

SCHEDULE 13

Deemed licence under the 2009 Act - generation assets

PART 2

Conditions

Design parameters

1.—(1) Subject to sub-paragraph (2), wind turbine generators forming part of the authorised scheme must not—

- (a) exceed a height of 282 metres when measured from LAT to the tip of the vertical blade;
- (b) exceed a height of 175 metres to the height of the centreline of the generator shaft forming part of the hub when measured from LAT;
- (c) exceed a rotor diameter of 250 metres;
- (d) be less than 800 metres from the nearest wind turbine generator in either direction perpendicular to the approximate prevailing wind direction (crosswind) or be less than 1,200 metres from the nearest wind turbine generator in either direction which is in line with the approximate prevailing wind direction (downwind);
- (e) have an air clearance height of less than 24 metres from MHWS.

(2) References to the location of a wind turbine generator in sub-paragraph (1) above, are references to the centre point of that turbine.

2.—(1) The total number of meteorological masts forming part of the authorised scheme must not exceed one.

(2) The meteorological mast must not exceed a height of 175 metres above LAT.

3.—(1) The total number of construction, operation and maintenance platforms forming part of the authorised scheme and the authorised scheme in licence 2 (transmission) taken together must not exceed one (whether constructed under this licence or licence 2 (transmission)).

(2) The dimensions of the construction, operation and maintenance platform forming part of the authorised scheme (excluding towers, helipads, masts and cranes) must not exceed 50 metres in height when measured from LAT, 70 metres in length and 50 metres in width.

4.—(1) The total number of offshore electrical platforms forming part of the authorised scheme and the authorised scheme in licence 2 (transmission) taken together must not exceed four (whether constructed under this licence or licence 2 (transmission)).

(2) The dimensions of any offshore electrical platform forming part of the authorised scheme (excluding towers, helipads, masts and cranes) must not exceed 50 metres in height when measured from LAT, 70 metres in length and 50 metres in width.

5. The total length of the cables forming part of the authorised scheme and the authorised scheme in licence 2 (transmission) and the volume and area of their cable protection must not exceed the following (whether installed under this licence or licence 2 (transmission))—

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<i>Work</i>	<i>Length</i>	<i>Area of cable protection</i>	<i>Volume of cable protection</i>
Work No. 1(c) (inter-array cables)	200 kilometres	204,000 m ²	229,440 m ³
Work No. 4 (platform link cables)	75 kilometres	104,550 m ²	117,588 m ³

6.—(1) In relation to a wind turbine generator, each gravity base foundation must not have a diameter at the level of the seabed which is more than 60 metres.

(2) In relation to a wind turbine generator, each suction caisson foundation must not have a diameter at the level of the seabed which is more than 35 metres.

(3) In relation to a wind turbine generator, each jacket foundation must not have—

- (a) a pile diameter which is more than 4.6 metres in the case of pin piles or a suction caisson diameter which is more than 16 metres;
- (b) more than four piles or more than four suction caissons;
- (c) more than four legs.

(4) In relation to a wind turbine generator, each monopile foundation must not have a diameter which is more than 15 metres.

(5) The total amount of scour protection for the wind turbine generators must not exceed 1,526,815 m².

(6) The total volume of scour protection for the wind turbine generators must not exceed 2,290,221 m³.

7.—(1) In relation to a meteorological mast, each gravity base foundation must not have a footprint at the seabed which is more than 315 m².

(2) In relation to a meteorological mast, each suction caisson foundation must not have a footprint at seabed which is more than 177 m².

(3) In relation to a meteorological mast, each jacket foundation must not have a footprint at the seabed which is more than 651 m².

(4) In relation to a meteorological mast, each monopile foundation must not have a footprint at the seabed which is more than 51 m².

(5) The total amount of scour protection for the meteorological mast must not exceed 2,828 m².

(6) The total volume of scour protection for the meteorological mast must not exceed 4,241 m³.

8.—(1) In relation to any construction, operation and maintenance platform, the gravity base foundations must not have a total footprint of more than 4,800 m².

(2) In relation to any construction, operation and maintenance platform, the jacket foundations must not have a total footprint at the seabed which is more than 5,676 m².

(3) In relation to any construction, operation and maintenance platform, the monopile foundation must not have a total footprint at the seabed which is more than 177 m².

(4) The total amount of scour protection for the construction, operation and maintenance platform forming part of the authorised scheme and the authorised scheme in licence 2 (transmission) must not exceed 15,276 m² (whether installed under this licence or licence 2 (transmission)).

(5) The total volume of scour protection for the construction, operation and maintenance platform forming part of the authorised scheme and the authorised scheme in licence 2 (transmission) must not exceed 22,914 m³ (whether installed under this licence or licence 2 (transmission)).

9.—(1) In relation to each offshore electrical platform, the gravity base foundations must not have a total footprint at the seabed which is more than 4,800 m².

