



Marine
Management
Organisation

Marine Licensing
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH

T +44 (0)300 123 1032
F +44 (0)191 376 2681
www.gov.uk/mmo

The Boston Alternative Energy Facility
Case Team
National Infrastructure Planning
bostonalternativeenergyfacility@planninginspectorate.gov.uk
(Email only)

MMO Reference: DCO/2019/00006
Planning Inspectorate Reference: EN010095
Identification Number: 20028136

6 December 2021

Dear Sir or Madam,

Planning Act 2008 – Application by Alternative Use Boston Projects, for an Order Granting Development Consent for the Boston Alternative Energy Facility

Deadline 3 Submission

On 20 April 2021, the Marine Management Organisation (the “MMO”) received notice under section 56 of the Planning Act 2008 (the “PA 2008”) that the Planning Inspectorate (“PINS”) had accepted an application made by Alternative Use Boston Projects Limited (the “Applicant”) for determination of a development consent order for the construction, maintenance and operation of the proposed Boston Alternative Energy Facility (BAEF) (the “DCO Application”) (MMO ref: DCO/2019/00006; PINS ref: EN010095).

The Applicant seeks authorisation for the construction, operation and maintenance of an ‘Energy from Waste’ (EfW) plant which will have a generating capacity of approximately 102 megawatts electric (MWe) delivering 80 MWe to the National Grid, including an electrical connection, a new site access, and other associated development (together the Proposed Development) on land at or near Riverside Industrial Estate, Bittern Road, Boston, Lincolnshire (Application Site).

The MMO received a Rule 8 letter on 14 October 2021. In response to this letter, the MMO submits the following:

- 1. Post hearing submissions including comments on written summaries of oral cases**
- 2. Comments on responses to ExA’s Written Questions**
- 3. Comments to any information submitted by the Applicant or Interested Parties at Deadline 2**
- 4. Notification of wish to have future correspondence electronically**



This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This representation is also submitted 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.

Yours faithfully

[Redacted signature]

Emma Shore
Marine Licensing Case Officer

[Redacted contact information]

Copies to:

Christie Powell (MMO) – Case Manager: [Redacted]

Joseph Wilson (MMO) – Senior Case Manager:
[Redacted]

Contents

1. Post hearing submissions including comments on written summaries of oral cases	4
Issue Specific Hearing 1: Draft Development Consent Order (dDCO)	4
Issue Specific Hearing 2: Environmental Matters	4
2. Comments on responses to ExA’s Written Questions – REP2-008	5
3. Comments on any information submitted by the Applicant or Interested Parties at Deadline 2	7
Statements of Common Ground – REP2-003, REP2-004 and REP2-005.....	7
Applicant’s Comments on Written Representations – REP2-006	8
Navigation Risk Assessment – REP2-010.....	14
Environment Agency Deadline 2 Submission – Comments on Written Representations (WRs) – REP2-038.....	14
MMO Deadline 2 Submission – REP2-040.....	14
Natural England Deadline 2 Submission – Comments on the Applicant’s Deadline 1 Submissions in Relation to Marine Mammals [REP1-025, REP1-027] – REP2-043...	14
Natural England Deadline 2 Submission – Comments on the Draft DCO [REP1-002] and Schedule of Changes to Draft DCO [REP1-033] – REP2-044.....	14
Natural England Deadline 2 Submission – Comments on Habitats Regulations Assessment – Ornithology Addendum [REP1-026] – REP2-045.....	15
Natural England Deadline 2 Submission – Comments on 9.15: Addendum to Chapter 17 and Appendix 17.1 – Benthic Ecology, Fish and Habitats [REP1-028] – REP2-046.	15
4. Notification of wish to have future correspondence electronically	15

1. Post hearing submissions including comments on written summaries of oral cases

Issue Specific Hearing 1: Draft Development Consent Order (dDCO)

