

## SCHEDULE 13

Article 31

## Deemed licence under the 2009 Act - generation assets

## PART 1

## Licensed marine activities

## 1.—(1) In this licence—

“the 2004 Act” means the Energy Act 2004;

“the 2009 Act” means the Marine and Coastal Access Act 2009;

“the 2017 Offshore Regulations” means the Conservation of Offshore Marine Habitats and Species Regulations 2017(a);

“the 2017 Regulations” means the Conservation of Habitats and Species Regulations 2017(b);

“air clearance height” means the distance between the lowest point of the rotating blade of the wind turbine generator and MHWS;

“authorised deposits” means the substances and articles specified in paragraph 4 of Part 1 of this licence;

“authorised scheme” means Work Nos. 1 to 4 described in paragraph 3 of Part 1 of this licence or any part of that work;

“best practice protocol for minimising disturbance to red-throated diver” means the document certified as the best practice protocol for minimising disturbance to red-throated diver by the Secretary of State for the purposes of the Order under article 36;

“buoy” means any floating device used for navigational purposes or measurement purposes, including LiDAR buoys, wave buoys and guard buoys;

“cable crossings” means the crossing of existing sub-sea cables or pipelines or other existing infrastructure by the platform link or export cables authorised by the Order together with physical protection measures including cable protection;

“cable protection” means measures to protect cables from physical damage and including, but not limited to, the use of bagged solutions filled with grout or other materials, protective aprons or coverings, mattresses, flow energy dissipation devices or rock and gravel burial;

“Cefas” means the Centre for Environment, Fisheries and Aquaculture Science or any successor body to its function;

“commence” means the first carrying out of any licensed marine activities authorised by this licence, save for operations consisting of offshore preparation works or pre-construction monitoring surveys approved under this licence and the words “commencement” and “commenced” must be construed accordingly;

“condition” means a condition in Part 2 of this licence;

“Defence Infrastructure Organisation Safeguarding” means Ministry of Defence Safeguarding, Defence Infrastructure Organisation, Kingston Road, Sutton Coldfield, West Midlands, B75 7RL and any successor body to its functions;

“draft marine mammal mitigation protocol” means the document certified as the draft marine mammal mitigation protocol by the Secretary of State for the purposes of this Order under article 36;

“enforcement officer” means a person authorised to carry out enforcement duties under Chapter 3 of Part 4 (marine licensing) of the 2009 Act;

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(a) S.I. 2017/1013.  
(b) S.I. 2017/1012.

“environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of the Order under article 36;

“European offshore marine site” has the meaning given in regulation 18 of the 2017 Offshore Regulations;

“European site” has the meaning given in regulation 27 of the 2017 Offshore Regulations;

“gravity base foundation” means a structure principally of steel, concrete, or steel and concrete which rests on the seabed either due to its own weight with or without added ballast or additional skirts and associated equipment including scour protection, J-tubes, corrosion protection systems and access platforms and equipment;

“Historic England” means the Historic Buildings and Monuments Commission for England;

“in principle monitoring plan” means the document certified as the in principle monitoring plan by the Secretary of State for the purposes of the Order under article 36;

“in principle East Anglia TWO Project Southern North Sea SAC Site Integrity Plan” means the document certified as the in principle East Anglia TWO Project Southern North Sea SAC Site Integrity Plan by the Secretary of State for the purposes of the Order under article 36;

“inter-array cable” means the cables linking the wind turbine generators to each other and to the offshore electrical platforms and described in paragraph (c) of Work No. 1;

“jacket foundation” means a steel jacket/lattice-type structure constructed of steel which is fixed to the seabed at three or more points with steel pin piles or steel suction buckets and associated equipment including scour protection, J-tubes, corrosion protection systems and access platform(s) and equipment;

“JNCC Guidance” means the statutory nature conservation body ‘Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs’ Joint Nature Conservation Committee Report No.654, May 2020 published in June 2020 as amended, updated or superseded from time to time;

