SCHEDULE 10

Article 35

Deemed Marine Licence 1: DBS East Project Offshore Generation – Work Nos. 1A, 4A and 7A

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;

"the 2017 Regulations" means the Conservation of Offshore Marine Habitats and Species Regulations 2017(**a**);

"Annex I subtidal habitat" means a subtidal habitat of a type listed in Annex I to Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;

"array cable" means a cable linking the wind turbine generators to each other and to the offshore converter platforms;

"authorised deposits" means the substances and articles specified in paragraph 4 of Part 1 of this licence;

"authorised project" means the development and associated development described in Part 1 of Schedule 1 (authorised development) of the Order and any other development authorised by the Order that is development within the meaning of section 32 (meaning of "development") of the 2008 Act;

"authorised scheme" means Work Nos. 1A, 4A and 7A and the further associated development described in paragraph 3 of Part 1 of this licence or any part of that work or development;

"buoy" means any floating device used for navigational purposes or measurement purposes including LiDAR buoys, wave buoys and guard buoys;

"cable" means any offshore cable and includes direct-lay cables and cables laid in cable ducts and further includes fibre optic and other communications cables either within the cable or laid alongside;

(a) S.I. 2017/1013.

"cable crossing" means the crossing of existing subsea cables or pipelines by the array, inter-platform or export cables authorised by the Order and forming part of the authorised scheme together with physical protection measures including cable protection;

"cable protection" means measures to protect cables forming part of the authorised scheme from physical damage and exposure due to loss of seabed sediment including, but not limited to, rock placement, concrete mattresses with or without frond devices, protective aprons or coverings, bagged solutions filled with sand, rock, grout or other materials and protective shells;

"cable statement" means the document certified by the Secretary of State as the cable statement for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"commence" means the first carrying out of any licensed marine activities authorised by this licence, save for pre-construction monitoring surveys approved under this licence, and "commenced" and "commencement" must be construed accordingly;

"condition" means a condition in Part 2 of this licence;

"DBS East" means the Dogger Bank South East Offshore Wind Farm;

"DBS East array area" means the area covered by Work No. 1A as shown on the offshore works plan;

"DBS East Project" means the DBS East Project offshore works and the DBS East Project onshore works;

"DBS East Project offshore works" means Work Nos. 1A to 8A and any other authorised development associated with those works;

"DBS East Project onshore works" means Work Nos. 9A to 34A and any other authorised development associated with those works;

"DBSEL" means RWE Renewables UK Dogger Bank South (East) Limited, company number 13656240, whose registered office is Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, England, SN5 6PB;

"DBS West Project offshore works" means Work Nos. 1B to 8B and any authorised development associated with those works;

"DBS West Project" means the DBS West Project onshore works and the DBS West Project offshore works;

"DBS West Project onshore works" means Work Nos. 9B to 34B and any other authorised development associated with those works;

"DBSWL" means RWE Renewables UK Dogger Bank South (West) Limited, company number 13656525, whose registered office is Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, England, SN5 6PB;

"Defence Infrastructure Organisation Safeguarding" means Ministry of Defence Safeguarding, Defence Infrastructure Organisation, Kingston Road, Sutton Coldfield, West Midlands, B75 7RL and any successor body to its functions;

"disposal ground 1 (DBS East)" means the site to be used for disposal of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and cable sandwave clearance for the DBS East Project offshore works as shown on the Disposal Site Plan and with MMO disposal site reference DG036;

"Disposal Site Plan" means the plan certified by the Secretary of State as the Disposal Site Plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"Dropped Object Procedure Form" means the MMO notification proforma with reference MLDIR1 for reporting the loss or dumping of synthetic materials and other refuse at sea or any other format advised in writing by the MMO;

"environmental statement" means the document certified by the Secretary of State as the environmental statement for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"habitats of principal importance" means a habitat designated as being of principal importance in accordance with section 41 (biodiversity lists and action (England)) of the Natural Environment and Rural Communities Act 2006;

"HAT" means highest astronomical tide;

"HVAC" means high voltage alternating current;

"HVDC" means high voltage direct current;

"IHO Order 1a standard" means order 1a from the sixth edition of the International Hydrographic Organisation's Standards for Hydrographic Surveys as updated or amended from time to time;

"in principle monitoring plan" means the document certified by the Secretary of State as the in principle monitoring plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"in principle Site Integrity Plan for the Southern North Sea Special Area of Conservation" means the document certified by the Secretary of State as the in principle Site Integrity Plan for the Southern North Sea Special Area of Conservation for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"inter-platform cable" means a cable linking the offshore converter platforms;

"intrusive activities" means activities including anchoring of vessels, jacking up of vessels, and temporary wet storage areas;

"jacket foundation" means a lattice type structure constructed of steel which is fixed to the seabed at 3 or more points with steel pin piles and associated equipment including scour protection, J-tubes, corrosion protection systems and access platforms;

"JNCC Guidance" means the statutory nature conservation body 'Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs' Joint Nature Conservation Committee Report No.654, May 2020 published in June 2020 as amended, updated or superseded from time to time;

"LAT" means lowest astronomical tide;

"maintain" includes inspect, upkeep, repair, adjust, alter, remove, reconstruct and replace (including replenishment of cable protection), but does not include the removal, reconstruction or replacement of foundations associated with the authorised scheme, to the extent assessed in the environmental statement; and "maintenance" must be construed accordingly;

"Marine Management Organisation" means the body created under the 2009 Act which is responsible for the regulation of this licence or any successor of that function and "MMO" must be construed accordingly;

"Marine Noise Registry" means the database developed and maintained by JNCC on behalf of Defra to record the spatial and temporal distribution of impulsive noise generating activities in UK seas;

"MCA" means the Maritime and Coastguard Agency, the executive agency of the Department for Transport;

"MCMS" means the Marine Case Management System web portal provided and operated by the MMO;

"mean sea level" means the average level of the sea surface over a period of time, taking account of all tidal effects and surge events;

"MHWS" or "mean high water springs" means the average throughout the year of two successive high waters during a 24-hour period in each month when the range of the tide is at its greatest (Spring tides);

“MLWS” or “mean low water springs” means the lowest level that spring tides reach on average over a period of time;

“monopile foundation” means a steel pile driven or drilled into the seabed and associated equipment including scour protection, J-tubes, corrosion protection systems and access platforms and equipment;

“offshore accommodation platform” means a structure above LAT and attached to the seabed by means of a foundation, with one or more decks and open with modular equipment or fully clad and may include a helicopter platform, containing accommodation, storage, workshop auxiliary equipment and facilities for operating, maintaining and controlling the offshore converters or wind turbine generators, including but not limited to navigation, aviation and safety marking and lighting, systems for vessel access and retrieval, cranes, potable water supply, black water separation, stores, fuels and spares, communications systems and control hub facilities;

“offshore converter platform” means an offshore converter platform with equipment to convert the HVAC power generated at the wind turbine generators into HVDC power, being a structure above LAT and attached to the seabed by means of a foundation, with one or more decks and open with modular equipment or fully clad and may include a helicopter platform, containing electrical equipment required to switch, transform, convert electricity generated at the wind turbine generators to a higher voltage and provide reactive power compensation, including but not limited to high voltage power transformers, high voltage switchgear and busbars, substation auxiliary systems and low voltage distribution, instrumentation, metering equipment and control systems, standby generators, shunt reactors, auxiliary and uninterruptible power supply systems, facilities to support operations and maintenance;

“offshore order limits and grid coordinates plan” means the plan certified by the Secretary of State as the offshore order limits and grid coordinates plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

“Order” means Dogger Bank South East and West Offshore Wind Farms Order 2026;

“Order limits” means the limits shown on the offshore order limits and grid coordinates plans within which the authorised scheme may be carried out and the grid coordinates for Work Nos. 1A, 4A and 7A are set out in paragraph 5 of Part 1 of this licence;

“outline fisheries liaison and co-existence plan” means the document certified by the Secretary of State as the outline fisheries liaison and co-existence plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

“outline marine mammal mitigation protocol” means the document certified by the Secretary of State as the outline marine mammal mitigation protocol for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

“outline offshore operations and maintenance plan” means the document certified by the Secretary of State as the outline offshore operations and maintenance plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

“outline project environmental management plan” means the document certified by the Secretary of State as the outline project environmental management plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

“outline scour protection plan” means the document certified by the Secretary of State as the outline scour protection plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

“outline vessel traffic monitoring plan” means the document certified by the Secretary of State as the outline vessel traffic monitoring plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"outline written scheme of investigation (offshore)" means the document certified by the Secretary of State as the outline written scheme of investigation (offshore) for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"scour protection" means measures to prevent loss of seabed sediment around any structure placed in or on the seabed including by the use of bagged solutions, filled with grout or other materials, protective aprons, concrete mattresses with or without frond devices, and rock and gravel placement;

"statutory historic body" means Historic England or its successor in function;

"statutory nature conservation body" means a statutory nature conservation body, being the appropriate nature conservation body as defined in Regulation 5 of the Conservation of Habitats and Species Regulations 2017(**a**) or its equivalent in the Conservation of Offshore Marine Habitats and Species Regulations 2017(**b**);

"transition piece" means a metal structure attached to the top of a foundation where the base of a wind turbine generator is connected and includes additional equipment such as J-tubes, corrosion protection systems, boat access systems, access platforms, craneage, electrical transmission equipment and associated equipment;

"Trinity House" means the Corporation of Trinity House of Deptford Strond;

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

"undertaker" means DBSEL;

"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" means a structure comprising a tower, a rotor with three 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 and forming part of the authorised scheme;

"works plans" means the works plans (offshore) and the works plans (onshore);

"works plans (offshore)" means the plans certified by the Secretary of State as the works plans (offshore) for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified); and

"works plans (onshore)" means the plans certified by the Secretary of State as the works plans (onshore) for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified).

(2) In this licence, a reference to any statute, order, regulation or similar instrument is a reference to a statute, order, regulation or instrument as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.

(3) In this licence, unless otherwise indicated—

(a) all times are Greenwich Mean Time;

(b) all coordinates are latitude and longitude degrees and minutes to two decimal places.

(a) S.I. 2017/1012.
(b) S.I. 2017/1013.

(4) Unless otherwise stated or agreed with the MMO, all submissions, notifications and communications must be sent by the undertaker to the MMO using MCMS. Except where otherwise notified in writing by the relevant organisation, the addresses for correspondence for the purposes of this licence are—

(a) Historic England
37 Tanner Road
York
YO1 6WP

(b) Marine Management Organisation
Marine Licensing Team
Tyneside House
Skinnerburn Road
Newcastle upon Tyne
NE4 7AR
Tel: 0300 123 1032

(c) Marine Management Organisation (local office)
Room 13, Ground Flood
Crosskill House
Mill Lane
Beverley
HU17 9JB
Tel: 0208 026 0519

(d) Maritime and Coastguard Agency
UK Technical Services Navigation
Spring Place
105 Commercial Road
Southampton
SO15 1EG
Tel: 020 3817 2433
Email: navigationsafety@mcga.gov.uk

(e) Natural England
4th Floor
Foss House
1-2 Peasholme Green
York
YO1 7PX
Tel: 0300 060 4911

(f) Trinity House
Tower Hill
London
EC3N 4DH
Tel: 020 7481 6900

(g) United Kingdom Hydrographic Office

Admiralty Way

Taunton

Somerset

TA1 2DN

Tel: 01823 337 900

(5) Unless otherwise advised in writing by the MMO, the address for electronic communication with the MMO for the purposes of this licence is marine.consents@marinemanagement.org.uk, or where contact to the Local Office of the MMO is required, beverley@marinemanagement.org.uk.

