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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 3 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.

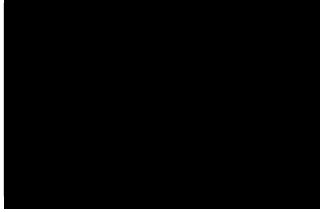
The DCO Application seeks authorisation for the construction, operation and maintenance of Outer Dowsing offshore wind farm (OWF), comprising of up to 100 wind turbine generators together with associated onshore and offshore infrastructure and all associated development (the Project).

This document comprises the summary of MMO comments in respect of the DCO Application submitted in response to Deadline 3.

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 3 (1500 words)

1. Comments on Applicant's Amended Application Documents

1.1 General Comments

1.1.1 The MMO highlights the tight deadlines between Deadline 2 and 3. The MMO have focused on adding comments at Deadline 2 into tables in annexes for clarity on points raised.

1.2 DCO/Deemed Marine Licence

Article 6 Transfer of Benefit

1.2.1 The MMO has remaining concerns. The MMO will provide an update to the Applicant promptly and follow-up at Deadline 4.

1.2.2 The MMO continues to raise objection to Article 6 as this impacts the MMO's duty as the regulatory authority of the DMLs as there is no power to the MMO to complete its regulatory duty.

Maintain and Materiality

1.2.3 The MMO will review the updates provided and will provide the Applicant with any updates and follow with supplying the updates Deadline 4.

Determination dates

1.2.4 The MMO maintains that putting timeframe on decisions of a technical nature is inappropriate to make an informed, robust decision.

1.2.5 If discharge was not granted, the undertaker would have to provide updated documentation which would restart the process and potentially cause unnecessary delay.

Maintenance Reporting

1.2.6 The MMO maintains that it is imperative that maintenance reporting is submitted in order to reconfirm the applicability of the methodologies and frequencies of the licensable activities permitted by the licence.

Stages of construction

1.2.7 The MMO notes Schedules 10 and 11, Condition 13(1)(b) of which details the submission of a Construction Programme to the MMO.

Adaptive Management

1.2.8 The MMO maintains its position that the inclusion of adaptive management, all parties have clarity on what is required if impacts exceed predictions made in the Environmental Statement. The Applicant's potential reliance on a possible variation to the licence is unnecessary in any remedial action. This is a standard condition being requested for all offshore wind projects and should be included in the DML.

Force Majeure

1.2.9 The MMO considers that Force Majeure should be removed and the MMO resists its inclusion. The MMO will provide further comments at Deadline 4.



1.3 Environmental Statement (ES) and Other Application Documents

1.3.1 The MMO provided further comments/justification on issues still remaining regarding ES Chapters and other Application Documents at Deadline 2. The MMO have used this tight deadline to tabularise these comments within Annexes 2-10 of our main document.

2. Comments on Stakeholders Deadline 2 responses

2.1 Maritime and Coastguard Agency (MCA) (REP2-071)

Responses to ExQ1

Q1 OG 1.7, Q1 SN 1.3, Q1 SN 1.5,

2.1.1 The MMO acknowledges MCA's responses to these questions.

2.2 Historic England (HE) (REP2-068)

Q1 HE 1.4 and Q1 HE 1.5

2.2.1 The MMO noted HE's responses to these questions and that HE had listed revisions to the Onshore Written Scheme of Investigation.

2.3 Lincolnshire County Council (REP2-069)

Q1 SV 1.9 and Q1 SE 1.1

2.3.1 The MMO notes that Lincolnshire County Council are unlikely to comment on offshore elements of the scheme.

2.4 Royal Society for the Protection of Birds (RSPB) (REP2-081)

Responses to ExQ1

Q1 HRA 2.3, Q1 OR 1.2 and Q1 OR 1.4

2.4.1 The MMO noted that RSPB has provided clarification with regards to their concern over an insufficient evidence base for compensation.

2.5 Environment Agency (EA) (REP2-067)

Responses to ExQ1

Q1 DCO 1.4, Q1 NV 1.3, Q1 NV 1.4 and Q.1 WE 1.5

2.5.1 The MMO notes the EA's comments on flood risk.

2.6 Natural England (NE) (REP2-074)

Q1 BE 2.2 – 2.8, Q1 FSE 1.6, Q1 HRA 1.5 – 1.7, Q1 HRA 2.2 – 2.4, Q1 HRA 2.14, Q1 OR 1.2 and 1.4 and Q1 OG 1.3

2.6.1 The MMO notes that NE still have remaining concerns regarding suspended sediment concentration, sea level changes, operation and maintenance activities, use of best practice for cumulative assessment, cable protection, and difficulty in the delivery of benthic compensation measures.

2.6.2 The MMO welcomes that NE are satisfied with scour volume maximum design scenarios, but notes that NE request for these to be validated through modelling.



3. Comments on the Applicant's Responses to The ExA's First Written Questions (ExQ1) (REP2-051)

Q1 BE 2.1

3.1.1 The MMO notes that the Applicant has signposted to where mitigation measures for Sandbanks are secured within the DML and outline plans.

