

SCHEDULE 8

Article 29

DEEMED MARINE LICENCE UNDER THE 2009 ACT

PART 1

LICENSED MARINE ACTIVITIES

1.—(1) In this licence—

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

“authorised deposits” means the substances and articles specified in paragraph of Part 1 of this licence;

“authorised development” means the development and associated development described in Part 1 of Schedule 1 (authorised development) of the Order;

“commence” means the first carrying out of any licensed marine activities authorised by this marine licence;

“condition” means a condition in Part 2 of this licence;

“environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of the Order;

“existing flood defence” means the existing bund and integrated infrastructure located beneath the path known as the Saxon Shore Way and to the north and west of the authorised development;

“LAT” means lowest astronomical tide;

“licensed activities” means the activities specified in Part 1 of this licence;

“MMO” means the Marine Management Agency, the body created under the 2009 Act which is responsible for the monitoring and enforcement of this licence;

“the location, order limits and grid coordinates plan” means the plan certified as the location, order limits and grid coordinates plan by the Secretary of State for the purposes of the Order under article 34 (certification of plans and documents, etc.);

“MHWS” means the highest level which spring tides reach on average over a period of time;

“Order” means the Cleve Hill Solar Park Order 2020;

“undertaker” means Cleve Hill Solar Park Limited (company number 08904850);

“Work No. 9” means the work of that description in Schedule 1 of the Order; and

“works plan” means the plan certified as the works plan by the Secretary of State for the purposes of the Order.

(2) A reference to any statute, order, regulation or similar instrument is construed as a reference to a statute, order, regulation or 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); and

(b) all co-ordinates are taken to be latitude and longitude degrees and minutes to two decimal places.

(4) Except where otherwise notified in writing by the MMO, notices to the MMO must be sent to—

Status: Point in time view as at 19/06/2020.

Changes to legislation: There are currently no known outstanding effects for the The Cleve Hill Solar Park Order 2020, SCHEDULE 8. (See end of Document for details)

- (a) Marine Management Organisation
 - Marine Licensing
 - Lancaster House
 - Newcastle Business Park
 - Newcastle upon Tyne
 - NE4 7YH
 - Tel: 0300 123 1032; and
- (b) Marine Management Organisation (local office)
 - Fish Market
 - Rock-A-Nore Road
 - Hastings
 - East Sussex
 - TN34 3DW

Commencement Information

II Sch. 8 Pt. 1 para. 1 in force at 19.6.2020, see [art. 1](#)

Details of licensed marine activities

2.—(1) Subject to the licence conditions, this licence authorises the undertaker (and any agent or contractor acting on their behalf) to carry out the following 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; and
 - (b) are not exempt from requiring a marine licence by virtue of any provision made under section 74 of the 2009 Act.
- (2) Such activities are authorised in relation to—

Work No.9— works to maintain the existing flood defence, comprising—

- (a) inspection;
- (b) investigation (above MHWS, inclusive of trial pitting);
- (c) replacement of expansion joint material;
- (d) concrete repair (to a standard specified in BS EN 1504);
- (e) replacement of concrete toe beam;
- (f) vegetation management (including grass cutting and removal of larger vegetation);
- (g) replacement of loose and missing block work;
- (h) repair of voids;
- (i) fencing repair and replacement;
- (j) servicing outfalls;
- (k) cleaning outfall ancillary structures;
- (l) topping up of embankment crest levels at localised low spots;
- (m) vermin control;
- (n) repairs of rutting in crest;

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Changes to legislation: There are currently no known outstanding effects for the The Cleve Hill Solar Park Order 2020, SCHEDULE 8. (See end of Document for details)

- (o) repointing of jointed structures;
- (p) replacing modular blocks;
- (q) replacement of toe armour as required;
- (r) reinstatement of timber toe piles;
- (s) timber groyne plank replacement;
- (t) replacement of bolts on groyne;
- (u) placement of timber rubbing boards on groyne;
- (v) localised movements of beach material;
- (w) cleaning/dredging of drainage ditch channels;
- (x) replacement of pitching where present;
- (y) replacement of access structures;
- (z) painting; and
- (aa) any other activities required to be undertaken which—
 - (i) use the same materials as those on the existing flood defence;
 - (ii) do not alter the plan form or cross section of the existing flood defence;
 - (iii) do not provide an overall increase or reduction in flood level; and
 - (iv) do not require excavations of beach material deeper than 1.5 metres.

