



Norfolk Boreas Case Team  
Planning Inspectorate  
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(Email only)

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

20 August 2021

Dear Gareth Leigh,

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

**MMO comments on the request for information in the Secretary of State's (SoS) letter dated 9 July 2021**

The MMO received a letter from the SoS dated 9 July 2021 that requested further information on several issues arising from the responses from the applicant and other interested parties to the SoS's consultation letter dated 28 April 2021. The MMO has provided comments on the documents received below.

**EN010087-002826-Applicants Response to the Request for Further Information**

**Comment 10**

The MMO would like to highlight that the comment regarding the MMO's approach to assessing whether a project gives rise to an adverse effect on site integrity originates from an internal document written in 2018 which was inadvertently disclosed. This document has not been submitted to the Examination by the MMO and has since been superseded as the MMO's position has evolved since.

For Marine Licences the MMO reviews habitat loss on a case by case basis taking into account the conservation objectives for the site and considering a wide range of factors, including consultation advice, to determine the significance of effect.

The MMO defers to Natural England on Habitats Regulation Assessment for Development Consent Orders.

**EN010087-002830-8.24 In Principle Habitats Regulations Derogation Provision of Evidence Appendix 2 Alde-Ore Estuary SPA In-Principle Compensation**

**EN010087-002831-8.26 In Principle Habitats Regulations Derogation Provision of Evidence Appendix 1 Flamborough and Filey Coast SPA In-Principle Compensation**

The MMO defers to Natural England on matters of ornithological compensation.

The MMO highlights that there have been ongoing discussions between the Applicant, the MMO and Natural England in relation to the wording of the DCO conditions for any potential compensation, updates will be provided by the Applicant in due course.

**Haisborough, Hammond and Winterton (HHW) Special Area of Conservation (SAC)**

The MMO welcomes the updates to this document and defers to Natural England and Defra on matters of compensation.



## Section 4.6

The MMO highlights that there have been ongoing discussions between the Applicant, the MMO and Natural England in relation to the wording of the DCO conditions for any potential compensation, updates will be provided by the Applicant in due course.

### Schedule 19 and Timescales

The MMO believes that timescales should be included in Schedule 19. The MMO's full position on the inclusion of consultation timescales within the conditions in Schedule 19 was set out in the response to the SoS letter dated 28 April 2021.

### General Comments on Compensation Schedules

If the SoS believes there is a requirement for licensed activities to be part of an agreed compensation package, then these should be included in a new DML Schedule not as part of the Compensation Schedule. If this approach is taken the MMO would request to be consulted on the proposed wording of the DML.

This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application. 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

