

SCHEDULE 9

Marine Licence A2: Project A – Transmission Assets

PART 2

Licence conditions

Design parameters

- 1.—(1) No offshore HVAC collector substation forming part of Work No. 2A may—
 - (a) exceed 64 metres in height above LAT;
 - (b) have a platform that at its greatest extent exceeds 3,600 square metres in area or 60 metres in width.
- (2) No offshore HVDC converter substation forming part of Work No. 2A may—
 - (a) exceed 110 metres in height above LAT;
 - (b) have a platform that at its greatest extent exceeds 16,200 square metres in area or 180 metres in width.
- (3) The offshore reactive compensation substation comprised in Work No. 3A must not—
 - (a) exceed 64 metres in height above LAT; or
 - (b) have a platform that at its greatest extent exceeds 3,600 square metres in area or 60 metres in width.
- (4) The diameter of the electrical cables comprising the electrical circuits must not exceed—
 - (a) within Work No. 2A, 300 millimetres;
 - (b) within Work Nos. 4A and 5A—
 - (i) 190 millimetres, where the mode of transmission is HVDC; and
 - (ii) 300 millimetres, where the mode of transmission is HVAC.
- (5) The combined total length of the connections in the form of electrical circuits between the structures comprised in Work Nos. 2A and 2B must not exceed 300 kilometres.
- (6) The combined total length of the electrical circuits comprised in Work Nos. 4A, 4B, 5A and 5B seaward of MHWS must not exceed 1,200 kilometres.
- (7) The combined total area of cable protection for the electrical circuits comprising Work Nos. 2A and 2B must not exceed 546,000 square metres.
- (8) The combined total area of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located outside the Humber Estuary Special Area of Conservation must not exceed 2,055,200 square metres.
- (9) The combined total area of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located within the Humber Estuary Special Area of Conservation must not exceed 44,800 square metres.
- (10) The combined total volume of cable protection for the electrical circuits comprising Work Nos. 2A and 2B must not exceed 312,000 cubic metres.
- (11) The combined total volume of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located outside the Humber Estuary Special Area of Conservation must not exceed 1,174,400 cubic metres.

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(12) The combined total volume of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located within the Humber Estuary Special Area of Conservation must not exceed 25,600 cubic metres.

(13) The electrical circuits comprised in Work Nos. 2A and 4A 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.

(14) The electrical circuits comprised in Work No. 5A must be installed by use of, or a combination of, ploughing, trenching and jetting, with the exception that, where the electrical circuits comprised in Work No. 5A cross under the existing sea wall, they must be installed using a trenchless technique.

Commencement Information

II Sch. 9 Pt. 2 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

2.—(1) The undertaker must in fixing to the seabed any structures comprised in Work Nos. 2A and 3A use one of the following methods—

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

(2) The undertaker must not use the monopile foundation method or any other method that includes braced monopiles to fix to the seabed any offshore HVDC converter substation.

(3) The following parameters apply in respect of the foundation methods used to fix offshore HVAC collector substations 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 1,963 square metres;
 - (ii) the diameter of each foundation must not exceed 10 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 1,924 square metres;
 - (ii) the number of piles per jacket must not exceed 8;
 - (iii) the diameter of each pile must not exceed 3.5 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 12,723 square metres;
 - (ii) the number of piles per jacket must not exceed 8;
 - (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 square metres;
 - (ii) the seabed levelling diameter must not exceed 70 metres;
 - (iii) the cone diameter must not exceed 50 metres at its base.

(4) The following parameters apply in respect of the foundation methods used to fix offshore HVDC converter substations to the seabed—

- (a) 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 17,318 square metres;
 - (ii) the number of jacket foundations per topside must not exceed 4;
 - (iii) the number of piles per topside must not exceed 72;
 - (iv) the number of piles per jacket must not exceed 18;
 - (v) the diameter of each pile must not exceed 3.5 metres;
- (b) 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 50,894 square metres;
 - (ii) the number of jacket foundations per topside must not exceed 4;
 - (iii) the number of piles per topside must not exceed 32;
 - (iv) the number of piles per jacket must not exceed 8;
 - (v) the diameter of each pile must not exceed 15 metres;
- (c) where gravity base foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 27,300 square metres;
 - (ii) the number of pontoons for each individual structure must not exceed 3;
 - (iii) the pontoons must not exceed 170 metres in length or 35 metres in width.

