

Outer Dowsing Offshore Wind

(Draft) Statement of Common Ground with the Marine Management Organisation (MMO)

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Acronyms & Definitions

Abbreviations / Acronyms

Abbreviation / Acronym	Description
ANS	Artificial Nesting Structure
CEA	Cumulative Effects Assessment
CRA	Chemical Risk Assessment
CSIP	Cable Specification and Installation Plan
dB	Decibel
DCO	Development Consent Order
DESNZ	Department for Energy Security and Net Zero
dML	Deemed Marine Licence
EAP	Early Adopters Programme
ECC	Export Cable Corridor
EDR	Effective Deterrence Range
EIA	Environmental Impact Assessment
EMF	Electromagnetic Fields
EPP	Evidence Plan Process
ES	Environmental Statement
ETG	Expert Topic Groups
EQSD	Environmental Quality Standards Directive
GBS	Gravity Based Structures
GT R4 Limited	GT R4 or GT R4 Limited, the incorporated joint venture development Co., the Applicant
GW	Gigawatt
HDD	Horizontal Directional Drilling
HRA	Habitat Regulations Assessment
HVAC	High Voltage Alternating Current
IHLS	International Herring Larval Survey
INNS	Invasive non-native species
IROPI	Imperative reasons of over-riding public interest
MCAA 2009	Marine and Coastal Access Act 2009
MLWS	Mean Low Water Springs
MHWS	Mean High Water Springs
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
MW&SQ	Marine Water and Sediment Quality
NE	North-east
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
NW	North-west
ODOW	Outer Dowsing Offshore Wind
ORCP	Offshore Reactive Compensation Platforms
ORBA	Offshore Restricted Build Area

Abbreviation / Acronym	Description
OWFs	Offshore Windfarms
PADS	Principal Areas of Disagreement Statement
PEIR	Preliminary Environmental Information Report
PEMP	Project Environment Management Plan
SNCB	Statutory Nature Conservation Bodies
SNS	Southern North Sea
SoCG	Statement of Common Ground
SSC	Suspended Sediment Concentration
SW	South-west
TTS	Temporary Threshold Shift
UK	United Kingdom
UXO	Unexploded Ordnance
WFD	Water Framework Directive
WTG	Wind Turbine Generators

Terminology

Term	Definition
The Applicant	GT R4 Ltd. The Applicant making the application for a DCO. The Applicant is GT R4 Limited (a joint venture between Corio Generation (and its affiliates), Total Energies and Gulf Energy Development (GULF)), trading as Outer Dowsing Offshore Wind. The Project is being developed by Corio Generation, TotalEnergies and GULF.
AfL array area	The area of the seabed awarded to GT R4 Ltd. through an Agreement for Lease (AfL) for the development of an offshore wind farm, as part of The Crown Estate's Offshore Wind Leasing Round 4.
Array Area	The area offshore within which the generating stations (including wind turbine generators (WTG) and inter array cables), offshore accommodation platforms, offshore transformer substations and associated cabling are positioned.
Baseline	The status of the environment at the time of assessment without the development in place.
Cumulative Effects	The combined effect of the Project acting additively with the effects of other developments, on the same single receptor/resource.
Cumulative Impacts	Impacts that result from changes caused by other present or reasonably foreseeable actions together with the Project.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for a Nationally Significant Infrastructure Project (NSIP).
deemed Marine Licence (dML)	A marine licence set out in a Schedule to the Development Consent Order and deemed to have been granted under Part 4 (marine licensing) of the Marine and Coastal Access Act 2009.
Early Adopters Program (EAP)	A process launched in April 2023 by the Planning Inspectorate and adopted by seven NSIP projects including Outer Dowsing Offshore

Term	Definition
	Wind, to trial potential components of a future enhanced pre-application service for applications decided under procedures set out in the Planning Act 2008 (PA2008).
Effect	Term used to express the consequence of an impact. The significance of an effect is determined by correlating the magnitude of the impact with the sensitivity of the receptor, in accordance with defined significance criteria.
EIA Regulations	Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
Environmental Impact Assessment (EIA)	A statutory process by which certain planned projects must be assessed before a formal decision to proceed can be made. It involves the collection and consideration of environmental information, which fulfils the assessment requirements of the EIA Regulations, including the publication of an Environmental Statement (ES).
Environmental Statement (ES)	The suite of documents that detail the processes and results of the EIA.
Evidence Plan	A voluntary process of stakeholder consultation with appropriate Expert Topic Groups (ETGs) that discusses and, where possible, agrees the detailed approach to the Environmental Impact Assessment (EIA) and information to support Habitats Regulations Assessment (HRA) for those relevant topics included in the process, undertaken during the pre-application period.
Evidence Plan Process	An optional way to agree and record the information an applicant needs to supply to the Inspectorate when applying for a DCO so that environmental issues arising from multiple assessments (for example EIA, Habitats Regulations Assessment (HRA) and/ or Flood Risk Assessments) within the application can be efficiently identified, tracked, discussed and progressed.
Export Cables	High voltage cables which transmit power from the Offshore Substations (OSS) to the Onshore Substation (OnSS) via an Offshore Reactive Compensation Platform (ORCP) if required, which may include one or more auxiliary cables (normally fibre optic cables).
Habitats Regulations Assessment (HRA)	A process which helps determine likely significant effects and (where appropriate) assesses adverse impacts on the integrity of European conservation sites and Ramsar sites. The process consists of up to four stages of assessment: screening, appropriate assessment, assessment of alternative solutions and assessment of imperative reasons of over-riding public interest (IROPI) and compensatory measures.
High Voltage Alternating Current (HVAC)	High voltage alternating current is the bulk transmission of electricity by alternating current (AC), whereby the flow of electric charge periodically reverses direction.

Term	Definition
Inter-array Cables	Cable which connects the wind turbines to each other and to the offshore substation(s) , which may include one or more auxiliary cables (normally fibre optic cables).
Impact	An impact to the receiving environment is defined as any change to its baseline condition, either adverse or beneficial.
Intertidal	The area between Mean High Water Springs (MHWS) and Mean Low Water Springs (MLWS).
Landfall	The location at the land-sea interface where the offshore export cables and fibre optic cables will come ashore.
Maximum Design Scenario	The project design parameters, or a combination of project design parameters that are likely to result in the greatest potential for change in relation to each impact assessed.
Mitigation	Mitigation measures are commitments made by the Project to reduce and/or eliminate the potential for significant effects to arise as a result of the Project. Mitigation measures can be embedded (part of the project design) or secondarily added to reduce impacts in the case of potentially significant effects.
National Policy Statement (NPS)	A document setting out national policy against which proposals for Nationally Significant Infrastructure Projects (NSIPs) will be assessed and decided upon.
Offshore Export Cable Corridor (ECC)	The Offshore Export Cable Corridor (Offshore ECC) is the area within the Order Limits within which the export cable running from the array to landfall will be situated.
Offshore Reactive Compensation Platform (ORCP)	A structure attached to the seabed by means of a foundation, with one or more decks and a helicopter platform (including bird deterrents) housing electrical reactors and switchgear for the purpose of the efficient transfer of power in the course of High Voltage Alternating Current (HVAC) transmission by providing reactive compensation.
Offshore Substation (OSS)	A structure attached to the seabed by means of a foundation, with one or more decks and a helicopter platform (including bird deterrents), containing— (a) electrical equipment required to switch, transform, convert electricity generated at the wind turbine generators to a higher voltage and provide reactive power compensation; and (b) housing accommodation, storage, workshop auxiliary equipment, radar and facilities for operating, maintaining and controlling the substation or wind turbine generators
Onshore Substation (OnSS)	The Project's onshore HVAC substation, containing electrical equipment, control buildings, lightning protection masts, communications masts, access, fencing and other associated equipment, structures or buildings; to enable connection to the National Grid
Order Limits	The area subject to the application for development consent, the limits shown on the works plans within which the Project may be carried out.

Term	Definition
Outer Dowsing Offshore Wind (ODOW)	The Project.
Phase 2 Consultation	Statutory consultation carried out under section 42 of the Planning Act 2008
The Planning Inspectorate	The agency responsible for operating the planning process for Nationally Significant Infrastructure Projects (NSIPs).
Pre-construction and post-construction	The phases of the Project before and after construction takes place.
Preliminary Environmental Information Report (PEIR)	The PEIR was written in the style of a draft Environmental Statement (ES) and provided information to support and inform the statutory consultation process during the pre-application phase.
The Project	Outer Dowsing Offshore Wind, an offshore wind generating station together with associated onshore and offshore infrastructure.
Receptor	A distinct part of the environment on which effects could occur and can be the subject of specific assessments. Examples of receptors include species (or groups) of animals or plants, people (often categorised further such as 'residential' or those using areas for amenity or recreation), watercourses etc.
Statement of Common Ground (SoCG)	A statement of common ground is a written statement produced jointly between The Applicant and another Interested Party setting out the areas of agreement and /or disagreement between parties.
Statutory consultee	Organisations that are required to be consulted by the Applicant, the Local Planning Authorities and/or The Planning Inspectorate during the pre-application and/or examination phases, and who also have a statutory responsibility in some form that may be relevant to the Project and the DCO application. This includes those bodies and interests prescribed under Section 42 of the Planning Act 2008.
Subsea	Subsea comprises everything existing or occurring below the surface of the sea.
Wind Turbine Generator (WTG)	A structure comprising a tower, rotor with three blades connected at the hub, nacelle and ancillary electrical and other equipment which may include J-tube(s), transition piece, access and rest platforms, access ladders, boat access systems, corrosion protection systems, fenders and maintenance equipment, helicopter landing facilities and other associated equipment, fixed to a foundation.

