

## Deemed licence under the Marine and Coastal Access Act 2009

## PART 1

## Licensed marine activities

**Interpretation****1.—(1) In this licence—**

“the 2008 Act” means the Planning Act 2008(a);

“the 2009 Act” means the Marine and Coastal Access Act 2009(b);

“accommodation platform” means a platform housing or incorporating temporary accommodation including mess facilities, landing points for vessels and helicopters, standby electricity generation equipment, marking and lighting and other equipment and facilities to assist in the coordination of emergency marine activities related to the authorised scheme;

“Annex 1 Habitat” means such habitat as defined under the EU Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora;

“the Approval Application” means the application made by the undertaker to the Secretary of State under condition 2;

“the Approval Notice” means the notice issued by the Secretary of State under condition 2;

“authorised deposits” means the substances and articles specified in paragraph 2(4) of Part 1 of this Schedule;

“authorised scheme” means Work Nos. 1, 2 and 3 described in paragraph 2 of Part 1 of this Schedule;

“Cefas” means the Centre for Environment, Fisheries and Aquaculture Science;

“collection platform” means a platform housing or incorporating electrical switchgear and/or electrical transformers, J-tubes, marking and lighting and other equipment and facilities to enable the electrical connection of electrical cables from multiple WTGs to be collected at, and exported from, the platform in one or more cables;

“commence” means the first carrying out of any part of the licensed activities and “commencement” shall be construed accordingly;

“condition” means a condition in Part 2 and references in this Schedule to numbered conditions are to the conditions with those numbers in Part 2;

“EDF Energy” means EDF Energy (UK) Limited (company number 02622406) and any group company of EDF Energy (UK) Limited which holds property and is a licensed holder for any of the purposes under section 6 of the Electricity Act 1989 at Sizewell, and for the purposes of this definition “group company” means any company which is a company within the meaning of section 42 of the Landlord and Tenant Act 1954 including EDF Energy Nuclear Generation Limited (company number 03076445) and NNB Generation Company Limited (company number 06937084);

“enforcement officer” means a person authorised to carry out enforcement duties under Chapter 3 of the 2009 Act;

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(a) 1990 c. 8.

(b) 2009 c. 23.

“the environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of this Order and submitted with the application on 21 November 2011 and the environmental information contained in the clarifications, corrections and omissions document accepted by the Examining authority as a late submission, together with the table of environmental mitigation measures in relation to protected species dated 16 July 2012 and the two tables of offshore and onshore environmental mitigation measures dated 16 July 2012 submitted to the Examining authority as part of the examination of the application for this Order;

“gravity base foundation” means a structure principally of concrete which rests on the seabed due to its own weight and that of added ballast, with or without additional drilled pins or other additional fixings, which may include an integrated transition piece, and associated equipment including J-tube and access platforms and equipment;

“JNCC” means the Joint Nature Conservation Committee;

“the 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 Schedule;

“LAT” means lowest astronomical tide;

“licence conditions” means the conditions set out in Part 2 of this Schedule;

“licensed activities” means the activities specified in paragraph 2 of Part 1 of this Schedule;

“major storm event” means a greater than 1 in 10 year wave event within the Order limits seaward of MHWS in terms of a wave height measured from the Sizewell Waverider buoy (WMO ID: 62294);

“the Marine Management Organisation” or “MMO” means the body of that name created under the Marine and Coastal Access Act 2009 or any successor to its functions;

“the Maximum WTG Number” means the number of wind turbine generators specified in the Approval Notice;

“MCA” means the Maritime and Coastguard Agency;

“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 or incorporating equipment to measure wind speed and other wind characteristics, including a topside housing electrical switchgear and communication equipment and associated equipment, and marking and lighting;

“the Minimum Clearance Level” means the minimum distance, measured in metres, between the lowest point of the rotating blade of a wind turbine generator and MHWS specified in the Approval Notice;

“monopile foundation” means a metal pile, typically cylindrical, driven and/or drilled into the seabed and associated equipment including J-tube and access-related equipment;

“Natural England” means the body established by section 1 of the Natural Environment and Rural Communities Act 2006(a) and includes any successor to its statutory functions;

“notice to mariners” includes any notice to mariners which may be issued by the Admiralty, Trinity House, Queen’s harbourmasters, government departments and harbour and pilotage authorities;

“the offshore Order limits” means the limits shown on the offshore Order limits plan within which the authorised scheme may be carried out, whose grid coordinates are set out in paragraph 2(3) of Part 1 of this Schedule;

“the offshore Order limits plan” means the plan certified as the offshore Order limits plan by the Secretary of State for the purposes of this Schedule;

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(a) 2006 c. 16. Section 1 was amended by section 311(2) and (3) of the Marine and Coastal Access Act 2009 (c. 23).