- 1.1. The MMO informed PINS on 16 November 2021 that we would not attend the Issue Specific Hearing (ISH) for the dDCO taking place on 23 November 2021.
- 1.2. The MMO have no new comments on the dDCO. All current comments on the dDCO have been supplied at Deadline 1 and the MMO will submit further comments following receipt of the revised dDCO at Deadline 3.
- 1.3. Under Agenda Item 3: In relation to article 19, the applicant requested confirmation if the MMO were satisfied with the use of the word 'interfere'. After further internal review the MMO can confirm that they are satisfied with this term.
- 1.4. The MMO notes that the applicant will provide further amendments of the Deemed Marine Licence (DML) in the Deadline 3 submission of the dDCO. The MMO will review these amendments following the Deadline 3 submissions on 6 December 2021.
- 1.5. Under Agenda Item 9: Deemed Marine Licence (DML), the applicant stated a wish for the MMO to advise whether each condition of the DML is agreed or whether further amendments are required. The MMO will review the conditions included in the DML in the Deadline 3 submission and will wait to provide further comments until future deadlines.
- 1.6. Under Agenda Item 9: Deemed Marine Licence (DML), the applicant stated that there is considerable overlap with matters in the Construction Environment Management Plan (CEMP) condition with the existing condition 12 and proposed that these conditions could be merged to form a singular CEMP condition. The MMO are content with this action, so long as the condition wording encapsulates the detail from both merged conditions. The applicant has contacted the MMO to discuss wording of the condition. The MMO will provide formal comment once we have reviewed the updated DML.
- 1.7. Under Agenda Item 9: The applicant has stated that mitigation measures will be secured through the submission of a Piling Method Statement, and a Marine Mammal Mitigation Protocol, for approval prior to construction. The MMO is satisfied with this approach but will await further comment from Natural England (NE).
- 1.8. The MMO would like to highlight the short time period between Deadline 3 submissions being published, and Deadline 4. While the MMO will endeavour to provide initial comments on the updated DML by deadline 4, it is likely there will be further comments deferred until deadline 5.

Issue Specific Hearing 2: Environmental Matters

- 1.9. The MMO informed PINS on 16 November 2021 that we would not attend the Issue Specific Hearing (ISH) for Environmental Matters taking place on the 24 November 2021.
- 1.10. The MMO has noted concerns raised by other Interested Parties, the Environment Agency (EA) and Natural England (NE). The MMO agree with their concerns and will maintain a watching brief of any responses made at future deadlines.

2. Comments on responses to ExA's Written Questions – REP2-008

- 2.1. With regard to Q3.0.5 – The MMO acknowledge that the applicant is hoping to not use scour protection, but wish to highlight that if scour protection is required, details of this should be submitted for approval within the method statement. Wording for this should be included within condition 12 (previously 13) of the DML.
- 2.2. With regard to Q3.1.7 - The MMO note that the list of plans and projects to be considered in the in-combination assessments have only been agreed with Boston Borough Council and not the MMO or NE. However, outcomes of the in-combination assessment could impact mitigation required which we ask to be notified about.
- 2.3. With regard to Q15.0.1 - The MMO required further information at Deadline 2 regarding the details for dredging and maintaining the berthing pocket. The MMO note that the applicant under Q15.0.1 has now confirmed that the maintenance dredging will be undertaken via land-based equipment and the material will be used in the Lightweight Aggregate Plan with no disposal to sea.
- 2.4. With regard to Q15.0.2- The MMO also note that it is anticipated that maintenance dredging will be required yearly, or every two years based on the sedimentation rate predicted in the Environmental Statement (ES) of 50cm/year.
- 2.5. With regard to Q15.0.2 - The MMO are aware that the applicant intends to submit a dredge and disposal method statement for approval as a post consent, pre-construction return. The MMO welcomes the inclusion of this as a condition on the DML. The MMO are satisfied that this information will cover concerns laid out in previous representations.

Sediment Sampling

- 2.6. The MMO notes that requirements for sampling and a condition relating to sampling is required in the DML. Whilst there is no formal framework for the mid-lifecycle sampling of dredged material not being disposed of at sea, the OSPAR guidelines are the best available tools to use as a starting point to establish suitable sampling requirements. The guidelines typically recommend a sampling frequency of 3 – 5 years, depending on the level of contaminants present. The MMO detailed in previous advice, trace metals were observed at concentrations above Action Level 1 (AL1), which does not meet the definition of clean. In this

regard the MMO would recommend a sampling frequency of every 3 years, from the original date of sampling.

