



Mr Chris White
Dogger Bank South Case Team
Planning Inspectorate
DoggerBankSouth@planninginspectorate.gov.uk

(By email only)

MMO Reference: DCO/2022/00007
Planning Inspectorate Reference: EN010125
Identification Number: 20050160

16 December 2024

Dear Mr White,

Planning Act 2008, RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewable UK Dogger Bank South (East) Ltd, Proposed Dogger Bank South Offshore Wind Farms Order.

Response to Examining Authority's Rule 17 Letter

On the 22 July 2024 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 RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd (the Applicant) for a DCO Application (MMO ref: DCO/2022/00007; PINS ref: EN010125).

The DCO Application includes a draft development consent order (the DCO) and an Environmental Statement (the ES). The draft DCO includes Deemed Marine Licence (DML) 1 (Schedule 10), Deemed Marine Licence 2 (Schedule 11), Deemed Marine Licence 3 (Schedule 12), Deemed Marine Licence 4 (Schedule 13) and Deemed Marine Licence 5 (Schedule 14) which are draft Deemed Consents under Part 4 (Marine Licensing) of Marine and Coastal Access Act (MCAA) 2009.

The DCO Application seeks authorisation for the construction, operation and maintenance of Dogger Bank South (DBS) Offshore Wind Farm (OWF), comprising of up to 100 wind turbine generators in DBS East and up to 100 wind turbine generators in DBS West together with associated onshore and offshore infrastructure and all associated development (the Project).

As marine licences have 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.

The MMO received a Rule 17 letter on 26 November 2024. Please find the MMO comments below on the following topics:



1. Outline Offshore Operations and Maintenance Plan (Revision 02) (Tracked) - AS-028
2. Report to Inform Appropriate Assessment Habitats Regulations Assessment Part 2 of 4 – Annex I Offshore Habitats and Annex II Migratory Fish (Revision 3) (Tracked) - AS-052
3. Environmental Statement Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment (Revision 2) (Tracked) - AS-056
4. Cable Statement (Revision 2) (Tracked) - AS-079
5. Outline Scour Protection Plan (Revision 2) (Tracked) - AS-081
6. Outline Fisheries Liaison and Co-existence Plan (Revision 2) (Tracked) - AS-083
7. Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 4 of 4 – Marine Ornithological Features (Revision 3) (Tracked) - AS-086
8. Report to Inform Appropriate Assessment (RIAA) - Habitats Regulations Assessment -Appendix 1 - Project-Level Kittiwake Compensation Plan (Revision 3) (Tracked) - AS-088
9. Habitats Regulations Derogation: Provision of Evidence Appendix 2 - Guillemot [and Razorbill] Compensation Plan (Revision 3) (Tracked) - AS-090

The MMO has entered into a Statement of Common Ground with the applicant that will be submitted by the applicant on the MMO's behalf at written Deadline 1.

Yours Sincerely,

Leah Cameron

Leah Cameron
Marine Licencing Case Officer

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1. Summary of Concerns

- 1.1 The MMO notes and supports Natural England's (NE) concerns regarding indirect effects on seabirds and marine mammals with regards to lack of assessments on prey abundance and distribution within the foraging areas of Annex I and Annex II species from designated sites.
- 1.2 The MMO notes and supports NE's concerns regarding the lack of robustness in consideration of ornithology impacts in the Applicants designing of the post-Preliminary Environmental Information Report (PEIR) reductions of the array areas.

2. MMO Comments

2.1 Outline Offshore Operations and Maintenance Plan (Revision 02) (Tracked) AS-028

- 2.1.1 The MMO welcomes the updates from the Applicant, the MMO needs to fully review the updates with its scientific advisors. However, the MMO believes that these issues can be resolved during Examination.

2.2 Report to Inform Appropriate Assessment Habitats Regulations Assessment Part 2 of 4 – Annex I Offshore Habitats and Annex II Migratory Fish (Revision 3) (Tracked) AS-052

- 2.2.1 The MMO notes this update is in relation to Humber Estuary SAC and air quality. The MMO defers to NE on this matter.

2.3 Environmental Statement Appendix 11-6 Unexploded Ordnance Clearance Information and Assessment (Revision 2) (Tracked) AS-056

- 2.3.1 The MMO welcomes the updates from the Applicant, the MMO needs to fully review the updates with its scientific advisors. However, the MMO believes that these issues can be resolved during Examination.

2.4 Cable Statement (Revision 2) (Tracked) AS-079

- 2.4.1 The MMO welcomes the updates from the Applicant, the MMO needs to fully review the updates with its scientific advisors. The MMO also understands Natural England had multiple concerns with cable burial and would defers to Natural England in relation to Marine Protected Areas and features.

2.5 Outline Scour Protection Plan (Revision 2) (Tracked) AS-081

- 2.5.1 The MMO welcomes the updates from the Applicant in relation to secondary scour. The MMO needs to fully review the updates with its scientific advisors. However, the MMO believes that these issues can be resolved during Examination.

