

SCHEDULE 9

Article 37

DEEMED GENERATOR ASSETS MARINE LICENCE UNDER THE MARINE
AND COASTAL ACCESS ACT 2009

PART 1

Licensed Marine Activities

Interpretation

1.—(1) In this licence—

“the 2004 Act” means the Energy Act 2004;

“the 2008 Act” means the Planning Act 2008;

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

“ancillary works” means the ancillary works described in paragraph 2(2) of Part 1 of this licence;

“Annex I Habitat” means any benthic habitat type listed in Annex 1 of the EU Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora^(a);

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

“authorised development” means the works described in paragraph 2(2) of Part 1 of this licence or any part of those works;

“cable crossings” means the crossing of existing subsea cables by the inter-array and/or export cables authorised by the Order together with cable protection;

“cable ducts” means conduits for the installation of cables;

“cable protection” means physical measures for the protection of cables including concrete mattresses, with or without frond devices, and/or rock placement;

“cables” shall include direct lay cables and/or cables laid in cable ducts and shall include fibre optic cables either within the cable or laid alongside;

“cable systems” means the three electrical cables and their respective accessories including cable joints and terminations, with an operating voltage of up to 400kV, necessary to transmit the power between two electrical nodes within the authorised development, and for the offshore element of the cable corridor, comprising subsea export cables, the three cables shall be bundled together as one cable system, and for the onshore element of the cable corridor, the cable system shall comprise three separate onshore cables, each containing a single conductor, and the cable system may also include one or more auxiliary cables (normally fibre optic cables) for the purpose of control, monitoring, protection or general communications;

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

“commence” means the first carrying out of any part of the licensed activities, save for pre-construction surveys and/or monitoring and the words “commencement” and “commenced” shall be construed accordingly;

“debris” means any material left on the seabed as a result of the licensed works;

“Disposal Site” means the designated disposal site identified as IS215 Walney bounded by the Order limits described in paragraph 2(3) of Part 1 of this licence, which are shown on the Order limits and grid coordinates plan;

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

(a) OJ No L 206, 22.7.1992, p7, last amended by Council Directive 2013/17/EU (OJ No L 158, 10.6.2013, p193).

“the environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of the Order and submitted with the application on 28 June 2013 together with any supplementary or further environmental information submitted to the Examining authority as part of the examination of the application for the Order;

“frond devices” means flow energy dissipation devices, which reduce current velocity and turbulence and encourage settlement of sediment;

“Greenwich Mean Time” or “GMT” means the time measured from the Greenwich Meridian Line at the Royal Observatory in Greenwich;

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

“inter-array cable” means the network of offshore subsea cables connecting the WTGs in Work No. 1 with the offshore substations in Work No. 2(a);

“jacket structure” means a lattice type structure constructed of steel, which may include scour protection and additional equipment such as, J-tubes, corrosion protection systems and access platforms;

“JNCC” means the Joint Nature Conservation Committee;

“the Kingfisher Fortnightly Bulletin” means the bulletin produced by Kingfisher Information Services at the Sea Fish Industry Authority or such other alternative publication approved by the MMO;

“LAT” means lowest astronomical tide;

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

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

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

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace any of the authorised development, and any derivative of “maintain” shall be construed accordingly;

“major storm event” means a greater than 1 in 10 year wave event within the Order limits seaward of MHWS, measured by reference to the height of waves recorded at the nearest wave buoy to the authorised development as agreed with the MMO, and the WaveNet data published by Cefas, or such other means of measurement as may be agreed with the MMO;

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

“the Maritime and Coastguard Agency” or “MCA” means the executive agency of the Department for Transport;

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

“mean low water” or “MLW” means the average height of all low water above Chart Datum;

“monopile foundation” means a steel cylindrical pile, driven, vibrated and/or drilled into the seabed and may include scour protection and additional equipment such as, J-tubes, corrosion protection systems and access platforms;

“national notice to mariners” is a notice to mariners issued by the United Kingdom Hydrographic Office (UKHO);

“Natural England” means the body established by section 1 of the Natural Environment and Rural Communities Act 2006;

“offshore substation platform” means a platform with one or more decks, whether 8yz or fully clad, accommodating medium to high voltage electrical power transformers, medium and/or high voltage switch gear, fire fighting facilities, workshop facilities, helicopter landing 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, control hub, drainage facilities, access equipment, marking and lighting and other associated equipment and facilities;

“the Order” means the Walney Extension Offshore Wind Farm Order 2014;

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

“the Order limits and grid coordinates plan” means the plan certified as the Order limits and grid coordinates plan by the Secretary of State for the purposes of the Order;

“relevant planning authority” means Lancaster City Council;

“Renewable Energy Zone” means the areas of the sea designated under the Renewable Energy Zone (Designation of Area) Order 2004;

“Schedule of Offshore Maintenance Activities” means the document certified as the Schedule of Offshore Maintenance Activities by the Secretary of State for the purposes of the Order;

“scour protection” means measures to prevent loss of seabed sediment around any structure placed in or on the seabed by use of protective aprons, mattresses with or without frond devices, or rock and gravel placement;

“suction caisson” means a steel cylindrical structure attached to the leg(s) of a jacket structure which partially or fully penetrates the seabed and remains in place using its own weight and hydrostatic pressure differential, and may include scour protection and additional equipment such as J-Tubes;

“transition piece” means the metal structure attached to the top of the foundation where the base of the wind turbine generator is connected and may include additional equipment such as J-Tubes, corrosion protection systems, boat access systems, access platform(s), craneage, and associated equipment;

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

“undertaker” means in respect of any provision of this licence, DONG Energy Walney Extension (UK) 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;

“VHF” means very high frequency;

“wind turbine generator” or “wind turbine” or “WTG” means a structure comprising a tower, rotor system with three blades, nacelle and ancillary electrical and other equipment which may include lighting, J-tubes, access and rest platforms, access ladders, access lift, boat access systems, corrosion protection systems, fenders and maintenance equipment, heli-hoist platform and other associated equipment, fixed to a foundation or transition piece;

“Work No. 2(a)” means up to three offshore substation platforms fixed to the seabed within the Order limits seaward of MHWS by one of two foundation types, namely monopile foundation or jacket structure (in conjunction with suction caissons or steel piles); and

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

(2) References in this licence to any statute, order, regulation or similar instrument shall be construed as a reference to the 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 shall be taken to be Greenwich Mean Time; and
- (b) all co-ordinates shall be taken to be latitude and longitude degrees, minutes and seconds.

(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 shall be—

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

- NE4 7YH
Tel: 0300 123 1032
Email: marine.consent@marinemanagement.org.uk;
- (b) Marine Management Organisation – Whitehaven office
Fish Hall
North Harbour
North Shore
Whitehaven
Cumbria
CA28 7XY
Tel: 01946 591 287
Email: whitehaven@marinemanagement.org.uk;
- (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 2/04
Spring Place
105 Commercial Road
Southampton
SO15 1EG
Tel: 023 8032 9191;
- (f) Centre for Environment, Fisheries and Aquaculture Science
Pakefield Road
Lowestoft
Suffolk
NR33 0HT
Tel: 01502 562 244;
- (g) JNCC
Inverdee House
Baxter Street
Aberdeen
AB11 9QA;
- (h) Natural England
Foundry House
3 Millsands

Riverside Exchange
Sheffield
S3 8NH
Tel: 0845 600 3078;

- (i) Natural England – North West Regional Office
Juniper House
Murley Moss
Oxenholme Road
Kendal
Cumbria
LA9 7RL
Tel: 0300 060 2122.

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) below;
 - (b) the construction of the works set out in sub-paragraph (2) below 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 750MW comprising up to 207 wind turbine generators with rotating blades, each fixed to the seabed by one of two foundation types, namely monopile foundation or jacket structure (in conjunction with suction caissons or steel piles), and situated within the coordinates for the Order limits seaward of MHWS and further comprising (b) below;
- (b) a network of subsea inter-array cables laid within the Order limits seaward of MHWS between the WTGs and Work No. 2(a), for the transmission of electricity and electronic communications between these different structures, including up to twenty cable crossings;

and in connection with such Work No. 1 and to the extent that they do not otherwise form part of any such Works, associated development within the meaning of section 115(2) of the 2008 Act comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised development and which fall within the scope of the work assessed by the environmental statement, including—

- (c) scour protection around the foundations of the offshore structures;
- (d) cable protection measures such as the placement of rock and/or concrete mattresses, with or without frond devices;
- (e) the removal of material from the seabed required for the construction of Work No. 1 and the disposal of up to 600,300m³ of inert material of natural origin within the Disposal Site produced during construction drilling and seabed preparation for foundation works;

and in connection with Work No. 1 such ancillary works which fall within the scope of the work assessed by the environmental statement, including—

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

(3) The grid coordinates for that part of the authorised development comprising Work No. 1 are specified below and more particularly on the Order limits and coordinates plan—

Point ID	Longitude (DMS)	Latitude (DMS)	Point ID	Longitude (DMS)	Latitude (DMS)
WGS 1984					
69	3° 52' 13.576" W	54° 5' 53.694" N	70	3° 52' 13.657" W	54° 5' 53.720" N
71	3° 52' 28.915" W	54° 5' 58.451" N	72	3° 55' 6.038" W	54° 6' 47.128" N
73	3° 55' 8.026" W	54° 8' 10.360" N	74	3° 53' 41.626" W	54° 7' 56.485" N
75	3° 53' 37.752" W	54° 7' 56.773" N	76	3° 49' 34.856" W	54° 9' 30.726" N
77	3° 39' 20.455" W	54° 6' 19.663" N	78	3° 40' 10.211" W	54° 5' 35.819" N
79	3° 40' 2.050" W	54° 5' 24.439" N	80	3° 39' 34.391" W	54° 4' 45.872" N
81	3° 39' 20.491" W	54° 4' 26.490" N	82	3° 39' 4.540" W	54° 4' 8.303" N
83	3° 38' 34.710" W	54° 3' 34.297" N	84	3° 37' 28.711" W	54° 3' 26.435" N
85	3° 36' 6.282" W	54° 3' 7.704" N	86	3° 35' 29.688" W	54° 2' 56.515" N
87	3° 35' 2.285" W	54° 2' 48.138" N	88	3° 34' 25.262" W	54° 2' 33.068" N
89	3° 33' 48.240" W	54° 2' 17.999" N	90	3° 33' 48.186" W	54° 2' 17.988" N
91	3° 32' 51.202" W	54° 1' 46.816" N	92	3° 31' 58.620" W	54° 1' 8.425" N
93	3° 31' 33.298" W	54° 0' 44.201" N	94	3° 34' 3.925" W	54° 0' 13.597" N
95	3° 37' 57.802" W	54° 1' 26.958" N	96	3° 38' 35.961" W	54° 1' 38.908" N
97	3° 38' 37.941" W	54° 1' 39.528" N	98	3° 38' 38.113" W	54° 1' 39.582" N
99	3° 38' 38.136" W	54° 1' 39.589" N	100	3° 38' 38.137" W	54° 1' 39.589" N
216	3° 39' 20.898" W	54° 1' 52.975" N	217	3° 39' 52.373" W	54° 2' 2.823" N
218	3° 40' 23.852" W	54° 2' 12.668" N	219	3° 41' 8.463" W	54° 2' 26.615" N
220	3° 41' 44.621" W	54° 2' 37.914" N	221	3° 43' 41.800" W	54° 3' 14.498" N
222	3° 44' 20.928" W	54° 3' 26.703" N	223	3° 45' 34.687" W	54° 3' 49.695" N
224	3° 46' 13.432" W	54° 4' 1.765" N	225	3° 46' 27.742" W	54° 4' 6.221" N
226	3° 46' 38.749" W	54° 4' 9.648" N	227	3° 46' 41.500" W	54° 4' 10.505" N
228	3° 46' 41.511" W	54° 4' 10.509" N	229	3° 46' 42.021" W	54° 4' 10.667" N
230	3° 46' 42.055" W	54° 4' 10.678" N	231	3° 46' 42.083" W	54° 4' 10.687" N
232	3° 46' 42.129" W	54° 4' 10.701" N	233	3° 46' 42.131" W	54° 4' 10.702" N

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

- (a) iron, steel, copper and aluminium;
- (b) stone and rock;
- (c) concrete;
- (d) plastic/synthetic;
- (e) material extracted from within the Order limits seaward of MHWS during construction drilling and/or seabed preparation for foundation works; and
- (f) marine coatings, other chemicals and timber.

