



Marine
Management
Organisation

Marine Licensing Team T +44 (0)300 123 1032
Lancaster House www.gov.uk/mmo
Hampshire Court
Newcastle upon Tyne
NE4 7YH

Hornsea 4 Project Team
Planning Inspectorate
HornseaProjectFour@planninginspectorate.gov.uk
(By email only)

Planning Inspectorate Reference:
EN010098
MMO Reference: DCO/2018/00014
Identification Number: 20029896

29 March 2022

Dear Jo Dowling,

Planning Act 2008 - Application by Ørsted Hornsea Project Four (UK) Limited (“Ltd”) for an Order Granting Development Consent for Hornsea Project Four Offshore Wind Farm

Deadline 2 Submission

On 4 November 2021, 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 Orsted Hornsea Project Four (UK) Ltd (the “Applicant”) for a development consent order (the “Application”).

The Application seeks authorisation to construct, operate and maintain Hornsea Project Four offshore wind farm, comprising of up to 180 offshore wind turbines together with associated offshore and onshore infrastructure and all associated development (the “Project”).

The MMO submits the following as part of our Deadline 2 submission:

- 1. Summaries of all Written Representations exceeding 1500 words**
- 2. Written Representation**
- 3. Comments on any other submissions received at Deadline 1**
- 4. Comments on responses to comments on Relevant Representations**
- 5. Responses to the ExA’s First Written Questions (ExQ1)**



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



Gregg Smith
Marine Licencing Case Officer



Contents

1. Summaries of all Written Representations exceeding 1500 words.....	4
2. Written Representations (WRs).....	4
MMO comments on the revised Development Consent Order (DCO) and Deemed Marine Licences (DMLs).....	4
3. Comments on any other submissions received at Deadline 1	19
3.2 Historic England Written Representation (RR-015)	20
3.3 Ornithology	20
3.4 Maritime and Coastguard Agency Written Representation (RR-021)	20
3.5 Marine Geology, Oceanography and Physical Processes - Additional Scope of Works (REP1-068)	20
3.6 Clarification Note on Marine Sediment Contaminants Revision: 1 (REP1-066).....	21
3.7 Outline Fisheries Coexistence and Liaison Plan (Clean) Revision: B (REP1-033) ..	21
4. Responses to comments on RRs.....	21
5. Responses to the ExA's First Written Questions (ExQ1).....	21



1. Summaries of all Written Representations exceeding 1500 words

1.1 The MMO has reviewed a number of documents and relevant representations (RR) from Deadline 1 and notes that the applicant and other interested parties have outstanding concerns. The MMO will continue to review updated documents and provide comments at subsequent Deadlines where applicable.

1.2 The MMO welcomes the reassessment of impacts on the black-legged Kittiwake feature of the Flamborough and Filey Coast SPA and notes the concerns from the Royal Society for the Protection of Birds and Natural England regarding the compensation measures.

1.3 For this Deadline, the MMO has reviewed the document “Marine Geology Oceanography and Physical Processes – Additional Scopes of Works” and has a number of comments to contribute. We have highlighted other documents submitted at Deadline 1 of interest and have deferred to later Deadlines to comment robustly.

1.4 The MMO has also provided updated comments on the latest version of the DCO and DML. With major comments remaining on DCO Part 2 Article 5; “determination dates” within the DML; the Seasonal restriction in Schedule 12, Part 2, Article 23; and the use of the term “materially”. We also raise a new concern on the Commitments Register.

1.5 The MMO has endeavoured to answer ExAQ1 but has deferred to later Deadlines where required.

2. Written Representations (WRs)

2.1 The MMO has entered into a Statement of Common Ground with the Applicant that is ongoing.

MMO comments on the revised Development Consent Order (DCO) and Deemed Marine Licences (DMLs)

2.2 The MMO has reviewed the updated DCO/ DMLs submitted at Deadline 1 and wishes to make the following comments.

2.3 General comments

2.3.1 The MMO reiterates its comments regarding “Determination dates” from RR-020, sections 2.1.2-2.1.14. However, has not repeated these within this submission.

2.3.2 The MMO does not agree with the current seasonal piling restrictions of “between 1st September to 16 October each year” in Schedule 12, Part 2, Condition 23 and requests that this is updated to “between 1st August and 31st October each year”. Details of the reasoning for this request are set out within sections 3.7.32 to 3.7.36 of RR-020 and are not repeated here.



2.3.3 The MMO notes that this Project has included a Commitments Register within Schedule 15 of the DCO as a document to be certified, which we have not seen within DCO Applications before. We request clarity on how it secures the list of mitigation within it, and how it is enacted when there is no specific reference to it that we are aware of within the Articles of the DCO or DMLs.

Specific comments

2.4 DCO:

DCO Part 2: Article 5

2.4.1 The MMO has concerns regarding the transfer of the DMLs based on the current drafting and requests that all references to the MMO and DMLs should be removed from Article 5 of the DCO.

2.4.2 This is because the intention under the Planning Act Section 149A is only to amend the method by which a marine licence is obtained, it does not, of itself, make a DML part and parcel of the Order. As currently drafted, the DMLs become part of the DCO by having Article 5 apply to the DMLs, allowing the transfer of the whole or part of the benefit of the provisions of the DMLs.

2.4.3 The MMO does not consider that there is a need to have the Order make provision for transferring of the DMLs in Article 5 as there is already a mechanism for transferring the DMLs under the Marine and Coastal Access Act 2009 (MCAA). In the MMO's view Article 5 should be reserved to the transfer of the Order and should not refer to the DMLs. The DMLs should be considered separately and dealt with under MCAA, as would happen for any other marine licence.

2.5 Schedule 9:

Schedule 9: Part 3: Article 2

2.5.1 The MMO notes that within the definition of "national grid" ("National Grid Gas PLC (Company No. 200600)") the company number should actually be "2006000".

Schedule 9: Part 7: Article 1

2.5.2 The MMO notes that the company names don't reflect those on 'Companies House'.

Schedule 9: Part 7: Article 2

2.5.3 The MMO notes that the company number listed for "Doggerbank Project 1 Projco Limited and Doggerbank Project 2 Projco Limited", "Company No. 07094843", actually relates to the company "Rookery South Limited" of 80 Coleman Street, London, EC2R 5BJ.

2.6 Schedule 11:



Schedule 11: Part 1: Article 1

2.6.1 “The 2009 Act”- The MMO notes you would expect to see a footnote for this (e.g., “2009 c. 23”).

2.6.2 “cable protection replenishment”- The MMO agrees with the definition provided by the Applicant.

