



Gillian Sutherland
(via email only)
East Anglia Offshore Limited

Our reference: DCO/20013/00005

6 March 2015

Dear Ms Sutherland

THE EAST ANGLIA ONE OFFSHORE WIND FARM ORDER 2014 – VARIATION OF DEEMED MARINE LICENCES

On 17 June 2014 the Secretary of State for Energy and Climate Change made the East Anglia ONE Offshore Wind Farm Order 2014 (“the Order”) which included in Schedule 10 (generation assets) and Schedule 11 (transmission assets) two deemed marine licences (DMLs) in accordance with Section 149 of the Planning Act 2008.

On 2 September 2014 the Marine Management Organisation (MMO) received a request from East Anglia Offshore Wind to vary the DMLs contained within the Order.

The MMO has now completed its consideration of the request and, in exercise of the powers conferred by section 72(3)(d) of the Marine and Coastal Access Act 2009, has made the following variations to the DMLs in accordance with the full table of proposed amendments included at Annex 1:

Table 1

Schedule 10 – Generation Assets

1. Condition 7(1) (*Offshore safety management*)

MMO to consider amending ‘Secretary of State’ to ‘MMO’
Agreed; this is in line with new wording recently agreed with the MCA for navigational safety conditions.

2. Condition 11(b) (*Pre-construction plans and documentation*)

MMO to consider amending ‘a construction and monitoring programme’ to ‘a construction programme and monitoring plan’.
Agreed.
MMO to consider amending the deadline for submission of information from six months to four months.



Agreed; a four month submission deadline is consistent with other DMLs and there are no special circumstances which justify a six month submission deadline for this project.

3. Condition 11(d) (*Pre-construction plans and documentation*)

MMO to consider amending 'a *project environmental management and monitoring plan*' to 'a *project environmental management plan*'.

Agreed.

4. Condition 11(g)(iii) (*Pre-construction plans and documentation*)

MMO to consider deletion of condition 11(g)(iii)

Withdrawn. Email received from Gillian Sutherland 19/01/15, following discussions with DECC (see Annex 2).

5. Conditions 17 (*Pre-construction monitoring and surveys*), 18 (*Construction monitoring*), 19 (*Post construction*)

MMO to consider replacing 'JNCC' with '*relevant statutory nature conservation body*'.

Agreed; all references to specific nature conservation bodies (e.g. JNCC, NE) to be amended.

6. Condition 17(1) (*Pre-construction monitoring and surveys*)

MMO to consider the following amendment: (1) *The undertaker must, in discharging condition 11(b)(iii), submit ~~details the monitoring plan~~ for approval by the MMO in consultation with Natural England and ~~JNCC the relevant statutory nature conservation body containing details of proposed pre-construction surveys, including methodologies and timings, and a proposed format and content for a pre-construction baseline report; and—~~*

Agreed; reference to Natural England also to be removed.

7. Condition 17(2)(e) (*Pre-construction monitoring and surveys*)

MMO to consider proposed approach with regards to the Monitoring Plan, i.e. the proposed pre-construction surveys will be specified in the Monitoring Plan.

Agreed; this is not a drafting change to the DML but relates to how the condition will be discharged.

8. Condition 18(1) (*Construction monitoring*)

MMO to consider the following amendment: *The undertaker must, in discharging condition 11(b)(iii), submit ~~details the monitoring plan~~ for approval by the MMO in consultation with Natural England and ~~JNCC the relevant statutory nature conservation body containing details of proposed monitoring ...~~*

Agreed; reference to Natural England also to be removed.

9. Condition 19(1) (*Post construction*)

MMO to consider the following amendment: *The undertaker must, in discharging condition 11(b)(iii), submit ~~details the monitoring plan~~ for approval by the MMO in consultation with Natural England and ~~JNCC the relevant statutory nature conservation body containing details of proposed post construction surveys, ...~~*

Agreed; reference to Natural England also to be removed.

10. Condition 19(2) (*Post construction*)

MMO to consider proposed approach with regards to the Monitoring Plan, i.e. the proposed surveys will be specified in the Monitoring Plan.

Agreed; this is not a drafting change to the DML but relates to how the condition will be discharged.

