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(By Email only)

MMO Reference: DCO/2022/00008  
Planning Inspectorate Reference: EN020026  
Identification Number: [REDACTED]

09 January 2026

Dear Sir or Madam,

**Planning Act 2008, National Grid Electricity Transmission, Proposed Sea Link Project**

**Deadline 3 Submission**

On 23 April 2025, 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 National Grid Electricity Transmission, (the “Applicant”) for determination of a development consent order (“DCO”) for the construction, maintenance and operation of the proposed Sea Link Project (the “DCO Application”), (MMO ref: DCO/2022/00008 PINS ref:EN020026). The DCO includes a Deemed Marine Licence (DML) in Schedule 16.

The Applicant seeks authorisation for the construction, operation and maintenance of the Sea Link interconnector, comprising of approximately 122 kilometres (“km”) High Voltage Alternating Current (“HVAC”) cable between the Suffolk landfall location (between Aldeburgh and Thorpeness) and the Kent landfall location at Pegwell Bay (the “Project”).

This document comprises the MMO’s submission for Deadline 3.

This written representation is submitted without prejudice to any future representation the MMO may make about the Application throughout the examination process. This representation is also submitted 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.

Yours sincerely



Marine Licencing Case Officer

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## 1. Responses to ExQ1 issued 17 December 2025

ExQ1	Question	MMO Response
1GEN58.	<p><b>Schedule 16 DML – condition 4(4)</b></p> <p>Part 2 condition 4(4) includes provision for deemed consent where the MMO fails to give a decision within 16 weeks.</p> <p>In this situation, the programme, statement, plan, protocol or scheme would be deemed to be approved by the MMO. Provide your views on this provision for deemed consent.</p>	<p>The MMO does not agree with the wording of this condition. As stated in our Relevant Representation [RR-3476], the MMO considers that it is inappropriate to put timeframes on complex technical decisions.</p> <p>The time it takes the MMO to make such determinations depends on the quality of the application made, and the complexity of the issues and the amount of consultation the MMO is required to undertake with other organisations to seek resolutions.</p> <p>The MMO's position remains that it is inappropriate to apply a strict timeframe to the approvals the MMO is required to give under the conditions of the DML given this would create disparity between licences issued under the DCO process and those issued directly by the MMO, as marine licences issued by the MMO are not subject to set determination periods. Whilst the MMO acknowledges that the Applicant may wish to create some certainty around when it can expect the MMO to determine any applications for an approval required under the conditions of a licence, and whilst the MMO acknowledges that delays can be problematic for developers and that they can have financial implications, the MMO stresses that it does not delay determining whether to grant or refuse such approvals unnecessarily. The MMO makes these determinations in a timely manner as it is able to do so.</p> <p>It is therefore not appropriate for any programme, statement, plan, protocol or scheme to be deemed to have approval if it is not approved by the MMO within 16 weeks. The MMO's view is that it is for the developer to ensure that it applies for any such approval in sufficient time as to allow the MMO to properly determine whether to grant or refuse the approval application.</p>

1GEN60	<p><b>Schedule 16 DML – condition 13</b></p> <p>Provide an explanation of the purpose and effect of condition 13, including justification for the 10 year period. Update the explanatory memorandum accordingly. MMO to provide their view on condition 13.</p>	<p>The MMO is currently reviewing this condition and will provide further comments at a following deadline.</p>
1GEN67	<p><b>Surveys and monitoring conditions</b></p> <p><b>Applicant</b> - It is common with DMLs as part of DCOs which have an offshore element for there to be a condition requiring details of planned pre-construction surveys and monitoring to be agreed with the MMO and NE. Notwithstanding the details within the submitted oOCEMP, is there a need for such a condition to be within the DML to secure this? Similarly, is there a need for a condition within the DML for post-construction monitoring, to include adaptive management where necessary, with details and methodology to be first agreed with MMO and NE?</p> <p><b>NE and MMO</b> - If considered necessary is there wording that could be suggested.</p>	<p>The MMO is currently reviewing this and are liaising with Natural England.</p> <p>Therefore, the MMO defers a response to a following deadline.</p>

