

SCHEDULE 10

Marine Licence B1: Project B – Generation Assets

PART 1

Licensed activities

Interpretation

1.—(1) In this licence—

“2008 Act” means the Planning Act 2008;

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

“ancillary works” means the ancillary works described in clause 2 of Part 1 of this licence that are not development within the meaning of section 32 of the 2008 Act;

“Annex 1 habitat” means a habitat set out in Annex 1 to Council [Directive 92/43/EEC](#) of 21st May 1992 on the conservation of natural habitats and of wild fauna and flora;

“authorised deposits” means the substances and articles specified in clause 2(3) of Part 1 of this licence;

“authorised development” means the development described in Part 1 of Schedule 1 to the Order that is development within the meaning of section 32 of the 2008 Act;

“authorised project” means the authorised development and the ancillary works authorised by the Order;

“authorised scheme” means Work No. 1B described in clause 2 of Part 1 of this licence;

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

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

“construction vessel” means any vessel involved in the course of or used for the construction and/or maintenance of the authorised project;

“debris” means items or equipment of a significant size left on the seabed being lost from survey or construction vessels or the structures comprised within the authorised scheme;

“EIA Regulations” means the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009;

“electrical circuit” means a number of electrical conductors necessary to transmit electricity between 2 points within the authorised project, comprising—

- (a) in the case of HVAC transmission, 3 conductors which may be bundled as 1 cable; and
- (b) in the case of HVDC transmission, 2 conductors, which may be attached together or take the form of single cables,

and the electrical circuit may include 1 or more auxiliary cables (normally fibre-optic cables) for the purpose of control, monitoring, protection or general communications;

“enforcement officer” means a person authorised to carry out enforcement duties under Chapter 3 of Part 4 of the 2009 Act;

“environmental statement” means the document certified as the environmental statement by the Secretary of State under article 40 of the Order;

“gravity base foundation” means—

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- (a) a structure principally of concrete or steel (or both) that rests on the seabed due to its own weight and that of added ballast or to the weight of water above it and may include associated equipment including suction piles, J-tubes and access platforms; or
- (b) a structure principally of concrete or steel (or both) consisting of a platform supported on 2 pontoons to which the platform is connected by columns which may be connected by braces;

“HVAC” means high voltage alternating current;

“HVDC” means high voltage direct current;

“in-principle monitoring plan” means the document certified as the in-principle monitoring plan by the Secretary of State under article 40 of the Order;

“intra-array electrical circuits” means the circuits described in clause 2(2)(b) of Part 1 of this licence;

“jacket foundation” means a lattice construction comprising tubular members and joints fixed to the seabed with piles (either driven/drilled piles or suction piles) which will include platforms and J-tubes and may include braced monopiles and a transition piece;

“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”, unless otherwise provided for, includes inspect, repair, adjust, alter, remove, reconstruct and replace any of the authorised development; and any derivative of “maintain” must be construed accordingly;

“Marine Noise Registry” means the online database maintained by the Joint Nature Conservation Committee on behalf of the Department for Environment, Food and Rural Affairs that records the spatial and temporal distribution of impulsive noise-generating activities in United Kingdom seas in order that they can be analysed to determine whether they may potentially compromise the achievement of good environmental status;

“MCA” means the Maritime and Coastguard Agency;

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

“MMO” means the Marine Management Organisation;

“monopile foundation” means a foundation comprising a large diameter steel or concrete tube or pile driven vertically into the seabed, J-tubes and platforms and may include external structural devices such as bracing members or steel anchor wires and a transition piece;

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

“offshore accommodation platform” means a platform housing or incorporating temporary accommodation, landing ports for vessels and helicopters, standby electricity generation equipment, marking and lighting and other equipment facilities to assist in the co-ordination of marine activities related to the authorised scheme;

“offshore HVAC collector substation” means a structure serving as a collection point for the intra-array electrical circuits and containing equipment for the purpose of transforming the electricity generated at the wind turbine generators to a higher voltage; it may also include a helicopter platform;

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“offshore HVDC converter substation” means a structure that contains equipment to convert HVAC electricity to HVDC electricity; it may also include a helicopter platform;

“Order” means the Hornsea Two Offshore Wind Farm Order 2016;

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

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

“survey vessel” means a vessel licensed to carry out environmental or engineering surveys;

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

“UK Hydrographic Office” means the Hydrographic Office of the Ministry of Defence or any replacement body or successor to its functions;

