

## SCHEDULE 11

Marine Licence 4: Project B Offshore (Transmission Works No. 2B, 2BA or 2BC, 3B and 2T)

### PART B

#### Conditions

##### Detailed offshore design parameters

3.—(1) The dimensions of any offshore collector platform forming part of the authorised scheme (excluding towers, helicopter landing pads, masts and cranes) must not exceed 75 metres in length, 75 metres in width and 85 metres in height above HAT.

(2) The dimensions of any offshore converter platform forming part of the authorised scheme (excluding towers, helicopter landing pads, masts and cranes) must not exceed 125 metres in length, 100 metres in width and 105 metres in height above HAT.

(3) The dimensions of any combined platform forming part of the authorised scheme (excluding towers, helicopter landing pads, masts and cranes) must not exceed the total footprint of the individual platforms incorporated within it.

(4) Offshore platform foundation structures forming part of the authorised scheme must be 1 of the following foundation options: gravity base or multi-leg.

(5) No offshore platform foundation structure employing a footing of driven piles forming part of the authorised scheme must—

(a) have more than 24 driven piles; or

(b) have a pile diameter of greater than 2.744 metres or employ a hammer energy during installation of greater than 1,900 kilojoules.

(6) No offshore platform foundation must have a seabed footprint area of subsea scour protection (excluding foundation footprint) of more than 8,742 square metres.

(7) The foundations for offshore platforms must not exceed the dimensions set out below—

<i>Foundation type</i>	<i>Offshore collector platform (multi-leg or gravity base foundation)</i>	<i>Offshore converter platform (multi-leg or gravity base foundation)</i>
Maximum seabed footprint area per foundation (excluding scour protection) in square metres	5,625	12,500

(8) Either Work No. 2BA or Work No. 2BC may be constructed (but not both).

(9) The number of HVDC cables within Works No. 2B, 2BA, 2BC and 3B must not exceed 2. The total length of HVDC cables within Works No. 1B, 2B, 2BA, 2BC and 3B must not exceed 378 kilometres.

(10) The total cable protection for HVAC inter-platform cables (excluding cable crossings) must not exceed an area of 0.9997 square kilometres or a volume of 972,150 cubic metres within Work No. 1B.

(11) The total export cable protection (excluding cable crossings) must not exceed an area of 1.2217 square kilometres or a volume of 1,188,090 cubic metres.

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(12) No cable protection must be employed within 350 metres seaward of MLWS, measured as a straight line.

(13) Cable protection must be limited to 10% of the cumulative length of all cables laid between MLWS and the 10-metre depth contour as measured against lowest astronomical tide before the commencement of construction.

(14) The length of HVAC cables comprising Work No. 1B must not exceed 320 kilometres.

### **Layout rules**

4.—(1) The offshore platforms must be positioned in accordance with the principles within section 5.2 of Chapter 5 of the environmental statement.

(2) No construction of any offshore platform must commence until the MMO has approved its general position. These general layout arrangements must specify the physical point of connection between generation and transmission assets for Project B (as defined in the Order).

(3) The construction of the offshore platforms must be carried out as approved.

### **Notifications and inspections**

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

(a) before any licensed activities are carried out under this licence, the undertaker informs the MMO of—

(i) the name of the person undertaking the licensed activities;

(ii) the works being undertaken pursuant to this licence comprising those works necessary from the point of connection with the generation assets;

(iii) the maximum total area and volume for any cable protection for HVAC inter-array cables and HVAC inter-platform cables to be constructed within the array area pursuant to this licence; and

(iv) the maximum total area and volume for any cable protection to be constructed within the array area pursuant to this licence;

(b) any works notified under this Condition when combined with any works notified under Condition 6 of Marine Licences 1 and 2 (as defined in the Order) and Condition 5 of Marine Licence 3 (as defined in the Order) do not exceed the maximum parameters set out in Schedule 1 to the Order;

(c) 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 11; and

(ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with Condition 11;

(d) within 28 days of receipt of a copy of this licence, the persons referred to in paragraph (a) provide a completed confirmation form to the MMO confirming that they have read and will comply with the terms of this licence.

(2) Only the persons and vessels notified to the MMO in accordance with Condition 11 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 are to be made.
- (4) The documents referred to in sub-paragraph (1)(c) must be available for inspection by an enforcement officer at all reasonable times at the locations set out in sub-paragraph (3)(b).
- (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 5 working days before commencement of the licensed activities or any phase of them.
- (7) Before commencement of the licensed activities or any phase of them, the undertaker must publish in the Kingfisher Fortnightly Bulletin details of the vessel routes, timings and locations relating to the construction of the authorised scheme or relevant phase.
- (8) The undertaker must ensure that a notice to mariners is issued at least 10 working days before commencement of the licensed activities or any phase of them advising of the commencement date of Works No. 2B and 3B and the expected vessel routes from the local construction ports to the relevant locations.
- (9) The undertaker must ensure that the notices to mariners are updated and reissued at weekly intervals during construction activities and within 5 days of 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 8(1)(b). Copies of all notices must be provided to the MMO.
- (10) The undertaker must notify—
- (a) the United Kingdom Hydrographic Office at least 2 weeks before commencement, and no later than 2 weeks following, completion of the authorised scheme in order that all necessary amendments to nautical charts are made; and
  - (b) the MMO, MCA and Trinity House once the authorised scheme is completed and any required lighting or marking has been established.

