

FOOD AND ENVIRONMENT PROTECTION ACT 1985 : PART II (AS AMENDED) -
DEPOSITS IN THE SEA IN CONNECTION WITH MARINE CONSTRUCTION WORKS

Licence 33069/08/0

The Secretary of State for Environment, Food and Rural Affairs (hereinafter referred to as "the Licensing Authority") hereby authorises:

**BARROW OFFSHORE WIND FARM
MILSTREAM
MAIDENHEAD ROAD
WINDSOR
BERKSHIRE
SL4 5GD**

Company Registration No: **4145993**

(hereinafter referred to as "the Licence Holder") to deposit in the sea the substances or articles the particulars of which are set out at paragraph 1.1 of the attached Schedule. The Licence is subject to the conditions of use set out, or referred to, in the said Schedule.

This licence shall be valid from the beginning of the day of **20 February 2008**, (hereinafter referred to as the start date of this licence) to the end of the day of **29 March 2009**, (hereinafter referred to as the end or expiry date of this licence).

For the purposes of this licence and attached schedule and unless indicated otherwise:-

- (i) all times shall be taken to be Greenwich Mean Time (GMT), and,
- (ii) all co-ordinates shall be taken to be latitude and longitude degrees and minutes to two decimal places.

Signed:

Marine Environment Team

for and on behalf of the Licensing Authority

Date of issue: 20 February 2008

The Licence Holder is urged to read carefully all the conditions and requirements of this Licence which are set out in the Schedule. You should acknowledge receipt of this licence and confirm that you have understood its term by signing and returning Form FEP 14 within 28 days of the date of issue of this licence

1. Particulars of the deposit

- 1.1 The type of works for which the deposit of the substances or articles as specified in paragraph 1.4 of this Schedule are :

**Cable/subsea cable
Mattress**

- 1.2 Details of the works requiring the deposit of the substances or articles as specified at paragraph 1.1 of this Schedule are:-

These are additional works to those presently covered under FEPA licence 31744/08/0 and further permission to allow jetting at specified locations along the cable route. The additional works are to provide cover to main transport 132 KV cable where inadequate burial has been achieved (using plough and jetting), to provide protection against scour, shipping anchors, trawler and other equipment that could cause damage to the cable by use of jetting and block mattresses.

- 1.3. Such works are as detailed in the drawing(s) and sectional plan(s) detailed below which were submitted in support of your application to the Licensing Authority of 16 September 2005

- 1.4 The substances or articles authorised for deposit at sea are:

**Concrete
Plastic / Synthetic**

- 1.5. The Licence Holder and any Agent and Contractor acting on their behalf is permitted to deposit the substances or articles specified at paragraph 1.4 of this Schedule, at the following location(s):

BARROW CABLE PROTECTION

54 00.570 N	02 57.330 W
54 00.536 N	02 57.394 W
53 58.651 N	03 00.865 W
53 58.640 N	03 00.894 W
53 58.500 N	03 01.258 W
53 58.497 N	03 01.269 W
54 00.575 N	02 57.329 W
54 00.536 N	02 57.394 W
53 58.651 N	03 00.865 W
53 58.640 N	03 00.894 W
53 58.500 N	03 01.258 W
53 58.497 N	03 01.269 W
53 58.446 N	03 01.477 W
53 58.338 N	03 02.388 W
53 58.332 N	03 02.429 W
53 58.328 N	03 02.476 W
53 58.327 N	03 02.484 W
53 57.815 N	03 04.926 W
53 57.786 N	03 05.033 W
53 57.767 N	03 05.096 W
53 57.765 N	03 05.111 W
53 57.758 N	03 05.133 W
53 57.751 N	03 05.155 W
53 57.687 N	03 06.106 W

