



Marine Management Organisation

Marine Licensing
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Net Zero Teesside
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(Email only)

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

26 October 2022

Dear Sir/Madam,

Planning Act 2008, Proposed Net Zero Teesside full chain carbon capture, utilisation and storage project

Deadline 11 Submission

This document comprises the Marine Management Organisation's (MMO) Deadline 11 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

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Contents

1	Comments on any other information submitted at Deadline 9	3
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1 Comments on any other information submitted at Deadline 9

1.1 The MMO have reviewed the information submitted for Deadline 9 and while we have no comments on the information submitted, the MMO would like to provide additional comments for the DML submitted for Deadline 8.

1.2 REP8-004 Deadline 8 Submission - 2.1 - Draft Development Consent Order Tracked Changes)

1.2.1 Part 1(1) – The MMO note that the definition for “Authorised Development” has been amended and is now similar to the definition for “licensed activities”.

1.2.2 Part 1(1) – For the definition of “relevant undertaker”, the company number must also be included in the definition.

1.2.3 Part 1(1) – The MMO are unclear on the benefit of this definition and request clarification from the applicant.

1.2.4 Part 1(1) – UK Hydrographic Office. The definition does not appear to add any value as the address is repeated at 1(4)(g). The wording across both DML’s is inconsistent. It is important that references are consistent as currently both ‘United Kingdom Hydrographic Office’ and “UK Hydrographic Office” is used.

1.2.5 Part 1(4)(d) – The wording of this provision appears incomplete. The MMO note that the wording is similar to that of the Sizewell DCO, however, in the Sizewell DCO there are further provisions which state: -

(1) Unless otherwise advised in writing by the MMO, the address for electronic communication with the MMO for the purposes of this licence is marine.consents@marinemanagement.org.uk, or where contact to the local office of the MMO is required, [state local office details] .

(2) Unless otherwise advised in writing by the MMO, MCMS must be used for all licence returns or applications to vary this licence. The MCMS address is: [insert MCMS link]

1.2.6 Paragraph under 2(2)(b)(ix) – The relevance of this paragraph in context with the provision it follows is not clear to the MMO. The MMO recommend that either clarification is provided or a new sub-paragraph created.

1.2.7 Part 1(3) – Given the definition under Part 1(1), the MMO do not consider that the insertion of the text “related to Work No. 5A and Work No. 5B” is necessary as the term “licensed activities” is a defined term which means the works specified in Part 1 of the licence.



- 1.2.8 Part 1, table 9 & 10 – It is not clear why the description has been removed. The MMO felt it provided clarity and certainty to the DML and consider it would be prudent for the description column to remain.
- 1.2.9 Part 1(6) – Details of the provision should be inserted after the reference to section 108 (at Line 4), in the same way as it appears after section 106 (at line 2).
- 1.2.10 Part 1(7) – The MMO note that section 72 should apply in its entirety to the licence and the provision should end with a full stop after “apply to this licence” on line 2. The MMO recommend that the relevant provisions of the DCO should be amended accordingly.
- 1.2.11 Part 1(9) and Part 2(30) – The MMO note the substantial duplication between the two provisions and request information as to the inclusion of Part 1(9) in light of Part 2(30).
- 1.2.12 Part 2 (11)(3)(b)&(c) – The MMO note the change from “authorised deposits” to “dredge arisings” and request clarification on why this has been amended.
- 1.2.13 Part 2 (11)(6) – The MMO note that the details for providing notification to the MMO licensing team within 24 hours of issue has been removed and would like to see this reinstated. It is important that the MMO licensing team has this information available and not just the MMO coastal office.
- 1.2.14 Part 2 (11)(7)(a) – In accordance with Office of Parliamentary Counsel, guidance numbers 1-10 inclusive are expressed in words and all others as numerals. ‘Fourteen’ should therefore revert to ‘14’ etc.
- 1.2.15 Part 2 (11)(7) – The MMO note that the requirement to notify the MMO has been amended from 24 hours to 5 days. The MMO are unsure as to why this has been changed and no justification has been provided. The MMO recommends this is changed back to 24 hours.
- 1.2.16 Part 2 (11)(9) – The MMO recommend the applicant should consider the structure of the provision. For example, the MMO recommend that “of the licensed activities” be dropped into the line below to ensure that the requirements at sub-paragraphs (a) and (b) are clear and unambiguous.
- 1.2.17 Part 2 (11)(10) – The MMO note that as with paragraph 1.2.15 of this response, the timeframe of which to notify the MMO has been amended to 5 days. The MMO recommends this is changed back to 24 hours



