

## SCHEDULE 13

Article 56

## DEEMED MARINE LICENCE

## PART 1

## GENERAL

**Interpretation****1.—(1) In this licence—**

“the 2008 Act” means the Planning Act 2008;

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

“the authorised development” notwithstanding article 2(1) of the Order, has the meaning given in paragraph 3(2);

“business day” means a day other than a Saturday or Sunday or bank holiday in England;

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

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

“construction activity” means any licensed activity to be undertaken during the construction of the authorised development;

“the environmental statement” means the documents of that description referenced in Schedule 15 (documents to be certified) to the Order certified by the Secretary of State as the environmental statement for the purposes of the Order;

“harbour authority” means the Great Yarmouth Port Authority;

“the licence holder” means the undertaker and any transferee or lessee under article 8 (consent to transfer benefit of the Order) of the Order;

“licensed activity” means any of the licensable marine activities specified in Part 1 of this licence at paragraph 3(1);

“limits of deviation” has the meaning given in article 2(1) of the Order;

“the MMO” means the Marine Management Organisation;

“the MMO local office” means the MMO office whose contact details are given at paragraph 2(1)(b) or such other MMO office identified by replacement contact details provided by the MMO under paragraph 2(1)(b);

“MMO Marine Licensing Team” means the MMO team whose contact details are given at paragraph 2(1)(a) or such other team of persons identified by replacement contact details provided by the MMO under paragraph 2(1)(a);

“the Order” means the Great Yarmouth Third River Crossing Development Consent Order 2020;

“the River” means the area defined at paragraph 3(3); and

“the works plans” means the plans of that description referenced in Schedule 15 (documents to be certified) to the Order certified as the works plans by the Secretary of State for the purposes of the Order.

(2) All points, directions, lengths, areas and other measurements specified in this licence are to be construed as if the words “or thereabouts” were inserted after each such point, direction, length, area or other measurement.

(3) Reference points specified in this licence are to be construed as references to Ordnance Survey National Grid reference points.

2.—(1) The main points of contact with the MMO and the addresses 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.consent@marinemangement.org.uk

or such replacement contact details as are notified to the licence holder in writing by the MMO.

(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

or such replacement contact details as are notified to the licence holder in writing by the MMO.

(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 0345 051 8486

Email—dispersants@marinemangement.org.uk

or such replacement contact details as are notified to the licence holder in writing by the MMO.

(3) Notwithstanding article 65 (service of notices) of the Order, unless otherwise notified to the licence holder in writing by the MMO, all notices required by this licence to be sent by the undertaker to the MMO must be sent using the MMO's marine case management system web portal.

### Details of licensed marine activities

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

(2) In this paragraph “the authorised development” means the construction, maintenance and operation of those parts of each of the following numbered works within the limits of deviation to the extent that such works constitute licensable marine activities, as shown on the works plans—

