

SCHEDULE 8

Article 44

DEEMED MARINE LICENCE

PART 1

INTRODUCTORY

Interpretation

1. (1) In this Schedule:—

“the 2009 Act” means the Marine and Coastal Access Act 2009¹;

“BHD” – means backhoe dredger;

“business 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;

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

“capital dredging location” means the areas shown on Sheets 8 and 9 of the works plans and the Cherry Cobb sands breach;

“the Centrica outfall” means the area bounded by co-ordinates (53°39.670’N, 00°13.696’W), (53°39.713’N, 00°13.570’W), (53°39.666’N, 00°13.523’W) and (53°39.623’N, 00°13.647’W) and shown on sheet 5 of the works plans;

“Cherry Cobb sands breach” means the area bounded by co-ordinates (53°39.427’N, 00°08.633’W), (53°39.457’N, 00°08.581’W), (53°39.554’N, 00°08.737’W) and (53°39.524’N, 00°08.789’W);

“clay” means dredged materials with a diameter of less than 31.25 micrometres;

“CSD” – means cutter suction dredger;

“the E.ON outfall” means the area bounded by co-ordinates (53°39.557’N, 00°13.561’W), (53°39.600’N, 00°13.426’W), (53°39.550’N, 00°13.382’W) and (53°39.508’N, 00°13.517’W) and shown on sheet 5 of the works plans;

“earthworks season” means the period from April to October or such other period set out in British Standard 6031;

“gravel” means dredged materials with a diameter of at least 2 and less than 64 millimetres;

“HU080” means the area bounded by co-ordinates (53°36.30’N, 00°00.62’W), (53°36.47’N, 00°02.32’W), (53°36.95’N, 00°03.47’W) and (53°36.55’N, 00°00.42’W);

“HU081” means the area bounded by co-ordinates (53°37.12’N, 00°02.80’W), (53°37.45’N, 00°03.77’W), (53°37.13’N, 00°03.79’W) and (53°37.44’N, 00°03.14’W);

“HU082” means the area bounded by co-ordinates (53°37.47’N, 00°02.27’W), (53°37.25’N, 00°00.80’W), (53°36.97’N, 00°00.81’W) and (53°37.12’N, 00°02.29’W);

“inset berth” means the set back barge berth at the upstream end of the quay and shown on Sheet 8 of the works plans;

“licensable activity” means an activity licensable under section 66 of the 2009 Act;

“licensed activity” means any activity described in Part 2 of this Schedule;

“marine environment” means any area which is submerged at mean high water springs and the waters of every estuary, river or channel where the tide flows at mean high water springs tide up to the normal tidal limit (including waters in areas which are closed permanently or intermittently by

¹ 2009 c.23

a lock or other artificial means against the regular action of the tide, where seawater flows into or out from the area, either continuously or from time to time);

“maintenance dredging location” means the areas shown on Sheets 5, 8 and 9 of the works plans;

“marine piles” means piles that will be in a free water condition during construction;

“mean high water springs” means the average of high water heights occurring at the time of spring tides;

“named vessel” means a vessel whose name and type has been notified to the MMO in writing to comply with Condition 21 of this DML;

“percussive piles” means driven piles but excludes the handling, placing and vibro-driving of piles;

“the quay limits”; means the area bounded by co-ordinates (53°39.457’N, 00°13.681’W), (53°39.464’N, 00°13.662’W), (53°39.447’N, 00°13.645’W), (53°39.487’N, 00°13.546’W), (53°39.475’N, 00°13.511’W), (53°39.506’N, 00°13.416’W), (53°38.946’N, 00°12.678’W), (53°38.876’N, 00°12.849’W), (53°38.984’N, 00°13.165’W) and (53°38.985’N, 00°13.178’W) and shown on sheets 8 and 9 of the works plans;

“sand” means dredged materials with a diameter of at least 62.5 micrometres and less than 2 millimetres;

