



Able Marine Energy Park

Material Change 2

Deemed Marine Licence

Variation 4 Application

(referenced in response to question 2.0.3)

26th August 2021

Marine Management Organisation
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YJ

Our Ref: 416.01148.00005

Your Ref: TBC

Dear Sir/Madam

RE: APPLICATION FOR A VARIATION TO THE ABLE MARINE ENERGY PARK (AMEP) DEVELOPMENT CONSENT ORDER DEEMED MARINE LICENCE UNDER SECTION 72(3)(D) OF THE MARINE AND COASTAL ACCESS ACT

1.0 BACKGROUND

The Development Consent Order (DCO) for the Able Marine Energy Park (AMEP) was made on 13th January 2014, laid before Parliament on 10th February 2014 and subsequently came into force on 29th October 2014 (Statutory Instrument 2014 No. 2935).

The DCO permits, inter alia, the development of a new quay and associated development at Killingholme in North Lincolnshire, on the south bank of the Humber Estuary. Briefly, the development on the south bank comprises a quay, reclaimed estuarine habitat and the provision of onshore facilities for the manufacture, assembly and storage of components relating to the offshore renewable energy sector. The DCO further permits other associated development including environmental habitat on the north bank of the Humber in the East Riding of Yorkshire authoritative area.

The Deemed Marine Licence (DML) at Schedule 8 of the DCO has been varied twice by the Marine Management Organisation (MMO). Variation No. 1 was issued on 23rd June 2017 and Variation No. 2 was issued on 16th September 2020. These amendments to the DML, inter alia, extended the time limits in the licence to allow the construction and capital dredge activities. A copy of the 2020 variation, which is the extant DML for the DCO, is provided as an enclosure to this letter.

A further submission for a non-material amendment to the DCO was submitted to the Secretary of State in August 2018. This submission sought to move an area proposed for ecological mitigation (Area A) to a new site outside the order limits next to two other areas being utilised for ecological mitigation (Halton Marshes Wet Grassland Scheme), thereby allowing all three areas to operate as a single unit. This submission was determined by the Secretary of State in early 2021, with The Able Marine Energy Park Development Consent (Amendment) Order 2021 (the Amendment Order) being made on 13th May 2021 and coming into force on 14th May 2021. This DCO (Amendment) Order did not further alter the DML as varied in 2020 (as enclosed with this letter).

2.0 PROPOSED MATERIAL CHANGE 2

Following the making of the DCO, and its subsequent non-material amendment in May 2021, it has become apparent that a number of minor amendments are desirable for the AMEP scheme to be implemented in full. These minor amendments can be summarised as follows:

- Changes to the proposed quay layout to reclaim the specialist berth at the southern end of the quay, and to set back the quay line at the northern end of the quay to create a barge berth;
- The addition of options to the form of construction of the quay whereby the piled relieving slab to the rear of the quay could be raised or omitted entirely (subject to detailed design), and the quay wall piles could be restrained with more conventional steel anchor piles and tie bars in lieu of flap anchors;
- A change to the approved diversion of footpath FP50 in North Lincolnshire to avoid crossing over the existing rail track at the end of the Killingholme Branch Line;
- Provision of a third cross dam within the reclamation area to enable greater flexibility for staged completion, and early handover of sections of the quay;
- A change to the consented deposit location for 1.1M tonnes of clay to be dredged from the berthing pocket, to permit its disposal at HU081 and HU082 (see Figure 1-1 below); and
- An amendment to the sequencing of the quay works (as illustrated on the consented DCO drawings AMEP_P1D_D_101 to 103; Indicative Sequence Plan View[s]) to enable those works to commence at the southern end of the quay and progress northwards.

On this basis, a further proposed material amendment application to the made DCO ('Material Change 2') has been submitted to the Planning Inspectorate for determination (PINS ref. TR030006). This submission, including an Updated Environmental Statement (UES), is available to view via the Planning Inspectorate website: <https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/able-marine-energy-park-material-change-2/>

A more detailed description of the proposed material amendment (Material Change 2) is contained within Section 4 of this letter.

3.0 DEEMED MARINE LICENCE VARIATION

To effect the necessary changes to implement the Material Change 2 scheme, amendments will need to be made to the DML (Schedule 8 to the 2014 Order). Under paragraph 5(6) of Schedule 6 to the 2008 Planning Act the Secretary of State cannot make changes to a deemed marine licence or the conditions attached to a deemed marine licence. This submission therefore constitutes an application to the MMO for a variation of the DML under section 72 of the Marine and Coastal Access Act 2009.

The proposed variations to the DML to support the Material Change 2 application are detailed within Section 3.1 / Table 1 below, whilst an Explanatory Memorandum (prepared by BDB Pitmans) is enclosed with this letter and includes a tracked changes copy of the DML as contained within Schedule 8 of the DCO for comparison purposes. Please note the tracked changes version of DML submitted

herein supersedes that submitted in support of the Material Change 2 application made to PINS. The updated version of the DML variation, as provided with this submission, will also be submitted to PINS in due course.

A Supporting Statement, including cross reference to the submitted UES (Table 2), is provided within Section 4 of this letter.

3.1 Table of Proposed Amendments

ABLE UK wishes to request a variation to the deemed Marine Licence (“DML”) within Schedule 8 of the Able Marine Energy Park Development Consent Order 2014 (No. 2935) (as amended) in relation to the following provisions:

Table 1: Proposed Amendments to DML

DML Provision	Original Text	Amended / Proposed Text
Part 1 – 1(1) Interpretation	N/A	Inclusion of the following definitions: “BHD” – means backhoe dredger “CSD” – means cutter suction dredger “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°37.44N, 00°03.14’W) “TSHD” – means trailing suction hopper dredger.
Part 2 – 4(1) (c) Construction of the quay	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;	no more than 850 anchor piles may be tied to the landward face of the perimeter piles;
Part 2 – 4(1) (d) Construction of the quay	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;	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;
Part 2 – 4(1) (f) Construction of the quay	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, after which named vessels are to pump fluidised granular material into each cell in sequence, allowing estuarine water that is retained within each cell	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 up to three 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 up to four approximately equal cells, after which named vessels are to pump fluidised granular material into each cell in sequence, allowing estuarine water that is retained within each cell to

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Part 2 – 6 Berthing pocket infill	Following or during the dredging of the berthing pocket, the licence holder is permitted to deposit up to 250,000 tonnes of gravel and rock from named vessels into the berthing pocket 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.	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.																																																																																																																																								
Part 2 – 11 (1) (a) Capital dredging	the area within the quay limits to a depth of -6.5 metres Chart Datum;	the area within the quay limits to a depth of -7 metres Chart Datum;																																																																																																																																								
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The Centrica outfall	Sand	500	None	7,500																																																																																												
	Silt	2,000																																																																																														
The pumping station outfall	Sand	50	HU080	300																																																																																												
	Silt	50																																																																																														
Location	Material	Maximum tonnage per year	Deposit location	Total licensed tonnage																																																																																												
The pocket berthing	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																																																																																														
<p>Part 4 – 14 (3) (a) Maintenance dredging</p>	<p>the construction and capital dredge activities are carried out within the first 9 years; and</p>	<p>the construction and capital dredge activities are carried out within the first 10 years; and</p>																																																																																														
<p>Part 4 – 40 Percussive Piling conditions (note: additional to that contained in MC2 submission)</p>	<p>No percussive piling is to take place between 7 April and 1 June inclusive in any calendar year.</p>	<p>No percussive piling is to take place in the marine environment between 7 April and 1 June inclusive in any calendar year.</p>																																																																																														
<p>Part 4 – 41 (1) Percussive Piling conditions (note: additional to that contained in MC2 submission)</p>	<p>Percussive piling is to be restricted at other times as follows:</p>	<p>Percussive piling in the marine environment is to be restricted at other times as follows:</p>																																																																																														
<p>Part 4 – 43 Percussive Piling conditions</p>	<p>The maximum diameter of marine piles is to be 2.1 metres unless otherwise agreed in writing with the MMO, following consultation with the harbour master, Natural England and the Environment Agency.</p>	<p>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.</p>																																																																																														
<p>Part 4 – 46 (a) General dredging and disposal conditions</p>	<p>as a result of the capital dredging activities referred to in paragraph 11:</p> <ul style="list-style-type: none"> (i) no inerodible material and no more than 2,218,000 tonnes of erodible material site is disposed of 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 	<p>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:</p> <ul style="list-style-type: none"> (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; and (iii) no erodible material and no more than 1,254,000 tonnes of inerodible material is disposed of to site HU081; and; 																																																																																														

DML Provision	Original Text	Amended / Proposed Text
Part 4 – 46 (b) General dredging and disposal conditions	as a result of the maintenance dredging activities referred to in paragraph 12 no inerodible material and no more than 1,180, 100 tonnes of erodible material per year is disposed to site HU080.	as a result of the maintenance dredging activities referred to in paragraph 12 no inerodible material and no more than 1,500,000 tonnes of erodible material per year is disposed to site HU080.
Part 4 – 48 General dredging and disposal conditions	(1) The licence holder must ensure that dredged material is passed through grid screens no larger than 30 centimetres 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.	The undertaker shall take all reasonable measures to ensure no man made material is disposed of to sea.
Part 4 – 50 Capital dredging and disposal conditions	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 5.3 metres below admiralty Chart Datum at its shallowest point.	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.
Part 4 – 51 Capital dredging and disposal conditions	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.	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.
Part 4 – 52 Capital dredging and disposal conditions	(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.	N/A – To be deleted as MMO has accepted that gravel can be disposed on to HU080
Part 4 – 58 Capital dredging and disposal conditions	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.	The berthing pocket and inset berth must be maintained to no deeper than -11.0m CD 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.

