



# Marine Management Organisation

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(Email only)

MMO Reference: DCO/2021/00003  
Planning Inspectorate Reference: EN010130  
Identification Number: 20048765

17 September 2024

Dear Rod Macarthur,

## **Planning Act 2008, GTR4 Limited, Proposed Outer Dowsing Offshore Wind Farm Order**

### **Response to Pre-examination Rule 9 and Rule 17 Letters**

On 02 May 2024 the Marine Management Organisation (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 GTR4 Limited (the Applicant) for determination of a Development Consent Order (DCO) for the construction, maintenance and operation of the proposed Outer Dowsing Offshore Wind (ODOW) (the "DCO Application") (MMO ref: DCO/2021/00003; PINS ref: EN010130). The MMO notes the DCO includes Deemed Marine Licences (DMLs) in Schedules 10,11,12,13,14,15,and 16.

The Applicant seeks authorisation for the construction, operation and maintenance of DCO Application, comprising of up to 100 wind turbine generators together with associated onshore and offshore infrastructure and all associated development (the Project). The proposed development will comprise of up to four offshore substations, up to two offshore reactive compensation platforms (ORCPs) and an offshore export cable corridor running from the array area to landfall at Wolla Bank, to the South of Anderby Creek on the Lincolnshire coast. Onshore export cables will be installed underground and connect to the onshore substation (OnSS) located at Surfleet Marsh. 400 kilovolt (kV) cables will then connect the OnSS to a new National Grid substation (NGSS) which will connect the Project to the existing overhead lines.

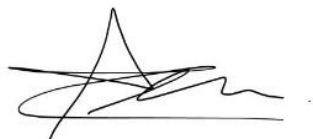
This document comprises of the MMO's submission in response to the Rule 9 and Rule 17 letter.

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,

A handwritten signature in black ink, appearing to read 'Amelia Clarke', with a horizontal line underneath.

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# 1. Comments on Relevant Representations from other Interested Parties

## 1.1 Environment Agency (EA)

### 1.1 Chapter 7 Marine Physical Processes [APP-062]

#### Section 7.4.3.3 Morphology

The MMO notes that the EA raised concerns about National Coastal Erosion Risk Mapping (NCERM) data and if it will cover this location. The EA also raised concerns regarding the unlikelihood that this section of the coast will not be affected by erosion unless current recharge actions are maintained as well as the monitoring data set not covering a sufficient long-term period. The MMO will keep a watching brief on the outcomes of this throughout examination.

#### Section 7.12 Impact Assessment

The MMO notes that the EA has raised concerns about Wolla Bank Beach being subject to erosion and destabilisation due to certain stressors. EA also raised concerns about the conclusion of no “pathways of effect” on Chapel Point Wolla Bank Site of Special Scientific Interest (SSSI) and feel it is currently uncertain. The MMO welcomes EA’s suggestion that a geophysical and geological investigation be conducted to determine the full extent of the features of that SSSI to aid in the micro-siting of the exit pit and cable protection as well as helping to avoid HDD issues. The MMO defers to NE on all matters related to SSSI but will maintain a watching brief for any potential mitigation or DML conditions for those areas below Mean High Water Springs (MHWS).

### 1.1.1 Chapter 8 Marine Water and Sediment Quality [APP-063]

The MMO notes the EA is satisfied with Environmental Statement (ES) Chapter 8: Water Sediment and Quality. The MMO has made some recommendations for rectifying some points in this Chapter and also raised concerns in our Relevant Representation regarding all chemicals with a pathway to the marine environment, including those on the Pose Little or No Risk to the Environment (PLONOR) list, to still require approval from MMO. Please refer to points: 4.3.5, 4.3.11, 4.3.12, 4.3.17 and 4.3.18 within our Relevant Representation.

### 1.1.2 Chapter 8 Appendix 1 Water Framework Directive [APP-153]

The MMO defers all matters concerning Water Framework Directive to the EA.