“sea bed” means the ground under the sea;

“silt” means dredged materials with a diameter of at least 31.25 and less than 62.5 micrometres;

“TSHD” – means trailing suction hopper dredger;

“the undertaker” means Able Humber Ports Limited, company number 107029, registered at Ogier House, The Esplanade, St Helier, Jersey, JE4 9WG and whose UK branch is at Able House Billingham Reach Industrial Estate, Billingham, TS23 1PX, and any agent contractor or subcontractor acting on its behalf; and,

“the works plans” means the plans certified as the works plans by the Secretary of State for the purposes of the Able Marine Energy Park development Consent Order 2014 as amended.

(2) Unless otherwise specified, all geographical co-ordinates given in this Schedule are in latitude and longitude degrees and minutes to two decimal places.

(3) Tonnages of dredged materials are expressed in wet tonnes.

^(a) 2009 c.23.

Addresses

2. (1) Unless otherwise advised in writing by the MMO, the address for postal correspondence with the MMO for the purposes of this Schedule is the Marine Management Organisation, Marine Licensing Team, Lancaster House, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH telephone 0300 123 1032 and unless otherwise advised in writing, where contact to the MMO office (local office) is required, the following contact details should be used: Marine Management Organisation, Room13, Ground Floor, Crosskill House, Mill Lane, Beverley, HU17 9JB, telephone 0208 026 0519.

(2) Unless otherwise advised in writing by the MMO, the address for electronic communication with the MMO for the purposes of this licence is marine.consents@marinemanagement.org.uk, or where contact to the local office is required is beverley@marinemanagement.org.uk

(3) Unless otherwise advised in writing by the MMO, MCMS must be used for all licence returns or applications to vary this licence. The MCMS address is: https://marinelicensing.marinemanagement.org.uk/mmofox5/fox/live/MMO_LOGIN/login.

PART 2

LICENSED ACTIVITIES

3. For the purpose of constructing and maintaining the authorised development the undertaker may carry out the activities set out in this Part as if those activities were licensed under the 2009 Act.

Construction of the quay

4. (1) The undertaker is permitted to construct the quay (Work No. 1) and carry out associated land reclamation within the quay limits and according to the following specification:—

- (a) no more than 650 tubular and 1300 sheet steel perimeter piles may be driven into the bed of the estuary to form the external face of the quay, where such piles are to be installed from named vessels moored in the estuary;
- (b) 2 return walls may be constructed between the ends of the quay and the existing flood defence wall, comprising no more than 500 tubular and 1000 sheet piles driven into the bed of the estuary from named vessels and also earthwork revetments with no more than 100,000 tonnes of rock armour protection, such revetments and rock armour to be constructed using land-based plant;
- (c) no more than 850 anchor piles may be tied to the landward face of the perimeter piles;
- (d) the anchor piles referred to in sub-paragraph 4(1)(c) may consist of either –
 - i. flap anchor piles seated in a trench on the bed of the estuary, to be installed from named vessels moored in the estuary; or
 - ii. tubular steel anchor piles driven into the bed of the estuary;
- (e) the area of estuary approximately 50 metres landward of the quay perimeter piles may be reclaimed by depositing marine dredged sands and gravels from named vessels using rainbowing techniques;
- (f) the remaining area of estuary enclosed by the quay perimeter piles and the two return walls may be reclaimed using marine dredged sands and gravels. Up to three ~~two~~ granular dams that extend from the existing flood defence wall to the area reclaimed under paragraph (e), may be constructed so that the dams divide the remaining reclaim area into cells. Alternatively the area may be reclaimed without using granular dams. Named vessels are to pump fluidised granular material into the reclamation area, until the area attains its design levels; and
- (g) steel plates may be attached to the perimeter piles by welding and bolting, and then a fender may be attached to each steel plate by bolts, all such works being undertaken from a man basket suspended from a crane located on land.