“undertaker” means Breesea Limited (company number 07883217) or, to the extent that the benefit of the provisions of the Order and related statutory rights in relation to Work No. 1B and such associated development or ancillary works has been transferred under article 35 of the Order to another person, that other person;

“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 that is at the time in, on or over water;

“wind farm area” means the area within the limits of deviation for Work No. 1B whose co-ordinates are set out in Part 1 of Schedule 1 to the Order and shown on the works plans;

“wind turbine generator” means a structure comprising any or all of a tower, rotor, blades, nacelle and ancillary electrical and other equipment or structures, which may include lighting and a helicopter platform, fixed to a foundation;

“working day” means any day other than a Saturday, Sunday or public holiday in England and Wales;

“Work No. 1A” means an offshore wind generating station within the wind farm area and described as Work No. 1A in Part 1 of Schedule 1 to the Order;

“Work No. 1B” means an offshore wind generating station within the wind farm area and described as Work No. 1B in clause 2 of Part 1 of this licence;

“Work No. 2A” means up to 6 offshore HVAC collector substations and, in the event that the mode of transmission is HVDC, up to 2 offshore HVDC converter substations together with a network of electrical circuits connecting the structures within Work Nos. 2A and 2B;

“Work No. 2B” means up to 6 offshore HVAC collector substations and, in the event that the mode of transmission is HVDC, up to 2 offshore HVDC converter substations together with a network of electrical circuits connecting the structures within Work Nos. 2A and 2B;

“works plans” means the plans certified as the works plans by the Secretary of State under article 40 of the Order, comprising the offshore works plans, the intertidal works plans and the onshore works plans.

(2) A reference to any statute, order, regulation or similar instrument must be construed as a reference to the 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 Greenwich Mean Time (GMT);

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- (b) all co-ordinates are latitude and longitude degrees, minutes and seconds to 3 decimal places in WGS84 Datum.
- (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 is—
 - (a) Marine Management Organisation
 - Marine Licensing Team
 - Lancaster House
 - Hampshire Court
 - Newcastle-upon-Tyne NE4 7YH
 - Tel: 0300 123 1032
 - E-mail: marine.consents@marinemanagement.org.uk
 - (b) Marine Management Organisation (referred to as the “MMO 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
 - E-mail: northshields@marinemanagement.org.uk
 - (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 for Environment, Fisheries and Aquaculture Science
 - Pakefield Road
 - Lowestoft
 - Suffolk NR33 0HT
 - Tel: 01502 562 244

- (g) Natural England
Foss House
Kings Pool
1-2 Peasholme Green
York YO1 7PX
Tel: 0300 060 1911
- (h) Historic Buildings and Monuments Commission for England (referred to as “Historic England”)
Eastgate Court
195-205 High Street
Guildford GU1 3EH
Tel: 01483 252 057.

Commencement Information

II Sch. 10 Pt. 1 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

Details of licensed activities

2.—(1) This licence authorises the undertaker (and any agent or contractor acting on its behalf) to carry out the following licensable marine activities pursuant to section 66(1) of the 2009 Act, subject to the Conditions—

- (a) the deposit at sea of the substances and articles specified in paragraph (3);
- (b) the construction of works in or over the sea and/or on or under the sea bed;
- (c) dredging for the purposes of seabed preparation for foundation works and/or electrical circuit works;
- (d) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation;
- (e) the disposal at disposal site reference HU211 of up to 2,427,666 cubic metres comprising inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work No. 1B, provided that the combined total volume of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work Nos. 1A and 1B disposed of at disposal site reference HU211 must not exceed 2,427,666 cubic metres;
- (f) the disposal at disposal site reference HU211 of up to 400,852 cubic metres comprising inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work No. 1B, provided that the combined total volume of inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 1A and 1B disposed of at disposal site reference HU211 must not exceed 400,852 cubic metres; and
- (g) the removal of the substances and articles specified in paragraph (3).

(2) The activities are authorised in relation to the construction, maintenance and operation of—
Work No. 1B — An offshore wind generating station within the wind farm area comprising—

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- (a) up to 300 wind turbine generators fixed to the seabed, provided that the combined total of wind turbine generators constructed in whole or in part within Work Nos. 1A and 1B must not exceed 300;
- (b) a network of subsea intra-array electrical circuits connecting the structures comprised in Work No. 1B—
- (i) with other such structures;
 - (ii) with any other structure located within the wind farm area; and
 - (iii) with the network of electrical circuits comprised in Work Nos. 1A, 2A and 2B;
- (c) up to 2 offshore accommodation platforms fixed to the seabed which may be connected to one of the offshore HVAC collector substations or offshore HVDC converter substations within Work No. 2B by an unsupported steel bridge and up to 2 electrical circuits each connecting an accommodation platform to either an offshore HVAC collector substation or to a wind turbine generator in order to power the accommodation platform, provided that the combined total of offshore accommodation platforms constructed in whole or in part within Work Nos. 1A and 1B must not exceed 2.

