



Lower Thames Crossing Case Team
National Infrastructure Planning
Lowerthamescrossing@planninginspectorate.gov.uk
(By email only)

MMO Reference: DCO/2015/00001
National Infrastructure Planning Reference: TR010032

18 July 2023

Dear Sir or Madam,

Planning Act 2008 - Application by National Highways for an Order Granting Development Consent for the Lower Thames Crossing

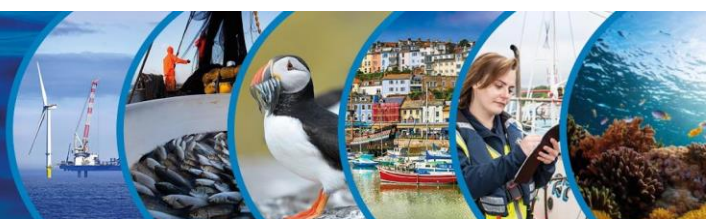
Deadline 1 Submission

On the 28 November 2022, the Marine Management Organisation (“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 National Highways (the “Applicant”) for determination of a Development Consent Order for the construction, operation and maintenance of the proposed Lower Thames Crossing (the “DCO Application”).

The MMO received the Rule 8 letter on 27 June 2023. In response to this letter, the MMO submits the following which can be viewed in Annex 1:

- Written Representation (“WR”)
- Post-event submissions, including written submission of oral comments made at the hearings held between 20 June and 6 July 2023
- Comments on Relevant Representations (“RR”)
- New Statements of Common Ground (“SoCG”) (and of updated SoCGs if required).

This written response is submitted without prejudice to any future representation the MMO may make about the Application throughout the examination process. This response is 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.





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Marine Licencing Case Officer

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Annex 1

1 Written Representation

- 1.1 On 17 February 2023 the MMO submitted the relevant representation response (RR-0649) to the planning inspectorate. The response outlined a number of comments on the draft development consent order (“dDCO”) and the deemed marine licence (“DML”). The MMO also noted these concerns during the Issue Specific Hearing 2 (“ISH2”) held on 22 June 2023 (see comments at point 2 below).
- 1.2 The MMO notes that these issues are outstanding, and that further information will be provided in the applicant’s statement of common ground due to be submitted at deadline 2. The MMO will therefore work with the applicant throughout the examination period to resolve these outstanding issues.

2 Post-event submissions, including written submission of oral comments made at the hearings held between 20 June and 6 July 2023

- 2.1 The MMO was present for Issue Specific Hearing 2 (“ISH2”) which related to the draft DCO. During this meeting the MMO reiterated its position regarding arbitration.
- 2.2 The MMO is the delivery body responsible for any post consent activities including enforcement, discharging conditions, and any variations. As such the MMO needs to ensure that the provisions in the drafted deemed marine licence (“DML”) enable the MMO to fulfil these obligations.
- 2.3 The MMO noted during ISH2 that arbitration was still included within the circulated DML. However, the MMO is aware that updated documents provided by the applicant at Deadline 1 will indicate that this has now been removed from the DML. As such the MMO defers further comment on arbitration until Deadline 2.
- 2.4 During ISH2 the MMO also maintained comments relating to the timeframes for the approval of documents. The MMO are concerned that the proposed 30 business days is an unreasonable timeframe for the MMO to review any submitted documents and if required consult with other bodies such as the Environment Agency, Natural England or Historic England. The MMO again requested that the timeframes at 10(1) and 11(1) of the DML are amended to 13 weeks.
- 2.5 The MMO also reiterated comments relating to paragraph 20 of the DML which notes that a lack of a request for further information after six weeks indicated that the MMO agrees with the provided information. The MMO again recommended that paragraph 20 (2) be removed.
- 2.7 In response to a question raised by the ExA during ISH2 the MMO confirmed that there is an applicable marine plan policy that will need to be considered. The proposed Lower Thames Crossing is located within the South East Marine Plan Area.



3 Comments on Relevant Representations

3.1 The MMO has reviewed the RRs and notes the comments made. The MMO will continue to maintain a watching brief on future submissions and will provide comment in future where necessary.

4 New Statements of Common Ground (and of updated SoCGs if required).

4.1 The MMO would like to thank the applicant for providing a copy of the SoCG that will be submitted at Deadline 2. The MMO is currently reviewing the information within the document and will continue to engage with the applicant regarding any outstanding matters.

