

MARINE AND COASTAL ACCESS ACT 2009 SECTION 72

DEEMED MARINE LICENCE - NOTICE OF VARIATION

THE HORNSEA TWO OFFSHORE WIND FARM ORDER 2016, SCHEDULE 11

VARIATION NUMBER:

6

AUTHORISED DEVELOPMENT:

Hornsea Two Offshore Wind Farm

LICENCE HOLDER:

Diamond Transmission Partners Hornsea Two Limited Address Mid City Place 71 High Holborn London WC1V 6BA

DATE:

11 October 2023

COMPANY REGISTRATION NUMBER:

Optimus Wind Limited – 07883284
Breesea Limited – 07883217
Soundmark Wind Limited - 10721881
Sonningmay Wind Limited –10722635
Diamond Transmission Partners Hornsea Two Limited - 14059418

PREVIOUS VARIATIONS:

5

The Marine Management Organisation ("MMO") received a request on 17 August 2023 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: X Sturette

Name and Position: Karen Schnetler, Marine Licensing Case Officer

Date: 11 October 2023

Annex 1: Amendments to Schedule 11 contained within the Hornsea Two Offshore Wind Farm Order 2016 ("the Order").

Provision	Previous text	Replacement text
DML B2, Schedule 11, Part 1, Interpretation	Interpretation	Interpretation
	1. —(1) In this licence—	1. —(1) In this licence—
	"2008 Act" means the Planning Act 2008;	"2008 Act" means the Planning Act 2008;
	"2009 Act" means the Marine and Coastal Access Act 2009;	"2009 Act" means the Marine and Coastal Access Act 2009;
	"ancillary works" means the ancillary works described in clause 2 of Part 1 of this licence that are not development within the meaning of section 32 of the 2008 Act;	"ancillary works" means the ancillary works described in clause 2 of Part 1 of this licence that are not development within the meaning of section 32 of the 2008 Act;
	"Annex 1 habitat" means a habitat set out in Annex 1 to Council Directive 92/43/EEC of 21st May 1992 on the conservation of natural habitats and of wild fauna and flora;	"Annex 1 habitat" means a habitat set out in Annex 1 to Council Directive 92/43/EEC of 21st May 1992 on the conservation of natural habitats and of wild fauna and flora;
	"authorised deposits" means the substances and articles specified in clause 2(3) of Part 1 of this licence;	"authorised deposits" means the substances and articles specified in clause 2(3) of Part 1 of this licence;
	"authorised development" means development described in Part 1 of Schedule 1 to the Order that is development within the meaning of section 32 of the 2008 Act;	"authorised development" means development described in Part 1 of Schedule 1 to the Order that is development within the meaning of section 32 of the 2008 Act;
	"authorised project" means the authorised development and the ancillary works authorised by the Order;	"authorised project" means the authorised development and the ancillary works authorised by the Order;
	"authorised scheme" means Work Nos. 2B, 3B, 4B and 5B described in clause 2 of Part 1 of this licence;	"authorised scheme" means Work Nos. 2B, 3B, 4B and 5B described in clause 2 of Part 1 of this licence;
	"Cefas" means the Centre for Environment, Fisheries and Aquaculture Science or any replacement body;	"Cefas" means the Centre for Environment, Fisheries and Aquaculture Science or any replacement body;
	"commence" means the first carrying out of any part of the licensed activities, except for pre- construction surveys and monitoring; and "commencement" must be construed accordingly;	"commence" means the first carrying out of any part of the licensed activities, except for pre- construction surveys and monitoring; and "commencement" must be construed accordingly;
	"Condition" means a condition set out in Part 2	"Condition" means a condition set out in Part 2

of this licence:

"construction vessel" means any vessel involved in the course of or used for the construction and/or maintenance of the authorised project;

"debris" means items or equipment of a significant size left on the seabed being lost from survey or construction vessels or the structures comprised within the authorised scheme;

"EIA Regulations" means the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009;

"electrical circuit" means a number of electrical conductors necessary to transmit electricity between 2 points within the authorised project, comprising—

- (a) in the case of HVAC transmission, 3 conductors which may be bundled as 1 cable;and
- (b) in the case of HVDC transmission 2 conductors, which may be attached together or take the form of single cables,

and the electrical circuit may include 1 or more auxiliary cables (normally fibre-optic cables) for the purpose of control, monitoring, protection or general communications;

"enforcement officer" means a person authorised to carry out enforcement duties under Chapter 3 of Part 4 of the 2009 Act;