(2) In relation to each offshore electrical platform, the jacket foundations must not have a total footprint at the seabed which is more than 5,676 m².

(3) In relation to each offshore electrical platform, the monopile foundation must not have a total footprint at the seabed which is more than 177 m².

(4) The total amount of scour protection for the offshore electrical platforms forming part of the authorised scheme and the authorised scheme in licence 2 (transmission) must not exceed 62,064 m² (whether installed under this licence or licence 2 (transmission)).

(5) The total volume of scour protection for the offshore electrical platforms forming part of the authorised scheme and the authorised scheme in licence 2 (transmission) must not exceed 91,656 m³ (whether installed under this licence or licence 2 (transmission)).

Notifications and inspections

10.—(1) The undertaker must ensure that—

(a) a copy of this licence (issued as part of the grant of the Order) and any subsequent amendments or revisions to it is provided to—

- (i) all agents and contractors notified to the MMO in accordance with condition 19 and
- (ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with condition 19;

(b) within 28 days of receipt of a copy of this licence those persons referred to in paragraph (a) above must confirm receipt of this licence in writing to the MMO.

(2) Only those persons and vessels notified to the MMO in accordance with condition 19 are permitted to carry out the licensed activities.

(3) Copies of this licence must also be available for inspection at the following locations—

- (a) the undertaker's registered address;
- (b) any site office located at or adjacent to the construction site and used by the undertaker or its agents and contractors responsible for the loading, transportation or deposit of the authorised deposits; and
- (c) on board each vessel or at the office of any transport manager with responsibility for vessels from which authorised deposits or removals are to be made.

(4) The documents referred to in sub-paragraph (1)(a) must be available for inspection by an authorised enforcement officer at the locations set out in sub-paragraph (3)(b) above.

(5) The undertaker must provide access, and if necessary appropriate transportation, to the offshore construction site or any other associated works or vessels to facilitate any inspection that the MMO considers necessary to inspect the works during construction and operation of the authorised scheme.

(6) The undertaker must inform the MMO Coastal Office in writing at least five days prior to UXO clearance activities and at least five days prior to commencement of the licensed activities or any part of them, and within five days of completion of the licensed activities.

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(7) The undertaker must inform the Kingfisher Information Service of Seafish by email to kingfisher@seafish.co.uk of details regarding the vessel routes, timings and locations relating to the construction of the authorised scheme or relevant part—

- (a) at least 14 days prior to UXO clearance activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data;
- (b) at least 14 days prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data; and
- (c) as soon as reasonably practicable and no later than 24 hours after completion of construction of all offshore activities.

Confirmation of notification must be provided to the MMO within five days.

(8) A notice to mariners must be issued at least 14 days prior to UXO clearance activities and at least 14 days prior to the commencement of the licensed activities or any part of them advising of the start date of Work No. 1, and to the extent that they are constructed under this licence, Work Nos. 2, 3, and 4, and the expected vessel routes from the construction ports to the relevant location. Copies of all notices must be provided to the MMO, MCA and UKHO within five days.

(9) The notices to mariners must be updated and reissued at regular intervals during construction activities and at least five days before any planned operations and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme approved under condition 17(1)(b). Copies of all notices must be provided to the MMO and UKHO within five days.

(10) The undertaker must notify the UK Hydrographic Office of UXO clearance activities (14 days prior) and of the commencement (14 days prior), progress and completion of construction (within 14 days) of the licensed activities in order that all necessary amendments to nautical charts are made and the undertaker must send a copy of such notifications to the MMO within five days.

(11) In case of damage to, or destruction or decay of, the authorised scheme seaward of MHWS or any part thereof the undertaker must as soon as possible and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify MMO, MCA, Trinity House, Kingfisher Information Service and the UK Hydrographic Office.

(12) In case of exposure of cables on or above the seabed, the undertaker must, within three days following identification of a cable exposure, notify mariners by issuing a notice to mariners and by informing Kingfisher Information Service of the location and extent of exposure. Copies of all notices must be provided to the MMO, MCA, Trinity House and UKHO within five days.

Aids to navigation

11.—(1) The undertaker must during the whole period from commencement of the licensed activities to completion of decommissioning seaward of MHWS exhibit such lights, marks, sounds, signals and other aids to navigation, and take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.

(2) The undertaker must during the period from the start of construction of the authorised scheme to completion of decommissioning seaward of MHWS keep Trinity House and the MMO informed of progress of the authorised scheme including the following—

- (a) notice of commencement of construction of the authorised scheme within 24 hours of commencement having occurred;
- (b) notice within 24 hours of any aids to navigation being established by the undertaker; and
- (c) notice within five days of completion of construction of the authorised scheme.

(3) The undertaker must provide reports to Trinity House on the availability of aids to navigation in accordance with the frequencies set out in the aids to navigation management plan approved pursuant to condition 17(1)(i) using the reporting system provided by Trinity House.