In addition to the above, the term ‘licence holder’ is used on 59 occasions within the current DML. It is understood that the MMO has moved away from the use of this term within such DML’s and that

this should be replaced in all instances with the term ‘the undertaker’.

A detailed list of drawings to be retained, substituted or withdrawn from the DCO is provided within the submitted UES (and also within the Explanatory Memorandum enclosed with this letter) and is not therefore repeated within this submission.

4.0 SUPPORTING STATEMENT

Able UK wish to bring forward a number of minor amendments to the AMEP scheme to allow the development to be implemented in full. These minor amendments are as detailed below.

4.1 Changes to the NSIP: Work No.1 – the Quay

Work No. 1 occupies land owned by the Crown Estate specifically parcel No.’s 08001 and 09001 on the Land Plans. At the time of the application, the land needed for the development of Work No. 1 was leased to Associated British Ports, but since the development was consented in 2014, the lease for the relevant parcel of land has been acquired by the Applicant but surrendered back to The Crown Estate. Pursuant to the start of the works, Able Humber Ports Limited (AHPL, the Company named in the DCO) now has an option to lease the land needed to construct the Quay.

The approved development is detailed on the drawings listed in the DCO at Schedule 11, paragraph 6 (refer to Technical Appendix UES1-1 for a copy of the DCO). The following changes are proposed to Work No.1:

- The specialist berth at the southern end of the quay is to be reclaimed as the vessel that was to use the facility (refer to Figure 5.18 of the original ES) has not been constructed and is not likely to be built;
- At the northern end of the quay, the quay line is to be set back 61m over a length of 288 m to create a barge berth and allow the potential for end load in of cargo from Ro-Ro vessels;
- Alternative details are proposed for the piled relieving slab to the rear of the quay which is shown on the approved drawing AMEP_P1D_D_003. Options are sought to locate this slab at the ground surface, or it could be omitted altogether subject to detailed design, refer to drawing AME-036-00003 at Appendix UES4-1 which illustrates the alternatives being sought; and,
- Alternative details are proposed for anchoring the quay wall. The option is sought to use more conventional steel anchor piles and tie bars in-lieu of flap anchors to tie back the quay piles, but the option to use flap anchors will remain, refer to drawing AME-036-00003 at Appendix UES4-1.

The net effect of changes (a) and (b) above is that marginally less land would be reclaimed from the estuary, refer to Figure 1. Nevertheless, no changes are proposed to the compensation proposals taken into account in the Secretary of State’s Habitats Regulations Assessment for the consented development. The change in habitat loss is summarised in Table 2 below, and the amendment results in a net reduction in the footprint of the quay from 45ha to 43.6ha. The changes are further detailed on drawings AME-036-00001 - 00002 at Appendix UES4-1.

Figure 1: Consented Quay Alignment and Proposed Changes

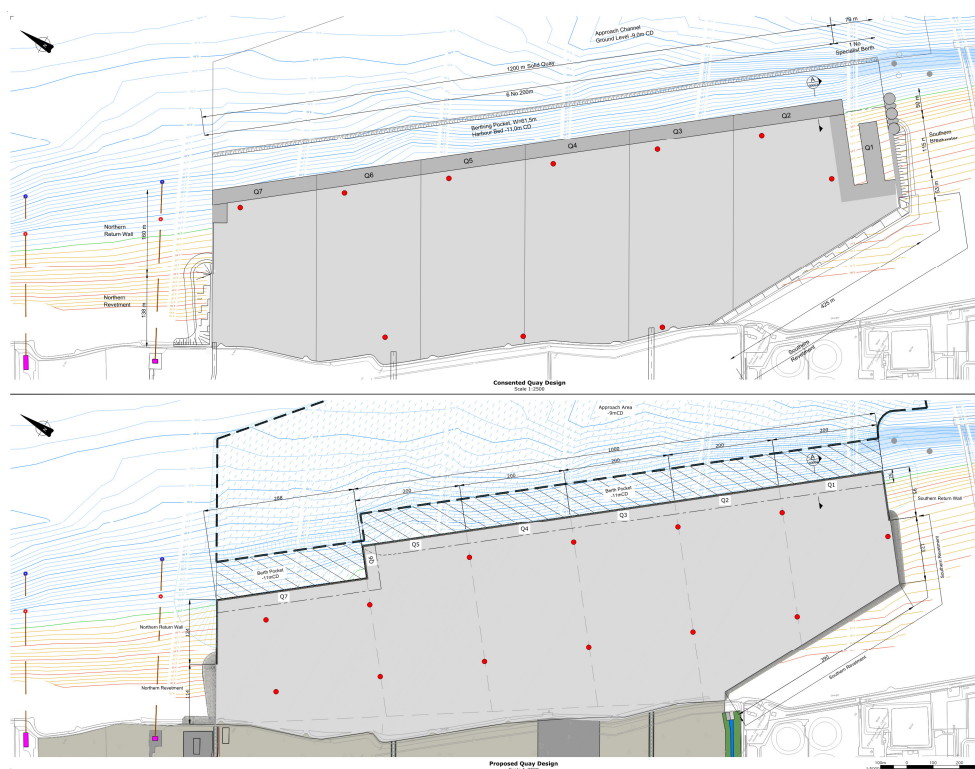


Table 2: Comparison of Habitat Losses

Habitat Type	Habitat Loss Arising from Consented Scheme Agreed with NE in 2012 ¹ (ha)	Habitat Loss with Material Change (ha) (Technical Appendix UES11-2)
1130 Sub-tidal	13.5	10.4
1140 Mudflat	43.1	39
1310/1330 Saltmarsh	2	8.1

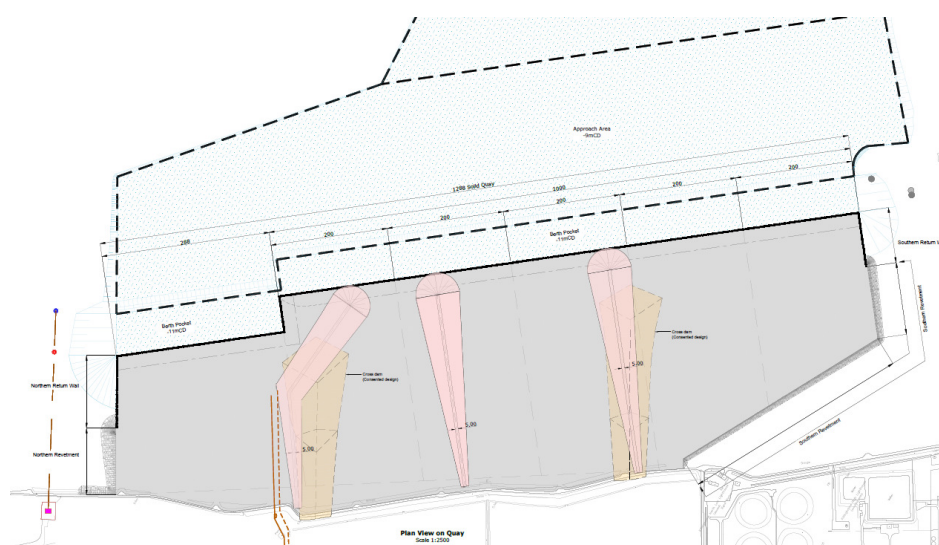
¹Refer to SoCG, Table 3.2 and paragraphs 3.5.1 -3.5.2

4.2 Changes to the NSIP: Work No.1 – the Reclamation

Certain details of the reclamation are prescribed in Schedule 8, paragraph 4 of the DCO (Technical Appendix UES1-1). Specifically, paragraph 4(f) states that the estuary, '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..., so that the dams divide the remaining reclaim area into three approximately equal cells' (underline added).

