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(By email only)

MMO Reference: DCO/2021/00004
Planning Inspectorate Reference: TR030007

09 October 2023

Dear Mr Gould,

Planning Act 2008, Immingham Eastern Ro-Ro Terminal

On 09 March 2023, the Marine Management Organisation (the “MMO”) received notice under Section 56 of the Planning Act 2008 (the “PA 2008”) that the Planning Inspectorate (“PINS”) had accepted an application made by Associated British Ports (the “Applicant”) for the determination of a development consent order (DCO) for the construction, maintenance and operation of the Immingham Eastern Ro-Ro Terminal (the “DCO Application”) (MMO ref: DCO/2021/00004; PINS ref: TR030007).

The DCO Application seeks authorisation for the construction, of a new 3-berth Roll-On/Roll-Off (Ro-Ro) terminal facility within the Port of Immingham (“the “Project”). This includes one Deemed Marine Licence (DML) under Schedule 3.

This document comprises the MMO comments in respect of the DCO Application submitted in response to Deadline 4.

The MMO submits the following:

- 1. Comments on Written Representations from other Interested Parties**
- 2. MMO Comments on Responses to ExQ1**
- 3. MMO Comments on Deadline 2 submissions**
- 4. MMO response to Deadline 3 documents**
- 5. MMO response to ExQ2**
- 6. MMO Post Issue Specific Hearing (ISH) submissions**

This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the Examination process. This representation is also submitted without prejudice to any decision the MMO may make on any associated applications 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 sincerely,



Jack Coe
Marine Licensing Case Officer

D [Redacted]
E [Redacted]



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...ambitious for our
seas and coasts



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1. Comments on Written Representations from other Interested Parties

1.1. MMO Comments on Written Representations submitted at Deadline 2

1.1.1. The MMO noted at Deadline 3 that the following Written Representations would receiving MMO comments at this Deadline.

- REP2-013- Environment Agency- Written Representation
- REP2-019- Natural England- Written Representation
- REP2-020- Natural England- Written Representation Summary Table
- REP2-029- Trinity House- Written Representation
- REP2-054- Humber Harbour Master- Written Representation

Please find below, the MMO comments on these documents:

1.2 REP2-013- Environment Agency (EA)- Written Representation

- 1.2.1 The MMO notes that the EA still has outstanding issues relating to the draft Development Consent Order in its current form. The MMO defers to the EA on the schedules referenced and hope that all issues can be resolved prior to the conclusion of this examination.
- 1.2.2 The MMO is aware that the EA would like there to be a condition in the DML that prevents percussive piling taking place when temperature and/or dissolved oxygen are at levels that will already be placing salmon at increased stress when migrating through the estuary. The MMO notes that this requirement was included for works at Green Port Hull and the Able Marine Energy Park, and the MMO is engaged with both its technical advisors and the EA to discuss this possibility and will provide a stronger position at Deadline 5.
- 1.2.3 The MMO welcomes the closing out of several issues between the EA and Applicant.

1.3 REP2-019- Natural England (NE) - Written Representation

- 1.3.1 The MMO notes from Section 2.3 of this submission that there is further information required from the Applicant for NE to be able to assess impact pathways to various Humber Estuary Designated sites. The MMO defers to NE on these matters but will keep a watching brief on future submissions and provide comment where necessary.
- 1.3.2 The MMO welcomes NE's assertion that some of the impact pathways for these sites have had adequate information provided, the MMO hopes this continues throughout examination.
- 1.3.3 Additionally, the MMO is aware that the Applicant and NE have managed to resolve a number of outstanding issues relating to nationally designated sites. The MMO welcomes this.
- 1.3.4 The MMO notes that in Section 4.1, NE have stated that due to some of the outstanding issues present for this case, the works could require amendments to the DCO and DML. The MMO notes this and encourages NE to discuss any considered DML changes with the MMO during this examination phase.



1.4 REP2-020- Natural England- Written Representation Summary Table

1.4.1 The MMO has reviewed this document and considers the table format to be useful and clear. The MMO encourages NE to update this document regularly in order to capture the updated status of the application as it moves through the DCO process.

1.5 REP2-029- Trinity House- Written Representation

1.5.1 The MMO welcomes Trinity House's point that they are content with the changes made to Articles 37, 38 and 39 which constitute the Navigational Articles of this DCO. The MMO further acknowledges that at this time, Trinity House has no further submissions to make in respect of this case but will be monitoring the case as it progresses.