(4) The undertaker must during the whole period from commencement of the licensed activities to completion of decommissioning seaward of MHWS notify Trinity House and the MMO of any failure of the aids to navigation and the timescales and plans for remedying such failures, as soon as possible and no later than 24 hours following the undertaker becoming aware of any such failure.

(5) In the event that the provisions of condition 10(11) are invoked, the undertaker must lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as directed by Trinity House.

12.—(1) The undertaker must colour all structures yellow (colour code RAL 1023) from at least highest astronomical tide to a height directed by Trinity House, or must colour the structure as directed by Trinity House from time to time.

(2) Subject to sub-paragraph (1) above, unless the MMO otherwise directs, the undertaker must ensure that the remainder of the structures are painted submarine grey (colour code RAL 7035).

Aviation safety

13. The undertaker must notify the Defence Infrastructure Organisation Safeguarding, at least 14 days prior to the commencement of the authorised scheme, in writing of the following information—

- (a) the date of the commencement of construction of the authorised scheme;
- (b) the date any wind turbine generators are brought into use;
- (c) the maximum height of any construction equipment to be used;
- (d) the maximum heights of any wind turbine generator, meteorological mast and platform to be constructed;
- (e) the latitude and longitude of each wind turbine generator, meteorological mast and platform to be constructed,

and the Defence Infrastructure Organisation Safeguarding must be notified of any changes to the information supplied under this paragraph and of the completion of the construction of the authorised scheme. Copies of notifications must be provided to the MMO within five working days of the notification to the Defence Infrastructure Organisation Safeguarding.

Chemicals, drilling and debris

14.—(1) Unless otherwise agreed in writing by the MMO, the carriage and use of chemicals in the construction of the authorised scheme must comply with the International Convention for the Prevention of Pollution from Ships.

(2) The undertaker must ensure that any coatings/treatments are suitable for use in the marine environment and are used in accordance with guidelines approved by Health and Safety Executive and the Environment Agency Pollution Prevention Control Guidelines.

(3) The storage, handling, transport and use of fuels, lubricants, chemicals and other substances must be undertaken so as to prevent releases into the marine environment, including bunding of 110% of the total volume of all reservoirs and containers.

(4) The undertaker must inform the MMO of the location and quantities of material disposed of each month under the Order, by submission of a disposal return by 31st January each year for the months July to December inclusive, and by 31st July each year for the months January to June inclusive.

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(5) The undertaker must ensure that only inert material of natural origin, drilling mud and dredged material, produced during the drilling installation of or seabed preparation for foundations, and sandwave clearance works is disposed of within the disposal site reference(s) to be provided by MMO within the extent of the Order limits seaward of MHWS. Any material of anthropogenic origin will be screened out and disposed of at an appropriate waste facility onshore.

(6) The undertaker must ensure that any rock material used in the construction of the authorised scheme is from a recognised source, free from contaminants and containing minimal fines.

(7) In the event that any rock material used in the construction of the authorised scheme is misplaced or lost below MHWS, the undertaker must report the loss to the District Marine Office within 48 hours and if the MMO reasonably considers such material to constitute a navigation or environmental hazard (dependent on the size and nature of the material) the undertaker must endeavour to locate the material and recover it.

(8) The undertaker must ensure that no waste concrete slurry or wash water from concrete or cement works are discharged into the marine environment. Concrete and cement mixing and washing areas should be contained to prevent run off entering the water through the freeing ports.

(9) The undertaker must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO, Marine Pollution Response Team in accordance with the marine pollution contingency plan approved under condition 17(1)(e)(i).

(10) All dropped objects must be reported to the MMO using the Dropped Object Procedure Form as soon as reasonably practicable and in any event within five days of the undertaker becoming aware of an incident. On receipt of the Dropped Object Procedure Form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the seabed at the undertaker's expense if reasonable to do so.

Force majeure

15.—(1) If, due to stress of weather or any other cause the master of a vessel determines that it is necessary to deposit the authorised deposits within or outside of the Order limits because the safety of human life and/or of the vessel is threatened, within 48 hours full details of the circumstances of the deposit must be notified to the MMO.

(2) The unauthorised deposits must be removed at the expense of the undertaker unless written approval is obtained from the MMO.