2.6.3 “Kingfisher Information Service”- The MMO notes that there is currently no definition of this, and it is used at Condition 7(8) and 7(13).

2.6.4 “MCA”- The MMO advises that at end of the definition “the executive agency of the Department for Transport” is inserted.

2.6.5 “the offshore Order limits and grid coordinates plan”- The MMO recommends reinstating the title of Article 38, its inclusion provides certainty as to which Article it is a reference to, especially as once granted the Order and the DML may develop separately from one another. This comment is relevant throughout the DML, particularly the MMO identifies for: “outline marine mammal mitigation protocol”; “outline marine written scheme of archaeological investigation”; “outline southern north sea special area of conservation site integrity plan”; “pro-rata annex”.

2.6.6 “Outline Marine Monitoring Plan”- The MMO advises a definition is added for the “Outline Marine Monitoring Plan”, as it is currently included under Schedule 15 as a certified document.

2.6.7 “UK Hydrographic Office”- the MMO notes that the definition should state “United Kingdom” and not “UK” as currently drafted.

Schedule 11: Part 1: Article 1 (4) (d)

2.6.8 The MMO notes that there is a semi colon missing at the end of the telephone number “0208 026 0519”.

Schedule 11: Part 1: Article 1 (6)

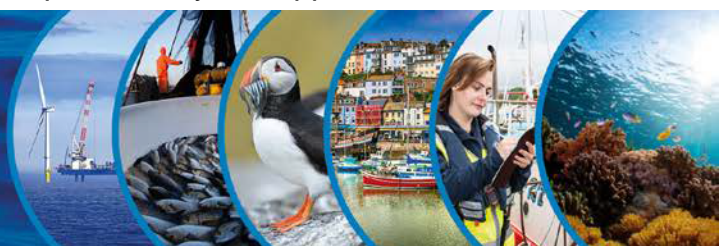
2.6.9 The MMO advises that for references to the Marine Case Management System, “MCMS”, it should be expanded on its first use to give the full name of the system followed by “(MCMS)” or alternatively include “MCMS” as a defined term under Part 1, Article 1(1).

Schedule 11: Part 1: Article 2 (a)

2.6.10 The MMO notes that “Order limits” are defined within the DCO Part 1 Article 2(1), but not within the DMLs. We advise that definitions are added as they are referenced throughout the DMLs.

Schedule 11: Part 1: Article 2 (b)

2.6.11 The MMO agrees with the definition of “works” provided by the Applicant.



Schedule 11: Part 1: Article 2 (h)

2.6.12 The MMO notes that the addition of drill arisings to this section has not been actioned. The MMO requested the addition of “(h) the disposal of drill arisings in connection with any foundation drilling up to a total of 399,776 cubic metres” or clarity added to Article 2 (a) on the volumes of drill arisings. We note the Applicant’s response to this within their “Responses to RR” at Deadline 1 *“The Applicant believes that the volumes of materials that will need to be disposed of is already sufficiently covered by the current drafting of the DMLs. The Applicant notes that it was not required to specify the volumes of drill arisings to be disposed of in the DCO for Hornsea Project Three.”* The MMO maintains that this addition should be made to secure clarity on the matter.

Schedule 11: Part 1: Article 4

2.6.13 The MMO agrees with the definition of “order limits” provided by the Applicant.

Schedule 11: Part 1: Article 7

2.6.14 The MMO reiterates that this provision not required, in relation to our comments under “DCO Part 2: Article 5” of this submission.

Schedule 11: Part 1: Article 9

2.6.15 The MMO has outlined its concerns regarding the use of “immaterial changes”, “materially new or materially greater environmental effects” within its Written Representation RR-020 sections 2.1.16-2.1.20.

2.6.16 We note that the Applicant has replied to our concerns within their “Responses to RR” at Deadline 1. *“The Applicant considers that the current drafting in paragraph 9 of Part 1 the DMLs is sufficient. This is in line with the drafting on similar projects such as Hornsea Project Three, Norfolk Vanguard and Norfolk Boreas. Paragraph 9 of each DML states: “Any amendments to or variations from the approved details must be in accordance with the principles and assessments set out in the environmental statement. Such agreement may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the MMO that it is unlikely to give rise to any materially new or materially greater environmental effects from those assessed in the environmental statement.”*

2.6.17 Whilst the MMO appreciates the addition for the requirement of the Applicant to satisfy the MMO of any changes, the MMO’s concerns remain for the use of “immaterial changes” and “materially new or materially greater environmental effects” used within the DCO and DML.

Schedule 11: Part 2: Article 4

2.6.18 The MMO reiterates its comments made within section 2.5.16 of RR-020 regarding the maintenance of the authorised development. *“The MMO does not agree that maintenance can take place prior to approval of an operation and maintenance plan regardless of activities being assessed within the ES. The MMO believes that an additional*



condition to provide an Operation and Maintenance plan to be submitted to the MMO six months prior to any maintenance works taking place should be included within the DML.”

Schedule 11: Part 2: Article 4 (2)

2.6.19 The MMO notes that the term “maintenance works” is not currently defined and advises that it is.

Schedule 11: Part 2: Article 4 (4)

2.6.20 The MMO reiterates its comments outlined within the section “Schedule 11: Part 1: Article 9” of this submission.

Schedule 11: Part 2: Article 5 (1)

2.6.21 The MMO notes that the phrase “under its control” should be deleted as it restricts the provision to only those vessels under the direct control of the undertaker and not agents or contractors.

Schedule 11: Part 2: Article 6

2.6.22 The MMO advises that “such agreement not to be unreasonably withheld or delayed” should be inserted at the end of this condition, as within condition 14 (3).

Schedule 11: Part 2: Article 7 (1)(a)(ii)

2.6.23 The MMO reiterates its comments from RR-020 (2.5.22) “*The MMO requests clarity on what “transport managers” are.*”

Schedule 11: Part 2: Article 7 (1)(b)

2.6.24 The MMO requests clarity on what the “confirmation form” is, and raises whether it should be included under Part 1 Article 1(1)?

Schedule 11: Part 2: Article 7 (7)

2.6.25 The MMO flags the inconsistency with the use of “Local Office” or “local office” and advises updates accordingly.

Schedule 11: Part 2: Article 7 (8)

2.6.26 The MMO reiterates that “Kingfisher Information Service” is not currently defined and advises it should be under Part 1, Article 1(1).