(5) The following parameters apply in respect of the foundation methods used to fix the offshore reactive compensation substation to the seabed—

- (a) where monopile foundations are used—
 - (i) the area occupied by the foundations and the scour protection must not exceed 1,963 square metres;
 - (ii) the diameter of each foundation must not exceed 10 metres;
- (b) where jacket foundations (driven/drilled piles) are used—
 - (i) the area occupied by the foundations and the scour protection must not exceed 1,414 square metres;
 - (ii) the number of piles per jacket must not exceed 8;
 - (iii) the diameter of each pile must not exceed 3 metres;
- (c) where jacket foundations (suction piles) are used—
 - (i) the area occupied by the foundations and the scour protection must not exceed 6,362 square metres;
 - (ii) the number of piles per jacket must not exceed 4;
 - (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 square metres;
 - (ii) the seabed levelling diameter must not exceed 70 metres;
 - (iii) the cone diameter must not exceed 50 metres at its base.

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Commencement Information

I2 Sch. 9 Pt. 2 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

Commencement Information

I1 Sch. 9 Pt. 2 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

I2 Sch. 9 Pt. 2 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

Navigational practice, safety and emergency response

3.—(1) No part of the authorised scheme seaward of MHWS may commence until the MMO, in consultation with the MCA, has given written approval for an emergency response 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 part of the authorised scheme seaward of MHWS 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 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 co-operation plan must be implemented as approved, unless otherwise agreed in writing by the MMO, in consultation with the MCA.

Commencement Information

I3 Sch. 9 Pt. 2 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

Aids to navigation

4.—(1) The undertaker 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) keep Trinity House and the MMO informed of progress of the authorised scheme seaward of MHWS including—
 - (i) notice of commencement of construction of the authorised scheme within 24 hours of commencement having occurred;
 - (ii) notice within 24 hours of any aids to navigation being established by the undertaker; and
 - (iii) notice within 5 working days of completion of construction of the authorised scheme;
- (d) submit reports to Trinity House detailing the working condition of aids to navigation quarterly, or as requested by Trinity House;

- (e) 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.
- (2) Except as otherwise required by Trinity House under paragraph (1), the undertaker must colour all structures comprised in Work Nos. 2A and 3A yellow (colour code RAL 1023) from at least highest astronomical tide to a height as directed by Trinity House.
- (3) Unless the MMO otherwise directs, the undertaker must paint the remainder of the structures submarine grey (colour code RAL 7035).

Commencement Information

I4 Sch. 9 Pt. 2 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

Notifications and inspections

- 5.—(1) The undertaker must 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; and
 - (ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with the Conditions;
 - (b) within 28 days of receipt of a copy of this licence, the persons referred to in subparagraph (a) provide a completed confirmation form to the MMO confirming their understanding of the terms and conditions 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 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) must be available for inspection by an enforcement officer at the locations set out in paragraph (3) at any time.
- (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 Marine Licensing Team and the MMO Coastal Office in writing at least 5 working days before the commencement of the licensed activities or any part of them.
- (7) The Kingfisher Information Service of Seafish must be informed by email of details of the vessel routes, timings and locations relating to the construction of the authorised scheme or relevant part to kingfisher@seafish.co.uk—
- (a) at least 2 weeks before the construction of the authorised scheme or relevant part, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data; and

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(b) on completion of the construction of the authorised scheme or relevant part.

Confirmation of notification must be provided to the MMO within 5 working days of notification to the Kingfisher Information Service of Seafish.

(8) The undertaker must ensure that a notice to mariners is issued at least 10 working days before the commencement of the licensed activities advising of the commencement of licensed activities within the offshore Order limits and the expected vessel routes from the local service ports to the location of the works comprised within the authorised scheme.