53 57.688 N	03 06.113 W
53 57.691 N	03 06.335 W
53 57.692 N	03 06.491 W
53 57.692 N	03 06.493 W
53 57.701 N	03 06.680 W
53 57.702 N	03 06.689 W
53 57.702 N	03 06.702 W
53 57.704 N	03 06.719 W
53 57.719 N	03 06.983 W
53 57.722 N	03 07.012 W
53 57.727 N	03 07.038 W
53 57.730 N	03 07.049 W
53 57.733 N	03 07.068 W
53 57.746 N	03 07.124 W
53 57.756 N	03 07.178 W
53 57.759 N	03 07.193 W
53 57.848 N	03 07.617 W
53 57.851 N	03 07.628 W
53 57.856 N	03 07.651 W
53 57.857 N	03 07.656 W
53 57.893 N	03 07.826 W
53 57.903 N	03 07.871 W
53 57.906 N	03 07.886 W
53 57.921 N	03 07.959 W
53 57.949 N	03 08.097 W
53 57.962 N	03 08.152 W
53 58.226 N	03 09.415 W
53 58.228 N	03 09.424 W
53 58.298 N	03 09.750 W
53 58.301 N	03 09.766 W
53 58.388 N	03 10.170 W
53 58.388 N	03 10.183 W
53 58.390 N	03 10.199 W
53 58.393 N	03 10.207 W
53 58.450 N	03 10.471 W
53 58.452 N	03 10.484 W
53 58.458 N	03 10.514 W
53 58.461 N	03 10.523 W
53 58.541 N	03 10.880 W
53 58.542 N	03 10.884 W
53 58.554 N	03 10.943 W
53 58.567 N	03 11.004 W
53 58.645 N	03 11.398 W
53 58.646 N	03 11.406 W
53 58.653 N	03 11.448 W
53 58.656 N	03 11.463 W
53 58.656 N	03 11.466 W
53 58.661 N	03 11.490 W
53 58.723 N	03 11.888 W
53 58.724 N	03 11.893 W
53 58.726 N	03 11.904 W
53 58.729 N	03 11.918 W
53 58.730 N	03 11.925 W
53 58.730 N	03 11.931 W
53 58.742 N	03 11.999 W
53 58.743 N	03 12.001 W
53 58.846 N	03 12.645 W
53 58.846 N	03 12.660 W
53 58.887 N	03 12.988 W
53 58.887 N	03 12.992 W

53 58.893 N	03 13.044 W
53 58.895 N	03 13.069 W
53 58.907 N	03 13.225 W
53 58.916 N	03 13.265 W
53 59.033 N	03 14.432 W
53 59.034 N	03 14.454 W
53 59.070 N	03 14.800 W
53 59.088 N	03 14.973 W

- 1.6. The works shall be carried out in accordance with the works schedule and method statement as detailed in the following:

As part of preceding construction works, the main 132 kV transport cable has been buried by cable plough to achieve best possible burial depth. Where this burial depth is less than the target depth of 1-3 metres, jetting will be undertaken alongside the cable to attempt to form a trench into which the cable can be placed, and/or the use of block mattresses.

Block mattresses are made of concrete to which artificial seaweed (fronds) is attached. Block mattresses will be multi-stacked on the deck prior to deployment and they can be diver or ROV installed. A lifting frame will be supplied for crane deployment overside.

Jetting is to be undertaken by ROV or Atlas 1 procedures as described in the detailed method statement, GMSL -BOWSC1-OPM-3005(00) supplied to the Department 30 March 07

2. Persons Responsible for the Deposit of the Substances or Articles

- 2.1. The Agents and Contractors permitted to engage in activities subject to the terms and conditions of this licence are:-

<u>Name of Agent or Contractor</u>	<u>Function</u>
Vestas-KBR	Other Agent

- 2.2 The following operators and vessel(s) or vehicle(s) are permitted to engage in activities subject to the terms and conditions of this licence are:

<u>Name of Vessel or Vehicle Registration</u>	<u>Operator</u>	<u>Type</u>
CS SOVEREIGN MV Nico	CT Offshore	SHIP SHIP

- 2.3 All vessels employed to perform the deposit operation permitted by this Licence **33069/08/0** shall be so constructed and equipped as to be capable of the proper performance of these operations in compliance with the conditions set out in the Schedule to this licence **33069/08/0** . Details of the vessels that may operate under this Licence **33069/08/0** are set out in sub-paragraph 2.2, and the standard equipment to be on all vessels operating under this Licence **33069/08/0** are set out in paragraph 10.

