Marine Management Organisation

MARINE AND COASTAL ACCESS ACT 2009
SECTION 72

DEEMED MARINE LICENCE - NOTICE OF VARIATION

THE DOGGER BANK TEESSIDE A & B OFFSHORE WINDFARM ORDER 2015, SCHEDULE 9

VARIATION NUMBER:
4

AUTHORISED DEVELOPMENT:
SOFIA OFFSHORE WIND FARM (FORMERLY 'DOGGER BANK TEESSIDE B')

UNDERTAKER:
SOFIA OFFSHORE WIND FARM LIMITED
WINDMILL HILL BUSINESS PARK,
WHITEHILL WAY,
SWINDON,
WILTSHIRE,
SN5 6PB

DATE:
25th January 2021

COMPANY REGISTRATION NUMBER:
07791964

PREVIOUS VARIATIONS:
3

The Marine Management Organisation ("MMO") received a request on 13th May 2020 from Sofia Offshore Wind Farm Limited for a variation to the deemed marine licence ("DML") contained within Schedule 9 of the Dogger Bank Teesside A & B Offshore Wind Farm Order 2015 ("the Order").

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:	25/01/2021

Annex 1: Amendments to Schedule 9 contained within the Dogger Bank Teesside A & B Offshore Wind Farm Order 2015

Provision	**Previous text**	**Replacement text**
Schedule 9, Part 1, Licensed activities, Interpretations, 1(1)	"wind turbine generator" means a structure comprising a tower, a rotor with 3 blades connected at the hub, a nacelle and ancillary electrical and other equipment which may include J-tubes, transition piece, access and rest platforms, access ladders, boat access systems, corrosion protection systems, fenders and maintenance equipment, helicopter landing facilities and other associated equipment, fixed to a foundation.	"wind turbine generator" means a structure comprising a tower, a rotor with 3 blades connected at the hub, a nacelle and ancillary electrical, **communication** and other equipment which may include J-tubes, transition piece, access and rest platforms, access ladders, boat access systems, corrosion protection systems, fenders and maintenance equipment, helicopter landing facilities and other associated equipment, fixed to a foundation.
Schedule 9, Part 1, Details of licenced activities, 2(2)(d)(v)	N/A	(v) any of the wind turbine generators comprised in Work No. 1B(a) and the offshore converter platform referred to in Work No. 1B(b)(ii);
Schedule 9, Part 1, Details of licenced activities, 2(2), Ancillary works	N/A	(k) foundation scour protection or dredging;
Schedule 9, Part 1, Details of licenced activities, 2(2), Ancillary works	N/A	(l) foundation preparation works including boulder removal and obstruction clearance, dredging and pre-sweeping

Schedule 9, Part 1, Details of licenced activities, 2(2), Ancillary works	N/A	(m) the removal, reconstruction or alteration of the position of subsea cables and pipelines,
Schedule 9, Part 1, Details of licenced activities, 2(5)	The undertaker must inform the MMO of the location and quantities of material disposed of each month under the **Order**, by submission of a disposal return by 31st January each year for the months August to January inclusive, and by 31st July each year for the months February to July inclusive.	The undertaker must inform the MMO of the location and quantities of material disposed of each month under the **Licence**, by submission of a disposal return by 31st January each year for the months August to January inclusive, and by 31st July each year for the months February to July inclusive.
Schedule 9, Part 1, Details of licenced activities, 2(7)	This licence and Marine Licence 4 (as defined in the Order), when taken together, do not **authorised** the construction of more than 1 Work No. 1B or the construction of Work No. 1B in excess of the maximum parameters for that work set out in Schedule 1 to the Order.	This licence and Marine Licence 4 (as defined in the Order), when taken together, do not **authorise** the construction of more than 1 Work No. 1B or the construction of Work No. 1B in excess of the maximum parameters for that work set out in Schedule 1 to the Order.
Schedule 9, Part 2, Conditions, Detailed offshore design parameters, 5(1)	The total number of offshore platforms within Work No. 1B must not exceed 7, comprising— ….. provided that any of the platforms referred to in paragraphs (a) to (c) may be co-joined to create a combined platform fixed to the seabed by multi-leg or gravity base type foundations.	The total number of offshore platforms within Work No. 1B must not exceed 7, comprising— ….. provided that any of the platforms referred to in paragraphs (a) to (c) may be co-joined to create a combined platform fixed to the seabed by **monopole**, multileg or gravity base type foundations.
Schedule 9, Part 2, Conditions, Detailed offshore design parameters, 5(9)(b)	no offshore accommodation platform or helicopter platform, offshore collector platform or offshore converter platform fixed to the seabed by monopole foundation may— (a) have more than 8 monopoles; (b) have a pile diameter exceeding 1 2 metres or employ a hammer energy during installation exceeding **3,000** kilojoules.	no offshore accommodation platform or helicopter platform, offshore collector platform or offshore converter platform fixed to the seabed by monopole foundation may— (a) have more than 8 monopoles; (b) have a pile diameter exceeding 1 2 metres or employ a hammer energy during installation exceeding **4,000** kilojoules.

