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MMO Reference:  
DCO/2019/00004  
Planning Inspectorate  
Reference: EN010109

**by email only**

20 June 2023

Dear Sir/Madam,

**Planning Act 2008, Proposed Sheringham Shoal Offshore Wind Farm Extension Project (SEP) and Dudgeon Offshore Wind Farm Extension Project (DEP).**

### **Deadline 6 Submission**

This document comprises the Marine Management Organisation's (MMO) Deadline 6 response in respect to the above Development Consent Order (DCO) Application. This is without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This is also 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.

The MMO reserves the right to modify its present advice or opinion in view of any additional matters or information that may come to our attention.

Yours Faithfully

Laura Ashforth  
Marine Licensing Case Officer

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## 1 General Comments

- 1.1. The MMO would like to highlight that Deadlines 6 and 8 are only 1 week after the previous Deadlines. This has created a short review period for interested parties to provide comments on representations made, as such the MMO has been unable to provide a comprehensive response due to this time constraint.
- 1.2. The MMO can confirm we have been engaging with the applicant to resolve outstanding matters within our Statement of Common Ground (SocG). An updated SocG has been provided by the applicant for Deadline 6.

## 2 Comments on any other information and submissions received at Deadline 4

### 2.1 REP3-012 Draft Development Consent Order (Revision F)

- 2.1.1 The MMO note that an updated draft DCO has been provided for Deadline 5. The MMO has briefly reviewed the updated document, but due to the documents only being published on Friday 16<sup>th</sup> June, we have been unable to carry out a comprehensive review. The MMO does not anticipate that we will have substantive comments on any changes made this late in examination, however, aside from any comments within this response any concerns can be passed on to the applicant directly and formalised within our Deadline 7 response.
- 2.1.2 The MMO welcome the inclusion of a condition for monitoring of cables installed within the Cromer Shoal Chalk Beds MCZ in accordance with any monitoring required by the cable specification, installation and monitoring plan for the installation of cables within the Cromer Shoal Chalk Beds Marine Conservation Zone submitted in accordance with condition 12(1)(e).

## 3 3. Responses Deferred from The MMO's Deadline 5 Response (REP5-080)

### 3.1 Responses to the Examining Authority's proposed changes to the draft Development Consent Order (DC1)

- 3.1.1 DC1.3.1.1 The role of MMO - The ExA notes the amendments proposed by the Applicant to Article 5, particularly sub paragraphs 2, 6 and the addition of sub-paragraph 3, to ensure that MMO is consulted by the SoS should the SoS consider a transfer of benefit of a DML, and only the whole of the DML could be transferred, not allowing a transfer of part of a DML. The ExA finds it reasonable that where a transfer of a DML would be proposed, the SoS would be required to look at the proposed transfer in the context of all the provisions of the dDCO, including some Articles and Requirements relating to offshore matters which overlap with the DMLs. In that context, the ExA finds it is reasonable that the SoS would have the ability to approve the transfer of a dDML, in consultation with MMO [RR-053] [REP1-036, Q1.11.3.2] [REP3-112] [REP3-133] [REP4-028] [REP4-037] [REP4-048]. However, the ExA proposes the following edits:
  - A) Applicant, provide edits to Article 5 (or signpost if already included) to ensure that the provision only provides for the transfer of the benefit of the dDML and not a lease.





- b) Applicant, provide corresponding justification and any other relevant updates in the EM.
- c) MMO, provide further justification if you find that the provision in Article 5(6) would not enable you to ensure compliance with the provisions of the MACAA2009, when responding to the SoS.

The MMO is still undertaking a review of the SoS's suggestion and is still intending to provide further justification to the above. If required, this can be provided outside of examination to the SoS, however, the MMO can confirm this review will be completed and a response provided for Deadline 7.

- 3.1.2 DC1.8.2.1 Activities Authorised under the DMLs. The Marine Management Organisation continue to raise objection to the use of the phrase "materially" within the context of the DMLs [REP2-059, Paragraph 8.9] [REP4-037]. While the ExA awaits further discussion on this matter and resolution on this issue, the following alternative suggestions are proposed. Applicant and MMO to comment:
- a) Consider a fuller explanation in the EM which sets out that the undertaker would be restricted to carrying out works that do not give rise to any new or different environmental effects to those assessed in the EIA; or
  - b) Consider and adding a provision in the dDML to restrict activities that do not give rise to any new or different environmental effects to those assessed in the EIA.

As noted above the MMO is still undertaking a review of the SoS's comments and is still intending to provide further justification to the above. If required, this can be provided outside of examination to the SoS, however, the MMO can confirm this review will be completed and a response provided for Deadline 7.