Reference Documentation

Document Number	Title
APP-062	Chapter 7 Marine Physical Processes
APP-064	Chapter 9 Benthic and Intertidal Ecology
APP-065	Chapter 10 Fish and Shellfish Ecology
APP-066	Chapter 11 Marine Mammals
APP-097	Chapter 10 Fish and Shellfish Ecology Figures Part 1 of 2
APP-098	Chapter 10 Fish and Shellfish Ecology Figures Part 2 of 2
APP-154	Chapter 9 Appendix 1 Benthic Ecology Technical Report (Array)
APP-155	Chapter 9 Appendix 2 Benthic Ecology Technical Report (ECC)
APP-159	Chapter 10 Appendix 1 Fish and Shellfish Ecology Technical Baseline
APP-161	Chapter 11 Appendix 2 Underwater Noise Assessment
APP-276	Offshore In-Principle Monitoring Plan
APP-277	Outline Project Environmental Management Plan
APP-278	Outline Cable Specification and Installation Plan
APP-297	Planning Statement
AS1-024	Draft Development Consent Order clean
AS1-038	Chapter 8 Marine Water and Sediment Quality
AS1-064	Chapter 12 Appendix 1 Intertidal and Offshore Ornithology Technical Baseline
PD1-026	Draft DCO
PD1-071	Applicant Response to Relevant Representations
PD1-081	Environmental Report for the Offshore Restricted Build Area (ORBA) and Revision to the Offshore Export Cable Corridor (ECC)
PD1-082	Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor Appendix A Figures Part 1
PD1-090	Review of Offshore Restricted Build Area Impact on Shipping Displacement and Collision Risk
RR-042	Marine Management Organisation Relevant Representation

1 Introduction

1.1 Outer Dowsing Offshore Wind (ODOW)

1. Outer Dowsing Offshore Wind ('The Project') is a proposed offshore windfarm comprising both offshore and onshore infrastructure, including an offshore generation station (windfarm) located approximately 54km from the Lincolnshire coastline, export cables to landfall, Offshore Reactive Compensation Platforms (ORCPs), onshore cables, connection to the electricity transmission network, ancillary and associated development and areas for the delivery of up to two Artificial Nesting Structures (ANS) and the creation of a biogenic reef (if these compensation measures are deemed to be required by the Secretary of State).
2. The Project will have a total installed capacity of 1.5GW which is roughly equivalent to the annual electricity consumption of over 1.6million UK households.

1.2 Purpose of this Statement of Common Ground (SoCG)

3. The Marine Management Organisation (MMO) was established by the Marine and Coastal Access Act 2009 (MCAA 2009) to contribute to sustainable development in the marine area and promote clean, healthy, safe, productive and biologically diverse oceans and seas. The MMO are responsible for licencing construction works, deposits and removals in English inshore and offshore waters. In the case of NSIPs, the Planning Act 2008 (the 2008 Act) enables DCOs for projects which affect the marine environment to include provisions which deem marine licences. 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.
4. The draft Development Consent Order (DCO) (PD1-026) submitted as part of the Applicant's DCO application includes deemed Marine Licences (dMLs) for the generation and offshore transmission assets as well as dMLs for each of the two artificial nesting structures and biogenic reef creation in the event that these are deemed necessary by the Secretary of State. The MMO is the delivery body responsible for post-consent monitoring, variation, enforcement and revocation of the provisions in the dMLs relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in the dMLs enable the MMO to fulfil these obligations.
5. This SoCG has been prepared by ODOW ('the Applicant') and the MMO to identify topics that are relevant to the MMO's regulatory role and states whether relevant matters are agreed, not agreed or still in discussion. If relevant, where matters are not agreed, an explanation is provided as to whether these matters are of consequence or not. The initial draft SoCG focuses on the principal areas of disagreement between the Applicant and the MMO, with the aim of making progress to resolve these and narrow the issues at Examination.

6. This SoCG has been prepared with due regard to the Planning Act 2008: Guidance on the examination stage for Nationally Significant Infrastructure Projects (Department for Levelling Up, Housing and Communities, 2024).

1.3 Consultation

- 7. The Applicant has engaged with the MMO throughout the pre-application process, through statutory consultation carried out under section 42 of the Planning Act 2008 ('section 42 consultation'), bilateral engagement and participation in the Evidence Plan Process (EPP).
- 8. During the Phase 2 consultation held by the Applicant in June/July 2023, the MMO provided comments on the Preliminary Environmental Information Report (PEIR).
- 9. Additionally, as part of the Applicant’s participation in the NSIP Reform Early Adopters Programme (EAP), the MMO submitted a Principal Areas of Disagreement Summary Statement (RR-042) (PADSS) which has formed the basis for this SoCG.

1.4 Topics addressed in this Statement of Common Ground

10. Table 1 sets out the topics addressed in this SoCG. The topics referred to are referenced against the relevant chapter of the Environmental Statement (ES) or other DCO application plans and documents.

Table 1: Topics Included in this SoCG

Topic	Application Documents and references	Included in EPP (Yes/No)
Marine Physical Processes	Chapter 7 Marine Physical Processes (document reference 6.1.7) (APP-062)	Yes
Marine Water and Sediment Quality	Chapter 8 Marine Water and Sediment Quality (document reference 6.1.8) (AS1-038)	Yes
Benthic and Intertidal Ecology	Chapter 9 Benthic and Intertidal Ecology (document reference 6.1.9) (APP-064)	Yes
Fish and Shellfish Ecology	Chapter 10 Fish and Shellfish Ecology (document reference 6.1.10) (APP-065)	Yes
Marine Mammals	Chapter 11 Marine Mammals (document reference 6.1.11) (APP-066)	Yes
Draft Development Consent	Draft DCO (document reference 3.1) (PD1-026)	No

1.5 Identification of items agreed/not agreed/in discussion

11. This SoCG sets out the relevant topics and identifies them as agreed, not agreed or in discussion using a colour coding system. The colour coding system used throughout the document is summarised in Table 2.

Table 2: Colour coding system

Classification	Meaning
Agreed	Agreement has been reached between the parties
In discussion	This matter has not been 'agreed' or 'not agreed' but discussions are continuing, or information is to be provided with the intention of reaching agreement.
Not agreed (No material impact)	This matter has not been agreed, but discussions have been concluded and it is considered that it does not have a material impact.
Not Agreed	This matter has not been agreed, but discussions have been concluded.

2 Statement of Common Ground

2.1 Marine Physical Processes

12. The Applicant has assessed the likely significant effects of the Project seaward of Mean High Water Springs (MHWS) and on specific receptors above MHWS on Marine Physical Processes during the construction, operation and maintenance and decommissioning phases as set out in Chapter 7 Marine Physical Processes of the Environmental Statement (ES) (APP-062).
13. Marine Physical Processes were included within the Marine Ecology, Coastal Processes and Compensation & Derogation panel as part of the EPP. Minutes of the meetings held can be found in Appendix 5.1.15 of the Consultation Report submitted as part of the Project's application for development consent (APP-052).
14. Table 3 sets out areas of agreement (common ground), areas where discussions are ongoing and areas where it has not been possible to reach agreement and discussions are no longer being pursued in relation to Marine Physical Processes.

Table 3: Marine physical processes

Ref	ODOW Position	MMO position	Status
MMO 1	<p>The wording of the following requirements and conditions pertaining to Marine Physical Processes are appropriate and adequate:</p> <ul style="list-style-type: none"> ▪ Condition 13(1)(c) (Pre-construction plans and documentation: monitoring plan) of Schedules 10 and 11 ▪ Condition 13(1)(d) (Pre-construction plans and documentation: construction method statement, including cable specification and installation plan, scour protection plan) of Schedules 10 and 11 ▪ Condition 17 (Pre-construction monitoring and surveys) of Schedules 10 and 11 ▪ Condition 18 (Construction monitoring) of Schedules 10 and 11 ▪ Condition 19 (Post-construction monitoring) of Schedules 10 and 11 ▪ Condition 21 (Deployment of cable protection) of Schedules 10 and 11 ▪ Condition 10(1)(c) (Pre-construction plans and documents: construction method statement including scour protection management) of Schedules 12, 13, 14 and 15 ▪ Condition 10(1)(c) (Pre-construction plans and documents: construction method statement) of Schedule 16. <p>The Applicant notes that condition 14(2) of Part 2 of Schedules 10 and 11 of the draft DCO provides for an</p>	<p>Any reference to a condition applies to all schedules where similar conditions exist.</p> <p>The current wording for Condition 13 (1) (c) of Schedules 10 and 11 states that the monitoring plan must be submitted four months prior to the first survey/prior to construction, however the MMO have concerns that not enough time to fully assess and review documents and request that this is changed to six months.</p> <p>The construction method statement as outlined in Condition 13(1)(d) of Schedules 10 and 11 and Condition 13(1)(c) of Schedules 12, 13, 14 and 15 do not state the timescale in which this should be submitted to the MMO.</p> <p>The documents in question require in depth analysis by both MMO and statutory consultees. There needs to be as much time as practically possible to allow this process to take place. The undertaker should submit all plans to the MMO at least 6 months prior to the proposed commencement of licenced activities.</p>	In discussion

Ref	ODOW Position	MMO position	Status
	<p>approval period of at least four months unless otherwise stated. Following consultation with Natural England and the MMO, the Applicant previously revised the draft DCO to increase the approval period from four to six months for those plans which may have particular complexities. Condition 11(1) of Part 2 of Schedules 12, 13, 14 and 15 and condition 9(1) of Part 2 of Schedule 16 of the draft DCO provides for an approval period of at least three months unless otherwise stated. The Applicant is considering the MMO’s comments on these conditions.</p>		

Ref	ODOW Position	MMO position	Status
PADS 1	<p>The Applicant has responded to the issues raised by the MMO in 'The Applicant's Response to Relevant Representations'(PDI-071) references: 4.2.2 and 4.2.3, regarding the methodology used to analyse potential impacts from scour and the impacts from scour protection. In summary:</p> <ul style="list-style-type: none"> ▪ Secondary scour has been considered within APP-062, ▪ The Applicant compared the Project to Hornsea One due to similarities on factors influencing scour formation, as detailed in APP-062. ▪ Consequently, the Applicant retains that the comparison is relevant and valid for assessing the scour formation/ impact. ▪ Finally, the predicted extent of secondary scour would occur within the footprint for seabed preparation works around foundations, which represents the greatest area for habitat disturbance and is assessed as the WCS. <p>The Applicant will continue to engage with the MMO to seek common ground on this topic.</p>	<p>Potential impacts from sediment that would be mobilised due to erosion occurring during scour development is not fully assessed. The impacts of using scour protection (relating to a greater footprint of hard substrate being introduced, which may lead to habitat change/loss) should be compared to the impacts of simply designing foundations which can accommodate scour development. Secondary scour can occur around the edges of scour protection and the potential for this to increase the footprint of the project effects should be assessed. It is noted that 'there is limited numerical basis for the prediction of this secondary scour'. The MMO recommends that further evidence is collected from field data/monitoring evidence from other wind farms if available. Section 7.12.2.2 discusses the impacts of seabed scouring, with the applicant making some estimations for the magnitude of the scour equilibrium volumes. There is a good general discussion regarding scour. The MMO notes that the applicant still has not made any predictions for secondary scour due to limited numerical basis for prediction and remains unclear as to whether secondary scour volumes are included in the project footprint.</p>	In discussion

