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 2009;

"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°39.622'N, 00°13.649'W) and shown on sheet 5 of the works plans;

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

"the E.ON outfall" means the area bounded by co-ordinates (53°39.556'N, 00°13.567'W), (53°39.600'N, 00°13.426'W), (53°39.550'N, 00°13.340'W) and (53°39.498'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 36.5520 N, 00 00.4320 E), (53 36.3000 N 00 00.6180 W), (53 36.4680 N, 00 02.3220 W), (53 36.9481 N, 00 03.4680 W) and (53 36.5520 N, 00 00.4320) ~~(53°36.95'N, 00°03.47'W), (53°36.55'N, 00°00.42'E), (53°36.30'N, 00°00.62'W) and (53°36.47'N, 00°02.32'W)~~;

"HU082" means the area bounded by co-ordinates (53 37.5000 N, 00 02.2698 W), (53 37.2480 N, 00 00.7980 W), (53 36.9702 N, 00 00.8100 W), (53 37.1220 N, 00 02.2920 W) and (53 37.5000 N, 00 02.2698 W) ~~(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)~~;

"licence holder" means the Company and any agent or contractor acting on its behalf;

"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;

"MMO" means the Marine Management Organisation;

"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;

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

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

Comment [MMO1]: Applicant to update coordinates

Comment [MMO2]: Applicant to update

Comment [MMO3]: Applicant to update coordinates

"sea bed" means the ground under the sea; and

"silt" means dredged materials with a diameter of at least 31.25 and less than 62.5 micrometres.

Comment [MMO4]: Applicant to update

(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.

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. Where contact to the MMO District Office is required, the following contact details should be used: Estuary House, Wharncliffe Road, Grimsby, Lincolnshire, DN31 3QL. Tel: 01472 355112 email: grimsby@marinemanagement.org.uk.

(2) Unless otherwise advised in writing by the MMO, the address for electronic communication with the MMO for the purposes of this Schedule is infrastructure@marinemanagement.org.uk.

PART 2

LICENSED ACTIVITIES

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

Construction of the quay

4. (1) The licence holder is permitted to construct the quay consisting of 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) two 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 750 flap anchor piles may be fixed to the landward face of the perimeter piles and seated in a trench on the bed of the estuary, to be installed from named vessels moored in the estuary;

(d) no more than 100 steel anchor piles may be driven into the bed of the estuary and fixed to perimeter piles, to be installed from named vessels moored in 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 by constructing two granular dams that extend from the existing flood defence wall to the area reclaimed under paragraph (e), so that the dams divide the remaining reclaim area into three approximately equal cells, whereupon named vessels shall pump fluidised granular material into each cell in sequence, allowing estuarine water that is retained within each cell to overflow the dams as the fluidised material is deposited and settles within the cell, such activity to continue until all cells attain their design levels; and

(g) steel plates may be attached to the perimeter piles by welding and bolting, whereupon 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 shall 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 licence holder 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, whereupon the piles shall be braced with interconnecting steelwork.

(2) Monitoring equipment fixed to buoys shall 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 ~~13~~15.

(3) Each temporary dolphin must be removed as soon as practicable 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, the licence holder is permitted to deposit up to 300,000 tonnes of gravel and rock from named vessels into the berthing pocket and must not undertake maintenance dredging below the level of -11 metres chart datum.

Comment [MMO5]: The Applicant has not adopted our suggested text and has in fact increased this quantity from 250,000 tonnes to 300,000 tonnes. This is not with the agreement of the MMO. The MMO's comments provided in our submission of 26 October 2012 were that the text should be changed from 'must deposit' to 'is permitted to'. No reference was made to an increase in tonnage allowed.

Pumping station

7. (1) The licence holder 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, whereupon the flood defence wall shall 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 (b) 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 shall 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 licence holder is permitted to remove a 250 metre section of the existing flood wall to create the Cherry Cobb Sands channel under the following conditions:—

(a) the Cherry Cobb Sands channel cannot be created until a new flood defence has been constructed landward of the existing flood defence;

(b) the Cherry Cobb Sands channel cannot 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.

9.The licence holder 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.

(c) the placement of rock armouring shall only be carried out in accordance with the agreed location and rock quantity.

10. (1) The licence holder is permitted to deposit temporary bog matting upon the foreshore at the Cherry Cob Sands site for the purposes of construction plant movement.

(2) The licence holder must ensure the bog matting is removed as soon as practicable once the activities for which they have been deposited have been completed.