(2) Drainage and disposal outfalls and cooling water outfalls may be incorporated into the quay but for the avoidance of doubt the use of these outfalls is not licensed by this Schedule.

(3) Monitoring equipment fixed to buoys must be deployed at locations in the estuary before, during and after the piling works permitted by sub-paragraph (1) in accordance with the marine environmental management and monitoring plan.

Temporary dolphins

5. (1) The undertaker is permitted to construct and remove up to seven temporary dolphins within the berthing pocket, such that each dolphin comprises three tubular steel piles driven into the bed of the estuary from named plant moored in the estuary, after which the piles must be braced with interconnecting steelwork.

(2) Monitoring equipment fixed to buoys must be deployed at locations in the estuary during the piling works permitted by sub-paragraph (1) in accordance with the marine environmental management and monitoring plan referred to in paragraph 15.

(3) Each temporary dolphin must be removed as soon as practicable, and in any event within 6 months, once the activities for which they have been constructed have been completed.

Berthing pocket infill

6. Following or during the dredging of the berthing pocket and inset berth, the undertaker is permitted to deposit up to 250,000 tonnes of gravel and rock from named vessels into the berthing pocket and inset berth up to a maximum level of -11.5 metres Chart Datum and must not undertake maintenance dredging below the level of -11 metres Chart Datum.

Pumping station

7. (1) The undertaker is permitted to construct a pumping station at the pumping station outfall according to the following specification—

- (a) a temporary steel cofferdam for the installation of up to six drainage pipes may be installed through the existing flood defence and extend onto the foreshore, after which the flood defence wall must be reinstated to its original seaward profile using inert soil materials and concrete;
- (b) a stone mattress may be placed within the drainage channel created under (a) over a distance of 20 metres seawards of the outfall pipes; and
- (c) a pumping station may be constructed such that its seaward extent is above the stone mattress.

(2) Works outside the cofferdam must be undertaken using land based plant operating from a berm formed within the south-eastern return wall of the quay.

Compensation site creation

8. The undertaker is permitted to remove a 250 metre section of the existing flood wall to create the Cherry Cobb Sands breach under the following conditions—

- (a) the Cherry Cobb Sands breach must not be created until a new flood defence has been constructed landward of the existing flood defence;
- (b) the Cherry Cobb Sands breach must not be created until a channel has been excavated from the site of the breach to the foreshore at the level of the breach; and
- (c) all material is to be removed using land-based plant.

Rock armour

9. The undertaker is permitted to deposit rock armouring to the northern extent of the flood defence breach at Cherry Cobb Sands under the following conditions —

- (a) the quantity of rock to be placed must be agreed with the MMO at least 4 weeks prior to works commencement;
- (b) the exact location must be agreed with the MMO at least 4 weeks prior to works commencement; and
- (c) the placement of rock armouring must only be carried out in accordance with the agreed location and rock quantity.

Temporary bog matting

10. (1) The undertaker is permitted to deposit temporary bog matting upon the foreshore at the Cherry Cobb Sands breach for the purposes of construction plant movement.

(2) The undertaker must ensure the bog matting is removed as soon as practicable, and in any event within 14 days, once the activities for which they have been deposited have been completed.

Capital dredging

11. (1) The undertaker is permitted to carry out capital dredging at the following locations—

- (a) the area within the quay limits to a depth of -7 metres Chart Datum;
- (b) the berthing pocket and inset berth to a depth of -14.5 metres Chart Datum;
- (c) the approach channel to a depth of -9 metres Chart Datum;
- (d) the turning area to a depth of -9 metres Chart Datum;
- (e) the pumping station outfall to a depth of +2.0 metres Chart Datum; and
- (f) the Cherry Cobb Sands breach to a depth of +3.0 metres Chart Datum.

