

SCHEDULE 2

Deemed licence under the Marine and Coastal Access Act 2009

PART 1

Interpretation

1.—(1) In this Schedule—

“the 1990 Act” means the Town and Country Planning Act 1990(1);

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

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

“authorised deposits” means the substances and articles specified in paragraph 2(4) of Part 1 of this Schedule;

“authorised development” means the development described in Part 1 of Schedule 1 to the Order;

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

“the centre point of a wind turbine” means the centre point bisecting the turbine tower, transition piece and foundation;

“commence” means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) forming part of the authorised development other than operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions and “commencement” shall be construed accordingly;

“enforcement officer” means a marine enforcement officer within the meaning of section 235 of the 2009 Act;

“English Heritage” means the Historic Buildings and Monuments Commission for England or any successor to its statutory functions;

“the Environment Agency” means the body established under the Environment Act 1995(3) or any successor to its statutory functions;

“the environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of the Order being application document reference number 4.1-4.3 dated October 2011;

“the Health and Safety Executive” or “HSE” means the body established under section 10 of the Health and Safety at Work etc. Act 1974(4) or any successor to its statutory functions or other authority performing, carrying out or having the same regulatory functions as the HSE has at the date of this licence;

“the intertidal area” means the area between mean high water level and mean low water level;

“the 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 Schedule;

(1) 1990 c. 8.

(2) 2008 c. 29.

(3) 1995 c. 25.

(4) 1974 c. 37; section 10 of the Health and Safety at Work Act is substituted by S.I. 2008/960.

- “the licence conditions” means the conditions set out in Part 2 of this Schedule;
- “licensed activities” means the activities listed in Part 1 of this Schedule;
- “the Marine Management Organisation” or “MMO” means the body of that name created under the Marine and Coastal Access Act 2009 or any successor to its functions;
- “the Maritime and Coastguard Agency” or “MCA” means the executive agency of the Department for Transport or any successor to its functions;
- “mean high water level” or “MHW” means the level of mean high water spring tides;
- “mean low water level” or “MLW” means the level of mean low water spring tides;
- “monopile foundation” means a metal pile, typically cylindrical, driven and/or drilled into the seabed and associated equipment;
- “Natural England” means the body established by section 1 of the Natural Environment and Rural Communities Act 2006 or any successor to its statutory functions;
- “notice to mariners” includes any notice to mariners which may be issued by the Admiralty, Trinity House, Queen’s harbourmasters, government departments and harbour and pilotage authorities;
- “the Order” means the Kentish Flats Extension Order 2013;
- “the Order limits” means the limits shown on the Order limits plan and works plan as the limits within which the authorised development may be carried out;
- “the Order limits plan” means plan No 2.1 (Drawing no. 9V9546/30/001 rev. 004) certified as the Order limits plan by the Secretary of State for the purposes of the Order;
- “PLA” means the Port of London Authority or any successor to its statutory functions;
- “the project design statement” means the document certified as the project design statement by the Secretary of State for the purposes of the Order being document reference number 7.2 dated 10 October 2011;
- “regulatory authorities” means any government department, public, local or regulatory or any other authority or institution having regulatory functions, powers, duties and obligations having the full force of law;
- “the Requirements” means the requirements set out in paragraphs 2 to 18 of Part 3 of Schedule 1 to the Order;
- “Trinity House” means the Corporation of Trinity House of Deptford Strond or any successor to its functions;
- “the UK Hydrographic Office” means the Hydrographic Office of the Ministry of Defence, Taunton, Somerset TA1 2DN or any replacement body or successor to its functions;
- “the undertaker” means, subject to article 7(3) of the Order, Vattenfall Wind Power Ltd;
- “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;
- “VHF” means very high frequency; and
- “wind turbine generator” or “wind turbine” means a structure comprising any or all of a tower, transition piece, rotor, blades, nacelle and ancillary electrical and other equipment which may include lighting, j-tubes, transition piece, access and rest platforms, access ladders, boat access systems, corrosion protection systems, fenders and maintenance equipment, fixed to a foundation;

“the works plan” means the plan No 5.4 (Drawing no. 9V9546/30/005 rev. 006) certified as the works plan by the Secretary of State for the purposes of the Order.