UXO clearance

16.—(1) No removal or detonation of UXO can take place until the following have been submitted to and approved in writing by the MMO in consultation with the relevant statutory nature conservation body and, in respect of the method statement, the MCA—

- (a) a method statement for UXO clearance which must include—
 - (i) methodologies for—
 - (aa) identification and investigation of potential UXO targets;
 - (bb) clearance of UXO;
 - (cc) removal and disposal of large debris;
 - (ii) a plan showing the area in which clearance activities are proposed to take place;
 - (iii) a programme of works; and
 - (iv) any exclusion zones/environmental micro-siting requirements;

- (b) a marine mammal mitigation protocol in accordance with the draft marine mammal mitigation protocol, the intention of which is to prevent injury to marine mammals, following current best practice as advised by the relevant statutory nature conservation bodies.
- (2) The method statement (excluding the information required under sub-paragraphs (1)(a)(ii) and (1)(a)(iv)) and the marine mammal mitigation protocol must be submitted to the MMO for approval at least six months prior to the date on which it is intended for UXO clearance activities to begin.
- (3) The information to be included within the method statement in accordance with sub-paragraphs (1)(a)(ii) and (1)(a)(iv) must be submitted to the MMO for approval at least three months prior to the date on which it is intended for UXO clearance activities to begin.
- (4) Any UXO clearance activities must be undertaken in accordance with the method statement and marine mammal mitigation protocol approved under sub-paragraph (1).
- (5) Subject to paragraph (6), a UXO clearance close out report must be submitted to the MMO and the relevant statutory nature conservation body within three months following the end of the UXO clearance activity and must include the following for each detonation undertaken—
 - (a) co-ordinates, depth, current speed, charge utilised and the date and time of each detonation; and
 - (b) whether any mitigation was deployed, including feedback on practicalities of deployment of equipment and efficacy of the mitigation where reasonably practicable, or justification if this information is not available.
- (6) Should there be more than one UXO clearance activity, the report required under paragraph (5) will be provided at intervals agreed with the MMO.

Pre-construction plans and documentation

- 17.—**(1) The licensed activities or any part of those activities must not commence until the following (as relevant to that part) have been submitted to and approved in writing by the MMO—
- (a) A design plan at a scale of between 1:25,000 and 1:50,000, including detailed representation on the most suitably scaled admiralty chart, to be approved in writing by the MMO in consultation with Trinity House and the MCA which shows—
 - (i) the proposed location and choice of foundation of all wind turbine generators, offshore electrical platforms, the construction, operation and maintenance platform and meteorological mast;
 - (ii) the height to the tip of the vertical blade; height to the centreline of the generator shaft forming part of the hub;
 - (iii) rotor diameter and spacing of all wind turbine generators;
 - (iv) the height of all lattice towers forming part of the meteorological mast;
 - (v) the length and arrangement of all cables comprising Work Nos. 1 and 4;
 - (vi) the dimensions of all gravity base foundations;
 - (vii) the dimensions of all jacket foundations;
 - (viii) the dimensions of all suction caisson foundations;
 - (ix) the dimensions of all monopile foundations;
 - (x) the proposed layout of all wind turbine generators (to be in accordance with the layout principles statement and which must accord with the recommendations for layout contained in MGN654 and its annexes), offshore electrical platforms, the construction, operation and maintenance platform and meteorological mast including any exclusion zones identified under condition [17\(1\)\(g\)\(iv\)](#);

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- (xi) a plan showing the indicative layout of all wind turbine generators, offshore electrical platforms, the construction, operation and maintenance platform and meteorological mast including all exclusion zones (insofar as not shown in (x) above) and showing the indicative programming of particular works as set out in the indicative programme to be provided under condition 17(1)(b)(iii); and
 - (xii) any exclusion zones/environmental micrositing requirements;
- to ensure conformity with the description of Work Nos. 1 to 4 and compliance with conditions 1 to 9 above.
- (b) A construction programme to include details of—
 - (i) the proposed construction start date;
 - (ii) proposed timings for mobilisation of plant delivery of materials and installation works;
 - (iii) an indicative written construction programme for all wind turbine generators offshore electrical platforms, the construction, operation and maintenance platform, meteorological mast and cable comprised in the works at paragraph 3 of Part 1 (licenced marine activities) of this licence (insofar as not shown in paragraph (ii) above);
 - (c) A monitoring plan (which accords with the in principle monitoring plan) to include details of proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction monitoring and related reporting in accordance with conditions 20, 21 and 22 to be submitted to the MMO in accordance with the following—
 - (i) at least six months prior to the first survey, detail of the pre-construction surveys and an outline of all proposed monitoring;
 - (ii) at least six months prior to construction, detail on construction monitoring;
 - (iii) at least six months prior to completion of construction, detail of post-construction (and operational) monitoring;unless otherwise agreed in writing with the MMO.
 - (d) A construction method statement in accordance with the construction methods assessed in the environmental statement and including details of—
 - (i) foundation installation methodology, including drilling methods and disposal of drill arisings and material extracted during seabed preparation for foundation works;
 - (ii) cable specification, installation and monitoring, to include—
 - (aa) technical specification of offshore cables below MHWS;
 - (bb) a detailed cable laying plan for the Order limits, incorporating a burial risk assessment encompassing the identification of any cable protection that exceeds 5% of navigable depth referenced to Chart Datum and, in the event that any area of cable protection exceeding 5% of navigable depth is identified, details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised or such similar assessment to ascertain suitable burial depths and cable laying techniques, including cable protection; and
 - (cc) proposals for monitoring offshore cables and the status of cable protection during the operational lifetime of the authorised scheme which include a risk based approach to the management of unburied or shallow buried cables.

