

SCHEDULE 13

Article 39

DEEMED MARINE LICENCE UNDER PART 4 (MARINE LICENSING) OF THE
MARINE AND COASTAL ACCESS ACT 2009 / DEEMED MMO LICENCE PROVISIONS

PART 1

INTRODUCTION

1.—(1) In this licence the definitions in article 2 must apply save where amended—

“2009 Act” means the Marine and Coastal Access Act 2009.

“ABP Humber” means Associated British Ports, Humber Estuary Services located at Port Office, Cleethorpe Road, Grimsby, North East Lincolnshire.

“authorised deposits” means the substances specified in paragraph 2(4) of Part 2 of this licence.

“the authorised development” has the meaning given in paragraph 2(4) of Part 2 of this licence.

“business day” means a day other than a Saturday or Sunday, which is not Christmas Day, Good Friday or a bank holiday under section 1 (bank holidays) of the Banking and Financial Dealings Act 1971.

“Cefas” means the Centre for Environment, Fisheries and Aquaculture Science or any successor body to its function.

“CEMP” means the construction and environmental management plan.

“commence” for the purposes of this Schedule means the first carrying out of any licensed activities, save for pre-construction surveys approved under this licence and “commenced” and “commencement” shall be construed accordingly.

“condition” means a condition under Part 3 of this licence.

“enforcement officer” means a person authorised to carry out enforcement duties under Chapter 3 of the 2009 Act.

“licensed activities” means the activities specified in Part 2 of this licence.

“licensable marine activities” means any activity licensable under section 66 of the 2009 Act.

“local enforcement office” means the Marine Management Office (Local Enforcement Office) as further detailed in paragraph 5(b) below.

“maintain” includes inspect, repair, alter, refurbish, reconstruct, replace and improve any part of, but not remove, reconstruct or replace the whole of an existing structure or asset wholly within its existing three dimensional boundaries and “maintenance” and “maintaining” are to be construed accordingly.

“marine area” has the meaning given to ‘UK marine area’ in section 42 of the 2009 Act.

“Marine Management Organisation” means the body created under the 2009 Act which is responsible for the regulation of this licence or any successor of that function and “MMO” shall be construed accordingly.

“MCA” means the Maritime and Coastguard Agency, the executive agency of the Department for Transport.

“mean high water springs” or “MHWS” means the average of high water heights occurring at the time of spring tides.

“office hours” means the period from 0900 until 1700 on any business day.

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“Order limits” means the limits shown on the works plans within which the authorised development may be carried out, whose grid co-ordinates seaward of MHWS are set out in paragraph 6 of Part 2 of this licence.

“river” means the River Trent.

“TH” means the corporation of Trinity House of Deptford Strond.

“undertaker” means the undertaker Keadby Generation Limited (company registration number 02729513), and any agent, contractor or sub-contractor acting on its behalf or any person who has the benefit of this Order in accordance with article 6 (Benefit of Order) and 7 (Consent to transfer benefit of Order).

“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in, on, under or over water and which is at the time in, on, under or over water, whether or not self-propelled.

(2) A reference to any statute, order, regulation or similar instrument is to be construed as reference to a statute, order, regulation or similar instrument as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.

(3) Unless otherwise indicated—

- (a) all times are taken to be Greenwich Mean Time (GMT);
- (b) all co-ordinates are taken to be latitude and longitude degrees minutes and seconds to three decimal places.

(4) Unless otherwise advised in writing by the MMO, the address for electronic communication with the MMO for the purpose of this licence is marine.consents@marinemanagement.org.uk or where contact to the local MMO office is required is beverley@marinemanagement.org.uk.

