

SCHEDULES

SCHEDULE 15

Article 50

DEEMED MARINE LICENCE

PART 1

GENERAL

Interpretation

1. In this licence—

- (a) “the 2008 Act” means the Planning Act 2008;
- “the 2009 Act” means the Marine and Coastal Access Act 2009;
- “the authorised project” has the meaning given in paragraph 3(2);
- “business day” means a day other than a Saturday or Sunday or bank holiday in England;
- “COCP Part A” means the Code of Construction Practice Part A— General Controls (document reference number APP205.01);
- “COCP Part B” means the Code of Construction Practice Part B— Site Specific Requirements (document reference number APP178.03 to 178.49);
- “commence” means beginning to carry out any part of a licensed activity and “commenced” and “commencement” shall be construed accordingly;
- “condition” means a condition in Part 2 of this licence and references in this licence to numbered conditions are to the condition with those numbers in Part 2;
- “environmental statement” means the environmental statement with document reference 6.2 together with the list of Errata to that environmental statement with document references 9.04.01, 9.04.04, 9.04.05 and APP123, and the environmental statement update report (March 2014) with document reference APP208.01, submitted by Thames Water Utilities Limited to support its application for development consent for the authorised project;
- “the licence holder” means Thames Water Utilities Limited and any transferee pursuant to Article 9 of the Order;
- “licensed activity” means the activities specified in Part 1 of this licence;
- “marine area” has the meaning given to ‘UK marine area’ in section 42 of the 2009 Act;
- “MMO” means the Marine Management Organisation;
- “the Order” means the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014;
- “plans and sections” includes sections, cross-sections, elevations, drawings, specifications, programmes, calculations, method statements, piling method

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statements, assessments of navigational risk and hydraulic information relating to the construction, carrying out and, where appropriate, removal of any licensed activity;
“River” means so much of the river Thames, the Thames estuary, rivers, streams, creeks, watercourses and the sea as is within the Port of London Authority’s limits as described in paragraph 2 of Schedule 1 to the Port of London Act 1968;

“scour and accretion monitoring and mitigation plan” means a plan drawn up detailing the monitoring and mitigation proposals for each specified work prepared in accordance with the scour and accretion monitoring and mitigation strategy;

“scour and accretion monitoring and mitigation strategy” means the scour and accretion monitoring and mitigation strategy for the licensed activities in the foreshore to be submitted to the MMO in accordance with the principles set out in the four way legal agreement between Thames Water Utilities Limited, the Port of London Authority, the Environment Agency and the Marine Management Organisation dated 3rd March 2014 (as amended 7th August 2014) (APP 183) including, but not limited to, results and clarification of existing and further works and the extent, frequency, and form of the monitoring and mitigation for scour and accretion;

“site” means any site where the licensed activities will be undertaken as defined in the Order being:

- Putney Embankment Foreshore;
- Carnwath Road Riverside;
- Dormay Street;
- Cremorne Wharf Depot;
- Chelsea Embankment Foreshore;
- Kirtling Street;
- Heathwall Pumping Station;
- Albert Embankment Foreshore;
- Victoria Embankment Foreshore;
- Blackfriars Bridge Foreshore;
- Chambers Wharf;
- Greenwich Pumping Station;
- King Edward memorial Park Foreshore; and
- Abbey Mills Pumping Station.

Contacts

2.—(1) Except where otherwise indicated, the main point of contact with the MMO and the address for email and postal returns and correspondence shall be—

Marine Management Organisation
Inshore Marine Licensing Team
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH
Tel— 0300 123 1032

Fax— 0191 376 2681

Email—infrastructure@marinemanagement.org.uk

(2) The contact details for the MMO Marine Pollution Response Team are—

Tel (during office hours)— 0870 785 1050

Tel (outside office hours)— 07770 977 825

Email—dispersants@marinemanagement.org.uk

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

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 their behalf) to carry out any licensable marine activities under section 66(1) of the 2009 Act which—

- (a) form part of, or are related to, the authorised project; and
- (b) are not exempt from requiring a marine licence by virtue of any provision made under section 74 of the 2009 Act.

(2) In this paragraph “the authorised project” means—

- (a) the development and associated development described in Part 1 of Schedule 1 to the Order, and any other development authorised by articles 21 (*remedial works to buildings, or apparatus or equipment*) and 42 (*statutory undertakers*) of the Order, which is development within the meaning of section 32 of the 2008 Act; and
- (b) the ancillary works described in Part 2 of Schedule 1 (*authorised project*) of the Order, and any other works authorised by the Order which are not development within the meaning of section 32 of the 2008 Act.