- (iii) scour protection management and cable protection including details of the need, type, sources, quantity and installation methods for scour protection and cable protection, with details updated and resubmitted for approval if changes to it are proposed following cable laying operations;
 - (iv) main contractors;
 - (v) vessels and vessels transit corridors; and
 - (vi) associated and ancillary works.
- (e) A project environmental management plan covering the period of construction and operation to include details of—
- (i) a marine pollution contingency plan to address the risks, methods and procedures to deal with any spills and collision incidents of the authorised scheme in relation to all activities carried out;
 - (ii) a chemical risk assessment to include information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance;
 - (iii) waste management and disposal arrangements;
 - (iv) the appointment and responsibilities of a fisheries liaison officer;
 - (v) a fisheries liaison and coexistence plan, in accordance with the outline fisheries liaison and coexistence plan, to ensure relevant fishing fleets are notified of commencement of licensed activities pursuant to condition 10 and to address the interaction of the licensed activities with fishing activities;
 - (vi) procedures which must be adopted within vessels transit corridors to minimise disturbance to red-throated diver during the period 1st November to 31st March (inclusive), which must be in accordance with the best practice protocol for minimising disturbance to red-throated diver.
- (f) In the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol in accordance with the draft marine mammal mitigation protocol, the intention of which is to prevent injury to marine mammals, following current best practice as advised by the relevant statutory nature conservation bodies.
- (g) A written scheme of archaeological investigation in relation to the offshore Order limits seaward of mean high water, which must be submitted to the statutory historic body at least six months prior to commencement of the licensed activities and to the MMO at least four months prior to commencement of the licensed activities and which must accord with the outline written scheme of investigation (offshore) and industry good practice, in consultation with the statutory historic body to include—
- (i) details of responsibilities of the undertaker, archaeological consultant and contractor;
 - (ii) a methodology for further site investigation including any specifications for geophysical, geotechnical and diver or remotely operated vehicle investigations;
 - (iii) archaeological analysis of survey data, and timetable for reporting, which is to be submitted to the MMO within four months of any survey being completed;
 - (iv) delivery of any mitigation including, where necessary, identification and modification of archaeological exclusion zones;
 - (v) monitoring of archaeological exclusion zones during and post construction, where required;
 - (vi) a requirement for the undertaker to ensure that a copy of any agreed archaeological report is deposited with the Archaeological Data Service, by submitting an OASIS

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(Online Access to the Index of archaeological investigations’) form with a digital copy of the report within six months of completion of construction of the authorised scheme, and to notify the MMO and Historic England that the OASIS form has been submitted to the Archaeological Data Service within two weeks of submission;

- (vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme; and
 - (viii) a timetable for all further site investigations, which must allow sufficient opportunity to establish a full understanding of the historic environment within the offshore Order limits and the approval of any necessary mitigation required as a result of the further site investigations prior to commencement of licensed activities.
- (h) An offshore operations and maintenance plan, in accordance with the outline offshore operations and maintenance plan, to be submitted to the MMO at least six months prior to commencement of operation of the licensed activities and to provide for review and resubmission every three years during the operational phase.
- (i) An aids to navigation management plan to be approved in writing by the MMO following consultation with Trinity House, to include details of how the undertaker will comply with the provisions of condition 11 for the lifetime of the authorised scheme.
- (j) A *Sabellaria* reef management plan, in accordance with the outline *Sabellaria* reef management plan, to be submitted to the MMO at least six months prior to undertaking any pre-construction geophysical survey detailed in the monitoring plan to be submitted under condition 17(1)(c)(i).
- (2) In the event that driven or part-driven pile foundations are proposed to be used, the hammer energy used to drive or part-drive the pile foundations must not exceed—
- (a) 4,000kJ in respect of monopile foundations; and
 - (b) 2,400kJ in respect of pin piles.
- (3) Pre-construction archaeological investigations, UXO clearance and pre-commencement material operations which involve intrusive seabed works must only take place in accordance with a specific written scheme of archaeological investigation which is itself in accordance with the details set out in the outline written scheme of investigation (offshore), and which has been submitted to and approved by the MMO in consultation with the statutory historic body.

18.—(1) Any archaeological reports produced in accordance with condition 17(1)(g)(iii) are to be approved by the statutory historic body.

(2) Each programme, statement, plan, protocol or scheme required to be approved under condition 17 must be submitted for approval at least six months prior to the intended commencement of licensed activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.

(3) No licensed activity may commence until for that licensed activity the MMO has approved in writing any relevant programme, statement, plan, protocol or scheme required to be approved under condition 17.

(4) The licensed activities must be carried out in accordance with the approved plans, protocols, statements, schemes and details approved under condition 17, unless otherwise agreed in writing by the MMO.

