for the Thames herring stock, and the last week of November (23rd) to 15 January (inclusive) for the Downs herring stock.	See the Applicant's responses to MMO-125 and MMO-129.	In light of comments to MMO 125, 128 and 129, and in the absence of either further empirical or scientific evidence to support fleeing in fish, or modelling of impacts to fish as a stationary receptor, MMO cannot be confident that the likely impacts due to underwater noise/vibration are within acceptable limits, and therefore consider that that suitable mitigation measures (in the form of temporal restrictions to pile driving) must be made to minimise the impacts to spawning herring and their eggs and larvae at both the Eastern Channel and Herne Bay sites.	Given the proximity of the site to known herring spawning grounds, presently MMO does not feel that the modelling presented provides sufficient evidence to be confident in the conclusion of no significant effect in regards to effects of cumulative sound exposure/behavioural effets on herring spawning grounds. MMO suggests the following be presented:  1. a map overlaying the noise contours for SELcum impact ranges based on a stationary receptor for over the herring spawning hotspots  2. modelling of the received levels of single pulse Sound Exposure Level at the spawning grounds based on the worst case scenario. If this data can be presented this would assist in assessing the potential impacts on	See MMO-127  See MMO-127		
MMO-131	developments, the MMO has previously advised that the most direct and comprehensive way to mitigate the risk o acoustic impact on marine species is to reduce the amour of noise emitted at source.	See the Applicant's responses to MMO-125 and MMO-129.	For the reasons outlined in the comments above, MMO currently does not agree with the statement that the effects to spawning herring and their eggs and larvae will be non-significant.	spawning grounds/spawning herring, to inform MMO's view on whether additional mitigation e.g. in the form of seasonal restrictions, is appropriate.  See MMO-131  See MMO-127	See MMO-127 See MMO-127		
MMO-132	, , , , , , , , , , , , , , , , , , , ,	See the Applicant's response to MMO-125 and MMO-129. The use of bubble curtains to mitigate non- significant effects is considered disproportionate. I particular in light of the low level of evidence available to demonstrate the effectiveness of bubble curtains to mitigate smalls scale effects on fish and shellfish receptors.	Please see previous comments regarding the conclusions of the impact assessment on fish.	See MMO-131 See MMO-127	See MMO-127  See MMO-127		
MMO-133	ES: Fish  6.10 The high intensity sole spawning and nursery grown in the Thames estuary are considered to be of national and international importance to the North Sea stock.  Additionally, the Thames estuary is also one of the more	This is noted by the Applicant.	-No further comment				
MMO-134	6.11 Whilst the MMO acknowledges the challenges attributing the direct or indirect impacts of anthropogenia activities such as fishing, dredging, shipping, offshore win farms, cables etc. to the state of sole stocks, the MMO considers that further assessment is required on the impact of piling activities on sole spawning grounds in the Thame estuary. The MMO also considers that, mitigation in the form of temporal piling restrictions for sole due to the potential attenuation of noise into the Thames sole spawning grounds, may be required and secured as a condition on the DML, as has been secured in other offshowing farm DMLs (e.g. Greater Gabbard and Galloper OWF)	The Applicant considers that the assessment undertaken is robust and that no significant effects were identified. It is therefore not considered appropriat to enforce seasonal restrictions to mitigate against impacts on fish.	Please see comments in response to points; MMO 125, 128 and 129 and 130 regarding appropriate modelling for fish, and their eggs and larvae. In the event of robust modelling or scientific evidence to support fleeing fish, seasonal restrictions should not be ruled out.	Remaining residual comment about noise & impact on herring *Sole? Check with Cefas?  MMO to review clarification note at Deadline 3 or afterwards	See MMO 127  MMO to provide update following Cefas consultation. Latest response to be provided in Deadline 4.	Response at deadline 4: Latest response on this issue was provided in MMO's Deadline 4 submission - see points 1.2.8 - 1.2.12.  Update following deadline 4c: ACTION: the applicant has provided further information for the MMO to review - comments to follow.  The applicant submitted additional modelling which is uncreview	Following Cefas advice on the modelling provided by the applicant at deadline 5A the MMO replied that  While the applicant has considered the potential impacts of the updated modelling in relation to herring, the potential overlap of modelled noise exposure criteria for fish hearing group 1 (sole) upon sole spawning grounds is not presented, rather the potential impacted area (total calculated habitat) is considered instead. While this is useful, the potential overlap (modelled noise contours) should be overlaid onto identified sole spawning grounds as previously requested. Providing a figure with the TTS threshold (modelled based on a stationary receptor) would show the potential impact range for injury to sole.  2.3.2 As such, at this stage further information is needed to determine the likely impacts on spawning sole are within acceptable limits.  The applicant has provided further comment, believing the
MMO-135	Sandeel (6.12 to 6.17)  6.12 The MMO notes that the biology of herring and sandeel have been considered under the same section, and several of the assessments of impacts have assessed herring and sandeel together, rather than separately, despite the two species' having yeary different occlosively.		—No further comment—	No further action required			Information to have been fully provided.
