



Silvertown Tunnel Case Team
The Planning Inspectorate (by email only)
silvertowntunnel@pins.gsi.gov.uk

Your Reference: TR010021
Our reference: DCO/2014/00018

6 March 2017

Dear Sir or Madam,

Silvertown Tunnel - Examining Authority's Second Written Questions - MMO Response

The Marine Management Organisation (MMO) is an interested party for the examination of Development Consent Order (DCO) applications for Nationally Significant Infrastructure Projects (NSIPs) in the English marine area. The MMO is the enforcing body for any Deemed Marine Licence (DML) issued as schedules of a DCO. In our role as interested party and enforcing body, the MMO sets out its response to the Examining Authority's Second Written Questions below.

DC - DCO Wording

DC2.9 Archaeology – Are all Boroughs, Historic England and the MMO content that the Written Scheme of Investigation is addressed under the CoCP rather than requiring a separate requirement (and dDML condition). See also question HT2.1

MMO response

The MMO want the requirement for the Written Scheme of Investigation (WSI) to be a condition on the dDML as well as within the Code of Construction Practice (CoCP), so that it can be enforced by the MMO. The MMO has been in discussion with the Applicant on the wording to be included in the DML, proposed to be;

“the Archaeological Written Scheme of Investigation” means the Archaeological Written Scheme of Investigation approved under paragraph 5(3)(b) of Schedule 2 (requirements) to the Order

The licence holder must implement and act in accordance with the Archaeological Written Scheme of Investigation.

The MMO have requested that further wording is included in paragraph 6.1.2 of the CoCP;

“The approved WSI must be submitted to the MMO alongside any construction method statement required by condition of the deemed marine licence held within schedule 4 of this order”.

The MMO consider that the inclusion of this wording within the CoCP would ensure MMO comments on the WSI have been incorporated prior to works going ahead.

DC2.12 - Schedule 12: Is the MMO in agreement with the Applicant’s co-ordinates that are now in the draft Deemed Marine Licence (dDML), condition 3 [REP3-004]?

MMO response

The MMO has been in discussion with the Applicant regarding the coordinates within Schedule 12 and is now satisfied with the proposed coordinates.

HT - Heritage

HT 2.1 - Please can the Applicant, the MMO and HE provide an update at D4 regarding the proposed condition within the DML for the archaeological written scheme of investigation (WSI)? See also question DC2.9.

MMO response

Please refer to the MMO’s response to “DC2.9 – Archaeology”.

ME – Marine Ecology

ME 2.2 - Further to the MMO’s D3 representation [REP3-045, paragraph 8.1], please can the MMO and the Applicant provide an update at D4 regarding the additional pre-construction sampling that the MMO requires, to corroborate the findings in the ES, and if the results are not corroborated, what are the next steps, such as mitigation to be secured in the DML?

MMO response

The MMO is satisfied that the sampling methodology undertaken was as agreed during pre-application, but that due to unforeseen ground conditions the assessment was not considered suitable to inform the conclusions found within the ES. The MMO has requested that further invertebrate survey/benthic data is collected pre construction (i.e. closer to construction commencing) to corroborate the findings in the ES and the identification of suitable mitigation measures if required. The following condition has been agreed between the MMO and the Applicant to address the survey requirement;

- (1) *The licence holder must submit a benthic ecology monitoring and mitigation plan, for approval by the MMO, prior to the commencement of the first licensed activity.*
- (2) *The monitoring and mitigation plan submitted for approval must include-*
 - a. *the detailed methodology and extent of pre-construction benthic ecology surveys to be carried out;*

- b. *the detailed methodology and extent of benthic ecology surveys to be carried out prior to the removal of any temporary structures constructed as part of Work No. 20A;*
- c. *the detailed methodology and extent of post-construction benthic ecology surveys to be carried out; and*
- d. *details of how any necessary mitigation will be identified following the carrying out of the surveys and implemented*

(3) *The licence holder must not commence the first licensed activity until the MMO has approved in writing the submitted monitoring and mitigation plan.*

(4) *The licence holder must-*

- a. *not commence the first licensed activity until it has carried out the pre-construction surveys and implemented any pre-construction mitigation measures required by the monitoring and mitigation plan approved under paragraph (3);*
- b. *not remove any temporary structures constructed as part of Work No. 20A until it has carried out the surveys and implemented any mitigation measures required by the monitoring and mitigation plan approved under paragraph (3) in relation to the removal of those structures; and*
- c. *following completion of construction of the authorised development (including the removal of any temporary structures constructed as part of Work No. 20A), carry out the post-construction surveys and implement any post-construction mitigation measures required by the monitoring and mitigation plan approved under paragraph (3), unless otherwise agreed in writing by the MMO.*

ME 2.3 - Further to the MMO's D3 representation [REP3-045, paragraph 8.8-8.9], please can the MMO and the Applicant provide an update at D4 explaining whether the additional information sought by Cefas and the MMO in relation to potential behavioural impacts on fish from impact piling have been supplied, if so, please could they be also be provided to the Examination at D4?

MMO response

The MMO held a meeting with the Applicant and The Centre for Environment Fisheries and Aquaculture Science (Cefas) on the 13th January 2017 to discuss concerns relating to the potential behavioural impacts on fish from impact piling. The MMO advised the Applicant that the methodology for the underwater noise assessment presented in the ES, did not provide thresholds for behavioural effects.

The Applicant revisited the underwater noise assessment based on the CEFAS advice and peer-review literature and produced a technical note to calculate the distances at which each of the species behavioural thresholds occurs. However it was agreed by the MMO and the Applicant that this review would not change the conclusions of the impact assessment or the proposed mitigation measures which were considered adequate.

The MMO responded to the Applicant on 24th February 2017 stating that although a more conservative 15 log R coefficient would have been more suitable, the use of the mean value of 17.91 is not considered likely to significantly alter the outcome of the underwater noise assessment. The MMO is therefore content with the technical note and is in agreement with the Applicant that this issue has now been resolved.

ME 2.4 - Has the method for securing/providing/agreeing the scour and accretion monitoring and mitigation strategy been agreed? If so, please could it be provided as a draft requirement or within the updated DML?

MMO response

The MMO and applicant held a telecom on Friday 3 March 2017; the MMO note that the applicant considers that there is no risk that any scour protection will be required as a result of river processes, and consider scour protection will only be used should heritage assets be discovered during the works.

The MMO's technical advisor, the Centre for Environment, Fisheries and Aquaculture Science (Cefas), have some concerns regarding the scope of the assessment that has been undertaken; the MMO have sought clarification from Cefas as to whether they consider it likely a revised assessment would alter the outcome, or whether they consider the outcome is likely to be appropriate given what is known of the river in this area.

The MMO are content that any scour protection that may be required would need to have a method statement submitted under condition 4 of the draft DML.

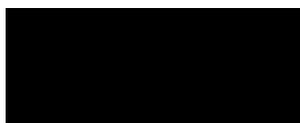
DN - Dredging and Navigation

DN1 - Please can the EA, PLA and the MMO provide their views on the Applicant's technical appendix (Appendix 12 to [REP3-032] on jetty pile scour in the near-shore?

MMO response

The "*Technical Note - Assessment of Jetty Pile Scour in the Nearshore*" of January 2017 was provided in response to concerns of the Port of London Authority and Environment Agency. The MMO is content that should any scour protection be required a method will be required to be submitted and approved under Condition 4 of the dDML.

Yours faithfully



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