<p>1PE3</p>	<p><b>Suspended sediments and contamination</b></p> <p>Do any of the areas of sediment bound contamination along the marine cable route identified as exceeding CEFAS Action Level 1 in section 1.7 of [REP1-051] require special working arrangements to minimise adverse effects (for example, adjacent to Goodwin Sands or within Pegwell Bay?).</p>	<p>The MMO notes that in the sample results provided to the MMO that trace metal results are below UK Action Level (AL) 1 with the exception of arsenic, chromium and nickel which exceed their AL1 marginally in ten, two, and two samples respectively. The Polycyclic Aromatic Hydrocarbon (PAH) results are observed to be predominantly below the Limit of Detection (LOD), and where above the LOD, are very low level (~1 -4ppb). These results are considered to pose a very low risk to the marine environment and therefore do not preclude the material from disposal at sea.</p> <p>Section 1.7.83 of the Marine Sediment Quality section of Chapter 1 Physical Environment document provides the Applicant's assessment of the results. They state "<i>Cefas Action Level 1 threshold values were exceeded at 32 sites for arsenic (As), two sites for cadmium (Cd), five sites for chromium (Cr), one site for copper (Cu), one site for lead (Pb), 22 sites for mercury (Hg), two sites for nickel (Ni) and two sites for Zinc (Zn). These trace metals were found at all of the sampling sites, however none of the samples exceeded the CEFAS (MMO, 2014) Action Level (AL) 2 threshold. THC concentrations varied along the survey route and did not exceed the Dutch RIVM intervention value, which is a generic sediment quality standard used to classify 2 Cefas Action Levels are used to determine whether dredged material is suitable for disposal at sea, by providing a proxy risk assessment for potential impacts to biological features such as fish and benthos. PAH concentrations exceeded CEFAS (MMO, 2014) AL 1 and CCME ISQG (CCME, 2001) threshold values for three PAHs at one grab sample station within the Offshore Scheme Boundary, located at approximately KP 5.3. 1.7.88 Overall, concentration levels from within the survey area were not observed at levels that are of concern</i>".</p> <p>The Applicant considers there to be more exceedances of trace metal determinands than our assessment. However, the MMO cannot comment on THC as these results were not provided.</p> <p>The MMO also wish to make it clear that the above comments are based on a preliminary review and on the assumption that they are representative of the full cable route and therefore have not been plotted to check their coverage. This is due to time constraints in responding to EXQ1.</p>
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		The MMO is therefore still undergoing review of the sample results provided and may provide further comments at Deadline 4.
1PE4	<p><b>Need for designated disposal area</b></p> <p>[REP1-051] table 1.18 explains that there is no designated disposal area and that dredged sediment would be disposed within the offshore scheme boundary within the area of pre-sweeping. Confirm whether a designated dredge disposal area is required for any element of the proposed cable route.</p>	The MMO notes that for non-trenchless techniques that the Applicant may wish to undertake some sort of bed levelling/sandwave clearance (potentially dredging) for these parts of the route. Therefore, the MMO considers that any area of the cable route using non-trenchless techniques are likely to require designated disposal sites. This is in line with the East Anglian 1 North Export Cable Corridor project which was designated under the code TH082.
1PE9	<p><b>Microplastics arising from rock armour</b></p> <p>In other NSIP examinations (for example for Morecambe Offshore Windfarm) the MMO and NE highlighted concerns regarding microplastics. Are MMO or NE aware of any constraints relating to the generation of microplastics from rock armour solutions for this project (for example from rock bags) and if so, are any specific control measures for microplastics required?</p>	<p>The MMO is currently reviewing this and liaising with Natural England.</p> <p>Therefore, the MMO defers a response to a following deadline.</p>
1MM14	<p><b>HRA – Conclusions regarding prey availability</b></p> <p>NE has deferred to CEFAS on impacts associated with prey availability impacting marine mammal species. Can CEFAS confirm it agrees with the applicant's conclusion of no LSE to Annex II marine mammal European sites from indirect effects due to availability of prey species. If not, explain why.</p>	The MMO is currently reviewing this alongside our scientific advisors at Cefas. Due to availability and time constraints over the Christmas period, the MMO defers its response to Deadline 4.
1SN16	<p><b>Consultation with MCA</b></p> <p>Provide confirmation that there would be provision for the MCA to be consulted on the discharge of relevant shipping and navigation related conditions in the DML.</p>	<p>The MMO during the discharge of a return will consult with those stakeholders it considers relevant.</p> <p>In this instance the MMO will consult with the MCA on conditions involving shipping or navigation.</p>

## 2. Updated versions of principal areas of disagreement summary statements (PADSS).

- 2.1. The MMO has reviewed its PADSS submitted on 28 August 2025 and considers that the document has remained unchanged. Please refer to AS-080 to view the MMO's PADSS.

## 3. Comments on any further information/submissions received by Deadline 2

- 3.1. The MMO has reviewed some of the submissions received at Deadline 2. However, due to the time from submission to publication and due to availability during the Christmas/New Year period, a full review has not been possible. The MMO will therefore provide further comment, where required, at Deadline 4.
- 3.2. The MMO notes ongoing discussions with the Applicant and relevant stakeholders. The MMO reminds the Applicant that any agreed submissions, mitigations (e.g. temporal or spatial), or other measures required, be secured by conditions within the Deemed Marine Licence.

