

SCHEDULES

SCHEDULE 10

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

PART 2

Licence conditions

Design parameters

- 1.—(1) All wind turbine generators forming part of Work No. 3 must not—
- (a) be less than 82 metres to the turbine hub when measured from MHWS;
 - (b) exceed a height of 200 metres from MHWS to the upper tip of the vertical blade;
 - (c) exceed a rotor diameter of 178 metres;
 - (d) be less than 22 metres from MHWS to the lowest point of the rotating blade; or
 - (e) be less than 924 metres from the nearest wind turbine generator in all directions.
- (2) References to the location of a wind turbine generator are references to the centre point of the turbine.

Commencement Information

I1 (p01747) Sch. 10 Pt. 2 para. 1 in force at 31.12.2014, see [art. 1](#)

2. Any offshore accommodation platform forming part of Work No. 3 must not—
- (a) exceed 60 metres in height above MHWS;
 - (b) have a platform which at its greatest extent exceeds, 3,600 m² or 60 metres in width.

Commencement Information

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

3. The diameter of the electrical circuits comprising the electrical circuits within Work No. 3 must not exceed 170 mm.

Commencement Information

I3 (p01747) Sch. 10 Pt. 2 para. 3 in force at 31.12.2014, see [art. 1](#)

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4. The electrical circuits comprised in Work No. 3 must be installed by use of, or a combination of, ploughing, trenching, jetting, rock-cutting, dredging, surface laying with post lay burial, and where ground conditions make burial impracticable, by surface laying.

Commencement Information

I4 Sch. 10 para. 4 in force at 31.12.2014, see [art. 1](#)

5.—(1) The licence-holder must in fixing to the seabed any structures comprised in Work No. 3 use one of the following methods—

- (a) monopile foundations;
- (b) jacket foundations supported by piles; or
- (c) gravity base foundations.

(2) The following parameters apply in respect of the foundation methods used to fix wind turbine generators comprised in Work No. 3 to the seabed—

- (a) where monopile foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 1,419 m²;
 - (ii) the diameter of each foundation must not exceed 8.5 metres;
- (b) where jacket foundations (driven/drilled piles) are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 707 m² per wind turbine;
 - (ii) the number of piles per jacket must not exceed four;
 - (iii) the diameter of each pile must not exceed three metres;
- (c) where jacket foundations (suction piles) are used—
 - (i) the area occupied by the foundations and scour protection for each individual structure must not exceed 6,362 m²;
 - (ii) the number of piles per jacket must not exceed four;
 - (iii) the diameter of each pile must not exceed 15 metres;
- (d) where gravity base foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 6,362 m²;
 - (ii) the seabed levelling diameter must not exceed 70 metres;
 - (iii) the cone diameter must not exceed 50 metres at its base.

(3) The following parameters apply in respect of the foundation methods used to fix any offshore accommodation platform comprised in Work No. 3 to the seabed—

- (a) where monopile foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 1,419 m²;
 - (ii) the diameter of each foundation must not exceed 8.5 metres;
- (b) where jacket foundations (driven/drilled piles) are used—

- (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 1,414 m²;
 - (ii) the number of piles must not exceed eight;
 - (iii) the diameter of each pile must not exceed three metres;
- (c) where jacket foundations (suction piles) are used—
- (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 6,362 m²;
 - (ii) the number of piles per jacket must not exceed eight;
 - (iii) the diameter of each pile must not exceed 15 metres;
- (d) where gravity base foundations are used—
- (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 6,362 m²;
 - (ii) the seabed levelling diameter must not exceed 70 metres;
 - (iii) the cone diameter must not exceed 50 metres at its base.
- (4) The combined total volume of scour protection for the wind turbine generators and the offshore accommodation platform forming part of Work No. 3 must not exceed 1,079,839 m³.
- (5) In the event that no offshore accommodation platform is constructed under this licence, the combined total volume of scour protection for the wind turbine generators forming part of Work No. 3 must not exceed 1,066,508 m³.

