

planning
transport
design
environment
infrastructure

Document 3.1 – ES Volume 2

Appendix 11.7: Marine Licence Surface Water Outfall to Swale

Wheelabrator Kemsley (K3 Generating Station) and Wheelabrator Kemsley North (WKN) Waste to Energy Facility DCO

September 2019 -Submission Version

PINS ref: EN010083





Marine Management Organisation Marine Licence

1 Introduction

This is a licence granted by the Marine Management Organisation on behalf of the Secretary of State to authorise the licence holder to carry on activities for which a licence is required under Part 4 of the Marine and Coastal Access Act 2009.

1.1 Licence number

The licence number for this licence is L/2017/00482/2

1.2 Licence holder

The licence holder is the person or organisation set out below:

Name / company name	K3 CHP LTD
Company registration number (if applicable)	9240062
Address	Wheelabrator Technologies, Portland House, London, SW1E 5BH
Contact within company	Chris Ratcliffe
Position within company (if applicable). State if company officer or director	Head of Modelling and Planning

1.3 Licence date

Version	2
Licence start date	21 December 2017
Licence end date	31 December 2060
Date of original issue	21 December 2017
Date of variation issue	10 May 2019

1.4 Licence validity

This version of this licence is valid from the licence start date to the licence end date.

This version of this licence supersedes any earlier version of this licence. Any activity commenced under a previous version of this licence and which is also a licensed activity authorised by section 4 of this version of this licence may continue in accordance with the licence conditions in section 5 of this version of this licence.

Validity unknown
Digitally signed by Emmanuel Mulenga
DN: cn=Emmanuel Mulenga, o=Marine Management
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2 General

2.1 Interpretation

In this licence, terms are as defined in section 115 of the Marine and Coastal Access Act and the Interpretation Act 1978 unless otherwise stated.

- "licensed activity" means any activity set out in section 4 of this licence.
- "licence holder" means the person(s) or organisation(s) named in section 1 above to whom this licence is granted.
- "MMO" means the Marine Management Organisation.
- "mean high water springs" means the average of high water heights occurring at the time of spring tides.
- "sea bed" or "seabed" means the ground under the sea.
- "the 2009 Act" means the Marine and Coastal Access Act 2009.
- All times shall be taken to be the time on any given day.
- All geographical co-ordinates contained within this licence are in WGS84 format (latitude and longitude degrees and minutes to three decimal places) unless stated otherwise.

2.2 Contacts

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

Lancaster House

Hampshire Court

Newcastle upon Tyne

NE4 7YH

Tel:0300 123 1032

Fax:0191 376 2681

Email:marine.consents@marinemanagement.org.uk

Any references to any local MMO officer shall be the relevant officer in the area(s) located at:

Marine Management Organisation

Fish Market

Rock-A-Nore Road

Hastings

East Sussex

TN34 3DW

Tel: 01424 424109
Fax: 01424 444642
Email: hastings@marinemanagement.org.uk

3 Project overview

3.1 Project title

Kemsley Generating Station Outfall

3.2 Project description

The Wheelabrator Kemsley Generating Station is a consented Energy from Waste (EfW) and Combined Heat and Power (CHP) facility which is currently under construction.

Planning permission for that development, including a surface water outfall to the Swale Estuary, was granted on the 06 March 2012 under the Town and Country Planning Act 1990 by Kent County Council (KCC) and was accompanied by an Environmental Statement. The reference for this is PAG/MC/SW/10/444 and the full suite of documents supporting the planning application can be found on the KCC planning portal.

The Generating Station will provide low pressure steam to the existing Kemsley Paper Mill adjacent to the site and low carbon electricity to the grid. A Development Consent Order (DCO) application will be submitted for the construction of a new EFW facility known as Wheelabrator Kemsley North (WKN) on the area of land to the north of the generating station.