Ref	ODOW Position	MMO position	Status
		<p>It is noted that 'ecological' scour protection may be used that would not exceed the footprint of the methods presented. Any scour protection method used should be notified to the MMO for review and approved prior to use.</p> <p>All rock used for scour protection should be inert and free from fines.</p>	

Ref	ODOW Position	MMO position	Status
MMO2	<p>The Applicant wishes to highlight that Impact 8 (Decommissioning: Modifications to littoral transport and coastal behaviour (erosion) including at landfall, including coastal processes and geomorphology above MHWS) has been assessed within Section 7.12.3.3 of ES Chapter 7 Marine Physical Processes (APP-062), with the potential effect identified as not significant in EIA terms. However, the Applicant recognises that Impact 8 has been omitted from Table 7.3. This can be rectified in a future update if deemed to be necessary, but it would not result in any changes to the assessment or the assessment conclusions. For the purposes of undertaking the assessment, decommissioning works are assumed to comprise a reverse of the construction processes, should there be a requirement to remove the seabed infrastructure. Impact 8 has therefore been assessed based on the MDS identified for Impact 3 (Construction: Modifications to littoral transport and coastal behaviour (erosion) including at landfall, including coastal processes and geomorphology above MHWS). As outlined in Section 7.12.3 of APP-062, Project infrastructure will be decommissioned in accordance with the decommissioning plan in addition to the best environmental practice at the time.</p>	<p>The MMO notes that Impact 8 is not included in the decommissioning stage of Table 7.3 (Maximum Design Scenario). The MMO queries whether this is an oversight or intentionally left out. Whilst the cables are meant to be left in situ, the MMO queries if there is any risk of exposure by retreating shorelines/local erosion that may need to be considered.</p> <p>In Table 7.5, where potential impacts/changes are classified to pathways and receptors; Impact 4 is only identified as a pathway. MMO considers it should be pathway/receptor, as Impact 4 includes the geomorphology above MHWS, which includes shoreline features such as beach dunes.</p>	In discussion

Ref	ODOW Position	MMO position	Status
	<p>Appropriate set back distances, taking into account the risk of coastal erosion, have been selected during the landfall design process. These distances, as well as the depth of the HDD under the beach (as outlined in Table 7.1 of Chapter 3: Project Description (APP-089)), are considered to appropriately mitigate any potential risk of exposure.</p> <p>Impact 4 has considered both pathway effects from modifications to the wave and tidal regime, in addition to potential impacts to receptors including the shoreline and geomorphology above MHWS. The Applicant consider the assessment and conclusions to be appropriate.</p>		

2.2 Marine Water and Sediment Quality

15. The Applicant has assessed the likely significant effects of the Project on Marine Water and Sediment Quality (MWSQ) during the construction, operation and maintenance and decommissioning phases within Chapter 8 Marine Water and Sediment Quality of the ES (AS1-038).
16. Table 4 Table 4 sets out areas of agreement (common ground), areas where discussions are ongoing and areas where it has not been possible to reach agreement and discussions are no longer being pursued relating to MWSQ.

Table 4: Marine Water and Sediment Quality

Ref	ODOW Position	MMO position	Status
MMO 3	<p>The wording of the following requirements and conditions pertaining to marine water and sediment quality are appropriate and adequate:</p> <ul style="list-style-type: none"> ▪ Condition 11 (Chemicals, drilling and debris), Part 2, Schedules 10 and 11 ▪ Condition 13(1)(d) (Pre-construction plans and documentation: construction method statement, including cable specification and installation plan, scour protection plan) of Schedules 10 and 11 ▪ Condition 13(1)(e) (Pre-construction plans and documentation: project environmental management plan) of Schedules 10 and 11 ▪ Condition 8 (Chemicals, drilling and debris), Part 2, Schedules 12, 13, 14 and 15 ▪ Condition 10(1)(c) (Pre-construction plans and documentation: construction method statement including scour protection plan) of Schedules 12, 13, 14 and 15 ▪ Condition 10(1)(d) (Pre-construction plans and documentation: project environmental management plan) of Schedule 12, 13, 14 and 15 ▪ Condition 6 (Chemicals and debris), Part 2, Schedule 16 ▪ Condition 8(1)(c) (Pre-construction plans and documents: construction method statement), Part 2, Schedule 16. 	<p>Any reference to a condition applies to all schedules where similar conditions exist.</p> <p>The current wording for Condition 13 (1) (d) of Schedules 10 and 11, Condition 13 (1) (e) of Schedules 10 and 11, do not state the timescale in which this should be submitted to the MMO. The MMO would expect this to be six months.</p> <p>The current wording for Condition 10(1)(c) of Schedule 12, 13, 14 and 15 and Condition 10(1)(d) Schedules 12, 13, 14 and 14 do not state the timescales in which this should be submitted to the MMO. The MMO would expect this to be six months.</p> <p>The documents in question require in depth analysis by both MMO and statutory consultees. There needs to be as much time as practically possible to allow this process to take place. The undertaker should submit all plans to the MMO at least 6 months prior to the proposed commencement of licenced activities.</p>	In discussion

Ref	ODOW Position	MMO position	Status
	<p>The Applicant notes that condition 14(2) of Part 2 of Schedules 10 and 11 of the draft DCO provides for an approval period of at least four months unless otherwise stated. Following consultation with Natural England and the MMO, the Applicant previously revised the draft DCO to increase the approval period from four to six months for those plans which may have particular complexities. Condition 11(1) of Part 2 of Schedules 12, 13, 14 and 15 and condition 9(1) of Part 2 of Schedule 16 of the draft DCO provides for an approval period of at least three months unless otherwise stated. The Applicant is considering the MMO’s comments on these conditions.</p>		
MMO 4	<p>The Applicant has used appropriate laboratories to undertake analysis to characterise the proposed dredge material; estimates of worst case scenarios for dredge volume for various phases of the construction and operation have been provided.</p>	<p>The MMO are currently reviewing this with their technical advisors and will provide comments at a later date.</p>	In discussion

Ref	ODOW Position	MMO position	Status
MMO5	<p>The Applicant will ensure that all chemicals and substances which have the potential to enter the marine environment are listed within the Chemical Risk Assessment (CRA) (which will be contained within the Project Environmental Management Plan (PEMP)) produced post-consent. Condition 13(1)(e) of Part 2, Schedules 10 and 11, Condition 10(1)(d), Part 2, Schedules 12, 13, 14 and 15 require the PEMP to be in accordance with the outline PEMP (APP-277) and the PEMP must be approved in writing by the MMO prior to the commencement of licensed activities or any part of those activities. Section 6 of the outline PEMP provides that the CRA will include consideration of whether they are approved for use offshore, for example, whether the chemical is included on the PLONOR list.</p>	<p>The MMO notes that in the Water Framework Directive (WFD) Assessment, it states that the environmental quality standards directive list (Environment Agency (EA) 2016) should be considered when undertaking an assessment (Chapter 8.03 point 14) and that point 73 states, “There is no intention to knowingly release any chemicals listed in the EQSD into the environment, during the construction, operation and maintenance, or decommissioning phase of the Project.” To be able to be compliant with this, the properties of all the chemicals (products) and their component substances used for the construction operation maintenance and decommissioning of the offshore windfarm should be known to and approved by the regulator on structures within 1nm (jurisdiction of WFD). For example, potentially jacking grease, chemicals used on rollers for cable pulling, may contain chemicals on the EA list. MMO recommends these types of chemicals are added to the chemical risk assessment (CRA).</p> <p>Chapter 7 Point 93, describes the potential requirement for drilling. The chemicals that might be used for these works are not discussed within the ES (drill muds as well as paints, coatings, dye, tracer, cement etc.). The ES should outline how the Project intends to provide this information to the regulator. Similarly, the applicant describes the type of drilling fluid for the Horizontal directional drilling (HDD),</p>	In discussion

Ref	ODOW Position	MMO position	Status
		<p>however detailed information regarding these types of chemicals should be provided in the CRA, including the impact and likelihood/contingency for blow out.</p> <p>All chemicals for use at any phase in the life of the windfarm should be notified to MMO if there is a pathway to the marine environment and not covered by other regulations (e.g. used on vessels in closed systems (with no top up) or covered under other regulations e.g. MARPOL). This includes Bentonite quantities should be notified to MMO with their properties, including safety data sheets to the regulator for approval, prior to use in the marine environment.</p>	
MMO6	<p>The Cefas Action Levels as presented in Chapter 8: Marine Water and Sediment Quality (APP-063) are accurate. The Applicant does not consider the error in Appendix 9.2 to materially impact the assessment or conclusions presented. Furthermore, following the removal of the northern ECC option, station ECC-51 is no longer included as part of the Project. The Applicant consider the assessment and conclusions to be appropriate.</p>	<p>The MMO notes the comprehensive discussions on the contaminants present and description of analysis and comparisons of results, which is welcomed. However, a minor point regarding concerns for levels of Arsenic exceeding Action level 2 (AL2) “One station in the survey area, ECC_51, had very high concentrations of arsenic, exceeding all thresholds detailed in Table 23, including Cefas action level 1 of 20mg.kg-1 and Cefas action level 2 (AL2) of 50 mg.kg” (Volume 3: Chapter 9: Appendix 9.2 page 82). The Project should note that the current published AL2 for Arsenic is 100 milligrams per kilogram (mg/kg) dry weight.</p> <p>The MMO notes that the Applicant has welcomed the clarification provided on the Cefas Action Levels.</p>	In discussion

2.3 Benthic and Intertidal Ecology

17. The Applicant has assessed the likely significant effects of the Project on benthic, subtidal and intertidal ecology seaward of MHWS during the construction, operation and maintenance and decommissioning phases within Chapter 9 of the ES (APP-064).
18. **Error! Reference source not found.** Table 5 sets out areas of agreement (common ground), areas where discussions are ongoing and areas where it has not been possible to reach agreement and discussions are no longer being pursued relating to benthic and intertidal ecology.