Schedule 11: Part 2: Article 7 (8)(b)

2.6.27 The MMO flags whether the term “all offshore activities” is sufficiently clear?



Schedule 11: Part 2: Article 7 (10)

2.6.28 The MMO flags whether the term “construction activities” is sufficiently clear?

Schedule 11: Part 2: Article 7 (11)

2.6.29 The MMO advises that “within 24 hours of the notification” is added to the end of this provision.

Schedule 11: Part 2: Article 7 (13)

2.6.30 The MMO reiterates that “Kingfisher Information Service” is not currently defined and advises it should be under Part 1, Article 1(1). Furthermore, the MMO requests that “service” is replaced with “notification to” for consistency within the provision.

Schedule 11: Part 2: Article 7 (14)

2.6.31 The MMO requests the addition of “in writing” after “MMO” on the first line.

Schedule 11: Part 2: Article 8 (2)

2.6.32 The MMO requests the addition of “in writing” after “MMO informed” on the final line.

Schedule 11: Part 2: Article 8 (6)

2.6.33 The MMO notes that “UK Standard Marking Schedule for Offshore Installations” should be defined under Part 1, Article 1(1).

Schedule 11: Part 2: Article 10(2)

2.6.34 The MMO notes that the penultimate line “paragraph” should be changed to “condition”.

Schedule 11: Part 2: Article 11(1)

2.6.35 The MMO requests clarity as to whether the “Offshore Chemicals Regulations 2002” is correctly referenced, we are unable to locate a reference to a “List of Notified Chemicals” within them.

Schedule 11: Part 2: Article 11(2)

2.6.36 The MMO notes that this provision is worded differently to the one within Schedule 12, Part 2, Article 11, which adds “guidelines approved by Health and Safety Executive **and the Environment Agency.**” The MMO requests clarity as to whether “the Environment Agency” should be included within this provision?

Schedule 11: Part 2: Article 11(7)



2.6.37 The MMO flags the inconsistency with the use of “Local Office” or “local office” and advises updates accordingly.

2.6.38 Furthermore, the MMO requests that following “Local Office”, “in writing” is inserted and that “at their own expense” is also inserted at the end of the condition.

Schedule 11: Part 2: Article 11(9)

2.6.39 The MMO requests that “in writing” is inserted after “is reported” on second line.

Schedule 11: Part 2: Article 11(10)

2.6.40 The MMO notes that “Dropped Object Procedure Form” is not defined and should be.

2.6.41 The MMO further queries why the Applicant has increased the period from 24 to 48 hours?

2.6.42 The MMO advises a 6 hour period for reporting dropped objects which are considered a danger or hazard to navigation.

Schedule 11: Part 2: Article 12

2.6.43 The MMO has now reviewed this Article following our submission RR-020 and comments as follows.

2.6.44 The MMO advises that this provision is not necessary, there is already a defence under Section 86 of MCAA. It provides a defence for action taken in an emergency in breach of any licence conditions. The MMO requires justification or rationale as to why this provision is considered necessary by the Applicant.

Schedule 11: Part 2: Article 13(1)

2.6.45 The MMO requests the insertion of “authorised” before “project” in the first line.

Schedule 11: Part 2: Article 13(1)(e)

2.6.46 The MMO requests the insertion of “in writing” after “resubmitted”.

Schedule 11: Part 2: Article 13(1)(h)(ii)

2.6.47 The MMO notes that the term “Chart Datum” is not defined and should be.

Schedule 11: Part 2: Article 13(1)(j)

2.6.48 The MMO requests that “in writing” is inserted after “has been submitted” on line 4.

Schedule 11: Part 2: Article 13(2)(f)



2.6.49 The MMO queries whether contact details for the National Record of the Historic Environment are needed?

Schedule 11: Part 2: Article 13(2)(g)

2.6.50 The MMO notes the “t” should be lower case for “the Crown Estate”.

2.6.51 The MMO requests clarity as to whether “the Offshore Renewables Protocol for Reporting Archaeological Discoveries” should be referenced stating version and date and as amended, updated, or superseded from time to time? We also advise a definition is added in Part 1, Article 1(1).

Schedule 11: Part 2: Article 13(5)

2.6.52 The MMO notes that the numeral “2” at line two should be replaced with the word “two”. Furthermore, we request that “HVAC search area” is defined in Part 1, Article 1(1).

Schedule 11: Part 2: Article 13(6)

2.6.53 The MMO advises that the “Outline fisheries coexistence and liaison plan” should be listed under Schedule 15.

Schedule 11: Part 2: Article 13(7)

2.6.54 The MMO notes that in order to clarify these provisions the issues with DCO Article 5, in relation to the DML, must be resolved. See comments under section “DCO Part 2: Article 5” of this submission.

Schedule 11: Part 2: Article 13(8)

2.6.55 Without prejudice to our comments under section “DCO Part 2: Article 5” of this submission, the MMO is unclear as to the purpose of this provision. It relates to the relationship between the licence holder and any third party to which the benefit of the Order has been transferred to and does not relate to the relationship between the MMO and the undertaker.

Schedule 11: Part 2: Article 13(9)

2.6.56 The MMO requests that specific reference to “must be chaired by the MMO” is removed as it is overly restrictive.

Schedule 11: Part 2: Article 14(1)

2.6.57 The MMO notes that “HVAC booster station lighting plan” is not defined, but that a definition is included within Schedule 12, Article 1(1) which can be replicated in Schedule 11.

Schedule 11: Part 2: Article 14(3)



2.6.58 The MMO recognizes that the wording “must determine” obliges the MMO to comply with this time frame. Whilst we appreciate that there is provision for this time period to be altered through agreement by the judgement of the undertaker, we request the following amendment.

2.6.59 The MMO requests the following wording to be added at the end of the clause “such agreement not to be unreasonably withheld or delay”.

Schedule 11: Part 2: Article 24(1)

2.6.60 The MMO requests the phrase “in writing” is moved to follow “close out report” in line 1.

2.7 Schedule 12:

Schedule 12: Part 1: Article 1(1)

2.7.1 “array area disposal site”- The MMO notes this definition differs from Schedule 11, Article 1(1), and that they should mirror each other.

2.7.2 “authorised development”- The MMO notes this definition differs from Schedule 11, Article 1(1), and that they should mirror each other.

2.7.3 “cable protection replenishment”- The MMO agree with the definition provided by the Applicant.