(5) No part of the authorised scheme may commence until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that part of the authorised scheme, adequately addressed all MCA recommendations as appropriate to the authorised scheme contained within MGN654 “Offshore Renewable Energy Installations

(OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” and its annexes.

Reporting of engaged agents, contractors and vessels

19.—(1) The undertaker must provide the following information to the MMO—

- (a) the name and function of any agent or contractor appointed to engage in the licensed activities within seven days of appointment; and
- (b) each week during the construction of the authorised scheme a completed Hydrographic Note H102 listing the vessels currently and to be used in relation to the licensed activities.

(2) Any changes to the supplied details must be notified to the MMO in writing prior to the agent, contractor or vessel engaging in the licensed activities.

Pre-construction monitoring and surveys

20.—(1) The undertaker must, in discharging condition 17(1)(c), submit details (which accord with the in principle monitoring plan) for written approval by the MMO in consultation with the relevant statutory bodies of proposed pre-construction surveys, including methodologies (including appropriate buffers, where relevant) and timings, and a proposed format and content for a pre-construction baseline report; and

- (a) the survey proposals must specify each survey’s objectives and explain how it will assist in either informing a useful and valid comparison with the post-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement; and
- (b) the baseline report proposals must ensure that the outcome of the agreed surveys together with existing data and reports are drawn together to present a valid statement of the pre-construction position, with any limitations, and must make clear what post-construction comparison is intended and the justification for this being required.

(2) The pre-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed with the MMO, have due regard to, but not be limited to, the need to undertake—

- (a) a survey to determine the location and extent of any *Sabellaria spinulosa* reef inside the area(s) within the Order limits in which it is proposed to carry out construction works;
- (b) a full sea floor coverage swath-bathymetry survey undertaken to IHO Order 1a standard that meets the requirements of MGN654 and its annexes, and side scan sonar, of the area(s) within the Order limits in which it is proposed to carry out construction works including an appropriate buffer area around the site of each work, inclusive of seabed anomalies or sites of historic or archaeological interest that lie within the buffer;
- (c) any marine mammal monitoring required by the monitoring plan submitted in accordance with condition 17(1)(c); and
- (d) any ornithological monitoring required by the monitoring plan submitted in accordance with condition 17(1)(c).

(3) The undertaker must carry out the surveys agreed under sub-paragraph (1) and provide the baseline report to the MMO in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing by the MMO in consultation with the relevant statutory nature conservation bodies.

Construction monitoring

21.—(1) The undertaker must, in discharging condition 17(1)(c), submit details (which accord with the in principle monitoring plan) for approval by the MMO in consultation with the relevant

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statutory nature conservation bodies of any proposed monitoring, including methodologies and timings, to be carried out during the construction of the authorised scheme. The survey proposals must specify each survey's objectives. In any event, such monitoring must include measurements of noise generated by the installation of the first four piled foundations of each piled foundation type to be installed.

(2) The undertaker must carry out the surveys approved under sub-paragraph (1), including any further noise monitoring required in writing by the MMO, and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with the relevant statutory nature conservation bodies.

(3) The results of the initial noise measurements monitored in accordance with sub-paragraph (1) must be provided to the MMO within six weeks of the installation of the first four piled foundations of each piled foundation type. The assessment of this report by the MMO will determine whether any further noise monitoring is required. If, in the opinion of the MMO in consultation with the statutory nature conservation body, the assessment shows significantly different impacts to those assessed in the environmental statement or failures in mitigation, all piling activity must cease until an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed.

(4) Construction monitoring must include traffic monitoring in accordance with the outline navigation monitoring strategy, including the provision of reports on the results of that monitoring periodically as requested by the MMO in consultation with Trinity House and the MCA.

Post construction

22.—(1) The undertaker must, in discharging condition 17(1)(c), submit details (which accord with the in principle monitoring plan) for approval by the MMO in consultation with relevant statutory bodies of proposed post-construction surveys, including methodologies and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals must specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.

(2) The post-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed with the MMO, have due regard to, but not be limited to, the need to undertake—

- (a) appropriate surveys to determine any change in the location, extent and composition of any *Sabellaria spinulosa* reef identified in the pre-construction survey in the parts of the offshore Order limits in which construction works were carried out. The survey design must be informed by the results of the pre-construction survey;
- (b) within twelve months of completion of the licensed activities, one swath-bathymetry survey undertaken to IHO Order 1a standard that meets the requirements of MGN654 and its annexes of the part(s) of the Order limits in which construction works were carried out to assess any changes in bedform topography and such further monitoring or assessment as may be agreed to ensure that cables have been buried or protected;
- (c) any marine mammal monitoring required by the monitoring plan submitted in accordance with condition 17(1)(c);
- (d) post-construction traffic monitoring in accordance with the outline navigation monitoring strategy, including the provision of reports on the results of that monitoring periodically as requested by the MMO in consultation with Trinity House and the MCA; and
- (e) any ornithological monitoring required by the monitoring plan submitted in accordance with condition 17(1)(c).

