

SCHEDULES

SCHEDULE 10

Article 37

DEEMED MARINE LICENCE UNDER THE 2009 ACT: PROJECT A

PART 1

LICENSED ACTIVITIES

1.—(1) In this licence—

“the 2004 Act” means the Energy Act 2004;

“the 2008 Act” means the Planning Act 2008;

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

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

“CEMP” means a construction environmental management plan for the licensed activities or any part of those works;

“commence” means the first carrying out of any licensed activities authorised by this marine licence and “commenced” and “commencement” shall be construed accordingly;

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

“disposal” means the deposit of dredge arisings at a disposal site carrying reference TY160 – “Tees Bay A” or TY150 – “Tees Bay C”;

“dredge arisings” means inert material of natural origin, produced during dredging;

“enforcement officer” means a person authorised to carry out enforcement duties under Chapter 3 of Part 4 (marine licensing) of the 2009 Act;

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

“framework construction environmental management plan” means the document certified as the framework construction environmental management plan by the Secretary of State for the purposes of this Order;

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

“maintain” includes inspect, upkeep, repair, adjust, alter, improve, preserve and further includes remove, reconstruct and replace provided such works do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement and “maintenance” must be construed accordingly;

“MCMS” means the MMO’s online system for submission of marine licence applications and management of consented marine licences, including the submission of condition returns;

“Kingfisher Fortnightly Bulletin” means the bulletin published by the Humber Seafood Institute or such other alternative publication approved in writing by the MMO;

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

“MCA” means the Maritime and Coastguard Agency;

“mean high water springs” or “MHWS” means the highest level which spring tides reach on average over a period of time;

“office hours” means the period from 09:00 until 17:00 on any working day;

“Order” means the Net Zero Teesside Order 2024;

“Order limits” has the same meaning as in article 2(1) (interpretation) of the Order;

“relevant undertaker” means Net Zero Teesside Power Limited (company number 12473751) or the person who has the benefit of this deemed marine licence by virtue of article 7 (benefit of this Order) and article 8 (consent to transfer benefit of this Order) and any agent, contractor or sub-contractor acting on its behalf;

“sediment sampling plan” means a plan that provides an adequate characterisation of material proposed for dredging as part of the licenced activities;

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

“UXO” means unexploded ordnance;

“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 and any other craft capable of travelling on, in or under water, whether or not self-propelled;

“working day” means a day other than a Saturday or a 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; and

“Work No. 5B” means Work No. 5B as described in Schedule 1 to the Order.

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

(4) Except where otherwise notified in writing by the relevant organisation, the primary point of contact with the organisations listed below and the address for returns and correspondence are—

- (a) Centre for Environment, Fisheries and Aquaculture Science, Pakefield Road, Lowestoft, Suffolk, NR33 0HT; Tel. 01502 562 244.
- (b) Historic England, Cannon Bridge House, 25 Dowgate Hill, London, EC4R 2YA; Tel.020 7973 370.
- (c) Kingfisher Information Service of Seafish, Email – kingfisher@seafish.co.uk.
- (d) Marine Management Organisation, Local Enforcement Office, Neville House Bell Street, North Shields, NE30 1LJ; Tel. 0191 257 4520, Email – northshields@marinemanagement.org.uk.
- (e) Marine Management Organisation, Marine Licensing Team, Lancaster House, Hampshire Court, Newcastle Business Park, Newcastle Upon Tyne, NE4 7YH; Tel. 0300 123 1032, Email – marine.consents@marinemanagement.org.uk.

- (f) Maritime and Coastguard Agency, Navigation Safety Branch, Bay 2/20, Spring Place, 105 Commercial Road, Southampton, SO15 1EG; Tel. 020 3817 2433.
- (g) Natural England, Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX; Tel. 0300 060 3900.
- (h) The United Kingdom Hydrographic Office, Admiralty Way, Taunton, Somerset, TA1 2DN; Tel. 01823 337 900.
- (i) Trinity House, Tower Hill, London, EC3N 4DH; Tel. 020 7481 6900.