1.5.2 The MMO defers entirely to Trinity House, as well as other navigation bodies, on matters related to navigation, however, we will contact them should any matters related to navigation arise during our DML/DCO related discussions with the Applicant.

1.6 REP2-054- Humber Harbour Master- Written Representation

1.6.1 The MMO notes that in the submission, the remit and function of the Harbour Master has been laid out as well as a detailed description of who the incumbent person is as well as his role. The MMO welcomes this.

1.6.2 Ultimately, the MMO notes that the role of the jurisdiction of the harbour master exclusively relates to navigation, an area that the MMO defers responsibility for. However, the MMO will maintain a watching brief on any correspondence regarding any conditions that may arise to be included in the DCO.

1.6.3 The MMO will contact the Harbour Master's representatives should it be considered necessary during the course of examination.

2. MMO Comments on responses to the ExQ1

2.1 MMO Comments on Responses to ExQ1

2.1.1. The MMO stated at Deadline 3 that several Interested Parties have submitted responses to the first set of Examiners questions. The MMO has reviewed the following responses to ExQ1 and has provided a detailed response below to the following responses:

- REP2-009- Associated British Ports- Applicant's Response to ExA's first written questions.
- REP2-014- Environment Agency- Responses to ExQ1
- REP2-015- Historic England- Responses to ExQ1



2.2 REP2-009- Associated British Ports- Applicant's Response to ExA's first written questions.

2.2.1 The MMO shared only one Written Question with the Applicant in the first round of questions provided by the ExA. The MMO notes the Applicants response to Question BNE.1.19 is as follows:

This question is addressed in the Applicant's response to the Relevant Representations [REP1-013] at Table 3.2, reference '4.2.1 – fish and shellfish ecology'. Changes in water quality and impacts on fish have been assessed from paragraph 9.8.125 onwards in Chapter 9 of the ES [APP-045]. Changes in suspended sediment concentration (SSC) that are predicted to occur as a result of the capital dredge and disposal are considered in the Physical Processes assessment (Chapter 7 of this ES [APP-043]) and informs the assessment of impacts on fish.

In summary, the Humber Estuary is highly turbid, with in some cases peak SSCs in excess of 20,000 mg/l. As noted in Chapter 7 of this ES [APP-043], maximum SSCs are associated with the disposal activities (with relatively small increases in SSC arising from the dredge itself). The dredge disposal for IERRT is predicted to produce peak SSCs of around 600 to 800 mg/l above background at the disposal site. This is of a magnitude that regularly occurs naturally or as a result of ongoing maintenance dredging/disposal. Due to the existing high SSCs that typically occur in the Humber Estuary, it is considered that the predicted increase in concentrations resulting from the disposal will be immeasurable (against background) within approximately 1 km of the disposal site. The measurable plume from each disposal operation is also only likely to persist for a single tidal cycle (less than 6 hours from disposal) as after this time the dispersion under the peak flood or ebb tidal flows means concentrations will have reverted to background levels. Fish within the Humber Estuary are also very well adapted to living in an area with variable and typically very high year-round suspended sediment loads. They are not considered to be sensitive to high SSCs.

It is also important to note that the submitted assessment presents a worst case in terms of potential increases in SSCs in that it is based on the disposal of unconsolidated material at HU060. This would result in the largest increase in SSCs. However, some of dredge material (circa 25%) will be consolidated glacial clay/till which will be removed by backhoe dredger.

This will result in a smaller increase in SSCs. The overall impact of increased SSCs is assessed as insignificant. As a consequence, increases in SSCs from dredging/disposal activities and elevated levels of underwater noise associated with piling are not considered to result in a significant cumulative/in-combination effect on fish. On the basis of the above, no further assessment is considered necessary.

2.2.2 The MMO agrees with the Applicant that any impacts regarding suspended sediments associated with the dredging activities of these works will be negligible in regards to fish species. The MMO detailed this in Section 1 of its Deadline 2 response [REP2-016]. The MMO reiterates its point that it would be welcomed if the Applicant were to carry out water quality monitoring during dredging operations to support the conclusions made within the EIA, but ultimately, the MMO is in agreement with the Applicant on this question.



2.3 REP2-014- Environment Agency- Responses to ExQ1

2.3.1 The MMO defers all matters related to Flood Risk Activity Permits to EA and has no comments to make on these matters. Regarding the remainder of the response, the MMO has no further comments to raise.