“Kingfisher Fortnightly Bulletin” means the bulletin published by the Humber Seafood Institute or such other alternative publication approved in writing by the MMO for the purposes of this licence;

“LAT” means lowest astronomical tide;

“layout principles statement” means the document certified as the layout principles statement by the Secretary of State for the purposes of the Order under article 36;

“licence 2 (transmission)” means the licence set out in Schedule 14 (deemed licence under the 2009 Act – offshore transmission assets);

“licensed activities” means the activities specified in Part 1 of this licence;

“maintain” includes inspect, upkeep, repair, adjust, and alter and further includes remove, reconstruct and replace (but only in relation to any of the ancillary works in Part 2 of Schedule 1 (ancillary works) to the Order and any component part of any wind turbine generator, offshore electrical platform, construction, operation and maintenance platform or meteorological mast described in Part 1 of Schedule 1 (authorised development) to the Order not including the alteration, removal or replacement of foundations), to the extent assessed in the environmental statement; and “maintenance” must be construed accordingly;

“mean high water springs” or “MHWS” means the highest level which spring tides reach on average over a period of time;

“meteorological mast” means a mast housing equipment to measure wind speed and other wind characteristics, including a topside housing electrical, communication and associated equipment and marking and lighting;

“Marine Management Organisation” or “MMO” means the body created under the 2009 Act which is responsible for the monitoring and enforcement of this licence;

“MCA” means the Maritime and Coastguard Agency;

“monopile foundation” means a steel pile, typically cylindrical, driven and/or drilled into the seabed and associated equipment including scour protection, J-tubes, corrosion protection systems and access platform(s) and equipment;

“offshore electrical platform” means a platform with one or more decks, whether open or fully clad, accommodating electrical power transformers, low, medium and/or high voltage switch gear, instrumentation, protection and control systems, neutral earthing resistors, reactive compensation, standby electrical generation equipment, fuelling facilities, auxiliary and uninterruptible power supply systems and transformers, accommodation, emergency shelter, craneage, metering stations, meteorological equipment, helicopter landing facilities, messing facilities, potable water storage, black water separation equipment, control hub, drainage facilities, access equipment, J-tubes, marking and lighting and other associated equipment and facilities to enable the transmission of electronic communications and for electricity to be collected at, and exported from, the platform;

“offshore Order limits” means the limits shown on the works plans within which the authorised scheme may be carried out;

“offshore platforms” means the construction, operation and maintenance platform and the offshore electrical platforms;

“offshore preparation works” means surveys, monitoring and UXO clearance activities seaward of MHWS undertaken prior to the commencement of construction to prepare for construction;

“the Order” means the East Anglia TWO Offshore Wind Farm Order 2022;

“outline fisheries liaison and coexistence plan” means the document certified as the outline fisheries liaison and coexistence plan by the Secretary of State for the purposes of the Order under article 36;

“outline navigation monitoring strategy” means the document certified as the outline navigation monitoring strategy by the Secretary of State for the purposes of the Order under article 36;

“outline offshore operations and maintenance plan” means the document certified as the outline offshore operations and maintenance plan by the Secretary of State for the purposes of the Order under article 36;

“outline *Sabellaria* reef management plan” means the document certified as the outline *Sabellaria* reef management plan by the Secretary of State for the purposes of the Order under article 36;

“outline written scheme of investigation (offshore)” means the document certified as the outline written scheme of investigation (offshore) by the Secretary of State for the purposes of the Order under article 36;

“pin piles” means steel cylindrical piles driven and/or drilled into the seabed to secure steel jacket foundations;

“platform link cables” means the cables linking offshore platforms to one another and described in Work No. 4;

“relevant site” means a European offshore marine site or a European site;

“SAC” means special area of conservation;

“statutory historic body” means Historic England or its successor in function;

“statutory nature conservation body” means the appropriate nature conservation body as defined in regulation 5 of the 2017 Regulations;

