



Emma Hawthorne  
Natural England  
By email only

Your reference: The Able Marine  
Energy Park Order 2014  
Our reference: DCO/2013/00020

12 May 2017

Dear Emma,

**Reference: The Able Marine Energy Park Development Consent Order 2014 No. 2935: Notice of variation to Deemed Marine Licences under Schedule 8 of the order.**

The Marine Management Organisation (MMO) received two variation requests on 4 April 2017 and 10 May 2017 to vary the Deemed Marine Licence (DML) attached to the above order.

The scope of the variations is for several administrative changes to be made: to delay the project by 3 years; to rectify errors; and to clarify ambiguity in some of the conditions, namely to DCO Schedule 8, Requirements 14, 16, 21, 37, 38, 39, 45 and 47. Further details can be found in the attached Able DML variation request letters submitted to the MMO on 4 April 2017 and 10 May 2017.

The MMO discovered further clarifications were required to DCO Schedule 8, Requirements 16, 21 and 45 following submission of the DML variation request (see below). Please note that DCO Schedule 8, Requirement 45 has already been identified by the applicant as requiring a variation.

| Provision | Original Text  | Proposed Text  |
|-----------|--|--|
| 16        | No licensed activity is to be carried out until 4 weeks after a vessel movement management plan has been agreed in writing by the MMO, and the licensed activities must be carried out in accordance with the vessel movement management plan. | No licensed activity is to be carried out until <del>4 weeks after</del> a vessel movement management plan has been agreed in writing by the MMO, and the licensed activities must be carried out in accordance with the vessel movement management plan. <b>The vessel movement management plan must be submitted to the MMO at least 4 weeks prior to the commencement of the licensed activity.</b> |
| 21        | The licence holder must ensure that the names of vessels are provided to the MMO and   | The licence holder must ensure that the names of vessels are provided to the MMO and <del>agreed in writing</del> at least 4   |



|    |  |   |
|----|--|---|
|    | <p>agreed in writing at least 4 weeks prior to the commencement of works, such notification setting out—</p> <p>(a) the vessel type;</p> <p>(b) the vessel International Maritime Organization (IMO) number; and</p> <p>(c) the vessel owner or operating company.</p>             | <p>weeks prior to the commencement of works, such notification setting out—</p> <p>(a) the vessel type;</p> <p>(b) the vessel International Maritime Organization (IMO) number; and</p> <p>(c) the vessel owner or operating company.</p> <p><b>The list must be agreed in writing by the MMO prior to the commencement of works.</b></p>   |
| 45 | <p>(1) The licence holder must agree a dredge and disposal strategy with the MMO at least 4 weeks before the commencement of any licensed activities.</p> <p>(2) All dredging and disposal activities must be carried out in accordance with the dredge and disposal strategy.</p> | <p>(1) The licence holder must <b>submit</b> a dredge and disposal strategy to the MMO at least 4 weeks before the commencement of any <b>dredging and disposal activities and this must be agreed in writing by the MMO prior to any dredge and disposal activities commencing.</b></p> <p>(2) All dredging and disposal activities must be carried out in accordance with the dredge and disposal strategy.</p> |

The MMO does not consider that the variation will result in any changes to the nature of the project consented under The Able Marine Energy Park Order 2014. Furthermore, the MMO does not consider that the variations represent any material change to the DML and the mitigation secured by the requirements.

Please note that although the variation to DCO Schedule 8, Requirement 14 requests a 3 year extension to the construction and capital dredge period, no work has commenced, therefore this is a delay of 3 years rather than a 3 year extension.

**Condition 39 (C)** - The MMO acknowledge that discussions have centred around noise monitoring being requested for dual purposes: validation of the predictions in the Environmental Statement (ES) and for ensuring compliance with percussive piling restrictions. However, as suggested by Able the sub-condition is split into two sub-conditions, the validation of the ES will be secured under Requirement 39(g) and the purpose of Requirement 39(c) will be purely to ensure that percussive piling does not occur when the environmental conditions are unsuitable. As such, the MMO are satisfied with the suggested re-wording of the condition providing the applicant can provide another method of monitoring compliance with the percussive piling restrictions

If you have any comments you would like to make could you please submit them by 1 June 2017.

If you have any questions please do not hesitate to contact me.

Yours Sincerely

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