- (a) Work No. 6A – Bollard Quay and west bank of the river Yare—
  - (i) the provision of public realm facilities;
  - (ii) the provision of vessel waiting facilities adjacent to the west bank of the river Yare;
  - (iii) the construction of part of a flood defence wall, to be incorporated within a flood defence scheme proposed to be undertaken by the Environment Agency;
  - (iv) the construction of vessel impact protection systems within the watercourse; and
  - (v) works within the watercourse to support the vessel impact protection systems, including—
    - (aa) the construction of piles and pile caps; and
    - (bb) the provision and capping of backfill material.
- (b) Work No. 6B – East bank of the river Yare—
  - (i) the construction of vessel impact protection systems within the watercourse; and
  - (ii) works within the watercourse to support the vessel impact protection systems, including—
    - (aa) the construction of piles and pile caps; and
    - (bb) the provision and capping of backfill material.
- (c) Work No. 7A – West bank of the river Yare—
  - (i) the construction of a control tower, including all necessary access, apparatus and connecting services.
- (d) Work No. 7B – East bank of the river Yare—
  - (i) the construction of a plant room, including all necessary access, apparatus and connecting services.
- (e) Work No. 8A – river Yare bridge western approach—
  - (i) the construction of a new highway to connect the new roundabout comprising part of Work No. 2 as described in Schedule 1 to the Order and the new river Yare bridge comprising part of Work No. 8B described in Schedule 1 to the Order;
  - (ii) the construction of pile-supported concrete slabs and embankments supporting the new highway;
  - (iii) the construction of retaining walls supporting the new highway;
  - (iv) the construction of a bridge deck over Southtown Road, over which the new highway passes;
  - (v) the construction of abutments supporting the new bridge deck described in sub-paragraph (iv);
  - (vi) the construction of piles and pile caps supporting the abutments described in sub-paragraph (v);
  - (vii) the provision of a traffic signal-controlled crossing for pedestrians and cyclists;
  - (viii) the provision of footways and cycle tracks; and
  - (ix) the provision of landscaping.
- (f) Work No. 8B – river Yare bridge—
  - (i) the construction over the watercourse and adjacent land, of a bridge deck carrying the new carriageway, footways and cycle track;
  - (ii) the construction of an opening section of bridge deck and associated barriers and signage;
  - (iii) the construction, within and adjacent to the watercourse, of bascule abutments and other structures and facilities to support the bridge deck and enable the operation of the opening section described in sub-paragraph (ii) above;
  - (iv) the construction of vessel impact protection systems within the watercourse;

- (v) works within and adjacent to the watercourse to support the works described in sub-paragraphs (iii) and (iv) including—
  - (aa) the construction of piles and pile caps; and
  - (bb) the provision and capping of backfill material;
- (vi) apparatus for the mechanical, electrical, instrumentation control and automation systems of the bridge; and
- (vii) the construction of access stairs.
- (g) Work No. 8C – river Yare bridge eastern approach—
  - (i) the construction of a new highway to connect the new junction comprising part of Work No. 9 as described in Schedule 1 to the Order with the river Yare bridge comprised in Work No. 8B as described in Schedule 1 to the Order;
  - (ii) the construction of pile-supported concrete slabs and embankments supporting the new highway;
  - (iii) the construction of retaining walls supporting the new highway;
  - (iv) the construction of a bridge deck to enable the new highway to pass over a new private means of access;
  - (v) the construction of abutments supporting the bridge deck described in sub-paragraph (iv) above;
  - (vi) the construction of piles and pile caps supporting the abutments described in sub-paragraph (v) above;
  - (vii) the provision of a traffic signal-controlled crossing for pedestrians and cyclists;
  - (viii) the provision of footways and cycle tracks; and
  - (ix) the provision of landscaping.
- (h) the powers conferred by article 49(1) (subsidiary works and operations in the river Yare);
- (i) for the purposes of, or in connection with, the construction, operation or maintenance of any of the works and other development mentioned above, ancillary or related development which does not give rise to any materially new or materially different effects than those assessed in the environmental statement, consisting of—
  - (i) activities within the river Yare and within the Order limits to—
    - (aa) alter, clean, modify, dismantle, refurbish, reconstruct, remove, relocate or replace any work or structure (including river walls);
    - (bb) carry out excavations and clearance, deepening, scouring, cleansing, dumping and pumping operations;
    - (cc) use, appropriate, sell, deposit or otherwise dispose of any materials (including liquids but excluding any wreck within the meaning of the Merchant Shipping Act 1995(a)) obtained in carrying out any such operations;
    - (dd) remove temporarily, alter strengthen, interfere with, occupy and use the banks, bed, foreshore, waters and walls of the river Yare;
    - (ee) construct, place and maintain works and structures including fenders, protection piles and cofferdams; and
    - (ff) provide lighting, signage and aids to navigation;
  - (ii) other works and development—
    - (aa) to place, alter, divert, relocate, protect, remove or maintain services, plant and other apparatus and equipment belonging to statutory undertakers, utility companies and others in, under or above land, including mains, sewers,

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(a) 1995 c. 21.

