



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

31 March 2020

Dear Ms Fernandes,

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

MMO Deadline 7 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”).

This document comprises the MMO comments in respect of the DCO Application submitted in response to 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 Sincerely



Rebecca Reed
Marine Licensing Case Officer

D +44 (0)2080268854

E Rebecca.Reed@marinemanagement.org.uk

Contents



INVESTORS
IN PEOPLE | Bronze



1. Responses to the ExA's Written Questions	3
1.1 ExA third round of Written Questions.....	3
2. Outstanding issues	3
2.1 End of Construction	3
2.2 Updating documents at the End of Examination	3
3. New Cable and Scour Protection	3
3.1 Summary	3

1. Responses to the ExA's Written Questions

1.1 ExA third round of Written Questions

1.1.1 Please find the table including the MMOs response to the ExA Written Questions in the following document EN010087-001871-ExA-3WQs-DL7-MMO-Response-Final, enclosed with this letter.

2. Outstanding issues

2.1 End of Construction

2.1.1 The MMO has reviewed the Applicant's and Natural England's (NE) responses to written question 2.5.0.1 (REP5-045). The MMO has continued to have discussions with both the applicant and NE on this point and is considering further information provided by them.

2.1.2 After further internal discussion the MMO does not believe that the conditions set out by the Applicant provide a clear enough confirmation to the MMO and relevant stakeholders (e.g. NE) of the point when construction is proposed to end.

2.1.3 The MMO has reviewed these conditions to see if they can be amended to include further confirmation and specifically include Natural England's concerns. However, as these conditions are for specific purposes, expanding them could actually impact on their intention and effectiveness.

2.1.4 The MMO believes a standalone condition relating to the end of construction would ensure clarity for all of when Operation and Maintenance begins. The MMO propose the following condition:

Schedule 9 Condition 9 (13) (and relevant conditions in Schedules 10-13)

(13) The undertaker must notify the MMO of the completion of construction (within ten days) of completion of the licensed activities in order to ensure all relevant parties are aware of construction ending. From this date only activities defined as operations and maintenance can be conducted under this consent.

2.2 Updating documents at the End of Examination

2.2.1 The MMO welcomes the addition of Schedule 18 and understands the Applicant will be providing an example at deadline 7. The MMO will provide comment on this at Deadline 8.

2.2.2 The MMO is still discussing what else could be required (including a table of parameters) with the Applicant and NE to come to agreement within Examination.

3. New Cable and Scour Protection

3.1 Summary

3.1.1 The MMO discussed at Deadline 1 that a position statement was being produced in relation to **New Cable or Scour Protection**. The MMO believes that to maintain its ability to review each application on a case by case basis, and taking account of the specific circumstances of each case, providing a formal position statement would not be appropriate. However, the MMO has provided some general principles that will be used in assessing cable protection below.

3.1.2 The MMO notes this is **not an issue** for the Norfolk Boreas Project as the Applicant has agreed that any new scour or cable protection would require a new marine licence and this has been confirmed in the Operations and Maintenance Plan.

- 3.1.3 Any cable or scour protection which is proposed in areas where no such protection was employed during the construction phase of the wind farm is considered new cable or scour protection, and therefore cannot be properly considered to be a maintenance activity.
- 3.1.4 Any new cable or scour protection must generally be consented through a separate marine licence and not through the Operation & Maintenance plan.
- 3.1.5 In addition to this any separate marine licence for operation and maintenance should generally not include new cable or scour protection unless it is for maintenance of protection employed during the construction phase, and must generally be consented through a separate marine licence.
- 3.1.6 For marine licence cable and scour protection applications that **are not in** marine protected areas in respect of benthic habitat features, the MMO may consider it appropriate to offer a long term licence of a maximum of 10 years.
- 3.1.7 For marine licence cable and scour protection applications that **are in** marine protected areas in respect of benthic habitat features, the MMO will generally require a separate marine licence to be in place for each and every individual campaign of scour and cable protection employed throughout the lifetime of the project.

Yours Sincerely



Rebecca Reed
Marine Licensing Case Officer

D +44 (0)2080268854

E Rebecca.Reed@marinemanagement.org.uk