(5) Unless otherwise advised in writing by the MMO, MCMS must be used for all licence returns or applications to vary this licence.

Details of licensed activities

2.—(1) Subject to the licence conditions in Part 2, this licence authorises the relevant undertaker 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; and
- (b) are not exempt from requiring a marine licence by virtue of any provision made under section 74 of the 2009 Act.

(2) The licensed activities are authorised in relation to the construction, maintenance and operation of—

- (a) Work No. 5B—
 - (i) construction of a micro-bored tunnel;
 - (ii) dredging campaign(s) facilitating the removal of material from the seabed required for the construction of works and backfill / side cast as required;
 - (iii) the combined total disposal of up to 500m³ of dredge arisings across each of the disposal sites carrying reference TY160 – “Tees Bay A” and TY150 – “Tees Bay C”;
 - (iv) the installation of a pipeline;
 - (v) the establishment of a connection point for a discharge head including but not limited to the creation of a punchhole;
 - (vi) the emplacement of a discharge head;
 - (vii) the deposit of rock armour protection;
 - (viii) construction works; and
 - (ix) UXO inspection, removal and detonation.

in connection with Work No. 5B and to the extent that they do not otherwise form part of any such work, further associated development within the meaning of section 115(2) (development for which development consent may be granted) of the 2008 Act comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised development and which fall within the scope of the work assessed by the environmental statement and the provisions of this licence.

3. The relevant undertaker may engage in the licensed activities related to Work No. 5B in the area bounded by the coordinates set out in Table 9 in this paragraph.

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Table 9

<i>Work No.</i>	<i>Description</i>	<i>Longitude</i>	<i>Latitude</i>
Work No. 5B	Replacement discharge pipeline to the Tees Bay	-1.089946	54.63327
		-1.082979	54.630381
		-1.08312	54.630343
		-1.083903	54.630131
		-1.099769	54.625843
		-1.099968	54.625789
		-1.103141	54.624931
		-1.103864	54.624736
		-1.104309	54.624862
		-1.105244	54.625169
		-1.107138	54.625736
		-1.107962	54.625997
		-1.108859	54.626305
		-1.108101	54.626585
		-1.107614	54.626764
		-1.106721	54.627093
		-1.10572	54.627462
-1.105639	54.627492		
-1.090325	54.633131		
-1.090027	54.633241		

4. The coordinates for the disposal sites notified to the MMO for use in this licence are specified in Table 10 in this paragraph.

Table 10

<i>Disposal Site Ref</i>	<i>Description</i>	<i>Easting</i>	<i>Northing</i>
TY150	Tees Bay A disposal site	-0.956699	54.698301
		-0.9783	54.690001

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<i>Disposal Site Ref</i>	<i>Description</i>	<i>Easting</i>	<i>Northing</i>
		-0.998299	54.705
		-0.9767	54.710001
		-0.956699	54.698301
TY160	Tees Bay B disposal site	-1.004999	54.683302
		-1.025	54.67
		-1.0583	54.680002
		-1.036699	54.691702
		-1.004999	54.683302

5. The coordinates in Table 9 and Table 10 are defined in accordance with reference system WGS84 - World Geodetic System 1984.

6. This licence remains in force until the authorised development has been decommissioned in accordance with a programme approved by the Secretary of State under section 106 (approval of decommissioning programmes) of the 2004 Act, including any modification to the programme under section 108 (reviews and revisions of decommissioning programmes) of the 2004 Act, and the completion of such programme has been confirmed by the Secretary of State in writing.

7. 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) and (8) relating to the transfer of the licence only apply to a transfer not falling within article 8 (consent to transfer benefit of this Order).

8. 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 scheme are taken to include any amendments that may subsequently be approved in writing by the MMO.