“offshore substation platform” means a platform with one or more decks, whether open or fully clad, accommodating medium to high voltage electrical power transformers, medium and/or high voltage switch gear, helicopter landing facilities, re-fuelling facilities, potable water storage, black water separation equipment, instrumentation, metering equipment, control systems, standby electrical generation equipment, auxiliary and uninterruptible power supply systems, emergency accommodation including mess facilities, craneage, control hub, drainage facilities, access equipment, marking and lighting and other associated equipment and facilities;

“the Order” means the Galloper Wind Farm Order 2013;

“the Percentage Reduction” means the reduction of 15.2% in the predicted mortality of lesser black-backed gulls, by restricting the number of predicted mortalities attributable to the authorised scheme to a maximum of 101;

“space frame foundation” means a metal jacket/lattice-type structure, including between three and six legs, which is fixed to the seabed with driven piles and/or drilled pins and/or weights and/or suction cans or additional fixings, which may include an integrated transition piece, and associated equipment including J-tube and access platforms and equipment;

“suction can” means a steel open-based cylinder, which is fixed to the base of the foundation and is installed until the lid is flush with the seabed;

“suction monopod” means a tubular metal structure founded on a steel open based cylinder akin to an up-turned bucket which partially penetrates the seabed, which may include an integrated transition piece, and associated equipment, including J-tube and access platform(s) and equipment;

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

“UK Hydrographic Office” means the Hydrographic Office of the Ministry of Defence, Taunton, Somerset TA1 2DN or any replacement body or successor to its functions;

“undertaker” means Galloper Wind Farm Limited;

“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;

“wind turbine generator” or “WTG” means a structure comprising a tower, rotor with three blades, nacelle and ancillary electrical and other equipment which may include J-tubes, 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

“working day” means any day other than a Saturday, Sunday or public holiday in England and Wales;

“the WTG Specification” means the manufacturer and model of wind turbine generators specified in the Approval Notice.

(2) Unless otherwise indicated, in this Schedule or any approval under it—

- (a) all times shall be taken to be Greenwich Mean Time (GMT);
- (b) all co-ordinates shall be taken to be latitude and longitude degrees and minutes to two decimal places.

(3) 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 shall be—

- (a) Marine Management Organisation  
Marine Licensing Team  
Lancaster House  
Hampshire Court

Newcastle upon Tyne  
NE4 7YH  
Tel: 0300 123 1032;

(b) Trinity House

Tower Hill  
London  
EC3N 4DH  
Tel: 020 7481 6900;

(c) The United Kingdom Hydrographic Office

Admiralty Way  
Taunton  
Somerset  
TA1 2DN  
Tel: 01823 337 900;

(d) Maritime and Coastguard Agency

Navigation Safety Branch  
Bay 2/04  
Spring Place  
105 Commercial Road  
Southampton  
SO15 1EG  
Tel: 023 8032 9191;

(e) Centre for Environment, Fisheries and Aquaculture Science

Pakefield Road  
Lowestoft  
Suffolk  
NR33 0HT  
Tel: 01502 562 244;

(f) Natural England

Foundry House  
3 Millsands  
Riverside Exchange  
Sheffield  
S3 8NH  
Tel: 0300 060 2745;

(g) JNCC

Inverdee House  
Baxter Street  
Aberdeen

AB11 9QA  
Tel: 01224 266 550;

(h) English Heritage  
Eastgate Court  
195-205 High Street  
Guildford  
GU1 3EH  
Tel: 01483 252 057.

For information only, the details of the local MMO office to the authorised scheme are—

Marine Management Organisation  
Pakefield Road  
Lowestoft  
Suffolk  
NR33 0HT.

#### Details of licensed marine activities

2.—(1) 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) of the 2009 Act—

- (a) the deposit at sea of the substances and articles specified in sub-paragraph (4);
- (b) the construction of works in or over the sea and/or on or under the sea bed; and
- (c) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation.

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

*Work No. 1—*

- (a) an offshore wind turbine generating station with a gross electrical output capacity of up to 504 MW comprising up to 140 wind turbine generators each fixed to the seabed by one of four foundation types (namely, monopile foundation, space frame foundation, suction monopod foundation or gravity base foundation), fitted with rotating blades and situated within one or more of array areas A to C, whose coordinates are specified below, and further comprising (b) to (e) below;

#### Coordinates for the array areas

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
<b>Area A</b>					
1	51° 59' 59.611" N	1° 59' 30.896" E	2	51° 59' 30.066" N	2° 05' 35.129" E
3	51° 59' 28.672" N	2° 05' 37.951" E	4	51° 59' 25.641" N	2° 05' 44.985" E
5	51° 59' 22.901" N	2° 05' 52.323" E	6	51° 59' 20.463" N	2° 05' 59.937" E
7	51° 59' 18.338" N	2° 06' 07.792" E	8	51° 59' 16.534" N	2° 06' 15.855" E
9	51° 59' 15.059" N	2° 06' 24.092" E	10	51° 59' 13.920" N	2° 06' 32.467" E
11	51° 59' 13.122" N	2° 06' 40.945" E	12	51° 59' 12.682" N	2° 06' 49.050" E
13	51° 59' 12.329" N	2° 06' 59.141" E	14	51° 58' 56.293" N	2° 07' 50.888" E
15	51° 58' 33.766" N	2° 08' 44.666" E	16	51° 57' 13.719" N	2° 08' 44.383" E
17	51° 55' 37.835" N	2° 08' 14.508" E	18	51° 53' 42.962" N	2° 01' 36.868" E
19	51° 53' 27.719" N	2° 00' 44.242" E	20	51° 53' 15.002" N	2° 00' 00.138" E

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
21	51° 58' 42.600" N	2° 00' 00.138" E	22	51° 58' 42.600" N	1° 56' 02.667" E
<b>Area B</b>					
1	51° 49' 01.731" N	2° 01' 29.385" E	2	51° 50' 17.180" N	2° 06' 34.867" E
3	51° 45' 40.117" N	2° 05' 09.101" E	4	51° 43' 22.529" N	1° 57' 54.170" E
5	51° 43' 58.800" N	1° 56' 18.600" E	6	51° 45' 14.400" N	2° 00' 00.000" E
7	51° 46' 28.672" N	2° 00' 00.000" E	8	51° 48' 39.346" N	2° 00' 00.000" E
9	51° 48' 48.664" N	2° 00' 36.597" E			
<b>Area C</b>					
1	51° 47' 45.600" N	1° 56' 02.400" E	2	51° 45' 58.800" N	1° 54' 59.040" E
3	51° 43' 58.800" N	1° 56' 18.600" E	4	51° 45' 31.800" N	1° 52' 27.415" E
5	51° 46' 51.579" N	1° 52' 55.728" E			