Q1 BE 2.7

3.1.2 The MMO notes that the Applicant is intending to produce a Project specific Sandwave Levelling Assessment at Deadline 3, the MMO will review this document once submitted.

Q1 CM 1.9

3.1.3 The MMO acknowledges that the Applicant has included aviation mitigation within the Aids to Navigation Plan as outlined in the Schedule of Mitigation.

Q1 CC 1.4

3.1.4 The MMO notes the Applicants response to the explanation of the management strategies for offshore cables if they become exposed post decommissioning. The Applicant has stated that Project Infrastructure could 'potentially' include that cables remain in situ.

Q1 CF 1.1

3.1.5 The MMO notes the Applicant's response. The MMO has asked the Applicant to review the published report called 'Spatial distribution of under 12m fishing activity and sensitivity to offshore wind development in the east marine plan areas (MMO1382).'

Q1 CF 1.3

3.1.6 The MMO notes the minimum spacing between turns and that a final array layout plan is secured in the DML.

Q1 FSE 1.1, 1.4 and 1.5

3.1.7 The MMO notes the Applicant's response to the ExA's question regarding assessment of effects on herring, regarding temporal restrictions on piling and implication of the restriction. The MMO will review and respond in due course, however, the MMO has noted further comments regarding impacts to Herring in our Deadline 2 response (Section 1.6, REP2-092).

Q1 FSE 1.6

3.1.8 The MMO notes the Applicant's response to the longer-term effects of the sandeel fishing ban on sandeel populations in English and Scottish waters of the North Sea which came into effect on 26 March 2024.

Q1 HOE 1.7

3.1.9 The MMO is currently reviewing the requirements for decommissioning within the DML and will provide an update in due course.

Q1 HRA 1.4, 2.2 and 2.4

3.1.10 The MMO notes the Applicant's responses, and the MMO maintains a watching brief on the outcome relating to securing any mitigation, monitoring or other conditions required within the DMLs.



Q1 MM 1.2

3.1.11 The MMO notes the Applicant's response to the maximum hammer energy of 6,600 kilojoules (kJ) query.

Q1 MM 1.3

3.1.12 The Applicant is correct that the marine European Protected Species licensing body is the MMO, and that Applicant correctly identifies that the MMO does not issue a Letter of No Impediment for marine EPS licences. EPS licences are applied for at the post consent stage when project design and methods are better understood.

Q1 MM 1.4

3.1.13 The MMO welcomes the clarifications regarding definitions of 'piling events' and 'offshore platforms.'

Q1 MM 1.6

3.1.14 The MMO reiterates that it is in the Applicant's interest to plan for noise abatement measures at the earliest opportunity and to incorporate such measures into relevant mitigation plans.

Q1 OG 1.5

3.1.15 The MMO notes that the Applicant considers there not to be any further mitigation with regards to potential vessel access and displacement to other offshore infrastructure. the MMO will keep a watching brief on the outcome relating to securing any mitigation, monitoring or other conditions required within the DMLs.

Q1 OG 1.14

3.1.16 The MMO agrees with the Applicant that the Race Bank disposal site (HU126) is now disused.

Q1 OG 1.15

3.1.17 The MMO notes the Applicants comments regarding vessel trips and that the trip numbers will be included in the vessel management plan contained within the project environmental management plan.

Q1 OG 1.16

3.1.18 The MMO welcomes the Applicant's signposting to where impacts from the ORCP and biogenic reef restoration areas have been considered.

Q1 OG 1.20

3.1.19 The MMO notes that the Applicant will review the scoping report for Eastern Green Link 3 and 4. The MMO will keep a watching brief on the outcome relating to securing any mitigation, monitoring or other conditions required within the DMLs.

Q1 OG 1.24

3.1.20 The MMO notes that the Applicant's response states that a minimum target burial depth of 1m is included in the updated Cable Specification and Installation Plan.

Q1 SN 1.1

3.1.21 The MMO notes the Applicant's tabularised response regarding the mechanisms that are in place for adaptive management to address greater than predicted effects in the Navigational Risk Assessment. However, the MMO considers that the Conditions themselves do not allow for adaptive management to be enforced.



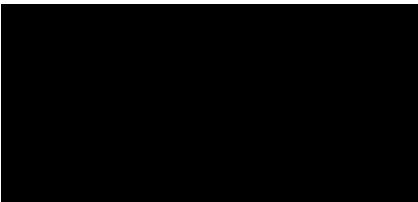
Q1 SN 1.6

3.1.22 The MMO acknowledges the Applicant's comment and the MMO notes that there are no plans to submit an outline decommissioning plan. The MMO considers that an Outline decommissioning plan should be presented into the Examination for review.

4. Comments on the Update to the Statement of Commonality of Statements of Common Ground (REP2-047)

The MMO agrees with the statement in Table 1 regarding the Applicant making positive progress to resolve matters. Ongoing issues relate mainly to fish species and issues relating to the draft DCO/DML.

Yours sincerely,



Amelia Clarke
Marine Licensing Case Officer

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