Commencement Information

12 Sch. 8 Pt. 1 para. 2 in force at 19.6.2020, see [art. 1](#)

3. The substances or articles authorised for deposit at sea include—
- (a) iron and steel, copper and aluminium;
 - (b) stone and rock;
 - (c) concrete;
 - (d) sand and gravel;
 - (e) timber;
 - (f) plastic and synthetics;
 - (g) marine coatings; and
 - (h) material extracted from within the offshore Order limits.

Commencement Information

13 Sch. 8 Pt. 1 para. 3 in force at 19.6.2020, see [art. 1](#)

4. The grid coordinates for that part of the authorised development comprising Work No. 9 are specified below and more particularly on the location, order limits and grid coordinates plan—

Point ID	Latitude (DMS)	Longitude (DMS)	Point ID	Latitude (DMS)	Longitude (DMS)
1	51° 19' 56.946" N	0° 54' 46.089" E	100	51° 20' 32.408" N	0° 54' 7.763" E
2	51° 19' 58.535" N	0° 54' 45.298" E	101	51° 20' 33.143" N	0° 54' 9.545" E

Status: Point in time view as at 19/06/2020.

Changes to legislation: There are currently no known outstanding effects for the The Cleve Hill Solar Park Order 2020, SCHEDULE 8. (See end of Document for details)

3	51° 19' 58.708" N	0° 54' 45.201" E	102	51° 20' 34.285" N	0° 54' 13.532" E
4	51° 19' 59.027" N	0° 54' 45.080" E	103	51° 20' 35.087" N	0° 54' 17.689" E
5	51° 19' 59.384" N	0° 54' 44.724" E	104	51° 20' 35.317" N	0° 54' 21.662" E
6	51° 19' 59.960" N	0° 54' 44.350" E	105	51° 20' 37.215" N	0° 54' 36.902" E
7	51° 20' 1.300" N	0° 54' 43.858" E	106	51° 20' 37.791" N	0° 54' 38.342" E
8	51° 20' 2.911" N	0° 54' 42.665" E	107	51° 20' 37.114" N	0° 54' 46.675" E
9	51° 20' 3.116" N	0° 54' 42.384" E	108	51° 20' 37.181" N	0° 54' 46.705" E
10	51° 20' 4.788" N	0° 54' 40.819" E	109	51° 20' 37.035" N	0° 54' 49.041" E
11	51° 20' 4.959" N	0° 54' 40.563" E	110	51° 20' 36.955" N	0° 54' 49.652" E
12	51° 20' 5.438" N	0° 54' 40.227" E	111	51° 20' 36.954" N	0° 54' 49.874" E