- (b) up to one accommodation platform fixed to the seabed by a monopile or space frame foundation within the array areas;
- (c) up to one collection platform fixed to the seabed by a monopile or space frame foundation within the array areas;
- (d) up to three meteorology masts fixed to the seabed by a monopile, space frame, gravity base or suction monopod foundation within the array areas;
- (e) a network of cables laid within the array areas between the WTGs, the meteorology masts, any collection platform, any accommodation platform and Work No. 2, for the transmission of electricity and electronic communications between these different structures, including one or more cable crossings;

and associated development within the meaning of section 115(2) of the 2008 Act comprising—

*Work No. 2* — up to three offshore substation platforms fixed to the seabed by monopile or space frame foundations within the array areas;

*Work No. 3* — a connection or connections between Work No. 2 and the line of MHWS south of Sizewell, consisting of up to three cables laid along routes within the offshore Order limits, including one or more cable crossings;

and in connection with such Work Nos. 1 to 3, works comprising—

- (a) temporary moorings or other means of accommodating vessels in the construction and/or maintenance of the authorised scheme;
- (b) buoys, beacons, fenders and other navigational warning or ship impact protection works;
- (c) temporary works for the benefit or protection of land or structures affected by the authorised scheme.

(3) The grid coordinates for the offshore Order limits are specified below—

#### **Coordinates for the offshore Order limits**

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	52° 12' 21.695" N	1° 37' 21.969" E	2	52° 12' 21.770" N	1° 37' 22.834" E
3	52° 12' 38.547" N	1° 37' 31.559" E	4	52° 13' 06.787" N	1° 39' 31.266" E
5	52° 12' 41.875" N	1° 41' 19.072" E	6	52° 08' 53.641" N	1° 43' 50.558" E
7	52° 07' 19.811" N	1° 46' 13.310" E	8	52° 06' 47.705" N	1° 46' 22.155" E
9	52° 05' 45.119" N	1° 47' 48.934" E	10	52° 04' 21.240" N	1° 47' 50.697" E
11	52° 03' 00.375" N	1° 49' 47.154" E	12	52° 02' 59.277" N	1° 50' 58.902" E
13	52° 02' 32.852" N	1° 51' 36.901" E	14	52° 01' 50.815" N	1° 52' 18.710" E
15	52° 01' 30.601" N	1° 54' 02.808" E	16	52° 01' 22.163" N	1° 54' 18.345" E
17	52° 01' 09.327" N	1° 54' 17.298" E	18	52° 01' 05.147" N	1° 54' 18.294" E