3. Distribution of copies of this Licence 33069/08/0

- 3.1 The Licence Holder is required to ensure that a copy of this licence **33069/08/0** and attached Schedule, any special conditions and any subsequent revisions or amendments thereto is given to:

- 3.1.1. All Agent(s) and Contractor(s) as detailed at paragraph 2.1; and
- 3.1.2 The Masters of all vessels and transport managers responsible for the vehicles employed in the pursuance of this Licence **33069/08/0** and detailed at paragraph 2.2.
- 3.2 Copies of this Licence **33069/08/0** shall also be available at the following locations:
 - 3.2.1 at the address of the Licence Holder;
 - 3.2.2 at any site office, located at or adjacent to the site of the works, used by the Licence Holder, agent(s) or contractors(s) responsible for the loading transportation or deposit of those substances or articles detailed at paragraph 1.2.1 of this Schedule; and,
 - 3.2.3 on board each vessel or at the office of any transport manager with responsibility for vehicles from which licensed deposits are to be made.

4. Inspection of the Operation

- 4.1 The documents referred to in paragraph 3 shall be available at all reasonable times for inspection by an authorised Enforcement Officer at the locations stated in that paragraph.
- 4.2 The Licence Holder must advise the Licensing Authority and District Inspector of Fisheries 5 working days before the licensed operation, or an individual phase of the operation is expected to commence.

5. Returns to be made to the Licensing Authority

- 5.1 The Licence Holder is required to acknowledge receipt of this licence **33069/08/0** and confirm that you have understood its term by signing and returning Form FEP 14 within 28 days of the date of issue of this Licence. No operations permitted under the terms of this licence **33069/08/0** shall commence until the FEP 14 form has been signed and returned to the Licensing Authority.
- 5.2 All persons referred to at paragraph 2.1 and 2.2 of this Schedule shall provide an acknowledgement, using Form FEP 13 or FEP 15 as appropriate, of their receipt of this licence **33069/08/0** and their understanding of all the conditions specified therein to the Licensing Authority within 28 working days of the start date of this Licence **33069/08/0** or prior to engaging in any activity to which this Licence relates, whichever is the sooner.
- 5.3 Only those Agent(s) or Contractor(s) whose names appear at paragraph 2.1 and the vessel(s) and operator(s) whose names appear at paragraph 2.2 may operate under the terms of this Licence **33069/08/0** . Any changes must be notified to and be approved by the Licensing Authority in writing prior to operating under this Licence **33069/08/0** .

6. Contacts

6.1 Except where otherwise indicated, the primary point of contact with the Licensing Authority and the address for returns and correspondence shall be:-

**Marine Fisheries Agency
Marine Environment Team
Area 6B
3 - 8 Whitehall Place,
London SW1A 2HH**

Tel: 020 7270 8696

6.2 For the purposes of this Licence **33069/08/0** any references to the Local District Inspector of Fisheries shall mean the relevant District Inspector in the area(s) located at:-

**Marine Fisheries Agency,
Fisheries Office,
Bradley's Chambers,
26 London Street,
Fleetwood,
Lancashire
FY7 6JG**

Tel: 01253 873515

6.3 For the purposes of this Licence **33069/08/0** any references to the Centre for Environment, Fisheries, and Aquaculture Science (CEFAS) shall mean:-

**Centre for the Environment, Fisheries, and Aquaculture Science
(CEFAS),
The Laboratory
Remembrance Avenue
Burnham-on-Crouch
Essex CM0 8HA**

Tel: 01621 787200

7. Force Majeure

7.1 If, by reason of "force majeure" the substances or articles specified at sub-paragraph 1.4 of this Schedule, are deposited otherwise than in the area authorised by this licence at paragraph 1.5, full details of the circumstances shall be notified to the Licensing Authority within 48 hours of the incident occurring.

"force majeure" may be deemed to apply when, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit the substances or articles because the safety of human life and/or of the vessel is threatened.

8. Changes to this licence

8.1 In the event of the Licence Holder becoming aware that any of the information on which the granting of this licence **33069/08/0** was based has changed or is likely to

change, he/she shall notify the Licensing Authority at the earliest opportunity of the details.

- 8.2 Similarly in the event that the Licence Holder wishes any of the particulars set down in the Schedule to be altered he/she shall inform the Licensing Authority at the earliest opportunity before taking any further action.

