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

29 April 2026

Dear Sir or Madam,

Planning Act 2008, National Grid Electricity Transmission, Proposed Sea Link Project - Deadline 7 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 7.

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.

[redacted]

Marine Licensing Case Officer

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Contents

1. Summary statements from parties regarding matters that they have previously raised during the Examination and that have not been resolved to their satisfaction

1.1. Comments relating to the Draft DCO and DML

1.1.1. The MMO has raised a number of issues during examination particularly around the Draft DCO and DML.

1.1.2. Concerns over 'Part 2: Principal Powers' were raised in the MMO's Deadline 3 Submission [REP3-094] and again at Deadline 6 [REP6-268]. The MMO's position is reiterated below:

6. Benefits of the Order & 7. Consent to Transfer 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 DML. 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 DCO.

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.

1.1.3. Concerns over 'Force Majeure' were raised in the MMO's Deadline 3 Submission [REP3-094] and again at Deadline 6 [REP6-268]. The MMO's position is reiterated below:

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.

1.1.4. The MMO notes that Section 9 of Part 1 refers to the benefit of the Order, for the reasons set out in 1.1.2 above the MMO continues to strongly object to the inclusion of this.

1.1.5. The MMO notes the use of the word "unlikely" in Schedule 16, Part 1(11):

"Any amendments to the details, plan or scheme must be in accordance with the principles and assessments set out in the environmental statement, and approval for an amendment may be given only where it has been demonstrated to the satisfaction of the MMO that the amendment is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement."

The MMO considers the word "unlikely" to be too broad and introduces an unacceptable level of uncertainty regarding the potential for new or materially different environmental effects. The MMO, in order to ensure that any amendments are assessed against a robust threshold, requests that "unlikely" be replaced with "will not". This also ensures consistency with the existing terminology used on Marine Licences.

Part 2 Conditions

1.1.6. The MMO notes that the comments raised in the MMO's Deadline 4 [REP4-126] and Deadline 6 responses [REP6-268] regarding Section 4 (a), that "in general accordance" has now been replaced with "in substantial accordance". Section 4 of the MMO's Deadline 4 response [REP4-126] for Issue Specific Hearing additional questions noted that:

The MMO's position is that "in general accordance" allows for there to be a margin of difference and we therefore request that the wording of this condition be changed to "in accordance with".

The MMO therefore again requests that the wording be updated to "in accordance with".

1.1.7. The MMO requests that "carry on any licensed activity" in 5 (1) (a) be amended to "carry out any part of any licensed activity".

1.1.8. The MMO notes the change requested in Deadline 5 [REP5-175] regarding the requested change to Condition 7 (3) (a)-(c), to state:

"(3) The undertaker must during the whole period from the commencement of construction of the authorised project to the completion of decommissioning keep Trinity House and the MMO informed of progress of the authorised project including;"

Is not reflected in the latest dDCO/DML [REP6-004]. This inclusion will align the condition with other DMLs previously consented and allow the MMO to ensure the Applicant is complying with the conditions.

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

SEA LINK PROJECT EN020026

Marine Management Organisation Principal Areas of Disagreement Summary Statement (PADSS)

Finalised: 29 April 2026

The MMO has prepared the below Principal Areas of Disagreement Summary Statement for Deadline 7, dated 29 April 2026.

This original request for PADSS (dated 8 July 2025) stated that this should be in a table format (similar to a Scott Schedule), addressing the following concerns:

- The principal issue in question
- A brief explanation of the concerns held by the party which they will report on in full in LIR/WRs'
- On a without prejudice basis what, in the part's view, needs to change/be amended/included so as to overcome the disagreement; and
- In the opinion of that party, the likelihood of the concern being addressed during the examination stage.