(5) The provisions of section 72 of the 2009 Act shall apply to this licence, save that the provisions of section 72(7) relating to the transfer of the licence shall only apply to a transfer not falling within article 5 of the Order.

Maintenance of authorised project

3.—(1) The undertaker may at any time maintain the authorised development, except to the extent that an agreement made under this licence provides otherwise. No maintenance works whose likely effects on the environment are not assessed in the environmental statement shall take effect, unless otherwise approved by the MMO. The Schedule of Offshore Maintenance Activities identifies those offshore maintenance activities that have been assessed in the environmental statement.

(2) Where the MMO's approval is required under sub-paragraph (1), such approval must only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the

discharging authority that the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

Duration

4. This licence shall remain in force until the authorised development 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.

PART 2

Licence Conditions

Design parameters for wind turbines

1.—(1) Subject to sub-paragraph (2), no wind turbine generator forming part of the authorised development shall—

- (a) exceed a height of 222 metres when measured from MHWS to the highest point of the rotating blade of the WTG;
- (b) exceed a height of 122 metres to the height of the centreline of the generator shaft forming part of the WTG nacelle when measured from MHWS;
- (c) exceed a rotor diameter of 200 metres, or have a rotor diameter of less than 120 metres;
- (d) be less than 737 metres from the nearest WTG in either direction perpendicular to the approximate prevailing wind direction (crosswind) or be less than 737 metres from the nearest WTG in either direction which is in line with the approximate prevailing wind direction (downwind); and
- (e) have a distance of less than 22 metres between the lowest point of the rotating blade of the WTG and MHWS.

(2) References to the location of a wind turbine generator are references to the centre point of that turbine.

Design Parameters for WTG foundations

2.—(1) The total number of monopile foundations forming part of the authorised development shall not exceed 207 and no monopile foundation for use with any WTG or offshore substation forming part of the authorised development shall have a diameter greater than 9 metres.

(2) No jacket structure for use with any WTG forming part of the authorised development shall have—

- (a) a width spacing between each leg at the level of the seabed of more than 40 metres and at the level of LAT which is greater than 20 metres;
- (b) more than four legs;
- (c) a leg diameter of more than 3 metres;
- (d) more than one pile per leg;
- (e) a pile diameter of more than 3 metres;
- (f) more than one suction caisson per leg; and
- (g) a suction caisson diameter of greater than 10 metres.

Design parameters for inter-array cables

3. The total length of the cables comprising Work No. 1(b) shall not exceed 270 kilometres.

Design parameters for other deposits

4.—(1) The total volume of scour protection for use with WTGs within Work No. 1(a) shall not exceed 2,277,000m³.

(2) The total volume of cable protection (excluding cable crossings) included within Work No. 1(b) shall not exceed 27,000m³ with a maximum footprint of 35,000m².

(3) The total volume of cable protection associated with cable crossings included within Work No. 1(b) shall not exceed 64,328m³. The total footprint of this cable protection shall not exceed 74,480m².

Notifications and inspections

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

- (a) a copy of this licence and any subsequent amendments or revisions to it are provided to—
 - (i) all agents and contractors notified to the MMO in accordance with condition 6 of this licence; and
 - (ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with condition 6 of this licence;
- (b) within 28 days of receipt of a copy of this licence those persons referred to at sub-paragraph (i) above must provide a completed confirmation form to the MMO confirming their understanding of the terms and conditions of this licence.

(2) Only those persons and vessels notified to the MMO in accordance with condition 6 are permitted to carry out the licensed activities.

(3) Copies of this licence must also be available for inspection by an enforcement officer at all reasonable times 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 works; 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 or authorised works undertaken.

(4) The undertaker must provide access, and if necessary appropriate transportation, to the offshore construction site or the ancillary works or vessels to facilitate any inspection that the MMO or Trinity House considers necessary to meet any mandatory health and safety requirements or inspect the works during construction and operation of the authorised development.

(5) The undertaker must inform the MMO Coastal Office in writing at least five days prior to the commencement of the authorised development or any part thereof, and within 5 days of completion of the authorised development.

(6) The Kingfisher Information Service of Seafish, must be informed of details of the vessel routes, timings and locations relating to the construction of the authorised development or any part thereof by email to kingfisher@seafish.co.uk :-

- a) at least 2 weeks prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data, and;
- b) as soon as reasonably practicable and no later than 24 hours of completion of all offshore activities.

Confirmation of notification must be provided to the MMO within 5 days.

(7) A local notice to mariners is to be issued at least 10 days prior to the commencement of the authorised development or any part thereof advising of the start date of Work No.1 and the expected vessel routes from the construction ports to the relevant location. Copies of all notices must be provided to the MMO and UKHO within 5 days.

(8) Local notice to mariners are to be updated and reissued at weekly intervals during construction activities and at least 5 days before any planned operations and maintenance works. VHF radio

broadcasts are to be made as agreed with the MCA in accordance with the construction and monitoring programme approved under deemed marine licence condition 11(1)(a). Copies of all notices must be provided to the MMO and UKHO within 5 days.

(9) The undertaker must notify the UKHO of the completion (within 10 days) of the authorised development or any part thereof in order that all necessary amendments are made to nautical charts. Copies of all notices must be provided to the MMO within 5 days.

Reporting of engaged agents, contractors and vessels

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

- (a) the name and function of any agent or contractor appointed to engage in the licensed activities, at least five working days prior to the commencement of the licensed activities or any part of them; and
- (b) each week during the construction of the authorised development a completed Hydrographic Note H102 listing the vessels to be used in relation to the licensed activities.

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

Equipment and operation of vessels engaged in licensed activities

7.—(1) All vessels employed to perform the licensed activities must be constructed and equipped to be capable of the proper performance of such activities in accordance with the conditions of this licence and must comply with sub-paragraphs (2) to (5) below.

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

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

no vessel shall engage in the licensed activities until all such equipment is fully operational.

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

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

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

Chemicals, drilling and debris

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

(2) All protective coatings and paints must be suitable for use in the marine environment. Details of such coatings and paints and how they will be used must be submitted to the MMO as part of the construction method statement required under condition 11(1)(c).

(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 per cent of the total volume of all reservoirs and containers.

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

(a) S.I. 2002/1355, as amended by S.I. 2011/982. There are amendments to that instrument not relevant to this Order.

(5) The undertaker must ensure that only inert material of natural origin, produced during construction drilling and seabed preparation for foundation works shall be disposed of within the Disposal Site.

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

(7) The undertaker must notify the MMO within 48 hours of the completion of the final disposal of inert material at the Disposal Site.

(8) The undertaker must ensure that any debris arising from the construction of the authorised development or temporary works placed below MHWS are removed on completion of the construction of the authorised development, unless otherwise agreed with the MMO.

(9) The undertaker must report all dropped objects to the MMO using the Dropped Object Procedure Form within 24 hours where possible, and in any event within 5 days of 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

9. If, due to stress of weather or any other cause the master of a vessel determines that it is necessary to deposit substances and/or articles within or outside of the Order limits seaward of MHWS because the safety of human life and/or of the vessel is threatened full details of the circumstances of the deposit must be notified to the MMO within 48 hours, and the undertaker must—

- (a) as soon as reasonably practicable following such notification, submit a method statement and programme for the removal of the deposit; and
- (b) undertake the removal of the deposit in accordance with the approved method statement and programme, unless otherwise agreed with the MMO.

Seasonal restrictions in respect of fish spawning

10.—(1) The undertaker must ensure that no percussive piling activity takes place during the main cod spawning period from 15 February to 15 March (inclusive) of any year. Limited percussive piling activity may take place between 16 March and 31 March (inclusive) of any year to install 6 piles within the order limits to the east of a line described by the following co-ordinates (decimal degrees, WGS84):

Point	Latitude	Longitude
A	54.06	-3.62
B	54.03	-3.65

Piling may be at 6 of the following locations:

WX-C13, WX-C16, WX-C19, WX-C20, WX-C21, WX-B16, WX-B17 and WX-A13 and be installed using a hammer energy of no greater than 1,500kJ and a piling time of no greater than 24 hours in total for all 6 piles.

