



**Marine
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Your reference: TR010016

Our reference:
DCO/2018/00021

The Planning Inspectorate
National Infrastructure Directorate

**Our Planning Inspectorate
Reference:** 20018151

[By Email only]

17 June 2019

Dear Mr Willows,

**THE PLANNING ACT 2008 - SECTION 89 AND THE INFRASTRUCTURE
PLANNING (EXAMINATION PROCEDURE) RULES 2010: A63 CASTLE STREET
IMPROVEMENT - HULL ORDER: DEADLINE 3**

In accordance with the deadlines specified under the Examination Timetable for the proposed A63 Castle Street Improvement – Hull Order, I am writing to provide the Marine Management Organisation's response to the Examining Authority's (ExA) Deadline 3.

Deadline 3 consists of:

- Post-hearing submissions including written submissions of oral cases;
- Comments on LIRs;
- Comments on responses to ExA's Written Questions (ExQ1);
- revised/updated Statement of Common Grounds (SOCG), if any;
- The Applicants revised draft Development Consent Order (DCO);
- Comments on any additional information/submissions received by Deadline 2; and
- Responses to any further information requested by the ExA for this deadline.

Of these items, the MMO considers the following relevant for inclusion in this response:

- Comments on any additional information/submissions received by Deadline 2.

1. Comments on any additional information/submissions received by Deadline 2

- 1.1** The MMO submitted its Deadline 2 response to the ExA on 10 May 2019. To provide context to this letter, our Deadline 2 response is briefly summarised below.



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- a) The MMO noted the intention of Highways England (“the Applicant”) to remove the Deemed Marine Licence (DML) from the next iteration of the DCO application, as detailed with their ‘Comments on Relevant Representations’ (Document reference: **TR010016/APP/7.5**).
 - b) The MMO confirmed that the proposed DCO no longer appeared to be associated with any other licensable activities beyond those that have already been permitted under Marine Licence Application **MLA/2018/00358** (licence number: **L/2018/00390/1**).
 - c) Given the nature of the points raised under **paragraph 1.1(a)** and **1.1(b)**, the MMO informed the ExA of its intension to remove itself from the examination process.
- 1.2** Since the submission of our Deadline 2 response to the ExA, the MMO has reviewed the Applicant’s Updated Draft DCO, submitted on 14 May 2019. From its review of the Updated Draft DCO, the MMO made the following broad observations.
- a) Part 7(41) of the draft DCO makes reference to a DML;
 - b) A DML is included under Schedule 9 of the draft DCO; and
 - c) Part 2(2) of the DML refers to maintenance works associated with the proposed development.
- 1.3** As noted in our Response to Written Questions, submitted on the 29 April 2019, due to the fact that the works associated with the construction of Princes Quay Bridge (i.e. Work no. 31 of Schedule 1 of the DCO) have already been licensed under **MLA/2018/00358**, the MMO considers that the works must be completely removed from the DML.
- 1.4** Further to **paragraph 1.3** of this response letter, the MMO recommends that the DML, and all references to it, be removed from the DCO in their entirety for the following reasons:
- a) The Applicant has confirmed that they do “not foresee any further works requiring a Marine Licence being undertaken on the Scheme other than those at Princes Quay Bridge for which a Marine Licence has been granted” (see **12.02**, **12.22**, and **12.30** of the Applicant’s Comments on Relevant Representations).
 - b) The Applicant has confirmed their intension to remove the DML from the “next iteration of the DCO application” (see **12.22** of the Applicant’s Comments on Relevant Representations).
- 1.5** The MMO wishes to inform the Applicant that they must seek engagement with us as a matter of urgency, if their intension is secure permission for maintenance works within the marine environment within the DCO, as suggested under **Part 2(2)** of the DML. As it is currently worded, the MMO considers the DML to be wholly inappropriate and unfit for purpose. To this end,

the MMO would welcome engagement with the Applicant on matters concerning any marine licensable activity to be permitted under the DCO. The MMO considers that any agreements made during such engagement must be captured via a series of Statement of Common Grounds, to be submitted to the ExA under the relevant examination deadlines.

- 1.6 The MMO wishes to highlight to the ExA that we have had no engagement with the Applicant since the submission of our Relevant Representation on 17 December 2018.
- 1.7 Further to the comments made under **paragraphs 1.3** and **1.4** of this response, the MMO considers that all references to the Marine and Coastal Access Act 2009 must also be removed, in the event that a DML is no longer necessary.
- 1.8 Based upon the information provided by the Applicant, to-date, during the examination process (see **paragraph 1.4** of this response), it appears that a DML is not required for the A63 Castle Street Improvement - Hull Order. However, the MMO advises that a marine licence may be required for the undertaking of any unforeseen, or presently unidentified activities, within the UK Marine Area (including the offshore detonation of Unexploded Ordnances and maintenance activities). The MMO therefore wishes to signpost both the Applicant and ExA to the following information on marine licensing:

a) Marine licensing exempted activities:

<https://www.gov.uk/government/publications/marine-licensing-exempted-activities>

Please note that the exempted activities have been separated into three categories, based on the level of agreement/notification required. It should also be noted that a number of the exempted activities have conditions attached. The Applicant must therefore ensure that their planned activity is fully compliant with all conditions if they intend to undertake works under as an exempted activity.

b) Self-service marine licensing activities:

Please follow the links entitled 'Introduction – self-service marine licensing guidance' and 'self-service activities table' for general information regarding self-service licensing (including details on general assessment criteria) and the types of qualifying activities (including important caveats), respectively.

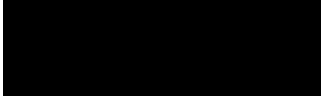
When determining whether a given activity may qualify for self-service licensing, the Applicant may find it useful to consult our interactive online assessment tool, which can be accessed here:

https://marinelicensing.marinemanagement.org.uk/mmofox5/fox/live/MMO_WIZARD/direct?WQ_GROUP_MNEM=APPLICATION_WIZARD

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.

If you would like to discuss any specific matter further or require additional clarity, please do not hesitate to contact me directly.

Yours sincerely,



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