- 2.7. With regard to contaminants to be tested for, the MMO recommend that licence holders will seek separate sampling advice for each mid-licence sampling return. This is recommended to ensure that any new pollution or contamination issues can be captured as they occur. The MMO would like to highlight that for this application, only trace metals and a limited number of polycyclic aromatic hydrocarbons (PAHs) were tested for. Both of these contaminants are naturally occurring (though some PAHs can be synthesised), and so it may be likely that man-made organic contaminants such as polychlorinated biphenyls (PCBs) may be recommended for analysis at future sampling stages. It is also very likely that the next sampling stage will require the full suite of PAHs. More specialist contaminants such as pesticides (OCs) and brominated flame retardants (PBDEs) could be required, but this will be highly dependent on the industrial use of the site and surrounding area.
- 2.8. As initial sample analysis for this project was undertaken in 2017, new sampling may be required prior to the capital dredge being undertaken. As the applicant has suggested the submission of a dredge and disposal method statement for approval, updated sample analysis should be submitted alongside this, and a sample plan requested for the project prior to this submission.
- 2.9. Suggested wording of the conditions regarding sampling of dredged material is provided below:
- *(1) For Work Nos. [Insert capital dredge Work No. here] no capital dredging or disposal activity shall commence pursuant to the relevant Work No. until a sample plan and sediment sample analysis for that Work No. has been approved by the MMO. The plan must include—*
 - (a) Location of the area to be dredged;*
 - (b) Name of the disposal site;*
 - (c) Details of the material type proposed for dredging and disposal; (d) Volume of the material proposed for dredge and disposal;*
 - (e) Type and dredging methodology (including whether it is a capital or maintenance dredge, dredge depth and proposed programme for the dredge and disposal activities);*
 - (f) The location and depth of any supporting samples; and (g) Analysis results which shall not exceed 3 years in age.*
 - (2) The sample plan and sediment sample analysis request must be implemented as approved by the MMO.*
 - (3) Unless a shorter period is agreed with the MMO in writing, the undertaker must use reasonable endeavours to submit the sample plan and sediment sample analysis to the MMO at least 6 months prior to the proposed commencement of the activity*
- *For Work Nos. [Insert maintenance dredge Work No. here] A sample plan request must be submitted 6 months prior to the end of every third year from the date of the previous sample analysis, and subsequent sample analysis must be*

submitted. The sediment sampling and analysis must be completed by a laboratory validated by the MMO at least 6 weeks prior to the end of every third year from the date of the previous sample analysis. No dredging or disposal activity shall commence pursuant to the relevant Work No. until a sample plan and sediment sample analysis for that Work No. has been approved by the MMO.

- 2.10. As noted in point 2.4. of this response, the MMO agree with the intended approach to submit a dredge and disposal methodology as a post consent submission. The MMO would like to highlight that if the volumes to be dredged are amended as part of this methodology, this may have impacts on the sampling requirements in the future.
- 2.11. The MMO note that under Q15.0.4 it has been stated that conditions relating to bathymetric surveys are still under discussion. These have since been provided in our Deadline 2 response (REP2-040) and repeated below:

Bathymetric surveys

- *Pre and post dredge bathymetrical surveys must be undertaken for each dredge campaign, and a report containing the survey results submitted to the MMO within 4 weeks of completion of each dredge campaign.*
- *The pre-dredge bathymetrical survey must be undertaken within a 3 month period prior to each dredging campaign, and the post-dredge bathymetrical survey must be undertaken as soon as reasonably practicable and in any event within 1 week of completion of each dredging campaign.*
- *The report containing the survey results must include—*
 - (a) An interpretation of the difference between the pre and post dredge survey results and a volume calculation.*
 - (b) The survey results on a chart showing the licensed dredge area and dredge depth.*

- 2.12. The MMO notes wording in Q10.0.1 and Q15.0.2 that the documents must be submitted at least 13 weeks before the commencement of licenced activities. The MMO note that the 13-week timescale referred to here is taken from a key performance indicator the MMO have for issuing 90% of all standard Marine Licences within this timeframe. The MMO will provide further comment on this timescale following receipt of the revised DML at Deadline 3.

3. Comments on any information submitted by the Applicant or Interested Parties at Deadline 2

Statements of Common Ground – REP2-003, REP2-004 and REP2-005

- 3.1. The MMO have reviewed the Statements of Common Ground (SoCG) for other relevant bodies and maintains a watching brief on how these will be updated.

- 3.2. The MMO note that SoCGs have not been submitted for NE, EA or Royal Society for the Protection of Birds (RSPB) at Deadline 2 as further updates to these documents are required. The MMO will review these documents at subsequent deadlines and monitor any further updates.

Applicant's Comments on Written Representations – REP2-006

- 3.3. The MMO have reviewed the applicant's responses to the Written Representations provided at Deadline 1 and has noted concerns raised by other Interested Parties.
- 3.4. The MMO has noted comments made by the applicant stating that suggested changes to the version of the dDCO will be submitted at Deadline 3. The MMO will await this submission and will provide any comments at further deadlines.
- 3.5. Table 1 addresses the MMOs remaining responses to the Applicant's comments.