Anglian Water has two pipelines which discharge within the footprint of the reclamation area between the existing flood defence wall and the new Quay wall refer to Figure 2. In order to facilitate the diversion of these outfalls, and to facilitate sectional completion of the Quay, it is necessary to introduce a third cross dam within the reclamation area. An amendment is sought to permit this change.

Figure 2: Revised Indicative Cross Dam Positions in light red Shading (original dams in orange shading, Anglian Water outfalls as red lines)



4.3 Changes to Associated Development – Capital Dredging

The proposed capital and maintenance dredging operations are explained in paragraphs 4.4.15 onwards of the original ES. Dredging operations are controlled by conditions set out in Schedule 8 (Variation 2) of the DCO (Technical Appendix UES1-2), and limits on dredging volumes are set out in paragraph 11 thereof. Dredging volumes are proposed to be amended to the extent necessary to dredge the berthing pockets for the amended quay line and in line with the current bathymetry.

The new volumes to be dredged are detailed in the Dredging Strategy included in Technical Appendix UES4-2.

The permitted deposit locations for dredge arisings are prescribed in the Schedule 8 paragraph 11(2) of the DCO (Technical Appendix UES1-1). It is proposed to amend the deposit site for 1,100,000 tonnes of clay that is to be dredged to form the berthing pocket from its consented location on the *'terrestrial area landward of the existing Killingholme Marshes flood defence wall'*, to deposit sites HU081 and HU082. Both of these sites are licensed deposit sites within the Humber estuary and are identified on drawing AME-036-10014 within Appendix UES4-1.

The reason for this change is that these dredge arisings, comprising Till, had been intended to be used to raise levels on the AMEP site. However, ground raising over most of the site was actually undertaken in 2014/15 pursuant to planning permissions PA/2013/0519 and PA/2014/0512 obtained from North Lincolnshire Council under the Town and Country Planning Act. As it is intended to develop the remainder of the site concurrently with the quay, this opportunity for beneficial use as fill to the

terrestrial areas of the AMEP site itself, is potentially lost and an alternative use or a disposal site is required. If, at the relevant time any material can be used within the AMEP site or elsewhere, such as within the reclamation site itself, then permission to deposit within the estuary would not prevent such an alternative for beneficial use being implemented in any event.

An estimate of marine construction vessel movements is set out in Chapter 14, paragraph 14.6.27 of the original ES. The original estimate remains valid as, upon review, it has included for all dredged material to be deposited within the estuary, notwithstanding that 1.1M tonnes was to be deposited on land.

4.4 Changes to Public Rights of Way

These changes relate to the terrestrial environment and have no impact upon the marine environment. As such, we have not provided further information regarding the proposed changes to the Public Rights of Way within this letter. However, should you wish to view further information on changes to the Public Rights of Way, this is readily available within the submitted UES.

4.5 Changes to the Construction Methodology

4.5.1 The Quay

In order to facilitate early handover of an operational section of quay, the works are now proposed to commence at the southern end of the quay and progress northwards. On this basis, the construction sequence shown on the DCO approved drawings AMEP_P1D_D_101 to 103 is proposed to be amended, and thereby superseded, by the alternative sequence shown on application drawings AME-036-10009 to 10011 which are included in Appendix UES4-1.

The alternative options for anchoring of the quay wall and for the piled relieving slab, or for omitting the piled relieving slab altogether, will not give rise to any materially different construction operations to those described in paragraphs 4.4.4 *et seq* of the original ES and assessed in subsequent Chapters contained therein. Notwithstanding this, these amendments to the construction methodology / phasing have been considered within this UES where appropriate.

4.6 Operational Details

4.6.1 Vessels

As the specialist berth is to be omitted, the specialist vessel will no longer be required to berth at the facility. The new barge berth at the northern end will enable Ro-Ro vessels to berth and unload directly.

The spread of operational vessels set out in Chapter 14, Table 14.12 of the original ES will change as a consequence and the revised estimate of vessel movements associated with the operation of the AMEP Quay is shown in Table 3 below.

Table 3: AMEP Operational Phase Vessel Movements

Vessel Type	DCO – Original ES		Proposed – UES		Comparison / Change	
	Annual Number of Trips	Annual Number of Movements	Annual Number of Trips	Annual Number of Movements	Annual Number of Trips	Annual Number of Movements
Foundation Transfer Vessels	12	24	0	0	-12	-24
Installation Vessel	100	200	100	200	No change	No change
1,500 Tonne Support Vessel	100	200	100	200	No change	No change
6,000 – 10,000 Tonne Cargo Ship	50	100	50	100	No change	No change
TOTAL	262	524	250	500	-12	-24

The overall change in annual number of trips and movements represent a very minor change from the original ES given the context of the existing number of shipping movements within the Humber Estuary, which is in the order of 25,000-30,000 per annum.

4.6.2 The Harbour Limits

The limits of the harbour are delineated by a boundary line defined by coordinates listed in Schedule 10 of the DCO (Technical Appendix UES1-1). The change in the quay alignment necessitates a consequential change to the limits of the harbour and the proposed change is shown on drawing AME-036-00006, included in Appendix UES4-1.

4.7 Consideration of Proposed Material Amendment (Material Change 2) on DML

With the exception of the changes to the approved diversion of footpath FP50, the proposed amendments all relate to elements of the development within the marine environment. Furthermore, all of the proposed amendments are associated with elements either located within the estuary or on the south bank of the estuary. None of the amendments interrelate to or impact upon the works proposed on the north bank of the estuary (i.e. the Cherry Cobb Sands ecological mitigation area).

On this basis, it is necessary to seek a number of variations to the content of the DML as detailed within Table 1 above and within the Explanatory Memorandum prepared by BDB Pitmans.

As outlined above, the proposed material amendment (Material Change 2) application has been subject to an UES which assess the proposed changes to the consented DCO in the context of the marine environment. Table 4 below provides a summary of the key findings within the UES with respect to the marine environment and how these are of relevance to the DML Variation. Further detail

on these matters is provided within the various technical assessments and individual chapters of the UES itself.

Table 4: Updated Environmental Statement – Relevance to DML Variation

UES Chapter	Topic / Title	Relevance to Consideration of DML Variation
1-6	Introduction; Environmental Assessment Process; Changes to Policy and Context; Description of Changes to Development; Scoping and Consultation; and Description of Committed Developments	<p>These provide a factual account of the purpose of the UES, the EIA process, any changes in policy since the original ES, a description of the proposed changes to the development as proposed by the Material Change 2 application, any scoping and consultation undertaken in advance of the Material Change 2 application being submitted (including a Preliminary Environmental Information Report and consultation with key stakeholders/statutory consultees), and committed developments in the study area for the UES which need to be considered in determining potential cumulative impacts.</p> <p>These chapters provide an overview of the proposed material amendment (Material Change 2) application which is of relevance to the DML variation.</p>
7	Geology, Hydrogeology and Ground Conditions	<p>Additional sediment sampling and testing has been undertaken which identifies elevated trace metal and hydrocarbon concentrations beyond those identified within the original ES. Notwithstanding, these levels remain within the acceptable limits to allow the disposal of dredging material at identified locations within the Humber as proposed within the original ES.</p> <p>On this basis, the proposed material to be deposited within the marine environment is still entirely suitable and supports the DML variation.</p>
8	Hydrodynamic and Sedimentary Regime	<p>The chapter concluded that water levels, bed shear stresses and waves are similar for the AMEP Amended Quay layout and the consented. There are small differences in the peak flow patterns on the ebb tide; a localised region of flow acceleration is predicted off the downstream end of the quay. This initial change may diminish with time but should be noted.</p> <p>For the proposed AMEP Amended Quay layout, mud transport modelling using present-day bathymetry predicts a reduction in maintenance dredging requirements (compared with the updated baseline) at adjacent berths except for a potential increase at South Killingholme Oil Jetty (SKOJ) (35,000 to 88,000 m³ /year) and a potential increase (3,000 to 7,000m³ per year) at Immingham Gas Terminal (IGT).</p> <p>From the sand transport modelling some potential increases of sand deposition compared with baseline are predicted for Humber International Terminal (50,000 to 102,000 m³), C.Ro Port (13,000 to 18,000 m³), Immingham Bulk Terminal (8,000 to 13,000 m³), Immingham Outer Harbour (2,000 to 3,000 m³) with a reduction of 100,000 to 204,000 m³ predicted at SKOJ, and between 18,000 m³ increase or 29,000m³ reduction likely at IGT. The significance of these potential effects on future maintenance dredging at these berths should be assessed alongside evidence of the composition of the material that is presently dredged from the berths. It is understood that the bulk of the material from the berths is muddy. If the berths are not presently subject to significant sandy infill, which is understood to be the case, then the changes due to AMEP in terms of sandy sedimentation in the berths are not predicted to arise.</p> <p>The change to maintenance dredging requirements at the proposed AMEP Amended Quay layout when compared to the consented scheme is predicted to be an increase of up to 41,000 m³ /year muddy sediments and a decrease of</p>

