



# Marine Management Organisation

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Lower Thames Crossing Case Team  
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(By email only)

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

05 December 2023

Dear Sir or Madam,

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

### **Deadline 8 Submission**

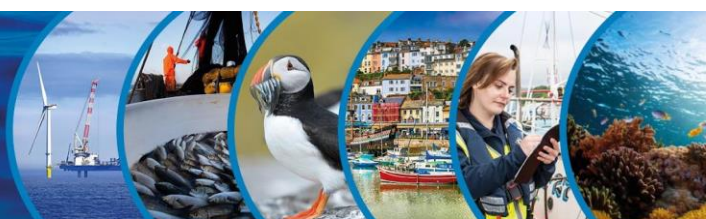
On the 28 November 2022, the Marine Management Organisation (“MMO”) received notice under Section 56 of the Planning Act 2008 (the “2008 Act”) that the Planning Inspectorate (“PINS”) had accepted an application made by National Highways (the “Applicant”) for determination of a Development Consent Order 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:

For receipt by the ExA of:

- MMO comments for question 17.1.1 regarding Habitats Regulation Assessments in TR010032-004904-LTC ExAs ExQ3 APPROVED v3.pdf.
- MMO comments for questions asked by examiner in TR010032-004905-LTCdDCO Commentary APPROVED v3.pdf.
- MMO correspondence with applicant regarding draft conditions for the deemed marine licence.

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.



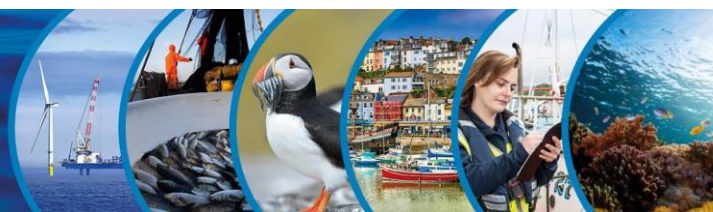
Yours faithfully,



Alicia Hardman-Vaughan  
Marine Licencing Case Manager



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## Annex 1

### 1. Responses to Examiner's question 17.1.1 regarding Habitats Regulation Assessments in TR010032-004904-LTC ExAs ExQ3 APPROVED v3.pdf.

1.1 The MMO has reviewed the Examiner's questions which were published on 14 November 2023 and provides its response to those questions directed to the MMO below.

1.2 The MMO wish to defer to Natural England regarding the question raised around the Habitats Regulation Assessment.

### 2. MMO's responses to questions asked by examiner in TR010032-004905-LTCdDCO Commentary APPROVED v3.pdf.

#### 2.1 Question QD1

The MMO has reviewed the examiners question and has no comments to make regarding the title of the dDCO.

#### 2.2 Question QD2

The MMO has reviewed the examiners question and has no comments to make regarding the structure or broad function of the provisions in the dDCO.

#### 2.3 Questions QD3 & QD4

The MMO has reviewed the examiners question as well as the dDCO and dML and believes there are no additional documents requiring recording in the dDCO nor are there any which are superfluous.

#### 2.4 Question QD5

The MMO has reviewed the examiners question and has no comments to make regarding the re-structuring of functional groupings in Schedule 16.

#### 2.5 Questions QD6 – QD8

The MMO has reviewed the examiners question and has no further comments to make on the manner of which certified documents are recorded within the dDCO.

### 3. Response to examiner's questions regarding Articles

#### 3.1 Questions QD9 – QD11

The MMO has reviewed the examiners questions and provided comments below relating to the Articles within the draft dDCO



### **3.2 Question QD12**

The MMO has reviewed the examiners question and considers the current 28-day period to be an appropriate time-limit to consider provisions for deemed consents.

### **3.3 Question QD13 - QD16**

The MMO has reviewed the examiners questions and has no further comment to make.

### **3.4 Question QD17 (Article 2)**

The MMO has reviewed the examiners question and wish to defer to the Environment Agency comments regarding the definition of a watercourse.

The MMO is responsible for marine licensing in English inshore and offshore waters. This includes any area which is submerged at mean high water spring and the waters of every estuary, river or channel where the tide flows at mean high water spring tide up to the normal tidal limit. Waters in areas which are closed permanently or intermittently by a lock or other artificial means against the regular action of the tide are included, where seawater flows into or out from the area, either continuously or from time to time.

### **3.5 Question QD18**

The MMO has reviewed the examiners questions. The MMO advise that the project must not give rise to environmental effects materially more adverse than those assessed in the ES (leading to possible breaches of the Rochdale Envelope).