Details of licensed marine activities

2. Subject to the 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) (licensable marine activities) of the 2009 Act—

(a) the deposit at sea within the Order limits seaward of MHWS of the substances and objects specified in paragraph 4 below and, when combined with the disposal authorised within disposal ground 1 (DBS East) by the licences granted under Schedules 12, 14 and 14A of the Order, of up to 4,242,327 cubic metres (being a maximum, not an approximate upper figure) of inert material of natural origin produced during construction drilling or seabed preparation for foundation works, cable works and boulder clearance works at disposal site references to be provided to the MMO within disposal ground 1 (DBS East) and any other disposal sites approved in writing by the MMO;

(b) the construction of works in or over the sea or on or under the sea bed;

(c) dredging for the purposes of seabed preparation for foundation works or cable works;

(d) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation;

(e) boulder clearance works by displacement ploughing or subsea grab technique or any other comparable method;

(f) removal of static fishing equipment; and

(g) site preparation works.

3. Such activities are authorised in relation to the construction, maintenance and operation of—

Work No. 1A—

(a) an offshore wind turbine generating station with a gross electrical output of over 100 megawatts comprising up to 100 wind turbine generators each fixed to the seabed by monopile or jacket foundations; and

(b) a network of HVAC subsea cables connecting the wind turbine generators and Work No. 2A within the area shown on the works plans, including cable crossings and cable protection;

Work No. 4A—

Up to one accommodation platform fixed to the seabed by jacket or monopile foundations within the area shown on the works plans;

Work No. 7A—

A temporary work area associated with Work Nos. 1A to 5A for vessels to carry out intrusive activities and non-intrusive activities alongside Work Nos. 1A to 5A;

In connection with such Work Nos. 1A, 4A and 7A and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised scheme and which fall within the scope of the work assessed by the environmental statement and the provisions of this licence, 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. 1A, and 4A and the disposal of inert material of natural origin within the Order limits produced during construction drilling, seabed preparation for foundation works, cable installation preparation such as sandwave clearance, and boulder clearance;

(d) removal of static fishing equipment;

(e) temporary landing places, moorings or other means of accommodating vessels in the construction or maintenance of the authorised scheme;

(f) disposal of drill arisings in connection with any foundation drilling up to a total of 35,086 cubic metres;

(g) creation and use of temporary laydown areas, use of cable lay vessel anchors; and

(h) lighting.

4. The substances and objects authorised for deposit at sea are—

(a) iron, steel, copper and aluminium;

(b) stone and rock;

(c) concrete and grout;

(d) sand and gravel;

(e) cement bound sand;

(f) natural soils;

(g) plastic and synthetic material;

(h) drilling fluid;

(i) material extracted from within the Order limits during construction drilling or seabed preparation for foundation works and cable installation preparation works;

(j) weights used for the calibration of vessels, consisting of a hessian sack, metal shackles or chains; and

(k) marine coatings, other chemicals and timber.

5. The grid coordinates for that part of the authorised scheme comprising Work Nos. 1A, 4A and 7A are specified below—

Point ID	*Latitude (DMS)*	*Longitude (DMS)*
1	54° 31.15408′ N	1° 44.71761′ E
2	54° 31.46655′ N	1° 44.62625′ E
3	54° 31.75489′ N	1° 44.85252′ E
4	54° 34.18354′ N	1° 48.56875′ E
5	54° 34.30904′ N	1° 48.85301′ E
6	54° 34.36288′ N	1° 49.19779′ E
7	54° 34.74598′ N	1° 58.90264′ E
8	54° 34.77086′ N	1° 59.72884′ E
9	54° 34.67215′ N	2° 0.18106′ E
10	54° 34.47546′ N	2° 0.46972′ E
11	54° 24.47523′ N	2° 8.98399′ E
12	54° 24.09368′ N	2° 8.92387′ E
13	54° 23.82918′ N	2° 8.43359′ E
14	54° 21.08378′ N	1° 54.2778′ E

15	54° 21.0601′ N	1° 53.90188′ E
16	54° 21.14588′ N	1° 53.48645′ E
17	54° 21.33732′ N	1° 53.18358′ E

6. This licence remains in force until the authorised scheme has been decommissioned in accordance with a programme approved by the Secretary of State under section 106 (approval of decommissioning programmes) 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.

7. The provisions of section 72 (variation, suspension, revocation and transfer) of the 2009 Act apply to this deemed marine licence except that the provisions of section 72(7) and (8) relating to the transfer of the licence apply only to a transfer not falling within article 5 (benefit of the Order) of the Order.

8.—(1) With respect to any condition which requires the licensed activities be carried out in accordance with the details, plans or schemes approved under this licence, the approved details, plans or schemes are taken to include any amendments that may subsequently be approved in writing by the MMO.

(2) Any amendments to or variations from the approved details, plans or schemes must be in accordance with the principles and assessments set out in the environmental statement and approval of an amendment or variation may only be given where it has been demonstrated to the satisfaction of the MMO that it is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

9. Should the undertaker become aware that any of the information on which the granting of this licence was based was materially false or misleading, the undertaker must notify the MMO of this fact in writing as soon as is reasonably practicable. The undertaker must explain in writing what information was materially false or misleading and must provide to the MMO the correct information.

PART 2

Conditions

Design parameters

Wind turbine generator dimensions

10.—(1) Subject to sub-paragraph (2), wind turbine generators forming part of the authorised scheme must not—

(a) exceed a height of 376.8 metres when measured from MHWS to the tip of the vertical blade;

(b) exceed a rotor diameter of 344.08 metres;

(c) be less than 830 metres from the nearest wind turbine generator in any direction;

(d) have a distance of less than 34 metres between the lowest point of the rotating blade of the wind turbine generator and mean sea level; or

(e) exceed 100 wind turbine generators.

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

Wind turbine generator foundations

11.—(1) Wind turbine generator foundations must be of one or more of the following foundation options: piled monopile, or piled jacket foundation.

(2) Any wind turbine generator piled monopile foundation must not have a pile diameter exceeding 15 metres.

(3) Any wind turbine generator piled jacket foundation must not have—

(a) more than four legs;

(b) more than four piles; or

(c) a pile diameter exceeding four metres.

(4) Within Work No. 1A, the wind turbine generator foundations must not have—

(a) a total combined seabed footprint (including scour protection) exceeding 311,725 square metres; or

(b) a total combined amount of scour protection exceeding 302,221.21 square metres.

Offshore accommodation platform dimensions

12.—(1) The total number of offshore accommodation platforms in respect of the authorised scheme must not exceed one.

(2) The dimensions of any offshore accommodation platform (excluding helidecks, lightning protection, towers, masts and cranes) must not exceed—

(a) 125 metres in length;

(b) 100 metres in width; or

(c) 105 metres in height above LAT.

Offshore accommodation platform foundations

13.—(1) Offshore accommodation platform foundations must be of one or more of the following foundation options: piled monopile or piled jacket foundation.

(2) The pile diameter of any offshore accommodation platform piled monopile must not exceed 15 metres.

(3) Any offshore accommodation platform piled jacket foundation must not have—

(a) more than eight legs;

(b) more than eight piles; or

(c) a pile diameter exceeding 3.8 metres.

(4) Any offshore accommodation platform foundation must not have—

(a) a seabed footprint (including scour protection) exceeding 5,411 square metres; or

(b) a seabed footprint (excluding scour protection) exceeding 177 square metres.

(5) The total volume of scour protection for wind turbine generators and the offshore accommodation platform must not exceed 548,095 cubic metres.

Cables and cable protection

14.—(1) Within Work No. 1A the array cables must not, in total—

(a) exceed 350 kilometres in length;

(b) exceed 20 cable crossings;

(c) have cable protection (including cable crossings) exceeding 375,780 square metres in area; or

(d) have cable protection (including cable crossings) exceeding 219,115 cubic metres in volume.

(2) The array cables within Work No. 1A which fall within the Dogger Bank Special Area of Conservation must not have cable protection exceeding 10% of the length of such cables, when combined with the offshore export cables, array cables and inter-platform cables authorised by the licences granted under Schedules 11 to 14A of the Order.

Phases of authorised scheme

15.—(1) The authorised scheme must not commence until an offshore works phasing scheme setting out the phases of construction of the authorised scheme has been submitted to and approved in writing by the MMO.

(2) The authorised scheme must be submitted at least 6 months prior to the proposed commencement of the works.

(3) Any subsequent amendments to the offshore works phasing scheme submitted for approval under sub-paragraph (1) must be submitted to the MMO for approval in writing.

(4) The offshore works phasing scheme submitted for approval under sub-paragraph (1) must be implemented as approved. The approved details shall be taken to include any amendment that may subsequently be approved by the MMO in accordance with sub-paragraph (3).

Maintenance of the authorised scheme

16.—(1) The undertaker may at any time maintain the authorised scheme, except to the extent that this licence or an agreement made under this licence provides otherwise.

(2) Maintenance works include but are not limited to—

(a) routine maintenance of wind turbine generators, offshore accommodation platform, and their respective foundations;

(b) major wind turbine component or offshore accommodation platform replacement;

(c) painting and applying other coatings to wind turbine generators or offshore accommodation platforms;

(d) bird waste and marine growth removal;

(e) surveys/inspections of cables;

(f) cable remedial burial;

(g) cable protection replenishment;

(h) cable repairs and replacement;

(i) access ladder and boat landing replacement;

(j) wind turbine generator and offshore accommodation platform anode replacement; and

(k) J-tube repair/replacement.

(3) Operation of the licensed activities must not commence until an offshore operations and maintenance plan substantially in accordance with the outline offshore operations and maintenance plan has been submitted to and approved in writing by the MMO. The operations and maintenance plan must include, but is not limited to—

(a) a list of maintenance activities within the marine environment that are planned for the lifetime of the licensed activities;

(b) details of the typical construction plant, machinery and personnel requirements for each maintenance activity and any requirements for detailed method statements;

(c) details of the typical frequency and timing of each maintenance activity; and

(d) details of controls and mitigation that will be in place in order to protect the marine environment.

(4) The offshore operations and maintenance plan must be reviewed every three years commencing from the date on which the plan was approved, unless otherwise agreed by the MMO, to ensure the details of the maintenance activities remain accurate. The conclusions of that review must be submitted to and approved by the MMO in writing.

(5) The offshore operations and maintenance plan must be implemented as approved by the MMO.