Schedule 9, Part 2, Conditions, Detailed offshore design parameters, 6(2)(b)	No wind turbine generator foundation structure employing a footing of driven piles may— (a) have more than 6 driven piles; (b) in the case of single-pile structures, have a pile diameter exceeding 12 metres or employ a hammer energy during installation exceeding **3,000** kilojoules;	No wind turbine generator foundation structure employing a footing of driven piles may— (a) have more than 6 driven piles; (b) in the case of single-pile structures, have a pile diameter exceeding 12 metres or employ a hammer energy during installation exceeding **4,000** kilojoules;
Schedule 9, Part 2, Conditions, Detailed offshore design parameters, 11Z	N/A	Taken together with works authorised and proposed to be constructed pursuant to Marine Licence 4 (transmission) the disposal of material of natural origin within Work No. 1B must not, in total, exceed 968,789 cubic metres.
Schedule 9, Part 2, Conditions, Notifications and inspections, 13(1)(a)	The undertaker must ensure that— (a) before carrying out any licensed activities, the undertaker informs the MMO of-	The undertaker must ensure that— (a) before carrying out any licensed activities **or any phase of those activities**, the undertaker informs the MMO of **(insofar as relevant to that activity or phase of activity)—**
Schedule 9, Part 2, Conditions, Notifications and inspections, 13(1)(a)(iii)	The undertaker must ensure that— (iii) the maximum total area and volume for any **cable protection** HVAC inter-array cables **and HVAC inter-platform cables** to be constructed within the array area; and	The undertaker must ensure that— (iii) the maximum total area and volume for any HVAC inter-array cables to be constructed within the array area; and
Schedule 9, Part 2, Conditions, Notifications and inspections, 13(1)(a)(iv)	The undertaker must ensure that— (iv) the maximum total area and volume for any cable protection to be constructed within the array area;	The undertaker must ensure that— (iv) the maximum total area and volume for any cable protection to be constructed **for the HVAC inter-array cables** within the array area;
Schedule 9, Part 2, Conditions, Notifications and inspections, 13(1)(b)	all works notified under this Condition when combined with any works notified under Condition 13 of Marine Licence 1 (as defined in the Order) and Condition 10 of Marine Licences 3 and 4 (as defined in the Order) do not	all works notified under this Condition when combined with any works notified under Condition 13 of Marine Licence 1 (as defined in the Order)**, Condition 10 of Marine Licence 3 (as defined in the Order), and Condition 11 of Marine Licence 4 (as defined in the Order**), do not exceed the maximum