(5) Unless otherwise stated or agreed with the MMO, all notifications that must be sent by the undertaker to the MMO must be sent using the MMO’s Marine Casement Management System (MCMS) web portal. Except where otherwise notified in writing by the relevant organisation, the addresses for postal correspondence for the purposes of this Schedule are—

(a) Marine Management Organisation (Marine Licensing Team)

Lancaster House,
Hampshire Court,
Newcastle Business Park,
Newcastle Upon Tyne,
NE4 7YH,
Tel: 0300 123 1032;

(b) Marine Management Organisation (Local Enforcement Office)

Beverley office,
Room 13, Ground Floor,
Crosskill House,
Mill Lane,
Beverley,
HU17 9JB,
Tel: 0208 026 0519;

(c) Trinity House

- Tower Hill,
London,
EC3N 4DH,
Tel: 020 7481 6900;
- (d) The United Kingdom Hydrographic Office
Admiralty Way,
Somerset,
TA1 2DN,
Tel: 01823 337 900;
- (e) Maritime and Coastguard Agency (Navigation Safety Branch)
Bay 2/20, Spring Place,
105 Commercial Road,
Southampton,
SO15 1EG,
Tel: 020 3817 2418;
- (f) Natural England
Sterling House,
Dix's Field,
Exeter,
EX1 1QA,
Tel: 0300 060 39000;
- (g) Historic England
Cannon Bridge House,
25 Dowgate Hill,
London,
EC4R 2YA,
Tel: 020 7973 370;
- (h) Centre for Environment, Fisheries and Aquaculture Science ('Cefas')
Pakefield Road,
Lowestoft,
Suffolk,
NR33 0HT,
Tel: 01502 562 244.

PART 2

DETAILS OF LICENSED MARINE ACTIVITIES

2. Subject to the conditions, this licence authorises the undertaker to carry out any licensable marine activities under section 66(1) of the 2009 Act which—

- (a) form part of, or are related to, the authorised development; and

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- (b) are not exempt from requiring a marine licence by virtue of any provision made under section 74 of the 2009 Act.
- 3. Licensed activities are authorised in relation to the construction, maintenance and operation of—
 - (a) Work No. 4B – River Water Abstraction Option—
Works to the existing cooling water supply pipelines running from Work No. 1E to the existing intake structures within the River Trent, including, as necessary, a temporary cofferdam structure, new, upgraded or replacement pipelines, plant, buildings, enclosures, structures and cable;
 - (b) Work No. 5 – Water Discharge Corridor—
Works to discharge used cooling water and treated wastewater comprising works to the existing cooling water discharge pipeline(s) running from Work No. 1B to the existing outfall structures within the River Trent, including, as necessary, new, upgraded or replacement pipelines, plant, enclosures, outfall structure, screens and other structures, and cable; and
 - (c) any such work, further associated development listed in Schedule 1 ancillary to Work Nos. 4B and 5.
- 4. The substances or articles authorised for deposit associated with the completion of the construction, maintenance and operational activities described in item 3, sub paragraph (1) (a) and (b) above include—
 - (a) Silt, algal growth and biota;
 - (b) Stone, rock and concrete;
 - (c) Grout and sealant material; and
 - (d) any other material of substance to the extent its effects have been considered within the environmental statement.
- 5. The undertaker may engage in the licensed activities in the area bounded by the coordinates set out in Table 9 in this paragraph to the extent that they fall below MHWS at the time the licensed activities are carried out.
- 6. The coordinates in Table 9 are defined in accordance with reference system WGS84 - World Geodetic System 1984.

Table 9

<i>Works No.</i>	<i>Description</i>	<i>Longitude</i>	<i>Latitude</i>
Works No. 4B	River Water	-0.73879	53.59523
	Abstraction Option	-0.73893	53.5941
	– Intake Works	-0.73952	53.59412
		-0.73936	53.59525
		-0.73891	53.59432
		-0.73886	53.59492
Works No. 5		-0.73891	53.59457
	Water Discharge Corridor – Existing	-0.73769	53.59966
	Outfall Option		

<i>Works No.</i>	<i>Description</i>	<i>Longitude</i>	<i>Latitude</i>
		-0.73732	53.60015
		-0.73702	53.60006
		-0.73709	53.6
		-0.73736	53.59997
		-0.73742	53.59989
		-0.73735	53.59978
		-0.73739	53.59973
		-0.73731	53.59968
		-0.73731	53.59964
		-0.73737	53.59957

PART 3 CONDITIONS

General

7. Any oil, fuel or chemical spill within the marine environment must be reported to the MMO Marine Pollution Response Team within 12 hours of being identified in accordance with the following—

- (a) within office hours: 0300 200 2024;
- (b) outside office hours: 07770 977 825; or
- (c) at all times if other numbers are unavailable: 0845 051 8486 or dispersants@marinemanagement.org.uk.