Commencement Information

I5 Sch. 10 para. 5 in force at 31.12.2014, see [art. 1](#)

Commencement Information

I1 (p01747) Sch. 10 Pt. 2 para. 1 in force at 31.12.2014, see [art. 1](#)

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

I3 (p01747) Sch. 10 Pt. 2 para. 3 in force at 31.12.2014, see [art. 1](#)

I4 Sch. 10 para. 4 in force at 31.12.2014, see [art. 1](#)

I5 Sch. 10 para. 5 in force at 31.12.2014, see [art. 1](#)

Notifications and inspections

- 6.—(1) The licence-holder shall ensure that—
- (a) a copy of this licence and any subsequent amendments or revisions to it are provided to—
 - (i) all agents and contractors notified to the MMO in accordance with the conditions of this licence; and
 - (ii) the masters and transport managers responsible for the vehicles notified to the MMO in accordance with the conditions of this licence.
 - (b) Within 28 days of receipt of a copy of this licence those persons referred to in subparagraph (a) shall provide a completed confirmation form to the MMO confirming their understanding of the terms and conditions of this licence.

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- (2) Only those persons and vessels notified to the MMO in accordance with condition 16 are permitted to carry out the licensed activities.
- (3) Copies of this licence shall also be available for inspection at the following locations—
 - (a) the licence-holder's registered address;
 - (b) any site office located at or adjacent to the construction site and used by the licence-holder or its agents and contractors responsible for the loading, transportation or deposit for 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 are to be made.
- (4) The documents referred to in paragraph (1)(a) shall be available for inspection by an enforcement officer at the locations set out in paragraph (3) above at any time.
- (5) The licence-holder 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 licence-holder must inform the MMO in writing at least five working days prior to the commencement of the licensed activities or any phase of them.
- (7) Prior to the commencement of the licensed activities the licence-holder must publish in the Kingfisher Fortnightly Bulletin details of the vessel routes, timings and locations relating to the construction of the authorised scheme.
- (8) The licence-holder shall ensure that a Notice to Mariners is issued at least ten days prior to the commencement of the licensed activities advising of the commencement of licensed activities within Wind Farm Area 3 and the expected vessel routes from the local service ports to the turbine locations.
- (9) The Notices to Mariners must be updated and reissued not less frequently than weekly and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction and monitoring programme approved under licence condition 13(2)(a). Copies of all notices shall be provided to the MMO.
- (10) The licence-holder must notify—
 - (a) the UK Hydrographic Office of commencement (within two weeks), progress and completion (within two weeks) of the authorised scheme in order that all necessary amendments to nautical charts are made; and
 - (b) the MMO once the authorised scheme is completed and any required lighting or marking has been established.

Commencement Information

16 Sch. 10 para. 6 in force at 31.12.2014, see [art. 1](#)

Aids to navigation

7. The licence-holder must during the whole period from the start of construction of the authorised scheme seaward of MHWS to the completion of decommissioning—
 - (a) 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;
 - (b) colour all structures in the authorised scheme as directed by Trinity House;

- (c) notify Trinity House as soon as reasonably practicable of both the progress and completion of the authorised scheme (or any phase of it) and any aids to navigation established from time to time;
- (d) provide reports on the working condition of aids to navigation periodically as requested by Trinity House;
- (e) notify Trinity House and the MMO of any failure of the aids to navigation and the timescales in which such failure will be remedied, as soon as possible and no later than 24 hours following the licence-holder becoming aware of any such failure.

Commencement Information

I7 Sch. 10 para. 7 in force at 31.12.2014, see [art. 1](#)

Provision against danger to navigation

8. In case of injury to, or destruction or decay of, the authorised scheme or any part of it seaward of MHWS the licence-holder must as soon as reasonably practicable, and no later than 24 hours following the licence-holder becoming aware of any such injury, destruction or decay, notify Trinity House and must lay down such buoys, exhibit such lights and take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.