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
19	52° 00' 59.527" N	1° 54' 22.958" E	20	52° 00' 55.981" N	1° 54' 29.281" E
21	52° 00' 54.528" N	1° 54' 33.851" E	22	52° 00' 53.496" N	1° 54' 40.490" E
23	52° 00' 52.133" N	1° 55' 24.154" E	24	51° 59' 40.210" N	1° 58' 21.019" E
25	51° 59' 34.074" N	1° 58' 21.796" E	26	51° 59' 59.611" N	1° 59' 30.896" E
27	51° 59' 30.066" N	2° 05' 35.129" E	28	51° 59' 28.672" N	2° 05' 37.951" E
29	51° 59' 25.641" N	2° 05' 44.985" E	30	51° 59' 22.901" N	2° 05' 52.323" E
31	51° 59' 20.463" N	2° 05' 59.937" E	32	51° 59' 18.338" N	2° 06' 07.792" E
33	51° 59' 16.534" N	2° 06' 15.855" E	34	51° 59' 15.059" N	2° 06' 24.092" E
35	51° 59' 13.920" N	2° 06' 32.467" E	36	51° 59' 13.122" N	2° 06' 40.945" E
37	51° 59' 12.682" N	2° 06' 49.050" E	38	51° 59' 12.329" N	2° 06' 59.141" E
39	51° 58' 56.293" N	2° 07' 50.888" E	40	51° 58' 33.766" N	2° 08' 44.666" E
41	51° 57' 13.719" N	2° 08' 44.383" E	42	51° 55' 37.835" N	2° 08' 14.508" E
43	51° 53' 42.962" N	2° 01' 36.868" E	44	51° 49' 01.731" N	2° 01' 29.385" E
45	51° 50' 17.180" N	2° 06' 34.867" E	46	51° 45' 40.117" N	2° 05' 09.101" E
47	51° 43' 22.529" N	1° 57' 54.170" E	48	51° 43' 58.800" N	1° 56' 18.600" E
49	51° 45' 31.800" N	1° 52' 27.415" E	50	51° 46' 51.579" N	1° 52' 55.728" E
51	51° 47' 45.600" N	1° 56' 02.400" E	52	51° 45' 57.600" N	1° 54' 59.040" E
53	51° 44' 12.004" N	1° 56' 09.764" E	54	51° 44' 03.295" N	1° 56' 31.748" E
55	51° 45' 14.400" N	2° 00' 00.000" E	56	51° 46' 28.672" N	2° 00' 00.000" E
57	51° 48' 39.346" N	2° 00' 00.000" E	58	51° 48' 48.664" N	2° 00' 36.597" E
59	51° 53' 27.719" N	2° 00' 44.242" E	60	51° 53' 15.002" N	2° 00' 00.138" E
61	51° 58' 42.600" N	2° 00' 00.138" E	62	51° 58' 42.616" N	1° 58' 28.302" E
63	51° 58' 42.616" N	1° 57' 34.138" E	64	51° 58' 42.600" N	1° 56' 02.667" E
65	51° 59' 15.255" N	1° 57' 30.906" E	66	51° 59' 22.686" N	1° 57' 30.170" E
67	52° 01' 01.179" N	1° 53' 39.506" E	68	52° 01' 28.919" N	1° 51' 16.683" E
69	52° 01' 36.462" N	1° 50' 37.798" E	70	52° 02' 03.097" N	1° 49' 59.472" E
71	52° 04' 08.838" N	1° 46' 58.300" E	72	52° 05' 32.520" N	1° 46' 56.527" E
73	52° 06' 33.520" N	1° 45' 32.604" E	74	52° 07' 04.673" N	1° 45' 24.158" E
75	52° 08' 35.786" N	1° 43' 05.562" E	76	52° 12' 06.924" N	1° 40' 45.328" E
77	52° 12' 08.338" N	1° 40' 38.374" E	78	52° 12' 09.091" N	1° 40' 34.668" E
79	52° 12' 10.453" N	1° 40' 29.362" E	80	52° 12' 10.658" N	1° 40' 28.945" E
81	52° 12' 10.947" N	1° 40' 27.617" E	82	52° 12' 11.334" N	1° 40' 24.014" E
83	52° 12' 11.585" N	1° 40' 24.163" E	84	52° 12' 12.420" N	1° 40' 20.735" E
85	52° 12' 12.713" N	1° 40' 19.698" E	86	52° 12' 12.978" N	1° 40' 19.092" E
87	52° 12' 13.722" N	1° 40' 14.764" E	88	52° 12' 14.592" N	1° 40' 11.316" E
89	52° 12' 14.726" N	1° 40' 09.601" E	90	52° 12' 16.655" N	1° 40' 00.995" E
91	52° 12' 18.548" N	1° 39' 52.398" E	92	52° 12' 19.617" N	1° 39' 47.867" E
93	52° 12' 20.133" N	1° 39' 44.145" E	94	52° 12' 21.264" N	1° 39' 40.715" E
95	52° 12' 22.455" N	1° 39' 35.162" E	96	52° 12' 22.647" N	1° 39' 34.805" E
97	52° 12' 23.511" N	1° 39' 30.442" E	98	52° 12' 24.413" N	1° 39' 27.238" E
99	52° 12' 24.629" N	1° 39' 25.209" E	100	52° 12' 25.271" N	1° 39' 21.684" E
101	52° 12' 25.717" N	1° 39' 20.525" E	102	52° 12' 26.377" N	1° 39' 15.364" E
103	52° 12' 26.479" N	1° 39' 14.852" E	104	52° 12' 26.591" N	1° 39' 13.000" E
105	52° 12' 26.726" N	1° 39' 09.534" E	106	52° 12' 27.156" N	1° 39' 04.787" E
107	52° 12' 27.336" N	1° 39' 03.952" E	108	52° 12' 27.378" N	1° 39' 02.849" E
109	52° 12' 27.503" N	1° 39' 01.729" E	110	52° 12' 27.672" N	1° 38' 59.184" E
111	52° 12' 27.936" N	1° 38' 56.895" E	112	52° 12' 27.980" N	1° 38' 54.459" E

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
113	52° 12' 28.226" N	1° 38' 52.855" E	114	52° 12' 28.252" N	1° 38' 51.642" E
115	52° 12' 28.372" N	1° 38' 51.228" E	116	52° 12' 28.438" N	1° 38' 49.416" E
117	52° 12' 28.801" N	1° 38' 46.905" E	118	52° 12' 28.941" N	1° 38' 44.288" E
119	52° 12' 28.845" N	1° 38' 39.122" E	120	52° 12' 28.858" N	1° 38' 38.526" E
121	52° 12' 28.608" N	1° 38' 35.768" E	122	52° 12' 28.426" N	1° 38' 34.235" E
123	52° 12' 28.155" N	1° 38' 33.195" E	124	52° 12' 27.765" N	1° 38' 28.902" E
125	52° 12' 27.466" N	1° 38' 27.740" E	126	52° 12' 26.843" N	1° 38' 23.551" E
127	52° 12' 26.282" N	1° 38' 18.752" E	128	52° 12' 25.310" N	1° 38' 13.007" E
129	52° 12' 25.249" N	1° 38' 11.139" E	130	52° 12' 24.835" N	1° 38' 08.881" E
131	52° 12' 24.783" N	1° 38' 08.123" E	132	52° 12' 24.514" N	1° 38' 06.910" E
133	52° 12' 24.191" N	1° 38' 03.616" E	134	52° 12' 23.841" N	1° 38' 01.335" E
135	52° 12' 23.181" N	1° 37' 57.957" E	136	52° 12' 22.595" N	1° 37' 54.034" E
137	52° 12' 22.177" N	1° 37' 52.624" E	138	52° 12' 21.193" N	1° 37' 47.365" E
139	52° 12' 20.325" N	1° 37' 42.850" E	140	52° 12' 19.615" N	1° 37' 37.741" E
141	52° 12' 19.710" N	1° 37' 32.227" E	142	52° 12' 19.863" N	1° 37' 28.535" E
143	52° 12' 20.547" N	1° 37' 22.637" E	144	52° 12' 20.572" N	1° 37' 21.805" E

(4) The substances or articles authorised for deposit at sea are—

- (a) iron/steel;
- (b) stone and rock;
- (c) concrete;
- (d) sand;
- (e) plastic/synthetic; and
- (f) material extracted from within the offshore Order limits during construction drilling.

