



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

Sheringham and Dudgeon Extension
Projects Case Team
Planning Inspectorate
sadep@planninginspectorate.gov.uk

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

by email only

17 July 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 8 Submission

This document comprises the Marine Management Organisation's (MMO) Deadline 8 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



[\[redacted\]@marinemanagement.org.uk](mailto: [redacted]@marinemanagement.org.uk)

Copies to:

Nicola Wilkinson (MMO) Case Manager: [\[redacted\]@marinemanagement.org.uk](mailto: [redacted]@marinemanagement.org.uk)

Christie Powell (MMO) – Senior Case Manager:

[\[redacted\]@marinemanagement.org.uk](mailto: [redacted]@marinemanagement.org.uk)



Contents

| | | |
|---|---|---|
| 1 | General Comments..... | 3 |
| 2 | Responses to the Examining Authority's Request for Further Information..... | 3 |
| 3 | Responses Deferred from The MMOs Deadline 7 Response..... | 4 |
| 4 | Appendix 1. Statement of Common Ground between the MMO and Applicant | 8 |



1 General Comments

- 1.1 The MMO would like to highlight that the Deadline 7 documents and a Request for Further Information were published only 2 working days prior to Deadline 8. This created a very short review period for interested parties to provide further information and comments on representations made. The MMO would like to highlight that despite providing a shorter period for review and turnaround, PINs offered no extension to the final deadline, forcing interested parties into a condensed review period. This issue has been continually raised throughout the examination with no acknowledgment from the planning inspectorate.
- 1.2 Please find a copy of the agreed signed SoCG attached to this submission.
- 1.2.1 With regard to the SoCG the MMO can confirm our two outstanding issues are; 1) the definition of maintain, and 2; use of the word 'materially', however, consider both to be of non-material impact. The MMO has provided further comments in section 3.2 of this response.

2 Responses to the Examining Authority's Request for Further Information

- 2.1 Secondary Scour.
c) As has been highlighted by NE (see Natural England's Response to The Examining Authority's Fourth Written Questions – Revision A (Document Reference 21.5) at Q4.3.3.1), there is no detailed secondary scour assessment. Applicant, confirm if you have assessed in the Environmental Statement (ES) a situation where it transpires that it is the secondary scour which necessitates further scour prevention, and have certain impacts to physical offshore processes for example? D) Could this result in an additional marine licence being required post installation?

The MMO note that point © is directed to the applicant. If no secondary scour assessment has been undertaken, an additional marine licence may be required post installation. If secondary scour occurs which necessitates further requirement for scour prevention and a worst-case scenario has not been considered within the Environmental Statement, then a licence will likely be required if this has not been conditioned within the Deemed Marine Licence (that a more detailed secondary scour assessment will be provided).



2.2 Measures of Equivalent Environmental Benefit (MEEB).

In Natural England's Response to The Examining Authority's Fourth Written Questions at Q4.3.4.2, NE states that it considers that the condition within the Without Prejudice DCO Drafting (Revision C) [REP5-008], should require that the MEEB should be in place prior to any impact.

e) Applicant, provide wording for dDCO.

f) NE and Marine Management Organisation (MMO), provide alternative wording for the dDCO regarding the timing of when the MEEB should be required.

g) Applicant, if the MEEB needs to be in place prior to cable installation works, would this mean that it would be unknown at the time of initiating the MEEB whether cable protection would be necessary?

The MMO note that points (e) and (g) are directed to the applicant. The MMO defer to NE's wording regarding the timing of when the MEEB should be required.

3 Responses Deferred from The MMOs Deadline 7 Response

3.1 Responses to the Examining Authority's Fourth Written Questions (WQ4)

- 3.1.1 Q4.3.1.2 Electro-Magnetic Fields. The MMO [REP5-080] has stated that burial to 1.5m+ should prevent adverse impacts to benthic ecology receptors via electromagnetic field and/or heating. However, the Cable Burial Risk Assessment [APP-293] concludes with a recommendation that there should be a target depth of lowering of 1.0 m, with a proposed minimum of 0.6 m. What would be the consequences to benthic ecology where the depth of buried cable is less than 1m?

The MMO's advice in response to this question varied at D7 depending on which receptor is being considered. To clarify, the advice provided on benthic ecology does not supercede advice on fish ecology, and vice versa. Therefore, the MMO advise a precautionary approach is taken. However, the onus is on the Applicant to provide sufficient evidence to demonstrate the impacts will be negligible.

- 3.1.2 Q4.3.3.4 Micro-siting around sand waves and megaripples The ES [APP-092, Table 6-3] states that "Route selection and micro-siting of the cables will be used to avoid areas of sea bed that pose a significant challenge to their installation, including for example areas of sand waves and megaripples. This will minimise the requirement for sea bed preparation (levelling) and the associated sea bed disturbance."
- a) Applicant, explain how this is secured through the dDCO?*
- b) NE and MMO, are you satisfied that this mitigation would be secured based on the dDCO?*

The MMO are satisfied that this mitigation is included in the Schedule of Mitigation and Mitigation Routemap [APP-282] and will be updated at D8 to ensure that all mitigation, including that introduced through examination, has been incorporated, as stated in the applicants D7 response.



- 3.1.3 Q4.11.4.1 The role of MMO and other drafting edits proposed in the dDCO
- MMO, provide the update as indicated [REP6-026, paragraph 3].*
 - Applicant and MMO, indicate either in the draft SoCG or here if matters are subsequently agreed with the Applicant, or remain in dispute.*

Please find the MMO's comments regarding the proposed changes to the dDCO within section 3.2 of this response.

- 3.1.4 Q4.11.8.2 Post construction monitoring and subsequent remediation.
- Do the dDML post construction monitoring conditions (Schedule 10, Part 2, Condition 20; Schedule 11, Part 2, Condition 20; Schedule 12, Part 2, Condition 19; and Schedule 13, Part 2, Condition 19) [REP6-002] or any other part of the dDCO bind the undertaker to take action should this post construction monitoring highlight any particular impacts that need remediation or further mitigation works?*
 - Highlight is any further provisions or drafting edits that could be required in the dDCO to ensure remediation or further mitigation works are undertaken on the basis of findings in the post construction monitoring.*

The dDML post construction monitoring conditions do not bind the undertaker to take action should the post construction monitoring highlight any particular impacts that need remediation or further mitigation works. In order for this to be secured in the dDML this would need to be included within the wording of each relevant condition. The MMO suggests the following wording: Should the MMO identify any requirement for remediation or further mitigation works on the basis of findings from the post construction monitoring, this must be carried out as instructed by the MMO.

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

- 3.2.1 **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:*
- 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.*
 - 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.

As the MMO have stated in previous advice, the provision in Article 5(6) would not enable us to ensure compliance with the Marine and Coastal Access Act (2009) for the following reasons;

1. The Secretary of State does not have the power to vary a deemed marine licence, and as such any variation would be the MMO's responsibility. It is the MMO's opinion that the proposed mechanism for transfer of a marine licence does not actually work and in fact does little more than complicate the process and will require the duplication of effort
2. The MMO do not consider that the proposed process would work. The transfer of the licence would happen first, and then the marine licence would need to be varied. After the transfer of the licence, the new license holder/undertaker would have a marine licence which would still be in the name of the license holder/undertaker who had transferred the licence. The new license holder/undertaker would have no authorisation to carry out any acts until the variation had taken place and until the variation had been affected the original licence holder/ original undertaker would remain liable for any actions undertaken. The procedure under section 72 MCAA avoids this issue entirely and will avoid unnecessary delays caused by duplication.
3. Article 5(6) is simply a duty to consult, nothing more, the Secretary of State has no obligation to take into account or act upon the MMO's recommendation. The safeguards and consistency in decision making which the MMO has developed as the regulator in this area in accordance with the legislative framework cannot and will not apply in the system proposed by the applicant.
4. Piecemeal changes to aspects of the marine licence regime by way of the DCO can undermine the ability to enforce the marine licence in question. Under the DCO, it remains the MMO who will be responsible for enforcing marine licences (both deemed or granted independently). It is therefore vital that all marine licences are clear and enforceable. Consistency is a key element in achieving this, and it is the MMOs view that consistency is best achieved by ensuring that the MMO has full responsibility for the marine licence process.
5. The MMO still considers that the mechanism the applicant is currently proposing for the transfer of a marine licence departs from this established process without clear justification as to why such a departure is necessary or appropriate in the circumstances. We defer to our Deadline 3 response (REP3-133) for our full response on our justification as to why we do not agree with Article 5(6).



- 3.2.2 **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.*

The MMO have reviewed the ExA’s suggestion and accept both of the alternate suggestions provided by the ExA as a way forward.



4 Appendix 1. Statement of Common Ground between the MMO and Applicant





Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

Final Statement of Common Ground with Marine
Management Organisation (Revision D)

Revision D

Deadline 8

July 2023

Document Reference: 12.11

| | |
|---|------------------|
| Title: | |
| Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects Draft Statement of Common Ground with Marine Management Organisation (Revision D) | |
| PINS Document no.: 12.11 | |
| Document no.: C282-RH-Z-GA-00201 | |
| Date: | Classification |
| July 2023 | Final |
| Prepared by: | |
| Royal HaskoningDHV | |
| Approved by: | Date: |
| Tom Morris, Equinor | July 2023 |

Table of Contents

| | | |
|----------|---|-----------|
| 1 | Introduction | 7 |
| 1.1 | Background | 7 |
| 1.2 | Consultation with the MMO | 9 |
| 1.3 | Ongoing Workstreams Relevant to this SoCG | 9 |
| 1.4 | Summary of ‘Agreed’, ‘Not Agreed’ and ‘In Discussion’ Matters | 9 |
| 2 | Statement of Common Ground | 10 |
| 2.1 | Draft Development Consent Order | 10 |
| 2.2 | Seabed Expert Topic Group Topics | 17 |
| 2.3 | Marine Mammal Ecology | 30 |
| 2.4 | Stage 1 CSCB MCZA and In-Principle CSCB MCZ MEEB Plan | 36 |
| 2.5 | Draft, Outline and In-Principle DCO Documents | 43 |
| 3 | Signatures | 47 |
| | References | 48 |
| | Annex 1 | 49 |
| | Seabed ETG Agreement Log | 49 |
| | Marine Mammals ETG Agreement Log | 63 |
| | MEEB ETG Agreement Log | 83 |

Table of Tables

| | |
|--|----|
| Table 1: Topics included in the final SoCG. Asterisk denotes Seabed Expert Topic Group (ETG) topics | 7 |
| Table 2: Position status key | 9 |
| Table 3: Summary of consultation with the MMO regarding the Draft DCO and DMLs | 10 |
| Table 4: Topics agreed, in discussion or not agreed in relation to Draft DCO and DMLs | 11 |
| Table 5: Summary of consultation with the MMO regarding Seabed ETG topics | 17 |
| Table 6: Topics agreed, in discussion or not agreed in relation to MGOPP | 20 |
| Table 7: Topics agreed, in discussion or not agreed in relation to marine water and sediment quality | 22 |
| Table 8: Topics agreed, in discussion or not agreed in relation to benthic ecology | 25 |
| Table 9: Topics agreed, in discussion or not agreed in relation to fish and shellfish ecology | 27 |
| Table 10: Summary of consultation with the MMO regarding marine mammal ecology | 30 |
| Table 11: Topics agreed, in discussion or not agreed in relation to marine mammal ecology | 32 |
| Table 12: Summary of consultation with the MMO regarding Stage 1 CSCB MCZ Assessment and MEEB | 37 |
| Table 13: Topics agreed, in discussion or not agreed in relation to the Stage 1 CSCB MCZ Assessment | 39 |
| Table 14: Topics agreed, in discussion or not agreed in relation to MEEB – planting of native oyster bed in the CSCB MCZ | 41 |
| Table 15: Summary of consultation with the MMO regarding draft, outline and in-principle DCO documents | 43 |
| Table 16: Topics agreed, in discussion or not agreed in relation to draft, outline and in-principle DCO documents | 45 |

Glossary of Acronyms

| | |
|-------|---|
| Cefas | Centre for Environment, Fisheries and Aquaculture Science |
| CIA | Cumulative Impact Assessment |
| CSCB | Cromer Shoal Chalk Beds |
| CSIMP | Cable Specification Installation and Monitoring Plan |
| DCO | Development Consent Order |
| DEL | Dudgeon Extension Limited |
| DEP | Dudgeon Offshore Wind Farm Extension Project |
| DML | Deemed Marine Licence |
| DOW | Dudgeon Offshore Wind Farm |
| EIA | Environmental Impact Assessment |
| EPP | Evidence Plan Process |
| ES | Environmental Statement |
| ETG | Expert Topic Group |
| HRA | Habitats Regulations Assessment |
| MaCAA | Marine and Coastal Access Act |
| MEEB | Measures of Equivalent Environmental Benefit |
| MGOPP | Marine Geology, Oceanography and Physical Processes |
| MHWS | Mean High Water Springs |
| MMMP | Marine Mammal Mitigation Protocol |
| MMO | Marine Management Organisation |
| MW | Megawatt |
| NNDC | North Norfolk District Council |
| PEIR | Preliminary Environmental Information Report |
| PEMP | Project Environmental Management Plan |
| RR | Relevant Representation |
| RIAA | Report to Inform Appropriate Assessment |
| SAC | Special Area of Conservation |
| SEL | Scira Extension Limited |
| SEP | Sheringham Offshore Wind Farm Extension Project |
| SNS | Southern North Sea |
| SoS | Secretary of State |

| | |
|-----|-------------------------------------|
| SOW | Sheringham Shoal Offshore Wind Farm |
|-----|-------------------------------------|

Glossary of Terms

| | |
|---|---|
| Dudgeon Offshore Wind Farm Extension Project (DEP) | The Dudgeon Offshore Wind Farm Extension onshore and offshore sites including all onshore and offshore infrastructure. |
| Evidence Plan Process (EPP) | A voluntary consultation process with specialist stakeholders to agree the approach, and information to support, the EIA and HRA for certain topics. |
| Expert Topic Group (ETG) | A forum for targeted engagement with regulators and interested stakeholders through the EPP. |
| Sheringham Shoal Offshore Wind Farm Extension Project (SEP) | The Sheringham Shoal Offshore Wind Farm Extension onshore and offshore sites including all onshore and offshore infrastructure. |
| The Applicant | Equinor New Energy Limited. As the owners of SEP and DEP, Scira Extension Limited and Dudgeon Extension Limited are the named undertakers that have the benefit of the DCO. References in this document to obligations on, or commitments by, 'the Applicant' are given on behalf of SEL and DEL as the undertakers of SEP and DEP. |

1 Introduction

1.1 Background

1. This final Statement of Common Ground (SoCG) has been prepared by Equinor New Energy Limited (the Applicant) and the Marine Management Organisation (MMO). It identifies areas of the Sheringham Shoal Offshore Wind Farm Extension Project (SEP) and Dudgeon Offshore Wind Farm Extension Project (DEP) Development Consent Order (DCO) application (the Application) where matters are agreed, not agreed or that remain under discussion between the parties.
2. The Applicant has had regard to the Planning Act 2008: Guidance for the examination of applications for development consent (Department for Communities and Local Government, 2015) when compiling this final SoCG.
3. This final SoCG has been structured to reflect topics of the Application which are of interest to the MMO. The applicable matters considered within this final SoCG apply to the MMO's statutory remit which includes advising offshore wind farm developers on the aspects of a project that may have an impact on the marine area or those who use it. In relation to the Deemed Marine Licences (DML), the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a DML enable the MMO to fulfil these obligations.
4. **Table 1** presents the topics included in the final SoCG with the Applicant and the MMO.

Table 1: Topics included in the final SoCG. Asterisk denotes Seabed Expert Topic Group (ETG) topics

| Topic/Chapter | Reference | Evidence Plan Process (EPP) (Yes/No) |
|--|-----------|--------------------------------------|
| Draft DCO (Revision K) | 3.1 | N/A |
| Marine Geology, Oceanography and Physical Processes (MGOPP)* | APP-092 | Yes |
| Marine Water and Sediment Quality* | APP-093 | Yes |
| Benthic Ecology* | APP-094 | Yes |
| Fish and Shellfish Ecology* | APP-095 | Yes |
| Marine Mammal Ecology | APP-096 | Yes |
| Stage 1 Cromer Shoal Chalk Beds (CSCB) Marine Conservation Zone (MCZ) Assessment | APP-077 | Yes |
| In-Principle CSCB MCZ Measures of Equivalent Environmental Benefit (MEEB) Plan (Revision C) | REP2-020 | Yes |
| Outline, in-principle and draft DCO documents: <ul style="list-style-type: none"> • Draft Marine Mammal Mitigation Protocol (MMMP) (Revision B) [REP1-013] | - | Yes |

| Topic/Chapter | Reference | Evidence Plan Process (EPP) (Yes/No) |
|---|-----------|---|
| <ul style="list-style-type: none"> • In-Principle Site Integrity Plan for the Southern North Sea (SNS) Special Area of Conservation (SAC) [APP-290] • Offshore In Principle Monitoring Plan (Revision B) [REP4-014] • Outline Project Environmental Management Plan (PEMP) (Revision C) [REP3-060] • Outline Offshore Operations and Maintenance Plan (OOMP) (Revision C) [REP3-058] • Outline CSCB MCZ Cable Specification, Installation and Monitoring Plan (CSIMP) [APP-291] • Disposal Site Characterisation Report [APP-300] | | |

5. It is agreed that, whilst the MMO retains an interest in the following areas with respect to the provisions set out in the DCO and DMLs, the MMO defers to other parties for these topics and has made little or no comment in relation to the technical assessments associated with them. Therefore, these topics have not been included in the SoCG:
 - Offshore Ornithology;
 - Commercial Fisheries;
 - Shipping and Navigation;
 - Offshore Archaeology and Cultural Heritage;
 - Aviation and Radar;
 - Seascape and Visual Impact Assessment;
 - Habitats Regulations Assessment (HRA) Derogation; and
 - Petroleum Industry and Other Marine Users.
6. Further detail of those topics included in the EPP can be found in the **Consultation Report Appendices** [APP-030].
7. Topic specific matters agreed, not agreed and matters that remain under discussion between the Applicant and the MMO are included within this final SoCG. Matters that are not yet agreed will be the subject of ongoing discussion between the Applicant and the MMO to reach agreement wherever possible, or to refine the extent of disagreement between parties.
8. Throughout the final SoCG the phrase “Agreed” identifies any point of agreement between the Applicant and the MMO. The phrase “Not Agreed” identifies any point that is not agreed between the Applicant and the MMO.

1.2 Consultation with the MMO

9. The Applicant has engaged with the MMO on the Projects during the pre-Application process, both in terms of informal non-statutory engagement and statutory consultation carried out pursuant to Section 42 of the Planning Act 2008.
10. During the statutory Section 42 consultation, the MMO provided comments on the Preliminary Environmental Information Report (PEIR) by way of a letter dated the 10th of June 2021.
11. Further to this, numerous meetings were held with the MMO through the EPP. These are detailed throughout the SoCG and minutes of the meetings are provided as Appendices to the Consultation Report [APP-030].

1.3 Ongoing Workstreams Relevant to this SoCG

12. The following document was submitted at Deadline 1 to address matters raised within the MMO relevant representation (RR):
 - **Marine Plan Policy Review** [REP1-060] to address the MMO RR comment requesting for a single document to be provided which identifies the relevant East Inshore and East Offshore Marine Plans and demonstrates how SEP and DEP comply with these.
13. The **Marine Mammals Technical Note and Addendum** [REP3-115] was submitted at Deadline 3 which includes dose response curves as requested by the MMO [RR-053].

1.4 Summary of 'Agreed', 'Not Agreed' and 'In Discussion' Matters

14. In order to easily identify whether a matter is 'agreed', 'not agreed' or 'in discussion', the colour coding system set out in **Table 2** has been used.
15. Details on specific matters that are 'agreed', 'not agreed' or 'in discussion' between the Applicant and the MMO are presented in **Table 4, Table 6, Table 7, Table 8, Table 9, Table 11, Table 13, Table 14** and **Table 16**.

