



Marine Management Organisation

Marine Licensing
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH

T +44 (0)300 123 1032
F +44 (0)191 376 2681
www.gov.uk/mmo

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

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

5 March 2020

Dear Sir or Madam,

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

MMO Deadline 6 Response

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 17 letter containing the ExA's second round of written questions on 12 February 2020 for the proposed Norfolk Boreas Offshore Wind Farm (Ref EN010087). The Applicant and Interested Parties responded at Deadline 5. Please find the MMO's comments on the responses to the ExA's second round of questions below for your consideration.

In order to ensure clarity, who the question was directed to and the question to which the answer has been provided has been incorporated in this response.

This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

Yours faithfully



Rebecca Reed
Marine Licensing Case Officer

D +44 (0)2080268854

E Rebecca.Reed@marinemanagement.org.uk



INVESTORS
IN PEOPLE | Bronze





Marine Management Organisation

EN010087 – Norfolk Boreas – The Examining Authority’s second written questions and requests for information
 Issued on 12 February 2020 for submission at Deadline 5.

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
1. Archaeology and Heritage Assets					
1.0 Offshore and intertidal archaeology					
Q2.1.0.4	Historic England (HBMCE) Natural England (NE) Marine Management Organisation (MMO)	Clarification note on relationship of archaeology and reef features: Comment by Deadline 5 on the clarification note [REP4-022] provided by the Applicant at Deadline 4 ‘Optimising Cable Routing through the HHW SAC’.	<p>The MMO welcomes the document as clarity to how the cable route takes into account both HHW SAC features and Archaeology features. The Document is well presented and provides a lot of detail.</p> <p>However, the MMO still has concerns that micrositing may not be possible at the time of construction and would like this to be dealt with at consenting stage rather than post consent.</p> <p>The MMO note that NE have queried how the MMO would make a decision between the potential impacts to Annex 1 reef and Archaeological interest features.</p> <p>It would be the MMO’s duty to protect as far as possible both these features and we would not envisage a scenario where one element is prioritised over another. This again highlights the difficulties the MMO would experience if confidence cannot be reach at this stage regarding micrositing.</p> <p>The MMO defer to NE on matters of HRA and Adverse Effect on Integrity. The MMO defers to</p>	<p>Natural England:</p> <p>Natural England have provided a detailed response to ‘Optimising Cable Routing through the HHW SAC’ at Deadline 5</p>	<p>The MMO defers to NE in relation to the HRA aspects within the: <i>‘Optimising Cable Routing through the HHW SAC’</i></p> <p>The MMO is reviewing the HHW SAC SIP position paper (REP5-057) including the alternative condition proposed for the HHW SAC and will provide further comments at Deadline 7.</p>



ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
			<p>Historic England on the Archaeology features.</p> <p>The MMO is in discussion with the Applicant and NE about the use of the HHW SAC SIP and the related condition (Schedule 11 & 12 9(1)(m)). The MMO has concerns that if the SoS makes a decision on AEoI as part of the Conservation of Habitats and Species Regulations 2010 on the HWW SAC then the condition is not fit for purpose as it does not take into account the Derogation process. Alongside this the Applicant has removed all sections relating to the HHW SAC from the Outline certified plans (such as the Outline Cable and Scour Protection Plan) and included this in the HHW SAC SIP document. The MMO is concerned that if the SoS were to make a decision (either no adverse effect or derogation route), condition 9(1)(m) could be removed from the DMLs and with this the HHW SAC SIP and all included information could be lost at the consenting stage as this information is only included in the SIP document.</p> <p>The MMO is aware the Applicant will be proposing an alternative condition and document in relation to Norfolk Vanguard for this scenario. The MMO will work with the Applicant on the wording of this condition and provide comments once this is submitted into the Norfolk Boreas examination.</p>		
2. Biodiversity, Biological Environment and Ecology					
2.0 Offshore benthic and marine mammals					
Q2.2.0.2	The Applicant, Marine Management Organisation,	Environmental Statement and Worst-case scenarios: The Applicant [REP4-011] states that the MMO has now	The MMO's initial position was that the ES should be updated to take into account any changes through the examination period.	Applicant's Response: The Applicant accepts that a number of parameters have changed and that further parameters could change	The MMO welcomes the updates on the changed parameters to the documents mentioned by the Applicant.

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
	Natural England	<p>agreed that updating the Environmental Statement (ES) may not be appropriate and that the MMO will provide suggestions on how documentation can be structured/referenced to help them as regulator. There is a relationship between the assessment in the ES (which would become a certified document) and the Conditions in the DMLs which would allow a variation/amendment to approved plans, protocols or statements so long as they are unlikely to give rise to any materially new or different effects from those assessed. Given that a number of parameters have changed/may change since the ES was submitted (e.g. cable protection and potentially turbine draught heights), the Applicant to explain why the current drafting of the DMLs is acceptable.</p>	<p>However, after further discussion and the Applicant's comments below the MMO is open to an alternative option (REP4-009):</p> <p><i>"ES is a record of what is assessed, not what is permitted and therefore does not require any updates."</i></p> <p><i>"relevant parameters consented are set out in the DCO/DML itself, and that is what should be relied upon post consent"</i></p> <p>The MMO agrees with the Applicant that the DCO/DML is the consent for the project and this will develop further from the ES, the MMO requires this to be made clear within the DCO/DML.</p> <p>The MMO requires all the finalised and updated figures to be updated within the DCO/DML at consenting stage to highlight the need for a variation if any of these are amended.</p> <p>Further comments have been provided in Q2.5.1.1 and Q2.5.1.9.</p>	<p>prior to the end of examination. However, every change has been captured either as an update to the DCO or within the certified documents. All changes have been made to reduce the magnitude of impacts and no changes have given rise to any new or different effects from those assessed within the Environmental Statement (ES). For example, following a reduction in the amount of cable protection from 10% to 5% within the Haisborough Hammond and Winterton (HHW) Special Area of Conservation (SAC) which was made for the 4th November 2019 Deadline, changes were made to Requirement 5(2) and (4) of Schedule 1 and Condition 2 of schedules 10 and 11 of the DCO which was submitted at the November 4th Deadline [AS-020]. The following documents were then also updated due to this change and submitted at Deadline 1.</p> <ul style="list-style-type: none"> • 6.7 the Environmental Impact Assessment (EIA) and DCO reconciliation document [REP1-017] • 8.16 Outline Scour Protection and Cable Protection Plan [REP1-032]; and • 8.20 Outline Norfolk Boreas HHW SAC Site Integrity Plan (SIP) [REP1-034]. <p>This was discussed further with the Marine Management Organisation (MMO) and Natural England (NE) on the 17th February 2020 where the Applicant proposed that document 3.3 of the application, 'Note on Requirements and Conditions in the Development Consent Order' [REP4-005] could also be updated at the end of the examination to direct the regulator to the most up to date versions of each document. Please</p>	<p>The MMO has reviewed the Notes on Requirements document (REP5-005) and the DCO submitted by the Applicant at Deadline 5.</p> <p>The MMO believes the Notes on Requirements (REP5-057) is very helpful and provides clarity on what each certified document is and when it will be submitted. The MMO wishes to continue discussions with the applicant regarding a further summary documents where all parameters and boundaries whether on the face of the DCO or not are pulled together in one place to aid understanding and the enforcement and monitoring duties of the MMO's coastal staff.</p> <p>The MMO welcomes the updated Schedule within the DCO as this highlights the certified documents at the end of the examination process, in relation to Part 1 of Schedule 18 the MMO defers comments until the section is updated fully.</p> <p>The MMO requests further discussion with the Applicant to discuss if Schedule 18 and 19 can be linked to the DMLs in any way.</p>