(2) The undertaker must ensure that no percussive piling activity takes place for the purposes of the installation of monopile foundations during the herring spawning period from 15 September to 15 November (inclusive) for any year, within the order limits to the west of a line described by the following co-ordinates (decimal degrees, WGS84):

Point	Latitude	Longitude
A	54.06	-3.62
B	54.03	-3.65

Pre-construction plans and documentation

11.—(1) The licensed activities shall not commence until the following have been submitted to and approved by the MMO, and in relation to paragraphs (a) to (g), (j), (k) and (l), following consultation with Natural England. Each programme, statement, plan, protocol, scheme or other detail required to be approved under this condition must be submitted to the MMO for approval at least four months prior to the commencement of works, except where otherwise stated or unless otherwise agreed by the MMO

- (a) a construction and monitoring programme to include details of—
 - (i) the proposed construction start date;
 - (ii) timings for mobilisation of plant, delivery of materials and installation works;
 - (iii) proposed pre-construction surveys/monitoring, baseline reporting format and content, construction surveys/monitoring, post-construction surveys/monitoring and related reporting in accordance with licence conditions 12 to 14;
 - (iv) a design plan at a scale of between 1:25,000 and 1:50,000, including detailed representation on the most suitable scaled Admiralty Chart, as agreed with the MMO, in consultation with Trinity House, the MCA and Natural England, which shows any archaeological exclusion zones identified under paragraph (h), and any exclusion zones and/or micrositing requirements identified in any mitigation scheme pursuant to paragraph (j); and
 - (v) proposed timings for the disposal of material produced during construction drilling and seabed preparation for foundation works;
- (b) a plan to be agreed by the MMO following consultation with Trinity House and the MCA setting out proposed details of the authorised development, including the—
 - (i) number, dimensions, specification, foundation type(s) and depth for each WTG;
 - (ii) the grid coordinates of the centre point of the proposed location for each WTG;
 - (iii) proposed layout of all cables; and
 - (iv) location and specification of all other aspects of the authorised development;
- (c) a construction method statement in accordance with the construction methods assessed in the environmental statement and including details of—
 - (i) foundation installation, including any seabed preparation, drilling and disposal of arisings methods;
 - (ii) turbine installation, including any seabed preparation and scour protection;
 - (iii) cable installation, including cable protection;
 - (iv) protective coatings and paints as required under condition 8(2);
 - (v) contractors;
 - (vi) vessels and vessel transit corridors;
 - (vii) ancillary works; and
 - (viii) drilling methods and disposal of material produced during construction drilling and seabed preparation for foundation 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 development 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) a method statement for the taking of sediment samples;
 - (iv) waste management and disposal arrangements including a protocol covering potential finds of objects associated with the legacy of disposal at sea of material from the nuclear industry; and

- (v) the appointment and responsibilities of a fisheries liaison officer and an environmental liaison officer;
- (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 protocol, including a requirement for a soft start procedure, when driven or part-driven pile foundations are used;
- (g) cable specification and installation plan in accordance with the methodology assessed in the environmental statement, to include—
 - (i) technical specification of cable systems, including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with industry good practice; and
 - (ii) a detailed cable laying plan for the Order limits seaward of MHWS, incorporating geotechnical data and a cable burial risk assessment to inform cable burial depths and cable laying techniques, including contingency measures, in the event cable burial is not achieved by the methods proposed in that plan;
- (h) a written scheme of archaeological investigation in relation to the Order limits in accordance with industry good practice and developed in consultation with English Heritage to include—
 - (i) details of responsibilities of the undertaker, archaeological consultant and contractor;
 - (ii) a methodology for any further site investigation including any specifications for geophysical, geotechnical and diver or remotely operated vehicle investigations;
 - (iii) a programme for the analysis and reporting of survey data, and timing, which is to be submitted to the MMO within four months of the survey being completed, unless otherwise agreed with the MMO;
 - (iv) details of any mitigation including, where necessary, archaeological exclusion zones;
 - (v) details of monitoring during and post construction, including a conservation programme for finds and publication of reports, developed in consultation with English Heritage, associated with the consented development;
 - (vi) details of methods for 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 development;
- (i) a written scheme, developed in consultation with the Ministry of Defence, detailing any potential survey and/or construction vessel transit through, or temporary presence within, the Eskmeals firing range (Danger Areas D406 and D406B) associated with the construction of the authorised development and a communications protocol between the undertaker and the Ministry of Defence's range controllers relating thereto;
- (j) a mitigation scheme for any Annex I Habitat identified by the survey referred to in condition 12(2)(a);
- (k) an offshore operations and maintenance plan that must be submitted to the MMO at least four months prior to commencement of the operation of the licensed activities and include provision for the review and resubmission of that plan every three years during the operational phase. The offshore operations and maintenance plan must include details of—
 - (i) information on the presence of Annex I Habitat as identified in condition 12(2)(a);
 - (ii) information on, including likely schedule of, corrective and preventative maintenance activities proposed during the operation of the licensed activities, as identified in the environmental statement and Schedule of Offshore Maintenance Activities;
 - (iii) a summary of the environmental impact of the activities listed under sub-paragraph (ii), as identified in the environmental statement and Schedule of Offshore Maintenance Activities, and having regard to sub-paragraph (i); and
 - (iv) the anticipated maintenance activities that exceed the frequency and/or scope of licensable activities identified in the environmental statement and Schedule of Offshore Maintenance Activities, and the proposed approach to the licensing of these activities,
 and each programme, statement, plan, protocol, scheme or other detail required to be approved under this condition must be submitted to the MMO for approval at least four

months prior to the commencement of works, except where otherwise stated or unless otherwise agreed by the MMO.

- (1) An Aids to Navigation Management Plan to be agreed by the MMO following consultation with Trinity House specifying how the undertaker will comply with conditions 19(1) to 19(4) of 'Aids to Navigation' from the commencement of construction of the authorised development to the completion of decommissioning.

- (2) The undertaker must 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.

- (3) The licensed activities must be carried out in accordance with any programme, statement, plan, protocol, scheme or other details approved under this licence condition, unless otherwise agreed by the MMO.

- (4) No part of the authorised development may commence until the MMO in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the project, adequately addressed all MCA recommendations as appropriate to the authorised development contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes.

Pre-construction surveying and monitoring

12.—(1) The undertaker must, in discharging condition 11(1)(a) submit details for approval by the MMO in consultation with Natural England of proposed pre-construction surveys, including methodologies and timings, and a proposed format and content for a pre-construction baseline report at least 4 months prior to surveys commencing.

- (2) The pre-construction surveys referred to in sub-paragraph (1) must unless otherwise agreed with the MMO have due regard to the need to undertake—

- (a) surveys to determine the location, extent and composition of any benthic habitats of conservation, ecological and/or economic importance (including Annex I Habitat) inside the area(s) within the Order limits seaward of MHWS in which it is proposed to carry out construction works;
- (b) a high resolution swath-bathymetry survey and side-scan sonar survey of the areas within the Order limits seaward of MHWS in which it is proposed to carry out construction works, including a 500 metre buffer area around the site of each work inclusive of seabed anomalies or sites of historic or archaeological interest that lie within that 500 metre buffer; and
- (c) debris surveys, including a side scan sonar survey, across the area(s) within the Order limits seaward of MHWS in which it is proposed to carry out construction works.

- (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 by the MMO.

- (4) The undertaker must not commence construction until the baseline report has been agreed by the MMO.

Construction monitoring

13.—(1) The undertaker must, in discharging condition 11(1)(a), submit details for approval by the MMO in consultation with Natural England of any proposed surveys or monitoring, including methodologies and timings, to be carried out during the construction of the authorised development.

- (2) A scheme for noise monitoring must be submitted for approval by the MMO prior to the commencement of any piling activity, which scheme must include details for measurements of noise generated at a minimum of four piling locations.

- (3) 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 with the MMO.

(4) The results of the initial noise measurements provided in accordance with sub-paragraph (3) must be provided to the MMO within six weeks of the installation of the first monitored pile approved pursuant to sub-paragraph (1), unless otherwise agreed with the MMO.

(5) Unless otherwise agreed with the undertaker, within 6 weeks of the submission of results of the initial noise measurements provided in accordance with sub-paragraph (3) the MMO must, having regard to those results, determine whether or not any further noise monitoring is required and confirm this to the undertaker.

Post construction monitoring

14.—(1) The undertaker must, in discharging condition 11(1)(a), submit details for approval by the MMO in consultation with Natural England of proposed post-construction surveys, including methodologies and timings, and proposed format, content and timings for providing reports on the results. Subject to receipt of specific proposals, it is expected that acceptable post-construction surveys will comprise, in outline—

- (a) surveys of any benthic communities/benthos constituting Annex I Habitat inside the area(s) within the Order limits seaward of MHWS in which construction works were carried out; and
- (b) high resolution swath-bathymetric surveys of such representative areas within the Order limits seaward of MHWS as may be agreed with the MMO in which construction works were carried out to assess any changes to bed form morphology and such further monitoring as may be agreed to ensure that the cables have been buried.

(2) Following the completion of the authorised development, the undertaker must carry out the surveys referred to in sub-paragraph (1) for three years, which may be non-consecutive years, and provide reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed with the MMO following consultation with Natural England.

(3) If a major storm event occurs at any time between the completion of the authorised development and the completion of the third year of surveys required under sub-paragraph (2), the undertaker must carry out a side scan sonar and bathymetry survey within the Order limits seaward of MHWS in which the construction works were carried out, in accordance with such timetable as may be agreed with the MMO following consultation with Natural England.

Offshore Decommissioning

15. No part of the authorised development seaward of MHWS shall commence until a written decommissioning programme in compliance with any notice served upon the undertaker by the Secretary of State pursuant to section 105(2) of the 2004 Act has been submitted to the Secretary of State for approval. The undertaker must consult the MMO, Natural England and the relevant planning authority on the proposed decommissioning activity no less than four months prior to submission of the proposed decommissioning programme to the Secretary of State.

Offshore Safety Management

16. No part of the authorised development seaward of MHWS may commence until the MMO, in consultation with the MCA, has given written approval for an Emergency Response Co-operation Plan (ERCoP) which includes full details of the emergency response co-operation plans for the construction, operation and decommissioning phases of that part of the authorised development in accordance with the MCA recommendations contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues". The ERCoP and associated guidance and requirements must be implemented as approved, unless otherwise agreed in writing by the MMO in consultation with the MCA. The document must be reviewed at least annually or whenever changes are identified, whichever is sooner, and any proposed changes must be submitted to the MMO in writing for approval, in consultation with MCA.

Aids to navigation

17.—(1) The undertaker shall during the whole period from the commencement of construction of the authorised development seaward of MHWS to the completion of decommissioning exhibit such

lights, marks, sounds, signals and other aids to navigation, and to take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.

(2) The undertaker must report the availability of aids to navigation to Trinity House daily using the reporting system provided by Trinity House.

(3) The undertaker must during the whole period from the commencement of construction of the authorised development to the completion of decommissioning keep Trinity House and the MMO informed of progress of the authorised development including;

(a) notice of commencement of construction of the authorised development within 24 hours of commencement having occurred;

(b) notice within 24 hours of any aids to navigation being established by the undertaker; and

(c) notice within 5 days of completion of construction of the authorised development.

(4) Except as otherwise required by Trinity House the undertaker must paint all structures forming part of the authorised development yellow (colour code RAL 1023) from at least HAT to a height directed by Trinity House. Unless the MMO otherwise directs, the undertaker must paint the remainder of the structures submarine grey (colour code RAL 7035).

(5) The undertaker must exhibit such lights, with such shape, colour and character as are required by Air Navigation Order 2009, or as directed by the CAA, and must notify the CAA and the MMO of any failure of those lights and the timescales in which such failure will be remedied, as soon as possible and no later than 24 hours following the undertaker becoming aware of any such failure.

(6) The undertaker must during the whole period from the commencement of construction of the authorised development to the completion of decommissioning 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 practicable and no later than 24 hours following the undertaker becoming aware of any such failure.

Provision against danger to navigation

18. In case of damage to, or destruction or decay of, the authorised development seaward of MHWS or any part thereof the undertaker shall as soon as reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify MMO, MCA, Trinity House and the UKHO.

