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To: ["A585 Windy Harbour to Skippool"](#)
Cc: [Watson, Jethro](#); [Kirk, Paul](#)
Subject: A585 Windy Harbour to Skippool Scheme - Deadline 2 Response
Date: 17 May 2019 11:02:32
Attachments: [TR010035 - Deadline 2 - MMO Response.pdf](#)

Good morning,

Please find attached the Marine Management Organisations Deadline 2 Response regarding the proposed A585 Windy Harbour to Skippool Scheme.

If you have any questions please don't hesitate to contact me.

Kind Regards,

Jamie Short | Marine Licensing Case Officer (Thames Tideway Tunnel) | Marine Licensing | Marine Management Organisation

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The Planning Inspectorate
National Infrastructure Directorate

Your reference:
TR010035
Our reference:
DCO/2018/00009
Our Planning Inspectorate
Reference: 2002172520021725

[By Email only]

17 May 2019

Dear Mr Symons,

**APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR THE A585 WINDY HARBOUR TO SKIPPOOL
IMPROVEMENT SCHEME.**

DEADLINE 2 – MARINE MANAGEMENT ORGANISATION RESPONSE.

Of the items Deadline 2 consists of, the MMO considers the following relevant for inclusion in this response:

- Written Representations (WRs)
- Responses to the ExA's Written Questions

1.0 Notification by the MMO to remain an Interested Party by the ExA

1.1. The MMO has an interest in this project because the works, as detailed within the Environmental Statement (ES), appear to include construction activities which are proposed to take place within the UK Marine Area as defined by Section 42 of the Marine and Coastal Access Act 2009 (MCAA 2009) – The Development Consent Order (DCO) application includes a draft Deemed Marine Licence (DML) under Section 65, MCAA. Should consent be granted for the project, the MMO will be responsible for monitoring, compliance and enforcement of DML conditions.



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2.0 Written Representation

- 2.1. The MMO submitted a Relevant Representation in response to section 56 of the Planning Act 2008 (as amended) on 04 April 2019. As part of this Relevant Representation, detailed comments were provided regarding amendments to the draft DML wording and requirement for additional conditions. The applicant has updated the DML wording accordingly, taking into account the amendments suggested by the MMO. This was discussed and confirmed via telecon in February 2019.
- 2.2 Following further review of the draft DML provided to the MMO in advance of it's submission under Deadline 2. The MMO anticipate further engagement will be required with the Applicant over the contents of the draft DML. Specifically regarding:
- 2.2.1 Removal of Part 2 (b) or clarification within the DML of what activities this encompasses in relation to the project.
 - 2.2.2 Definition of work schedule 1 works. No115 under part 1
 - 2.2.3 Review of coordinates contained within the DML.
- 2.3 The Applicant submitted a Marine Conservation Zone Assessment to the MMO on 26 April 2019. The MMO has indicated its agreement with the Applicant over the approach and conclusions of the assessment but ultimately would defer its opinion to that of Natural England as the Statutory Nature Conservation Body.
- 2.4 At this stage the MMO considers matters in relation to the ES, HRA, MCZ & WFD assessments as agreed with the applicant. The MMO considers further amendments are required to be agreed with respect to the content of the draft DML. The MMO welcomes further engagement with the Applicant on this.
- 2.5 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.

3.0 Responses to the ExA's Written Questions

The MMO identified a single question to which the organisation along with the Applicant was directed to respond:

3.1 ExQ 1.2.23

The MMO is of the understanding that the activities captured within Part 2 of the draft DML constitute “construction activities” – as per Part 4, Chapter 1, Section 66(7) of the Marine and Coastal Access Act 2009.

The view of the MMO is that:

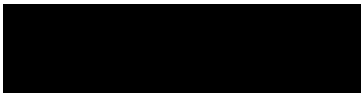
- (a) All licensed activities should be clearly listed within the DML.
- (b) The specifics of how these activities are then undertaken can be captured by post-consent submission of pre-construction documents for authorisation by the MMO.

The MMO is satisfied that Part 2 Paragraphs 3 and 4(a) address point (a) above, subject to our comments within our written representation paragraph 2.2. Following engagement with the Applicant the MMO expects the inclusion of a DML condition to address point (b).

- 3.2 The MMO did not set out any representation against the inclusion of Part 3 of the draft DML. However the MMO does not consider the inclusion of Part 3 of the draft DML as necessary, specifically, stipulating the applicability of the MCAA 2009 enforcement regime. This would apply regardless of the inclusion of wording within the draft DML.

- 3.3 As per MMO's Written Representation, MMO provided detailed comments via our Relevant Representation, which the Applicant has acknowledged and responded to. The MMO's expectation is that these revisions will be included in the Deadline 2 submission. The MMO will review these amendments and continue to engage with the Applicant via SoCG discussions on DML wording, as necessary.

Yours sincerely,



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Marine Licensing Case Officer

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