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To: [York Potash Harbour](#)
Cc: [Thomson, Morag](#); [Matt Simpson](#); [Hall, Deborah \(NE\)](#); [Sked, Cameron](#); [Wilson, Joseph \(MMO\)](#); [Griffiths, Jayne \(MMO\)](#)
Subject: 151214 TR030002 MMO - Response to ExA's questions
Date: 14 December 2015 13:00:15
Attachments: [ExA Deadline 6 Response.pdf](#)

Good Afternoon.

Please find attached response to Examining Authorities questions for deadline 6 from Marine Management Organisation.

Kind regards

Adam

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Enabling sustainable growth in our marine area.

The Marine Management Organisation (MMO)

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

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

14 December 2015

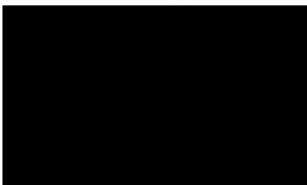
Dear Mr Robottom,

**PROPOSED YORK POTASH HARBOUR FACILITIES
RESPONSE TO EXAMINING AUTHORITY'S DRAFT DCO, REPORT ON THE
IMPLICATIONS FOR EUROPEAN SITES (RIES) AND COMMENTS FROM ISSUE
SPECIFIC HEARING ON DCO (Deadline 6)**

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 25 November 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.



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 questions

(2)	Question to	Question	MMO Response
Panel Ref.			
Paragraphs 2.8 – 2.10 of the RIES	Marine Management Organisation (MMO) and Natural England (NE)	Please can NE confirm, in accordance with the requirements of Regulation 63 of the Habitats Regulations ¹ (review of existing decisions and consents), that they are satisfied that the applicant has assessed effects on Common tern and the implications of the possible extension to the Teesmouth and Cleveland Coast SPA?	MMO has agreed with Natural England the that the amended wording provided by the applicant adequately reflects the agreed revised wording
Paragraph 4.24 of the RIES (and Integrity Matrices 1 and 2 (footnote c) of Annex 2 of the RIES)	Marine Management Organisation (MMO) and Natural England (NE)	Please can NE and the MMO confirm that the amended wording provided by the applicant in Paragraph 7 of Part 2 and Condition 48 of Part 4 of Schedule 5 (the DML) of the draft DCO, in the version of the draft DCO provided at Deadline 4 [REP4-053 and REP4-054], adequately reflects the revised wording as agreed between the applicant, NE and the MMO, as documented in NE's and MMO's Deadline 4 representations ([REP4-009] and REP4-010] respectively)?	MMO has agreed with Natural England the that the amended wording provided by the applicant adequately reflects the agreed revised wording
Paragraph 4.30 of the RIES (and	Marine Management Organisation	Please can NE and the MMO confirm that the amended wording provided by the applicant in Requirement 9 of Schedule 2	MMO has agreed with Natural England the that the amended wording provided by the applicant adequately reflects the agreed revised wording



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Integrity Matrices 1 and 2 (footnote e) of Annex 2 of the RIES)–	(MMO) and Natural England (NE)	of the draft DCO provided at Deadline 4 [REP4-053 and REP4-054] adequately reflects the revised wording as agreed between the applicant, NE and the MMO, as documented in NE’s and MMO’s Deadline 4 representations ([REP4-009] and REP4-010] respectively)?	
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Comments on the ExA’s DCO and Issue specific hearing

The MMO is content that the drafted DCO and DML set out its provisions and mitigation for protection of the marine environment. In Schedule 5, the DML in paragraph 2 the e mail address should read marine.consents@marinemanagement.org.uk

The MMO acknowledge the Inspectors comment A7 regarding deemed permission or deemed refusal, that the MMO expressed to the Inspector during the Issue specific hearing on 24 November 2015. After the hearing, the MMO provided the ExA with definitions as requested.

The MMO has no concerns with comment A5, if the applicant wishes to extend the time frame of the licence to allow the phasing to be completed. The MMO has not seen a revised time from the applicant.