This project was originally for the construction and operation of an outfall to serve the Generating Station and/or an Incinerator Bottom Ash Recycling Facility. That outfall was constructed. This was then updated in April 2019 (Variation 01) in order to licence the construction of a 2nd outfall. This infrastructure that will discharge clean surface water, via an attenuation pond, from the Generating Station and the proposed Wheelabrator Kemsley North (WKN) facility into the intertidal area of the Swale Estuary.

4 Licensed activities

This section sets out the licensed activities. The licensed activities are authorised to be carried on only in accordance with the activity details below and with the licence conditions as set out in section 5 of this licence.

Please note that where licensed quantities are displayed with reference to their constituent materials, the relative quantities given for the constituent materials are indicative only.

Site 1 - Surface Water Outfall Construction & Operation	
Site location	The Kemsley Generating Station Outfall is located east of the Kemsley Paper Mill complex at Kemsley, Sittingbourne, Kent.
Activity 1.1 - Construction of new outfall	
Activity type	Construction of new works
Activity location	See Coordinate Schedule for activity location.
Description	<p>There are two options for the construction of the outfall(s). Option A would be to provide an outfall to the Generating Station and would comprise:</p> <p>a) one 600mm diameter pipe set within a concrete head wall (approx. 3m in width and 4m in depth) within a excavated area enclosed by a temporary bund measuring approximately 17m in width, 13m in length and 1.9m deep, and reinforced by driven sheet metal piling; and</p> <p>b) a 3m wide by 5m long (and 0.5m deep) reno mattress situated on the seaward side of the outfall at the existing ground level.</p> <p>Option B would incorporate two drainage pipes, one to serve the Generating Station and another to serve the proposed Wheelabrator Kemsley North (WKN) facility, and would comprise:</p> <p>a) two 600mm diameter pipes set within a concrete head wall (approx. 6m in width and 4m in depth) within a excavated area enclosed by a temporary bund measuring approximately 20m in width, 13m in length and 1.9m deep, and reinforced by driven sheet metal piling; and</p> <p>b) a 5m wide by 6m long (and 0.5m deep) reno mattress situated on the seaward side of the outfall at the existing ground level.</p> <p>The outfall(s) would be located within the existing seawall as shown on the plan and sections of Figures 2a</p>

	<p>(Option A) and 2b (Option B) of Schedule document 'MLA_2017_00316-ES Addendum-3'.</p> <p>Please see Schedule document 'MLA_2017_00316-ES Addendum-3' for a detailed description of the works.</p>
Methodology	<p>The proposed construction sequence is as follows:</p> <ol style="list-style-type: none"> 1. Establish working area within the site boundary; 2. Remove boundary fence and extend to edge of sea defence; 3. Install earth bund to estuary to form working platform; 4. Install sheet piling; 5. Excavate within the earth bund; 6. Cut down sheet piles to profile; 7. Install reno matting; 8. Install 600mm diameter pipe from head wall to attenuation pond; 9. Remove remaining berm and reinstate area; 10. Close boundary fence and reopen footpath. <p>Please refer to Schedule document 'MLA_2017_00316-ES Appendix 3.1 Outfall Construction Method Statement-5' for a detailed methodology.</p>
Programme of works	<p>Works may only take place between 1 April and 31 September in any given year.</p> <p>The overall duration of works is estimated to take approximately 10 weeks.</p> <p>The following timings are indicative and will depend on site conditions and progress of the construction works:</p> <ol style="list-style-type: none"> 1. Establish working area within the site boundary - 2 days; 2. Remove boundary fence and extend to edge of sea defence - 2 days; 3. Install earth bund to estuary to form working platform - 1 week; 4. Install sheet piling - 1 week; 5. Excavate within the earth bund - 1 week; 6. Cut down sheet piles to profile - 1 week; 7. Install reno matting - 2 weeks; 8. Install 600mm diameter pipe from head wall to attenuation pond - 2 weeks;

9. Remove remaining berm and reinstate area - 1 week;
10. Close boundary fence and reopen footpath - 1 week.
Please refer to Schedule document 'MLA_2017_00316-
ES Appendix 3.1 Outfall Construction Method
Statement-5' a detailed programme of works

5 Licence conditions

5.1 General conditions

5.1.1 Notification of commencement

The licence holder must notify the MMO prior to the commencement of the first instance of any licensed activity. This notice must be received by the MMO no less than five working days before the commencement of that licensed activity.

