

SCHEDULES

SCHEDULE 12 **E+W+S**

Article 62

DEEMED MARINE LICENCE

PART 1 **E+W+S**

GENERAL

Interpretation **E+W+S**

1. In this licence—

“the 2008 Act” means the Planning Act 2008;

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

“the Archaeological Written Scheme of Investigation” means the Archaeological Written Scheme of Investigation approved under paragraph 5(3)(b) of Schedule 2 (requirements) to the Order where it relates to any part of the river Thames;

“the authorised development” means the development described in Schedule 1 (authorised development) to the Order, and any other development within the meaning of section 32 (meaning of “development”) of the 2008 Act that is authorised by the Order;

“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 ^{M1};

“commence” means beginning to carry out any part of a licensed activity and “commenced” and “commencement” is to be construed accordingly;

“condition” means a condition in Part 2 of this licence and references in this licence to numbered conditions are to the conditions with those numbers in Part 2;

“the licence holder” means Transport for London and any transferee pursuant to article 59 of the Order;

“licensed activity” means any of the activities specified in paragraph 3 of this licence;

“the MMO” means the Marine Management Organisation;

“the Order” means the Silvertown Tunnel Order 2018 ^{M2};

“the River” means so much of the river Thames, the Thames estuary, rivers, streams, creeks, watercourses and the sea as is within the Port of London Authority’s limits as described in paragraph 2 of Schedule 1 to the Port of London Act 1968; and

“Work No. 20A” means the work of that description in Schedule 1 (authorised development) to the Order.

Marginal Citations

M1 1971 c. 80.

Status: Point in time view as at 31/05/2018.
Changes to legislation: There are currently no known outstanding effects for the The Silvertown Tunnel Order 2018, SCHEDULE 12. (See end of Document for details)

M2 S.I. 2018/574.

Contacts E+W+S

2.—(1) Except where otherwise indicated, the main point of contact with the MMO and the address for email and postal returns and correspondence are as follows—

- (a) Marine Management Organisation, Marine Licensing Team, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH; Tel. – 0300 123 1032, Fax – 0191 376 2681, Email – marine.consents@marinemangement.org.uk;
- (b) Marine Management Organisation, MMO Lowestoft, Pakefield Road, Lowestoft, Suffolk, NR33 0HT; Tel. – 01502 573 149 or 01502 572 769, Email – lowestoft@marinemangement.org.uk

(2) The contact details for the MMO Marine Pollution Response Team are Tel. (during office hours) – 0300 200 2024, Tel. (outside office hours) – 07770 977 825 or 0845 051 8486 and Email – dispersants@marinemangement.org.uk, or such replacement contact details notified to the licence holder in writing by the MMO.

Details of licensed marine activities E+W+S

3.—(1) Subject to the licence conditions in Part 2, this licence authorises the licence holder (and any agent, contractor or subcontractor acting on their behalf) to carry out any licensable marine activities under section 66(1) (licensable marine activities) of the 2009 Act which—

- (a) form part of, or are related to, the authorised development (including any maintenance dredging activities); and
- (b) are not exempt from requiring a marine licence by virtue of any provision made under section 74 (exemptions specified by order) of the 2009 Act.

(2) The grid coordinates for the area of the river Thames within which the licence holder may carry out licensed activities are specified below and more particularly shown on the works plans—

<i>Point reference</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	51.502086	0.011706655
2	51.501788	0.011218071
3	51.501519	0.010658691
4	51.501260	0.010056521
5	51.501261	0.00999893
6	51.501036	0.009441541
7	51.501100	0.009372319
8	51.500936	0.009019267
9	51.500165	0.009878706
10	51.500580	0.010876711
11	51.500875	0.01148046
12	51.500973	0.011585596
13	51.501295	0.012190542

Status: Point in time view as at 31/05/2018.