PART 2 CONDITIONS

General

9. Any oil, fuel or chemical spill within the marine environment must be reported to the MMO Marine Pollution Response Team as soon as reasonably practicable, but in any event within 12 hours of such oil, fuel or chemical spill being identified in accordance with the following, unless otherwise advised in writing by the MMO—

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

Notifications and Inspections

10.—(1) The relevant undertaker must ensure that—

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- (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 14(2)(a); and
 - (ii) the vessel masters responsible for the vessels notified to the MMO in accordance with condition 14(2)(b); and
- (b) within 28 days of receipt of a copy of this licence those persons referred to in paragraph (a) above must confirm receipt of this licence in writing to the MMO.
- (2) Only those persons and vessels notified to the MMO in accordance with condition 14 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 relevant undertaker’s registered address;
 - (b) any site office located at or adjacent to the construction site and used by the relevant undertaker or its agents and contractors responsible for the loading, transportation or deposit of dredge arisings; and
 - (c) on board each vessel or at the office of any person with responsibility for such vessel from which the removal or deposit of dredge arisings are to be made.
- (4) The documents referred to in sub-paragraph (1)(a) must be available for inspection by an authorised enforcement officer at the locations set out in sub-paragraph (3)(b) above.
- (5) The relevant 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) The relevant undertaker must inform the MMO Local Enforcement Office in writing at least five days prior to the commencement of the licensed activities or any part of them, and within five days of completion of the licensed activities. A copy of the notification must be provided to the MMO Marine Licensing Team within 24 hours of issue.
- (7) The relevant undertaker must inform the Kingfisher Information Service of Seafish of details regarding the vessel routes, timings and locations relating to the construction of the authorised development or relevant part—
 - (a) at least 14 days prior to the commencement of Work Number 5B seaward of mean high water springs, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data; and
 - (b) as soon as reasonably practicable and no later than 24 hours after completion of construction of Work Number 5B seaward of mean high water springs,and confirmation of notification to Kingfisher Information Service of Seafish must be provided to the MMO Licensing Team as soon as reasonably practicable and no later than 24 hours after the date of such notice.
- (8) A notice to mariners must be issued by the relevant undertaker at least 14 days prior to the commencement of the licensed activities or any part of them advising of—
 - (a) the start date of the licenced activities relating to Work No. 5B; and
 - (b) the expected vessel routes from the construction ports to the relevant location,and copies of all notices must be provided to MMO Licensing Team, TH, MCA and the United Kingdom Hydrographic Office within five days as soon as reasonably practicable and no later than 24 hours after the issue of such notice.
- (9) The relevant undertaker must notify the United Kingdom Hydrographic Office of—

- (a) the commencement (within ten days of the date of commencement) of the licensed activities; and
- (b) progress and completion of construction (within ten days of the date of completion of construction) of the licensed activities,

in order that all necessary amendments to nautical charts are made. The relevant undertaker must send a copy of any notification issued to the MMO as soon as reasonably practicable and no later than 24 hours after the issue of such notice.

(10) In case of material damage to, or destruction or decay of, the authorised development seaward of MHWS or any part thereof, the relevant undertaker must as soon as possible and no later than 24 hours following the relevant undertaker becoming aware of any such damage, destruction or decay, notify the MMO, MCA, Trinity House, Kingfisher Information Service of Seafish and the United Kingdom Hydrographic Office.

(11) In case of exposure of pipelines on or above the seabed, the relevant undertaker must, within three working days following identification of a cable exposure, notify mariners by issuing a notice to mariners and by informing Kingfisher Information Service of Seafish of the location and extent of exposure, and no later than five days after the date of issue of such notice the relevant undertaker must send a copy of that notice to the MMO, MCA, Trinity House, and the United Kingdom Hydrographic Office.

Pre-construction

11.—(1) The relevant undertaker must submit a sediment sampling plan to the MMO for approval (following consultation with the Environment Agency) at least six months prior to the commencement of dredging activities.

