

SCHEDULES

SCHEDULE 15

Deemed licence under the 2009 Act – interconnection (licence 2 – phase 2)

PART 1

Licensed marine activities

1.—(1) In this licence—

“the 2004 Act” means the Energy Act 2004⁽¹⁾;

“the 2009 Act” means the Marine and Coastal Access Act 2009⁽²⁾;

“authorised deposits” means the substances and articles specified in paragraph 4 of Part 1 of this licence;

“authorised scheme” means Work No. 4 described in paragraph 3 of Part 1 of this licence or any part of that work;

“cable protection” means measures for cable crossings and where cable burial is not possible due to ground conditions, to protect cables and prevent loss of seabed sediment by use of grout bags, protective aprons, mattresses, flow energy dissipation (frond) devices or rock and gravel dumping;

“Cefas” means the Centre for Environment, Fisheries and Aquaculture Science or any successor body to its function;

“commence” means the first carrying out of any part of the licensed activities save for pre-construction surveys and monitoring and “commenced” and “commencement” must be construed accordingly;

“condition” means a condition in Part 2 of this licence;

“Defence Infrastructure Organisation Safeguarding” means Ministry of Defence Safeguarding, Defence Infrastructure Organisation, Kingston Road, Sutton Coldfield, West Midlands B75 7RL and any successor body to its functions;

“East Anglia ONE Offshore Wind Farm” means the East Anglia ONE offshore wind farm authorised by the East Anglia ONE Order;

“East Anglia ONE Order” means the East Anglia ONE Offshore Wind Farm Order 2014⁽³⁾ as amended by the East Anglia ONE Offshore Wind Farm (Corrections and Amendments) Order 2016⁽⁴⁾;

“enforcement officer” means a person authorised to carry out enforcement duties under Chapter 3 of the 2009 Act;

(1) 2004 c.20.
(2) 2009 c.23.
(3) S.I. 2014/1599.
(4) S.I. 2016/447.

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“environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of the Order;

“habitat of principal importance” means a habitat type designated pursuant to section 41 of the Natural Environment and Rural Communities Act 2006⁽⁵⁾

“in principle monitoring plan” means the document certified as the in principle monitoring plan by the Secretary of State for the purposes of the Order;

“Kingfisher Fortnightly Bulletin” means the bulletin published by the Humber Seafood Institute or such other alternative publication approved in writing by the MMO for the purposes of this licence;

“LAT” means lowest astronomical tide;

“licensed activities” means the activities specified in Part 1 of this licence;

“maintain” includes inspect, upkeep, repair, adjust, and alter and further includes remove, reconstruct and replace (but only in relation to any of the ancillary works in Part 2 of Schedule 1 (ancillary works) to the Order and any component part of any wind turbine generator, offshore electrical station, accommodation platform or meteorological mast described in Part 1 of Schedule 1 (authorised development) to the Order not including the alteration, removal or replacement of foundations), to the extent assessed in the environmental statement; and “maintenance” must be construed accordingly;

“Marine Management Organisation” or “MMO” means the body created under the 2009 Act which is responsible for the monitoring and enforcement of this licence;

“MCA” means the Maritime and Coastguard Agency;

“mean high water springs” or “MHWS” means the highest level which spring tides reach on average over a period of time;

“notice to mariners” means a notice issued by the undertaker to mariners to inform them of issues that affect the safety of navigation;

“offshore cables” means any Alternating Current (AC) or Direct Current (DC) cables offshore and includes fibre optic cables either within the cable or laid alongside;

“offshore Order limits” means the limits shown on the works plan within which the authorised scheme may be carried out, whose grid coordinates are set out in paragraph 5 of Part 1 of this licence;

“the Order” means the East Anglia THREE Offshore Wind Farm Order 2017;

“outline offshore operations and maintenance plan” means the document certified as the outline offshore operations and maintenance plan by the Secretary of State for the purposes of the Order;

“outline written scheme of investigation (offshore)” means the document certified as the outline written scheme of investigation (offshore) by the Secretary of State for the purposes of the Order;

“single offshore phase” means carrying out all offshore works as a single construction operation;

“Trinity House” means the Corporation of Trinity House of Deptford Strond;

“two offshore phases” means carrying out the offshore works as two separate construction operations pursuant to the deemed marine licences set out in schedules 10, 12 and 14 (Licence 1 – Phase 1) of the Order and schedules 11, 13 and 15 (Licence 2 – Phase 2) of the Order respectively;

(5) 2006 c.16.