(6) Unless otherwise agreed in writing with the MMO, the undertaker must submit—

(a) the first offshore operations and maintenance plan at least 6 months prior to the operation of the licensed activities;

(b) any revised offshore operations and maintenance plan submitted in accordance with sub-paragraph (4) at least 6 months before such revised plan is required to be put in place; and

(c) where additional maintenance activities are identified that are not included in the approved offshore operations and maintenance plan, or any revised plan approved in accordance with sub-paragraph (4), an updated offshore operations and maintenance plan including the additional maintenance activities must be submitted to and approved by the MMO in writing as soon as possible after the need for such additional maintenance activities is identified.

Extension of time periods

17. Any time period given in this licence to either the undertaker or the MMO may be extended with the agreement of the other party in writing, such agreement not to be unreasonably withheld or delayed.

Notifications and inspections

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

(a) a copy of this licence (issued as part of the grant of the Order) and any subsequent amendments or revisions to it is provided to—

(i) all agents and contractors notified to the MMO in accordance with condition 28;

(ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with condition 28;

(b) the undertaker must confirm in writing to the MMO within 28 days of a copy of this licence and any subsequent amendments or revisions to it being provided to the persons listed in sub-paragraph (1)(a) that the required information has been provided.

(2) Only those persons and vessels notified to the MMO in accordance with condition 28 are permitted to carry out the licensed activities.

(3) Copies of this licence must also be available for inspection 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

(c) on board each vessel and at the office of any transport manager with responsibility for vessels from which authorised deposits or removals are to be made.

(4) The documents referred to in sub-paragraph (1)(a) must be available for inspection by an authorised enforcement officer at the locations set out in sub-paragraph (3)(b).

(5) The undertaker must provide access, and if necessary appropriate transportation, to the offshore construction site or any other associated works or vessels to facilitate any inspection that the MMO considers necessary to inspect the works during the construction and operation of the authorised scheme.

(6) The undertaker must inform the MMO Local Office in writing at least fourteen days prior to the commencement of the licensed activities or any part of them and within five days of the completion of the licensed activity.

(7) The undertaker must inform the Kingfisher Information Service of Seafish by email to kingfisher@seafish.co.uk of details of the vessel routes, timings and locations relating to the construction of the authorised scheme or relevant part—

(a) at least 14 days prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data;

(b) as soon as reasonably practicable and no later than 24 hours of completion of the DBS East Project offshore works,

and confirmation of notification must be provided to the MMO within five days.

(8) The undertaker must ensure that a local notification to mariners is issued at least 14 days prior to the commencement of the authorised scheme or any part thereof advising of the start date of each of Work Nos. 1A, 4A and 7A and the expected vessel routes from the construction ports to the relevant location. Copies of all notices must be provided to the MMO, MCA and UKHO within five days.

(9) The undertaker must ensure that local notifications to mariners are updated and reissued at weekly intervals during construction activities and at least five days before any planned operations (unless otherwise agreed in writing by the MMO) and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme and monitoring plan approved under condition 24(1)(b). Copies of all notices must be provided to the MMO, UKHO and the MCA within five days.

(10) The undertaker must notify UKHO and the MCA of the commencement (within ten days), progress and completion of construction (within ten days) of the licensed activities in order that all necessary amendments to nautical and aeronautical charts are made and the undertaker must send a copy of such notifications to the MMO within five days of the notification.

(11) In case of damage to, or destruction or decay of, the authorised scheme or any part thereof, excluding the exposure of cables, the undertaker must as soon as reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify the MMO, the MMO Local Office, MCA, Trinity House, the Kingfisher Information Service of Seafish and UKHO.

(12) In case of the exposure of cables on or above the seabed, the undertaker must within three days following identification of a potential cable exposure, notify mariners and inform the Kingfisher Information Service of Seafish of the location and extent of exposure. Copies of all notices must be provided to the MMO, MCA, Trinity House, and UKHO within five days.

(13) The undertaker must notify the MMO in writing a minimum of five days in advance of the commencement of each discrete incident of cable repair, replacement, or protection replenishment activity. Such a notification must include proposed timings and a description of proposed methodologies.

(14) The undertaker must ensure that the MMO, the MMO Local Office, local mariners, local fishermen's organisations and the Source Data Receipt Team at the UK Hydrographic Office, Taunton, Somerset, TA1 2DN (sdr@ukho.gov.uk) are notified within five days of completion of each instance of cable repair, replacement or protection replenishment activity.

Aids to navigation

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

(a) notice of commencement of construction of the authorised scheme 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 five days of completion of construction of the authorised scheme.

(3) The undertaker must provide reports to Trinity House on the availability of aids to navigation in accordance with the frequencies set out in the aids to navigation management plan agreed pursuant to condition 24(1)(f) using the reporting system provided by Trinity House.

(4) The undertaker must during the period from commencement of the licensed activities to completion of decommissioning of the authorised scheme 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 possible and no later than 24 hours following the undertaker becoming aware of any such failure.

(5) In the event that the provisions of condition 18(11) or condition 18(12) are invoked, the undertaker must lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as directed by Trinity House.

Colouring of Structures

20.—(1) Except as otherwise required by Trinity House the undertaker must colour all structures forming part of the authorised scheme yellow (colour code RAL 1023) from at least HAT to a height directed by Trinity House or must colour the structure as directed by Trinity House in writing from time to time.

(2) Subject to sub-paragraph (1) above, unless the MMO otherwise directs in writing, the undertaker must paint the remainder of the structures submarine grey (colour code RAL 7035).

Aviation safety

21.—(1) The undertaker must exhibit such lights, with such shape, colour and character as are required in writing by the Air Navigation Order 2016(**a**) (with any reference to the territorial sea being read as a reference to the Renewable Energy Zone established under section 84 of the 2004 Act) and determined necessary for aviation safety in consultation with the Defence Infrastructure Organisation Safeguarding and as directed by the Civil Aviation Authority.

(2) The undertaker must notify the Defence Infrastructure Organisation Safeguarding, the Civil Aviation Authority and the MMO, as soon as reasonably practicable and at least 14 days prior to the commencement of the authorised scheme, in writing of the following information—

(a) the date of the commencement of construction of the authorised scheme;

(b) the date any wind turbine generators are to be installed;

(c) the maximum height of any construction equipment or vessels to be used;

(d) the maximum height of each wind turbine generator to be constructed;

(e) the latitude and longitude of each wind turbine generator to be constructed;

and the Defence Infrastructure Organisation Safeguarding and the Civil Aviation Authority must be notified of any changes to the information supplied under this paragraph and of the completion of the construction of the authorised scheme. Copies of notifications must be provided to the MMO within 5 days.

Chemicals, drilling and debris

22.—(1) The undertaker must ensure that any coatings and treatments are suitable for use in the marine environment and are used in accordance with any guidelines approved by the Health and Safety Executive and the Environment Agency.

(2) The storage, handling, transport and use of fuels, lubricants, chemicals and other substances must be undertaken to prevent releases into the marine environment, including bunding of 110 percent of the total volume of all reservoirs and containers.

(3) The undertaker must inform the MMO in writing of the location and quantities of material disposed of each month under this licence by submission of a disposal return by 15 February each year for the months August to January inclusive, and by 15 August each year for the months February to July inclusive and must provide a null return if no activity has taken place during the reporting period.

(a) S.I. 2016/765.

(4) The undertaker must ensure that only inert material of natural origin, produced during the drilling installation of or seabed preparation for foundations, and drilling mud is disposed of within the Order limits seaward of MHWS.

(5) The undertaker must ensure that any rock material used in the construction of the authorised scheme is from a recognised source, free from contaminants and containing minimal fines.

(6) In the event that any rock material used in the construction of the authorised scheme is misplaced or lost below MHWS, the undertaker must report the loss in writing to the local enforcement office within 24 hours and if the MMO, in consultation with the MCA and Trinity House, reasonably considers such material to constitute a navigation or environmental hazard (dependent on the size and nature of the material) the undertaker must, in that event, demonstrate to the MMO that reasonable attempts have been made to locate, remove or move any such material.

(7) The undertaker must ensure that no waste concrete slurry or wash water from concrete or cement works are discharged into the marine environment. Concrete and cement mixing and washing areas must be contained to prevent run off entering the water through the freeing ports.

(8) The undertaker must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO Marine Pollution Response Team in accordance with the marine pollution contingency plan agreed under condition 24(1)(d)(i).

(9) Debris or dropped objects which are considered a danger or hazard to navigation must be reported as soon as reasonably practicable but no later than six hours from the undertaker becoming aware of an incident, to the relevant HM Coastguard Maritime Rescue Co-ordination Centre by telephone (0344 382 0580), and the UK Hydrographic Office email: navwarnings@btconnect.com.

(10) All dropped objects including those in sub-paragraph (9) must be reported to the MMO using the Dropped Object Procedure Form (including any updated form as provided by the MMO) as soon as reasonably practicable and in any event within 24 hours of the undertaker becoming aware of an incident, unless otherwise agreed in writing with the MMO.

(11) On receipt of notification or 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 marine environment at the undertaker’s expense if reasonable to do so.

Force majeure

23. If, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit the authorised deposits within or outside of the Order limits because the safety of human life or of the vessel is threatened, within 48 hours the undertaker must notify full details of the circumstances of the deposit to the MMO.

Pre-construction plans and documentation

24.—(1) The licensed activities or any phase of those activities must not commence until the following (insofar as relevant to that activity or phase of activity) have been submitted to and approved in writing by the MMO, in consultation with Trinity House, the MCA, the relevant statutory nature conservation body and UKHO as appropriate—

(a) a layout plan setting out proposed details of the authorised scheme, including the—

(i) number, dimensions, specification, foundation type(s) and depth for each wind turbine generator and offshore accommodation platform;

(ii) the grid coordinates of the centre point of the proposed location for each wind turbine generator and offshore accommodation platform;

(iii) proposed layout of all cables;

(iv) location and specification of all other aspects of the authorised scheme; and

(v) any exclusion zones or micro-siting requirements identified pursuant to sub-paragraph 24(1)(e)(iv) or relating to any habitats of principal importance, Annex I subtidal habitats or surficial deposits of glacial till identified as part of surveys undertaken in accordance with condition 29;

to ensure conformity with the description of Work No. 1A and 4A and compliance with conditions 10 to 14;

(b) a construction programme and monitoring plan (which accords with the in principle monitoring plan) which, save in respect information submitted pursuant to sub-paragraph (b)(iii)(aa), is to be submitted to the MMO at least six months prior to commencement of licensed activities and to include details of—

(i) the proposed construction start date;

(ii) proposed timings for mobilisation of plant delivery of materials and installation works;

(iii) proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction surveys and monitoring and related reporting in accordance with conditions 29, 30 and 31 to be submitted to the MMO in accordance with the following (unless otherwise agreed in writing with the MMO)—

(aa) at least six months prior to the first survey, detail of the pre-construction surveys and an outline of all proposed pre-construction monitoring;

