



Marine  
Management  
Organisation

**MARINE AND COASTAL ACCESS ACT 2009  
SECTION 72**

**DEEMED MARINE LICENCE - NOTICE OF VARIATION**

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

**AUTHORISED DEVELOPMENT:**

Able Marine Energy Park

**LICENCE HOLDER:**

ABLE UK  
ABLE HOUSE  
BILLINGHAM REACH INDUSTRIAL ESTATE  
HAVERTON HILL ROAD  
BILLINGHAM  
TS23 1PX

**DATE:**

23 June 2017

**VARIATION:**

1

**PREVIOUS VARIATION:**

n/a

The Marine Management Organisation (MMO) received requests on 4 April 2017 and 10 May 2017 from Able UK for a variation to the Deemed Marine Licence (DML) within Schedule 8 of the Able Marine Energy Park Development Consent Order 2014.

NOTICE IS HEREBY GIVEN that the MMO varies the DML in relation to each of the provisions of the DML specified in the first column of the table in Annex 1 attached to this notice.

This variation has immediate effect from the date of this notice.

In accordance with regulation 3 of The Marine Licensing (Notices Appeals) Regulations 2011, you may appeal the notice of variation to the First-tier Tribunal. If you wish to appeal then in accordance with Rule 22(1)(b) of the Tribunal Procedure (First-tier Tribunal)(General Regulatory Chamber) Rules 2009 (SI 2009/1976) you have 28 days from the date of the sending of this notice to send or deliver a notice of appeal to the First-tier Tribunal.

A handwritten signature in black ink, appearing to read "Abbey Pennington". The signature is written in a cursive style with a large initial 'A'.

Signed:

Name and Position: Abbey Pennington, Marine Licensing Case Manager

Date: 23 June 2017

## Annex 1

DML provision	Previous text	Replacement text
<b>Part 4</b>		
Part 4 – 14(3) General Conditions	<p>(3) <i>This licence is for 6 years from the date of coming into force of this Order whereby—</i></p> <p><i>(a) the construction and capital dredge activities are carried out within the first 3 years; and</i></p> <p><i>(b) maintenance dredging is permitted within the second 3 years.</i></p>	<p>(3) <i>This licence is for <b>9</b> years from the date of coming into force of this Order whereby—</i></p> <p><i>(a) the construction and capital dredge activities are carried out within the first <b>6</b> years; and</i></p> <p><b><i>(b) maintenance dredging is permitted following capital dredging until the expiry of this licence.</i></b></p>
Part 4 – 16 General Conditions	<p>16. <i>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.</i></p>	<p>16. No licensed activity <b>involving the use of a vessel</b> is to be carried out until 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></p>
Part 4 – 21 General Conditions	<p>21. <i>The licence holder must ensure that the names of vessels are provided to the MMO and agreed in writing at least 4 weeks prior to the commencement of works, such notification setting out—</i></p> <p><i>(a) the vessel type;</i></p> <p><i>(b) the vessel International Maritime Organization (IMO) number; and</i></p> <p><i>(c) the vessel owner or operating company.</i></p>	<p>21. <i>The licence holder must ensure that the names of vessels are provided to the MMO at least 4 weeks prior to the commencement of works, such notification setting out—</i></p> <p><i>(a) the vessel type;</i></p> <p><i>(b) the vessel International Maritime Organization (IMO) number; and</i></p> <p><i>(c) the vessel owner or operating company.</i></p> <p><b><i>The list must be agreed in writing by the MMO prior to</i></b></p>

DML provision	Previous text	Replacement text
		<b><i>the commencement of works.</i></b>
Part 4 Piling Conditions	<i>Piling Conditions</i>	<b><i>Percussive Piling Conditions</i></b>
Part 4 – 37 (1) Percussive Piling Conditions	<p>37.—(1) <i>No operations consisting of piling are to commence until a piling method statement has been submitted to and agreed in writing by the MMO, following consultation with the Environment Agency and Natural England, such statement to include the following—</i></p> <p><i>(a) the use of pile pads and pile shrouds at all times;</i></p> <p><i>(b) the maximum pile diameter to be 2.1 metres unless otherwise agreed in writing by the MMO, following consultation with Natural England and the Environment Agency;</i></p> <p><i>(c) soft start procedures to be followed to include a requirement for a soft start of at least 180 seconds for percussive piling of marine piles;</i></p> <p><i>(d) marine mammal observation (within 100 metres of the pile being driven) and the cessation of piling while any marine mammals are within this zone;</i></p> <p><i>(e) implementation of an active monitoring scheme under paragraph 39; and</i></p> <p><i>(f) details of the anticipated spread of piling activity throughout a working day.</i></p>	<p>37.—(1) <i>No operations consisting of <b>percussive</b> piling are to commence until a piling method statement has been submitted to and agreed in writing by the MMO, following consultation with the Environment Agency and Natural England, such statement to include the following—</i></p> <p><i>(a) the use of pile pads and pile shrouds at all times;</i></p> <p><i>(b) the maximum pile diameter to be 2.1 metres unless otherwise agreed in writing by the MMO, following consultation with Natural England and the Environment Agency;</i></p> <p><i>(c) soft start procedures to be followed to include a requirement for a soft start of at least 180 seconds for percussive piling of marine piles;</i></p> <p><i>(d) marine mammal observation (within 100 metres of the pile being driven) and the cessation of piling while any marine mammals are within this zone;</i></p> <p><i>(e) implementation of an active monitoring scheme under paragraph 39; and</i></p> <p><i>(f) details of the anticipated spread of piling activity throughout a working day.</i></p>