Requirement for written approval

19. With respect to any condition of this licence which requires the licensed activities to be carried out in accordance with any details approved by the MMO, notification of such approval must be given in writing.

Amendments to approved details

20.—(1) With respect to any condition which requires the licensed activities to be carried out in accordance with the details approved by the MMO, the approved details shall be carried out as approved unless an amendment or variation is agreed in advance by the MMO pursuant to the relevant condition, in accordance with sub-paragraph (2), and in consultation with any body specified in the relevant condition.

(2) Where any condition specifies “unless otherwise agreed” by the MMO such agreement shall not be given except in relation to immaterial changes where it has been demonstrated to the satisfaction of the MMO that the agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

(3) The approved details shall be taken to include any amendments that may subsequently be approved by the MMO.

Marine Noise Registry

21. – (1) The licence holder must submit information on the expected location, start and end dates of impact pile driving to the Marine Noise Registry, in order to satisfy the ‘Forward Look’ requirements of the Registry, prior to the commencement of the licensed activities. The licence holder must notify the MMO of the successful submission of ‘Forward Look’ data within 7 days of the submission.

(2) The licence holder must submit the exact locations and dates of impact pile driving to the Marine Noise Registry, in order to satisfy the ‘Close out’ requirements of the Registry, at 6 month intervals from the commencement of impact pile driving. The final data must be submitted within 12 weeks of completion of impact pile driving. The licence holder must notify the MMO of the successful submission of ‘Close out’ data within 7 days of the submission.

SCHEDULE 10

Article 37

DEEMED TRANSMISSION ASSETS MARINE LICENCE UNDER THE MARINE AND COASTAL ACCESS ACT 2009

PART 1

Licensed Marine Activities

Interpretation

1.—(1) In this licence—

“the 2004 Act” means the Energy Act 2004;

“the 2008 Act” means the Planning Act 2008;

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

“ancillary works” means the ancillary works authorised by paragraph 2(2) of Part 1 of this licence;

“Annex I Habitat” means any benthic habitat type listed in Annex 1 of the EU Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora;

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

“authorised development” means the works described in paragraph 2(2) of Part 1 of this licence or any part of those works;

“CAA” means the Civil Aviation Authority constituted by the Civil Aviation Act 1982;

“cable crossings” means the crossing of existing subsea cables by the inter-array and/or export cables authorised by the Order together with cable protection;

“cable ducts” means conduits for the installation of cables;

“cable protection” means physical measures for the protection of cables including concrete mattresses, with or without frond devices, and/or rock placement;

“cables” shall include direct lay cables and/or cables laid in cable ducts and shall include fibre optic cables either within the cable or laid alongside;

“cable systems” means the three electrical cables and their respective accessories including cable joints and terminations, with an operating voltage of up to 400kV, necessary to transmit the power between two electrical nodes within the authorised development, and for the offshore element of the cable corridor, comprising subsea export cables, the three cables shall be bundled together as one cable system, and for the onshore element of the cable corridor, the cable system shall comprise three separate onshore cables, each containing a single conductor, and the cable system may also include one or more auxiliary cables (normally fibre optic cables) for the purpose of control, monitoring, protection or general communications;

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

“commence” means the first carrying out of any part of the licensed activities, save for pre-construction surveys and/or monitoring and the words “commencement” and “commenced” shall be construed accordingly;

“debris” means any material left on the seabed as a result of the licensed works;

“Disposal Site” means the designated disposal site identified as IS215 Walney bounded by the Order limits within Point IDs 69 to 100 (inclusively) and Point IDs 216 to 233 (inclusively) described in the table that follows paragraph 2(4) of Part 1 of this licence, which are shown on the Order limits and grid coordinates plan;

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

“the environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of the Order and submitted with the application on 28 June 2013 together with any supplementary or further environmental information submitted to the Examining authority as part of the examination of the application for the Order;

“frond devices” means flow energy dissipation devices, which reduce current velocity and turbulence and encourage settlement of sediment;

“Greenwich Mean Time” or means the time measured from the Greenwich Meridian Line at the Royal Observatory in Greenwich;

“High Tide” means the state of the tide when it reaches its highest level during a tidal cycle, as may be published from time to time on the United Kingdom Hydrograph Office Admiralty EasyTide Website, or such other publication as may be approved by the MMO;

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

“inter-array cable” means the network of offshore subsea cables connecting the WTGs in Work No. 1 with the offshore substations in Work No. 2(a);

“Inter-tidal Area” means the area of land between MLW and MHWS at Middleton Sands, Heysham;

“jacket structure” means a lattice type structure constructed of steel, which may include scour protection and additional equipment such as, J-tubes, corrosion protection systems and access platform(s);

“JNCC” means the Joint Nature Conservation Committee;

“the Kingfisher Fortnightly Bulletin” means the bulletin produced by Kingfisher Information Services at the Sea Fish Industry Authority or such other alternative publication approved by the MMO;

“LAT” means lowest astronomical tide;

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

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

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

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace any of the authorised development and any derivative of “maintain” shall be construed accordingly;

“major storm event” means a greater than 1 in 10 year wave event within the Order limits seaward of MHWS, measured by reference to the height of waves recorded at the nearest wave buoy to the authorised development as agreed with the MMO, and the WaveNet data published by Cefas, or such other means of measurement as may be agreed with the MMO;

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

“the Maritime and Coastguard Agency” or “MCA” means the executive agency of the Department for Transport;

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

“mean low water” or “MLW” means the average height of all low water above Chart Datum;

“monopile foundation” means a steel cylindrical pile, driven, vibrated and/or drilled into the seabed and may include scour protection and additional equipment such as, J-tubes, corrosion protection systems and access platforms;

“national notice to mariners” is a notice to mariners issued by the United Kingdom Hydrographic Office (UKHO);

“Natural England” means the body established by section 1 of the Natural Environment and Rural Communities Act 2006;

“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, fire fighting facilities, workshop facilities, helicopter landing 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, control hub, drainage facilities, access equipment, marking and lighting and other associated equipment and facilities;

“the Order” means the Walney Extension Offshore Wind Farm Order 2014;

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

“the Order limits and grid coordinates plan” means the plan certified as the Order limits and grid coordinates plan by the Secretary of State for the purposes of the Order;

“relevant planning authority” means Lancaster City Council or any successor to its statutory functions;

“Renewable Energy Zone” means the areas of the sea designated under the Renewable Energy Zone (Designation of Area) Order 2004;

“Schedule of Offshore Maintenance Activities” means the document certified as the Schedule of Offshore Maintenance Activities by the Secretary of State for the purposes of the Order;

“scour protection” means measures to prevent loss of seabed sediment around any structure placed in or on the seabed by use of protective aprons, mattresses with or without frond devices, or rock and gravel placement;

“suction caisson” means a steel cylindrical structure attached to the leg(s) of a jacket structure which partially or fully penetrates the seabed and remains in place using its own weight and hydrostatic pressure differential, and may include scour protection and additional equipment such as J-Tubes;

“transition piece” means the metal structure attached to the top of the foundation where the base of the wind turbine generator is connected and may include additional equipment such as J-Tubes, corrosion protection systems, boat access systems, access platform(s), craneage, and associated equipment;

“Trinity House” means the Corporation of Trinity House of Deptford Strond or any successor to its statutory functions;

“undertaker” means in respect of any provision of this licence, DONG Energy Walney Extension (UK) 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;

“VHF” means very high frequency;

“wind turbine generator” or “wind turbine” or “WTG” means a structure comprising a tower, rotor system with three blades, nacelle and ancillary electrical and other equipment which may include lighting, J-tube(s), access and rest platforms, access ladders, access lift, boat access systems, corrosion protection systems, fenders and maintenance equipment, heli-hoist platform and other associated equipment, fixed to a foundation or transition piece;

“Work No.” means that part of the authorised development with the corresponding number specified in paragraph 2(2) of Part 1 of this licence;

“Work No. 1”—

- (a) an offshore wind turbine generating station with a gross electrical output capacity of up to 750MW comprising up to 207 wind turbine generators with rotating blades, each fixed to the seabed by one of two foundation types, namely monopile foundation or jacket structure (in conjunction with suction caissons or steel piles), and situated within the coordinates for the Order limits seaward of MHWS and further comprising
- (b) a network of subsea inter-array cables laid within the Order limits seaward of MHWS between the WTGs and Work No. 2(a), for the transmission of electricity and electronic communications between these different structures, including up to twenty cable crossings; and

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

(2) References in this licence to any statute, order, regulation or similar instrument shall be construed as a reference to the 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 shall be taken to be Greenwich Mean Time; and
- (b) all co-ordinates shall be taken to be latitude and longitude degrees, minutes and seconds.

(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 shall be—

- (a) Marine Management Organisation

Marine Licensing Team

Lancaster House

Hampshire Court

Newcastle upon Tyne

NE4 7YH

Tel: 0300 123 1032

Email: marine.consents@marinemangement.org.uk;

- (b) Marine Management Organisation – Whitehaven office

Fish Hall

North Harbour

North Shore

Whitehaven

Cumbria

CA28 7XY

Tel: 01946 591 287

Email: whitehaven@marinemangement.org.uk;

- (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 2/04
 Spring Place
 105 Commercial Road
 Southampton
 SO15 1EG
 Tel: 023 8032 9191;
- (f) Centre for Environment, Fisheries and Aquaculture Science
 Pakefield Road
 Lowestoft
 Suffolk
 NR33 0HT
 Tel: 01502 562 244;
- (g) JNCC
 Inverdee House
 Baxter Street
 Aberdeen
 AB11 9QA;
- (h) Natural England
 Foundry House
 3 Millsands
 Riverside Exchange
 Sheffield
 S3 8NH
 Tel: 0845 600 3078;
- (i) Natural England – North West Regional Office
 Juniper House
 Murley Moss
 Oxenholme Road
 Kendal
 Cumbria
 LA9 7RL
 Tel: 0300 060 2122.