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
				see the Applicants response to Written Question 2.5.5.1 below for further detail. Both the MMO and Natural England were in agreement that an update to the note on requirements would be helpful and that it should make clear that the DCO and certified documents override previous parameters if different from those presented in the Environmental Statement.	
Q2.2.0.3	Applicant Marine Management Organisation	Post construction monitoring: Applicant/MMO to provide update of discussions on post-construction monitoring to assess long-term changes in benthic assemblages [REP2-051, REP3-017].	<p>The MMO has been in discussion with the Applicant and the MMO's technical advisors to find agreement on this point.</p> <p>The Applicant has proposed amendments to the In Principle Monitoring Plan to allow for the discussion of increasing the scope of benthic monitoring to be discussed upon submission of the document.</p> <p>The MMO is currently consulting with the MMO's technical advisors and will provide confirmation at Deadline 6.</p>	<p>Applicant's Response:</p> <p>This has been discussed by the Applicant and the MMO at a number of meetings, most recently on the 17th February where the Applicant proposed to include the following text within section 4.3 (Benthic Ecology) of the IPMP, which the Applicant understands has resolved the matter:</p> <p>"If, at the time of completion of the final detailed plan, there is good, evidence based, justification for increasing the scope of the benthic surveys to include other benthic monitoring techniques then this will be agreed with the MMO and included within the final plans."</p> <p>This proposed text has been included within Version 3 of the IPMP which has been submitted for Deadline 5.</p>	The MMO and our Scientific Advisors recognise that the updated text in the IPMP allows for the scope of the benthic surveys to be increased post consent if there is good justification to do so.
Q2.2.0.4	The Applicant Marine Management Organisation	Benthic habitats: MMO and the Applicant to update on discussions relating to the potential for drill arisings to alter benthic habitat, marked as not agreed in the SoCG [REP2-051]	The MMO's technical advisors agree that there is no potential for drill arisings to alter the benthic habitat in light of the Applicant's response in Table 5 of AS-024. This will be reflected in the updated SoCG the Applicant will submit at Deadline 6.	<p>Applicant's Response</p> <p>The issue of drill arisings altering the benthic environment has now been agreed between the Applicant and the MMO and this will be reflected within the Statement of Common Ground (SoCG) to be submitted at Deadline 6. The Applicant confirmed in its comments on Relevant Representations [AS-024] that the geophysical and geotechnical data does not indicate that any chalk is present and also that should drilling</p>	The MMO is content that this issue is dealt with and no further information is needed from the Applicant.

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
				<p>be required, which is unlikely and if does occur will only be in a few discrete locations, the volume of material brought to the seabed would be small relative to the volume of material naturally transported through the site and would therefore not result in a change to the benthic habitat. The MMO have accepted this position.</p>	
<p>Q2.2.0.5</p>	<p>The Applicant Natural England Marine Management Organisation</p>	<p>Marine Mammal Monitoring: NE, MMO and Applicant to provide an update regarding drafting of a condition for marine mammal monitoring</p>	<p>The MMO, NE and the Applicant had a joint meeting on 17 February 2020 to discuss this point further. NE has requested a marine mammal monitoring condition. The current action is on NE to provide an example condition. The MMO will continue discussions with NE and the Applicant on the addition of a condition. A further update will be provided at Deadline 6.</p>	<p>Applicant's Response:</p> <p>The Applicant's position is that given the low contribution of the project to marine mammal impacts any marine mammal monitoring should be undertaken at a strategic level. The wording provided within the IPMP allows for the participation of Norfolk Boreas in any strategic monitoring as required at the time of agreement of the final plans and therefore it is not necessary to include a specific condition within the DCO to commit the Applicant to marine mammal monitoring specifically. Furthermore, it is not appropriate to include a condition requiring a strategic approach to monitoring if equivalent conditions are not included within DCOs for other wind farm developments within the vicinity of Norfolk Boreas, which can contribute to that strategic approach. The Applicant is not aware of any other DCOs including such a condition. Therefore, if the Applicant were to include such a condition it could put the project in the position of having to undertake strategic monitoring without the participation of other projects.</p> <p>Notwithstanding this position the Applicant has discussed this with the MMO and Natural England (17th February 2020) and have agreed to consider proposed wording for a potential condition which will be</p>	<p>The MMO understands that NE will be submitting a condition at Deadline 6. The MMO will review the condition provided by NE and provide comments at Deadline 7.</p>

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
				provided by Natural England (in consultation with the MMO) for Deadline 6.	
Q2.2.0.7	Applicant Marine Management Organisation	Sandeel: Applicant/MMO to provide an update regarding discussions around cumulative effects and monitoring of sandeel [REP2-051].	<p>The MMO agrees with the conclusions in the ES that impacts to sandeel resulting from disturbance to habitat and temporary and permanent loss of habitat will be of minor adverse significance. The concern relates to the cumulative impact of minor adverse impacts to sandeel occurring across multiple wind farm sites in the southern North Sea, which is not currently being monitored.</p> <p>The Applicant has proposed amendments to the In Principle Monitoring Plan to allow for the discussion of increasing the scope of benthic monitoring to be discussed upon submission of the document. The MMO is currently consulting with its technical advisors and will provide confirmation at Deadline 6.</p>	<p>Applicants Response:</p> <p>This has been discussed between the Applicant and the MMO at a number of meetings, most recently on the 17th February where the Applicant proposed to include the following text within section 4.4 (Fish and Shellfish Ecology) of the IPMP which the Applicant believes should resolve the matter:</p> <p><i>“As explained in section 4.3.2, if at the time of completion of the final detailed plan there is good, evidence based, justification for increasing the scope of the benthic surveys this will be agreed with the MMO and included within the final plans. If a scope increase for the benthic surveys included sediment sampling within the wind farm site, the data from that survey could be used to better understand any changes in habitat suitability for sandeels. This would be agreed with the MMO though the final plan.”</i></p> <p>This proposed text has been included within Version 3 of the IPMP which has been submitted for Deadline 5.</p>	<p>The MMO has discussed the update with the MMO’s Scientific Advisors and cannot agree that the Applicant’s updates alleviates all concerns at this time.</p> <p>The MMO requires a further update to the IPMP to include including the collection of sediment samples for the purpose of particle size analysis (PSA) – the proposed wording is below:</p> <p><i>“As explained in section 4.3.2, if at the time of completion of the final detailed plan there is good, evidence based, justification for increasing the scope of the benthic surveys this will be agreed with the MMO and included within the final plans. If a scope increase for the benthic surveys included sediment sampling within the wind farm site for the purpose of Particle Size Analysis (PSA), the data from that survey could be used to better understand any changes in habitat suitability for sandeels. This would be agreed with the MMO though the final plan.”</i></p> <p>The MMO and its Scientific advisors are willing to discuss an alternative approach if the Applicant wishes to pursue geophysical surveys as a method of monitoring changes to sediment composition and sandeel habitat across the site. If this was preferable to the Applicant then the MMO and its Scientific Advisors would be happy to review any method or proposal provided by the Applicant in more detail.</p>
5. Development Consent Order and Deemed Marine Licences					
5.0 General					