The MMO provided its PADSS for the Sea Link project as per the above requested format, in August 2025 and updated for Deadline 7 on 28 April 2026. The MMO and the Applicant have also been in discussions regarding a Statement of Common Ground (SoCG) which will be submitted at Deadline 7

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Ref	Area of Concern	Explanation	Remedy Measures	Likelihood of Resolution
1	Draft Development Consent Order Part 2 Principal Powers 7 Consent to transfer benefit of the Order	The MMO objects to the inclusion of Article 7 as this provision operates to make the decision that of the undertaker, with the Secretary of State (SoS) providing consent to the transfer, rather than the MMO as the regulatory authority for marine licences considering the merits of any application for a transfer. These provisions should be removed and any transfer should be subject to the existing regime under the 2009 Act, with the decision maker remaining the MMO.	Article 7(1) states*: The undertaker may, with the consent of the Secretary of State –* *— (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*;" The MMO considers that this is a clear departure from the 2009 Act, which would normally require the licence holder (here 'the undertaker') to make an application to the MMO for a licence to be transferred. Instead, this provision operates to make the decision that of the undertaker, with the Secretary of State providing consent to the transfer, rather than the MMO as the regulatory authority for marine licences considering the merits of any application for a transfer. Parliament has already created a statutory regime for such a process and it is unclear what purpose the written consent of the SoS actually serves. If the intention is for the undertaker to be able to transfer the benefits under the terms of the DCO outside the established procedures under 2009 Act, the MMO queries why is it	The Applicant disagrees with MMO's position. This issue remains unresolved.

			considered necessary or appropriate for the SoS to 'approve' the transfer of the DML. It is also unclear what criteria the SoS would be taking in determining whether to approve any transfer, and how this would differ from a consent granted by the MMO under the existing 2009 Act regime. Because of this confusion and potential duplication, it is the position of the MMO that these provisions are removed and that any transfer should be subject to the existing regime under the 2009 Act, with the decision maker remaining the MMO. Article 7(1)(b) gives the right to temporarily transfer the benefits of the DCO (including DML) to a third party. "*7(1)(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 and such related statutory rights as may be so agreed."* The MMO resists the inclusion of this article. The MMO does not recognise that this would create a more streamlined system. Rather it simply operates to create an additional administrative procedure for marine licences (and one not envisaged by Parliament) and with no clarity in how it will operate.	

2	Draft Development Consent Order Schedule 16, Deemed Marine Licence Part 1 (9)	The MMO notes that this states the provisions of section 72 of the 2009 Act apply to this licence except that the provisions of section 72(7) and (8) relating to the transfer of the licence only apply to a transfer not falling within article 6 (benefit of the Order). The MMO disagrees with this inclusion.	The MMO highlights our previous comments above regarding the benefit of the order.	The Applicant disagrees with MMO's position. This issue remains unresolved.
3	Draft Development Consent Order Article 62 (Arbitration)	The MMO disagrees with this provision for arbitration. Consents and approvals of the MMO should not be subject to arbitration, and recent DCOs have added in an extra provision related to this.	It must be made expressly clear that the MMO is not to be subject to the arbitration provisions. This must be amended to specifically exclude the MMO, as below: "Any matter for which the consent or approval of the Secretary of State of the MMO is required under any provision of this Order is not subject to arbitration".	This was amended in the DCO in line with the MMO's comments, removing the requirements of arbitration. This issue remains resolved.
4	Draft Development Consent Order Schedule 16, Deemed Marine Licence, Part 2 2. (Extension of time periods)	Under this provision any time period given in the licence to either the undertaker or the MMO may be extended with the agreement of the other party in writing such agreement not to be unreasonably withheld or delayed. The MMO considers this is not necessary.	The MMO does not agree with the inclusion of this and requests that it is removed. 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.	This issue remains unresolved.

5	Draft Development Consent Order Schedule 16, Deemed Marine Licence, Part 2 4. (1) Cable Specification and Installation Plan timescale	This provides that licensed activities must not commence until a cable specification and installation plan document has been submitted and approved in writing by the MMO and that this approval is to be within 16 weeks of submission. The MMO considers it inappropriate to put timeframes on complex technical decisions of this nature.	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. 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. The MMO's view is that it is for the	Following discussions the Applicant has reviewed its position in relation to timescales and has included a period of 6 months rather than 16 weeks for approval of submission of the CSIP. Although the MMO maintains it is inappropriate to apply a strict timeframe to approvals, the MMO has agreed to 6 months. In addition, unless otherwise stated or agreed with the MMO in writing each programme, statement, plan, protocol or scheme required to be approved under condition 4 must be submitted for approval at least six months prior to the intended commencement of the part of the licensed activities to which it relates.

