

SCHEDULE 2

Deemed marine licence under the Marine and Coastal Access Act 2009 – generation assets

PART 1

Licensed marine activities

1.—(1) In this licence—

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

“the 2008 Act” means the Planning Act 2008⁽²⁾;

“the 2009 Act” means the Marine and Coastal Access Act 2009⁽³⁾;

“Annex 1 Habitat” means such habitat as defined under the EU Council [Directive 92/43/EEC](#)⁽⁴⁾ on the Conservation of Natural Habitats and of Wild Fauna and Flora;

“authorised deposits” means the substances and articles specified in paragraph 2(3) of this licence;

“authorised scheme” means the Work No. 1 described in paragraph 2 of this licence or any part of those works;

“the CAA” means the Civil Aviation Authority constituted by the Civil Aviation Act 1982⁽⁵⁾;

“cable armouring” means measures for cable crossings 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;

“commence” means the first carrying out of any part of the licensed activities save for pre-commencement environmental surveys and monitoring;

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

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

“environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of this Order and submitted with the application on 22 March 2013;

“gravity base foundation” means a structure principally of concrete, steel or steel and concrete which rests on the seabed either due to its own weight with or without added ballast or skirts, including associated sea bed preparation, scour protection, J-tubes, corrosion protection systems, boat landings comprising an access ladder with vertical boat fenders fitted either side and work platforms and equipment;

“jacket foundation” means a jacket/lattice type structure constructed of concrete, steel or steel and concrete which is fixed to the seabed at three or more points with driven or pre-installed piles or suction caissons, including associated scour protection, J-tubes, corrosion protection systems, boat landings comprising an access ladder with vertical boat fenders fitted either side, access and work platforms and equipment;

(1) [2004 c.20](#).

(2) [2008 c.29](#).

(3) [2009 c.23](#).

(4) OJ No. L206, 22.7.1992, p.7, last amended by Council Directive 2013/17/EU (OJ No. L158, 10.6.2013, p.193).

(5) [1982 c.16](#).

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

“LAT” means lowest astronomical tide;

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

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

“Marine Management Organisation” or “MMO” means the body created under the Marine and Coastal Access Act 2009 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;

“Natural England” means the body established by section 1 of the Natural Environment and Rural Communities Act 2006⁽⁶⁾;

“notice to mariners” includes any notice to mariners which may be issued by the Admiralty, Trinity House, Queen’s harbour masters, government departments and harbour and pilotage authorities;

“the Order” means the Burbo Bank Extension Offshore Wind Farm Order 2014;

“the 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 3 of this licence;

“scour protection” means measures to prevent loss of seabed sediment around foundation bases by use of protective aprons, mattresses, flow energy dissipation (frond) devices or rock and gravel dumping;

“SPA” means a site classified as a special protection area pursuant to Article 4 of the Wild Birds Directive⁽⁷⁾;

“steel monopile foundation” means a steel large diameter pile, typically cylindrical, driven and/or drilled into the seabed, including associated scour protection, transition piece, J-tubes, corrosion protection systems, boat landings comprising an access ladder with vertical boat fenders fitted either side, access and work platforms and equipment;

“suction caisson” means a large diameter steel cylinder which is fixed to the base of the foundation and partially penetrates the seabed and remains in place using its own weight and hydrostatic pressure differential;

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

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

“undertaker” means DONG Energy Burbo Extension (UK) 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;

(6) 2006 c.16. Section 1 was amended by section 311(2) and (3) of the Marine and Coastal Access Act 2009.

(7) Council Directive 2009/147/EC on the conservation of wild birds (OJ No. L20, 26.1.2010, p.7 to 25).