Commencement Information

I8 Sch. 10 para. 8 in force at 31.12.2014, see [art. 1](#)

Navigational Practice, Safety and Emergency Response

9.—(1) No part of the authorised scheme seaward of MHWS is to commence until the Secretary of State, in consultation with the MCA, has given written approval for an Emergency Response and Co-operation Plan which includes full details of the emergency co-operation plans for the construction, operation and decommissioning phases of that part of the authorised scheme in accordance with the MCA recommendations contained within MGN 371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues”.

(2) No authorised scheme seaward of MHWS is to commence until the Secretary of State, in consultation with the MCA, has confirmed in writing that the licence-holder has taken into account and, so far as is applicable to that stage of the development, adequately addressed all MCA recommendations as appropriate to the authorised scheme contained within MGN 371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” (including its annexes).

(3) The Emergency Response and Co-operation Plan must be implemented as approved, unless otherwise agreed in writing by the Secretary of State, in consultation with the MCA.

(4) The licence-holder must during the whole period from the start of construction of the authorised scheme seaward of MHWS to the completion of decommissioning provide relevant information to the MCA to assist in the timely and efficient issuing of notices to mariners and other navigational warnings of the position and nature of the works, such information to be provided to mariners in the shipping and fishing industry as well as to recreational mariners.

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Commencement Information

I9 Sch. 10 para. 9 in force at 31.12.2014, see [art. 1](#)

Colour and lighting

10. Except as otherwise required by Trinity House under condition 7, the licence-holder must colour all structures comprised in Work No. 3 submarine grey (colour code RAL 7035).

Commencement Information

I10 Sch. 10 para. 10 in force at 31.12.2014, see [art. 1](#)

Chemicals, drilling and debris

11.—(1) All chemicals used in the construction of the authorised scheme shall be selected from the List of Notified Chemicals approved for use by the offshore oil and gas industry under the Offshore Chemicals Regulations 2002 (as amended), unless otherwise agreed in writing by the MMO.

(2) The licence-holder shall ensure that any coatings or treatments are suitable for use in the marine environment and are used in accordance with guidelines approved by Health and Safety Executive or the Environment Agency Pollution Prevention Guidelines.

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

(4) Where foundation drilling works are proposed, in the event that any system other than water based mud is proposed the MMO's written approval in relation to the proposed disposal of any arisings shall be obtained before the drilling commences, which disposal may also require a marine licence.

(5) The licence-holder shall ensure that any debris arising from the construction of the authorised scheme or temporary works placed below MHWS are removed on completion of the authorised scheme, where practicable.

(6) Prior to the commencement of the licensed activities the licence-holder must submit to the MMO an audit sheet covering all aspects of the construction of the authorised scheme and no works shall commence until the audit sheet content has been agreed with the MMO. The audit sheet shall include details of—

- (a) loading facilities;
- (b) vessels;
- (c) equipment;
- (d) shipment routes;
- (e) working schedules; and
- (f) all components and materials to be used in the construction of the authorised scheme.

(7) The audit sheet shall be maintained throughout the construction of the authorised scheme and the MMO shall be notified of any changes on a fortnightly basis.

(8) In the event that the MMO becomes aware that any of the materials on the audit sheet cannot be accounted for it shall require the licence-holder to carry out a side scan sonar survey to plot all obstructions across Wind Farm Area 3 where construction works and related activities have been

carried out under this licence. Local fishermen shall be invited to send a representative to be present during the survey. Any new obstructions that the MMO believes to be associated with the authorised scheme shall be removed at the licence-holder's expense, where practicable.

(9) The licence-holder shall inform the MMO of the location and quantities of inert material disposed of each month under this licence, by submission of a disposal return by 31st January each year for disposals occurring during the months July to December inclusive of the preceding year, and by 31st July each year for disposals occurring during the months January to June inclusive of that year.

(10) The licence-holder shall ensure that only inert material of natural origin, produced during construction drilling and seabed preparation for foundation works comprised in Work No. 3, and drilling mud shall be disposed of at disposal site reference HU206 (Hornsea Project One Subzone 1).

