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Peter Robottom
National Infrastructure Directorate
The Planning Inspectorate
(via e-mail only)

Your ref: TR030002
Our reference: DCO/2014/00002

07 September 2015

Dear Mr Robottom,

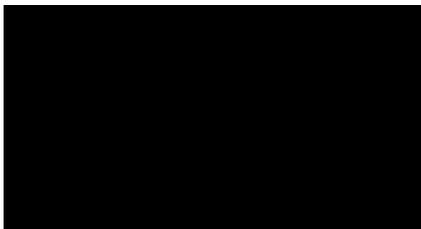
**PROPOSED YORK POTASH HARBOUR FACILITIES
RESPONSE TO EXAMINING AUTHORITY'S WRITTEN QUESTIONS (ExQ – Deadline
2)**

The Marine Management Organisation (MMO) is an interested party for the examination of Development Consent Order (DCO) applications for Nationally Significant Infrastructure Projects (NSIP) in the marine area. The MMO received the Examining Authority's written questions on 27 July 2015.

The MMO's responses to the relevant written questions are presented within Appendix 1 attached to this letter.

Please note that the MMO reserves the right to make further comments on this application throughout the examination process and to modify its present advice or opinion in view of any additional information that may come to our attention.

Further to MMO confirming attendance to the DCO hearing on 25 September, I can now confirm attendees as follows Adam Chumbley, Jayne Griffiths and Joe Wilson.



Adam Chumbley
Marine management Organisation

CC:
Jayne Griffiths – MMO
Joe Wilson – MMO
Morag Thomson – Eversheds
Matt Simpson – Royal Haskoning



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Appendix 1 MMO Response to the Examining Authority's written questions

(2)	Question to	Question	MMO Response
Panel Ref.			
HWF 1.6	Applicant Marine Management Organisation (MMO)	<p>Sediment plume modelling data</p> <p>The marine sediment and water quality assessment uses the sediment plume modelling simulations to inform the assessment of impacts on marine water quality. The Marine Management Organisation (MMO) in their relevant representation has requested that the applicant submits information relating to the validation and calibration of the sediment regime models. The applicant is requested to provide this information for Deadline 1. The MMO are requested to review this information and provide their comments for Deadline 2. The MMO's response should identify any concerns they may have regarding the information and an explanation of the potential effect of these concerns on the sediment plume modelling simulations and assessment of impacts on the marine water quality</p>	<p>The MMO is content with the response from the applicant and has no further comments on the sediment plume modelling data. MMO are content that the worst case rate of sediment release used is appropriate to determine an assessment of the impacts.</p>



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HWF 1.7	Applicant Marine Management Organisation (MMO)	<p>Effect of spill of polyhalite product on the marine environment</p> <p>Paragraph 7.6.12 of the ES (Doc 6.4) states that in the event of a spill “the components of the polyhalite product pose no significant threat to the marine environment.” However, no evidence has been provided by the applicant to justify this statement. The applicant is requested to provide justification for this statement for Deadline 1.</p> <p>The MMO is requested at Deadline 2 to comment on the applicant’s response to this question and state whether in the MMO’s opinion the components of the polyhalite product pose no significant threat to the marine environment</p>	<p>The MMO are content with the response by the applicant. The MMO does not legislate against the cargo on vessels, if an incident did occur the MMO would coordinate a pollution response as per MMO process if required. Although MMO does not have concerns surrounding the polyhalite material.</p>
HWF 1.8	Applicant Marine Management Organisation (MMO)	<p>Securing dredging mitigation through the DML The ES confirms that an enclosed grab dredging method would be used for the contaminated sediment above geological deposits (ES paragraphs 7.5.4. and 7.5.12, Doc 6.4). The Governance Tracker (Doc 6.8) confirms that the use of this method is secured through the MMO licence in Schedule 4 of the DML (Doc 4.1) (see Part 6(3)). However, it is not clear if this reference should be to the draft DML in Schedule 5 of the draft DCO. Please can the applicant at Deadline 1 clarify whether the reference to Schedule 4 in the Governance Tracker should be to Schedule 5 (DML) and whether</p>	<p>MMO are content with the applicant’s response. The dredging plant for the contaminated material must be secured by the use of an enclosed grab as a condition in the DML.</p>

		<p>condition 6(3) in the DML is the relevant condition to secure the use of enclosed grab dredging method to remove contaminated sediment? Paragraph 7.5.20 of the ES (Doc 6.4) confirms that where an enclosed grab cannot be used, the use of a backhoe dredger would be the least environmentally damaging in comparison to the other options assessed. Part 6 of the MMO licence does not commit to the use of a backhoe dredger for the remainder of the dredging (Doc 4.1). Please can the applicant comment on whether given this statement, it would be appropriate to commit to the use of the backhoe dredging in the DML where an enclosed grab cannot be used? If so, please can the applicant provide appropriate wording to secure this commitment through the DML.</p> <p>Please can the MMO at Deadline 2 comment on the applicant's response to this question and confirm whether the MMO is satisfied that the mechanism identified for securing this mitigation is appropriate? If not, please can the MMO identify what mechanism would be appropriate?</p>	
WFD 1.1	Applicant Marine Management Organisation (MMO)	<p>Data used to inform the WFD Compliance Assessment The applicant has provided a WFD Compliance Assessment as part of their DCO application in Appendix 4.3 of the Environmental Statement. The sources of baseline data used to inform the assessment are outlined in paragraphs 1.2.8-9 of the WFD Compliance Assessment. This includes</p>	The MMO are content with the applicant's response and have no further comments.

		<p>the hydraulic modelling results established to understand the effects of the development on the physical processes in the Tees Estuary.</p> <p>Within their relevant representation the Marine Management Organisation (MMO) requested the submission of validation and calibration data for the modelling software used. Please can the Applicant provide this information for Deadline 1?</p> <p>Please can the MMO comment on this information for Deadline 2? The MMO is asked to identify in their response any issues arising out of this information which may affect the modelling results and to explain whether these would have any implications on the applicant's WFD Compliance Assessment</p>	
WFD 1.5	<p>Applicant Marine Management Organisation (MMO)</p> <p>The Environment Agency</p>	<p>Detailed compliance assessment</p> <p>In relation to each waterbody screened into the WFD Compliance Assessment, a number of mitigation measures are proposed to ensure any potential impacts of the proposed development would not cause deterioration in the status of the waterbody (e.g. paragraph 4.1.8).</p> <p>However, the WFD Compliance Assessment does not indicate how each of these measures would be secured in the DCO/DML. The Applicant is asked to provide for Deadline 1 a Table identifying how each mitigation measure proposed in the WFD Compliance Assessment would be secured and delivered through the requirements/conditions in the DCO/DML.</p>	<p>The MMO has reviewed the table added to the Governance Tracker. The MMO are content that the wording in the DCO and DML are appropriate for the securing of the mitigation measures.</p> <p>The MMO has discussed and is consistent with the EA on this matter.</p>

		<p>Please can the MMO and EA comment for Deadline 2, on whether the wording of the requirements/conditions identified in the DCO/DML to secure and deliver the mitigation measures proposed in the WFD Compliance Assessment is sufficient? If not, please identify wording that would you consider appropriate to secure and deliver the mitigation measures proposed.</p>	
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