(9) The undertaker must ensure that the notices to mariners are updated and reissued at weekly intervals during construction activities and at least 5 days before any planned operation and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction and monitoring programme approved under Condition 8(2)(a). Copies of all notices must be provided to the MMO within 10 working days of issue.

(10) The undertaker must notify—

- (a) the UK Hydrographic Office of commencement (within 2 weeks), progress and completion (within 2 weeks) of the authorised scheme in order that all necessary amendments to nautical charts are made, and the undertaker must send a copy of such notifications to the MMO; and
- (b) the Defence Geographic Centre (at least 4 weeks before) of the commencement of the authorised scheme, and of the progress and completion (within 2 weeks) of the authorised scheme, in order that all necessary amendments to aviation charts are made.

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

(12) In the event that the Marine Noise Registry has gone live before the commencement of impact pile driving—

- (a) the undertaker must submit details of the expected location, start and end dates of impact pile driving to the Marine Noise Registry before the commencement of the impact pile driving; and
- (b) the undertaker must notify the MMO of the successful submission of the details required under sub-paragraph (a) within 7 days of the submission.

(13) In the event that the Marine Noise Registry has gone live at the time of impact pile driving—

- (a) the undertaker must submit the exact locations and dates of impact pile driving to the Marine Noise Registry at 6-month intervals from the commencement of impact pile driving until the completion of impact pile driving. The final data must be submitted within 12 weeks of completion of impact pile driving; and
- (b) the undertaker must notify the MMO of the successful submission of the details required under sub-paragraph (a) within 7 days of the submission.

Commencement Information

15 Sch. 9 para. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

Chemicals, drilling and debris

6.—(1) All chemicals used in the construction of the authorised scheme 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, unless otherwise agreed in writing by the MMO.

(2) The undertaker must 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 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) 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 must be obtained before the drilling commences, which disposal may also require a marine licence.

(5) The undertaker must ensure that, where practicable, any debris arising from the construction of the authorised scheme or temporary works placed seaward of MHWS is removed by a date no later than 28 days following the undertaker becoming aware of the debris after the completion of the authorised scheme (or by such later date as may be agreed in writing by the MMO). In the event that the debris cannot practicably be removed, the undertaker must notify the MMO, Trinity House and the MCA within 7 days of becoming aware that the debris cannot practicably be removed.

(6) At least 10 days before the commencement of the licensed activities, the undertaker must submit to the MMO an audit sheet covering all aspects of the construction of the authorised scheme, and no works may commence until the audit sheet content has been agreed with the MMO. The audit sheet must 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 must be maintained throughout the construction of the authorised scheme, and the MMO must be notified of any changes on a fortnightly basis.

(8) In the event that the undertaker becomes aware that any of the materials on the audit sheet cannot be accounted for, it must notify the MMO within 24 hours where possible, and in any event within 5 days of becoming aware using the dropped object procedure form. 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. Local fishermen must be invited to send a representative to be present during the survey. The MMO may require any new obstructions associated with the authorised scheme to be removed from the seabed at the undertaker's expense if reasonable to do so.

(9) All debris arising from the operation and maintenance of the authorised scheme must be reported to the MMO using the dropped object procedure form within 24 hours where possible, and in any event within 5 days of the undertaker becoming aware of the 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 any new obstructions associated with the authorised scheme to be removed from the seabed at the undertaker's expense if reasonable to do so.

(10) The undertaker must inform the MMO of the location and quantities of inert material and dredged material disposed of each month under this licence at each of disposal site reference HU211, disposal site reference HU209 and disposal site reference HU210, by submission of a disposal return for each disposal area by 31st January each year for disposals occurring during the months July to

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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.

- (11) The undertaker must ensure that only—
- (a) inert material of natural origin and drilling mud, produced during construction drilling and seabed preparation for foundation works comprised in Work No. 2A;
 - (b) dredged material produced during seabed preparation for foundation works comprised in Work No. 2A; and
 - (c) inert material of natural origin and dredged material produced during cable laying preparation works comprised in Work No. 2A and Work No. 4A,

is disposed of at disposal site reference HU211.

