

**From:** [Wilson, Joseph \(MMO\)](#)  
**To:** [York Potash Harbour](#)  
**Cc:** [Chumbley, Adam \(MMO\)](#); [Griffiths, Jayne \(MMO\)](#); [Thomson, Morag](#); [Matt Simpson](#)  
**Subject:** 151120 TR030002 MMO - comments on responses to Ex Authority second written questions  
**Date:** 20 November 2015 15:22:47  
**Attachments:** [ExA Deadline 5 Response 201115.pdf](#)

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Good afternoon,

Please find attached the Marine Management Organisation's comments on the responses to Examining Authority's second written questions for deadline 5.

Kind regards,

Joseph Wilson  
Marine Licensing Case Officer  
Her Majesty's Government – Marine Management Organisation  
Lancaster House, Hampshire Court,  
Newcastle upon Tyne NE4 7YH.  
Tel: 0191 376 2710  
Fax: 0191 376 2681  
Web: [www.gov.uk/mmo](http://www.gov.uk/mmo)  
Twitter: @the\_MMO

Enabling sustainable growth in our marine area

The Marine Management Organisation (MMO)

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Marine Development  
Lancaster House  
Hampshire Court  
Newcastle Upon Tyne  
NE4 7YH

T +44 (0) 300 123 1032  
F +44 (0) 191 376 2681  
[www.gov.uk/mmo](http://www.gov.uk/mmo)

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

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

20 November 2015

Dear Mr Robottom,

**PROPOSED YORK POTASH HARBOUR FACILITIES  
COMMENTS ON RESPONSES TO EXAMINING AUTHORITY'S WRITTEN  
QUESTIONS (Deadline 5)**

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 comments on responses to the Examining Authority's written questions on 9 November 2015.

As per the email between the MMO and the applicant dated 29 October 2015 I can confirm that the MMO is now content that all issues raised within the response provided by the applicant or within the appendices, have now been addressed excluding the ongoing issue detailed below.

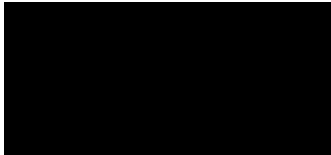
Despite our previous correspondence where concerns were highlighted regarding the use of the word "permitted" on page 55 – Schedule 5 – Part 4 – Conditions - 17. (1) (of the draft DCO dated 6 November 2015) and the suggestion that this is amended to "refused" the applicant has failed to make this change. The MMO also objects to the use of timescales as detailed within 17. (2) and (3).

The MMO is reliant upon the use of technical advisors in assessing reports and methodologies. Whilst we can understand that the applicant would not want to see the development held up by the MMO, we would not unreasonably delay our responses and would do everything within our powers to process requests as quickly as possible when approving reports. However, we cannot rule out the possibility where we could be in a position to be unable to make a decision within the proposed timescales especially if the topic is particularly complex, or if additional information is required.

If deemed permission is included it would be an unprecedented approach and could give an applicant the incentive to submit substandard reports, or to delay additional information so that permission becomes granted automatically, without the

necessary consideration, to the detriment of the environment. However, if deemed refusal is included in its place an applicant would have the incentive to provide the MMO with good quality reports at the earliest possible opportunity, clearly signposting the relevant information to enable assessment and consideration to be undertaken as quickly as possible.

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



Jayne Griffiths  
Marine management Organisation

CC:  
Adam Chumbley – MMO  
Joe Wilson – MMO  
Morag Thomson – Eversheds  
Matt Simpson – Royal Haskoning