

SCHEDULE 9

Deemed licence under Marine and Coastal Access Act 2009

PART 1

Licensed marine activities

Interpretation

1.—(1) In this licence—

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

“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);

“authorised scheme” means Work Nos. 1 and 2 described in clause 2;

“cable” includes fibre-optic cables either within the cable or laid alongside it;

“cable ducts” means conduits for the installation of electrical cables;

“cable protection” means measures to protect cables from physical damage and exposure due to loss of sea bed sediment including (but not limited to) the use of bagged solutions filled with gravel or other materials as approved by the MMO, protective aprons or covering mattresses, flow energy dissipation devices or rock and gravel placement;

“collector substations” means the collector substations authorised by the Triton Knoll Offshore Wind Farm Order 2013;

“commence” means begin to carry out the licensed marine activities other than pre-construction surveys or monitoring; and “commencement” must be construed accordingly;

“Condition” means a condition in Part 2;

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

“environmental statement” means the document certified as the environmental statement by the Secretary of State under article 35 of the Order;

“Historic England” means the Historic Buildings and Monuments Commission for England or any replacement body;

“horizontal directional drilling works” means works for the laying of cables by means of horizontal directional drilling and includes exit for horizontal directional drilling and related works;

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

“licensed marine activities” means the activities specified in Part 1;

“maintain” includes—

- (a) inspect, upkeep, repair, adjust and alter; and
- (b) in relation to any of the ancillary works in Part 2 of Schedule 1 to the Order, remove, reconstruct and replace,

to the extent assessed in the environmental statement; and “maintenance” must be construed accordingly;

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“MCA” means the Maritime and Coastguard Agency;

“MHWS” (mean high water springs) means the average throughout a year of the heights of 2 successive high waters during the periods of 24 hours when the range of the tide is greatest as defined by the MMO and shown on the Order limits plans;

“MMO” means the Marine Management Organisation;

“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;

“offshore Order limits” means the limits shown on the Order limits plans within which the authorised scheme may be carried out, whose grid co-ordinates are set out in clause 2(4);

“Order” means the Triton Knoll Electrical System Order 2016;

“Order limits plans” means the plans certified as the Order limits plans by the Secretary of State under article 35 of the Order;

“outline offshore written scheme of investigation” means the document certified as the outline offshore written scheme of investigation by the Secretary of State under article 35 of the Order;

“outline offshore operations and maintenance plan” means the document certified as the outline offshore operations and maintenance plan by the Secretary of State under article 35 of the Order;

“statutory nature conservation body” means the Government’s advisor on the natural environment;

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

“UKHO” means the United Kingdom Hydrographic Office;

“undertaker” means Triton Knoll Offshore Wind Farm Limited (company number 03696654);

“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. 3” means Work No. 3 as set out in Part 1 of Schedule 1 to the Order.

(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);

(b) all co-ordinates are latitude and longitude degrees, minutes and seconds to 3 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 is—

(a) Marine Management Organisation

Offshore Marine Licensing

Lancaster House

Hampshire Court

Newcastle-upon-Tyne NE4 7YH

Tel: 0300 123 1032

(b) Marine Management Organisation (coastal office)

- Estuary House
Wharnccliffe Road
Grimsby
Lincolnshire DN31 3QL
Tel: 01472 355 112
- (c) Trinity House
Tower Hill
London EC3N 4DH
Tel: 0207 481 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 S015 1EG
Tel: 023 8032 9448
- (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 Y01 7PX
Tel: 0300 060 4911
- (h) The Historic Buildings and Monuments Commission for England
Eastgate Court
195-205 High Street
Guildford GU1 3EH
Tel: 01483 252 057
- (i) Joint Nature Conservation Committee
Inverdee House

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Baxter Street
Aberdeen AB11 9QA

Details of licensed marine activities

2.—(1) This licence authorises the undertaker (and any agent or contractor acting on its behalf) to carry out seaward of MHWS 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 paragraph (3);
 - (b) the construction of works in or over the sea and/or on or under the sea bed; and
 - (c) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation.
- (2) The activities are authorised in relation to the construction, maintenance and operation of—
- (a) Work No. 1 – up to 6 cables for the transmission of high voltage alternating current electricity together with fibre-optic cables for the transmission of electronic communications laid on or beneath the seabed between the collector substations and Work No. 2 including pipeline crossings and cable protection;
 - (b) Work No. 2 – up to 6 cables for the transmission of high voltage alternating current electricity together with fibre-optic cables for the transmission of electronic communications laid in cable ducts from mean low water connecting Work No. 1 and Work No. 3;
 - (c) in connection with Work Nos. 1 and 2, ancillary works within the offshore Order limits seaward of MHWS which have been subject to an environmental impact assessment recorded in the environmental statement comprising—
 - (i) temporary landing places, moorings or other means of accommodating vessels in the construction and/or maintenance of the authorised scheme;
 - (ii) temporary or permanent buoys, beacons, fenders and other navigational warning or ship impact protection works;
 - (iii) cable route preparation works;
 - (iv) the removal, reconstruction or alteration of the position of subsea cables existing at the date of commencement of the licensed marine activities; and
 - (v) horizontal directional drilling exit pits.
- (3) The substances or articles authorised for deposit at sea are—
- (a) iron/steel;
 - (b) stone and rock;
 - (c) concrete;
 - (d) sand and gravel;
 - (e) plastic/synthetic; and
 - (f) marine coatings, other chemicals and timber.