13	51° 20' 6.231" N	0° 54' 38.746" E	112	51° 20' 36.983" N	0° 54' 50.130" E
14	51° 20' 6.637" N	0° 54' 38.090" E	113	51° 20' 36.985" N	0° 54' 50.419" E
15	51° 20' 7.311" N	0° 54' 36.551" E	114	51° 20' 36.920" N	0° 54' 50.652" E
16	51° 20' 7.817" N	0° 54' 35.012" E	115	51° 20' 37.006" N	0° 54' 51.158" E
17	51° 20' 8.559" N	0° 54' 30.512" E	116	51° 20' 37.215" N	0° 54' 50.375" E
18	51° 20' 8.713" N	0° 54' 28.690" E	117	51° 20' 37.673" N	0° 54' 46.063" E
19	51° 20' 8.886" N	0° 54' 27.093" E	118	51° 20' 38.109" N	0° 54' 39.463" E
20	51° 20' 8.229" N	0° 54' 29.798" E	119	51° 20' 36.284" N	0° 54' 26.251" E
21	51° 20' 7.773" N	0° 54' 32.964" E	120	51° 20' 35.445" N	0° 54' 16.667" E
22	51° 20' 6.916" N	0° 54' 36.190" E	121	51° 20' 34.876" N	0° 54' 13.691" E
23	51° 20' 5.271" N	0° 54' 39.948" E	122	51° 20' 33.400" N	0° 54' 8.742" E
24	51° 20' 1.514" N	0° 54' 43.309" E	123	51° 20' 32.885" N	0° 54' 7.478" E
25	51° 19' 59.852" N	0° 54' 43.782" E	124	51° 20' 32.714" N	0° 54' 5.934" E
26	51° 20' 11.941" N	0° 54' 13.217" E	125	51° 20' 32.081" N	0° 54' 3.003" E
27	51° 20' 11.877" N	0° 54' 12.095" E	126	51° 20' 36.869" N	0° 54' 51.672" E
28	51° 20' 11.663" N	0° 54' 10.398" E	127	51° 20' 36.819" N	0° 54' 51.640" E
29	51° 20' 11.436" N	0° 54' 9.385" E	128	51° 20' 36.762" N	0° 54' 51.642" E
30	51° 20' 10.399" N	0° 54' 6.406" E	129	51° 20' 36.711" N	0° 54' 51.724" E
31	51° 20' 10.522" N	0° 54' 7.338" E	130	51° 20' 36.674" N	0° 54' 51.969" E
32	51° 20' 10.085" N	0° 53' 46.895" E	131	51° 20' 36.662" N	0° 54' 52.243" E
33	51° 20' 10.324" N	0° 53' 47.052" E	132	51° 20' 36.643" N	0° 54' 52.308" E
34	51° 20' 10.497" N	0° 53' 47.265" E	133	51° 20' 36.557" N	0° 54' 52.486" E
35	51° 20' 10.555" N	0° 53' 47.377" E	134	51° 20' 36.597" N	0° 54' 52.469" E
36	51° 20' 10.609" N	0° 53' 47.678" E	135	51° 20' 36.651" N	0° 54' 52.486" E
37	51° 20' 10.685" N	0° 53' 56.589" E	136	51° 20' 42.418" N	0° 55' 36.744" E