drains, pipes, cables, lights, cofferdams, fencing and other boundary treatments including bollards;

- (bb) to provide or alter embankments, aprons, abutments, shafts, foundations, retaining walls, drainage works, outfalls, pollution control devices, pumping stations, culverts, wing walls, fire suppression system water tanks and associated plant and equipment, highway lighting, signals, signage and fencing;
  - (cc) to alter the course of, or otherwise interfere with, navigable and non-navigable watercourses; and
  - (dd) to provide works associated with the provision of ecological mitigation and other works to mitigate any adverse effects of the construction, operation or maintenance of the authorised development; and
  - (ee) for the benefit or protection of the authorised development;
- (iii) such other works as may be necessary or convenient for the purposes of, or in connection with or in consequence of, the construction, maintenance, operation or use of the authorised development, including—
- (aa) works to divert, remove or replace apparatus, including mains, sewers, drains, pipes, cables, electrical sub-stations and electrical lines; and
  - (bb) landscaping and other works associated with the provision of ecological mitigation, or to mitigate any adverse effect of the construction, maintenance and operation of the authorised development or to benefit or protect any person or premises affected by the construction, maintenance and operation of the authorised development; and
- (iv) activities to carry out works and development of whatever nature, as may be necessary or expedient for the purposes of, or for purposes associated with or ancillary to, the operation and maintenance of the authorised development; and
- (j) any other development within the meaning of section 32 (meaning of “development”) of the 2008 Act that is authorised by the Order.
- (3) The coordinates for the area 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>Northing</i>	<i>Easting</i>	<i>Heading</i>
1	52.595	1.7269	Due W
2	52.595	1.7257	Following River Wall
3	52.5908	1.7264	ENE
4	52.5912	1.7276	Following River Wall
1	52.5955	1.7269	

- (4) This licence does not permit the disposal of dredged material at sea or in other waters.

## PART 2

### CONDITIONS

#### **Notification of commencement and completion of licensed activities**

- 4.**—(1) The licence holder must—
- (a) notify the MMO local office of the commencement of the first instance of any licensed activity at least 5 working days prior to the commencement of that licensed activity;
  - (b) notify the MMO local office of the completion of the licensed activities within 10 working days of such completion; and

- (c) notify the Source Data Receipt team, UK Hydrographic Office, Taunton, Somerset, TA1 2DN (email: sdr@ukho.gov.uk) of the completion of the licensed activities within 2 weeks of the date of completion of the licensed activities;
- (d) send a copy of the notification required under sub-paragraph (c) to the MMO Marine Licensing Team within 1 week of issue; and
- (e) ensure that a notice to mariners is issued at least 10 working days prior to the commencement of the licensed activities, or any part of them, advising of the start date and the expected vessel routes from the local construction ports to the relevant location.

(2) Except in case of emergency, the licence holder must notify the MMO local office of the date of commencement and anticipated duration of any temporary closure of any part of the river Yare under the powers conferred by article 23(2) or (4) (temporary suspension of navigation in connection with the authorised development) of the Order at least 10 working days prior to any such temporary closure.

(3) In sub-paragraph (2) “emergency” has the meaning given to it by article 23(11) of the Order.

### **Construction method statement**

**5.**—(1) The licence holder must submit a construction method statement, for approval by the MMO, at least 13 weeks prior to the commencement of any construction activity.

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

- (a) the detailed construction methodology to be employed by the licence holder in carrying out the construction 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 construction activity until the MMO has approved in writing the submitted construction method statement.

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

### **Noise registry**

**6.** Where impact piling is required as part of a construction method statement approved by the MMO under condition 5, the licence holder must—

- (a) prior to the commencement of a licensed activity in the river Yare which involves impact pile driving—
  - (i) submit details of the expected location, start and end dates of impact pile driving to the Marine Noise Registry in order to satisfy the forward look requirements of the Marine Noise Registry; and
  - (ii) send copies of the notifications required under sub-paragraph (i) to the MMO Marine Licensing Team within 5 days of the date of submission of the details required under sub-paragraph (i); and
- (b) within 12 weeks of completion of a licensed activity in the river Yare which involves impact pile driving—
  - (i) submit details of the actual location, start and end dates of impact pile driving to the Marine Noise Registry in order to satisfy the close out requirements of the Marine Noise Registry; and
  - (ii) send copies of the notifications required under sub-paragraph (i) within 5 days of the date of submission of the details required under sub-paragraph (i).