**3.** This licence shall remain 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<sup>(a)</sup>, 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.

## PART 2

### Conditions

#### Design parameters for wind turbines

**1.**—(1) No wind turbine generator forming part of the authorised scheme shall—

- (a) exceed a height of 195 metres when measured from LAT to the tip of the vertical blade;
- (b) exceed a height of 120 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 164 metres, or have a rotor diameter of less than 107 metres;
- (d) be less than 642 metres from the nearest WTG in either direction perpendicular to the approximate prevailing wind direction or be less than 856 metres from the nearest WTG in either direction which is in line with the approximate prevailing wind direction;

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(a) 2004 c. 20.



- (e) have a distance of less than 22 metres between the lowest point of the rotating blade of the wind turbine and MHWS.

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

**Approval of detailed wind turbine design parameters by the Secretary of State**

2.—(1) The authorised scheme shall not commence until the Secretary of State has received the Approval Application and issued the Approval Notice.

(2) An Approval Application shall include—

- (a) the proposed Maximum WTG Number;
- (b) the proposed WTG Specification;
- (c) the proposed Minimum Clearance Level; and
- (d) an explanation of how the proposed Maximum WTG Number, the proposed WTG Specification and the proposed Minimum Clearance Level, in combination, achieve the Percentage Reduction.

(3) The Approval Notice shall specify—

- (a) the Maximum WTG Number;
- (b) the WTG Specification, which shall comply with the requirements of paragraphs (a) to (c) of condition 1(1); and
- (c) the Minimum Clearance Level, which shall comply with the requirements of paragraph (e) of condition 1(1).

(4) The Secretary of State shall not issue the Approval Notice unless he is satisfied, following consultation with Natural England, that the Maximum WTG Number, the WTG Specification and the Minimum Clearance Level, in combination, achieve the Percentage Reduction.

(5) The Approval Notice shall include a statement of—

- (a) the reasons why the Secretary of State is satisfied that the Percentage Reduction is achieved; and
- (b) where the Maximum WTG Number, the WTG Specification, or the Minimum Clearance Level is different from that proposed in the Approval Application, the reasons for the difference.

(6) The number of wind turbine generators forming part of the authorised scheme shall not exceed the Maximum WTG Number specified in the Approval Notice.

(7) Each wind turbine generator forming part of the authorised scheme shall conform to the WTG Specification specified in the Approval Notice.

(8) For each wind turbine generator constructed as part of the authorised scheme, the minimum distance between the lowest point of its rotating blade and the MHWS shall be at least equal to the Minimum Clearance Level.

**Further offshore design requirements**

3. No wind turbine generator, offshore substation platform, collection platform, accommodation platform or meteorological mast forming part of the authorised scheme shall be erected within the area hatched black on the offshore Order limits plan, whose coordinates are specified below—

**Coordinates for restricted build area**

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	51° 59' 16.526" N	2° 02' 34.375" E	2	51° 59' 06.310" N	2° 03' 24.837" E
3	51° 55' 13.411" N	2° 02' 25.515" E	4	51° 55' 27.574" N	2° 01' 36.127" E

**4.—(1)** The total number of offshore substation platforms, accommodation platforms and collection platforms forming part of the authorised scheme shall not exceed four.

(2) The dimensions of any offshore substation platform, accommodation platform or collection platform forming part of the authorised scheme (excluding any masts) shall not exceed 75 metres in height when measured from LAT, 65 metres in length and 50 metres in width. Any such platform shall have no more than one supporting foundation.

(3) No meteorological mast shall exceed a height of 120 metres when measured from LAT, nor shall it have more than one supporting foundation.

**5.—(1)** The number of cables forming part of the authorised scheme laid in each of the corridors forming part of the Order limits between reference point AA and reference point BB and reference point CC and reference point DD and the area marked by reference point EE on the offshore Order limits plan shall not exceed three.

(2) The total length of the cables comprising Work No. 3 shall not exceed 190 kilometres.

(3) The total length of the cables comprising Work No. 1(e) shall not exceed 300 kilometres.

**6.—(1)** Each monopile foundation forming part of the authorised scheme shall not have a diameter greater than 7 metres.

(2) Each monopile foundation forming part of the authorised scheme shall not be constructed in water with a depth greater than 45 metres between LAT and the seabed.

(3) Each gravity base foundation forming part of the authorised scheme shall not have—

- (a) a diameter at the level of the seabed which is greater than 45 metres;
- (b) a base height, where there is a flat base, which is greater than 7.5 metres above the level of the seabed;
- (c) a column diameter, where there is a flat or conical base, of greater than 10 metres;
- (d) a cone/column intersect which is higher than 20 metres above the top of the base;
- (e) a cone diameter at its base which is greater than 35 metres.

(4) In the event that any WTG uses a gravity base foundation of more than 35 metres diameter at the level of the seabed, the authorised scheme shall not comprise more than 101 WTG in total.