2.4 REP2-015- Historic England (HE)- Responses to ExQ1

2.4.1 The MMO notes that HE considers that the Written Scheme of Investigation that has been submitted by the Applicant provides sufficient detail for it to be considered an acceptably robust iterative approach including an appropriate technical suite of investigative techniques. The MMO also notes HE's point that there are clear points throughout the DCO that allow for post-consent consultation with HE via the MMO and the MMO will ensure that any necessary consultation is undertaken prior to the discharge of any documents.

2.4.2 The MMO also notes that HE considers the Applicant's consideration of 'Heritage Settings' to be sufficient. The MMO welcomes this.

3. MMO Comments on Deadline 2 submissions

3.1 REP2-006- Statement of Common Ground Tracker

3.1.1 The MMO has noted that the position of the Applicants remains unchanged as it relates to progress on the MMO Statement of Common Ground (SoCG). The MMO agrees with this position as no discussions have yet taken place. The MMO has arranged to have a meeting with the Applicant later this month to discuss this document and will be able to provide a better update at Deadline 5.

3.2 REP2-007- Principal Areas of Disagreement Tracker

3.2.1 The MMO has noted that the position of the Applicants remains unchanged as it relates to progress on the MMO Principal Areas of Disagreement Tracker. The MMO agrees with this position as no discussions have yet taken place. The MMO has arranged to have a meeting with the Applicant later this month to discuss this document and will be able to provide a better update at Deadline 5.



4. MMO Response to Deadline 3 Documents

The MMO has the following comments to offer on several documents submitted by Interested Parties at Deadline 3:

4.1 REP3-003- Applicants Updated Draft dDCO (Tracked)

4.1.1 The MMO has reviewed the updated DCO submitted by the Applicant. The MMO notes that several of the MMO's requested amendments from REP1-020 have been actioned by the Applicant. The MMO commends the Applicants for making these changes. However, the MMO still has some outstanding concerns that require further amendments by the Applicant before the MMO will be content with the DCO. The MMO will outline these concerns in full at Deadline 5 after additional discussion with the Applicant.

4.2 REP3-013- Applicant's Response to the Marine Management Organisation's Written Representation

4.2.1 The MMO notes that the Applicants have stated that the concerns raised by the MMO in its Written Representation [REP2-016] continue to be discussed in detail. The MMO agrees with this assertion and will maintain regular communication with the Applicants to try and resolve all unresolved matters prior to the end of Examination.

4.2.2 The MMO has noted the Applicants response to the ExA question BNE.1.19 in Point 2.2.1 of this response. To reiterate, the MMO considers that the Applicant and MMO are agreed on this question and have no further comments to make on the matter.

4.2.3 The MMO notes that the Applicants have stated that several matters raised in our Relevant Representations have been resolved. The MMO can confirm that this position is correct.

4.2.4 The MMO notes that the Applicants are intending to provide a signposting document commenting on the following points that require more information before they can be resolved:

- a) Further justification with respect to the proposed mitigation measures, noting that these will need to be tailored to the specifics of the IERRT project. This includes details of the locality, consideration of the proportionality of the scale of effects and the implications for the overall construction programme.
- Further clarification on the use of vibro-piling within the construction programme.

4.2.5 The MMO received this document on 5 October 2023 and will provide detailed comments on the signposting document at Deadline 5.

4.2.6 The MMO notes the Applicants assertion that the MMO is now satisfied with the conclusions of the in-combination coastal processes assessment [APP-056]. The MMO confirms that this is correct.



- 4.2.7 The MMO notes the Applicants confirmation that land-based piling below the water has been considered within the underwater noise assessment and modelling. The MMO welcomes this confirmation and has no issues to raise at this point.
- 4.2.8 The MMO notes that there will be continued dialogue between us and the Applicants regarding updates required to the DML. The MMO will be attending a meeting with the Applicants later in October to discuss the existing DML and will provide a full update on the status of the DML at Deadline 5.

5. MMO response to ExQ2

The MMO notes that the ExA have asked the MMO some additional questions in their second round of questions, issued on 15/09/2023. The MMO has considered those questions and answered them below.