UES Chapter	Topic / Title	Relevance to Consideration of DML Variation
		<p>34,000 m³ /year for sandy sediments into the AMEP Berth Pockets. Significant localised sand deposition onto the dredged slopes of the proposed turning area / approach channel is predicted.</p> <p>To the northwest of AMEP, bed level rising is likely to be at a slightly lower rate with the proposed AMEP Amended Quay layout. To the southeast there is likely to be no significant change from that predicted, other than to note that significant accretion has taken place since the original assessment (as a result of HIT) which leads to a reduced accretionary effect attributable to AMEP.</p> <p>On this basis, the proposed material amendment (Material Change 2) application is considered entirely appropriate and supports the DML variation.</p>
9	Water and Sediment Quality	<p>There is a potential for a change in the effect of the scheme during construction associated primarily with dredging and deposition of estuarine sediment. Detailed analyses and assessment provided within Chapter 9 of the UES has however confirmed that these impacts will remain small and are not significant.</p> <p>The proposed material amendment would also involve a variation to the final quay profile extending out into the estuary. While associated impacts of this on flow patterns and sediment deposition are considered in Chapter 8 of the UES, there is also a potential for changes in mixing and circulation to impact water quality. Detailed analyses and assessment provided within Chapter 9 of the UES has however confirmed that these impacts will remain small and are not significant.</p> <p>On this basis, the proposed material amendment (Material Change 2) application is considered entirely appropriate and supports the DML variation.</p>
10	Aquatic Ecology	<p>When considering the proposed material amendment, the following issues of significance were identified:</p> <ul style="list-style-type: none"> • Saltmarsh Communities; • Intertidal and Subtidal Invertebrate Communities; • Fish Communities; • Marine Mammals; and • Based on the updated characterisation of the above appropriate baseline conditions, changes to expected potential impacts arising from the material amendment, mitigation measures and residual impacts if and when they occur. <p>The potential pathways for environmental effects from the proposed material amendment arise from:</p> <ul style="list-style-type: none"> • Construction of the quay entailing: Loss of habitat (intertidal and subtidal) and benthic communities from the reclamation of ground required for the quay; underwater noise and vibration from piling; indirect changes to habitats from project-induced changes in hydrodynamic and morphodynamic regimes; and changes to aquatic environment in adjacent water bodies. • Dredging of the quay, berth pocket and approaches entailing: Habitat change from substrate removal; habitat and benthic communities disturbance from the sediment plume; indirect changes to habitats from project-induced changes in hydrodynamic and morphodynamic regimes;

UES Chapter	Topic / Title	Relevance to Consideration of DML Variation
		<p>and disturbance to fish and fish eggs/larvae from habitat loss and disturbance.</p> <ul style="list-style-type: none"> • Dredge Disposal entailing: Loss of subtidal habitat and benthic communities from dredge spoil disposal; habitat and benthic communities disturbance from the sediment plume; indirect changes to habitats from project-induced changes in hydrodynamic and morphodynamic regimes; and disturbance to fish and fish eggs/larvae from habitat loss and disturbance. <p>The actual likelihood of any significant effects to occur to the aquatic ecology of the area from the material amendment have been discounted, with it being concluded that the effects as identified in the original ES remain valid.</p> <p>Only very small scale localised alterations to the aquatic ecology of the area are expected. These alterations are not measurable against the background natural variability of the estuarine system.</p> <p>The baseline conditions have been reviewed and updated since 2012 to reflect the current baseline. No significant changes have been identified compared to those described in the DCO (2014) and the Examining Authority's Report (2013). Based on the above assessment of potential changes to the aquatic ecology of the area against conditions identified in the original ES baseline, and from the assessment of the material amendment, no significant effects have been identified other than those assessed in the original ES from the DCO.</p> <p>Mitigation measures provided in Chapter 10 Aquatic Ecology of the original ES are considered to remain valid, with no significant residual impacts to the aquatic ecology of the Humber Estuary expected following their discharge.</p> <p>On this basis, the proposed material amendment (Material Change 2) application is considered entirely appropriate and supports the DML variation.</p>
11	Ecology and Nature Conservation	<p>From the assessment of potential changes to the terrestrial ecology and nature conservation of the area against conditions identified in the original ES baseline, and from the assessment of the material amendment, no significant effects have been identified other than those assessed in the original ES.</p> <p>Mitigation measures provided in the original ES and secured in the DCO and associated DML (principally by the requirement to obtain approvals for a series of Environmental Management and Monitoring Plans) are considered to remain valid.</p> <p>Overall, there are no changes to the residual effects identified within the original ES and the approved compensatory habitat will remain suitable to offset effects that cannot be mitigated.</p> <p>On this basis, the proposed material amendment (Material Change 2) application is considered entirely appropriate and supports the DML variation.</p>
12	Commercial Fisheries	<p>When considering the proposed material amendment, the following issues of significance were identified:</p> <ul style="list-style-type: none"> • alteration to the fish and shellfish assemblage; • alteration to potential commercial resource exploitation; • restriction to access of fish and shellfish resources for commercial and recreational fisheries. <p>Changes to dredge disposal leading to:</p>

UES Chapter	Topic / Title	Relevance to Consideration of DML Variation
		<ul style="list-style-type: none"> • alteration to the fish and shellfish assemblage; • alteration to potential commercial resource exploitation. <p>The baseline conditions have been reviewed and updated since 2012 to reflect the current baseline although the importance of the area around the vicinity of the AMEP development is not considered to be high for commercial and recreational fishing activity.</p> <p>These data, and potential impact pathways from the material amendment, have been assessed against those described in the original ES, these largely relating to indirect effects through potential impacts to the fish and shellfish communities of the area.</p> <p>No significant changes have been identified outwith those described in the original ES and the Examining Authority's Recommendation Report (2013).</p> <p>Based on the above assessment of potential changes to the commercial and recreational fisheries of the area against conditions described in the original ES baseline, and from the assessment of the material amendment and pathways of potential impact, no significant effects have been identified other than those assessed in the original ES.</p> <p>Mitigation measures provided in the original ES are considered to remain valid, with no significant residual impacts to the commercial and recreational fisheries of the Humber Estuary in the vicinity of the AMEP development expected following their discharge.</p> <p>On this basis, the proposed material amendment (Material Change 2) application is considered entirely appropriate and supports the DML variation.</p>
13	Drainage and Flood Risk	<p>Whilst not of relevance to the DML variation, the chapter principally considers the associated flood risk and drainage requirements within the terrestrial environment.</p> <p>However, with regards to drainage, storm water runoff from the site will largely be discharged to the Humber Estuary. Particularly during construction there is however a potential for pollution to occur to the adjacent surface water channels and networks. This will be controlled and managed through the implementation of good construction practices.</p> <p>In both cases the proposed material amendment will make no difference to the potential effects identified within the original ES (not significant) and no additional mitigation will be required.</p> <p>On this basis, the proposed material amendment (Material Change 2) application is considered entirely appropriate and supports the DML variation.</p>
14	Navigation	<p>The proposed activities associated with the Project have been assessed and it has been concluded that the Project should have a minimal effect on the existing risk profile which should be managed and contained assuming compliance with embedded mitigation and regulations governing: movements, pilotage, towage, VTS and procedures.</p> <p>A general decrease in risk is noted across all hazard categories when compared to the assessment undertaken in 2011 in support of the original DCO application. Factors influencing this decrease in risk profile include:</p> <ul style="list-style-type: none"> • An overall decline in Humber vessel transits past the Project (>50%

