



Mr John Wheadon
Head of Energy Infrastructure
Planning Delivery

Our reference: DCO/2019/00004

sadep@planninginspectorate.gov.uk

By email only

20 December 2023

Dear Mr Wheadon,

Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Project

Request for Information

Thank you for your letter dated 22 November 2023, notifying the Marine Management Organisation (the MMO) of a Request for Information regarding the application by Equinor New Energy Limited (“the Applicant”) for an Order granting Development Consent for the proposed Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Project (“the Proposed Development”).

The MMO’s role in Nationally Significant Infrastructure Projects

The MMO was established by the Marine and Coastal Access Act 2009 (the 2009 Act) to make a contribution to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas.

The responsibilities of the MMO include the licensing of construction works, deposits and removals in English inshore and offshore waters and for Welsh and Northern Ireland offshore waters by way of a marine licence¹. Inshore waters include any area which is submerged at mean high water spring (MHWS) tide. They also include the waters of every estuary, river or channel where the tide flows at MHWS tide. Waters in areas which are closed permanently or intermittently by a lock or other artificial means against the regular action of the tide are included, where seawater flows into or out from the area.

In the case of Nationally Significant Infrastructure Projects (NSIPs), the 2008 Act enables Development Consent Order’s (DCO) for projects which affect the marine environment to include provisions which deem marine licences².

¹ Under Part 4 of the 2009 Act

² Section 149A of the 2008 Act



As a prescribed consultee under the 2008 Act, the MMO advises developers during pre-application on those aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction, deposit or removal within the marine area, this also includes assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works.

Where a marine licence is deemed within a DCO, 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 deemed marine licence (DML) enable the MMO to fulfil these obligations.

Further information on licensable activities can be found on the MMO's website³. Further information on the interaction between the Planning Inspectorate and the MMO can be found in our joint advice note⁴.

Request for Information

Following the completion of the Examination on 17 July 2023, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State on 17 October 2023. It is noted that during the Examination there was discussion as to the condition wording for the Offshore In-Principle Monitoring Plan (IPMP) and, in particular whether concerns raised in any post-monitoring would be addressed.

MMO has the following comments to make regarding the possible addition to Condition 20 (of Schedules 10 and 11) and Condition 19 (of Schedules 12 and 13) of the draft Deemed Marine Licences:

“(7) In the event that the reports provided to the MMO under sub-paragraph (4) identify that there are significant adverse effects post-mitigation, the Applicant shall notify the MMO and the relevant ANCBs of this in writing with a view to agreeing to a course of adaptive management/mitigation to reduce such effects. In the event that this adaptive management/mitigation requires a separate consent, the Applicant shall apply for such consent. Any such agreed or approved adaptive management/mitigation should be implemented in full to a timetable first agreed in writing with the MMO.”

After full review, MMO has the following comments to make:

Comments

- 1.1. MMO welcomes the update provided by the Secretary of State. MMO recognises determining 'significance' can be subjective and that sometimes impacts are unforeseen and further clarity is required. MMO advises that the condition is amended to the following:

“(7) In the event that monitoring reports provided to the MMO under sub-paragraph (4), identifies impacts which are beyond those predicted within the Environmental

³ <https://www.gov.uk/planning-development/marine-licences>

⁴ <http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/Advice-note-11-v2.pdf>



Statement/Habitat Regulations Assessment, adaptive management/mitigation may be required. An Adaptive Management/Mitigation Plan to reduce effects to within what was predicted within the Environmental Statement/Habitat Regulations Assessment, unless otherwise agreed in writing by the MMO, must be submitted alongside the monitoring reports submitted under sub-paragraph (4), including timelines and associated monitoring to test effectiveness. This plan must be agreed with the MMO in consultation with the relevant SNCB's to reduce effects to a suitable level for this project. Any such agreed or approved adaptive management/mitigation should be implemented and monitored in full. In the event that this adaptive management/mitigation requires a separate consent, the Applicant shall apply for such consent."

This updated wording allows the Applicant to provide potential solutions when reviewing the monitoring results to be discussed with the MMO and SNCB's and ensures that all parties are clear what is required if the monitoring shows higher impacts than predicted during the assessment stage.

MMO have discussed this with Natural England (NE) who we believe are content with the wording above.

- 1.2. MMO defers to NE on the scope of the monitoring. It is understood that NE have raised concerns during examination [REP8-101] and [REP5-090] that the proposed monitoring doesn't fully link to outstanding risks and issues and the need to test effectiveness of mitigation measures. MMO agrees with NE that the IPMP should provide the evidence to draw conclusions with confidence.

Conclusion

MMO welcomes the Request for Information and the opportunity to provide comment on the possible addition to Condition 20 (of Schedules 10 and 11) and Condition 19 (of Schedules 12 and 13) of the draft Deemed Marine Licences. MMO requests that the condition is updated to the proposed wording stated in point 1.1.

Your feedback

We are committed to providing excellent customer service and continually improving our standards and we would be delighted to know what you thought of the service you have received from us. Please help us by taking a few minutes to complete the following short survey ([REDACTED]).

If you require any further information please do not hesitate to contact me using the details provided below.

Yours Sincerely

[REDACTED]
Karen Schnetler
Marine Licensing Case Officer

[REDACTED]
[REDACTED] [@marinemanagement.org.uk](mailto:[REDACTED]@marinemanagement.org.uk)