- (12) The undertaker must ensure that only—
- (a) inert material of natural origin and drilling mud, produced during construction drilling and seabed preparation for foundation works comprised in Work No. 3A;
 - (b) dredged material produced during seabed preparation for foundation works comprised in Work No. 3A; and
 - (c) inert material of natural origin and dredged material produced during cable laying preparation works comprised in Work No. 4A,

is disposed of at disposal site reference HU209.

(13) The undertaker must ensure that only inert material of natural origin and dredged material produced during cable laying preparation works comprised in Work No. 4A is disposed of at disposal site reference HU210.

(14) The undertaker must 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 must be contained to prevent run-off entering the water through the freeing ports.

(15) 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.

(16) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU211.

(17) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU209.

(18) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU210.

Commencement Information

16 Sch. 9 para. 6 in force at 7.9.2016, see [art. 1\(2\)](#)

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—

- (a) authorised deposits outside of the offshore Order limits or disposal site references HU209, HU210 or HU211; or
- (b) unauthorised deposits within or outside of the offshore Order limits or disposal site references HU209, HU210 or HU211,

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

Commencement Information

I7 Sch. 9 para. 7 in force at 7.9.2016, see [art. 1\(2\)](#)

Pre-construction plans and documentation

8.—(1) The licensed activities may not commence until a plan setting out proposed details of the authorised scheme and including the following (insofar as relevant to that activity or phase of activity) has been submitted to and approved in writing by the MMO following appropriate consultation with Trinity House and the MCA—

- (a) number, dimensions, specification, foundation types and depth for each offshore HVAC collector substation, offshore HVDC converter substation and offshore reactive compensation substation;
- (b) grid co-ordinates of the centre point of the proposed location for each offshore HVAC collector substation, offshore HVDC converter substation and offshore reactive compensation substation, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions;
- (c) proposed layout of all cables, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions; and
- (d) location and specification of all other aspects of the authorised scheme, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions.

(2) The licensed activities, or any phase of those activities, may not commence until a code of construction practice incorporating the following (insofar as relevant to that activity or phase of activity) has 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 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 by the MMO in consultation with the relevant statutory nature conservation body at least 4 months before the commencement of any survey works detailed within;
- (b) a construction method statement in accordance with the environmental statement, including details of—
 - (i) foundation installation, including any seabed preparation, drilling and disposal of arisings methods;
 - (ii) installation of offshore HVAC collector substations, offshore HVDC converter substations and offshore reactive compensation substations, including any seabed preparation and scour protection;
 - (iii) circuit installation, including any seabed preparation and circuit protection;

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- (iv) contractors;
 - (v) vessels; and
 - (vi) 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 seaward of MHWS. The plan must include a mechanism for reporting oil, fuel and chemical spills to the MMO Marine Pollution Response Team;
 - (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) a disposal plan detailing the locations, methods and timings of dredging and disposal, as well as disposal site monitoring requirements;
 - (iv) waste management and disposal arrangements;
 - (v) locations of any archaeological exclusion zones agreed as part of the written scheme of archaeological investigation approved under sub-paragraph (g);
 - (vi) any seasonal restrictions on construction works; and
 - (vii) the appointment and responsibilities of a fisheries liaison officer, an environmental liaison officer and an intertidal ecological clerk of works;
- (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, the intention of which is to prevent injury and/or significant disturbance to marine mammals, following current best practice as advised by the statutory nature conservation bodies, which may include, but is not limited to—
- (i) identification of a marine mammal mitigation zone (“MMMZ”);
 - (ii) appointment of an appropriate number of suitably qualified marine mammal observers;
 - (iii) methods for the detection of marine mammals within the MMMZ whether visually (by the marine mammal observers) or acoustically using passive acoustic monitoring equipment or other means of detection;
 - (iv) a reporting methodology to enable efficient communication between the marine mammal observers 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;
 - (vi) where appropriate, methods for the application of acoustic deterrent devices; and
 - (vii) where appropriate, consideration of the use of noise reduction at source technologies;
- (f) a cable specification and installation plan, to include—