UES Chapter	Topic / Title	Relevance to Consideration of DML Variation
		<p>reduction in passing transits from AIS);</p> <ul style="list-style-type: none"> • Improvement of the Humber-wide SMS and implementation of embedded mitigations over time; • The embedding of many originally proposed additional mitigation measures into the project design; • The review and associated reduction in construction phase vessel movements associated with dredging activities identified within scoping; • The simplification of the quay design via the removal of the specialist berth; and • The reduction of cumulative projects considered within the 2011 NRA that have either been completed or were not taken forward. <p>All residual effects for the amended project were assessed as Moderate or Low and therefore 'not significant'. This is considered acceptable in terms of the EIA regulations.</p> <p>On this basis, the proposed material amendment (Material Change 2) application is considered entirely appropriate and supports the DML variation.</p>
15	Traffic and Transport	<p>There are no considerations of relevance to the marine environment or the proposed amendments to the DML within this Chapter of the UES.</p>
16	Noise and Vibration	<p>This chapter of the UES considers the alteration to the piling arrangements as proposed within the material amendment (Material Change 2) application.</p> <p>The chapter concludes that the proposed material amendment, and changes in policy, guidance and baseline conditions that have occurred since the original DCO application, will not alter the findings presented within the original ES. On this basis, it is not necessary to undertake further technical assessments in support of the proposed material amendment.</p> <p>It is therefore concluded that the findings of the original ES remain valid and that the proposed material amendment is entirely appropriate in the context of the extant DCO.</p> <p>On this basis, the proposed material amendment (Material Change 2) application is considered entirely appropriate and supports the DML variation.</p>
17	Air Quality	<p>The Air Quality Chapter of the original ES which supported the DCO Application, included detailed qualitative and quantitative air quality assessments to assess the construction and operational phases of the AMEP.</p> <p>The assessment considered several pollutants and several emissions sources, across a range of human and ecological receptors existing within the study area.</p> <p>Chapter 17 of the UES has considered the predicted effects of the original ES, and the current and future baseline, in the context of the material amendment and whether the material amendment and current baseline will materially alter the conclusions of the original Air Quality Chapter to the ES. This includes a notional 100 per cent increase in emission from all non-road sources (i.e. vehicle / boat movements within the marine environment).</p> <p>It has been concluded that the findings of the original ES, which predicted all effects as 'not significant', remain valid. Furthermore, the assessment of even a notional 100 per cent increase in emissions from all non-road sources still concludes a 'not significant' effect at all relevant receptors. The material</p>

UES Chapter	Topic / Title	Relevance to Consideration of DML Variation
		<p>amendment is therefore not considered to result in any new/different effects or effects of a greater magnitude than were previously assessed.</p> <p>On this basis, the proposed material amendment (Material Change 2) application is considered entirely appropriate and supports the DML variation.</p>
18	Marine Archaeology	<p>The construction phase impacts altered by the change in quay design and dredging from the original ES are associated with the amended dredging operations in the Berthing Pocket.</p> <p>The overall footprint of the quay is largely unchanged and as there is no alteration to the depths of the dredging in the in the Berthing Pocket, Approach Channel and Turning Area these changes do not induce additional effects on the marine Historic Environment to those assessed in the original ES.</p> <p>The impact of the material change on the historic environment are negligible. The risks to the marine Historic Environment can be adequately mitigated through the mitigation measures set out in the 2012 WSI (Wessex Archaeology 2012a).</p> <p>The proposed material amendments will make no difference to the potential effects and no additional mitigation measures will be required to those set out in the 2012 WSI (Wessex Archaeology 2012a).</p> <p>On this basis, the proposed material amendment (Material Change 2) application is considered entirely appropriate and supports the DML variation.</p>
19	Light	<p>There are no considerations of relevance to the marine environment or the proposed amendments to the DML within this Chapter of the UES.</p>
20	Landscape and Visual	<p>There are no considerations of relevance to the marine environment or the proposed amendments to the DML within this Chapter of the UES.</p>
21	Socio-Economic	<p>There are no considerations of relevance to the marine environment or the proposed amendments to the DML within this Chapter of the UES.</p>
22	Aviation	<p>There are no considerations of relevance to the marine environment or the proposed amendments to the DML within this Chapter of the UES.</p>
23	Waste	<p>The consideration of clay arisings and the reasons for the chosen options for disposal are contained within other Chapters of the UES (principally Chapter 4: Description of Changes to Development, and Chapter 8: Hydrodynamics and Sedimentary Regime).</p> <p>On this basis, there are no considerations of relevance to the marine environment or the proposed amendments to the DML within this Chapter of the UES.</p>
24	Health	<p>There are no considerations of relevance to the marine environment or the proposed amendments to the DML within this Chapter of the UES.</p>
25	Other Environmental Issues	<p>There are no considerations of relevance to the marine environment or the proposed amendments to the DML within this Chapter of the UES.</p>
26	Cumulative and In-Combination Effects	<p>For in-combination effects there is a nil change scenario for both sensitive receptors and significant effects, there is no alteration to the consideration of in-combination effects beyond those contained within the original ES.</p> <p>The consideration of cumulative effects remains consistent with those</p>

UES Chapter	Topic / Title	Relevance to Consideration of DML Variation
		<p>contained within the original ES and the risk of likely significant effects from cumulative effects remains consistent with that found to be acceptable in the making of the DCO.</p> <p>The proposed material amendment will not raise any additional or alternate Transboundary Effects beyond those considered within the original Transboundary Consultation Process. As such, no further consultation need be undertaken as a result of the proposed material amendment.</p> <p>On this basis, the proposed material amendment (Material Change 2) application is considered entirely appropriate and supports the DML variation.</p>
27	Summary of Mitigation and Monitoring	<p>With regard to Commercial and Recreational Navigation, it is noted that many of the possible additional risk controls proposed within the 2011 NRA have now been embedded into the project design or HES procedures and, as such, the proposed possible additional mitigation measures show a reduced effectiveness on the majority of hazards.</p> <p>A number of alternate or additional risk control measures have been identified, informed by stakeholder consultation, aimed at further reducing the residual risk during the construction and operation phases of the Project. These include additional surveys, up-to-date weather forecasting, availability of towage, restriction of simultaneous movements, and management of pilot allocation. Further information regarding these potential alternate or additional mitigation measures is contained within Chapter 27 of the UES (Commercial and Recreational Navigation).</p> <p>With regard to Aviation, further mitigation will be required, over and above that committed to as part of the DCO application, in relation to the potential for 200 m maximum height quay-side cranes. This proposed mitigation is linked to the latest specific guidance on Aviation Safeguarding and best practice for tall structures, including lighting and hazard notification. Full details of the proposed mitigation are set out in Chapter 22 of this UES.</p> <p>Subject to the implementation of these mitigation measures, and incorporation of their requirements within the DML (where appropriate), the proposed material amendment (Material Change 2) application is considered entirely appropriate and supports the DML variation.</p>
28	Conclusion	<p>The proposed material amendment has been assessed for additional environment effects beyond those contained within the original ES for the DCO. This has been undertaken through the preparation of the UES and the associated technical assessments contained or referenced herein.</p> <p>In accordance with the EIA Regulations, consideration has been given to assessing additional potential effects during both the construction and operational phases of the development, whilst effects have been analysed in terms of residual and cumulative; temporary and permanent (short and long term); and beneficial, negligible and adverse.</p> <p>It is acknowledged that the proposed development, as assessed within the original ES, will result in a number of adverse effects, some of which are considered 'significant' from an impact perspective. However, through the undertaking of the UES, it has been assessed that there will be no additional, or change to, the significant effects identified within the original ES.</p> <p>On this basis, the conclusion is reached that the proposed material amendment</p>

UES Chapter	Topic / Title	Relevance to Consideration of DML Variation
		<p>(Material Change 2) application is appropriate in the context of the DCO and associated DML. Furthermore, there are adequate mitigation measures available to ensure that the proposed development could proceed, as amended, without giving rise to unacceptable environmental effects, including within the marine environment, even in combination with the other committed developments identified.</p> <p>Subject to the implementation of these mitigation measures, and incorporation of their requirements within the DML (where appropriate), the proposed material amendment (Material Change 2) application is considered entirely appropriate and supports the DML variation.</p> <p>On this basis, there should be no foreseeable reason why the proposed material amendment (Material Change 2) would be considered inappropriate or unacceptable from an environmental impact perspective. The findings of the UES thereby supports the DML variation as proposed herein.</p>

With regard to the findings of the UES, whilst the proposed material amendment (Material Change 2) alters the character of the effects upon the marine environment, they do not result in any alterations to the level of effect or their significance in comparison to the findings of the original Environmental Statement for the DCO. Notwithstanding, a number of new or alternate mitigation measures are recommended, where appropriate, which would be brought forward through any DCO (Amendment) Order which would be made and have been considered within the DML variation proposed herein.

4.8 Additional Information

The technical assessments and reports necessary to support the DML variation are as those prepared and submitted in support of the material amendment (Material Change 2) application. No variation to those reports/assessments are necessary to support this DML variation.

