



Your reference: EN010132

7<sup>th</sup> December 2023

To whom it may concern,

**Application by West Burton Solar Limited for an Order Granting Development Consent for the West Burton Solar Project**

**ExA's Deadline 1A: MMO's response to Written Representations and any comments on the Relevant Representations already submitted.**

Further to the Examining Authority's (ExA's) first set of written questions and requests for information – ExQ1 whereby no questions were asked of the Marine Management Organisation (MMO) and we responded that we will continue to monitor the PINS website for any developments regarding the DML and will respond accordingly to any further questions set by the ExA, we now set out our Written Representation below.

The MMO remains of the opinion that the proposed works for West Burton Solar Project which fall within mean high water springs, and are therefore considered licensable by the applicant, consist of a bored tunnel. The MMO, however, consider this to be exempt following Article 35 of the 2011 Exempted Activities Order where it states, 'Article 4 applies to a deposit of works activity carried on wholly under the sea bed in connection with the construction or operation of a bored tunnel'.

In addition, alongside the trenchless crossing within your order it says the activities will also be: laying down of internal access tracks, ramps, means of access, footpaths, crossing of watercourses, roads, including the laying and construction of drainage infrastructure, signage and information boards; and construction compounds, including site and welfare offices and areas to store materials and equipment. It is unclear from this wording what exactly you consider a licensable marine activity as a number of these would not be considered by us to be so.

We have also recently submitted a response for the Examining Authority's first written questions and requests for information for Cottam Solar Project. As the proposed marine licensable activities for these projects are the same, we are of the opinion that with regards to all that has been provided to date, we do not consider either DCO to require a deemed marine licence (DML) as the activity is considered exempt.

MMO would welcome any further information regarding other marine licensable activities.

Kind regards,

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