2.7.4 “HVAC booster station lighting plan”- The MMO recommend reinstating the title of Article 38 (which we note is deleted in this draft), its inclusion provides certainty as to which Article it is a reference to, especially as once granted the DCO and the DML may develop separately from one another. Please note that this is relevant throughout the DML. Specifically, the MMO note, for “layout principles”; “the offshore Order limits and grid coordinates plan”; “outline marine written scheme of archaeological investigation”; “Outline Southern North Sea special area of conservation site integrity plan”; “pro-rata annex”

2.7.5 “Kingfisher Information Service”- the MMO notes that there is currently no definition of this, and it is used within Condition 7(8).

2.7.6 “MCA” - The MMO requests that at end of definition “the executive agency of the Department for Transport” is inserted.

2.7.7 “mean low water springs”- The MMO note this definition is currently missing and is used at Part 1 Article 3(e), and that definition could be adopted from Schedule 11 Part 1 Article 1(1).

2.7.8 “transition piece”- The MMO notes that no definition is included; however, the term is used in the definition of “wind turbine generator”. The definition could be adopted from Schedule 11 Part 1 Article 1(1).



2.7.9 “UK Hydrographic Office”- The MMO note that the definition should state “United Kingdom” and not “UK” as currently drafted.

Schedule 12: Part 1: Article 1(4)(d)

2.7.10 The MMO notes that a semi colon after the telephone number “Tel: 0208 026 0519” is missing.

Schedule 12: Part 1: Article 1(6)

2.7.11 The MMO advises that for references to the Marine Case Management System, “MCMS”, it should be expanded on its first use to give the full name of the system followed by “(MCMS)” or alternatively include “MCMS” as a defined term under Part 1, Article 1(1).

Schedule 12: Part 1: Article 2(a)

2.7.12 The MMO notes that “Order limits” are defined within the DCO Part 1 Article 2(1), but not within the DMLs. We advise that definitions are added as they are referenced throughout the DMLs.

Schedule 12: Part 1: Article 2(b)

2.7.13 The MMO flags where the term “works” is sufficiently clear?

Schedule 12: Part 1: Article 2(h)

2.7.14 Please see comments regarding the disposal of drill arisings under “Schedule 11: Part 1: Article 2 (h)” of this submission.

Schedule 12: Part 1: Article 3

2.7.15 As a general point, the MMO advises that it may be beneficial to have specific sub-paragraphs for each of the work numbers to avoid confusion.

Schedule 12: Part 1: Article 3: Work No. 2 (c)

2.7.16 There is currently no definition of “HVDC” within the DML which should be added. This is also applicable to Schedule 12: Part 1: Article 3: Work No. 3 (a) & (b)

Schedule 12: Part 1: Article 3: Work No. 2 (e)

2.7.17 The MMO note that “MLWS” is currently not defined and suggest the definition could be adopted from Schedule 11 Part 1 Article 1(1).

Schedule 12: Part 1: Article 4

2.7.18 The MMO reiterates that this provision not required, in relation to our comments under “DCO Part 2: Article 5” of this submission.



Schedule 12: Part 1: Article 9

2.7.19 Please see comments under “Schedule 11: Part 1: Article 9”. This is also applicable to Schedule 12: Part 2, Article 4.

Schedule 12: Part 2: Article 1(1)(d)

2.7.20 The MMO query whether this should be “six small offshore HVDC converter **sub**stations”? In accordance with Condition 1(5). (Emphasis added).

Schedule 12: Part 2: Article 1(1)(e)

2.7.21 The MMO query whether this should be “six small offshore HVDC converter **sub**stations”? In accordance with Condition 1(6). (Emphasis added).

Schedule 12: Part 2: Article 4(2)

2.7.22 The MMO notes that the term “maintenance works” is not currently defined and advises that it is.

Schedule 12: Part 2: Article 5(1)

2.7.23 The MMO notes that the phrase “under its control” should be deleted as it restricts the provision to only those vessels under the direct control of the undertaker and not agents or contractors.

Schedule 12: Part 2: Article 6

2.7.24 The MMO advises that “such agreement not to be unreasonably withheld or delayed” should be inserted at the end of this condition, as within condition 14 (3).

Schedule 12: Part 2: Article 7(1)(a)(ii)

2.7.25 The MMO reiterates its comments from RR-020 (2.5.22) “*The MMO requests clarity on what “transport managers” are.*”

Schedule 12: Part 2: Article 7(1)(b)

2.7.26 The MMO requests clarity on what the “confirmation form” is, and raises whether it should be included under Part 1 Article 1(1)?

Schedule 12: Part 2: Article 7(7)

2.7.27 The MMO flags the inconsistency with the use of “Local Office” or “local office” and advises updates accordingly.

Schedule 12: Part 2: Article 7(8)



2.7.28 The MMO reiterates that “Kingfisher Information Service” is not currently defined and advises it should be under Part 1, Article 1(1). Applicable to Schedule 12: Part 2: Article 7(13).

2.7.29 The MMO also advises that “part-” at the end of the second line should be replaced with “stage” for consistency with provision in Schedule 11.

Schedule 12: Part 2: Article 7(8)(b)

2.7.30 The MMO flags whether the term “all offshore activities” is sufficiently clear?

Schedule 12: Part 2: Article 7(10)

2.7.31 The MMO flags whether the term “construction activities” is sufficiently clear?

Schedule 12: Part 2: Article 7(11)

2.7.32 The MMO advises that “within 24 hours of the notification” is added to the end of this provision. The MMO also advises that “both” is deleted for consistency with provision at Schedule 11.

Schedule 12: Part 2: Article 7(13)

2.7.33 The MMO reiterates that “Kingfisher Information Service” is not currently defined and advises it should be under Part 1, Article 1(1). Furthermore, the MMO requests that “service” is replaced with “notification to” for consistency within the provision.

Schedule 12: Part 2: Article 7(14)

2.7.34 The MMO requests the addition of “in writing” after “MMO” on the first line.

Schedule 12: Part 2: Article 8(2)

2.7.35 The MMO requests the addition of “in writing” after “MMO informed” on the final line.

Schedule 12: Part 2: Article 8(6)

2.7.36 The MMO notes that “UK Standard Marking Schedule for Offshore Installations” should be defined under Part 1, Article 1(1).

Schedule 12: Part 2: Article 10(2)

2.7.37 The MMO notes that the penultimate line “paragraph” should be changed to “condition”.

2.7.38 The MMO also advises that “within 24 hours of the notification” is added to the end of this provision.



Schedule 12: Part 2: Article 11(1)

2.7.39 The MMO requests clarity as to whether the “Offshore Chemicals Regulations 2002” is correctly referenced, we are unable to locate a reference to a “List of Notified Chemicals” within them.

