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Thurrock Power Limited Case Team
Planning Inspectorate

MMO Reference:
DCO/2018/00015
Planning Inspectorate Reference:
EN010092

ThurrockFPG@planninginspectorate.gov.uk

By Email Only

14 June 2021

Dear Sir/Madam,

APPLICATION BY THURROCK POWER LIMITED (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE THURROCK FLEXIBLE GENERATION PLANT

Deadline 5 Response

This document comprises the Marine Management Organisation's (MMO) Deadline 5 response in respect to the above Development Consent Order (DCO) Application. This is without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This is also 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.

The MMO reserves the right to modify its present advice or opinion in view of any additional matters or information that may come to our attention.

Yours faithfully,

Nicola Wilkinson
Marine Licensing Case Officer

D [REDACTED]
E [REDACTED]

Copies:

Sarah Errington (Case Manager): [REDACTED]

Lindsey Mullan (Senior Case Manager): [REDACTED]



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1 REP4-001 Thurrock Power Ltd Deadline 4 Submission – Cover Letter

- 1.1 The MMO welcome the Applicant's engagement with MMO Marine Conservation Team (MCT) in response to previous comments provided in the MMO's Deadline 3 response (REP3-022).

2 REP4-004 Thurrock Power Ltd Deadline 4 Submission - Table of Amendments to the Draft DCO - Version 4 to Version 5 for Deadline 4

- 2.1 The MMO welcome the clarity provided by the Applicant with the addition of Article 5 (3) 'Nothing in this Order authorises the carrying out of maintenance dredging by the undertaker' and are satisfied with the wording used.
- 2.2 The MMO welcome the amendment to Article 38 (previously 37) 'Power to dredge' as requested in the MMO's Deadline 3 response, which now makes reference to Schedule 8 within the Deemed Marine Licence (DML), the inclusion of which will provide the MMO with greater confidence that maintenance dredging is not included.
- 2.3 With regard to Schedule 2, Requirement 3 - The removal of the MMO being notified of commencement under Schedule 2 as it would duplicate a condition within Schedule 8 in the DML is welcomed. The MMO note that currently as Schedule 2 (6) for MMO approval is not enforceable. The MMO recommend that it is covered by Schedule 8 and to avoid duplication, removed from the Requirements section.
- 2.4 With regard to Schedule 2, Requirement 4 (7) – The MMO welcome the applicants review of the wording following the MMO's comments in our Deadline 3 response. The MMO suggest the wording is amended to 'in accordance' in this instance.
- 2.5 With regard to Schedule 2, Requirement 14, Sub-paragraph (2) - The MMO welcome the move of the monitoring programme to the DML.
- 2.6 With regard to Schedule 2, Requirement 19 – The MMO does not consider it suitable to have this wording within the requirements. The MMO would be open to discussions with the Council to have this within the DML in order to avoid conflicting advice, on the proviso that the Council are consulted on this matter.
- 2.7 With regard to Schedule 2 (27/28) The MMO would like to clarify that 13 weeks is the MMO's internal KPI for considering new applications and variations to existing marine licences, as there appears to be some confusion. This is subject to all required information being contained in the application and consultation being straightforward. Should an application or variation including the DML be sought, the Applicant would be subject to established MMO processes. It is the understanding of the MMO that any timeframes outlined in Schedule 2 'Requirements' do not apply to the MMO as Schedule 8 'DML' supersedes these.



- 2.8 With regard to Schedule 8 – The MMO welcome the use of ‘undertaker’ in replacement of the ‘licence holder’.
- 2.9 With regard to Schedule 8 – The MMO believes that it is the understanding of the Applicant that a separate consent will be required for any maintenance dredging activities. The MMO wish to advise that the current DML also precludes any other maintenance activities e.g. to upkeep or repair the authorised development within our jurisdiction.
- 2.10 With regard to Schedule 8, Part 1 (2) – The MMO welcome the introduction of the text ensuring that notifications must be sent via the Marine Case Management System.
- 2.11 Schedule 8, Part 1 (17) The MMO welcome the inclusion of the Saltmarsh colonisation and mudflats monitoring programme within the DML.

3 REP4-008 Thurrock Power Ltd Deadline 4 Submission - Explanatory Memorandum Tracked Change from Version 3 to Version 4 for Deadline 4 - Application Document Reference A3.2

- 3.1 With regard to Page 28 paragraph 5.25 – The MMO notes the Applicants comment: ‘at the time of writing there is no process for appeal of any decision’ The MMO will endeavour to provide a response to this to Deadline 6.

4 REP4-018 Thurrock Power Ltd Deadline 4 Submission - Written Scheme of Investigation for Marine and Intertidal Archaeological Mitigation - Application Document Reference A8.11b

- 4.1 The MMO defer to Historic England (HE) regarding the suitability of the document and description of the baseline.
- 4.2 With regard to paragraph 1.2.4 – The MMO do not consider a minimum of 10 working days as a turnaround time for the Method Statement to be sufficient, as the MMO would require time to consult with HE on the documents provided. The MMO will liaise with HE to establish a suitable timeframe.
- 4.3 With regard to paragraph 1.3.3 – The MMO note that part of the programme of archaeological works comprise of marine geotechnical site investigation works which may require additional consent from the MMO. The MMO recommend the Applicant refers to the MMO’s online guidance tool to check if activities are licensable or advise the Applicant may want to build provision into DML if not already covered:
<https://marinelicensing.marinemanagement.org.uk/mmofox5/journey/self-service/start>



- 4.4 With regard to paragraph 5.1.3 – The MMO does not agree with the Applicant's comments that the MMO 'will approve the report within 15 working days of receipt'. The MMO will endeavour to approve within 15 working days but cannot commit to a timescale as it depends on the quality of the submission, capacity of each organisation and the need for further consultation. Such a restrictive deadline would impact the MMO's ability to fulfil its duty/responsibility.

5 REP4-024 Thurrock Council Deadline 4 Submission

- 5.1 The MMO note that Thurrock Council do not wish for the decommissioning plan to be removed from Requirement 19. The MMO requested this removal in order to remove the duplication of actions required from the Applicant and to prevent any conflicting arrangements. The MMO accept that the Local Planning Authority (LPA) need to be involved and as such the MMO would look to consult with the LPA when looking to discharge. The MMO suggest that wording could be included within the DML specifically stating that the MMO must consult with the LPA and seek to understand if the LPA would be open to this suggestion.

6 Additional comment

- 6.1 The MMO acknowledges the further correspondence received from the Applicant's representatives (dated 02 June 2021) and apologise for the delay in responding. Unfortunately, this is due to a lack of availability and resource. The MMO will endeavour to respond as soon as possible and hope the deadline response informs the Applicant.

Nicola Wilkinson
Marine Licensing Case Officer

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