Changes to legislation: There are currently no known outstanding effects for the The Silvertown Tunnel Order 2018, SCHEDULE 12. (See end of Document for details)

14	51.501477	0.012587593
15	51.501782	0.013148567
16	51.502141	0.013726324
17	51.502528	0.014247686
18	51.502925	0.014683064
19	51.503485	0.014001723
20	51.504437	0.013035025
21	51.504757	0.013236467
22	51.504800	0.013368036
23	51.504926	0.013359183
24	51.504991	0.013203569
25	51.504949	0.013071999
26	51.505236	0.012047159
27	51.506233	0.010577994
28	51.505490	0.009320454
29	51.504395	0.010742076
30	51.502644	0.012711054
31	51.502373	0.012252441

PART 2 **E+W+S**

CONDITIONS APPLYING TO CONSTRUCTION ACTIVITIES

Benthic ecology monitoring and mitigation **E+W+S**

4.—(1) The licence holder must submit a benthic ecology monitoring and mitigation plan, for approval by the MMO, prior to the commencement of the first licensed activity.

(2) The monitoring and mitigation plan submitted for approval must include—

- (a) the detailed methodology and extent of pre-construction benthic ecology surveys to be carried out;
- (b) the detailed methodology and extent of benthic ecology surveys to be carried out prior to the removal of any temporary structures constructed as part of Work No. 20A;
- (c) the detailed methodology and extent of post-construction benthic ecology surveys to be carried out; and
- (d) details of how any necessary mitigation will be identified following the carrying out of the surveys and implemented.

(3) The licence holder must not commence the first licensed activity until the MMO has approved in writing the submitted monitoring and mitigation plan.

(4) The licence holder must—

Status: Point in time view as at 31/05/2018.

Changes to legislation: There are currently no known outstanding effects for the The Silvertown Tunnel Order 2018, SCHEDULE 12. (See end of Document for details)

- (a) not commence the first licensed activity until it has carried out the pre-construction surveys and implemented any pre-construction mitigation measures required by the monitoring and mitigation plan approved under sub-paragraph (3);
- (b) not remove any temporary structures constructed as part of Work No. 20A until it has carried out the surveys and implemented any mitigation measures required by the monitoring and mitigation plan approved under sub-paragraph (3) in relation to the removal of those structures; and
- (c) following completion of construction of the authorised development (including the removal of any temporary structures constructed as part of Work No. 20A), carry out the post-construction surveys and implement any post-construction mitigation measures required by the monitoring and mitigation plan approved under sub-paragraph (3), unless otherwise agreed in writing by the MMO.

Construction method statement **E+W+S**

5.—(1) The licence holder must submit a method statement, for approval by the MMO following consultation with the Environment Agency, at least 6 weeks prior to the commencement of any licensed activity.

(2) The method statement must include the following details—

- (a) the detailed construction methodology to be employed by the licence holder in carrying out the licensed activity; and
- (b) a programme of works including timings and durations, method of delivery of material to site and plant to be used during the works.

(3) The licence holder must not commence the licensed activity until the MMO has approved in writing the submitted method statement.

(4) The licensed activity must be carried out in accordance with the approved method statement, unless otherwise agreed in writing by the MMO.

Marine pollution contingency plan **E+W+S**

6.—(1) The licence holder must submit a marine pollution contingency plan, for approval by the MMO, at least 6 weeks prior to the commencement of any licensed activity.

(2) The marine pollution contingency plan must set out the licence holder's assessment of the likely risks which could arise as a result of a spill or collision during construction and operation of the authorised development and the methods and procedures the licence holder intends to put in place to address them.

(3) The MMO must consult the Environment Agency and the PLA on the marine pollution contingency plan before approving it.

(4) The licence holder must not commence the licensed activity until the MMO has approved in writing the submitted marine pollution contingency plan.

(5) The licensed activity must be carried out in accordance with the approved marine pollution contingency plan, unless otherwise agreed in writing by the MMO.

Concrete and cement **E+W+S**

7. The licence holder must not discharge waste concrete slurry or wash water from concrete or cement into the River. The licence holder 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.

Coatings and treatments **E+W+S**

8. The licence holder must ensure that any coatings and any treatments are suitable for use in the River and are used in accordance with either guidelines approved by the Health and Safety Executive or the Environment Agency.

Spills, etc. **E+W+S**

9. The licence holder must—

- (a) store, handle, transport and use fuels, lubricants, chemicals and other substances so as to prevent releases into the marine environment, including bunding of 110% of the total volume of all reservoirs and containers;
- (b) report any spill of oil, fuel or chemicals into the marine area to the MMO Marine Pollution Response Team within 12 hours of the spill occurring; and
- (c) store all waste in designated areas that are isolated from surface water drains and open water and are bunded.