(3) The undertaker must carry out the surveys agreed under sub-paragraph (1) and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with the relevant statutory nature conservation bodies.

(4) Following installation of cables, the cable monitoring plan required under condition 17(1)(d)(ii)(cc) must be updated with the results of the post installation surveys. The plan must be implemented during the operational lifetime of the project and reviewed as specified within the plan, following cable burial surveys, or as instructed by the MMO.

Reporting of impact pile driving/detonation of explosives

23.—(1) Only when driven or part-driven pile foundations or detonation of explosives are proposed to be used as part of the foundation installation the undertaker must provide the following information to the Marine Noise Registry—

- (a) prior to the commencement of the licenced activities, information on the expected location, start and end dates of impact pile driving/detonation of explosives to satisfy the Marine Noise Registry's Forward Look requirements;
- (b) within 12 weeks of completion of impact pile driving/detonation of explosives, information on the locations and dates of impact pile driving/detonation of explosives to satisfy the Marine Noise Registry's Close Out requirements.

(2) The undertaker must notify the MMO of the successful submission of Forward Look or Close Out data pursuant to sub-paragraph (1) above within 7 days of the submission.

(3) For the purpose of this condition—

- (a) "*Marine Noise Registry*" means the database developed and maintained by JNCC on behalf of Defra to record the spatial and temporal distribution of impulsive noise generating activities in UK seas;
- (b) "*Forward Look*" and "*Close Out*" requirements are as set out in the UK Marine Noise Registry Information Document Version 1 (July 2015) or any updated information document.

Scour protection and cable protection during operation

24.—(1) During the period of five years following the completion of construction the undertaker must not install scour protection in locations where scour protection was not installed during construction until the following information has been submitted to and approved by the MMO in consultation with the relevant statutory nature conservation body—

- (a) the need for and location of the scour protection;
- (b) the type and sources of scour protection proposed to be used;
- (c) the volume and area of scour protection proposed, together with details of the total volume and area of scour protection installed under this licence;
- (d) installation methods for the scour protection; and
- (e) a report to confirm the Environmental Statement predictions in relation to the potential impact of scour protection and that the data used is appropriate.

(2) The information required under paragraph (1) must be submitted to the MMO for approval at least four months prior to the date on which scour protection is intended for installation, unless otherwise agreed with the MMO.

(3) The installation of such scour protection must be undertaken in accordance with the details approved under sub-paragraph (1).

(4) A close out report following each instance of installation of scour protection approved under sub-paragraph (1) must be submitted to the MMO within three months of completion of the activity.

Status: This is the original version (as it was originally made).

(5) Following the date of completion of construction, the undertaker must not install scour protection in locations where scour protection was not installed during construction unless approved under sub-paragraph (1).

(6) During the period of five years following the completion of construction the undertaker must not install cable protection in locations where cable protection was not installed during construction until the following information has been submitted to and approved by the MMO in consultation with the relevant statutory nature conservation body—

- (a) the need for and location of the cable protection;
- (b) the type and sources of cable protection proposed to be used;
- (c) the volume and area of cable protection proposed, together with details of the total volume and area of cable protection installed under this licence;
- (d) installation methods for the cable protection; and
- (e) a report to confirm the Environmental Statement predictions in relation to the potential impact of cable protection and that the data used is appropriate.

(7) The information required under sub-paragraph (6) must be submitted to the MMO for approval at least four months prior to the date on which cable protection is intended for installation, unless otherwise agreed with the MMO.

(8) The installation of such cable protection must be undertaken in accordance with the details approved under sub-paragraph (6).

(9) A close out report following each instance of installation of cable protection approved under sub-paragraph (6) must be submitted to the MMO within three months of completion of the activity.

(10) Following the date of completion of construction, the undertaker must not install cable protection in locations where cable protection was not installed during construction unless approved under sub-paragraph (6).

Co-operation

25.—(1) Prior to submission of plans and documentation required to be submitted to the MMO for approval in accordance with conditions 16(1), 17(1) and 26(1), the undertaker must provide a copy of the relevant plans and documentation to the East Anglia ONE North undertaker to enable the East Anglia ONE North undertaker to provide any comments on the plans and documentation to the undertaker.

(2) The plans and documentation submitted to the MMO for approval in accordance with conditions 16(1), 17(1) and 26(1) must be accompanied by any comments received by the undertaker from the East Anglia ONE North undertaker in accordance with paragraph (1) or a statement from the undertaker confirming that no such comments were received.

(3) The undertaker must participate in liaison meetings with the East Anglia ONE North undertaker as requested from time to time by the MMO in writing in advance, and such meetings will be chaired by the MMO and may consider such matters as are determined by the MMO relating to the efficient management and discharge of conditions 16(1), 17(1) and 26(1) of this licence and conditions 16(1), 17(1) and 26(1) of Schedule 13, Part 2 to the East Anglia ONE North Order.