Status: Point in time view as at 19/06/2020.

Changes to legislation: There are currently no known outstanding effects for the The Cleve Hill Solar Park Order 2020, SCHEDULE 8. (See end of Document for details)

38	51° 20' 10.577" N	0° 53' 57.633" E	137	51° 20' 42.431" N	0° 55' 37.288" E
39	51° 20' 10.677" N	0° 53' 57.274" E	138	51° 20' 42.700" N	0° 55' 40.210" E
40	51° 20' 10.741" N	0° 53' 56.919" E	139	51° 20' 42.775" N	0° 55' 40.607" E
41	51° 20' 10.759" N	0° 53' 56.703" E	140	51° 20' 42.916" N	0° 55' 40.911" E
42	51° 20' 10.691" N	0° 53' 47.644" E	141	51° 20' 42.913" N	0° 55' 41.691" E
43	51° 20' 10.658" N	0° 53' 47.286" E	142	51° 20' 43.090" N	0° 55' 42.369" E
44	51° 20' 10.631" N	0° 53' 47.191" E	143	51° 20' 43.208" N	0° 55' 42.254" E
45	51° 20' 10.417" N	0° 53' 46.970" E	144	51° 20' 43.241" N	0° 55' 43.046" E
46	51° 20' 10.380" N	0° 53' 46.880" E	145	51° 20' 43.362" N	0° 55' 43.772" E
47	51° 20' 10.348" N	0° 53' 46.718" E	146	51° 20' 43.555" N	0° 55' 43.598" E
48	51° 20' 10.380" N	0° 53' 46.503" E	147	51° 20' 43.523" N	0° 55' 44.092" E
49	51° 20' 10.447" N	0° 53' 46.302" E	148	51° 20' 43.570" N	0° 55' 44.669" E
50	51° 20' 27.907" N	0° 53' 46.744" E	149	51° 20' 43.671" N	0° 55' 45.270" E
51	51° 20' 27.862" N	0° 53' 47.043" E	150	51° 20' 43.799" N	0° 55' 45.070" E
52	51° 20' 27.876" N	0° 53' 47.230" E	151	51° 20' 43.780" N	0° 55' 45.567" E
53	51° 20' 27.830" N	0° 53' 47.672" E	152	51° 20' 43.948" N	0° 55' 46.756" E
54	51° 20' 27.699" N	0° 53' 48.253" E	153	51° 20' 44.306" N	0° 55' 48.368" E
55	51° 20' 27.585" N	0° 53' 48.411" E	154	51° 20' 44.687" N	0° 55' 49.791" E
56	51° 20' 27.555" N	0° 53' 48.435" E	155	51° 20' 45.757" N	0° 55' 54.594" E
57	51° 20' 27.538" N	0° 53' 48.625" E	156	51° 20' 47.241" N	0° 56' 2.207" E
58	51° 20' 27.517" N	0° 53' 48.660" E	157	51° 20' 47.983" N	0° 56' 6.651" E
59	51° 20' 27.406" N	0° 53' 48.710" E	158	51° 20' 48.152" N	0° 56' 6.491" E
60	51° 20' 27.376" N	0° 53' 48.744" E	159	51° 20' 48.092" N	0° 56' 6.958" E
61	51° 20' 27.358" N	0° 53' 48.805" E	160	51° 20' 48.096" N	0° 56' 7.304" E
62	51° 20' 27.357" N	0° 53' 48.852" E	161	51° 20' 48.226" N	0° 56' 7.918" E
63	51° 20' 27.320" N	0° 53' 49.159" E	162	51° 20' 48.436" N	0° 56' 7.698" E
64	51° 20' 27.275" N	0° 53' 49.275" E	163	51° 20' 48.394" N	0° 56' 8.208" E
65	51° 20' 27.252" N	0° 53' 49.310" E	164	51° 20' 48.416" N	0° 56' 8.607" E
66	51° 20' 27.112" N	0° 53' 49.343" E	165	51° 20' 48.474" N	0° 56' 8.816" E
67	51° 20' 27.084" N	0° 53' 49.434" E	166	51° 20' 48.520" N	0° 56' 8.981" E
68	51° 20' 27.059" N	0° 53' 49.665" E	167	51° 20' 48.530" N	0° 56' 9.101" E
69	51° 20' 27.036" N	0° 53' 49.798" E	168	51° 20' 48.516" N	0° 56' 9.227" E
70	51° 20' 26.925" N	0° 53' 50.097" E	169	51° 20' 48.514" N	0° 56' 9.358" E
71	51° 20' 26.949" N	0° 53' 50.133" E	170	51° 20' 48.592" N	0° 56' 9.802" E
72	51° 20' 27.049" N	0° 53' 49.908" E	171	51° 20' 48.676" N	0° 56' 10.128" E

Status: Point in time view as at 19/06/2020.

Changes to legislation: There are currently no known outstanding effects for the The Cleve Hill Solar Park Order 2020, SCHEDULE 8. (See end of Document for details)

