



East Yorkshire Solar Farm Limited  
Case Team  
National Infrastructure Planning  
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Planning Inspectorate Reference:  
EN010143  
MMO Reference: DCO/2024/00008

**[By email only]**

23 July 2024

Dear Sir or Madam,

**Planning Act 2008- Application for an Order Granting Development Consent for East Yorkshire Solar Farm.**

**Deadline 3 Submission**

East Yorkshire Solar Farm Limited (“the Applicant”) submitted an application for a Development Consent Order (DCO) under the Planning Act 2008 to the Secretary of State c/o the Planning Inspectorate and was accepted on 19 December 2023.

This document comprises the MMO’s Deadline 3 response in respect to the above 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.

**Your feedback**

We are committed to providing excellent customer service and continually improving our standards and we would be delighted to know what you thought of the service you have received from us. Please help us by taking a few minutes to complete the following short survey (<https://www.surveymonkey.com/r/MMOMLcustomer>).

If you require any further information, please do not hesitate to contact me using the details provided below.

Yours faithfully,

[Redacted signature]

Alicia Hardman-Vaughan  
Marine Licensing Case Manager

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**Copies to:**

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## 1. The MMO's role in Nationally Significant Infrastructure Projects

- 1.1 The MMO was established by the Marine and Coastal Access Act 2009 (the "2009 Act") to contribute to sustainable development in the marine area and to promote clean, healthy, safe, productive, and biologically diverse oceans and seas. The responsibilities of the MMO include the licensing of construction works, deposits and removals in English inshore and offshore waters and for Welsh and Northern Ireland offshore waters by way of a marine licence. Inshore waters include any area which is submerged at mean high water spring ("MHWS") tide. They also include the waters of every estuary, river, or channel where the tide flows at MHWS tide. Waters in areas which are closed permanently or intermittently by a lock or other artificial means against the regular action of the tide are included, where seawater flows into or out from the area.
- 1.2 In the case of Nationally Significant Infrastructure Projects ("NSIPs"), the 2008 Act enables Development Consent Order's ("DCO") for projects which affect the marine environment to include provisions which deem marine licences.
- 1.3 As a prescribed consultee under the 2008 Act, the MMO advises developers during pre-application on those aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction, deposit or removal within the marine area, this also includes assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works.
- 1.4 Where a marine licence is deemed within a DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement. and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a deemed marine licence ("dML") enable the MMO to fulfil these obligations.
- 1.5 Further information on licensable activities can be found on the MMO's website. Further information on the interaction between the Planning Inspectorate and the MMO can be found in our joint advice note.

## 2. MMO General comments

- 2.1 The MMO has reviewed the DCO and dML and supporting documents for East Yorkshire Solar Farm on a without prejudice basis.

## 3. Exempt Activities

- 3.1 Article 4 of the Marine Licensing (Exempted Activities) Order 2011 (2011 order) states that a marine licence is not needed for an activity that is an exempt activity.
- 3.2 Article 35(1) of the 2011 Order states "Article 4 applies to a deposit or works activity carried on wholly under the seabed in connection with the construction or operation of a bored tunnel."



3.3 The MMO note that the applicant is proposing to carry out electricity export to the National Grid through cable installations at certain locations such as rivers, railway and road crossings to connect the through trenchless methods including horizontal directional drilling (HDD), micro-tunnelling and boring.

#### 4. Deemed Marine Licence

4.1 The MMO would like to note that we have received correspondence from the East Yorkshire Solar Farm applicant team on Thursday, 18<sup>th</sup> July 2024 confirming the removal of the dML from this application.

4.2 On the basis of the information stated in section 3 of this response as well as the applicant correspondence mentioned in section 4.1 above, the MMO agree with the applicant's decision to remove the dML from this DCO application. The MMO do not consider that a dML is able to be granted under a DCO for the purposes of the proposed trenchless activities as the activities fall under Marine Licensing (Exempted Activities) Order 2011.

4.3 Based on the above, the MMO do not intend to provide any further responses throughout the examination and post-consents processes of this DCO. However, if PINS require any further engagement with the MMO, please let the MMO know using the contact details provided in this response.