ExQ1	Question	MMO Response
BGC.2.02	<p><u>Government policy concerning need and sustainable port development</u></p> <p>With respect to the Government’s policy relating to the need for port development and the encouragement for “sustainable port development”, including what is stated in the entirety of paragraph 3.3.3 of the National Policy Statement for Ports 2012 (NPSfP), and having regard to the cases you have made to date, explain in policy terms, why you consider the Proposed Development would or would not comply with the Government’s encouragement for sustainable port development.</p> <p>In answering this question, the Applicant and other IPs are encouraged to make concise submissions and to address the matters listed in paragraph 3.3.3 of the NPSfP, as relevant.</p>	<p>The MMO reminds the ExA that for projects of this nature, the onus is on the Applicant to ensure, and evidence, that their works are compliant with the National Policy Statement. This is not something the MMO would be doing as a part of this examination.</p> <p>Furthermore, the MMO has reviewed the Applicants reference to the Eastern Inshore and Offshore Marine Plans in APP-041 and concur with the Applicants assessment of the works as it relates to compliance with the Marine Plans. The MMO would be interested to read the responses from other Interested Parties regarding this point and may provide further comment following review.</p>
	<p><u>Relevant policies other than planning policy</u></p> <p>Other than the policies stated in the NPSfP, the Marine Policy Statement 2011 and the East Inshore and East Offshore Marine Plans 2014 do you consider there any other policy considerations to which the Secretary of State for Transport should have regard in deciding this application?</p>	<p>The MMO is content that all necessary legislation has been considered and that the Secretary of State has no other policies that it needs to consider.</p>
BGC.2.10	<p><u>Construction Environmental Management Plan (CEMP)</u></p>	<p>The MMO notes that the Applicants have discussed the disposal of dredged material at sea in this document as previously</p>



	<p>Advise whether you consider the submitted CEMP [APP-111] is currently sufficiently detailed to enable it to be used during the construction phase for the Proposed Development or whether this document should be treated as an outline CEMP, with a more detailed version needing to be submitted for NELC's approval prior to the commencement of the Proposed Development. Should you be of the view that the currently submitted CEMP is deficient, please identify those deficiencies and explain how they might be rectified.</p>	<p>requested and the MMO commends the Applicants for doing so.</p> <p>The MMO understand that NE will also be passing comment on this document, and we look forward to reviewing their position and providing comment at the next deadline.</p> <p>The MMO is aware that the ExA considers this document could be considered as an outline document at this stage, rather than a formally submitted CEMP, and that the Applicants are reviewing the wording within the document in light of this. The MMO will be interested to hear the Applicants position on this before it passes judgement and will review any further updates later in the examination.</p> <p>Additionally, should the Applicant decide that this document is indeed an outline document, the MMO would request that a condition be inserted into the DML that would mean no works could take place until this document has been approved by the MMO. For reference, the MMO has included an example of such a condition below:</p> <p><i>A detailed construction and monitoring programme to include details of-</i></p> <ul style="list-style-type: none"> <i>(i) the proposed construction commencement date;</i> <i>(ii) proposed timings for mobilisation of plant, delivery of materials and installation works; and</i> <i>(iii) proposed pre-construction surveys, a proposed format and content for a baseline report, construction monitoring, post-construction monitoring and related reporting in accordance with the relevant Conditions. The pre-construction survey programme and all pre-construction survey methodologies must be submitted to the MMO for written approval at least 4 months before commencement of any survey works detailed within;</i> <p>The MMO is happy to discuss more specific condition wording when required.</p>
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DCO2.07	<p>Schedule 3 – Deemed Marine Licence (DML)</p> <p>a) Paragraph 1 (Interpretation) of Part 1 of Schedule 3 of the DML – with respect to “Notice to Mariners”, who is/are “the King’s harbour masters”? That term has not previously been defined in the dDCO.</p>	<p>The MMO understands that the ‘Kings Harbour Master’ is the regulatory authority of the Dockyard Port of Portsmouth, an area of approximately 55 square miles that encompasses Portsmouth Harbour and the Eastern Solent. Therefore, the MMO questions the use of this harbour master within the ‘Notice to Mariners’ definition. The MMO recommends that the Applicant define this body in the ‘Interpretation’ section of this DML if it is indeed relevant to this project.</p>
DCO2.07	<p>b) Condition 8 in Part 2 of the DML - what triggers the need for a cold weather construction restriction strategy to be prepared or is its availability an absolute conditional requirement? Is there a need for a strategy to be prepared or submitted or should this condition simply set out a protocol for addressing cold weather conditions, with sub-paragraphs (a) to (c) already stating what can/cannot be done.</p>	<p>The MMO understands that these works will be undertaken during the winter months during its construction phase. As such, the necessity of this condition is due to the works occurring in cold weather.</p> <p>The MMO wishes to notify the Applicant and the ExA that such a condition has been included in other developments in the area, and we refer you to Condition 38 of the Able Marine Energy Park DML.</p> <p>Regarding the second question, the MMO considers that this condition should just set out a protocol for addressing cold weather conditions, this can be acted on by the Developer as necessary.</p>
DCO2.07	<p>c) Condition 9 (Marine Noise Registry), is there any need to refer to detonation of explosives as there appears to be no reference to the use of explosives in connection with the construction of the Proposed Development in the application documentation?</p>	<p>The MMO has reviewed this condition and concurs with the ExA that there does not need to be a reference to explosives due to the Applicants not proposing to use any during construction.</p>
DCO2.07	<p>d) Condition 12 (marine piling), suggested possible alternate wording:</p> <p>(1) All marine piling in connection with the authorised development shall be subject to the following conditions – a) ... b) The form of soft start shall be submitted to and agreed in writing by the MM), in consultation ...</p> <p>(2) ... 30 minutes prior to the commencement of percussive piling a search should must be undertaken ... zone, percussive piling should must not be commenced ...</p> <p>(3) ... percussive piling will must cease until ...</p>	<p>The MMO has the following comments on the ExA’s proposed amendments:</p> <p>(1) (b) The MMO notes the typo and requests that the Applicants replace ‘MM)’ with ‘MMO’ for the next draft of this document.</p> <p>(2) The MMO concurs that the use of the word ‘must’ is more appropriate than the use of the word ‘should’ and again, requests that the Applicant amends this.</p> <p>(3) As above, the MMO agrees with this change in phraseology.</p>