As outlined above, a full copy of the UES and its associated technical appendices is available to view via the PINS website: <https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/able-marine-energy-park-material-change-2/>. The chapters of the UES of relevance to the DML variation is as identified within Table 4 above, whilst the technical appendices of relevance to this DML variation are identified below:

- Appendix Ref UES1-2 – Variation 2 of the Deemed Marine Licence;
- Appendix Ref UES3-1 – East Onshore and Est Offshore Marine Plan Compliance Table;
- Appendix Ref UES4-1 – Scheme Change Drawings;
- Appendix Ref UES4-2 – Dredging Strategy;
- Appendix Ref UES4-3 – Works Plan No. 7;
- Appendix Ref UES4-4 – Quay Alternatives;
- Appendix Ref UES8-1 – Sediment Plume Dispersion from Dredging;
- Appendix Ref UES8-2 – Inerodible Clay;

- Appendix Ref UES9-4 – Estuary Sediment Quality Data;
- Appendix Ref UES9-5 – Thermal Plume Modelling;
- Appendix Ref UES10-1 – North Killingholme Marshes Saltmarsh Survey 2020;
- Appendix Ref UES10-2 – AMEP Disposal Sites – Subtidal Benthic Survey 2015;
- Appendix Ref UES10-3 – Marine Surveys at North Killingholme and Cherry Cobb Sands (Autumn 2015);
- Appendix Ref UES10-4 – Marine Surveys at North Killingholme and Cherry Cobb Sands (Spring 2016);
- Appendix Ref UES10-5 – Marine Surveys at North Killingholme and Cherry Cobb Sands (Spring 2013);
- Appendix Ref UES10-6 – Marine Surveys at North Killingholme and Cherry Cobb Sands (Autumn 2013);
- Appendix Ref UES10-7 – European Eel Status Assessment at Killingholme Marshes and Halton Marshes;
- Appendix Ref UES10-8 – MMO Letter to DS 18-05-2018 re Changes to Pile Diameter and Existing Mitigation Suitability;
- Appendix Ref UES10-9 – Action Levels Result Analysis;
- Appendix Ref UES10-10 – Sediment Contaminant Context Information;
- Appendix Ref UES11-2 – Change in Habitat Losses within the Designated Site;
- Appendix Ref UES11-3 – Analysis of ABP Ornithological Monitoring Data for the Killingholme Marshes Foreshore, 2018-19 and 2019-20;
- Appendix Ref UES14-1 – Navigation Risk Assessment;
- Appendix Ref UES18-1 – Written Scheme of Investigation;
- Appendix Ref UES18-2 – Site Location and Marine Heritage Receptors;
- Appendix Ref UES18-3 – AMEP Geoarchaeology Report (76490); and
- Appendix Ref UES18-4 – AMEP Geoarchaeology Report (76491.01).

In addition to the above EIA related information, a Habitats Regulations Assessment (HRA) and Water Framework Directive (WFD) Assessment have also been submitted in support of the material amendment (Material Change 2) application made to PINS. Please note that the HRA is formed of three parts within the electronic index uploaded to the PINS website.

All of the supporting information has been previously submitted to the MMO as part of the material amendment (Material Change 2) application submission to PINS. None of this information has been updated from that previously submitted.

5.0 CLOSURE

We trust that the above and enclosed provides sufficient information to allow the DML Variation to be duly considered and determined by the MMO. However, should you have any queries or require any

additional information, please do not hesitate to contact either me or Richard Cram (Able UK Ltd) via the following contact details:

<p>RICHARD CRAM Engineering Director ----- Able UK Ltd Able House Billingham Reach Industrial Estate Billingham Teesside TS23 1PX</p> <p>██████████ ██████████ ██████████@ableuk.com Web: ██████████</p>	<p>EDWARD BRIGHT Technical Director – Planning & EIA ----- SLR Consulting Limited 3rd Floor Brew House Jacob Street Bristol BS2 0EQ</p> <p>██████████ ██████████ ██████████@slrconsulting.com Web: ██████████</p>
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Yours sincerely

SLR Consulting Limited



Edward Bright
Technical Director

Cc	MMO District Office R Cram A Walker J Purkis	Estuary House, Wharcliffe Road, Grimsby, Lincolnshire DN31 2QL Able UK Ltd BDB Pitmans BDB Pitmans
Enc.	Annex 1 Annex 2	DML Variation No. 2 (2021) Explanatory Memorandum (BDB Pitmans)

DEEMED MARINE LICENCE

PART 1

INTRODUCTORY

Interpretation

1.—(1) In this Schedule:—

“the 2009 Act” means the Marine and Coastal Access Act 2009(a);

“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;

“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°39.557’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);

“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);

“licence holder” means the undertaker 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;

“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;

“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.

(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 and where contact to the MMO District Office is required, the following contact details should be used: Estuary House, Wharnccliffe Road, Grimsby, Lincolnshire, DN31 3QL. Tel: 01472 355112 email: grimsby@marinemangement.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@marinemangement.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 those activities were licensed under the 2009 Act.

Construction of the quay

4.—(1) The licence holder 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 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, after which named vessels are to 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, 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 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, 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 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 250,000 tonnes of gravel and rock from named vessels into the berthing pocket 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 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, 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 licence holder 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 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; 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 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

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 +2.0 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>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	50,000	HU080	725,000
	Sand	110,000		
	Silt	390,000		
	Clay	175,000	HU082	
The berthing pocket	Gravel	5,000	HU080	1,835,000
	Sand	50,000		
	Silt	145,000		
	Clay	535,000	HU082	
	Clay	1,100,000	The terrestrial area landward of the existing Killingholme Marshes flood defence wall	
The approach channel	Gravel	150,000	Within the quay limits	1,650,000
	Gravel	150,000	HU080	
	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	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 licence holder is permitted to carry out maintenance dredging at the following locations within the period specified in paragraph 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 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 materials must be dredged in the approximate quantities and deposited at the locations according to the following table—

<i>Location</i>	<i>Material</i>	<i>Maximum tonnage per year</i>	<i>Deposit location</i>	<i>Total licensed tonnage</i>
The berthing pocket	Sand	150,000	HU080	3,225,000
	Silt	925,000		
The approach channel	Sand	10,000	HU080	150,000
	Silt	40,000		
The turning area	Sand	10,000	HU080	150,000
	Silt	40,000		
The E.ON outfall	Sand	500	None	7,500
	Silt	2,000		
The Centrica 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 10 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 9 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 licence holder 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 licence holder 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 4 weeks prior to the commencement of the licensed activity.

17. The MMO must be notified by the licence holder 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 or contractors employed by it to carry out the licensed activities have knowledge of the provisions of this Schedule.

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.

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 4 weeks before the commencement of the licensed activity.

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.

21. The licence holder 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 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.

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

24. The works must 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.

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

(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(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 licence holder 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 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.

27.—(1) The licence holder 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 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.

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.

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.

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.

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.

32. The licence holder 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.—(1) 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.

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.

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.

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.

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 between 7 April and 1 June inclusive in any calendar year.

41.—(1) Percussive piling 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 2.1 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 licence holder must submit a dredge and disposal strategy with the MMO at least 4 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 licence holder must ensure that—

- (a) as a result of the capital dredging activities referred to in paragraph 11:
 - (i) no inerodible material and no more than 2,218,000 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 referred to in paragraph 12 no inerodible material and no more than 1,180,100 tonnes of erodible material per year is disposed to site HU080.

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 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.—(1) The licence holder must ensure that dredged material is passed through grid screens no larger than 30 centimetres 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.

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 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 5.3 metres below admiralty Chart Datum at its shallowest point.

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.

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.

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

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

55.—(1) The licence holder must undertake sampling and chemical analysis for contaminated sediments within the 6 months prior to the commencement of any 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.

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

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.

58.—(1) The licence holder 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 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.

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 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 4 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 licence holder must ensure that a full method statement and location of the transshipment 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.

65. The licence holder 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 licence holder 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 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 to sheltered waters in adverse weather conditions.

68. Subject to paragraph 69, 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.

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.

Able Humber Ports Limited

Able Marine Energy Park (Material Change 2)

TR030006/APP/5

The Able Marine Energy Park (Amendment) Order 202[*]

Explanatory Memorandum

NOTE: This is a draft of the Explanatory Memorandum with Appendix 1 updated to reflect the amendments to the draft DML submitted to the MMO with the variation application. This updated draft Explanatory Memorandum has not yet been submitted to the Planning Inspectorate.

