



Marine Management Organisation

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Net Zero Teesside
Case Team
Planning Inspectorate
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(Email only)

MMO Reference: DCO/2019/00003
Planning Inspectorate Reference: EN010103

01 September 2022

Dear Sir/Madam,

Planning Act 2008, Proposed Net Zero Teesside full chain carbon capture, utilisation and storage project

Deadline 7 Submission

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 Comments on any other information submitted at Deadline 6

1.1 REP6-003 Net Zero Teesside Power Limited & Net Zero North Sea Storage Limited

- 1.1.1 The MMO is still in discussion with the applicant regarding inclusion of Unexploded Ordnances (UXO) detonation with the DML, as noted in our Deadline 6 response (REP6 -113). The MMO note that the applicant has updated the HRA following the meeting between the MMO and the Applicant on the 12 August 2022. The MMO defer to Natural England (NE) on the contents of the HRA and will work with the Applicant and NE going forward.
- 1.1.2 Part 1 (1) – The definition of Trinity House should include “means the Corporation of Trinity House of Deptford Strond” after “corporation of Trinity House”, and corporation should have a capital “C”.
- 1.1.3 Part 1 (4)(a)-(h) – The MMO suggest references to relevant organisations would better feature in alphabetical order.
- 1.1.4 Part 1 (4)(e) – The MMO note that the telephone number for the Maritime and Coastguard Agency differs from other recent Deemed Marine Licences (DML) and suggest that this is double checked.
- 1.1.5 Part 2 3(b)(iii) – The current format does not make it clear whether the works taking place for Work No 5B allow disposal of up to 500m³ of dredge arisings at each site or if this is cumulatively across both disposal sites. It is recommended clarification is provided within the wording.
- 1.1.6 Part 2 4 – The MMO request clarification as to why the phrase “any further development listed in Schedule 1 in connection with Work Nos. 5A, 5B and 8 within the English inshore region” is required, as this would suggest that the details of paragraph 3 are not complete and exhaustive. If additional works were included in Schedule 1 this could potentially cause difficulties for enforcement.
- 1.1.7 Part 3 – The MMO recommend that Condition 27 would be more appropriate featured in Part 2 para 3(b).
- 1.1.8 Part 3 9(1) – The MMO note that there is still a lack of consistency with the term “undertaker” and “relevant undertaker” within the DML. This is also noted in the following paragraphs; Part 3 9(3)(a) & (b); Part 3 9(5); 9(11); 9(12); 9(13); 15(a); 19; 22(1); 22(2); and 26(1)&(2).
- 1.1.9 Part 3 9(3)(c) –The term “transport manager” was deleted from 9(1)(a)(ii), following the MMO’s request in paragraph 4.13 of our Relevant Representation (RR-037). It is recommended that this phrasing is either included within the definitions under Part 1 of the DML’s or is removed from the sentence.
- 1.1.10 Part 3 9 (6) – Reference to the MMO Coastal Office should be “Local Enforcement Office” as per paragraph 9(4) of the DML.