	<p>(7) Subject to sub-paragraph (7) (8) ...</p> <p>(8) (a) ... 200 metres from the exposed mudflat ...</p> <p>8) (c) ... on all construction barges on the side of the barges closest to the foreshore and the construction activity ...</p> <p>(11)(a) and (b) should the maximum permissible number of piling rigs be specified? ie “196 hours where between two and four piling rings are in operation”</p> <p>(12) “... each work-block described in paragraph (10) (11) ...</p> <p>(13) if the wording of condition 8 (cold weather piling restriction strategy/protocol) is amended along the lines suggested and goes onto incorporate wording requiring compliance with that protocol then there would be no need for sub-paragraph 13.</p>	<p>(7) The MMO agrees with this change from sub-paragraph (7) to (8).</p> <p>(8) (a) The MMO agrees with the inclusion of the word ‘the’ for this point.</p> <p>(8) (c) The MMO agrees with the inclusion of the word ‘the’, and the wording deletion for this point.</p> <p>(11) (a) and (b) Given that this is not yet confirmed by the Applicant, the MMO understands why this information has been omitted by them at this stage. However, the MMO considers it a good idea to specify the number of piling rigs in this condition.</p> <p>(12) The MMO concurs with this proposed change and requests that the Applicants action this before the next submission.</p> <p>(13) The MMO agrees with the ExA on this point and awaits the Applicants opinion on this point.</p>
DCO2.07	<p>e) Condition 13 - licensed activities to comply with the marine scheme of archaeological investigation, combine with Condition 10?) Condition 20 (disposal at sea) – would there be any disposal at sea? If not then is this condition necessary?</p>	<p>Regarding Condition 13, the MMO defers to HE on the appropriateness of this mitigation.</p> <p>The MMO recently attended a meeting with the Applicant on 21/09/2023 who confirmed that their principal method of disposal of dredged material will be disposal at sea. As such, the MMO considers that this condition should remain on the licence.</p>
DCO2.07	<p>f) Condition 20 (disposal at sea) – would there be any disposal at sea? If not then is this condition necessary?</p>	<p>The MMO recently attended a meeting with the Applicant on 21/09/2023 who confirmed that their principal method of disposal of dredged material will be disposal at sea. As such, the MMO considers that this condition should remain on the licence.</p>
DCO2.07	<p>g) Condition 22 (notice to mariners):</p> <p>(1) Is there a need to include a reference to who will be responsible for providing notice, ie the licence holder?</p>	<p>1). As previously requested in our Deadline 2 response, the MMO requests that Applicants do not use the term ‘Licence Holder’ in DMLs, this is the case for all Nationally Significant Infrastructure Projects. The use of ‘Undertaker’ is sufficient and no</p>



