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(Email only)

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

13 December 2024

Dear Rod MacArthur,

Planning Act 2008, GTR4 Limited, Proposed Outer Dowsing Offshore Windfarm Order Deadline 2 Submission – Summary

On 02 May 2024, the Marine Management Organisation (the MMO) received notice under section 56 of the Planning Act 2008 (the PA 2008) that the Planning Inspectorate (“PINS”) had accepted an application made by GTR4 Limited (the Applicant) for determination of a Development Consent Order (DCO) for the construction, maintenance and operation of the proposed Outer Dowsing Offshore Wind Farm (the DCO Application) (MMO ref: DCO/2021/00003; PINS ref: EN010130). The DCO includes Deemed Marine Licences (DMLs) in Schedules 10, 11, 12, 13, 14, 15 and 16.

The DCO Application seeks authorisation for the construction, operation and maintenance of Outer Dowsing offshore wind farm (OWF), comprising of up to 100 wind turbine generators together with associated onshore and offshore infrastructure and all associated development (the Project).

This document comprises the summary of MMO comments in respect of the DCO Application submitted in response to Deadline 2.

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



Yours Sincerely,



Amelia Clarke
Marine Licensing Case Officer

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Summary of MMO Deadline 2 (1500 words)

1. Comments on Applicant's Amended Application Documents

1.1 General Comments

1.1.1 The MMO is satisfied that the Marine Policy considerations remain part of the Policy Compliance Document (AS-012). The MMO requests that that policies E-ECO-1 and E-TR-3 are added.

1.2 DCO/Deemed Marine Licence

1.2.1 The MMO acknowledges the Applicant's response to RR-042.027 regarding the submission of a Construction Programme to the MMO which is required under condition 13(1)(b) of Schedules 10 and 11.

Environmental Statement General Comments

1.3 Coastal Processes

1.3.1 The MMO agrees that subsea cable burial is the preferred option for cable protection.

1.3.2 The MMO highlights that ecological based scour protection should be prioritised.

1.4 Dredge, Disposal and Chemical Use

1.4.1 The MMO is satisfied that the Applicant has noted these comments.

1.4.2 The applicant has stated that all chemicals proposed for use will be listed within the Chemical Risk Assessment produced post consent which are appropriate.

1.4.3 Any document to be certified should be correct for full understanding which should be updated in the chapter or be part of the Errata document on the ES documents.

1.4.4 The MMO notes that the Applicant will produce a Scour Protection and Cable Protection Management Plan for approval post-consent.

1.4.5 The MMO welcomes the inclusion of all chemicals within the Project Environment Management Plan for our approval post consent.

1.5 Benthic Ecology

1.5.1 The MMO raised several concerns regarding invasive non-native species, outline offshore in-principle monitoring plan drop-down video requests and *Sabellaria* reef seafloor imagery and data.

1.6 Fish Ecology

1.6.1 Additional mitigation is recommended to protect herring's spawning season, and a seasonality restriction is advised.

1.6.2 The MMO requests 135 decibels (dB) Single Strike Sound Exposure Level (SELss) threshold is applied and updated information is made available.

1.6.3 The MMO has made comments regarding providing information at the earliest opportunity and the application of the most relevant and recent noise exposure criteria.

1.6.4 MMO's position regarding the comments on the sensitivity and magnitude of impact for herring as a receptor remains unchanged and has revised our recommendation



to reflect the reduce range of impacts from piling after reviewing further information provided by the Applicant.

- 1.6.5 Disturbance to sandeel caused by piling noise and combined with the physical disturbance of their habitat during construction will result in adverse effects to sandeels, particularly during winter hibernation and spawning period.
- 1.6.6 The MMO noted that the project is within a wider area of sandeel habitat and does not believe that further mitigation to prevent impacts at a population scale is necessary.
- 1.6.7 The MMO highlights the main outstanding issue is regarding our request on piling during the Banks herring spawning season. The MMO recommends a spatial element to the piling restriction.
- 1.6.8 The MMO has reviewed the Schedule of Changes to Plans (REP1-003) and provided comments on figures.
- 1.6.9 The MMO requested temporal spatial mitigation and piling conditions.

1.7 Shellfish Ecology

- 1.7.1 The MMO agrees that the applicant has addressed mitigation and baseline data concerns.
- 1.7.2 The MMO recommends that the Applicant addresses typographical errors within their application and provides correct Latin name species as best practice but notes this is for the ExA to request.

1.8 Underwater Noise

- 1.8.1 The MMO recommends the deployment of bubble curtains for high order detonations.
- 1.8.2 The MMO does not support the use of TTS as a proxy for disturbance; it should consider potential risk of permanent threshold shift (PTS), TTS and disturbance.
- 1.8.3 The MMO requested more context to be added for future reports to improve understanding about bathymetry and locations across the modelled domain and that we cannot see any bathymetry colour scale on the figures.
- 1.8.4 The MMO has raised a point regarding that there may be WTGs situated closer to important habitats than those locations modelled in the assessment leading to greater overlap of noise within these habitats.
- 1.8.5 The MMO highlights the importance of recent and relevant peer-reviewed literature regarding piling and pile diameter.
- 1.8.6 The MMO strongly believes that noise abatement at source is the most effective measure of reducing the risk of potential impact and this should be planned for at the earliest opportunity.
- 1.8.7 The MMO welcomes the confirmation and amendment from the applicant regarding an error within the Outline Marine Mammal Mitigation Protocol for Piling Activities (APP-279).
- 1.8.8 The MMO notes that the new Northeast modelling location as a result of the ORBA has used the same parameters as the previous report with just the updated modelling location being different.