Percussive piling **E+W+S**

10. Where a licensed activity involves percussive piling the licence holder must commence piling activities using soft-start techniques for at least 20 minutes to ensure an incremental increase in pile power until full operational power is achieved. Should piling cease for at least 10 minutes the soft-start procedures must be repeated.

Archaeological written scheme of investigation **E+W+S**

11.—(1) At the same time as the licence holder submits the first method statement to the MMO for approval under condition 5, the licence holder must supply the MMO with, for information purposes, the Archaeological Written Scheme of Investigation.

(2) At the same time as the licence holder submits any subsequent method statement to the MMO for approval under condition 5, the licence holder must supply the MMO with, for information purposes, the Archaeological Written Scheme of Investigation if it has been amended from any previous version supplied to the MMO under this paragraph.

(3) The licence holder must implement and act in accordance with the Archaeological Written Scheme of Investigation.

Removal of temporary structures, etc. **E+W+S**

12.—(1) Subject to sub-paragraph (2), the licence holder must remove all equipment, temporary structures, waste and debris associated with the licensed activities from the River within 6 weeks of the completion of those activities, unless otherwise agreed in writing by the MMO.

(2) The licence holder must remove the temporary structures constructed under Work No. 20A as soon as reasonably practicable after the use of that work in connection with the construction of the authorised development has ceased, unless otherwise agreed in writing by the MMO.

Status: Point in time view as at 31/05/2018.

Changes to legislation: There are currently no known outstanding effects for the The Silvertown Tunnel Order 2018, SCHEDULE 12. (See end of Document for details)

PART 3 **E+W+S**

PROCEDURE FOR THE DISCHARGE OF CONDITIONS

Meaning of “application” **E+W+S**

13. In this Part, “application” means a submission by the licence holder for approval of a construction method statement under condition 5 or a marine pollution contingency plan under condition 6.

Further information regarding application **E+W+S**

14.—(1) The MMO may request in writing such further information from the licence holder as is necessary to enable the MMO to consider the application.

(2) If the MMO does not make a request under sub-paragraph (1) within 20 business days of the day immediately following that on which the application is received by the MMO, it is deemed to have sufficient information to consider the application and is not entitled to request further information after this date without the prior agreement of the licence holder.

Determination of application **E+W+S**

15.—(1) In determining the application the MMO may have regard to—

- (a) the application and any supporting information or documentation;
- (b) any further information provided by the licence holder in accordance with paragraph 14; and
- (c) such other matters as the MMO thinks relevant.

(2) Having considered the application the MMO must—

- (a) grant the application unconditionally;
- (b) grant the application subject to the conditions as the MMO thinks fit; or
- (c) refuse the application.

Notice of determination **E+W+S**

16.—(1) Subject to sub-paragraph (2) or (3), the MMO must give notice to the licence holder of the determination of the application within 30 business days of the day immediately following that on which the application is received by the MMO.

(2) Where the MMO has made a request under condition 14, the MMO must give notice to the licence holder of the determination of the application no later than 30 business days of the day immediately following that on which the further information is received by the MMO.

(3) The MMO and the licence holder may agree in writing a longer period of time for the provision by the MMO of a notice under sub-paragraph (1) such period to be no more than 60 days from the day immediately following that on which the application is received.

(4) Where the MMO refuses the application the refusal notice must state the reasons for the refusal.

(5) Where notice is not given by the MMO in accordance with sub-paragraph (1) or (2) the application is deemed to have been refused.

Arbitration **E+W+S**

17.—(1) Subject to condition 16(2), any difference under any provision of this licence must , unless otherwise agreed between the MMO and the licence holder, be referred to and settled by a single arbitrator to be agreed between the MMO and the licence holder or, failing agreement, to be appointed on the application of either the MMO or the licence holder (after giving notice in writing to the other) by the President of the Institution of Civil Engineers.

(2) Nothing in condition 16(1) or 16(2) is to be taken, or to operate so as to, fetter or prejudice the statutory rights, powers, discretions or responsibilities of the MMO.

Status:

Point in time view as at 31/05/2018.

Changes to legislation:

There are currently no known outstanding effects for the The Silvertown Tunnel Order 2018, SCHEDULE 12.