(4) The grid co-ordinates for the offshore Order limits seaward of MHWS are specified below and more particularly shown on the Order limits plans—

Co-ordinates for offshore Order limits seaward of MHWS

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<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
AI	53° 32' 16.234" N	0° 51' 40.692" E	G	53° 17' 0.671" N	0° 23' 40.084" E
AJ	53° 24' 31.248" N	0° 59' 39.385" E	H	53° 17' 20.885" N	0° 24' 5.700" E
AS	53° 22' 56.159" N	0° 46' 8.201" E	I	53° 17' 25.462" N	0° 24' 16.736" E
AT	53° 22' 35.877" N	0° 45' 39.771" E	J	53° 19' 9.809" N	0° 25' 20.599" E
AU	53° 20' 58.870" N	0° 45' 30.470" E	K	53° 19' 38.094" N	0° 25' 44.472" E
AV	53° 20' 18.829" N	0° 44' 23.598" E	L	53° 20' 27.460" N	0° 26' 42.541" E
AW	53° 20' 2.612" N	0° 43' 18.260" E	M	53° 20' 43.520" N	0° 27' 29.635" E
AX	53° 20' 1.822" N	0° 41' 58.661" E	N	53° 20' 46.705" N	0° 28' 38.086" E
AY	53° 20' 4.107" N	0° 41' 22.273" E	O	53° 20' 39.043" N	0° 34' 13.401" E
AZ	53° 20' 1.898" N	0° 40' 30.850" E	P	53° 20' 31.962" N	0° 35' 58.445" E
BA	53° 19' 58.395" N	0° 39' 51.749" E	Q	53° 20' 32.022" N	0° 36' 28.081" E
BB	53° 19' 59.805" N	0° 37' 16.544" E	R	53° 20' 35.314" N	0° 37' 11.880" E
BC	53° 19' 56.528" N	0° 36' 32.931" E	S	53° 20' 33.895" N	0° 39' 46.605" E
BD	53° 19' 56.382" N	0° 35' 55.878" E	T	53° 20' 37.303" N	0° 40' 24.656" E
BE	53° 20' 3.584" N	0° 34' 8.235" E	U	53° 20' 39.751" N	0° 41' 23.781" E
BF	53° 20' 11.127" N	0° 28' 36.545" E	V	53° 20' 37.410" N	0° 42' 1.047" E
BG	53° 20' 7.964" N	0° 27' 43.904" E	W	53° 20' 37.931" N	0° 43' 9.122" E
BH	53° 20' 1.938" N	0° 27' 23.706" E	X	53° 20' 47.002" N	0° 43' 46.826" E
BI	53° 19' 17.721" N	0° 26' 33.517" E	Y	53° 21' 11.473" N	0° 44' 32.598" E
BJ	53° 18' 55.345" N	0° 26' 14.927" E	Z	53° 22' 14.571" N	0° 44' 36.340" E
BK	53° 17' 2.447" N	0° 25' 4.201" E	AA	53° 22' 50.453" N	0° 44' 45.224" E
BL	53° 16' 54.685" N	0° 24' 46.623" E	AB	53° 23' 37.771" N	0° 45' 8.186" E
BM	53° 16' 37.940" N	0° 24' 25.834" E	AC	53° 24' 10.968" N	0° 45' 42.526" E
BN	53° 16' 4.626" N	0° 23' 15.114" E	AD	53° 25' 2.619" N	0° 44' 32.111" E
BO	53° 15' 55.271" N	0° 21' 40.714" E	AE	53° 28' 4.193" N	0° 44' 10.434" E
BP	53° 15' 52.991" N	0° 20' 45.646" E	AF	53° 28' 19.752" N	0° 44' 13.790" E
BQ	53° 15' 51.994" N	0° 20' 34.705" E	AG	53° 29' 12.732" N	0° 41' 28.840" E
BR	53° 15' 51.249" N	0° 19' 42.683" E	AH	53° 31' 42.626" N	0° 42' 58.368" E
BS	53° 15' 58.542" N	0° 19' 24.827" E	AR	53° 24' 6.378" N	0° 48' 43.578" E
BT	53° 16' 0.730" N	0° 19' 19.467" E	AQ	53° 24' 46.233" N	0° 49' 44.994" E
A	53° 16' 6.688" N	0° 19' 15.877" E	AP	53° 25' 38.625" N	0° 52' 49.002" E
B	53° 16' 23.419" N	0° 19' 35.327" E	AO	53° 25' 38.029" N	0° 53' 0.402" E
C	53° 16' 27.466" N	0° 20' 29.534" E	AN	53° 25' 21.824" N	0° 53' 25.522" E

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D	53° 16' 28.433" N	0° 20' 40.181" E	AM	53° 24' 38.801" N	0° 55' 38.414" E
E	53° 16' 30.664" N	0° 21' 34.324" E	AL	53° 24' 39.002" N	0° 56' 17.146" E
F	53° 16' 38.211" N	0° 22' 53.464" E	AK	53° 24' 31.246" N	0° 56' 45.454" E

Decommissioning

3.—(1) This licence does not permit the decommissioning of the authorised scheme.

(2) No decommissioning activity may commence until a decommissioning programme has been approved by the Secretary of State under section 106 of the Energy Act 2004.

(3) At least 4 months before carrying out any decommissioning activity, the undertaker must notify the MMO of the proposed activity to establish whether a marine licence is required for the activity.

Application of section 72 of Marine and Coastal Access Act 2009

4. Section 72 of the 2009 Act applies to this licence, except that subsection (7) relating to the transfer of the licence applies only to a transfer not falling within article 5 of the Order.

Agreement to variations

5. Where the words “unless otherwise agreed” appear in the Conditions, any agreement may be given only where it has been demonstrated to the satisfaction of the MMO (or the MCA, as the case may be) that such agreement is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.