Table 2: Position status key

| Position Status | Position Colour Coding |
|--|---------------------------------|
| Agreed The matter is considered to be agreed between the parties. | Agreed |
| Not Agreed – no material impact The matter is not agreed between the parties; however, the outcome of the approach taken by either the Applicant or the MMO is not considered to result in a material impact to the assessment conclusions and the matter is considered to be closed for the purposes of this SoCG. Discussions on these matters have concluded. | Not Agreed – no material impact |
| Not Agreed – material impact The matter is not agreed between the parties and the outcome of the approach taken by either the Applicant or the MMO is considered to result in a materially different impact to the | Not Agreed – material impact |

| Position Status | Position Colour Coding |
|--|------------------------|
| assessment conclusions. Discussions on these matters have concluded. | |
| In discussion The matter is neither 'agreed' nor 'not agreed' and is a matter where further discussion is required between the parties (e.g. where documents are yet to be shared with the MMO). | In discussion |

2 Statement of Common Ground

16. A summary of the consultation undertaken to date with the MMO and the matters agreed, in discussion or not agreed (based on discussions and information exchanged between the Applicant and the MMO during the pre-application and examination phases of the Application) are set out below for each of the final SoCG topic areas.

2.1 Draft Development Consent Order

17. A summary of the consultation relating to the draft DCO and DMLs is provided in **Table 3**.

Table 3: Summary of consultation with the MMO regarding the Draft DCO and DMLs

| Date | Contact Type | Topic |
|----------------------|--------------|---|
| Pre-Application | | |
| March to August 2022 | Meeting | Regular monthly meeting with the MMO to provide general project updates which on occasion included discussion of matters related to the drafting of the DCO and DMLs. At the meeting on 19/05/2022 the regular monthly meeting slot was used to talk through the draft version of the Draft DCO, providing the opportunity for the MMO to raise any initial queries. |
| 09/05/2022 | Email | Draft version of the Draft DCO shared with the MMO for review and comment. Comments received from the MMO on the 20 th of June 2022. |
| Post-Application | | |
| September to present | Meeting | Continuation of the regular monthly meeting described above. At the meeting on 12/01/2023 this regular slot was used to discuss the MMO's RR comments on the DCO/DMLs and also to run through the final SoCG. At the meeting on 12/04/2023 the Applicant and the MMO discussed updates to this SoCG ahead of its resubmission at Deadline 3. At the meeting on 05 June 2023, further discussions between the Applicant and the MMO were held regarding finalisation of this SoCG. |

Table 4: Topics agreed, in discussion or not agreed in relation to Draft DCO and DMLs

| ID | The Applicant Position | The MMO Position | Position Summary | | | | | | | | | | | | |
|---|---|---|---------------------------------|--------------------------------|---|---------------------------|---|---|---|--|----------------------|---|---|--|--------|
| 1 | <p>The wording of the following Article is appropriate and adequate:</p> <ul style="list-style-type: none"> Article 5 (Benefit of the Order) <p>The Applicant has amended the wording within the Draft DCO (Revision H) [document reference 3.1] at Deadline 3 to only allow for the transfer of the whole of a DML and to remove the ability to lease a DML. The Applicant has provided a further response on Article 5 in The Applicant’s Comments on the Marine Management Organisation’s Deadline 2 Submission [REP3-105].</p> | <p>The MMO thank the Applicant for amending the wording with the DCO to only allow the transfer of the whole DML, without the option to lease.</p> <p>The MMO still has concerns regarding the initial wording of Article 5, which grants the SoS the responsibility to transfer the DMLs. While the SoS can transfer the DCO, a variation to a DML (which a transfer would require), would have to come direct to the MMO. Once the DCO is made, the DML falls to the power of the MMO and comes under the Marine and Coastal Access Act (MaCAA). The SoS does not have the power to actually amend a DML. The MMO understand that this is in the wording of other DCOs but we feel it is creating an unnecessary step, where the SoS is “granting approval” for the transfer when this has no effect on the DMLs.</p> | Not agreed – no material impact | | | | | | | | | | | | |
| 2 | <p>The timeframes for the approval of all plans and documentation is appropriate and adequate. Relevant conditions and plans as follows:</p> <table border="1" data-bbox="237 935 1093 1420"> <thead> <tr> <th data-bbox="237 935 472 1011">Reference</th> <th data-bbox="483 935 781 1011">Document</th> <th data-bbox="792 935 1093 1011">Timeline as drafted in the DCO</th> </tr> </thead> <tbody> <tr> <td data-bbox="237 1019 472 1155">Schedule 10, Part 2, Paragraph 13(1)(a)</td> <td data-bbox="483 1019 781 1155">Project details and plans</td> <td data-bbox="792 1019 1093 1155">At least four months prior to commencement of licensed activities</td> </tr> <tr> <td data-bbox="237 1163 472 1323">Schedule 10, Part 2, Paragraph 13(1)(b)</td> <td data-bbox="483 1163 781 1323">Construction programme and monitoring plan (save for where specified otherwise)</td> <td data-bbox="792 1163 1093 1323">At least six months prior to commencement of licensed activities</td> </tr> <tr> <td data-bbox="237 1331 472 1420">Schedule 10, Part 2,</td> <td data-bbox="483 1331 781 1420">Details of pre-construction surveys, baseline report format</td> <td data-bbox="792 1331 1093 1420">At least four months prior to the first survey, details of pre-</td> </tr> </tbody> </table> | Reference | Document | Timeline as drafted in the DCO | Schedule 10, Part 2, Paragraph 13(1)(a) | Project details and plans | At least four months prior to commencement of licensed activities | Schedule 10, Part 2, Paragraph 13(1)(b) | Construction programme and monitoring plan (save for where specified otherwise) | At least six months prior to commencement of licensed activities | Schedule 10, Part 2, | Details of pre-construction surveys, baseline report format | At least four months prior to the first survey, details of pre- | <p>The MMO general advice is that the timeframes for approval of all plans and documentation should be 6 months, however, in recognition of the constraints this places on developers for some plans and documentation, as a minimum, 6 months is required for the PEMP, OOMP, Ornithological Monitoring Plan, MMMP and SIP for the SNS SAC.</p> <p>The MMO notes that the Applicant has updated the Draft DCO (Revision F) [document reference 3.1] at Deadline 3 to reflect a 6 month timescale for the adjacent documents and therefore this matter is agreed.</p> | Agreed |
| Reference | Document | Timeline as drafted in the DCO | | | | | | | | | | | | | |
| Schedule 10, Part 2, Paragraph 13(1)(a) | Project details and plans | At least four months prior to commencement of licensed activities | | | | | | | | | | | | | |
| Schedule 10, Part 2, Paragraph 13(1)(b) | Construction programme and monitoring plan (save for where specified otherwise) | At least six months prior to commencement of licensed activities | | | | | | | | | | | | | |
| Schedule 10, Part 2, | Details of pre-construction surveys, baseline report format | At least four months prior to the first survey, details of pre- | | | | | | | | | | | | | |

| ID | The Applicant Position | | | The MMO Position | Position Summary |
|----|---|--|--|------------------|------------------|
| | Paragraph 13(1)(b)(iii)(aa) | and content, construction monitoring, post construction surveys and monitoring and related reporting | <p>construction surveys and proposed pre-construction monitoring</p> <p>At least four months prior to construction, detail on construction monitoring</p> <p>At least four months prior to commissioning, detail on post construction monitoring</p> | | |
| | Schedule 10, Part 2, Paragraph 13(1)(c) | Construction method statement | At least four months prior to commencement of licensed activities | | |
| | Schedule 10, Part 2, Paragraph 13(1)(d) | Project environmental management plan | At least four months prior to commencement of licensed activities | | |
| | Schedule 10, Part 2, Paragraph 13(1)(e) | Archaeological written scheme of investigation in relation to the offshore order limits | At least four months prior to commencement of licensed activities | | |
| | Schedule 10, Part 2, Paragraph 13(1)(f) | An offshore operations and maintenance plan | At least six months prior to commencement of operation of the licensed activities | | |

| ID | The Applicant Position | | | The MMO Position | Position Summary |
|----|---|--|---|---|--|
| | Schedule 10, Part 2, Paragraph 13(1)(g) | Aids to navigation and management plan | At least four months prior to commencement of licensed activities | | |
| | Schedule 10, Part 2, Paragraph 13(1)(h) | Where driven or part-driven pile foundations are proposed a marine mammal mitigation protocol | At least six months prior to commencement of licensed activities | | |
| | Schedule 10, Part 2, Paragraph 13(1)(i) | Mitigation scheme for Benthic habitats of conservation, ecological and/or economic importance constituting annex 1 reef habitats | At least four months prior to commencement of licensed activities | | |
| | Schedule 10, Part 2, Paragraph 13(1)(j) | An ornithological monitoring plan | At least six months prior to commencement of licensed activities | | |
| | Schedule 10, Part 2, Paragraph 14(3) | SIP for the SNS SAC | No later than six months prior to commencement of piling activities | | |
| 3 | <p>The interpretations of all terms within the following sections of the DCO and DMLs are appropriate and adequate:</p> <ul style="list-style-type: none"> Article 2 (Interpretation) Paragraph 1 (Interpretation), Part 1 of Schedules 10, 11, 12 and 13 | | | <p>All matters within Article 2 (Interpretation) are agreed except the definition of maintain.</p> <p>Within the MMO RR [RR-053], the MMO provided recommended wording for the definition of 'maintain' which removed references to 'adjust' and 'alter'. The</p> | <p>Not agreed – no material impact</p> |

| ID | The Applicant Position | The MMO Position | Position Summary |
|----|--|--|---------------------------------|
| | <p><u>Definition of Maintain</u></p> <p>References to ‘adjust’ and ‘alter’ are appropriate and necessary. In addition, the Applicant notes that condition 13(1)(f) in Schedules 10 and 11 and condition 12(1)(g) of Schedules 12 and 13 requires approval of an offshore operations and maintenance plan prior to commencement and for it to be submitted for review by the MMO every 3 years. Offshore maintenance activities are therefore subject to appropriate controls within the DMLs.</p> | <p>MMO consider the current definition is not in-line with the MMO’s interpretation of maintain/maintenance; ‘upkeep or repair an existing structure or asset wholly within its existing three-dimensional boundaries’.</p> <p>The MMO notes that the Applicant has responded to this comment using the argument of precedence, however the MMO continually seek to improve advice based on experience of working under made DCOs and DMLs. The MMO have also previously raised concerns regarding the definition of maintain used within DCOs.</p> <p>The MMO are currently considering the Examining Authority’s commentary on and the Applicant’s response to that in relation to this point (i.e. DC1.8.2.1 of The Applicant’s comments on Marine Management Organisation’s Deadline 5 Submission [document reference 20.3]), and will aim to provide a formal response at Deadline 6.</p> | |
| 4 | <p>The following wording in relation to materiality is appropriate and adequate:</p> <p><i>“Any amendments to or variations from the approved details, plans or schemes must be in accordance with the principles and assessments set out in the environmental statement. Such agreement may only be given where it has been demonstrated to the satisfaction of the MMO that it is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.”</i></p> <p>The Applicant’s position on this matter is as set out in The Applicant’s response to the Examining Authority’s commentary on or proposed schedule of changes to the draft Development Consent Order [RE5-051] and is not anticipated to change within the timeframes of the Examination.</p> | <p>Within the MMO RR [RR-053] it is noted that the MMO strongly considers that the activities authorised under the dDCO and DML should be limited to those that are assessed within the Environmental Impact Assessment (“EIA”), and so the statement within the DML <i>“Such agreement may only be given where it has been demonstrated to the satisfaction of the MMO that it is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement”</i> should be updated to clarify this. The MMO requests that the reference to materiality is removed from this passage.</p> <p>The MMO have clearly stated within their Written Summary of Oral Submission at Issue Specific Hearing 5, that the evolving nature of advice is based on experience and cannot be simply based on precedence. The MMO</p> | Not agreed – no material impact |

| ID | The Applicant Position | The MMO Position | Position Summary |
|----|--|--|------------------|
| | | are unlikely to change this position throughout the course of examination. | |
| 5 | The wording of the following article is appropriate and adequate: <ul style="list-style-type: none"> Article 38 (Certification of plans and documents, etc.) | The MMO is satisfied with the wording of Article 38. | Agreed |
| 6 | The wording of the following article is appropriate and adequate: <ul style="list-style-type: none"> Article 43 (Arbitration) | The MMO appreciates the inclusion of the wording “(2) <i>For the avoidance of doubt, any matter for which the consent of the Secretary of State or the Marine Management Organisation is required under any provision of this Order shall not be subject to arbitration.</i> ” Therefore, the MMO are satisfied with the wording of Article 43. | Agreed |
| 7 | The wording of the following provision is appropriate and adequate: <ul style="list-style-type: none"> Schedule 1 (Authorised Project) | The MMO is satisfied with the wording of Schedule 1 (Authorised Project) | Agreed |
| 8 | The wording of the following article is appropriate and adequate: <ul style="list-style-type: none"> Article 4 (Maintenance of the authorised project) | As previously mentioned in this table the MMO raised concerns around the definition of maintain, which would impact the undertaking of this article, however the MMO are satisfied with the overall wording of Article 4. | Agreed |
| 9 | The wording of the following article is appropriate and adequate: <ul style="list-style-type: none"> Article 31 (Deemed marine licences under the 2009 Act) | The MMO are satisfied with the wording of Article 31. | Agreed |
| 10 | The following Collaboration/Co-operation Condition wording is appropriate and adequate: <i>(1) Prior to submission of plans and documentation required to be submitted to the MMO for approval in accordance with conditions [13 and 14], the undertaker must provide a copy of the relevant plans and documentation to [SEL/DEL] to enable [SEL/DEL] to provide any comments on the plans and documentation to the undertaker.</i> | The MMO agrees with the updated wording of the collaboration condition for SEP and DEP. Providing comments from the developers in advance should cut down the determination time, and allows a streamlining of the collaboration process. | Agreed |

| ID | The Applicant Position | The MMO Position | Position Summary |
|----|---|------------------|------------------|
| | <p><i>(2) The plans and documentation submitted to the MMO for approval in accordance with conditions [13 and 14] must be accompanied by any comments received by the undertaker from [SEL/DEL] in accordance with sub-paragraph (1) or a statement from the undertaker confirming that no such comments were received.</i></p> | | |

2.2 Seabed Expert Topic Group Topics

18. The Seabed ETG includes MGOPP, marine water and sediment quality, benthic ecology and fish and shellfish ecology. A summary of the consultation relating to these topics is provided in **Table 5**. Consultation with regard to the Stage 1 CSCB MCZ Assessment and MEEB, whilst discussed at the Seabed ETG meetings, is covered separately in **Table 12**. The **Seabed ETG Agreement Log** is provided in **Annex 1**.

Table 5: Summary of consultation with the MMO regarding Seabed ETG topics

| Date | Contact Type | Topic |
|------------------------|------------------|--|
| Pre-Application | | |
| 07/10/2019 | Report | Submission of the SEP and DEP Scoping Report [APP-281]. The Scoping Report outlined the existing environment, the impacts to be assessed in the ES, data gathering and key aspects of the assessment. A Scoping Opinion was received on the 6 th of November 2019. |
| 11/09/2019 | Report | Export cable corridor survey scope documents shared with MMO and Natural England for agreement / approval. The survey results were summarised in a report on Sedimentary Processes in the CSCB MCZ [APP-182] and at ETG 2. The ETG agreed that the export cable corridor geophysical survey results were adequate, but that there was a need to review the benthic survey results separately. |
| 30/10/2019 | Meeting | Seabed ETG 1: Summary of the Projects, consenting approach and progress of the geophysical survey of the offshore cable corridor options was provided alongside general export cable corridor site selection matters and the approach to baseline characterisation for topic specific assessments. |
| 02/06/2020 | Meeting | Seabed ETG 2: ETG attendees were informed that Weybourne was selected as the preferred landfall location following a technical feasibility study. Discussion of completed, planned and potentially required surveys was also undertaken. Production of a physical processes method statement (see below) and MCZ assessment screening results were also presented and discussed. |
| June 2020 | Report | Physical Processes Method Statement (Appendix 6.1 [APP-180]) provided to build upon the information within the Scoping Report [APP-281], in outlining the proposed approach to be taken (e.g. assessment methodologies) and considerations to be made in the assessment of MGOPP (including the intertidal areas of the landfall) effects. |
| 15/07/2020 | Written response | Following the ETG 2 meeting, the Applicant shared a document alongside the ETG 2 meeting minutes (see Consultation Report Appendix – Evidence Plan [APP-030]) requesting input from the MMO on a number of matters relating to e.g. adequacy of baseline data collection, impacts to be scoped in, CIA projects and activities, survey sample analysis and reporting etc. |
| July 2020 | Report | Consultation on ES Appendix 6.3 Sedimentary Processes in the Cromer Shoal Chalk Beds MCZ [APP-182] was undertaken to inform the approach to assessment within the MCZ. This appendix, alongside ES Appendix 6.4 Sheringham Shoal Nearshore Cable Route – British Geological Survey Shallow Geological Assessment [APP-183), provides a detailed analysis of the geology and transport |

| Date | Contact Type | Topic |
|------------|--------------------|---|
| | | processes in the CSCB MCZ which fed into ES Chapter 6 MGOPP [APP-092) and the Stage 1 CSCB MCZ Assessment [APP-077]. |
| 03/02/2021 | Meeting | <p>Seabed ETG 3:</p> <ul style="list-style-type: none"> • Project update including requirement for an interlink cable corridor between the DEP North and South array areas provided. • ETG informed of potential requirement for cable protection within the CSCB MCZ. • ETG were provided with an update on progress relating to the preparation of the PEIR. It was noted that topic specific assessments were being drafted and the approach to that drafting was presented. • ETG informed that the British Geological Survey (BGS) were commissioned to review geophysical survey data and existing geotechnical information to further characterise seabed geology, including the depth of surface sediments. |
| 10/06/2021 | Written submission | MMO response to Section 42 consultation on PEIR. Appendix 4 of the Consultation Report [APP-033]. |
| 16/08/2021 | Meeting | Seabed ETG 4: Discussions focussed on stakeholder comments received on the PEIR with a view to agreeing a way to address them where relevant. |
| 03/02/2022 | Report | A draft version of the Outline CSCB MCZ CSIMP [APP-291] and its appendices was shared for pre-application consultation. Comments received and the Applicant's responses are presented within the version submitted with the DCO application. |
| 14/03/2022 | Meeting | <p>Seabed ETG 5:</p> <ul style="list-style-type: none"> • Discussed development of the Outline CSCB MCZ CSIMP [APP-291]. • Confirmed that numerical wave modelling (see the Wave Climate Assessment [APP-181]) was now being undertaken. • Discussed the proposals for the offshore temporary work orders. • Discussed pending agreements within the Agreement Logs (see Consultation Report - Evidence Plan [APP-030]). |
| 06/04/2022 | Report | <p>The Applicant consulted on proposals to include an additional temporary works area buffer zone to its offshore Order Limits. Revised Order Limits and Temporary Works Area, consisted of the following changes:</p> <ul style="list-style-type: none"> • A 750m buffer either side of the export and interlink cable corridors; and • A 200m extension buffer to the SEP and DEP wind farm sites. <p>To understand any potential impacts associated with these changes, the Applicant published an Offshore Temporary Works Order Limits Environmental Report (Royal HaskoningDHV, 2022). The report summarised the proposed changes and considered any potential impacts to the Environmental Impact Assessment (EIA) for SEP and DEP associated with the inclusion of the offshore works area.</p> <p>The report identified some minor changes to the initial assessment presented in the previous consultation held between 29 April 2021 and</p> |

| Date | Contact Type | Topic |
|-------------------------|--------------|---|
| | | <p>10 June 2021 on the Preliminary Environmental Information Report (PEIR). The Applicant therefore undertook a targeted consultation with statutory offshore consultees between 6 April and 18 May 2022 to receive feedback on these proposed changes prior to submission of the DCO application.</p> <p>The MMO confirmed in a response on 24/06/2022 that they had no objections to the extension of the Order Limits to include the temporary works area.</p> |
| Post-Application | | |
| September to present | Meeting | <p>Continuation of the regular monthly meeting described above. At the meeting on 12/01/2023 this regular slot was used to discuss the MMO's RR comments on the DCO/DMLs and also to run through the final SoCG.</p> <p>At the meeting on 12/04/2023 the Applicant and the MMO discussed updates to this SoCG ahead of its resubmission at Deadline 3.</p> <p>At the meeting on 05 June 2023, further discussions between the Applicant and the MMO were held regarding finalisation of this SoCG</p> |

