



Marine
Management
Organisation

**MARINE AND COASTAL ACCESS ACT 2009
SECTION 72**

DEEMED MARINE LICENCE - NOTICE OF VARIATION

THE HORNSEA TWO OFFSHORE WIND FARM ORDER 2016, SCHEDULE 9

VARIATION NUMBER:

4

AUTHORISED DEVELOPMENT:

HORNSEA TWO OFFSHORE WIND FARM

UNDERTAKER:

ORSTED POWER (UK) LIMITED
5 HOWICK PLACE,
LONDON
SW1P 1WG
UNITED KINGDOM

DATE:

25 September 2020

COMPANY REGISTRATION NUMBER:

Optimus Wind Limited – 07883284
Breesea Limited – 07883217
Soundmark Wind Limited - 10721881
Sonningmay Wind Limited –10722635

PREVIOUS VARIATIONS:

3

The Marine Management Organisation (“MMO”) is varying the Deemed Marine Licence (“DML”) for Hornsea Two Offshore Wind Farm (Transmission) contained within Schedule 9 of the Hornsea Two Offshore Wind Farm Order 2016 (“the Order”). This variation is in line with the Habitats Regulations Assessment (HRA) decision prepared by the Department of Business Energy and Industrial Strategy (BEIS) under the Review of Consents, adopted by the MMO on 25 September 2020.

NOTICE IS HEREBY GIVEN that the MMO varies the DML in relation to the

provision of the DML specified in the first column of the table in the Annex to this notice, by including the words set out in the third column of that table, in accordance with section 72(3)(d) of the Marine and Coastal Access Act 2009.

This variation has immediate effect from the date of this notice.

In accordance with regulation 3 of The Marine Licensing (Notices Appeals) Regulations 2011, you may appeal the notice of variation to the First-tier Tribunal. If you wish to appeal then in accordance with Rule 22(1)(b) of the Tribunal Procedure (First-tier Tribunal)(General Regulatory Chamber) Rules 2009 (SI 2009/1976) you have 28 days from the date of the sending of this notice to send or deliver a notice of appeal to the First-tier Tribunal.

Signed: *Ellen Mackenzie*

Name and Position: Ellen Mackenzie, Marine Licensing Case Officer

Date: 25 September 2020

Annex 1: Annex 1: Amendments to Schedule 9 contained within the Hornsea Two Offshore Wind Farm Order 2016

Provision	Previous text	Replacement text
Part A, Licensed activities, Interpretations	N/A	“Project” means the development as consented under the Order.
Part A, Licensed activities, Interpretations	N/A	“Site Integrity Plan” means a detailed project design plan, including an up-to-date account of the cumulative baseline, to be submitted to the MMO for the purposes of satisfying the condition 8 (k).
Part A, Licensed activities, Interpretations	N/A	“Southern North Sea Special Area of Conservation (SAC) Review of Consents” means a review conducted by BEIS and the MMO.
Schedule 9 Condition 8 (k) Pre-construction plans and documentation	N/A	<p>Prior to the commencement of any activities which produce underwater noise authorised under this licence on or after 28 September 2020 a Site Integrity Plan (SIP) must be submitted to, and approved in writing, by the MMO in consultation with the relevant statutory nature conservation body.</p> <p>The SIP submitted for approval must contain a description of the conservation objectives for the Southern North Sea Special</p>

	<p>Area of Conservation (SNS SAC) as well as any agreed Management Measures and it must set out the key Statutory Nature Conservation Body (SNCB) Advice on Activities within the SNS SAC which could reasonably be expected to impact upon site integrity as a result of the Project, as are set out in the SNCB guidance published in June 2020: <i>Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs Joint Nature Conservation Committee (JNCC) Report no.654, May 2020</i> (“the Guidance”).</p> <p>The MMO will approve the SIP where it is satisfied that the Project, either alone or in-combination with other plans or projects, will not exceed the noise thresholds assessed within the Special Area of Conservation Review of Consents Habitats Regulations Assessment (“the HRA”), which are based on the Guidance.</p> <p>Where the MMO cannot be satisfied that the Project, either alone or in-combination with other plans or projects, will not exceed the thresholds set out in the HRA then the MMO will not approve the SIP.</p> <p>The SIP must be submitted to the MMO for approval no later than 6 months prior to the start of construction unless otherwise agreed with the MMO.</p> <p>In spite of anything to the contrary in any licence or consent, the Project must be carried out in accordance with the approved SIP.</p> <p>The approved SIP may be amended with the prior written approval of the MMO, in consultation with the relevant statutory nature conservation body, where the MMO remains satisfied that the Project, either alone or in-combination with other plans or projects, will not exceed the thresholds set out in the HRA.</p>
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