	exceed the maximum parameters set out in Schedule 1 to the Order;	parameters set out in Schedule 1 to the Order;
Schedule 9, Part 2, Conditions, Chemicals, drilling and debris, 14(1)	All chemicals used in the construction of the authorised scheme, including any chemical agents placed within any monopile or other foundation structure void, 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 and managed in accordance with the chemical risk assessment and the marine pollution contingency plan.	All chemicals used in the construction of the authorised scheme, including any chemical agents placed within any monopile or other foundation structure void, must be selected from the list of notified chemicals approved for use by the offshore oil and gas industry under the Offshore Chemicals Regulations 2002 **unless otherwise agreed in writing by the MMO**, and managed in accordance with the chemical risk assessment and the marine pollution contingency plan.
Schedule 9, Part 2, Conditions, Pre Construction Plans and Documentation, 16(c)	*Construction Method Statement* (c) a construction method statement in accordance with the construction methods assessed in the environmental statement, including details of- (i) drilling methods and arrangements for disposal of drill arisings, in accordance with the disposal scenario statement; (ii) platform location and installation, including scour protection and foundations which must be those that are able to be completely and safely removed, or reduced to a level below the seabed, at the time of decommissioning; **(iii) cable installation;** (iv) impact piling soft start procedures; (v) the source of rock material used in construction and method to minimise contaminants and fines; **(vi) contractors;** **(vii) vessels;** (viii) associated works; (ix) foundation scour protection requirements in a plan produced following pre- construction surveys identifying where scour protection is most likely to	*Construction Method Statement* (c) a construction method statement in accordance with the construction methods assessed in the environmental statement, including details of- (i) drilling methods and arrangements for disposal of drill arisings, in accordance with the disposal scenario statement; (ii) platform location and installation, including scour protection and foundations which must be those that are able to be completely and safely removed, or reduced to a level below the seabed, at the time of decommissioning; **(iii)** impact piling soft start procedures; **(iv)** the source of rock material used in construction and method to minimise contaminants and fines; **(v)** vessels; **(vi) associated works including any temporary communication equipment;** **(vii)** foundation scour protection requirements in a plan produced following pre- construction surveys identifying where scour protection is most likely to be required (an "intelligent scour protection management plan"); and **(viii) details of notification of the closure of the disposal site (reference number**

	be required (an “intelligent scour protection management plan”); and (x) details of notification of the closure of the disposal site (reference number DG025) on **(xi)** completion of disposal activities;	**DG025) on completion of disposal activities;**
Schedule 9, Part 2, Conditions, Pre Construction Plans and Documentation, 16(f)	*Cable specification and installation plan* (f) a cable specification and installation plan following consultation with the relevant statutory nature conservation body, including— (i) technical specification of offshore cables, including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with industry good practice; (ii) a staged cable-laying plan for the Order limits, incorporating a burial risk assessment to ascertain suitable burial depths and cable-laying techniques; (iii) a **cable protection** plan providing details of the need, type, sources, quality and installation methods for cable protection; **and** (iv) details of the methodology and extent of a post-lay survey to confirm burial depths.	*Cable specification and installation plan* (f)) a cable specification and installation plan, following consultation with the relevant statutory nature conservation body including— (i) technical specification of offshore cables, including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with industry good practice; (ii) a staged cable-laying plan for the Order limits, incorporating a burial risk assessment to ascertain suitable burial depths and cable-laying techniques; (iii) a plan **produced following pre-construction surveys identifying where scour protection is most likely to be required and** providing details of the need, type, sources, quality and installation methods for **scour protection and** cable protection **(an “intelligent scour protection management plan”);** (iv) details of the methodology and extent of a post-lay survey to confirm burial depths; **(v) the source of rock material used in construction and method to minimize contaminants and fines;** **(vi) vessels; and** **(vii) associated works.**

Schedule 9, Part 2, Conditions, Offshore Safety Management, 18(1)	**Offshore works must not commence until the MMO, in consultation with the MCA,—** **(a) has given written approval for an emergency response and co-operation plan ("ERCoP") that includes full details of the emergency response procedures for the construction, operation and decommissioning phases of the authorised scheme in accordance with the MCA recommendations contained in the OREI guidance; and** **(b) has confirmed in writing that the undertaker has taken into account and adequately addressed all MCA recommendations contained in the OREI guidance that are appropriate to the authorised scheme.** **(2) The ERCoP must include the identification of a point of contact for emergency response.** **(3) The ERCoP must be implemented as approved.** **(4) In this Condition, "OREI guidance" means MCA document MGN371 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes.**	**The licenced activities or any phase of those activities (insofar as relevant to that activity or phase of activity) must not 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 the relevant part or phase of the project, adequately addressed all MCA recommendations as appropriate to the authorised scheme contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes (or subsequent updates).**
Schedule 9, Part 2, Conditions, Pre-construction monitoring, 21(2)(b)	appropriate high-resolution bathymetric surveys undertaken to International Hydrographic Organisation Order IA standard and side-scan surveys of the areas within the Order limits in which it is proposed to carry out construction works, including **a 500- metre** buffer areas around the site of each work. This must include the identification of sites of historic or archaeological interest (A1 and A3 receptors) and any unidentified anomalies larger than 5 metres in diameter (A2 receptors), which may require the refinement,	appropriate high-resolution bathymetric surveys undertaken to International Hydrographic Organisation Order IA standard and side-scan surveys of the areas within the Order limits in which it is proposed to carry out construction works, including **appropriate** buffer areas around the site of each work. This must include the identification of sites of historic or archaeological interest (A1 and A3 receptors) and any unidentified anomalies larger than 5 metres in diameter (A2 receptors), which may require the refinement, removal or introduction of archaeological exclusion zones and to confirm project-specific micro-siting requirements (for A2 receptors);

