



Marine Management Organisation

Marine Licensing
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The Planning Inspectorate
National Infrastructure Directorate

Your reference: TR010016
Our internal reference:
DCO/2018/00021
Our Planning Inspectorate
Reference: A63HULL-
SP086

[By Email only]

22 August 2019

Dear Mr Willows,

THE PLANNING ACT 2008 (AS AMENDED) – SECTION 89: A63 CASTLE STREET IMPROVEMENT – HULL ORDER, DEADLINE 6 RESPONSE

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 (MMO) response to the Examining Authority's (ExA) Deadline 6.

Deadline 6 consists of:

- Comments on any revised/ updated Statement of Common Grounds (SOCG);
- Comments on responses to ExA's Written Questions (ExQ2);
- The Applicant's Final Preferred Development Consent Order (DCO);
- Comments on any additional information/ submissions received by Deadline 5; 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 the Applicant's revised draft Development Consent Order.

1. Comments on draft Development Consent Order

- 1.1** The MMO has reviewed Highways England's (the Applicant) most recent version of the draft Development Consent Order dDCO, submitted to the ExA under Deadline 5, and wishes to make the following comments.
- 1.2** The MMO notes and welcomes the removal of the Deemed Marine Licence (DML) from the dDCO. The removal of the DML from the DCO is consistent with the Deadline 4 response, submitted to the ExA on 28 June 2019. Given this action, the MMO wishes to confirm to the ExA that the Organisation no longer considers itself to be an Interested Party in the examination of the Order.



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Therefore, the MMO wishes to confirm to the ExA its intent to remove itself from the remainder of the examination process.

1.3 The MMO notes that the dDCO does not appear to be associated with any marine licensable activities beyond those that have already been permitted via the standard marine licensing process (i.e. Work no. 31 of Schedule 1, Marine Licence Application: **MLA/2018/00358**; licence number: **L/2018/00390/1**). Given the removal of the DML from the dDCO, and the apparent absence of any as yet unpermitted marine licensable activity associated with Order, the MMO advises that a marine licence may be required for the undertaking of any unforeseen, or presently unidentified activities, to be completed within the UK Marine Area (as defined in section 42 of the Marine and Coastal Access Act 2009).

1.4 Further to the comments made under **paragraph 1.3** of this Deadline response, The Applicant is reminded that the MMO offers a chargeable pre-application advice and enquiries service for Applicants on marine licence requirements and assessment frameworks. Further information on pre-application and enquiries is available here:

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

1.5 The MMO also wishes to signpost the Applicant 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:

<https://www.gov.uk/government/publications/self-service-marine-licensing>

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 standard marine licences) 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/>

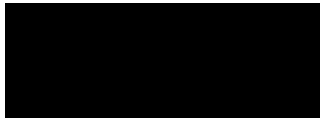
- 1.6** In addition to the potential requirement for a marine licence, the Applicant may also require a Marine Wildlife Licence from the MMO that may disturb, injure, or harm any European Protected Species, or their supporting habitat (e.g. unexploded ordnance detonation and the use of audible deterrent devices, including soft-start piling procedures). More information on Marine Wildlife Licensing is available here:

<https://www.gov.uk/guidance/understand-marine-wildlife-licences-and-report-an-incident>

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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