“suction caisson” means large diameter steel cylindrical shells which penetrate the seabed assisted by a hydrostatic pressure differential for securing steel jacket foundations;

“suction caisson foundation” means a tubular steel structure which penetrates the seabed assisted by a hydrostatic pressure differential and associated equipment, including scour protection, J-tubes, corrosion protection systems and access platform(s) and equipment;

“Trinity House” means the Corporation of Trinity House of Deptford Strond;

“undertaker” means East Anglia TWO Limited (company number 11121842);

“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in, on or over water and which is at the time in, on or over water;

“UK Hydrographic Office” means the UK Hydrographic Office of Admiralty Way, Taunton, Somerset, TA1 2DN;

“UXO” means unexploded ordnance;

“wind turbine generator” means a structure comprising a tower, rotor with three blades connected at the hub, nacelle and ancillary electrical and other equipment which may include J-tube(s), transition piece, access and rest platforms, access ladders, boat access systems, corrosion protection systems, fenders and maintenance equipment, helicopter landing facilities and other associated equipment, fixed to a foundation; and

“works plans” means the plans certified as the works plans by the Secretary of State for the purposes of the Order.

(2) A reference to any statute, order, regulation or similar instrument is construed as a reference to a statute, order, regulation or instrument as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.

(3) Unless otherwise indicated—

(a) all times are taken to be Greenwich Mean Time (GMT);

(b) all coordinates are taken to be latitude and longitude degrees and minutes to two decimal places.

(4) Except where otherwise notified in writing by the relevant organisation, the primary point of contact with the organisations listed below and the address for returns and correspondence are—

(a) Marine Management Organisation

Marine Licensing Team

Tyneside House

Skinnerburn Road

Newcastle Business Park

Newcastle upon Tyne

NE4 7AR

Tel: 0300 123 1032;

(b) Marine Management Organisation (local office)

Marine Environment Team

Pakefield Road

Lowestoft

Suffolk

NR33 0HT

Tel: 0208 026 6094;

(c) Trinity House

Tower Hill

London

EC3N 4DH

Tel: 020 7481 6900;

(d) The United Kingdom Hydrographic Office

Admiralty Way

Taunton

Somerset

TA1 2DN

Tel: 01823 337 900;

(e) Maritime and Coastguard Agency

Navigation Safety Branch

Bay 2/20, Spring Place

105 Commercial Road

Southampton

SO15 1EG

Tel: 020 3817 2426;

(f) Natural England

Area 1C, Nobel House

17 Smith Square

London

SW1P 2AL

Tel: 0300 060 4911;

(g) Historic England

Brooklands

24 Brooklands Avenue

Cambridge

CB2 8BU.

Tel: 01223 582749.

**Details of licensed marine activities**

2. Subject to the licence conditions, this licence authorises the undertaker (and any agent or contractor acting on their behalf) to carry out the following licensable marine activities under section 66(1) (licensable marine activities) of the 2009 Act—

- (a) the deposit at sea of the substances and articles specified in paragraph 4 below;
- (b) the construction of works in or over the sea or on or under the sea bed;
- (c) dredging for the purposes of seabed preparation for foundation works and cable laying preparation works;
- (d) debris clearance works;
- (e) boulder clearance works either by displacement ploughing or subsea grab technique or other equivalent method;
- (f) UXO clearance works;
- (g) the removal of out of service cables;
- (h) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation; and
- (i) the disposal of up to 3,022,423 m<sup>3</sup> of inert material of natural origin and/or dredged material within the offshore Order limits produced during construction drilling or seabed preparation for foundation works, sandwave clearance and boulder clearance works at disposal site references TH084 and TH085 within the extent of the Order limits seaward of MHWS comprising—
  - (i) 1,779,891 m<sup>3</sup> in respect of the wind turbine generators;
  - (ii) 400,000 m<sup>3</sup> in respect of the inter-array cables;
  - (iii) 23,732 m<sup>3</sup> in respect of the meteorological mast;
  - (iv) 668,800 m<sup>3</sup> in respect of the construction, operation and maintenance platform and the offshore electrical platforms (some of which may alternatively be disposed under licence 2 (transmission)); and
  - (v) 150,000 m<sup>3</sup> in respect of the platform link cables (some of which may alternatively be disposed under licence 2 (transmission)).