CONTENTS

1	SUMMARY.....	2
2	PURPOSE AND EFFECT OF THE APPLICATION.....	2
3	DRAFT ORDER.....	4

1 Summary

- 1.1 This memorandum explains the purpose and effect of the proposed material change to the Able Marine Energy Park Order 2014 (the **2014 Order**) (the **Application**), as required by Regulation 16(2)(e) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (the **2011 Regulations**).¹
- 1.2 The changes comprised in the Application would be made through the Able Marine Energy Park (Amendment) Order 202[*] (the **Order**), a draft of which has been submitted with the Application. The Order would make a change to the Able Marine Energy Park Order 2014 (the **2014 Order**) under Article 153 and paragraph 3(1) of Schedule 6 to the Planning Act 2008 (the **2008 Act**).² Changes would also be made to the deemed marine licence at Schedule 8 to the 2014 Order (the **DML**), by means of a variation by the Marine Management Organisation under section 72 of the Marine and Coastal Access Act 2009.³

2 Purpose and Effect of the Application

Background

- 2.1 The Able Marine Energy Park (the **Project**) is a nationally significant infrastructure project which was consented through the 2014 Order, a development consent order made under the 2008 Act. Its purpose is to allow offshore energy components and parts to be manufactured, assembled and exported to their installation sites and elsewhere.
- 2.2 The 2014 Order was made on 13 January 2014, laid before Parliament on 10 February 2014 and came into force on 29 October 2014.⁴ The 2014 Order permitted the construction and operation of a new quay and associated development near North Killingholme on the south bank of the Humber Estuary, the creation of an environmental habitat on the north bank of the Humber Estuary to compensate for the loss of land from the Humber Estuary Natura 2000 site, and ancillary matters including the diversion of a footpath on the north bank of the Humber Estuary.
- 2.3 Since it was made, the 2014 Order has been amended as follows:

¹ SI 2011/2055

² c.29

³ c.23

⁴ SI 2014/2935

- 2.3.1 The Marine Management Organisation has made two variations to the DML, on 23 June 2017 and 16 September 2020 respectively. The first variation extended the period of the licence to 9 years from the date of the 2014 Order coming into force, with the construction and capital dredge activities to be carried out within the first 6 years and maintenance dredging permitted following capital dredging until the expiry of the licence, together with a number of other changes which are not relevant to the proposed material change application. The second variation further extended the period of the licence from 9 to 10 years from the date of the 2014 Order coming into force, with the construction and capital dredge activities to be carried out within the first 9 years and maintenance dredging permitted following capital dredging until the expiry of the licence.
- 2.3.2 A non-material change to the 2014 Order was applied for on 19 September 2018 under paragraph 2 of Schedule 6 to the 2008 Act, and the Able Marine Energy Park Development Consent (Amendment) Order 2021 (the **2021 Amendment Order**)⁵ was made on 13 May 2021, coming into force the following day. The change moved an area proposed for ecological mitigation on the south bank of the Humber Estuary (referred to as “Mitigation Area A” in the 2014 Order) to a new site outside the 2014 Order limits, and excluded Mitigation Area A from the 2014 Order limits.

Material Change

- 2.4 Since the DCO came into force in October 2014, Able Humber Ports Limited (**Able**) has been working to ensure that the Project is delivered effectively and efficiently. As a result of this process, Able is now seeking consent from the Secretary of State to make a material change to the 2014 Order under section 3 and Schedule 6 of the 2008 Act, and under the 2011 Regulations (the **Application**).⁶
- 2.5 Changes to the 2014 Order are required in order to change the alignment of the quay, removing the specialist berth at the southern end of the quay and instead setting back the quay line at the northern end of the quay to create a barge berth. This is necessary due to changes in the vessels which it is anticipated will use the quay, meaning that the specialist barge berth is no longer required and an inset berth is required instead, which will be more resilient to future changes. The proposed changes to the Order will also permit changes to dredging linked to the new quay alignment, and changes to construction methodology which have been identified as efficacious during the design process. In addition, the route of the footpath diversion on the southern bank of the Humber is being amended to avoid the need for it to cross the tracks of the Killingholme branch railway at the north-western side of the site. Able is treating these changes to the 2014 Order as a material change, because there is a possibility that the changes may result in new or materially different environmental effects. An updated environmental

⁵ SI 2021/606

⁶ The Application is referred to on the National Infrastructure Planning Website as “Material Change 2”. “Material Change 1” relates to a proposed application to extend the time limit for compulsory acquisition of a single parcel of land. Although Able has engaged with the Planning Inspectorate in relation to the potential application for Material Change 1, no application has yet been made.

statement and habitats regulations assessment have therefore been prepared for the application.

2.6 The Application seeks to achieve the following—

2.6.1 changes to the proposed quay layout to reclaim the specialist berth at the southern end of the quay, and to set back the quay line at the northern end of the quay to create a barge berth;

2.6.2 the addition of options to the form of construction of the quay whereby the piled relieving slab to the rear of the quay could be raised or omitted entirely (subject to detailed design), and the quay wall piles could be restrained with more conventional steel anchor piles and tie bars in lieu of flap anchors;

2.6.3 a change to the approved diversion of footpath FP50 in North Lincolnshire to avoid crossing over the existing rail track at the end of the Killingholme Branch Line;

2.6.4 provision of a third cross dam within the reclamation area to enable greater flexibility for staged completion, and early handover of sections of the quay;

2.6.5 a change to the consented deposit location for 1.1M tonnes of clay to be dredged from the berthing pocket, to permit its disposal at HU081 and HU082 ; and

2.6.6 an amendment to the sequencing of the quay works (as illustrated on the consented DCO drawings AMEP_P1D_D_101 to 103; Indicative Sequence Plan View[s]) to enable those works to commence at the southern end of the quay and progress northwards.

2.7 To effect these changes, amendments will also need to be made to the DML (Schedule 8 to the 2014 Order), as shown in the marked-up version of Schedule 8 at Appendix 1 to this Explanatory Memorandum. Under paragraph 5(6) of Schedule 6 to the 2008 Act the Secretary of State cannot make changes to a deemed marine licence or the conditions attached to a deemed marine licence. Able is therefore applying separately to the Marine Management Organisation for a variation of the DML under section 72 of the Marine and Coastal Access Act 2009.

3 Draft Order

3.1 The purpose and effect of the provisions of the draft Order are now explained in sequence. While the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009 (S.I. 2009/2265) have been repealed, the model provisions (general and harbour) have been considered in drafting the Order. The draft Order also draws on precedent set by development consent orders that have been made to date, in particular the 2021 Amendment Order.

Article 1 – Citation and commencement

3.2 Article 1 sets out the name of the Order, establishing how it may be cited in subsequent legislation. It is also the states the date on which the Order comes into force.

Article 2 – Amendment of The Able Marine Energy Park Development Consent Order 2014

- 3.3 Article 2 sets out the amendments which the Order makes to the 2014 Order. The effect of each paragraph of Article 2 is further explained below.
- 3.4 Paragraph (1) states that the amendments set out in the following paragraphs will be made to the 2014 Order.
- 3.5 Paragraph (2) makes changes to Article 2 (Interpretation) of the 2014 Order. The realignment of the proposed quay to remove the specialist berth is reflected in a revised definition of “the berthing pocket” with new co-ordinates. A new definition of “the inset berth” is added to the 2014 Order, relating to the new set back barge berth at the northern end of the quay.
- 3.6 Paragraph (3) adds the inset berth to the list of areas which may be dredged, included as associated development in Schedule 1 (Authorised Development) to the 2014 Order, so that this reflects the new alignment of the quay.
- 3.7 Paragraph (4) amends the limits of the harbour to reflect the new quay alignment, inserting new co-ordinates and a new plan showing the revised harbour limits.
- 3.8 Paragraph (5) amends paragraph 6 of Schedule 11 (Requirements) to the 2014 Order (as amended by the 2021 Amendment Order). Paragraph 6 of Schedule 11 to the 2014 Order states that the Project must be constructed in accordance with the drawings listed in subparagraphs (a), (b) and (c). Paragraph (6) withdraws and substitutes a number of these drawings, to reflect changes made to the Project design and construction methodology. A table listing the drawings which have been substituted and withdrawn, and the reasons in each case, is at Appendix 2.
- 3.9 Paragraph (6) inserts an additional Article 55B into the 2014 Order listing the documents which are to be certified by the Secretary of State following the making of the Order. This follows the precedent of Article 55A of the 2014 Order, inserted by the 2021 Amendment Order in relation to further environmental documents to be certified following the making of the 2021 Amendment Order.

APPENDIX 1

Proposed changes to DML

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(a);

“BHD” – means backhoe dredger

“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;

“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);

~~“licence holder” means the undertaker 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;

“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;

“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; ~~and~~

“TSHD” – means trailing suction hopper dredger; and

“the undertaker” means the undertaker and any agent or contractor acting on its behalf.