(2) The materials must be dredged in the approximate quantities and deposited at the locations according to the following table—

<i>Capital Dredging Location</i>	<i>Material</i>	<i>Maximum tonnage per year</i>	<i>Deposit Location</i>	<i>Total licensed tonnage</i>
Area within the quay limits	Gravel	60,500	HU080 for material dredged by TSHD; Equally into HU081 and HU082 for material dredged by BHD or CSD	605,000
	Sand	181,500		
	Silt	211,750		
	Clay	151,250		
The berthing pocket	Gravel	183,500	HU080 for material dredged by TSHD; Equally into HU081 and HU082 for material dredged by BHD or CSD	1,835,000
	Sand	550,500		
	Silt	642,250		
	Clay	458,750		
The approach Channel	Gravel	165,000	HU080 for material dredged by TSHD; Equally into HU081 and HU082 for material dredged by BHD or CSD	1,650,000
	Sand	495,000		
	Silt	577,500		
	Clay	412,500		
The turning area	Gravel	25,000	HU080 for material dredged by TSHD; Equally into HU081 and HU082 for material dredged by BHD or CSD	250,000
	Sand	75,000		
	Silt	87,500		
	Clay	62,500		
The pumping station outfall	Sand	500	HU080	8,000
	Silt	7,500		
The Cherry Cobb Sands breach	Sand	2,000	If the dredged material is suitable, the area within the proposed managed realignment site	10,000
	Silt	8,000		

Maintenance dredging

12. (1) The undertaker is permitted to carry out maintenance dredging at the following locations within the period specified in paragraph 14(3)

- (a) the berthing pocket and inset berth to a depth of -11 metres Chart Datum;
- (b) the approach channel to a depth of -9 metres Chart Datum;
- (c) the turning area to a depth of -9 metres Chart Datum;
- (d) the E.ON outfall to keep it free of siltation by means of plough dredging;
- (e) the Centrica outfall to keep it free of siltation by means of plough dredging;
- (f) the pumping station outfall to a depth of +2.0 metres Chart Datum; and
- (g) the Cherry Cobb Sands breach to a depth of +3.0 metres Chart Datum.

(2) The dredging under sub-paragraph (1) may only be carried out for the purpose of—

- (a) maintaining the authorised development;
- (b) maintaining access to the authorised development;
- (c) maintaining access to neighbouring developments; and
- (d) removing siltation caused by the authorised development.

(3) The undertaker is permitted to carry out plough dredging at deposit sites HU081 and HU082 to even out deposited material above a level of -5.3 metres Chart Datum.

(4) The materials must be dredged in the approximate quantities and deposited at the locations according to the following table—

<i>Maintenance Dredge Location</i>	<i>Material</i>	<i>Maximum tonnage per year</i>	<i>Deposit location</i>	<i>Total licensed tonnage</i>
The berthing pocket	Sand	80,000	HU080	3,000,000
	Silt	920,000		
The approach channel	Sand	100,000	HU080	375,000
	Silt	25,000		
The turning area	Sand	100,000	HU080	375,000
	Silt	25,000		
The Uniper outfall	Sand	500	None	7,500
	Silt	2,000		
The CGEN outfall	Sand	500	None	7,500
	Silt	2,000		
The pumping station outfall	Sand	50	HU080	300
	Silt	50		

PART 3

ENFORCEMENT

13. Any breach of this Schedule does not constitute a breach of this Order but is subject to the enforcement regime in Chapter 3 of Part 4 of the 2009 Act as if this Schedule were a licence granted under that Act.

PART 4
CONDITIONS
General conditions

14. (1) The conditions set out at paragraphs 15 to 69 are licence conditions attached to the deemed marine licence granted by article 44 (deemed marine licence).

(2) For such of the licensed activities that involve the construction, alteration or improvement of works in or over the sea or on or under the sea bed, the conditions apply to any person who for the time being owns, occupies or enjoys any use of the licensed activity.

(3) This licence is for 18 years from the date of coming into force of this Order whereby—

- (a) the construction and capital dredge activities are carried out within the first 18 years and;
- (b) maintenance dredging is permitted following capital dredging until the expiry of this licence.

