

SCHEDULE 14

Deemed licence under the 2009 Act – offshore transmission assets

PART 1

Licensed marine activities

1.—(1) In this licence—

“the 2004 Act” means the Energy Act 2004;

“the 2009 Act” means the Marine and Coastal Access Act 2009;

“the 2017 Offshore Regulations” means the Conservation of Offshore Marine Habitats and Species Regulations 2017(1);

“the 2017 Regulations” means the Conservation of Habitats and Species Regulations 2017(2);

“air clearance height” means the distance between the lowest point of the rotating blade of the wind turbine generator and MHWS;

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

“authorised scheme” means Work Nos. 2 to 6 described in paragraph 3 of Part 1 of this licence or any part of that work;

“best practice protocol for minimising disturbance to red-throated diver” means the document certified as the best practice protocol for minimising disturbance to red-throated diver by the Secretary of State for the purposes of the Order under article 36;

“buoy” means any floating device used for navigational purposes or measurement purposes, including LiDAR buoys, wave buoys and guard buoys;

“cable crossings” means the crossing of existing sub-sea cables or pipelines or other existing infrastructure by the platform link or export cables authorised by the Order together with physical protection measures including cable protection;

“cable protection” means measures to protect cables from physical damage and including, but not limited to, the use of bagged solutions filled with grout or other materials, protective aprons or coverings, mattresses, flow energy dissipation devices or rock and gravel burial;

“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 licensed marine activities authorised by this licence, save for operations consisting of offshore preparation works or pre-construction monitoring surveys approved under this licence and the words “commencement” and “commenced” 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;

“draft marine mammal mitigation protocol” means the document certified as the draft marine mammal mitigation protocol by the Secretary of State for the purposes of this Order under article 36;

(1) [S.I. 2017/1013](#).

(2) [S.I. 2017/1012](#).

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“enforcement officer” means a person authorised to carry out enforcement duties under Chapter 3 of Part 4 (marine licensing) of the 2009 Act under article 36;

“environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of the Order under article 36;

“European offshore marine site” has the meaning given in regulation 18 of the 2017 Offshore Regulations;

“European site” has the meaning given in regulation 27 of the 2017 Offshore Regulations;

“gravity base foundation” means a structure principally of steel, concrete, or steel and concrete which rests on the seabed either due to its own weight with or without added ballast or additional skirts and associated equipment including scour protection, J-tubes, corrosion protection systems and access platforms and equipment;

“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 under article 36;

“in principle East Anglia TWO Project Southern North Sea SAC Site Integrity Plan” means the document certified as the in principle East Anglia TWO Project Southern North Sea SAC Site Integrity Plan by the Secretary of State for the purposes of the Order under article 36;

“Historic England” means the Historic Buildings and Monuments Commission for England;

“intertidal area” means the area between MHWS and MLWS;

“jacket foundation” means a steel jacket/lattice-type structure constructed of steel which is fixed to the seabed at three or more points with steel pin piles or steel suction buckets and associated equipment including scour protection, J-tubes, corrosion protection systems and access platform(s) and equipment;

“JNCC Guidance” means the statutory nature conservation body ‘Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs’ Joint Nature Conservation Committee Report No.654, May 2020 published in June 2020 as amended, updated or superseded from time to time;

“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;

“licence 1 (generation)” means the licence set out in Schedule 13 (deemed licence under the 2009 Act – generation assets);

“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 offshore electrical platform or construction, operation and maintenance platform 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;

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

“mean low water springs” or “MLWS” means the average height of all low waters above Chart Datum;

“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;

“monopile foundation” means a steel pile, typically cylindrical, driven and/or drilled into the seabed and associated equipment including scour protection, J-tubes, corrosion protection systems and access platform(s) and equipment;

“offshore electrical platform” means a platform with one or more decks, whether open or fully clad, accommodating electrical power transformers, low, medium and/or high voltage switch gear, instrumentation, protection and control systems, neutral earthing resistors, reactive compensation, standby electrical generation equipment, fuelling facilities, auxiliary and uninterruptible power supply systems and transformers, accommodation, emergency shelter, craneage, metering stations, meteorological equipment, helicopter landing facilities, messing facilities, potable water storage, black water separation equipment, control hub, drainage facilities, access equipment, J-tubes, marking and lighting and other associated equipment and facilities to enable the transmission of electronic communications and for electricity to be collected at, and exported from, the platform;