(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 and where contact to the MMO District Office is required, the following contact details should be used: Estuary House, Wharnccliffe 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 ~~undertaker licence holder~~ 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 licence holder~~ 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 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;~~
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;~~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 up to three ~~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 up to four ~~three~~ approximately equal cells, after which named vessels are to 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, 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** ~~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, 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 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** ~~licence holder~~ 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** ~~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, 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** ~~licence holder~~ 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 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; 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 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 **undertaker 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

11. (1) The **undertaker licence holder** is permitted to carry out capital dredging at the following locations–

- (a) the area within the quay limits to a depth of ~~-7~~ **6.5** 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>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	50,000	HU080	725,000
	Sand	110,000		
	Silt	390,000		
	Clay	175,000	HU082	
	Gravel	5,000	HU080	
	Sand	50,000		
	Silt	145,000		
	Clay	535,000	HU082	

The berthing pocket	Clay	1,100,000	The terrestrial area landward of the existing Killingholme Marshes flood defence wall	1,835,000
The approach channel	Gravel	150,000	Within the quay limits	1,650,000
	Gravel	150,000	HU080	
	Sand	600,000		
	Silt	500,000		
The turning area	Clay	250,000	HU082	250,000
	Gravel	35,000	HU080	
	Sand	95,000		
	Silt	80,000		
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 licence holder~~ 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

<i>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;	605,000
	Sand	181,500		
	Silt	211,750	Equally into HU081 and HU082 for material dredged by BHD or CSD	
	Clay	151,250		
The berthing pocket	Gravel	183,500	HU080 for material dredged by TSHD;	1,835,000
	Sand	550,500		
	Silt	642,250	Equally into HU081 and HU082 for material dredged by BHD or CSD	
	Clay	458,750		
The approach Channel	Gravel	165,000	HU080 for material dredged by TSHD;	1,650,000
	Sand	495,000		
	Silt	577,500	Equally into HU081 and HU082 for material dredged by BHD or CSD	
	Clay	412,500		
The turning area	Gravel	25,000	HU080 for material dredged by TSHD;	250,000
	Sand	75,000		
	Silt	87,500	Equally into HU081 and HU082 for material dredged by BHD or CSD	
	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		

- (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>Location</i>	<i>Material</i>	<i>Maximum tonnage per year</i>	<i>Deposit location</i>	<i>Total—licensed tonnage</i>
The berthing pocket	Sand	150,000	HU080	3,225,000
	Silt	925,000		
The approach channel	Sand	10,000	HU080	150,000
	Silt	40,000		
The turning area	Sand	10,000	HU080	150,000
	Silt	40,000		
The E.ON outfall	Sand	500	None	7,500
	Silt	2,000		
The Centrica outfall	Sand	500	None	7,500
	Silt	2,000		
The pumping station outfall	Sand	50	HU080	300
	Silt	50		

<i>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 10 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 10 years ~~9 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 licence holder~~ 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 licence holder** 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 4 weeks prior to the commencement of the licensed activity.

17. The MMO must be notified by the **undertaker licence holder** 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 or contractors employed by it to carry out the licensed activities have knowledge of the provisions of this Schedule.

18. The **undertaker 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.

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

20. The **undertaker 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 subcontractors that will be carrying out any licensed activity on behalf of the **undertaker licence holder**.

21. The **undertaker licence holder** 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 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.

23. Should the **undertaker 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 **undertaker licence holder** 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 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.

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

(2) If the **undertaker 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(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 licence holder** 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 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.

27. (1) The **undertaker licence holder** 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 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.

28. The **undertaker 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.

29. The **undertaker 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

30 .(1) The **undertaker 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.

31 . (1) Prior to any works commencing below the level of Mean High Water Springs, the **undertaker 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.

32. The **undertaker licence holder** 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. (1) The **undertaker 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 **undertaker licence holder** by the MMO in writing.

34. The **undertaker 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.

35. The **undertaker 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.

36 . (1) The **undertaker 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.

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** ~~2.1~~ 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** ~~license holder~~ must submit a dredge and disposal strategy with the MMO at least 4 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** ~~license holder~~ 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 ~~site~~ is disposed of to site HU080; and
 - (ii) no erodible material and no more than 1,254,000 ~~1,000,000~~ tonnes of inerodible material is disposed of to site HU082; ~~and~~
 - (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 ~~1,180,100~~ 1,500,000 tonnes of erodible material per year is disposed to site HU080.

47. (1) The ~~undertaker~~ ~~licence holder~~ 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. (1) ~~The licence holder must ensure that dredged material is passed through grid screens no larger than 30 centimetres 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. The undertaker shall take all reasonable measures to ensure no man made material is disposed of 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~~ ~~licence holder~~ 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~~ ~~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 5.3 metres below admiralty Chart Datum at its shallowest point.

51. The ~~undertaker~~ ~~licence holder~~ 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 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.~~

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

53. (1) The ~~undertaker~~ ~~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.

(4) *Maintenance dredging and disposal conditions*

54. (1) The **undertaker licence holder** must undertake sampling and chemical analysis for contaminated sediments within the 6 months prior to the commencement of 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.

55. The **undertaker licence holder** must ensure that during the course of disposal, material is distributed evenly over disposal site HU080.

56. (1) The **undertaker 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.

57. (1) The **undertaker licence holder** 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.

58. The berthing pocket **and inset berth** must be maintained to no deeper than -11.0m CD 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.

59. (1) The **undertaker 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 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

60. (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 4 weeks prior to the commencement of works.

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

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

63. (1) The **undertaker licence holder** must ensure that a full method statement and location of the transshipment 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.

64. The **undertaker licence holder** 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.

65. (1) The **undertaker licence holder** 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.

66. The **undertaker 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 to sheltered waters in adverse weather conditions.

67. Subject to paragraph 68, the **undertaker 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.

68. 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.

APPENDIX 2

List of drawings to be substituted or withdrawn

Withdraw	Substitute	Explanation
AME-02006 Indicative Masterplan	AME-036-20001 Indicative Masterplan (Rev B)	Quay line amended. Mitigation Area A omitted to reflect changes made in the 2021 Amendment Order.
AME-02007 Indicative Landscape Masterplan	AME-036-20002 Indicative Landscape Masterplan (Rev B)	Quay line amended. Mitigation Area A omitted to reflect changes made in the 2021 Amendment Order.
AME-02008 Building Key Plan	AME-036-20003 Building Key Plan (Rev A)	Quay line amended. Mitigation Area A omitted to reflect changes made in the 2021 Amendment Order.
AME-02010 Footpath No.50 Diversion Route Section Locations	AME-036-20004 Footpath No.50 Diversion Route Section Locations (Rev B)	Quay line amended. Detail A added to provide enlarged detail of the new diversion route. Mitigation Area A omitted to reflect changes made in the 2021 Amendment Order.
AME-02011 Footpath No.50 Diversion Route Indicative Sections	AME-02011 Footpath No.50 Diversion Route Indicative Sections (Rev C)	Notes amended to reflect new diversion route.
AMEP_P1D_D_001 Quay General Arrangement	AME-036-10001 Quay General Amendment (Rev C)	Quay line changed.
AMEP_P1D_D_002 Indicative Piling Layout	AME-036-10002 Indicative Piling Layout (Rev B)	Quay line changed.

Withdraw		Substitute	Explanation
AMEP_PID_D_003 Sections 1 of 2	Quay	AME-036-10003 Quay Sections 1 of 2 (Rev B)	Options to anchor and slab details added.
AMEP_P1D_D_004 Sections 1 of 2	Quay	AME-036-10004 Quay Sections 1 of 2 (Rev C)	Options to anchor and slab details added. Specialist berth reclaimed.
AMEP_P1D_D_005 Front Wall Elevation	Front Wall	AME-036-10005 Front Wall Elevation (Rev B)	Specialist berth reclaimed.
AMEP_P1D_D_006 Return Wall Elevation	Northern	AME-036-10006 Northern Return Wall Elevation (Rev B)	Set back quay introduced.
AMEP_P1D_D_007 Return Wall Elevation	Southern	AME-036-10007 Southern Return Wall Elevation (Rev B)	Specialist berth reclaimed.
AMEP_PID_D_009 Deck General Arrangement	Concrete	AME-036-10008 Indicative Concrete Deck General Arrangement (Rev C)	Deck is to be optional.
AMEP_P1D_D_101 Sequence Plan View 1/3	Indicative	AME-036-10009 Indicative Sequence Plan View 1/3 (Rev C)	Cross dam added. Quay line changed. Works planned from south to north.
AMEP_P1D_D_102 Sequence Plan View 2/3	Indicative	AME-036-10010 Indicative Sequence Plan View 2/3 (Rev C)	Cross dam added. Quay line changed. Works planned from south to north. Surcharge details amended.

Withdraw	Substitute	Explanation
AMEP_P1D_D_103 Indicative Sequence Plan View 3/3	AME-036-10011 Indicative Sequence Plan View 3/3 (Rev C)	Cross dam added. Quay line changed. Works planned from south to north.
AMEP_P1D_D_106 Proposed Site Facilities and Access	None	Plan not required
AMEP_PID_D_104 Indicative Sequence Cross Section	AME-036-10012 Indicative Sequence Cross Section 1 of 2 (Rev C)	Tie back system options added.
AMEP_PID_D_105 Indicative Sequence Cross Section 2/2	AME-036-10013 Indicative Sequence Cross Section 2 of 2 (Rev C)	Tie back system options added. Relieving slab optional.
AME-02018-A – Old Little Humber Farm Compensation Site Indicative Layout	None - Plan listed in error	This part of the application was withdrawn during the application and was erroneously listed in Schedule 11 to the 2014 Order.
AMEP_PID_D_107 Proposed Site Facilities and Access 2/2	None - Plan not required	Plan not required.