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 (5) below;
- (b) the construction of the works set out in sub-paragraph (2) below 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—

- (a) up to three offshore substation platforms fixed to the seabed within the Order limits seaward of MHWS by one of two foundation types, namely monopile foundation or jacket structure (in conjunction with suction caissons or steel piles), and further comprising (b) below;
- (b) offshore connection works consisting of up to five export cable systems between Work No. 2(a) and Work No. 3A for the transmission of electricity and electronic communications each consisting of a single subsea cable and one cable duct laid along routes within the Order limits seaward of MHWS;

Work No. 3A – offshore connection works consisting of up to five export cable systems between Work No. 2 and Work No. 3B for the transmission of electricity and electronic communications each consisting of a single subsea cable and one cable duct laid along routes within the Order limits seaward of MHWS, including up to seventy cable crossings;

Work No. 3B – onshore connection works consisting of up to five export cable systems for the transmission of electricity and electronic communications each consisting of a single subsea cable and one cable duct laid underground, together with a new temporary access track and a new temporary horizontal directional drilling compound to the west of the saltmarsh, in the Inter-tidal Area;

and in connection with such Work Nos. 2 and 3A and 3B and to the extent that they do not otherwise form part of any such Works, associated development within the meaning of section 115(2) of the 2008 Act comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised development 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 the placement of rock and/or concrete mattresses, with or without frond devices;
- (c) the removal of material from the seabed required for the construction of Work Nos. 2 and 3A and 3B and the disposal of up to 150,000m³ of inert material of natural origin within the Disposal Site produced during construction drilling and seabed preparation for foundation works

and in connection with Work Nos. 2 and 3A and 3B such ancillary works which fall within the scope of the work assessed by the environmental statement, including—

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

(3) With the exception of the area described in sub-paragraph (4), the Order limits for that part of the authorised development which is seaward of MHWS including Work Nos. 2 and 3A and 3B are specified by grid coordinates in the table below and more particularly on the Order limits and grid coordinates plan.

(4) The excepted area referred to in sub-paragraph (3) is the area bounded by the grid coordinates referenced by Point IDs 205 to 248 (inclusive) specified in the table below, and does not form part of the Order limits.

Point ID	Longitude (DMS)	Latitude (DMS)	Point ID	Longitude (DMS)	Latitude (DMS)
WGS 1984					
1	2° 53' 33.318" W	54° 0' 21.420" N	2	2° 53' 50.369" W	54° 0' 16.174" N
3	2° 54' 45.902" W	54° 0' 14.698" N	4	2° 55' 17.251" W	54° 0' 13.861" N
5	2° 55' 22.300" W	54° 0' 13.726" N	6	2° 56' 22.346" W	54° 0' 12.116" N
7	2° 56' 23.311" W	54° 0' 10.132" N	8	2° 57' 26.162" W	54° 0' 7.954" N
9	2° 57' 57.264" W	53° 59' 51.821" N	10	2° 58' 29.297" W	53° 59' 35.200" N
11	2° 58' 32.508" W	53° 59' 31.262" N	12	2° 59' 30.192" W	53° 58' 59.300" N
13	3° 0' 18.112" W	53° 58' 29.037" N	14	3° 1' 5.141" W	53° 58' 9.023" N
15	3° 1' 5.593" W	53° 58' 9.261" N	16	3° 2' 3.897" W	53° 57' 44.946" N
17	3° 2' 59.503" W	53° 57' 18.713" N	18	3° 3' 0.453" W	53° 57' 18.477" N
19	3° 3' 13.251" W	53° 57' 12.731" N	20	3° 3' 16.700" W	53° 57' 14.441" N

Point ID	Longitude (DMS)	Latitude (DMS)	Point ID	Longitude (DMS)	Latitude (DMS)
WGS 1984					
21	3° 3' 18.769" W	53° 57' 13.927" N	22	3° 5' 43.813" W	53° 56' 27.606" N
23	3° 5' 54.544" W	53° 56' 24.869" N	24	3° 6' 42.395" W	53° 56' 12.659" N
25	3° 7' 8.784" W	53° 56' 6.470" N	26	3° 8' 13.711" W	53° 55' 44.826" N
27	3° 8' 13.737" W	53° 55' 45.023" N	28	3° 9' 13.690" W	53° 55' 23.693" N
29	3° 9' 48.444" W	53° 55' 9.265" N	30	3° 10' 37.024" W	53° 54' 48.620" N
31	3° 10' 49.239" W	53° 54' 42.972" N	32	3° 12' 22.668" W	53° 53' 59.742" N
33	3° 12' 23.270" W	53° 54' 0.247" N	34	3° 12' 49.670" W	53° 54' 2.654" N
35	3° 12' 52.456" W	53° 54' 2.687" N	36	3° 17' 6.270" W	53° 54' 28.567" N
37	3° 26' 26.669" W	53° 55' 25.214" N	38	3° 26' 37.660" W	53° 55' 26.317" N
39	3° 27' 3.079" W	53° 55' 28.867" N	40	3° 27' 18.555" W	53° 55' 30.418" N
41	3° 29' 50.937" W	53° 55' 45.664" N	42	3° 30' 3.624" W	53° 55' 43.059" N
43	3° 30' 30.452" W	53° 55' 54.247" N	44	3° 30' 29.997" W	53° 55' 54.544" N
45	3° 34' 7.698" W	53° 57' 35.322" N	46	3° 34' 7.209" W	53° 57' 35.365" N
47	3° 37' 35.577" W	53° 59' 11.544" N	48	3° 37' 34.781" W	53° 59' 11.548" N
49	3° 41' 30.681" W	54° 1' 0.522" N	50	3° 41' 29.995" W	54° 1' 0.584" N
51	3° 44' 18.958" W	54° 2' 18.969" N	52	3° 44' 18.798" W	54° 2' 19.017" N
53	3° 47' 22.145" W	54° 3' 41.872" N	54	3° 47' 27.048" W	54° 3' 41.853" N
55	3° 50' 7.591" W	54° 4' 20.464" N	56	3° 50' 30.606" W	54° 4' 27.329" N
57	3° 52' 35.173" W	54° 5' 4.454" N	58	3° 52' 35.893" W	54° 5' 27.530" N
59	3° 52' 30.274" W	54° 5' 34.138" N	60	3° 52' 18.993" W	54° 5' 47.403" N
61	3° 52' 14.971" W	54° 5' 52.133" N	62	3° 52' 14.528" W	54° 5' 52.628" N
63	3° 52' 13.616" W	54° 5' 53.649" N	64	3° 52' 13.582" W	54° 5' 53.687" N
65	3° 52' 13.580" W	54° 5' 53.689" N	66	3° 52' 13.579" W	54° 5' 53.690" N
67	3° 52' 13.577" W	54° 5' 53.693" N	68	3° 52' 13.576" W	54° 5' 53.693" N
69	3° 52' 13.576" W	54° 5' 53.694" N	70	3° 52' 13.657" W	54° 5' 53.720" N
71	3° 52' 28.915" W	54° 5' 58.451" N	72	3° 55' 6.038" W	54° 6' 47.128" N
73	3° 55' 8.026" W	54° 8' 10.360" N	74	3° 53' 41.626" W	54° 7' 56.485" N
75	3° 53' 37.752" W	54° 7' 56.773" N	76	3° 49' 34.856" W	54° 9' 30.726" N
77	3° 39' 20.455" W	54° 6' 19.663" N	78	3° 40' 10.211" W	54° 5' 35.819" N
79	3° 40' 2.050" W	54° 5' 24.439" N	80	3° 39' 34.391" W	54° 4' 45.872" N
81	3° 39' 20.491" W	54° 4' 26.490" N	82	3° 39' 4.540" W	54° 4' 8.303" N
83	3° 38' 34.710" W	54° 3' 34.297" N	84	3° 37' 28.711" W	54° 3' 26.435" N
85	3° 36' 6.282" W	54° 3' 7.704" N	86	3° 35' 29.688" W	54° 2' 56.515" N
87	3° 35' 2.285" W	54° 2' 48.138" N	88	3° 34' 25.262" W	54° 2' 33.068" N
89	3° 33' 48.240" W	54° 2' 17.999" N	90	3° 33' 48.186" W	54° 2' 17.988" N
91	3° 32' 51.202" W	54° 1' 46.816" N	92	3° 31' 58.620" W	54° 1' 8.425" N
93	3° 31' 33.298" W	54° 0' 44.201" N	94	3° 34' 3.925" W	54° 0' 13.597" N
95	3° 37' 57.802" W	54° 1' 26.958" N	96	3° 38' 35.961" W	54° 1' 38.908" N
97	3° 38' 37.941" W	54° 1' 39.528" N	98	3° 38' 38.113" W	54° 1' 39.582" N
99	3° 38' 38.136" W	54° 1' 39.589" N	100	3° 38' 38.137" W	54° 1' 39.589" N
101	3° 38' 38.136" W	54° 1' 39.588" N	102	3° 38' 38.136" W	54° 1' 39.585" N
103	3° 38' 38.135" W	54° 1' 39.557" N	104	3° 38' 38.135" W	54° 1' 39.550" N
105	3° 38' 37.814" W	54° 1' 32.453" N	106	3° 38' 37.736" W	54° 1' 30.739" N
107	3° 38' 35.483" W	54° 0' 40.901" N	108	3° 38' 34.329" W	54° 0' 15.381" N
109	3° 36' 18.089" W	53° 59' 12.083" N	110	3° 36' 18.013" W	53° 59' 12.112" N
111	3° 32' 54.558" W	53° 57' 37.375" N	112	3° 29' 43.507" W	53° 56' 7.888" N
113	3° 23' 28.273" W	53° 55' 30.504" N	114	3° 21' 22.439" W	53° 55' 17.891" N