### **Cofferdam dewatering and excavation method statement**

7.—(1) The licence holder must submit a method statement for the dewatering and excavation of the in-river cofferdams forming parts of the construction activities described at paragraph 3(2)(a)(v), (2)(b)(ii) and (2)(f)(v) of this licence, for approval by the MMO, at least 13 weeks prior to the commencement of any such cofferdam dewatering and excavation construction activity.

(2) The cofferdam dewatering and excavation method statement must include the following details in respect of the cofferdam dewatering and excavation construction activity—

- (a) the detailed dewatering methodology to be employed;
- (b) the detailed methodology for the excavation and subsequent management of the solid material removed;
- (c) a programme of works including anticipated timings, durations and plant to be used; and
- (d) provision that no excavated materials are to be disposed of at sea or in other waters otherwise than in accordance with a marine licence.

(3) The licence holder must not commence a cofferdam dewatering and excavation construction activity until the MMO has approved in writing the submitted cofferdam dewatering and excavation method statement for that cofferdam dewatering and excavation construction activity.

(4) Any cofferdam dewatering and excavation construction must be carried out in accordance with the relevant approved cofferdam dewatering and excavation construction activity method statement, unless otherwise agreed in writing by the MMO.

### **Vessels**

8.—(1) The licence holder must notify the MMO Marine Licensing Team of any vessel being used to carry on any licensed activities on behalf of the licence holder.

(2) A notification under sub-paragraph (1) must—

- (a) be received by the MMO Marine Licensing Team no less than 24 hours before the commencement of the relevant licensed activity;
- (b) include the name of the master of the vessel, the vessel type, the vessel IMO number and details of the vessel owner or operating company.

(3) The licence holder must ensure that a copy of this licence and any subsequent revisions or amendments have been read and understood by the master of any vessel being used to carry on any licensed activities, and that a copy of this licence is held on board any such vessel.

### **Marine pollution contingency plan**

9.—(1) The licence holder must submit a marine pollution contingency plan, for approval by the MMO, at least 13 weeks prior to the commencement of the first licensed activity, including any construction 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 the carrying out of the licensed activities and the methods and procedures the licence holder intends to put in place to address those risks.

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

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

### **Piling techniques**

10.—(1) Where any construction activity involving piling is carried out within the River, the licence holder must comply with the requirements set out in sub-paragraphs (2) to (7).

(2) No construction activity involving piling is to be carried out within the River during the period beginning 1 February and ending on 30 April, unless the MMO has confirmed in writing its satisfaction that such piling activity within that period would not lead to significant adverse effects to the spawning of smelt (*osmerus eperlanus*), having regard to the relevant construction method statement approved for that piling activity in accordance with condition 5.

(3) No construction activity involving piling is to be carried out within the River at any time after 19:00 or at any time before 07:00, unless the MMO has confirmed in writing its satisfaction that such piling activity conducted outside of the authorised hours would not lead to significant adverse effects to European eels (*anguilla anguilla*), having regard to the relevant construction method statement approved for that piling activity in accordance with condition 5.

(4) Vibro piling techniques are to be used as standard, with impact piling only used if required to drive a pile to its design depth.

(5) Where impact piling is necessary, soft-start procedures are to be used to ensure incremental increase in pile power, over a period of not less than 20 minutes, until full operational piling power is achieved.

(6) Sufficient break periods in piling activities must be provided (with a minimum of one break per day, lasting at least one hour in duration) to allow fish to pass through the affected area.

(7) Where impact piling ceases for a period longer than 10 minutes, the soft-start procedure must be repeated.