Table 5: Benthic and intertidal ecology

Ref	ODOW Position	MMO position	Status
MMO7	<p>The wording of the following requirements and conditions pertaining to benthic and intertidal ecology are appropriate and adequate:</p> <ul style="list-style-type: none"> ▪ Condition 13(1)(c) (Pre-construction plans and documentation: monitoring plan) of Schedules 10 and 11 ▪ Condition 13(1)(d) (Pre-construction plans and documentation: construction method statement, including cable specification and installation plan) of Schedules 10 and 11 ▪ Condition 13(1)(e) (Pre-construction plans and documentation: project environmental management plan) of Schedules 10 and 11 ▪ Condition 13(1)(j) (Pre-construction plans and documentation: biogenic reef mitigation plan) of Schedule 11 ▪ Condition 17 (Pre-construction monitoring and surveys) of Schedules 10 and 11 ▪ Condition 18 (Construction monitoring) of Schedules 10 and 11 ▪ Condition 19 (Post-construction monitoring) of Schedules 10 and 11 ▪ Condition 21 (Deployment of cable protection) of Schedules 10 and 11 ▪ Condition 10(1)(d) (Pre-construction plans and documentation: project environmental management 	<p>Any reference to a condition applies to all schedules where similar conditions exist.</p> <p>The current wording for Condition 13 (1) (c) of Schedules 10 and 11 states that the monitoring plan must be submitted four months prior to the first survey/prior to construction, however the MMO have concerns that not enough time to fully assess and review documents and request that this is changed to six months.</p> <p>The construction method statement as outlined in Condition 13(1)(d) of Schedules 10 and 11 and Condition 13(1)(c) of Schedules 12, 13, 14 and 15 do not state the timescale in which this should be submitted to the MMO. The MMO would expect this to be six months.</p> <p>The documents in question require in depth analysis by both MMO staff and statutory consultees. There needs to be as much time as practically possible to allow this process to take place. The undertaker should submit all plans to the MMO at least 6 months prior to the proposed commencement of licenced activities.</p>	In discussion

Ref	ODOW Position	MMO position	Status
	<p>plan) of Schedule 12, 13, 14 and 15 Condition 8(1)(c) (Pre-construction plans and documentation: construction method statement)</p> <p>The Applicant notes that condition 14(2) of Part 2 of Schedules 10 and 11 of the draft DCO provides for an approval period of at least four months unless otherwise stated. Following consultation with Natural England and the MMO, the Applicant previously revised the draft DCO to increase the approval period from four to six months for those plans which may have particular complexities. Condition 11(1) of Part 2 of Schedules 12, 13, 14 and 15 and condition 9(1) of Part 2 of Schedule 16 of the draft DCO provides for an approval period of at least three months unless otherwise stated. The Applicant is considering the MMO's comments on these conditions.</p>		
MMO8	<p>Condition 13(1)(c) and 17 of Part 2 of the dMLs is appropriate, setting out at Schedules 10 and 11 the required details of the proposed pre-construction surveys, including methodologies, timings and format, and which accord with the in principle monitoring plan, to be submitted to the MMO for written approval prior to commencement of licensed activities, in consultation with the SNCB.</p> <p>Following consultation with Natural England and the MMO, the Applicant previously revised the draft DCO to increase the approval period from four to six months for those plans which may have particular complexities. The Applicant is considering the MMO's comments on these conditions.</p>	<p>The current wording for Condition 13 (1) (c) of Schedules 10 and 11 states that the monitoring plan must be submitted four months prior to the first survey/prior to construction, however the MMO have concerns that not enough time to fully assess and review documents and request that this is changed to six months.</p>	In discussion

Ref	ODOW Position	MMO position	Status
		<p>The documents in question require in depth analysis by both MMO staff and statutory consultees. There needs to be as much time as practically possible to allow this process to take place. The undertaker should submit all plans to the MMO at least 6 months prior to the proposed commencement of licenced activities.</p>	
PADS 2	<p>The pre-construction survey campaign proposed by the Applicant is appropriate.</p> <p>The Applicant will agree the methodology for any pre-construction monitoring with the MMO and its advisors prior to surveys being undertaken as required under condition 13(1)(c)(i) of the DML within Schedule 11 of the dDCO.</p> <p>Due to the ephemeral nature of <i>S. spinulosa</i>, a pre-construction survey campaign will be conducted to identify the extent and distribution of this feature, as detailed at Table 3.2 of the ES Offshore In-Principle Monitoring Plan (APP-276).</p> <p>The pre-construction survey will be informed by full coverage (within the Order Limits in which the Applicant is proposing to carry out construction works) geophysical data and designed with detailed enough resolution to give confidence in the data, as detailed within the ES Offshore In-Principle Monitoring Plan (APP-276).</p>	<p>It is possible that potential <i>Sabellaria spinulosa</i> reef could go undetected in future geophysical surveys.</p> <p>The MMO advises that ODOW indicate how they will ensure that the pre-construction surveys will be able to identify any areas of potential <i>Sabellaria spinulosa</i> reef so that they can be avoided by micro-siting / routeing.</p> <p>We note that the Applicant has committed to pre-construction surveys which outlines the mitigation plan. However, this document does not provide any details on the methodology to be adopted. We would highly recommend the use of dropdown video at the previous areas where substantial low and medium reef was observed in still images as it is known to be difficult to distinguish reef from the surrounding coarse/mixed sediments.</p>	In discussion

Ref	ODOW Position	MMO position	Status
	<p>The areas of medium and low reef mentioned by Natural England have been further investigated. Further detail is provided in table 1.45.4.2, reference C1 (PD1-071)</p> <p>Averaging height and percentage cover scores recorded at every data point is the standard approach taken by BSL for assessment of potential <i>S. spinulosa</i> reef. This approach relies on it being possible to identify <i>S. spinulosa</i> aggregations signatures from the geophysical data (typically using SSS and MBES), which is something that BSL specialise in. While delineation of <i>S. spinulosa</i> reef can be achieved in mobile sandy substrates, this is more difficult to achieve in mixed sediment habitats and often not possible to distinguish <i>S. spinulosa</i> aggregations from the surrounding ambient mixed sediment. As noted in Jenkins et al. (2018) "Delineating <i>S. spinulosa</i> reef extent was achievable for some areas within the study site, but not for all. The lack of a consistent, and replicable, acoustic signatures synonymous with reef presence across the study site made mapping reef extent at the site scale difficult.", this was also the case for the current survey.</p>	<p>The MMO agrees with Natural England in that the assessment seems to down weight the reefiness scores as they are averaged over the transect. Some of the transects show areas of continuous low/medium reef which should be considered as separate patches as per Jenkins et al, 2015, 2018. The technical report does not provide any information on the distance covered for these patches. In the absence of sufficient acoustic data, it should be assumed that any distance of 5 metres (m) or greater with continuous reef presence should be considered as Annex I reef and should not be averaged across the transect, especially considering the naturally patchy nature of Sabellaria spinulosa reef.</p>	

The consideration of single data points showing Low/Medium/High reef structure would not be appropriate as they do not cover sufficient area (25 m²) to be considered Annex I reef. Excluding these single reef structure data points, there were three transects where two or more adjacent data points showed Low/Medium/High reef structure. To assess what difference would be seen if each of the segments of Low/Medium reef structure were assessed as potential separate reefs. For this assessment, the same reefiness assessment method used in the technical report has been used here, so this is not repeated here. The difference is that this assessment calculates average (mean) reefiness levels and the corresponding reef 'structure' for each segment, which is then assessed against the estimated area of the patch. As noted previously, it is not possible to accurately assess the areas of the reef from the available geophysical data, so the patch has been assumed to be circular with the diameter of the circle taken, on a precautionary basis, to be the straight-line distance between adjacent non-reef data points either side of the potential reef segment. This 'circular' patch assessment method has been used by BSL for a number of *S. spinulosa* and stony reef assessment over the past decade with no negative feedback from clients, regulators or SNCBs. The results of this analysis show that the patches across all three transects would achieve overall 'reefiness' levels (incorporating patchiness, elevation and area measures) of 'Not a Reef' or 'Low Reef', for which strong justification would be needed for these areas to be considered Annex I reef.

Ref	ODOW Position	MMO position	Status
PADS 3	<p>The Applicant has appropriately considered the spread of invasive non-native species within the operation and maintenance phase in the Application, Chapter 9 Benthic and Intertidal Ecology (APP-064).</p> <p>The Applicant has provided a full response to this point in 'The Applicant's Response to Relevant Representations'(PDI-071) reference: 4.4.2. In summary:</p> <ul style="list-style-type: none"> ▪ The Applicant has further reconsidered the risk of the spread of INNS, in the Environmental Report for the Offshore Restricted Build Area (ORBA) and Offshore Export Cable Corridor (PDI-081), with no change considered necessary with regard to the magnitude of "negligible" as determined in APP-064. ▪ The Applicant remains confident in the determination of a negligible magnitude for the risk of INNS from the Project alone, and the consequent scoping out of this impact from the cumulative assessment, and so does not consider that any update or reassessment is required. 	<p>Potential spread of invasive non-native species (INNS) due to the presence of infrastructure during the operation & maintenance phase. The PEMP does not consider the potential spread of INNS during operation. The MMO advises reassessing the spread of INNS during operation as above 'negligible' and scoping INNS into the cumulative effects assessment during operation.</p>	<p>In discussion</p>

Ref	ODOW Position	MMO position	Status
		<p>It is acknowledged that there is uncertainty regarding whether this impact will occur, and which species will be involved if it does. Given this uncertainty, the MMO queries whether it would be suitably precautionary to increase the impact magnitude above 'negligible'? When considering the risk of this impact, it would be useful to consider the proximity of the infrastructure to other artificial or natural hard habitats in the area in the Cumulative Effects Assessment (CEA). This would indicate the potential for the installed infrastructure to act as stepping stones for the spread of Invasive Non-Native Species (INNS) in the region. The Applicant has only considered temporary increases in suspended sediment concentration (SSC) and sediment deposition during construction under the Cumulative Effects Assessment (CEA) assessment. We recognise that embedded measures have been considered within the PEMP, however this is restricted to vessel movements during construction and does not consider potential spread of INNS during operation.</p>	

Ref	ODOW Position	MMO position	Status
		<p>The Applicant has acknowledged the lack of scientific knowledge regarding the spread of INNS and that the windfarm may act as stepping stones extending the impact beyond a local scale but has still assessed the magnitude as negligible. We therefore again advise reassessing this as above 'negligible'. Given the high level of uncertainty regarding the potential spread of INNS, the MMO considers it would be appropriate to monitor selected infrastructure for colonisation by INNS, followed by discussions with MMO regarding the possible application of adaptive management measures if INNS are recorded and action is deemed appropriate. We note that the Applicant has committed to monitor INNS only if gravity base structures (GBS) are used. It is not clear why this is the only turbine base type that is being considered. All structure types can provide suitable colonisation substrate for INNS.</p>	

2.4 Fish and Shellfish Ecology

19. The Applicant has assessed the likely significant effects of the Project on fish and shellfish ecology seaward of MHWS during the construction, operation and maintenance and decommissioning phases within Chapter 10 of the ES (APP-065).
20. **Error! Reference source not found.** Table 6 sets out areas of agreement (common ground), areas where discussions are ongoing and areas where it has not been possible to reach agreement and discussions are no longer being pursued relating to fish and shellfish ecology.