### **Chemicals, drilling and debris**

6.—(1) All chemicals used in the construction of the authorised scheme, including any chemical agents placed within any monopile or other foundation structure void, must be selected from the list of notified chemicals approved for use by the offshore oil and gas industry under the Offshore Chemicals Regulations 2002.

(2) The undertaker must ensure that any coatings and 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 control guidelines. Any spillages must be reported to the MMO marine pollution response team within the timeframes specified in the marine pollution contingency plan.

(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 ensure that any debris arising from the construction of the authorised scheme or temporary works placed seaward of MHSW is removed on completion of the authorised scheme.

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(5) At least 10 days before commencement of the licensed activities the undertaker must submit to the MMO an audit sheet covering all aspects of the construction of the licensed activities or any phase of them. The audit sheet must include details of—

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

(6) The audit sheet must be maintained throughout the construction of the authorised scheme (or relevant phase) and must be submitted to the MMO for review at fortnightly intervals.

(7) In the event that the MMO becomes aware that any of the materials on the audit sheet cannot be accounted for, it must require the undertaker to carry out a side-scan sonar survey to plot all obstructions across a reasonable area of search agreed with the MMO where construction works and related activities have been carried out. Representatives of the Holderness Fishing Industry Group must be invited to send a representative to be present during the survey. Any obstructions that the MMO believes to be associated with the authorised scheme must be removed at the undertaker's expense.

### **Force majeure**

7. 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 otherwise than in accordance with Condition 9(2) because the safety of human life or the vessel is threatened—

- (a) within 48 hours full details of the circumstances of the deposit must be notified to the MMO; and
- (b) at the written request of the MMO, the unauthorised deposits must be removed at the expense of the undertaker.

### **Pre-construction plans and documentation**

8.—(1) The licensed activities or any phase of those activities must 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) a plan to be agreed in writing with the MMO following consultation with Trinity House and the MCA which sets out the proposed details of the authorised scheme to ensure conformity with the description of Works No. 2B, 2BA or 2BC and 3B. This includes—
  - (i) the proposed layout of the HVAC and HVDC cables;
  - (ii) the proposed location, including grid co-ordinates, and choice of foundation types for any offshore platforms; and
  - (iii) the dimensions of all monopole, multi-leg and gravity foundations, if used;
- (b) a detailed construction and monitoring programme to include details of—
  - (i) the proposed construction commencement date;
  - (ii) proposed timings for mobilisation of plant, delivery of materials and installation works; and

- (iii) proposed pre-construction surveys, a proposed format and content for a baseline report, construction monitoring, post-construction monitoring and related reporting in accordance with Conditions 13, 14 and 15. The pre-construction survey programme and all pre-construction survey methodologies must be submitted to the MMO for written approval at least 4 months before commencement of any survey works detailed within;
- (c) a construction method statement in accordance with the construction methods assessed in the environmental statement to include details of—
  - (i) drilling methods and disposal of drill arisings;
  - (ii) platform location and installation, including scour protection and foundations;
  - (iii) cable installation;
  - (iv) impact piling including soft start procedures;
  - (v) the source of rock material used in construction and method to minimise contaminants and fines;
  - (vi) contractors;
  - (vii) vessels; and
  - (viii) associated works;
- (d) 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;
  - (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 including arrangements to ensure no waste concrete slurry or wash water from concrete or cement work is discharged;
  - (iv) the fisheries liaison officer appointed by the undertaker (to be notified to the District Marine Officer for the MMO's Northern District). Evidence of liaison must be collated so that signatures of attendance at meetings, agenda and minutes of meetings with the fishing industry can be provided to the MMO if requested;
  - (v) a fisheries liaison plan in accordance with the draft fisheries liaison plan to include information on liaison with the fishing industry (including by the fisheries liaison officer referred to in sub-paragraph (iv)) and a co-existence plan; and
  - (vi) a mitigation scheme for any features of ecological importance identified by the survey referred to in Condition 13(2)(a);
- (e) a marine mammal mitigation protocol, the intention of which is to prevent, amongst other things, injury to marine mammals, primarily auditory injury within the vicinity of any piling, and appropriate monitoring surveys in accordance with the In Principle Monitoring Plan, to be agreed in writing with the MMO in consultation with the relevant statutory nature conservation body;
- (f) a cable specification and installation plan following consultation with the relevant statutory nature conservation body, to include—
  - (i) technical specification of offshore cables, including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with industry good practice;