Point ID	Longitude (DMS)	Latitude (DMS)	Point ID	Longitude (DMS)	Latitude (DMS)
WGS 1984					
115	3° 17' 6.328" W	53° 54' 52.098" N	116	3° 16' 51.776" W	53° 54' 50.628" N
117	3° 13' 19.548" W	53° 54' 29.125" N	118	3° 13' 21.515" W	53° 54' 27.216" N
119	3° 12' 52.745" W	53° 54' 16.308" N	120	3° 12' 37.818" W	53° 54' 24.884" N
121	3° 12' 30.762" W	53° 54' 24.167" N	122	3° 11' 53.533" W	53° 54' 41.184" N
123	3° 11' 46.361" W	53° 54' 44.462" N	124	3° 8' 17.617" W	53° 56' 19.742" N
125	3° 8' 3.775" W	53° 56' 24.509" N	126	3° 5' 36.260" W	53° 56' 54.770" N
127	3° 5' 33.104" W	53° 56' 55.897" N	128	3° 3' 59.223" W	53° 57' 29.379" N
129	3° 3' 35.027" W	53° 57' 41.707" N	130	3° 3' 12.770" W	53° 57' 54.699" N
131	3° 3' 1.921" W	53° 58' 1.031" N	132	3° 2' 50.675" W	53° 58' 6.814" N
133	3° 2' 29.445" W	53° 58' 18.224" N	134	3° 2' 26.366" W	53° 58' 19.879" N
135	3° 2' 18.381" W	53° 58' 21.914" N	136	3° 1' 57.695" W	53° 58' 29.947" N
137	3° 0' 59.498" W	53° 58' 54.481" N	138	3° 0' 17.205" W	53° 59' 21.263" N
139	2° 59' 50.041" W	53° 59' 23.845" N	140	2° 59' 48.659" W	53° 59' 21.447" N
141	2° 58' 39.981" W	53° 59' 56.787" N	142	2° 58' 22.348" W	54° 0' 6.797" N
143	2° 58' 17.509" W	54° 0' 9.544" N	144	2° 57' 52.475" W	54° 0' 21.929" N
145	2° 57' 40.585" W	54° 0' 27.810" N	146	2° 56' 43.833" W	54° 0' 27.583" N
147	2° 56' 36.086" W	54° 0' 27.798" N	148	2° 55' 33.076" W	54° 0' 29.540" N
149	2° 55' 24.257" W	54° 0' 29.783" N	150	2° 55' 17.716" W	54° 0' 29.964" N
151	2° 54' 28.827" W	54° 0' 31.307" N	152	2° 54' 28.613" W	54° 0' 31.313" N
153	2° 54' 7.050" W	54° 0' 31.904" N	154	2° 54' 0.064" W	54° 0' 32.095" N
155	2° 53' 50.559" W	54° 0' 24.974" N	156	2° 53' 50.558" W	54° 0' 24.973" N
157	2° 53' 50.137" W	54° 0' 24.658" N	158	2° 53' 48.738" W	54° 0' 24.687" N
159	2° 53' 48.373" W	54° 0' 24.694" N	160	2° 53' 48.071" W	54° 0' 24.700" N
161	2° 53' 47.607" W	54° 0' 24.710" N	162	2° 53' 47.270" W	54° 0' 24.717" N
163	2° 53' 47.131" W	54° 0' 24.720" N	164	2° 53' 47.070" W	54° 0' 24.721" N
165	2° 53' 46.869" W	54° 0' 24.725" N	166	2° 53' 46.825" W	54° 0' 24.727" N
167	2° 53' 46.705" W	54° 0' 24.884" N	168	2° 53' 46.472" W	54° 0' 25.188" N
169	2° 53' 46.283" W	54° 0' 25.434" N	170	2° 53' 46.208" W	54° 0' 25.533" N
171	2° 53' 46.115" W	54° 0' 25.654" N	172	2° 53' 46.079" W	54° 0' 25.739" N
173	2° 53' 46.067" W	54° 0' 25.826" N	174	2° 53' 46.070" W	54° 0' 25.856" N
175	2° 53' 46.077" W	54° 0' 25.912" N	176	2° 53' 46.001" W	54° 0' 25.898" N
177	2° 53' 45.896" W	54° 0' 25.878" N	178	2° 53' 45.062" W	54° 0' 25.722" N
179	2° 53' 44.966" W	54° 0' 25.704" N	180	2° 53' 44.992" W	54° 0' 25.694" N
181	2° 53' 45.026" W	54° 0' 25.674" N	182	2° 53' 45.054" W	54° 0' 25.651" N
183	2° 53' 45.075" W	54° 0' 25.626" N	184	2° 53' 45.088" W	54° 0' 25.599" N
185	2° 53' 45.109" W	54° 0' 25.475" N	186	2° 53' 45.182" W	54° 0' 25.230" N
187	2° 53' 45.198" W	54° 0' 25.196" N	188	2° 53' 45.235" W	54° 0' 25.110" N
189	2° 53' 45.288" W	54° 0' 24.990" N	190	2° 53' 45.326" W	54° 0' 24.924" N
191	2° 53' 45.329" W	54° 0' 24.887" N	192	2° 53' 45.322" W	54° 0' 24.851" N
193	2° 53' 45.304" W	54° 0' 24.817" N	194	2° 53' 45.296" W	54° 0' 24.807" N
195	2° 53' 45.319" W	54° 0' 24.782" N	196	2° 53' 43.200" W	54° 0' 24.861" N
197	2° 53' 41.929" W	54° 0' 24.908" N	198	2° 53' 41.759" W	54° 0' 24.839" N
199	2° 53' 39.885" W	54° 0' 23.983" N	200	2° 53' 38.298" W	54° 0' 23.259" N
201	2° 53' 36.899" W	54° 0' 22.822" N	202	2° 53' 36.045" W	54° 0' 22.555" N
203	2° 53' 33.360" W	54° 0' 21.439" N	204	2° 53' 33.318" W	54° 0' 21.420" N
205	3° 39' 19.856" W	54° 1' 37.228" N	206	3° 39' 21.169" W	54° 1' 49.244" N
207	3° 39' 21.192" W	54° 1' 49.459" N	208	3° 39' 21.278" W	54° 1' 50.249" N

Point ID	Longitude (DMS)	Latitude (DMS)	Point ID	Longitude (DMS)	Latitude (DMS)
WGS 1984					
209	3° 39' 21.133" W	54° 1' 51.295" N	210	3° 39' 21.034" W	54° 1' 52.010" N
211	3° 39' 20.950" W	54° 1' 52.614" N	212	3° 39' 20.930" W	54° 1' 52.757" N
213	3° 39' 20.929" W	54° 1' 52.759" N	214	3° 39' 20.908" W	54° 1' 52.914" N
215	3° 39' 20.901" W	54° 1' 52.961" N	216	3° 39' 20.898" W	54° 1' 52.975" N
217	3° 39' 52.373" W	54° 2' 2.823" N	218	3° 40' 23.852" W	54° 2' 12.668" N
219	3° 41' 8.463" W	54° 2' 26.615" N	220	3° 41' 44.621" W	54° 2' 37.914" N
221	3° 43' 41.800" W	54° 3' 14.498" N	222	3° 44' 20.928" W	54° 3' 26.703" N
223	3° 45' 34.687" W	54° 3' 49.695" N	224	3° 46' 13.432" W	54° 4' 1.765" N
225	3° 46' 27.742" W	54° 4' 6.221" N	226	3° 46' 38.749" W	54° 4' 9.648" N
227	3° 46' 41.500" W	54° 4' 10.505" N	228	3° 46' 41.511" W	54° 4' 10.509" N
229	3° 46' 42.021" W	54° 4' 10.667" N	230	3° 46' 42.055" W	54° 4' 10.678" N
231	3° 46' 42.083" W	54° 4' 10.687" N	232	3° 46' 42.129" W	54° 4' 10.701" N
233	3° 46' 42.131" W	54° 4' 10.702" N	234	3° 46' 42.133" W	54° 4' 10.700" N
235	3° 46' 42.350" W	54° 4' 10.523" N	236	3° 46' 42.387" W	54° 4' 10.493" N
237	3° 46' 47.070" W	54° 4' 6.690" N	238	3° 46' 44.487" W	54° 4' 5.765" N
239	3° 46' 37.064" W	54° 4' 3.106" N	240	3° 46' 37.384" W	54° 4' 2.806" N
241	3° 46' 29.940" W	54° 3' 56.941" N	242	3° 46' 1.601" W	54° 3' 43.699" N
243	3° 43' 26.327" W	54° 2' 31.067" N	244	3° 43' 26.226" W	54° 2' 31.104" N
245	3° 42' 11.229" W	54° 1' 56.313" N	246	3° 39' 57.975" W	54° 0' 54.425" N
247	3° 39' 12.895" W	54° 0' 33.467" N	248	3° 39' 19.856" W	54° 1' 37.228" N

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

- (a) iron, steel, copper and aluminium;
- (b) stone and rock;
- (c) concrete;
- (d) plastic/synthetic;
- (e) material extracted from within the Order limits seaward of MHWS during construction drilling and/or seabed preparation for foundation works; and
- (f) marine coatings, other chemicals and timber.

(6) The provisions of section 72 of the 2009 Act shall apply to this licence, save that the provisions of section 72(7) relating to the transfer of the licence shall only apply to a transfer not falling within article 5 of the Order.

Maintenance of authorised project

3.—(1) The undertaker may at any time maintain the authorised development, except to the extent that an agreement made under this licence provides otherwise. No maintenance works whose likely effects on the environment are not assessed in the environmental statement shall take effect, unless otherwise approved by the MMO. The Schedule of Offshore Maintenance Activities identifies those offshore maintenance activities that have been assessed in the environmental statement.

(2) Where the MMO's approval is required under sub-paragraph (1), such approval must only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the discharging authority that the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

Duration

4. This licence shall remain in force until the authorised development 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.

PART 2

Licence Conditions

Design parameters for offshore substation platforms and export cable systems

1.—(1) The total number of offshore substations forming part of the authorised development shall not exceed three.

(2) The dimensions of any offshore substation forming part of the authorised development (excluding any towers, helipads, masts and cranes) shall not exceed 75 metres in height when measured from LAT, 50 metres in length and 50 metres in width.

(3) No jacket structure for use with any offshore substation forming part of the authorised development, when used in conjunction with steel piles or suction caissons, shall have—

- (a) a width spacing between each leg at the level of the seabed of more than 70 metres and at the level of LAT which is greater than 40 metres;
- (b) more than 4 legs;
- (c) a leg diameter of more than 4 metres;
- (d) more than four piles per leg;
- (e) a pile diameter of more than 3.5 metres;
- (f) more than three suction caissons per leg;
- (g) a suction caisson diameter of greater than 25 metres each.

(4) The number of cable systems forming part of the authorised development laid in the cable corridor forming part of the Order limits between reference point AA and reference point BB and reference point CC shown on the works plans shall not exceed five.

(5) The total length of the cables comprising Work No. 3A shall not exceed 480 kilometres.

(6) The total number of monopile foundations forming part of the authorised development shall not exceed 207 and no monopile foundation for use with any wind turbine generator or offshore substation forming part of the authorised development shall have a diameter greater than 9 metres.

Design parameters for other deposits

2.—(1) The total volume of scour protection for use with the offshore substation platforms in Work No. 2(a) shall not exceed 125,100m³.

(2) The total volume of cable protection (excluding cable crossings) within Work No. 3A shall not exceed 109,650m³ with a maximum footprint of 142,139m².

(3) The total volume of cable protection associated with cable crossings included within Work No. 3A shall not exceed 125,955m³ with a maximum footprint of 144,548m².

Notifications and inspections

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

- (a) a copy of this licence and any subsequent amendments or revisions to it are provided to—
 - (i) all agents and contractors notified to the MMO in accordance with condition 4 of this licence; and
 - (ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with the condition 4 of this licence;

(b) within 28 days of receipt of a copy of this licence those persons referred to at sub-paragraph (i) above must provide a completed confirmation form to the MMO confirming their understanding of the terms and conditions of this licence.

(2) Only those persons and vessels notified to the MMO in accordance with condition 4 are permitted to carry out the licensed activities.

(3) Copies of this licence must also be available for inspection by an enforcement officer at all reasonable times 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 works; 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 or authorised works undertaken.

(4) The undertaker must provide access, and if necessary appropriate transportation, to the offshore construction site or the ancillary works or vessels to facilitate any inspection that the MMO or Trinity House considers necessary to meet any mandatory health and safety requirements or inspect the works during construction and operation of the authorised development.

(5) The undertaker must inform the MMO Coastal Office in writing at least 5 working days prior to the commencement of the authorised development or any part thereof, and within 5 days of completion of the authorised development.

(6) The Kingfisher Information Service of Seafish, must be informed of details of the vessel routes, timings and locations relating to the construction of the authorised development or any part thereof by email to kingfisher@seafish.co.uk :-

a) at least 2 weeks prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data, and;

b) as soon as reasonably practicable and no later than 24 hours of completion of all offshore activities.