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

(12) The licence-holder shall 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.

Commencement Information

I11 Sch. 10 para. 11 in force at 31.12.2014, see [art. 1](#)

Force majeure

12. If, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit—

- (a) authorised deposits outside of Wind Farm Area 3 or disposal site reference HU206 (Hornsea Project One Subzone 1); or
- (b) unauthorised deposits within or outside of Wind Farm Area 3 or disposal site reference HU206 (Hornsea Project One Subzone 1),

because the safety of human life and/or of the vessel is threatened, full details of the circumstances of the deposit shall be notified to the MMO within 48 hours.

Commencement Information

I12 Sch. 10 para. 12 in force at 31.12.2014, see [art. 1](#)

Pre-construction plans and documentation

13.—(1) The licensed activities shall not commence until the following (insofar as relevant to that activity or phase of activity) have been submitted to and approved in writing by the MMO—

- (a) to ensure conformity with the description of Work No. 3 and compliance with licence conditions 1 to 5 above, a plan, to be agreed in writing with 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 and any offshore accommodation platform, subject to any micro-siting required due to anthropological constraints, environmental constraints, difficult ground conditions or to give adequate spacing between other infrastructure;

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- (ii) the proposed location and height of bridge links;
 - (iii) the height to the tip of the vertical blade, height to the centreline of the generator shaft forming part of the hub, rotor diameter and spacing of all wind turbine generators;
 - (iv) whether an accommodation platform will be built as part of Work No.3 and, if so, the height, length and width of that offshore accommodation platform;
 - (v) the length and arrangement of all electrical circuits comprising Work No. 3 subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions;
 - (vi) the proposed dimensions of all monopile foundations;
 - (vii) the proposed dimensions of all gravity base foundations;
 - (viii) the proposed dimensions of all jacket foundations; and
 - (ix) the proposed layout of all wind turbine generators and any offshore accommodation platform including all exclusion zones comprised in the licensed activities and showing the indicative programming of particular works as set out in the indicative programme to be provided under paragraph (2)(a).
- (2) The licensed activities, or any phase of those activities, shall not commence until a Code of Construction Practice incorporating the following (insofar as relevant to that activity or phase of activity) have been submitted to and approved in writing by the MMO—
- (a) a construction and monitoring programme to include details of—
 - (i) the proposed construction start date;
 - (ii) proposed timings for mobilisation of plant, delivery of materials and installation works; and
 - (iii) proposed pre-construction surveys, baseline report format and content, construction monitoring, post construction monitoring and related reporting in accordance with licence conditions 18 to 20. The pre-construction survey programme and all pre-construction survey methodologies shall be submitted to the MMO at least four months prior to the commencement of any survey works detailed within;
 - (b) a construction method statement in accordance with the project description and Environmental Statement and including details of—
 - (i) foundation installation, including any seabed preparation, drilling and disposal of arisings methods;
 - (ii) turbine installation, including any seabed preparation and scour protection;
 - (iii) installation of any offshore accommodation platform, including any seabed preparation and scour protection;
 - (iv) circuit installation, including any seabed preparation and circuit protection;
 - (v) contractors;
 - (vi) vessels; and
 - (vii) associated works;
 - (c) a project environmental management and monitoring plan 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 during construction and operation of the authorised scheme in relation to all activities carried out below MHWS;
 - (ii) a chemical risk analysis 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) offshore project maintenance plans including offshore electrical circuit maintenance;
 - (v) locations of any archaeological exclusion zones agreed as part of the written scheme of archaeological investigation approved under sub-paragraph (g);
 - (vi) the appointment and responsibilities of a fisheries liaison officer and an environmental liaison officer; and
 - (vii) a disposal plan detailing the locations, methods and timings of dredging and disposal, as well as disposal site monitoring requirements;
- (d) a scour protection management and cable armouring plan providing details of the need, type, sources, quantity, location and installation methods for scour protection and cable armouring to be within the scope of the environmental impact assessment recorded in the Environmental Statement;
- (e) in the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol following current best practice as advised by the statutory nature conservation agencies, to include, but not be limited to—
- (i) identification of a Marine Mammal Monitoring Zone (MMMZ);
 - (ii) appointment of an appropriate number of suitably qualified marine mammal observer(s);
 - (iii) methods for the detection of marine mammals within the MMMZ whether visually (by the marine mammal observer(s)) or acoustically using Passive Acoustic Monitoring equipment or other means of detection;
 - (iv) a reporting methodology to enable efficient communication between the marine mammal observer(s) and the person responsible for approving commencement of piling;
 - (v) an appropriate soft start procedure whereby piling activities do not commence until an agreed time has elapsed and during which marine mammals have not been detected within the MMMZ; and
 - (vi) where appropriate, methods for the application of acoustic deterrent devices;
- (f) cable specification and installation plan, to include—
- (i) technical specification of offshore electrical circuits, including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with industry good practice; and
 - (ii) a detailed cable laying plan, including geotechnical data, cable laying techniques and a cable burial risk assessment encompassing the identification of any cable protection which 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) to be taken to ensure existing and future safe navigation is not compromised;
- (g) a written scheme of archaeological investigation in relation to Wind Farm Area 3 in accordance with industry good practice to include—
- (i) details of responsibilities of the licence-holder, archaeological consultant and contractor;
 - (ii) a methodology for any further site investigation including any specifications for geophysical, geotechnical and diver or remotely operated vehicle investigations;
 - (iii) analysis and reporting of survey data to be submitted to the MMO within four months of survey completion;