(2) In this Schedule references to the locations of a wind turbine are references to the centre point of that turbine.

(3) 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

Marine Environment Team
PO Box 1275
Newcastle upon Tyne
NE99 5BN
Tel: 0191 376 2525

(b) Marine Management Organisation

Coastal Office
Fish Market
Rock-A-Nore Road
Hastings
East Sussex
TN34 3DW

(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 2/04
Spring Place
105 Commercial Road
Southampton
SO15 1EG
Tel: 023 8032 9191

(f) Centre of Environment, Fisheries and Aquaculture Science

Pakefield Road

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The Kentish Flats Extension Order 2013, PART 1. (See end of Document for details)

Lowestoft
Suffolk
NR33 0HT
Tel: 01502 562 244

(g) The Environment Agency

Orchard House
Endeavour Park
London Road
Addington
West Malling
Kent
ME19 5SH
Tel: 01732 223272

(h) Natural England

Hercules House
Hercules Road
Lambeth
London
SE1 7DU
Tel: 0300 060 4911

(i) English Heritage

Eastgate Court
195-205 High Street
Guildford
GU1 3EH
Tel: 01483 252 057

(j) Port of London Authority

London River House
Royal Pier Road
Gravesend
Kent
DA12 2BG
Tel 01474 562200

Commencement Information

II Sch. 2 Pt. 1 para. 1 in force at 20.2.2013, see [art. 1](#)

Details of licensed marine activities

2.—(1) 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 pursuant to section 66(1) of the 2009 Act—

- (a) the deposit at sea of the substances and articles specified in sub-paragraph (3);
 - (b) the construction of works in or over the sea and/or on or under the sea bed; and
 - (c) sampling or investigative works required in connection with paragraphs (a) and (b).
- (2) Such activities are authorised in relation to the construction and operation of—
- (a) within the offshore development area—
 - (i) Work No. 1a—
 - between 10 and 17 (inclusive) wind turbine generators fixed to the seabed by monopile foundations; and
 - (ii) Work No. 1b—
 - a network of inter-array cables connecting the wind turbine generators to each other.

Co-ordinates for offshore development area

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
A1	51°27'58.960"	01°01'57.889"
A2	51°28'06.600"	01°03'13.800"
A3	51°26'49.200"	01°04'51.000"
A4	51°27'08.400"	01°08'02.400"
A5	51°26'48.536"	01°08'27.326"
A6	51°26'21.713"	01°04'00.060"

(b) and associated development within the meaning of section 115(2) of the 2008 Act comprising within the export cable area—

- (i) Work No. 2a—
 - a connection within the Order limits seaward of mean high water level consisting of subsea cables from one or more of the wind turbine generators comprised within Work No. 1a to shore, including cable crossing works.

Co-ordinates for export cable area

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
B1	51°26'49.516"	01°03'25.151"
B2	51°26'57.154"	01°04'41.017"
B3	51°26'49.200"	01°04'51.000"
B4	51°27'08.400"	01°08'02.400"
B5	51°26'44.304"	01°08'32.636"
B6	51°26'30.954"	01°06'19.501"
B7	51°22'34.716"	01°06'13.284"
B8	51°22'20.604"	01°05'58.812"

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<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
B9	51°22'19.812"	01°05'58.812"
B10	51°22'19.92"	01°05'56.256"
B11	51°22'33.685"	01°05'26.707"
B12	51°26'26.282"	01°05'32.847"
B13	51°26'17.484"	01°04'05.369"

(3) For the avoidance of doubt, this licence does not authorise the decommissioning of the authorised development for which a separate marine licence may be required.

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

- (a) metal;
- (b) stone and rock;
- (c) concrete;
- (d) sand; and
- (e) plastic/synthetic.

(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 7 of the Order.

Commencement Information

I2 Sch. 2 Pt. 1 para. 2 in force at 20.2.2013, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Kentish Flats Extension Order 2013, PART 1.