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Kelvin Macdonald
National Infrastructure Directorate
The Planning Inspectorate
(via e-mail only)

Your ref: EN020019
Our reference: DCO/2014/00013

29 September 2015

Dear Mr Macdonald,

**PROPOSED TRITON KNOLL ELECTRICAL SYSTEM
DEVELOPMENT CONSENT ORDER: RESPONSE TO EXAMINING AUTHORITY'S
WRITTEN QUESTIONS (ExQ – Deadline I)**

The Marine Management Organisation (MMO) is an interested party for the examination of Development Consent Order (DCO) applications for Nationally Significant Infrastructure Projects (NSIP) in the marine area. The MMO received the Examining Authority's written questions on 11 September 2015.

The MMO response to the relevant written questions are presented within the appendix attached to this letter. Please note that the MMO reserves the right to make further comments on this application throughout the examination process and to modify its present advice or opinion in view of any additional information that may come to our attention.

Yours sincerely,



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**INVESTORS
IN PEOPLE**



Appendix 1 MMO Response to the Examining Authority's written questions

Question No	Topic Heading	QUESTION	MMO RESPONSE
DCO 1.13	Article 5 - Transfer of benefit of Order	<p>Article 5(6)(a) requires the undertaker to notify the Marine Management Organisation and/or relevant planning authority if a transfer or grant relates to the exercise of powers in the area of their jurisdiction. Article 5(6)(b) sets a minimum period of five days before the transfer for such a notification.</p> <p>Are you content that five days is sufficient time to deal with such a notification?</p>	<p>The MMO continue to have concerns over the partial transfer of any assets as detailed in our s56 response to PINS dated 13 July 2015.</p> <p>It is not clear why section 6 licence holders do not follow the process outlined in Article 5(1)? While it is appreciated that such bodies have been through regulatory process to ensure that they, for example, are of sound financial footing and an appropriate body to hold such licence, this is not of immediate concern to the MMO.</p> <p>It is important that prior approval is sought for all transfers (i.e. following the process set out in 5(1)) to ensure clear understanding of who is responsible for what aspects of the project and that appropriate mitigation and controls are in place on the DML.</p> <p>Further concerns are highlighted by the wording in 5(6)(a) (iv) which may be read that the undertaker can determine what conditions</p>

			<p>and obligations should apply to the transfer without any recourse from the Secretary of State or the MMO prior to this occurring.</p> <p>If PINS are minded to consent to any transfer of benefit then the MMO would request a minimum period of 4 weeks prior notice to the transfer occurring. This would ensure that both the MMO licensing teams and the MMO Coastal teams are aware of any transfer of assets and can complete the necessary internal notifications, ensuring continuity of processes between the parties whom have the overall authority to ensure compliance to any subsequently consented DCO/DML.</p>
DCO 1.52	<p>Schedule 1, Part 3 – Proposed additional Requirement</p> <p>Question Directed To The Environment Agency</p>	<p>In your Relevant Representation [RR-106] you request that a scheme to protect the current Bathing Water Directive status be submitted to and approved by the relevant planning authority, following consultation with the Environment Agency.</p> <p>State whether you suggest that this document should be a 'certified' plan or document to be listed as such in Article 36.</p>	<p>It should be noted that the MMO would be responsible for any bathing water plan that has a requirement to be set for approval/certification below MHWS.</p> <p>To ensure this process the requirement for post consent submission and approval should be secured by condition within the DML. The condition should recognise the MMO as the approving organisational body.</p>
DCO 1.59	Draft Deemed Marine Licence: Condition 1	<p>Appendix 1 of Natural England's Relevant Representation [RR-175] advises that cable protection should be a last resort and should be kept to a minimum, fully justified where needed and should closely mimic the natural environment.</p> <p>It also states that where cable protection is required in a designated site, full consideration should be given to removal at the time of decommissioning and that NE's preference is to bury cables to a specified minimum cable</p>	<p>The MMO are content that the drafting of condition 1 is sufficient to alleviate any of our concerns relating to cable burial/protection works.</p> <p>Under Part 2 (7) the applicant is required to submit (for approval before works commence) details of method statements which includes under (c)(1) cable installation, including cable landfall, cable protection and pipeline</p>

		<p>depth.</p> <p>Are Natural England and the Marine Management Organisation satisfied that Condition 1 in the draft DML in respect of cable protection measures is sufficient to address the concerns of Natural England ?</p>	<p>crossings</p> <p>If the MMO has any concerns regarding the cable laying/protection methodology then this plan would not be approved for use and construction (as currently licensed within the DML) would not be permitted to commence.</p> <p>However it should be noted that the MMO would defer to Natural England on matters concerning designated sites.</p>
DCO 1.64	Draft Deemed Marine Licence	<p>Part 2, Condition 1 of the draft DML requires that the finished height of any cable protection must not exceed 10% of the navigable water depth existing prior to works commencing unless otherwise agreed in writing in advance with the MMO and MCA.</p> <p>Signify, or otherwise, your agreement to the inclusion of this Condition in the draft DML.</p>	<p>The MMO are content that this condition is included within the DML.</p> <p>However previous marine licence conditions have referred to water depth reductions of no greater than 5% (and not 10%) it should be noted that the MMO would defer to the MCA regarding navigational requirements.</p>
DCO 1.66	<i>Draft DCO and draft Deemed Marine Licence</i>	<p>Paragraph 2.7 of the Explanatory Memorandum [APP- 011] states that: the TKES Order limits overlap with those for the Triton Knoll Offshore Wind Farm Order4 (“the Array Order”) and that has been agreed with both the Planning Inspectorate and the MMO that no specific drafting is considered necessary to address this overlap as the TKES Order and deemed marine licence and the Array Order and deemed marine licence authorise separate and distinct works and there is no inconsistency between them.</p> <p>Applicant: Show where this agreement with the Planning Inspectorate is recorded.</p> <p>To the MMO: Confirm or otherwise that you have no difficulties in the possible existence of overlapping Development Consent Orders and Deemed Marine</p>	<p>The MMO are content that the DCO/DML for both respective projects are distinct and clearly defined within each respective Order.</p>

		Licences.	
HRA 1.17	<i>Cable protection</i>	<p>Appendix 1 of Natural England’s Relevant Representation [RR-175] advises that cable protection should be a last resort and should be kept to a minimum, fully justified where needed and should closely mimic the natural environment. It also states that where cable protection is required in a designated site, full consideration should be given to removal at the time of decommissioning and that NE’s preference is to bury cables to a specified minimum cable depth (note paragraph 2.8 which states erosion and beach lowering should be taken into account when considering cable burial depth).</p> <p>Are NE and the MMO content that the DML condition in respect of cable protection measures is sufficient to address the concerns of NE not least with regard to the mitigation hierarchy?</p>	Please refer to the MMO response to DCO 1.59