(2) The sediment sampling and analysis must be undertaken—

- (a) in accordance with the sediment sampling plan approved by the MMO pursuant to sub-paragraph (1); and
- (b) by a laboratory which has been validated by the MMO for sediment analysis to inform marine licence applications.

(3) Details of the sediment sampling and analysis undertaken pursuant to sub-paragraph (2) must be submitted to the MMO at least 6 weeks prior to the commencement of dredging activities.

(4) No dredging and disposal activities may be undertaken until the details of sediment sampling and analysis submitted pursuant to sub-paragraph (3) have been approved by the MMO in writing (following consultation with the Environment Agency).

12.—(1) The relevant undertaker must submit a 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;
- (c) waste management and disposal arrangements; and
- (d) the appointment and responsibilities of a fisheries liaison officer.

(2) The CEMP must be submitted to the MMO for approval in writing at least three months prior to the commencement of the licensed activities or part of the licensed activities.

(3) The CEMP submitted pursuant to sub-paragraph (2) must be in accordance with the framework construction environmental management plan.

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(4) The licensed activities must be carried out in accordance with the CEMP approved pursuant to sub-paragraph (2) unless otherwise agreed in writing with the MMO.

13.—(1) A marine method statement must be submitted to the MMO at least three months prior to the proposed commencement of the licensed activities or part of the licensed activities.

(2) A marine method statement submitted pursuant to sub-paragraph (1) for licensed activities must include details of—

- (a) methods of dredging to be employed and associated disposal arrangements;
- (b) the micro-bored tunnel installation and methodology;
- (c) the discharge head installation technique and methodology;
- (d) rock armour specification, provenance and installation technique; and
- (e) an indicative programme for the delivery of the licensed activities.

(3) A marine method statement submitted pursuant to sub-paragraph (1) must—

- (a) only include details of the licensed activities in so far as they are required; and
- (b) be scaled to correspond to the final requirements of the authorised development.

(4) No part of the licensed activities may commence until the marine method statement for that part has been approved in writing by the MMO.

(5) A marine method statement approved pursuant to sub-paragraph (4) may be amended from time to time subject to approval in writing from the MMO.

(6) The licensed activities must be carried out in accordance with the marine method statement approved pursuant to sub-paragraphs (5) and (6).

Reporting of engaged agents, contractors and vessels

14.—(1) The relevant undertaker must notify the MMO in writing of any agents, contractors or subcontractors (including their name, address and company number if applicable) that will carry on any licensed activity listed in this licence on behalf of the relevant undertaker.

(2) A notification pursuant to sub-paragraph (1) must—

- (a) include the name, address and company number if applicable of any agent, contractor or sub-contractor; and
- (b) details of any vessel being used to carry on any licensed activity listed in this licence on behalf of the relevant undertaker including the master's name, vessel type, vessel IMO number and vessel owner or operating company (including company number if applicable); and
- (c) must be provided no less than 24 hours before the commencement of the licensed activity.

(3) Any changes to the name or function of the specified agent, contractor or sub-contractor, or details or functions of the specified vessel, as provided in accordance with sub-paragraph (1) must be notified to the MMO in writing no less than 24 hours before the agent, contract or sub-contractor carries out a licensed activity.

Written scheme of archaeological investigation

15.—(1) The licensed activities, or any part of the licensed activities, must not commence unless a written scheme of archaeological investigation has been submitted to and approved in writing by the MMO following consultation with Historic England.

(2) A written scheme of archaeological investigation submitted pursuant to sub-paragraph (1) must include—

- (a) details of responsibilities of the relevant undertaker, archaeological consultant and contractor where required and appropriate;
 - (b) archaeological analysis of survey data, and timetable for reporting, which is to be submitted to the MMO;
 - (c) details of the measures to be taken to protect, record or preserve any significant archaeological features that may be found and must set out a process for how unexpected finds will be dealt with which must be in accordance with the measures in the framework construction environmental management plan;
 - (d) delivery of any mitigation including the use of archaeological construction exclusion zones in agreement with the MMO;
 - (e) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised development; and
 - (f) a geoarchaeological assessment that determines the extent to which any deposits of paleoenvironmental features exist.
- (3) Unless otherwise agreed in writing the written scheme of archaeological investigation should be implemented as approved.