Capital dredging

~~9.~~11. (1) The licence holder is permitted to carry out capital dredging at the following locations:—

(a) the area within the quay limits to a depth of -6.5 metres Chart Datum;

(b) the berthing pocket 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 +2.4 metres Chart Datum; and

(f) the Cherry Cobb Sands channel to a depth of -5.0 metres Chart Datum.

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

Comment [MMO6]: Applicant to check and confirm dredged depth

Comment [MMO7]: Applicant to check and confirm dredged depth

Location	*Material*	*Maximum tonnage per year*	*Deposit location*	*Total licensed tonnage*
Area within the quay limits	Gravel	50,000	HU080	725,000
	Sand	110,000		
	Silt	390,000		
	Clay	175,000	HU082	
The berthing pocket			HU080	750,000
	Sand	50,000		
	Silt	150,000		
	Clay	550,000	HU082	
The approach channel	Gravel	300,000	HU080	1,650,000
	Sand	600,000		
	Silt	500,000		
	Clay	250,000	HU082	
The turning area	Gravel	35,000	HU080	250,000
	Sand	95,000		
	Silt	80,000		
	Clay	40,000	HU082	
The pumping station outfall	Sand	500	HU080	2,500
	Silt	2,000		
The Cherry Cobb Sands ~~channel~~breach	Sand	2,000	If the dredged material is suitable, the intertidal area landward of the Cherry Cobb Sands channel, otherwise HU080	10,000
	Silt	8,000		

Maintenance dredging

~~10.~~12. (1) The licence holder is permitted to carry out maintenance dredging at the following locations within the period specified in paragraph ~~12~~14(3):—

(a) the berthing pocket 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 plough dredging;

(e) the Centrica outfall to keep it free of siltation by plough dredging;

(f) the pumping station outfall to a depth of +3.4 metres Chart Datum; and

(g) the Cherry Cobb Sands channel to a depth of -5.7 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 materials must be dredged in the approximate quantities and deposited at the locations according to the following table:

Comment [MMO8]: Applicant to update table to ensure that it reflects final tonnages and disposal locations, including reuse of materials within the quay development

Comment [MMO9]: This renaming must be reflected by the applicant throughout the DCO and DML (e.g. DCO Article 2 'Interpretation', Schedule 1, 5(b)) and anywhere else it occurs

Comment [MMO10]: Applicant to update text accordingly following discussion with MMO in evening of Wednesday 21st November.

Comment [MMO11]: Applicant to check and confirm dredged depth entered here, as per discussions of 21/11/12

Comment [MMO12]: To be renamed

Comment [MMO13]: Applicant to check and confirm dredged depth entered here, as per discussions of 21/11/12

Location	*Material*	*Maximum tonnage per year*	*Deposit location*	*Total licensed tonnage*
The berthing pocket	Sand	150,000	HU080	1,075,000
	Silt	925,000		
The approach channel	Sand	10,000	HU080	50,000
	Silt	40,000		
The turning area	Sand	10,000	HU080	50,000
	Silt	40,000		
The E.ON outfall	Sand	500	None (plough)	2,500
	Silt	2,000		
The Centrica outfall	Sand	500	None (plough)	2,500
	Silt	2,000		
The pumping station outfall	Sand	50	HU080	100
	Silt	50		

Comment [MMO14]: Applicant to update table to ensure that it reflects final tonnages over three year validity of maintenance licence (as per the ES SOCG dated 27 July 2012).

PART 3

ENFORCEMENT

~~11.~~13. Any breach of this Schedule shall not constitute a breach of this Order but shall be 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

~~12.~~14. (1) The conditions set out at paragraphs 15~~13~~ to ~~1~~ 67-69 are licence conditions attached to the deemed marine licence granted by article ~~44~~44.

(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 shall apply to any person who for the time being owns, occupies or enjoys any use of the licensed activity.

(3) This licence is for 6 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 three years; and

(b) maintenance dredging is permitted within the second three years.

~~13.~~15. (1) No licensed activities shall be carried out until four 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 ~~17~~ 17 of Schedule 11.

(2) Before commencing any licensed activities, the licence holder shall consult C.RO Ports (Killingholme) Ltd, E.ON UK plc 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~~10~~ that may affect those parties' interests.

(3) The licence holder will have regard to any consultation responses received from C.RO Ports (Killingholme) Ltd, E.ON UK plc and Centrica.

~~14.~~16. No licensed activity shall be carried out until four weeks after a vessel movement management plan has been agreed in writing by the MMO, and the licensed activities shall be carried out in accordance with the vessel movement management plan.