			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.	
6	Draft Development Consent Order Schedule 16, Deemed Marine Licence, Part 2 9. (1) Force majeure	The MMO maintains that this condition should be removed.	The MMO has fundamental issues with the inclusion of the Condition in relation to enforcement and liability issues. Force Majeure is not something that the MMO would include in standalone marine licences. The MMO does not consider provisions on Force Majeure to be necessary as Section 86 MCAA 2009 provides a defence for action taken in an emergency in breach of any licence conditions. The defence under Section 86 of MCAA has two limbs, and in the event that the undertaker fails to notify the appropriate licensing authority, in this case the MMO, within a reasonable time of their actions (Section 86(2) "matters") the defence cannot be relied upon in the event of any enforcement action. This condition should be removed.	This issue remains unresolved.

7	Draft Development Consent Order Schedule 16, Deemed Marine Licence, Part 2 9. (2) Force majeure	This stipulates unauthorised deposits must be removed at the expense of the undertaker unless written approval is obtained by the MMO.	The MMO notes that 9. (2) is covered under the dropped object procedure outlined in 8. (8). Therefore 9. (2) is not required and should be removed.	This issue remains unresolved.
8	Draft Development Consent Order Schedule 16, Deemed Marine Licence, Part 2 12 Maintenance	The MMO has reviewed the provisions set out in section 12 relating to maintenance activities. The MMO requests that those maintenance activities identified in 12. (2) should be expanded to include more information in particular, cable repairs.	The MMO requests that 12. (1) be amended to read: "The undertaker may at any time maintain, and carry out works of maintenance in connection with, the authorised development except to the extent that— this licence provides otherwise; it is likely to give rise to any materially new or materially different effects to those that have been assessed in the environmental statement or in any environmental information supplied under the 2017 EIA Regulations." The MMO also notes that there is no provision within section 12 for cable inspection surveys, nor notification or reporting in place to inform relevant agencies or bodies that activities are being carried out. The MMO requests this be included. The MMO also requests that regular	The MMO notes that 12(1) has not been amended. The MMO notes the inclusion of condition F within the ExA's schedule of changes for the DCO [PD-024] however the MMO does not consider this is sufficient. The requirement under Condition F relates to monitoring for impacts and mitigation to prevent any impacts being beyond what was assessed as part of the Environmental Statement. The MMO's comments in Deadline 5 [REP5-175] relate specifically to the Operation and

			maintenance reports be submitted post construction and requests that a separate section "**Post consent monitoring"** be included within the DML which states: "1) An annual maintenance report must be submitted to the MMO in writing within one month following the first anniversary of the date of commencement of operation of the authorised project, and within one month of every subsequent anniversary until the permanent cessation of operation of the authorised project. (2) Each report to which sub-paragraph (1) refers must, unless otherwise agreed in writing with the MMO, provide a record of the licensed activities carried out during the preceding year, the timing of those activities and a summary of the methodologies used in relation to them. (3) Within one month following every fifth anniversary of the date of commencement of operation of the authorised project, the undertaker must submit to the MMO a consolidated maintenance report, which— (a) includes a review of licensed activities undertaken during the preceding five years with reference to the reports submitted in accordance with sub-paragraph (2); (b) reconfirms the suitability of the methodologies and frequencies of the licensable activities permitted by this	Maintenance (O&M) activities to be carried out post-construction. As outlined in the MMO Deadline 5 response, the MMO requires 5 yearly maintenance to enable the MMO to carry out its regulatory and enforcement duties. The DCO allows for specific quantities of material and Operation and Maintenance activities to be carried out post construction. Currently the MMO does not have a specific mechanism within the DCO/DML to monitor the frequency of these activities along with the activities carried out or additional quantities of material used (such as rock armouring and other protection). These reports are necessary to ensure that the O&M activities are in accordance with the DCO This matter is unresolved.

			licence for the remaining duration of this licence.”	