Schedule 12: Part 2: Article 11(2)

2.7.40 The MMO notes that this provision is worded differently to the one within Schedule 11, Part 2, Article 11, which doesn’t include “guidelines approved by Health and Safety Executive **and the Environment Agency**.” (Emphasis added). The MMO requests clarity as to whether “the Environment Agency” should be included within this provision?

Schedule 12: Part 2: Article 11(7)

2.7.41 The MMO flags the inconsistency with the use of “Local Office” or “local office” and advises updates accordingly.

2.7.42 Furthermore, the MMO requests that following “Local Office”, “in writing” is inserted and that “at their own expense” is also inserted at the end of the condition.

Schedule 12: Part 2: Article 11(9)

2.7.43 The MMO requests that “in writing” is inserted after “is reported” on second line.

Schedule 12: Part 2: Article 11(10)

2.7.44 The MMO notes that “Dropped Object Procedure Form” is not defined and should be.

2.7.45 The MMO further queries why the Applicant has increased the period from 24 to 48 hours?

2.7.46 The MMO advises a 6 hour period for reporting dropped objects which are considered a danger or hazard to navigation.

Schedule 12: Part 2: Article 12

2.7.47 The MMO has now reviewed this Article following our submission RR-020 and comments as follows.

2.7.48 The MMO advises that this provision is not necessary, there is already a defence under Section 86 of MCAA. It provides a defence for action taken in an emergency in breach of any licence conditions. The MMO requires justification or rationale as to why this provision is considered necessary by the Applicant.

Schedule 12: Part 2: Article 13(1)



2.7.49 The MMO requests the insertion of “authorised” before “project” in the first line.

Schedule 12: Part 2: Article 13(1)(a)

2.7.50 The MMO notes that “or in such other format as may be appropriate” is additional text from the same provision in Schedule 11, please can the Applicant confirm if it should it be included?

Schedule 12: Part 2: Article 13(1)(a)(iv)

2.7.51 The MMO notes “gravity base structures” are defined and requests clarity as to whether “pontoon gravity base type 1 structures” and “pontoon gravity base type 2 structures” are deemed sufficiently clear or whether these extended terms/references should be defined?

Schedule 12: Part 2: Article 13(1)(e)

2.7.52 The MMO requests that “in writing” is inserted after “resubmitted”.

Schedule 12: Part 2: Article 13(1)(g)

2.7.53 The MMO flags that following “mitigation protocol” line 2, the phrase “for that stage” is not included, whereas it is in Schedule 11 part 2 13(1)(g). We notes these should be consistent.

Schedule 12: Part 2: Article 13(1)(h)(ii)

2.7.54 The MMO notes that the term “Chart Datum” is not defined and should be.

Schedule 12: Part 2: Article 13(1)(h)(iii)

2.7.55 Following “crossing, and” the following additional text appears that is not in the same provision in Schedule 11 “proposals for timing and methodology for reporting on actual volumes and areas post construction within that stage”. The MMO requests clarity on this differentiation.

Schedule 12: Part 2: Article 13(1)(j)

2.7.56 The MMO requests “in writing” is inserted after “has been submitted” on line 4.

Schedule 12: Part 2: Article 13(1)(k)

2.7.57 The MMO notes that there is no requirement for an ornithological monitoring plan as there is in Schedule 11 and there should be. There is also a related provision missing at Condition 17(2)(b) and 19(2)(c) of this Schedule.

Schedule 12: Part 2: Article 13(1)(k)



2.7.58 At the end of the provision in Schedule 11 there is the following wording “including provision of report on such monitoring”, this wording should also be included here.

Schedule 12: Part 2: Article 13(2)(f)

2.7.59 The MMO queries whether contact details for the National Record of the Historic Environment are needed?

Schedule 12: Part 2: Article 13(2)(g)

2.7.60 The MMO notes the “t” should be lower case for “the Crown Estate”.

2.7.61 The MMO requests clarity as to whether “the Offshore Renewables Protocol for Reporting Archaeological Discoveries” should be referenced stating version and date and as amended, updated, or superseded from time to time? We also advise a definition is added in Part 1, Article 1(1).

Schedule 12: Part 2: Article 13(5)

2.7.62 The MMO notes that the numeral “2” at line two should be replaced with the word “two”. Furthermore, we request that “HVAC search area” is defined in Part 1, Article 1(1).

Schedule 12: Part 2: Article 13(6)

2.7.63 The MMO advises that the “Outline fisheries coexistence and liaison plan” should be listed under Schedule 15.

Schedule 12: Part 2: Article 13(7)

2.7.64 The MMO notes that in order to clarify these provisions the issues with DCO Article 5, in relation to the DML, must be resolved. See comments under section “DCO Part 2: Article 5” of this submission.

Schedule 12: Part 2: Article 13(8)

2.7.65 Without prejudice to our comments under section “DCO Part 2: Article 5” of this submission, the MMO is unclear as to the purpose of this provision. It relates to the relationship between the licence holder and any third party to which the benefit of the Order has been transferred to and does not relate to the relationship between the MMO and the undertaker.

Schedule 12: Part 2: Article 13(9)

2.7.66 The MMO requests that specific reference to “must be chaired by the MMO” is removed as it is overly restrictive.

Schedule 12: Part 2: Article 14(3)



2.7.67 The MMO recognizes that the wording “must determine” obliges the MMO to comply with this time frame. Whilst we appreciate that there is provision for this time period to be altered through agreement by the judgement of the undertaker, we request the following amendment.

2.7.68 The MMO requests the following wording to be added at the end of the clause “such agreement not to be unreasonably withheld or delay”.

Schedule 12: Part 2: Article 16(1)(b)

2.7.69 The MMO notes that the wording inserted in this draft differs between Schedule 11 and Schedule 12. For consistency the wording at the end of 16(1)(b) should read: “including the master’s name, vessel type, vessel IMO number and vessel over operating company.”

Schedule 12: Part 2: Article 18(3)

2.7.70 The MMO notes that the following wording is included in Schedule 11 but is missing from the same provision in Schedule 12 and should be included. The wording follows the end of the provision and is: “for the MMO to determine whether any further noise monitoring will be required.”

Schedule 12: Part 2: Article 19(1)

2.7.71 The MMO notes the following wording is included in Schedule 11 but is missing from the same provision in Schedule 12 and should be included. The wording is after “stage” on line 2: “in accordance with an outline marine monitoring plan” (see further comment on this wording below).

