



Norfolk Boreas Case Team
Planning Inspectorate
NorfolkBoreas@planninginspectorate.gov.uk
(Email only)

MMO Reference: DCO/2017/00002
Planning Inspectorate Reference: EN010087
Identification Number: 20022925

4 November 2019

Dear Sir or Madam,

Planning Act 2008, 2008, Norfolk Boreas Limited Proposed Norfolk Boreas Offshore Windfarm Order

Response to Notification of hearings

The Marine Management Organisation (MMO) is an interested party for the examination of Development Consent Order (DCO) applications for Nationally Significant Infrastructure Projects (NSIPs) in the marine area. Should consent be granted for the project, the MMO will be responsible for monitoring, compliance and enforcement of Deemed Marine Licence (DML) conditions.

The MMO received a Rule 6 letter dated 11 October 2019 containing the notification of hearings for the proposed Norfolk Boreas Offshore Wind Farm. Please find the MMO's response to the notification of hearings below.

1. Notification of attendance at the Issue Specific Hearing on the Development Consent Order

The MMO will be attending the Issue Specific hearing on the Development Consent Order on 13 November 2019. The MMO have the following ongoing concerns and will make oral representation on these if required:

- Appeals
- Timeframes for submission of documents
- Cooperation between DMLs
- Schedules 9, 10, 11 and Schedule 12

2. Notification of wish to make oral representations at the Issue Specific Hearing on Offshore Environmental matters including Habitats Regulation Assessment

The MMO will be attending the Issue Specific hearing on Offshore Environmental Matters on 14 November 2019. The MMO have the following ongoing concerns and will make oral representation on these if required:

- Marine Processes
- Benthic Ecology
- Fish and Shellfish
- Marine Mammals and Underwater Noise

- Cable and Scour Protection
- Haisborough, Hammond, and Winterton Special Area of Conservation Site Integrity Plan
- Operation and Maintenance Plan

If you have any queries regarding the topics listed above please don't hesitate to contact me.

Yours Faithfully



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Planning Act 2008, Norfolk Boreas Limited, Proposed Norfolk Boreas Offshore Wind Farm

Response to Examining Authority's Rule 6 Letter

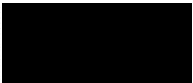
On 11 June 2019, the Marine Management Organisation (the "MMO") received notice under section 56 of the Planning Act 2008 (the "PA 2008") that the Planning Inspectorate ("PINS") had accepted an application made by Norfolk Boreas Limited (the "Applicant") for determination of a development consent order for the construction, maintenance and operation of the proposed Norfolk Boreas Offshore Wind Farm (the "DCO Application") (MMO ref: DCO/2017/00002; PINS ref: EN010087).

The Applicant seeks authorisation for the construction, operation and maintenance of DCO Application, comprising of up to 180 wind turbine generators together with associated onshore and offshore infrastructure and all associated development ("the "Project").

The MMO received a Rule 6 letter on 11 October 2019. Please find the MMO comments below;

- 1. Preliminary Meeting Attendance**
- 2. General Comments**
- 3. Comments on Examination Timetable**
- 4. Notification of wish to have future correspondence electronically**

Yours faithfully



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1. Preliminary Meeting Attendance

- 1.1 The MMO will be attending the Preliminary Meeting on Tuesday 12 November 2019. The MMO has reviewed the draft timetable for the examination of the application and would like to discuss:
 - Item 4 – Statements of common Ground
 - Item 4 - Publications of hearing agendas
 - Item 5 – Issue Specific Hearings (ISH)

2. General Comments

- 2.1 The MMO have concerns on the introduction of a pre-deadline with information required before the beginning of the examination. The MMO would like to understand the reasoning behind this and if this is going to be standard procedure for other examinations.
- 2.2 The MMO understand that this is a different Examination Authority (ExA) to Norfolk Vanguard Ltd. However due to the cases being 'sister projects', the MMO would like to note that Norfolk Vanguard Ltd submitted some information in between deadlines throughout the examination and these were accepted by the ExA. The MMO would highlight that this complicated the process and added pressure on MMO resources to review the information for the next available deadline (occasionally only 4 days later). If this route is taken during this examination the MMO will not be responding to the additional information until the following available deadline.

3. Comments on Examination Timetable

- 3.1 With regard to the examination timetable the MMO have concerns with the overlap in the latter part of the examination with East Anglia 1 North and East Anglia 2 which could cause competing deadlines and hearing attendance. This will create pressures on the time to travel to each hearing and sub sequential deadlines.
- 3.2 The MMO and its specialist advisors, Centre for Environment, Fisheries and Aquaculture Science (Cefas) have individuals providing specialist advice working to all three of the above projects in the examination and pre-examination process and is concerned that it will not be possible to participate fully in all three examinations and provide the detailed responses required.
- 3.3 The MMO requests the ISH are organised to minimise the need for MMO to be in attendance, (e.g. into offshore matters and onshore matters). This would benefit travel arrangements and resources with better utilised time, allowing for an efficient and effective examination.
- 3.4 In addition to this the MMO requests if the ISH are to stay titled as 'Environmental Matters' (Environ) then the Environ Hearings are the day before the Development Consent Order (DCO) hearings to ensure anything environmental related is covered as this could impact on the wording of the DCO. This is only relevant for the hearings after ISH1 and ISH2.
- 3.5 The MMO notes that deadline 3 for Norfolk Vanguard is only 9 days after deadline 2 and placed just before the Christmas period, where the organisation experiences reduced resource capacity to respond. The MMO note that for this deadline there is the requirement to comment on the 'Implications for the Norfolk Boreas Application for Development Consent of any SoS decision on recent Offshore Windfarm applications', the MMO would note that this review, along with the other submissions required for

deadline 3, could take a considerable longer time than the 9 days proposed in the reduced resource period. The MMO requests that the ExA considers a delay of this deadline to week commencing 20 January 2019.

- 3.6 Deadline 4, as currently given, is only 4 working days after the ISH dates reserved. Given the potential need to consider any developments from discussions within the ISH this is a challenging deadline. The MMO would like to request the ExA considers granting an extension to deadline 4 to alleviate the situation.
- 3.7 Deadline 7, as currently given, is only 3 working days after the ISH dates reserved. Given the potential need to consider any developments from discussions within the ISH this is a challenging deadline. The MMO would like to request the ExA considers granting an extension to deadline 7 to alleviate the situation.
- 3.8 Deadline 9, as currently given, allows just 7 working days to review comments on the updated draft DCO to lead into the final DCO, along with the other documents submitted at deadline 8 and provide a response. The MMO requests that the ExA considers whether any changes can be made to deadline 9 to allow the MMO sufficient time to provide a full and considered final response during examination.
- 3.9 The MMO would request that the ISH agendas are specific and detail the topics and issues within those topics for discussion.

4. Notification of wish to have future correspondence electronically

- 4.1 The MMO wishes to have future correspondence electronically.

Yours faithfully



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