### 1.1.3 Chapter 9 Benthic and Intertidal Ecology [APP-064]

The MMO notes the EA is satisfied with ES Chapter 9: Benthic and Intertidal Ecology. The MMO raised concerns regarding the reefiness assessments and the spread of Invasive Non-Native Species (INNS) in our Relevant Representation (RR-042). Please refer to section 4.4 Benthic Ecology.

### **1.1.4 Chapter 10 Fish and Shellfish Ecology [APP-065]**

The MMO notes the EA is satisfied with ES Chapter 10: Fish and Shellfish Ecology. The MMO raised concerns in our Relevant Representation, whereby we requested the inclusion of some further underwater noise (UWN) modelling and the impacts to herring from UWN from piling have been assessed as 'minor' adverse which is not significant in EIA terms, so any specific mitigation measures for the species have not been proposed. The MMO does not support the conclusion and believes that there is potential for significant impacts to occur to Banks herring at a population level, if suitable mitigation is not employed. Please to section 4.5 Fish Ecology and 4.6 Shellfish Ecology of the MMO's Relevant Representation (RR-042).

### **1.1.5 Outline Pollution Prevention and Emergency Incident Response Plan [APP-272]**

The MMO notes the EA is satisfied with the scope of topics included by the Applicant. The MMO notes that the EA also welcomes their inclusion as a consultee to Requirement 18 (in Schedule 1, Part 3 of the DCO), in order to review and comment on the final plan.

### **1.1.6 Outline Project Environmental Management Plan [APP-278]**

The MMO notes the EA is satisfied with the scope of topics the Applicant has included. MMO has previously welcomed that the Project Environmental Environment Plan (PEMP) will include a Marine Pollution Contingency Plan (MPCP) that will provide protocols to cover accidental spills and potential contaminant release, and provide key emergency contact details. The PEMP will also include a chemical risk assessment (CRA).

### **1.1.7 Schedule of Mitigation [APP-287]**

The MMO notes the EA request this document to be updated to include the mitigation measures requested for the Code of Construction Practice (CoCP) which outlines further detail and additional mitigation with regards to flood risk and monitoring pre and post-construction of any trenchless main river crossings. The MMO is in agreement that this schedule should be updated to include any updates/changes throughout the examination process.

## **1.2 Natural England**

1.2.1 The MMO notes Natural England's (NE's) decision to use the 'Red Amber Green' ('RAG') system to denote the level of risk associated with a topic related to this development. The MMO welcomes NE's use of this system and considers it a clear and concise way to present the severity of an outstanding concern.

1.2.2 The MMO defers to NE on all matters related to HRA. The MMO will maintain a watching brief on these matters and will ensure we are included/are provided updates on any discussions in relation to the HRA and the DMLs. The MMO highlights that any mitigation secured through the HRA will need to be included within the conditions on the deemed marine licence.

1.2.3 The MMO notes that, as the competent authority (Conservation of Habitats and Species Regulations 2017), NE is not satisfied that it can be excluded beyond reasonable scientific doubt that the project would have an adverse effect alone or in combination on the integrity of the:

- Inner Dowsing Race Bank and North Ridge (IDRBNR) Special Area of Conservation (SAC)
- Flamborough and Filey Coast Special protected Area (SPA)
- The Wash SPA
- Southern North Sea SAC
- North Norfolk Coast SPA

#### Summary of NE's key environmental concerns

1.2.4 The MMO welcomes comments raised by NE relating to marine physical processes and welcomes the request to clarify the Maximum Design Scenario for cable protection within shallow nearshore water and the potential effects to coastal SAC and SPAs. The MMO especially welcomes the comment to make all efforts to avoid, reduce and mitigate impacts to the features of the IDRBNR SAC, including the avoidance of using external cable protection within a designated site.

1.2.5 The MMO agrees with Natural England that Operations and Maintenance (O&M) activities need to be presented within Chapter 3: Project Description [APP-060] and in the Marine Physical Process Environmental Impact Assessment (EIA) [APP-062].