2.6 Outline Fisheries Liaison and Co-existence Plan (Revision 2) (Tracked) - AS-083

- 2.6.1 The MMO welcomes the updates from the Applicant and has no further comments at this stage.

2.7 Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 4 of 4 – Marine Ornithological Features (Revision 3) (Tracked) – AS-086

2.7.1 The MMO notes that the Applicant has responded to comments received from Natural England (RR-039) and has updated the Report to Inform Appropriate Assessment (RIAA).

2.7.2 Updates for impacts on Guillemot:

- Update to the adult baseline morality to the most recent counts within the Flamborough and Filey Coast (FCC) SPA.
- Changes to the seasonality assessment to include an extra season (post breeding).
- Undertaking a Population Viability Analysis (PVA) for impacts of the projects alone and included a full range of displacement impacts.
- Update to East and West totals.
- Update of displacement/Mortality rates.

2.7.3 Updates for the impacts on Razorbill:

- Changes to the adult baseline morality to the most recent counts within the Flamborough and Filey Coast (FCC) SPA.
- Changes to the seasonality assessment to include an extra season (post breeding)
- Undertaking a Population Viability Analysis (PVA) for impacts of the projects alone and included a full range of displacement impacts.
- Update to East and West totals.
- Update of displacement/Mortality rates.

2.7.4 Updates for the impacts on Puffin:

- Changes to the adult baseline morality to the most recent counts within the Flamborough and Filey Coast (FCC) SPA.
- Update of East and West totals.
- Updated in-combination assessment.

2.7.5 Updates for the impacts on Kittiwake:

- Undertaking a Population Viability Analysis (PVA) for impacts of the projects alone.
- Updated FFC population estimates.
- Updated in combination totals.

2.7.6 Updates on the Red-throated Diver:

- Updated calculations on densities of RTD within the Greater Wash SPA.

2.7.7 Updates for the impacts on Gannet:

- Updated baseline mortality rate.
- Update of East and West displacement totals.
- Updated in-combination totals.
- Inclusion of alone PVA.

2.7.8 The MMO welcomes these changes and defers and supports Natural England on these matters and if the issues can be resolved during examination.

2.8 Report to Inform Appropriate Assessment (RIAA) - Habitats Regulations Assessment -Appendix 1 - Project-Level Kittiwake Compensation Plan (Revision 3) (Tracked) - AS-088

- 2.8.1 The MMO notes and welcomes that figures provided in section 5 have been updated following DCO submission in response to a request from Natural England in Relevant Representations [RR-039] to update assessments in line with revised guidance on impact calculation for kittiwake and other seabirds.
- 2.8.2 The MMO will maintain a watching brief on the implementation of the five-candidate offshore artificial nesting structure (ANS) locations provided to The Crown Estate.
- 2.8.3 The MMO defers and supports Natural England on ornithological issues but would highlight that if a marine licence is required for any known location of ANS then this should be included within the DCO as a new DML for each site rather than a separate marine licence.

2.9 Habitats Regulations Derogation: Provision of Evidence Appendix 2 - Guillemot [and Razorbill] Compensation Plan (Revision 3) (Tracked) - AS-090

- 2.9.1 The MMO welcomes that the Applicant's will continue to liaise with the National Trust regarding Worms Head, Rhossili and South Gower Coast, Wales as a compensation site.
- 2.9.2 The MMO welcomes that the Applicant has stated that there is potential use of Middle Mouse Island, Wales as a compensation site provided that the viability of predator eradication is feasible off the back of surveys.
- 2.9.3 The MMO welcomes the Compensation Site Shortlist Refinement Report [PDB-008], with the Isles of Scilly presenting a significant opportunity for ecological effective compensation for guillemot and razorbill.
- 2.9.4 The MMO acknowledges that the Applicant has written this in accordance with the Habitats Regulations and states that *"compensatory measures must ensure overall coherence of the NSN and, as highlighted in the Defra compensation hierarchy (Defra, 2024b), while the preference should be given to providing compensation as close as possible to the affected site, the priority should be ecological effectiveness of the measure for the feature(s) at risk."*
- 2.9.5 The MMO welcomes that the Applicant's will continue to attempt to engage landowners and establish the suitability of these compensation sites in 2025, once additional surveys have taken place.
- 2.9.6 The MMO defers and supports Natural England and other interested parties on matters of ornithology.

3. Notification of wish to have future correspondence electronically

3.1 The MMO wishes to have future correspondence electronically and require the information to go to the following email addresses:

- [REDACTED]@marinemanagement.org.uk
- [REDACTED]@marinemanagement.org.uk
- [REDACTED]@marinemanagement.org.uk

4. Artificial intelligence (AI)

4.1 The MMO confirms that no AI has been used to create or alter any part of our documents submitted to the ExA.

Yours Sincerely,

Leah Cameron

Leah Cameron
Marine Licencing Case Officer

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