Table 1 – MMOs response to applicant comments on written representations.

ID	Written Representation	Applicant's Comments	MMO Response
1.4.4	3.4 The MMO considers that there is a high likelihood for potential impacts on fish receptors to occur, and it is expected that further information should be presented on the timing and duration of the works, piling methods, and potential effects from light disturbance.	Further information on the piling methods and duration of works has been included in the Benthic Ecology, Fish, and Habitats Addendum (document reference 9.15, REP1-028).	The MMO have provided response to the updated documents in their deadline 2 response.
1.4.5	3.5 The MMO considers that there may be an impact on fish species due to underwater noise. The MMO requires further consideration, by the Applicant, of noise displacement and acoustic barriers on fish species.	Further information on the potential for a barrier effect to fish species, as a result of underwater noise, has been included in the Benthic Ecology, Fish, and Habitats Addendum (document reference 9.15, REP1-028).	The MMO have provided response to the updated documents in their deadline 2 response.
1.4.6	3.6 The MMO notes that the Applicant should consider taking additional surface samples before construction to ensure the surface sediment remains suitable for dredging in terms of water quality. In addition, samples for disposal operations should follow the MMO's guidance and have an MMO approved laboratory undertake the analysis.	The Applicant notes this and is liaising with the MMO regarding the wording of a condition on sediment sampling.	Please see point 2.4 of this response for further information regarding sediment sampling, and suggested condition wording.

1.4.9	<p><u>Coastal Processes</u></p> <p>4.1 The main components of the Proposed Development that are most likely to impact the marine and coastal processes during both construction and operation are the proposed wharf, and the capital and maintenance dredging necessary for vessel access. Two elements of wharf construction could potentially influence estuarine processes: -</p> <ul style="list-style-type: none"> • Excavation of the slope for the revetment; and Capital dredging in front of the quay wall to create the berthing areas. 	<p>The construction and operation of the wharf and associated dredged area are set out in ES Chapter 16 Estuarine Processes (document reference 6.2.16, APP-054).</p>	<p>The MMO thank the applicant for this updated information and will provide further comment at deadline 4.</p>
1.4.10	<p>4.2 The DCO Application states “There would be less wave reflection off the embankment, but more wave reflection off the rocks. These two effects would balance each other to effect little change to the overall wave climate”. However, it is unclear how this statement is justified in the absence of any wave modelling. The MMO will require this to be clarified and explained.</p>	<p>This comment is related to the Habitat Mitigation Area section of the ES Chapter 16 Estuarine Processes (document reference 6.2.17, APP- 054, Paragraphs 16.7.21 to 16.7.25). Here it was indicated that the gradient of the old embankment would be shallowed (or it would be removed) and the existing line of rocks in the upper intertidal part of the mitigation area near the wharf would be relocated to their landward side and raised. A numerical model has not been completed because the change in wave climate would be very small when these two local factors are combined, in that it would be essentially unchanged. Because the potential changes are very small scale and local, the balancing of less wave reflection for one element and more wave reflection for the other element was assessed conceptually. It is possible that the overall wave reflection may be slightly greater or slightly less than it is now, but the magnitude of this change would still be very small and not result in any significant effects.</p>	<p>The MMO thank the applicant for this updated information and will provide further comment at deadline 4.</p>

1.4.13	4.5 The MMO would like to highlight that an accumulation of sediment of approximately 8,000m ³ /year is estimated around the berthing area, yet no mitigation plan has been discussed around this accumulation site.	At a meeting with MMO on 7 October 2021, this comment was deemed to be related to 'design' mitigation. In this regard, then the mitigation is maintenance dredging described in the worst-case scenario of ES Chapter 16 Estuarine	The MMO are satisfied that the accumulation of sediment will be covered with maintenance dredging. As noted in point 2.4 of this response, the MMO are satisfied for the submission of a dredge and disposal method statement to be submitted post consent for approval.
1.4.14	4.6 In terms of modelled data, the MMO would also like to note that evidence derived from previous studies based on modelled data have not been statistically assessed.	The only modelling that has been used is the hydrodynamic modelling for Boston Tidal Barrier and the application of the results to the baseline for our project (ES Chapter 16 Estuarine Processes, document reference 6.2.16, APP- 054, Paragraphs 16.6.23 and 16.6.24, and Figure 16.5). An assumption is made that this model was statistically assessed at the time it was run.	The MMO thank the applicant for this updated information and will provide further comment at deadline 4.
1.4.17 - 1.4.36	These comments address technical issues raised by the MMO in their written representation submitted at deadline 1. These were under the topics of Fisheries, Underwater noise, Benthic Ecology, and Shellfish Fisheries. The applicant has provided updated documents related to these topics.		The MMO have provided response to the updated documents in their deadline 2 response.
1.4.27	<p><u>Shellfish Fisheries</u></p> <p>4.19 The MMO acknowledges that a description of the environment based on mudflat habitat surveys, data from sediment samples and fishing surveys has been provided, however, it noted that a full list of species present as found in these surveys has not been provided by the Applicant.</p>	<p>Where there are references to documents that have been reviewed to provide information to inform the assessments, full references have been provided to these documents.</p> <p>A list of benthic invertebrates 17 Marine and Coastal Ecology (document reference 6.2.17, APP-055) recorded during the 2017 Benthic Invertebrate Survey by the EA was provided in (Table 17-4) of the ES Chapter.</p>	The MMO thank the applicant for this updated information and will provide further comment at deadline 4.

