



Five Estuaries Offshore Wind Farm Case
Team
Planning Inspectorate
FiveEstuaries@planninginspectorate.gov.uk
(By Email only)

MMO Reference: DCO/2019/00008
Planning Inspectorate Reference: EN010115
Identification Number: 20049306

03 December 2024

Dear Sir or Madam,

Planning Act 2008, Five Estuaries Offshore Wind Farm Ltd, Proposed Five Estuaries Offshore Wind Farm Order

Deadline 4 Submission Summary

On 23 April 2024, the Marine Management Organisation (the “MMO”) received notice under section 56 of the Planning Act 2008 (the “PA 2008”) that the Planning Inspectorate (“PINS”) had accepted an application made by Five Estuaries Offshore Wind Farm Ltd (the “Applicant”) for determination of a development consent order for the construction, maintenance and operation of the proposed Five Estuaries Offshore Wind Farm (the “DCO Application”) (MMO ref: DCO/2019/00008; PINS ref: EN010115).

The Applicant seeks authorisation for the construction, operation and maintenance of DCO Application, comprising of up to 79 wind turbine generators together with associated onshore and offshore infrastructure and all associated development (“the “Project”).

As a marine licence has been deemed within the draft 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 an interest in ensuring that provisions drafted in a deemed marine licence enable the MMO to fulfil these obligations.

This document comprises the MMO’s summary of the submission for Deadline 4. This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

Yours sincerely,



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1. MMO Comments on Draft Development Consent Order – Revision D – REP3-005/REP3-006

1.1. General Comments

- 1.1.1. The MMO notes that this recent updated draft does not have many changes that require comments from the MMO.
- 1.1.2. The MMO will maintain a watching brief on updates to future drafts to address our concerns previously raised.

1.2. Schedule 10/Schedule 11 Comments

- 1.2.1. The MMO welcomes the amendments to Schedule 10, Part 2 Condition 19 and Schedule 11, Part 2 Condition 20 from 'relevant body' to the 'MMO'.
- 1.2.2. The MMO would like to advise the ExA that there are a number of Conditions in addition to those mentioned within this response that are being reviewed and updates will be provided to the Applicant and the ExA in due course. These include:
- Chemicals, drilling and debris 10(1)
 - Construction monitoring 17(1)(b)
 - Reporting of impact pile driving 20(1)(b) & (c)
 - Maintenance reporting 21(3)
 - Completion of construction (23)
 - Decommissioning (new condition)

2. MMO Comments on Deadline 1 and 2 Submissions

2.1. General Comments

- 2.1.1. The MMO noted in our Deadline 3 Response (REP3-029) that the Applicant submitted the following documents in Deadline 1 and 2 to address some of our concerns raised in our Relevant Representation (RR-070):
- a. REP1-049 – 10.4 Applicant's response to Relevant Representations (Clean)
 - b. REP2-018 and REP2-019 – 6.5.6.2 Underwater Noise Technical Report - Revision B (Clean and Tracked)
 - c. REP2-027 – 10.20.1 Technical note - Methodology for Determining MDS (Offshore)
 - d. REP2-028 – 10.20.2 Technical note - Offshore Decommissioning
- 2.1.2. The MMO has reviewed the above documents with our technical advisers and have split our comments into the following topics:
- a. Fish Ecology
 - b. Underwater Noise



c. Dredge and Disposal

2.1.3. The MMO notes the updates made and new documents, however, considers there to be several points outstanding from previous responses that require action from the Applicant and the MMO will review any updates submitted at Deadline 4.

3. MMO Comments on Interested Parties Deadline 1 Submissions

3.1. Maritime and Coastguard Agency (MCA) – REP1-065

3.1.1. The MMO noted in REP2-054 that we were in discussion regarding some of the suggested changes MCA made in REP1-065.

3.1.2. The MMO held a meeting with MCA on Friday 08 November 2024 to discuss these comments MCA made, regarding suggested changes to DML conditions.

3.1.3. The MMO has provided our updated comments on the DML suggestions MCA made, some updates will be submitted at Deadline 5.

4. MMO Comments on Applicant's Deadline 3 Submissions

4.1. General Comments

4.1.1. The MMO noted the Applicant submitted the following documents in Deadline 3:

- a. REP3-018 – 10.12 Marine Plan Policy Assessment - Revision B (Clean)
- b. REP3-019 – 10.12 Marine Plan Policy Assessment - Revision B (Tracked)
- c. REP3-020 – 10.20.5 Technical Note: Number of Wind Turbine Generators
- d. REP3-024 – 10.26 Applicant's Comments on Deadline 2 Submissions

4.2. REP3-019 – 10.12 Marine Plan Policy Assessment - Revision B (Tracked)

4.2.1. The MMO welcomes the updates made to date and has provided comments on the Applicant's updated Marine Plan Policy Assessment that require action.

4.3. REP3-020 – 10.20.5 Technical Note: Number of Wind Turbine Generators

4.3.1. The MMO notes the Applicant submitted a technical note to explain the methodology behind the maximum number of wind turbine generators.

4.3.2. The MMO has no further comments to make at this time.

4.4. REP3-024 – 10.26 Applicant's Comments on Deadline 2 Submissions



4.4.1. The MMO provided comments on the Applicant's response to our Deadline 2 submission (REP2-054).

5. MMO Comments on Interested Parties Deadline 3 Submissions

5.1. General Comments

5.1.1. The MMO has provided comments on the following Interested Parties' Deadline 3 Submissions:

- Natural England (NE) (REP3-031, REP3-032, REP3-033 and REP3-034)
- Port of London Authority (PLA) (REP3-035 and REP3-036)
- Royal Society for the Protection of Birds (RSPB) (REP3-037)

5.1.2. The MMO will be reviewing the responses from the above Interested Parties (IP) throughout examination and hopes to see issues between the above IPs and the Applicant resolved.

6. MMO Comments on PD-014 - Examining Authority's Written Questions (ExQ2)

6.1. Overall Response to DCO.2.03 - Article 7 (Benefit of the DCO) – For the MMO

6.1.1. The MMO noted the Examining Authority asked the MMO the following question in EXQ2:

Identify any concerns you continue to have with respect to the drafting of Article 7 (Benefit of the Order). How do you consider those concerns would affect the MMO's ability to undertake its duties pursuant to Article 5 (Deemed marine licences under the 2009 Act) and Schedules 10 and 11 (the Deemed Marine Licences) included in the dDCO and explain how those concerns might be addressed?

6.1.2. The MMO reiterated our position regarding Article 7 and the reasons for our position and added an additional comment in relation to the ability to deem a marine licence within PA 2008.

6.2. Overall Response to DCO.2.07 – Deemed Marine Licences (DML) – Schedules 10 and 11

6.2.1. The MMO The MMO noted the Examining Authority asked the MMO the following question in EXQ2:

A Site Integrity Plan does not form a standalone condition within the DMLs. On a without prejudice basis, submit wording that would secure the inclusion of a Site Integrity Plan within the DMLs.

6.2.2. The MMO provided wording for a Site Integrity Plan (SIP) condition.



Yours sincerely,



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