Table 6: Fish and shellfish ecology

Ref	ODOW Position	MMO Position	Status
MMO9	<p>The wording of the following requirements and conditions pertaining to the fish and shellfish ecology are appropriate and adequate:</p> <ul style="list-style-type: none"> ▪ Condition 13(1)(d) (Pre-construction plans and documentation: construction method statement, including cable specification and installation plan) of Schedules 10 and 11 ▪ Condition 13(1)(e) (Pre-construction plans and documentation: project environmental management plan) of Schedules 10 and 11 ▪ Condition 13(1)(f) (Pre-construction plans and documentation: marine mammal mitigation protocol) of Schedules 10 and 11 ▪ Condition 20 (Reporting of impact pile driving) of Schedules 10 and 11 ▪ Condition 10(1)(d) (Pre-construction plans and documentation: project environmental management plan) of Schedule 12, 13, 14 and 15 ▪ Condition 10(1)(e) (Pre-construction plans and documentation: marine mammal mitigation protocol) of Schedules 12, 13, 14 and 15 ▪ Condition 13 (Reporting of impact pile driving) of Schedules 12, 13, 14 and 15 <p>The Applicant notes that condition 14(2) of Part 2 of Schedules 10 and 11 of the draft DCO provides for an</p>	<p>Any reference to a condition applies to all schedules where similar conditions exist.</p> <p>The construction method statement as outlined in Condition 13(1)(d) and (e) of Schedules 10 and 11 and the project environmental management plan in Condition 10(1)(d) of Schedules 12, 13, 14 and 15 do not state the timescale in which this should be submitted to the MMO. The MMO would expect this to be six months.</p> <p>The documents in question require in depth analysis by both the MMO and statutory consultees. There needs to be as much time as practically possible to allow this process to take place.</p>	In discussion

Ref	ODOW Position	MMO Position	Status
	<p>approval period of at least four months unless otherwise stated. Following consultation with Natural England and the MMO, the Applicant previously revised the draft DCO to increase the approval period from four to six months for those plans which may have particular complexities. Condition 11(1) of Part 2 of Schedules 12, 13, 14 and 15 and condition 9(1) of Part 2 of Schedule 16 of the draft DCO provides for an approval period of at least three months unless otherwise stated. The Applicant is considering the MMO's comments on these conditions.</p>		
PADS 4	<p>The Applicant has presented revised 'heat' maps showing the most recent 9 years of IHLS data up to 2023/2024 within the Environmental Report for the Offshore Restricted Build Area and Revision to the Offshore ECC (PD1-081), which has been submitted for Procedural Deadline of 19th September 2024 in response to the MMO Relevant Representation Response (RR-042).</p> <p>The Applicant notes that it was not possible to calculate larval densities and produce 'heat' maps for the years 2020/2021 and 2021/2022 because the IHLS data sheets do not contain information about the volume of seawater filtered during these years. Therefore, the years 2020/2021 and 2021/2022 have been excluded, but the data for years 2022/2023 and 2023/2024, as the most recent data available, are provided.</p>	<p>The MMO welcomes this updated information and is reviewing this and will provide comments in due course.</p>	In discussion

Ref	ODOW Position	MMO Position	Status
PADS 5	<p>The Applicant confirms that, as noted by the MMO, SELs noise contours have been presented in Figures 10.39 and 10.40 of Volume 2, Chapter 10: Fish and Shellfish Ecology Figures Part 2 of 2 (APP-098) in 5 dB increments from the piling source up to 135 dB SELs. However, the Applicant does not consider it suitable to include the 135 dB impact range for behavioural effects in their impact assessment for herring. The Applicant has set out why they do not support the use of the 135 dB, as presented in Hawkins et al., (2014a), in PADS 9 below.</p>	<p>Although the 135 dB modelling has been presented in the ES, the Applicant has chosen not to include the 135 dB impact range for behavioural effects in their impact assessment for herring. The MMO considers the 135 dB threshold from Hawkins et al., (2014a) is the best current scientific evidence from which a quantitative threshold can be derived for the purposed of modelling behavioural responses in herring. The MMO maintains that the 135 dB threshold (as per Hawkins et al., 2014) is a precautionary, but appropriate threshold for the purpose of modelling behavioural responses in herring at their spawning ground and that the resulting impact range should be given due consideration in terms of whether the range of effect is likely to overlap the various herring spawning grounds near Flamborough head, or hinder the north-south migration of Banks herring in the Central North Sea.</p> <p>The MMO requests that this is provided as early as possible would add that this information being presented could reduce the seasonal restriction.</p>	In discussion
PADS 6	<p>The Applicant remains confident in the determination of ‘medium’ sensitivity for herring to piling noise. The Applicant has provided a full response to this point in ‘The Applicant’s Response to Relevant Representations’(PDI-071) reference: 4.5.15-4.15.8. In summary:</p>	<p>The Applicant has assessed the impacts to herring from UWN from piling as ‘minor’ adverse which is not significant in EIA terms, so has not proposed any specific mitigation measures for the species. The MMO do not support the Applicant’s conclusion and does not agree with the sensitivity criteria used. The MMO considers that herring, who are sensitive both physiological and</p>	In discussion

Ref	ODOW Position	MMO Position	Status
	<ul style="list-style-type: none"> ▪ The Applicant has assessed the vulnerability of herring to piling noise as ‘high’, considering the good hearing ability of herring, the high susceptibility of herring to pressure-related injuries, and their reliance on specific benthic locations for spawning. ▪ Piling will not change the characteristics of potential suitable spawning substrates and any potential lethal effects would be restricted to areas close the piling locations and would only affect a very small proportion of the Banks spawning population in areas outside the main spawning beds off Flamborough Head. ▪ Sub-lethal effects such as TTS and behavioural changes are likely to affect a larger proportion of the population, but these effects are anticipated to be temporary and reversible. The Applicant considers that an importance of ‘regional’ is appropriate for Banks herring, which inhabit the central North Sea. <p>The Applicant also remains confident in the determination of ‘low’ magnitude of impact for herring from piling noise. The Applicant has provided a full response to this point in ‘The Applicant’s Response to Relevant Representations’(PDI-071) reference: 4.5.23. In summary:</p> <ul style="list-style-type: none"> ▪ While there is a partial overlap of the lethal and 	<p>ecologically, should be categorised as a ‘high’ sensitivity receptor. When the receptor sensitivity for herring is re-categorised as ‘high’, with a ‘low’ magnitude of impact (as considered by the Applicant), it would result in a significance of effect of ‘moderate’ which is significant in EIA terms.</p> <p>In addition, MMO does not agree with the assessment of a ‘low’ magnitude of impact. The MMO believes that is it appropriate and necessary to re-categorise the magnitude of impact from ‘low’ to ‘medium’, resulting in a significance of effect of ‘major’. It is in the MMO’s opinion that the presented current categorisation of herring sensitivity does not appropriately reflect their vulnerability to the underwater noise impacts associated with the proposed works.</p> <p>The MMO believes that there is potential for significant impacts to occur to Banks herring at a population level, if suitable mitigation is not employed. We therefore recommend that the following licence condition is included in the deemed marine licence (DML): <i>‘No piling of any type shall be permitted between 01 September and 16 October each year. Reason: To protect spawning Banks herring and their eggs and larvae during their spawning season.’</i></p> <p>The MMO welcomes the updated information and is reviewing this and will provide comments in due course.</p>	

Ref	ODOW Position	MMO Position	Status
	<p>recoverable injury noise contours with the southern extent of the Banks spawning ground around Outer Dowsing, IHLS data show that the main spawning of Banks herring consistently occurs north of the Project, off Flamborough Head.</p> <ul style="list-style-type: none"> ▪ It is recognised that there is annual variability in the areas used for spawning, with the southern portion of the Banks spawning ground being relatively more important for spawning in some years. However, even in years of higher spawning activity, the relative importance of the areas surrounding Outer Dowsing for herring spawning remains low when compared to both the spawning intensity observed off Flamborough Head and the extent of areas over which peak spawning takes place. ▪ There is no overlap between the areas of highest larval abundances off Flamborough Head and piling noise at a level that will induce TTS. <p>It is therefore the Applicant’s view that the proportion of Banks spawning herring stock that would be impacted by piling is minimal when compared to the areas of peak herring spawning off Flamborough Head and that this level of impact will not lead to material changes to the Banks spawning stock.</p>		

Ref	ODOW Position	MMO Position	Status
PADS 7	<p>The worst-case location for piling effects to herring spawning grounds is the NW location, which has also been modelled. All the modelling locations used to inform the ES were agreed through the ETG, and those used for ES match those used at PEIR, which the MMO were content with.</p> <p>The Applicant has provided a full response to this point in ‘The Applicant’s Response to Relevant Representations’(PDI-071) reference: 4.5.32. In summary:</p> <ul style="list-style-type: none"> ▪ Remodelling of the NE and NW locations is not required, as it is possible to predict what the combined overlap would be from the existing modelling. ▪ The MMO’s preferred methodology would not result in a greater worst-case scenario than the methodology used by the Applicant. 	<p>The Applicant has modelled the worst-case scenario for simultaneous piling of two monopile foundations at the SW and NE piling locations in the array area. Please can the Applicant explain why this scenario has been chosen as the ‘worst-case’? Modelling simultaneous piling from the SW and NE locations is indeed the worst- case scenario in terms of geographical spread, but not necessarily for fish receptors, specifically herring. The most vulnerable herring spawning grounds in relation to the project array are located northwest of the site. Therefore, for a worst-case simultaneous piling scenario, the NE and NW locations should also be modelled as these locations are the most critical in terms of impacts to herring at their spawning grounds and consequently are where greatest overlap in noise disturbance will occur.</p> <p>The MMO welcomes this updated information and is reviewing this and will provide comments in due course.</p>	In discussion
PADS 8	<p>The Applicant considers that no further mitigation is required additionally to the embedded mitigation detailed in Table 10.8 of Chapter 10 (APP-065), due to no significant effects being predicted for fish and shellfish receptors (APP-065), both for the project alone and cumulatively.</p> <p>With regards to herring, the Applicant believes that piling at the Project will not result in significant population level effects to Banks herring, as outlined in points PADS 7 and 9 above. Therefore, the Applicants considers that no</p>	<p>The MMO notes the increase in hammer energies being used to install monopiles at OWFs. Monopile hammer energies have typically been in the region of 4,000 – 5,000 kilojoules (kJ). It is noted that 6,000 – 7,000kJ is proposed. These higher hammer energies are likely to result in noise impacting a larger area. Whilst receptor-specific mitigation is recommended by the MMO when the evidence suggests that significant impacts to a particular species of fish are likely to occur, additional</p>	In discussion

