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

**By Email Only**

09 August 2021

Dear Sir/Madam,

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

**Deadline 7 Response**

This document comprises the Marine Management Organisation's (MMO) Deadline 7 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

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1	Report on the Implications for European Sites (REIS) (PD-018) .....	3
2	REP6-003 Thurrock Power Ltd Deadline 6 Submission - Draft Development Consent Order (Clean) (Version 7) & REP6-004 Thurrock Power Ltd Deadline 6 Submission - Draft Development Consent Order (Tracked) (Version 7) .....	3
3	REP6-010 Thurrock Power Ltd Deadline 6 Submission - Applicant's response to the ExA's Third Written Questions (ExQ3) .....	3
4	REP6-012 Thurrock Power Ltd Deadline 6 Submission - Natural England Consultation Response .....	4
5	REP6-014 Thurrock Power Ltd Deadline 6 Submission - Statement of Commonality for Statements of Common Ground (Revision 4).....	4
6	REP6-025 Natural England Deadline 6 Submission - Responses to ExA's additional written questions (ExQ3) .....	4
7	Issue Specific Hearing.....	4



1 Report on the Implications for European Sites (REIS) (PD-018)

- 1.1 The MMO defer to Natural England (NE) as the Statutory Nature Conservation Body (SNCB).
- 1.2 With regard to Section 3 (3.1.4) – The MMO note that Marine Conservation Zones and Sites of Special Scientific Interest are not covered by the Habitats Regulations (1994) and as such are not included in Habitat Regulations Assessments.

2 REP6-003 Thurrock Power Ltd Deadline 6 Submission - Draft Development Consent Order (Clean) (Version 7) & REP6-004 Thurrock Power Ltd Deadline 6 Submission - Draft Development Consent Order (Tracked) (Version 7)

- 2.1 The MMO note that revisions to Schedule 8 Part 1 (3)(d) now includes additional text following the MMO's comments for Deadline 6. The MMO would like to highlight that it is important that any impacts have been fully assessed, and that some of the activities may be exempt (subject to certain criteria and notification) as the impact(s) may be deemed low risk. The MMO has included a link to the government web page for exempted activities:

<https://www.gov.uk/government/publications/marine-licensing-exempted-activities/marine-licensing-exempted-activities--2>

- 2.2 The MMO note that Schedule 8 Part 3 (20) (22) is still included within the Deemed Marine Licence, as noted in previous responses (e.g. REP06-024) this impacts the MMO's ability to regulate & protect the marine environment. The MMO is willing to discuss with the applicant on this matter to reach a resolution prior to the end of examination.

3 REP6-010 Thurrock Power Ltd Deadline 6 Submission - Applicant's response to the ExA's Third Written Questions (ExQ3)

- 3.1 With regard to section 3.2.1 – The MMO note the Applicants comment and can agree to 10 working days but would like to note that this is at the risk of the Applicant as previously outlined, this is because further consultation with Historic England (HE) may be required. The MMO welcome comments from HE regarding this matter and again apologise for not responding due to lack of resourcing and capacity issues. The MMO hope this response provides clarity.
- 3.2 With regard to section 3.3.8 – The MMO note that the Applicant plans to apply for a separate marine licence for the decommissioning activities, the MMO were under the impression that this was to be included within the decommissioning plan. It is possible to apply for a separate marine licence however, this would not provide the MMO with any enforcement powers in relation to ensuring the structure is decommissioned.



4 REP6-012 Thurrock Power Ltd Deadline 6 Submission - Natural England Consultation Response

4.1 The MMO agree with NE that it is the responsibility of the Applicant to ensure that their activities are in accordance with relevant legislation e.g. the Wildlife & Countryside Act (1981) as noted in previous deadline responses.

5 REP6-014 Thurrock Power Ltd Deadline 6 Submission - Statement of Commonality for Statements of Common Ground (Revision 4).

5.1 The MMO confirm that a revised draft statement of common ground has been received 04 August 2021. The MMO apologise for not being able to provide comments for this deadline and will endeavour to provide comments as soon as possible prior to Deadline 8.

6 REP6-025 Natural England Deadline 6 Submission - Responses to ExA's additional written questions (ExQ3)

6.1 The MMO note that the Deemed Marine Licence contains a condition requiring a method statement (condition 9). The MMO suggest that the design aspects of the causeway could be discussed prior to submission which could then be incorporated in the submission.

7 Issue Specific Hearing

The MMO have reviewed the Issue Specific Hearing 4 recordings and have the below comments:

7.1 With regard to ISH4 part 1 (54 minutes and 33 seconds) – The MMO welcome further discussion with Thurrock Council regarding duplication within the requirements and DML, and will seek to provide a resolution before Deadline 8

7.2 With regard to ISH4 part 1 (1 hour 14 minutes and 10 seconds) – The MMO note the Applicants response, as the MMO have suggested in paragraph 2.1 above we are willing to discuss further with the Applicant to resolve.

Nicola Wilkinson  
Marine Licensing Case Officer

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