(bb) at least six months prior to construction, detail on construction monitoring; and

(cc) at least six months prior to commissioning, detail of post-construction (and operational) monitoring;

(iv) an indicative written construction programme for all wind turbine generators and cables including fibre optic cables comprised in the works at Part 1 (licensed marine activities) of this Schedule (insofar as not shown in paragraph (ii) above); and

(v) a monitoring plan for each topic identified, unless otherwise agreed in writing with the MMO setting out the circumstances in which monitoring will be required and the monitoring to be carried out in such circumstances;

(c) a construction method statement (in accordance with the cable statement), including details of—

(i) cable burial, specification, installation and monitoring to include—

(aa) the technical specification of cables below MHWS;

(bb) a detailed cable laying plan for the authorised scheme, incorporating a detailed burial risk assessment encompassing the identification of any cable protection that exceeds 5 percent of navigable depth referenced to Chart Datum;

(cc) in the event that any area of cable protection exceeding 5 percent of navigable depth is identified, details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised, or similar such assessment to ascertain suitable burial depths and cable laying techniques, including cable protection; and

(dd) proposals for monitoring cables including cable protection until the authorised scheme is decommissioned which includes a risk-based approach to the management of unburied or shallow buried cables;

(ii) a scour protection plan (in accordance with the outline scour protection plan) including details of scour protection and cable protection including details of the need, type, sources, quantity and installation methods for scour protection and cable protection, with details updated and resubmitted for approval if changes to it are proposed following cable laying operations;

(iii) foundation installation methodology, including drilling methods and disposal of drill arisings and material extracted during seabed preparation for foundation and cable installation works and having regard to any mitigation scheme pursuant to sub-paragraph (1)(g);

(iv) advisory safe passing distances for vessels around sites where the licensed activities are taking place.

(v) contractors;

(vi) vessels and vessel transit corridors;

(vii) associated ancillary works; and

(viii) guard vessels to be employed;

(d) a project environmental management plan (in accordance with the outline project environmental management plan) covering the period of construction and operation 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 of the authorised scheme in relation to all activities carried out;

(ii) a chemical risk assessment, including information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance and standards;

(iii) waste management and disposal arrangements;

(iv) the appointment and responsibilities of a fisheries liaison officer;

(v) a fisheries liaison and coexistence plan (which accords with the outline fisheries liaison and co-existence plan) to ensure relevant fishing fleets are notified of commencement of licensed activities pursuant to condition 18 and to address the interaction of the licensed activities with fishing activities;

(vi) a code of conduct for vessel operators to reduce risk of injury to mammals; and

(vii) procedures, which must be adopted within vessel transit corridors to minimise disturbance to red-throated diver during the period 1 November to 31 March (inclusive), which must be in accordance with the best practice protocol for minimising disturbance to red-throated diver;

(e) an archaeological written scheme of investigation in relation to the offshore Order limits seaward of MHWS, which must accord with the outline written scheme of investigation (offshore) and industry good practice, in consultation with the statutory historic body to include—

(i) details of responsibilities of the undertaker, archaeological consultant and contractor;

(ii) a methodology for further site investigation including any specifications for geophysical, geotechnical and diver or remotely operated vehicle investigations;

(iii) archaeological analysis of survey data, and timetable for reporting, which is to be submitted to the MMO within four months of any survey being completed;

(iv) delivery of any mitigation including, where necessary, identification and modification of archaeological exclusion zones;

(v) monitoring of archaeological exclusion zones during and post construction;

(vi) a requirement for the undertaker to ensure that a copy of any agreed archaeological report is deposited with the Archaeological Data Service, by submitting an OASIS (‘Online Access to the Index of archaeological investigations’) form with a digital copy of the report within six months of completion of construction of the authorised scheme, and to notify the MMO and Historic England that the OASIS form has been submitted to the Archaeological Data Service within two weeks of submission;

(vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme; and

(viii) a timetable for all further site investigations, which must allow sufficient opportunity to establish a full understanding of the historic environment within the offshore Order limits and the approval of any necessary mitigation required as a result of the further site investigations prior to commencement of licensed activities;

(f) an aids to navigation management plan to be agreed in writing by the MMO following consultation with Trinity House, the MCA, the Civil Aviation Authority and UKHO specifying how the undertaker will ensure compliance with condition 19 from the commencement of construction of the authorised scheme to the completion of decommissioning;

(g) in the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol (in accordance with the outline marine mammal mitigation protocol), the intention of which is to prevent injury to marine mammals, following current best practice as advised by the relevant statutory nature conservation bodies and which must include details of noise reduction methods through project design (primary measures) and/or, deployment of noise mitigation systems or noise abatement systems (secondary measures) that will be utilised to manage sounds from those piling activities and such protocol must include full details and justification for the mitigation chosen or excluded for deployment;

(h) a navigation management plan to manage crew transfer vessels (including daughter craft) during the construction and operation of the authorised scheme;

(i) a final cable statement (in accordance with the cable statement); and

(j) a site specific chemical risk assessment, which must be submitted no later than ten weeks prior to use of the relevant chemical, for all chemicals (with the exception of chemicals present on the OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk to the Environment) that have a pathway to the marine environment used for the marine licensed activities, outside the course of normal navigation, to include—

(i) the function of the chemical,

(ii) the quantities being used and the frequency of use; and

(iii) the physical, chemical, and ecotoxicological properties of the chemical.

(2) Pre-commencement surveys and archaeological investigations and pre-commencement material operations which involve intrusive seabed works must only take place in accordance with a specific outline written scheme of investigation (which must accord with the details set out in the outline written scheme of investigation (offshore)) which has been submitted to and approved by the MMO.

(3) Any sediment removed from within the Dogger Bank Special Area of Conservation during construction of the authorised scheme must be disposed of within that part of the Dogger Bank Special Area of Conservation which falls within the Order limits.

(4) In the event that driven or part-driven pile foundations are proposed to be used, the hammer energy used to drive or part-drive monopile foundations must not exceed 6,000kJ and the hammer energy used to drive or part-drive pin pile foundations must not exceed 3,000kJ.

(5) The maximum number of main vessels engaged at any time in activities related to piling for the licensed activities when combined with the number of main vessels engaged in piling activities authorised by the licences granted under Schedules 11 to 13 must not exceed 2 vessels.

(6) The number of piled foundations installed within a 24-hour period when combined with the number of piled foundations installed pursuant to the licences granted under Schedules 11 to 13 of the Order within the same 24-hour period must not exceed—

(a) 4 monopile foundations;

(b) 8 pin pile foundations;

(c) 3 monopile foundations and 2 pin pile foundations;

(d) 2 monopile foundations and 4 pin pile foundations; or

(e) 1 monopile foundation and 6 pin pile foundations.

(7) The number of piled foundations installed concurrently when combined with the number of piled foundations installed concurrently pursuant to the licences granted under Schedules 11 to 13 must not exceed—

(a) where only monopile foundations are being installed concurrently, 2 monopile foundations;

(b) where only pin pile foundations are being installed concurrently, 2 pin pile foundations; and

(c) where a combination of monopile foundations and pin pile foundations are being installed concurrently, 1 monopile foundation and 1 pin pile foundation.

(8) In sub-paragraphs 24(1)(d)(ii) and 24(1(j) above—

"pathway to the marine environment" means open systems or closed systems that required top up;

"chemicals" comprise both substances and preparations;

"preparation" means a mixture or solution composed of two or more substances; and

"substance" means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition.

Site Integrity Plan

25.—(1) No piling activities can take place until a Site Integrity Plan ("SIP"), which accords with the principles set out in the in principle Site Integrity Plan for the Southern North Sea Special Area of Conservation, has been submitted to, and approved in writing, by the MMO in consultation with the relevant statutory nature conservation body.

(2) The SIP submitted for approval must contain a description of the conservation objectives for the Southern North Sea Special Area of Conservation ("SNS SAC") as well as any relevant management measures and it must set out the key statutory nature conservation body advice on activities within the SNS SAC relating to piling as set out within the JNCC Guidance and how this has been considered in the context of the authorised scheme.

(3) The SIP must be submitted in writing to the MMO no later than six months prior to the commencement of piling activities.

(4) In approving the SIP the MMO must be satisfied that the authorised scheme at the preconstruction stage, in-combination with other plans and projects, is in line with the JNCC Guidance.

(5) 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, in-combination with other plans or projects at the pre-construction stage, is in line with the JNCC Guidance.

Approval of programmes, statements etc.

26.—(1) Each programme, statement, plan, protocol or scheme required to be approved under condition 24 must be submitted in writing for approval at least six months prior to the intended commencement of licensed activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.

(2) The MMO must determine an application for approval made under conditions 24 and 25 within a period of six months commencing on the date the application is received by the MMO, unless otherwise agreed in writing with the undertaker.

(3) The licensed activities must be carried out in accordance with the plans, protocols, statements, schemes and details approved under conditions 24 and 25, unless otherwise agreed in writing by the MMO.

Offshore safety management

27. Any part of the authorised scheme must not be commenced 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 scheme contained within MGN654 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" (or any equivalent guidance that replaces or supersedes it) and its annexes.

Reporting of engaged agents, contractors and vessels

28.—(1) The undertaker must provide the following information in writing to the MMO—

(a) the name, function, company number (if applicable), registered or head office address (as appropriate) of any agent or contractor appointed to engage in the licensed activities within seven days of appointment; and

(b) each week during the construction of the authorised scheme a completed Hydrographic Note H102 listing the vessels currently and to be used in relation to the licensed activities.

(2) The undertaker must notify the MMO in writing of any vessel being used to carry on any licensed activity listed in this licence on behalf of the undertaker. Such notification must be received by the MMO no less than 24 hours before the commencement of the licensed activity. Notification must include the master's name, vessel type, vessel IMO number and vessel owner or operating company

(3) Any changes to the supplied details must be notified to the MMO in writing at least 24 hours before the agent, contractor or vessel engages in the licensed activities.

Pre-construction monitoring and surveys

29.—(1) The undertaker must, in discharging condition 24(1)(b), submit a monitoring plan or plans in accordance with the in principle monitoring plan for written approval by the MMO in consultation with the relevant statutory nature conservation body, which must contain details of proposed monitoring and surveys, including methodologies and timings, and a proposed format and content for a pre-construction baseline report.

(2) The survey proposals submitted under sub-paragraph (1) must be in 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 post-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.

(3) The baseline report proposals submitted under sub-paragraph (1) must ensure that the outcome of the agreed surveys, together with existing data and reports, are drawn together to present a valid statement of the pre-construction position, with any limitations, and must make clear what post-construction comparison is intended and the justification for this being required.