MMO-136	6.13 Throughout the Fish and Shellfish ecology chapter, the assessment of impacts to sandeels has been based on sandeel spawning habitat, e.g. 'Herring and sandeel spawning'; 'Potential herring and sandeel spawning habitates:  ES: Fish and Figure 6.11 'Preferred and Marginal Sandeel Spawning Habitat According to Site-Specific Data'. Sandeels spawn in the same areas that they inhabit; therefore the MMO considers the assessment of impacts should refer to sandhabitat rather than sandeel spawning habitat.	- ht'; g- This is noted by the Applicant.	-No further comment-	No further action required			
MMO-137	ES: Fish  ES: Fi	The Applicant considers that the assessment of impacts to fish and shellfish habitats, including sandeel, are robust and can be attributed with a high level confidence. The Applicant notes the MMO response 6.15 [MMO 137] below, in which the MMO agree that the sandeel habitat suitability assessment was adequate.		No further action required			
MMO-138	6.15 Whilst the approach taken for the EIA was not the recommended one, the MMO considers that the sandeel habitat suitability assessment presented is adequate from which to conclude that a large proportion of the area is considered to be 'preferred' sandeel habitat.	The Applicant welcomes the MMO's confirmation as to the adequacy of the assessment.	- No further comment	No further action required			
MMO-139	MMO considers that this demonstrates the need for herriand sandeel to be assessed under separate headings.  6.17 The MMO agrees that the recolonisation of sandeel habitat is likely to occur over time once construction work	This is noted by the Applicant. However, this would not alter the findings of the assessment which concludes no significant effect.  If is	- No further comment -	No further action required			
MMO-140	ES: Fish  Complete, with the exception of those areas where habitations occurs to installation of hard structures and rock placement. The removal of substrate and settlement of suspended sediment from activities such as jetting, trenching and dredging is considered to have the greatest impact on sandeels. The MMO considers that where possible, disturbance to sandeels through during their spawning seasons (Nov-Feb) should be avoided, especially relation to cable laying activities and that this restriction should be secured through a condition in the DML.	It is well established that sandeel are not considered to be sensitive to the effects of increased suspended sediment. This forms part of the guidance outlin within Latto et al. which the MMO have referenced. In light of the scale of the effect, and the low sensitivity to suspended sediment the Applicant consider that the assessment undertaken is robust and that no significant effects were identified. It is therefore not considered appropriate to enforce seasonal restrictions to mitigate against impacts on fish.	rs Areas of Sandeel habitat and spawning ground will be disturbed through export cable laying activities e.g. ploughing or jetting. However,	No further action required			

Representation Number Subjection	ect Issues raised in the Relevant Representation Applic	cant's Response	MMO Interim comments  Document Page	References MMO comments following deadline 1/2	MMO Comments prior to Deadline 3  Applicant Response post-ISH7/at Deadline MI 3	IMO comments prior to Telecon 6/3/2019  MMO comment on Telecon 26/03/2019	MMO response following deadline 4, 4b & 4c submissions 11/04/19  MMO response at deadline 5	Resepone at Deadline 5A (comments on dDCO) & Modelling / following publication of ExA's dDCO commentary.	Update at telecon on 15 May 2019
