



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

Keadby 3 Case Team
Case Team
Planning Inspectorate
keadby3@planninginspectorate.gov.uk

(Email only)

MMO Reference: DCO/2020/00002
Planning Inspectorate Reference: EN010114

05 April 2022

Dear Sir/Madam,

Planning Act 2008, Proposed Keadby Low Carbon Gas Power Station Deadline 5 Submission

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 +44 (0)208 026 5535
E nicola.wilkinson@marinemanagement.org.uk

Copies to:
Adam Chumbley (MMO) – Case Manager: adam.chumbley@marinemanagement.org.uk
Lindsey Mullan (MMO) – Senior Case Manager:
lindsey.mullan@marinemanagement.org.uk



Contents

1	Comments on any information submitted for Deadline 4	3
---	--	---



1 Comments on any information submitted for Deadline 4

1.1 REP4-004 Keadby Generation Limited Deadline 4 Submission - 2.1 - Draft Development Consent Order – Tracked

- 1.1.1 With regards to Part 1 (1) – The MMO welcome the amendment to “maintain” within the definitions. It is noted that it includes the following wording “materially new/materially different” which was not recommended by the MMO. The MMO would like to see this removed from the Deemed Marine Licence (“DML”).
- 1.1.2 With regards to paragraph Part 1 (1) – After the definition of the Maritime and Coastguard Agency “MCA”, the following should be included “the executive agency of the Department for Transport”.
- 1.1.3 With regards to paragraph Part 1 (1) – After the definition of Trinity House the following should be included “of Deptford Strond”.
- 1.1.4 The MMO welcome the inclusion of a local contact email address within the DML. The MMO have noted that the local address as identified by the Applicant is Beverley, however, the MMO in our Deadline 3 response provided a contact email for the North Shields office. The correct email should be beverley@marinemanagement.org.uk.
- 1.1.5 With regards to Part 2 (7) – The MMO note that comments were provided within our Deadline 3 response (REP3-026) that this provision is not required, as once a DCO is granted the DML falls under the administration of the MMO and governed by the Marine and Coastal Access Act (2009). The MMO would be happy to discuss this with the Applicant.
- 1.1.6 The MMO provided comments in our Deadline 3 Response with regards to the inclusion of a definition of ‘office hours’ (paragraph 2.1.10 of REP3-026). As above the MMO are happy to discuss this further with the Applicant.
- 1.1.7 The MMO note that comments were provided to the Applicant in our Deadline 3 Response with regards to clarification regarding “transport managers” (paragraph 2.1.11 of REP3-026). The MMO suggest this phrasing is either included within the definitions under Part 1 of the DML’s or is removed from the sentence.
- 1.1.8 With regards to Part 3 (9)(4) - The MMO recommend the removal of the word “authorised” as the definition of “enforcement officer” within the definitions confirms their authorisation.
- 1.1.9 The MMO welcome the amendment to Part 3 (9)(6) to expand the UKHO to “United Kingdom Hydrographic Office”, it is noted that in Part 2 (9)(7) it reverts to UK Hydrographic Office. The MMO recommend that this is written out in full like Part 2 (9)(6).



- 1.1.10 With regards to Part 3 (9) (6) – The MMO suggest the word “both” on line 1 is removed, as there is a requirement to notify of commencement, progress, and completion – therefore at least 3 instances.
- 1.1.11 With regards to Part 3 (10) – As an abbreviation for the Maritime and Coastguard Agency has previously been given, the MMO recommend this should be abbreviated to “MCA”.
- 1.1.12 For consistency within the DML the MMO recommend the brackets are removed in Part 2 (10) where it reads “(and approval in writing by the MMO)”. The MMO also recommend the inverted comments within the (‘CEMP’) are removed for consistency within the DML.
- 1.1.13 With regards to Part 3 (11)(1)(e) – The MMO previously commented within our Deadline 3 response (paragraph 2.1.17 of REP3-026) that there is currently no definition for ABP Humber within Part 1(1) of the DML. The MMO recommend that this is included. The MMO also request that the use of “shall” is replaced with “must”.
- 1.1.14 With regard to Part 3 (13) – The MMO request that “shall” is replaced with “must” and that the “s” at the end of “subcontractors” in the penultimate line is not required. The MMO note that there also appears to be an additional full stop at the end of the sentence.
- 1.1.15 With regards to Part 3 (19) – The MMO welcome the restriction of piling within the DML and request that the final sentence is worded to make it clearer when the restrictions are, e.g., insert “to” between “restricted” and “between”.
- 1.1.16 With regards to Part 3 (20) – The MMO note that this condition ties in with condition 17 and the Applicant might consider it more appropriate if this was placed immediately after condition 17.
- 1.1.17 With regards to Part 3 (24)(1) – The MMO recommend the brackets are removed from (24).
- 1.1.18 With regards to Part 3 (24)(2) – The MMO request the inclusion of “at its own expense” after “surveys” on the third line.
- 1.1.19 With regards to Part 3 (26) – The MMO note that there should be a space between “Enforcement” and “Office”.
- 1.1.20 With regards to Part 3 (27) – The MMO do not consider that it is sufficiently clear which provision it is referring to. The MMO take it to mean Part 2 (5)(a) of the DML but suggest that this could be clearer.
- 1.1.21 With regards to Part 3 (28) – The MMO provided comments within our Deadline 3 response (paragraph 2.1.31 of REP3-026) and would like to reiterate our advice:



“With regard to Schedule 13, Part 3 ‘Conditions Discharge’ 29 (1) & (2) – The MMO disagrees with point (2) and the limit of determining an application for the discharge of a condition. While the MMO consider 3 months to be a reasonable period for determination, any restriction as set out in (2) hinders the ability of the MMO to carry out its regulatory responsibility. It is the position of the MMO that the MMO must not be subject to deemed approvals. This would lead to a disparity between licence issued under DMLs and those issued directly by the MMO and create an unlevel playing field across the regulated community.”

This advice remains unchanged, and the MMO welcome discussion with the Applicant if they wish to discuss the MMO’s response. Removal of this time constraint is consistent to recent DMLs granted.

Yours faithfully

Nicola Wilkinson
Marine Licensing Case Officer