15. (1) No licensed activities are to be carried out until 4 weeks after a marine environmental management and mitigation plan has been supplied to the MMO, Natural England and the Environment Agency in accordance with paragraph 19(2) of Schedule 11 (requirements).

(2) Before commencing any licensed activities, the undertaker must consult the harbour master, C.RO, E.ON and Centrica on the contents of the marine environmental management and monitoring plan in relation to those elements of the maintenance dredging licensed under paragraph 12 that may affect those parties' interests.

(3) The undertaker must have regard to any consultation responses received from the harbour master, C.RO, E.ON and Centrica.

16. No licensed activity involving the use of a vessel 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. The vessel movement management plan must be submitted to the MMO at least 13 weeks prior to the commencement of the licensed activity.

17. The MMO must be notified by the undertaker at least 10 working days before the commencement of any licensed activity of its acceptance of the provisions of this Schedule and that the undertaker and any agents, contractors or subcontractors employed by it to carry out the licensed activities have knowledge of the provisions of this Schedule.

18. The undertaker must ensure that the local MMO Office is notified of the timetable of works and operations at least 10 days prior to the commencement of any licensed activity.

19. The MMO must be notified by the undertaker in writing of any agents, contractors or sub-contractors that will be carrying out any licensed activity on behalf of the undertaker at least 4 weeks before the commencement of the licensed activity.

20. The undertaker must ensure that a copy of this Schedule and any subsequent revisions or amendments has been provided to, read and understood by any agents, contractors or subcontractors that will be carrying out any licensed activity on behalf of the undertaker.

21. The undertaker 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 —

- (a) the vessel type;
- (b) the vessel International Maritime Organization (IMO) number; and
- (c) the vessel owner or operating company.

The list must be agreed in writing by the MMO prior to the commencement of works.

22. The undertaker must ensure that a copy of this Schedule and any subsequent revisions or amendments has been provided to, read and understood by the master of any vessel being used to undertake any licensed activity, and that a copy of this Schedule is held on board any such vessel.

23. Should the undertaker become aware that any of the information on which the granting of this deemed marine licence was based has changed or is likely to change, the undertaker must notify the MMO at the earliest opportunity.

Project wide conditions

24. The works must be carried out in accordance with a works schedule to be agreed in writing between the undertaker and the MMO prior to the commencement of the works, and any changes to the works schedule are also to be agreed in writing with the MMO.

25. (1) The following dependencies apply to the licensed activities in paragraphs 4 to 12.

(2) If the undertaker carries out any of the activities licensed under paragraph 4 (construction of the quay), then it must:

- (a) carry out the activity licensed under paragraph 8 (compensation site creation) in the June following the creation of the compensation site, which in turn must be done during the first earthworks season following the commencement of the activity licensed under paragraph 4;
- (b) carry out the activity licensed under paragraph 7 (pumping station);
- (c) carry out the activity licensed under paragraph 12(1)(d) (the E.ON outfall maintenance dredging) unless agreed in writing with E.ON; and
- (d) carry out the activity licensed under paragraph 12(1)(e) (the Centrica outfall maintenance dredging) unless agreed in writing with Centrica.

(3) If the undertaker carries out the activity licensed under paragraph 11(1)(b) (berthing pocket capital dredging) then it must carry out the activity licensed under paragraph 6 (berthing pocket infill) but must not undertake maintenance dredging below the level of -11 metres Chart Datum.

26. The undertaker must ensure that any coatings and any treatments are suitable for use in the marine environment and are used in accordance with any guidelines approved by the Health and Safety Executive or the Environment Agency.

27. (1) The undertaker must only work and access the works site within a defined and marked out area so as to limit personnel and plant access to the site.

(2) Co-ordinates (in WGS84) and plan diagrams of the work area and access routes must be submitted to the MMO at least 13 weeks prior to the commencement of works.