1.2.6 The MMO agrees with concerns raised by NE regarding the *Sabellaria spinulosa* reef baseline assessment and we have already provided comments on this matter under Section 4.4 of the MMO's Relevant Representation (RR-042).

1.2.7 The MMO defers to NE for the appropriateness of the proposed benthic compensation of new site designation or extension for Annex I Sandbanks and Reef. We note that NE is not in agreement with the Applicant on the presented Worse Case Scenario (WCS) of lasting habitat loss/change of Annex I Sandbanks and Reef features from the placement of cable protection within the IDRBNR SAC and habitat disturbance of Annex I *Sabellaria spinulosa* reef from cable installation within IDRBNR SAC. NE are also not in agreement with the Applicant on scale and extent of the compensation measures required. However, NE are in broad agreement with this compensation measure since there is a restore conservation objective for Annex I *Sabellaria spinulosa* reef feature of IDRBNR SAC and therefore there is a preference for management measures to be put in place to support its recovery.

1.2.8 Regarding the alternative measures for Annex I Sandbanks and Reef compensation proposed, the MMO notes NE's concern over the requirement of legislation changes for the delivery of this measure.

1.2.9 Regarding the compensation measure for the removal of redundant infrastructure, namely disused telecommunications cables, for anthropogenic pressure removal on Annex I Sandbanks, MMO notes that NE does not currently support this measure. NE have highlighted that currently there is no evidence that these redundant cables are causing a significant impact on the Annex I Sandbank feature of the IDRBNR SAC or other benthic designated sites.

The MMO acknowledges that NE support the compensation measure for anthropogenic pressure removal of aggregates industry pressures for Annex I Sandbanks. We note that NE is supportive of the option for a percentage buyout of aggregate licence(s) as reduction of existing pressure on Annex I sandbanks would help restore Annex I sandbanks, prior to any licence renewal.

- 1.2.10 The MMO notes that NE considers that the proposed compensation measure of removal marine debris and awareness campaign for Annex I Sandbanks and Reef, does not provide sufficient compensation for the long-lasting loss of designated sandbank habitat. We note that NE have signposted to evidence of this compensation measure being ineffective on other projects.
- 1.2.11 The MMO agrees with NE in that the Applicant needs to consider Noise Abatement Systems (NAS) at application stage, as mitigation during construction. The MMO has provided a recommendation of NAS in comment 4.5.31 in our Relevant Representation (RR-042). To ensure adequate preparations are made and potential delays avoided, it is in the Applicant's interest to plan for noise abatement measures at the earliest opportunity and to incorporate such measures into relevant mitigation plans.
- 1.2.12 The MMO supports NE's advice to use the average summer density for harbour porpoise (2.63 individuals / kilometre) in the impact assessment to reflect the importance of the project area during the summer, as opposed to the average annual density.
- 1.2.13 The MMO notes that NE does not agree with the Applicant's position with regards to offshore ornithology; specifically relating to the assessment and apportioning of displacement impacts on common guillemot (*Uria aalge*) and razorbill (*Alca torda*) that may arise from the construction, operation, and maintenance phases, and apportioning of impacts on these species to the Flamborough and Filey Coast SPA. The MMO defers to NE for matters relating to ornithology.
- 1.2.14 The MMO notes that Natural England have requested that further work is needed to increase the evidence base and feasibility of the Flamborough and Filey Coast Special Protection Area Guillemot and Razorbill Predator Control compensation measure. The MMO notes that NE consider the compensation measure to have the potential to increase the size of the razorbill colony in the Channel Islands, and that this in turn has the potential to increase the number into the National Site Network (NSN), but there is uncertainty of success of the measure for guillemot.
- 1.2.15 Regarding the compensation measure of Artificial Nesting Structures (ANS) for Kittiwake and Guillemot and Razorbill, the MMO notes that NE consider the measure to be more effective for Kittiwake, rather than Guillemot and Razorbill. The MMO is in discussions with the Applicant regarding their request for a Marine Licence Application for the ANS to be submitted in parallel with the DCO application to avoid any delay to the award of the DCO. The MMO is still discussing this internally and will provide an update in due course.
- 1.2.16 The MMO acknowledges NE's concerns regarding the data collected to assess noise disturbance to sensitive receptors of designated sites (Sea Bank Clay Pits SSSI and The Wash SSSI). The MMO defers to NE on all matters related to SSSI but will maintain a watching brief for any potential mitigation or DML conditions for those areas below MHWS.