Schedule 11 – Transmission Assets

11. Condition 10(b) (*Pre-construction plans and documentation*)

MMO to consider amending 'a construction and monitoring programme' to 'a construction programme and monitoring plan'.

Agreed.

MMO to consider amending the deadline for submission of information from six months to four months.

Agreed; a four month submission deadline is consistent with other DMLs and there are no special circumstances which justify a six month submission deadline for this project.

12. Condition 10(d) (*Pre-construction plans and documentation*)

MMO to consider amending 'a project environmental management and monitoring plan' to 'a project environmental management plan'.

Agreed.

13. Condition 10(g)(iii) (*Pre-construction plans and documentation*)

MMO to consider deletion of condition 10(g)(iii).

Withdrawn. Condition will remain and will be discharged under the Monitoring Plan.

14. Conditions 16 (*Pre-construction monitoring and surveys*), 17 (*Construction monitoring*), 18 (*Post construction*)

MMO to consider replacing 'JNCC' with 'relevant statutory nature conservation body'.

Agreed; all references to specific nature conservation bodies (e.g. JNCC, NE) to be amended.

15. Condition 16(1) (*Pre-construction monitoring and surveys*)

MMO to consider amending in line with proposed Monitoring Plan.
Agreed.
MMO to consider replacing 'JNCC' with ' <i>relevant statutory nature conservation body</i> '.
Agreed; all references to specific nature conservation bodies (e.g. JNCC, NE) to be amended.

16. Condition 17(1) (*Construction monitoring*)

MMO to consider amending in line with proposed Monitoring Plan.
Agreed.
MMO to consider replacing 'JNCC' with ' <i>relevant statutory nature conservation body</i> '.
Agreed; all references to specific nature conservation bodies (e.g. JNCC, NE) to be amended.

17. Condition 18(1) (*Post construction*)

MMO to consider amending in line with proposed Monitoring Plan.
Agreed.
MMO to consider replacing 'JNCC' with ' <i>relevant statutory nature conservation body</i> '.
Agreed; all references to specific nature conservation bodies (e.g. JNCC, NE) to be amended.

Table 2

Schedule 10 – Generation Assets

18. Condition 11(k) (*Pre- construction plans and documentation*)

MMO to consider deletion of condition 11(k).
Withdrawn. Email received from Gillian Sutherland 19/01/15, following discussions with DECC (see Annex 2).

19. Condition 17(2)(e) (*Pre-construction monitoring and surveys*)

MMO to consider deletion of condition 17(2)(e).
Agreed. The recent Monitoring Review advises that site specific reasons are required to justify this condition. There is potential within future monitoring to review this requirement if burial depths are not reached.

20. Condition 17(2)(f) (*Pre-construction monitoring and surveys*)

MMO to consider deletion of condition 17(2)(f).
Condition will be retained and will be discharged by participation in the DEPONS project, (Disturbance Effects on the Harbour Porpoise Population in the North Sea).

A letter regarding this was submitted by EAOW 26/01/15 – MMO to review and respond.

21. Condition 18(4) (*Construction monitoring*)

MMO to consider deletion of condition 18(4).

Condition will be retained with regards to Generation Assets, following consultation with the MCA and TH.

22. Condition 19(2)(a) (*Post construction*)

MMO to consider proposed approach with regards to the Monitoring Plan, i.e. the proposed surveys will be specified in the Monitoring Plan.

Agreed; this is not a drafting change to the DML but relates to how the condition will be discharged.

23. Condition 19(2)(b) (*Post construction*)

MMO to consider amending to include specific reference to gravity base foundations.

Agreed; this condition was proposed specifically in relation to the option for gravity bases.

24. Condition 19(2)(d) (*Post construction*)

MMO to consider proposed approach with regards to the Monitoring Plan, i.e. the proposed surveys will be specified in the Monitoring Plan.

Agreed; this is not a drafting change to the DML but relates to how the condition will be discharged.

25. Condition 19(2)(e) (*Post construction*)

MMO to consider deletion of condition 19(2)(e).

Agreed. There is potential for inclusion of future surveys in the monitoring plan.

26. Condition 19(2)(f) (*Post construction*)

MMO to consider deletion of condition 19(2)(f).