(4) The pre-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed in writing with the MMO, include, but not be limited to, the need to undertake—

(a) a survey to determine the location, extent and composition of any habitats of principal importance, Annex I subtidal habitat, habitat with suitability for sandeel or surficial deposits of glacial till in the parts of the Order limits in which it is proposed to carry out construction works;

(b) a swath-bathymetry survey to IHO Order 1a standard that meets the requirements of MGN654 and its annexes, and side scan sonar, of the area(s) within the Order limits in which it is proposed to carry out construction works including an appropriate buffer around the location of each work;

(c) undertake any monitoring required by the SIP submitted in accordance with condition 25;

(d) undertake or contribute to any marine mammal monitoring referred to in the marine mammal mitigation protocol submitted in accordance with condition 24(1)(g);

(e) any marine mammal monitoring required by the monitoring plan submitted in accordance with condition 24(1)(b), including information on indirect effects;

(f) any sandeel monitoring required by the monitoring plan submitted in accordance with condition 24(1)(b), including information on indirect effects;

(g) any benthic monitoring required by the monitoring plan submitted in accordance with condition 24(1)(b); and

(h) any marine processes monitoring required by the monitoring plan submitted in accordance with condition 24(1)(b).

(5) The undertaker must carry out the surveys specified within the monitoring plan or plans in accordance with that plan or plans, unless otherwise agreed in writing by the MMO in consultation with the relevant statutory nature conservation body.

(6) When any surveys are carried out in accordance with sub-paragraph (5) a survey report must be submitted to the MMO following completion of the relevant survey. Any report submitted under this sub-paragraph must be submitted prior to the commencement of licensed activities for the relevant stage.

(7) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, unless otherwise agreed in writing by the MMO.

Construction monitoring and surveys

30.—(1) The undertaker must, in discharging condition 24(1)(b), for each phase of construction submit details (which accord with the in principle monitoring plan) for approval in writing by the MMO in consultation with the relevant statutory nature conservation bodies of any proposed monitoring and surveys, including methodologies and timings, to be carried out during the construction of the authorised scheme. The survey proposals 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.

(2) In the event that driven or part-driven pile foundations are proposed, such monitoring must include measurements of noise generated by the installation of the first four piled foundations of each piled foundation type to be installed unless the MMO otherwise agrees in writing.

(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 in writing with the MMO in consultation with the relevant statutory nature conservation bodies.

(4) The results of the initial noise measurements monitored in accordance with sub-paragraph (2) must be provided to the MMO within six weeks of the installation of the first four piled foundations. The assessment of this report by the MMO will determine whether any further noise monitoring is required. If, in the reasonable opinion of the MMO in consultation with the relevant

statutory nature conservation body, the assessment shows significantly different impacts to those assessed in the environmental statement or failures in mitigation, all piling activity must cease until an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed.

(5) The undertaker must carry out the surveys specified in the construction monitoring plan in accordance with that plan, including any further noise monitoring required in writing by the MMO under sub-paragraph (4), unless otherwise agreed in writing by the MMO in consultation with the relevant statutory nature conservation body.

(6) Construction monitoring must include vessel traffic monitoring in accordance with the outline vessel traffic monitoring plan, including the provision of reports on the results of that monitoring by automatic identification system at the end of each year of the construction period to the MMO, MCA and Trinity House.

(7) In the event that piled foundations are proposed to be used, the details submitted in accordance with the marine mammal mitigation protocol must include proposals for monitoring marine mammals.

(8) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, unless otherwise agreed in writing by the MMO.

Post-construction monitoring and surveys

31.—(1) The undertaker must, in discharging condition 24(1)(b), submit details (which accord with the in principle monitoring plan) for approval in writing by the MMO in consultation with relevant statutory nature conservation bodies of proposed post-construction monitoring and surveys, including methodologies and timings, and a proposed format, content and timings for providing reports on the results.

(2) The survey proposals 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.

(3) The post-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed in writing with the MMO, have due regard to, but not be limited to, the need to—

(a) undertake a survey to determine any change in the location, extent and composition of any habitats of principal importance, Annex I subtidal habitat, habitat with suitability for sandeel or surficial deposits of glacial till identified in the pre-construction survey in the parts of the Order limits in which construction works were carried out. The survey design must be informed by the results of the pre-construction benthic survey and the construction benthic surveys;

(b) undertake, within 12 months of completion of the licensed activities, a full sea floor coverage swath-bathymetry survey to IHO Order 1a standard that meets the requirements of MGN654 and its annexes, and side scan sonar, of the area(s) within the Order limits in which construction works were carried out to assess any changes in bedform topography and such further monitoring or assessment as may be agreed to ensure that cables (including fibre optic cables) have been buried or protected;

(c) undertake any monitoring required by the SIP submitted in accordance with condition 25;

(d) undertake post-construction vessel traffic monitoring in accordance with the outline vessel traffic monitoring plan by automatic identification system for a duration of three consecutive years following the completion of construction of the authorised project, unless otherwise agreed in writing by the MMO, with provision for a report to be submitted annually to the MMO, Trinity House and the MCA;

(e) undertake any marine mammal monitoring referred to in the marine mammal mitigation protocol submitted in accordance with condition 24(1)(g);

(f) undertake any marine mammal monitoring required by the monitoring plan submitted in accordance with condition 24(1)(b);

(g) undertake any sandeel monitoring required by the monitoring plan submitted in accordance with condition 24(1)(b);

(h) undertake any benthic monitoring required by the monitoring plan submitted in accordance with condition 24(1)(b); and

(i) undertake any marine processes monitoring required by the monitoring plan submitted in accordance with condition 24(1)(b).

(4) The undertaker must carry out the surveys agreed under sub-paragraph (1) and provide the agreed reports to the MMO 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 bodies.

(5) In the event that the reports provided to the MMO under sub-paragraph (4) identify a need for additional monitoring, the requirement for any additional monitoring will be agreed with the MMO in writing and implemented as agreed.

(6) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, unless otherwise agreed in writing by the MMO.

Reporting of scour and cable protection

32.—(1) No more than four months following completion of the construction of the authorised scheme, the undertaker must provide the MMO and the relevant statutory nature conservation bodies with a report setting out details of the cable protection and scour protection used for the authorised scheme.

(2) The report must include the following information—

(a) the location of cable protection and scour protection;

(b) the volume of cable protection and scour protection; and

(c) any other information relating to the cable protection and scour protection as agreed between the MMO and the undertaker.

(3) Where any cable protection or scour protection is replenished following completion of construction the undertaker must submit an updated report in accordance with sub-paragraph (2) in writing to the MMO and the relevant statutory nature conservation bodies no more than four months following completion of the relevant replenishment being deposited.

Completion of construction

33.—(1) The undertaker must submit a close out report to the MMO, the MCA, Trinity House, UKHO and the relevant statutory nature conservation body within three months of the date of completion of construction. The close out report must confirm the date of completion of construction and must include the following details—

(a) the final number of installed wind turbine generators;

(b) the installed wind turbine generator parameters;

(c) as built plans;

(d) latitude and longitude coordinates of the centre point of the location for each wind turbine generator and offshore accommodation platform, provided as Geographical Information System data referenced to WGS84 datum; and

(e) latitude and longitude coordinates of the array cables, provided as Geographical Information System data referenced to WGS84 datum.

(2) Following completion of construction, no further construction activities can be undertaken under this licence.

Collaboration

34.—(1) Prior to submission of plans and documentation required to be submitted to the MMO for approval in accordance with conditions 24 and 25, the undertaker must provide a copy of the relevant plans and documentation to DBSWL and allow a reasonable period of time to enable DBSWL to provide any comments on the plans and documentation to the undertaker.

(2) The plans and documentation submitted to the MMO for approval in accordance with conditions 24 and 25 must be accompanied by any comments received by the undertaker from DBSWL in accordance with sub-paragraph (1) or a statement from the undertaker confirming that no such comments were received.

Reporting of impact pile driving

35.—(1) In the event that driven or part–driven pile foundations are proposed to be used as part of the foundation installation the undertaker must provide the following information to the Marine Noise Registry—

(a) no less than six months prior to the commencement of each phase of construction of the licensed activities, information on the expected location, start and end dates of impact pile driving to satisfy the Marine Noise Registry's Forward Look requirements;

(b) within two weeks after commencement of each phase of construction of the licensed activities, information on the location, start and end dates of impact pile driving to satisfy the Marine Noise Registry's Forward Look requirements; and

(c) at six-month intervals following the commencement of pile driving, information on the locations and dates of impact pile driving to satisfy the Marine Noise Registry's Close Out requirements by 7 April for winter season October to March inclusive and 7 October for summer season April to September inclusive or within 12 weeks of completion of impact pile driving whichever is earlier.

(2) The undertaker must notify the MMO in writing of the successful submission of Forward Look or Close Out data pursuant to paragraph (1) above within seven days of the submission.

(3) For the purpose of this condition, "Forward Look" and "Close Out" mean the requirements as set out in the UK Marine Noise Registry Information Document Version 1 (July 2015) as amended, updated, or superseded from time to time.

Maintenance reporting

36.—(1) An annual maintenance report must be submitted to the MMO in writing within one month following the first anniversary of the date of commencement of operations, and every year thereafter until the permanent cessation of operation.

(2) The report must provide a record of the licensed activities undertaken as set out in condition 16 during the preceding year, the timing of activities and methodologies used.

(3) Every fifth year, the undertaker must submit to the MMO in writing, within one month of that date, a consolidated maintenance report, which will—

(a) include a review of licensed activities undertaken during the preceding five years with reference to the reports submitted in accordance with condition 36(1) of this licence;

(b) reconfirm the applicability of the methodologies and frequencies of the licensable activities permitted by this licence for the remaining duration of this licence.

Sediment Sampling

37.—(1) The undertaker must submit a sample plan request in writing to the MMO for written approval of a sample plan.

(2) The sample plan request must be made—

(a) for capital dredging, at least six months prior to the commencement of any capital dredging; or

(b) for maintenance dredging, at least six months prior to the end of every third year from the date of the previous sediment sample analysis.

(3) The sample plan request must include details of—

(a) the volume of material to be dredged;

(b) the location of the area to be dredged;

(c) details of the material type proposed for dredging;

(d) the type and dredging methodology (including whether it is a capital or maintenance dredge, depth of material to be dredged and proposed programme for the dredging activities); and

(e) the location and depth of any supporting samples.

(4) Unless otherwise agreed by the MMO, the undertaker must undertake the sampling in accordance with the approved sample plan.

Ornithological monitoring

38.—(1) The licensed activities or any phase of those activities must not commence until an ornithological monitoring plan in accordance with condition 24(1)(b) including any information on indirect effects, setting out the circumstances in which ornithological monitoring will be required and the monitoring to be carried out in such circumstances has been submitted to and approved in writing by the MMO, in consultation with the relevant statutory nature conservation body.

(2) The ornithological monitoring plan must be submitted in writing to the MMO no later than six months prior to the first pre-construction survey.

(3) The undertaker must carry out any monitoring agreed under sub-paragraph (1) and provide the agreed reports to the MMO 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.

(4) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, unless otherwise agreed in writing by the MMO, in consultation with the relevant statutory nature conservation body.

Noise restriction

39.—(1) No piling activity can commence within Work Nos. 1A and 4A during the herring spawning season until a herring spawning piling restriction plan (in accordance with the herring spawning plan) is submitted to and approved in writing by the MMO, in consultation with the relevant statutory nature conservation body.