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- (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;
 - (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 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) to be taken to ensure existing and future safe navigation is not compromised;
 - (iii) details of the steps to be taken, where the offshore electrical circuits across the intertidal area are buried using trenching or ploughing to ensure that the excavation and subsequent backfilling is carried out in such a way as to maintain the sediment profile so far as is reasonably practicable; and
 - (iv) details of the steps to be taken, where the offshore electrical circuits across the intertidal area are installed using a trenchless technique;
- (g) a written scheme of archaeological investigation in relation to the offshore Order limits seaward of MHWS in accordance with industry good practice, to include—
- (i) details of 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) analysis and reporting of survey data to be submitted to the MMO within 4 months of survey completion;
 - (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 proposed survey and reinstatement plan for Salicornia forming Annex 1 habitat in the parts of the offshore Order limits within which it is proposed to carry out construction works comprised in Work No. 5A, including the circumstances in which reinstatement will be required and the proposed methods of reinstatement;
- (i) an offshore project maintenance plan to be submitted to the MMO at least 4 months before commencement of the operation of the licensed activities and to include provision for the review and resubmission of the plan every 3 years during the operational phase;
- (j) an aids to navigation management plan specifying how the undertaker will ensure compliance with Condition 4 from the start of construction of the authorised scheme seaward of MHWS to the completion of decommissioning.
- (3) Before the submission of the pre-construction plans and documentation required by this Condition, the undertaker must provide a copy of the plans and documentation to the other undertakers under the Order.
- (4) The undertaker must participate in liaison meetings with other undertakers under the Order as requested from time to time by the MMO in writing in advance. The meetings must be chaired by the MMO and must consider such matters as are determined by the MMO relating to the efficient

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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).

- (5) Before giving its approval under paragraph (2), the MMO must—
- (a) in relation to any programme or plan submitted under sub-paragraphs (a), (c), (d), (f), (h) or (i), consult the relevant statutory nature conservation body and the Environment Agency;
 - (b) in relation to any statement or protocol submitted under sub-paragraphs (b) or (e), consult the relevant statutory nature conservation body;
 - (c) in relation to a scheme submitted under sub-paragraph (g), consult Historic England; and
 - (d) in relation to a plan submitted under sub-paragraph (j), consult Trinity House.

(6) In the event that driven or part-driven pile foundations are proposed to be used, the MMO must not approve the plan referred to in paragraph (1) or the code referred to in paragraph (2) unless the MMO is satisfied, after consulting such persons as the Secretary of State may specify in relation to the plan or the part of the code specified by the Secretary of State (in addition to the persons with whom consultation is otherwise required under this Condition), that either the plan or code (or both of them) provide such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2007 Regulations) of a relevant site, to the extent that marine mammals are a protected feature of that site.

- (7) The mitigation referred to in paragraph (6) may include (without limitation)—
- (a) seasonal restrictions to piling;
 - (b) scheduling of piling, having regard to previous, ongoing and future piling associated with other offshore developments, based on an updated assessment of cumulative impacts;
 - (c) the use of alternative foundation methodologies, such as jacket foundations (suction piles) or gravity base foundations;
 - (d) the use of noise reduction at source technologies;
 - (e) the use of other relevant technologies or methodologies that may emerge in the future.

(8) In paragraph (6), “relevant site” means—

- (a) a European offshore marine site;
- (b) a European site.

(9) For the purpose of paragraph (6)—

- (a) the Southern North Sea possible Special Area of Conservation must be treated as a European offshore marine site until—
 - (i) that Area (or any part of it) becomes a European offshore marine site or a European site; or
 - (ii) it is decided that no part of that Area should be a European offshore marine site or a European site; and
- (b) harbour porpoise must be treated as a protected feature of the Southern North Sea possible Special Area of Conservation.