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
Q2.5.0.1	The Applicant	<p>End of Construction: Considering Natural England's concerns, based on an example of an operating offshore windfarm [REP3-021] regarding the need for a clean line between the end of construction and the beginning of operation and the Applicant's comments regarding seeking further information from NE in [REP4-009, No.4], the Applicant to state when it will be able to respond.</p>	N/A	<p>Applicant's Response:</p> <p>The Applicant discussed this matter with the MMO and NE on a conference call held on 17 February 2020.</p> <p>The Applicant explained the notification requirements within Condition 9 of Schedule 9-10 and Condition 4 of Schedule 11-12 and Condition 3 of Schedule 13 which provides that the Applicant must notify the MMO (including Kingfisher Information Service of Seafish and the UK Hydrographic Office) upon completion of licensed activities (for example, Condition 9 (Schedule 9-10)). In the case of the Kingfisher Information Service of Seafish notification, this must be no later than 24hours from completion of construction of all offshore activities.</p> <p>The Applicant considers that the matter is agreed in principle.</p>	<p>The MMO agrees that the Applicant must notify the MMO and Seafish of construction in Condition 9 of Schedule 9-10 and Condition 4 of Schedule 11-12 and Condition 3 of Schedule 13 provide.</p> <p>However, the MMO requests clarity from the Applicant on what the Applicant classes as '<i>completed construction</i>'? The MMO understands that all parties could have a different view of when construction is completed and therefore the MMO requests this is clear within the DMLs.</p> <p>The MMO will continue discussion with the Applicant.</p>
Q2.5.0.2	Norfolk County Council Breckland Council Broadland District Council North Norfolk District Council Natural England Marine Management Organisation	<p>Outstanding matters on the dDCO: The Applicant has provided responses to matters raised by the relevant planning authorities and other post-consent approval bodies at Deadlines 2, 3 and 4. Aside from the matters questioned below, set out any outstanding concerns with the dDCO submitted at Deadline 4 [REP4-004].</p>	<p>All outstanding issues not included in the ExA questions are within the SoCG that will be submitted at Deadline 6 by the Applicant.</p> <p>A summary of ongoing issues (not including Arbitration/Appeals as there will be no movement on these issues) is provided below:</p> <ul style="list-style-type: none"> - Cable Crossings <p>The Applicant has provided further comments and the MMO is currently discussing this internally – the MMO will provide an update at Deadline 6.</p> <ul style="list-style-type: none"> - Disposal Sites <p>The MMO is working closely with the Applicant and the MMO's technical advisors to resolve outstanding queries and provide the</p>		<p>The MMO has provided further updates to the Applicant and has summarised these within Document XX.</p>

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
			<p>disposal site references as soon as possible.</p> <p>- Definition of Inert</p> <p>The MMO still requires the inclusion of a definition of inert – the MMO has sent further comments to the Applicant, has received a response and is reviewing this internally. The MMO will provide an update at Deadline 6.</p>		
5.1 Articles					
Q2.5.1.1	<p>The Applicant Natural England MMO Norfolk County Council Breckland Council Broadland District Council North Norfolk District Council</p>	<p>Article 2: Interpretation: Environmental Statement: The Applicant has stated that the <i>“ES is a record of what is assessed, not what is permitted and therefore does not require any updates.”</i> [REP4-009, No.1].</p> <ol style="list-style-type: none"> 1. Are consenting authorities content with this position? 2. The Applicant is invited to consider an extension to the definition of the ES in Article 2 to clarify the fixed point in time nature of the ES assessment. 3. Consenting authorities to comment if they think this clarification is necessary. 	<ol style="list-style-type: none"> 1. Please refer to Q2.2.0.2 for detailed comments 3. The MMO welcomes clarity within the interpretation and believes this would provide comfort to the MMO that the ES is a snapshot in time and is used to inform consent. It does not represent consent in of itself. 	<p>Applicant’s Response:</p> <p>The Applicant is content that the current definition of the ES in Article 2 is suitable in its current form, which reads as follows:</p> <p><i>“environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of this Order;</i></p> <p>Once the Applicant has therefore provided the environmental statement to the Secretary of State for certifying in accordance with Article 37 then it is secured as the certified "environmental statement".</p> <p>The Applicant does not consider a change to the definition to refer to a fixed point in time would alter the meaning or purpose of the definition.</p> <p>The Applicant, however, recognises that a number of examination documents – for instance, updated Collision Risk Models – can be considered as an element of the environmental statement. The Applicant therefore proposes to update the Note on Requirements (document reference: 3.3) at the end of the Examination to make this clear. As the Applicant outlines in response to WQ 2.5.1.9 below, the</p>	<p>The MMO welcomes the clarification on the definition of the ES.</p> <p>Please review comments in the MMO comments to Q2.2.0.2.</p>

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
				Applicant also considers that it would be helpful to insert a new Schedule to the dDCO outlining the certified documents – including those documents considered to form part of the environmental statement - and the respective versions of each document.	
Q2.5.1.2	The Applicant	Article 2: Interpretation: Schedule of Mitigation: Further to points under Article 37 in these questions, the ExA considers a definition of the Schedule of Mitigation [REP2-006] would be helpful		Applicant's Response: The Schedule of Mitigation is primarily a signposting document, outlining all proposed mitigation within the ES for the ease of reference for any interested party. It does not contain any new information about the Project and it does not secure any mitigation. Mitigation is either secured in the dDCO or in the outline plans. Accordingly, the Schedule of Mitigation is not referred to in the dDCO and the Applicant does not therefore consider it appropriate or necessary to define this document within the dDCO.	The MMO requests that the information provided in the Schedule of mitigation is part of a certified document to highlight what mitigation is proposed and which documents and conditions the mitigation is secured in.
Q2.5.1.9	The Applicant Norfolk County Council Breckland Council Broadland District Council North Norfolk District Council Marine Management Organisation Natural England	Article 37: Certification of Plans: The ExA notes the Applicant's response in its Written Summary of Oral Case submitted at the DCO ISH [REP1-041] to its point regarding the need for ensuring the final DCO relates to updated documents. The Guide [REP3-002] as mentioned, captures version updates on a deadline by deadline basis, which includes many documents which would not be certified. The ExA considers there is a need to capture the versions of the documents and plans to be certified, in a document which is itself certified, so that future users (such as post consenting	4. The MMO agrees with the ExA views that there is a need to capture the versions of the documents and plans to be certified, in a document which is itself certified, so that future users (such as post consenting discharging authorities) can readily ensure that they are using the right version of a document. Related comments can be found at 2.2.0.2 & Q2.5.1.1. The MMO agrees in principle that rather than updating the ES one or more certified documents could show the changes to ES chapters from when the ES was completed. The MMO request a version of this document prior to Deadline 7 of	Applicant's Response: 1. The Applicant intends to include a further Annex within the Note on Requirements which will include a table with columns for (1) the document, (2) the document reference number, (3) the final version number, and (4) the stage or deadline in which the document was submitted to the Examination. 2. As the Applicant explains in response to WQ 2.5.1.1 above, the Applicant proposes to update the Note on Requirements at the end of the Examination to capture the necessary examination documents and to make clear the latest version. The Applicant does not consider that the Note on Requirements should be a certified document. However, the	1. The MMO welcomes this table as this would help at the compliance and enforcement stage. The MMO requests this update is provided as soon as possible to allow the MMO to review and provide comments. 2. The MMO believes the notes on requirements should be a certified document as this will ensure that all parts of the document are certified including the Annex. The MMO welcomes the inclusion of Schedule 18 as this provides confirmation of the final version of the certified documents. The MMO reserves comments on Part 1 of Schedule 18 until this schedule has been completed – the MMO believes that this update may not alleviate all

