



Tillbridge Solar Project Case Team  
National Infrastructure Planning  
**By email only**

Our reference:  
DCO/2024/00016

10 December 2024

**Planning Act 2008 - Application by Tillbridge Solar Limited for an Order Granting Development Consent for the Tillbridge Solar Project (Reference EN010142).**

**Interested Party Reference number: 20049922**

This letter is the Marine Management Organisation's (MMO) response to Deadline 3.

In our response in July 2024, MMO advised that it appears to the MMO that the Applicant is primarily proposing to carry out an activity which falls within an exemption. However, the Applicant is also seeking a Deemed Marine Licence (DML) to address the hypothetical situation whereby they are unable to carry out the works as anticipated and it would become necessary to undertake different works to achieve the same end, but that those works may not fall within an exemption under the 2011 Order. 5.3

It is the MMO's position that the Applicant has two options;

- a. Have no DML, and at such a time as it becomes necessary, if ever, for the Applicant to make an application for a marine licence to the MMO; or
- b. Provide the necessary information and detail now to the MMO, which can be fully assessed and upon which the MMO can make a reasoned determination in accordance with s. 69 2009 Act, and which would withstand any challenge.

MMO are happy to see the Applicant has since removed DML from the draft Development Consent Order (DCO) and they have referenced the removal of it in:

**9.1 Applicant's Responses to Relevant Representations.**

"The Applicant welcomes the detailed response from the MMO. The Applicant is aware of the recent decisions of the Secretary of State for Energy Security and Net Zero ("SoS") in relation to the Gate Burton Energy Park Order 2024 and the Cottam Solar Project Order 2024, in which the made Orders did not include the proposed Deemed Marine Licence ("DML") and associated articles. The Applicant has included the DML and associated drafting in its draft DCO on a precautionary basis but accepts the decision of the SoS on the other recently made Orders. The Applicant has therefore amended its draft DCO [EN010142/APP/3.1(Rev03)] to:



- (a) delete the “MMO” and accompanying definition in Article 2;
  - (b) delete Article 45 (Deemed marine licence);
  - (c) delete Schedule 16 (Deemed marine licence under the 2009 Act);
  - (d) amend Article 36 (Consent to transfer the benefit of the Order) to delete sub-paragraph (4); and
  - (e) delete reference to Schedule 16 in the provisions for the protection of the Canal & River Trust in Part 4 of Schedule 15.
- The Applicant has amended the Explanatory Memorandum [EN010142/APP/3.2(Rev01)] accordingly. "

There was also a discussion of the reasons it was removed in :

## **9.2 Written Summary of Applicant’s Oral Submissions at the Issue Specific Hearing 1 (ISH1)**

"Schedule 16 (Deemed marine licence) – is proposed to be deleted at Deadline 1 per discussions with the Marine Management Organisation. "

"In response to a query from the ExA, Ms Coleman, for the Applicant, confirmed that the Applicant is aware of the recent decisions in relation to the Gate Burton Energy Park Order and the Cottam Solar Project Order, in which the made Orders did not include the proposed Deemed Marine Licence (DML) and associated articles. The Applicant had included the DML and associated drafting in its draft DCO on a precautionary basis but accepts the decision of the SoS on the other recently made Orders.

Ms Coleman confirmed that the Applicant will be amending the draft DCO [EN010142/APP/3.1(Rev03)] at Deadline 1 to:

- ☑ delete the “MMO” and accompanying definition in Article 2;
- ☑ delete Article 45 (Deemed marine licence);
- ☑ delete Schedule 16 (Deemed marine licence under the 2009 Act);
- ☑ amend Article 36 (Consent to transfer the benefit of the Order) to delete sub-paragraph (4); and
- ☑ delete reference to Schedule 16 in the provisions for the protection of the Canal & River Trust in Part 4 of Schedule 15.

Ms Coleman noted that the Applicant has amended the Explanatory Memorandum [EN010142/APP/3.2(Rev01)] accordingly, with a revised version also to be submitted at Deadline 1.

The ExA requested further clarification as to whether a Marine Licence was required by the Applicant to carry out works under the River Trent. Ms Coleman explained that no Marine Licence was required because of an exclusion applying to the relevant works."

MMO therefore have no additional comments at this stage

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 Project.



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 sincerely,

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