Table 6: Topics agreed, in discussion or not agreed in relation to MGOPP

| ID | The Applicant Position | The MMO Position | Position Summary |
|---|--|---|------------------|
| EIA – Policy and Planning | | | |
| 1 | All relevant plans and policies have been identified in Section 6.4 of Environmental Statement (ES) Chapter 6 MGOPP [APP-092] and these have been appropriately considered in the assessment. | The MMO has reviewed the Applicant’s Marine Plan Policy Review [REP1-060] and is satisfied that it is adequate. The MMO would have preferred to have consideration of each marine plan policy considered within the document, rather than signposting to relevant sections of the ES, however, the MMO considers further modifications are not required. | Agreed |
| EIA – Baseline Environment | | | |
| 2 | Existing and Project specific survey data collected is sufficient to inform the assessment. | This was discussed during the Evidence Plan Process as described in Table 5 which agreed the approach to survey data collection. | Agreed |
| EIA – Assessment Methodology | | | |
| 3 | The impact assessment methodologies used for the EIA provide an appropriate approach to assessing potential impacts of the Projects. | This was discussed during the Evidence Plan Process as described in Table 5 which agreed the approach to assessment methodologies. | Agreed |
| 4 | The worst case scenario presented in the assessment is appropriate. | Comments received on the approach to defining and presenting the worst-case scenario from the MMO in their Section 42 response were addressed for the ES. | Agreed |
| EIA – Project-Alone Assessment Conclusions | | | |
| 5 | The conclusions of the assessment of impacts for construction, operation and decommissioning are agreed. | Agreed | Agreed |
| EIA – Cumulative Impact Assessment (CIA) Conclusions | | | |
| 6 | The conclusions of the assessment of cumulative impacts are agreed. | Agreed | Agreed |
| RIAA – Project-Alone Assessment Conclusions | | | |

| ID | The Applicant Position | The MMO Position | Position Summary |
|---|--|---|------------------|
| 7 | The conclusions of the assessment of impacts for construction, operation and decommissioning are agreed. | The MMO defer to Natural England on the RIAA however will maintain a watching brief on any HRA matters related to the DMLs. | N/A |
| RIAA In-Combination Assessment Conclusions | | | |
| 8 | The conclusions of the assessment of cumulative impacts are agreed. | The MMO defer to Natural England on the RIAA however will maintain a watching brief on any HRA matters related to the DMLs. | N/A |
| Mitigation | | | |
| 9 | Given the predicted impacts of the Projects, the proposed mitigation outlined for MGOPP within the Schedule of Mitigation and Mitigation Routemap [APP-282] is appropriate. | The MMO note that the Schedule of Mitigation and Mitigation Routemap contains numerous embedded and additional mitigation and consider the measures included to be appropriate. | Agreed |
| Draft DCO | | | |
| 10 | The wording of the following requirements and conditions pertaining to MGOPP are appropriate and adequate: <ul style="list-style-type: none"> • Condition 13(1)(c) of Schedule 10, Condition 13(1)(c) of Schedule 11, Condition 12(1)(c) of Schedule 12 and Condition 12(1)(c) of Schedule 13 with reference to development of a Construction Method Statement • Condition 12(1)(e) of Schedule 12 and Condition 12(1)(e) of Schedule 13 with reference to development of a CSCB MCZ CSIMP • Paragraph 2(f) of Part 1 of Schedules 10, 11, 12 and 13 with reference to the maximum volumes of material to be disposed seaward of MHWS within the SEP and DEP Order Limits | Agreed. | Agreed |

Table 7: Topics agreed, in discussion or not agreed in relation to marine water and sediment quality

| ID | The Applicant Position | The MMO Position | Position Summary |
|-------------------------------------|--|---|------------------|
| EIA – Policy and Planning | | | |
| 1 | All relevant plans and policies have been identified in Section 7.4 of ES Chapter 7 Marine Water and Sediment Quality [APP-093] and these have been appropriately considered in the assessment. | The MMO has reviewed the Applicant’s Marine Plan Policy Review [REP1-060] and is satisfied that it is adequate. The MMO would have preferred to have consideration of each marine plan policy considered within the document, rather than signposting to relevant sections of the ES, however, the MMO considers further modifications are not required. | Agreed |
| EIA – Baseline Environment | | | |
| 2 | Existing and Project specific survey data collected is sufficient to inform the assessment (regarding lab accreditation for contaminants analysis see the below row). | This was discussed during the Evidence Plan Process as described in Table 5 which agreed the approach to survey data collection. | Agreed |
| 3 | <p><u>Licensing for disposal of dredge material at sea</u></p> <p>The contaminants analysis undertaken by Fugro and subsequent interpretation provided in ES Chapter 7 Marine Water and Sediment Quality [APP-093] indicates that levels of contaminants in the offshore sites are low and typical of the region. In order to obtain a licence for the disposal of dredge material at sea, a lab with MMO accreditation is required to undertake contaminants analysis. The Applicant recognises that Fugro are not an MMO accredited lab and therefore the Applicant has committed to undertake additional contaminants sampling and analysis (by an accredited lab) at the post-consent stage for the purposes of licensing for dredge disposal material at sea.</p> <p>The Applicant included the MMO suggested wording to secure the requirement for post-consent contaminants sampling to inform the licence for disposal of sediments at sea within the Draft DCO (Revision F) [document reference 3.1] submitted at Deadline 3.</p> | <p>The MMO welcomes the Applicant’s commitment to undertake additional contaminants analysis using an MMO accredited lab.</p> <p>The MMO welcomes the Applicant’s commitment to additional sampling post consent and has provided suggested wording in our Deadline 3 response which the Applicant has included in the Draft DCO (Revision F) [document reference 3.1] at Deadline 3. Therefore this matter is agreed.</p> | Agreed |
| EIA – Assessment Methodology | | | |

| ID | The Applicant Position | The MMO Position | Position Summary |
|---|--|---|------------------|
| 4 | The impact assessment methodologies used for the EIA provide an appropriate approach to assessing potential impacts of the Projects. | This was discussed during the Evidence Plan Process as described in Table 5 which agreed the approach to assessment methodologies. | Agreed |
| 5 | The worst case scenario presented in the assessment is appropriate. | Comments received on the approach to defining and presenting the worst-case scenario from the MMO in their Section 42 response were addressed for the ES. | Agreed |
| EIA – Project-Alone Assessment Conclusions | | | |
| 6 | The conclusions of the assessment of impacts for construction, operation and decommissioning are agreed. | <p>The limitations of the contaminants data (as described in the MMO RR [RR-053]) do not provide the desired levels of confidence in the data which can be ascribed to the assessment conclusions. However, due to the coarse nature of the sediments, the risk of significant impacts from contaminants is likely to be low.</p> <p>Previous concerns raised by the MMO regarding the lab chosen for analysis but this is to be addressed throughout examination and as mentioned the applicant has committed to further analysis.</p> <p>Based on the information presented, the current assessment conclusions are agreed.</p> | Agreed |
| Mitigation | | | |
| 7 | Given the impacts of the Projects, the proposed mitigation outlined for marine water and sediment quality within the Schedule of Mitigation and Mitigation Routemap [APP-282] is appropriate. | The MMO note that the Schedule of Mitigation and Mitigation Routemap contains numerous embedded and additional mitigation and consider the measures included to be appropriate. | Agreed |
| Draft DCO | | | |
| 8 | The wording of the following requirements and conditions pertaining to marine water and sediment quality are appropriate and adequate: | Agreed | Agreed |

| ID | The Applicant Position | The MMO Position | Position Summary |
|----|---|------------------|------------------|
| | <ul style="list-style-type: none"> Condition 13(1)(d)(i) of Schedule 10, Condition 13(1)(d)(i) of Schedule 11, Condition 12(1)(d)(i) of Schedule 12 and Condition 12(1)(d)(i) of Schedule 13 with reference to the Marine Pollution Contingency Plan (within the Project Environmental Management Plan) to minimise impacts of spills and discharges on the marine environment Condition 13(1)(c) of Schedule 10, Condition 13(1)(c) of Schedule 11, Condition 12(1)(c) of Schedule 12 and Condition 12(1)(c) of Schedule 13 with reference to development of a Construction Method Statement Paragraph 2(f) of Part 1 of Schedules 10, 11, 12 and 13 with reference to the maximum volumes of material to be disposed seaward of MHWS within the SEP and DEP Order Limits | | |

Table 8: Topics agreed, in discussion or not agreed in relation to benthic ecology

| ID | The Applicant Position | The MMO Position | Position Summary |
|---|--|---|------------------|
| EIA – Policy and Planning | | | |
| 1 | All relevant plans and policies have been identified in Section 8.4 of ES Chapter 8 Benthic Ecology [APP-094] and these have been appropriately considered in the assessment. | The MMO has reviewed the Applicant’s Marine Plan Policy Review [REP1-060] and is satisfied that it is adequate. The MMO would have preferred to have consideration of each marine plan policy considered within the document, rather than signposting to relevant sections of the ES, however, the MMO considers further modifications are not required. | Agreed |
| EIA – Baseline Environment | | | |
| 2 | Existing and Project specific survey data collected is sufficient to inform the assessment. | This was discussed during the Evidence Plan Process as described in Table 5 which agreed the approach to survey data collection. | Agreed |
| EIA – Assessment Methodology | | | |
| 3 | The impact assessment methodologies used for the EIA provide an appropriate approach to assessing potential impacts of the Projects. | This was discussed during the Evidence Plan Process as described in Table 5 which agreed the approach to assessment methodologies. | Agreed |
| 4 | The worst case scenario presented in the assessment is appropriate. | Comments received on the approach to defining and presenting the worst-case scenario from the MMO in their Section 42 response were addressed for the ES. | Agreed |
| EIA – Project-Alone Assessment Conclusions | | | |
| 5 | The conclusions of the assessment of impacts for construction, operation and decommissioning are agreed. | Agreed | Agreed |
| CIA Conclusions | | | |
| | The conclusions of the assessment of cumulative impacts are agreed. | Agreed | Agreed |
| Mitigation | | | |

| ID | The Applicant Position | The MMO Position | Position Summary |
|------------------|---|---|------------------|
| 6 | Given the impacts of the Projects, the proposed mitigation outlined for benthic ecology within the Schedule of Mitigation and Mitigation Routemap [APP-282] is appropriate. | The MMO note that the Schedule of Mitigation and Mitigation Routemap contains numerous embedded and additional mitigation and consider the measures included to be appropriate. | Agreed |
| Draft DCO | | | |
| 7 | The wording of the following requirements and conditions pertaining to benthic ecology are appropriate and adequate: <ul style="list-style-type: none"> Condition 13(1)(c) of Schedule 10, Condition 13(1)(c) of Schedule 11, Condition 12(1)(c) of Schedule 12 and Condition 12(1)(c) of Schedule 13 with reference to development of a Construction Method Statement Condition 12(1)(e) of Schedule 12 and Condition 12(1)(e) of Schedule 13 with reference to development of a CSCB MCZ CSIMP Condition 13(1)(d)(i) of Schedule 10, Condition 13(1)(d)(i) of Schedule 11, Condition 12(1)(d)(i) of Schedule 12 and Condition 12(1)(d)(i) of Schedule 13 with reference to the Marine Pollution Contingency Plan (within the Project Environmental Management Plan) to minimise impacts of spills and discharges on the marine environment | Agreed | Agreed |

Table 9: Topics agreed, in discussion or not agreed in relation to fish and shellfish ecology

| ID | The Applicant Position | The MMO Position | Position Summary |
|-------------------------------------|---|--|------------------|
| EIA – Policy and Planning | | | |
| 1 | All relevant plans and policies have been identified in Section 9.4 of ES Chapter 9 Fish and Shellfish Ecology [APP-095] and these have been appropriately considered in the assessment. | The MMO has reviewed the Applicant’s Marine Plan Policy Review [REP1-060] and is satisfied that it is adequate. The MMO would have preferred to have consideration of each marine plan policy considered within the document, rather than signposting to relevant sections of the ES, however, the MMO considers further modifications are not | Agreed |
| EIA – Baseline Environment | | | |
| 2 | The existing survey data is sufficient to inform the assessment. | This was discussed during the Evidence Plan Process as described in Table 5 and ID 1.3.2 of the Seabed ETG Agreement Log which agreed that Project-specific fish and shellfish ecology surveys were not required due to the availability of existing datasets. | Agreed |
| EIA – Assessment Methodology | | | |
| 3 | The impact assessment methodologies used for the EIA provide an appropriate approach to assessing potential impacts of the Projects. | This was discussed during the Evidence Plan Process as described in Table 5 which agreed the approach to assessment methodologies. | Agreed |
| 4 | The worst case scenario presented in the assessment is appropriate. | Comments received on the approach to defining and presenting the worst-case scenario from the MMO in their Section 42 response were addressed for the ES. As noted by the MMO at paragraph 2.12 of REP3-133 the MMO confirm that no further underwater noise monitoring is required during examination, and that the standard monitoring secured post consent is sufficient. Therefore this matter is agreed. | Agreed |

| ID | The Applicant Position | The MMO Position | Position Summary |
|---|---|---|------------------|
| 5 | The receptors included in the assessment are agreed. | Agreed | Agreed |
| EIA – Project-Alone Assessment Conclusions | | | |
| 6 | The conclusions of the assessment of temporary habitat loss / disturbance impacts on herring and sandeel during all phases are agreed. | The MMO agree with the Applicant's assessment of minor adverse for impacts on herring from habitat loss/disturbance. | Agreed |
| 7 | The conclusions of the assessment of underwater noise impacts from piling during construction are agreed. | Within the MMO relevant representation [RR-053] minor updates to Appendix 10.2 Underwater Noise Modelling Report [APP-192] were requested. The MMO note that the Applicant's updates to Appendix 10.2 Underwater Noise Modelling Report (Revision C) [document reference 6.3.10.2], address our concerns. | Agreed |
| 8 | The conclusions of the assessment of all other impacts on fish and shellfish ecology receptors not included above during construction, operation and decommissioning are agreed. | The MMO agree with the non-piling conclusions of the Applicant's assessment on fish and shellfish ecology receptors (that have not been included above during construction, operation and decommissioning). | Agreed |
| CIA Conclusions | | | |
| 9 | The conclusions of the assessment of cumulative underwater noise impacts from piling during construction are agreed. | As per ID 7 of this table, outstanding queries have been addressed and therefore this matter is agreed. | Agreed |
| 10 | The conclusions of the assessment of cumulative non-piling impacts are agreed. | The MMO agree with the non-piling conclusions of the Applicant's assessment on fish and shellfish ecology receptors (that have not been included above during construction, operation and decommissioning), | Agreed |
| Mitigation | | | |
| 11 | Given the impacts of the Projects, the proposed mitigation outlined for fish and shellfish ecology within the Schedule of Mitigation and Mitigation Routemap [APP-282] is appropriate. | The MMO note that the Schedule of Mitigation and Mitigation Routemap contains numerous embedded and additional mitigation and consider the measures included to be appropriate. | Agreed |

| ID | The Applicant Position | The MMO Position | Position Summary |
|------------------|--|------------------|------------------|
| Draft DCO | | | |
| 12 | <p>The wording of the following requirements and conditions pertaining to fish and shellfish ecology are appropriate and adequate:</p> <ul style="list-style-type: none"> • Condition 13(1)(c) of Schedule 10, Condition 13(1)(c) of Schedule 11, Condition 12(1)(c) of Schedule 12 and Condition 12(1)(c) of Schedule 13 with reference to development of a Construction Method Statement • Condition 13(1)(h) of Schedule 10, Condition 13(1)(h) of Schedule 11, Condition 12(1)(i) of Schedule 12 and Condition 12(1)(i) of Schedule 13 with reference to a marine mammal mitigation protocol in respect of piling activities • Condition 13(1)(b) of Schedule 10, Condition 13(1)(b) of Schedule 11, Condition 12(1)(b) of Schedule 12 and Condition 12(1)(b) of Schedule 13 with reference to development of a construction programme. | Agreed | Agreed |

2.3 Marine Mammal Ecology

19. A summary of the consultation relating to marine mammal ecology is provided in **Table 10**. The **Marine Mammals ETG Agreement Log** is provided in **Annex 1**.

Table 10: Summary of consultation with the MMO regarding marine mammal ecology

| Date | Contact Type | Topic |
|------------------------|--------------------|---|
| Pre-Application | | |
| 07/10/2019 | Report | Submission of the SEP and DEP Scoping Report [APP-281]. The Scoping Report outlined the existing environment, the impacts to be assessed in the ES, data gathering and key aspects of the assessment. A Scoping Opinion was received on the 6 th of November 2019. |
| 03/12/2019 | Meeting | Marine Mammals ETG 1: Discussed the current design envelope, baseline information to be used to inform the assessment, the methodology of the digital aerial surveys, proposed impact assessment methodology and the proposed approach to mitigation and monitoring. |
| June 2020 | Report | Marine mammal ecology method statement presented in advance of ETG 2 to aid discussion and seek agreement of approach to the assessment. |
| 18/06/2020 | Meeting | Marine Mammals ETG 2: <ul style="list-style-type: none"> • ETG attendees were informed that Weybourne was selected as the preferred landfall location following a technical feasibility study. • Preliminary results from the digital aerial survey data were presented. • Approach to underwater noise modelling was presented • Habitats Regulations Assessment (HRA) screening discussed • Data sources to be used in the assessment presented and discussed. |
| 10/06/2021 | Written submission | MMO response to Section 42 consultation on PEIR. Appendix 4 of the Consultation Report [APP-033]. |
| 20/07/2021 | Meeting | Marine Mammals ETG 3: <ul style="list-style-type: none"> • Discussions focussed on stakeholder comments received on the PEIR with a view to agreeing a way to address them where relevant. • Discussions around new data sources to be used in the assessment also took place. • The proposed approach to drafting of the Draft MMMP (Revision B) [REP1-013] and the In-Principle SIP for the SNS SAC [APP-290] was also discussed |
| 14/02/2022 | Meeting | Marine Mammals ETG 4: <ul style="list-style-type: none"> • An overview of the planned marine mammals ES chapter and HRA updates was provided. • Brief discussion around progress on the development of the Draft MMMP (Revision B) [REP1-013] and In-Principle SIP for the SNS SAC [APP-290] which were sent to the ETG for review with comments being addressed for the final application versions (see Table 15). |

| Date | Contact Type | Topic |
|-------------------------|--------------|---|
| Post-Application | | |
| September to present | Meeting | <p>Continuation of the regular monthly meeting described above. At the meeting on 12/01/2023 this regular slot was used to discuss the MMO's RR comments on the DCO/DMLs and also to run through the final SoCG.</p> <p>At the meeting on 12/04/2023 the Applicant and the MMO discussed updates to this SoCG ahead of its resubmission at Deadline 3.</p> <p>At the meeting on 05 June 2023, further discussions between the Applicant and the MMO were held regarding finalisation of this SoCG</p> |