(2) The herring spawning piling restriction plan must be submitted to the MMO no later than six months prior to the commencement of the relevant activities unless otherwise agreed in writing by the MMO.

(3) The herring spawning piling restriction plan must present updated underwater noise modelling, which must be based on final project parameters to be used to install piles and must include details of any mitigation measures to be employed.

(4) If the updated underwater noise modelling referred to in sub-paragraph (3) above demonstrates that noise levels above 135 decibels from any piling area within Work Nos. 1A and/or 4A will impact either or both of—

(a) the area shoreward of the Herring Spawning Noise Restriction Boundary; or

(b) any area within 38km seaward of MHWS

during the herring spawning season then any piles located within that piling area must not be installed during the herring spawning season without written approval from the MMO.

(5) Any piling activity within Work Nos. 1A and 4A during the herring spawning season must be undertaken in accordance with the approved herring spawning piling restriction plan approved under sub-paragraph (1) or in accordance with any approval given by the MMO under sub-paragraph (4) above.

(6) In this condition—

"Herring Spawning Noise Restriction Boundary" means the boundary indicated by the red line on the herring spawning plan, with the restricted area being the area shoreward of this boundary;

"herring spawning plan" means the document certified by the Secretary of State as the herring spawning plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"herring spawning season" means 21 August to 30 September inclusive or such other period as agreed in writing with the MMO; and

"piling area" means any area within Work Nos. 1A and/or 4A within which one or more piled foundations is proposed to be installed.

SCHEDULE 11

Article 35

Deemed Marine Licence 2: DBS West Project Offshore Generation – Work Nos. 1B, 4B and 7B

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;

"the 2017 Regulations" means the Conservation of Offshore Marine Habitats and Species Regulations 2017;

"Annex I subtidal habitat" means a subtidal habitat of a type listed in Annex I to Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;

"array area" means the area covered by Work No. 1B as shown on the offshore works plan;

"array cable" means a cable linking the wind turbine generators to each other and to the offshore converter platforms;

"authorised deposits" means the substances and articles specified in paragraph 4 of Part 1 of this licence;

"authorised project" means the development and associated development described in Part 1 of Schedule 1 (authorised development) of the Order and any other development authorised by the Order that is development within the meaning of section 32 (meaning of "development") of the 2008 Act;

"authorised scheme" means Work No. 1B, 4B and 7B and the further associated development described in paragraph 3 of Part 1 of this licence or any part of that work or development;

"buoy" means any floating device used for navigational purposes or measurement purposes including LiDAR buoys, wave buoys and guard buoys;

"cable" means any offshore cable and includes direct-lay cables and cables laid in cable ducts and further includes fibre optic and other communications cables either within the cable or laid alongside;

"cable crossing" means the crossing of existing subsea cables and pipelines by the array, inter-platform or export cables authorised by the Order and forming part of the authorised scheme together with physical protection measures including cable protection;

"cable protection" means measures to protect cables forming part of the authorised scheme from physical damage and exposure due to loss of seabed sediment including, but not limited to, rock placement, concrete mattresses with or without frond devices, protective aprons or coverings, bagged solutions filled with sand, rock, grout or other materials and protective shells;

"cable statement" means the document certified by the Secretary of State as the cable statement for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"commence" means the first carrying out of any licensed marine activities authorised by this licence, save for pre-construction monitoring surveys approved under this licence, and "commenced" and "commencement" must be construed accordingly;

"condition" means a condition in Part 2 of this licence;

"DBS East" means the Dogger Bank South East Offshore Wind Farm;

"DBS East Project" means the DBS East Project offshore works and the DBS East Project onshore works;

"DBS East Project offshore works" means Work Nos. 1A to 8A and any other authorised development associated with those works;

"DBS East Project onshore works" means Work Nos. 9A to 34A and any other authorised development associated with those works;

"DBSEL" means RWE Renewables UK Dogger Bank South (East) Limited, company number 13656240, whose registered office is Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, England, SN5 6PB;

"DBS West Project offshore works" means Work Nos. 1B to 8B and any authorised development associated with those works;

"DBS West Project" means the DBS West Project onshore works and the DBS West Project offshore works;

"DBS West Project onshore works" means Work Nos. 9B to 34B and any other authorised development associated with those works;

"DBSWL" means RWE Renewables UK Dogger Bank South (West) Limited, company number 13656525, whose registered office is Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, England, SN5 6PB;

"Defence Infrastructure Organisation Safeguarding" means Ministry of Defence Safeguarding, Defence Infrastructure Organisation, Kingston Road, Sutton Coldfield, West Midlands, B75 7RL and any successor body to its functions;

"disposal ground 2 (DBS West)" means the site to be used for disposal of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and cable sandwave clearance for the DBS West Project offshore works as shown on the Disposal Site Plan and with MMO disposal site reference DG035;

"Disposal Site Plan" means the plan certified by the Secretary of State as the Disposal Site Plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"Dropped Object Procedure Form" means the MMO notification proforma with reference MLDIR1 for reporting the loss or dumping of synthetic materials and other refuse at sea or any other format advised in writing by the MMO;

"environmental statement" means the document certified by the Secretary of State as the environmental statement for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"habitats of principal importance" means a habitat designated as being of principal importance in accordance with section 41 (biodiversity lists and action (England)) of the Natural Environment and Rural Communities Act 2006;

"HAT" means highest astronomical tide;

"HVAC" means high voltage alternating current;

"HVDC" means high voltage direct current;

"IHO Order 1a standard" means order 1a from the sixth edition of the International Hydrographic Organisation's Standards for Hydrographic Surveys as updated or amended from time to time;

"in principle monitoring plan" means the document certified by the Secretary of State as the in principle monitoring plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"in principle Site Integrity Plan for the Southern North Sea Special Area of Conservation" means the document certified by the Secretary of State as the in principle Site Integrity Plan for the Southern North Sea Special Area of Conservation for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"inter-platform cable" means a cable linking the offshore converter platforms;

"intrusive activities" means activities including anchoring of vessels, jacking up of vessels, and temporary wet storage areas;

"jacket foundation" means a lattice type structure constructed of steel which is fixed to the seabed at 3 or more points with steel pin piles and associated equipment including scour protection, J-tubes, corrosion protection systems and access platforms;

"JNCC Guidance" means the statutory nature conservation body 'Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs' Joint Nature Conservation Committee Report No.654, May 2020 published in June 2020 as amended, updated or superseded from time to time;

"LAT" means lowest astronomical tide;

"maintain" includes inspect, upkeep, repair, adjust, alter, remove, reconstruct and replace (including replenishment of cable protection), but does not include the removal, reconstruction or replacement of foundations associated with the authorised scheme, to the extent assessed in the environmental statement; and "maintenance" must be construed accordingly;

"Marine Management Organisation" means the body created under the 2009 Act which is responsible for the regulation of this licence or any successor of that function and "MMO" must be construed accordingly;

"Marine Noise Registry" means the database developed and maintained by JNCC on behalf of Defra to record the spatial and temporal distribution of impulsive noise generating activities in UK seas;

"MCA" means the Maritime and Coastguard Agency, the executive agency of the Department for Transport;

"MCMS" means the Marine Case Management System web portal provided and operated by the MMO;

"mean sea level" means the average level of the sea surface over a period of time, taking account of all tidal effects and surge events;

"MHWS" or "mean high water springs" means the average throughout the year of two successive high waters during a 24-hour period in each month when the range of the tide is at its greatest (Spring tides);

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

"monopile foundation" means a steel pile driven or drilled into the seabed and associated equipment including scour protection, J-tubes, corrosion protection systems and access platforms and equipment;

"offshore accommodation platform" means a structure above LAT and attached to the seabed by means of a foundation, with one or more decks and open with modular equipment or fully clad and may include a helicopter platform, containing accommodation, storage, workshop auxiliary equipment and facilities for operating, maintaining and controlling the offshore converters or wind turbine generators, including but not limited to navigation, aviation and safety marking and lighting, systems for vessel access and retrieval, cranes, potable water supply, black water separation, stores, fuels and spares, communications systems and control hub facilities;

"offshore converter platform" means an offshore converter platform with equipment to convert the HVAC power generated at the wind turbine generators into HVDC power, being a structure above LAT and attached to the seabed by means of a foundation, with one or more decks and open with modular equipment or fully clad and may include a helicopter platform, containing electrical equipment required to switch, transform, convert electricity generated at the wind turbine generators to a higher voltage and provide reactive power compensation, including but not limited to high voltage power transformers, high voltage switchgear and busbars, substation auxiliary systems and low voltage distribution, instrumentation, metering equipment and control systems, standby generators, shunt reactors, auxiliary and uninterruptible power supply systems, facilities to support operations and maintenance;

"offshore order limits and grid coordinates plan" means the plan certified by the Secretary of State as the offshore order limits and grid coordinates plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"Order" means Dogger Bank South East and West Offshore Wind Farms Order 2026;

"Order limits" means the limits shown on the offshore order limits and grid coordinates plans within which the authorised scheme may be carried out and the grid coordinates for Work Nos. 1B, 4B and 7B are set out in paragraph 5 of Part 1 of this licence;

"outline fisheries liaison and co-existence plan" means the document certified by the Secretary of State as the outline fisheries liaison and co-existence plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"outline marine mammal mitigation protocol" means the document certified by the Secretary of State as the outline marine mammal mitigation protocol for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"outline offshore operations and maintenance plan" means the document certified by the Secretary of State as the outline offshore operations and maintenance plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"outline project environmental management plan" means the document certified by the Secretary of State as the outline project environmental management plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"outline scour protection plan" means the document certified by the Secretary of State as the outline scour protection plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"outline vessel traffic monitoring plan" means the document certified by the Secretary of State as the outline vessel traffic monitoring plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"outline written scheme of investigation (offshore)" means the document certified by the Secretary of State as the outline written scheme of investigation (offshore) for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"scour protection" means measures to prevent loss of seabed sediment around any structure placed in or on the seabed including by the use of bagged solutions, filled with grout or other materials, protective aprons, concrete mattresses with or without frond devices, and rock and gravel placement;

"statutory historic body" means Historic England or its successor in function;

"statutory nature conservation body" means a statutory nature conservation body, being the appropriate nature conservation body as defined in Regulation 5 of the Conservation of Habitats and Species Regulations 2017(**a**) or its equivalent in the Conservation of Offshore Marine Habitats and Species Regulations 2017(**b**);

"transition piece" means a metal structure attached to the top of a foundation where the base of a wind turbine generator is connected and includes additional equipment such as J-tubes, corrosion protection systems, boat access systems, access platforms, craneage, electrical transmission equipment and associated equipment;

"Trinity House" means the Corporation of Trinity House of Deptford Strond;

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

"undertaker" means DBSWL;

"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" means a structure comprising a tower, a rotor with three 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 and forming part of the authorised scheme;

"works plans" means the works plans (offshore) and the works plans (onshore);

"works plans (offshore)" means the plans certified by the Secretary of State as the works plans (offshore) for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"works plans (onshore)" means the plans certified by the Secretary of State as the works plans (onshore) for the purposes of the Order under article 42; and (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified).