### **1.3 Trinity House**

1.3.1 The MMO defers to Trinity House for their comments on the safety of shipping and seafarers, the superintendence and management of all lighthouses, buoys and beacons within its area of jurisdiction. The MMO will keep a watching brief on any matters that need to be secured within the DML.

### **1.4 Maritime and Coastguard Agency**

1.4.1 The MMO defers to the Maritime and Coastguard Agency for any comments on matters concerning the safety of maritime navigation and maritime emergency response. The MMO will keep a watching brief on any matters that need to be secured within the DML.

### **1.5 Historic England**

1.5.1 The MMO notes that Historic England has accounted for the development area including 56 wrecks and obstructions. Historic England also noted that the Applicant discovered an additional wreck not previously recorded. Historic England noted that the geophysical survey data analysis has led to the identification of 23 high potential anomalies and 166 medium potential anomalies which have been assigned Archaeological Exclusion Zones. The MMO notes the points mentioned and will maintain a watching brief for any potential mitigation or DML conditions for Archaeological Exclusion Zones.

1.5.2 Historic England confirms marine survey programmes including all geotechnical works are to be designed and planned inclusive of the collection of archaeologically specific cores to meet archaeological objectives set out in an agreed Written Scheme of Investigation (WSI), building on the Outline Marine WSI submitted by the Applicant.

1.5.3 The MMO notes Historic England's concerns on the Applicant's acknowledgement of the risk that this project will encounter both the known and presently unknown elements of the historic environment. The MMO agrees that Applicants should always consider that previously unknown archaeological features may be present.

1.5.4 The MMO acknowledges Historic England highlighting the importance of effective assessment and risk management, especially in areas formerly isolated dryer ground within coastal sediment/salt marsh as such areas pose the highest risk of importance remind being identified late in the process.

1.5.5 The MMO supports Historic England's advice on the coordinated delivery of marine – terrestrial documentation to avoid failure to address impacts in the intertidal zone or confusion over responsibilities.



- 1.5.6 The MMO notes the Historic England's confirmation of the production of a scheme specific Marine WSI as conditioned within the DMLs (Schedule 10 Generation Assets and Schedule 11 Transmission Assets) of the draft DCO. However, Schedule 12 (northern artificial nesting structure 1), Schedule 13 (northern artificial nesting structure 2), Schedule 14 (southern artificial nesting structure 1), Schedule 15 (southern artificial nesting structure 2) and Schedule 16 (biogenic reef creation), do not include the equivalent of Condition for a Marine WSI (Condition 13(1)(g) as used in Schedules 11 and 12). The MMO acknowledges that Historic England notes that the present Outline Marine WSI is sufficient in relation to pre-construction, construction and operation and maintenance phases inclusive of proposed locations for installation of Artificial Nesting Structures (ANS) and creation of benthic reef. The MMO supports HE in the inclusion of this.
- 1.5.7 The MMO notes that the present Outline Marine WSI is sufficient according to Historic England.
- 1.5.8 The MMO defers to Historic England regarding any further comments in relation to the historic environment.