73	51° 20' 27.113" N	0° 53' 49.705" E	172	51° 20' 48.616" N	0° 56' 7.869" E
74	51° 20' 27.164" N	0° 53' 49.465" E	173	51° 20' 48.857" N	0° 56' 14.026" E
75	51° 20' 27.246" N	0° 53' 49.429" E	174	51° 20' 48.852" N	0° 56' 14.100" E
76	51° 20' 27.272" N	0° 53' 49.410" E	175	51° 20' 48.844" N	0° 56' 14.168" E
77	51° 20' 27.326" N	0° 53' 49.330" E	176	51° 20' 48.807" N	0° 56' 14.326" E
78	51° 20' 27.347" N	0° 53' 49.270" E	177	51° 20' 48.722" N	0° 56' 14.640" E
79	51° 20' 27.374" N	0° 53' 49.080" E	178	51° 20' 48.645" N	0° 56' 15.364" E
80	51° 20' 27.403" N	0° 53' 48.953" E	179	51° 20' 48.916" N	0° 56' 17.077" E
81	51° 20' 27.459" N	0° 53' 48.796" E	180	51° 20' 44.526" N	0° 56' 52.481" E
82	51° 20' 27.534" N	0° 53' 48.775" E	181	51° 20' 44.523" N	0° 56' 53.111" E
83	51° 20' 27.577" N	0° 53' 48.731" E	182	51° 20' 44.613" N	0° 56' 53.520" E
84	51° 20' 27.605" N	0° 53' 48.666" E	183	51° 20' 44.607" N	0° 56' 53.654" E
85	51° 20' 27.622" N	0° 53' 48.491" E	184	51° 20' 44.472" N	0° 56' 54.152" E
86	51° 20' 27.695" N	0° 53' 48.408" E	185	51° 20' 44.365" N	0° 56' 54.631" E
87	51° 20' 27.763" N	0° 53' 48.293" E	186	51° 20' 44.337" N	0° 56' 54.961" E
88	51° 20' 27.942" N	0° 53' 47.338" E	187	51° 20' 44.341" N	0° 56' 55.338" E
89	51° 20' 27.948" N	0° 53' 47.235" E	188	51° 20' 44.188" N	0° 56' 56.399" E
90	51° 20' 27.910" N	0° 53' 47.165" E	189	51° 20' 44.193" N	0° 56' 56.709" E
91	51° 20' 27.920" N	0° 53' 47.052" E	190	51° 20' 44.268" N	0° 56' 57.174" E
92	51° 20' 27.939" N	0° 53' 46.941" E	191	51° 20' 49.033" N	0° 56' 20.247" E
93	51° 20' 27.963" N	0° 53' 46.853" E	192	51° 20' 48.835" N	0° 56' 14.262" E
94	51° 20' 27.997" N	0° 53' 46.798" E	193	51° 20' 48.854" N	0° 56' 14.137" E
95	51° 20' 30.414" N	0° 53' 56.932" E	194	51° 20' 48.859" N	0° 56' 14.060" E
96	51° 20' 30.486" N	0° 53' 58.149" E	195	51° 20' 47.432" N	0° 56' 30.037" E
97	51° 20' 30.389" N	0° 53' 58.557" E	196	51° 20' 47.356" N	0° 56' 30.457" E
98	51° 20' 31.727" N	0° 54' 3.734" E	197	51° 20' 46.743" N	0° 56' 35.249" E
99	51° 20' 32.193" N	0° 54' 5.976" E	198	51° 20' 46.536" N	0° 56' 37.296" E

Commencement Information

I4 Sch. 8 Pt. 1 para. 4 in force at 19.6.2020, see [art. 1](#)

5. The provisions of section 72 (variation, suspension, revocation and transfer) of the 2009 Act apply to this licence except that the provisions of section 72(7) relating to the transfer of the licence only apply to a transfer not falling within article 5 (consent to transfer benefit of Order).

Commencement Information

I5 Sch. 8 Pt. 1 para. 5 in force at 19.6.2020, see [art. 1](#)

6. With respect to any condition which requires the licensed activities be carried out in accordance with the plans, protocols or statements approved under this Schedule, the approved details, plan or project are taken to include any amendments that may subsequently be approved in writing by the MMO.

Commencement Information

I6 Sch. 8 Pt. 1 para. 6 in force at 19.6.2020, see [art. 1](#)

7. Any amendments to or variations from the approved details must be in accordance with the principles and assessments set out in the environmental statement. Such agreement may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the relevant planning authority or that other person that the subject matter of the agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

Commencement Information

I7 Sch. 8 Pt. 1 para. 7 in force at 19.6.2020, see [art. 1](#)

PART 2

CONDITIONS

Notifications regarding licensed activities

1. The licence holder must inform the MMO in writing of the commencement of the first licensed activity at least 24 hours prior to such commencement.