MMO-141 ES: F	MMO considers there are several commercial species missing from this list (as outlined in section 6.7.4) namely; dover sole, whiting, plaice, herring, sandeel, mackerel, thornback ray. Similarly, several species of conservation interest/importance are also missing from the list (also	s noted, however the applicant disagrees that any species are missing, with all species listed under paragraphs 6.7.4 and 6.7.7 of Volume 2, Chapter 6 and Shellfish Ecology (Application Ref 6.2.6), including all species raised by the MMO in Relevant Representation MMO-141. All species listed have been ified as a part of the existing environment and are a material consideration in the assessment. All species have been considered in the context of their fic sensitivities to environmental impacts and in terms of both their legal protection and policy considerations. In addition, the commercial sensitivity pecies is not generally relevant to the sensitivity of a fish or shellfish species in the context of a fish and shellfish EIA chapter, and is more relevant to the necessary of the assessment of impacts to fish and shellfish EIA chapter.	n Noted	No further action required					
MMO-142 ES: F	he species of conservation interest or importance with the	pplicant acknowledges that in general, gobies are not species of commercial or conservation importance, with the exception of the species identified ant representation MMO-142. Gobies are listed under Section 6.7.7 of Volume 2, Chapter 6: Fish and Shellfish Ecology (Application Ref 6.2.6) as they recorded in site specific beam trawls (see Volume 4, Annex 6-1: Site Characterisation Fish Survey Report – Spring 2017 (Application Ref 6.4.6.1) and me 4, Annex 6-2: Site Characterisation Fish Survey Report – Autumn 2016 (Application Ref 6.4.6.2). Gobies form part of the existing baseline and are fore considered in the assessment, regardless of the fact that they are not considered to be of commercial or conservation importance. Therefore, the ones of the assessment remain robust and appropriate.		No further action required					
MMO-143 ES: F	6.20 In terms of conservation interest, the slipper limpet is listed under Schedule 9 to the Wildlife and Countryside Act species 1981 with respect to England and Wales because it is a nonnative species. As such, it is an offence to plant or otherwise further	pplicant acknowledges that the slipper limpet ( <i>Crepidula fornicata</i> ) is listed under Schedule 9 of the Wildlife and Countryside Act 1981 as a non-native. The applicant notes that the slipper limpet is already present within the site and Thanet Extension is not predicted to act as a stepping stone for ive and/or non-native species. See paragraph 5.11.13 <i>et seq.</i> of Volume 2, Chapter 5: Benthic Subtidal and Intertidal Ecology (Application Ref 6.2.5) for information regarding the colonisation of WTGs/ scour protection and its effects on benthic ecology and biodiversity. There is therefore no material to the outcome of the assessment.e.	e  Can the applicant clarify how they propose to prevent the spread of non-native species (or sign-post the MMO to where it will be provided)?	No further action in regards to ES. Expect standard best practice regarding preventi of spread of NNS would be followed					
MMO-144 ES: F	ish more clearly presented in table form, with one table for species of commercial importance, and one for species of	s noted by the Applicant. However, the applicant does not intend to re-draft the Environmental Statement to reflect this, noting that it has no material to the outcome of the assessment. All species identified as part of the baseline were considered in the context of their sensitivities to the impacts sed, and were considered in the context of their legal protections and policy considerations.							
MMO-145 ES: F	include two tables; and if a species is to be listed under conservation importance, its associated listing or status should be included to aid clarity.  6.23 Sections 6.7.9, 6.7.11 and 6.7.15 of the Fish and	s noted by the Applicant. However, the applicant does not intend to re-draft the Environmental Statement to reflect this, noting that it has no material to the outcome of the assessment. All species identified as part of the baseline were considered in the context of their sensitivities to the impacts sed, and were considered in the context of their legal protections and policy considerations.							