Ref	ODOW Position	MMO Position	Status
	<p>additional mitigation measures for herring in the form of seasonal piling restrictions are necessary.</p>	<p>noise abatement measures may be required, such as bubble curtains or other alternative measures. Given the availability of effective alternatives to unmitigated piling – i.e., measures to reduce noise at source, also known as noise abatement – it will be difficult for unmitigated pile driving to be justified on the basis that there are no realistic alternatives. It is therefore clear that noise abatement measures will likely be required for this development, in order to reduce the risk of potential impact on marine receptors. The MMO would highlight that given the wider context of the current ramp up of offshore wind development at unprecedented scale in the North Sea it is vital that these discussions begin as soon as possible. To ensure adequate preparations are made and potential delays avoided, it is therefore in the Applicant’s interest to plan for noise abatement measures at the earliest opportunity and to incorporate such measures into any future Marine Mammal Mitigation Plans (MMMP).</p>	
PADS 9	<p>The Applicant has provided a full response to this point in ‘The Applicant’s Response to Relevant Representations’(PDI-071) reference: 4.5.3. In summary:</p> <ul style="list-style-type: none"> ▪ SELss noise contours have been presented in Figures 10.39 and 10.40 of Volume 2, Chapter 10: Fish and Shellfish Ecology Figures Part 2 of 2 (APP-098) in 5 dB increments from the piling source up to 135 dB SELss. 	<p>The MMO is reviewing this and will provide comments in due course.</p>	In discussion

Ref	ODOW Position	MMO Position	Status
	<ul style="list-style-type: none"> ▪ The Applicant has provided a literature review in paragraph 213 et seq. of Volume 1, Chapter 10: Fish and Shellfish of the ES (APP-065) to support its position. ▪ The Applicant has provided reasons, supported by to support the literature review to explain why the suggested 135 dB SELs threshold is not suitable. <p>As such, the Applicant believes that the use of the threshold recommended by the MMO is not scientifically robust and the qualitative assessment of the risk of behavioural disturbance as recommended by Popper <i>et al.</i> (2014) and presented by the Applicant better enables a consideration of the potential for significant impacts at a population level of the species considered.</p>		
PADS 10	<p>The Applicant wishes to highlight that the current NPS EN3 (DESNZ, 2023), which the ODO application will be tested against, does not include the requirement for a specific minimum burial depth.</p> <p>The Applicant has provided a full response to this point in ‘The Applicant’s Response to Relevant Representations’ (PDI-071) reference: 4.5.13. In summary:</p> <ul style="list-style-type: none"> ▪ The Applicant has committed to a target burial depth of 1m below the seabed. ▪ Cable burial will be the preferred option for cable protection. Where burial is not possible the installation of cable protection will be considered. 	The MMO is reviewing this response and will provide comments in due course.	In discussion

Ref	ODOW Position	MMO Position	Status
	<ul style="list-style-type: none"> ▪ Final cable burial depth will be determined by a cable burial risk assessment as part of the final project design process. ▪ The Applicant has submitted an Outline Cable Specification and Installation Plan (CSIP) with the DCO application (APP-278). ▪ The proposed burial of the subsea cables and the application of additional cable protection if needed, will provide a separation between buried cables and the seabed surface, and therefore effects from EMF will be reduced. 		
PADS 11	<p>Project-specific underwater noise modelling predicted that Temporary Threshold Shift (TTS) in stationary fish during the course of piling may occur up to 23km from the piling location during the installation of monopiles and 24km during the piling of jacket foundations, based on the sequential installation of six pin piles in a 24-hour period. For fleeing receptors, the TTS onset impact range was 9.7km for the installation of monopiles and 8.1km for the piling of jacket foundations. Therefore, the Applicant is confident that a screening range of 100km is appropriate to inform the cumulative underwater noise impact assessment for fish and shellfish receptors.</p>	<p>It should be recognised that the range of effect for cumulative and inter-related effects may increase if the modelling shows an impact range exceeding 100km. With this in mind, there may be other offshore developments further afield that will require scoping into the assessment, should the UWN modelling show a range of effect of >100km.</p>	In discussion

Ref	ODOW Position	MMO Position	Status
MMO 10	<p>The Applicant has produced revised figures showing the spawning grounds for sandeel and other fish species that are spawning in the area. These figures are included in Document 15.9A - Offshore Restricted Build Area and Revision to the Offshore Export Cable Corridor Appendix A Figures Part 1 of 2 (PD1-082). Spawning grounds are shown together with the modelled maximum impact ranges for the onset of behavioural effects (186 dB SELcum), with spawning grounds for sandeel shown in Figure 3.9 and Figure 3.10 and spawning grounds for other fish species shown in Figure 3.11 and 3.12.</p>	<p>Figures 10.29, 10.30, 10.31 and 10.32 in Volume 2: Chapter 10: Fish and Shellfish Ecology Figures, do not present the spawning grounds for sandeel or any other species that are spawning in the area, so are of little value in their current form. The figures with the relevant spawning grounds and/or habitats included should be re-presented.</p>	In discussion

Ref	ODOW Position	MMO Position	Status
	<p>The Applicant believes that the use of the 135 dB threshold recommended by the MMO is not scientifically robust and the qualitative assessment of the risk of behavioural disturbance as recommended by Popper <i>et al.</i> (2014) and presented by the Applicant better enables a consideration of the potential for significant cumulative impacts at a population level of the species considered.</p>	<p>The cumulative behavioural effects to fish from underwater noise between different OWFs and the proposed works to fish have been assessed. However, from our understanding, the underwater noise impact ranges for behavioural responses in fish have been based on the conclusions of the ES of those windfarms, which may quantify behavioural responses in a different way, therefore appropriate comparisons cannot be made. For example, the ES states that the Hornsea Project Three OWFs (Ørsted, 2018) assessment assumed a maximum of 319 monopiles across the site and predicted behavioural effects up to 10.8km from the piling locations. However, the Hornsea Project Three OWF ES did not include modelling of the 135 dB threshold for behavioural effects in herring, therefore discussing the potential overlapping cumulative effects with the proposed works is not appropriate; especially when the Applicant’s behavioural effects assessment for fish has not been modelled using the 135 dB threshold either (Hawkins et al., 2014). Secondly, the MMO recommends that the cumulative impact range contours are presented, for all the projects discussed in the cumulative impact assessment, as a figure to help better visualise any potential cumulative impacts between OWF projects.</p>	<p>In discussion</p>

Ref	ODOW Position	MMO Position	Status
	<p>The Applicant has provided a full response to this point in 'The Applicant's Response to Relevant Representations'(PDI-071) reference: 4.6.1. In summary:</p> <ul style="list-style-type: none"> ▪ The baseline description of shellfish receptors within the Project fish and shellfish study area draws on a wide range of recent and historic data, including site-specific survey data, regional datasets, and monitoring studies undertaken for a number of existing and proposed OWFs in the southern North Sea region (APP-159). ▪ Site-specific benthic ecology baseline data, including from benthic grabs, Drop Down Video and epibenthic trawls, were collected within the AfL array area (APP-154) and offshore ECC (APP-155). The results relevant to shellfish receptors are presented in the Fish and Shellfish Ecology Technical Baseline report (APP-159). ▪ The current status of commercially important shellfish stocks within the Project fish and shellfish study area is presented in the Fish and Shellfish Ecology Technical Baseline report (APP-159). <p>The Applicant is therefore confident that the data used to characterise the baseline environment for shellfish receptors and shellfisheries are robust and sufficient for the purposes of EIA.</p>	<p>Although site-specific surveys have been conducted, no shellfish targeted surveys have been undertaken to inform the baseline for shellfish receptors.</p> <p>The listed data sources do not cover the array or cable corridor, and several are over 10 years old, which could be considered outdated. Furthermore, as acknowledged by ODOW, the surveys conducted are not shellfish targeted surveys and are therefore only indicative of presence and absence of shellfish species. The MMO would expect more recent data to inform the baseline environment for shellfish receptors and shellfisheries.</p>	<p>In discussion</p>

2.5 Marine Mammals

21. The Applicant has assessed the likely significant effects of the Project on marine mammals seaward of MHWS during the construction, operation and maintenance and decommissioning phases within Chapter 11 of the ES (APP-066).
22. **Error! Reference source not found.** Table 7 sets out areas of agreement (common ground), areas where discussions are ongoing and areas where it has not been possible to reach agreement and discussions are no longer being pursued relating to marine mammals.

Table 7: Marine mammals

Ref	ODOW Position	MMO Position	Status
MMO 11	<p>The wording of the following requirements and conditions pertaining to marine mammals are appropriate and adequate:</p> <ul style="list-style-type: none"> ▪ Condition 13(1)(c) (Pre-construction plans and documentation: monitoring plan) of Schedules 10 and 11 ▪ Condition 13(1)(d) (Pre-construction plans and documentation: construction method statement) of Schedules 10 and 11 ▪ Condition 13(1)(e) (Pre-construction plans and documentation: project environmental management plan) of Schedules 10 and 11 ▪ Condition 13(1)(f) (Pre-construction plans and documentation: marine mammal mitigation protocol) of Schedules 10 and 11 ▪ Condition 17 (Pre-construction monitoring and surveys) of Schedules 10 and 11 ▪ Condition 18 (Construction monitoring) of Schedules 10 and 11 ▪ Condition 19 (Post-construction monitoring) of Schedules 10 and 11 ▪ Condition 20 (Reporting of impact pile driving) of Schedules 10 and 11 ▪ Condition 22 (Southern North Sea Special Area of Conservation Site Integrity Plan (Piling)) of Schedules 10 and 11 	<p>Any reference to a condition applies to all schedules where similar conditions exist.</p> <p>The current wording for Condition 13 (1) (c) of Schedules 10 and 11 states that the monitoring plan must be submitted four months prior to the first survey/prior to construction, however the MMO have concerns that not enough time to fully assess and review documents and request that this is changed to six months.</p> <p>The construction method statement as outlined in Condition 13(1)(d) of Schedules 10 and 11 and Condition 13(1)(c) of Schedules 12, 13, 14 and 15 do not state the timescale in which this should be submitted to the MMO. The MMO would expect this to be six months.</p> <p>The Marine Mammal Mitigation Protocol as outlined in Condition 10(1)(e) of Schedules 12, 13, 14, and 15, states that this should be submitted to the MMO within 3 months. The MMO requests that this is changed to six months. The MMO notes that this is six months for Condition 13(1)(f) in Schedules 10 and 11,</p>	In discussion

