

## SCHEDULE 7

Article 36

### Deemed marine licence

## PART 1

### Introductory

#### Interpretation

**1.—(1)** In this licence—

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

“commence” means the first carrying out of any part of the licensed activities and commencement and commenced shall be defined accordingly;

“conditions” means conditions contained in this licence;

“the Health and Safety Executive” means the body established under section 10 of the Health and Safety at Work etc. Act 1974<sup>(1)</sup> or any successor to its statutory functions or other authority performing, carrying out or having the same regulatory functions as the HSE at the date of this licence;

“licence holder” means the undertaker and any agent or contractor or sub-contractor acting on its behalf; “licensed activity” means any activity described in Part 2 of this licence; “MMO” means the Marine Management Organisation;

“the Order” means the North Killingholme (Generating Station) Order 2014;

“percussive piles” means driven piles but excludes the handling, placing and vibro-driving of piles;

“Trinity House” means the Corporation of Trinity House of Deptford Strond.

(2) Unless otherwise specified, all geographical co-ordinates given in this licence are in latitude and longitude degrees and minutes to two decimal places.

#### Addresses

**2.—(1)** Unless otherwise advised in writing by the MMO, the address for postal correspondence with the MMO for the purposes of this licence is the Marine Management Organisation, Marine Licensing Team, Lancaster House, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH and where contact to the MMO District Office is required, the following contact details should be used: Estuary House, Wharncliffe Road, Grimsby, Lincolnshire, DN31 3QL, tel: 01472 355112, email: grimsby@marinemangement.org.uk.

(2) Unless otherwise advised in writing by the MMO, the address for electronic communication with the MMO for the purposes of this licence is infrastructure@marinemangement.org.uk.

## PART 2

### Licensed activities

**3.—(1)** The undertaker (and any agent, contractor or subcontractor acting on their behalf) is authorised to carry out the activities licensable under section 66 of the 2009 Act, comprising the

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(1) 1974 c.37. Section 10 was substituted by articles 3 and 4 of S.I. 2008/960.

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construction of works in or over the sea and/or on or under the sea bed specified in paragraph (2), together with the deposit of any substances and objects in or over the sea and/or on or under the sea bed in carrying out such construction works.

- (2) Such activities are authorised in relation to—
- (a) works for the intake and discharge of cooling water in or over the sea and on or under the sea bed for the purposes of the construction and operation of Work No. 1: and
  - (b) Work Nos. 3a, 3b, and 3c.

## PART 3

### Conditions

#### General conditions

4.—(1) The conditions set out at paragraphs 4 to 24 are licence conditions attached to this deemed marine licence as granted by article 36.

(2) For such of the licensed activities that involve the construction, alteration or improvement of works in or over the sea or on or under the sea bed, the conditions shall apply to any person who for the time being owns, occupies or enjoys any use of any of those works.

(3) This licence expires after 10 years beginning on the date of coming into force of this Order.

5. The licence holder must ensure that the MMO District Marine Office is notified of the timetable of works and operations at least 10 days prior to the commencement of any licensed activity.

6. With respect to any conditions of this licence which require the licensed activities to be carried out in accordance with the plans and programmes or other documents approved by the MMO, the approval shall be taken to include any amendments to those documents that may subsequently be approved in writing by the MMO.

7. The MMO must be notified by the undertaker in writing of any agents, contractors or sub-contractors that will be carrying out any licensed activity on behalf of the undertaker at least four weeks before the commencement of the licensed activity.

8. The undertaker must ensure that a copy of this licence and any subsequent revisions or amendments has been provided to, read and understood by any agents, contractors or sub-contractors that will be carrying out any licensed activity on its behalf.

9. Should the licence holder become aware that any of the information on which the granting of this deemed marine licence was based has changed or is likely to change, the licence holder must notify the MMO at the earliest opportunity.

10. The works shall be carried out in accordance with a works schedule to be agreed in writing between the licence holder and the MMO prior to commencement of the works, and any changes to the works schedule are also to be agreed in writing with the MMO.

11.—(1) Prior to any works commencing below the level of mean high water springs (meaning the average of high water heights occurring at the time of spring tides), the licence holder must submit detailed method statements to the MMO for approval for each stage of works at least 4 weeks prior to the commencement of works.

(2) All works must be undertaken in accordance with agreed and approved method statements.