Schedule 12: Part 2: Article 21(2)

2.7.72 The MMO that “in writing” is inserted after “MMO”.

Schedule 12: Part 2: Article 23

2.7.73 The MMO does not agree with the current seasonal restriction of “between 1st September to 16 October each year” in Schedule 12, Part 2, Condition 23 and requests that this is updated to “between 1st August and 31st October each year”. Details of the reasoning for this request are set out within sections 3.7.32 to 3.7.36 of RR-020.

3. Comments on any other submissions received at Deadline 1

3.1 The MMO has reviewed a number of documents submitted at Deadline 1, any comments on these have been set out below. The MMO notes that the Applicant and other Interested Parties have outstanding concerns and ongoing discussions on a number of offshore issues that may be resolved when the Applicant updates the relevant documents at Deadline 3. The MMO has noted these concerns but has not provided comments at this



stage. The MMO will review the updated documents and relevant Interested Parties responses and provide comments at subsequent Deadlines where appropriate.

3.2 Historic England Written Representation (RR-015)

3.2.1 The MMO concurs with point 4 of Historic England's written representation that: *"This is the first Nationally Significant Infrastructure Project where we have encountered the use of a Commitments Register and therefore we are uncertain as to how it will be enacted as it does not appear to be identifiable within the articles of the draft Development Consent Order including (draft) deemed Marine Licences for generation assets (Schedule 11) and transmission assets (Schedule 12). We also note that the Commitments Register is included in the list of "documents to be certified" within the draft Development Consent Order (Schedule 15)."*

3.2.2 The MMO will review the Applicant's response to this in their response to Relevant Representations and will provide further comments if applicable at a later Deadline.

3.3 Ornithology

3.3.1 The MMO welcomes the reassessment of impacts on the black-legged kittiwake feature of the Flamborough and Filey Coast SPA to one where there is an in-combination impact with other projects.

3.3.2 The MMO has reviewed the Deadline 1 submission made by the Royal Society for the Protection of Birds (RSPB) (RR-033), in particular the concerns regarding compensation measures. The MMO will continue to monitor the responses from the RSPB and any changes to the DCO/DML that may arise.

3.4 Maritime and Coastguard Agency Written Representation (RR-021)

3.4.1 The MMO has reviewed the written representation from the Maritime Coastguard Agency (MCA) and welcomes the continued discussions outlined in the Statement of Common Ground.

3.4.2 The MMO will continue to review the responses from the MCA and any changes to the DCO/DML that may arise.

3.5 Marine Geology, Oceanography and Physical Processes - Additional Scope of Works (REP1-068)

3.5.1 The MMO received a memo dated 21 February 2022 regarding the supplementary works associated with Marine Geology, Oceanography and Physical Processes receptors: Smithic Bank; the Holderness coast; and the Flamborough Front. We understand this document was also submitted to the ExA at Deadline 1 (REP1-068).

3.5.2 The MMO have reviewed the information within this document and consulted with our scientific advisors at the Centre for Environment, Fisheries and aquaculture Science (CEFAS) and wish to make the following comments.



3.5.3 The move to specifically address the issues raised by MMO and Natural England (NE) advisors on coastal processes, rather than rely on comments in the high-level assessments is welcomed. Whilst we note that the consultants employed by Orsted have changed, we suggest that the numerical modelling could provide some useful insight into the sediment transport patterns and pathways after installation of the export cables. For instance, different scour protection scenarios could be explored with a variety of wave and tidal current events.

3.5.4 Whilst the MMO support the use of Expert Geomorphological Assessment (EGA) to assess the potential impacts on Smithic Bank, we understand that there are no Guidance /Best Practise documents for this. It is the MMO's experience that the best advice from EGAs come where a panel or group is established with experts of differing views and then a consensus is developed.

3.5.5 Alternatively, the EGA can be reviewed by the ETG (i.e. by NE, MMO and Cefas and potentially external independent experts) before an agreed position is developed. Whatever model is setup, it should include experts of differing views in order to provide a challenge.

3.5.6 The MMO supports all the issues raised in section 3.2 as some of these had been raised in earlier reviews. Specifically, it should be noted that Smithic Bank itself is both a "receptor" and "pathway" in the traditional S-P-R framework.

3.5.7 These documents provided identify a process where coastal processes issues that are still outstanding within the DCO process can be addressed. The approach is logical and if explored in depth, it is hoped that the new reports will help resolve the outstanding issues.

3.6 Clarification Note on Marine Sediment Contaminants Revision: 1 (REP1-066)

The MMO is reviewing this submission and will provide comments at a subsequent Deadline.

3.7 Outline Fisheries Coexistence and Liaison Plan (Clean) Revision: B (REP1-033)

The MMO is reviewing this submission and will provide comments at a subsequent Deadline.

4. Responses to comments on RRs

The MMO are continuing to review the comments on Relevant Representations submitted at Deadline 1. The MMO will provide any comments we have at a future Deadline once the review is complete should it remain applicable.

5. Responses to the ExA's First Written Questions (ExQ1)



Heading	Question Number	Question	MMO Response for DL2
CF Commercial Fishing and Fisheries	1.2	<p>Cumulative effect of potential Marine Conservation Zone (MCZ) potting restrictions</p> <p>Please comment in detail on the representation [AS-026] from the NFFO that it cannot agree with the assessed likely 'minor' magnitude of impact on UK potting fleets of the inclusion of MCZs in the ES Chapter 6 consideration of cumulative effects, [APP-018, section 6.12.2.18] because the prohibition of bottom-contacting fishing in MCZs has potential to affect potting activity that should be taken account of in the assessment of cumulative impact for this Proposed Development. If it were to be included what implications would this have for the conclusions drawn in the ES? (If not fully addressed in the Applicant's Deadline 1 responses to Relevant Representations. Cross-reference may also be made to</p>	<p>The MMO notes that the Applicant intends on continuing to engage with the NFFO. The MMO encourages this engagement.</p> <p>The MMO is however, reviewing the details of this question and defers to a subsequent Deadline for this question.</p>