Table 11: Topics agreed, in discussion or not agreed in relation to marine mammal ecology

| ID | The Applicant Position | The MMO Position | Position Summary |
|---|--|---|------------------|
| EIA – Policy and Planning | | | |
| 1 | All relevant plans and policies have been identified in Section 10.4 of ES Chapter 10 Marine Mammal Ecology [APP-096] and these have been appropriately considered in the assessment. | The MMO has reviewed the Applicant’s Marine Plan Policy Review [REP1-060] and is satisfied that it is adequate. The MMO would have preferred to have consideration of each marine plan policy considered within the document, rather than signposting to relevant sections of the ES, however, the MMO considers further modifications are not | Agreed |
| EIA – Baseline Environment | | | |
| 2 | Existing and Project specific survey data collected is sufficient to inform the assessment. | This was discussed during the Evidence Plan Process as described in Table 10 which agreed the approach to survey data collection. | Agreed |
| EIA – Assessment Methodology | | | |
| 3 | The impact assessment methodologies used for the EIA provide an appropriate approach to assessing potential impacts of the Projects. | This was discussed during the Evidence Plan Process as described in Table 10 which agreed the approach to assessment methodologies. | Agreed |
| 4 | The worst case scenario presented in the assessment is appropriate. | Comments received on the approach to defining and presenting the worst-case scenario from the MMO in their Section 42 response were addressed for the ES. | Agreed |
| EIA – Project-Along Assessment Conclusions | | | |
| 5 | The conclusions of the assessment of underwater noise impacts from piling during construction are agreed. | In the MMO Deadline 5 response, with respect to dose-response curves, a request for the 5dB contours to be plotted on a figure was provided. The MMO notes that the Applicant has now provided this in an update to the Marine Mammals Technical Note and Addendum [document reference 16.14] at Deadline 7 and therefore this is agreed. The MMO also | Agreed |

| ID | The Applicant Position | The MMO Position | Position Summary |
|--|--|---|------------------|
| | | note that the Applicant's updates to Appendix 10.2 Underwater Noise Modelling Report (Revision C) [document reference 6.3.10.2], address our concerns. | |
| 6 | The conclusions of the assessment of non-piling impacts during construction, operation and decommissioning are agreed. | The MMO agree with the non-piling conclusions of the Applicant's assessment on fish and shellfish ecology receptors (that have not been included above during construction, operation and decommissioning), | Agreed |
| CIA Conclusions | | | |
| 7 | The conclusions of the assessment of cumulative underwater noise impacts from piling during construction are agreed. | As per ID 5 of this table, outstanding queries have been addressed and therefore this matter is agreed. | Agreed |
| 8 | The conclusions of the assessment of cumulative non-piling impacts are agreed. | The MMO agree with the non-piling conclusions of the Applicant's assessment on fish and shellfish ecology receptors (that have not been included above during construction, operation and decommissioning), | Agree |
| HRA Screening | | | |
| 9 | The marine mammal SACs and effects screened in for assessment are appropriate | This was discussed during the Evidence Plan Process as described in Table 10 which agreed. | Agreed |
| RIAA – Project-Alone Assessment Conclusions | | | |
| 10 | The conclusions of the assessment of impacts for construction, operation and decommissioning are agreed. | The MMO defer to Natural England on the RIAA however will maintain a watching brief on any HRA matters related to the DMLs. | N/A |
| RIAA In-Combination Assessment Conclusions | | | |
| 11 | The conclusions of the assessment of cumulative impacts are agreed. | The MMO defer to Natural England on the RIAA however will maintain a watching brief on any HRA matters related to the DMLs. | N/A |

| ID | The Applicant Position | The MMO Position | Position Summary |
|----------------------------------|---|---|------------------|
| Mitigation and Monitoring | | | |
| 12 | Given the impacts of the Projects, the proposed mitigation outlined for marine mammal ecology within the Schedule of Mitigation and Mitigation Routemap [APP-282] is appropriate. | The MMO note that the Schedule of Mitigation and Mitigation Routemap contains numerous embedded and additional mitigation and consider the measures included to be appropriate. | Agreed |
| Draft DCO | | | |
| 13 | <p>The wording of the following requirements and conditions pertaining to marine mammal ecology are appropriate and adequate:</p> <ul style="list-style-type: none"> • Condition 13(1)(c) of Schedule 10, Condition 13(1)(c) of Schedule 11, Condition 12(1)(c) of Schedule 12 and Condition 12(1)(c) of Schedule 13 with reference to development of a Construction Method Statement • Condition 13(1)(h) of Schedule 10, Condition 13(1)(h) of Schedule 11, Condition 12(1)(i) of Schedule 12 and Condition 12(1)(i) of Schedule 13 with reference to a marine mammal mitigation protocol in respect of piling activities • Condition 14 of Schedule 10, Condition 14 of Schedule 11, Condition 13 of Schedule 12 and Condition 13 of Schedule 13 with reference to a SIP for the SNS SAC • Condition 13(1)(b) of Schedule 10, Condition 13(1)(b) of Schedule 11, Condition 12(1)(b) of Schedule 12 and Condition 12(1)(b) of Schedule 13 with reference to development of a construction programme. • Condition 19 of Schedule 10, Condition 19 of Schedule 11, Condition 18 of Schedule 12 and Condition 18 of Schedule 13 with reference to the development of a construction monitoring plan | Agreed | Agreed |

| ID | The Applicant Position | The MMO Position | Position Summary |
|----------------------------------|--|-------------------------------|------------------|
| | <ul style="list-style-type: none"> Condition 18 of Schedule 10, Condition 18 of Schedule 11, Condition 17 of Schedule 12 and Condition 17 of Schedule 13 with reference to pre-construction marine mammal monitoring Condition 20 of Schedule 10, Condition 20 of Schedule 11, Condition 19 of Schedule 12 and Condition 19 of Schedule 13 with reference to post-construction marine mammals monitoring | | |
| Other Matters as Required | | | |
| 14 | As agreed at the marine mammal ETG 3 on the 20 th July 2021 UXO clearance will be a separate Marine Licence and not part of DCO submission. However, assessments based on potential worst-case for UXO have been provided for information in the ES, RIAA, and draft MMMP for UXO. | Agreed at marine mammal ETG 3 | Agreed |

2.4 Stage 1 CSCB MCZA and In-Principle CSCB MCZ MEEB Plan

20. The offshore export cable corridor passes through the CSCB MCZ. It is therefore possible that Project activities could be capable of significantly affecting the protected features of the MCZ. Therefore, a **Stage 1 CSCB MCZ Assessment** [APP-077] was undertaken which concludes that the conservation objective of maintaining the protected features of the CSCB MCZ in a favourable condition or restoring them to a favourable condition will not be hindered by the construction, operation and decommissioning phases of SEP and DEP alone or cumulatively with any other plan, project or activity. However, in light of consultation from stakeholders, the Applicant has provided a Stage 2 assessment (see the **MCAA Derogation Provision of Evidence** [APP-082] and the **In-Principle CSCB MCZ MEEB Plan** [APP-083]), on a precautionary and without prejudice basis to enable consultation on Stage 2 to be undertaken pre-application and during DCO Examination, should it be required in the consent determination process.
21. A summary of the consultation relating to Stage 1 MCZ Assessment and MEEB is provided in **Table 12**. Consultation was initially undertaken through the Seabed ETG prior to a dedicated MEEB ETG (consisting of the same members) being formed in October 2021. Annex B of the **In-Principle CSCB MCZ MEEB Plan** [APP-083] provides a detailed record of the consultation undertaken with regard to MEEB.
22. If MEEB is deemed to be required by the Secretary of State, the planting of a native oyster bed within the CSCB MCZ would be progressed as the preferred MEEB. Table 7.1 of the **In-Principle CSCB MCZ MEEB Plan** [APP-083] provides a review of potential MEEB indicating measures which would be reviewed, if required, as alternatives to the preferred measure.
23. Individual SoCG tables for each alternative measure have not been provided. Details of consultation which led to the selection of native oyster bed planting as the preferred measure are provided in **Table 12** below and Annex B of the **In-Principle CSCB MCZ MEEB Plan** [APP-083]. The **MEEB ETG Agreement Log** is provided in **Annex 1**.
24. Additionally, in light of the emerging Offshore Wind Environmental Improvement Package (OWEIP) and Marine Recovery Fund (MRF), the Applicant recognises that a viable strategic compensation / MEEB funding mechanism may become available within the necessary timescales for SEP and DEP and therefore could be relied upon to discharge its potential derogation requirements. To ensure this option is available to SEP and DEP, the Applicant has included wording within Annex D of the **In-Principle CSCB MCZ MEEB Plan** [APP-083] for a contribution to be made to a Strategic Compensation Fund wholly or partly in place of the Applicant's proposed MEEB or as an adaptive management measure. The term 'Strategic Compensation Fund' refers to any fund established by Defra or a Government body for the purpose of implementing strategic compensation measures. This, therefore, includes the MRF but also seeks to capture any other strategic compensation funding mechanism that might also become available within the timeframe that compensation measures would be delivered for SEP and DEP. A detailed explanation of the draft DCO wording covering strategic delivery of compensation via a fund is provided in Section 4.4 of the **Strategic and Collaborative Approaches to Compensation and MEEB** [APP-084] document.

Table 12: Summary of consultation with the MMO regarding Stage 1 CSCB MCZ Assessment and MEEB

| Date | Contact Type | Topic |
|------------------------|--------------------|---|
| Pre-Application | | |
| 02/06/2020 | Meeting | Seabed ETG 2: MCZ assessment screening results were presented and discussed (see Appendix 1 - Screening Report [APP-078] of the Stage 1 CSCB MCZ Assessment [APP-077]). |
| July 2020 | Report | Consultation on ES Appendix 6.3 Sedimentary Processes in the Cromer Shoal Chalk Beds MCZ [APP-182] was undertaken to inform the approach to assessment within the MCZ. This appendix, alongside ES Appendix 6.4 Sheringham Shoal Nearshore Cable Route – British Geological Survey Shallow Geological Assessment [APP-183), provides a detailed analysis of the geology and transport processes in the CSCB MCZ which fed into ES Chapter 6 MGOPP [APP-092) and the Stage 1 CSCB MCZ Assessment [APP-077]. |
| March 2021 | Report | Draft Outline In-Principle MEEB Plan: The Applicant shared for consultation this outline document which set out the legislative and policy context for MEEB and provided an initial review of potential MEEB. |
| 10/06/2021 | Written submission | MMO response to Section 42 consultation on PEIR. Appendix 4 of the Consultation Report [APP-033]. |
| 16/08/2021 | Meeting | Seabed ETG 4: Discussions focussed on stakeholder comments received on the Stage 1 CSCB MCZ assessment submitted at PEIR with a view to agreeing a way to address them where relevant. |
| 07/09/2021 | Meeting | Separate stakeholder meetings to discuss MEEB were held due to an inability to align the diaries of ETG members in summer 2021. This meeting with the MMO enabled discussions on the MEEB options review process and the need to ensure enforceability of the measure(s) taken forward. |
| September 2021 | Report | Draft In-Principle MEEB Plan version 1: Based on stakeholder feedback on the above, further refinement of the MEEB measures proposed was undertaken with additional detail included for measures deemed by stakeholders to be most suitable. |
| 01/10/2021 | Meeting | MEEB ETG 1: Discussed comments on the Draft In-Principle MEEB Plan version 1, including the perceived merit in the suite of proposed measures with a steer towards those which should be taken forward as preferred measures pending further feasibility studies. |
| 06/04/2022 | Report | The Applicant consulted on proposals to include an additional temporary works area buffer zone to its offshore Order Limits. Revised Order Limits and Temporary Works Area, consisted of the following changes: <ul style="list-style-type: none"> • A 750m buffer either side of the export and interlink cable corridors; and • A 200m extension buffer to the SEP and DEP wind farm sites. To understand any potential impacts associated with these changes, the Applicant published an Offshore Temporary Works Order Limits Environmental Report (Royal HaskoningDHV, 2022). The report summarised the proposed changes and considered any potential impacts to the Environmental Impact Assessment (EIA) for SEP and DEP associated with the inclusion of the offshore works area. |

| Date | Contact Type | Topic |
|-------------------------|--------------|--|
| | | <p>The report identified some minor changes to the initial assessment presented in the previous consultation held between 29 April 2021 and 10 June 2021 on the Preliminary Environmental Information Report (PEIR). The Applicant therefore undertook a targeted consultation with statutory offshore consultees between 6 April and 18 May 2022 to receive feedback on these proposed changes prior to submission of the DCO application.</p> <p>The MMO confirmed in a response on 24/06/2022 that they had no objections to the extension of the Order Limits to include the temporary works area.</p> |
| December 2021 | Report | Draft In-Principle MEEB Plan version 2: Based on stakeholder feedback on version 1 and at ETG 1, further refinement of the MEEB measures proposed was undertaken with additional detail included for measures deemed by stakeholders to be most suitable. |
| 21/02/2022 | Meeting | <p>MEEB ETG 2: The following matters were discussed:</p> <ul style="list-style-type: none"> • Most recent updates to the MEEB Plan noting that the planting of native oyster bed within the CSCB MCZ is the Applicant's preferred measure and was generally supported by stakeholders. • Site selection, scale, ratios, deployment, monitoring and adaptive management with respect to native oyster restoration. • Alternative MEEB if native oyster bed planting within the MCZ is deemed unfeasible. • The proposed approach to delivering MEEB post consent (if required). |
| Post-Application | | |
| September to present | Meeting | <p>Continuation of the regular monthly meeting described above. At the meeting on 12/01/2023 this regular slot was used to discuss the MMO's RR comments on the DCO/DMLs and also to run through the final SoCG.</p> <p>At the meeting on 12/04/2023 the Applicant and the MMO discussed updates to this SoCG ahead of its resubmission at Deadline 3.</p> <p>At the meeting on 05 June 2023, further discussions between the Applicant and the MMO were held regarding finalisation of this SoCG</p> |

Table 13: Topics agreed, in discussion or not agreed in relation to the Stage 1 CSCB MCZ Assessment

| ID | The Applicant Position | The MMO Position | Position Summary |
|---|---|---|------------------|
| Policy and Planning | | | |
| 1 | All relevant plans and policies have been identified in Section 2 of the Stage 1 CSCB MCZ Assessment [APP-077] and these have been appropriately considered in the assessment. | The MMO has reviewed the Applicant's Marine Plan Policy Review [REP1-060] and is satisfied that it is adequate. The MMO would have preferred to have consideration of each marine plan policy considered within the document, rather than signposting to relevant sections of the ES, however, the MMO considers further modifications are not | Agreed |
| Baseline Environment | | | |
| 2 | Existing and Project specific survey data collected is sufficient to inform the assessment. | This was discussed during the Evidence Plan Process as described in Table 13 which agreed the approach to survey data collection. | Agreed |
| Assessment Methodology | | | |
| 3 | The impact assessment methodologies used provide an appropriate approach to assessing potential impacts of the Projects. | This was discussed during the Evidence Plan Process as described in Table 13 which agreed the approach to assessment methodologies. | Agreed |
| 4 | The worst case scenario presented in the assessment is appropriate. | Comments received on the approach to defining and presenting the worst-case scenario from the MMO in their Section 42 response were addressed for the DCO application submission. | Agreed |
| Project-Alone Assessment Conclusions | | | |
| 5 | The conclusions of the assessment of impacts for construction, operation and decommissioning are agreed. | The MMO defer to Natural England on the MCZ assessment conclusions, however will maintain a watching brief on any MCZ matters related to the DMLs. | N/A |
| Cumulative Effects Conclusions | | | |
| 6 | The conclusions of the assessment of cumulative effects are agreed. | The MMO defer to Natural England on the MCZ assessment conclusions, however will maintain a watching brief on any MCZ matters related to the DMLs. | N/A |

| ID | The Applicant Position | The MMO Position | Position Summary |
|----------------------------------|---|--|------------------|
| Mitigation and Monitoring | | | |
| 7 | Given the impacts of the Projects, the proposed mitigation described in Table 5-3 of the Stage 1 CSCB MCZ Assessment [APP-077] is appropriate. | The MMO defer to Natural England on the MCZ assessment conclusions, however will maintain a watching brief on any MCZ matters related to the DMLs. | N/A |
| Draft DCO | | | |
| 8 | <p>The wording of the following requirements and conditions pertaining to the Stage 1 CSCB MCZ Assessment are appropriate and adequate:</p> <ul style="list-style-type: none"> Condition 13(1)(c) of Schedule 10, Condition 13(1)(c) of Schedule 11, Condition 12(1)(c) of Schedule 12 and Condition 12(1)(c) of Schedule 13 with reference to development of a Construction Method Statement. Condition 13(1)(b) of Schedule 10, Condition 13(1)(b) of Schedule 11, Condition 12(1)(b) of Schedule 12 and Condition 12(1)(b) of Schedule 13 with reference to development of a construction programme. Condition 19 of Schedule 10, Condition 19 of Schedule 11, Condition 18 of Schedule 12 and Condition 18 of Schedule 13 with reference to the development of a construction monitoring plan. Condition 12(1)(e) of Schedule 12 and Condition 12(1)(e) of Schedule 13 with reference to development of a CSCB MCZ CSIMP. | Agreed | Agreed |

Table 14: Topics agreed, in discussion or not agreed in relation to MEEB – planting of native oyster bed in the CSCB MCZ

| ID | The Applicant Position | The MMO Position | Position Summary |
|--|---|---|------------------|
| Efficacy of MEEB | | | |
| 1 | The MEEB has merit. The Applicant has demonstrated that the MEEB has merit through the In-Principle CSCB MCZ MEEB Plan [APP-083]. | The MMO defers to Natural England on technical MEEB matters | N/A |
| 2 | If it is required, and successfully delivered, the MEEB will compensate for the long term loss of habitat from the installation of external cable protection across an up to 1,800m ² area of subtidal sediments. | The MMO defers to Natural England on technical MEEB matters | N/A |
| 3 | If it is required, and successfully delivered, the proposed MEEB will partially restore a historic feature (i.e. native oyster) of the CSCB MCZ and wider region | The MMO defers to Natural England on technical MEEB matters | N/A |
| Site selection, spatial scale and deployment | | | |
| 4 | The desk-based site selection exercise undergone to identify the 1km ² initial restoration site search area (Figure 8.1 of APP-083) is robust and has resulted in the identification of an appropriate initial search area. The site selection process is described in Annex C of the In-Principle CSCB MCZ MEEB Plan [APP-083]. | The MMO defers to Natural England on technical MEEB matters | N/A |
| 5 | The phased deployment approach described in section 8.4.4 of the In-Principle CSCB MCZ MEEB Plan [APP-083] is appropriate. | The MMO defers to Natural England on technical MEEB matters | N/A |
| 6 | A 10,000m ² restoration area is an appropriately targeted spatial scale to enable a self-sustaining reef. | The MMO defers to Natural England on technical MEEB matters | N/A |
| Timescale for delivery | | | |
| 7 | The indicative timeline in Table 8.2 of the In-Principle CSCB MCZ MEEB Plan [APP-083] is appropriate. | The MMO defers to Natural England on technical MEEB matters | N/A |
| Monitoring, maintenance and adaptive management | | | |

| ID | The Applicant Position | The MMO Position | Position Summary |
|---|---|--|------------------|
| 8 | The information presented in section 8.5.1 of the In-Principle CSCB MCZ MEEB Plan [APP-083] relating to monitoring is appropriate. | The MMO defers to Natural England on technical MEEB matters | N/A |
| 9 | The information presented in section 8.5.2 of the In-Principle CSCB MCZ MEEB Plan [APP-083] relating to adaptive management is appropriate. | The MMO defers to Natural England on technical MEEB matters | N/A |
| 10 | The information presented in section 8.5.3 of the In-Principle CSCB MCZ MEEB Plan [APP-083] relating to management measures is appropriate. | The MMO defers to Natural England on technical MEEB matters | N/A |
| Securing consents and agreements | | | |
| 11 | <p>It is not anticipated that a sea bed lease from The Crown Estate will be required for restoring a designated site feature. If MEEB is deemed to be required by the SoS, a marine licence exemption or, if required, marine licence application to the MMO for the deployment of cultch would be made post consent.</p> <p>Appendix 4 Assessment of Potential Impacts on Cromer Shoal Chalk Beds Marine Conservation Zone Features from Planting of Native Oyster Beds [APP-081] of the Stage 1 CSCB MCZA [APP-077] provides an assessment of the potential risk of the MEEB Implementation and Monitoring Plan hindering the conservation objectives of the existing features of the CSCB MCZ and concludes that it would not.</p> | <p>The onus is on the Applicant to determine if a marine licence is required for an activity, or if they are satisfied that it fits within the exemptions within MaCAA (2009).</p> <p>If a marine licence is required, the MMO would aim to make a decision on most applications within 13 weeks of an application being validated. However, each application is different and some applications will take longer than this, while others will take less time.</p> <p>The MMO defers to Natural England on Stage 1 CSCB MCZ conclusions.</p> | Agreed |
| DCO wording | | | |
| 12 | The Draft DCO wording provided in the Without Prejudice DCO Drafting (Revision C) [REP5-008] [APP-083] is appropriate and adequate. | The MMO defer to Natural England. | N/A |

2.5 Draft, Outline and In-Principle DCO Documents

25. A summary of the consultation relating to the following draft, outline and in-principle DCO documents is provided in **Table 15**:
- **Draft MMMP (Revision B)** [REP1-013]
 - **In-Principle Site Integrity Plan for the SNS SAC** [APP-290]
 - **Offshore In Principle Monitoring Plan (Revision B)** [REP4-014]
 - **Outline Project Environmental Management Plan (Revision C)** [REP3-060]
 - **Outline Offshore Operations and Maintenance Plan (Revision C)** [REP3-058]
 - **Outline CSCB MCZ CSIMP** [APP-291]
 - **Disposal Site Characterisation Report** [APP-300]
26. The matters for agreement in relation to the relevant outline plans are provided in **Table 16**. It should be noted that these agreements are in relation to technical matters only. DCO matters relating to these plans e.g. approval periods, are drawn out in **Table 4**.

