

From: [Ford, Jennifer](#)
To: [Aquind Interconnector](#)
Cc: [Walker, Daniel](#); [Szewczyk, Eva](#)
Subject: EN020022 ExA ISH4 Post Hearing Note Article 46
Date: 23 February 2021 16:56:06
Attachments: [MMO ISH4 post hearing note - Article 46.pdf](#)

Dear Sir or Madam,

Please find attached the MMO's post hearing note on Article 46. Please note that we will be sending our second post hearing note at DL8.

Kind regards,

Jenny

Jennifer Ford | Senior Marine Licensing Case Manager | Marine Licensing | Her Majesty's Government

Marine Management Organisation

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Working hours: I work Tuesdays, Wednesdays and Thursdays. I also work alternate Mondays and will be working on the 15th February, 1st March and 15th March.

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

Your reference: EN020022

Our reference:
DCO/2018/00016

aquind@planninginspectorate.gov.uk

[by Email only]

23 February 2021

Dear Mr Mahon,

The Planning Act 2008, AQUIND Limited, proposed AQUIND Interconnector Project Issue Specific Hearing 4 dealing with matters relating to the draft Development Consent Order (DCO) (ISH4) – Post Hearing Note

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’s ISH4 Post Hearing Note in relation to the Examining Authority’s (ExA) proposed changes to Article 46.

ExA’s proposed changes to Article 46

The MMO are concerned that it is not clear whether the MMO is included in Schedule 3. The ExA's proposed wording of "Provisions" rather than "Requirements" widens the use of the procedure in Art 46 beyond those approvals set out in Schedule 2 and applies it arguably to any approval required under any provision of the order, including approvals under the DML. The MMO feels strongly that approvals under the DML should not be part of Schedule 3. If the MMO are included within Schedule 3 then the MMO may be subject to two different appeals processes, the procedure in schedule 3 and the appeals process

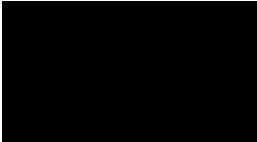


applied by Schedule 16. The MMO strongly objects to Schedule 16, however this will be discussed in our Oral Transcript from Issue Specific Hearing 4.

Therefore, the MMO requests that Article 46(2) is amended to expressly exclude consents, agreements or approvals contemplated by the provisions of Schedule 15. The MMO's proposed wording is "Schedule 3 does not apply in respect of any consents, agreements or approvals contemplated by the provisions of Schedule 15".

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,



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