## Comments relating to the Draft Development Consent Order and Deemed Marine Licence

### Main DCO

#### 3.3. **Part 2 Principal Powers**

##### 7. Consent to Transfer the Benefit of the Order

The MMO reiterates our previous position regarding the Transfer of the Benefit of the Order.

If the application for the DCO is granted, the MMO will be the regulatory authority responsible for the enforcement of the provisions of the DMLs. As a result, it has to retain a record of the DML and who holds the benefit of that licence in order to be able to fulfil its statutory responsibilities as it does in respect of any other Marine Licence.

The Marine and Coastal Access Act ("the 2009 Act") addresses the procedure for transfer of a Marine Licence as follows:

"(7) On an application made by a licensee, the licensing authority which granted the licence—

(a) may transfer the licence from the licensee to another person, and

(b) if it does so, must vary the licence accordingly.

(8) A licence may not be transferred except in accordance with subsection (7)."

The purpose of these provisions is to ensure that there is at all times a record of the person who has the benefit of the licence. That is because pursuant to the Marine and Coastal Access Act 2009 section 65(1), no person may carry on a licensable marine activity, or cause or permit any other person to carry on such an activity, except in accordance with a marine licence granted by the appropriate licensing authority. A person who contravenes section 65(1) or fails to comply with any condition of a marine licence, commits an offence (see section 85(1) of the 2009 Act).

Thus, it is a key part of the enforcement provisions of the 2009 Act, that the MMO maintains a record of the person who has the benefit of a marine licence at all times.

In practice, the process of obtaining a transfer is relatively quick. Whilst the MMO officially indicates that this can take up to 13 weeks, it is an administrative task and in practice often much quicker and around 6 weeks. The MMO is not required to consult with any other body. As far as it is aware, the MMO has never refused a request to transfer a Marine Licence.

As presently drafted, dDCO Article 7(1) creates a power whereby the undertaker with consent of the Secretary of State can:

- (a) transfer to another person ("the transferee") any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee;
- (b) grant to another person ("the lessee") for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.

Article 7(4) also provides a power to the undertaker to:

- (a) Where an agreement has been made in accordance with paragraph 2(a), transfer to the transferee the whole of any of the deemed marine licences and such related statutory rights as may be agreed between the undertaker and the transferee; or
- (b) Where an agreement has been made in accordance with paragraph 2(b), transfer to the lessee for the duration of the period mentioned in paragraph 2(b), the whole of any of the deemed marine licences and such related statutory rights as may be so agreed.

The consent of the Secretary of State to a transfer/grant pursuant to Article 7(1) or 7(4) is required except where Article 7(5) is applied. Where the Secretary of States consent is required, the dDCO provides that:

- (5) The Secretary of State must consult the MMO before giving consent to the transfer or grant to another person of the benefit of the provisions of the deemed marine licences.

### Basis for objection

The MMO raises objection to Article 7 in relation to:

- a) The procedure seeking to duplicate the existing statutory regime set out in s72 of the 2009 Act
- b) The proposed procedure being cumbersome, more administratively burdensome, slower and less reliable than the existing statutory regime set out in s72 of the 2009 Act;
- c) The power for an undertaker to grant a DML;



- d) The basis for disapplication of the need for Secretary of State's consent to a transfer/grant for DML is unrelated to any matters relating to marine licensing.
- e) The overall effect on the ability of the MMO to enforce the marine licensing regime in respect of any transferred or granted DML.

### Previous DCOs

It is acknowledged that DCO's previously granted have removed the effect of s72 of the 2009 Act and made provision for the transfer of DMLs including by way of example, Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm, Times Tideway Tunnel DCO and Sizewell C DCO. The MMO has consistently challenged provisions of this nature in draft DCOs as the existing statutory procedure is to be preferred to mitigate risk on all parties by using established mechanisms. For instance, the MMO has contested this in the recent Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm (OWF) DCO, Rampion 2 OWF DCO, Immingham Green Energy Terminal DCO and the Immingham Eastern Ro-Ro Terminal.

The MMO notes that very few if any of the relevant Examining Authorities ("ExAs") of these projects explain the rationale for the approach adopted. The same is true of the relevant decision letters. The MMO requests that the Applicant provides the MMO with any ExA Report or Decision letter which explains why the approach it seems to adopt in the dDCO is appropriate or indeed to be preferred to the existing statutory procedures.

The MMO, of course, accepts that there is a need for consistency in decision making. However, a decision maker is not bound by previous decisions and can depart from them where there is good reason to do so.