## **1.6 Lincolnshire Wildlife Trust**

- 1.6.1 The MMO acknowledges the involvement of Lincolnshire Wildlife Trust (LWT) since the pre-application stage, providing written responses to published documentation and participating in virtual meetings.
- 1.6.2 The MMO notes that LWT are not satisfied with the Applicants reasoning and the application of the mitigation hierarchy concerning the Cable Route through IDRBNR SAC.
- 1.6.3 The MMO acknowledges that LWT have raised concerns over the accuracy of the statement of 'temporary impact' on the sandbank feature during construction phase and due to cable protection.
- 1.6.4 The MMO acknowledges that LWT disagrees with the assessment of no significant impact on the SAC particularly regarding cable protection. LWT raised that it does not align with previous casework (Hornsea Project Three decision) and fails to mention the site's unfavourable condition. LWT raise that Natural England's update to the Marine Protected Area (MPA) advice package for the site has not been considered and that there are site features that are in an unfavourable condition due to existing activities such as cabling. The MMO is in agreement that the most up to date advice packages should be taken into consideration by the Applicant.
- 1.6.5 The MMO notes that LWT has various concerns that have been provided with detailed descriptions to the Applicant in their formal written response which can be shared upon request.

## **1.7 Inshore Fisheries and Conservation Authority**

- 1.7.1 The MMO notes that no Relevant Representation was received from the Inshore Fisheries and Conservation Authority (IFCA). The MMO recommends that the Applicant/Examining Authority seeks IFCA's comments on the application.

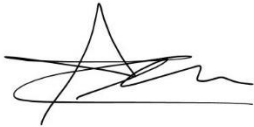
## **1.8 Royal Society for the Protection of Birds**

- 1.8.1 The MMO notes that the comments provided by the Royal Society for the Protection of Birds (RSPB) represents an initial assessment of the Applicant's submitted information and will be added to in the main response of the written representation which the MMO will review when submitted.
- 1.8.2 The MMO notes that the RSPB has concerns regarding offshore ornithology and the export cable corridor potential impact on wildlife. This is due to passing close to a number of national and international protected areas as well as RSPB's Frampton Marsh and Freiston Shore reserves and land within the within the Defra-funded Lincolnshire Wash Landscape Recovery Project (formerly known as the Greater Frampton Vision Landscape Recovery Project). The MMO defers to RSPB and Natural England regarding issues related to offshore ornithology.
- 1.8.3 The MMO acknowledges that the RSPB have now reviewed the survey data concerning the potential implications of disturbance of breeding, wintering and passage birds of the protected areas of The Wash Special Protection Area/Ramsar and the Greater Wash SPA. The RSPB has concluded that any disturbance to wintering and passage birds on the cable route will be localised and short-term in nature and have no further concerns in relation to this aspect of the project. The RSPB request that the Applicant provides the additional data for March and April 2024 to review this conclusion in the light of two years of complete data.
- 1.8.4 The MMO notes that RSPB raised concerns to the Applicant regarding the potential for the construction of the cable route to affect the mains water supply to the RSPB Frampton Marsh reserve as the cable route and works access route crosses the pipe carrying water supply. The MMO acknowledges that RSPB and the Applicant will continue discussions to ensure that, should the DCO receive consent, the construction of the cable corridor has minimal impact on the operations of the mains water supply to the reserve.
- 1.8.5 The MMO acknowledges that the RSPB has significant concerns regarding issues relating to offshore ornithology, the main issues concerning displacement, collision and mortality of a number of bird species.
- 1.8.6 The MMO defers to RSPB and NE regarding issues of adequacy of the modelling supplied by the Applicant.
- 1.8.7 The MMO acknowledges that RSPB has raised concerns regarding compensation measures, particularly in relation to gannet; kittiwake; guillemot, razorbill and red-throated. The MMO defers to Natural England regarding ornithological issues related to compensation measures.
- 1.8.8 The MMO notes that RSPB have raised a number of questions in relation to Artificial Nesting Structures for kittiwake compensation. The MMO will keep a watching brief on the answers to these queries they have raised. The MMO will review the responses in relation to this and may provide further comments at Deadline 1.

## 1.9 Lincolnshire County Council (Lincolnshire County Council)

1.9.1 The MMO notes that Lincolnshire County Council expects Natural England and the MMO to lead on offshore elements concerning ecological and biodiversity matters. The MMO highlights that both the Council's and MMO's jurisdictions overlap in the intertidal area, and the MMO welcomes the opportunity to discuss any intertidal matters with Lincolnshire County Council.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Amelia Clarke', with a stylized flourish at the end.

Amelia Clarke

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