9. Supplementary Conditions

- 9.1 The Licence Holder must ensure that a detailed method statement is submitted and approved by the Licensing Authority prior to the commencement of any works.
- 9.2 The Licence Holder must clarify whether or not they wish to use rock placement as part of the application
- 9.3 The Licence Holder must ensure that disturbance is minimised during the peak sole spawning month of April, if possible.
- 9.4 The Licence Holder must ensure that all obstructions and works related debris, including items from temporary structures or stockpiles of materials placed on the seabed are recovered upon completion of the works.
- 9.5 The Licence Holder must ensure that the amount of mattresses placed is kept to the minimum required and excess mattresses must be returned to land.
- 9.6 The Licence Holder must ensure that a post- material placement survey should be carried out to confirm the accurate positioning of the mattresses and results forwarded to Cefas when available.
- 9.7 The Licence Holder must ensure that the cable is surveyed every six months during April-May and September-October to cover the pre and post winter period due to the highly mobile nature of the area, particularly over KP13-17 (as shown in CPA consent 33069/07/0/CON).
- 9.8 The Licence Holder must ensure that any new obstructions, if associated with these works, identified by the post material placement survey, are recovered from the seabed.
- 9.9 The Licence Holder must ensure that an appropriate level of environmental assessment is undertaken in consultation with the licensing authority, to determine the best practical environmental option for the scour protection material, as part of any decommissioning plan.
- 9.10 The Licence Holder must undertake detailed monitoring of the deployed mattressing. The monitoring will consist of a side scan sonar survey taken immediately after the deposit is complete and repeated at 6 monthly intervals for a period of 3 years. The monitoring is also include a benthic monitoring programme to be agreed with Cefas and Natural England. The benthic monitoring should consist of drop down video and/or diver survey to monitor changes in benthic communities of selected cable sections over time.
- 9.11 The Licence Holder must ensure that the Licensing Authority and Natural England is advised if more than 2 Km of mattressing is needed for the cable protection.
- 9.12 The Licence Holder must inform English Heritage should any archeological material be uncovered during the works or in subsequent scour monitoring.

- 9.13 The Licensing Authority reserves the right to seek a further variation charge in the event that the licence holder requests any significant change to the work or the working methods to which this licence applies, or to its terms and conditions. Should the licence holder seek to make changes to the terms and conditions of this licence or to the work to which it relates which in the opinion of the licensing authority will require it to be substantially re-assessed, the Licensing Authority may seek to revoke this licence and request a revised application.
- 9.14 The Licence Holder must provide access, and if necessary appropriate transportation at reasonable notice, to the disposal vessel/offshore construction site to facilitate any inspection that the Licensing Authority considers maybe necessary subject to meeting any mandatory health and safety obligations

10. Conditions relating to the Construction, Equipment and Operation of the Vessels engaged upon Deposit Operations

- 10.1. All motor powered vessels engaged in operations to which this licence **33069/08/0** relates must be fitted with the following equipment:
 - 10.1.1 Electronic positioning aid to provide navigational data e.g. GPS, etc.
 - 10.1.2 Radar
 - 10.1.3 Echo sounder
 - 10.1.4 Multi-channel VHF
- 10.2. All vessels' names or identification shall be clearly marked on the hull or superstructure.
- 10.3. All communication on VHF working frequencies shall be in the English Language.
- 10.4. Under no circumstances shall a vessel engage in the deposit operations until all equipment specified in this paragraph is fully operational.

EXPLANATORY NOTES

This page does not form part of this licence **33069/08/0** or its associated schedule but the licence holder is recommended to read the following guidance notes.

1. The granting of this licence **33069/08/0** does not absolve the Licence Holder from obtaining such other authorisations, consents and approvals which may be required under any other legislation, controls or regulations.
2. Under Section 8 of the Food and Environment Protection Act 1985, the Licensing Authority may vary or revoke this Licence **33069/08/0** if it appears to the Authority that the Licence Holder is in breach of any conditions in it or for any other reason that appears to the Authority to be relevant.
3. A person who makes a deposit, or causes a deposit to be made, at sea in contravention of the conditions specified in this licence **33069/08/0** may be found guilty of an offence under Section 9(1) of the Food and Environment Protection Act. It is a defence under Section 9(3) of the Act for a person charged with such an offence to prove that the operation was carried out for the purpose of securing the safety of the vessel or of saving life ("force majeure") and that he/she took steps within 48 hours following the incident to send full details of the incident including those relating to the operation, the locality and the circumstances in which it took place and the substances or articles concerned, to the Licensing Authority (see paragraph 6 of the schedule).
4. If the works authorised by this Licence **33069/08/0** are unlikely to be completed by the expiry date of this licence, the Licence Holder should apply for a replacement licence at least 10 weeks prior to the expiry date of this Licence