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
		<p>discharging authorities) can readily ensure that they are using the right version of a document.</p> <p>[REP1-041] also states that the Applicant will submit an update to the Note on Requirements and Conditions in the Development Consent Order [APP-022] at the end of the Examination to capture the latest (and final draft) version of each relevant plan or document. Including this as the overall reference could also benefit from the diagrammatic representations of the relationships between plans.</p> <ol style="list-style-type: none"> 1. Clarity is requested about the level of detail the Applicant is considering in its updating of [APP-022]. The ExA considers that all documents or plans would need their versions citing. 2. The Applicant to set out how it proposes to ensure that all documents which were updated could be captured in its updating process and to comment on the desirability of this document [APP-022] being certified. 3. Following on from the Applicant's position regarding the fixed point in time assessment provided by the ES and its position that the <i>"relevant parameters consented are set out in the DCO/DML itself, and that is what should be relied upon post consent"</i> [REP4-009, No.1], the ExA considers that the Schedule of Mitigation, which provides 	<p>Examination to review and provide further comments.</p>	<p>Applicant does propose to capture the information within a new Schedule to the dDCO.</p> <p>3. The Applicant refers the ExA to its response to Q2.5.1.2.</p>	<p>concerns relating to Compliance and Enforcement.</p> <p>The MMO will continue discussions with the Applicant on this matter.</p>

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
		<p>the link between the ES and the DCO/DML should be certified. The Applicant is invited to comment.</p> <p>4. Views are requested from discharging authorities on the points above.</p>			
5.2 SCHEDULE 1 PART 1: Authorised Development					
Q2.5.2.1	The Applicant Natural England Marine Management Organisation	<p>Parameters for individual structures: Should parameters for individual structures be stated explicitly in the dDCO because of ongoing concerns regarding the clarity and enforceability of plans; noting the explanation given at Deadline 2 that the EIA parameters in the dDCO do not match those in the ES because some of the infrastructure secured within the DMLs crosses between different geographical areas:</p> <ul style="list-style-type: none"> • offshore disposal volumes for either total disposal or drill arisings; • volumes for cable protection; • volumes and areas of scour protection. 	<p>The MMO believes that individual structures should be on the face of the licence.</p> <p>Further discussions with the applicant have led to an update to the DCO/DML below provided at Deadline 4 (REP4-004):</p> <ul style="list-style-type: none"> - Schedule 1, Part 3, Requirements 4(5)(4) and 11 - Schedule 9 & 10 Part 4 Condition 3 and Condition 8(1)(g) - Schedule 11 & 12 Part 4 Condition 2 <p>These include the reference to two tables within the Outline Scour and Cable Protection Plan that set out the parameters for individual structures.</p> <p>The MMO request that Schedule 11 and 12 Condition 3(1)(b) is updated with similar wording to Schedule 9 Condition 8(1)(g).</p> <p>Once this is updated the MMO, on this occasion only, are content that this secures the parameters for individual structures.</p>	<p>Applicant's Response:</p> <p>The Applicant included revisions at Deadline 4 within the dDCO [REP4-004] to cross-refer to the appropriate table in the outline scour protection and cable protection plan. This makes clear that the individual distributions of scour protection and cable protection must not exceed the area and volumes set out within this document (see Requirement 5, Requirement 11, Condition 3 and 8 (Schedules 9 – 10), Condition 2 and 8 (Schedule 11 – 12), and Condition 2 (Schedule 13)).</p> <p>The Applicant has since discussed this with the MMO and the Applicant understands that this position is agreed between the parties.</p>	The MMO will review the Applicants Deadline 6 submission and advise at Deadline 7 if the MMO is in full agreement on this matter.
5.3 SCHEDULE 1 PART 3: Requirements					
Q2.5.3.5	The Applicant	<p>Requirement 31: Amendments to approved details: NE states that "Natural England is content with the principle behind requirement 31. However, questions if it is</p>		<p>Applicant's Response:</p> <p>As the Applicant explains in its comments on NE's response [REP3-003], the dDCO makes clear that any amendments to, or deviations from, the approved details must be in</p>	The MMO is considering the Applicant's response and will respond with any concerns on the amendments at Deadline 7.

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
		<p>appropriate for non-material changes to be made through amended plans and not through requesting a non-material change to the DCO." Provide further justification for the approach, indicating any divergence in wording from previous made Orders and why it is considered essential to enable this proposed development.</p>		<p>accordance with the principles set out in the Environmental Statement and the relevant planning authority must be satisfied that the amendment will not give rise to any new or materially different environmental effects. The changes would have to be minor in scale.</p> <p>Requirement 31 is to govern changes to previously approved details; it is not a mechanism to make a change to the description of the authorised development or the parameters secured but, rather, pursuant to the wording within Requirement 31(1) it may be used to update or supplement a previously approved plan (with the agreement of the discharging authority). The Requirement is, therefore, by no means a mechanism to circumvent the statutory non-material change process, which is governed by a procedure controlled by the Secretary of State (under Schedule 6 to the Planning Act 2008 and Part 1 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011, together with Guidance on Planning Act 2008: Guidance on Changes to Development Consent Orders (December 2015)).</p> <p>As the Applicant highlighted in response to Q5.3.13 (REP2-021), this drafting follows the precedent set by other offshore wind DCOs and dDCOs, namely:-</p> <ol style="list-style-type: none"> 1.The East Anglia ONE Offshore Wind Farm Order 2014; 2.The East Anglia THREE Offshore Wind Farm Order 2017; 3.The draft Norfolk Vanguard Offshore Windfarm Order; 4.The draft Hornsea Three Offshore Windfarm Order; 	