12. The licence holder must ensure that any coatings and treatments used are approved by the Health and Safety Executive as suitable for use in the marine environment and are used in accordance with the Environment Agency's Pollution Prevention Control Guidelines.

13.—(1) The licence holder must only work and access the works site within a defined and marked out area thereby limiting personnel and plant access to the site.

(2) Co-ordinates (in WGS84) and plan diagrams of the work area and access routes must be submitted to the MMO at least 4 weeks prior to the commencement of works.

(3) The written approval of the co-ordinates and plan diagrams by the MMO is required prior to works commencing.

14. The licence holder must ensure that during the works all wastes are stored in designated areas that are isolated from surface water drains, open water and bunded to contain any spillage.

15. The licence holder must ensure that any equipment, temporary structures, waste and debris associated with the works are removed within 6 weeks of completion of the works.

16.—(1) The licence holder must ensure that no waste concrete slurry or wash water from concrete or cement works are discharged into the marine environment.

(2) Concrete and cement mixing and washing areas should be contained and sited at least 10 metres from any watercourse or surface water drain to minimise the risk of run off entering a watercourse.

17. The licence holder must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO Marine Pollution Response Team: 08700 785 1050 (office hours), 07770 977 825 (outside office hours) and [dispersants@marinemangement.org.uk](mailto:dispersants@marinemangement.org.uk) or such replacement numbers or email address notified to the licence holder by the MMO in writing.

18. The licence holder must ensure that a Notice to Mariners is issued at least 10 days prior to works commencing warning of the start date for the construction of the works and updated as appropriate.

### **Cooling water intake conditions**

19.—(1) No part of the licensed activities shall commence until, following consultation with the Environment Agency, full details of a scheme for minimising the impact of the cooling water intake system within the Humber Estuary on the aquatic environment have been submitted to and approved in writing by the MMO. The submitted scheme shall include—

- (a) details of the passive wedge wire cylinder to be installed over the entrance to the cooling water intake pipes to minimise effects on fish and eels;
- (b) details of how the water intake system will minimise the approach velocity of water to the screen or other equivalent system;
- (c) details of the concentration of biocides in the water intake system or other equivalent system and how they will be monitored and controlled;
- (d) proposals for implementing the scheme in advance of the commencement of commercial operations;
- (e) proposals for monitoring and reporting on the effectiveness of the scheme and, in the event that the scheme does not perform as predicted, a process for any necessary remedial action being approved by the MMO and thereafter implemented within a stated timescale following such approval,

and no part of the construction of the cooling water intake shall take place from the inter-tidal area.

- (2) The undertaker shall implement the scheme as approved.

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- (3) The undertaker shall—
- (a) mark and light the licensed activities (including any temporary construction works comprised in the licensed activities) as required by Trinity House, as the MMO directs; and
  - (b) at all times maintain any aids to navigation to the reasonable satisfaction of Trinity House.

### **Piling conditions**

**20.**—(1) No operations consisting of piling shall commence until a piling method statement has been submitted to and agreed in writing by the MMO, following consultation with the Environment Agency and Natural England, such statement to include the following—

- (a) the use of pile pads and pile shrouds at all times;
- (b) a maximum pile diameter of 1 metre unless otherwise agreed in writing by the MMO, following consultation with Natural England and the Environment Agency;
- (c) a maximum number of 4 piles;
- (d) provision for soft start procedures to be followed, to include a requirement for a soft start of at least 180 seconds for percussive piling of any piles that will be in a free water condition during construction (marine piles); and
- (e) details of the anticipated spread of piling activity throughout a working day.

(2) Operations consisting of piling shall only be carried out in accordance with the relevant piling method statement.

(3) Where the words ‘unless otherwise agreed’ appear in sub-paragraph (1)(b), any such agreement or statement may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of MMO that the subject matter of the approval or agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

**21.** No percussive piling shall take place between 7 April and 1 June inclusive in any calendar year.

**22.** Where piling is required to be undertaken during March, September and October it shall be not be undertaken at low tide.

**23.** No percussive piling shall take place before 0600 hours or after 2200 hours on any day.

### **Detailed design**

**24.**—(1) No works within the relevant phase of the authorised development may commence until details of the siting, design, external appearance and dimensions of Work No. 3a have been submitted to and approved in writing by the MMO.

(2) Work No. 3a shall be carried out in accordance with the approved details.