Condition will be retained and will be discharged by participation in the DEPONS project. A letter regarding this was submitted by EAOW 26/01/15 to which the MMO will respond.

27. Condition 19(2)(g) (*Post construction*)

MMO to consider deletion of condition 19(2)(g).

Agreed. The recent Monitoring Review advises that site specific reasons are required to justify this condition. There is potential within future monitoring to review this requirement if burial depths are not reached.

Schedule 11 – Transmission Assets

28. Condition 10(l) (*Pre- construction plans and documentation*)

MMO to consider deletion of condition 10(l).

Withdrawn. Email received from Gillian Sutherland 19/01/15, following discussions with DECC (see Annex 2).

29. Condition 16(2)(d) (*Pre-construction monitoring and surveys*)

MMO to consider deletion of condition 16(2)(d).

Agreed; this condition should apply to the Generation Assets only.

30. Condition 16(2)(e) (*Pre-construction monitoring and surveys*)

MMO to consider deletion of condition 16(2)(e).

Agreed. The recent Monitoring Review advises that site specific reasons are required to justify this condition. There is potential within future monitoring to review this requirement if burial depths are not reached.

31. Condition 16(2)(f) (*Pre-construction monitoring and surveys*)

MMO to consider deletion of condition 16(2)(f).

Agreed; this condition should apply to the Generation Assets only and will be discharged by participation in the DEPONS project. A letter regarding this was submitted by EAOW 26/01/15 to which the MMO will respond.

32. Condition 17(2) (*Construction monitoring*)

MMO to consider deletion of condition 17(2).

Agreed following discussion with MCA; traffic monitoring can be removed from transmission assets but must remain a condition of the generation assets DML.

33. Condition 18(2)(a) (*Post construction*)

MMO to consider proposed approach with regards to the Monitoring Plan, i.e. the proposed surveys will be specified in the Monitoring Plan.

Agreed; this is not a drafting change to the DML but relates to how the condition will be discharged.

34. Condition 18(2)(b) (*Post construction*)

MMO to consider deletion of condition 18(2)(b).

Agreed; this condition should apply to the Generation Assets only and was proposed specifically in relation to the option for gravity bases.

35. Condition 18(2)(c) (*Post construction*)

MMO to consider deletion of condition 18(2)(c).

Agreed; this condition should apply to the Generation Assets only.

36. Condition 18(2)(d) (*Post construction*)

MMO to consider proposed approach with regards to the Monitoring Plan, i.e. the proposed surveys will be specified in the Monitoring Plan.

Agreed; this is not a drafting change to the DML but relates to how the condition will be discharged.

37. Condition 18(2)(e) (*Post construction*)

MMO to consider deletion of condition 18(2)(e).

Agreed. There is potential for inclusion of future surveys in the monitoring plan.

38. Condition 18(2)(f) (*Post construction*)

MMO to consider deletion of condition 18(2)(f).

Agreed; this condition should apply to the Generation Assets only and will be discharged by participation in the DEPONS project.

39. Condition 18(2)(g) (*Post construction*)

MMO to consider deletion of condition 18(2)(g).

Agreed. The recent Monitoring Review advises that site specific reasons are required to justify this condition. There is potential within future monitoring to review this requirement if burial depths are not reached.

40. Condition 18(2)(h) (*Post construction*)

MMO to consider deletion of condition 18(2)(h).

Agreed following discussion with MCA; traffic monitoring can be removed from transmission assets but must remain a condition of the generation assets DML.

Please find enclosed a notice of variation and a copy of the varied DMLs. This documentation is also publicly available on the MMO's website at www.gov.uk/mmo

In accordance with regulation 3 of The Marine Licensing (Notices Appeals) Regulations 2011, you may appeal the notice of variation to the First-tier Tribunal. If you wish to appeal then in accordance with rule 22(1)(b) of the Tribunal Procedure (First-tier Tribunal)(General Regulatory Chamber) Rules 2009 (SI 2009/1976) you have 28 days from the date of the sending of the notice of variation to send or deliver a notice of appeal to the First-tier Tribunal.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K. Mongan', with a stylized flourish at the end.

Kathleen Mongan
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Enc:

Notice of Variation

Variation 1, 6 March 2015