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“wind turbine generator” or “WTG” means a structure comprising a tower, rotor with three horizontal axis blades connected at the hub, nacelle containing mechanical and electrical equipment, ancillary equipment including access ladders and platforms, lifts, cables, corrosion protection systems, maintenance equipment, helihoist facilities and other associated equipment, fixed to a foundation;

“Work No. 1” means the offshore generating station comprising the wind turbine generators and subsea interconnecting cables as set out in paragraph 2(2) of this licence;

“Work No. 2” means the offshore substation as set out in paragraph 2(2) of Part 1 of Schedule 3 to the Order;

“the 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 shall be 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 shall be taken to be Greenwich Mean Time (GMT);
- (b) all co-ordinates shall be 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 shall be—

(a) Marine Management Organisation

Offshore Licensing Team
Lancaster House
Hampshire Court
Newcastle Business Park
Newcastle upon Tyne
NE4 7YH
Tel: 0300 123 1032;

(b) Marine Management Organisation Coastal Office

Neville House
Central Riverside
Bell Street
North Shields
Tyne and Wear
NE30 1LJ
Tel: (24-hour answer phone) 0191 257 4520 or 0191 257 0159
Fax: 0191 257 1595;

(c) Trinity House

Navigation Directorate
Tower Hill
London
EC3N 4DH

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Tel: 020 7481 6900;

(d) The United Kingdom Hydrographic Office

Oil and Gas Section (RT1)

Admiralty Way

Taunton

Somerset

TA1 2DN

Tel: 01823 337 900;

(e) Maritime and Coastguard Agency

Navigation Safety Branch

Bay 2/04

Spring Place

105 Commercial Road

Southampton

SO15 1EG

Tel: 023 8032 9191;

(f) Centre for Environment, Fisheries and Aquaculture Science

Pakefield Road

Lowestoft

Suffolk

NR33 0HT

Tel: 01502 562 244;

(g) Natural England

Foundry House

3 Millsands

Riverside Exchange

Sheffield

S3 8NH

Tel: 0300 060 4911;

(h) English Heritage

Eastgate Court

195-205 High Street

Guildford

GU1 3EH

Tel: 01483 252 057.

Details of licensed marine activities

2.—(1) 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, subject to the conditions—

- (a) the deposit at sea of the substances and articles specified in sub-paragraph (3) 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 173,500 metres³ of inert material of natural origin produced during the drilling installation of monopiles or jacket foundations for Work No. 1 at disposal site reference IS135 Burbo Bank Extension OWF.

(2) The works referred to in (1)(b) comprise—

Work No. 1 –

- (a) an offshore wind turbine generating station with a gross electrical output capacity of up to 259 MW comprising up to 69 wind turbine generators each fixed to the sea bed by one of three foundation types (namely steel monopile foundation, gravity base foundation or jacket foundation), fitted with rotating blades and situated within the Order limits and further comprising (b) below;
- (b) a network of cables laid underground within the Order limits between the WTGs and Work No. 2, for the transmission of electricity and electronic communications between those different structures, including one or more cable crossings;

and in connection with Work No. 1 and to the extent that they do not otherwise form part of any such work, further associated development within the meaning of 115(2) of the 2008 Act 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;

and in connection with Work No. 1, works comprising—

- (c) temporary landing places, moorings or other means of accommodating vessels in the construction and/or maintenance of the authorised scheme; and
 - (d) buoys, beacons, fenders and other navigational warning or ship impact protections works.
- (3) The substances or articles authorised for deposit at sea are—
- (a) iron and steel;
 - (b) stone and rock;
 - (c) concrete;
 - (d) sand and gravel;
 - (e) plastic and synthetic;
 - (f) electrical apparatus including copper composites;
 - (g) material extracted from within the Order limits during construction drilling; and
 - (h) marine coatings, grout, other chemicals (such as water-based drilling muds) and timber.

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

<i>Point</i>	<i>Latitude (DD)</i>	<i>Longitude (DD)</i>	<i>Point</i>	<i>Latitude (DD)</i>	<i>Longitude (DD)</i>
A	53.502373	-3.376542	E	53.463884	-3.196287
B	53.502832	-3.220001	F	53.463623	-3.305973
C	53.494704	-3.223993	G	53.465333	-3.309167
D	53.470225	-3.179047	H	53.468333	-3.314667

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4. This licence shall remain 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.

5. The provisions of section 72 of the 2009 Act shall apply to this licence save that the provisions of section 72(7) relating to the transfer of the licence shall only apply to a transfer not falling within article 6 (benefit of the Order).

6. Where the words ‘unless otherwise agreed’ or ‘unless otherwise stated’ appear in the conditions in Part 2, any such agreement or statement may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the MMO that the subject matter of the approval or agreement sought is unlikely to give rise to any new or materially different environmental effects from those assessed in the environmental statement.