~~15.~~17.The MMO must be notified by the licence holder at least ten working days before the commencement of any licensed activity of its acceptance of the provisions of this Schedule and that the company and any agents or contractors employed by it to carry out the licensed activities have knowledge of the provisions of this Schedule.

~~16.~~18. The licence holder must ensure that the MMO District Marine Office is notified of the timetable of works and operations at least 10 days prior to the commencement of any licensed activity.

~~17.~~19. The MMO must be notified by the licence holder in writing of any agents, contractors or sub-contractors that will be carrying out any licensed activity on behalf of the licence holder at least four weeks before the commencement of the licensed activity.

~~18.~~20. The licence holder 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 sub-contractors that will be carrying out any licensed activity on behalf of the licence holder.

~~19.~~21. The licence holder must ensure that the names of vessels are provided to the MMO and agreed in writing at least four 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.

~~20.~~22. The licence holder 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.

~~21.~~23. Should the licence holder 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 licence holder must notify the MMO at the earliest opportunity.

Project wide conditions

~~22.~~24.The works shall be carried out in accordance with a works schedule to be agreed in writing between the licence holder 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.

~~23.~~25. (1) The following dependencies apply to the licensed activities in paragraphs 4 to-12~~10~~.

(2) If the licence holder 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~~10~~(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~~10~~(1)(e) (the Centrica outfall maintenance dredging) unless agreed in writing with Centrica.

(3) If the licence holder carries out the activity licensed under paragraph 11~~9~~(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 ~~.5~~ metres Chart Datum.

~~24.~~26. ~~The licence holder must ensure that the Environment Agency's Pollution Prevention Guidelines for works in or near water (PPG5) are adhered to at all times.~~ The licence holder 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 Environment Agency Pollution Prevention Control Guidelines.

~~25.~~27. (1)-The licence holder must only work and access the works site within a defined and marked out area thereby limiting 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 4 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.

~~26.~~28. The licence holder 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.

~~27.~~29. The licence holder must ensure that any equipment, temporary structures, waste and debris associated with the works are removed within 6 weeks of completion of the works.

~~28.~~30. (1) The licence holder 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.

~~29.~~31. (1) Prior to any works commencing below the level of Mean High Water Springs, the licence holder must submit detailed method statements to the MMO for approval for each stage of works at least 4 weeks prior to the commencement of works~~.~~.

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

~~30.~~32. The licence holder must install bunding and storage facilities to contain and prevent the release of fuel, oils, and chemicals associated with plant, refuelling and construction equipment, into the marine environment such that secondary containment should be used with a capacity of not less than 110% of any container's storage capacity.

~~31.~~33. The licence holder must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO Marine Pollution Response Team: 0870 785 1050 (office hours), 07770 977 825 (outside office hours) and dispersants@marinemanagement.org.uk or such replacement numbers or email address notified to the licence holder by the MMO in writing.

~~32.~~34. The licence holder must ensure that a Notice to Mariners is issued at least 10 days prior to works commencing warning of the start date for the construction of the works and updated as appropriate.

~~33.~~35. The licence holder 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.

~~34.~~36. (1) The licence holder 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 4 weeks prior to the commencement of works.

Piling conditions

~~35.~~37.—(1) No operations consisting of piling shall 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 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~~37~~, and

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

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

~~36.~~38. No operations consisting of piling shall 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 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,

(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).

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

~~(d)~~

~~37.~~39. (1) No development shall be commenced until an active monitoring scheme has been submitted to and agreed in writing by the MMO, following consultation with the 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) 24 hours a day, 7 days a week monitoring of noise,

(d) when monitoring shall commence and cease, to include a two-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, and

(f) details of how the monitored information will be accessed by or communicated to the site contractor, the MMO the Environment Agency and Natural England as necessary.

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

Comment [MMO15]: Applicant to update to reflect Natural England request use of both pile shrouds and pads

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(3) No percussive piling shall 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.

~~38.~~40. No percussive piling shall take place between 7 April and 1 June inclusive in any calendar year.

~~39.~~41. (1) Percussive piling shall 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 four-week period shall 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 shall not exceed:—

(i) 25 hours where a single piling rig is in operation, or

(ii) a total of 42 hours where two 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 four-week period shall not exceed:—

(i) 134 hours where a single piling rig is in operation, or

(ii) a total of 224 hours where two 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 shall not exceed:—

(i) 336 hours where a single piling rig is in operation, or

(ii) a total of 560 hours where two or more rigs are in operation.