MMO-146 ES: F	Shellfish Chapter: The MMO considers that further consideration on the type of trawl (i.e. otter or 2m scientific beam) and the limitations of fishing methods should be discussed in the context of the catch data. For example; beam trawls target demersal species e.g. flatfish, cod and whiting, and will not adequately target pelagic species such as herring, sprat and mackerel. Similarly, the use of 2m scientific beam trawls targets small and juvenile fish, hence larger and adult species may not be proportionally represented.	mitations of sampling methodologies are established within the supporting technical reports. The Applicant considers the characterisation to be robuit for the purposes of EIA, this has been recorded within the EIA Evidence Plan Report (Application Ref 8.5) as agreed with MMO and their advisers.	No further comment						
MMO-147 ES: F	6.24 — Section 6.7.22 of the Fish and Shellfish Chapter-discusses juvenile fish and epifaunal invertebrate communities and their associated substrates, with butterfish, common sea snail, common dragonet and poggebeing the species which dominated hard substrate areas. It is uncertain whether all of these were actually juveniles of the species, or if they were small-bodied species of fish that have been described as juveniles.	lata record both juveniles and small-bodies species of fish.	Noted Noted						
MMO-148 ES: F	6.25 — Section 6.10.4 discusses the direct impacts to fish and shellfish (e.g. crushing) as a result of construction activities such as foundation installation and cable installation. The impact is predicted to be of local spatial extent, of short-term duration, intermittent and reversible. Whilst the impact of foundation and cable installation can be reversed, the impact of crushing on fish and shellfish as the receptor is not reversible. The MMO considers that this statement should be amended to reflect this.	pplicant acknowledges that individual fish and shellfish subject to direct impacts (crushing) would not be reversible in terms of direct impacts to—duals, however, notes that communities/ assemblages are expected to recover from these impacts. Therefore, in the context of these communities/nblages, the impact is reversible. There is therefore no material impact on the outcomes of the assessment and the assessment remain robust and—pariate.	Noted, thank you for the clarification						
MMO-149 ES: F	Electrical System. In the 'Site Characterisation Fish Survey Report - Spring 2017', Table 2 is titled; 'Summary of the total abundance of species of commercial or conservation interest recorded in otter and beam trawls sampled during the autumn 2016 survey'. Table 6 is titled; 'Specifications of the	pplicant acknowledges that there are some typographical errors throughout, however Table 1.4 is not contained within Volume 2, Chapter 6: Fish and ish Ecology (Application Ref 6.2.6) or its annexes, and no such reference is made to Triton Knoll OWF or Electrical System Table 2 of Volume 4, Annesite Characterisation Fish Survey Report – Spring 2017 (Application Ref 6.4.6.1) should be entitled 'Summary of the total abundance of species of nercial or conservation interest recorded in otter and beam trawls sampled during the spring 2017 survey'. Similarly, Table 6 should be entitled ifications of the otter and beam trawls used during the spring 2017 TEOW Site Characterisation fish surveys. The applicant notes that these errors do ave any material bearing on the outcomes of the assessment.	System secondary protection/cable crossing material will result in a net loss of seabed and in a change in substrate type. This can result in impacts on fish and shellfish species associated to habitat loss particularly for species which are substrate specific (e.g. sandeels and						
	otter and beam trawls used during the autumn 2016 TEOW Site Characterisation fish surveys.'  6.27 Embedded mitigation measures proposed for fish- include soft start procedures to be undertaken on- commencement of piling operations; and to reduce the- effects of EMF, cables will be buried to a minimum target depth of 1m. Although, it is also noted in the Schedule of Mitigation, burial of inter-array and export cables to a								
MMO-150 ES: F	it is not possible to bury the cables sufficiently, cable protection will be used. As per the National Policy Statement for Renewable Energy Infrastructure (EN-3) (Dept. of Energy & Climate Change, 2011), to minimise the potential effects of EMF we recommend that cables are buried to a depth of greater than 1.5m. However, the MMO recognises that this may be subject to local seabed geology conditions, and burial requirements for other receptors in the area.	s noted by the Applicant.	- No further comment						
MMO-151 ES: F	6.28 All relevant shellfish species and issues appear to have been correctly identified and covered, with the exception of the below points: [6.29 to 6.32]  6.29 As the Succorfish data for 2017 has now been provided, the MMO considers the magnitude of the impact from 'Loss or restricted access to traditional fishing grounds' on the potting fleet in the area should be increased to 'medium'. The definition of a medium magnitude is 'A	applicant notes and welcomes the MMO's confirmation that the characterisation is adequate.	-No further comment	Applicant provided response to ExAQ 1.1. acknowledged that one vessel appears to work along the eastern edge of the site					