Co-ordinates for wind farm area (limits of deviation for Work Nos. 1A, 1B, 2A and 2B)—

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	54° 0' 31.626" N	1° 26' 19.993" E
2	54° 0' 18.479" N	1° 38' 37.320" E
3	54° 0' 15.768" N	1° 40' 21.864" E
4	53° 59' 36.924" N	2° 3' 45.936" E
5	53° 57' 24.509" N	2° 6' 6.700" E
6	53° 57' 12.481" N	2° 4' 32.376" E
7	53° 56' 46.586" N	2° 5' 4.031" E
8	53° 56' 16.303" N	2° 1' 15.269" E
9	53° 55' 22.663" N	2° 2' 14.219" E
10	53° 55' 2.525" N	1° 59' 45.776" E
11	53° 55' 35.429" N	1° 59' 20.944" E
12	53° 55' 8.162" N	1° 56' 10.619" E
13	53° 55' 23.329" N	1° 55' 20.262" E
14	53° 55' 37.592" N	1° 53' 38.108" E
15	53° 55' 31.318" N	1° 52' 54.282" E
16	53° 56' 22.870" N	1° 51' 57.409" E
17	53° 55' 46.445" N	1° 47' 47.796" E
18	53° 58' 42.179" N	1° 44' 31.880" E
19	53° 58' 17.828" N	1° 41' 46.795" E
20	53° 56' 29.670" N	1° 43' 45.592" E
21	53° 56' 3.228" N	1° 41' 0.143" E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
22	53° 55' 9.293" N	1° 39' 52.024" E
23	53° 50' 5.118" N	1° 38' 58.430" E
24	53° 50' 7.210" N	1° 26' 59.953" E

And in connection with Work No. 1B, further associated development as may be necessary or expedient in connection with the authorised scheme within the Order limits and is within the scope of the environmental impact assessment recorded in the environmental statement.

And in connection with Work No. 1B, ancillary works consisting of works and operations within the Order limits comprising temporary anchorage of vessels and buoys, beacons, fenders and other navigational warning or ship impact protection works.

(3) The substances or articles authorised for deposit at sea and removal are—

- (a) iron and steel;
- (b) stone and rock;
- (c) concrete;
- (d) sand and gravel;
- (e) plastic and synthetic; and
- (f) material extracted from within the wind farm area during construction drilling and seabed preparation for foundation works.

(4) The grid co-ordinates for disposal site reference HU211 are—

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	54° 0' 31.626" N	1° 26' 19.993" E
2	54° 0' 18.479" N	1° 38' 37.320" E
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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
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21	53° 56' 3.228" N	1° 41' 0.143" E
22	53° 55' 9.293" N	1° 39' 52.024" E
23	53° 50' 5.118" N	1° 38' 58.430" E
24	53° 50' 7.210" N	1° 26' 59.953" E

(5) Section 72 of the 2009 Act applies to this licence, except that subsections (7) and (8) relating to the transfer of the licence apply only to a transfer not falling within article 35 of the Order.

Commencement Information

I2 Sch. 10 Pt. 1 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

Maintenance of authorised project

3.—(1) The undertaker may at any time maintain the authorised project, except to the extent that this licence or an agreement made under this licence provides otherwise.

(2) No maintenance works whose likely effects on the environment require to be assessed in accordance with the EIA Regulations and are not assessed in the environmental statement may be carried out, unless otherwise approved by the MMO.

(3) Where the MMO's approval is required under paragraph (2), approval may be given only where it has been demonstrated to the satisfaction of the MMO that the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

Commencement Information

I3 Sch. 10 Pt. 1 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

Duration

4. 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 Energy Act 2004, including any modification to the programme under section 108, and the completion of the programme has been confirmed by the Secretary of State in writing.

Commencement Information

I4 Sch. 10 Pt. 1 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 Pt.03 para. 6(l) words substituted by [S.I. 2016/1104 Sch.](#)
- Sch. 12 Pt. 6 para. 5(a) words substituted by [S.I. 2016/1154 Sch. 29 Pt. 2 para. 118\(4\)](#)