### **3.6 Question QD19 – QD31**

The MMO has reviewed the examiners questions and has no further comment to make. The MMO defer to the relevant IP.

### **3.7 Question QD32**

The MMO has reviewed the examiners questions and direct the ExA to the MMO representation made at Deadline 6.

### **3.8 Questions QD33 – QD36**

The MMO has reviewed the examiners questions and has no further comment to make.

### **3.9 Questions QD37 - QD39**

The MMO has reviewed the examiners questions as well as the dDCO and dML and has outlined comments regarding the Schedules in sections 3.10, 3.11, 3.12, 3.13 and 3.19 of this Annex.

### **3.10 Question QD41**



The MMO has reviewed the examiners question as well as Schedule 1 and has no comments to make regarding Schedule 1 including the description of the individual numbered Works and their relationship with the work plan.

### **3.11 Question QD43**

The MMO has reviewed Schedule 2 and has no comments to make regarding the REAC commitments. Where commitments have been outlined that are outside of the MMO's remit, the MMO would like to defer to the relevant IP. Please note that the MMO has made further comment below in relation to conditions associated with the REAC (please refer to section 3.19 of this Annex).

### **3.12 Question QD44**

The MMO has reviewed Schedule 2 and has no comments to make regarding other certified documents. Where certified documents are outside of the MMO's remit, the MMO would like to defer to the relevant IP.

### **3.13 Question QD46**

The MMO has reviewed Schedule 2 and agree with the SoST that consistency and harmonisation of definitions and interpretations should be reviewed and considered by the applicant.

### **3.14 Questions QD50 – QD53**

The MMO has reviewed the examiners questions and has no further comment to make.

### **3.15 Questions QD55 – QD58**

The MMO has reviewed the examiners questions and concludes that these matters are believed to be outside of the MMO's remit, the MMO would like to defer to the relevant IP's.

### **3.16 Question QD59**

The MMO has reviewed the examiners question and has no comments to make.

### **3.17 Question QD60 – QD75.**

The MMO has reviewed the examiners questions and concludes that these matters believed to be outside of the MMO's remit, the MMO would like to defer to the relevant IP's.

### **3.18 Questions QD76 - QD81**

The MMO has reviewed the examiners questions and has no comments to make.

### **3.19 Question QD82**

The MMO has reviewed the dML and has the following comments to make:



### 3.19.1 Schedule 15, Part 4, subsection 15

The MMO notes that the original condition wording for 15(2)(a) stated:

*“Works to construct the temporary drainage pipeline and outfall from the northern tunnel entrance compound, including any piling, must not be undertaken when the work area is either fully submerged, or partially covered by water”.*

The MMO has reviewed the dML and has noted that the wording of this condition has been amended to:

*“where reasonably practicable, works to construct the drainage pipeline and outfall referred to at paragraph 5(1)(a), including any piling, must be undertaken in the dry (and where such works are required in submerged or partially covered by water, paragraphs (b) to (c) of this sub-paragraph must be implemented)”.*

The use of phrasing such as “*where reasonably practicable*” is vague, open to interpretation and is not enforceable as a condition under a marine licence.

On 01 December 2023, the MMO discussed this with the applicant and provided the above comments regarding this conditions wording. The MMO have also mentioned that it should be referred to within the REAC. The MMO aims to continue discussions with the Applicant regarding this.

### 3.19.2 Part 6, subsection 24 (3)- Changes to Deemed Marine Licence

The MMO has reviewed the examiners questions and subsection 24 (3). The MMO’s position regarding the matter of consent to transfer benefit of Order remains as per MMO Deadline 6 submission.

### 3.20 Question QD83

The MMO has reviewed the examiners question and wish to defer to the MMO’s answer in section 3.19.1.

### 3.21 Questions QD84 – QD85

The MMO has reviewed the examiners questions and has no further comments to make regarding the functions of and relationships between the proposed certified documents.

### 3.22 MMO correspondence with applicant regarding draft condition wording

The MMO would like to note that the following draft condition wording has been discussed and shared with the applicant:

*The licensed activities at Coalhouse Fort Water Inlet must not commence until a detailed design plan has been submitted to, and approved in writing by, the MMO. The detailed design plan must, as a minimum, include:*

*(a) the specifications and dimensions of the water inlet*



- (b) the proposed location, including grid co-ordinates*
- (c) a construction programme including details of:*
  - (i) the proposed construction commencement date*
  - (ii) proposed timings for mobilisation of plant, delivery of materials and construction*
- (d) a construction method statement in accordance with the construction methods assessed in the environmental statement*