(2) In this licence, a reference to any statute, order, regulation or similar instrument is a reference to a statute, order, regulation or instrument as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.

(3) In this licence, unless otherwise indicated—

(a) all times are Greenwich Mean Time;

(b) all coordinates are latitude and longitude degrees and minutes to two decimal places.

(4) Unless otherwise stated or agreed with the MMO, all submissions, notifications and communications must be sent by the undertaker to the MMO using MCMS. Except where otherwise notified in writing by the relevant organisation, the addresses for correspondence for the purposes of this licence are—

(a) Historic England

37 Tanner Road

York

YO1 6WP

(b) Marine Management Organisation

Marine Licensing Team

(a) S.I. 2017/1012.
(b) S.I. 2017/1013.

Tyneside House
Skinnerburn Road
Newcastle upon Tyne
NE4 7AR
Tel: 0300 123 1032

(c) Marine Management Organisation (local office)
Room 13, Ground Flood
Crosskill House
Mill Lane
Beverley
HU17 9JB
Tel: 0208 026 0519

(d) Maritime and Coastguard Agency
UK Technical Services Navigation
Spring Place
105 Commercial Road
Southampton
SO15 1EG
Tel: 020 3817 2433
Email: navigationsafety@mcga.gov.uk

(e) Natural England
Foss House
Kings Pool
1-2 Peasholme Green
York
YO1 7PX
Tel: 0300 060 4911

(f) Trinity House
Tower Hill
London
EC3N 4DH
Tel: 020 7481 6900

(g) United Kingdom Hydrographic Office
Admiralty Way
Taunton
Somerset
TA1 2DN
Tel: 01823 337 900

(5) Unless otherwise advised in writing by the MMO, the address for electronic communication with the MMO for the purposes of this licence is marine.consents@marinemanagement.org.uk, or where contact to the Local Office of the MMO is required, beverley@marinemanagement.org.uk.

Details of licensed marine activities

2. Subject to the 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) (licensable marine activities) of the 2009 Act—

(a) the deposit at sea within the Order limits seaward of MHWS of the substances and objects specified in paragraph 4 below and, when combined with the disposal authorised within disposal ground 2 (DBS West) by the licences granted under Schedules 13, 14 and 14A of the Order, of up to 2,258,194 cubic metres (being a maximum, not an approximate upper figure) of inert material of natural origin produced during construction drilling or seabed preparation for foundation works, cable works and boulder clearance works at disposal site references to be provided to the MMO within disposal ground 2 (DBS West) and any other disposal sites approved in writing by the MMO;

(b) the construction of works in or over the sea or on or under the sea bed;

(c) dredging for the purposes of seabed preparation for foundation works or cable works;

(d) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation;

(e) boulder clearance works by displacement ploughing or subsea grab technique or any other comparable method;

(f) removal of static fishing equipment; and

(g) site preparation works.

3. Such activities are authorised in relation to the construction, maintenance and operation of—

Work No. 1B—

(a) an offshore wind turbine generating station with a gross electrical output of over 100 megawatts comprising up to 100 wind turbine generators each fixed to the seabed by monopile or jacket foundations; and

(b) a network of HVAC subsea cables connecting the wind turbine generators and Work No. 2B within the area shown on the works plans, including cable crossings and cable protection;

Work No. 4B—

Up to one accommodation platform fixed to the seabed by jacket or monopile foundations within the area shown on the works plans;

Work No. 7B—

A temporary work area associated with Work Nos. 1B to 5B for vessels to carry out intrusive activities and non-intrusive activities alongside Work Nos. 1B to 5B;

In connection with such Work Nos. 1B, 4B and 7B and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised scheme and which fall within the scope of the work assessed by the environmental statement and the provisions of this licence, 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. 1B and 4B and the disposal of inert material of natural origin within the Order limits produced during construction drilling, seabed preparation for foundation works, cable installation preparation such as sandwave clearance, and boulder clearance;

(d) removal of static fishing equipment;

(e) temporary landing places, moorings or other means of accommodating vessels in the construction or maintenance of the authorised scheme;

(f) disposal of drill arisings in connection with any foundation drilling up to a total of 35,086 cubic metres;

(g) creation and use of temporary laydown areas, use of cable lay vessel anchors; and

(h) lighting.

4. The substances and objects authorised for deposit at sea are—

(a) iron, steel, copper and aluminium;

(b) stone and rock;

(c) concrete and grout;

(d) sand and gravel;

(e) cement bound sand;

(f) natural soils;

(g) plastic and synthetic material;

(h) drilling fluid;

(i) material extracted from within the Order limits during construction drilling or seabed preparation for foundation works and cable installation preparation works;

(j) weights used for the calibration of vessels, consisting of a hessian sack, metal shackles or chains; and

(k) marine coatings, other chemicals and timber.

5. The grid coordinates for that part of the authorised scheme comprising Work No. 1B, 4B and 7B are specified below—

Point ID	*Latitude (DMS)*	*Longitude (DMS)*
1	54° 33.7017’ N	1° 20.55955’ E
2	54° 33.84869’ N	1° 20.16118’ E
3	54° 34.09052’ N	1° 19.9387’ E
4	54° 42.68808’ N	1° 19.11958’ E
5	54° 42.89576’ N	1° 19.19192’ E
6	54° 43.00532’ N	1° 19.2987’ E
7	54° 43.10223’ N	1° 19.45603’ E
8	54° 44.18515’ N	1° 21.7125’ E
9	54° 44.28093’ N	1° 22.03856’ E
10	54° 44.30046’ N	1° 22.32068’ E
11	54° 44.26468’ N	1° 22.62418’ E
12	54° 39.02878’ N	1° 44.92686’ E
13	54° 38.84907’ N	1° 45.31024’ E
14	54° 38.57165’ N	1° 45.4825’ E
15	54° 36.48108’ N	1° 44.38088’ E
16	54° 36.3193’ N	1° 44.24208’ E
17	54° 36.19975’ N	1° 44.03507’ E
18	54° 31.81809’ N	1° 33.61066’ E
19	54° 31.68029’ N	1° 33.16936’ E
20	54° 31.68491’ N	1° 32.6914’ E

6. This licence remains in force until the authorised scheme has been decommissioned in accordance with a programme approved by the Secretary of State under section 106 (approval of decommissioning programmes) 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.

7. The provisions of section 72 (variation, suspension, revocation and transfer) of the 2009 Act apply to this licence except that the provisions of section 72(7) and (8) relating to the transfer of the licence apply only to a transfer not falling within article 5 (benefit of the Order) of the Order.

8.—(1) With respect to any condition which requires the licensed activities be carried out in accordance with the details, plans or schemes approved under this licence, the approved details, plans or schemes are taken to include any amendments that may subsequently be approved in writing by the MMO.

(2) Any amendments to or variations from the approved details, plans or schemes must be in accordance with the principles and assessments set out in the environmental statement and approval of an amendment or variation may only be given where it has been demonstrated to the satisfaction of the MMO that it is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

9. Should the undertaker become aware that any of the information on which the granting of this licence was based was materially false or misleading, the undertaker must notify the MMO of this fact in writing as soon as is reasonably practicable. The undertaker must explain in writing what information was materially false or misleading and must provide to the MMO the correct information.

PART 2

Conditions

Design parameters

Wind turbine generators

10.—(1) Subject to sub-paragraph (2), wind turbine generators forming part of the authorised scheme must not—

(a) exceed a height of 376.8 metres when measured from MHWS to the tip of the vertical blade;

(b) exceed a rotor diameter of 344.08 metres;

(c) be less than 830 metres from the nearest wind turbine generator in any direction;

(d) have a distance of less than 34 metres between the lowest point of the rotating blade of the wind turbine generator and mean sea level; or

(e) exceed 100 wind turbine generators.

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

Wind turbine generator foundations

11.—(1) Wind turbine generator foundations must be of one or more of the following foundation options: piled monopile, or piled jacket foundation.

(2) Any wind turbine generator piled monopile foundation must not have a pile diameter exceeding 15 metres.

(3) Any wind turbine generator piled jacket foundation must not have—

(a) more than four legs;

(b) more than four piles; or

(c) a pile diameter exceeding four metres.

(4) Within Work No. 1B, the wind turbine generator foundations must not have—

(a) a total combined seabed footprint (including scour protection) exceeding 311,725 square metres; or

(b) a total combined amount of scour protection exceeding 302,221.21 square metres.

Offshore accommodation platform dimensions

12.—(1) The total number of offshore accommodation platforms in respect of the authorised scheme must not exceed one.

(2) The dimensions of any offshore accommodation platform (excluding helidecks, lightning protection, towers, masts and cranes) must not exceed—

(a) 125 metres in length;

(b) 100 metres in width; or

(c) 105 metres in height above LAT.

Offshore accommodation platform foundations

13.—(1) Offshore accommodation platform foundations must be of one or more of the following foundation options: piled monopile or piled jacket foundation.

(2) The pile diameter of any offshore accommodation platform piled monopile foundation must not exceed 15 metres.

(3) Any offshore accommodation platform piled jacket foundation must not have—

(a) more than eight legs;

(b) more than eight piles; or

(c) a pile diameter exceeding 3.8 metres.

(4) Any offshore accommodation platform foundation must not have—

(a) a seabed footprint (including scour protection) exceeding 5,411 square metres; or

(b) a seabed footprint (excluding scour protection) exceeding 177 square metres.

(5) The total volume of scour protection for wind turbine generators and the offshore accommodation platform must not exceed 548,095 cubic metres.

Cables and cable protection

14.—(1) Within Work No. 1B the array cables must not, in total—

(a) exceed 350 kilometres in length;

(b) exceed 20 cable crossings;

(c) have cable protection (including cable crossings) exceeding 375,800 square metres in area; or

(d) have cable protection (including cable crossings) exceeding 219,115 cubic metres in volume.

(2) The array cables within Work No. 1B which fall within the Dogger Bank Special Area of Conservation must not have cable protection exceeding 10% of the length of such cables, when combined with the offshore export cables, array cables and inter-platform cables authorised by the licences granted under Schedules 10 and 12 to 14A of the Order.

Phases of authorised scheme

15.—(1) The authorised scheme must not commence until an offshore works phasing scheme setting out the phases of construction of the authorised scheme has been submitted to and approved in writing by the MMO.

(2) The authorised scheme must be submitted at least 6 months prior to the proposed commencement of the works.

(3) Any subsequent amendments to the offshore works phasing scheme submitted for approval under sub-paragraph (1) must be submitted to the MMO for approval in writing.

(4) The offshore works phasing scheme submitted for approval under sub-paragraph (1) must be implemented as approved. The approved details shall be taken to include any amendment that may subsequently be approved by the MMO in accordance with sub-paragraph (3).