Table 15: Summary of consultation with the MMO regarding draft, outline and in-principle DCO documents

| Date | Contact Type | Topic |
|------------------------|--------------------|---|
| Pre-Application | | |
| 02/06/2020 | Meeting | Seabed ETG 2: Matters which led to the development of the Outline CSCB MCZ CSIMP were discussed at this meeting e.g. external cable protection decommissioning considerations. |
| 20/07/2021 | Meeting | Marine Mammals ETG 3: The proposed approach to drafting of the Draft MMMP and the In-Principle SIP for the SNS SAC was discussed |
| 16/08/2021 | Meeting | Seabed ETG 4: Discussions focussed on stakeholder comments received on the PEIR some of which were relevant to development of the Outline CSCB MCZ CSIMP Offshore In Principle Monitoring Plan and Disposal Site Characterisation Report . |
| 14/02/2022 | Meeting | Marine Mammals ETG 4: Brief discussion around progress on the development of the Draft MMMP and In-Principle SIP for the SNS SAC which were sent to the ETG for review with comments being addressed for the final application versions. |
| 10/06/2021 | Written submission | MMO response to Section 42 consultation on PEIR (Appendix 4 of the Consultation Report [APP-033]) provided comments of relevance to draft, outline and in-principle DCO documents. |
| 01/02/2022 | Report | Draft versions of the Draft MMMP and In-Principle SIP for the SNS SAC were shared with the marine mammals ETG for pre-application consultation. Comments received and the Applicant's responses are presented within the versions submitted with the DCO application. |
| 03/02/2022 | Report | A draft version of the Outline CSCB MCZ CSIMP was shared for pre-application consultation. Comments received and the Applicant's responses are presented within the version submitted with the DCO application. |

| Date | Contact Type | Topic |
|-------------------------|--------------|---|
| Post-Application | | |
| September to present | Meeting | <p>Continuation of the regular monthly meeting described above. At the meeting on 12/01/2023 this regular slot was used to discuss the MMO's RR comments on the DCO/DMLs and also to run through the final SoCG.</p> <p>At the meeting on 12/04/2023 the Applicant and the MMO discussed updates to this SoCG ahead of its resubmission at Deadline 3.</p> <p>At the meeting on 05 June 2023, further discussions between the Applicant and the MMO were held regarding finalisation of this SoCG</p> |

Table 16: Topics agreed, in discussion or not agreed in relation to draft, outline and in-principle DCO documents

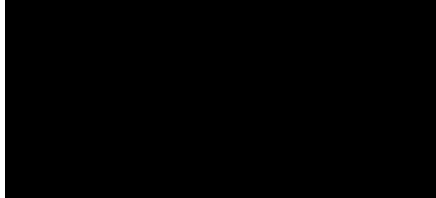
| ID | The Applicant Position | The MMO Position | Position Summary |
|----|--|---|------------------|
| 1 | The Draft MMMP (Revision B) [REP1-013] is adequate and appropriate. | As noted at paragraph 2.3 of REP3-133, the MMO have reviewed the revised MMMP and it appears to have sufficiently addressed previous reservations. Therefore, this is agreed. | Agreed |
| 2 | The In-Principle Site Integrity Plan for the SNS SAC [APP-290] is adequate and appropriate. | The MMO defers to Natural England on mitigation matters in relation to Habitats regulation assessment, and defers to Natural England at this stage for what should be included within the in-principle SIP. Within the MMO RR [RR-053], the MMO suggested specific wording for a new SIP condition within the DML. | N/A |
| 3 | The Offshore In Principle Monitoring Plan (Revision B) [REP4-014] is adequate and appropriate. | The MMO confirm that this in-principle document is appropriate. | Agreed |
| 4 | The Outline Project Environmental Management Plan (Revision C) [REP3-060] is adequate and appropriate. | The MMO confirm that this outline document is appropriate. | Agreed |
| 5 | The Outline Offshore Operations and Maintenance Plan (Revision C) [REP3-058] is adequate and appropriate. | Agreed. This document will be developed and refined as SEP and DEP progress through the detailed design process, procurement and construction. The Deemed Marine Licence contains condition requiring these documents to be submitted to the MMO for approval. The MMO are satisfied that any refinements required to these documents can be completed post consent | Agreed |
| 6 | The Outline CSCB MCZ CSIMP [APP-291] is adequate and appropriate. | The MMO defer to Natural England, as the lead statutory consultee for the CSCB MCZ, to comment further on the appropriateness of export cable installation, mitigation and monitoring in relation to any impacts on the MCZ features. | N/A |
| 7 | Regarding the Disposal Site Characterisation Report [APP-300], further contaminants sampling and analysis is being undertaken post-consent (see ID 3 of Table 7). Therefore, the licence for the disposal of sediment at sea will be applied for post-consent. The Applicant therefore proposes to withhold any further updates to the Disposal Site Characterisation Report until the post-consent stage | The MMO appreciates that the Applicant will now undertake further sampling post consent, and will update the disposal site characterisation report following this. The MMO are happy with a post consent sampling approach as this is standard practice across consented projects. The MMO notes the Applicant included the MMO suggested contaminants sampling condition | Agreed |

| ID | The Applicant Position | The MMO Position | Position Summary |
|----|--|--|------------------|
| | <p>when more accurate details on the design (e.g. foundation types) and therefore quantities of material that are required to be disposed of, are known. This will enable a more accurate assessment to be undertaken.</p> | <p>wording with the Draft DCO (Revision F) [document reference 3.1] (see ID 3 of Table 7) and therefore this matter is agreed.</p> | |

3 Signatures

27. The above draft Statement of Common Ground is agreed between Equinor New Energy Limited and the MMO on the day specified below.

Signed:



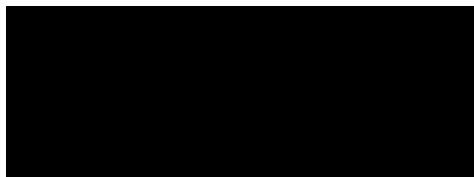
Print Name: Nicola Wilkinson _____

Job Title: Marine Licensing Case Manager _____

Date: 17/07/2023 _____

Duly authorised for and on behalf of the **MMO**

Signed:



Print Name: Kari Hege Mørk

Job Title: Project Director

Date: 17/07/2023

Duly authorised for and on behalf of **Equinor New Energy Limited**

References

Department for Communities and Local Government (2015) Planning Act 2008: Guidance for the examination of applications for development consent. [Online]

Royal HaskoningDHV (2022). Offshore Temporary Works Order Limits Environmental Report.

Annex 1

Seabed ETG Agreement Log

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Annex reference | Notes |
|------------------------------|---|-------------------|-------------------|-------------------|---------------------|-------|-----------------|--|
| 1 | ETG1 30 th October 2019 | | | | | | | |
| Agreement of baseline status | | | | | | | | |
| 1.1 | Marine Geology, Oceanography and Physical Processes | | | | | | | |
| 1.1.1 | Agreement that the baseline should describe tidal currents, waves and bedload sediment and transport, and suspended sediment | Agreed (30/10/19) | Agreed (30/10/19) | Agreed (30/10/19) | Agreed (30/10/19) | - | | As described in the Scoping Report and ETG meeting slides. Bedload sediment and transport within the Cromer Shoal Chalk Beds MCZ is of particular interest to understand the distribution, depth and persistence/transience of sediment veneers overlying chalk bedrock. |
| 1.1.2 | Agreement on the relevance, appropriateness and sufficiency of proposed baseline data sources (including both site specific and contextual data) as defined in the Method Statement | - | - | - | - | - | | Method Statement shared with the ETG in advance of the second ETG meeting, along with a report on Sedimentary Processes in the Cromer Shoals Chalk Beds MCZ (PB8164-RHD-ZZ-XX-RP-Z-0001). Agreement provisional on review of project survey data, including geophysical and benthic survey results. |
| 1.1.3 | Agreement on the survey scope and methods for the export cable corridor geophysical survey | - | - | - | - | - | | Survey scope documents shared with MMO and NE on 11 th September 2019. |

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Annex reference | Notes |
|-------|---|------------------------------------|------------------------------------|------------------------------------|------------------------------------|-------|-----------------|---|
| 1.1.4 | Agreement on the adequacy of the export cable corridor geophysical survey results to describe seabed type, shallow geology, bathymetry and seabed features/anomalies | Agreed – See note (02/06/20) | Agreed – See note (02/06/20) | Agreed – See note (02/06/20) | Agreed – See note (02/06/20) | - | | <p>Survey report has been shared with ETG members and results summarised in report on Sedimentary Processes in the Cromer Shoals Chalk Beds MCZ and in ETG2 presentation.</p> <p>The ETG agrees that the export cable corridor geophysical survey results are adequate, but need to review the benthic survey results separately.</p> |
| 1.1.5 | Agreement on the survey scope and methods for the array and interconnector cable corridors geophysical survey | - | - | - | - | - | | |
| 1.1.6 | Agreement on the adequacy of the array and interconnector cable corridors geophysical survey results to describe seabed type, shallow geology, bathymetry and seabed features/anomalies | - | - | - | - | - | | Awaiting geophysical survey report which will be shared with ETG members. |
| 1.1.7 | Agreement on the survey scope and methods for the targeted benthic survey (from a marine physical processes perspective) | - | - | - | - | - | | An outline scope of work has been shared with the Natural England, MMO and Cefas. A detailed benthic survey design will be shared with the ETG on 22 nd July 2020 for approval in advance of survey mobilisation. |
| 1.1.8 | Agreement on the adequacy of the targeted benthic survey results to describe seabed type and seabed features/anomalies (from a | - | - | - | - | - | | Awaiting results. Survey expected to be completed by the end of August 2020, but full reporting will be later and will be shared with the ETG when available. |

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Annex reference | Notes |
|--------|---|------------------------------|------------------------------|------------------------------|------------------------------|-------|-----------------|---|
| | marine physical processes perspective) | | | | | | | |
| 1.1.9 | Agreement on the requirement for pre-application geotechnical investigations to understand the feasibility of cable installation within the MCZ | Agreed – See note (02/06/20) | Agreed – See note (02/06/20) | Agreed – See note (02/06/20) | Agreed – See note (02/06/20) | - | | It was agreed that the onus is on the Applicant to determine whether or not there is enough evidence to inform cable installation and provide a realistic figure for the amount of cable protection that may be required (including within MCZ). This evidence should be presented in a cable installation/trenching report (i.e. CSIP/PTA or similar). |
| 1.1.10 | Agreement on the adequacy of the Marine Geology, Oceanography and Physical Processes baseline description | - | - | - | - | - | | <p>The full baseline description will be shared at PEI submission. Results of the geophysical and benthic surveys will be made available to the ETG.</p> <p>The ETG would expect post-construction surveys for Dudgeon and Sheringham Shoal OWFs and existing MetOcean data will also be used in this analysis.</p> |
| 1.2 | Benthic Ecology | | | | | | | |
| 1.2.1 | Agreement that the baseline should describe all subtidal and intertidal habitats and species with potential to be impacted by the projects with a focus on the MCZ and any other particularly sensitive receptors identified. | Agreed (30/10/19) | Agreed (30/10/19) | Agreed (30/10/19) | Agreed (30/10/19) | - | | <p>As described in the Scoping Report and ETG meeting slides.</p> <p>Designated features within the Cromer Shoal Chalk Beds MCZ are of particular interest, with a focus on the distribution and nature of any chalk areas (either at the surface or shallow subsurface). Annex I habitats and areas that might be important for e.g. herring and sandeel (see below) are also of interest.</p> |

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Annex reference | Notes |
|-------|---|-------------------|-------------------|-------------------|---------------------|-------|-----------------|---|
| 1.2.2 | Agreement on the relevance, appropriateness and sufficiency of proposed baseline data sources (including both site specific and contextual data) | - | - | - | - | - | | As described in the Scoping Report and ETG meeting slides. Includes reference to other surveys in the area including from Sheringham Shoal, Dudgeon, Hornsea Three, and MCZ surveys. |
| 1.2.3 | Agreement on the survey scope and methods for the targeted benthic survey | - | - | - | - | - | | An outline scope of work has been shared. A detailed benthic survey design will be shared with the ETG on 22nd July 2020 for approval in advance of survey mobilisation. |
| 1.2.4 | Agreement on the adequacy of the geophysical survey results and targeted benthic survey results to describe benthic ecology | - | - | - | - | - | | Results will be shared with ETG. |
| 1.2.5 | Agreement of adequacy of benthic ecology baseline description | - | - | - | - | - | | |
| 1.3 | Fish and Shellfish Ecology | | | | | | | |
| 1.3.1 | Agreement that the baseline should describe the fish and shellfish community in the project area, including species of commercial importance, spawning and nursery areas, feeding grounds, migration routes and overwintering areas for crustaceans | Agreed (30/10/19) | Agreed (30/10/19) | Agreed (30/10/19) | Agreed (30/10/19) | - | | As described in the Scoping Report, Scoping Opinion and ETG meeting slides. |

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Annex reference | Notes |
|-------------------------------------|---|-------------------|-------------------|-------------------|---------------------|-------|-----------------|--|
| 1.3.2 | Provisional agreement on the relevance, appropriateness and sufficiency of proposed baseline data sources | Agreed (30/10/19) | Agreed (30/10/19) | Agreed (30/10/19) | Agreed (30/10/19) | - | | As described in the Scoping Report, Scoping Opinion and ETG meeting slides. New fish characterisation surveys are not necessary as the sources of data proposed to inform the desk-based assessment will be adequate. Assessment of herring potential spawning habitat and sandeel habitat will use MarineSpace method (published 2013). |
| 1.3.3 | Agreement of adequacy of fish and shellfish ecology baseline description | - | - | - | - | - | | |
| 2 | ETG2 2 nd June 2020 | | | | | | | |
| Agreement of assessment methodology | | | | | | | | |
| 2.1 | Marine Geology, Oceanography and Physical Processes | | | | | | | |
| 2.1.1 | Agreement of potential impacts to be assessed and those scoped out | Agreed (18/11/19) | Agreed (18/11/19) | Agreed (18/11/19) | Agreed (18/11/19) | - | | As described in the Scoping Report and Scoping Opinion. To include assessment of effects on seabed features, including likely significant effects of changes to hydrodynamic and sedimentary processes on designated features of the Cromer Shoal Chalk Beds MCZ, Greater Wash SPA and any other designated sites within the zone of influence. |
| 2.1.2 | Agreement that the expert judgement method (without the need for detailed | - | - | - | - | - | | As described in the Scoping Report and ETG meeting slides. |

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Annex reference | Notes |
|-------|--|-------------------|-------------------|-------------------|---------------------|-------|-----------------|---|
| | numerical modelling) proposed for the Marine Geology, Oceanography and Physical Processes PEI/ES for Dudgeon, Sheringham Shoal and cumulative impacts is appropriate and proportionate | | | | | | | <p>Assessed via conceptual model using existing resources, including the data collected for the Sheringham and Dudgeon projects. No numeral modelling required.</p> <p>ETG members note that the existing modelling being proposed to be used was conducted prior to construction but as both projects are now constructed, they question whether this modelling is fit for purpose.</p> <p>The ETG would expect that the use of the previous modelling is supported by post construction surveys and will provide further comment on the adequacy of this approach once the method statement has been updated to reflect this.</p> |
| 2.1.3 | Agreement that the methods for identifying the worst-case scenarios are appropriate and that the worst-case scenarios presented in the Method Statement are comprehensive and identify the elements of the project that will form the worst-case scenarios for Marine Geology, Oceanography and Physical Processes | Agreed (02/06/20) | Agreed (02/06/20) | Agreed (02/06/20) | Agreed (02/06/20) | - | | <p>No objections in the ETG meeting or in written responses.</p> <p>However, GBS foundations are now in the project envelope and the Method Statement will be updated accordingly.</p> <p>Furthermore, Natural England pointed out that several wind farms have recently committed to not using jack-up barges for installation due to the impact that this method has on the seabed. Natural England would therefore recommend re-considering their use at an early stage for all projects. The Applicant understands that this comment was made in relation to the</p> |

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Annex reference | Notes |
|-------|--|-------------------|-------------------|-------------------|---------------------|-------|-----------------|---|
| | | | | | | | | export cable corridor only, and only within the MCZ. |
| 2.1.4 | Agreement that a combined approach of 1.) effects (where they are manifest as impacts on other receptors) and 2.) impacts (where they are defined as directly affecting receptors which possess their own intrinsic morphological value) is acceptable | Agreed (02/06/20) | Agreed (02/06/20) | Agreed (02/06/20) | Agreed (02/06/20) | - | | No objections in the ETG meeting or in written responses. |
| 2.1.5 | Agreement on the list of projects and impacts for inclusion in the cumulative impact assessment | - | - | - | - | - | | List of other plans, projects and activities provided in the draft Method Statement. Natural England recommend that TIER 5 projects should be included if a PEIR has been undertaken. This has been done for Norfolk Vanguard, Norfolk Boreas and Hornsea Project Three. Final list of other plans, projects and activities will be included in PEIR. |
| 2.2 | Benthic Ecology | | | | | | | |
| 2.2.1 | Agreement of potential impacts to be assessed and those scoped out | Agreed (18/11/19) | Agreed (18/11/19) | Agreed (18/11/19) | Agreed (18/11/19) | - | | As described in the Scoping Report and Scoping Opinion. To include assessment of likely significant effects on designated features of the Cromer Shoal Chalk Beds MCZ, Greater Wash SPA and any other designated sites within the zone of influence. |