(5) Each space frame foundation forming part of the authorised scheme shall not have—

- (a) for use with any WTG or meteorological mast, a spacing between each leg at the level of the seabed which is greater than 40 metres and at the level of LAT which is greater than 25 metres;
- (b) for use with any offshore substation platform, accommodation platform or collection platform, a spacing between each leg at the level of the seabed which is greater than 55 metres in one direction and 40 metres in a perpendicular direction and at the level of LAT which is greater than 40 metres in one direction and 30 metres in a perpendicular direction;
- (c) more than two piles per leg or more than one suction can per leg;
- (d) a pile diameter which is more than 3 metres each;
- (e) for use with any WTG or meteorological mast, a suction can diameter greater than 11.5 metres each, where the total number of suction cans per structure is 3 or fewer;
- (f) for use with any WTG or meteorological mast, a suction can diameter of greater than 10 metres each, where the total number of suction cans is more than 3;
- (g) for use with any offshore substation platform, accommodation platform or collection platform, a suction can diameter of greater than 17 metres each, where the total number of suction cans is 4 or fewer;
- (h) for use with any offshore substation platform, accommodation platform or collection platform, a suction can diameter of greater than 10 metres each, where the total number of suction cans is more than 4;

- (i) more than 4 legs for a WTG or meteorological mast, or more than 6 legs for an offshore substation platform, accommodation platform or collection platform.
- (6) Each suction monopod foundation forming part of the authorised scheme shall not have—
  - (a) a diameter at the level of the seabed which is greater than 25 metres;
  - (b) a base height, where there is a flat base, which is greater than 7.5 metres above the level of the seabed;
  - (c) a column diameter which is greater than 9 metres.

**Notifications and inspections**

- 7.—(1) The undertaker shall ensure that—
- (a) a copy of this licence and any subsequent amendments or revisions to it is provided to—
    - (i) all agents and contractors notified to the MMO in accordance with condition 14; and
    - (ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with condition 14;
  - (b) within 28 days of receipt of a copy of this licence those persons referred to at paragraph (a) shall provide a completed vessel confirmation form to the MMO confirming their understanding of the terms of the conditions of this licence.
- (2) Only those persons and vessels notified to the MMO in accordance with condition 14 are permitted to carry out the licensed activities.
- (3) Copies of this licence shall also be available for inspection at the following locations—
- (a) the 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 sub-paragraph (1)(a) shall be available for inspection by an enforcement officer at all reasonable times at the locations set out in sub-paragraph (3)(b).
- (5) The undertaker must provide access, and if necessary appropriate transportation to the offshore construction site or any other associated works or vessels to facilitate any inspection that the MMO or MCA considers necessary to meet any mandatory health and safety requirements or to inspect the works during construction and operation of the authorised scheme.
- (6) The undertaker must inform the MMO in writing at least five working days prior to the commencement of the licensed activities or any phase of them.
- (7) Prior to the commencement of the licensed activities the undertaker must publish in the Kingfisher Fortnightly Bulletin details of the vessel routes, timings and locations relating to the construction of the authorised scheme.
- (8) The undertaker shall ensure that—
- (a) a notice to mariners is issued at least ten days prior to the commencement of the licensed activities advising of the start date of Work Nos. 1 and 2 (wind turbine generation station and offshore platforms) and the expected vessel routes from the local service ports to the turbine locations; and
  - (b) a second notice to mariners is issued advising of the commencement of Work No. 3 (subsea export cables) and the route of the subsea export cables.
- (9) The undertaker shall ensure that the notices to mariners are updated and reissued at regular intervals agreed in advance with the MMO and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme approved under condition 10(2)(a). Copies of all notices shall be provided to the MMO.
- (10) The undertaker must promptly notify—

- (a) the UK Hydrographic Office of both the progress and completion of the authorised scheme in order that all necessary amendments to nautical charts are made; and
- (b) the MMO once the authorised scheme is completed and any required lighting or marking has been established.

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

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

(2) All protective coatings and paints shall be suitable for use in the marine environment. The use of such coatings shall accord with best environmental practice. Construction of the authorised scheme shall not commence until a document capturing the best environmental practice measures applicable to the authorised scheme has been approved by the MMO. The approved best practice measures shall apply unless otherwise agreed by the MMO. Any accidental spillages shall be reported to the MMO marine pollution response team.

(3) The storage, handling, transport and use of fuels, lubricants, chemicals and other substances shall be undertaken so as to prevent releases into the marine environment, including bunding of 110% 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 approval, in consultation with Natural England and JNCC, in relation to the proposed disposal of any arisings shall be obtained before the drilling commences, which disposal may also require a marine licence.

(5) The undertaker shall ensure that any debris arising from the construction of the authorised scheme or temporary works placed below MHWS are removed on completion of construction of the authorised scheme.

(6) At least two months prior to 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. The audit sheet shall include details of—

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

(7) No licensed activities shall commence until the MMO has approved the audit sheet in writing.

(8) The audit sheet shall be maintained throughout the construction of the authorised scheme and any changes notified immediately to the MMO.

(9) In the event that the materials on the audit sheet cannot be accounted for the MMO will require the undertaker to carry out a side scan sonar survey to plot all obstructions across the offshore Order limits where construction works and related activities have been carried out.

(10) Local fishermen shall be invited to send a representative to be present during the survey. Any new obstructions that the MMO believes to be associated with the authorised scheme shall be removed, as directed by the MMO in writing, at the undertaker's expense.

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(a) S.I. 2002/1355 as amended by S.I. 2011/982.

## **Force majeure**

9. 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 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 shall be notified in writing to the MMO.