<p>1.4.37 - 1.4.42</p>	<p>Points 1.4.37 – 1.4.42 addressed comments raised around dredge and disposal actions. The applicant provided further information regarding dredge and disposal and intend to submit a dredge and disposal method statement for approval post consent, pre-construction.</p>	<p>The MMO thank the applicant for further information regarding the dredged material. Please see point 2.8 of this response for further information on sampling requirements. As previously stated in this response, the MMO are satisfied with the approach to submit a dredge method statement for approval.</p>	
<p>Development Consent Order /Deemed Marine Licence matters [Examination Library Reference APP-005]</p>			
<p>1.4.45</p>	<p>4.37 Within Part 2 LICENSED ACTIVITIES, the MMO has the following comments: -</p> <ul style="list-style-type: none"> • 3. The MMO suggest the wording should be amended to the following:- Subject to the licence conditions in Part 4 of this licence, this licence authorises the licence holder (and any agent, contractor or subcontractor acting on its behalf) to carry out any licensable marine activities under section 66(1) (licensable marine activities) of the 2009 Act which— <ul style="list-style-type: none"> (a) form part of, or are related to, the authorised development; and (b) are not exempt from requiring a marine licence by virtue of any provision made under section 74 (exemption specified by order) of the 2009 Act; and (c) do not give rise to any new or different environmental effects those assessed in the environmental information. 	<p>The Applicant notes that no other deemed marine licences reviewed contained the suggested wording added at (c). To address the MMO’s apparent concern here, the Applicant instead proposes to add the following wording to paragraph (1) “for the purposes of, or in connection with, the construction, operation or maintenance of any of the works and other development mentioned above, ancillary or related development which does not give rise to any materially new or materially different effects than those assessed in the environmental statement, consisting of— ”. This makes clear the works must be covered by the ES and is consistent with the approach taken in the deemed marine licences in both the Lake Lothing (Lowestoft) Third Crossing Order 2020 and the Great Yarmouth Third River Crossing Development Consent Order 2020.</p>	<p>The MMO thank the applicant for making the recommended changes, and note the amended wording presented here. The MMO will provide further substantive comments following submission of the updated DML at deadline 3.</p>

<p>1.4.46 – 1.4.49</p> <p>1.4.51 – 1.4.53</p>	<p>Comments related to suggested changes in wording for the DML.</p>		<p>The MMO note that the applicant will make the suggested amendments and thank them for this.</p>
<p>1.4.50</p>	<p>4.42 Within Part 5, the MMO has the following further comments: -</p> <ul style="list-style-type: none"> • 22(1) - insert after “such further information” “to be provided in writing”. • 23. the MMO notes that this provision is a restatement of the requirements under the MCAA and may not be required here. • 24. The MMO does not consider this provision to be acceptable as per the reasons set out in points 2.3 and 2.4 of this response, the MMO will not commit to issuing a decision within 13 weeks. • 23(2)(b) – replacement of “and” with “or”. 	<p>With regards to the request to remove the timeframe in paragraph 24, the Applicant addressed this in its comments on the MMO’s relevant representation (document reference 9.2, REP1-035). It is considered necessary to include expected timeframes to ensure that decisions are made in a timely manner and the wording of paragraph (25)(3) provides that “The MMO will grant the variation to this licence within 13 weeks from the day immediately following that on which the variation was requested, or as soon as reasonably practicable.” This provides a level of flexibility as to timeframes. Additionally, sub-paragraph (3) provides that “Where the MMO determines it is not reasonably practicable to make a determination in accordance with sub- paragraphs (1) and (2) in 13 weeks, it must notify the undertaker as soon as reasonably practicable and provide confirmation in writing of the intended determination date.” This clearly allows the MMO to exceed the 13-week timeframe where it is not reasonably practicable to make a determination in that timeframe.</p> <p>In relation to the other requested amendments, the Applicant will make these changes to the version of the draft DCO to be submitted at Deadline 3.</p>	<p>The MMO provided comment on this in their deadline 2 response. Further comment will be provided following the receipt of the updated DML at deadline 3.</p>