- 1.1.11 Part 3 9(9) – The MMO suggest that on the penultimate line to insert “of issue” after “days”.
- 1.1.12 Part 3 9(11) – The MMO recommend inserting “of Seafish” after Service on the penultimate line.
- 1.1.13 Part 3 9(12) – The MMO request a copy of this notification is also provided to the MMO, MCA, Trinity House and UKHO within five days.
- 1.1.14 Part 3 10(1) – “The relevant undertaker must submit a sediment sampling plan to the MMO request at least” - this phrase is unclear. It is suggested that the phrase “to the MMO” be inserted after the word “request”.
- 1.1.15 Part 3 10(2) – For clarity, the MMO suggest “undertaken against” should be replaced with “undertaken in accordance with”.
- 1.1.16 Part 3 10(2) – The MMO consider the word “sediment” should be inserted before “sampling” in the first line.
- 1.1.17 Part 3 10(3) – The MMO consider the provision lacks clarity “until written approval is provided”, as it does not specify what is being referred to in this condition.
- 1.1.18 Part 3 11(2) – The MMO recommend that this is either included within this sub-paragraph or its own “Unless otherwise agreed in writing by the MMO the CEMP should be implemented as approved”.
- 1.1.19 Part 3 13 – The MMO would like the following provision included, which would require the undertaker to provide details as the result of any changes to the information required by Condition 13: -
“Any changes to the name or function of the specified agent, contractor or sub-contractor, as provided in accordance with sub-paragraph (1) must be notified to the MMO in writing no less than 24 hours before the agent, contract or sub-contractor carries out a licensed activity.”
- 1.1.20 Part 3 14 – Please insert at the end of the condition the following “(including company number if applicable)”.
- 1.1.21 Part 3 14 – It is recommended that the inclusion of the following provision which would require the relevant undertaker to provide details as the result of any changes to the information required by Condition 14: -
“Any changes to the details or functions of the specified vessel, as provided in accordance with sub-paragraph (1) must be notified to the MMO in writing no less than 24 hours before the agent, contract or sub-contractor carries out a licensed activity.”



- 1.1.22 Part 3 15 – The MMO recommend making the current provision sub-paragraph (1) and the inserting a new sub-paragraph (2) stating “*Unless otherwise agreed in writing the written scheme of archaeological investigation should be implemented as approved.*”
- 1.1.23 Part 3 20 – The MMO suggest that it there would be a more logical flow to the conditions if Condition 20 was inserted after Condition 18.
- 1.1.24 Part 3 22(1) line 2 – “District Marine Office” should be changed to “Local Enforcement Office”.
- 1.1.25 Part 3 22(1) line 3 – The MMO recommend inserting “of becoming aware of an incident” after “48 hours”, although suggest that this is amended to 24 hours in line with Condition 22(2).
- 1.1.26 Part 3 22(2) – The MMO consider that the provision is incomplete as there is currently no obligation on the undertaker to recover dropped objects, only misplaced or lost rock material at 22(1). It is recommended that this condition is developed to be in line with the requirements in other DCOs, or at the very least to be consistent with Condition 22(1). By way of example this is the provision in Sizewell C Condition 29: -

“29.—(1) The undertaker must report all dropped objects to the MMO using the dropped object procedure form as soon as reasonably practicable and in any event within 24 hours of becoming aware of an incident.

(2) On receipt of the Dropped Object Procedure Form, the MMO may require, acting reasonably, the undertaker to carry out relevant surveys. The undertaker must carry out surveys in accordance with the MMO’s reasonable requirements and must report the results of such surveys to the MMO.

(3) On receipt of such survey results, the MMO may, acting reasonably, require the undertaker to remove specific obstructions from the seabed. The undertaker must carry out removals of specific obstructions from the seabed in accordance with the MMO’s reasonable requirements and at its own expense.”

- 1.1.27 Part 3 23 – The MMO note that there is no current timeframe for submission to the MMO of the UXO Clearance methodology, in -line with recent DCO’s (East Anglia North One), the MMO recommend that this is submitted six months prior to the date on which it is intended for UXO clearance activities to begin.
- 1.1.28 Part 3 23 – The MMO recommend that the UXO clearance methodology and marine mammal mitigation protocol are submitted as two separate documents
- 1.1.29 Part 3 23 – Within the UXO condition the MMO require a close out report to be submitted and suggest the following wording is used:

Subject to sub-paragraph (6), a UXO clearance close out report must be submitted to the MMO and the relevant statutory nature conservation body



within three months following the end of the UXO clearance activity and must include the following for each detonation undertaken—

- (a) co-ordinates, depth, current speed, charge utilised and the date and time of each detonation; and
- (b) whether any mitigation was deployed, including feedback on practicalities of deployment of equipment and efficacy of the mitigation where reasonably practicable, or justification if this information is not available.

1.1.30 Part 3 23 – The MMO request the following wording is included after the close out report wording:

Should there be more than one UXO clearance activity, the report required under subparagraph (5) will be provided at intervals agreed with the MMO.