MMO-152 ES: F	moderate proportion of the total annual landings weights/values derived from fishing within Thanet Extension and/or the change is temporary but recovery within a reasonable timescale is not possible'. From the Succorfish data it is evident that during the months of June-November the proposed Thanet Extension array area is fished extensively, although it isn't clear what these vessels are targeting. Given whelk potting represents one of the most	uccorfish data were reviewed and considered in detail within the assessment. It is considered a minor proportion of local potting that occurs within tl ct boundary will have a loss of access.	MMO considers that the magnitude of the impact from 'Loss or restricted access to traditional fishing grounds' on the potting fleet in the area should be increased to 'medium'. The definition of a medium magnitude is 'A moderate proportion of the total annual landings weights/values derived from fishing within Thanet Extension and/or the change is temporary but recovery within a reasonable timescale is not possible'. From the Succorfish data it is evident that during the months of June-November the Thanet Extension array is fished extensively, although it isn't clear what these vessels are targeting. Given whelk potting represents one of the most important fisheries locally it is likely that a reasonable proportion of the Succorfish data relate to potting. This therefore suggests that a moderate proportion of local potting occurs within the	boundary and another in the northwest corner. As listed in Paragraphs 9.17.11-9.17.14 of Volume 2, Chapter 9  Ex 9-1: Commercial Fisheries (PINS Ref APP-050/Application Ref 6.2.9), the UK potting flee has a medium sensitivity due to restriction on operational range, available grounds ex However, the magnitude is assessed as low	t ss sc.				
	important fisheries locally it is likely that a reasonable proportion of the succorfish data relate to potting, supported by figure 9.3, which highlights key potting grounds within the proposed Thanet Extension array. This therefore suggests that a moderate proportion of local potting occurs within the extension array, rather than a minor proportion as inferred by the minor magnitude allocated in the assessment.			the duration of activities and the range of other grounds that can be targeted Covered under commercial fisheries- close out following adiditonal comments.					
MMO-153 ES: F	rolativ	epplicant stands by the assessment of low sensitivity to direct damage for shellfish receptors, inclusive of whelks given their moderate abundance and ve recoverability rates. As noted by the MMO, increasing this sensitivity from 'low' to 'medium' would not change the outcome of the assessment and another remain reports and spriate							
MMO-154 ES: F	6.31 Succorfish data have been used to supplement VMS data, which doesn't represent the <15m fleet. In summarising the data, the ES states that the Thanet Extension is used to varying degrees. It also states that the data confirm that alternative grounds are available in the vicinity of Thanet Extension and that in many cases the vessels transit through the area rather than fishing there. The MMO considers it should be highlighted in the report that the Thanet Extension array area is used by numerous potting vessels throughout the year, with a peak from June-significant.	mus effects associated with both reduced fishing pressure within the array and increased fishing pressure outside the array to be of negligible	Chapter 9: Comm The consideration of increased fishing pressure outside of the array implies that fisher will relocate to alternative fishing grounds outside of the array. If this assumption is incorrect, can the applicant kindly clarify the rationale for the increased pressure? Can clarification also be provided on the assessment of impact to those fishers who are unable relocate?  Chapter 9: Comm Fisheries (Application also be provided for the increased pressure? Can clarification also be provided for the increased pressure?	MMO notes the applicant's comment that reference was made to 'alternative' fishing grounds. However, the assessment considered reduced pressure within the array, and increased pressure outside of to array, implying that that fishers will be about the cology outside of the array (thus increased)	> S fish  he le	Screenshots submitted following the ISH on shing show potting occurs in the site.  /hilst the MMO does not wholly agree with ne applicant's response to its RR given the ata submitted by Thanet Fishermen's association at Deadline 3 (EN010084-			
	September, when many vessels fish the area. The MMO advises caution against referring to 'alternative' grounds as this suggests there is capacity for them to relocate all their gear to these areas. In practice, this may only be possible if there is sufficient capacity at those 'alternative' grounds to support additional fishing gear.		(Application Ref 6	.2.6) pressure).MMO requests clarification of he the limitations on fisher's ability to relocate has been taken into account in the assessment and in reaching the conclusion a negligible effect.	e 00 cor	01308), it is satisfied that overall the onclusion of negligible significance is opropriate			
MMO-155 ES: F	6.32 The MMO considers that the limitations of MMO-landing statistics should be discussed. For example, it is considered that they are likely to under-represent the under-10m shellfish fleet. Data on landings are collected via buyers and sellers notes, a requirement for individual sales of over-30kg to be registered. Vessel owners selling directly to the public may make sales under this threshold which would not be represented in the official landing statistics. This has shown to be the case in some areas of England for pot-fisheries, when comparing buyers and sellers notes to monthly shellfish activity return (MSAR) forms (Cefas, unpublished). MSAR data are not currently used in the	lata limitations and uncertainties associated with the assessment, including the weaknesses of the MMO data are discussed within Volume 2, Chapter h and Shellfish Ecology (Application Ref 6.2.6)	No further comments						
ES: Under noise	7.1 The potential effects of underwater noise have been appropriately identified in the ES. Underwater noise modelling has been undertaken and the potential effects are discussed in detail within the marine mammals and fish and shellfish chapters. All activities with the potential to generate noise have been considered. Previous concerns and queries raised during the evidence plan process and in MMO's s42 response have appear to been adequately addressed, however there are a few additional clarifications required as noted below.	applicant welcomes MMO confirmation as to the adequacy of the assessment.	No further comments.						
