

SCHEDULES

SCHEDULE 10

Deemed Marine Licences under the Marine and Coastal Access Act 2009 – Deemed Marine Licence 3

PART 1

Licensed marine activities

Interpretation

1.—(1) In this licence—

“the 2008 Act” means the Planning Act 2008;

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

“ancillary vessel” means any vessel other than a construction vessel or a survey vessel;

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

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

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

“authorised development” means the development described in Part 1 of Schedule 1 of the Order, which 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. 3 described in paragraph 2 of Part 1 of this licence;

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

“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;

“electrical circuit” means a number of electrical conductors necessary to transmit electricity between two points within the authorised project; this comprises, in the case of HVAC transmission, three conductors which may be bundled as one cable, and, in the case of HVDC transmission two conductors, which may be attached together or take the form of single cables: the circuit may include one 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 Part 4, Chapter 3 of the 2009 Act;

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“the Environmental Statement” means the document certified as the environmental statement by the Secretary of State for the purposes of the Order;

“gravity base foundation” means either—

- (a) a structure principally of concrete and/or steel which rests on the seabed due either 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 and/or steel consisting of a platform supported on two 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;

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

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

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

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

“the licence conditions” means the conditions set out in Part 2 of this licence;

“licence-holder” means Vi Aura Limited;

“maintain” includes, to the extent assessed in the environmental statement—

- (a) inspect, repair, adjust and alter; and
- (b) in respect of any of the ancillary works and any component part of any wind turbine generator, offshore accommodation platform, offshore HVAC collector substation, offshore HVDC converter station or offshore reactive compensation substation described in Part 1 of Schedule 1 (authorised development) of the Order also includes remove, reconstruct and replace,

but does not include the alteration, removal or replacement of foundations; and “maintenance” shall be construed accordingly;

“the Marine Management Organisation” or “MMO” means the body created under the 2009 Act which is responsible for the monitoring and enforcement of this licence or any successor to its statutory functions;

“the Maritime and Coastguard Agency” or “MCA” means the executive agency of the Department for Transport or any successor to its statutory functions;

“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 lowest level which spring tides reach on average over a period of time;

“monopile foundation” comprises 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;

“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;

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“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/or 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 inter-array electrical circuits and containing equipment with the purpose of transforming the electricity generated at the wind turbines to a higher voltage; it may also include a helicopter platform;

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

“the offshore works plans” means the part of the works plans described as the offshore works plans;

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

“the Order” means the Hornsea One Offshore Wind Farm Order 2014;

“the project description” means the document certified as the project description by the Secretary of State for the purposes of the Order and submitted with the application on 30th July 2013 (Chapter Three, Volume One of the Environmental Statement);

“suction pile” 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 weight and hydrostatic pressure differential;

“survey vessels” means the vessels licensed to carry out environmental or engineering surveys;

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

“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;

“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 and including ancillary vessels and construction vessels;

“VHF” means very high frequency;

“Wind Farm Area 1” means the area within the limits of deviation for Work No. 1 of which the co-ordinates are specified in Part 1 of Schedule 1 of the Order and shown on the works plans;

“Wind Farm Area 2” means the area within the limits of deviation for Work No. 2 of which the co-ordinates are specified in Part 1 of Schedule 1 of the Order and shown on the works plans;

“Wind Farm Area 3” means the area within the limits of deviation for Work No. 3 of which the co-ordinates are specified in Part 1 of Schedule 1 of the Order and shown on the works plans;

“wind turbine generator” or “wind turbine” 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;

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“Work No. 1” means an offshore wind generating station within Wind Farm Area 1 and described as Work No. 1 in Part 1 of Schedule 1 of the Order;

“Work No. 2” means an offshore wind generating station within Wind Farm Area 2 and described as Work No. 2 in Part 1 of Schedule 1 of the Order;

“Work No. 3” means an offshore wind generating station within Wind Farm Area 3 and described as Work No. 3 in paragraph 2 of Part 1 of this licence;

“Work No. 4” means up to five offshore HVAC collector substations and, in the event that the mode of transmission is HVDC, up to two offshore HVDC converter stations together with a network of electrical circuits connecting the structures within Work No. 4;

“the works plans” means the plans certified as the works plans by the Secretary of State for the purposes of the Order divided into three parts and described as the offshore works plans, the intertidal works plans and the onshore works plans.

(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, minutes and seconds to three 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 shall be—

(a) Marine Management Organisation

Marine Licensing Team

Lancaster House

Hampshire Court

Newcastle upon Tyne

NE4 7YH

Tel: 0300 123 1032

Email: marine.consents@marinemanagement.org.uk

(b) Marine Management Organisation (referred to as the “MMO Coastal Office”)

Estuary House

Wharnccliffe Road

Grimsby

Lincolnshire

DN31 3QL

Tel: 01472 355 112

(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

Foundry House

3 Millsands

Riverside Exchange

Sheffield

S3 8NH

Tel: 0300 060 4911

(h) Joint Nature Conservation Committee

Inverdee House

Baxter Street

Aberdeen

AB11 9QA

Tel: 01224 266 550

(i) English Heritage

Eastgate Court

195-205 High Street

Guildford

GU1 3EH

Tel: 01483 252 057

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Commencement Information

II (p01747) Sch. 10 Pt. 1 para. 1 in force at 31.12.2014, see [art. 1](#)

Details of licensed activities

2.—(1) This licence authorises the licence-holder (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, subject to the licence conditions—

- (a) the deposit at sea of the substances and articles specified in sub-paragraph (4) below;
- (b) the construction of works in or over the sea and/or on or under the sea bed;
- (c) dredging;
- (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 HU206 (Hornsea Project One Subzone 1) of—
 - (i) in the event that an offshore accommodation platform is constructed under this licence up to 434,004 m³ of inert material of natural origin produced during construction drilling and seabed preparation for foundation works comprised in Work No. 3; or
 - (ii) in the event that no offshore accommodation platform is constructed under this up to 414,762 m³ of inert material of natural origin produced during construction drilling and seabed preparation for foundation works comprised in Work No. 3; and
- (f) the removal of the substances and articles specified in sub-paragraph (4) below.