DML provision	Previous text	Replacement text
<p>Part 4 – 38 (1) Percussive Piling Conditions</p>	<p>38. <i>No operations consisting of piling are to commence until a cold weather piling restriction strategy is submitted and agreed with the MMO, following consultation with Natural England, such strategy to include—</i></p> <p><i>(a) a requirement for temporary cessation of percussive piling (other than to finish driving any pile that is in the process of being driven at the point of imposition of the temporary cessation) following 7 consecutive days of zero or sub-zero temperatures (such “freezing days” to be fully defined in the strategy);</i></p> <p><i>(b) the establishment of 3 temperature monitoring points within the Humber Estuary;</i></p> <p><i>(c) provision for the restriction on piling to be lifted on a probationary basis after 24 hours of above freezing temperatures if Meteorological Office forecasts indicate that freezing conditions will not return for the next 5 days (“the probationary period”) on the proviso that if any day within the probationary period is a freezing day the restriction on piling will be imposed at the end of that day; and</i></p> <p><i>(d) provision for the restriction on piling to be lifted entirely on expiry of the probationary period if none of the days in that period are freezing days (until such a time as the conditions in paragraph (a) are met).</i></p>	<p>38 .—(1) <i>No operations consisting of <b>percussive</b> piling are to commence until a cold weather piling restriction strategy is submitted and agreed with the MMO, following consultation with Natural England, such strategy to include—</i></p> <p><i>(a) a requirement for temporary cessation of percussive piling (other than to finish driving any pile that is in the process of being driven at the point of imposition of the temporary cessation) following 7 consecutive days of zero or sub-zero temperatures (such “freezing days” to be fully defined in the strategy);</i></p> <p><i>(b) the establishment of 3 temperature monitoring points within the Humber Estuary;</i></p> <p><i>(c) provision for the restriction on <b>percussive</b> piling to be lifted on a probationary basis after 24 hours of above freezing temperatures if Meteorological Office forecasts indicate that freezing conditions will not return for the next 5 days (“the probationary period”) on the proviso that if any day within the probationary period is a freezing day the restriction on <b>percussive</b> piling will be imposed at the end of that day; and</i></p> <p><i>(d) provision for the restriction on <b>percussive</b> piling to be lifted entirely on expiry of the probationary period if none of the days in that period are freezing days (until such a time as the conditions in paragraph (a) are met).</i></p>

DML provision	Previous text	Replacement text
<p>Part 4 – 39 (1) Percussive Piling Conditions</p>	<p>39.—(1) <i>No development is to be commenced until an active monitoring scheme has been submitted to and agreed in writing by the MMO, following consultation with the harbour master, Environment Agency and Natural England, such scheme to include the following details—</i></p> <p>(a) <i>the location of active monitoring buoys and the depth and design of sensors;</i></p> <p>(b) <i>the frequency of measurement of temperature and dissolved oxygen;</i></p> <p>(c) <i>24 hours a day, 7 days a week monitoring of noise;</i></p> <p>(d) <i>when monitoring is to commence and cease, to include a 2-week period of pre- and post-construction monitoring to establish baseline conditions and the return to baseline conditions respectively;</i></p> <p>(e) <i>a log of the number and approximate locations of piling rigs that are in operation on any given day; and</i></p> <p>(f) <i>details of how the monitored information will be accessed by or communicated to the site contractor, the harbour master, MMO, the Environment Agency and Natural England as necessary.</i></p>	<p>39.—(1) No <b>percussive piling</b> is to be commenced until an active monitoring scheme has been submitted to and agreed in writing by the MMO, following consultation with the harbour master, Environment Agency and Natural England, such scheme to include the following details—</p> <p>(a) <i>the location of active monitoring buoys and the depth and design of sensors;</i></p> <p>(b) <i>the frequency of measurement of temperature and dissolved oxygen;</i></p> <p><b>(c) an appropriate mechanism for recording when percussive piling activities are being undertaken. To be monitored 24 hours a day, 7 days a week;</b></p> <p>(d) <i>when monitoring is to commence and cease, to include a 2-week period of pre- and post-construction monitoring to establish baseline water conditions and the return to baseline conditions respectively;</i></p> <p>(e) <i>a log of the number and approximate locations of piling rigs that are in operation on any given day;</i></p> <p>(f) <i>details of how the monitored information will be accessed by or communicated to the site contractor, the harbour master, MMO, the Environment Agency and Natural England as necessary; and</i></p> <p><b>(g) a minimum of 3 days baseline assessment of underwater noise monitoring in advance of percussive piling and 6 days of underwater noise monitoring during percussive piling.</b></p>

DML provision	Previous text	Replacement text
Part 4 – 45(1) General dredging and disposal conditions	45.—(1) <i>The licence holder must agree a dredge and disposal strategy with the MMO at least 4 weeks before the commencement of any licensed activities.</i>	(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>
Part 4 – 47 (1) General dredging and disposal conditions	47.—(1) <i>The licence holder must ensure that certified returns of quantities of dredged material deposited under this licence are submitted to the MMO by 31 January (for the months August to January inclusive) and 31 July (for the months February to July inclusive) each year.</i>	47.—(1) The licence holder must ensure that certified returns of quantities of dredged material deposited under this licence are submitted to the MMO by <b>15 February</b> (for the months August to January inclusive) and <b>15 August</b> (for the months February to July inclusive) each year.