5.1.2 Licence conditions binding other parties

Where provisions under section 71(5) of the 2009 Act apply, all conditions attached to this licence apply to any person who for the time being owns, occupies or enjoys any use of the licensed activities for which this licence has been granted.

5.1.3 Agents / contractors / sub-contractors

The licence holder must notify the MMO in writing of any agents, contractors or sub-contractors that will carry on any licensed activity listed in section 4 of this licence on behalf of the licence holder. Such notification must be received by the MMO no less than 24 hours before the commencement of the licensed activity.

The licence holder must ensure that a copy of this licence and any subsequent revisions or amendments has been provided to, read and understood by any agents, contractors or sub-contractors that will carry on any licensed activity listed in section 4 of this licence on behalf of the licence holder.

5.1.4 Vessels

The licence holder must notify the MMO in writing of any vessel being used to carry on any licensed activity listed in section 4 of this licence on behalf of the licence holder. Such notification must be received by the MMO no less than 24 hours before the commencement of the licensed activity. Notification must include the master's name, vessel type, vessel IMO number and vessel owner or operating company.

The licence holder must ensure that a copy of this licence and any subsequent revisions or amendments has been read and understood by the masters of any vessel being used to carry on any licensed activity listed in section 4 of this licence, and that a copy of this licence is held on board any such vessel.

5.1.5 Changes to this licence

Should the licence holder become aware that any of the information on which the granting of this licence was based has changed or is likely to change, they must notify the MMO at the earliest opportunity. Failure to do so may render this licence invalid and may lead to enforcement action.

5.2 Project specific conditions

This section sets out project specific conditions relating to the licensed activities as set out in section 4 of this licence.

Prior to commencement of licensed activities	
5.2.1	<p>The licence holder must notify the UK Hydrographic Office a minimum of 5 working days in advance of commencement as part of this licence to permit the promulgation of maritime safety information and updating of nautical charts and publications. A copy of the notification to be sent to the MMO within 5 days of issue.</p> <p>Reason: <i>To ensure other vessels in the vicinity can safely plan and conduct their passage.</i></p>
5.2.2	<p>The undertaker must ensure that a notice to mariners is issued at least 5 working days prior to the commencement of the licensed activities and a copy sent to the MMO within 5 working days of issue.</p> <p>Reason: <i>To ensure other vessels in the vicinity can plan and safely conduct their passage.</i></p>
5.2.3	<p>Post-construction monitoring of saltmarsh recovery must be undertaken.</p> <p>A monitoring specification must be submitted to and approved in writing by the MMO a minimum of 6 weeks prior to commencement of activities.</p> <p>Reason: <i>In order to verify predictions of saltmarsh recovery.</i></p>
5.2.4	<p>An updated monitoring specification must be submitted to and approved in writing by the MMO a minimum of 4 weeks prior to the commencement of 2nd outfall activities.</p> <p>Reason: <i>In order to verify predictions of saltmarsh recovery.</i></p>

During licensed activities	
5.2.5	<p>Bunding and/or storage facilities must be installed to contain and prevent the release of fuel, oils, and chemicals associated with plant, refuelling and construction equipment, into the marine environment. Secondary containment must be used with a capacity of no less than 110% of the container's storage capacity.</p> <p>Reason: <i>To minimise the risk of marine pollution incidents.</i></p>
5.2.6	<p>The licence holder must employ the use of brush barriers on either side of the outfall structure.</p> <p>Reason: <i>In order to help retain sediment and encourage saltmarsh to redevelop around the outfall structure.</i></p>
5.2.7	<p>Continuous Flight Auger piling must be used where possible, as outlined in the Habitats Regulations Assessment Report.</p> <p>If impact piling is required during construction of the earth berm/coffer dam the licence holder must ensure a gradual ramping up or slow start of piling.</p> <p>The soft-start duration must be a period of not less than 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.</p> <p>Reason: <i>To avoid noise and vibration disturbance to waterbirds using the intertidal area, and to allow mobile sensitive receptors to move away from the source of acoustic disturbance in order to reduce the risk of injury.</i></p>
5.2.8	<p>Only coatings and treatments can be used that are suitable for use in the marine environment.</p> <p>Reason: <i>To ensure hazardous chemicals that may be toxic, persistent or bioaccumulative are not released into the marine environment.</i></p>