Navigation Risk Assessment – REP2-010

- 3.6. The MMO have reviewed the submitted Navigation Risk Assessment (NRA) and have no substantial comments at this time. The MMO will maintain a watching brief on any comments made.
- 3.7. As detailed in Schedule 9 of the dDCO, the DML, the MMO will provide further comments on the NRA once submitted for approval pre-construction.
- 3.8. The MMO will wait for the submission of the NRA post-consent and will maintain a watching brief on any comments provided by the Port of Boston.

Environment Agency Deadline 2 Submission – Comments on Written Representations (WRs) – REP2-038

- 3.9. The MMO have reviewed and supports the EA's Deadline 2 submission and notes their comments. The MMO will maintain a watching brief on future EA submissions and will again provide comment in future where necessary.

MMO Deadline 2 Submission – REP2-040

- 3.10. In our Deadline 2 submission, we stated that there were a number of black sections covering the text of the document "Addendum to Chapter 17 and Appendix 17.1 – Benthic Ecology, Fish and Habitats" submitted at Deadline 1 (REP1-028). The MMO note that the applicant has submitted to point 1.16 of our previous representation, via email, updated documents with these black lines omitted. The MMO thank the applicant for this submission and have no further comment to make at this time.

Natural England Deadline 2 Submission – Comments on the Applicant's Deadline 1 Submissions in Relation to Marine Mammals [REP1-025, REP1-027] – REP2-043.

- 3.11. The MMO notes that concerns remain regarding impacts to marine mammals and has no comments to make at this time. The MMO will maintain a watching brief on any correspondence regarding this and any conditions that may arise to be included in the DCO.
- 3.12. As mentioned in point 1.7 of this response, the MMO welcomes inclusion of submission of the Marine Mammal Mitigation Protocol within the DML. This will need written approval from the MMO, after formal consultation, before the commencement of construction.

Natural England Deadline 2 Submission – Comments on the Draft DCO [REP1-002] and Schedule of Changes to Draft DCO [REP1-033] – REP2-044.

- 3.13. The MMO note that NE has concerns regarding the potential impact from dynamic positioning (DP) systems in the anchorage areas and would welcome discussions regarding a condition to ensure the use of DP systems in the

anchorage area are kept to a minimum. The MMO agree to attend any further discussions with the applicant, NE and navigational bodies regarding this. The MMO highlight that this may need to be included as a condition within the DML.

Natural England Deadline 2 Submission – Comments on Habitats Regulations Assessment – Ornithology Addendum [REP1-026] – REP2-045.

- 3.14. The MMO note in NE’s Deadline 2 submission (REP2-045) that two matters remain of particular concern, regarding impacts to redshank at the development site and impacts to roosting birds at high tides at the mouth of the Haven area. The MMO will maintain a watching brief as to how these concerns will be addressed.
- 3.15. The MMO supports, and defers, to NE’s expert opinion as Statutory Nature Conservation Body regarding the impacts to international designated sites and the HRA for the project.
- 3.16. The MMO would like to remind the applicant that any mitigation secured through the HRA will need to be included within the conditions on the DML.

Natural England Deadline 2 Submission – Comments on 9.15: Addendum to Chapter 17 and Appendix 17.1 – Benthic Ecology, Fish and Habitats [REP1-028] – REP2-046.

- 3.17. The MMO note in NE’s Deadline 2 response (REP2-046) that the document “Outline Landscape and Ecological Mitigation Strategy (OLEMS)” must be received to provide further advice in relation to habitat loss. The MMO will review this document once it has been submitted into examination and provide any comments we may have.

4. Notification of wish to have future correspondence electronically

4.1. The MMO wishes to receive all future correspondence electronically. Please can all correspondence be sent to the following:

- Joseph Wilson, Marine Licensing Senior Case Manager -
[REDACTED]
- Christie Powell, Marine Licensing Case Manager -
[REDACTED]
- Emma Shore, Marine Licensing Case Officer [REDACTED]
[REDACTED]