		relevant responses to ExQ1 Marine Ecology.)	
DCO Draft Development Consent Order (draft DCO)	1.6	<p>DCO .1.6 Applicant MMO Article 5(1)(b) and 5(12)</p> <p>These provisions as currently drafted would permit transfer of part of the DMLs.</p> <p><u>MMO</u>: Are you content with the transfer of part of the DMLs and if not, why not? Can you expand upon the objection to this Article that you have provided in your Relevant representation [RR020]?</p> <p><u>Applicant</u>: Can you provide examples of recent made DCOs with DMLs where the SoS has consented to transfer of part?</p>	<p>The MMO confirms that we have concerns regarding the transfer of the DML based on the current drafting of the DCO/DML.</p> <p>The MMO requests that the following amendments are made:</p> <ul style="list-style-type: none"> • All references to the MMO and DML should be removed from Article 5 of the DCO. <p>This is because the intention under the Planning Act Section 149A is only to amend the method by which a marine licence is obtained, it does not, of itself, make a DML part and parcel of the Order. As currently drafted, the DML becomes part of the DCO by having Article 5 apply to the DML, allowing the transfer of the whole or part of the benefit of the provisions of the DMLs.</p> <p>The MMO doesn't consider that there is a need to have the Order make provision for transferring of the DML in Article 5, as there is already a mechanism for transferring the DML under MCAA.</p> <p>In the MMO's view Article 5 should be reserved to the transfer of the Order and not refer to the DML, and the DML should be considered separately and dealt with under MCAA, as would happen for any</p>



			other marine licence.
	1.8	DCO 1.8 Article 5(5) MMO: You have advised [RR-020] that you consider that the proposed eight-week timescale would be too short to allow for full consultation. What time period would you consider appropriate?	The MMO has updated its major concerns with the inclusion of the MMO or the DMLs within Article 5 of the DCO (see answer to question 1.6). As such we will not provide further advice on its wording until our position has been assessed further by the Applicant.
ES Environmental Impact Assessment (EIA) and Environmental Statement	1.7	Dudgeon and Sheringham Shoal Extension In light of the Secretary of State's Norfolk Vanguard decision letter and the publication of the proposed Dudgeon and Sheringham Shoal Extension projects' Preliminary Environmental Impact Report (PEIR) on 29 April 2021, are any changes needed to the cumulative assessment, given that some topics were screened out at the time of the assessment due to low data confidence?	The MMO defer to Natural England (NE) as the Statutory Nature Conservation Body for this question.



Plans required before commencement of marine licensed activities

The following plans are required to be produced before commencement of marine licensed activities (draft DCO [APP-203]):

- a construction project environmental management and monitoring plan (including a marine pollution contingency plan, a marine biosecurity plan, and a vessel management plan);
- a scour protection management plan;
- a piling marine mammal mitigation protocol;
- a cable specification and installation plan;
- an aid to navigation management plan;
- a site integrity plan (assumed to relate to the Southern North Sea Special Area of Conservation (SAC)); and
- an ornithological monitoring plan.

Condition 13 mentions only the Site Integrity Plan and Piling Marine Mammal Mitigation Protocol in relation to a need to

1.18

The MMO are currently reviewing the list of plans to be produced and will address this question at Deadline 4.



		accord with an outline plan listed in Schedule 15 and secured through Article 38 of the draft DCO [APP-203]. On what basis would the other plans be produced to ensure that the remaining effects fall within the scope of those predicted in the ES? What is the purpose of the submitted Outline Offshore Cable Installation Plan [APP-250]?	
	1.25	Environmental assessment of compensation measure sites Given the lack of refinement of possible sites for the proposed compensation measures, how reliable is the assessment of likely environmental effects set out in the ES [APP-057] for them? Please explain your reasoning.	The MMO is reviewing this question and defers to Deadline 3.
HRA Habitats Regulations Assessment (HRA)	1.16	Controlling in-combination impacts on the integrity of the Southern North Sea SAC Given the doubts expressed by some parties in Relevant Representations, what	The MMO recognises concerns raised by NE and continues to engage with SNCB's on the management of noise in the Southern North Sea SAC. The MMO is reviewing the details of this question and will defer this until Deadline 3.



level of confidence does the MMO have that the proposed Southern North Sea SAC site integrity plan for this project (based on [APP-246]), when considered alongside similar controls that would be available through Marine Licence conditions attached to other projects that might affect the harbour porpoise interest feature in-combination, would provide it with sufficient control over the timing and nature of noisy activities across the various projects to ensure that the relevant in-combination disturbance impact thresholds would not be breached? In the event that a number of noisy activities from various concurrent projects became likely, would it be the MMO's intention to use these controls to ensure that no threshold was breached, and, if so, how?



	<p>Applicant Mitigation for effects on marine mammal qualifying features and monitoring Could Natural England and MMO explain if any of their proposed post-consent monitoring for effects on the marine mammal qualifying features would: inform the Site Integrity Plan process; serve a purpose of verification of assumptions made in the assessment; or would it simply be useful data collection? What monitoring is required to deliver control over in combination effects and is it necessary to secure this in the draft DCO process? Could the Applicant explain what, if any, options for mitigation measures in relation to underwater noise effects on marine mammals could be committed to at the consenting stage to address uncertainties with control in the post-consent stage? Explain how any mitigation measures could be secured through any DCO.</p>	<p>1.22</p> <p>The MMO is reviewing this question and defers to Deadline 3 for this question.</p>
--	---	---



Marine and Coastal Geology, Oceanography and physical processes.	1.2	<p>Further geophysical surveys</p> <p>Chapter 4 of the ES [APP-010] notes that pre-construction, high-resolution geophysical surveys were yet to be undertaken at the time of writing, but that they were planned for 2021 and that interpretation will be available Q4 2021. Could the Applicant provide an update and all invited parties comment on any implications?</p>	The MMO awaits the Applicant's response to this question and will contribute at a Deadline 3.
	1.4	<p>Sign-off of any further geophysical surveys</p> <p>Natural England [RR-029] suggests that further commitments and regulator sign-off would be necessary in relation to any pre-construction geophysical surveys. What is the Applicant's and MMO's reaction to this suggestion?</p>	The MMO is reviewing this question and defers to Deadline 3 for this question.
	1.5	<p>Marine modelling and climate change scenarios</p> <p>Natural England [RR-029] suggests that the marine process modelling and assessment set out in the ES should be re-run to account for various climate</p>	The MMO is seeking technical advice on this question and as such defers to Deadline 3.