	<p>(3)(c) - Is there a need to quote WGS84 in full and make provision for any successor document?</p> <p>(3)(c) - Re notifying the MMO is there any duplication with Condition 25?</p>	<p>further reference to the 'Licence Holder' is required.</p> <p>2). Yes, this is the co-ordinate system that the MMO uses and requests in standard 'Notice to Mariners' Conditions for DMLs.</p> <p>3). The MMO would contest any notion that there is unnecessary duplication between these two conditions.</p>
DCO2.07	<p>h) Paragraph 27 (notice of determination) – in paragraph (1) what happens if the MMO does not issue a decision within 6 weeks of receiving an application? Is a deemed approval implied?</p>	<p>The MMO stresses that deemed approval would not be implied had the MMO not issued a consent decision in the timeframe for a submission. This has not been the case for any other DCO. It is standard for all post consent work submitted to the MMO for approval, that written approval and discharge of the documentation must be received.</p> <p>Furthermore, the MMO reiterates that it does not support the insertion of a 6-week timescale for any complex technical decisions. The MMO refers the ExA to Section 5.6 of our Deadline 2 response [REP2-016] for a more detailed position on this point. This is a point which has been consistently raised by the MMO across all recent examinations for NSIPs, including projects such as Hornsea 4, Sizewell C, Boston Alternate Energy Park, and Sheringham and Dudgeon Extension.</p>

6. MMO Post Issue Specific Hearing (ISH) submissions

The MMO did not attend either of these hearings but did watch them via the Livestream function on the PINS website. The MMO offers the following responses to matters raised in these hearings.

6.1 Issue Specific Hearing 3

- 6.1.1 The MMO notes the ExA point regarding the submission of hard copy documents if they are over 50 pages long. The MMO is aware that it's Deadline 2 response was longer than this and no such copy was submitted to the ExA. The MMO apologises for this omission and should we produce another document of this length, a physical copy will be supplied to the ExA.



- 6.1.2 The MMO is aware that DFDS raised concerns regarding compliance with the Marine Plans and this Project. The MMO notes this, however, we consider that these works are compliant with the Eastern Inshore and Offshore Marine Plans.
- 6.1.3 The MMO notes that the Applicants notified the ExA that they would be providing us with a signposting document regarding topics of interest and points of contention following a meeting held on 21 September 2023. The MMO received this document on 5 October 2023 which includes considerations of underwater noise, migratory fish and water and sediment quality. The MMO will review and provide comments on this document at Deadline 5.
- 6.1.4 The MMO notes that the Applicants will be submitting an updated Habitats Regulation Assessment (HRA) at Deadline 5. The MMO defers to NE as Statutory Nature Conservation Body regarding the impacts to international designated sites and the HRA for the project. The MMO would like to remind the Applicant that any mitigation secured through the HRA will need to be included within the conditions on the DML, and we will keep a watching brief on any such outcomes.

6.2 Issue Specific Hearing 4

- 6.2.1 The MMO noted that the Applicants and CLdN extensively discussed the use of the word 'Undertaker'. The MMO remains of the position that the word 'Undertaker' should be used throughout the DCO as, from an MMO perspective, we no longer advocate the use of 'licence holder' or other, similar terms such as 'company'. The MMO notes the view of other interested parties and the ExA that 'undertaker' should be used throughout.
- 6.2.2 The MMO noted the discussion between the Applicant and ExA regarding the MMO review of the entire DCO. The MMO would point out at this stage that, we take a predominant interest in the DML and reviewing the entire order on a regular basis would arguably be a waste of time and resources for the MMO. However, if the ExA is wanting the MMO's opinion on a specific article, we will gladly provide comment if necessary.
- 6.2.3 The MMO notes the discussion between the ExA and the Applicant regarding whether or not the CEMP currently submitted into the Examination should be treated as an 'Outline' document or if it should be considered a completed document at this stage. The MMO has outlined its position on this matter in Section 5 of this response in the written question related to this. We will review any further updates regarding this document as and when they are submitted into examination.
- 6.2.4 Regarding the drafting of the DML, the MMO concurs with the Applicant that constructive discussions remain ongoing regarding the DML, there has been improvements since the last representation that the MMO made on this matter, and we are also hopeful that a finalised DML will be available for submission into this examination fairly soon.

Yours sincerely,



Jack Coe
Marine Licensing Case Officer

D [REDACTED]
E [REDACTED]