“offshore Order limits” means the limits shown on the works plans within which the authorised scheme may be carried out;

“offshore platforms” means the construction, operation and maintenance platform and the offshore electrical platforms;

“offshore preparation works” means surveys, monitoring and UXO clearance activities seaward of MHWS undertaken prior to the commencement of construction to prepare for construction;

“the Order” means the East Anglia TWO Offshore Wind Farm Order 2022;

“outline fisheries liaison and coexistence plan” means the document certified as the outline fisheries liaison and coexistence plan by the Secretary of State for the purposes of the Order under article 36;

“outline navigation monitoring strategy” means the document certified as the outline navigation monitoring strategy by the Secretary of State for the purposes of the Order under article 36;

“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 under article 36;

“outline *Sabellaria* reef management plan” means the document certified as the outline *Sabellaria* reef management plan by the Secretary of State for the purposes of the Order under article 36;

“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 under article 36;

“pin piles” means steel cylindrical piles driven and/or drilled into the seabed to secure steel jacket foundations;

“platform link cables” means the cables linking offshore platforms to one another and described in Work No. 4;

“relevant site” means a European offshore marine site or a European site;

“SAC” means special area of conservation;

“statutory historic body” means Historic England or its successor in function;

“statutory nature conservation body” means the appropriate nature conservation body as defined in regulation 5 of the 2017 Regulations;

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“suction caisson” means large diameter steel cylindrical shells which penetrate the seabed assisted by a hydrostatic pressure differential for securing steel jacket foundations;

“suction caisson foundation” means a tubular steel structure which penetrates the seabed assisted by a hydrostatic pressure differential and associated equipment, including scour protection, J-tubes, corrosion protection systems and access platform(s) and equipment;

“transition bay” means an underground pit where the offshore export cables are jointed to the onshore cables;

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

“undertaker” means East Anglia TWO Limited (company number 11121842);

“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;

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

“UXO” means unexploded ordnance; and

“works plans” means the plans certified as the works plans 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 coordinates 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

Marine Licensing Team

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

Tel: 0208 026 6094;

(c) Trinity House

- Tower Hill
London
EC3N 4DH
Tel: 020 7481 6900;
- (d) The United Kingdom Hydrographic Office
Admiralty Way
Taunton
Somerset
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 2426;
- (f) Natural England
Area 1C, Nobel House
17 Smith Square
London
SW1P 2AL
Tel: 0300 060 4911;
- (g) Historic England
Brooklands
24 Brooklands Avenue
Cambridge
CB2 8BU
Tel: 01223 582749.

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 or on or under the sea bed;
- (c) dredging for the purposes of seabed preparation for foundation works and cable laying preparation works;
- (d) debris clearance works;
- (e) boulder clearance works either by displacement ploughing or subsea grab technique or other equivalent method;

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- (f) UXO clearance works;
- (g) the removal of out of service cables;
- (h) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation; and
- (i) the disposal of up to 1,887,600 m³ of inert material of natural origin and/or dredged material within the offshore Order limits produced during construction drilling or seabed preparation for foundation works, sandwave clearance and boulder clearance works at disposal site reference(s) to be provided by the MMO within the extent of the Order limits seaward of MHWS comprising—
 - (i) 668,800 m³ in respect of the construction, operation and maintenance platform and the offshore electrical platforms (some of which may alternatively be disposed under licence 1 (generation));
 - (ii) 150,000 m³ in respect of the platform link cables (some of which may alternatively be disposed under licence 1 (generation)); and
 - (iii) 1,068,800 m³ in respect of the subsea export cables.

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

(2) Work No. 2— up to one construction, operation and maintenance platform fixed to the seabed within the area shown on the works plans by one of four foundation types (namely monopile, jacket on suction caissons, jacket on piles or gravity base) (which may alternatively be constructed under licence 1 (generation));

(3) Work No. 3— up to four offshore electrical platforms fixed to the seabed within the area shown on the works plans by one of four foundation types (namely monopile, jacket on suction caissons, jacket on piles or gravity base) (which may alternatively be constructed under licence 1 (generation));

(4) Work No. 4— a network of subsea platform link cables within the area shown on the works plans between the offshore electrical platforms comprising Work No. 3 and between the construction, operation and maintenance platform comprising Work No. 2 and the offshore electrical platforms comprising Work No. 3 for the transmission of electricity and electronic communications including one or more cable crossings (which may alternatively be constructed under licence 1 (generation));