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

10.—(1) The licensed activities shall not commence until the documents specified in paragraphs (a) to (h) have been approved in writing by the MMO after consulting—

- (a) in the case of sub-paragraph (2)(a)(iii), (c), (d), (e), (f) and (g), Natural England and JNCC;
- (b) in the case of sub-paragraph (2)(h), English Heritage and, in respect of the foreshore only, Suffolk Coastal District Council;
- (c) in the case of sub-paragraph (2)(b) and (g), the MCA and Trinity House;
- (d) in relation to the foreshore in sub-paragraph (2)(g)(ii), the Environment Agency; and
- (e) in the event that the stated dimensions specified in sub-paragraph (2)(g)(iv) are exceeded, EDF Energy.

(2) (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/monitoring, baseline report format and content, construction surveys/monitoring, post-construction surveys/monitoring and related reporting in accordance with conditions 16, 17 and 18;
- (b) a scheme setting out proposed details of the authorised scheme, specifying the number, specifications and dimensions of all the proposed WTGs; the proposed foundation type for each WTG; the number, dimensions and foundation types for all proposed offshore platforms and meteorological masts and their expected foundation depth; the grid coordinates of the centre point of the proposed location for each WTG, offshore platform and meteorological mast; and the proposed layout of all cables;
- (c) a construction method statement in accordance with the construction methods assessed in the environmental statement, including details of how the construction-related mitigation steps proposed in the environmental statement are to be delivered, except where such steps are detailed in another document under this condition, and including details of—
- (i) drilling methods;
  - (ii) turbine, meteorological mast and substation installation, including scour protection;
  - (iii) cable installation, including cable landfall;
  - (iv) contractors;
  - (v) vessels and vessel transit corridors; and
  - (vi) associated works;
- (d) a project environmental management and monitoring plan to include details of—
- (i) a marine pollution contingency plan to address the risks, methods and procedures to deal with any spills and collision incidents during construction and operation of the authorised scheme in relation to all activities carried out below MHWS;
  - (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) a method statement for the taking of sediment samples;
  - (v) the appointment and responsibilities of a fisheries liaison officer and an environmental liaison officer;
  - (vi) any seasonal restrictions on construction works; and
  - (vii) locations of any archaeological exclusion zones agreed as part of the written scheme of investigation approved under paragraph (h) of this licence condition;
- (e) a scour protection management plan providing details of the need, type, sources, quantity and installation methods for scour protection;
- (f) a marine mammal mitigation programme at least four months prior to commencement of offshore construction, to include—
- (i) a protocol for awareness raising of potential collision risk between vessels and marine mammals;
  - (ii) a protocol for avoiding collision events between vessels and marine mammals;
  - (iii) only where driven or part-driven pile foundations are proposed to be used, a protocol inclusive of a requirement for a soft start procedure to piling events;
- (g) cable specification and installation plan in accordance with the methodology assessed in the environmental statement, to include—
- (i) technical specification of offshore cables below MHWS, 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 for the offshore Order limits, including geotechnical data and cable laying techniques;
  - (iii) a cable burial risk assessment to inform cable burial depth;
  - (iv) a method of working for cable laying which results in a trench in the Coralline Crag with a width of no more than 1 metre and a depth of no more than 1.75 metres for each cable authorised to be installed across the Coralline Crag; and
  - (v) a relocation plan for Waverider Buoy and associated Trinity House Class 2 buoy (WMO ID: 62294) located at 52 12' 28.8" N, 001 41' 04.8" outside the offshore Order limits during cable installation, after consultation by the undertaker with Cefas and Trinity House;
- (h) a written scheme of archaeological investigation in relation to the offshore Order limits seaward of MHWS in accordance with industry guidance and after discussions with English Heritage and Suffolk Coastal District Council, to inform the detailed delivery of the authorised scheme and to include—
- (i) objectives and details of responsibilities of the undertaker, archaeological consultant, contractor and, where relevant, curator;
  - (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, and timetable, which is to be submitted to the MMO within four months of any survey being completed;
  - (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.

**11.** The undertaker shall ensure that a copy of any agreed archaeological report is deposited with the National Monuments Record, in accordance with the Online Access to the Index of archaeological investigations (OASIS) system. If the report relates to the foreshore, the undertaker shall notify Suffolk County Council that the OASIS report has been submitted to the National Monuments Record.

**12.—(1)** Except with the prior approval of the MMO, each programme, statement, plan, protocol or scheme required to be approved under condition 10, must be submitted for approval at least four months prior to the intended start of construction, or survey. Any variation to the approved surveys under condition 10(2)(a)(iii) shall only be made following consultation with Natural England and JNCC.

(2) Any proposed variation to condition 10(2)(g)(iv) which would exceed the stated dimensions in that condition, shall only be agreed by the MMO after consultation with EDF Energy.

### **Seasonal restrictions**

**13.—(1)** No piling of monopile foundations or other foundation piling in the course of construction of the authorised scheme shall take place in array area C during the relevant peak sole spawning season (the maximum period being 1st April to 15th May), unless otherwise agreed with the MMO, following consultation with Natural England and JNCC.

(2) No piling of monopile foundations or other foundation piling in the course of construction of the authorised scheme shall take place in array area B during the relevant peak herring spawning season (the maximum period being 1st November to 31st December), unless otherwise agreed with the MMO, following consultation with Natural England and JNCC.

### **Reporting of engaged agents, contractors and vessels**

**14.—(1)** The undertaker shall provide the following information to the MMO—

- (a) as soon as reasonably practicable in advance of their engagement in any licensed activities, the name and function of any agent or contractor appointed to engage in the licensed activities; 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. All agents, contractors and/or vessel operators will abide by the conditions set out in this licence.