3. Comments on the ExA's commentary on, or schedule of changes to, the draft development consent order (dDCO) (if issued)

3.1. The MMO has reviewed the Examining Authority's schedule of changes to the draft development consent order issued on 17 April 2026 and has the following comments to make:

3.2. **18. Requirement 16** – The MMO notes the amendment to requirement 16 (5) – (7). The MMO is satisfied that the updated wording is acceptable, the MMO may require consultation with those bodies or agencies it deems necessary to fully assess any proposal in relation to (6).

3.3. **19**. **Requirement 18** – The MMO notes the inclusion of a monitoring and contingency plan for installation of the cables within Pegwell Bay. As outlined in previous submissions including Deadline 5 [REP5-175] and the MMO response to ExQ2 in Deadline 6 [REP6-268] the MMO requires commitments/requirements within the REAC be included in the DML as conditions to allow the MMO to carry out its regulatory function.

3.4. **23. Condition 3(12) –** The MMO notes the inclusion of the wording regarding areas of safeguarded water depth and has no issue with this amendment.

3.5. **24. Condition 4 (1) –** The MMO notes the inclusion of (a) an intertidal works methodology and mitigation plan for Pegwell Bay and is satisfied with this requirement. The MMO also notes and is satisfied with the amended wording for 4 (1) (b) (iii), and (v).

The MMO notes the inclusion of a monitoring plan to be submitted under 4 (1) (J) and is satisfied that this closes out our previous comments relating to this.

3.6. **25. Condition 4 (6) –** The MMO notes the amended wording and has no concerns.

3.7. **26. Condition 10 –** The MMO notes the amended wording for consistency with Requirement 16 and has no concerns

3.8. **27. Condition 11 –** The MMO notes the amended wording to the condition and has no issues. However, we defer to Natural England as the Statutory Nature Conservation Body (SNCB).

3.9. **28. Condition 12 –** The MMO notes the amended wording and has no issues. However, we defer to MCA as the main navigation body.

3.10. **29. Pre construction surveys to be agreed –** The MMO welcomes the inclusion of this condition.

3.11. **30. E: Benthic mitigation plans –** The MMO notes the inclusion of this condition as it is proposed within the REAC and considers this appropriate.

3.12. **31. F: Post construction surveys and agreement for the need for any Benthic Mitigation Surveys –** The MMO notes the inclusion of this condition and is satisfied with the requirements.

4. Comments on the deadline 6 submissions and any other information requested by the ExA for deadline 7

4.1. **Sediment Samples**

4.1.1. The MMO in section 2.2 of its Deadline 6 response [REP6-268] highlighted that we were continuing to liaise with the Applicant regarding the sampling undertaken and that the MMO were currently consulting our scientific advisors at the Centre for Environment, Fisheries and Aquaculture Science (Cefas) with updated information provided outside of the examination deadlines.

4.1.2. The MMO has now reviewed these in consultation with Cefas and we have the following comments to make:

4.1.3. The Applicant has since updated the MMO templates for the 2024 sediment sample results and provided further clarification as follows:

The total maximum dredge volume is 250,000 m^3 (although this excludes an additional volume of 75,000 m^3 for pre-sweeping at the Sunk where additional sampling is required as a post consent condition to the DML);

The average pre-sweeping depth is 2 m;

Wet tonnage has been calculated using a specific gravity of 1.9 which equates to 475,000 tonnes of material;

With regard to the 2022 data previously referenced, the samples were not analysed by a laboratory validated by the MMO to support marine licence applications. This was one of the reasons the 2024 sediment survey was undertaken and is also the reason these results have not been provided within the standard MMO template.

The data provided in the MMO templates are for the area of Pre-Sweeping (Area 4 and 5), and were collected in August/September 2024 and analysed in February 2025. Pre-sweeping outside of these areas is not proposed (outside of the additional Condition for further analysis at the Sunk where new samples will need to be taken and analysed before works are undertaken at this location. This new area at the Sunk were identified during Examination following the Ports request for safeguarded water depths).

