



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

Mr Rod Macarthur
Outer Dowsing Lead Panel Member
Outer Dowsing Offshore Wind Case Team
Planning Inspectorate
OuterDowsingOffshoreWind@planninginsp
ectorate.gov.uk
(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

Deadline 1 Submission – Summary of MMO Relevant Representation

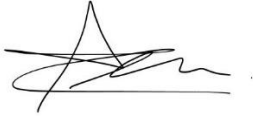
On 02 May 2024, the Marine Management Organisation (the MMO) received notice under Section 56 of the Planning Act 2008 (the PA 2008) that the Planning Inspectorate (PINS) had accepted an application made by GTR4 Limited (the Applicant) for determination of a development consent order for the construction, maintenance and operation of the proposed Outer Dowsing Offshore Wind (the DCO Application) (MMO ref: DCO/2021/00003; PINS ref: EN010130).

This document includes the MMO's summary of the Relevant Representation submitted to PINS on 13 June 2024.

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,



Amelia Clarke
Marine Licensing Case Officer
D +44 20 3025 3649
E amelia.clarke@marinemanagement.org.uk



Summary of MMO Relevant Representation (1500 words)

1. Development Consent Order (DCO) and Deemed Marine Licenses (DMLs)

1.1.1 Clarity on the investigation and detonation of Unexploded Ordnance (UXO) is required.

1.2 Arbitration

1.2.1 The MMO requests that all reference to the MMO within 'arbitration' clauses of the DCO are removed as there is already a standard marine licence process for dealing with this issues which should be followed (RR-042, 3.3.1 – 3.3.3).

1.3 Transfer of Benefit of the Order

1.3.1 The MMO requests several text amendments be made in order to improve clarity and address practical concerns (RR-042, 3.4.1 - 3.4.5).

1.4 Materially

1.4.1 The MMO strongly considers that the activities authorised under the DCO and DML should be limited to those that are assessed within the EIA. This is because it runs contrary to the EIA process.

1.5 Schedule 16

1.5.1 The MMO notes that some of the potential compensation areas are located where The Crown Estate has recently issue seabed lease areas to the Aggregates industry. The MMO query if this has been considered and will provide further comments through Examination.

1.6 Schedule 20

1.6.1 The MMO requests that any reference to determination dates within which the MMO "must make a determination" must be removed (RR-042, 3.7.1).

1.7 Additional Conditions

1.7.1 The MMO requests that maintenance reporting is added to both Schedules 10 and 11.

1.7.2 The MMO requests a full timetable for construction condition is added to both Schedules 10 and 11.

1.7.3 The MMO requests that adaptive management is added to the pre-construction monitoring and surveys condition in Schedules 10 and 11.



1.8 Conditions to Remove

1.8.1 The MMO requests that provisions on Force Majeure be removed as it is not necessary as Section 86 of the Marine and Coastal Access Act (MCAA) provides a defense for action taken in an emergency in breach of any licence conditions.

2. Environmental Statement (ES)

2.1. General Comments

2.1.1. The MMO have focused its review of the following chapters of Volume 1 Outer Dowsing Offshore Windfarm Environmental Statement, but has also reviewed the accompanying figures and appendices where required:

Chapter 1 Introduction (APP-056)

Chapter 3 Project Description (APP-058)

Chapter 7 Marine Physical Processes (APP-062)

Chapter 8 Marine Water and Sediment Quality (APP-063)

Chapter 9 Benthic and Intertidal Ecology (APP-064)

Chapter 10 Fish and Shellfish Ecology (APP-065)

Chapter 11 Marine Mammals (APP-066)

2.2. Coastal Processes

2.2.1. The MMO have highlighted several points (RR0942, 4.2.1 – 4.2.11) relating to several required amendments. These amendments include the need for further information regarding scour protection impacts, predictions on secondary scour, queries regarding Impact 8, and potential impacts/changes that are classified to pathways and receptors.

2.3. Dredge, Disposal and Chemical Use

2.3.1. The MMO raised several points (RR-042, 4.3.1 – 4.3.18) and requests for chemical properties and quantities requirements.

2.4. Benthic Ecology

2.4.1. The MMO raised concerns regarding the *Sabellaria spinulosa* reef survey methodology and that the potential spread of invasive species during operation should be scoped into the cumulative effects assessment. Clarification was sought on the consideration of invasive species on particular turbine base types and structures.



2.4.2. MMO raised concerns particularly regarding the Sabellaria spinulosa mitigation plan and the assessments conducted (RR-042, 4.4.5 and 4.4.7).

2.5. Fish Ecology

2.5.1. The MMO raised several concerns regarding disturbance to herring at their spawning grounds from piling noise and requested further underwater noise (UWN) modelling. It is not possible to summarise these points in 1500 words. The MMO recommended a seasonal restriction on piling to mitigate impacts to Banks herring at population level.

Herring

2.5.2. In summary, the MMO do not support the conclusion concerning the impacts to herring from underwater noise from piling to be assessed as 'minor' adverse leading to no proposed mitigation as a result. Various points were raised regarding this (RR-042, 4.5.15 – 4.5.25).

Sandeel

2.5.3. The MMO raised various points concerning sandeels. The main points raised related to protected areas overlapping or in close proximity to the Outer Dowsing study area, UWN impacts on behaviour modelling, cumulative impacts from piling and queries regarding the 'worst case' scenario for simultaneous piling of two monopile foundations at the SW and NE piling locations in the array area. Please see RR-042 sections 4.5.26 – 4.5.33 for further information.

