



# Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

The Applicant's comments on Marine Management  
Organisation's Deadline 5 Submission

**Revision A**

Deadline 6

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## 1 Introduction

1. This document presents the Applicant's comments on the Marine Management Organisation's Deadline 5 submissions [REP5-080]. The Applicant's response to the MMO's responses to the Examining Authority's Third Written Questions are provided within **The Applicant's Comments on Responses to the Examining Authority's Third Written Questions** [document reference 20.2].

**Table 1 The Applicant's comments on Marine Management Organisation's Deadline 5 Submission**

ID	Stakeholder Comment	Applicant Response
<b>1. General Comments</b>		
1.2	The MMO noted in our Deadline 4 response (REP4-048) that we would aim to provide an update on the SoCG for Deadline 5. The MMO can confirm progress is being made on the SoCG and we are aiming to provide an updated copy for Deadline 6	This has been submitted at Deadline 6; see the <b>Draft SoCG with the MMO (Revision C)</b> [document reference 12.11].
1.3	The MMO is still in the process of reviewing the draft Development Consent Order (REP3-012), and as such will provide any additional comments for Deadline 6.	Noted.
<b>2. Comments on any other information and submissions received at Deadline 3</b>		
<b>2.1 REP3-115 Marine Mammals Technical Note and Addendum</b>		
1.1.1	The MMO welcome the use of the dose response approach for assessing disturbance. The applicant makes reference to appropriate peer-reviewed literature. Specifically, the dose response relationship for harbour porpoise is based on data from Graham et al. (2017). The dose response for harbour and grey seal has been derived from data from Whyte et al. (2020).	Noted.
1.1.2	The MMO would like to point out that paragraph 83 of the Marine Mammal Technical Note states that “to estimate the number of animals disturbed by piling, SELSS contours at 5 decibel (dB) increments (generated by the noise modelling – see ES Appendix 10.2 - Underwater Noise Modelling Report [APP-192]) were overlain on the relevant species density surfaces to quantify the number of animals receiving each SELSS, and subsequently the number of animals likely to be disturbed based on the corresponding dose-response curve”. The MMO have reviewed Appendix 10.2 and the SELss contours at 5 dB are not actually provided. The MMO request that this information is provided for review or signposting provided to where the information can be located.	The Applicant will provide the 5dB contour plots on a figure in the next version of the Marine Mammals Technical Note and Addendum to be submitted at Deadline 7 following receipt of further comments from Natural England at Deadline 6.
1.1.3	The MMO defer to Natural England as the marine mammal specialists for comments on whether they are content with the use of the density estimates	Noted.

ID	Stakeholder Comment	Applicant Response
	from Waggitt et al. (2020) for harbour porpoise, and from Carter et al. (2022) for seal species.	
<b>2.2 The Applicant's Response to the Marine Management Organisation's Deadline 3 Submission (REP4-037)</b>		
2.2.1	ID6 – Marine Mammal Ecology - The MMO notes the Applicants response and have provided comments on the Marine Mammals Technical Note and Addendum (REP3-115)	Noted. See above responses.
2.2.2	ID7 – Marine Mammal Ecology - The MMO note the Applicants comments and recommend that the report is corrected to remove the erroneous statement.	The Applicant does not intend to update ES <b>Chapter 10 Marine Mammal Ecology</b> [APP-096] to amend this statement since much of the material contained within the chapter has now been superseded by that provided within the <b>Marine Mammals Technical Note and Addendum</b> [REP3-115] and because it would not alter the overall assessments or conclusions of the underwater noise assessments.
2.2.3	ID8 – Appendix 10.2 Underwater Noise Modelling Report – The MMO have reviewed the updated information and can confirm we do not have any outstanding concerns at this stage regarding this point. The MMO recommend that 'Appendix 10.2 Underwater Noise Modelling Report' is updated to contain this important information.	The Applicant notes the minor MMO comments regarding the underwater noise modelling and is intending to update <b>Appendix 10.2 Underwater Noise Modelling Report</b> [APP-192] at Deadline 7 to address these.
2.2.4	ID9 - Appendix 10.2 Underwater Noise Modelling Report – The MMO note the Applicants response and have no further comments.	Noted.
2.2.5	ID10 - Appendix 10.2 Underwater Noise Modelling Report – The MMO would like to highlight that we have requested (for some time now) a plot showing the predicted received levels versus range for all offshore wind farm developments (as a standard request). The MMO acknowledge that the locations monitored may not necessarily be the same as the locations modelled in the EIA. Nevertheless, the noise modelling should be transparent, so the MMO recommend that such a plot is provided, as requested. Alternatively, if the Applicant can provide plots of the single- strike maximum and minimum (1st strike) energies at fixed dB intervals, as they propose, then this would also be appropriate, provided that these plots are clear with corresponding scales. Essentially, it is important that the necessary evidence is provided which demonstrates a transparent modelling process.	The Applicant notes the minor MMO comments regarding the underwater noise modelling and is intending to update <b>Appendix 10.2 Underwater Noise Modelling Report</b> [APP-192] at Deadline 7 to address these.

**Table 2 MMO Responses to the Examining Authority's proposed changes to the draft Development Consent Order (DC1)**

ID	Stakeholder Comment	MMO Comment	Applicant Response
<b>4 Responses to the Examining Authority's proposed changes to the draft Development Consent Order (DC1)</b>			
DC1.3.1.1	<p>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]</p> <p>[REP4-048]. However, the ExA proposes the following edits:</p> <ul style="list-style-type: none"> <li>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.</li> <li>B) Applicant, provide corresponding justification and any other relevant updates in the EM.</li> <li>C) MMO, provide further justification if you find that the provision in Article 5(6) would not</li> </ul>	<p>The MMO note that points (a) and (b) are directed at the applicant.</p> <p>The MMO will therefore, focus on point (c) are currently considering the ExA's suggestion, however, due to the short turnaround times between deadlines, will be unable to provide a formal response until Deadline 6.</p>	<p>No response required. The Applicant will consider any further response submitted by the MMO at Deadline 6.</p>

ID	Stakeholder Comment	MMO Comment	Applicant Response
	enable you to ensure compliance with the provisions of the MACAA2009, when responding to the SoS.		
DC1.8.2.1	<p>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:</p> <p>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</p> <p>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.</p>	The MMO are currently considering the ExA's suggestion, however, due to the short turnaround times between deadlines, will be unable to provide a formal response until Deadline 6.	No response required. The Applicant will consider any further response submitted by the MMO at Deadline 6.
DC.1.8.3.1	<p>Potential Part 4 of Schedule 17 regarding MEEB implementation. Part 4 of the without prejudice DCO wording [REP2-011] provided by the Applicant, sets out that there should be no external cable protection works within the MCZ until the MIMP has been agreed by the SoS.</p> <p>NE, do you consider that further works would need to be prevented within or adjacent to the MCZ until the MIMP has been agreed?</p> <p>NE, are you content with the timings stated within the draft wording of Part 4, or should</p>	The MMO note that both questions are directed at Natural England. The MMO defer to Natural England on the timings stated within Part 4 and whether further works are required to be prevented within or adjacent to the MCZ until the MIMP has been agreed.	Noted. No response required.



ID	Stakeholder Comment	MMO Comment	Applicant Response
	additional clauses requiring an implementation timetable be considered, including reference to when the MIMP would be necessary?		