If the Secretary of State in the present case determined that on balance, the existing statutory mechanisms relating to transfer of marine licences is to be preferred to the mechanism proposed in the dDCO, then it is open to him to so determine provided he gives reasons for so doing. The absence of any reasoned decision which determines the point previously and which provides a rationale for departing the existing statutory mechanism is a reason to look at this issue again.

### Materially Inferior Procedure

As explained above, the statutory system for transfer requires an application to the MMO. There is no further consultation, and the transfer is given effect by amendment to the licence holder section of the Marine Licence. The MMO does not have any relevant statutory or non-statutory policy relating to the transfer of a licence – it is essentially a purely administrative act to ensure that the licence contains the name of the person with the benefit of the licence. As explained, as far as the MMO is concerned it has never refused an application for a transfer.

In contrast, the dDCO Article 7 procedure requires:

1. Pre-application consultation with the Secretary of State

2. An application to the Secretary of State;
3. Consultation with the MMO;
4. A decision by the Secretary of State;
5. Notification of the decision;

Given the contrast between the two procedures, the MMO does not consider that the dDCO procedure has any material procedural or administrative advantages over the existing statutory process. Indeed, the dDCO procedure is decidedly more complex, is more administratively burdensome for all parties, and will take longer to give effect to a transfer. The MMO believes that as a result the dDCO should be amended to remove the mechanisms to enable transfer of the DMLs and to remove the exclusion of the existing s72 process; the statutory regime which already exists is a much better option for all and should remain applicable.

#### Schedule 16 – Deemed Marine Licence

- 3.4. **Definitions** – The MMO head office has now changed and the address should be updated to:

Marine Licensing  
Tyneside House  
Skinnerburn Road  
Newcastle Business Park  
Newcastle upon Tyne  
NE4 7AT

- 3.5. **Part 2 conditions – Extension of time periods**

The MMO notes that this condition as written applies to any timeframe within the DML. The MMO is currently reviewing this condition as there may be statutory deadlines that have fixed timescales. Furthermore, the wording is not included in a standard marine licence and the MMO does not consider it necessary. All conditions within the DML should include all information relevant to that condition, including in relation to time periods.

- 3.6. **Force Majeure**

The MMO does not consider that this provision is necessary as Section 86 of Marine and Coastal Access Act 2009 (MCAA) provides a defence for action taken in an emergency in breach of any licence conditions. The MMO requires justification or rationale as why this provision is considered necessary.

It is not something that the MMO would include in standalone marine licences. PINS own Guidance Note 11 says that DMLs should be broadly consistent with standalone marine licences.

The MMO understands that Force Majeure is about events, situations and circumstances that arise which are outside of a person's control.

Currently the condition wording used is drafted to apply for stress of weather or any other cause which is very broad. It could cover anything, including causes which are

entirely within the master's control such as negligence matters. Currently the MMO believes Condition 9 in Schedule 16 does not meet the five tests as set out in the National Planning Policy Framework for a number of reasons:

- Necessary;
- Relevant to planning;
- Relevant to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

#### Necessary:

Section 86(1)(b) and 86(2) of MCAA, for the defence to be relied on, states that the person relying on it must inform the MMO that the act was carried out, tell it where it was carried out, the circumstances in which it was carried out, and what articles/objects were concerned. The inclusion of Condition 9 in Schedule 16 removes this defence and replaces it with a wider and less stringently controlled authorisation to deposit articles/substances and the MMO does not believe this is necessary.

#### Enforceable:

The condition as it stands is too subjective and therefore unenforceable and this due to the fact that it is down to the master to determine whether it is necessary to make the deposit and there are no defined criteria.

#### Precise:

The condition is also not restricted to Force Majeure situations or 'no fault situations', due to the inclusion of 'any other cause'. The MMO questions this wording and why this has been included?

#### Reasonable:

The test set in Condition 9 in Schedule 16 must be met to allow these deposits to be made is a much lower threshold test to that set in Section 86 of MCAA. This is because the safety of human life and/or the vessel is threatened is not the same as for the purpose of saving life or securing the safety of the vessel. The MMO questions why these masters and vessels be treated more favourably than others in this situation?

The inclusion of 'The unauthorised deposits must be removed at the expense of the undertaker unless written approval is obtained from the MMO', also goes against the MMO's regulations. This is because the MMO would not be able to give permission for the removal of the deposit without a marine licence and if this incident occurred outside the red line boundary this would not be included within the DML. In addition to this there would not be an exemption as the deposit would not be classed as accidental.

To summarise the MMO does not agree with the Applicant's reasons for including this provision. The condition should be removed, as the defence (Section 86 of MCAA) will apply if the Applicant or vessel masters needs to make a deposit for a Force Majeure reason.