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Annex reference | Notes |
|-------|--|------------------------------------|------------------------------------|------------------------------------|------------------------------------|-------|-----------------|--|
| 2.2.2 | Agreement of proposed approach to the benthic ecology impact assessment methodology | Agreed (18/11/19) | Agreed (18/11/19) | Agreed (18/11/19) | Agreed (18/11/19) | - | | As described in the Scoping Report. The Marine Evidence Based Sensitivity Assessment (MarESA) method will be used to determine sensitivity using data from the MarLIN. 'Advice on Operations' will also be used to assess impacts within the designated sites. |
| 2.3 | Fish and Shellfish Ecology | | | | | | | |
| 2.3.1 | Agreement of potential impacts to be assessed and those scoped out | Agreed (18/11/19) | Agreed (18/11/19) | Agreed (18/11/19) | Agreed (18/11/19) | - | | As described in the Scoping Report and Scoping Opinion. |
| 2.3.2 | Agreement of proposed approach to the fish and shellfish ecology impact assessment methodology | Agreed (18/11/19) | Agreed (18/11/19) | Agreed (18/11/19) | Agreed (18/11/19) | - | | As described in the Scoping Report and Scoping Opinion. |
| 2.4 | Cromer Shoal Chalk Beds MCZ and other marine designated sites | | | | | | | |
| 2.4.1 | Agreement of proposed approach to MCZ Assessment and potential effects to be assessed | Agreed – See note (02/06/20) | Agreed – See note (02/06/20) | Agreed – See note (02/06/20) | Agreed – See note (02/06/20) | - | | As described in the Scoping Report and Scoping Opinion. A draft MCZ screening assessment has been shared with ETG members. The ETG stated that effects on bedload sediment transport should be screened in. The screening report will be updated accordingly. This will be followed by MCZ Assessment, supported by a cable installation/trenching assessment e.g. CSIP or similar. |

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Annex reference | Notes |
|---|--|-----------------|-----|-------|---------------------|-------|-----------------|--|
| | | | | | | | | The proposed approach and potential effects to be assessed will be informed by the results of the relevant project surveys. |
| 2.4.2 | Agreement of proposed approach to HRA and potential effects to be assessed | - | - | - | - | - | | <p>As described in the Scoping Report and Scoping Opinion.</p> <p>A HRA screening exercise will be completed as part of the EIA process to determine if the Projects are likely to have a significant effect on the interest features of European sites, followed by shadow appropriate assessment as necessary.</p> <p>Conservation advice package 'Advice on Operations' will also be used to assess impacts within the designated sites.</p> <p>The proposed approach and potential effects to be assessed will be informed by the results of the relevant project surveys.</p> |
| 2.4.3 | Agreement on MCZ Assessment conclusions | - | - | - | - | - | | The ETG stated that it is expected that the final MCZ Assessment, as a minimum, will follow the Hornsea Project Three MCZ assessment. |
| 3 | ETG3 3 rd February 2021 | | | | | | | |
| Agreement of mitigation measures and monitoring | | | | | | | | |
| 3.1 | Agreement of mitigation measures | - | - | - | - | - | | See 3.2 notes |
| 3.2 | Agreement of Measures of Equivalent Environmental | - | - | - | - | - | | Natural England stated they anticipate having any upfront discussions on avoiding, reducing and mitigating impacts as soon as |

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Annex reference | Notes |
|----|--|-----------------|-----|-------|---------------------|-------|-----------------|--|
| | Benefit (MEEB) with the Cromer Shoal MCZ | | | | | | | possible so that should a stage two assessment be required MEEB can be explored prior to the start of examination. |

| ID | Agreement | Natural England | MMO/Cefas | TWT | EIFCA | Notes |
|---|---|--|--------------------------|-------------|--------------------------|-------|
| 4 | ETG4 16 August 2021 | | | | | |
| General Cross-Topic Matters | | | | | | |
| 4.0 | HDD will be used to install the export cable(s) at landfall (exiting ~1,000m from the coastline in the subtidal) and therefore intertidal impacts are avoided and do not require assessment. | Agreed as long as no access to intertidal by vehicles/machinery during installation works. (29/9/2021). There will need to be a new assessment and permissions if HDD become no longer feasible. | Defer to Natural England | Not present | Defer to Natural England | |
| Marine Geology, Oceanography and Physical processes (MGOPP) | | | | | | |
| 4.1 | Sandbanks to be included as separate receptor within MGOPP assessment. The list of MGOPP receptors is therefore agreed i.e: <ul style="list-style-type: none"> Cromer Shoal Chalk Beds MCZ | Agreed (29/9/2021) | Agreed (12/08/21) | Not present | Defer to Natural England | |

| ID | Agreement | Natural England | MMO/Cefas | TWT | EIFCA | Notes |
|-----|--|--|--------------------------|-------------|--------------------------|--------------------------------|
| | <ul style="list-style-type: none"> Coastline Sandbanks | | | | | |
| 4.2 | RHDHV to use CEFAS, 2016 report ¹ on suspended sediment climatologies which will ensure adequate consideration of the baseline SCC environment. | Not agreed. Discussion to be had with CEFAS before agreeing this | Agreed (03/02/21) | n/a | n/a | Cefas stated agreement at ETG5 |
| 4.3 | Additional scour pit modelling not required since scour protection will be used in areas subject to scour and monitoring of scour and secondary scour will be undertaken to be secured through the In-Principle Monitoring Plan | Not agreed. Secondary scour not considered here so unable to agree | Defer to Natural England | Not present | Defer to Natural England | |
| 4.4 | Dudgeon Offshore Wind Farm (DOW) and Sheringham Shoal Offshore Wind Farm (SOW) plume modelling results provide suitable analogues and following further interpretation of these results within the ES chapter, project specific plume modelling is not required for SEP and DEP. | This is still under discussion as the minutes reflect | Defer to Natural England | Not present | Defer to Natural England | |

¹ Cefas (2016). Suspended Sediment Climatologies around the UK. Report for the UK Department for Business, Energy and Industrial Strategy offshore energy Strategic Environmental Assessment Programme.

| ID | Agreement | Natural England | MMO/Cefas | TWT | EIFCA | Notes |
|-----------------------------------|--|---|------------------------|-------------|-------|---|
| 4.5 | In order to demonstrate the lack of significant effects on waves, RHDHV will review wave modelling undertaken for the Hornsea Projects and incorporate any findings within the SEP and DEP MGOPE ES assessment. | Ongoing, the best available evidence should be used | | Not present | n/a | Superseded by 5.4. Wave modelling now being undertaken. |
| 4.6 | Footprints of secondary scour will not be factored into the worst case scenarios for direct impacts because they cannot be quantified and are not comparable in terms of impact pathways to the use of scour protection. | n/a | n/a | Not present | n/a | |
| MWSQ | | | | | | |
| 4.7 | The suite of contaminants tested for (as set out within the MWSQ chapter and benthic characterisation appendices) is agreed. | Pending update / agreement by the MMO | Still under discussion | Not present | n/a | NE comment: See Comments above [response to ETG4 minutes], there is additional PAH data within Appendix 10.2 [and Appendix 10.1 of the PEIR] Baseline report that meets the MMO analyte requirements. However the issue of the Fugro laboratory methodology requires approval by the MMO. |
| Benthic | | | | | | |
| 4.8 | Cumulative zone of potential influence of 10km is appropriate for benthic cumulative assessment. | Agreed (29/9/2021) | Agreed | Not present | | |
| Fish and Shellfish Ecology | | | | | | |

| ID | Agreement | Natural England | MMO/Cefas | TWT | EIFCA | Notes |
|--|---|--------------------|--------------------------|-------------|--|-------|
| 4.10 | Underwater noise modelling from concurrent piling between SEP and DEP to be undertaken and included in the assessment. Behavioural contours to also be included. | Agreed (29/9/2021) | Defer to Natural England | Not present | Defer to Natural England | |
| Cromer Shoal Chalk beds MCZ Assessment | | | | | | |
| 4.11 | Seabed disturbance from UXO detonation to be included in the Cromer Shoal Chalk Beds MCZ assessment, following the same approach and assumptions as adopted for the marine mammals assessment for consistency. | Agreed (29/9/2021) | Defer to Natural England | Not present | Defer to Natural England (Fisheries Liaison Officer liaise with fishermen) | |
| 4.12 | Only SOW and DOW operation impacts to be included in the MCZ cumulative assessment. It is not appropriate to include SOW and DOW construction impacts however detail from SOW and DOW monitoring to be considered as appropriate. | Agreed (29/9/2021) | Defer to Natural England | Not present | Defer to Natural England | |
| 5 | ETG5 14 March 2022 | | | | | |
| General CSIMP/MCZA Matters | | | | | | |
| 5.1 | It is agreed that an HDD exit point in a soft sediment area of the MCZ (avoiding areas of outcropping chalk reef) will minimise impacts on the most | Agreed | Defer to Natural England | Not present | Defer to Natural England (FLO | |

| ID | Agreement | Natural England | MMO/Cefas | TWT | EIFCA | Notes |
|---|--|--------------------------------|--------------------------------|-------------|--------------------------|--|
| | sensitive features of the MCZ. | | | | liaise with fishermen) | |
| 5.2 | The range of embedded and additional mitigation measures described in the draft Outline Cable Specification and Installation Monitoring Plan (CSIMP) [now the Outline Cromer Shoal Chalk Beds MCZ CSIMP] (section 1.6) are appropriate for avoiding, minimising and mitigating potential impacts in the MCZ. | Still under discussion | Still under discussion | Not present | Defer to Natural England | |
| Marine Geology Oceanography and Physical Processes | | | | | | |
| 5.4 | It is agreed that modelling of potential changes to wave regime as a result of the presence of the SEP, DEP, SOW and DOW offshore wind farms only, is appropriate to inform the EIA. | n/a | Still under discussion | Not present | n/a | Wave climate modelling provided within Appendix 6.2 (document reference 6.3.6.2) of the ES |
| Benthic Ecology | | | | | | |
| 5.5 | Deviation from the MarESA sensitivity classifications for the biotopes recorded is acceptable since the assessment considers the wider presence of the biotope across the region and therefore a reduction in sensitivity from 'high' to | This is still under discussion | This is still under discussion | Not present | Defer to Natural England | Cefas indicated that this approach sounded sensible during meeting |

| ID | Agreement | Natural England | MMO/Cefas | TWT | EIFCA | Notes |
|----|--|-----------------|-----------|-----|-------|-------|
| | 'medium' is appropriate. However, Annex I / UK BAP priority habitat <i>S. spinulosa</i> reefs that can be associated with biotope A5.611 and the UK BAP priority habitat 'peat and clay exposures with piddocks' which can be associated with biotope A4.231, will remain as high sensitivity. | | | | | |

Marine Mammals ETG Agreement Log

| ID | | Natural England | MMO | Cefas | The Wildlife Trusts | Notes |
|----------------------------------|--|------------------|------------------|------------------|---------------------|---|
| 1 ETG 1 2/12/2019 | | | | | | |
| 1.1 Agreement of baseline status | | | | | | |
| 1.1.1 | Marine mammal species of interest are harbour porpoise, white-beaked dolphin, minke whale, grey seal, and harbour seal | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (16/12/19) | |
| 1.1.2 | Agreement of data sources for marine mammal baseline | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (16/12/19) | As listed in the scoping Report and ETG meeting slides. |
| 1.1.3 | Agreement of site specific surveys approach | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (16/12/19) | As described in the Scoping Report and further in ETG meeting slides. |

| ID | | Natural England | MMO | Cefas | The Wildlife Trusts | Notes |
|---|---|---------------------|---------------------|---------------------|----------------------|---|
| 1.1.4 | Agreement of approach to estimating marine mammal density | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (16/12/19) | Density estimates from site-specific surveys (where possible) SCANS-III density estimates for survey block O SMRU seal at sea data Density estimates will be based on relevant worst-cast (i.e. highest) values. |
| 1.1.5 | Agreement of marine mammal reference populations | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (16/12/19) | As listed in the scoping report and ETG meeting slides. Not currently known when reference populations will be updated. ETG agreed that PEI review stage is the cut off for inclusion of new baseline data and impact reassessment, although a clarification note may be required after this cut off. The harbour porpoise population estimate for the SNS SAC should be referenced in the assessment, e.g. as an appendix to the PEIR that can be referred to in the ES, in addition to the MU estimate |
| 1.1.6 | Agreement of key seal haul-out sites | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (16/12/19) | As described in the Scoping Report and ETG meeting slides. |
| 1.2 Agreement of assessment methodology | | | | | | |
| 1.2.1 | Agreement of marine mammal SACs to be assessed in the HRA | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (16/12/19) | The Wash and North Norfolk Coast SAC Humber Estuary SAC |

| ID | | Natural England | MMO | Cefas | The Wildlife Trusts | Notes |
|---|--|---------------------|---------------------|---------------------|----------------------|--|
| | | | | | | Southern North Sea SAC Other European Designated Sites where there is the potential effect on foraging seals, e.g. designated sites within 80km for harbour seal and 100km for grey seal (this may be extended to 125km for grey seal – see minutes of ETG1). |
| 1.2.2 | Agreement of potential impacts to be assessed and those scoped out | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (16/12/19) | As listed in the Scoping Report, Scoping Opinion and ETG meeting slides. |
| 1.2.3 | Agreement of proposed approach to underwater noise modelling | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (16/12/19) | As described in the Scoping Report and ETG meeting slides. Impact piling and UXO clearance to be modelled. NOAA (2018) thresholds will be used in addition to Southall <i>et al.</i> (2019). |
| 1.2.4 | Agreement of proposed approach to the impact assessment methodology | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (16/12/19) | As described in the Scoping Report and ETG meeting slides. |
| 1.2.5 | Agreement of proposed approach to the cumulative impact assessment methodology | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (16/12/19) | As described in the Scoping Report and ETG meeting slides. |
| 1.2.6 | Agreement of proposed approach to HRA and potential effects to be assessed | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (16/12/19) | As described in the Scoping Report and ETG meeting slides. |
| 1.2.7 | Agreement of proposed approach to HRA of the Southern North Sea SAC | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (16/12/19) | As described in the Scoping Report and ETG meeting slides. |
| 1.3 Agreement of mitigation measures and monitoring | | | | | | |

| ID | | Natural England | MMO | Cefas | The Wildlife Trusts | Notes |
|------------------|--|---------------------|---------------------|---------------------|----------------------|--|
| 1.3.1 | Agreement of proposed approach to Marine Mammal Mitigation Plans (MMMPs), detailing mitigation measures to reduce the risk of any physical or permanent auditory injury (PTS) to marine mammals during all piling and UXO clearance operations | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (16/12/19) | As described in ETG meeting slides. Separate MMMPs will be produced pre-construction for piling and UXO clearance operations. TWT to be named in the draft MMMP and included in discussions related to post-consent monitoring and mitigation. |
| 1.3.2 | Agreement of proposed approach to developing an In Principle Southern North Sea SAC Site Integrity Plan (SIP), if required. | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (16/12/19) | As described in ETG meeting slides. TWT to be named in the In Principle SIP and included in discussions related to post-consent monitoring and mitigation. |
| 1.3.3 | Agreement of proposed approach to developing an In-Principle Monitoring Plan | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (16/12/19) | The In-Principle Monitoring Plan will identify relevant offshore monitoring as required by the deemed marine licence conditions, establish the objectives of such monitoring and set out the guiding principles for delivering any monitoring measures as required. TWT to be named in the In-Principle Monitoring Plan and included in discussions related to post-consent monitoring. |
| 1.3.4 | Agreement of proposed approach to consultation | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (3/12/19) | Agreed (16/12/19) | ETG meetings will be scheduled following completion of key milestones. |
| 2 ETG 2 18/06/20 | | | | | | |

| ID | | Natural England | MMO | Cefas | The Wildlife Trusts | Notes |
|-----|---|---|---|-------|---------------------|---|
| 2.2 | Does the ETG agree with the marine mammal species to be assessed in the PEIR and ES for DEP & SEP? | Yes, Natural England is in agreement. | Agreed | - | - | MMO response: The marine mammal species proposed appear to be reasonable (those being harbour porpoise, white-beaked dolphin, minke whale, grey seal and harbour seal). These species cover the four main functional hearing groups as per the National Oceanic and Atmospheric Administration (NOAA) (NMFS, 2018) criteria. However, the MMO defer overall to Natural England for confirmation on the marine mammals to be assessed for the PEIR and ES. |
| 2.3 | Does the ETG have any questions on the marine mammal surveys for DEP & SEP? | Natural England has no further questions at this stage. | The MMO defer comments to Natural England on this matter. | - | - | |
| 2.4 | Does the ETG agree with the approach for the harbour porpoise density estimates and reference population (NS MU) to be used in the PEIR and ES assessments for DEP & SEP? | Yes, Natural England is in agreement. | The MMO defer comments to Natural England on this matter. | - | - | |
| 2.5 | Does the ETG agree with the approach for the white-beaked dolphin density estimates and reference population to be used in the PEIR and ES assessments for DEP & SEP? | Yes, Natural England is in agreement. | The MMO defer comments to Natural England on this matter. | - | - | |

| ID | | Natural England | MMO | Cefas | The Wildlife Trusts | Notes |
|-----|---|--|---|-------|---------------------|-------|
| 2.6 | Does the ETG agree with the approach for the minke whale density estimates and reference population to be used in the PEIR and ES assessments for DEP & SEP? | Yes, Natural England is in agreement. | The MMO defer comments to Natural England on this matter. | - | - | |
| 2.7 | Does the ETG agree with the approach for the grey seal density estimates and reference population to be used in the PEIR and ES assessments for DEP & SEP? | Natural England is broadly in agreement with the approach. However, the assessments should be presented both with and without the Wadden Sea seal population included in the reference population. | The MMO defer comments to Natural England on this matter. | - | - | |
| 2.8 | Does the ETG agree with the approach for the harbour seal density estimates and reference population to be used in the PEIR and ES assessments for DEP & SEP? | Natural England is broadly in agreement with the approach. However, the assessments should be presented both with and without the Wadden Sea seal population included in the reference population. | The MMO defer comments to Natural England on this matter. | - | - | |

| ID | | Natural England | MMO | Cefas | The Wildlife Trusts | Notes |
|------|--|---|---|-------|---------------------|-------|
| 2.9 | Does the ETG agree with the approach for determining marine mammal sensitivity to be used in the PEIR and ES assessments for DEP & SEP? | Yes, Natural England is in agreement. | The MMO defer comments to Natural England on this matter. | - | - | |
| 2.10 | Does the ETG agree with the approach for determining marine mammal value and how it will be used in the PEIR and ES assessments for DEP & SEP? | Yes, Natural England is in agreement. | The MMO defer comments to Natural England on this matter. | - | - | |
| 2.11 | Does the ETG agree with the approach for determining magnitude in the PEIR and ES assessments for DEP & SEP? | Yes, Natural England is in agreement. | The MMO defer comments to Natural England on this matter. | - | - | |
| 2.12 | Does the ETG agree with the approach for determining impact significance in the PEIR and ES assessments for DEP & SEP? | Yes, Natural England is in agreement. | The MMO defer comments to Natural England on this matter. | - | - | |
| 2.13 | Should modelling also be conducted using the Lucke et al. (2009) criteria for PTS, TTS and behavioural response in harbour porpoise? | The Lucke <i>et al</i> (2009) criteria for TTS and PTS have been absorbed in to the Southall <i>etal</i> (2019) criteria, but can still be used for behavioural response in harbour porpoise. | Given that the noise modelling will utilise the most recent, peer-reviewed marine mammal noise exposure criteria (e.g. Southall et al., 2019 and NOAA, 2018), the MMO do not believe it is necessary to also include criteria from Lucke et al. (2009) to | - | - | |

| ID | | Natural England | MMO | Cefas | The Wildlife Trusts | Notes |
|------|--|---|---|-------|---------------------|--|
| | | | assess PTS and TTS impacts. | | | |
| 2.14 | Does the ETG agree with the approach for underwater noise modelling? | Yes, Natural England is in agreement. | Agreed | - | - | <p>MMO response: Overall, the MMO agree with the approach for the underwater noise modelling, as detailed in slides 19 – 27 of the presentation pack. The approach refers to recent, peer reviewed noise exposure criteria, e.g. Southall <i>et al.</i> (2019) and NOAA (NMFS, 2018). Furthermore, it appears as though all the potential impacts have been identified and will be assessed.</p> <p>Please note that the MMO will disseminate information in due course regarding the behavioural assessment (details in Annex I for reference), as soon as a position has been agreed. The MMO are aware that Cefas have provided comments on the JNCC draft guidance document (JNCC, 2020).</p> <p>The MMO have no questions regarding the underwater noise modelling at this stage.</p> |
| 2.15 | Are there any questions regarding the underwater noise modelling? | None at this time. Natural England notes details such as the maximum hammer energy stated in the method statement | The MMO do not have any further comments regarding the potential impacts to be assessed at this stage. As noted above, it appears as though all the potential | - | - | |