(10) In this Condition—

“2007 Regulations” means the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007;

“disturbance” must be construed in accordance with regulation 39(1)(b) of the 2007 Regulations;

“European offshore marine site” has the meaning given in regulation 15 of the 2007 Regulations;

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“European site” has the meaning given in regulation 24 of the 2007 Regulations;

“Southern North Sea possible Special Area of Conservation” means the Southern North Sea possible Special Area of Conservation as set out in the JNCC 2016 Harbour Porpoise Possible Special Area of Conservation Consultation dated January 2016.

Commencement Information

I8 Sch. 9 para. 8 in force at 7.9.2016, see [art. 1\(2\)](#)

9. The undertaker must ensure that a copy of any agreed archaeological report is deposited with the National Record of the Historic Environment, by submitting a Historic England OASIS form with a digital copy of the report within 6 months of completion of construction of the authorised scheme. The undertaker must notify the MMO and, where the report relates to the intertidal area, Lincolnshire County Council that the OASIS report has been submitted to the National Record of the Historic Environment within 2 weeks of the submission.

Commencement Information

I9 Sch. 9 para. 9 in force at 7.9.2016, see [art. 1\(2\)](#)

10.—(1) Each programme, statement, plan, protocol or scheme required to be approved under Condition 8—

- (a) must be submitted for approval at least 4 months before the intended start of construction, except where otherwise stated or where an alternative date is agreed in writing by the MMO; and
- (b) must be accompanied by—
 - (i) a statement confirming that the undertaker has complied with Condition 8(3) in relation to the programme, statement, plan, protocol or scheme;
 - (ii) any comments received by the undertaker from the other undertakers, or a statement from the undertaker confirming that no such comments were received; and
 - (iii) details of any consultation that has been carried out with the undertakers with the benefit of all or part of the deemed marine licences under the Hornsea One Offshore Wind Farm Order 2014 and any comments received from those undertakers.

(2) The undertaker must comply with the plans and documentation approved under Condition 8 in carrying out the licensed activities unless otherwise agreed in writing by the MMO.

(3) Before 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 8, the MMO must consult the relevant consultation body referred to in that Condition.

Commencement Information

I10 Sch. 9 para. 10 in force at 7.9.2016, see [art. 1\(2\)](#)

Commencement Information

I8 Sch. 9 para. 8 in force at 7.9.2016, see [art. 1\(2\)](#)

I9 Sch. 9 para. 9 in force at 7.9.2016, see [art. 1\(2\)](#)

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I10 Sch. 9 para. 10 in force at 7.9.2016, see [art. 1\(2\)](#)

Reporting of engaged agents, contractors and vessels

11.—(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 at least 5 working days before 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 before the agent, contractor or vessel engages in the licensed activities.

(3) All agents, contractors and vessel operators must comply with the Conditions.

Commencement Information

I11 Sch. 9 para. 11 in force at 7.9.2016, see [art. 1\(2\)](#)

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 the activities in accordance with the Conditions and must comply with paragraphs (2) to (5).

(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) All vessel names or identification must be clearly marked on the hull or superstructure of the vessel.

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

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

Commencement Information

I12 Sch. 9 para. 12 in force at 7.9.2016, see [art. 1\(2\)](#)

Pre-construction monitoring and surveys

13.—(1) The undertaker must, in discharging Condition 8(2)(a), submit details for written approval by the MMO in consultation with the relevant statutory nature conservation body and, in respect of the surveys required under paragraph (2)(b) and (c), in consultation with the Environment Agency, 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—

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- (a) the survey proposals must be in general 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 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) Subject to receipt from the undertaker of specific proposals pursuant to this Condition, so far as applicable, the pre-construction surveys must comprise, in outline—
- (a) a survey to determine the location, extent and composition of any benthic habitats of conservation, ecological and/or economic importance (including Annex 1 habitats) in the parts of the offshore Order limits in which it is proposed to carry out construction works under this licence;
 - (b) a phase 1 survey of the intertidal area within which it is proposed to carry out construction works;
 - (c) a high-resolution swath bathymetric survey to include a 100% coverage and a side-scan sonar survey of the parts of the offshore Order limits within which it is proposed to carry out construction works and disposal activities under this licence; and
 - (d) a grab survey and particle size analysis in the parts of the offshore Order limits within which it is proposed to carry out dredging and disposal activities relating to Work Nos. 3A and 4A under this licence within a period not greater than 12 months before the dredging and disposal activities to determine the extent of suitable herring spawning habitat within those areas.
- (3) The undertaker must carry out the surveys agreed under 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 body.