The data submitted are considered representative of Area 4 and 5 as this is the area where pre-sweeping will occur as part of the Proposed Development. For other elements of the cable route, contaminant analysis from the 2021 survey has been used to inform the baseline assessment but were not analysed by an MMO validated lab and therefore have not been submitted here within an MMO template (although these are presented within the relevant Environmental Statement (ES) chapters).

4.1.4. The 2024 samples consist of 48 samples collected at the surface (0 m), mid- (1.5 m) and max (2.5 m) depths across 17 sites, located in Areas 4 and 5 of the proposed cable corridor. The MMO is content these are representative of the area where the Applicant states pre-sweeping activities will occur, and that the number of samples are in excess of OSPAR guidelines which recommend 7-15 sites for dredge volumes between 100,000 to 500,000 m^3. With respect to contaminants, the samples were analysed for trace heavy metals (including arsenic) and polycyclic aromatic hydrocarbons (PAHs) only. This appears to be in line with sample plan advice provided under SAM/2022/00093. The analysis was undertaken by SOCOTEC who are validated by the MMO to undertake the respective analyses to support marine licences.

4.1.5. Trace metals results indicate levels to be below Action Level (AL) 1 for all analytes except arsenic, chromium and nickel which only observed minor exceedances of AL1 in ten, two and two samples respectively.

4.1.6. In the absence of an agreed AL2 for PAHs, Cefas utilise the Gorham-Test approach (1999; also, in Long et al. 1995 and Long et al. 1998), which calculates the sum total of low- (LMW) and high- (HMW) molecular weight PAHs and compares these to observed effect-ranges. If a total value (for either LMW or HMW selection of PAHs) does not exceed the effects-range low (ERL), the indication is that the sediment in the sample can be considered low risk. If a total value exceeds the effects-range median (ERM) for either the LMW or the HMW total values, it can be considered higher risk, with more likelihood of harm occurring. It should be noted that these effect-ranges are not officially agreed or implemented UK Action Levels for PAHs and thus are advisory only. Based on this assessment, all samples were found to be notably below the ERL for both LMW and HMW

PAHs.

4.1.7. Whilst previous sample plan advice did not recommend organotins, polychlorinated biphenyls (PCBs), organochlorine pesticides (OCs) or polybrominated diphenyl ethers (PBDEs) for analysis, the MMO notes that the Applicant has not provided justification for why these have been omitted from the analysis within the Core Addendum. For future reference, this information should be included alongside the presentation of the results for transparency.

4.1.8. Based on the 2024 sample results and information provided the MMO considers the risk for the proposed pre-sweeping activities in Areas 4 and 5 of the cable corridor is likely to be low with respect to the potential for the resuspension of contaminated sediments.

4.1.9. The MMO is content the 2024 sample results are representative of the pre-sweeping areas of the cable corridor and is sufficient to allow the pre-sweeping areas of the cable corridor (Areas 4 and 5) to be designated as a disposal site, in line with other developments of similar nature, and to fulfil signatory requirements under London Protocol and OSPAR.

4.1.10. The MMO will liaise with the Applicant who will need to provide a shapefile indicating the boundary of the pre-sweeping area required to be designated as a disposal site. This will then be designated as a disposal site and the information provided to the Applicant. The MMO is content that this can be done once the examination process closes.

4.2. Draft Development Consent Order [REP6-004)

4.2.1. The MMO requests that Condition 4 (7) be amended to include 'in writing' so that it reads:

(7) Unless otherwise agreed in writing with the MMO, a sediment sampling plan request must be submitted and the results submitted for analysis to the MMO prior to any pre-sweeping works at the Sunk Pilot Boarding area and the sediment sampling and analysis must be completed by a laboratory validated by the MMO.

4.2.2. The MMO notes in Schedule 3 Requirement 18 of the DCO that there is a condition regarding a River Stour Management Plan. The MMO notes the commitment within MPE09 of the updated REAC [REP6-134] that the River Stour Channel in Pegwell Bay will be monitored throughout the operational life of the asset in line with a monitoring and contingency plan as a Requirement. The plan will set out the frequency and methods for monitoring the location of the channel, contingency actions to be undertaken should the River Stour migrate to a location close to the cable and a 'trigger' point for when actions would be taken.