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

**15.—(1)** All vessels employed to perform the licensed activities shall be constructed and equipped to be capable of the proper performance of such activities in accordance with the conditions of this licence and shall comply with sub-paragraphs (2) to (7).

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

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

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

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

(5) All vessels shall exhibit signals in accordance with the requirements of the International Regulations for the Prevention of Collisions at Sea.

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

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

### **Pre-construction monitoring**

**16.**—(1) The undertaker shall, in discharging condition 10(2)(a), submit details for approval by the MMO of proposed pre-construction surveys, including methodologies and timings, and a proposed format and content for a pre-construction baseline report. The survey proposals shall 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. The baseline report proposals shall ensure that the outcome of the agreed surveys together with existing data and reports are drawn together to present a valid statement of the pre-construction position, with any limitations, and shall make clear what post-construction comparison is intended and the justification for this being required.

(2) The pre-construction surveys shall comprise, in outline—

- (a) a survey to determine the location, extent and composition of any benthic habitats of conservation and or economic importance (including Annex I habitats);
- (b) a high resolution acoustic and debris survey of the areas within the offshore Order limits in which it is proposed to carry out construction works, including a 500 metre buffer area;
- (c) an ornithological survey covering the areas within the offshore Order limits in which it is proposed to carry out construction works, and any wider areas where appropriate, which is required to test predictions in the environmental statement concerning key ornithological interests of relevance to the authorised scheme; and
- (d) a fish resource survey covering the areas within the offshore Order limits in which it is proposed to carry out construction works, and any wider areas where appropriate, which is required to test predictions in the environmental statement concerning key fish resource interests of relevance to the authorised scheme.

(3) The undertaker shall carry out the surveys approved under paragraph (1) and provide the baseline report to the MMO for approval four months prior to construction in the agreed format, unless otherwise agreed by the MMO, in consultation with Natural England and JNCC.

### **Construction monitoring**

**17.**—(1) The undertaker shall, in discharging condition 10(2)(a), submit details for approval by the MMO of any proposed surveys or monitoring, including methodologies and timings, to be carried out during the construction of the authorised scheme. The survey proposals shall specify each survey's objectives.

(2) The construction surveys and monitoring shall comprise, in outline, the noise monitoring referred to in paragraph (3) and an ornithological survey covering the areas within the offshore Order limits in which it is proposed to carry out construction works, and any wider areas, where appropriate, which is required to test predictions in the environmental statement concerning key ornithological interests of relevance to the authorised scheme.

(3) Such monitoring shall include measurements of noise generated by the installation of the first four largest diameter monopile foundations (or other piles if monopile foundations are not used), following which the MMO will determine whether further noise monitoring is required.

(4) The undertaker shall carry out the construction surveys and reports approved under paragraph (1), including any further noise monitoring required in writing by the MMO, in the agreed format, unless otherwise agreed in writing with the MMO, in consultation with Natural England and JNCC.

(5) The results of the initial noise measurements provided in accordance with paragraph (4) shall be provided to the MMO within six weeks of the installation of the first relevant monopile foundation piece, or other pile if monopile foundations are not used. The assessment of this report by the MMO shall determine whether any further noise monitoring is required. In the event that the reported noise levels are significantly in excess of those predicted in the environmental



statement and this conclusion is notified to the undertaker by the MMO in writing with a clear written instruction to stop pile installation as a consequence, then further pile installation shall only be carried out with the prior written approval of the MMO.

### **Post construction**

**18.**—(1) The undertaker shall, in discharging condition 10(2)(a), submit details for approval by the MMO of proposed post-construction surveys, including methodologies and timings, and proposed format, content and timings for providing reports on the results. The survey proposals shall specify each survey's objectives and explain how it will assist in either informing a valid comparison with the pre-construction position and enable the validation or otherwise of key predictions in the environmental statement.

(2) The post-construction surveys shall comprise, in outline—

- (a) a survey to determine the location, extent and composition of any benthic habitats of conservation and/or economic importance (including Annex I habitats), to validate predictions made in the environmental statement;
- (b) an ornithological survey covering the area(s) within the offshore Order limits in which construction works were carried out, and any wider area(s) where appropriate, which is required to test predictions in the environmental statement concerning key ornithological interests of relevance to the authorised scheme;
- (c) a high resolution acoustic survey undertaken within the first six months following completion of construction and after any major storm event (a greater than 1 in 10 year wave event within the Order limits seaward of MHWS in terms of a wave height measured from the Sizewell Waverider buoy (WMO ID: 62294)) within the order limits in which construction works were carried out to assess any changes to bedform morphology; and
- (d) a fish resource survey covering the area(s) within the offshore Order limits in which construction works were carried out, and any wider area(s) where appropriate, which is required to test predictions in the environmental statement concerning key fish resource interests of relevance to the authorised scheme.

(3) The undertaker shall carry out the surveys approved under paragraph (1) and provide the agreed reports in the agreed format, unless otherwise agreed with the MMO, in consultation with Natural England and JNCC.

### **Offshore decommissioning**

**19.** This licence does not permit the decommissioning of the authorised scheme. No authorised decommissioning activity shall commence until a written decommissioning programme in accordance with an approved programme under section 105(2) of the 2004 Act, has been submitted to the Secretary of State for approval. Furthermore, at least four months prior to carrying out any such works, the undertaker shall notify the MMO of the proposed decommissioning activity to establish whether a marine licence is required for such works.

### **Requirement for written approval**

**20.** Where under any of the above conditions the approval or agreement of the Secretary of State, MMO, the relevant planning authority or another person is required, that approval or agreement must be given in writing.