3.—(1) Such activities are authorised in relation to the construction, maintenance and operation of—

(2) Work No. 1—

- (a) an offshore wind turbine generating station with a gross electrical output capacity of over 100 MW comprising up to 75 wind turbine generators each fixed to the seabed by one of five foundation types (namely monopile, jacket on suction caissons, jacket on piles, suction caisson or gravity base), fitted with rotating blades and situated within the area shown on the works plans and further comprising (b) to (c) below;
- (b) up to one meteorological mast fixed to the seabed within the area shown on the works plans by one of five foundation types (namely monopile, jacket on suction caissons, jacket on piles, suction caisson or gravity base); and
- (c) a network of subsea inter-array cables within the area shown on the works plans between the wind turbine generators and between the wind turbine generators and Work No. 3 for the transmission of electricity and electronic communications including one or more cable crossings.

(3) Work No. 2— up to one construction, operation and maintenance platform fixed to the seabed within the area shown on the works plans by one of four foundation types (namely monopile, jacket on suction caissons, jacket on piles or gravity base) (which may alternatively be constructed under licence 2 (transmission));

(4) Work No. 3— up to four offshore electrical platforms fixed to the seabed within the area shown on the works plans by one of four foundation types (namely monopile, jacket on suction caissons, jacket on piles or gravity base) (which may alternatively be constructed under licence 2 (transmission));

(5) Work No. 4— a network of subsea platform link cables within the area shown on the works plans between the offshore electrical platforms comprising Work No. 3 and between the construction, operation and maintenance platform comprising Work No. 2 and the offshore electrical platforms comprising Work No. 3 for the transmission of electricity and electronic communications including one or more cable crossings (which may alternatively be constructed under licence 2 (transmission));

(6) In connection with such Work Nos. 1 to 4 and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised scheme and which fall within the scope of the work assessed by the environmental statement, including—

- (a) scour protection around the foundations of the offshore structures;
- (b) cable protection measures such as rock placement and the placement of concrete mattresses and frond mattresses;
- (c) dredging;
- (d) the removal of material from the seabed required for the construction of Work Nos. 1 to 4 and the disposal of seabed sediments produced during construction drilling and seabed preparation for the installation of the foundations of the offshore structures or during seabed preparation for cable laying.

(7) In connection with such Work Nos. 1 to 4, ancillary works within the Order limits which have been subject to an environmental impact assessment recorded in the environmental statement comprising—

- (a) temporary landing places, moorings or other means of accommodating vessels in the construction and/ or maintenance of the authorised scheme; and
- (b) marking buoys, beacons, fenders and other navigational warning or ship impact protection works.

4. The substances or articles authorised for deposit at sea are—
- (a) iron and steel, copper and aluminium;
  - (b) stone and rock;
  - (c) concrete;
  - (d) sand and gravel;
  - (e) plastic and synthetic;
  - (f) material extracted from within the offshore Order limits during construction drilling and seabed preparation for foundation works and sandwave clearance works; and
  - (g) marine coatings, other chemicals and timber.
5. The grid coordinates for the authorised scheme are specified below—

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	52° 14 39.654N	02° 11 21.656E
2	52° 15 04.022N	02° 13 12.152E
3	52° 02 57.281N	02° 19 46.696E
4	52° 02 52.969N	02° 08 40.302E
5	52° 03 53.133N	02° 07 14.881E
6	52° 08 38.942N	02° 07 41.310E
7	52° 13 29.526N	02° 08 08.272E
8	52° 13 57.494N	02° 08 10.872E

6. This licence remains in force until the authorised scheme has been decommissioned in accordance with a programme approved by the Secretary of State under section 106 of the 2004 Act, including any modification to the programme under section 108, and the completion of such programme has been confirmed by the Secretary of State in writing.