The Applicant mentioned this plan in an email to the MMO on 20 March 2026. In it they informed the MMO that they had suggested to the Environment Agency (EA) that as the area is below MHWS that the MMO should be the approver of the plan in consultation with the EA, Natural England and the local authority. The MMO responded that we were content with this but that it would need securing as a condition within the DML. The MMO notes that this is currently not in the dDCO/DML however the ExA schedule of changes does include monitoring and contingency planning.

Schedule 3, Requirement 8 states that the monitoring will be reviewed in consultation with the EA. As the MMO will be responsible for approving the plan we again reiterate that this condition should be included within the DML.

5. Any further information requested by the ExA under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010

5.1. The Rule 17 letter was received by the MMO on 21 April 2026. Due to time constraints the

MMO has only reviewed those requests which relate directly with the MMO.

5.2. **11.5 Designated Disposal Site –** As outlined in section 4.1 Sediment Samples above the MMO is satisfied that the material provided within the sample templates is sufficient to characterise Areas 4 and 5. The MMO is currently liaising with the Applicant to enable these areas to be designated as disposal sites.

5.3. **11.6. Chemical, drilling and debris condition –** The MMO has reviewed the updated wording provided in the DML at Deadline 6 and informed the Applicant that the wording in Condition 8 which has been changed from: "*(4) The undertaker must ensure that only inert material of natural origin, drilling mud and dredged material, produced during the landfall installation or seabed preparation works is disposed of within the disposal site reference(s) to be provided by the MMO within the extent of the Order limits seaward of MHWS"* to now read "*(5) The undertaker must ensure that only inert material of natural origin, drilling mud and dredged material, produced during the landfall installation or seabed preparation works is disposed of within the extent of the Order limits seaward of MHWS*" is not appropriate. Because of the need to designate disposal sites for areas of pre-sweeping we have asked that the wording on this condition be amended to the wording provided by the MMO.

5.4. **12.1 In Principle Monitoring Plan –** The ExA have requested that the MMO respond to the submitted IPMP [REP6-116]. Due to the time constraints from the information being made available to Deadline 7 and the need for the MMO response to be drafted and go through the quality assurance process, there has not been sufficient time to review the IPMP in depth. However, the MMO defers to the SNCB for comments regarding the appropriateness of the monitoring plan.

5.5. **15.6 DML condition 4(4) consultation –** The MMO notes the request from the Port of London Authority (PLA). As outlined in our Deadline 5 response [REP5-175], the MMO does not consider this amendment appropriate and notes Condition 4 has been re-worded during examination to include consultees including the MCA, EA and Cefas. The MMO has no issue with the inclusion of the PLA as part of the list of consultees as the MMO consult with the authority on activities that fall under their jurisdiction as standard practice.

5.6. Where the MMO consults regarding plans or other documents, the MMO will review all responses. Where issues are identified the MMO will work with that stakeholder and the Applicant with a view to resolve the issues with agreement from both parties. Where the MMO is unable to resolve these, as the regulator the MMO must make a final decision based on the best information available. During this time the consultee will be notified of the MMO's decision and have the opportunity to provide further comments.

5.7. **15.7 Post-installation cable condition surveys –** The MMO notes the inclusion of condition F within the ExA's schedule of changes for the dDCO [PD-024]. With regards to whether this satisfies the MMO's request for post consent maintenance reports, the MMO does not consider this sufficient. The requirement under Condition F relates to monitoring for impacts and mitigation to prevent any impacts being beyond what was assessed as part of the Environmental Statement. The MMO's comments in Deadline 5 [REP5-175] relate specifically to the Operation and Maintenance (O&M) activities to be carried out post-construction. As outlined in the MMO Deadline 5 response, the MMO requires 5 yearly maintenance to enable the MMO to carry out its regulatory and enforcement duties. The DCO allows for specific quantities of material and O&M activities to be carried out post construction. Currently the MMO does not have a specific mechanism within the DCO/DML to monitor the frequency of these activities along with the activities carried out or additional quantities of material used (such as rock armouring and other protection). These reports are necessary to ensure that the O&M activities are in accordance with the DCO.