(5) Work No. 5— up to two subsea export cables between Work No. 3 and Work No. 6 within the area shown on the works plans including one or more cable crossings;

(6) Work No. 6— a landfall connection works consisting of up to two cables laid underground from Work No. 5 to the transition bays;

(7) In connection with such Work Nos. 2 to 6 and to the extent that they do 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, including—

- (a) scour protection around the foundations of the offshore structures;
- (b) cable protection measures such as rock placement and the placement of concrete mattresses and frond mattresses;
- (c) dredging;
- (d) the removal of material from the seabed required for the construction of Work Nos. 2 to 6 and the disposal of seabed sediments produced during construction drilling and seabed preparation for the installation of the foundations of the offshore structures or during seabed preparation for cable laying;

(8) In connection with such Work Nos. 2 to 6, 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) bentonite drilling mud;
- (g) material extracted from within the offshore Order limits during construction drilling and seabed preparation for foundation works and sandwave clearance works; and
- (h) marine coatings, other chemicals and timber.

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

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	52° 14 39.654N	02° 11 21.656E
2	52° 15 04.022N	02° 13 12.152E
3	52° 02 57.281N	02° 19 46.696E
4	52° 02 52.969N	02° 08 40.302E
5	52° 03 53.133N	02° 07 14.881E
6	52° 08 38.942N	02° 07 41.310E
7	52° 13 29.526N	02° 08 08.272E
8	52° 17 42.613N	02° 08 31.830E
9	52° 18 44.262N	02° 06 49.319E
10	52° 18 39.650N	01° 57 24.848E
11	52° 17 25.858N	01° 54 09.969E
12	52° 17 24.663N	01° 52 03.374E
13	52° 15 14.373N	01° 45 57.606E
14	52° 15 04.711N	01° 49 39.684E
15	52° 15 01.611N	01° 49 53.749E
16	52° 14 55.768N	01° 50 02.126E
17	52° 11 16.087N	01° 53 12.972E
18	52° 11 06.257N	01° 53 33.515E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
19	52° 10 49.579N	01° 55 24.050E
20	52° 10 56.146N	01° 59 23.916E
21	52° 11 39.569N	02° 01 58.824E
22	52° 11 52.131N	02° 03 14.901E
23	52° 11 21.410N	02° 03 41.116E
24	52° 11 06.526N	02° 02 15.690E
25	52° 09 40.842N	01° 57 07.198E
26	52° 09 39.286N	01° 55 07.950E
27	52° 10 54.492N	01° 52 29.501E
28	52° 14 31.482N	01° 49 20.497E
29	52° 14 40.142N	01° 45 33.942E
30	52° 14 29.510N	01° 45 06.050E
31	52° 10 51.365N	01° 42 32.460E
32	52° 09 56.713N	01° 39 52.443E
33	52° 09 53.117N	01° 38 40.253E
34	52° 10 06.702N	01° 37 38.597E
35	52° 10 44.466N	01° 37 04.551E
36	52° 11 01.504N	01° 37 17.750E
37	52° 11 02.378N	01° 37 15.833E
38	52° 11 11.451N	01° 37 20.545E
39	52° 11 22.030N	01° 37 22.233E
40	52° 11 30.678N	01° 37 21.417E
41	52° 11 31.210N	01° 37 24.534E
42	52° 11 33.421N	01° 37 24.505E
43	52° 11 53.663N	01° 37 50.246E
44	52° 12 26.106N	01° 40 17.584E
45	52° 13 37.194N	01° 41 04.014E
46	52° 15 54.943N	01° 45 03.442E
47	52° 18 25.193N	01° 52 05.276E
48	52° 20 19.496N	01° 56 37.327E
49	52° 20 25.400N	02° 08 48.429E
50	52° 20 02.196N	02° 08 47.461E
51	52° 20 02.235N	02° 10 29.142E

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
52	52° 19 10.459N	02° 10 57.491E
53	52° 19 10.435N	02° 09 35.567E
54	52° 16 21.190N	02° 09 19.730E

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) and (8) 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 licence, 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 the details, plan or scheme must be in accordance with the principles and assessments set out in the environmental statement, and approval for an amendment may be given only where it has been demonstrated to the satisfaction of the MMO that the amendment is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.