Notifications and Inspections

- 8.—(1) The undertaker must ensure that—
- (a) a copy of this licence (issued as part of the grant of the Order) and any subsequent amendments or revisions to it is provided to—
 - (i) all agents and contractors notified to the MMO in accordance with condition 12 and
 - (ii) the masters responsible for the vessels notified to the MMO in accordance with condition 13.
 - (2) Only those persons and vessels notified to the MMO in accordance with condition 12 and 13 are permitted to carry out the licensed activities.
 - (3) Copies of this licence must also be available for inspection at the following locations—
 - (a) the undertaker’s registered address;
 - (b) any site office located at or adjacent to the construction site and used by the licence holder or its agents and contractors responsible for the loading, transportation or deposit of the authorised deposits; and

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- (c) on board each vessel or at the office with responsibility for vessels from which authorised deposits or removals are to be made.
- (4) The documents referred to in sub-paragraph (1)(a) must be available for inspection by an enforcement officer at the locations set out in sub-paragraph (3)(b) above.
- (5) The undertaker must provide access, and if necessary appropriate transportation, to the offshore construction site or any other associated works or vessels to facilitate any inspection that the MMO considers necessary to inspect the works during construction and operation of the authorised development.
- (6) A notice to mariners must be issued at least 14 days prior to the commencement of the licensed activities or any part of them advising of the start date of those activities and the expected vessel routes from the construction ports to the relevant location. Copies of all notices must be provided to the MMO, TH, MCA and United Kingdom Hydrographic Office within 24 hours of issue.
- (7) The undertaker must notify the United Kingdom Hydrographic Office of the commencement (within ten days), progress and completion of construction (within ten days) of the licensed activities in order that all necessary amendments to nautical charts are made and the undertaker must send a copy of such notifications to the MMO within 24 hours of issue.

Pre-construction

9. Not later than 8 weeks prior to the proposed commencement of licences activities the undertaker must submit to the MCA and the MMO for review and approval in writing by the MMO the CEMP covering the period of construction to include details of—

- (a) a marine pollution contingency plan to address the risks, methods and procedures to deal with any spills and collision incidents of the authorised development in relation to all activities to be carried out;
- (b) a biosecurity plan detailing how risk of the introduction and spread of invasive non-native species will be minimised; and
- (c) waste management and disposal arrangements.

The authorised development must be undertaken in accordance with the CEMP, unless otherwise agreed in writing by the MMO.

10.—(1) The undertaker must submit a marine method statement (MMS) to the MMO no later than 8 weeks prior to the proposed commencement of the licensed activities for its written approval. The MMS is to include details of—

- (a) any proposed refurbishment and/or construction activities;
- (b) if a cofferdam is proposed to be constructed as part of Work No. 4B, the cofferdam installation technique and piling methodology;
- (c) any construction works at the intake, including the level or refurbishment or replacement works required;
- (d) an indicative programme for the completion of the licensed activities; and
- (e) the details of engagement undertaken with ABP Humber, as the appropriate navigational authority. This must include the design of the cofferdam and any measures which will be installed around the toe of the cofferdam to manage risk of shoaling, if necessary. It must also include details of any specification demarcation or lighting requests, as directed by ABP Humber.

(2) The licensed activities must not commence until written approval of the MMS is provided by the MMO.

(3) All licensed activities must be undertaken in accordance with the approved MMS.

(4) The MMS may be amended from time to time subject to the approval in writing of the MMO.

11. The undertaker must complete pre-works bathymetry of the areas specified in Part 2, paragraph 5, before the commencement of works. The results of pre-works bathymetry must be shared with ABP Humber, as the appropriate navigational authority and the MMO.

12. The undertaker must notify the MMO in writing of any agents, contractors or subcontractors that will carry on any licensed activity listed in this licence on behalf of the undertaker this must include the name, address, company number (if applicable) and role. Such notification must be received by the MMO no less than 24 hours before the commencement of the licensed activity and any change to a notified agent, contractor or subcontractors must be updated and notified to the MMO accordingly.