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- (iv) delivery of any mitigation including, where necessary, archaeological exclusion zones;
 - (v) monitoring during and post construction, including a conservation programme for finds;
 - (vi) archiving of archaeological material; and
 - (vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme;
- (h) a marine mammal monitoring plan setting out the circumstances in which marine mammal monitoring will be required and the monitoring to be carried out in such circumstances; and
- (i) an offshore project maintenance plan to be submitted to the MMO at least four months prior to commencement of the operation of the licensed activities and to include provision for the review and resubmission of the plan every three years during the operational phase.

(3) Prior to the submission of the pre-construction plans and documentation required by this condition the licence-holder must provide a copy of the plans and documentation to the other undertakers listed in Article 3 of the Order.

(4) The other undertakers must provide any comments on the plans and documentation to the licence-holder within 14 days of receipt of the plans and documentation.

(5) The licence-holder shall participate in liaison meetings with other undertakers listed in Article 3 of the Order as requested from time to time by the MMO in writing in advance, which meetings shall be chaired by the MMO and shall consider such matters as are determined by the MMO relating to the efficient operation of a deemed marine licence where it has an impact on the efficient operation of any other deemed marine licence issued under the Order (including as varied or transferred).

(6) Prior to giving its approval under paragraph (2), the MMO must—

- (a) in relation to any programme, statement, plan or protocol submitted under sub-paragraphs (a) to (e) or (h), consult with the relevant statutory nature conservation body;
- (b) in relation to a scheme submitted under sub-paragraph (g), consult with English Heritage.

Commencement Information

I13 Sch. 10 para. 13 in force at 31.12.2014, see [art. 1](#)

14. The licence-holder shall ensure that a copy of any agreed archaeological report is deposited with the National Record of the Historic Environment, by submitting an English Heritage OASIS form with a digital copy of the report.

Commencement Information

I14 Sch. 10 para. 14 in force at 31.12.2014, see [art. 1](#)

15.—(1) Each programme, statement, plan, protocol or scheme required to be approved under condition 13—

- (a) shall be submitted for approval at least four months prior to the intended start of construction, except where otherwise stated or where an alternative date is agreed in writing by the MMO; and
- (b) shall be accompanied by—

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- (i) a statement confirming that the licence-holder has complied with condition 13(3) in relation to such programme, statement, plan, protocol or scheme; and
- (ii) any comments received by the licence-holder under condition 13(4), or a statement from the licence-holder confirming that no such comments were received.