Construction, Operation and Maintenance

16. The relevant undertaker 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 Pollution Prevention for Businesses guidelines.

17. 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.

18. The relevant undertaker must—

- (a) not discharge waste concrete slurry or wash water from concrete or cement into the marine environment; and
- (b) site concrete and cement mixing and washing areas at least 10 metres from the River Tees or surface water drain to minimise the risk of run off entering the marine environment.

19. 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.

20.—(1) Vibratory or drilled “pin” piling must be used as standard, with percussive piling only used if required to drive a pile to its design depth and where the relevant undertaker has established, following the carrying out of a desk top study informed by appropriate survey information, that vibratory or drilled “pin” piling would be ineffective.

(2) Where percussive piling is established to be necessary in accordance with sub-paragraph (1)—

- (a) soft-start procedures must be used to ensure incremental increase in pile power over a set time period until full operational power is achieved;
- (b) the soft-start duration must be a period of not less than 20 minutes; and
- (c) should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.

21.—(1) In the event that any rock material is misplaced or lost below MHWS, the relevant undertaker must report the loss to the MMO Local Enforcement Office and MMO Marine Licensing Team using the dropped object procedure and via return of a completed Marine Licence Dropped

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Incident Report (MLDIR1), as soon as possible, and in any event within 48 hours of becoming aware of an incident 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 relevant undertaker must use reasonable endeavours to locate the material and recover it.

(2) On receipt of the MLDIR1, the MMO may require, acting reasonably, the relevant undertaker to carry out relevant surveys. The relevant undertaker must carry out surveys in accordance with the MMO's reasonable requirements and must report the results of such surveys to the MMO.

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

(4) Where the relevant undertaker has been unable to locate or recover material pursuant to discharging its duties under sub-paragraphs (1) to (3) it must demonstrate to the MMO that reasonable attempts have been made to locate, remove or move any such material.

UXO Clearance

22.—(1) No removal or detonation of UXO can take place until a UXO clearance methodology and marine mammal mitigation protocol has been submitted to and approved in writing by the MMO (following consultation with the Environment Agency and Natural England).

(2) The UXO clearance methodology and marine mammal mitigation protocol must be submitted to the MMO no later than six months prior to the date on which it is intended for UXO clearance activities to begin (unless otherwise agreed in writing by the MMO).

(3) The UXO clearance methodology submitted pursuant to sub-paragraph (1) must be based on the nature, location and size of UXO or magnetic anomalies that have been identified and include—

- (a) a methodology for the clearance of magnetic anomalies or otherwise which are deemed a UXO risk;
- (b) information to demonstrate how the best available evidence and technology has been taken into account in formulating the methodology;
- (c) a debris removal plan;
- (d) a plan highlighting the area(s) within which clearance activities are proposed;
- (e) details of engagement with other local legitimate users of the sea; and
- (f) a programme of works.

(4) The marine mammal mitigation protocol submitted pursuant to sub-paragraph (1) must include details of the measures to prevent auditory or other injury to marine mammals following current best practice as advised by the relevant statutory nature conservation bodies.

(5) The removal or detonation of UXO must be undertaken in accordance with UXO clearance methodology and marine mammal mitigation protocol approved pursuant to sub-paragraph (1).

(6) Subject to sub-paragraph (7) a UXO clearance close out report must be submitted to the MMO in writing and the relevant statutory nature conservation body within three months following the end of the UXO clearance activity and must include the following for each detonation undertaken—

- (a) co-ordinates, depth, current speed, charge utilised and the date and time of each detonation; and
- (b) whether any mitigation was deployed, including feedback on practicalities of deployment of equipment and efficacy of the mitigation where reasonably practicable, or justification if this information is not available.