(3) The written approval of the co-ordinates and plan diagrams by the MMO is required prior to works commencing.

28. The undertaker must ensure that during the works all wastes are stored in designated areas that are isolated from surface water drains, open water and bunded to contain any spillage.

29. The undertaker must ensure that any equipment, temporary structures, waste and debris associated with an activity are removed within 6 weeks of completion of that activity.

30. (1) The undertaker must ensure that no waste concrete slurry or wash water from concrete or cement works are discharged into the marine environment.

(2) Concrete and cement mixing and washing areas should be contained and sited at least 10 metres from any watercourse or surface water drain to minimise the risk of run off entering a watercourse.

31. (1) Prior to any works commencing below the level of mean high water springs, the undertaker must submit detailed method statements to the MMO for approval for each stage of works at least 13 weeks prior to the commencement of works.

(2) All works must be undertaken in accordance with agreed and approved method statements.

32. The undertaker must install bunding and storage facilities to contain and prevent the release into the marine environment of fuel, oils and chemicals associated with plant, refuelling and construction equipment, ensuring that secondary containment is used with a capacity of not less than 110% of any container's storage capacity.

33. 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 being identified in accordance with the following, unless otherwise advised in writing by the MMO—

(a) within business hours on any business days: 0300 200 2024;

(b) any other time: 07770 977 825; or

(c) at all times if other numbers are unavailable: 0845 051 8486 or dispersants@marinemangement.org.uk

34. Local mariners and fishermen's organisations must be notified of any licensed activity or phase of licensed activity through a local Notice to Mariners. A Notice to Mariners must be issued at least 10 days before the commencement of each licensed activity or phase of licensed activity. The MMO must be sent a copy of the notification within 24 hours of issue. The Notice to Mariners must include—

(a) the start and end dates for the works;

(b) a summary of the works to be undertaken;

(c) the location of the works area, including coordinates in accordance with WGS84; and

(d) any markings of the works area that will be put in place.

35. The undertaker must ensure that all materials used in construction of any part of the development (including the compensation site) are suitable and approved for use within the marine environment.

36. (1) The undertaker must ensure that a protocol for archaeological discoveries (PAD) is in place before works commence for the reporting of unexpected remains made during construction activities. This protocol must draw upon the format outlined in the BMAPA/English Heritage (2005), COWRIE (2007) and the Crown Estate (2010) guidelines.

(2) This protocol must be submitted to the MMO at least 13 weeks prior to the commencement of works.

Percussive Piling conditions

37. (1) No operations consisting of percussive 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—

(a) the use of pile pads and pile shrouds at all times;

(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;

(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;

(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;

(e) implementation of an active monitoring scheme under paragraph 39; and

(f) details of the anticipated spread of piling activity throughout a working day.

(2) Percussive piling must only be carried out in accordance with the relevant piling method statement.

38. No operations consisting of percussive 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—

- (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);
- (b) the establishment of 3 temperature monitoring points within the Humber Estuary;
- (c) provision for the restriction on percussive 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 percussive piling will be imposed at the end of that day; and
- (d) provision for the restriction on percussive 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).

(2) Percussive piling must only be carried out in accordance with the cold weather piling restriction strategy.

39. (1) No percussive piling 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—

- (a) the location of active monitoring buoys and the depth and design of sensors;
- (b) the frequency of measurement of temperature and dissolved oxygen;
- (c) an appropriate mechanism for recording when percussive piling activities are being undertaken. To be monitored 24 hours a day, 7 days a week;
- (d) 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;
- (e) a log of the number and approximate locations of piling rigs that are in operation on any given day;
- (f) 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
- (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.

(2) The development must be carried out in accordance with the relevant active monitoring scheme.

(3) No percussive piling is to take place while the data from the relevant active monitoring scheme shows either the temperature to be above 21.5 degrees Celsius or dissolved oxygen to be below 5 milligrams per litre, or both.