2.6. Shellfish Ecology

2.6.1. The MMO has raised concerns regarding the data sources and surveys for shellfish and shellfisheries (RR-042, 4.6.1 and 4.6.2). More recent data to inform the baseline environment for shellfish receptors and shellfisheries is requested.

2.6.2. The MMO has raised that site specific surveys vary in their effectiveness in capturing shellfish.

2.6.3. Some specific scientific names are incorrect and require amendments.

2.7. Underwater noise

2.7.1. The impact of UXO Clearance and temporary threshold shift (TTS) was originally raised during Section 42 consultation and remains unclear why this impact isn't specifically listed with the other impacts.



2.7.2. RR-042, 4.7.6 – 4.7.10 include specific comments on Appendix 11.2: Underwater Noise Assessment (APP-161). The main points raised by the MMO include maps lacking coordinates and geographical context amongst other issues, additional scenarios need to be considered and modelled, data – pile diameters and hammer energies.

2.8. Chapter 12 Offshore and Intertidal Ornithology

2.8.1. The MMO defers to Natural England as the Statutory Nature Conservation Body (SNCB) and supports any comments raised in relation to ornithology. The MMO will continue to be part of the discussions relating to mitigation and monitoring or other conditions required within the DMLs.

2.9. Chapter 13 Marine and Intertidal Archaeology

2.9.1. The MMO defers to Historic England on matters of marine archaeology and supports any comments raised. The MMO will continue to be part of discussions relating to any mitigation, monitoring or other conditions within the DMLs.

2.10. Chapter 14 Commercial Fisheries

2.10.1. The MMO notes that temporary exclusion zones could result in temporary restrictions to fishing grounds, navigation routes and effects to other legitimate users of the sea.

2.10.2. The MMO defers to the National Federation of Fishermen's Organisations and Sussex Inshore fisheries and Conservation Authority, along with standalone representatives on matters of commercial fisheries. The MMO will continue to be part of discussions regarding mitigation, monitoring or other conditions required in the DMLs.

2.11. Chapter 15 Shipping and Navigation

2.11.1. The MMO defers to the Maritime and Coastguard Agency and Trinity House on matters of shipping and navigation and supports any comments raised. The MMO will continue to be part of discussions for the DMLs.

2.12. Chapter 17 Seascape Landscape and Visual

2.12.1. The MMO defers to Natural England, along with Historic England and the Local Planning Authorities on matters of Seascape, Landscape and Visual Resources and supports any comments raised.

2.13. Other Application Documents

In Principle Southern North Sea Special Area of Conservation Site Integrity Plan (APP-281)



- 2.13.1. The MMO raised that it is in the Applicant's interest to plan for noise abatement measures at the earliest opportunity and incorporate them into mitigation plans.
- 2.13.2. The MMO defers to Natural England and other SNCBs for further comments on SIPs.

Outline Marine Mammal Mitigation Protocol (MMMP) for Piling Activities (App-279)

- 2.13.3. The MMO acknowledges the piling events and modelling related to underwater noise. The MMO considers the approach to collect additional survey data and/or information of emerging technologies to allow the noise modelling to be updated, to be appropriate. This will feed into discussions on appropriate mitigation measure(s) in the final MMMP.

Outline Marine Mammal Mitigation Protocol for UXO (APP-280)

- 2.13.4. Bubble curtains should be deployed for all high-order detonations, including those under 50 kilograms (kg).

Offshore In-Principal Monitoring Plan (IPMP) (APP-276)

- 2.13.5. The monitoring plan to be submitted to the MMO for approval post consent must accord with the IPMP.
- 2.13.6. The MMO encourages pre-engagement at the earliest stages once consented to allow for any issues to be resolved.

Outline Fisheries Liaison and Coexistence Plan (APP-288)

- 2.13.7. Advice from the Fisheries Liaison Officer (FLO) should be sought when the timetable of works is known to enable the local industry to provide real-time advice.
- 2.13.8. The MMO will not act as an arbitrator in regard to compensation and will not be involved in discussions on the need for or the amount of compensation being issues. The MMO asks for this to be made clear within the Outline Fisheries Liaison and Coexistence Plan.

Report to Inform Appropriate Assessment (APP-236)

- 2.13.9. The MMO defers to and supports Natural England regarding impacts to international designated sites and the HRA. The MMO will keep a watching brief on these documents and would remind the Applicant that any mitigation measures will need to be included within the conditions of the DML.

Habitats Regulations Assessment Derogation Case (APP-242)

- 2.13.10. The MMO defers and supports Natural England regarding the derogation case proposed.

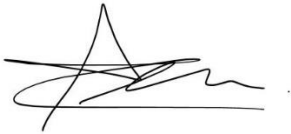


2.13.11. The MMO will keep a watching brief on these documents and asks that any compensation requirements to be included within the DCO to ensure all parties have reviewed the wording, should the Secretary of State be minded including compensation.

Outline Offshore Operations and Maintenance Plan (APP-275)

2.13.12. The MMO requests to see details of Operation and Maintenance activities from both within and outside designated sites.

Yours sincerely,



Amelia Clarke
Marine Licensing Case Officer
D +44 20 3025 3649
E amelia.clarke@marinemanagement.org.uk

