



8 May 2024

Dear Andrea,

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

### **MMO response to ExA's Deadline 7**

The MMO has received no questions or comments regarding submissions made in Deadline 6 and in turn have no comments to provide for Deadline 7. No further information has been requested by the Examining Authority from the MMO for this deadline.

The MMO maintain its position that the DML should be removed from the DCO. Should the Secretary of State conclude that a DML should be granted, this will effectively permit activities to be included which have not been assessed and this does not align with our usual process per the Marine and Coastal Access Act 2009 (the '2009 Act'). Without licensable activities for the MMO to regulate, the DML is effectively redundant. In addition, this may cause significant confusion and create an unwanted precedent amongst other proposed Development Consent Order projects, who are undertaking or seeking to carry out Horizontal Directional Drilling, and who have (as advised by the MMO) not included it within their Deemed Marine Licence.

Furthermore, the MMO consider the Applicant's justification to include a non-licensable activity as the sole inclusion and reason for a DML to be irrational. The MMO has a well-established mechanism for granting licences, should legislation change which removes HDD from the list of exempted activities. The majority of marine licence applications are determined within 13 weeks. In the instance a marine DCO with DML is granted, should details of the proposed HDD change a marine licence would be far easier to vary rather than a DML, as this would bypass the need to apply for a change to the DCO/DML via the Secretary of State.



Kind regards,

A handwritten signature in black ink, appearing to read 'Amina'.

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