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**Re: Hornsea Offshore Wind farm Project Two - Variation request to Deemed Marine Licence. Removal of Condition 14(2)(c) in DMLs A2 and B2**

18 July 2017

Dear Emma,

Our ref. HOW02 amendment  
Doc. no. 2862473  
(ver. no. )  
Case no.

As discussed during meetings in March and June 2017, Hornsea Project Two (HOW02) would like to request a variation to the Deemed Marine licences (DMLs) A2 and B2 under Schedules 9 and 11 of the Development Consent Order (DCO) "The Hornsea Two Offshore Wind Farm Order 2016".

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A condition requiring ornithological monitoring during construction was included in Condition 14(2)(c) in Deemed Marine Licence (DML) A2 (Project A – Transmission Assets) and DML B2 (Project B – Transmission Assets) within Schedules 9 and 11, respectively, of the Hornsea Two Offshore Wind Farm Order 2016 (the DCO) granted by the Secretary of State on 16 August 2016.

These conditions were not included in the final version of the Draft DCO submitted by the Applicant into the Examination, rather they were inserted by the Examining Authority (ExA) into the Recommended DCO appended to the ExA's Report of Findings and Conclusions and Recommendation to the Secretary of State. From a review of the ExA's report, it would appear that the intention was only to make provision for construction monitoring in DMLs A1 and B1 (i.e. the Generation Assets DMLs) and therefore the inclusion of this requirement in DMLs A2 and B2 appears to be an error and the Applicant submits that such a condition in DMLs A2 and B2 is not necessary or justified.

Paragraph 7.3.7 of the ExA's Report states that the Panel "*strongly recommends a full life cycle approach to offshore ornithological monitoring and, as such, it has included a change to Condition 14(1) of Generation Assets DMLs to include construction stage monitoring, additional to the Applicant's provision for pre- and post-construction stage monitoring in Conditions 13 and 15. A full life cycle approach also requires post-construction monitoring to be of sufficient duration to identify both short- and longer-term effects, as noted in the paragraph above.*"

In the ExA's conclusions at paragraph 7.7.1, the Report states that *"In light of the requirements of NPS EN-3, the ExA strongly supports the need for offshore ornithological monitoring and has proposed alterations to Conditions in the Generation Assets DMLs to ensure such monitoring is carried out."*

It is therefore clear that the intention was for provision to be made only in the Generation Assets DMLs (i.e. DML A1 and B1) for ornithological monitoring during construction and therefore the inclusion of a condition within the Transmission Assets DMLs appears to be an error. This is further compounded by the fact that the condition requires *"ornithological monitoring required by the ornithological monitoring plan submitted in accordance with Condition 8(2)(k)"* however in DMLs A2 and B2 no ornithological monitoring plan is required under Condition 8 and therefore this change to Condition 14 does not make sense.

The Applicant submits that a condition requiring ornithological monitoring during construction within DMLs A2 and B2 is not necessary or justified.

We would therefore request that Condition 14(2)(c) be deleted from both DMLs A2 and B2 by virtue of it having been inserted in error and being unnecessary.

Yours sincerely



Natasha Litten  
Consents Manager

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CC Emma Brown, Natural England