

SCHEDULES

SCHEDULE 9

Article 34

DEEMED MARINE LICENCE

PART 1

INTRODUCTORY

Interpretation

1.—(1) In this licence—

“the 2008 Act” means the Planning Act 2008(1);

“the 2009 Act” means the Marine and Coastal Access Act 2009(2);

“Access and Rights of Way and Public Rights of Navigation Plans” means the plans listed in Part 2 of Schedule 2 (Access and Rights of Way and Public Rights of Navigation Plans) to the Order and certified by the Secretary of State under article 43 (certification of plans, etc.) of the Order;

“authorised development” has the meaning given in paragraph 3(2);

“GSDIG” means Great Stour Downstream Interest Group;

“licence holder” means the undertaker and any agent, contractor or sub-contractor acting on its behalf;

“licensable activity” means an activity licensable under section 66 of the 2009 Act;

“licensed activity” means any activity described in Part 2 of this licence;

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

“method statement” means the document prepared by the licence holder that details the way that the licensed activity will be carried out;

“MMO” means the Marine Management Organisation;

“the Order” means the National Grid (Richborough Connection Project) Development Consent Order 2017;

“SAC habitat” means the habitat within a Special Area of Conservation entered in the Register of European Sites, held by the Department for Environment, Food and Rural Affairs;

“the undertaker” means National Grid Electricity Transmission plc (registered company number 2366977); and

“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a barge, a jack up barge, a seaplane or helicopter on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and

(1) 2008 c. 29.

(2) 2009 c. 23.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

any other thing constructed or adapted for movement through, in or over water and which is at the time in, on or over water.

(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 Local Office is required, the following contact details should be used: Pakefield Road, Lowestoft, Suffolk NR33 0HT, Tel: 01502 573 149 or 01502 572 769, Fax: 01502 514 854.

(2) Unless otherwise advised in writing by the MMO, the address for electronic communication with the MMO for the purposes of this licence is marine.consent@marinemanagement.org.uk and where contact to the MMO Local Office is required, the following address should be used: lowestoft@marinemanagement.org.uk.

PART 2

LICENSED ACTIVITIES

3.—(1) Subject to the licence conditions in Part 4 of this licence, this licence authorises the licence holder to carry out any licensable marine activities under section 66(1) of the 2009 Act which involve the construction, alteration or improvement of any works in or over the sea or on or under the sea bed and which—

- (a) form part of the authorised development; and
- (b) are not exempt from requiring a marine licence by virtue of any provision made under section 74 of the 2009 Act.

(2) In this licence the “authorised development” means Work No.1 (400kV overhead line) as set out in Schedule 1 (authorised development) to the Order, and any other development authorised by the Order, which is development within the meaning of section 32 of the 2008 Act, and more particularly the installation of a 400kV overhead electric line, in the vicinity of, and over, the River Stour and the installation of two temporary long span bridges across the River Stour as is shown hatched yellow on Sheets 1, 15 and 17 of the access and rights of way and public rights of navigation plans.

PART 3

ENFORCEMENT

4. Any breach of this licence does not constitute a breach of the Order but is subject to the enforcement regime in Chapter 3 of Part 4 of the 2009 Act as a licence deemed to have been granted under that Act.

PART 4

CONDITIONS

5. 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 apply to any person who for the time being owns, occupies or enjoys any use of the licensed activity.

6. 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.

Prior to the commencement of the works

7.—(1) The licence holder must submit a detailed method statement at least 2 months prior to the commencement of the first licensed activity for approval by the MMO.

(2) The authorised development must be undertaken in accordance with the approved method statement.

8. The licence holder must inform the MMO, the Environment Agency, GSDIG and the Sandwich Harbour Master in writing of the intended start date and the likely duration of licensed activities on a site at least 10 business days prior to the commencement of the first licensed activity.

9. The licence holder must ensure that they inform the MMO in writing of all contractor and vessel details at least 10 business days prior to commencement of any licensed activity.

10. The licence holder must inform the MMO Local Office in writing of the timetable of the licensed activities at least 10 business days prior to commencement of any licensed activity.

11. The licence holder must inform the relevant harbour authorities in writing of the licensed activities (including timetable, contractor and vessel details) at least 20 business days prior to commencement of any licensed activity. The contact details are as follows—

Sandwich Port and Haven Commissioners, 1 Potter Street, Sandwich, Kent CT13 9DR, Tel: 01304 612162;

Thanet District Council, The Harbour Offices, Military Road, Ramsgate, CT11 LQ, Email: portoframsgate@thanet.gov.uk , Tel: 01843 687661.

Upon commencement of the works

12. Only coatings and treatments that are approved by the Health and Safety Executive as suitable for use in the marine environment can be utilised and they must be used in accordance with current best practice measures.

13. Bunding and/or storage facilities must be installed to contain and prevent the release of fuel oils, lubricating fluids and chemicals associated with vessels, plant and equipment into the marine environment.

14. 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 within 12 hours:

Within Office hours: 0300 200 2024

Outside Office hours: 07770 977 825

At all times if other numbers out of order: 0845 051 8486

Email: dispersants@marinemanagement.org.uk

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

15. Any construction materials that are misplaced below mean high water springs and cannot be recovered must be located and its position notified to the MMO Local Office and the MMO as deemed Licensing Authority within 48 hours.

16. The licence holder must ensure that the MMO Local Office is notified in writing of the completion of the works within 10 business days following the completion of any of the works.

17. All equipment, temporary structures, waste and debris associated with the works must be removed within 20 business days of completion of any of the works.

18. The licence holder must ensure that if maintenance is required which involves a licensable activity, a methodology for such maintenance must be submitted to the MMO for agreement in writing at least 28 business days prior to commencement of any maintenance works. No marine licensable maintenance works may commence without prior written approval from the MMO. This condition does not apply to maintenance works which are taken in an emergency in accordance with section 86 of the 2009 Act.