(2) Such activities are authorised in relation to the construction, maintenance and operation of—
Work No. 3— An offshore wind generating station within Wind Farm Area 3, whose coordinates constitute the limits of deviation for Work No. 3 and are specified in Table 1, comprising—

- (a) up to 80 wind turbine generators fixed to the seabed;
- (b) a network of subsea inter-array electrical circuits connecting the structures comprised in Work No. 3—
 - (i) with each other;
 - (ii) with any other structure located within Wind Farm Area 3; and
 - (iii) (for the purpose of connecting any structure comprised in Work No. 3 with any structure comprised in Works Nos. 1, 2 and 4) with the network of electrical circuits comprised in Works Nos. 1, 2 and 4;
- (c) up to one offshore accommodation platform fixed to the seabed which may be connected to one of the offshore HVAC collector substations or offshore HVDC converter stations within Work No. 4 by an unsupported steel bridge, provided that the combined total of offshore accommodation platforms constructed in whole or in part within Works Nos. 1, 2 and 3 does not exceed two.

Table 1: Co-ordinates for Wind Farm Area 3 (limits of deviation for Work No.3)

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	53° 55' 46.445" N	1° 47' 47.796" E
2	53° 56' 22.870" N	1° 51' 57.409" E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
3	53° 55' 31.318" N	1° 52' 54.282" E
4	53° 55' 37.592" N	1° 53' 38.108" E
5	53° 55' 23.329" N	1° 55' 20.262" E
6	53° 55' 8.162" N	1° 56' 10.619" E
7	53° 55' 27.264" N	1° 58' 23.884" E
8	53° 55' 20.760" N	1° 58' 30.994" E
9	53° 49' 44.770" N	2° 4' 37.254" E
10	53° 49' 40.620" N	2° 4' 41.765" E
11	53° 49' 58.584" N	1° 59' 54.762" E
12	53° 49' 58.944" N	1° 58' 59.804" E
13	53° 50' 0.845" N	1° 53' 51.856" E
14	53° 50' 1.222" N	1° 53' 51.441" E
15	53° 55' 44.123" N	1° 47' 31.921" E

In connection with such Work No. 3, further associated development as may be necessary or expedient in connection with the authorised scheme within the Order limits and which fall within the scope of the environmental impact assessment recorded in the Environmental Statement;

In connection with such Work No. 3, 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) Work No. 3 may not be constructed, in whole or part, if either Works Nos. 1 or 2 are constructed so as to include more than 80 wind turbine generators.

(4) 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; and
- (f) material extracted from within Wind Farm Area 3 during construction drilling and seabed preparation for foundation works.

(5) The grid co-ordinates for disposal site reference HU206 (Hornsea Project One Subzone 1) are specified in Table 2.

Table 2: Co-ordinates for disposal site HU206

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	53° 58' 42.179" N	1° 44' 31.880" E
2	53° 55' 46.445" N	1° 47' 47.796" E
3	53° 56' 22.870" N	1° 51' 57.409" E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
4	53° 55' 31.318" N	1° 52' 54.282" E
5	53° 55' 37.592" N	1° 53' 38.108" E
6	53° 55' 23.329" N	1° 55' 20.262" E
7	53° 55' 8.162" N	1° 56' 10.619" E
8	53° 55' 35.429" N	1° 59' 20.944" E
9	53° 55' 2.525" N	1° 59' 45.776" E
10	53° 55' 22.663" N	2° 2' 14.219" E
11	53° 56' 16.303" N	2° 1' 15.269" E
12	53° 56' 46.586" N	2° 5' 4.031" E
13	53° 57' 12.481" N	2° 4' 32.376" E
14	53° 57' 24.509" N	2° 6' 6.700" E
15	53° 50' 10.018" N	2° 13' 57.158" E
16	53° 49' 14.297" N	2° 11' 36.820" E
17	53° 49' 58.584" N	1° 59' 54.762" E
18	53° 49' 58.944" N	1° 58' 59.804" E
19	53° 50' 5.118" N	1° 38' 58.430" E
20	53° 55' 9.293" N	1° 39' 52.024" E
21	53° 56' 3.228" N	1° 41' 0.143" E
22	53° 56' 29.670" N	1° 43' 45.592" E
23	53° 58' 17.828" N	1° 41' 46.795" E

(6) The provisions of section 72 of the 2009 Act shall apply to this licence, save that the provisions of section 72(7) and 72(8) relating to the transfer of the licence shall only apply to a transfer not falling within article 34 of the Order.

Commencement Information

I2 (p01747) Sch. 10 Pt. 1 para. 2 in force at 31.12.2014, see [art. 1](#)

Duration

3. 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 Energy Act 2004, 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.

Commencement Information

I3 (p01747) Sch. 10 Pt. 1 para. 3 in force at 31.12.2014, see [art. 1](#)

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

- Order modified by [S.I. 2016/471 art. 4Sch.](#)

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

- art. 2(6) inserted by [S.I. 2015/1280 Sch.](#)