	<p>change scenarios. Is further modelling required to rectify this? If not, why not? (If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</p>	
1.7	<p>Rock backfill The ES [APP-013] says that additional material may be required in the backfilling of the eight Horizontal Directional Drilling [HDD] exit pits in the landfall area to make up for any loss in excavated sediment volume. It suggests that rocks may be used. Is this acceptable to MMO and Natural England? If not, why not, and are there any alternatives that you would suggest to the Applicant?</p>	<p>The MMO advises that material resulting from HDD should be reinstated where possible to reduce the risks that arise from new material being introduced to the habitat. The material that is side casted from the process should be reused to minimise impacts to the habitat.</p>
1.9	<p>Cable protection volume Table 4.26 of ES Volume A1 Chapter 4 Project Description [APP-010] details a total area of cable protection of 1,510,000m² and a total volume of 1,449,000m³. Is there a discrepancy between the volumes presented in the ES</p>	<p>The MMO awaits the Applicant's response to this question and will contribute at a subsequent Deadline if appropriate.</p>



	<p>and Requirement 5(6) of the draft DCO [APP-203]? If so, why, and does it need to be corrected?</p>	
<p>1.14</p>	<p>Location of the Flamborough Front The information provided to the Examination suggests different views are held about the location of the Flamborough Front. The ES [APP-013, paras 1.7.9.2 and 1.7.9.3] suggests it is south of the proposed array area. Natural England's Relevant Representation [RR-029, Appendix E, entries 8, 74 and 97] argues that Figure 37 of the Marine Processes Technical Report [APP-067] shows the array area to be located within a zone of 90-100% occurrence of the Front. If the location of the Front is not fixed, to what extent does it vary and over what time frame? What implications does this have for turbulent wakes and their effects? What are the implications of the inclusion of the non-cylindrical, gravity base structure</p>	<p>The MMO is seeking technical advice on this question and as such defers to a subsequent Deadline.</p> <p>The MMO notes that the Marine Processes Supplementary Report(s) are due to be submitted by the Applicant at Deadline 3, which is only a week before the ExA's planned Issue Specific Hearings and 2 weeks before Deadline 4 and advises that this does not provide adequate time for Interested Parties to review the documents robustly.</p>



	<p>foundations in the array, and what level of certainty can be applied to the consequent wakes, their interactions, and potential direct impacts on the Flamborough Front and indirect impacts on seabirds and marine mammals through changes to its productivity?</p>	
<p>1.15</p>	<p>Sensitivity of the Flamborough Front Natural England [RR-029, Appendix E, entry 56] suggests that the Flamborough Front feature should have a high sensitivity rather than medium (as allocated in the ES [APP-013]), given that the novelty of the situation and information gaps should lead to a precautionary approach that cannot, on current understanding, rule out more significant impacts and Adverse Effects on Integrity in relation to three European sites. Can the Applicant provide anything further to close such gaps and provide corroborative evidence for the medium sensitivity, or</p>	<p>The MMO is seeking technical advice on this matter and will await the Applicant's answer, as such we defer to a subsequent Deadline.</p>



		<p>should this be changed to high? If so, a reassessment and further consideration of mitigation would be required. This would be required in the Examination as soon as possible. When would any results be available? (If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</p>	
	1.17	<p>Dredgings disposal site Is there any progress in discussions between the Applicant and the MMO over the updating of application documents in respect of defining a preferred dredgings disposal site, and over the final agreement about the site or sites to be used? If this matter is not yet resolved, is it likely to be so before the close of the Examination?</p>	<p>The MMO are in ongoing discussions with the Applicant and will aim to provide an update on the status of discussions on the disposal site at a subsequent Deadline.</p>
ME Marine Ecology: Fish and Shellfish Ecology	1.5	<p>Mitigation of suspended sediment impacts on herring The MMO [RR-020] disagrees with the Applicant's ES in relation to the magnitude of impact on herring spawning grounds in the ECC</p>	<p>The MMO provided an updated suite of advice on this matter within REP1-076. The MMO will review the Applicant's response to this question and provide a response if applicable at a subsequent Deadline.</p>



through direct damage and temporary increases in suspended sediment. It points to the International Herring Larvae Surveys data reproduced in the Applicant's Fish and Shellfish Ecology Technical Report [APP-071] to support its position that the impact would be greater than minor. Could the Applicant indicate whether further assessment and mitigation is necessary, and, if not, why not? Would the extended seasonal piling restriction (for noise effects) proposed by the MMO adequately mitigate these direct damage and suspended sediment effects, or would further spatial restrictions also be considered necessary? The MMO's position on this is not clear in its Relevant Representation, so could clarification be provided please?



<p>Noise, Vibration, Electromagnetic Fields (EMFs) and Light</p>	<p>1.1</p>	<p>Transboundary noise effects on fish Could the MMO clarify its position in relation to potential transboundary effects from underwater construction noise. On one hand, the Relevant Representation [RR-020] seems to suggest that the Proposed Development has the potential to affect fish in Netherlands waters (though in the absence of behavioural response impact range noise contours it is said not to be possible to determine the extent). On the other hand, the Relevant Representation states that, given the distances involved, “the MMO agree that the risk of significant impact of potential transboundary effects is likely to be low.” Does the Applicant intend to provide any further analysis to test for any such transboundary underwater noise impacts, and, if not, why not?</p>	<p>The MMO is reviewing this question alongside our technical advisors, as such we defer to a subsequent Deadline.</p>
--	------------	--	--



	<p>At-source mitigation of underwater noise for cetaceans Co110 of the Commitment Register [APP-050] is noted, but is it necessary in addition for the Applicant to refer specifically and to commit to the at-source underwater noise reduction measures that were included as mitigation measures in the underwater noise assessment? If such commitments are not made, what are the implications for the EIA and the HRA in relation to the harbour porpoise interest feature of the Southern North Sea SAC?</p>	<p>The MMO supports the position that specific mitigation commitments should be secured within the DCO/DML, and that if they are not, they would impact conclusions of impact assessments where mitigation is relied on.</p>
	<p>Concurrent piling The MMO [RR-020] notes the Outline Marine Mammal Mitigation Protocol statement that there would be no concurrent piling between the array area and the HVAC booster stations in the export cable corridor but suggests that this is not made clear in Co85 of the Commitment Register [APP-050]. Does this</p>	<p>The MMO believe that this should be clarified in the Commitment Register.</p>



	<p>need to be clarified in the Commitment Register? If not, why not?</p>	
1.8	<p>Effects of electromagnetic fields (EMF) on marine wildlife</p> <p>On the one hand, the MMO's Relevant Representation [RR-020] suggests that recent research on the effects of EMF on marine wildlife means that the decision to scope out its effects should be revisited. Elsewhere the Relevant Representation suggests that the MMO agrees with the decision to scope it out. What is the MMO's position? Is it the Applicant's intention to revisit EMF in the light of the new research findings and to update the assessment if necessary? If not, why not?</p>	<p>The MMO supports the position that the best available evidence should be used for assessments, therefore, would support EMF assessments being revisited for this application in light of new research findings.</p> <p>We note, and support that the Applicant has added “including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with good industry practice” to Schedule 12, Article 13(1)(h)(i).</p> <p>The MMO are however, seeking technical advice on this matter and will update our position at a subsequent Deadline if appropriate.</p>