"environmental statement" means the document certified as the environmental statement by the Secretary of State under article 40 of the Order;

"gravity base foundation" means—

- (c) a structure principally of concrete or steel (or both) that rests on the seabed due either to its own weight and that of added ballast or to the weight of water above it and may include associated equipment including suction piles, J-tubes and access platforms; or
- (d) a structure principally of concrete and/or steel consisting of a platform supported on 2

of this licence:

"construction vessel" means any vessel involved in the course of or used for the construction and/or maintenance of the authorised project;

"debris" means items or equipment of a significant size left on the seabed being lost from survey or construction vessels or the structures comprised within the authorised scheme;

"EIA Regulations" means the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009;

"electrical circuit" means a number of electrical conductors necessary to transmit electricity between 2 points within the authorised project, comprising—

- (a) in the case of HVAC transmission, 3 conductors which may be bundled as 1 cable; and
- (b) in the case of HVDC transmission 2 conductors, which may be attached together or take the form of single cables,

and the electrical circuit may include 1 or more auxiliary cables (normally fibre-optic cables) for the purpose of control, monitoring, protection or general communications;

"enforcement officer" means a person authorised to carry out enforcement duties under Chapter 3 of Part 4 of the 2009 Act;

"environmental statement" means the document certified as the environmental statement by the Secretary of State under article 40 of the Order;

"gravity base foundation" means—

- (c) a structure principally of concrete or steel (or both) that rests on the seabed due either to its own weight and that of added ballast or to the weight of water above it and may include associated equipment including suction piles, J-tubes and access platforms; or
- (d) a structure principally of concrete and/or steel consisting of a platform supported on 2

pontoons to which the platform is connected by columns which may be connected by braces;

"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 UK Hydrographic Office Admiralty EasyTide Website or such other publication as may be approved by the MMO;

"HVAC" means high voltage alternating current; "HVDC" means high voltage direct current;

"in-principle monitoring plan" means the document certified as the in-principle monitoring plan by the Secretary of State under article 40 of the Order:

"intertidal area" means the area between MHWS and MLWS:

"intertidal works plans" means the part of the works plans described as the intertidal works plans;

"jacket foundation" means a lattice construction comprising tubular members and joints fixed to the seabed with piles (either driven/drilled piles or suction piles) which will include platforms and J-tubes and may include braced monopiles and a transition piece;

"Kingfisher Fortnightly Bulletin" means the bulletin published by the Humber Seafood Institute or such other alternative publication approved in writing by the MMO;

"LAT" means lowest astronomical tide;

"licensed activities" means the activities specified in Part 1 of this licence;

"maintain", unless otherwise provided for, includes inspect, repair, adjust, alter, remove, reconstruct and replace any of the authorised development; and any derivative of "maintain" must be construed accordingly:

"major storm event" means a greater than 1 in10 year wave event within the offshore Order limits seaward of MHWS in terms of wave height,

pontoons to which the platform is connected by columns which may be connected by braces;

"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 UK Hydrographic Office Admiralty EasyTide Website or such other publication as may be approved by the MMO;

"HVAC" means high voltage alternating current; "HVDC" means high voltage direct current;

"in-principle monitoring plan" means the document certified as the in-principle monitoring plan by the Secretary of State under article 40 of the Order:

"intertidal area" means the area between MHWS and MLWS:

"intertidal works plans" means the part of the works plans described as the intertidal works plans;

"jacket foundation" means a lattice construction comprising tubular members and joints fixed to the seabed with piles (either driven/drilled piles or suction piles) which will include platforms and J-tubes and may include braced monopiles and a transition piece:

"Kingfisher Fortnightly Bulletin" means the bulletin published by the Humber Seafood Institute or such other alternative publication approved in writing by the MMO;

"LAT" means lowest astronomical tide;

"licensed activities" means the activities specified in Part 1 of this licence;

"maintain", unless otherwise provided for, includes inspect, repair, adjust, alter, remove, reconstruct and replace any of the authorised development; and any derivative of "maintain" must be construed accordingly:

"major storm event" means a greater than 1 in10 year wave event within the offshore Order limits seaward of MHWS in terms of wave height,

measured by reference to the height of waves recorded at the nearest wave buoy to the authorised scheme 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;

"Marine Noise Registry" means the online database maintained by the Joint Nature Conservation Committee on behalf of the Department of Environment, Food and Rural Affairs that records the spatial and temporal distribution of impulsive noise-generating activities in United Kingdom seas in order that they can be analysed to determine whether they may potentially compromise the achievement of good environmental status;

