



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:

5

AUTHORISED DEVELOPMENT:

Hornsea Two Offshore Wind Farm

LICENCE HOLDER:

Ørsted Power (UK) Limited
5 Howick Place,
London
SW1P 1WG
United Kingdom

DATE:

07 November 2022

COMPANY REGISTRATION NUMBER:

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

PREVIOUS VARIATIONS:

4

The Marine Management Organisation (“MMO”) received a request on 01 June 2022 from Ørsted Power (UK) Limited for a variation to the deemed marine licenses (“DMLs”) contained within Schedules 8-11 of the Hornsea Two Offshore Wind Farm Order 2016 (“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: 

Name and Position: Karen Schnetler, Marine Licensing Case Officer

Date: 20 February 2023

Annex 1: Amendments to Schedule 9 contained within the Hornsea Two Offshore Wind Farm Order 2016 (“the Order”).

Provision	Previous text	Replacement text
<p>DML A2, Schedule 9, Part 2, Post Storm Monitoring Condition 15 (2) (c)</p>	<p>15.—(1) The undertaker must, in discharging Condition 8(2)(a), submit details for written approval by the MMO in consultation with the relevant statutory nature conservation body and, in respect of the surveys required under paragraph (2)(a), (b) and (c), in consultation with the Environment Agency, of proposed post-construction surveys, including methodologies (including appropriate buffers, where relevant) and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals must be in general accordance with the principles set out in the in-principle monitoring plan and must specify each survey’s objectives and explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.</p> <p>(2) Subject to receipt of specific proposals, so far as applicable, the post-construction surveys must comprise, in outline—</p> <p>(a) a survey to determine any change in the location, extent and composition of any benthic habitats of conservation, ecological and/or economic importance (including Annex 1 habitats) identified in the pre-construction survey in the parts of the offshore Order limits in which construction works were carried out. The survey design must be informed by the results of the pre-construction benthic survey;</p> <p>(b) a high-resolution swath bathymetric survey to be undertaken no sooner than 6 months following completion of construction works and disposal</p>	<p>15.—(1) The undertaker must, in discharging Condition 8(2)(a), submit details for written approval by the MMO in consultation with the relevant statutory nature conservation body and, in respect of the surveys required under paragraph (2)(a) and (b), in consultation with the Environment Agency, of proposed post-construction surveys, including methodologies (including appropriate buffers, where relevant) and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals must be in general accordance with the principles set out in the in-principle monitoring plan and must specify each survey’s objectives and explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.</p> <p>(2) Subject to receipt of specific proposals, so far as applicable, the post-construction surveys must comprise, in outline—</p> <p>(a) a survey to determine any change in the location, extent and composition of any benthic habitats of conservation, ecological and/or economic importance (including Annex 1 habitats) identified in the pre-construction survey in the parts of the offshore Order limits in which construction works were carried out. The survey design must be informed by the results of the pre-construction benthic survey;</p> <p>(b) a high-resolution swath bathymetric survey to be undertaken no sooner than 6 months following completion of construction works and</p>

	<p>activities to include a 100% coverage of the parts of the offshore Order limits with a water depth no greater than 12 metres (referenced to Chart Datum) within which construction works and disposal activities were carried out under this licence to assess any changes in bedform morphology and such further monitoring as may be required to ensure that the cables have been buried or protected and sediment is able to move over any installed cable protection. The need for further surveys must be agreed in writing with the MMO following submission of the first year of survey data;</p> <p>(c) a high-resolution bathymetric survey of a representative sample area, as may be agreed in writing with the MMO, of the parts of the offshore Order limits with a water depth no greater than 12 metres (referenced to Chart Datum) within which construction works and disposal activities were carried out under this licence following the first major storm event the timing of which must be agreed with the MMO in consultation with Natural England and the Environment Agency;</p> <p>(d) a grab survey and particle size analysis in the parts of the offshore Order limits within which dredging and disposal activities relating to Work Nos. 3A and 4A were carried out under this licence within 12 months of the completion of the dredging and disposal activities to determine the extent of suitable herring spawning ground habitat within those areas; and</p> <p>(e) vessel traffic monitoring by automatic identification system, for 28 days taking account seasonal variations in traffic patterns, for a</p>	<p>disposal activities to include a 100% coverage of the parts of the offshore Order limits with a water depth no greater than 12 metres (referenced to Chart Datum) within which construction works and disposal activities were carried out under this licence to assess any changes in bedform morphology and such further monitoring as may be required to ensure that the cables have been buried or protected and sediment is able to move over any installed cable protection. The need for further surveys must be agreed in writing with the MMO following submission of the first year of survey data;</p> <p>(c) a grab survey and particle size analysis in the parts of the offshore Order limits within which dredging and disposal activities relating to Work Nos. 3A and 4A were carried out under this licence within 12 months of the completion of the dredging and disposal activities to determine the extent of suitable herring spawning ground habitat within those areas; and</p> <p>(d) vessel traffic monitoring by automatic identification system, for 28 days taking account seasonal variations in traffic patterns, for a maximum duration of 1 year post- 111 construction. A report must be submitted to the MMO and the MCA at the end of the first year after construction is completed.</p> <p>(3) The undertaker must carry out the surveys agreed under paragraph (1) and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in</p>
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	<p>maximum duration of 1 year post- 111 construction. A report must be submitted to the MMO and the MCA at the end of the first year after construction is completed.</p> <p>(3) The undertaker must carry out the surveys agreed under paragraph (1) and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with the relevant statutory nature conservation body.</p>	<p>writing with the MMO in consultation with the relevant statutory nature conservation body.</p>
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