	removal or introduction of archaeological exclusion zones and to confirm project-specific micro-siting requirements (for A2 receptors); and	and
Schedule 9, Part 2, Conditions, Pre-construction monitoring, 21(2)(c)	appropriate surveys of existing ornithological activity inside the areas within the Order limits in which it is proposed to carry out construction works, and any wider areas where appropriate, which are required to validate predictions in the environmental statement concerning key ornithological interests of relevance to the authorised scheme.	appropriate surveys of existing ornithological activity inside the areas within the Order limits in which it is proposed to carry out construction works, and**/or** any wider areas where appropriate, which are required to validate predictions in the environmental statement concerning key ornithological interests of relevance to the authorised scheme.
Schedule 9, Part 2, Conditions, Construction monitoring, 22(2)(c)	appropriate surveys of ornithological activity inside the areas within the Order limits in which it is proposed to carry out construction works, and any wider areas where appropriate, dependent on the outcomes of the pre-construction surveys, as agreed by the MMO in consultation with the relevant statutory nature conservation body.	appropriate surveys of ornithological activity inside the areas within the Order limits in which it is proposed to carry out construction works, and**/or** any wider areas where appropriate, dependent on the outcomes of the pre-construction surveys, **unless otherwise agreed in writing by the MMO or/**as agreed by the MMO in consultation with the relevant statutory nature conservation body.

Schedule 9, Part 2, Conditions, Post-construction surveys, 23(2)(a)	appropriate surveys of ornithological activity inside the areas within the Order limits in which construction works were carried out, and any wider areas where appropriate, which are required to validate predictions in the environmental statement concerning key ornithological interests of relevance to the authorised scheme;	appropriate surveys of ornithological activity inside the areas within the Order limits in which construction works were carried out, and**/or** any wider areas where appropriate, which are required to validate predictions in the environmental statement concerning key ornithological interests of relevance to the authorised scheme;
Schedule 9, Part 2, Conditions, Post-construction surveys, 23(2)(b)	appropriate high-resolution bathymetric surveys undertaken to International Hydrographic Organisation Order IA standard and side-scan sonar around the areas within the Order limits in which construction works were carried out, including a 500-metre buffer area around the site of each work. For this purpose, the undertaker must before the first survey submit a desk-based assessment (that takes into account all factors that influence scour) to identify the sample of infrastructure locations that are considered appropriate with greatest potential for scour. The survey must be used to validate the desk-based assessment. Further surveys may be required if there are significant differences between the modelled scour and recorded scour;	appropriate high-resolution bathymetric surveys undertaken to International Hydrographic Organisation Order IA standard and side-scan sonar surveys **around a sample of infrastructure locations that are considered appropriate to assess any changes in seabed topography, which are to be agreed in writing with the MMO.** For this purpose, the undertaker must before the first survey submit a desk-based assessment (that takes into account all factors that influence scour) to identify the sample of infrastructure locations that are considered appropriate with greatest potential for scour. The survey must be used to validate the desk-based assessment. Further surveys may be required if there are significant differences between the modelled scour and recorded scour;
Schedule 9, Part 2, Conditions, Aids to navigation, 26	The undertaker must submit reports quarterly to Trinity House detailing the working condition of aids to navigation. Reports may requested more frequently by Trinity House, and must be submitted by the undertaker as requested .	The undertaker must submit reports quarterly to Trinity House detailing the working condition of aids to navigation, **unless otherwise agreed in the Aids to Navigation Management Plan.** Reports may requested more frequently by Trinity House, and must be submitted by the undertaker as requested .