"MCA" means the Maritime and Coastguard Agency;

"MHWS" (mean high water springs) means the highest level which spring tides reach on average over a period of time;

"MLWS" (mean low water springs) means the lowest level which spring tides reach on average over a period of time;

"MMO" means the Marine Management Organisation;

"monopile foundation" means a foundation comprising a large diameter steel or concrete tube or pile driven vertically into the seabed, Jtubes and platforms and may include external structural devices such as bracing members or steel anchor wires and a transition piece;

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

"offshore HVAC collector substation" means a structure serving as a collection point for the intra-array electrical circuits and containing equipment for the purpose of transforming the electricity generated at the wind turbine generators to a higher voltage; it may also

measured by reference to the height of waves recorded at the nearest wave buoy to the authorised scheme 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;

"Marine Noise Registry" means the online database maintained by the Joint Nature Conservation Committee on behalf of the Department of Environment, Food and Rural Affairs that records the spatial and temporal distribution of impulsive noise-generating activities in United Kingdom seas in order that they can be analysed to determine whether they may potentially compromise the achievement of good environmental status:

"MCA" means the Maritime and Coastguard Agency;

"MHWS" (mean high water springs) means the highest level which spring tides reach on average over a period of time;

"MLWS" (mean low water springs) means the lowest level which spring tides reach on average over a period of time;

"MMO" means the Marine Management Organisation:

"monopile foundation" means a foundation comprising a large diameter steel or concrete tube or pile driven vertically into the seabed, Jtubes and platforms and may include external structural devices such as bracing members or steel anchor wires and a transition piece;

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

"offshore HVAC collector substation" means a structure serving as a collection point for the intra-array electrical circuits and containing equipment for the purpose of transforming the electricity generated at the wind turbine generators to a higher voltage; it may also

include a helicopter platform;

"offshore HVDC converter substation" means a structure that contains equipment to convert HVAC electricity to HVDC electricity; it may also include a helicopter platform;

"offshore Order limits" means the limits shown on the offshore works plans and the intertidal works plans within which the authorised scheme may be carried out whose grid co-ordinates are set out in clause 2(2) of Part 1 of this licence;

"offshore reactive compensation substation" means a structure housing electrical reactors for the purpose of limiting electrical losses in the course of HVAC transmission by providing reactive compensation; it may also include a helicopter platform;

"offshore works plans" means the part of the works plans described as the offshore works plans;

"Order" means the Hornsea Two Offshore Wind Farm Order 2016;

"Order limits" means the limits shown on the works plans within which the authorised project may be carried out;

"suction pile" means a large diameter steel cylinder that is fixed to the base of the foundation, partially penetrates the seabed and remains in place using its weight and hydrostatic pressure differential;

"survey vessel" means a vessel licensed to carry out environmental or engineering surveys; "Trinity House" means the Corporation of Trinity House of Deptford Strond:

"UK Hydrographic Office" means the Hydrographic Office of the Ministry of Defence or any replacement body or successor to its functions;

"undertaker" means Breesea Limited (company number 07883217) or, to the extent that the benefit of the provisions of the Order and related statutory rights in relation to Work No. 2B, include a helicopter platform;

"offshore HVDC converter substation" means a structure that contains equipment to convert HVAC electricity to HVDC electricity; it may also include a helicopter platform;

"offshore Order limits" means the limits shown on the offshore works plans and the intertidal works plans within which the authorised scheme may be carried out whose grid co-ordinates are set out in clause 2(2) of Part 1 of this licence;

"offshore reactive compensation substation" means a structure housing electrical reactors for the purpose of limiting electrical losses in the course of HVAC transmission by providing reactive compensation; it may also include a helicopter platform;

"offshore works plans" means the part of the works plans described as the offshore works plans:

"Order" means the Hornsea Two Offshore Wind Farm Order 2016;

"Order limits" means the limits shown on the works plans within which the authorised project may be carried out;

"suction pile" means a large diameter steel cylinder that is fixed to the base of the foundation, partially penetrates the seabed and remains in place using its weight and hydrostatic pressure differential:

"survey vessel" means a vessel licensed to carry out environmental or engineering surveys; "Trinity House" means the Corporation of Trinity House of Deptford Strond:

"UK Hydrographic Office" means the Hydrographic Office of the Ministry of Defence or any replacement body or successor to its functions:

"undertaker" means Diamond Transmission
Partners Hornsea Two Limited or, to the extent
that the benefit of the provisions of the Order
and related statutory rights in relation to Work
No. 2B.