- 1.2.18 Part 2 (11)(12) – The MMO suggest it would make sense to include the email address for Kingfisher within the Interpretation section, so that it then not necessary to repeat it within the text of the provisions – as in the case of 11(7) and 11(12).
- 1.2.19 Part 2 (11)(12) – Further, the reference to Kingfisher Information Service of Seafish is unnecessarily repeated at line 6 and the MMO cannot see any need to notify them twice.
- 1.2.20 Part 2 (12)(1) - The plan must be submitted in writing and approved in writing by the MMO – the provision should be amended accordingly – see Condition 16.
- 1.2.21 Part 2 (14) – The MMO recommend the wording “submitted in writing” is included, as worded in condition 12.
- 1.2.22 Part 2 (14)(6) – The MMO note that there is a lack of consistency in the conditions of the licence and that this provision should feature in all relevant conditions with appropriate amendments.
- 1.2.23 Part 2 (15)(1) & (15)(2)(c) – There appears to be a contradiction as to who should provide the information. The MMO recommend the deletion of “by any agent, contractor or subcontractor” from the end of 15(2)(c).
- 1.2.24 Part 2 (16)(2) – The MMO recommend for clarity and certainty it should state “written scheme of archaeological investigation” not simply “scheme” unless the term is defined.
- 1.2.25 Part 2 – The MMO note that if the DML is to include UXO detonation then provisions to report information to the Joint Nature Conservation Committee Marine Noise Registry should be included. The MMO recommend the inclusion of the following provision:

(1) Only when driven or part-driven pile foundations or detonation of explosives are proposed to be used as part of the foundation installation the undertaker must provide the following information to the Marine Noise Registry—

(a) prior to the commencement of the licenced activities, information on the expected location, start and end dates of impact pile driving / detonation of explosives to satisfy the Marine Noise Registry’s Forward Look requirements;

(b) within 12 weeks of completion of impact pile driving/detonation of explosives, information on the locations and dates of impact pile driving / detonation of explosives to satisfy the Marine Noise Registry’s Close Out requirements

(2) The undertaker must notify the MMO of the successful submission of Forward Look or Close Out data pursuant to sub-paragraph (1) above within 7 days of the submission.

(3) For the purpose of this condition—



(a) “Marine Noise Registry” means the database developed and maintained by JNCC on behalf of Defra to record the spatial and temporal distribution of impulsive noise generating activities in UK seas;

(b) “Forward Look” and “Close Out” requirements are as set out in the UK Marine Noise Registry Information Document Version 1 (July 2015) or any updated information document.

- 1.2.26 Part 2 (23) – The MMO recommend that a provision similar to condition 16(3) is also included within this provision, to provide consistency across conditions within the DML.
- 1.2.27 Part 2 (23) – The MMO recommend the following additional wording is included at the end of the requirement/in place of “informed, as required, by the MMO Conservation Team”: “following current best practice as advised by the relevant statutory nature conservation bodies”.
- 1.2.28 Part 2 (23)(6) – There is a small consistency error. Line 3 the “three” should be a numeral “3”.
- 1.2.29 Part 2 (23)(6) – This condition should state that the UXO clearance report must be submitted in writing to the MMO.
- 1.2.30 Part 2 (23)(7) – For continuity the word “in writing” should be placed after “agreed”
- 1.2.31 Part 2(26) – The definition for “order limits” was removed from the last version of the DML (REP8-004) – The MMO recommend this is reinstated or an explanation of what definition is now relevant for this term included.
- 1.2.32 Part 2(29)(1) – The MMO recommend the last sentence which has been deleted in REP8-004 is reinstated, the MMO are not aware of any justification for its removal.