(7) Should there be more than one UXO clearance activity, the report required under sub-paragraph (6) will be provided at intervals agreed in writing with the MMO.

Post Construction

23. The relevant 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.

Disposal

24.—(1) The relevant undertaker must inform the MMO of the location and quantities of material disposed of each month under this licence.

(2) The information submitted pursuant to sub-paragraph (1) must be submitted to the MMO by 15 February each year for the months August to January inclusive, and by 15 August each year for the months February to July inclusive.

25. The relevant undertaker must ensure dredge arisings are disposed of within the extent of the Order limits seaward of MHWS, within the disposal site TY150, TY160 (or any other disposal site approved in writing by the MMO), and that any other materials are screened out before disposal.

26. The material to be disposed of within the disposal site must be placed within the boundaries of the disposal site(s) specified within Table 10 in Part 1 of this licence.

27. The combined total volume of material for disposal at each of the disposal sites specified within Table 10 in Part 1 of this licence must not exceed 500m³.

Provision of Information

28.—(1) Should the relevant undertaker become aware that any of the information on which the granting of this licence was based was materially false or misleading, the relevant undertaker must notify the MMO in writing as soon as is reasonably practicable.

(2) A notification submitted pursuant to sub-paragraph (1) must explain what information was materially false or misleading and include the correct information.

Amendments to plans etc.

29. With respect to any condition which requires the licensed activities to be carried out in accordance with the plans, protocols or statements approved under this licence, the plans, protocols or statements so approved are taken to include amendments that may be approved in writing by the MMO subsequent to the first approval of those plans, protocols or statements provided it has been demonstrated to the satisfaction of the MMO that the subject matter of the relevant amendments do not give rise to any materially new or materially different environmental effects to those assessed in the environmental information.

Maximum parameters

30. Work No. 5B is not authorised to the extent that it gives rise to environmental effects that are materially new or different to those identified based on the maximum parameters set out in paragraph 9.3.28 of Chapter 9 of the environmental statement.

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Safety Management

31.—(1) Subject to sub-paragraph (4), no part of the licensed activities may commence until a marine safety management system for that part has been submitted to and approved in writing by the MMO.

(2) The marine safety management system approved pursuant to sub-paragraph (1) must be in accordance with the Port Marine Safety Code and Guide to Good Practice on Port Marine Operations (or such documents as may replace them).

(3) The licensed activities must be carried out in accordance with the marine safety management system approved pursuant to sub-paragraph (1).

(4) Sub-paragraphs (1) to (3) do not apply to any part of the licensed activities where evidence has been submitted to and approved in writing by the MMO that there is an existing marine safety management system in place and which will apply to the relevant part of the licensed activities.

Provision of Information

32.—(1) Only when driven or part-driven pile foundations or detonation of explosives are proposed to be used as part of the foundation installation the relevant undertaker must provide the following information to the Marine Noise Registry—

- (a) prior to the commencement of the licenced activities, information on the expected location, start and end date of impact pile driving / detonation of explosives to satisfy the Marine Noise Registry’s Forward Look requirements;
- (b) within 12 weeks of completion of impact pile driving / detonation of explosives, information on the locations and dates of impact pile driving / detonation of explosives to satisfy the Marine Noise Registry’s Close Out requirements.

(2) The relevant statutory undertaker must notify the MMO of the successful submission of Forward Look or Close Out data pursuant to sub-paragraph (1) above within 7 days of the submission.

(3) For the purpose of this condition—

- (a) “Marine Noise Registry” means the database developed and maintained by JNCC on behalf of Defra to record the spatial and temporal distribution of impulsive noise generating activities in UK seas;
- (b) “Forward Look” and “Close Out” requirements are as set out in the UK Marine Noise Registry Information Document Version 1 (July 2015) or any updated information document;
- (c) “JNCC” means the Joint Nature Conservation Committee.