



Your reference: EN010133

21<sup>st</sup> November 2023

To whom it may concern,

**Application by Cottam Solar Project Ltd for an Order Granting Development Consent for Cottam Solar Project EN010133**

**The Examining Authority's first written questions and requests for information (ExQ1)**

**Issued on 31 October 2023**

Following the Examining Authority's (ExA's) first set of written questions and requests for information – ExQ1 – we note that no questions were asked of the Marine Management Organisation (MMO), however the MMO 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.

The MMO is of the opinion that the activities works for Cottam Solar Project that 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 note that deadline 1 for West Burton Solar is Friday 24 November 2023. As the proposed marine licensable activities for this project are the same as the Cottam Solar Project, we are of the same 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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Marine Licensing Case Manager

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