PART 2

CONDITIONS APPLYING TO CONSTRUCTION ACTIVITIES

NOTIFICATIONS AND INSPECTIONS

Notice of Transfer of Benefit

4. The licence holder shall serve notice in writing of any transfer made pursuant to Article 9 (*transfer of benefit of order*) upon the MMO together with a copy of the instrument of deed effecting such transfer within 10 business days of any such transfer.

Notification of person responsible for the carrying out of licensed activity

5. The licence holder shall serve a copy of its application to discharge PW4 upon the MMO within 10 business days of the submission of such application.

In this condition “PW4” means the requirement described in the fourth entry of the table within paragraph 2 of Schedule 3 (*requirements*) to the Order.

6. The licence holder shall inform the MMO in writing of the intended start date and the likely duration of licensed activities on a site at least 10 business days prior to the commencement of the first licensed activity on that site.

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Prior Approval of Licensed Activities

7.—(1) Prior to the commencement of a licensed activity, the licence holder shall submit details of the licensed activity to the MMO for approval in accordance with the procedure in Part 3, in consultation with the Environment Agency and Port of London Authority.

(2) Unless otherwise agreed by the MMO in writing, the details in subparagraph (1) shall include—

- (a) the details of the person responsible for the carrying on of the licensed activity;
- (b) the location of the licensed activity;
- (c) the duration of the licensed activity;
- (d) plans and sections;
- (e) details of where the licensed activity was assessed in the Environmental Statement;
- (f) details of materials to be placed in or removed from the marine area;
- (g) timings of activities;
- (h) environmental mitigation measures;
- (i) where a licensed activity involves dredging, a characterisation of the dredge material (including sample analysis as may be directed from time to time by the MMO), dredging volumes and waste disposal locations and quantities; and
- (j) an outline decommissioning plan regarding the removal of any equipment, temporary structures, waste or debris associated with any part of the licensed activity.

(3) The licensed activity shall be carried out in accordance with the approval of the MMO.

Scour and Accretion Monitoring and Mitigation

8.—(1) The licence holder must submit to the MMO for approval a scour and accretion monitoring and mitigation strategy. The MMO will issue their decision in respect of the scour and accretion monitoring and mitigation strategy:

- (a) by 30th September 2014; or
- (b) within 5 days of the grant of the DCO; or
- (c) by the expiry of 20 business days from receipt of the scour and accretion monitoring and mitigation strategy submission to the MMO,
- (d) whichever is the latest.

(2) Prior to the commencement of any part of a licensed activity, a scour and accretion monitoring and mitigation plan for that licensed activity shall be prepared by the licence holder in accordance with the agreed scour and accretion monitoring and mitigation strategy in consultation with the MMO, and submitted to the MMO for approval, in accordance with the procedure in Part 3.

(3) The carrying out of any licensed activity shall proceed only in accordance with the agreed scour and accretion monitoring and mitigation plan approved under condition 8(2).

Construction Environment Management Plan

9.—(1) Prior to the commencement of licensed activities on a site the licence holder shall submit to the MMO, for approval in accordance with the procedure in Part 3, those parts of a Construction Environment Management Plan for that site (prepared pursuant to the COCP Part A as modified by the COCP Part B for that site) which relate to construction in the marine environment for that site.

(2) The relevant parts of the Construction Environment Management Plan which relate to construction in the River environment shall include details (inter alia) of the following—

- (a) how the lighting and marking of the licensed activities at that site will mitigate impact on the marine environment;
- (b) measures to protect the River environment from pollutant effects of materials used for or associated with the licensed activities at that site, including methods to mitigate the effects of re-suspension of sediment;
- (c) measures to protect the River environment from the impact of piling associated with the licensed activities at that site;
- (d) mitigation methods to protect the foreshore from damage associated with the licensed activities at that site;
- (e) a pollution incident response plan to include details of how impacts on the River environment will be mitigated in the event of accidental spillage or other pollution event; and
- (f) measures for the clearance of the site of equipment, temporary structures (other than those which will remain to mitigate environmental and navigation impacts), waste and debris associated with the licensed activities on the completion of licensed activities at that site.

Concrete and Cement

10. The licence holder shall ensure that no waste concrete slurry or wash water from concrete or cement is discharged into the marine area. Concrete and cement mixing and washing areas must be sited at least 10 metres from any watercourse or surface water drain to minimise the risk of run off entering a watercourse.