| ID | | Natural England | MMO | Cefas | The Wildlife Trusts | Notes |
|------|--|---|--|-------|---------------------|-------|
| | | are currently being reviewed and may therefore provide further comment on this at a later date. | impacts have been identified and will be assessed. | | | |
| 2.16 | The ETG agreed with the potential impacts to be assessed at the previous ETG meeting - are there any further comments on the potential impacts to be assessed for the PEIR and ES for DEP & SEP? | None at this time. | The MMO do not have any further comments regarding the potential impacts to be assessed at this stage. As noted above, it appears as though all the potential impacts have been identified and will be assessed. | - | - | |
| 2.17 | Does the ETG agree with the approach for assessing the potential impacts from underwater noise on marine mammals during UXO clearance? | Yes, Natural England is in agreement. | Based on the information provided to date, the MMO believe the proposed general approach for assessing the potential impacts from underwater noise on marine mammals during the construction activities (as noted above) is appropriate. The MMO understand that for the UXO assessment, underwater noise modelling will be undertaken based on | - | - | |

| ID | | Natural England | MMO | Cefas | The Wildlife Trusts | Notes |
|------|---|---------------------------------------|--|-------|---------------------|-------|
| | | | the worst-case scenario, with no mitigation, for the types and sizes of UXO that could be present at DEP, SEP and in the cable route (see slide 23). However, specific details of the UXO modelling are limited at this stage. | | | |
| 2.18 | Does the ETG agree with the approach for assessing the potential impacts from underwater noise on marine mammals during piling at DEP & SEP? | Yes, Natural England is in agreement. | Based on the information provided to date, the MMO believe the proposed general approach for assessing the potential impacts from underwater noise on marine mammals during the construction activities (as noted above) is appropriate. | - | - | |
| 2.19 | Does the ETG agree with the approach for assessing the potential impacts of underwater noise on marine mammals from other construction and maintenance activities at DEP & SEP? | Yes, Natural England is in agreement. | Based on the information provided to date, the MMO believe the proposed general approach for assessing the potential impacts from underwater noise on marine mammals during the construction activities (as noted above) is appropriate. | - | - | |

| ID | | Natural England | MMO | Cefas | The Wildlife Trusts | Notes |
|------|---|---------------------------------------|--|-------|---------------------|-------|
| 2.20 | Does the ETG agree with the approach for assessing the potential impacts on marine mammals from underwater noise and disturbance from vessels at DEP & SEP? | Yes, Natural England is in agreement. | Based on the information provided to date, The MMO believe the general approach for assessing the potential impacts on marine mammals from underwater noise and disturbance from vessels is reasonable. | - | - | |
| 2.21 | Does the ETG agree with the approach for assessing the potential impacts of underwater noise from operational turbines on marine mammals at DEP & SEP? | Yes, Natural England is in agreement. | Based on the information provided to date, the MMO believe the proposed general approach for assessing the potential impacts from underwater noise on marine mammals during the construction activities (as noted above) is appropriate. | - | - | |
| 2.22 | Does the ETG agree with the approach for assessing the potential barrier effects from underwater noise on marine mammals for DEP & SEP? | Yes, Natural England is in agreement. | The MMO believe the general approach for assessing the potential barrier effects from noise is reasonable, although defer to Natural England for further comments. | - | - | |
| 2.23 | Does the ETG agree with the approach for assessing the | Yes, Natural England is in agreement. | The MMO defer comment to Natural England (and other | - | - | |

| ID | | Natural England | MMO | Cefas | The Wildlife Trusts | Notes |
|------|--|---------------------------------------|---|-------|---------------------|---|
| | potential vessel collision risk for marine mammals at DEP & SEP? | | relevant advisory bodies) on this matter. | | | |
| 2.24 | Does the ETG agree with the approach for assessing the potential disturbance at seal haul-out sites for DEP & SEP? | Yes, Natural England is in agreement. | The MMO defer overall comment to Natural England for comments on this matter. | - | - | |
| 2.25 | Does the ETG agree with the approach for assessing the potential changes to marine mammal prey resources for DEP & SEP? | Yes, Natural England is in agreement. | The MMO believe the general approach for assessing the potential changes to marine mammal prey resources is reasonable, although defer to Natural England for specific comments on this matter. | - | - | MMO response: The MMO believe that the general approach proposed for assessing the potential disturbance at seal haul-out sites is reasonable. Of relevance, slide 30 states that “ <i>the potential for any disturbance at seal haul-out sites, taking into account breeding and moulting periods for grey and harbour seal, will be assessed based on known haul-out sites and their proximity to activities associated with DEP, SEP, the cable route and vessel routes</i> ”. |
| 2.26 | Does the ETG agree with the approach for assessing the potential impacts of changes to water quality on marine mammals and prey for DEP & SEP? | Yes, Natural England is in agreement. | The approach to assessing changes to water quality seems reasonable, however, the MMO defer to Natural England for further comment. | - | - | |
| 2.27 | Does the ETG agree with the approach for assessing the potential impacts of | Yes, Natural England is in agreement. | The MMO believe this approach is appropriate. | - | - | |

| ID | | Natural England | MMO | Cefas | The Wildlife Trusts | Notes |
|------|---|---------------------------------------|--|-------|---------------------|-------|
| | decommissioning on marine mammals for DEP & SEP? | | | | | |
| 2.28 | Does the ETG agree with the approach for assessing the potential cumulative impacts for marine mammals? | Yes, Natural England is in agreement. | The MMO have no major concerns regarding the approach for assessing the potential cumulative impacts for marine mammals. However, please note that cumulative effects are difficult to assess, and EIA-based cumulative effects assessments (CEAs) led by developers of individual projects have clear shortcomings (when compared to CEAs led by government agencies on a regional and strategic level) (Willsteed et al., 2017). | - | - | |
| 2.29 | Does the ETG agree with the HRA Screening for marine mammals? | Yes, Natural England is in agreement. | The MMO defer to Natural England as the Statutory Nature Conservation Body (SNCB) for comments on the HRA. The MMO do not have any major comments or concerns to raise at this time. | - | - | |
| 2.30 | Does the ETG agree with the approach for the marine mammal assessments to inform the HRA? | Yes, Natural England is in agreement. | | - | - | |

| ID | | Natural England | MMO | Cefas | The Wildlife Trusts | Notes |
|------|--|---|-----------|-------|---------------------|--|
| 2.31 | Are there any other recent data sources, information and guidance? | None at this time. If Natural England becomes aware of any data/sources, information or guidance that are relevant to this project and the assessment, we will pass this on as appropriate. | See notes | - | - | <p>MMO response: The MMO's advisers at Cefas advised it is acceptable to include (and implement) the recent guidance from JNCC (JNCC Report no.654 2020). This report sets out the SNCBs' advice on assessing the risk of significant disturbance as a result of noise and consequently managing noise disturbance within harbour porpoise sites (e.g. SACs), to avoid a potential adverse effect on site integrity. The report recognises that it will be a challenge for regulators or industry to monitor the daily proposed area/time thresholds i.e. 20% limit per day, in 'real' time. Therefore, careful planning and a good understanding of all the various developments will be required by the regulator.</p> <p>Please note however, that this JNCC guidance does not supersede the EIA process, where each development and the risks to harbour porpoise are reviewed on a case by case basis.</p> <p>It the MMO's understanding that the Applicant wishes to apply the Effective Deterrence Ranges (EDRs) provided in the above JNCC guidance document (e.g. 26 km EDR during piling) to the marine mammal disturbance assessments in their ES. Another alternative is to assess disturbance impacts based on an</p> |

| ID | | Natural England | MMO | Cefas | The Wildlife Trusts | Notes |
|--------------------------------|---|--------------------------------|--------------------------------|-------|------------------------------------|--|
| | | | | | | <p>appropriate dose response curve. This would be the Applicant's decision on which approach they wish to use, but either approach would be acceptable.</p> <p>Cefas have noted that they will endeavour to pass on any new relevant information that may be useful and/or relevant.</p> |
| 3 Marine Mammal ETG3 July 2021 | | | | | | |
| 3.1 | <p>UXO clearance will be a separate Marine Licence and not part of DCO submission. However, assessments based on potential worst-case for UXO will be provided for information in the ES, Information for the HRA report, and draft MMMP for UXO.</p> | <p>Agreed (20/07/2021)</p> | <p>Agreed (19/08/2021)</p> | - | <p>No comment (18/08/2021)</p> | |
| 3.2 | <p>Further underwater noise modelling for maximum UXO to include:</p> <ul style="list-style-type: none"> High-order detonation, including donor charge, without bubble curtain High-order detonation, including donor charge, with bubble curtain Low-order detonation, such as deflagration Low-yield detonation, such as Hydra method | <p>Agreed (12/08/2021)</p> | <p>Agreed (19/08/2021)</p> | - | <p>No comment (18/08/2021)</p> | <p>This information will be used for the draft MMMP for UXO.</p> |

| ID | | Natural England | MMO | Cefas | The Wildlife Trusts | Notes |
|-----|--|------------------------|--------------------------|-------|----------------------------|---|
| | Low-yield detonation, such as Hydra method, with bubble curtain | | | | | |
| 3.3 | <p>Presentation outlined the proposed options that were being considered for further underwater noise (UWN) modelling.</p> <p>It was agreed that ETG would indicate within this agreement log if any additional information should be included in the further UWN modelling.</p> | Pending | Agreed (19/08/2021) | - | No comment (18/08/2021) | <p>Natural England advises that there were also two clarifications on the underwater noise modelling provided in our statutory response:</p> <p>Modelling continuous sources for 12 hours only in a 24 hour period;</p> <p>Modelling of operational turbine noise sounds.</p> <p>Natural England requests a response on how these are going to be considered before agreeing to this point.</p> |
| 3.4 | <p>Presentation outlined the proposed updated data sources and information in relation to the marine mammal baseline to be included in the updated assessments.</p> <p>It was agreed that ETG would indicate within this agreement log if any additional data sources and information should be included in the updated assessments.</p> | Agreed (24/09/2021) | Defer to Natural England | - | No comment (18/08/2021) | <p>Natural England requests that the wording of this agreement is clarified; specifically that the “presentation outlined the proposed update data sources and information in relation to the marine mammal baseline to be included in the updated assessments”. This clarification is needed as there are several other references, not related to the marine mammal baseline, which Natural England advised including in our statutory response but have not been discussed in the ETG.</p> <p>In our statutory response Natural England also advises that the Conservation Objectives of the Moray</p> |

| ID | | Natural England | MMO | Cefas | The Wildlife Trusts | Notes |
|-----|---|------------------------|--------------------------|-------|----------------------------|--|
| | | | | | | Firth SAC should be updated. This wasn't included in the presentation but should be included in the updated assessments. |
| 3.5 | <p>Updates to CIA and in-combination assessments.</p> <p>All comments will be addressed.</p> <p>It is proposed to circulate a list of projects / activities to be considered in the CIA and in-combination assessments prior to the next ETG meeting.</p> <p>ETG to review and agree or indicate any other projects / activities that should be included, within two weeks of receiving.</p> <p>To be agreed that cut-off for updates to the CIA and in-combination assessments for the DCO submission would be receiving comments from the ETG on the circulated list.</p> <p>However, any further changes would be addressed, if required, in submissions as part of the examination process.</p> | Agreed (12/08/2021) | Defer to Natural England | - | No comment (18/08/2021) | Natural England agree to the approach noting that we will need to agree to the list once circulated. |
| 3.6 | Draft MMMPs for UXO and piling to be provided for comments prior to the next ETG meeting. | Agreed (24/09/2021) | Agreed (19/08/2021) | - | No comment (18/08/2021) | Natural England notes that, as per number 9, the draft MMMPs for UXO and piling will be provided prior to the |

| ID | | Natural England | MMO | Cefas | The Wildlife Trusts | Notes |
|--------------------|---|------------------------|------------------------|-------|----------------------------|---|
| | | | | | | next ETG meeting. Could this please be clarified in the agreement log. |
| 3.7 | The draft In Principle Site Integrity Plan (IPSIP) to be provided for comments prior to the next ETG meeting. | Agreed (24/09/2021) | Agreed (19/08/2021) | - | No comment (18/08/2021) | Natural England advises that an IPSIP is needed for the project. This should be clarified within this agreement wording. |
| 4 ETG 4 14/02/2022 | | | | | | |
| 4.1 | The assessments in the ES and RIAA will be based on the worst-case density estimates for grey and harbour seal. | Not agreed – see note. | No comments | - | Not present | Natural England comments received by email on 24 th September 2021: We acknowledge that the Carter <i>et al.</i> (2020) paper presents ‘relative’ at-sea maps, whereas Russell <i>et al.</i> (2017) presents ‘absolute’ at-sea maps, the latter of which is more readily useable by industry in impact assessments. However, Appendix 2 at the end of Carter <i>et al.</i> (2017) gives an example of how to convert the relative into absolute using scalars. There is a caveat to this approach in that the scalars are currently under review (as detailed in Carter <i>et al.</i> (2020)). Nevertheless, Carter <i>et al.</i> (2020) can be used to generate absolute densities needed in impact assessments, using the method in Appendix 2. We note that the scalars used by Carter <i>et al.</i> (2020) are the same as those used to calculate the absolute density estimates in Russell <i>et al.</i> (2017), therefore any issues |

| ID | | Natural England | MMO | Cefas | The Wildlife Trusts | Notes |
|----|--|-----------------|-----|-------|---------------------|---|
| | | | | | | <p>with the scalars applies to both papers.</p> <p>More generally, the entire report by Carter <i>et al.</i> (2020) is an upgrade on the papers (e.g. Russell <i>et al.</i> 2017) that has come before it, and is written by the same team. The habitat preference maps include the most recent data from seal telemetry and an updated approach to habitat usage. Our understanding from the authors is that there are uncertainties with both the usage maps and the habitat maps, but the habitat maps have fewer uncertainties. Carter <i>et al.</i> (2020) have presented a relative index, so that when (if) scalars are updated, they can be applied and the maps are still of use. We are open to developers using Carter <i>et al.</i> (2020) alongside Russell <i>et al.</i> (2017) if they wish, for context, however we consider that Carter <i>et al.</i> (2020) is the more appropriate to use.</p> <p>Natural England comments following ETG meeting on 14th February 2022</p> <p>Natural England maintains the aforementioned position on the preferential use of Carter <i>et al.</i> (2020) over Russell <i>et al.</i> (2017). For the reasons mentioned above, we advise that Carter <i>et al.</i> (2020) should be used as it is the most accurate</p> |

| ID | | Natural England | MMO | Cefas | The Wildlife Trusts | Notes |
|-----|--|---|-------------|-------|---------------------|---|
| | | | | | | <p>representation of seal density, even if it does not produce the highest densities for the project area when compared to Russell <i>et al.</i> (2017).</p> <p>Applicant response: Carter <i>et al.</i> (2020) has been used in the ES and Report to Inform Appropriate Assessment to estimate grey and harbour seal at sea densities.</p> |
| 4.2 | <p>In the ES CIA, geophysical survey assessments are based on all marine mammals within 5km of the vessel being disturbed.</p> <p>However, as a precautionary approach, the assessment of the potential disturbance of harbour porpoise in the SNS SAC in the RIAA will also include the possible disturbance from the survey area as assessed in BEIS (2020).</p> | <p>Agree with paragraph 2.</p> <p>More information needed to support paragraph 1 (see notes).</p> | No comments | - | Not present | <p>Natural England comments following ETG meeting on 14th February 2022</p> <p>The Applicant's rationale behind using a 5km disturbance range from the vessel as a point source is in part reliant on the assumption that animals will return to the area immediately once the vessel has passed and disturbance has ceased. Evidence is required to support this point.</p> <p>With regard to the RIAA, any disturbance within a day is assumed to last for 24 hours for the purposes of assessing against the 20% daily threshold. This is in accordance with the SNCB noise guidance (JNCC, 2020). Therefore the Applicant must take into account the total area of noise disturbance from geophysical surveys that could occur within a 24 hour period. BEIS (2020) present a scenario for this in paragraph 18.170. We do not object to the Applicant</p> |

| ID | | Natural England | MMO | Cefas | The Wildlife Trusts | Notes |
|-----|--|---|-------------|-------|---------------------|--|
| | | | | | | using this figure in BEIS (2020) if it is the best available estimate at the time. |
| 4.3 | CIA will be based on the latest information available at the time. In-combination effects for the SNS SAC will be further assessed during the development of the final SIP. | Further clarification required (see notes). | No comments | - | Not present | Natural England comments following ETG meeting on 14 th February 2022 Does the Applicant propose a cut-off date for identifying the latest information for projects in the CIA and in-combination assessments? |

MEEB ETG Agreement Log

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Notes |
|-----------------------------------|--|-----------------|-----|-------|---------------------|-------|---|
| ETG2 1 st October 2022 | | | | | | | |
| 0.1 EIFCA added agreement | Management of fisheries Section 6.3.1 In connection with reduction of fishing pressures | N/A | N/A | N/A | N/A | N/A | We acknowledge that measures to reduce fishing pressure have been removed as a potential MEEB option at project level. As recorded in Minute Ref. PB8164-RHD-ZZ-XX-MI-Z-0001PB8164-RHD-ZZ-XX-MI-Z-0001 (01/10/2021 Section 3) and paragraph 129 and 132 of the Draft MEEB Plan version 2 Dec 2021. IFCAs and MMO assess and manage fisheries within Marine Protected Areas (MPAs) (including Marine Conservation Zones (MCZs)) to ensure fishing activities |

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Notes |
|---|--|--|--------------------------|-------|---------------------|-------|--|
| | | | | | | | are compatible with the conservation objectives of these sites. |
| 1 Removal of marine litter/debris within the CSCB MCZ | | | | | | | |
| 1.1 | Do you agree with the value and function of this MEEB, discussed in Section 6.1.1.2 of the Draft In Principle MEEB Plan? | Natural England advises as with compensation that the removal of marine litter has wider marine benefits but doesn't provide MEEB as a singular option | Defer to Natural England | N/A | Not present | N/A | <u>EIFCA</u> The category "Marine Litter" is very broad, and it is difficult to be specific as to the value of this MEEB without understanding what type of "litter" is under consideration. Potential impacts from pots and ropes on chalk could be mitigated by removal of this type of "litter"; However, this removal is already planned for other reasons, and so the "additionality" test would not be met. EIFCA defer to Natural England. |
| 1.2 | Do you agree with the proposed delivery mechanism discussed in Section 6.1.1.3? | Natural England highlights the expanded upon requirements of Boreas and Vanguard from that of the HP3 approach. | Defer to Natural England | N/A | Not present | N/A | <u>EIFCA</u> Needs consideration of impacts on fishing opportunities of removal methods. EIFCA defer to Natural England. |
| 1.3 | Do you agree with the proposed spatial scale discussed in Section 6.1.1.4? | Not agreed | Defer to Natural England | N/A | Not present | N/A | <u>EIFCA</u> Para 60 seems to suggest that an area of 1800m ² would be surveyed, and debris removed from that. This is not the same as removing 1800m ² of debris, as the seabed would not be 100% covered. |

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Notes |
|---|--|---|--------------------------|-------|---------------------|-------|--|
| | | | | | | | EIFCA defer to Natural England. |
| 1.4 | Do you agree with the proposed timescale discussed in Section 6.1.1.6? | Agreed as all compensation should be delivered prior to construction | Defer to Natural England | N/A | Not present | N/A | EIFCA defer to Natural England. |
| 1.5 | Do you agree with the potential impacts of the MEEB discussed in Section 6.1.1.7? | Not Agreed as dredging would also remove site interest feature | Defer to Natural England | N/A | Not present | N/A | EIFCA defer to Natural England. |
| 1.6 | Do you agree with the options for monitoring discussed in Section 6.1.1.8? | Not Agreed – please see responses to HP3 21 January 2022 | Defer to Natural England | N/A | Not present | N/A | EIFCA defer to Natural England. |
| 1.7 | Do you agree with the feasibility conclusions discussed in Section 6.1.1.9? | No Agreed due to on going discussions with regulators and challenges with deliver as currently this is something that should be being done within this site as site management. | Defer to Natural England | N/A | Not present | N/A | <u>EIFCA</u> Technical feasibility of removing debris is likely to be high. Whether this delivers the required benefits is much more open to question. EIFCA defer to Natural England. |
| 2 Removal of disused cables and pipelines within the CSCB MCZ | | | | | | | |
| 2.1 | Do you agree with the value and function of this MEEB, discussed in Section 6.1.2.2 of the Draft In Principle MEEB Plan? | Agreed | Defer to Natural England | N/A | Not present | N/A | EIFCA defer to Natural England. |