ES:	7.2 The proposed mitigation is general, standard-mitigation measures usually proposed for offshore wind-farm developments. The MMO considers that details of the-Marine Mammal Mitigation Protocol (MMMP) will need to-be agreed with the relevant bodies and should consider the (maximum) predicted impact ranges (see comment 7.4-below). The MMO agrees with the approach outlined in-paragraph 7.11.75 of the marine mammals chapter which-								
MMO-157 Under noise	Shift (PTS) impact range for porpoise is 660 m for the installation of monopiles at Location East. This suggests that a mitigation zone of up to 700 m would be sufficient to mitigate against instantaneous PTS, although the exact distance of the mitigation zone should be determined post-consent, once further information is available, including a full pile drivability assessment and the refinement of the piling profiles and hammer energies likely to be used".	врисаnt welcomes MMO agreement on the MMMP.	— No further comment						
ES: MMO-158 Under noise	acoustic impact on marine species is to reduce the amount of noise emitted at source. For pile driving this could include regard noise reduction technologies, such as bubble curtains and acoustic barriers that are integrated into the piling rig (e.g. IHC Noise Mitigation System). The MMO considers such	ot considered necessary for Thanet Extension to apply further mitigation in the form of bubble curtains or other noise suppression methods. All cted effects are not significant, with the exception of the cumulative effect on marine mammals which is 'moderate' and therefore significant with ds EIA Regulations, immaterial of Thanet Extension. Any mitigation applied to Thanet Extension would not therefore have a material benefit and woul sproportionate. We would also highlight the nature of the precaution inherent in this assessment both in terms of the likelihood that all the Tier 2 cts will come forward and overlapping construction periods with Thanet Extension, in addition to the likelihood that all these projects will realise their mum worst case design envelope parameters. We would also highlight that although this assessment concluded moderate in terms of the short term in the short term will be a lasting significant effect at population level from this magnitude of disturbance.	acknowledging that all cetaceans are European Protected Species. MMO notes that the applicant does not consider it necessary for Thanet  Extension to apply further mitigation in the form of bubble curtains or other noise suppression methods. MMO however maintains its original Ref. 6.2.7  Exposition this should remain an option for consideration based on the detailed information presented when the MMMP is formally submitted.	Mitigation Protocol (MMMP PINS Ref	MMO to review ou	litigation to be agreed/secured through the oproval of the MMMP (subject to to utcome of HRA)			

				Applicant Response post-ISH7/at Deadlin	ne MMO comments prior to Telecon	MMO response following deadline 4, 4b & 4c submissions 11/04/19  MMO response at deadline 5	Resepone at Deadline 5A (comments on dDCO) & Modelling / following publication of ExA's dDCO commentary.  Update at telecon	
Representation Number	Subject Issues raised in the Relevant Representation Applicant's Response	MMO Interim comments  Document Page Re	References MMO comments following deadline 1/2 MI	1MO Comments prior to Deadline 3	26/3/2019 MMO comment on Telecon 26/03/2019	11/04/19 MMO response at deadline 5	/ following publication of ExA's dDCO commentary.	con on 15 May 2019