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
				<p>5.The Rampion Offshore Wind Farm Order 2014 (Rampion);</p> <p>6.The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (Doggerbank); and</p> <p>7.The principle set out in The Hornsea Two Offshore Wind Farm Order 2016 (Hornsea Two);</p> <p>The current dDCO differs from those at 1-4 above only in the omission of the word 'immaterial' from the second sentence of <i>Requirement 31(2)</i>: '<i>Such agreement may only be given in relation to [immaterial] changes where it has been demonstrated to the satisfaction of the relevant planning authority or that other person that the subject matter of the agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.</i>'</p> <p>The Applicant considered that the addition, or omission, of 'immaterial' did not alter the meaning or principle of the Requirement and the Applicant considered the wording 'immaterial' to be superfluous given that it is followed by reference to [not] giving rise to 'materially new' or 'materially different' environmental effects.</p> <p>In relation to Rampion, the wording (at Requirement 42 of the Rampion Order) is the same as the Applicant's Requirement 31 save that the Rampion drafting does not include the extra element that agreement may only be given in relation to changes that do not give rise to any materially new or materially different environmental effects. Requirement 42 of the Rampion Order therefore reads as follows:</p> <p>"... (2) Any amendments to or variations from the approved details</p>	

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
				<p><i>shall be in accordance with the principles and assessments set out in the environmental statement."</i></p> <p>Doggerbank follows the same principle and includes the following at Requirement 33:</p> <p><i>33.—(1) Where a Requirement requires the authorised development to be carried out in accordance with details approved by the relevant planning authority or another person, the approved details must be taken to include any amendments that have been approved in writing by the relevant planning authority or other person.</i></p> <p><i>(2) Any amendment to or variation from the approved details must be in accordance with the principles and assessments set out in the environmental statement.</i></p> <p>With regard to Hornsea Two (2016), amendments to approved details are dealt with by the H2 Requirement 27, as set out below: -</p> <p><i>'(1) Where a Requirement requires the authorised development to be carried out in accordance with a plan, scheme, code or details approved by the local planning authority or any other person (the "approved plan"), the approved plan must be taken to include any amendments that may subsequently be approved by the local planning authority or other person.</i></p> <p><i>(2) Any amendments to the approved plan must be in accordance with the principles and assessments set out in the environmental statement; and approval for such amendments may be given only where it has been demonstrated to the satisfaction of the local planning authority or other person that the amendments are</i></p>	

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
				<p><i>unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.</i></p> <p><i>(3) Where the approved plan is required to be approved after consultation with another person, any amendments may be approved only after consultation with that person.'</i></p> <p>The substance and principle of Hornsea Two is consistent with the Applicant's Requirement 31. Both make clear that any amendments to or deviations from the approved plan/approved details must be in accordance with the principles set out in the Environmental Statement, and that the planning authority must be satisfied that the amendment will not give rise to any new or materially different environmental effects.</p> <p>With respect to non-offshore wind DCOs, the drafting of Requirement 31 is also consistent with the principle of corresponding requirements in the following made orders: -</p> <ol style="list-style-type: none"> 1. The National Grid (Richborough Connection Project) Development Consent Order 2017 (Requirement (1)(2)); 2. The National Grid (Hinkley Point C Connection Project) Order 2016 (Requirement 1(2)); 3. The Northampton Gateway Rail Freight Interchange Order 2019 (Article 44(2)). <p>Each of these above orders make clear that any amendments to or deviations from the approved details must be in accordance with the principles set out in the Environmental Statement, and must</p>	

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
				not give rise to any materially new or different environmental effects.	
5.5 SCHEDULES 9 to 13: Deemed Marine Licences					
Q2.5.5.1	The Applicant	<p>DML Schedule 9/10/13 Part 4 Condition 15 (4): The Applicant [REP4-009] maintains that four months is appropriate for submissions. Considering that a 6 month period has been accepted in other recent applications and the Applicant's acceptance that in some cases it has taken longer than 4 months to discharge certain DML conditions, why is the Applicant resistant to increasing the approval period from 4 to 6 months?</p>		<p>Applicant's Response:</p> <p>The proposed time period is contained on a number of other Offshore Wind Farm (OWF) DCOs (including The East Anglia Three Offshore Wind Farm Order 2017, the Hornsea Two Offshore Wind Farm Order 2016, The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015, The Rampion Offshore Wind Farm Order 2014, The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015, and the draft Norfolk Vanguard Offshore Wind Farm Order, and the draft Hornsea Project Three Offshore Wind Farm Order). Four months is, therefore, well-established as an appropriate time frame for OWF schemes and one that ensures a balance is struck between the expedient discharge of the relevant conditions attached to the Deemed Marine Licence (DML) whilst allowing a reasonable period of time for consideration by the MMO and its consultees.</p> <p>The Applicant is aware that it has, in some recent cases, taken much longer than four months to discharge certain DML conditions on other OWF projects and it should be recognised that with no mechanism to encourage the determination of applications within a reasonable period (such as arbitration or appeal) the developer is then left in a position which is wholly unsatisfactory. With highly competitive and fixed Contracts for Difference (CfD) milestones, and where offshore construction can only be undertaken in safe and optimal weather conditions, wind farm developers</p>	<p>The MMO's position on a 6 months document submission and an Arbitration/Appeals process has not changed from Relevant Representation section 2.13 to 2.1.32 (RR-069) and the Joint position Statement provided in this submission.</p> <p>The MMO still believe 6 months is the appropriate timescale for document submission. This is due to the current round of consented offshore wind farms being considerably larger in size. Alongside this there are current ongoing concerns with many aspects of the projects in the consenting stage, such as Ornithology and Benthic issues.</p> <p>The MMO agrees that there has been occasional delays to sign off documents – these are usually due to the sub-par submission of documents by Applicant's and lack of engagement prior to submission. The MMO understands that the Applicant does provide assurance that the final submission document will be detailed and will have had multiple rounds of consultation prior to submission. However, the MMO notes that this is not secured within the DMLs itself and therefore this is on the Applicant to ensure this is completed. Due to the tight timescales and multiple changes required to documents this may not provide adequate time for full review of documents in the early consultations.</p> <p>The MMO understands the Applicant's concerns in relation to</p>

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
				<p>need the certainty and confidence of a reliable and consistent approval process. This is also one of the reasons why the Applicant sought to insert an appeal provision within the dDCO, as previously there was no longstop period or mechanism in the event of non-determination. In view of the fact that the DML appeal mechanism is still an outstanding area of agreement between the Applicant and the MMO (and is likely to remain so pending the outcome of the Norfolk Vanguard application), the Applicant does not consider that it is able to remove the 4 month time frame as to do so could place the Applicant in a position where the Applicant is left without an appropriate appeal mechanism/matter of recourse in the event of non-determination or refusal, and with a lengthened time period for discharge.</p> <p>The Applicant notes that any delays in document approval could lead to project delays and significant cost implications. Accordingly, in view of the tight construction programmes coupled with the time and investment that the Applicant will have committed to pre-submission consultation, the Applicant considers that there needs to be a consistent time frame (set at four months) for discharge in accordance with previous projects - including other Round 3 projects of a similar scale, together with a transparent appeals process in the event of refusal or non-determination.</p> <p>It will be in the Applicant's interest to engage the MMO, and relevant stakeholders, at an early stage to ensure the discharge process is as efficient as possible. In practice, the Applicant will have engaged in consultation activities with the MMO,</p>	<p>maintaining timescales for both CfD rounds and construction programmes.</p> <p>For this reason the MMO has requested 6 months rather than 4 months to allow for enough time to solve any issues that may arise.</p> <p>The MMO will review the further comments in relation to CfD timescales and provide further comments at Deadline 7.</p>