7. The provisions of section 72 of the 2009 Act apply to this licence except that the provisions of section 72(7) and (8) relating to the transfer of the licence only apply to a transfer not falling within article 5 (benefit of the Order).

8. With respect to any condition which requires the licensed activities be carried out in accordance with the plans, protocols or statements approved under this licence, the approved details, plan or scheme are taken to include any amendments that may subsequently be approved in writing by the MMO.

9. Any amendments to the details, plan or scheme 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 the amendment is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

## PART 2

### Conditions

#### Design parameters

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) In relation to a wind turbine generator, each monopile foundation must not have a diameter which is more than 10.6 metres.

(5) The total amount of scour protection for the wind turbine generators must not exceed 1,526,815 m<sup>2</sup>.

(6) The total volume of scour protection for the wind turbine generators must not exceed 2,290,221 m<sup>3</sup>.

7.—(1) In relation to a meteorological mast, each gravity base foundation must not have a footprint at the seabed which is more than 315 m<sup>2</sup>.

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

(3) In relation to a meteorological mast, each jacket foundation must not have a footprint at the seabed which is more than 651 m<sup>2</sup>.

(4) In relation to a meteorological mast, each monopile foundation must not have a footprint at the seabed which is more than 51 m<sup>2</sup>.

(5) The total amount of scour protection for the meteorological mast must not exceed 2,828 m<sup>2</sup>.

(6) The total volume of scour protection for the meteorological mast must not exceed 4,241 m<sup>3</sup>.

8.—(1) In relation to any construction, operation and maintenance platform, the gravity base foundations must not have a total footprint of more than 4,800 m<sup>2</sup>.

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

(3) In relation to any construction, operation and maintenance platform, the monopile foundation must not have a total footprint at the seabed which is more than 177 m<sup>2</sup>.

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

(5) The total volume of scour protection for the construction, operation and maintenance platform forming part of the authorised scheme and the authorised scheme in licence 2 (transmission) must not exceed 22,914 m<sup>3</sup> (whether installed under this licence or licence 2 (transmission)).

9.—(1) In relation to each offshore electrical platform, the gravity base foundations must not have a total footprint at the seabed which is more than 4,800 m<sup>2</sup>.

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

(3) In relation to each offshore electrical platform, the monopile foundation must not have a total footprint at the seabed which is more than 177 m<sup>2</sup>.

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

(5) The total volume of scour protection for the offshore electrical platforms forming part of the authorised scheme and the authorised scheme in licence 2 (transmission) must not exceed 91,656 m<sup>3</sup> (whether installed under this licence or licence 2 (transmission)).

## Notifications and inspections

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

- (a) a copy of this licence (issued as part of the grant of the Order) and any subsequent amendments or revisions to it is provided to—
  - (i) all agents and contractors notified to the MMO in accordance with condition 19 and
  - (ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with condition 19;
- (b) within 28 days of receipt of a copy of this licence those persons referred to in paragraph (a) above must confirm receipt of this licence in writing to the MMO.

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

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

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

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

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

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

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

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

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

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

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

(10) The undertaker must notify the UK Hydrographic Office of UXO clearance activities (14 days prior) and of the commencement (14 days prior), progress and completion of construction

(within 14 days) of the licensed activities in order that all necessary amendments to nautical charts are made and the undertaker must send a copy of such notifications to the MMO within five days.

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

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

### **Aids to navigation**

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

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

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

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

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

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

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

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

### **Aviation safety**

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

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

- (e) the latitude and longitude of each wind turbine generator, meteorological mast and platform to be constructed,

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

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

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

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

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

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

(5) The undertaker must ensure that only inert material of natural origin, drilling mud and dredged material, produced during the drilling installation of or seabed preparation for foundations, and sandwave clearance works is disposed of within the disposal site references TH084 and TH085 within the extent of the Order limits seaward of MHWS. Any material of anthropogenic origin will be screened out and disposed of at an appropriate waste facility onshore.