MMO-159	7.4 The MMO considers the predicted impact ranges in Para 7.11.81 are slightly misleading. The predicted impact ranges should be based on the maximum largest impact ranges should be based on the maximum largest impact ranges (i.e. 1.2km), not the mean ranges (i.e. 960m) as stated in the report. The MMO notes that maximum values for other scenarios have been considered elsewhere, and queries whether this was intentional.  The MMO is correct, the PTS ranges presented in Tables 7.25 and 7.26 of the ES are the mean ranges not the maximum. The mean range was present an indication of the risk average out across all the directions and smooths out the ES as it is important to note that the mean ranges present an indication of the risk average impact ranges present a better indication of the overall risk average impact ranges present and indication of the risk average out across all the directions and smooths out the ES as it is important to note that the mean ranges present an indication of the risk average impact ranges present an indication of the risk average out across all the directions and smooths out the ES as it is important to note that the mean ranges present an indication of the risk average out across all the directions and smooths out the ES as it is important to note that the mean ranges present an indication of the risk average impact ranges present an indication of the risk average out across all the directions and smooths out the ES as it is important to note that the mean ranges present an indication of the risk average out across all the directions and smooths out the ES as it is important to note that the mean ranges present an indication of the risk average out across all the directions and smooths out the ES as it is important to note that the mean ranges present an indication of the risk average out across all the directions and smooths out the ES as it is important to note that the mean ranges present an indication of the risk average out across all the directions and smooths out the ES are the	fect of dover  Please clarify whether the MMMP and EPS risk assessments will be updated within the Examination period in order to allow to a robust  Tables 7.25 and 7.2  EVAC 1.1.24	Applicant's response to ExAO 1 1 24 however	IMO to consult with Natural England on hether they have any additional comments.	MMO content in principle that risk assessments will be udpated post consent to state the maximum impact ranges, however defers to NE as to whether this is required for the HRA.			
MMO-160	7.5 Following on from the previous point, para 7.11.83 states that "the potential for exposure to noise levels that could cause PTS over the whole piling sequence can be reduced by extending the mitigation zone out to the maximum range (across all species) predicted by the National Oceanic and Atmospheric Administration (NOAA) thresholds of 960 m". The MMO considers the maximum ranges should be taken into account here when considering mitigation. In addition, para 7.11.102 and Table 3.3 states a cumulative SEL PTS impact range of 30m, however the maximum cumulative SEL PTS impact range is 40m. This should be corrected.	Please see response to MMO-159 No further comment						
MMO-161	This is noted by the Applicant. These tables were presented to allow like for like comparison with previous use of an SEL single strike criteria based on the peak Sound–Pressure Level (SPL) (unweighted) and the cumulative sound exposure level (SEL) (weighted) within a 24-h period. There is no SEL single strike criteria in NOAA, see Tables 4-8 to 4-9.	The MMO notes the applicant's response and has no further comment at this stage.						