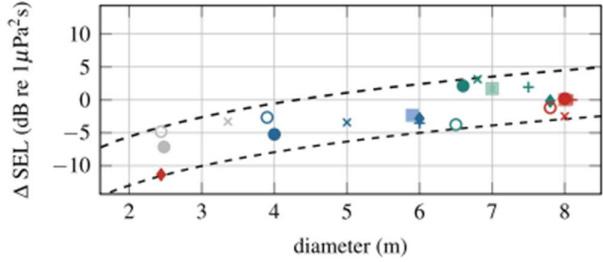
Ref	ODOW Position	MMO Position	Status
	<ul style="list-style-type: none"> ▪ Condition 10(1)(d) (Pre-construction plans and documentation: project environmental management plan) of Schedule 12, 13, 14 and 15 ▪ Condition 10(1)(e) (Pre-construction plans and documentation: marine mammal mitigation protocol) of Schedules 12, 13, 14 and 15 ▪ Condition 13 (Reporting of impact pile driving) of Schedules 12, 13, 14 and 15 ▪ Condition 14 (Southern North Sea Special Area of Conservation Site Integrity Plan (Piling)) of Schedules 12, 13, 14 and 15 <p>The Applicant notes that condition 14(2) of Part 2 of Schedules 10 and 11 of the draft DCO provides for an approval period of at least four months unless otherwise stated. Following consultation with Natural England and the MMO, the Applicant previously revised the draft DCO to increase the approval period from four to six months for those plans which may have particular complexities. Condition 11(1) of Part 2 of Schedules 12, 13, 14 and 15 and condition 9(1) of Part 2 of Schedule 16 of the draft DCO provides for an approval period of at least three months unless otherwise stated. The Applicant is considering the MMO’s comments on these conditions.</p>	<p>The documents in question require in depth analysis by both MMO staff and statutory consultees. There needs to be as much time as practically possible to allow this process to take place. The undertaker should submit all plans to the MMO at least 6 months prior to the proposed commencement of licenced activities.</p> <p>The MMO notes that some documents require additional assessment processes, for example the Southern North Sea (SNS) SIP may require post consent Habitats Regulations Assessment (HRA) considerations to be made. From experience, it is very common that documents require multiple rounds of consultation to address stakeholder concerns. This process alone can be very time consuming and the proposed three month submission time (as noted in Condition 14(3) in Schedules 12, 13, 14 and 15) would not account for the additional time that the Applicant may require to update documents throughout the process. The MMO requests that this is changed to six months. The MMO notes that the timeframe is six months for Schedules 10 and 11.</p>	

Ref	ODOW Position	MMO Position	Status
PADS 12	<p>The Applicant has submitted an Outline MMMP for UXO Clearance (APP-280) and the final UXO clearance MMMP will be submitted as part of the separate Marine Licence Application for UXO clearance in the post-consent stage. The Final MMMP for UXO Clearance will refer to the measures identified in the Outline MMMP, however, these measures would be updated depending on new guidance and advice from SNCBs at the time of drafting.</p>	<p>Paragraph 27 within the MMMP for UXO clearance states that “Technologies are available which attenuate the amount of noise emitted at the source (noise abatement). The use of bubble curtains during high-order UXO clearance activities is now standard best-practise for UXO clearance campaigns for offshore wind projects, with all projects since East Anglia One being required to use bubble curtains (subject to certain environmental limitations) for UXO detonations with combined charge sizes of greater than 50 kg (TNT-equivalent)”. The MMO requests that bubble curtains are deployed for all high-order detonations, including those under 50 kg.</p>	In discussion

Ref	ODOW Position	MMO Position	Status
PADS 13	The Applicant considers 5km Effective Deterrence Range (EDR) for low order UXO clearance to be suitable.	For low order UXO clearance, it is noted that a 5 km EDR has been assumed, although there is currently no advised EDR in the Statutory Nature Conservation Bodies (SNCB) guidance (Joint Nature Conservation Committee, 2020). The MMO notes it was requested that justification was provided to support the 5 km EDR, and Chapter 11, Section 11.6.34 states the following: “In the absence of empirical data with which to set a threshold, the Sofia Offshore Windfarm Marine Licence Application for UXO detonation assumed a 5km EDR for low-order detonations. This assumed EDR was based on the fact that data has shown that low-order deflagration detonations produce underwater noise that is over 20dB lower than high-order detonation (Robinson et al., 2020). Note, the Sofia Offshore Windfarm Limited committed to undertaking noise monitoring of low-order detonations to confirm this proportionally lower noise level however, the data are not yet available. Until such time as empirical data are available to inform the EDR for low-order detonations, the 5km EDR suggested by Sofia Offshore Windfarm has been assumed”. The MMO recommends that further evidence is provided by ODOW to justify the 5 km EDR.	In discussion

Ref	ODOW Position	MMO Position	Status
PADS 14	<p>The Applicant considers that it is a suitable approach to use both the 26 km EDR (JNCC, 2020) and TTS-onset as a proxy for the assessment of disturbance from UXO clearance, as there is no empirically based threshold to assess disturbance from high-order UXO clearance currently available.</p>	<p>The MMO advises that it is not appropriate to use TTS-onset thresholds as a proxy for disturbance from UXOs. TTS occurs at much higher sound exposures, and so will underestimate the risk of disturbance. In this instance, TTS-onset as a proxy for disturbance has been presented alongside the 26 km EDR approach in acknowledgement that there is no empirically based threshold to assess disturbance from high-order UXO clearance currently available.</p>	In discussion

Ref	ODOW Position	MMO Position	Status
PADS 15	<p>The Applicant recognises the concerns regarding underestimated impacts, and would advise this be seen in appropriate context. Although impact ranges for operational turbine noise are stated for precaution as “<100m” in practice the actual calculated PTS ranges are less than 20 m. Even if the formula were underestimating, the theoretical impacts would still be very low to negligible. This is reinforced by the recent paper by Bellmann <i>et al.</i> (2023) “Experience report on operational noise: Cross-project evaluation and assessment of underwater noise measurements from the operational phase of offshore wind farms”, which (although it is noted that only turbines up to 8 MW are studied) shows no evidence of underwater noise levels measured on site around any operational wind turbines that come close to noise levels that would lead to a concern for marine mammals or fish. In fact, Holme <i>et al.</i> (2023). “The relation between underwater noise and operating offshore wind turbines” suggests that the calculation methodology following Tougaard <i>et al.</i> (2020) as used in the ODOW operational underwater noise assessment, overestimated the noise levels they measured on site. Therefore, the Applicant considers the formula used to assess the correlation between SPL and various parameters is suitable.</p>	$L_{eq} = C + \alpha \log_{10} \left(\frac{\text{distance}}{100 \text{ m}} \right) + \beta \log_{10} \left(\frac{\text{wind speed}}{10 \text{ m s}^{-1}} \right) + \gamma \log_{10} \left(\frac{\text{turbine size}}{1 \text{ MW}} \right)$ <p>This formula represents a statistical model that was used to assess the correlation between SPL and various parameters (distance, wind speed, turbine size) for the data in the Tougaard study. The MMO considers is that this is not suitable for estimation of the sound levels at 1m in a bespoke model, or as substitute for modelling the propagation loss to the far field. In particular, in terms of estimating propagation, the use of the formula would imply a loss of 23.7 log R, which is unrealistically large, and thus will lead to underestimation of the levels in the far field. No changes have been made to (this section of) the report after PEIR although our comment was more for observation purposes to highlight the uncertainties with using this formula.</p> <p>We appreciate that no empirical data is currently available for large wind turbines close to the specifications proposed here for Outer Dowsing. The report does appropriately acknowledge that the maximum turbine sizes considered at the Project are much larger than those used for the estimation, so caution must be applied when considering the results presented in this section (section 5.2).</p>	In discussion

Ref	ODOW Position	MMO Position	Status
MMO 12	<p>As per von Pein et al., (2022) the increase between the pile diameters under consideration (5m vs 14m) should lead to a big increase in their noise output. However, the Applicant consider that von Pein et al., (2022) has overestimated the significance of the diameter as a determining parameter and its effect is much lower. Figure 7 in von Pein et al., (2022) shows the fit of the predicted noise levels to empirical data. Although the best fit tends towards an asymptote, which the Applicant agrees with, our analysis indicates a much shallower curve: the difference between noise data points shown at pile diameter 4m and 8m is the same, and beyond 6.5m appears to be trending downwards. The Applicant considers that the pile energy has the greatest effect on the noise output. Section 3.1 of Chapter 11 Appendix 2 Underwater Noise Assessment (APP-161) discuss the confidence in the modelling against historic data and how the current parameters have been extrapolated.</p>  <p>Fig 7 (top) from von Pein et al., 2022</p>	<p>The values (focusing on the SELs) do not seem to be particularly very high, given the large pile diameters and hammer energies. The monopile foundation values (for a 14 m diameter pile and 6600 kJ hammer energy) are only 1-1.5 dB above the corresponding jacket pile foundation values (5 m diameter pile and 3500 kJ hammer energy) at the same locations. The increase of hammer energy alone from 3500 kJ to 6600 kJ might plausibly explain these differences; however, the substantial increase in pile diameter (from 5 to 14 m) does not seem to have a very important role. This is somewhat at odds with the emerging evidence from literature which suggests that the pile diameter is a very important factor in the scaling of the piling noise.</p>	<p>In discussion</p>

2.6 DCO and dML conditions

23. Table 8 refers to the draft DCO requirements and dML conditions which are set out within the draft DCO (ASI-024) submitted as part of the Project's DCO application.

