



# Marine Management Organisation

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**Your reference:** EN010081  
**Our Planning Inspectorate  
reference:** EGGB-SP011  
**Our internal reference:**  
DCO/2016/00006

## By email only

30 November 2017

Dear Richard Allen,

### RE: EGGBOROUGH CCGT – DEADLINE 3

The Marine Management Organisation (MMO) has reviewed the matters within your Rule 8 Letter dated 04 October 2017 and the following constitutes the MMO's formal response to matters within Deadline 3.

The MMO is an interested party for the examination of Development Consent Order (DCO) applications for Nationally Significant Infrastructure Projects (NSIPs) in the marine area. The MMO received notification on 28 June 2017 stating that the Planning Inspectorate (PINS) (on behalf of the Secretary of State for Business, Energy and Industrial Strategy) had accepted an application from Eggborough Power Limited ("the Applicant"), for a DCO for The Eggborough CCGT (Generating Station).

The Applicant for the DCO is Eggborough Power Ltd (EPL). EPL owns and operates the 2 Gigawatt (GW) existing coal-fired power station at Eggborough, as well as a significant part of the land required for the proposed development.

The MMO has an interest in this project because the development contains the construction of an outfall for a discharge point, as well as cofferdams on the River Aire. The DCO application includes a deemed marine licence (DML) under Section 65 of the Marine and Coastal Access Act 2009 (MCAA). Should consent be granted for the project, the MMO will be responsible for monitoring, compliance and enforcement of DML conditions.



## **Comments on Written Representations (WRs)**

### **Environment Agency (EA)**

The MMO notes that in Section 9 of the EA's WR, the EA have reiterated the requirement to submit details of cofferdams to them. The MMO notes that condition 11 of the DML also requires that the applicant submit a method statement that covers both the installation and the removal of the cofferdams. In Section 13 of the EA's WR, the EA also support the requirement for a sediment control plan. Should this plan result in the need to install any measures within the River Aire below mean high water springs then additional licensing requirements may be necessary.

## **Responses to comments on Relevant Representations (RRs)**

The MMO has reviewed the applicants' response to our RR and agree with the content of the response. However, the MMO do wish to note that following discussions with the applicant, some progress has been made on the issue of the DML boundary; this refers to the Deadline 2 Submission - 2.1 Updated Draft DCO (Rev. 2.0). Specifically, the MMO and the applicant are in the process of formalising an agreement on a slightly altered series of coordinates, together with the inclusion of an additional condition in the DML should working be required outside of the original boundary.

## **Comments on Local Impact Reports**

As per the MMOs previous response of 26 October 2017, the MMO does not have any comments to make regarding the matters addressed within the Local Impact Reports.

## **Comments on responses to The Examining Authorities Written Questions**

### **COD 1.1**

The MMO also commented on this question and are content with the response given by the applicant. Based on the location of the works specified in Application Document 4.14 and coordinates supplied in Table 12 ('Work No. 4') we do not consider the works contained within the DML to be of such scale that a navigational diversion would be required. As was noted in the MMO's response to the Rule 8 Letter dated 11 October 2017 and at the Issue Specific Hearing on the draft DCO (23 November 2017) we continue to be in discussions with the applicant regarding the locations specified within the DML.

### **COD 1.9**

The MMO questioned whether the "major overhauls" would require additional licence considerations and whilst the applicant has not described the types of activities involved in these they have confirmed that they will not exceed those that have been assessed under the Environmental Statement. The MMO is content with this response.

### **DML 1.1-1.10**

The MMO has reviewed the applicants' response to these questions and is content with the responses provided and that any changes required will be made in the next draft of the DCO.



### **DML 1.3.**

As explained above in our comments, on responses on relevant representations and as was noted in our oral representation on the 23 November, discussions on the DML boundary issue have progressed and this will be formalised as soon as is practicably possible.

### **DML 1.7.**

The MMO agree with the applicant in that the MMO were not requesting a specific change to the DML but were reiterating that works surrounding, or within any other watercourse, sewer or drain not included within the DML, but located within the UK Marine Area as defined in Section 42 of the Marine and Coastal Access Act 2009, may have separate marine licence requirements. The MMO understands that it is not anticipated that works will take place outside the area depicted within the DML.

### **DCO 1.3**

The MMO note that the applicant is reconsidering this wording following the concerns raised by the Examining Authority (ExA) during the Issue Specific Hearing on the DCO/DML. The MMO welcome a revised wording of “maintain” to ensure that only works that have been assessed under the ES can be undertaken. In the interim, the MMO notes that the DML includes scope for ‘the construction, maintenance and operation’ of work number 4 – the outfall structure. Firstly, as has been identified during pre-application engagement with the developer, significant maintenance is unlikely. Additionally, it has been identified and agreed within the ES that the impacts associated with the maintenance of the outfall are highly unlikely to be over-and-above those reviewed for its original construction.

### **FW 1.11**

The MMO agrees with the applicants’ response to this question and confirm that, as per condition 11 of the DML, the applicant is required to submit a method statement for the licenced works 6 weeks prior to commencement. As works number 4 include the installation and the removal of a cofferdam, the method statement will include both these activities. The MMO would also like to re-state the comments made in our Section 56 response dated 09 August 2017 (item 1.3.2) which reiterate that ‘any cofferdam to be placed below mean high water springs should be included as part of the method statement supporting the DML’.

### **FW 1.19**

The MMO agree with the applicants’ response to this question and understand that this will be removed from the DML in the next draft submitted by the applicant.



## **Written submissions of oral case.**

### **Issue Specific Hearing on Environmental Matters**

The MMO stated that whilst the Canal and River Trust (CRT) had expressed some concerns about navigation in their area of the River Aire, the MMO are content that there would be no navigational issues within the area of concern to the MMO. As was noted in the MMO's Rule 8 response to the ExA on the 26 October, this is provided that the working area in the ES document 4.14 is adhered to. The MMO also reiterated that in our engagement with the applicant and in our response to the ExA's Section 56 letter, dated 09 August, the MMO has requested a notice to mariners condition within the DML to further mitigate any potential risks. Following queries from ExA, the MMO did clarify that our comments were related purely to the UK Marine Area (i.e. the discharge point identified in ES document 4.14).

The MMO provided an advisory comment to the Yorkshire Wildlife Trust, the Environment Agency and the Applicant. The MMO noted that if any planting, hoarding or general biodiversity enhancements were taking place within the UK Marine Area, and could be constituted as a licensable activity, then a separate marine licence may be required outside of the DML.

Regarding the readiness of the site for future adoption of additional technologies, the MMO queried whether any future technology changes would impact upon the operation of the outfall and, subsequently, what has been included within the DML. The applicant confirmed that any future technology changes would not affect what has been submitted within the DML.

### **Issue Specific Hearing on the DCO/DML**

The MMO gave an update on the progress made with the applicant surrounding the outstanding concern around Part 2, 3 (4) (b) of the DML. This update included details of the rewording of this section and the addition of a new condition as mentioned above in our response to comments on RRs. The MMO also agreed with the applicant that a definition of "River" is to be included in the next draft of the DCO.

If you would like to discuss any specific matter further or require additional clarity, please do not hesitate to contact me directly.

Yours Sincerely



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