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
				<p>and relevant stakeholders, well in advance of submission of the final version for approval. The Applicant envisages that discussions will be held with the MMO, and its stakeholders (where relevant), once the final Project design has been agreed and in advance of seeking formal discharge of conditions. This dialogue would reduce the need for multiple rounds of consultation post-plan-submission as the relevant stakeholders should be very familiar with its terms and effect at the point an application for discharge is made. By extension, the standard and level of detail within the final plan is expected to be of a high-quality.</p> <p>It is also the Applicant's intention to bid for a CfD at the earliest opportunity following any successful DCO Consent decision. In July 2018 UK Government announced future CfD Auction Rounds in 2021 and 2023. Successful CfD award will enable Vattenfall to progress future investment decisions that will realise the construction onshore and offshore and subsequent commissioning of the windfarm.</p> <p>If successful, the CfD will contain a number of key contractual milestones which must be met by the developer. These Milestone Delivery Requirements are designed to demonstrate commitment and progression of the projects to achieve generation by the dates stated in the CfD contract. By 12 months of signing a CfD, generators must meet the Milestone Delivery Date criteria. These evidence commitment to a project by either spending 10% of pre-commissioning costs or taking a Financial Investment Decision (FID). It would not be possible to evidence these</p>	

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
				<p>requirements without minimising post-consent delays.</p> <p>Discharging the consent conditions for Norfolk Boreas at the earliest opportunity and minimising delays post consent is imperative to meet the Milestone Delivery Date of a CfD in order to make a FID and fulfil other subsequent contractual obligations (e.g. the Operational Conditions Precedent, commissioning during the Target Commissioning Window, meeting obligations before the Longstop Date) associated with the construction and operation of the wind farm.</p> <p>In conclusion, the Applicant considers that the dDCO strikes the balance between allowing the MMO (and Natural England) to properly discharge their statutory duties whilst ensuring renewable energy development is unlocked in a timely manner. There is a strong public interest argument in favour of approvals in a timely manner and ensuring that nationally significant infrastructure projects are not unduly delayed. In particular, minimising delays post consent for offshore wind projects is especially important in the context of meeting CfD milestones.</p> <p>In view of the above, the Applicant does not consider it necessary or appropriate to adjust the time periods for discharge within the DML conditions. The Applicant considers that a 4 month timescale, which is also subject to extension by agreement, is acceptable as this maintains flexibility, is consistent with existing/ previous decisions and provides certainty for all parties.</p>	
Q2.5.5.2	The Applicant Natural England	DML Schedule 9/10 Part 4, condition 14 (1) (l):	The Applicant has provided the proposed wording to the MMO which is currently being reviewed.	<p>Applicant's Response:</p> <p>The Applicant has updated the wording on the (IPMP) as following</p>	The MMO has reviewed the wording and are fairly content however we would prefer in the interests of clarity

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
		<p>NE [REP3-021] requires the approval of the Ornithological Monitoring Plan (OMP) to be linked to a different timing requirement than 4 months prior to construction. The Applicant has proposed clarifying the wording in the IPMP to ensure pre-construction surveys are sufficient in the context of any monitoring subsequently agreed in the OMP.</p> <ol style="list-style-type: none"> 1. Submit the revised wording for the updated OMP. 2. Is Natural England content? 	<p>Further discussions will be required between the Applicant, Natural England and the MMO to ensure the condition is clear, robust and enforceable.</p>	<p>and the updated IPMP is being submitted at Deadline 5:</p> <p><i>"Vattenfall (as the parent company of Norfolk Boreas Limited) has a proven commitment to ornithological monitoring of offshore wind farms and improving understanding of potential impacts (e.g. through the European Offshore Wind Deployment Centre research projects) and will maintain this commitment in relation to Norfolk Boreas.</i></p> <p><i>The aims of monitoring should be to reduce uncertainty for future impact assessment and address knowledge gaps. To this end, Norfolk Boreas Limited will engage with stakeholders and the methodology would be developed initially through an outline plan and later through the Ornithological Monitoring Plan (as required under Condition 14(1)(i) and (ii) of Schedule 9 and 10 of the DCO). "</i></p> <p>As for marine mammals (section 4.5), there may be little purpose or advantage in any site specific monitoring for ornithology and therefore a strategic approach may be more appropriate in providing answers to specific questions where significant environmental impacts have been identified at a cumulative/in-combination level. Aspects for consideration will include post-construction monitoring of collision risks (e.g. improvements to modelling, options for mitigation and reduction), displacement (e.g. understanding the extent and consequences of displacement) and improving reference population estimates and colony connectivity.</p> <p>Furthermore the Applicant has worked with Natural England to</p>	<p>that the wording for the outline ornithological plan be amended to:</p> <p><i>(i)In relation to ornithological monitoring—</i></p> <p><i>(i)An outline ornithological monitoring plan setting out the aims, objectives and timing for ornithological monitoring which must be submitted to the MMO (in consultation with the relevant statutory nature conservation body) at least four months prior to the first pre-construction survey (as referred to in Condition 14(1)(b)(aa)), and</i></p>

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
				<p>produce revised wording for this condition. The current wording and proposed wording is reproduced below.</p> <p>Current condition:</p> <p><i>(l)An ornithological monitoring plan setting out the aims, objectives and methods for ornithological monitoring as agreed in consultation with the MMO and relevant statutory nature conservation bodies and in accordance with the offshore in principle monitoring plan</i></p> <p>Proposed drafting</p> <p><i>(l)In relation to ornithological monitoring—</i></p> <p><i>(i)An outline plan setting out the aims, objectives and timing for ornithological monitoring which must be submitted to the MMO (in consultation with the relevant statutory nature conservation body) at least four months prior to the first pre-construction survey (as referred to in Condition 14(1)(b)(aa)), and</i></p> <p><i>(ii)An ornithological monitoring plan setting out the methods for ornithological monitoring which must be submitted to the MMO (in consultation with the relevant statutory nature conservation body) in accordance with the details and timescales approved pursuant to the outline plan referred to in sub-paragraph (i).</i></p> <p>Natural England has confirmed to the Applicant that the revised condition has addressed their concern and therefore the proposed drafting will be included in the next version of the dDCO at Deadline 5.</p>	