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Commencement Information

I13 Sch. 9 para. 13 in force at 7.9.2016, see [art. 1\(2\)](#)

Construction monitoring

14.—(1) The undertaker must, in discharging Condition 8(2)(a), submit details for written approval by the MMO in consultation with the relevant statutory nature conservation body of any proposed construction monitoring, including methodologies and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals must be in general 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 and/or will enable the validation or otherwise of key predictions in the environmental statement.

(2) Subject to receipt from the undertaker of specific proposals pursuant to this Condition, so far as applicable, the construction monitoring must comprise, in outline—

- (a) unless the MMO agrees otherwise in writing, measurements of noise generated by the installation of the first 4 foundations of each discrete foundation type comprised in Work No. 2A to be constructed under this licence where driven or part-driven pile foundations are used;

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- (b) recording of any visual sightings or acoustic detection of marine mammals where required as part of the marine mammal mitigation protocol under Condition 8(2)(e); and
- (c) any ornithological monitoring required by the ornithological monitoring plan submitted in accordance with Condition 8(2)(k).

(3) The undertaker must carry out the surveys approved under paragraph (1), including any further noise monitoring required in writing by the MMO under paragraph (4), 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 body.

(4) The results of the initial noise measurements monitored in accordance with paragraph (2)(a) must be provided to the MMO within 6 weeks of the installation of the first 4 foundations of each discrete foundation type for the MMO to determine, following assessment of this report, whether any further noise monitoring is required.

(5) Construction monitoring must include vessel traffic monitoring by automatic identification system for the duration of the construction period. A report must be submitted to the MMO and the MCA at the end of each year of the construction period.

Commencement Information

I14 Sch. 9 para. 14 in force at 7.9.2016, see [art. 1\(2\)](#)

Post-construction

15.—(1) The undertaker must, in discharging Condition 8(2)(a), submit details for written approval by the MMO in consultation with the relevant statutory nature conservation body and, in respect of the surveys required under paragraph (2)(a), (b) and (c), in consultation with the Environment Agency, of proposed post-construction surveys, including methodologies (including appropriate buffers, where relevant) and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals must be in general 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 and/or will enable the validation or otherwise of key predictions in the environmental statement.

(2) Subject to receipt of specific proposals, so far as applicable, the post-construction surveys must comprise, in outline—

- (a) a survey to determine any change in the location, extent and composition of any benthic habitats of conservation, ecological and/or economic importance (including Annex 1 habitats) 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 benthic survey;
- (b) a high-resolution swath bathymetric survey to be undertaken no sooner than 6 months following completion of construction works and disposal activities to include a 100% coverage of the parts of the offshore Order limits with a water depth no greater than 12 metres (referenced to Chart Datum) within which construction works and disposal activities were carried out under this licence to assess any changes in bedform morphology and such further monitoring as may be required to ensure that the cables have been buried or protected and sediment is able to move over any installed cable protection. The need for further surveys must be agreed in writing with the MMO following submission of the first year of survey data;

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- (c) a high-resolution bathymetric survey of a representative sample area, as may be agreed in writing with the MMO, of the parts of the offshore Order limits with a water depth no greater than 12 metres (referenced to Chart Datum) within which construction works and disposal activities were carried out under this licence following the first major storm event the timing of which must be agreed with the MMO in consultation with Natural England and the Environment Agency;
 - (d) a grab survey and particle size analysis in the parts of the offshore Order limits within which dredging and disposal activities relating to Work Nos. 3A and 4A were carried out under this licence within 12 months of the completion of the dredging and disposal activities to determine the extent of suitable herring spawning ground habitat within those areas; and
 - (e) vessel traffic monitoring by automatic identification system, for 28 days taking account seasonal variations in traffic patterns, for a maximum duration of 1 year post-construction. A report must be submitted to the MMO and the MCA at the end of the first year after construction is completed.
- (3) The undertaker must carry out the surveys agreed under 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 body.