### **Concrete and cement**

**11.**—(1) The licence holder must not discharge, intentionally or unintentionally, waste concrete, slurry or wash water from concrete or cement works into the River. The licence holder must contain and site concrete and cement mixing and washing areas at least 10 metres from any watercourse or surface water drains to minimise the risk of run off entering the River.

(2) If concrete is to be sprayed, suitable protective sheeting must be provided to prevent rebounded or windblown concrete from entering the water environment.

(3) Rebounded concrete material must be cleared away before protective sheeting is removed.

### **Coatings and treatments**

**12.** The licence holder must ensure that any coatings and any treatments are suitable for use in the marine environment and are used in accordance with guidelines approved—

- (a) by the Health and Safety Executive;
- (b) by the Environment Agency; or
- (c) by both of the foregoing bodies.

### **Spills, etc.**

**13.** The licence holder must—

- (a) store, handle, transport and use fuels, oils, 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 to contain any spillage.

### **Dropped objects**

**14.** All dropped objects must be reported to the MMO Marine Licensing Team using the Dropped Object Procedure Form (or such substitute notification procedure communicated in



writing to the licence holder by the MMO) as soon as reasonably practicable and in any event within 24 hours of the licence holder becoming aware of an incident. On receipt of the Dropped Object Procedure Form or substitute notification, the MMO may require relevant surveys to be carried out by the licence holder (such as side-scan sonar), and the MMO may require obstructions to be removed from the seabed at the licence holder's expense, if reasonable to do so.

#### **Post construction**

15. The licence holder must remove all equipment, temporary structures, waste and debris associated with the construction activities within the River within 4 weeks of completion of the final construction activity.

## **PART 3**

### **PROCEDURE FOR THE DISCHARGE OF CONDITIONS**

#### **Meaning of “return”**

16. In this Part, “return” means a submission by the licence holder for approval by the MMO of any method statement or plan under conditions 5, 7 and 9.

#### **Further information regarding application**

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

(2) If the MMO does not make a request under sub-paragraph (1) within 30 business days of the day immediately following that on which the return is received by the MMO, it is deemed to have sufficient information to consider the return and is not entitled to request further information after this date without the prior agreement of the licence holder.

#### **Determination of application**

18.—(1) In determining the return, the MMO may have regard to—

- (a) the return and any supporting information or documentation;
- (b) any further information provided by the licence holder in accordance with paragraph 17; and
- (c) such other matters as the MMO thinks relevant.

(2) Having considered the return, the MMO must—

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

(3) In determining return, the MMO may discharge its obligations under sub-paragraph (2)(a), (b), or (c) separately in respect of a part of the return only, where it is reasonable to do so.

#### **Notice of determination**

19.—(1) Subject to sub-paragraphs (2) and (3), the MMO must give notice to the licence holder of the determination of the return within 13 weeks from the day immediately following that on which the return is received by the MMO, or as soon as reasonably practicable after that date.

(2) Where the MMO has made a request under paragraph 17, the MMO must give notice to the licence holder of the determination of the return within 13 weeks from the day immediately following that on which the further information is received by the MMO, or as soon as reasonably practicable after that date.

(3) Where the MMO determines it is not reasonably practicable to make a determination pursuant to sub-paragraph (1) or (2) in 13 weeks, it must notify the licence holder as soon as reasonably practicable and provide confirmation in writing of the intended determination date.

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

**No subsidiary dredging under the Order**

**20.** Unless otherwise agreed in writing with the MMO, this licence does not permit any subsidiary works and operations to be carried out under article 49(1)(b) (subsidiary works and operations in the river Yare) of the Order.

**Anticipatory steps towards the discharge of any condition**

**21.** If before the coming into force of this Order the licence holder or any other person has taken any steps that were intended to be steps towards the discharge of any condition in Part 2 of this Schedule, those steps may be taken into account for the purposes of determining compliance with that condition if they would have been valid steps for that purpose had they been taken after this Order came into force.

Article 62

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(a) 1989 c. 29.