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- (ii) a staged cable-laying plan for the Order limits, incorporating a burial risk assessment to ascertain suitable burial depths and cable-laying techniques;
  - (iii) a cable protection plan providing details of the need, type, sources, quality and installation methods for cable protection; and
  - (iv) the details of the methodology and extent of post-lay survey, to confirm burial depths; and
- (g) a written scheme of archaeological investigation in relation to offshore areas within the Order limits in accordance with Chapter 18 Appendix B of the environmental statement, industry good practice and after discussions with English Heritage to include—
- (i) details of the responsibilities of the undertaker, 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) within 3 months of any survey being completed, a timetable to be submitted to the MMO setting out the timeframe for analysis and reporting of survey data;
  - (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 including ensuring that a copy of any agreed archaeological report is deposited with the English Heritage archive by submitting an English Heritage OASIS form with a digital copy of the report; and
  - (vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme; and
- (2) In the event that a temporary cofferdam is constructed in Work No. 3B, a method statement for the monitoring and redistribution of sediment must be agreed with the MMO.

9.—(1) Each programme, statement, plan, protocol, scheme or details required to be approved under Condition 8, and the arrangements required to be approved under Condition 4, must be submitted for approval at least 4 months before the intended commencement of construction, except where otherwise stated or unless otherwise agreed in writing by the MMO.

(2) The licensed activities must be carried out in accordance with the programme, statement, plan, protocol, scheme or details approved under Condition 8.

### **Offshore safety management**

10.—(1) Offshore works must not commence until the MMO, in consultation with the MCA, has given written approval for an Emergency Response and Co-operation Plan (“ERCoP”) which includes full details of the ERCoP for the construction, operation and decommissioning phases of the authorised scheme in accordance with the MCA recommendations contained within MGN371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues”. The ERCoP must include the identification of a point of contact for emergency response.

(2) The ERCoP must be implemented as approved.

(3) No authorised development seaward of MHWS must commence until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and adequately addressed all MCA recommendations as appropriate to the authorised scheme

contained within MGN371 “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**

**11.**—(1) The undertaker must provide the name and function of any agent or contractor appointed to engage in the licensed activities to the MMO at least 2 weeks before the intended commencement of construction.

(2) Each week during the construction of the authorised scheme a completed Hydrographic Note H102 must be provided to the MMO listing the vessels currently and to be used in relation to the licensed activities.

(3) Any changes to the supplied details must be notified to the MMO in writing before the agent, contractor or vessel engages in the licensed activities.

### **Equipment and operation of vessels engaged in licensed activities**

**12.**—(1) All vessels employed to perform the licensed activities must be constructed and equipped to be capable of the proper performance of such activities in accordance with the Conditions and (except in the case of remotely-operated vehicles or vessels) must comply with subparagraphs (2) to (6).

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

- (a) an electronic positioning aid to provide navigational data;
- (b) radar;
- (c) an echo-sounder; and
- (d) multi-channel VHF.

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

(4) All vessels’ names or identification must be clearly marked on the hull or superstructure.

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

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

### **Pre-construction monitoring**

**13.**—(1) The undertaker must, in discharging Condition 8(1)(b), submit details for written approval by the MMO of proposed pre-construction surveys, including methodologies and timings, and a proposed format and content for a pre-construction baseline report. The survey proposals must be in accordance with the principles set out in the In Principle Monitoring Plan and 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 or will enable the validation or otherwise of key predictions in the environmental statement. 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) Subject to receipt from the undertaker of specific proposals pursuant to this Condition, where appropriate and necessary it is expected that the pre-construction surveys will comprise—

- (a) an appropriate survey to determine the location and reasonable extent of any benthic habitats of conservation, ecological or economic importance (including Annex 1 habitats)

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in whole or in part inside the areas within the Order limits in which it is proposed to carry out construction works; and

- (b) appropriate high-resolution bathymetric surveys undertaken to International Hydrographic Organisation Order 1A standard and side-scan surveys of the areas within Work No. 2B, 2BA or 2BC within the Order limits in which it is proposed to carry out construction works. This must include the identification of sites of historic or archaeological interest (A1 and A3 receptors) and any unidentified anomalies larger than 5 metres in diameter (A2 receptors), which may require the refinement, removal or introduction of archaeological exclusion zones and to confirm project-specific micro-siting requirements (for A2 receptors).

(3) The undertaker must carry out and complete the surveys to be undertaken under sub-paragraph (1) in a timescale which must be agreed with the MMO.