(2) The licence-holder shall comply with all documents approved under licence condition 13 in carrying out the licensed activities except to the extent agreed in writing by the MMO.

(3) Prior to agreeing an alternative date under paragraph (1)(a) or a change to approved details under paragraph (2) relating to any document in respect of which consultation is required under condition 13(6), the MMO must consult with the relevant consultation body referred to in that condition.

Commencement Information

I15 Sch. 10 para. 15 in force at 31.12.2014, see [art. 1](#)

Commencement Information

I13 Sch. 10 para. 13 in force at 31.12.2014, see [art. 1](#)

I14 Sch. 10 para. 14 in force at 31.12.2014, see [art. 1](#)

I15 Sch. 10 para. 15 in force at 31.12.2014, see [art. 1](#)

Reporting of engaged agents, contractors and vessels

16.—(1) The licence-holder shall provide the following information to the MMO—

- (a) the name and function of any agent or contractor appointed to engage in the licensed activities at least five working days prior to the commencement of the licensed activities or any part of them; and
- (b) each week during the construction of the authorised scheme, a completed Hydrographic Note H102 listing the construction 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 and MMO Coastal Office in writing prior to the agent, contractor or vessel engaging in the licensed activities. All agents, contractors and/or vessel operators will abide by the conditions set out in this licence.

Commencement Information

I16 Sch. 10 para. 16 in force at 31.12.2014, see [art. 1](#)

Equipment and Operation of Vessels Engaged in Licensed Activities

17.—(1) All vessels employed to perform the licensed activities shall be constructed and equipped to be capable of the proper performance of such activities in accordance with the conditions of this licence and shall comply with paragraphs (2) to (6).

(2) All motor powered vehicles must be fitted with—

- (a) electronic positioning aid to provide navigational data;
- (b) radar;
- (c) echo sounder; and

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(d) multi-channel VHF.

(3) No radio beacon or radar beacon operating on the marine frequency bands shall be installed or used without the prior written approval of the Secretary of State.

(4) All vessels' names or identification shall be clearly marked on the hull or superstructure of the vessel.

(5) All communication on VHF working frequencies shall be in English.

(6) No vessel shall engage in the licensed activities until all the equipment specified in paragraph (2) is fully operational.

Commencement Information

I17 Sch. 10 para. 17 in force at 31.12.2014, see [art. 1](#)

Pre-construction monitoring and surveys

18.—(1) The licence-holder must, when submitting details under condition 13(2)(a)—

- (a) in relation to the proposed pre-construction surveys, include methodologies and timings, and 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) in relation to the baseline report proposals shall 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 shall make clear what post-construction comparison is intended and the justification for this being required.

(2) Subject to receipt from the licence-holder of specific proposals pursuant to this condition, it is expected that the pre-construction surveys will comprise, in outline—

- (a) a high resolution swath bathymetric survey to include a 100% coverage and a side scan sonar survey of the part(s) of Wind Farm Area 3 in which it is proposed to carry out construction works and disposal activities under this licence, including a 500m buffer around the site of each works;
- (b) a survey of existing ornithological activity covering the part(s) of Wind Farm Area 3 within which it is proposed to carry out construction works under this licence, and any wider area(s) where appropriate, which is required to test predictions in the Environmental Statement concerning key ornithological interests of relevance to the authorised scheme;
- (c) a survey to determine the location, extent and composition of any benthic habitats of conservation, ecological and/or economic importance in the part(s) of Wind Farm Area 3 in which it is proposed to carry out construction works under this licence; and
- (d) any marine mammal monitoring required by the marine mammal monitoring plan submitted in accordance with condition 13(2)(h).