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Notes |
|-----|---|---|--------------------------|-------|---------------------|-------|---|
| 2.2 | Do you agree with the proposed delivery mechanism discussed in Section 6.1.2.3? | Agreed | Defer to Natural England | N/A | Not present | N/A | <u>EIFCA</u> Need to consider impacts of removal on fishing productivity/opportunities. EIFCA defer to Natural England. |
| 2.3 | Do you agree with the proposed spatial scale discussed in Section 6.1.2.4? | Natural England doesn't agree with a 1:1 ratio. Please see HP3 response 21 January 2022. Where there is the potential for ecological debt then there needs to be a overall net positive to MEEB not just offsetting | Defer to Natural England | N/A | Not present | N/A | EIFCA defer to Natural England. |
| 2.4 | Do you agree with the proposed timescale discussed in Section 6.1.2.6? | Agreed as long as ecological debt is addressed | Defer to Natural England | N/A | Not present | N/A | EIFCA defer to Natural England. |
| 2.5 | Do you agree with the potential impacts of the MEEB discussed in Section 6.1.2.7? | Agreed – dependent on removal methodology | Defer to Natural England | N/A | Not present | N/A | <u>EIFCA</u> We note that there is an acceptance that there will be effects (temporary / localised). Consideration should be given to the assessment of any potential effects, particularly relevant would be reported/recorded effects of any previous removals of infrastructure from chalk areas. EIFCA defer to Natural England. |

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Notes |
|---|---|--|--------------------------|-------|---------------------|------------------|--|
| 2.6 | Do you agree with the options for monitoring discussed in Section 6.1.2.8? | Not Agreed – please see responses to HP3 21 January 2022 | Defer to Natural England | N/A | Not present | N/A | EIFCA defer to Natural England. |
| 2.7 | Do you agree with the feasibility conclusions discussed in Section 6.1.2.9? | Agreed | Defer to Natural England | N/A | Not present | N/A | EIFCA defer to Natural England. |
| 3 Removal of anthropogenic features outside the CSCB MCZ | | | | | | | |
| 3.1 | Do you agree in-principle with the proposed removal of anthropogenic features from within similar habitats to the ones impacted by the Project, but from another location, e.g. an alternative MCZ as discussed in Section 6.2.1 of the Draft In Principle MEEB Plan? | Agreed - as long as stepwise approach to the compensation/MEEB hierarchy has been followed | Defer to Natural England | N/A | Not present | N/A | <u>EIFCA</u> Any such activity (Removal of Anthropogenic Features) would require careful appraisal and design to ensure that it did not impact on fisheries productivity or fishing opportunities. EIFCA defer to Natural England. |
| 4 Planting of native oyster beds within the CSCB MCZ | | | | | | | |
| 4.1 | Do you agree with the value and function of this MEEB, discussed in Section 6.1.3.2 of the Draft In Principle MEEB Plan? | Agreed | Defer to Natural England | N/A | Not present | Partially agreed | EIFCA agree that creation of an oyster bed is likely to increase biodiversity locally. However until all factors (size, location, and future fishability) are known we can't give our full agreement to this MEEB. |
| 4.2 | Do you agree with the proposed delivery mechanism discussed in Section 6.1.3.3? | This is really in Section 7 and Not agreed due to not commissioning specialists pre | Defer to Natural England | N/A | Not present | Partially agreed | <u>EIFCA</u> There is a need to understand why oysters have not “made a comeback” on their own. What is preventing the natural re-establishment of beds? If these conditions |

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Notes |
|-----|---|--|--------------------------|-------|---------------------|------------------|---|
| | | consent to design the mechanism | | | | | are not addressed, the chances of successful planting may be slim. (We believe the benefits could be delivered by oyster bed establishment outside the Cromer MCZ, although probably in the vicinity, as discussed in Section 6.4.1) |
| 4.3 | Do you agree with the proposed spatial scale discussed in Section 6.1.3.4? | Agreed | See notes | N/A | Not present | N/A | <u>EIFCA</u> Not possible to provide an answer, as the spatial scale is not defined but rather left open for future agreement with Natural England. |
| 4.4 | Do you agree with the proposed timescale discussed in Section 6.1.3.6? | Under discussion and dependent on 4.2 above | Defer to Natural England | N/A | Not present | Partially agreed | <u>EIFCA</u> It may well be possible to conduct the steps required to achieve initial planting within these timeframes (the UK – DEEP – is probably the closer to local conditions) however we don't feel the bed could be considered "established" within this timeframe. |
| 4.5 | Do you agree with the potential impacts of the MEEB discussed in Section 6.1.3.7? | Agreed, but recognise that careful consideration of location is needed as all designated features and also there may be other wider implications | Defer to Natural England | N/A | Not present | Not agreed | <u>EIFCA</u> Negative impacts which could arise from any required associated management must also be considered. For instance, if there is a requirement that the area identified be closed to certain activities, this should be considered. |

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Notes |
|---|--|---|--------------------------|-------|---------------------|------------------|--|
| 4.6 | Do you agree with the options for monitoring discussed in Section 6.1.3.8? | Not Agreed as delivery over the lifetime of the project and beyond must be maintained and managed | Defer to Natural England | N/A | Not present | Partially agreed | <u>EIFCA</u> It is likely that some form of ongoing monitoring would be required for a considerable number of years to ensure that the bed has truly become self-sustaining. |
| 4.7 | Do you agree with the feasibility conclusions discussed in Section 6.1.3.9? | Agreed | Defer to Natural England | N/A | Not present | Agreed | <u>EIFCA</u> There is a need to understand why oysters have not “made a comeback” on their own. What is preventing the natural re-establishment of beds? If these conditions are not addressed, the chances of successful planting may be slim. |
| 5 Planting of native oyster beds within the SEP and DEP wind farm sites | | | | | | | |
| 5.1 | Do you agree with the value and function of this MEEB, discussed in Section 6.4.1.2 of the Draft In Principle MEEB Plan? | Not Agreed as it needs to enhance natural biodiversity of the seabed in those locations | Defer to Natural England | N/A | Not present | Agreed | <u>EIFCA</u> Any such activity (Planting of native oyster beds) would require careful appraisal and design to ensure that it did not impact on existing fisheries productivity or fishing opportunities. |
| 5.2 | Do you agree with the proposed delivery mechanism discussed in Section 6.4.1.3? | Not agreed due to not commissioning specialists pre consent to design the mechanism | Defer to Natural England | N/A | Not present | Agreed | <u>EIFCA</u> It is likely that significantly more work would be needed to identify a suitable site than would be the case if restoration was to be within Cromer MCZ. If restrictions to activities such as commercial fishing become necessary, this must be in dialogue with the local industry and (if relevant) local IFCA. |

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Notes |
|---|---|---|--------------------------|-------|---------------------|------------------|--|
| 5.3 | Do you agree with the proposed spatial scale discussed in Section 6.4.1.4? | Agreed | Defer to Natural England | N/A | Not present | N/A | <u>EIFCA</u> Not possible to provide an answer, as the spatial scale is not defined but rather left open for future agreement with Natural England. |
| 5.4 | Do you agree with the proposed timescale discussed in Section 6.4.1.6? | Under discussion and dependent on 4.2 above | Defer to Natural England | N/A | Not present | N/A | EIFCA defer to Natural England. |
| 5.5 | Do you agree with the potential impacts of the MEEB discussed in Section 6.4.1.7? | Agreed | Defer to Natural England | N/A | Not present | Agreed | <u>EIFCA</u> Agree that these are likely impacts. Impacts on fishing opportunities would need to be carefully assessed and mitigated in some way. |
| 5.6 | Do you agree with the options for monitoring discussed in Section 6.4.1.8? | Not Agreed as delivery over the lifetime of the project and beyond must be maintained and managed | Defer to Natural England | N/A | Not present | Partially agreed | <u>EIFCA</u> It is likely that some form of ongoing monitoring would be required for a considerable number of years to ensure that the bed has truly become self-sustaining. |
| 5.7 | Do you agree with the feasibility conclusions discussed in Section 6.4.1.9? | Agreed | Defer to Natural England | N/A | Not present | Agreed | <u>EIFCA</u> There is a need to understand why oysters have not “made a comeback” on their own. What is preventing the natural re-establishment of beds? If these conditions are not addressed, the chances of successful planting may be slim. |
| 6 Site extension / designation of a feature in a different location | | | | | | | |

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Notes |
|-----|--|---|--------------------------|-------|---------------------|------------|---|
| 6.1 | Do you agree with the value and function of this MEEB, discussed in Section 6.2.2.2 of the Draft In Principle MEEB Plan? | No agreed as there is expectation it would more than offset the impacts | Defer to Natural England | N/A | Not present | N/A | EIFCA defer to Natural England. |
| 6.2 | Do you agree with the proposed delivery mechanism discussed in Section 6.2.2.3? | Agreed – but would be for expanding the MPA network not just focusing on MCZs | Defer to Natural England | N/A | Not present | Not agreed | <p><u>EIFCA</u></p> <p>The current MPA network has been designed to meet the legislative requirements. Any additional designations will impose restrictions on other legitimate activities, without providing any benefit to those activities.</p> <p>Were this option to be taken forward, as well as site selection and designation process costs - which the applicant has offered to financially support, there would also be ongoing additional burden on managers/regulator. The applicant should also provide ongoing financial support for assessment, management and enforcement of activities and condition monitoring in any new additional designated area.</p> |
| 6.3 | Do you agree with the proposed spatial scale discussed in Section 6.2.2.4? | Agreed | Defer to Natural England | N/A | Not present | Not Agreed | <p><u>EIFCA</u></p> <p>Disagree (with the fundamental principle, therefore not possible to “Agree” with this).</p> |

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Notes |
|--------------------------------------|--|---|--------------------------|-------|---------------------|--------|---|
| 6.4 | Do you agree with the proposed timescale discussed in Section 6.2.2.6? | Agreed – that it will take several years for designation but protection mechanisms may be possible prior to designation | Defer to Natural England | N/A | Not present | N/A | <u>EIFCA</u> No comment |
| 6.5 | Do you agree with the potential impacts of the MEEB discussed in Section 6.2.2.7? | Agreed | Defer to Natural England | N/A | Not present | Agreed | <u>EIFCA</u> As this would be an action that would impose restrictions on one or more commercial activities for the benefit of another commercial activity, any such impacts must be carefully and thoroughly considered, quantified and minimised /mitigated. |
| 6.6 | Do you agree with the options for monitoring discussed in Section 6.2.2.8? | Under discussion | Defer to Natural England | N/A | Not present | N/A | EIFCA defer to Natural England. |
| ETG 3 21 st February 2022 | | | | | | | |
| 7.1 | Do you agree that the planting of oyster reef in the MCZ is the primary measure to be investigated by Equinor? | Natural England advises that this option has ecological merit | Defer to Natural England | N/A | Not present | Agreed | <u>EIFCA</u> Agree that this should be the primary measure to be investigated, however Eastern IFCA will not be supportive of measures that will have an overall adverse impact upon fishing activities and opportunities (as agreed by Eastern IFCA 41 ST Authority meeting 9 th September 2020.) |

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Notes |
|-----|--|--|--------------------------|-------|---------------------|------------|--|
| 7.2 | Do you agree that most appropriate backup measure is the planting of oyster reef in the array areas? | This is subject to further information being presented as set out above | Defer to Natural England | N/A | Not present | Agreed | <u>EIFCA</u> Should the creation of an oyster reef within the MCZ have an adverse impact upon current fishing activities, Eastern IFCA will consider this option to be their preferred option, as this location is unlikely to conflict with current fishing activity. |
| 7.3 | Do you agree that given that the subtidal sand feature which will potentially be lost does not support a diverse community, oyster reef would provide an enhanced function in terms of biodiversity e.g. potential nursery grounds for fish etc? | Not agreed as the cable protection could also impact on reef like areas. This is really two separate points. | Defer to Natural England | N/A | Not present | Agreed | <u>EIFCA</u> Whilst we agree that a future oyster reef would likely provide higher biodiversity than an equivalent area of subtidal sand, it should be noted that the two habitats are not directly comparable. It is not the case that oyster reef provides a higher “score” on the same scale than subtidal sand, but rather that they provide different habitat services. |
| 7.4 | In terms of defining the stage at which the oyster reef could potentially be sustainably fished, do you agree that this should be discussed post consent in consultation with the steering group and would form part of the existing review of fisheries management measures in the MCZ? | Natural England believe that realistic high level criteria should be agreed as early as possible given interested party concerns | Defer to Natural England | N/A | Not present | Not agreed | <u>EIFCA</u> This must be considered pre consent. The approach to be taken in connection with this will shape Eastern IFCA’s position on the proposed MEEB measure. Eastern IFCA suggests that the potential to fish the oyster bed should be set out in the MEEB plan (i.e. for agreement in the DCO) as an additional, planned benefit of the measure, in recognition that MCZs are sustainable-use sites, not no-take zones. The same plan should include criteria for when the oyster bed could be fished, for |

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Notes |
|----|-----------|-----------------|-----|-------|---------------------|-------|---|
| | | | | | | | <p>example when the bed is recognised as being “established” (based on density? Age composition? Self-stocking? Extent?), and make it clear that any fishing activity on the bed would be subject to it being managed in alignment with the MCZ’s conservation objectives as well as with fishery sustainability goals. Although we will not know in advance when the bed will be deemed suitable for fishing, and it could be a long time (25 years +), we can and should state (in the MEEB plan) these criteria that would need to be met before it could be fished.</p> <p>N.B. Eastern IFCA has an agreed position (see comment in 7.1 above).</p> <p>Disagree that this “would form part of the existing review of fisheries management measures in the MCZ”. Over time, if the measure is successful, the oyster bed and a potential fishery for it would be incorporated into the local fisheries regulator (Eastern IFCA)’s routine work of managing fisheries within marine protected areas. But initially the placement of the bed and potential need for fisheries restrictions over it represents an additional work burden for Eastern IFCA and we would seek for this work to be funded by Equinor, including the ongoing monitoring of the bed.</p> |

| ID | Agreement | Natural England | MMO | Cefas | The Wildlife Trusts | EIFCA | Notes |
|-----|---|-----------------|--------------------------|-------|---------------------|------------|--|
| 7.5 | Do you agree that the area of search for determining feasibility of oyster reef planting should focus on the areas identified in Plate 1 (see below) of Natural England's advice broadening out to the wider north western portion of the MCZ and focus on subtidal sediment features avoiding potentially sensitive habitats e.g. chalk, reef etc.? | Agreed | Defer to Natural England | N/A | Not present | Not agreed | <p><u>EIFCA</u></p> <p>Concerns raised that the 'previous oyster bed evidence' relates to historic fisheries shell deposit grounds. In this context, we don't agree that Plate 1 should be titled "...evidence of previous native oyster beds..".</p> <p>Any potential site should be selected based on current environmental factors that are most agreeable to support the success of the MEEB.</p> <p>An effective appraisal of all environmental factors, to gain an understanding as to why native oysters have not re-established naturally should be undertaken. It would also be beneficial to find out whether native oyster beds were present in the MCZ historically – although it could be difficult to find any evidence for this. It should not be assumed that fishing is the only cause of decline in oyster stocks and distribution, and all relevant environmental factors must be considered.</p> <p>As this is an MCZ social and economic factors should be considered when evaluating any intervention, even those for conservation benefits such as MEEB.</p> |

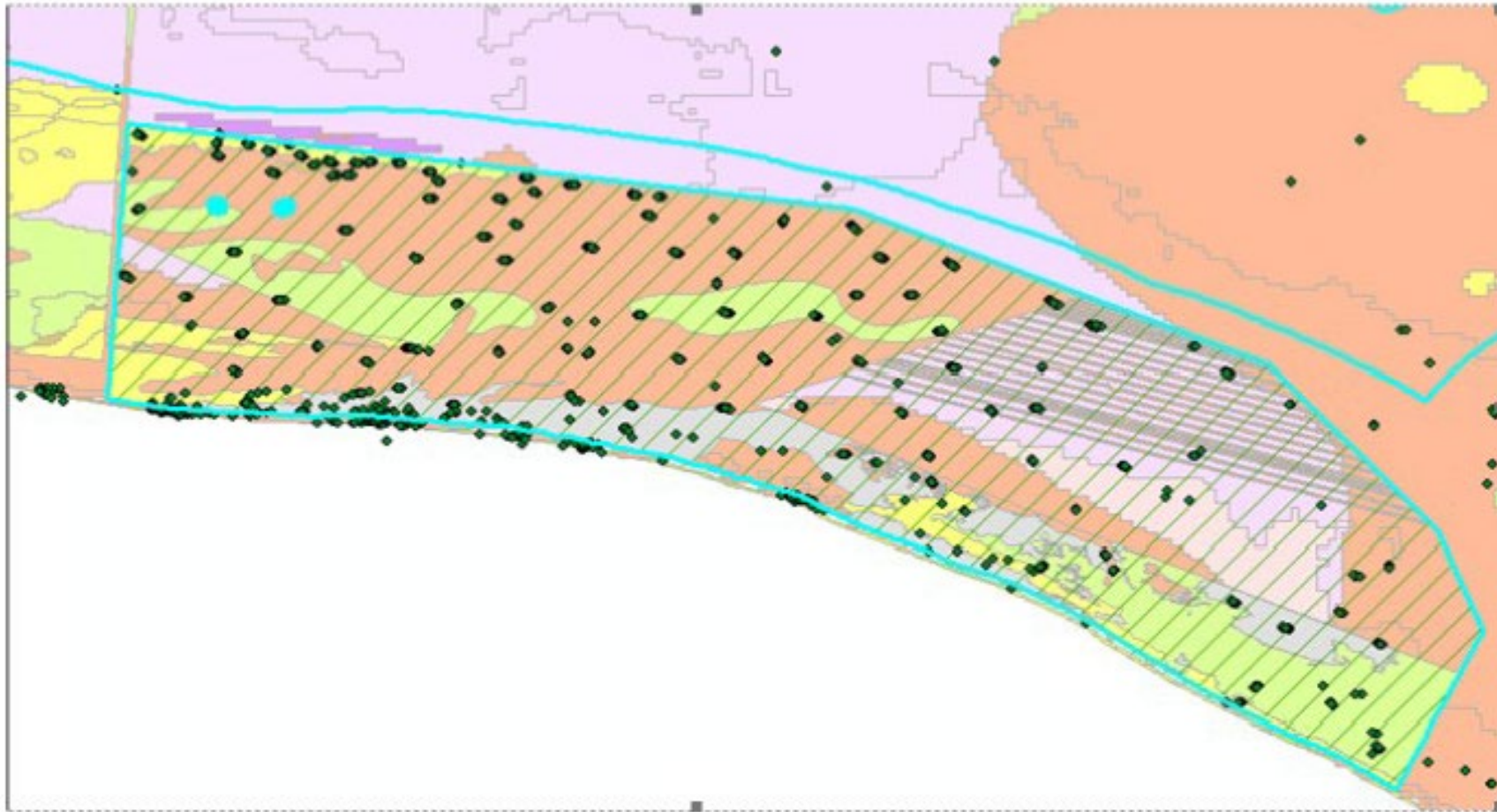


Plate 1: Location (Light Blue Dots) of Evidence of Previous Native Oyster Beds within Cromer Shoal Chalk Beds (CSCB) MCZ