Table 8: Areas of agreement re DCO and dML conditions (PD1-023)

Ref	ODOW Position	MMO Position	Status
MMO 13	<p>The interpretation of all terms within the following sections of the DCO and DMLs are appropriate and adequate:</p> <ul style="list-style-type: none"> ▪ Article 2, Part 1 of the draft DCO ▪ Condition 1, Part 1 of Schedule 10 of the draft DCO ▪ Condition 1, Part 1 of Schedule 11 of the draft DCO ▪ Condition 1, Part 1 of Schedule 12 of the draft DCO ▪ Condition 1, Part 1 of Schedule 13 of the draft DCO ▪ Condition 1, Part 1 of Schedule 14 of the draft DCO 	<p>The MMO requests clarity on the Applicant’s definition of ‘inert’, for example in Schedules 10 and 11 Part 2 Condition 11(5) and Schedules 12-15 Part 2 Condition 8(5). The MMO requests that the definition of ‘inert’ is added to the DMLs. If samples contain fine material, these may contain contaminants. It needs to be clear that any material containing contaminants cannot be disposed of within the disposal sites when listing the licensable activities under Part 1 of the DMLs.</p> <p>The MMO requests that the definition of the term ‘static’ is added to Part 1 of the DMLs.</p>	In discussion
MMO 14	<p>The wording of Article 4 (Power to maintain the authorised project, Part 2 of the draft DCO is appropriate and adequate.</p>	<p>The MMO currently has no comments to make regarding this section.</p>	In discussion
MMO 15 PADS 16 PADS 17 PADS 18	<p>The wording of Article 6 (Benefit of the Order), Part 2 is appropriate and adequate.</p> <p>The Applicant disagrees with the MMO’s position on the wording of Article 6 and has set out its detailed response at RR-042.007 to RR-042.011 in the Applicant’s Responses to Relevant Representations (PD1-071).</p>	<p>This is a Principal Area of Disagreement as identified by the MMO. The MMO has major concerns over the wording of Article 6 (Benefit of the Order).</p>	In discussion

PADS 19		<p>The MMO resists the inclusion of Article 6(1)-(2) as this provision operates to make the decision that of the undertaker, with the Secretary of State (SoS) providing consent to the transfer, rather than the MMO as the regulatory authority for marine licences considering the merits of any application for a transfer. It is the position of the MMO that these provisions are removed and that any transfer should be subject to the existing regime under the 2009 Marine and Coastal Access Act, with the decision maker remaining the MMO.</p> <p>The MMO resists the inclusion of Article 6(2)(b) as there is no clarity on how it will operate. It will be an additional administrative procedure for marine licences.</p> <p>The MMO resists the inclusion of Article 6(3) as it does not take into account the views of MMO when the SoS provides consent. There is no obligation for MMO to be informed. A decision to transfer the licence should be made by the regulatory authority in that area (the MMO). The inclusion of Article 6(3) explicitly disapplies Sections 72(7) and (8) of The Marine and Coastal Access Act (2009).</p> <p>The MMO resists the inclusion of Article 6(12) as it conflicts with the MMO’s stated position that the DML granted under a DCO should be regulated by the provisions of 2009 Act and specifically by all provisions of Section 72.</p>	
MMO 16 PADS 23	The wording of the following provisions of the draft DCO are appropriate and adequate:	The MMO has requested that additional conditions are added on the following matters:	In discussion

<p>PADS 24</p> <p>PADS 25</p>	<ul style="list-style-type: none"> ▪ Article 32, Part 6 (Deemed marine licences under the 2009 Act) Schedule 10 (Deemed Marine Licence under the 2009 Act for the generation assets) ▪ Schedule 11 (Deemed Marine Licence under the 2009 Act for the offshore transmission assets) ▪ Schedule 12 (Deemed Marine Licence under the 2009 Act for northern artificial nesting structure 1) ▪ Schedule 13 (Deemed Marine Licence under the 2009 Act for northern artificial nesting structure 2) ▪ Schedule 14 (Deemed Marine Licence under the 2009 Act for southern artificial nesting structure 1) ▪ Schedule 15 (Deemed Marine Licence under the 2009 Act for southern artificial nesting structure 2) ▪ Schedule 16 (Deemed Marine Licence under the 2009 Act for the creation of a biogenic reef) <p>The Applicant considers the additional conditions requested to be unnecessary and has responded to each of the MMO’s requests for additional conditions at RR-042.022 to RR-042.024 and RR-042.089 in the Applicant’s Responses to Relevant Representations (PD1-071).</p> <p>The Applicant has responded to the MMO’s request that the force majeure condition is removed at RR-042.025 in the Applicant’s Responses to Relevant Representations (PD1-071).</p>	<ul style="list-style-type: none"> ▪ <u>Maintenance reporting</u> - To ensure the MMO is able to know the maintenance activities throughout the lifetime of the operation including understanding any impacts ▪ <u>Stages of construction</u> - To ensure the MMO has the full timetable for construction ▪ <u>Adaptive management</u> - To allow the applicant to provide potential solutions when reviewing the results of monitoring, to be discussed with the MMO and SNCBs, In the event that monitoring reports identify impacts which are beyond those predicted within the Environmental Statement/Habitat Regulations Assessment ▪ <u>Piling restriction</u> - To protect spawning Banks herring. The MMO has requested a piling condition to be added: ‘No piling of any type shall be permitted between 01 September and 16 October each year. Reason: To protect spawning Banks Herring and their eggs and larvae during their spawning season. <p>The MMO have requested that the Force Majeure condition is removed.</p> <p>The MMO requests that all conditions which states that documents are to be provided to MMO four months prior to commencement, should be updated to six months.</p>	
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	The Applicant notes that condition 14(2) of Part 2 of Schedules 10 and 11 of the draft DCO provides for an approval period of at least four months unless otherwise stated. Following consultation with Natural England and the MMO, the Applicant previously revised the draft DCO to increase the approval period from four to six months for those plans which may have particular complexities. Condition 11(1) of Part 2 of Schedules 12, 13, 14 and 15 and condition 9(1) of Part 2 of Schedule 16 of the draft DCO provides for an approval period of at least three months unless otherwise stated.	Where timescales are not included, this should be added.	
MMO 17 PADS 20	The wording of Article 38 (Arbitration), Part 7 and Schedule 19 of the draft DCO is appropriate and adequate.	The MMO understands that arbitration does not apply to the MMO in this application. The MMO thanks the Applicant for clearly setting out that the Arbitration and Appeals procedures set out in the DCO do not apply to the MMO/DMLs.	Agreed
MMO 18	The wording of Article 40 (Certification of plans etc.) of the draft DCO is appropriate and adequate. Schedule 21 contains a list of documents to be certified.	The MMO currently has no comments to make regarding this section.	In discussion
MMO 19	The wording of Schedule 1 (the Authorised Project) of the draft DCO is appropriate and adequate.		In discussion

<p>MMO 20 PADS 21</p>	<p>The wording of the following provisions is appropriate and adequate:</p> <ul style="list-style-type: none"> ▪ Paragraphs 8 and 9, Part 1 of Schedule 10 of the draft DCO ▪ Paragraphs 8 and 9, Part 1 of Schedule 11 of the draft DCO ▪ Paragraphs 8 and 9, Part 1 of Schedule 12 of the draft DCO ▪ Paragraphs 8 and 9, Part 1 of Schedule 13 of the draft DCO ▪ Paragraphs 8 and 9, Part 1 of Schedule 14 of the draft DCO ▪ Paragraphs 8 and 9, Part 1 of Schedule 15 of the draft DCO ▪ Paragraphs 7 and 8, Part 1 of Schedule 16 of the draft DCO <p>all relating to the materiality of amendments to or variations from the approved details.</p> <p>The Applicant has responded to the MMO’s comments on the reference to materially new or materially different environmental effects at RR-042.012 in the Applicant’s Responses to Relevant Representations (PD1-071).</p>	<p>The MMO strongly considers that the activities authorised under the DCO and DML should be limited to those that are assessed within the EIA, and the statement that activities will be limited to those that ‘do not give rise to any materially new or materially different environmental effects’ should be updated to ‘do not give rise to any new or different environmental effects to those assessed in the environmental information’ to clarify this.</p>	<p>In discussion</p>
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<p>MMO 21 PADS 22</p>	<p>The wording of the following provisions is appropriate and adequate:</p> <ul style="list-style-type: none"> ▪ Condition 14, Part 2 of Schedule 10 of the draft DCO ▪ Condition 14, Part 2 of Schedule 11 of the draft DCO ▪ Condition 11, Part 2 of Schedule 12 of the draft DCO ▪ Condition 11, Part 2 of Schedule 13 of the draft DCO ▪ Condition 11, Part 2 of Schedule 14 of the draft DCO ▪ Condition 11, Part 2 of Schedule 15 of the draft DCO ▪ Condition 9, Part 2 of Schedule 16 of the draft DCO <p>all relating to the timescales associated with submission of documentation required by the conditions of the deemed marine licences.</p> <p>The provisions of Schedule 20 (Procedure for discharge of requirements) of the draft DCO does not apply to the discharge of conditions under the Deemed Marine Licences (DMLs).</p>	<p>The MMO strongly considers that it is inappropriate to put determination timeframes on complex technical decisions of this nature. The time it takes the MMO to make such determinations depends on the quality of the application made, and the complexity of the issues and the amount of consultation the MMO is required to undertake with other organisations to seek resolutions.</p>	<p>In discussion</p>
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2.7 Policy Compliance

24. The Applicant has identified the marine policy in the relevant chapters within the ES and a summary is provided in the Planning Statement (APP-297). A Policy Compliance Document was submitted to Examination in response to R17 letter dated 3 July (AS-012).
25. Table 9 sets out areas of agreement relating to marine policy.

Table 9: Areas of agreement relating to policy compliance

Ref	ODOW Position	MMO position	Status
MMO 22	A Policy Compliance Document was submitted to Examination in response to R17 letter dated 3 July (AS-012).	<p>The MMO have requested that all the policies outlined in the East Marine Plan areas are reviewed within a table to demonstrate compliance.</p> <p>The MMO is satisfied with having the policy considerations within the Policy Compliance Document (AS-012) but notes that policies E-ECO-1 and E-TR-3 appear to be missing and request that these are added.</p>	In discussion

3 Signatures

26. The above statement of common ground has been prepared by Outer Dowsing Offshore Wind and the MMO and is agreed on the date below.

Signed for the MMO	
Name	
Position	
Date	
Duly authorised for and on behalf of the Marine Management Organisation	

Signed for Outer Dowsing Offshore Wind	
Name	
Position	
Date	
Duly authorised for and on behalf of Outer Dowsing Offshore Wind	

References

Department for Levelling Up, Housing and Communities (2024) Planning Act 2008: Guidance for the examination of applications for development consent

Tougaard, J., Hermannsen, L & Madsen, P. (2020). How loud is the underwater noise from operating offshore wind turbines?. *The Journal of the Acoustical Society of America*. 148. Holme, C. T., Simurda, M., Gerlach, S., & Bellmann, M. A. (2023). Relation Between Underwater Noise and Operating Offshore Wind Turbines. In *The Effects of Noise on Aquatic Life: Principles and Practical Considerations* (pp. 1-13). Cham: Springer International Publishing.

JNCC (2020) Appendix 1: Summary of legal protection for marine mammals in UK waters. Available at <https://jncc.gov.uk/media/8417/draft-marine-mammal-guidelines-explosive-use-appendices-1-3.pdf> [Accessed October 2024]

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