



Marine  
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Mr McNicholas  
SOUTH TEES DEVELOPMENT CORPORATION  
Cavendish House  
Teesdale Business Park  
STOCKTON-ON-TEES  
TS17 6QY

Case reference: MLA/2020/00506

17th December 2021

Dear Mr McNicholas,

## **Marine and Coastal Access Act 2009 Application for a marine licence (Ref: MLA/2020/00506)**

The Marine Management Organisation (MMO), is the Licensing Authority for the purpose of Part 4 of the Marine and Coastal Access Act 2009. You applied to us on 06 November 2020 for a marine licence under Part 4 of the Marine and Coastal Access Act 2009 to construct a new quay at South Bank in the Tees estuary.

We have considered all the information that has been provided to us as well as any representations made to us by interested parties. We have granted a licence to you, the licence is enclosed with this letter. Our decision has been taken in accordance with the North East Inshore Marine Plan.

The licence we have granted contains a number of conditions, including conditions requiring mitigation or monitoring measures which can be found in section 5 of the marine licence.

Schedule 2 contains a summary of our decision to grant this licence setting out the main reasons and considerations on which we have based our decision (including details of public participation and how the results of the consultation undertaken and information gathered have been incorporated or addressed).

### **Terms and Conditions**

#### General

This licence is your statutory consent to carry out the activity authorised by the licence. You must comply with the terms and conditions of the licence in full, these are binding on you and any agent or subcontractor undertaking the activity on your behalf. If you fail to comply with all the conditions in the licence we may vary, suspend or revoke your licence, and we may also take enforcement action against you.





Please read the licence carefully before you carry out the activity authorised by the licence

### Post Consent Returns

Where the conditions of the licence require you to submit returns to us, you must ensure these are submitted in accordance with the timescales set out in the licence and via the Marine Case Management System: [http://bit.ly/MMO\\_MCMS](http://bit.ly/MMO_MCMS).

You must ensure that you discharge all the conditions of the licence before the licence expires.

Where we are required to carry out post consent monitoring of the licence, including any review or approval that is required, then we may charge you a fee for that work. Where we propose to charge you such a fee we will provide you with an estimated cost before proceeding with consideration of your return.

### Fees

Where we do charge a fee, we will invoice you in respect of that fee. We expect full payment to be made for any licence charges **within 28 days** of the date of the invoice we send to you and non-payment of the invoice within the 28 days may result in us suspending or revoking the licence. Our terms and conditions relating to charging can be found here: [http://bit.ly/MMO\\_Terms\\_and\\_Conditions](http://bit.ly/MMO_Terms_and_Conditions).

### Variations

Any requests for a variation to this licence should be made **at least 3 months** before change is required or at least 3 months before the licence end date as specified in section 1.3 of the licence. Any request for a variation which does not allow sufficient time for us to fully consider and process the request before the licence expires will be rejected. We cannot vary a licence once the licence end date has passed.

### **Additional consents**

You may require permissions and consents from other organisations or persons before you can carry on the activity authorised by this licence and a marine licence issued by us does not absolve you from the need to hold these other consents or approvals before you carry out the licensed activities. For example, planning consent is often necessary for works to be undertaken above the low water mark and consent from the landowner may also be required. In some cases, approval from the Environment Agency may be necessary (e.g. where the activities involve a discharge or have implications for flood defences) or consent might be required from Natural England where your activities





have the potential to affect a Site of Specific Scientific Interest [http://bit.ly/MMO\\_SSSI](http://bit.ly/MMO_SSSI). These examples are not intended to be an exhaustive list of other permissions that may be required, you will need to make your own enquiries as to what, if any, other authorisations and permissions are required.

## Other Matters

The site is within port limits and the applicant should gain the approval/agreement of the responsible local navigation authority. A local notification must be sent to the Harbour Authority who will decide if a Port NM, as they may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works, as deemed necessary. Details required: start date/ end date, work to be done, positions of the work area (WGS84), marking of the work area. UKHO will then review the subsequent Port NM to see if action is required.

To address the ongoing safe operation of the marine interface for this project, we would like to point you in the direction of the Port Marine Safety Code (PMSC) and its Guide to Good Practice. You will need to liaise and consult with the SHA and develop a robust Safety Management System (SMS) for the project under this code. The code sets out a national standard for every aspect of port marine safety. This can be found here: <https://www.gov.uk/government/publications/a-guide-to-good-practice-on-port-marine-operations>

The Maritime and Coastguard Agency recommend that as the site falls within the jurisdiction of a SHA, consideration is given to the current powers held under the Harbours Act 1964 to cover any changes to the current port operations as a result of these works (i.e. a Harbour Revision Order where necessary).

The Crown Estate is affected by the proposed works and landowner's consent is required. The applicant is requested to liaise with our Managing Agent for the area: Guy Harmer of Carter Jonas on 01904 558216, [Guy.Harmer@carterjonas.co.uk](mailto:Guy.Harmer@carterjonas.co.uk) regarding landowner's consent for the proposed activity.

The Crown Estate is affected by the proposed disposal activity and landowner's consent is required. The applicant is requested to liaise with Mark Wrigley on 0207 851 5062, [mark.wrigley@thecrownestate.co.uk](mailto:mark.wrigley@thecrownestate.co.uk) regarding landowner's consent for the proposed disposal activity.

MMO recommends that a Tees River monitoring group is established to engage relevant stakeholders and generate further evidence which can be used to inform or refine any monitoring and mitigation. We would recommend that the following be monitored and cross-referenced with fish-count data:

Underwater noise





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Suspended sediment concentrations

### Appealing a decision

You may appeal our decision to grant the licence subject to conditions, any provision within the licence and or the period of time over which the licence is granted. You have **6 months** from the date of our decision to make your appeal. Your notice of Appeal should be sent to the Planning Inspectorate (PINS) who will manage and decide any appeal against our licensing decision.

Further guidance is available here: [http://bit.ly/MMO\\_appeal](http://bit.ly/MMO_appeal)

### Your feedback

We are committed to providing excellent customer service and continually improving our service and we would be delighted to know what you thought of the service you have received from us. Please help us by taking a few minutes to complete the following short survey: [http://bit.ly/MMO\\_Survey](http://bit.ly/MMO_Survey).

Finally, if you have any queries or require clarification of any of the terms or conditions of the licence, please do not hesitate to contact me using the contact details below.

Yours Sincerely,

Fern Skeldon  
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