“UK Hydrographic Office” means the UK Hydrographic Office of Admiralty Way, Taunton, Somerset, TA1 2DN;

“undertaker” means East Anglia THREE Limited;

“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in, on or over water and which is at the time in, on or over water;

“Work No. 2” means the offshore electrical stations;

“works plan” means the plan certified as the works plan by the Secretary of State for the purposes of the Order.

(2) A reference to any statute, order, regulation or similar instrument is construed as a reference to a statute, order, regulation or instrument as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.

(3) Unless otherwise indicated—

- (a) all times are taken to be Greenwich Mean Time (GMT);
- (b) all co-ordinates are taken to be latitude and longitude degrees and minutes to two decimal places.

(4) Except where otherwise notified in writing by the relevant organisation, the primary point of contact with the organisations listed below and the address for returns and correspondence are—

(a) Marine Management Organisation

Offshore Marine Licensing

Lancaster House

Hampshire Court

Newcastle Business Park

Newcastle upon Tyne

NE4 7YH

Tel: 0300 123 1032;

(b) Marine Management Organisation (local office)

Marine Environment Team

Pakefield Road

Lowestoft

Suffolk

NR33 0HT;

(c) Trinity House

Tower Hill

London

EC3N 4DH

Tel: 020 7481 6900;

(d) The United Kingdom Hydrographic Office

Admiralty Way

Taunton

Somerset

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TA1 2DN

Tel: 01823 337 900;

(e) Maritime and Coastguard Agency

Navigation Safety Branch

Bay 2/20, Spring Place

105 Commercial Road

Southampton

SO15 1EG

Tel: 020 3817 2433;

(f) Centre for Environment, Fisheries and Aquaculture Science

Pakefield Road

Lowestoft

Suffolk

NR33 0HT

Tel: 01502 562 244;

(g) Natural England

Area 1C, Nobel House

17 Smith Square

London

SW1P 2AL

Tel: 0300 060 4911;

(h) Historic England

Eastgate Court

195-205 High Street

Guildford

GU1 3EH

Tel: 01483 252 059.

Details of licensed marine activities

2. Subject to the licence conditions, this licence authorises the undertaker (and any agent or contractor acting on their behalf) to carry out the following licensable marine activities under section 66(1) of the 2009 Act—

- (a) the deposit at sea of the substances and articles specified in paragraph 4 below;
- (b) the construction of works in or over the sea and/or on or under the sea bed;
- (c) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation; and
- (d) the disposal of up to 73,746.5 m³ of inert material of natural origin within the offshore Order limits produced during construction drilling or seabed preparation for foundation works and cable sandwave preparation works at disposal site reference HU212 within the extent of the Order limits seaward of MHWS.

3. Such activities are authorised in relation to the construction, maintenance and operation of—

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(1) Work No. 4 (phase 2) – up to two cables to connect Work No. 2 with the East Anglia ONE Offshore Wind Farm.

(2) In connection with such Work No. 4 and to the extent that it does not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised scheme and which fall within the scope of the work assessed by the environmental statement and the provisions of this licence.

(3) In connection with such Work No. 4, ancillary works within the Order limits which have been subject to an environmental impact assessment recorded in the environmental statement comprising—

- (a) temporary landing places, moorings or other means of accommodating vessels in the construction and/ or maintenance of the authorised scheme; and
- (b) marking buoys, beacons, fenders and other navigational warning or ship impact protection works.

4. The substances or articles authorised for deposit at sea are—

- (a) iron and steel, copper and aluminium;
- (b) stone and rock;
- (c) concrete;
- (d) sand and gravel;
- (e) plastic and synthetic;
- (f) material extracted from within the offshore Order limits during construction drilling and seabed preparation for foundation works and cable sandwave preparation works; and
- (g) marine coatings, other chemicals and timber.