<p>5.2.9</p>	<p>During licensed activities all wastes must be stored in designated areas that are isolated from surface water drains, open water and banded to contain any spillage.</p> <p>Reason: <i>To minimise the risk of waste entering the marine environment.</i></p>
<p>5.2.10</p>	<p>If concrete is to be sprayed suitable protective sheeting must be provided to prevent rebounded or windblown concrete from entering the water environment. Rebounded material must be cleared away before the sheeting is removed.</p> <p>Reason: <i>To minimise risk of damage to the marine environment by wet concrete contamination which is highly alkaline and contains high levels of suspended sediment.</i></p>
<p>5.2.11</p>	<p>Waste concrete, slurry or wash water from concrete or cement activities must not be discharged, intentionally or unintentionally, into the marine environment. Concrete and cement mixing and washing areas must be contained and sited at least 10 metres from any watercourse or surface water drain.</p> <p>Reason: <i>To avoid damage to the marine environment by concrete wash water contamination which is highly alkaline and contains high levels of suspended sediment.</i></p>

Upon completion of licensed activities

<p>5.2.12</p>	<p>Post-construction monitoring of saltmarsh recovery must be undertaken in-line with the specification required under licence condition 5.2.3 and 5.2.4.</p> <p>Reason: <i>In order to verify predictions of saltmarsh recovery.</i></p>
<p>5.2.13</p>	<p>The outfall structure must not exceed a maximum of 5% reduction in surrounding depth referenced to Chart Datum.</p> <p>Reason:</p>

	<p><i>To ensure existing and future safe navigation is not compromised.</i></p>
<p>5.2.14</p>	<p>The licence holder must notify the local MMO office as detailed in section 2.2 of the completion of the licensed activities, no later than 10 working days after their completion.</p> <p>Reason: <i>To ensure the local MMO officer is aware of the licensed activities at sea occurring within its jurisdiction in order to notify other sea users and to arrange any enforcement visits where appropriate.</i></p>
<p>5.2.15</p>	<p>All equipment, temporary structures, waste and/or debris associated with the licensed activities must be removed upon completion of the licensed construction activities.</p> <p>Reason: <i>To minimise impacts to the marine environment and other users of the sea/seabed.</i></p>
<p>5.2.16</p>	<p>The licence holder must notify The Source Data Receipt team, UK Hydrographic Office, Taunton, Somerset, TA1 2DN (Email:sdr@ukho.gov.uk; Tel: 01823 337900) of completion of the licensed activities, no later than 5 working days after their completion.</p> <p>A copy of the notification must be sent to the MMO within one week of the notification being sent.</p> <p>Reason: <i>To ensure necessary amendments to charts can be made.</i></p>

6 Compliance and enforcement

This licence and its terms and conditions are issued under the Marine and Coastal Access Act 2009.

Any breach of the licence terms and conditions may lead to enforcement action being taken. This can include variation, revocation or suspension of the licence, the issuing of an enforcement notice, or criminal proceedings, which may carry a maximum penalty of an unlimited fine and / or a term of imprisonment of up to two years.

Your attention is drawn to Part 4 of the Marine and Coastal Access Act 2009, in particular sections 65, 85 and 89 which set out offences, and also to sections 86, 87 and 109 which concern defences. The MMO's Compliance and Enforcement Strategy can be found on our website (<https://www.gov.uk/government/publications/compliance-and-enforcement-strategy>).