Commencement Information

I15 Sch. 9 para. 15 in force at 7.9.2016, see [art. 1\(2\)](#)

Offshore decommissioning

16.—(1) No decommissioning activities may commence until a plan for the carrying out of the activities has been submitted to and approved in writing by the MMO and, where the plan relates to the decommissioning of Work No. 4A or 5A, the MMO must consult the Environment Agency before giving its approval.

(2) The plan must be submitted for approval at least 4 months before the intended start of the decommissioning activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.

(3) The plan must be implemented as approved.

Commencement Information

I16 Sch. 9 para. 16 in force at 7.9.2016, see [art. 1\(2\)](#)

Amendments to approved plans, etc.

17.—(1) Where any Condition requires the licensed activities to be carried out in accordance with any plan, programme, code, statement, protocol scheme or details (the “plan”) approved by the MMO, the approved plan must be taken to include any amendment to the plan that may subsequently be approved in writing by the MMO.

(2) Any amendment to the plan must be in accordance with the principles and assessments set out in the environmental statement, and approval for an amendment may be given only where it has been demonstrated to the satisfaction of the MMO that amendment is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

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Commencement Information

I17 Sch. 9 para. 17 in force at 7.9.2016, see [art. 1\(2\)](#)

Restrictions in intertidal area and Humber Estuary Special Area of Conservation

18.—(1) The cable protection to be used within the Humber Estuary Special Area of Conservation must be frond mattressing, unless otherwise agreed in writing with the MMO.

(2) No cable protection may be used within the intertidal area of the Humber Estuary Special Area of Conservation.

(3) The undertaker must not construct or install the licensed activities comprised in Work No. 4A or 5A in the intertidal area during the overwintering period unless otherwise agreed in writing with the MMO, in consultation with Natural England.

(4) The undertaker must not construct or install the licensed activities comprised in Work Nos. 4A and 5A in the intertidal area within 500 metres seaward of the seawall during the period of time commencing 2 hours before a high tide predicted to be greater than 6.5 metres Chart Datum and ending 2 hours after a high tide predicted to be greater than 6.5 metres Chart Datum between 1st April and 31st May (inclusive) and 1st August to 30th September (inclusive), unless provided for in the construction and monitoring programme submitted and approved under Condition 8(2)(a) or the construction method statement submitted and approved under Condition 8(2)(b) or unless otherwise agreed in writing by the MMO, in consultation with Natural England.

(5) The undertaker must not carry out inspections in the intertidal area during the overwintering period to the extent that the inspections require to be carried out—

- (a) more than once per overwintering period;
- (b) over more than 2 consecutive days by people on foot; or
- (c) by more than 5 people on foot at any one time,

unless otherwise agreed in writing with the MMO, in consultation with Natural England or unless provided for in the offshore project maintenance plan submitted and approved under Condition 8(2)(i).

(6) Where this Condition provides that the MMO may agree to an alternative to what is otherwise provided under this Condition—

- (a) any alternative must be in accordance with the principles and assessments set out in the environmental statement; and
- (b) agreement to any alternative may be given only where it has been demonstrated to the satisfaction of the MMO that the alternative is unlikely to give rise to any materially new or materially different effects from those assessed in the environmental statement.

(7) In this Condition, “overwintering period” means the period between 1st October and 31st March (inclusive).

Commencement Information

I18 Sch. 9 para. 18 in force at 7.9.2016, see [art. 1\(2\)](#)

Changes to legislation:

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

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

- Sch. 1 Pt.03 para. 6(l) words substituted by [S.I. 2016/1104 Sch.](#)
- Sch. 12 Pt. 6 para. 5(a) words substituted by [S.I. 2016/1154 Sch. 29 Pt. 2 para. 118\(4\)](#)