Commencement Information

I18 Sch. 10 para. 18 in force at 31.12.2014, see [art. 1](#)

Construction monitoring

19.—(1) The licence-holder must, when submitting details of proposed construction monitoring under condition 13(2)(a), include 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) Subject to receipt from the licence-holder of specific proposals pursuant to this condition, it is expected that the construction monitoring will comprise, in outline—

- (a) except to the extent agreed in writing by the MMO, measurements of noise generated by the installation of the first four foundations of each discrete foundation type to be constructed under this licence where driven or part-driven pile foundations are used; and
- (b) recording of any visual sightings or acoustic detection of marine mammals where required as part of the marine mammal mitigation protocol under condition 13(2)(e).

(3) The results of the initial noise measurements monitored in accordance with paragraph (2)(a) must be provided to the MMO within six weeks of the installation of the first four foundations of each discrete foundation type. The assessment of this report by the MMO shall determine whether any further noise monitoring is required.

(4) Construction monitoring shall include vessel traffic monitoring by Automatic Identification System for the duration of the construction period. A report will be submitted to the MMO and the MCA at the end of each year of the construction period.

Commencement Information

I19 Sch. 10 para. 19 in force at 31.12.2014, see [art. 1](#)

Post construction

20.—(1) The licence-holder must, when submitting details of proposed post-construction surveys under condition 13(2)(a), include methodologies and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals shall 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) Subject to receipt of specific proposals, it is expected that the post-construction surveys will comprise, in outline—

- (a) an ornithological survey covering the part(s) of Wind Farm Area 3 within which construction works were carried out under this licence, and any wider area(s) where appropriate, which is required to test predictions in the Environmental Statement concerning key ornithological interests of relevance to the authorised scheme;
- (b) a high resolution swath bathymetric survey of the following to assess any changes in bedform morphology—
 - (i) a representative sample area, to be agreed in writing with the MMO, of the part(s) of Wind Farm Area 3 within which construction works and disposal activities were carried out under this licence, and such further monitoring as may be required to ensure that the cables have been buried or protected; and
 - (ii) an area not to exceed 125 per cent of the predicted scour area around a selection of turbines, such selection to be based on the desk based assessment;
- (c) a survey to determine any change in the location, extent and composition of any benthic habitats of conservation, ecological and/or economic importance identified in the pre-construction survey in the part(s) of Wind Farm Area 3 in which construction works were

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carried out. The survey design will be informed by the results of the pre-construction benthic survey;

- (d) vessel traffic monitoring by Automatic Identification System, for 28 days taking account seasonal variations in traffic patterns, for a maximum duration of one year post construction. A report will be submitted to the MMO and the MCA at the end of the first year after construction is completed; and
- (e) any marine mammal monitoring required by the marine mammal monitoring plan submitted in accordance with condition 13(2)(h).

(3) Prior to carrying out the survey required under paragraph (2)(b), the licence-holder must submit to the MMO for written approval a desk based assessment (which takes account of all factors which influence scour) identifying the turbines with greatest potential for scour. The survey will be used to validate the desk based assessment and the significance of any differences between the predicted scour and recorded scour will be assessed in the survey report which will be submitted to the MMO. The need for further surveys will be agreed in writing with the MMO following submission of the first year of survey data.

Commencement Information

I20 Sch. 10 para. 20 in force at 31.12.2014, see [art. 1](#)

Amendments to details

21.—(1) With respect to any condition of this licence which requires the licensed activities to be carried out in accordance with the plans and programmes approved by the MMO, the approved plans and programmes shall be taken to include any amendments that may subsequently be approved in writing by the MMO.

(2) Where the words ‘except to the extent agreed in writing by the MMO’ appear in these licence conditions, any such agreement or statement may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of MMO that the subject matter of the agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement.

Commencement Information

I21 Sch. 10 para. 21 in force at 31.12.2014, see [art. 1](#)

Offshore Decommissioning

22. No decommissioning activities shall commence until plans for the carrying out of such activities have been submitted to and approved in writing by the MMO.

Commencement Information

I22 Sch. 10 para. 22 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.](#)