6. Fishing

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
Q2.6.0.1	Eastern Inshore Fisheries and Conservation Authority (Eastern IFCA)	<p>Implications of new Fisheries Byelaws: Update the likely timeframes for implementation of the proposed fisheries byelaws and the Applicant's commitment to work with the EIFCA to understand the possible implications of each parties' plans on the other.</p>		<p>Applicant's Response:</p> <p>The Applicant has a good working relationship with the EIFCA and both parties have been and will continue to work together to understand the implications of each parties' plans on the other.</p> <p>As part of the commitment to working with the Eastern Inshore Fisheries Conservation Authority (EIFCA) to reduce potential impacts on Annex I S.spinulosa reef within proposed byelaw Area 36, the Applicant has undertaken work to identify where cable protection is more likely to be required (Appendix 3 of the outline HHW SAC SIP [REP1-033]). This study demonstrates that cable protection is not likely to be required within proposed byelaw area 36. As a result of this study the Applicant has committed to avoiding the placement of cable protection within Natural England and the Joint Nature Conservation Committee's (JNCC) priority areas to be managed as S.spinulosa reef. One of these areas is within proposed Byelaw Area 36.</p> <p>Furthermore, as there is some uncertainty regarding the extent and location of Annex I S.spinulosa reef the Applicant has committed to undertake a survey in 2020 to map the current extent within the section of the offshore cable corridor which overlaps with the HHW SAC, this area includes much of proposed Byelaw Area 36. The Applicant will share the findings of these surveys with EIFCA once they are available.</p>	<p>The MMO welcomes the Applicant's response, however the MMO still have concerns in relation to AEoI in the HHW SAC.</p> <p>The MMO has provided comments in section 8 of this table.</p>
7. Grid connection					
8. Habitats Regulation Assessment					
8.3 Haisborough, Hammond and Winterton SAC					

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
Q2.8.3.1	The Applicant, Natural England, Marine Management Organisation	<p>Sediment disposal: Applicant, MMO and NE to provide update on discussions relating to the wording of a condition for sediment disposal.</p>	<p>The MMO is working closely with NE, the Applicant and Norfolk Vanguard to progress some draft disposal principles (to be referenced in the DCO/DML) which will ensure similarity in particle size between clearance and disposal locations.</p>	<p>Applicant's Response:</p> <p>This was discussed with the MMO and Natural England on the 17th February. Currently neither the MMO nor Natural England have been able to provide an example of such a condition. The Applicant is confident that the additional mitigation proposed to ensure that sediment is disposed of as close to its origin as possible negates the requirement for such a condition. The mitigation as stated in the outline HHW SAC SIP [REP1-034] site integrity plan is:</p> <ul style="list-style-type: none"> • Dispose of any material dredged from the seabed for sandwave levelling (also referred to as pre-sweeping) in a linear "strip" along the cable route. • Dispose of material as close as possible to cable route (and therefore as close as possible to where it was dredged from • Dispose of material updrift of where it was dredged from to allow infill through natural processes. • Dispose of material close to the seabed. This will be achieved through the use of fall pipe (also referred to as a down pipe) employed by the dredging vessel. <p>The MMO response at Deadline 4 [REP4-35] states:</p> <p>The MMO agreed with the Applicant and Natural England on the details of where the material will be disposed of and how the Applicant will provide details of the disposal locations. And The MMO understands Natural England have ongoing concerns in relation to particle size and will continue discussions on the practicalities and potential wording of a condition.</p>	<p>The MMO understands the Applicant is no longer looking at working on draft disposal principles and remains of the position that no condition is required due to the mitigation set out in the SIP (or alternative plan as discussed in REP5-057).</p> <p>The MMO is continuing discussions with both NE and the Applicant on this issue.</p>

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
Q2.8.3.3	The Applicant, Natural England	<p>Scour Protection Plan:</p> <p>With reference to NE's response to WQ 8.12.9 [REP2-080], the Applicant and NE to update on the need for the outline Scour Protection and Cable Protection Plan to cover the HHW SAC.</p>	<p>The MMO understand that this is also related to the HHW SAC SIP condition.</p> <p>The MMO is in discussion with the Applicant and NE about the use of the HHW SAC SIP and the related condition (Schedule 11 & 12 9(1)(m)).</p> <p>The MMO has concerns that if the SoS makes a decision on AEol on the HWW SAC then the condition is not fit for purpose as it does not take into account for the Derogation process. Alongside this the Applicant has removed all sections relating to the HHW SAC from the Outline certified plans (such as the Outline Cable and Scour Protection Plan) and included this in the HHW SAC SIP document.</p> <p>The MMO is concerned that if the SoS were to make a decision (either no adverse effect or derogation route), condition 9(1)(m) could be removed from the DMLs and with this the HHW SAC SIP and all included information could be lost at this the consenting stage as this information is only included in the SIP document.</p> <p>The MMO is aware the Applicant will be proposing an alternative condition and document in relation to Norfolk Vanguard for this scenario. The MMO will work with the Applicant on the wording of this condition and provide comments once this is submitted into the Norfolk Boreas examination.</p>	<p>Applicant's Response:</p> <p>The Applicant agrees with Natural England's response to WQ 8.12.9 [REP2-080] that the SIP and the Scour protection and Cable Protection Plan serve different purposes. The SIP should be a document dedicated to the HHW SAC and the "cable and scour protection plan is for the whole project in which methodologies, areas, locations and amount are considered holistically as required under a DCO/DML."</p> <p>The Outline HHW SAC SIP [REP1-34] contains a commitment to produce the following documents in support of the SIP:</p> <ul style="list-style-type: none"> • Technical specification of the offshore export cables (including fibre optic cables) • A detailed cable (including fibre optic cables) installation plan for the Order limits, including: <ul style="list-style-type: none"> o Proposed cable installation vessel and equipment o A burial risk assessment to ascertain suitable burial depths and cable laying techniques, including cable protection • Export cable installation schedule <p>Therefore, the Applicant is of the opinion that there is adequate commitment within the SIP for the provision of the relevant information and nothing further needs to be added to the outline Scour Protection and Cable Protection Plan to cover the HHW SAC.</p> <p>This was discussed further with Natural England on the 17th February and although Natural England do not agree with the</p>	<p>The MMO has reviewed the HHW SAC SIP position statement and welcomes the information provided. The MMO reserves comments until the submission of the alternative plan.</p> <p>The MMO continues to work with the Applicant and NE on this matter.</p>