Commencement Information

I8 Sch. 8 Pt. 2 para. 1 in force at 19.6.2020, see [art. 1](#)

2.—(1) The licence holder must inform the MMO of the name and function of any agent or contractor appointed to engage in any licensed activity not less than 24 hours before the commencement of the licensed activity in question.

(2) Any changes to details supplied under sub-paragraph (1) must be notified to the MMO in writing prior to the agent, contractor or vessel engaging in the licensed activity in question.

(3) Only those persons notified to the MMO in accordance with this condition are permitted to carry out a licensed activity.

Commencement Information

I9 Sch. 8 Pt. 2 para. 2 in force at 19.6.2020, see [art. 1](#)

Status: Point in time view as at 19/06/2020.

Changes to legislation: There are currently no known outstanding effects for the The Cleve Hill Solar Park Order 2020, SCHEDULE 8. (See end of Document for details)

3. The licence holder must ensure that a copy of this Schedule has been read and understood by any agents and contractors that will be carrying out any licensed activity on behalf of the licence holder, as notified to the MMO under condition 10.

Commencement Information

I10 Sch. 8 Pt. 2 para. 3 in force at 19.6.2020, see [art. 1](#)

4. Copies of this Schedule must be available for inspection at the following locations—
- (a) the licence holder's registered office; and
 - (b) during the construction of the authorised development only, at any site office which is adjacent to or near the river and which has been provided for the purposes of the construction of the authorised development.

Commencement Information

I11 Sch. 8 Pt. 2 para. 4 in force at 19.6.2020, see [art. 1](#)

Pollution prevention

5. The licence holder must—
- (a) not discharge waste concrete slurry or wash water from concrete, or cement into the marine environment, and where practicable, site concrete and cement mixing and washing areas at least 10 metres away from the marine environment and any surface water drain to minimise the risk of run off entering the marine environment;
 - (b) store, handle, transport and use fuels, lubricants, chemicals and other substances so as to prevent releases into the marine environment, including bunding or storage of 110% of the total volume of all reservoirs and containers;
 - (c) report any spill of oil, fuel or chemicals into the marine area to the MMO Marine Pollution Response Team (by telephone, within office hours on 0300 200 2024, or outside office hours on 07770 977 825, and at all times, if no response to calls to those numbers, on 0345 051 8486 or via email using dispersants@marinemanagement.org.uk) within 12 hours of the spill occurring;
 - (d) store all waste in designated areas that are isolated from surface water drains and open water and are bunded;
 - (e) use suitable protective sheeting to prevent dust, debris (including paints and solvents) and rebounded or windblown concrete from entering the water environment, and rebounded material must be cleared away before the sheeting is removed;
 - (f) ensure that any coatings and any treatments are suitable for use in the marine environment and are used in accordance with either guidelines approved by the Health and Safety Executive or the Environment Agency;
 - (g) not use priority substances and polluting chemicals listed under the Environmental Quality Standards Directive during works.

Commencement Information

I12 Sch. 8 Pt. 2 para. 5 in force at 19.6.2020, see [art. 1](#)

Post-construction

6. The licence holder must remove all temporary structures, waste and debris associated with the construction activities within 6 weeks following completion of the final construction activity.

Commencement Information

I13 Sch. 8 Pt. 2 para. 6 in force at 19.6.2020, see [art. 1](#)

Maintenance

7.—(1) Unless otherwise agreed by the MMO, the licenced activities may not commence until a maintenance plan has been approved in writing by the MMO.

(2) The maintenance plan must be submitted at least 6 weeks prior to the commencement of any maintenance activity, and must include details of the maintenance activities required including location, duration, timings, methodology and materials to be used.

(3) Maintenance activities must be undertaken in accordance with the agreed plan.

Commencement Information

I14 Sch. 8 Pt. 2 para. 7 in force at 19.6.2020, see [art. 1](#)

Status:

Point in time view as at 19/06/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Cleve Hill Solar Park Order 2020, SCHEDULE 8.