Confirmation of notification must be provided to the MMO within 5 days.

(7) A local notice to mariners is to be issued at least 10 days prior to the commencement of the authorised development or any part thereof advising of the start date of each Work No2 and 3A and 3B and the expected vessel routes from the construction ports to the relevant location. Copies of all notices must be provided to the MMO and UKHO within 5 days.

(8) Local notice to mariners are to be updated and reissued at weekly intervals during construction activities and at least 5 days before any planned operations and maintenance works. VHF radio broadcasts are to be made as agreed with the MCA in accordance with the construction and monitoring programme approved under deemed marine licence condition 10(1)(a). Copies of all notices must be provided to the MMO and UKHO within 5 days.

(9) The undertaker must notify the UKHO of the completion (within 10 days) of the authorised development or any part thereof in order that all necessary amendments are made to nautical charts. Copies of all notices must be provided to the MMO within 5 days.

Reporting of engaged agents, contractors and vessels

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

- (a) the name and function of any agent or contractor appointed to engage in the licensed activities, at least five working days prior to the commencement of the licensed activities or any part of them; and
- (b) each week during the construction of the authorised development a completed Hydrographic Note H102 listing the vessels to be used in relation to the licensed activities.

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

Equipment and operation of vessels engaged in licensed activities

5.—(1) All vessels employed to perform the licensed activities must be constructed and equipped to be capable of the proper performance of such activities in accordance with the conditions of this licence and must comply with sub-paragraphs (2) to (5) below.

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

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

no vessel shall engage in the licensed activities until all such equipment is fully operational.

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

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

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

Chemicals, drilling and debris

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

(2) All protective coatings and paints must be suitable for use in the marine environment. Details of such coatings and paints and how they will be used must be submitted to the MMO as part of the construction method statement required under condition 9(1)(c).

(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 per cent of the total volume of all reservoirs and containers.

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

(5) The undertaker must ensure that only inert material of natural origin, produced during construction drilling and seabed preparation for foundation works shall be disposed of within the Disposal Site.

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

(7) The undertaker must notify the MMO within 48 hours of the completion of the final disposal of inert material at the Disposal Site.

(8) The undertaker must ensure that any debris arising from the construction of the authorised development or temporary works placed below MHWS are removed on completion of the construction of the authorised development, unless otherwise agreed with the MMO.

(9) The undertaker must report all dropped objects to the MMO using the Dropped Object Procedure Form within 24 hours where possible, and in any event within 5 days of 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

7. If, due to stress of weather or any other cause the master of a vessel determines that it is necessary to deposit substances and/or articles within or outside of the Order limits seaward of MHWS because

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

- (a) as soon as reasonably practicable following such notification, submit a method statement and programme for the removal of the deposit; and
- (b) undertake the removal of the deposit in accordance with the approved method statement and programme, unless otherwise agreed with the MMO.

Restrictions on works in the Inter-tidal Area

8.—(1) The undertaker must not construct or install those licensable activities comprised in Work Nos. 3A and 3B in the Inter-tidal Area—

- (a) between 1 October and 31 March (inclusive); and
- (b) the period of time commencing two hours before High Tide and ending two hours after High Tide between 1 April and 14 April (inclusive), unless otherwise approved by the MMO, in consultation with Natural England.

(2) Those licensable activities comprised in Work Nos. 3A and 3B between points XX and YY shown on the works plans must—

- (a) only be undertaken by means of horizontal directional drilling from construction working sites located west of point XX and/or east of point YY;
- (b) comprise a horizontal directional drilling entry/exit point no less than 50 metres west of point XX on the works plans; and
- (c) not involve the placing or transportation of any plant, apparatus, cables, cable ducts or any other materials required for the carrying out of the connection works on or over that land, provided that the undertaker may place or transport (by hand and on foot only) such equipment and/or means of enclosure, on or over that land, as may be required to—
 - (i) contain and/or remove fluid used in the horizontal directional drilling process including the placing of hoses along the northern Order limit between points XX and YY shown on the works plans for Work No. 3B as approved pursuant to Requirement 16 of Part 3 of Schedule 1 to the Order; and
 - (ii) mitigate the horizontal directional drilling process in accordance with environmental management and monitoring plan approved pursuant to Requirement 16 of Part 3 of Schedule 1 to the Order.

(3) The connection works comprised in Work Nos. 3A and 3B between points XX and YY shown on the works plans must not be commenced until an environmental management and monitoring plan has been approved pursuant to Requirement 16 of Part 3 of Schedule 1 to the Order. The environmental management and monitoring plan must be submitted for approval at least four months prior to the commencement of those connection works, or within such other timescale as agreed pursuant to Requirement 16 of Part 3 of Schedule 1 to the Order.

(4) The environmental management and monitoring plan must include details of the location, method and timing of surveys of the land within the Order limits between points XX and YY shown on the works plans to—

- (a) establish the pre-construction baseline condition of the saltmarsh and the distribution of the *Lycia zonaria britannica* (Belted Beauty Moth) in that location; and
- (b) record within a five year period following completion of construction the ecological recovery of the saltmarsh and the distribution of the *Lycia zonaria britannica* (Belted Beauty Moth) in that location and, if applicable, any receptor site to which the *Lycia zonaria britannica* (Belted Beauty Moth) has been translocated.

(5) The environmental management and monitoring plan must include details of the methodology for undertaking the connection works comprised in Work Nos. 3A and 3B between points XX and YY shown on the works plans by horizontal directional drilling, and mitigation measures relating thereto, including—

- (a) details of the equipment required to contain and/or remove fluid used in the horizontal directional drilling process;
- (b) details of means of enclosure to be deployed (if any);

- (c) the use of a drill bit of no less than 12.25 inches;
- (d) the use of a real time downhole annular pressure monitor;
- (e) details of how the length of each drill path will be minimised;
- (f) details of the training of personnel to be employed in relation to the horizontal directional drilling and/or mitigation measures;
- (g) the employment of an Ecological Clerk of Works and scope of duties relating to that role;
- (h) details of how the number of trips made between points XX and YY shown on the works plans will be minimised;
- (i) details of the methodology and location of suitable receptor sites associated with the translocation of the *Lycia zonaria britannica* (Belted Beauty Moth), should such translocation be required by the relevant planning authority, having consulted with Natural England and the MMO;
- (j) details of the methodology for preventing birds from nesting above the alignment of each horizontal directional drill, such methodology may include visual and/or sound deterrents, and/or physical barriers; and
- (k) details of how the connection works will be maintained (if applicable).

(6) The environmental management and monitoring plan must be implemented as approved, unless otherwise approved pursuant to Requirement 16 of Part 3 of Schedule 1 to the Order, and provided that the undertaker shall not be required to carry out the post-construction monitoring of the ecological recovery of the saltmarsh in sub-paragraph (4)(b) in the event that no fluid used in the horizontal directional drilling process is released into the saltmarsh between points XX and YY shown on the works plans.

Seasonal restrictions in respect of fish spawning

9.—(1) The undertaker must ensure that no percussive piling activity takes place during the cod spawning period from 15 February to 31 March (inclusive) of any year.

(2) The undertaker must ensure that no percussive piling activity for the purposes of the installation of monopile foundations takes place during the herring spawning period from 15 September to 15 November (inclusive) for any year, within the order limits to the west of a line described by the following co-ordinates (decimal degrees, WGS84):

Point	Latitude	Longitude
A	54.06	-3.62
B	54.03	-3.65

Pre-construction plans and documentation

10.—(1) The authorised development shall not commence until the following have been submitted to and approved by the MMO, and in relation to paragraphs (a) to (g), (i) to (k), following consultation with Natural England. Each programme, statement, plan, protocol, scheme or other detail required to be approved under this condition must be submitted to the MMO for approval at least four months prior to the commencement of works, except where otherwise stated or unless otherwise agreed by the MMO

- (a) a construction and monitoring programme to include details of—
 - (ii) the proposed construction start date;
 - (iii) timings for mobilisation of plant, delivery of materials and installation works;
 - (iv) proposed pre-construction surveys/monitoring, baseline reporting format and content, construction surveys/monitoring, post-construction surveys/monitoring and related reporting in accordance with licence conditions 10 and 11;
 - (v) a design plan at a scale of between 1:25,000 and 1:50,000, including detailed representation on the most suitable scaled Admiralty Chart, as agreed with the MMO, in consultation with Trinity House, the MCA and Natural England, which shows any

- archaeological exclusion zones identified under paragraph (h), and any exclusion zones and/or micro-siting requirements identified in any mitigation scheme pursuant to paragraph (i); and
- (vi) proposed timings for the disposal of material produced during construction drilling and seabed preparation for foundation works;
- (b) a plan to be agreed in writing with the MMO following appropriate consultation with Trinity House and the MCA setting out proposed details of the authorised development, including the:
- (i) number, dimensions, specification, foundation type(s) and depth for each offshore platforms and substations;
 - (ii) the grid coordinates of the centre point of the proposed location for each platform and substation;
 - (iii) proposed layout of all cables; and
 - (iv) location and specification of all other aspects of the authorised development.
- (c) a construction method statement in accordance with the construction methods assessed in the environmental statement and including details of—
- (i) foundation installation, including any seabed preparation, drilling and disposal of arisings methods;
 - (ii) offshore substation installation, including any seabed preparation and scour protection;
 - (iii) cable installation, including cable protection, the method and specification for seabed reinstatement relating to open cut trenches excavated in the Inter-tidal Area, and the method and frequency of post-construction surveys required to monitor physical and biological recovery of the seabed following such reinstatement;
 - (iv) protective coatings and paints as required under condition 6(2);
 - (v) contractors;
 - (vi) vessels and vessel transit corridors;
 - (vii) ancillary works; and
 - (viii) drilling methods and disposal of material produced during construction drilling and seabed preparation for foundation 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 development in relation to all activities carried out below MHWS and Work Nos. 4 to 7 (inclusive);
 - (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) a method statement for the taking of sediment samples;
 - (iv) waste management and disposal arrangements including a protocol covering potential finds of objects associated with the legacy of disposal at sea of material from the nuclear industry; and
 - (v) the appointment and responsibilities of a fisheries liaison officer and an environmental liaison officer;
- (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 protocol, including a requirement for a soft start procedure, when driven or part-driven pile foundations are used;
- (g) cable specification and installation plan in accordance with the methodology assessed in the environmental statement, to include—