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

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

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

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

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

### **Force majeure**

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

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

### **UXO clearance**

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

- (a) a method statement for UXO clearance which must include—
  - (i) methodologies for—
    - (aa) identification and investigation of potential UXO targets;
    - (bb) clearance of UXO;
    - (cc) removal and disposal of large debris;
  - (ii) a plan showing the area in which clearance activities are proposed to take place;
  - (iii) a programme of works; and
  - (iv) any exclusion zones/environmental micrositing requirements;
- (b) a marine mammal mitigation protocol in accordance with the draft marine mammal mitigation protocol, the intention of which is to prevent injury to marine mammals, following current best practice as advised by the relevant statutory nature conservation bodies.

(2) The method statement (excluding the information required under sub-paragraphs (1)(a)(ii) and (1)(a)(iv)) and the marine mammal mitigation protocol must be submitted to the MMO for approval at least six months prior to the date on which it is intended for UXO clearance activities to begin.

(3) The information to be included within the method statement in accordance with sub-paragraphs (1)(a)(ii) and (1)(a)(iv) must be submitted to the MMO for approval at least three months prior to the date on which it is intended for UXO clearance activities to begin.

(4) Any UXO clearance activities must be undertaken in accordance with the method statement and marine mammal mitigation protocol approved under sub-paragraph (1).

(5) Subject to paragraph (6), a UXO clearance close out report must be submitted to the MMO and the relevant statutory nature conservation body within three months following the end of the UXO clearance activity and must include the following for each detonation undertaken—

- (a) co-ordinates, depth, current speed, charge utilised and the date and time of each detonation; and
- (b) whether any mitigation was deployed, including feedback on practicalities of deployment of equipment and efficacy of the mitigation where reasonably practicable, or justification if this information is not available.

(6) Should there be more than one UXO clearance activity, the report required under paragraph (5) will be provided at intervals agreed with the MMO.

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

17.—(1) The licensed activities or any part of those activities must not commence until the following (as relevant to that part) have been submitted to and approved in writing by the MMO—

- (a) A design plan at a scale of between 1:25,000 and 1:50,000, including detailed representation on the most suitably scaled admiralty chart, to be approved in writing by the MMO in consultation with Trinity House and the MCA which shows—
  - (i) the proposed location and choice of foundation of all wind turbine generators, offshore electrical platforms, the construction, operation and maintenance platform and meteorological mast;

- (ii) the height to the tip of the vertical blade; height to the centreline of the generator shaft forming part of the hub;
  - (iii) rotor diameter and spacing of all wind turbine generators;
  - (iv) the height of all lattice towers forming part of the meteorological mast;
  - (v) the length and arrangement of all cables comprising Work Nos. 1 and 4;
  - (vi) the dimensions of all gravity base foundations;
  - (vii) the dimensions of all jacket foundations;
  - (viii) the dimensions of all suction caisson foundations;
  - (ix) the dimensions of all monopile foundations;
  - (x) the proposed layout of all wind turbine generators (to be in accordance with the layout principles statement and which must accord with the recommendations for layout contained in MGN654 and its annexes), offshore electrical platforms, the construction, operation and maintenance platform and meteorological mast including any exclusion zones identified under condition 17(1)(g)(iv);
  - (xi) a plan showing the indicative layout of all wind turbine generators, offshore electrical platforms, the construction, operation and maintenance platform and meteorological mast including all exclusion zones (insofar as not shown in (x) above) and showing the indicative programming of particular works as set out in the indicative programme to be provided under condition 17(1)(b)(iii); and
  - (xii) any exclusion zones/environmental micro-siting requirements;  
to ensure conformity with the description of Work Nos. 1 to 4 and compliance with conditions 1 to 9 above.
- (b) A construction programme to include details of—
- (i) the proposed construction start date;
  - (ii) proposed timings for mobilisation of plant delivery of materials and installation works;
  - (iii) an indicative written construction programme for all wind turbine generators offshore electrical platforms, the construction, operation and maintenance platform, meteorological mast and cable comprised in the works at paragraph 3 of Part 1 (licenced marine activities) of this licence (insofar as not shown in paragraph (ii) above);
- (c) A monitoring plan (which accords with the in principle monitoring plan) to include details of proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction monitoring and related reporting in accordance with conditions 20, 21 and 22 to be submitted to the MMO in accordance with the following—
- (i) at least six months prior to the first survey, detail of the pre-construction surveys and an outline of all proposed monitoring;
  - (ii) at least six months prior to construction, detail on construction monitoring;
  - (iii) at least six months prior to completion of construction, detail of post-construction (and operational) monitoring;
- unless otherwise agreed in writing with the MMO.
- (d) A construction method statement in accordance with the construction methods assessed in the environmental statement and including details of—
- (i) foundation installation methodology, including drilling methods and disposal of drill arisings and material extracted during seabed preparation for foundation works;
  - (ii) cable specification, installation and monitoring, to include—
    - (aa) technical specification of offshore cables below MHWS;