40. No percussive piling is to take place in the marine environment between 7 April and 1 June inclusive in any calendar year.

41. (1) Percussive piling in the marine environment is to be restricted at other times as follows:—

- (a) from 2 June to 22 July inclusive in any year, the maximum amount of percussive piling permitted within any 4-week period must not exceed—
 - (i) 101 hours where a single piling rig is in operation; or
 - (ii) a total of 168 hours where two or more rigs are in operation;
- (b) from 23 July to 10 September inclusive in any year, the maximum amount of percussive piling permitted within any week-long period must not exceed—
 - (i) 25 hours where a single piling rig is in operation; or
 - (ii) a total of 42 hours where 2 or more rigs are in operation;

- (c) from 11 September to 31 October inclusive in any year, the maximum amount of percussive piling permitted within any 4-week period must not exceed—
 - (i) 134 hours where a single piling rig is in operation, or
 - (ii) a total of 224 hours where 2 or more rigs are in operation;
 - (d) from 1 November in any year to 6 April in the following year inclusive, the maximum amount of percussive piling permitted within any eight-week period must not exceed—
 - (i) 336 hours where a single piling rig is in operation; or
 - (ii) a total of 560 hours where 2 or more rigs are in operation.
- (2) The measurement of time during each work-block must begin at the start of each timeframe, roll throughout it, then cease at the end, where measurement will begin again at the start of the next timeframe, such process to be repeated until the end of piling works.

42. No percussive piling is to take place before 0600 hours or after 2200 hours on any day.

43. The maximum diameter of marine piles is to be 2.54 metres unless otherwise agreed in writing with the MMO, following consultation with the harbour master, Natural England and the Environment Agency.

General dredging and disposal conditions

44. Conditions 32 to 69 apply to licensed activities consisting of dredging and disposal.

45. (1) The undertaker must submit a dredge and disposal strategy with the MMO at least 13 weeks before the commencement of any licensed activities.

(2) All dredging and disposal activities must be carried out in accordance with the dredge and disposal strategy.

46. The undertaker must ensure that—

- (a) as a result of the capital dredging activities referred to in paragraph 11 no more than 4,358,000 tonnes of material overall is deposited into sites HU080, HU081 and HU082 of which:
 - (i) no inerodible material and no more than 2,218,000 tonnes of erodible material is disposed of to site HU080; and
 - (ii) no erodible material and no more than 1,254,000 tonnes of inerodible material is disposed of to site HU082;
 - (iii) no erodible material and no more than 1,254,000 tonnes of inerodible material is disposed of to site HU081; and;
- (b) as a result of the maintenance dredging activities referred to in paragraph 12 no inerodible material and no more than 1,250,100 tonnes of erodible material per year is disposed to site HU080.

47. (1) The undertaker 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.

(2) The returns must specify the full licence number and amounts deposited (in tonnes) each calendar month at each authorised deposit area.

(3) Where no deposit is made in a given period a NIL return is required.

(4) The disposal method used must also be submitted with the returns.

48. No man-made materials that are dredged and/or removed from the marine environment are to be disposed to sea.

49. Should disposal of material be found to be the cause of any detrimental effects to the disposal site then disposal must cease with immediate effect.

Capital dredging and disposal conditions

50. The undertaker must ensure that during the course of disposal, non-erodible material is placed in the depressions of HU082 or in HU081, and that the sites are filled to a gradient in keeping with the surrounding bathymetry and ensure that no depths within the disposal site are reduced to less than 5.3 metres below admiralty Chart Datum at its shallowest point.

51. The undertaker must undertake regular bathymetric surveys to ensure that the disposal of dredged material at site HU082 and site HU081 has been undertaken in line with the requirements of this licence.

52. (1) The undertaker must ensure that no gravel is disposed of to HU080 until sampling of the existing seabed has been undertaken and an assessment made which demonstrates that disposal of gravel to the site is acceptable.