13. The undertaker must notify the MMO in writing of any vessel being used to carry on any licensed activity listed in this licence on behalf of the undertaker. Such notification must be received by the MMO no less than 24 hours before the commencement of the licensed activity. Notification must include the master's name, vessel type, vessel IMO number and vessel owner or operating company.

During Construction, Operation and Maintenance

14. The undertaker must ensure that any coatings and treatments used are suitable for use in the marine area and are used in accordance with either guidelines approved by the Health and Safety Executive or the Environment Agency Pollution prevention for businesses guidelines.

15. The storage, handling, transport and use of fuels, lubricants, chemicals and other substances must be undertaken so as to prevent releases into the marine environment including bunding of 110% of the total volume of all reservoirs and containers.

16. The undertaker must not discharge waste concrete slurry or wash water from concrete or cement into the river. The undertaker must site concrete and cement mixing and washing areas at least 10 metres from the river or surface water drain to minimise the risk of run off entering the river. If concrete is to be sprayed, suitable protective sheeting must be provided to prevent rebounded or windblown concrete from entering the marine environment. Rebound material must be cleared away before the sheeting is removed.

17. During licensed activities all wastes must be stored in designated areas that are isolated from surface water drains, open water and bunded to contain any spillage.

18.—(1) Vibratory piling must be used as standard, with percussive piling only used if required to drive a pile to its design depth and where drill or vibratory piling has been unsuccessful. If percussive piling is necessary, soft-start procedures must be used to ensure incremental increase in pile power over a set time period until full operational power is achieved.

(2) The soft-start duration must be a period of not less than twenty minutes.

(3) Should piling cease for a period greater than ten minutes, then the soft start procedure must be repeated.

19. Piling must not be undertaken between 01 September and 31 November, inclusive, in order to minimize any potential effects on the upstream migration of adult Salmon during their most sensitive migratory period and on wintering birds. Piling will be restricted between 0700 and 1900 hours.

20. The undertaker must comply with the lighting, hazard marking and demarcation requirements of ABP Humber, as the appropriate navigational authority.

21. The undertaker must ensure any rock material used in the construction of the authorised development is from a recognised source, free from contaminants and containing minimal fines.

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22. In the event that any rock or stone material is misplaced or lost below MHWS, the undertaker must report the loss to the Local Enforcement Office within 48 hours of becoming aware and if the MMO reasonably considers such material to constitute a navigation or environmental hazard (dependent on the size and nature of the material) the MMO must notify the undertaker and the undertaker must use reasonable endeavours to locate the material and recover it. In that event, the undertaker must demonstrate to the MMO that reasonable attempts have been made to locate, remove or move any such material.

23.—(1) The undertaker must report all dropped objects to the MMO using the Marine Licence Dropped Incident Report (MLDIR) as soon as reasonably practicable and in any event within 24 hours of becoming aware of an incident.

(2) On receipt of the MLDIR, the MMO may require, acting reasonably, the undertaker to carry out relevant surveys directly related to such MLDIR and where there is a need to remedy any effect related to the MLDIR. The undertaker must carry out surveys at its own expense in accordance with the MMO's reasonable requirements and must report the results of such survey results to the MMO.

(3) On receipt of such survey results the MMO may, acting reasonably, require the undertaker to remove specific obstructions from the riverbed. The undertaker must carry out removal of specific obstructions from the riverbed in accordance with the MMO's reasonable requirements and at its own expense.

Post Construction

24. The undertaker must ensure that any equipment, temporary structures, waste and debris associated with the licensed activities are removed within six weeks of completion of the licensed activity.

25. The undertaker must ensure that the MMO Local Enforcement Office is notified of the completion of the licensed activities and operations within ten days following the completion of the works.

26. The undertaker must complete post-works bathymetry of the areas specified in paragraph 5 of Part 2 of this licence, following the completion of the licensed activities. The results of post-works bathymetry must be shared with ABP Humber, as the appropriate navigational authority and with the MMO.

Conditions Discharge

27. The MMO must determine an application for discharge of a condition as soon as reasonably practicable and in any event within a period of three months commencing on the date the application is received by the MMO, unless otherwise agreed in writing with the undertaker.