3B, 4B or 5B and such associated development or ancillary works has been transferred under article 35 of the Order to another person, that other person;

"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 that is at the time in, on or over water;

"wind turbine generator" means a structure comprising any or all of a tower, rotor, blades, nacelle and ancillary electrical and other equipment or structures, which may include lighting and a helicopter platform, fixed to a foundation:

"working day" means any day other than a Saturday, Sunday or public holiday in England and Wales:

"Work No. 2A" means up to 6 offshore HVAC collector substations and, in the event that the mode of transmission is HVDC, up to 2 offshore HVDC converter substations together with a network of electrical circuits connecting the structures within Work Nos. 2A and 2B;

"Work No. 2B" means the works described as Work No. 2B in clause 2 of Part 1 of this licence;

"Work No. 3A" means up to 2 offshore reactive compensation substations fixed to the seabed in the event that the mode of transmission is HVAC:

"Work No. 3B" means the works described as Work No. 3B in clause 2 of Part 1 of this licence;

"Work No. 4A" means a marine connection to the shore, including cable and pipeline crossing works which—

(a) if the mode of transmission is HVAC, consists of up to 8 subsea electrical circuits proceeding from the offshore HVAC collector substations comprised in Work No. 2A via and

3B, 4B or 5B and such associated development or ancillary works has been transferred under article 35 of the Order to another person, that other person;

"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 that is at the time in, on or over water:

"wind turbine generator" means a structure comprising any or all of a tower, rotor, blades, nacelle and ancillary electrical and other equipment or structures, which may include lighting and a helicopter platform, fixed to a foundation:

"working day" means any day other than a Saturday, Sunday or public holiday in England and Wales:

"Work No. 2A" means up to 6 offshore HVAC collector substations and, in the event that the mode of transmission is HVDC, up to 2 offshore HVDC converter substations together with a network of electrical circuits connecting the structures within Work Nos. 2A and 2B:

"Work No. 2B" means the works described as Work No. 2B in clause 2 of Part 1 of this licence;

"Work No. 3A" means up to 2 offshore reactive compensation substations fixed to the seabed in the event that the mode of transmission is HVAC;

"Work No. 3B" means the works described as Work No. 3B in clause 2 of Part 1 of this licence;

"Work No. 4A" means a marine connection to the shore, including cable and pipeline crossing works which—

(a) if the mode of transmission is HVAC, consists of up to 8 subsea electrical circuits proceeding from the offshore HVAC collector

connecting with the offshore reactive compensation substation comprised in Work No. 3A; or

(b) if the mode of transmission is HVDC, consists of up to 2 subsea electrical circuits proceeding from the offshore HVDC converter substations comprised in Work No. 2A,

and in either case terminating at Work No. 5A;

"Work No. 4B" means the works described as Work No. 4B in clause 2 of Part 1 of this licence;

"Work No. 5A" means a foreshore connection consisting of an extension of the electrical circuits comprised in Work No. 4A, including cable crossing works, crossing under the existing sea wall using a trenchless technique and terminating at the electrical circuit transition joint bays comprising Work No. 6A:

"Work No. 5B" means the works described as Work No. 5B in clause 2 of Part 1 of this licence:

"Work No. 6A" means up to 8 underground electrical circuit transition joint bays in the vicinity of Horseshoe Point in the parish of North Coates in the county of Lincolnshire, housing the connections between the offshore electrical circuits comprised in Work No. 5A and the onshore electrical circuits;

"Work No. 6B" means up to 8 underground electrical circuit transition joint bays in the vicinity of Horseshoe Point in the parish of North Coates in the county of Lincolnshire, housing the connections between the offshore electrical circuits comprised in Work No. 5B and the onshore electrical circuits;

"works plans" means the plans certified as the works plans by the Secretary of State under article 40 of the Order, comprising the offshore works plans, the intertidal works plans and the onshore works plans.