(2) The assessment must be submitted to and agreed by the MMO, prior to disposal activity being undertaken.

(3) If following the assessment gravel is found not to be suitable to disposal to site HU080 the gravel material must be reused or disposed of elsewhere.

53. The undertaker must ensure that during the course of disposal, material is distributed evenly over disposal site HU080.

54. (1) The undertaker must employ methods to minimise resuspension of sediment during the construction and dredging operations.

(2) The methodology must be submitted to the MMO at least 13 weeks prior to the commencement of the works.

(3) Written approval by the MMO is required prior to works commencing.

Maintenance dredging and disposal conditions

55. (1) The undertaker must undertake sampling and chemical analysis for contaminated sediments every 3 years for any maintenance dredge and disposal operation to ensure the material is still suitable for sea disposal.

(2) The undertaker licence holder must consult the MMO on the sampling plan and methodology for chemical analysis prior to sampling and analysis being undertaken.

(3) No disposal at sea can take place without the approval of the MMO.

56. The undertaker must ensure that during the course of disposal, material is distributed evenly over disposal site HU080.

57. (1) The undertaker must monitor disposal site HU080 to ensure that the material is dispersing as predicted.

(2) A Monitoring Plan must be agreed in writing with the MMO at least 13 weeks prior to the commencement of works.

(3) The monitoring must be carried out in accordance with the Monitoring Plan agreed.

58. (1) The undertaker must notify the Conservancy Authority of the need to update the Humber Maintenance Dredge Protocol and Water Framework Directive Compliance Baseline Document 2011 or any document replacing it (“the baseline document”), to incorporate the dredging and disposal of dredged material consented.

(2) The updated baseline document must be submitted with any subsequent application made to the MMO for maintenance dredging activities.

59. The berthing pocket and inset berth must be maintained to no deeper than -11.0m Chart Datum to ensure that no gravel infill material migrates from the berthing pocket and inset berth or is dredged and disposed of to unsuitable disposal grounds.

60. (1) The undertaker must employ methods to minimise resuspension of sediment during dredging operations.

(2) The methodology must be submitted to the MMO at least 13 weeks prior to the commencement of the maintenance dredge.

(3) Written approval by the MMO to the methodology is required prior to the maintenance dredge commencing.

Placement of rock and gravel materials below mean high water springs

61. (1) Any rock or gravel material to be placed within the marine environment must be from a recognised source agreed by the MMO.

(2) Details of such information must be provided to the MMO at least 13 weeks prior to the commencement of works.

62. Any rock armour surplus to that specified in paragraph 4(1)(b) must be returned to land.

63. Any rock or gravel surplus to that specified in paragraph 6 must be returned to land.

64. (1) The undertaker must ensure that a full method statement and location of the transshipment area and barge approach routes is submitted to the MMO at least 13 weeks prior to the commencement of works.

(2) Written approval by the MMO is required prior to works commencing.

65. The undertaker must ensure that pre-works and post-works trawl surveys are conducted within any transshipment area and barge approach routes, or Fisheries Liaison Officers are employed on the transshipping vessel to observe all transshipment operations and record any losses.

66. (1) The undertaker must ensure that any vessels used for rock and gravel transshipment or delivery operations are suitably constructed and loaded to prevent rock and gravel falling over the side by accident.

(2) Suitable screening must be used to prevent rock and gravel loss through drainage holes.

67. The undertaker must ensure that sea-going tug or tugs capable of towing the barge in a loaded condition can be made available within a 12 hour period to tow the barge to sheltered waters in adverse weather conditions.

68. Subject to paragraph 68, the undertaker must ensure that any rock misplaced or lost below mean high water springs is reported to the local MMO Office within 48 hours, and located and recovered.

69. Any rock that is misplaced or lost below mean high water springs and cannot be recovered must be located and its position notified to the MMO within 48 hours.