- (bb) a detailed cable laying plan for the Order limits, incorporating a burial risk assessment encompassing the identification of any cable protection that exceeds 5% of navigable depth referenced to Chart Datum and, in the event that any area of cable protection exceeding 5% of navigable depth is identified, details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised or such similar assessment to ascertain suitable burial depths and cable laying techniques, including cable protection; and
- (cc) proposals for monitoring offshore cables and the status of cable protection during the operational lifetime of the authorised scheme which include a risk based approach to the management of unburied or shallow buried cables.
- (iii) scour protection management and cable protection including details of the need, type, sources, quantity and installation methods for scour protection and cable protection, with details updated and resubmitted for approval if changes to it are proposed following cable laying operations;
- (iv) main contractors;
- (v) vessels and vessels transit corridors; and
- (vi) associated and ancillary works.
- (e) A project environmental management plan covering the period of construction and operation to include details of—
  - (i) a marine pollution contingency plan to address the risks, methods and procedures to deal with any spills and collision incidents of the authorised scheme in relation to all activities carried out;
  - (ii) a chemical risk assessment to include information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance;
  - (iii) waste management and disposal arrangements;
  - (iv) the appointment and responsibilities of a fisheries liaison officer;
  - (v) a fisheries liaison and coexistence plan, in accordance with the outline fisheries liaison and coexistence plan, to ensure relevant fishing fleets are notified of commencement of licensed activities pursuant to condition 10 and to address the interaction of the licensed activities with fishing activities;
  - (vi) procedures which must be adopted within vessels transit corridors to minimise disturbance to red-throated diver during the period 1st November to 31st March (inclusive), which must be in accordance with the best practice protocol for minimising disturbance to red-throated diver.
- (f) In the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol in accordance with the draft marine mammal mitigation protocol, the intention of which is to prevent injury to marine mammals, following current best practice as advised by the relevant statutory nature conservation bodies.
- (g) A written scheme of archaeological investigation in relation to the offshore Order limits seaward of mean high water, which must be submitted to the statutory historic body at least six months prior to commencement of the licensed activities and to the MMO at least four months prior to commencement of the licensed activities and which must accord with the outline written scheme of investigation (offshore) and industry good practice, in consultation with the statutory historic body to include—
  - (i) details of responsibilities of the undertaker, archaeological consultant and contractor;
  - (ii) a methodology for further site investigation including any specifications for geophysical, geotechnical and diver or remotely operated vehicle investigations;
  - (iii) archaeological analysis of survey data, and timetable for reporting, which is to be submitted to the MMO within four months of any survey being completed;