### **Construction monitoring**

14. The undertaker must, in discharging Condition 8(1)(b), submit details for approval by the MMO of any proposed surveys or monitoring, including methodologies and timings, to be carried out during the construction of the authorised scheme. The details of the construction monitoring must be submitted at least 4 months before commencement of any survey works and provide the agreed reports in the agreed format in accordance with the agreed timetable. The survey proposals must specify each survey's objectives. In any event, such monitoring must, where driven or part-driven pile foundations (for each specific foundation type) are proposed to be used, include measurements of noise generated by the installation of 1 pile from each of the first 4 structures with piled foundations, following which the MMO must determine whether further noise monitoring is required. The results of the initial noise measurements must be provided to the MMO within 6 weeks of the installation of the first relevant foundation piece. The assessment of this report by the MMO must determine whether any further noise monitoring is required.

### **Post-construction surveys**

15.—(1) The undertaker must, in discharging Condition 8(1)(b), submit details for written approval by the MMO of the post-construction surveys proposed in sub-paragraph (2), including methodologies and timings, and a proposed format, content and timings for providing reports on the results at least 4 months before commencement of any survey works detailed within. The survey proposals must be in accordance with the principles set out in the In Principle Monitoring Plan and 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 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—

- (a) appropriate high-resolution bathymetric surveys undertaken to International Hydrographic Organisation Order 1A standard and side-scan sonar surveys around a sample of infrastructure locations that are considered appropriate to assess any changes in seabed topography. For this purpose, the undertaker must before the first such survey submit a desk-based assessment (which takes account of all factors which influence scour) to identify the sample of infrastructure locations that are considered appropriate with greatest potential for scour. The survey will be used to validate the desk-based assessment. Further surveys may be required if there are significant differences between the modelled scour and recorded scour; and
- (b) dependent on the outcome of the surveys undertaken under Condition 13(2)(a), appropriate surveys to determine the effects of construction activity on any benthic habitats of



conservation, ecological or economic importance (including Annex 1 habitats) in whole or in part inside the areas within the Order limits to validate predictions made in the environmental statement.

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

### **Post-construction maintenance plan**

**16.**—(1) A post-construction maintenance plan must be submitted for written approval by the MMO at least 4 months before the licensed activities are commissioned, based on the maintenance in the outline maintenance plan.

(2) An update to the post-construction maintenance plan must be submitted for approval every 3 years, or sooner in the event of any proposed major revision to planned maintenance activities or the adoption of any new technologies or techniques applicable to programmed maintenance.

(3) Maintenance must be carried out as approved.

### **Aids to navigation**

**17.**—(1) Before commencement of the authorised scheme, an aids to navigation management plan must be approved in writing by the MMO following consultation with Trinity House and MCA specifying the—

- (a) aids to navigation to be established from the commencement of the authorised scheme to the completion of decommissioning;
- (b) monitoring and reporting of the availability of aids to navigation; and
- (c) notifications and procedures for ensuring navigational safety following failures to aids to navigation.

(2) The licensed activities must be carried out in accordance with the plan approved under this Condition.

**18.** The undertaker must keep Trinity House and the MMO informed of progress of the authorised scheme seaward of MHWS including—

- (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 5 working days of completion of construction of the authorised scheme.

**19.** The undertaker must notify Trinity House and the MMO of any failure of the aids to navigation, including timescales and plans for remedying such failures, as soon as possible and no later than 24 hours following the detection of any such failure.

**20.** The undertaker must at or near the authorised scheme during the whole period of the construction, operation, alteration, replacement or decommissioning of the authorised scheme 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 following consultation with the MMO.

**21.** The undertaker must submit reports quarterly to the MMO and Trinity House detailing the working condition of aids to navigation. Reports may be requested more frequently by the MMO or Trinity House and must be submitted by the undertaker as specified.

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**22.** In case of damage to, or destruction or decay of, the authorised scheme seaward of MHWS or any part of it, the undertaker must as soon as possible and no later than 24 hours following the identification of damage, destruction or decay, notify Trinity House and the MMO. The undertaker must also lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as directed by Trinity House following consultation with the MMO.

#### **Colour of authorised scheme**

**23.—**(1) The undertaker must colour all structures that are part of the authorised scheme seaward of MHWS yellow (colour code RAL 1023) from at least HAT to a height approved by the MMO following consultation with Trinity House.

(2) Details of the remainder of the structures must be submitted to and approved in writing by the MMO following consultation with Trinity House before commencement of the authorised scheme.

(3) The structures must be coloured in accordance with the approved details.

#### **Amendments to plans, etc.**

**24.** Where any Condition requires licensed activities to be carried out in accordance with any programme, statement, plan, protocol, scheme, details or arrangements approved by the MMO, the approved programme, statement, plan, protocol, scheme, details or arrangements must be taken to include any amendments that may subsequently be approved in writing by the MMO (after consulting any person that the MMO is required to consult under the relevant Condition).