



National Infrastructure Planning,  
Temple Quay House,  
2 The Square Bristol,  
BS1 6PN

Your reference: EN020022

Our reference:  
DCO/2018/00016

[aquind@planninginspectorate.gov.uk](mailto:aquind@planninginspectorate.gov.uk)

[by Email only]

22 January 2021

Dear Mr Mahon,

### **The Planning Act 2008, AQUIND Limited, proposed AQUIND Interconnector Project Deadline 6 Response**

On 6 January 2020, the Marine Management Organisation (the “MMO”) received notice under section 56 of the Planning Act 2008 (the “2008 Act”) that the Planning Inspectorate (“PINS”) had accepted an application made by AQUIND Limited (the “Applicant”) for a development consent order (the “DCO Application”) (MMO ref: DCO/2018/00016; PINS ref: EN020022).

The DCO Application seeks authorisation to construct and operate an electricity interconnector with a net transmission capacity of 2000 megawatts between France and the UK (the “Project”).

The MMO is an interested party for the examination of the DCO Applications for Nationally Significant Infrastructure Projects (NSIPs) in the marine area. Should consent be granted for the Project, the MMO will be responsible for monitoring, compliance and enforcement of Deemed Marine Licence (DML).

This document comprises the MMO comments in respect of the Examining Authority’s (ExA’s) further written questions (ExQ2), received by MMO on 7 January 2021. Please see Annex 1 of this document for MMO’s comments.

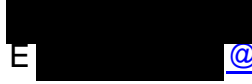
This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. These transcripts are also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, 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.



Yours sincerely,



Daniel Walker  
Marine Licensing Case Officer



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DCO2.5.2	Applicant MMO	<p>Have the differences between the Applicant and the MMO in respect of: Schedule 15, Part 1 Condition 10; Schedule 15, Part 1, Paragraph 4; the MMO's request for clarification about their purpose; and concerns that these may allow certain activities to be undertaken which are either not within the scope of the EIA, or lie outside the scope of the DML been resolved?</p> <p>If so, how?</p>	<p>The MMO and the Applicant had a meeting on 13 January 2021 and the following was agreed:</p> <p>Schedule 15, Part 1, Paragraph 10: The MMO raised concern that there is the potential for issues in the future if an amendment or variation is made through the DML which is not replicated in the DCO. However, the MMO is not concerned that activities will be able to take place outside of the scope of the EIA. Therefore, the MMO does not have any major concerns if this paragraph remains.</p> <p>Schedule 15, Part 1, Paragraph 4: The MMO would like to highlight to the Applicant and to the Examining Authority that this paragraph does not appear to authorise the activities which are listed within it, due to the wording of the paragraph. The MMO has made the applicant aware of this. The MMO has no further concerns regarding this paragraph and is content if the Applicant wishes for it to remain.</p>
ME2.10.1	Applicant MMO	<p>Have the MMO and the Applicant reached a final position on the inclusion of a DML condition restricting works in relation to herring spawning sensitivities, and if so, what period and length of the marine cable route is affected, and how is this to be secured?</p>	<p>MMO have recommended the inclusion of either of the two following conditions which the applicant is currently considering:</p> <p>A) <i>Joint to Joint: No works to be undertaken between the two cable joints (shown on the map) located within ICES sub-rectangles 29E97 and 29F02, during the period of 15th December to 15th January inclusive.</i></p> <p>B) <i>KM to KM Distance: No works to be undertaken between the 90 – 100km and 100- 110km distances shown on the map, located within ICES sub-rectangles 29E97 and 29F02, during the period of 15th December to 15th January inclusive.</i></p>



			MMO understands the distance needs to be amended as it goes beyond UK waters and will work with the applicant on the wording.
ME2.10.2	Applicant MMO	In its Deadline 6 submission [REP6-096], MMO requested the Applicant to clarify which parts of conditions 4 and 11 of the DML would enable the MMO to approve the deployment of cable protection. Has this matter been finalised, and if so, how?	The MMO is content the Applicant's explanation and is content with the wording of conditions 4 and 11.
ME2.10.3	Applicant MMO	In relation to the MMO's request that operational deployments of cable protection be supported by survey data no older than 5 years old and the Applicant's proposed consequential changes to the DML condition, has agreement been reached between the parties and the relevant parts of the draft DML finalised?	The applicant has updated the wording as recommended by MMO and MMO are content with this wording. MMO are content that the cable burial management plan wording has been moved to condition 11.
ME2.10.4	Applicant MMO	We understand that the Applicant and MMO have reached agreement on the definition, detail and monitoring of the Atlantic cable crossing at Part 1 (4) (1) of the DML but that the MMO has some residual concerns regarding the details in Part 1 (4) more broadly. Have these concerns been overcome and, if so, how?	As per the MMO's response to DCO 2.5.2, the MMO understand that the intent of this paragraph is to authorise licensable marine activities which would be considered further development. However, the word 'authorise' is not included in the wording. This is an observation by MMO and not an objection. MMO are content with the rest of the wording.
ME2.10.5	Applicant MMO	Have the MMO and the Applicant reached agreement on the need for resampling of sediments for contamination at the offshore HDD entry/ exit point if these works do not occur within 5 years from the date of the latest contaminant analysis? If not, has an agreed form of wording for a DML condition been agreed, notwithstanding the Applicant's view that it should not be applied?	MMO maintain the position that this resampling condition will be required. The Applicant has requested examples of other cases where this has been applied. The MMO makes decisions on a case by case basis and no two cases are the same. The MMO issues a large number Marine Licences every year and will not be reviewing them in order to find an example of this condition, as every project is different and assessed on its own merit. MMO have followed OSPAR guidance and Cefas advice and are confident that this condition is required.



		<p>The MMO can offer further justification as to why sampling has been requested for this case. The type of sediment in this location warrants that sampling is undertaken as it has been. Due to the sample results levels observed for this application not being deemed very low and from the physical nature (fine-grained material which has an increased likelihood of absorbing contaminants) and location of the works, this licence condition is recommended. Where there is considerable lag (3-5 years) or opportunity for contamination of material to occur (spills, anthropogenic input etc.), additional sampling and analysis are often required to ensure decisions made are still properly supported. The OSPAR guidance gives a threshold for repeat sediment analysis of 3 – 5 years, therefore, the proposed condition is already at the latest end of the date range. Further, contaminant levels obtained previously would have to have indicated that the contamination was below the limit of detection or extremely low for the repeat sediment analysis requirement to be considered unnecessary. The contaminant levels presented do not fit these criteria.</p> <p>It should be noted that the inclusion of a licence condition for assessment of contaminants if there is a considerable time gap from the last assessment, may not result in additional analysis being required but, ensures that the MMO can protect the marine environment should conditions within the area change. A request for a sample plan could receive a response that no additional samples would be required, however this is not possible to guarantee. The MMO has provided revised wording for a condition in the SoCG.</p>
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