Coatings and Treatments

11. The licence holder shall ensure that any coatings and any treatments are suitable for use in the marine area and are used in accordance with either guidelines approved by the Health and Safety Executive or the Environment Agency Pollution Prevention Control Guidelines.

Spills etc.

12. The licence holder shall—

- (a) store, handle, transport and use fuels, lubricants, 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 24 hours of the spill occurring; and
- (c) ensure that all waste is stored in designated areas that are isolated from surface water drains and open water and are bunded.

Percussive Piling

13. Where a licensed activity involves percussive piling the licence holder shall ensure that all soft-start procedures are used for at least 20 minutes to ensure an incremental increase in pile power over a set period of time until full operational power is achieved. Should piling cease for at least 10 minutes the soft-start procedures must be repeated.

Agents, Contractors and Sub-Contractors

14.—(1) The licence holder shall—

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- (a) notify the MMO in writing of any agents, contractors or sub-contractors that will carry out licensed activities on behalf of the licence holder. Such notification must be received by the MMO at least 24 hours before the commencement of the licensed activities; and
 - (b) ensure that a copy of this licence and any subsequent amendments are provided to, read and understood by those agents, contractors or sub-contractors.
- (2) Only those agents, contractors or sub-contractors notified to the MMO in accordance with condition 14(1)(a) are permitted to carry out the licensed activities.

Vessels

15.—(1) The licence holder shall—

- (a) notify the MMO in writing of any vessel to be used to carry on licensed activities. Such notification must be received by the MMO at least 24 hours before the commencement of the licensed activities. Notification must include the master’s name, vessel type, vessel IMO number and the name of the vessel’s owner or operating company; and
- (b) ensure that a copy of this licence and any subsequent amendments are provided to, read and understood by the masters of a vessel notified under condition 15(1)(a), and that a copy of this licence and any subsequent amendments is held on board any such vessel.

(2) Only those vessels notified to the MMO under condition 15(1)(a) are permitted to carry out the licensed activities.

Notice of Completion of Licensed Activity

16. The licence holder shall inform the MMO, in writing no more than 10 business days following the completion of the last licensed activity.

Changes to this Licence

17. The licence holder shall notify the MMO at the earliest opportunity of any change to the information upon which the granting of the deemed marine licence was based.

PART 3

PROCEDURE FOR THE DISCHARGE OF CONDITIONS

Meaning of “application”

18. In this Part, “application” means a submission by the licence holder for approval under conditions 7, 8 or 9.

Further information regarding application

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

(2) In the event that the MMO does not make a request in accordance with condition 19(1) above, it shall be deemed to have sufficient information to consider the application and shall not thereafter be entitled to request further information without the prior agreement of the licence holder.

Determination of application

20.—(1) In determining the application the MMO may have regard to —

- (a) the application and any supporting information or documentation;
 - (b) any further information provided by the licence holder in accordance with paragraph 19; and
 - (c) such other matters as the MMO thinks relevant.
- (2) Having considered the application the MMO must —
- (a) grant the application unconditionally;
 - (b) grant the application subject to the conditions as the MMO thinks fit; or
 - (c) refuse the application.

Notice of Determination

21.—(1) Subject to condition 21 (2) or (3), the MMO shall give notice to the licence holder of the determination of the application within 35 business days of the day immediately following that on which the application is received by the MMO.

(2) Where the MMO has made a request under paragraph 19, the MMO shall give notice to the licence holder of the determination of the application no later than 65 business days of the day immediately following that on which the application is received by the MMO.

(3) The MMO and the licence holder may agree in writing a longer period of time for the provision by the MMO of a notice under condition 21(1) such period to be no more than 65 days from the day immediately following that on which the application is received.

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

(5) Where notice is not given by the MMO in accordance with condition 21(1) or (2) the application is deemed to have been refused.

Arbitration

22.—(1) Subject to condition 22(2), any difference under any provision of this licence shall, unless otherwise agreed between the MMO and the licence holder, be referred to and settled by a single arbitrator to be agreed between the MMO and the licence holder or, failing agreement, to be appointed on the application of either the MMO or the licence holder (after giving notice in writing to the other) by the President of the Institution of Civil Engineers.

(2) Nothing in condition 21(1) or (2) shall be taken, or shall operate so as to, fetter or prejudice the statutory rights, powers, discretions or responsibilities of the MMO.