MMO-162	8.1 All operations and maintenance activities listed in the plan have been marked as green, needing only notification to the MMO that works are being undertaken. However many of these works are licensable activities that would require an additional marine licence if they exceed the values assessed in the ES. Therefore the MMO disagrees that all activities can be marked as green. Activities such as cable repair, cable replacement, additional cable laying, and cable reburial should be marked as amber, as a minimum the MMO would require notification of the intended works, and a method statement demonstrating that the actual works are within the parameters of those assessed in the ES, and confirmation that any mitigation conditions on the DML are being adhered to e.g. Notice to Mariners. The plan should include details that would normally be required for a stand alone marine licence application. This should include details for each type of activity permitted; methodology, the maximum number of each discrete activity (per year and over the operational lifetime of the wind farm), duration, footprint, location (where possible) and timings of works. Also see comments at 1.26.	The MMO does not believe the follow section of its representation has been addressed and would welcome clarification: "However many of these works are licensable activities that would require an additional marine licence if they exceed the values assessed in the ES. Therefore the MMO disagrees that all activities can be marked as green." The response to MMO-26 does not appear to address the MMO's concerns regarding larger scale activities such as cable reburial/replacement or cable reburiato. Consideration must be given to the environment and other sea users and what mitigation may be required. MMO would therefore likely require relevant notifications such as NtMS/kingfisher to be issued to notify other sea users, potential consideration of exclusion zones that may exclude fishers from the area are required. MMO would require a method statement to validate that the works being undertaken are within what was consented, and would need to know the locations and timing of the works. This is different from a smaller activity from an existing CTV (such as blade replacement) with no impact on the seabed, and needs to be considered accordingly. MMO would be happy to discuss this in more detail to ensure that the outline O&M plan is appropriate.	The response to MMO-26 does not appear to address the MMO's concerns regarding larger scale activities such as cable reburial/replacement or cable reburial.  Consideration must be given to the environment and other sea users and what mitigation may be required. MMO would therefore likely require relevant notifications such as NtMs/Kingfisher to be issued to notify other sea users, potential consideration of exclusion zones that may exclude fishers from the area are required. MMO may require a method statement to validate that the works being undertaken are within what was consented, and would need to know the locations and timing of the works. This is different from a smaller activity from an existing CTV (such as blade replacement) with no impact on the seabed, and needs to be considered accordingly. MMO would be happy to discuss this in more detail to ensure that the	oBe to review	> MMO submitted comments on the O&M plan to the applicant via email on 18/03/19 and await a response. [Dealing with under MMO-26]			
MMO-163	The MMO queries whether the Fisheries Liaison and Co-Existence Plan is intended to be submitted as a final plan at application stage. The DML interpretations state the document certified by the Secretary of State for the purposes of the Order. Section 1.1 of the plan states "As such this should be considered to be a draft for consultation and agreement prior to the development's application." If a final certified plan, the MMO consider insufficient contact details for fisheries liaison officers are included at this stage and it would also require reference to any changes being notified to the MMO and industry at the appropriate stage. If the intention is to submit a final plan for approval by the MMO, this should be included in the pre-construction plans and documentation conditions of the DML.  The Fisheries Liaison on Co-Existence Plan (FLCP) (Application Ref 8.8) is submitted as final. The statement referring to the document being a 'draft consultation is an error which should have been removed and which reflects the consultation process that has been undertaken for the plan. A rev submitted as Appendix [x] of this response to Deadline I.  Whilst it is not possible to identify the Fisheries Liaison Officer (FLO) for construction at this time, details of the FLO would usually be provided to the the MMO of both the FLO and the Offshore Fisheries Liaison Officers (OFLO) (if required) has also now been included in Section 3.6 of revised FLCP.	FLO details must be provided in the PEMP. Review appendix X following deadline 1 ishing	MMO requests that submission to MMO of details of the FLO is captured in condition 12(d) in line with applicant's comment.	oBe to review the wording of this condition n the DML	> MMO requested that provision for submission of details of the FLO is captured in Part 4 Condition 12(d) (see p.106 of DCO/DMLs). MMO requests update from applicant.  Applicant confirms this has been amended. MMO to Deadline 4.	review at DCO Revision E amended to include details as request in column J - issue now resolved.		

Other Issues Arising	Comments at telecon on 15 May 2019
MMO-164	1.2.17 Schedule 13, Certified Documents - The MMO notes the applicant intends to certify a number of documents in order that they are "complied with as certified". The MMO advises that current drafting does not provide a mechanism to undertake revisions for those documents where this may be required such as in the case of the Biogenic Reef Mitigation Plan which is not finalised and the Fisheries Liaison and Coexistence Plan which is considered a "live" document subject to ongoing changes throughout the project.  Applicant confirmed drafting in the next iteration of the dDCO will reflect these changes  ACTION: Review next iteration of dDCO
MMO-165	Applicant confirmed drafting in the next iteration of the dDCO will reflect these changes incorrectly as the 'Fishing Liaison and Co-existence Plan' in schedule 13.  Applicant confirmed drafting in the next iteration of the dDCO will reflect these changes  ACTION: Review next iteration of dDCO
MMO-166	Applicant confirmed drafting in the next iteration of the dDCO will reflect these changes will reflect these changes  Action: Review next iteration of dDCO  Applicant confirmed drafting in the next iteration of the dDCO will reflect these changes  Action: Review next iteration of dDCO