- (iv) delivery of any mitigation including, where necessary, identification and modification of archaeological exclusion zones;
  - (v) monitoring of archaeological exclusion zones during and post construction, where required;
  - (vi) a requirement for the undertaker to ensure that a copy of any agreed archaeological report is deposited with the Archaeological Data Service, by submitting an OASIS (Online Access to the Index of archaeological investigations') form with a digital copy of the report within six months of completion of construction of the authorised scheme, and to notify the MMO and Historic England that the OASIS form has been submitted to the Archaeological Data Service within two weeks of submission;
  - (vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme; and
  - (viii) a timetable for all further site investigations, which must allow sufficient opportunity to establish a full understanding of the historic environment within the offshore Order limits and the approval of any necessary mitigation required as a result of the further site investigations prior to commencement of licensed activities.
- (h) An offshore operations and maintenance plan, in accordance with the outline offshore operations and maintenance plan, to be submitted to the MMO at least six months prior to commencement of operation of the licensed activities and to provide for review and resubmission every three years during the operational phase.
- (i) An aids to navigation management plan to be approved in writing by the MMO following consultation with Trinity House, to include details of how the undertaker will comply with the provisions of condition 11 for the lifetime of the authorised scheme.
- (j) A *Sabellaria* reef management plan, in accordance with the outline *Sabellaria* reef management plan, to be submitted to the MMO at least six months prior to undertaking any pre-construction geophysical survey detailed in the monitoring plan to be submitted under condition 17(1)(c)(i).
- (2) In the event that driven or part-driven pile foundations are proposed to be used, the hammer energy used to drive or part-drive the pile foundations must not exceed—
- (a) 5,500kJ in respect of monopile foundations; and
  - (b) 2,400kJ in respect of pin piles.
- (3) Pre-construction archaeological investigations, UXO clearance and pre-commencement material operations which involve intrusive seabed works must only take place in accordance with a specific written scheme of archaeological investigation which is itself in accordance with the details set out in the outline written scheme of investigation (offshore), and which has been submitted to and approved by the MMO in consultation with the statutory historic body.
- 18.—(1)** Any archaeological reports produced in accordance with condition 17(1)(g)(iii) are to be approved by the statutory historic body.
- (2) Each programme, statement, plan, protocol or scheme required to be approved under condition 17 must be submitted for approval at least six months prior to the intended commencement of licensed activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.
- (3) No licensed activity may commence until for that licensed activity the MMO has approved in writing any relevant programme, statement, plan, protocol or scheme required to be approved under condition 17.
- (4) The licensed activities must be carried out in accordance with the approved plans, protocols, statements, schemes and details approved under condition 17, unless otherwise agreed in writing by the MMO.
- (5) No part of the authorised scheme may commence until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that part of the authorised scheme, adequately addressed all MCA recommendations

as appropriate to the authorised scheme contained within MGN654 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” and its annexes.

### Reporting of engaged agents, contractors and vessels

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

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

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

### Pre-construction monitoring and surveys

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

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

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

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

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

### Construction monitoring

21.—(1) The undertaker must, in discharging condition 17(1)(c), submit details (which accord with the in principle monitoring plan) for approval by the MMO in consultation with the relevant statutory nature conservation bodies of any proposed monitoring, including methodologies and timings, to be carried out during the construction of the authorised scheme. The survey proposals must specify each survey’s objectives. In any event, such monitoring must include measurements

of noise generated by the installation of the first four piled foundations of each piled foundation type to be installed.

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

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

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

### Post construction

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

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

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

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

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

### Reporting of impact pile driving/detonation of explosives

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

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

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

(3) For the purpose of this condition—

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

### Scour protection and cable protection during operation

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

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

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

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

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

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

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

- (a) the need for and location of the cable protection;
- (b) the type and sources of cable protection proposed to be used;

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

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

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

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

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

### **Co-operation**

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

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

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

(4) For the purposes of this condition—

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Control of piling and UXO detonations**

28.—(1) The undertaker must not—

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

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

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

(4) For the purpose of this condition—

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

#### **Herring spawning**

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

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

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

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

whichever is earlier.

### **Sediment sampling**

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

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

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

### **Completion of construction**

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

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

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