- (i) technical specification of off-shore cables, including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with industry good practice; and
 - (ii) a detailed cable laying plan for the Order limits seaward of MHWS, incorporating geotechnical data and a cable burial risk assessment to inform cable burial depths and cable laying techniques, including contingency measures, in the event cable burial is not achieved by the methods proposed in that plan;
- (h) a written scheme of archaeological investigation in relation to the Order limits in accordance with industry good practice and developed in consultation with English Heritage, and where applicable, the relevant local authority, to include—
- (i) details of responsibilities of the undertaker, archaeological consultant and contractor;
 - (ii) a methodology for any further site investigation including any specifications for geophysical, geotechnical and diver or remotely operated vehicle investigations;
 - (iii) a programme for the analysis and reporting of survey data, and timing, which is to be submitted to the MMO within four months of the survey being completed, unless otherwise agreed with the MMO;
 - (iv) details of any mitigation including, where necessary, archaeological exclusion zones;
 - (v) details of monitoring during and post construction, including a conservation programme for finds and publication of reports, developed in consultation with English Heritage, associated with the consented development;
 - (vi) details of methods for 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 development;
- (i) a mitigation scheme for any Annex I Habitat identified by the survey referred to in condition 10(2)(a);
- (j) an offshore operations and maintenance plan that must be submitted to the MMO at least four months prior to commencement of the operation of the licensed activities and include provision for the review and resubmission of that plan every three years during the operational phase. The offshore operations and maintenance plan must include details of—
- (i) information on the presence of Annex I Habitat as identified in condition 10(2)(a);
 - (ii) information on, including likely schedule of, corrective and preventative maintenance activities proposed during the operation of the licensed activities, as identified in the environmental statement and Schedule of Offshore Maintenance Activities;
 - (iii) a summary of the environmental impact of the activities listed under sub-paragraph (ii), as identified in the environmental statement and Schedule of Offshore Maintenance Activities, and having regard to sub-paragraph (i); and
 - (iv) the anticipated maintenance activities that exceed the frequency and/or scope of licensable activities identified in the environmental statement and Schedule of Offshore Maintenance Activities, and the proposed approach to the licensing of these activities.
- (k) An Aids to Navigation Management Plan to be agreed in writing by the MMO following appropriate consultation with Trinity House specifying how the undertaker will comply with conditions 16(1) to 16(4) of ‘**Aids to Navigation**’ from the commencement of construction of the authorised development to the completion of decommissioning.

and each programme, statement, plan, protocol, scheme or other detail required to be approved under this condition must be submitted to the MMO for approval at least four months prior to the commencement of works, except where otherwise stated or unless otherwise agreed by the MMO.

(2) The undertaker must 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.

(3) The licensed activities must be carried out in accordance with any programme, statement, plan, protocol, scheme or other details approved under this licence condition, unless otherwise agreed by the MMO.

(4) No part of the authorised development may commence until the MMO in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the project, adequately addressed all MCA recommendations as appropriate to the authorised development contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes.

Pre-construction surveying and monitoring

11.—(1) The undertaker must, in discharging condition 10(1)(a) submit details for approval by the MMO in consultation with Natural England of proposed pre-construction surveys, including methodologies and timings, and a proposed format and content for a pre-construction baseline report at least 4 months prior to surveys commencing.

(2) The pre-construction surveys referred to in sub-paragraph (1) must unless otherwise agreed with the MMO have due regard to the need to undertake—

- (a) surveys to determine the location, extent and composition of any benthic habitats of conservation, ecological and/or economic importance (including Annex I Habitat) inside the area(s) within the Order limits seaward of MHWS in which it is proposed to carry out construction works;
- (b) a high resolution swath-bathymetry survey and side-scan sonar survey of the areas within the Order limits seaward of MHWS in which it is proposed to carry out construction works, including a 500 metre buffer area around the site of each work inclusive of seabed anomalies or sites of historic or archaeological interest that lie within that 500 metre buffer;
- (c) debris surveys, including a side scan sonar survey, across the area(s) within the Order limits seaward of MHWS in which it is proposed to carry out construction works; and
- (d) surveys of the baseline environment of the Inter-tidal Area within the Order limits seaward of MHWS in which it is proposed to carry out construction works.

(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 by the MMO.

(4) The undertaker must not commence construction until the baseline report has been agreed by the MMO.

Construction monitoring

12.—(1) The undertaker must, in discharging condition 10(1)(a), submit details for approval by the MMO in consultation with Natural England of proposed surveys or monitoring, including methodologies and timings, to be carried out during the construction of the authorised development.

(2) A scheme for noise monitoring must be submitted for approval by the MMO prior to the commencement of any piling activity associated with the installation of monopiles, which scheme must include details for measurements of noise generated at a minimum of three piling locations.

(3) 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 with the MMO.

(4) The results of the initial noise measurements provided in accordance with sub-paragraph (3) must be provided to the MMO within six weeks of the installation of the first monitored pile approved pursuant to sub-paragraph (1), unless otherwise agreed with the MMO.

(5) Unless otherwise agreed with the undertaker, within 6 weeks of the submission of results of the initial noise measurements provided in accordance with sub-paragraph (3) the MMO must, having regard to those results, determine whether or not any further noise monitoring is required and confirm this to the undertaker.

Post construction monitoring

13.—(1) The undertaker must, in discharging condition 10(1)(a), submit details for approval by the MMO in consultation with Natural England of proposed post-construction surveys, including

methodologies and timings, and proposed format, content and timings for providing reports on the results. Subject to receipt of specific proposals, it is expected that acceptable post-construction surveys will comprise, in outline—

- (a) a survey of any benthic communities/benthos constituting Annex I Habitat inside the area(s) within the Order limits seaward of MHWS in which construction works were carried out;
- (b) high resolution swath-bathymetric surveys to assess any changes to bed form morphology, and to ensure that the cables have been buried, to be undertaken as follows—
 - (i) the first survey shall be undertaken across the entirety of the area within the Order limits seaward of MHWS in which construction works were carried out; and
 - (ii) any subsequent surveys shall be undertaken across such representative areas within the Order limits seaward of MHWS as may be agreed with the MMO, and such further monitoring as may be agreed with the MMO; and
- (c) surveys of the Inter-tidal Area within the Order limits seaward of MHWS in which construction works were carried out, to determine the extent and success of physical and biological recovery following cable installation.

(2) Following the completion of the authorised development, the undertaker must carry out the surveys referred to in sub-paragraph (1) for three years, which may be non-consecutive years, and provide reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed with the MMO following consultation with Natural England.

(3) If a major storm event occurs at any time between the completion of the authorised development and the completion of the third year of surveys required under sub-paragraph (2), the undertaker must carry out a side scan sonar and bathymetry survey within the Order limits seaward of MHWS in which the construction works were carried out, in accordance with such timetable as may be agreed with the MMO following consultation with Natural England.

Offshore Decommissioning

14. No part of the authorised development seaward of MHWS shall commence until a written decommissioning programme in compliance with any notice served upon the undertaker by the Secretary of State pursuant to section 105(2) of the 2004 Act has been submitted to the Secretary of State for approval. The undertaker must consult the MMO, Natural England and the relevant planning authority on the proposed decommissioning activity no less than four months prior to submission of the proposed decommissioning programme to the Secretary of State.

Offshore Safety Management

15. No part of the authorised development seaward of MHWS may commence until the MMO, in consultation with the MCA, has given written approval for an Emergency Response Co-operation Plan (ERCoP) which includes full details of the emergency response co-operation plans for the construction, operation and decommissioning phases of that part of the authorised development in accordance with the MCA recommendations contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues". The ERCoP and associated guidance and requirements must be implemented as approved, unless otherwise agreed in writing by the MMO in consultation with the MCA. The document must be reviewed at least annually or whenever changes are identified, whichever is sooner, and any proposed changes must be submitted to the MMO in writing for approval, in consultation with MCA.

Aids to navigation

16.—(1) The undertaker shall during the whole period from the commencement of construction of the authorised development seaward of MHWS to the completion of decommissioning exhibit such lights, marks, sounds, signals and other aids to navigation, and to 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 whole period from the commencement of construction of the authorised development to the completion of decommissioning keep Trinity House and the MMO informed of progress of the authorised development including—

- (a) notice of commencement of construction of the authorised development within 24 hours of commencement having occurred;;
- (b) notice within 24 hours of any aids to navigation being established by the undertaker; and;
- (c) notice within 5 days of completion of construction of the authorised development.;

(3) The undertaker must report the availability of aids to navigation to Trinity House daily using the reporting system provided by Trinity House.

(4) Except as otherwise required by Trinity House the undertaker must paint all structures forming part of the authorised development yellow (colour code RAL 1023). Unless the MMO otherwise directs, the undertaker must paint the remainder of the structures submarine grey (colour code RAL 7035).

(5) The undertaker must exhibit such lights, with such shape, colour and character as are required by Air Navigation Order 2009, or as directed by the CAA, and must notify the CAA and the MMO of any failure of those lights and the timescales in which such failure will be remedied, as soon as possible and no later than 24 hours following the undertaker becoming aware of any such failure.

(6) The undertaker must during the whole period from the commencement of construction of the authorised development to the completion of decommissioning 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 practicable and no later than 24 hours following the undertaker becoming aware of any such failure.

Provision against danger to navigation

17. In case of damage to, or destruction or decay of, the authorised development seaward of MHWS or any part thereof the undertaker shall as soon as reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify MMO, MCA, Trinity House and the UKHO.

Requirement for written approval

18. With respect to any condition of this licence which requires the licensed activities to be carried out in accordance with any details approved by the MMO, notification of such approval must be given in writing.

Amendments to approved details

19.—(1) With respect to any condition which requires the licensed activities to be carried out in accordance with the details approved by the MMO, the approved details shall be carried out as approved unless an amendment or variation is agreed in advance by the MMO pursuant to the relevant condition, in accordance with sub-paragraph (2) and in consultation with any body specified in the relevant condition.

(2) Where any condition specifies “unless otherwise agreed” by the MMO such agreement shall not be given except in relation to immaterial changes where it has been demonstrated to the satisfaction of the MMO that the agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

(3) The approved details shall be taken to include any amendments that may subsequently be approved by the MMO.

Marine Noise Registry

20.— (1) The licence holder must submit information on the expected location, start and end dates of impact pile driving to the Marine Noise Registry, in order to satisfy the ‘Forward Look’ requirements of the Registry, prior to the commencement of the licensed activities. The licence holder must notify the MMO of the successful submission of ‘Forward Look’ data within 7 days of the submission.

(2) The licence holder must submit the exact locations and dates of impact pile driving to the Marine Noise Registry, in order to satisfy the ‘Close out’ requirements of the Registry, at 6 month intervals from the commencement of impact pile driving. The final data must be submitted within 12 weeks of

completion of impact pile driving. The licence holder must notify the MMO of the successful submission of 'Close out' data within 7 days of the submission.

Fisheries Liaison and Co-existence Plan

21.The licence holder must submit a fisheries liaison and co-existence plan to the MMO for approval not less than 2 months prior to commencement of any licensed activities, unless otherwise agreed in writing by the MMO. The plan must include information on the liaison that will be carried out with the fishing industry (including the liaison carried out by the Fisheries Liaison officer referred to in condition 10(1)(f)(v), as well as details of how the project construction and operation will take into account the fisheries industry.