(4) For the purposes of this condition—

“East Anglia ONE North authorised scheme” means Work Nos. 1 to 6 of the East Anglia ONE North Order;

“East Anglia ONE North Order” means the East Anglia ONE North Offshore Wind Farm Order 2022; and

“East Anglia ONE North undertaker” means the undertaker in respect of the East Anglia ONE North authorised scheme.

Southern North Sea Special Area of Conservation Site Integrity Plan (Piling)

26.—(1) No piling activities can commence until a Site Integrity Plan (SIP), which accords with the principles set out in the in principle East Anglia TWO Project Southern North Sea SAC Site Integrity Plan, has been submitted to, and approved in writing, by the MMO in consultation with the relevant statutory nature conservation body.

(2) The SIP submitted for approval must contain a description of the conservation objectives for the Southern North Sea Special Area of Conservation (SNS SAC) as well as any relevant management measures and it must set out the key statutory nature conservation body advice on activities within the SNS SAC relating to piling as set out within the JNCC Guidance and how this has been considered in the context of the authorised scheme.

(3) The SIP must be submitted to the MMO no later than six months prior to the commencement of piling activities.

(4) In approving the SIP the MMO must be satisfied that the authorised scheme at the pre-construction stage, in-combination with other plans and projects, is in line with the JNCC Guidance.

Southern North Sea Special Area of Conservation Site Integrity Plan (UXO clearance)

27.—(1) No removal or detonation of UXO can take place until a Site Integrity Plan (SIP), which accords with the principles set out in the in principle East Anglia TWO Project Southern North Sea SAC Site Integrity Plan, has been submitted to, and approved in writing, by the MMO in consultation with the relevant statutory nature conservation body.

(2) The SIP submitted for approval must contain a description of the conservation objectives for the Southern North Sea Special Area of Conservation (SNS SAC) as well as any relevant management measures and it must set out the key statutory nature conservation body advice on activities within the SNS SAC relating to removal or detonation of UXO as set out within the JNCC Guidance and how this has been considered in the context of the authorised scheme.

(3) The SIP must be submitted to the MMO no later than six months prior to removal or detonation of UXO being undertaken.

(4) In approving the SIP the MMO must be satisfied that the authorised scheme at the pre-construction stage, in-combination with other plans and projects, is in line with the JNCC Guidance.

Control of piling and UXO detonations

28.—(1) The undertaker must not—

- (a) undertake pile driving in respect of more than one pile at the same time;
- (b) undertake more than one UXO detonation at the same time; or
- (c) undertake pile driving at the same time as undertaking a UXO detonation.

(2) In the event that pile driving or UXO detonation is being carried out under licence 2 (transmission), the undertaker must not undertake pile driving or UXO detonation under this licence at the same time.

(3) During the winter period the undertaker must not carry out more than one pile driving activity or UXO detonation within a 24 hour period under this licence, alone or in-combination with pile driving or UXO detonations undertaken in accordance with licence 2 (transmission).

(4) For the purpose of this condition—

“winter period” means the period between 1st October to 31st March inclusive.

Herring spawning

29.—(1) The undertaker must not undertake pile driving or UXO detonations during the herring spawning period.

(2) The “herring spawning period” means a period within 1st November and 31st January to be confirmed in writing by the MMO following submission of a herring spawning report by the undertaker which analyses the International Herring Larval Survey data for the periods 1st -15th January and 16th -31st January for the preceding ten years in order to determine when the highest larval densities occur and which includes a methodology for the analysis.

(3) Unless otherwise agreed in writing with the MMO, the report referred to in paragraph (2) must be submitted to the MMO at least six months prior to—

- (a) the date on which it is intended for UXO clearance activities to begin; or
- (b) the commencement of construction,

whichever is earlier.

Sediment sampling

30.—(1) The undertaker must not undertake dredge or disposal activities until the following have been submitted to and approved in writing by the MMO—

- (a) details of an additional sediment contaminants sampling campaign; and
- (b) a dredge and disposal process report detailing—
 - (i) the results of the sampling campaign referred to in sub-paragraph (1)(a); and
 - (ii) the requirements to be adhered to during any dredge and disposal activities.

(2) Any dredge and disposal activities must be undertaken in accordance with the dredge and disposal process report approved under sub-paragraph (1).

Completion of construction

31.—(1) The undertaker must submit a close out report to the MMO and the relevant statutory nature conservation body within three months of the date of completion of construction. The close out report must confirm the date of completion of construction and must include the following details—

- (a) the final number of installed wind turbine generators; and
- (b) the installed wind turbine generator parameters relevant for ornithological collision risk modelling.

(2) Following completion of construction, no further construction activities can be undertaken under this licence.