(2) The measurement of time during each work-block shall 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.

~~40.~~42. No percussive piling shall take place before 0600 hours or after 2200 hours on any day.

~~41.~~43. The maximum diameter of marine piles shall be 2.1 metres unless otherwise agreed in writing with the MMO, following consultation with Natural England and the Environment Agency.

General dredging and disposal conditions

~~42.~~44. Conditions ~~32~~ 44 to 69~~67~~ shall apply to licensed activities consisting of dredging and disposal.

~~43.~~45. (1) The licence holder must agree a dredge and disposal strategy with the MMO at least four 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.

~~44.~~46. The licence holder must ensure that

(a) as a result of the capital dredging activities in paragraph 11~~9~~:

(i) no inerodible material and no more than 2,363,000 tonnes of erodible material site is disposed to site HU080 and

(ii) no erodible material and no more than 1,000,000 tonnes of inerodible material is disposed of to site HU082; and

(b) as a result of the maintenance dredging activities in paragraph 12~~10~~ no inerodible material and no more than 1,180,000 tonnes of erodible material per annum is disposed to site HU080.

~~45.~~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 the 31st January (for the months August to January inclusive) and the 31st 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.

~~46.~~48. (1) The licence holder must ensure that dredged material is passed through grid screens no larger than 30cm to minimise the amount of man-made materials disposed of at sea.

(2) Any man-made material must be separated from the dredged material and disposed of to land.

~~47.~~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

~~48.~~50. The licence holder must ensure that during the course of disposal, non-erodible material is placed in the depressions of HU082, and that the site is filled to a gradient in keeping with the surrounding bathymetry and ensure that no depths within the disposal site are reduced to less than 5.3m below admiralty Chart Datum at its shallowest point.

~~49.~~51. The licence holder must undertake regular bathymetric surveys to ensure that the disposal of dredged material at site HU082 has been undertaken in line with the requirements of this licence.

~~50.~~52. (1) The licence holder 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.

~~51.~~53. The licence holder must ensure that during the course of disposal, material is distributed evenly over disposal site HU080.

~~52.~~54. (1) The licence holder 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 4 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

~~53.~~55. (1) The licence holder must undertake sampling and chemical analysis for contaminated sediments within 6 months prior of the commencement of Maintenance dredge and disposal operation to ensure the material is still suitable for sea disposal.

(2) The 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.

~~54.~~56. The licence holder must ensure that during the course of disposal, material is distributed evenly over disposal site HU080.

~~55.~~57. (1) The licence holder 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 4 weeks prior to the commencement of works.

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

~~56.~~58. (1) The licence holder must update the Humber Maintenance Dredging Baseline Document to incorporate the dredging and disposal of dredged material consented.

(2) The updated Humber Maintenance Dredging Baseline Document must be submitted with any subsequent application made to the MMO for maintenance dredging activities associated with the works.

~~57.~~59. The berthing pocket must be maintained to no deeper than -11.0m CD to ensure that no gravel infill material migrates from the berthing pocket or is dredged and disposed of to unsuitable disposal grounds.

~~58.~~60. (1) The licence holder must employ methods to minimise resuspension of sediment during dredging operations.

(2) The methodology must be submitted to the MMO at least 4 weeks prior to the commencement of the works.

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

Placement of rock and gravel materials below mean high water springs

~~59.~~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 should be provided to the MMO at least 4 weeks prior to the commencement of works.

~~60.~~62. Any rock armour surplus to that specified in paragraph 4(1)(b) must be returned to land.

~~61.~~63. Any rock or gravel surplus to that specified in paragraph 6 must be returned to land.

~~62.~~64. (1) The licence holder must ensure that a full method statement and location of the transhipment area and barge approach routes is submitted to the MMO at least 4 weeks prior to the commencement of works.

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

~~63.~~65. The licence holder must ensure that pre and post works trawl surveys are conducted within any transhipment area and barge approach routes, or Fisheries Liaison Officers are employed on the transhipping vessel to observe all transhipment operations and record any losses.

~~64.~~66. (1) The licence holder must ensure that any vessels used for rock and gravel transhipment or delivery operations are suitably constructed and loaded to prevent rock and gravel falling over the side by accident.

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

~~65.~~67. The licence holder 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 sheltered waters in adverse weather conditions.

~~66.~~68. The licence holder must ensure that any rock misplaced or lost below mean high water springs is reported to the MMO District Marine Office within 48 hours, and located and recovered.

~~67.~~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.