5. The grid coordinates for the authorised scheme are specified below—

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	52° 14' 1.882" N	2° 26' 45.354" E	30	52° 19.206" N	21' 2° 46' 2.318" E
2	52° 59.088" N	13' 2° 25' 25.766" E	31	52° 17.723" N	21' 2° 46' 1.395" E
3	52° 18' 50.89" N	2° 26' 0.71" E	32	52° 16.279" N	21' 2° 46' 0.316" E
4	52° 10.175" N	19' 2° 27' 36.407" E	33	52° 14.879" N	21' 2° 45' 59.085" E
5	52° 17.057" N	21' 2° 29' 38.731" E	34	52° 21' 13.536" N	2° 45' 57.708" E
6	52° 17.284" N	21' 2° 29' 40.473" E	35	52° 12.247" N	21' 2° 45' 56.189" E
7	52° 19.235" N	21' 2° 29' 57.051" E	36	52° 11.884" N	21' 2° 45' 55.697" E
8	52° 19.717" N	21' 2° 30' 12.848" E	37	52° 39.779" N	20' 2° 35' 43.596" E

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9	52° 19.145" N	21' 2° 31' 2.229" E	38	52° 21.004" N	19' 2° 35' 42.287" E
10	52° 19.548" N	21' 2° 31' 49.797" E	39	52° 19' 19.7" N	2° 35' 42.202" E
11	52° 25.052" N	21' 2° 34' 13.842" E	40	52° 19' 18.12" N	2° 35' 41.945" E
12	52° 53.636" N	21' 2° 34' 13.872" E	41	52° 19' 16.554" N	2° 35' 41.519" E
13	52° 31.271" N	25' 2° 34' 8.916" E	42	52° 19' 15.01" N	2° 35' 40.927" E
14	52° 56.467" N	25' 2° 34' 8.342" E	43	52° 19' 13.49" N	2° 35' 40.172" E
15	52° 57.917" N	27' 2° 34' 5.046" E	44	52° 19' 12.004" N	2° 35' 39.255" E
16	52° 48.319" N	27' 2° 44' 29.313" E	45	52° 19' 10.56" N	2° 35' 38.183" E
17	52° 36.608" N	30' 2° 44' 41.63" E	46	52° 19' 9.16" N	2° 35' 36.958" E
18	52° 32.077" N	31' 2° 44' 38.805" E	47	52° 19' 7.813" N	2° 35' 35.587" E
19	52° 31' 32.11" N	2° 44' 38.806" E	48	52° 19' 6.524" N	2° 35' 34.075" E
20	52° 45' 6.908" N	2° 44' 40.427" E	49	52° 19' 5.297" N	2° 35' 32.429" E
21	52° 45' 10.57" N	2° 45' 33.773" E	50	52° 19' 4.141" N	2° 35' 30.655" E
22	52° 18.078" N	46' 3° 2' 15.841" E	51	52° 19' 3.799" N	2° 35' 30.087" E
23	52° 20.027" N	30' 2° 48' 33.266" E	52	52° 18' 18.9" N	2° 34' 13.648" E
24	52° 58.466" N	26' 2° 45' 50.653" E	53	52° 18' 15.833" N	2° 34' 13.645" E
25	52° 27.702" N	21' 2° 46' 4.456" E	54	52° 17.009" N	14' 2° 33' 46.245" E
26	52° 25.412" N	21' 2° 46' 4.374" E	55	52° 16.166" N	14' 2° 33' 38.948" E
27	52° 23.836" N	21' 2° 46' 4.11" E	0	52° 49.262" N	21' 2° 44' 44.274" E
28	52° 21' 22.27" N	2° 46' 3.678" E	1	52° 58.438" N	26' 2° 44' 31.396" E

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29	52° 20.725" N	21' 2° 46' 3.08" E	2	52° 27' 8.503" N	2° 35' 52.305" E
			3	52° 19.757" N	21' 2° 35' 44.827" E

6. This licence remains in force until the authorised scheme has been decommissioned in accordance with a programme approved by the Secretary of State under section 106 of the 2004 Act, including any modification to the programme under section 108, and the completion of such programme has been confirmed by the Secretary of State in writing.

7. The provisions of section 72 of the 2009 Act apply to this licence except that the provisions of section 72(7) relating to the transfer of the licence only apply to a transfer not falling within article 5 (benefit of the Order).

8. With respect to any condition which requires the licensed activities be carried out in accordance with the plans, protocols or statements approved under this Schedule, the approved details, plan or scheme are taken to include any amendments that may subsequently be approved in writing by the MMO.

9. Any amendments to or variations from the approved plans, protocols or statements must be minor or immaterial where it has been demonstrated that the subject matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.