



Norfolk Boreas Case Team
Planning Inspectorate
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(Email only)

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

5 March 2020

Dear Ms Fernandes,

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

MMO Deadline 6 Response

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 the DCO Application, comprising of up to 154 wind turbine generators together with associated onshore and offshore infrastructure and all associated development (“the “Project”).

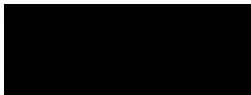
The MMO submits the following for Deadline 6:

- 1. MMO Comments on Responses to the ExA’s Written Questions**
- 2. Comments on Draft DCO (REP5-003)**
- 3. Comments on Applicant’s Submissions at Deadline 5**
- 4. Deadline 6 MMO update on comments raised at Deadline 4 and Deadline 5**

The MMO is in discussion with the applicant in relation to the comments on the relevant representation. The MMO has entered into a Statement of Common Ground with the applicant that will be submitted by the applicant on the MMO’s behalf at Deadline 6.

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

Yours faithfully



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1. MMO Comments on Responses to the ExA's Written Questions

1.1 ExA second round of Written Questions

Please find the table including the MMO's comments on Interested Parties responses to the ExA Written Questions in the following document EN010087-DL6-MMO-Comments-on-ExAWQs-Responses-Final, enclosed with this letter.

2. Comments on Draft DCO (REP5-003)

2.1 Requirement 31

The MMO is considering the Applicant's response and will respond with any concerns on the amendments at Deadline 7.

2.2 Draught Height – Schedule 9 and 10 Condition 1(e)

The MMO welcomes the update by the Applicant to include the parameters for Draught height.

2.3 Notification of cable exposure – Schedule 9 and 10 Condition 9(12), Schedule 11 and 12 Condition 4(12) and Schedule 13 Condition 3(12)

The MMO is content with the following wording for the notification of cable exposure:

(12) In case of exposure of cables on or above the seabed, the undertaker must within three days following ~~the receipt by the undertaker of the final survey report from the periodic burial survey~~ identification of a potential cable exposure, notify mariners by issuing a notice to mariners and by informing Kingfisher Information Service of the location and extent of exposure. Copies of all notices must be provided to the MMO and MCA within ~~three~~ five days.

2.4 Ornithology Plan Schedule 9 and 10 Condition 14(1)(I)

The MMO has reviewed the wording and are fairly content, however we would prefer in the interests of clarity that the wording for the outline ornithological plan be amended to:

(I) In relation to ornithological monitoring—

*(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*

(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).

2.5 Schedule 18

The MMO welcomes the inclusion of Schedule 18 to the DCO to provide clarity on what version on the documents are certified at the end of Examination. The MMO reserves comments on this matter until Part 1 of Schedule 18 is completed.

3. Comments on Applicant's Submissions at Deadline 5

3.1 Note on Requirements (NoR) (REP5-005)

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. However, the MMO wishes to discuss this issue further with the Applicant as the MMO would prefer any parameters, not on the face of the DCO and in certified documents, to be in a table within this document.

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.

3.2 Outline Written Scheme of Investigation (Offshore) (Offshore OWSI) (REP5-020)

The MMO welcomes the update to the Offshore OWSI to provide clarity on how the pre-commencement surveys will take into account archaeology concerns.

3.3 In Principle Monitoring Plan (IPMP) (REP5-031)

In relation to fish and shellfish monitoring (Paragraph 38) the MMO has provided further comments in question 2.2.0.7 of document EN010087-DL6-MMO-Comments-on-ExAWQs-Responses-Final. The MMO requires a further update to the IPMP to include reference to particle size analysis or welcomes further discussion with the applicant in relation to geophysical surveys.

The MMO is content with all other updates to the IPMP.

3.4 Draft Marine Mammal Mitigation Protocol (MMMP)(REP5-033)

The MMO is content with the updates to the MMMP in relation to the amendments in project design, such as reduced maximum number of turbines from 180 to 154.

3.5 Proposed Sediment Disposal Sites Site Characterisation Report (REP5-037)

The MMO provided feedback to the Applicant for amendments to the original report (APP-706). The MMO has now content with the majority of the document provided at deadline 5. There is one minor presentational comment in relation to Table 4.1, this may cause confusion on the volumes to be disposed of. The MMO suggests that the cells in the last column ('Disposal Area') for the first 7 rows are merged to make it clear that these volumes are to be disposed of within the new disposal site. The MMO provided the Applicant with a confirmation letter with the disposal site references for the DCO/DMLs on 4 March 2020 and requested the document was updated and resubmitted during Examination.

3.6 Outline Scour Protection and Cable Protection Plan (REP5-039)

The MMO is content with the updates to the document and has no further comments.

3.7 Outline In Principle Norfolk Boreas Southern North Sea Special Area of Conservation (SAC) Site Integrity Plan (REP5-041)

The MMO is content with the updates to the document and has no further comments.

3.8 Outline The Haisborough Hammond and Winterton Special Area of Conservation Position Paper (REP5-057)

The MMO believes progress is being made with regard to an alternative to the HHWS SIP which will likely be necessary in response to expected decisions. Discussions are continuing with the applicant and Natural England and further details will be provided at Deadline 7.

4. Deadline 6 MMO update on comments raised at Deadline 4 and Deadline 5

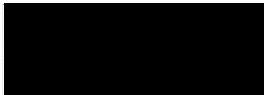
4.1 Southern North Sea (SNS) Special Area of Conservation (SAC) Regulators Group

The MMO attended a meeting on 25 February 2020. Further progress has been made between all regulators and a management tool, that includes all noise activity in the SNS, is currently being finalised by Department of Business, Energy and Industrial Strategy

(BEIS) to be published for all industries to use when completing an in combination assessment for noise.

The MMO defers to BEIS for further information on the management of the SAC.

Yours faithfully



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