2. Comments on Stakeholders Deadline 1 responses

2.1 Maritime and Coastguard Agency (MCA) (REP1-044)

- 2.1.1. The MMO welcomes the addition and rewording of Schedules 10.
- 2.1.2. The MMO is in discussion with MCA regarding the requested change to Schedule 10, part 2 11(10), 17(2)(b) and 19(2).
- 2.1.3. The MMO welcomes the addition and rewording of Schedule 11, part 2 7(11), 7(12), 9(1), 17(2), 18(5), 19(2) and paragraph 23.
- 2.1.4. The MMO is in discussion with MCA regarding the requested change to Schedule 11, part 2 11(10).
- 2.1.5. The MMO welcomes the addition and rewording of Schedule 12 and 13 part 2, 5(11) AND 7(1).
- 2.1.6. The MMO is in discussion with MCA regarding the requested change to Schedule 12 and 13 part 2, 8(10).
- 2.1.7. The MMO welcomes the addition and rewording of Schedule 14 and 15 part 2 5(11) and 7(1) in points 2.1.21 and 2.1.22 in REP2-092.
- 2.1.8. The MMO is in discussion with MCA regarding the requested change to Schedule 14 and 15, part 2 8(10).
- 2.1.9. The MMO is in discussion with MCA regarding the requested change to Schedule 16 part 2, 8(10).
- 2.1.10. The MMO notes the contact details in Schedules 10,11,12,13,14,15 and 16 part 1 need to be amended.

2.2 Historic England (HE) (REP1-042)

- 2.2.1 The MMO acknowledges that HE agrees with the proposals relevant to embedded mitigation options and that unknown historic receptors will require adaptive mitigation measures (APP-282).
- 2.2.2 The MMO notes that a WSI must be produced for each phase. The MMO raises there was no reference made to use the same WSI in Schedules 12,13,14,15 and 16 for compensatory methods.
- 2.2.3 The MMO notes that HE is satisfied by the inclusion of conditions within the DML Schedules 10 and 11 to produce a WSI for the offshore Order limits.

2.3 Lincolnshire County Council (REP1-053) and East Lindsey District Council, Boston Borough Council and South Holland District Council (REP1-052)

- 2.3.1 The MMO acknowledges that the councils consider that 'subject to the requirements in the DCO' the local impacts would be acceptable and broadly would accord with local and national policies.

2.4 Royal Society for the Protection of Birds (RSPB) (REP1-047)

- 2.4.1 The MMO notes the further information requests made by RSPB.

2.5 Environment Agency (EA) (REP1-055)

- 2.5.1 The MMO notes comments made by EA on Chapters 3, 7 and HDD bunding.



2.6 Natural England (NE) (REP1-057)

- 2.6.1 The MMO notes that NE raised comments regarding the Offshore Ornithology and Marine Processes of the ES, OBRA as mitigation within the DCO/DML as a condition and Noise Abatement Systems (NAS).
- 2.6.2 The MMO acknowledges comments from NE regarding trenchless techniques at landfall.
- 2.6.3 The MMO acknowledge comments from NE regarding compensation and mitigation of features to minimise wider environmental impacts.
- 2.6.4 The MMO agrees with NE's advice regarding NAS and that these additional measures should be implemented.
- 2.6.5 The MMO noted NE's comments on disturbance impacts, requested figures containing noise contours, pre-pilling and pre-detonation searches by Marine Mammal Observers (MMObs), Passive Acoustic Monitoring, soft-start pilling, PTS in relation to marine mammals, visibility and weather conditions and Deterrent Devices.

3. General Comments

3.1 Consideration of the under 12 metre fishing fleet

- 3.1.1 The MMO highlights to the ExA and the Applicant the publication of a report for consideration of the sensitivity of the under 12m fishing activity to offshore wind.

3.2 Artificial Nesting Structures

- 3.2.1 The MMO previously informed the ExA (PD1-115) of how the Project may apply for a separate marine licence for the construction of the Artificial Nesting Structures (ANS).
- 3.2.2 The MMO recommends the DMLs for ANS are kept within the DCO for the SoS to consider as part of the wider Project's consent. If a marine licence application were to be submitted, the MMO requires the draft DCO to be amended by removing all references to ANS.

4. Answers to Examiners Questions (ExQ1)

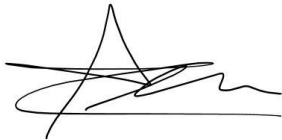
4.1. The MMO has provided answers to the following:

- Q1 GC 2.2 East Marine Plans
- Q1 DCO 1.9 Operational lifespan
- Q1 FSE 1.2 Response to Natural England's concerns regarding herring and sandeel
- Q1 FSE 1.3 FSE Temporal restriction on pilling activities
- Q1 FSE 1.4 Temporal restrictions on pilling in other made DCOs
- Q1 HOE 1.6 Outline Decommissioning Plan
- Q1 HRA 2.1 Update on the Marine Recovery Plan



- Q1 MM 1.3 European Protected Species and/or wildlife licence
- Q1 MM 1.5 Interim Population Consequences of Disturbance Modelling Report
- Q1 MM 1.6 Use of Noise Abatement Systems

Yours sincerely,



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