



# Marine Management Organisation

Marine Licensing  
Lancaster House  
Hampshire Court  
Newcastle upon Tyne  
NE4 7YH

[www.gov.uk/mmo](http://www.gov.uk/mmo)

Net Zero Teesside  
Case Team  
Planning Inspectorate  
NetZeroTeessideProject@planninginspector  
ate.gov.uk  
**(Email only)**

MMO Reference: DCO/2019/00003  
Planning Inspectorate Reference: EN010103

09 June 2022

Dear Sir or Madam,

## **Planning Act 2008 – Application by Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited for an Order Granting Development Consent for the Net Zero Teesside project**

### **Deadline 2 Submission**

On 16 August 2021, the Marine Management Organisation (the “MMO”) received notice under section 55 of the Planning Act 2008 (the “PA 2008”) that the Planning Inspectorate (“PINS”) had accepted an application made by Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (the “Applicant”), for determination of a Development Consent Order for the construction, maintenance and operation of the proposed Net Zero Teesside (the “DCO Application”).

This document comprises the Marine Management Organisation’s (MMO) Deadline 2 response in respect to the above Development Consent Order (DCO) Application. This is without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This is also 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.

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.

Yours Faithfully

Nicola Wilkinson  
Marine Licensing Case Officer

D +44 (0)208 026 5535  
E [nicola.wilkinson@marinemangement.org.uk](mailto:nicola.wilkinson@marinemangement.org.uk)



Copies to:

Lauren O’Connell (MMO) – Case Manager: [REDACTED]

Joseph Wilson (MMO) – Senior Case Manager:  
[REDACTED]

## Contents

1	Responses to the ExA’s Written Questions (ExQ1) .....	3
2	Responses to comments on Relevant Representations .....	4
3	Written Representation .....	4
4	Updated SoCGs .....	4
5	Updated Statement of Commonality for SoCGs .....	4
6	Comments on any other submissions received at Deadline 1 .....	5



## 1 Responses to the ExA's Written Questions (ExQ1)

1.1 MMO have submitted our responses to the ExA's Written Questions separately, in the templates provided by the ExA. However, please also see our responses inserted in Table 1 below for reference.

**Table 1: MMO responses to the ExA's Written Questions (ExQ1)**

Reference	Question directed to	Question	MMO Response
DLV.1.8: vii)	MMO	Are any viewpoints of the seascape necessary? If so, from where?	The MMO note that according to our own GIS system, that the project does not appear to be within an Area of Outstanding Natural Beauty or Heritage coast. From our initial considerations, we consider that any impacts to the seascape would be within acceptable limits and in compliance with the relevant seascape policies of the marine plan.
HE.1.2	Historic England MMO RCBC HBC	ES Chapter 19 [APP-101] relates to marine heritage. It notes at Table 19-7 that there are two known undesignated heritage assets (shipwrecks) within the site boundary and at paragraphs 19.4.26 to 19.4.32 refers to a range of potential historic environment receptors. Confirmation is sought from Historic England, the MMO, RCBC and HBC (archaeology): i) Whether or not the Applicants' assessment is accurate, and whether there are likely to be any additional previously unrecorded heritage assets; ii) If the mitigation and enhancement measures set out in section 19.7 of the ES [APP101] (including a pre-construction geoarchaeological assessment) would be appropriate; and iii) Whether R14 of the dDCO could be applicable to marine heritage assets as well as terrestrial archaeology, and any suggested amendments to wording.	The MMO defer to Historic England on the appropriateness of the assessments and mitigation as the appropriate body to comment on this subject.
SET.1.5	MMO BSAC 43	Paragraphs 20.4.26 to 20.5.7 and 20.6.29 to 20.6.41 of ES	The MMO defer to MCA, Trinity House and the local Port Authorities as the



	Teesside 43 PD Teesport Maritime Coastguard Agency The Corporation of Trinity House of Deptford Strond	Chapter 20 [APP-102] and the Navigational Risk Assessment at Appendix 20B [APP-341 to APP-343] set out the marine baseline and risk assessments for marine users. Identified parties are asked: i) Whether or not the scope of the assessments is appropriate; and ii) If not, what further assessment is required to address any outstanding concerns regarding marine users?	appropriate bodies to comment on this subject.
--	--	--	--

## 2 Responses to comments on Relevant Representations

2.1.1 The MMO has reviewed a number of Written Representations submitted at Deadline 2, and any comments on these have been set out below.

### 2.2 Environment Agency Written Representation

2.2.1 The MMO notes the Environment Agency's (EA) concerns relating to UXO clearance including concerns relating to fish migration. The MMO would like to reiterate our position of UXO's within DMLs; it is a high-risk activity and therefore we are best placed to manage it within a separate Marine Licence. This approach would allow consideration of best available evidence and technology closer to the time that the activity is taking place, and for implementation of this as appropriate. The MMO would consult the EA on any such marine licence application.

## 3 Written Representation

The MMO defer further written representation to deadline 3; this will allow us to provide comments on/review the changes to the DCO/DML

## 4 Updated SoCGs

4.1.1 The MMO provided comments on the draft Statement of Common ground at deadline 1. We are not aware of any changes that have been made to the document since then.

## 5 Updated Statement of Commonality for SoCGs

5.1.1 All topics relevant to the MMO's remit have been shaded green (Table 3.1: Table of Commonality). We would like to note that there are matters which we are yet to agree with, but we are content that these have been captured within the SoCG between the MMO and the applicant.





## 6 Comments on any other submissions received at Deadline 1

### 6.1 Net Zero Teesside Power Limited & Net Zero North Sea Storage Limited Deadline 1 Submission - 9.3 Written Summary of Oral Submission for Issue Specific Hearing 2 (ISH2)

6.1.1 The MMO are continuing to review the Written Summary of Oral Submission for ISH2. The MMO will provide any comments we have at a future deadline once the review is complete.

### 6.2 Net Zero Teesside Power Limited & Net Zero North Sea Storage Limited Deadline 1 Submission - 8.3 Statement of Common Ground with South Tees Development Corporation, Tees Valley Combined Authority and Teesworks Limited

6.2.1 The MMO note that note that STDC, TVCA & Teesworks Ltd have challenged the use of existing shafts for the outfall pipe (Work No. 5A) and are working with the applicant on a potential alternative design and route of the outfall pipe. The MMO consider that this may have an impact on the marine environment depending on if and where they move to. The MMO request to be kept up to date on these discussions.