(2) A reference to any statute, order, regulation or similar instrument must be construed as a reference to the statute, order, regulation or instrument as amended by any

substations comprised in Work No. 2A via and connecting with the offshore reactive compensation substation comprised in Work No. 3A; or

(b) if the mode of transmission is HVDC, consists of up to 2 subsea electrical circuits proceeding from the offshore HVDC converter substations comprised in Work No. 2A,

and in either case terminating at Work No. 5A;

"Work No. 4B" means the works described as Work No. 4B in clause 2 of Part 1 of this licence;

"Work No. 5A" means a foreshore connection consisting of an extension of the electrical circuits comprised in Work No. 4A, including cable crossing works, crossing under the existing sea wall using a trenchless technique and terminating at the electrical circuit transition joint bays comprising Work No. 6A;

"Work No. 5B" means the works described as Work No. 5B in clause 2 of Part 1 of this licence;

"Work No. 6A" means up to 8 underground electrical circuit transition joint bays in the vicinity of Horseshoe Point in the parish of North Coates in the county of Lincolnshire, housing the connections between the offshore electrical circuits comprised in Work No. 5A and the onshore electrical circuits;

"Work No. 6B" means up to 8 underground electrical circuit transition joint bays in the vicinity of Horseshoe Point in the parish of North Coates in the county of Lincolnshire, housing the connections between the offshore electrical circuits comprised in Work No. 5B and the onshore electrical circuits:

"works plans" means the plans certified as the works plans by the Secretary of State under article 40 of the Order, comprising the offshore works plans, the intertidal works plans and the onshore works plans.

(2) A reference to any statute, order, regulation or similar instrument must be construed as a reference to the statute, order,

subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.

- (3) Unless otherwise indicated—
- (a) all times are Greenwich Mean Time (GMT);
- (b) all co-ordinates are latitude and longitude degrees, minutes and seconds to 3 decimal places in WGS84 Datum.
- (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 is—
- (a) Marine Management Organisation Marine Licensing Team

Lancaster House Hampshire Court

Newcastle-upon-Tyne

NE4 7YH

Tel: 0300 123 1032

E-mail:

marine.consents@marinemanagement.org.uk

(b) Marine Management Organisation (referred to as the "MMO Coastal Office") Neville House

Central Riverside

Bell Street

North Shields

Tyne and Wear

NE30 1LJ

Tel (24-hour answer phone): 0191 257 4520 or 0191 257 0159

E-mail:

northshields@marinemanagement.org.uk

(c) Trinity House

Tower Hill

London

EC3N 4DH

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 are Greenwich Mean Time (GMT);
- (b) all co-ordinates are latitude and longitude degrees, minutes and seconds to 3 decimal places in WGS84 Datum.
- (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 is—
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Lancaster House Hampshire Court

Newcastle-upon-Tyne

NE4 7YH

Tel: 0300 123 1032

E-mail:

marine.consents@marinemanagement.org.uk

(b) Marine Management Organisation (referred to as the "MMO Coastal Office") Neville House

Central Riverside

Bell Street

North Shields

Tyne and Wear

NE30 1LJ

Tel (24-hour answer phone): 0191 257 4520 or 0191 257 0159

E-mail:

northshields@marinemanagement.org.uk

(c) Trinity House

Tower Hill

London

Tel: 020 7481 6900 EC3N 4DH The United Kingdom Hydrographic Office Tel: 020 7481 6900 **Admiralty Way** The United Kingdom Hydrographic Office Taunton **Admiralty Way** Somerset Taunton TA1 2DN Somerset Tel: 01823 337 900 TA1 2DN Maritime and Coastguard Agency Tel: 01823 337 900 **Navigation Safety Branch** Maritime and Coastguard Agency Bay 2/04 Spring Place Navigation Safety Branch 105 Commercial Road Bay 2/04 Spring Place Southampton 105 Commercial Road SO15 1EG Southampton Tel: 023 8032 9191 SO15 1EG Centre for Environment, Fisheries and Tel: 023 8032 9191 Aquaculture Science Centre for Environment, Fisheries and Pakefield Road Aquaculture Science Lowestoft Pakefield Road Suffolk Lowestoft NR33 0HT Suffolk Tel: 01502 562 244 NR33 0HT Natural England Tel: 01502 562 244 Foss House Natural England Kings Pool Foss House 1-2 Peasholme Green Kings Pool York 1-2 Peasholme Green **YO1 7PX** York Tel: 0300 060 1911 **YO1 7PX** Historic Buildings and Monuments Tel: 0300 060 1911 Commission for England (referred to as "Historic Historic Buildings and Monuments England") Commission for England (referred to as "Historic **Eastgate Court** England") 195-205 High Street **Eastgate Court** Guildford 195-205 High Street

Guildford

GU1 3EH

Tel: 01483 252 057	GU1 3EH
(i) Environment Agency	Tel: 01483 252 057
Waterside House	(i) Environment Agency
Waterside North	Waterside House
Lincoln	Waterside North
LN2 5HA	Lincoln
Tel: 03708 506 506.	LN2 5HA
	Tel: 03708 506 506.