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
				<p>principle of the SIP it was agreed that the commitments made in that document sufficiently cover the HHW SAC and therefore there is no requirement to add anything further to the outline Scour Protection and Cable Protection Plan to cover the HHW SAC.</p> <p>Natural England also commented during the meeting on the 17th February that if a SIP were not taken forward then an equivalent document capturing all the commitments made in the SIP would still be required. The Applicant agrees with Natural England on this point.</p>	
Q2.8.3.3	The Applicant, Natural England	<p>Scour Protection Plan:</p> <p>With reference to NE's response to WQ 8.12.9 [REP2-080], the Applicant and NE to update on the need for the outline Scour Protection and Cable Protection Plan to cover the HHW SAC.</p>	<p>The MMO understand that this is also related to the HHW SAC SIP condition.</p> <p>The MMO is in discussion with the Applicant and NE about the use of the HHW SAC SIP and the related condition (Schedule 11 & 12 9(1)(m)).</p> <p>The MMO has concerns that if the SoS makes a decision on AEol on the HWW SAC then the condition is not fit for purpose as it does not take into account for the Derogation process. Alongside this the Applicant has removed all sections relating to the HHW SAC from the Outline certified plans (such as the Outline Cable and Scour Protection Plan) and included this in the HHW SAC SIP document.</p> <p>The MMO is concerned that if the SoS were to make a decision (either no adverse effect or derogation route), condition 9(1)(m) could be removed from the DMLs and with this the HHW SAC SIP and all included information could be lost at this the consenting stage as this</p>	<p>Natural England's Response:</p> <p>It was discussed with the Applicant on the 17th February 2020 that whilst NE does not agree with the Site Integrity Plan for legislative reasons, we do recognize that the SIP document includes all outline requirements of a Scour Protection and Cable Protection Plan within HHW. If the SIP is no longer taken forward due to mitigation and/or compensation removing AEol this document effectively would become the Cable Specification and Installation Plan for the HHW SAC, which on other projects has also included the any scour and or cable protection within a designated site.</p> <p>Therefore the SIP, or equivalent document, would be become the Scour Protection and Cable Protection Plan.</p>	<p>The MMO agrees and supports Natural England's legislative position on the SIP.</p> <p>The MMO continues to work with the Applicant and NE on this matter.</p>

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
			<p>information is only included in the SIP document.</p> <p>The MMO is aware the Applicant will be proposing an alternative condition and document in relation to Norfolk Vanguard for this scenario. The MMO will work with the Applicant on the wording of this condition and provide comments once this is submitted into the Norfolk Boreas examination.</p>		
Q2.8.3.4	The Applicant	<p>Cable protection: The Applicant [REP4-014] committed to “no cable protection in the priority areas to be managed as reef within the HHW SAC”. How is this secured?</p>		<p>Applicant’s Response:</p> <p>The Outline HHW SAC SIP (Document 8.20) has been updated and submitted at Deadline 5 to include this commitment. Section 5.5.3 (Total area and Volume of Cable Protection in the SAC) and Table 5.2 (overview of mitigation commitments) now contain the following:</p> <p>“Norfolk Boreas Limited has made a commitment to install no cable protection in the priority areas to be managed as reef within the HHW SAC, unless otherwise agreed with the MMO in consultation with Natural England.”</p>	<p>The MMO welcomes this update to the HHW SAC SIP.</p> <p>The MMO understands the position on the SIP and Grampian condition is changing due to the current condition not being fit for purpose for a decision from the SoS on AEoI.</p> <p>The MMO is reviewing the HHW SAC SIP position paper (REP5-057) submitted by the Applicant and will be providing further comments at Deadline 7,</p>
Q2.8.3.6	The Applicant	<p>Site Integrity Plan:</p> <p>Without prejudice to the ExA’s recommendation, the Applicant to comment on NE’s suggestion [REP4-041] to amend condition 9(1)(m) of Schedules 11 and 12 of the dDCO. Are there any concerns regarding the implementation of such an amendment, irrespective of whether the ExA recommends an AEoI can or cannot be ruled out?</p>		<p>Applicant’s Response:</p> <p>The Applicant has provided a full response to Natural England’s position paper [REP4-041] within the Applicant’s position paper submitted at Deadline 5 [ExA.AS-6.D5.V1]. With regards to this specific issue the Applicant does not consider it necessary to change the wording of the proposed condition as suggested by Natural England. As drafted the formulation of the condition:</p> <ul style="list-style-type: none"> • Follows an accepted approach used for mitigation relating to the Southern North Sea Site Integrity Plan, and the Applicant sees no reason to depart from this; and 	<p>The MMO defers to NE in relation to HRA aspects for the HHW SAC.</p> <p>The MMO has concerns that micrositing around protected features may not be possible at the time of construction.</p> <p>The MMO’s position remains that there are concerns for the use of a SIP document for the project alone.</p> <p>The MMO is reviewing the HHW SAC SIP position paper (REP5-057) including the alternative condition proposed for the HHW SAC and will provide further comments at Deadline 7.</p>

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
				<ul style="list-style-type: none"> Does not preclude the MMO from undertaking an appropriate assessment at that point in time if considered necessary by the MMO, but includes flexibility for the MMO by not requiring an appropriate assessment to be undertaken. <p>In relation to this latter point, for example, to the extent that there is no or limited change in the extent and distribution of the sabellaria across the cable corridor at the point of construction, such that the Applicant is able to demonstrate that it remains possible to microsite the cables to avoid sabellaria, it would not be necessary to undertake a further appropriate assessment beyond that undertaken at the consenting stage.</p>	
8.4 Offshore ornithology					
Q2.8.4.6	Marine Management Organisation	<p>As-built vs consented turbine numbers:</p> <p>MMO to provide update on its consideration of the Applicant's suggestion of how collision risk headroom can be taken into account in the assessment [REP4-035].</p>	<p>It is the understanding of the MMO that this is for the SoS to take into account within the HRA assessment. The MMO defer to NE in relation to HRA aspects.</p> <p>If the MMO was to conduct the in combination assessment, the MMO approach would be to discharge the obligation on the worst case consented parameters. The MMO would require comfort there was no mechanism for the elevation of the as-built figures to the consented figures.</p>	<p>Applicant's Response:</p> <p>The Applicant's position on this matter, as outlined at the ISH on 22nd January, was summarised in [REP4-014].</p>	The MMO understands the Applicant requires further comments from the MMO in relation to this. As part of the Norfolk Vanguard submission the MMO is reviewing this in more detail and will provide a further response during the Examination for Norfolk Boreas.
16. General and cross-topic questions					
16.1 Environmental Statement (ES)					
Q2.16.1.3	Interested Parties	<p>Decommissioning:</p> <p>Interested Parties are invited to set out any comments they may have on the way decommissioning would be addressed. The Project Description [APP-218] sets out</p>	The MMO acknowledges the Rochdale Envelope is large for offshore wind farms and therefore assessing the decommissioning of everything proposed to be built at this stage would be inappropriate, as there is not enough information	Natural England notes that decommissioning is not a consented activity under the DMLs and that there will be a need to seek a new Marine Licence prior to decommissioning. This will ensure environmental impacts are assessed	The MMO agrees with NE that a new marine licence will be required at this stage.

ExQ2	Question to:	Question:	MMO Response at Deadline 5:	Applicant or Interested Party Response:	MMO Comments at Deadline 6:
		<p>the future processes, which would be in accordance with best practice, rules and legislation of the time. Requirement 14 (offshore) and Requirement 29 (onshore) secure future decommissioning plans.</p>	<p>on what final design will be built. In addition to the Offshore wind technology is changing rapidly, it would be onerous to discuss decommissioning at this stage.</p> <p>The MMO agrees with the requirement to provide a plan for decommissioning closer to the time.</p>	<p>and appropriately mitigated prior to the works.</p>	