Maintenance of the authorised scheme

16.—(1) The undertaker may at any time maintain the authorised scheme, except to the extent that this licence or an agreement made under this licence provides otherwise.

(2) Maintenance works include but are not limited to—

(a) routine maintenance of wind turbine generators, offshore accommodation platform, and their respective foundations;

(b) major wind turbine component or offshore accommodation platform replacement;

(c) painting and applying other coatings to wind turbine generators or offshore accommodation platforms;

(d) bird waste and marine growth removal;

(e) surveys/inspections of cables;

(f) cable remedial burial;

(g) cable protection replenishment;

(h) cable repairs and replacement;

(i) access ladder and boat landing replacement;

(j) wind turbine generator and offshore accommodation platform anode replacement; and

(k) J-tube repair/replacement.

(3) Operation of the licensed activities must not commence until an offshore operations and maintenance plan substantially in accordance with the outline offshore operations and maintenance plan has been submitted to and approved in writing by the MMO. The operations and maintenance plan must include, but is not limited to—

(a) a list of maintenance activities within the marine environment that are planned for the lifetime of the licensed activities;

(b) details of the typical construction plant, machinery and personnel requirements for each maintenance activity and any requirements for detailed method statements;

(c) details of the typical frequency and timing of each maintenance activity; and

(d) details of controls and mitigation that will be in place in order to protect the marine environment.

(4) The offshore operations and maintenance plan must be reviewed every three years commencing from the date on which the plan was approved, unless otherwise agreed by the MMO, to ensure the details of the maintenance activities remain accurate. The conclusions of that review must be submitted to and approved by the MMO in writing.

(5) The offshore operations and maintenance plan must be implemented as approved by the MMO.

(6) Unless otherwise agreed in writing with the MMO, the undertaker must submit—

(a) the first offshore operations and maintenance plan at least 6 months prior to the operation of the licensed activities;

(b) any revised offshore operations and maintenance plan submitted in accordance with sub-paragraph (4) at least 6 months before such revised plan is required to be put in place; and

(c) where additional maintenance activities are identified that are not included in the approved offshore operations and maintenance plan, or any revised plan approved in accordance with sub-paragraph (4), an updated offshore operations and maintenance plan including the additional maintenance activities must be submitted to and approved by the MMO in writing as soon as possible after the need for such additional maintenance activities is identified.

Extension of time periods

17. Any time period given in this licence to either the undertaker or the MMO may be extended with the agreement of the other party in writing, such agreement not to be unreasonably withheld or delayed.

Notifications and inspections

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

(a) a copy of this deemed (issued as part of the grant of the Order) and any subsequent amendments or revisions to it is provided to—

(i) all agents and contractors notified to the MMO in accordance with condition 28;

(ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with condition 28;

(b) the undertaker must confirm in writing to the MMO within 28 days of a copy of this licence and any subsequent amendments or revisions to it being provided to the persons listed in sub-paragraph (1)(a) that the required information has been provided.

(2) Only those persons and vessels notified to the MMO in accordance with condition 28 are permitted to carry out the licensed activities.

(3) Copies of this licence must also be available for inspection 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

(c) on board each vessel and at the office of any transport manager with responsibility for vessels from which authorised deposits or removals are to be made.

(4) The documents referred to in sub-paragraph (1)(a) must be available for inspection by an authorised enforcement officer at the locations set out in sub-paragraph (3)(b).

(5) The undertaker must provide access, and if necessary appropriate transportation, to the offshore construction site or any other associated works or vessels to facilitate any inspection that the MMO considers necessary to inspect the works during the construction and operation of the authorised scheme.

(6) The undertaker must inform the MMO Local Office in writing at least fourteen days prior to the commencement of the licensed activities or any part of them and within five days of the completion of the licensed activity.

(7) The undertaker must inform the Kingfisher Information Service of Seafish by email to kingfisher@seafish.co.uk of details of the vessel routes, timings and locations relating to the construction of the authorised scheme or relevant part—

(a) at least 14 days prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data;

(b) as soon as reasonably practicable and no later than 24 hours of completion of the DBS West Project offshore works,

and confirmation of notification must be provided to the MMO within five days.

(8) The undertaker must ensure that a local notification to mariners is issued at least 14 days prior to the commencement of the authorised scheme or any part thereof advising of the start date of each of Work Nos. 1B, 4B and 7B and the expected vessel routes from the construction ports to the relevant location. Copies of all notices must be provided to the MMO, MCA and UKHO within five days.

(9) The undertaker must ensure that local notifications to mariners are updated and reissued at weekly intervals during construction activities and at least five days before any planned operations (unless otherwise agreed in writing by the MMO) and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme and monitoring plan approved under condition 24(1)(b). Copies of all notices must be provided to the MMO, UKHO and the MCA within five days.

(10) The undertaker must notify UKHO and the MCA of the commencement (within ten days), progress and completion of construction (within ten days) of the licensed activities in order that all necessary amendments to nautical and aeronautical charts are made and the undertaker must send a copy of such notifications to the MMO within five days of the notification.

(11) In case of damage to, or destruction or decay of, the authorised scheme or any part thereof, excluding the exposure of cables, the undertaker must as soon as reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify the MMO, the MMO Local Office, MCA, Trinity House, the Kingfisher Information Service of Seafish and UKHO.

(12) In case of the exposure of cables on or above the seabed, the undertaker must within three days following identification of a potential cable exposure, notify mariners and inform the Kingfisher Information Service of Seafish of the location and extent of exposure. Copies of all notices must be provided to the MMO, MCA, Trinity House, and UKHO within five days.

(13) The undertaker must notify the MMO in writing a minimum of five days in advance of the commencement of each discrete incident of cable repair, replacement, or protection replenishment activity. Such a notification must include proposed timings and a description of proposed methodologies.

(14) The undertaker must ensure that the MMO, the MMO Local Office, local mariners, local fishermen's organisations and the Source Data Receipt Team at the UK Hydrographic Office, Taunton, Somerset, TA1 2DN (sdr@ukho.gov.uk) are notified within five days of completion of each instance of cable repair, replacement or protection replenishment activity.

Aids to navigation

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

(a) notice of commencement of construction of the authorised scheme 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 five days of completion of construction of the authorised scheme.

(3) The undertaker must provide reports to Trinity House on the availability of aids to navigation in accordance with the frequencies set out in the aids to navigation management plan agreed pursuant to condition 24(1)(f) using the reporting system provided by Trinity House.

(4) The undertaker must during the period from commencement of the licensed activities to completion of decommissioning of the authorised scheme 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 possible and no later than 24 hours following the undertaker becoming aware of any such failure.

(5) In the event that the provisions of condition 18(11) or condition 18(12) are invoked, the undertaker must lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as directed by Trinity House.

Colouring of Structures

20.—(1) Except as otherwise required by Trinity House the undertaker must colour all structures forming part of the authorised scheme yellow (colour code RAL 1023) from at least HAT to a height directed by Trinity House or must colour the structure as directed by Trinity House in writing from time to time.

(2) Subject to sub-paragraph (1) above, unless the MMO otherwise directs in writing, the undertaker must paint the remainder of the structures submarine grey (colour code RAL 7035).

Aviation safety

21.—(1) The undertaker must exhibit such lights, with such shape, colour and character as are required in writing by the Air Navigation Order 2016(**a**) (with any reference to the territorial sea being read as a reference to the Renewable Energy Zone established under section 84 of the 2004 Act) and determined necessary for aviation safety in consultation with the Defence Infrastructure Organisation Safeguarding and as directed by the Civil Aviation Authority.

(2) The undertaker must notify the Defence Infrastructure Organisation Safeguarding, the Civil Aviation Authority and the MMO, as soon as reasonably practicable and at least 14 days prior to the commencement of the authorised scheme, in writing of the following information—

(a) the date of the commencement of construction of the authorised scheme;

(b) the date any wind turbine generators are to be installed;

(c) the maximum height of any construction equipment or vessels to be used;

(d) the maximum height of each wind turbine generator to be constructed;

(e) the latitude and longitude of each wind turbine generator to be constructed;

and the Defence Infrastructure Organisation Safeguarding and the Civil Aviation Authority must be notified of any changes to the information supplied under this paragraph and of the completion of the construction of the authorised scheme. Copies of notifications must be provided to the MMO within 5 days.

Chemicals, drilling and debris

22.—(1) The undertaker must ensure that any coatings and treatments are suitable for use in the marine environment and are used in accordance with any guidelines approved by the Health and Safety Executive and the Environment Agency.

(2) The storage, handling, transport and use of fuels, lubricants, chemicals and other substances must be undertaken to prevent releases into the marine environment, including bunding of 110 percent of the total volume of all reservoirs and containers.

(3) The undertaker must inform the MMO in writing of the location and quantities of material disposed of each month under this licence by submission of a disposal return by 15 February each year for the months August to January inclusive, and by 15 August each year for the months February to July inclusive and must provide a null return if no activity has taken place during the reporting period.

(4) The undertaker must ensure that only inert material of natural origin, produced during the drilling installation of or seabed preparation for foundations, and drilling mud is disposed of within the Order limits seaward of the MHWS.

(5) The undertaker must ensure that any rock material used in the construction of the authorised scheme is from a recognised source, free from contaminants and containing minimal fines.

(6) In the event that any rock material used in the construction of the authorised scheme is misplaced or lost below MHWS, the undertaker must report the loss in writing to the local enforcement office within 24 hours and if the MMO, in consultation with the MCA and Trinity

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(**a**) S.I. 2016/765.

House, reasonably considers such material to constitute a navigation or environmental hazard (dependent on the size and nature of the material) the undertaker must, in that event, demonstrate to the MMO that reasonable attempts have been made to locate, remove or move any such material.

(7) The undertaker must ensure that no waste concrete slurry or wash water from concrete or cement works are discharged into the marine environment. Concrete and cement mixing and washing areas must be contained to prevent run off entering the water through the freeing ports.

(8) The undertaker must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO Marine Pollution Response Team in accordance with the marine pollution contingency plan agreed under condition 24(1)(d)(i).

(9) Debris or dropped objects which are considered a danger or hazard to navigation must be reported as soon as reasonably practicable but no later than six hours from the undertaker becoming aware of an incident, to the relevant HM Coastguard Maritime Rescue Co-ordination Centre by telephone (0344 382 0580), and the UK Hydrographic Office email: navwarnings@btconnect.com.

(10) All dropped objects including those in sub-paragraph (9) must be reported to the MMO using the Dropped Object Procedure Form (including any updated form as provided by the MMO) as soon as reasonably practicable and in any event within 24 hours of the undertaker becoming aware of an incident, unless otherwise agreed in writing with the MMO.

(11) On receipt of notification or 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 marine environment at the undertaker's expense if reasonable to do so.

Force majeure

23. If, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit the authorised deposits within or outside of the Order limits because the safety of human life or of the vessel is threatened, within 48 hours the undertaker must notify full details of the circumstances of the deposit to the MMO.

Pre-construction plans and documentation

24.—(1) The licensed activities or any phase of those activities must not commence until the following (insofar as relevant to that activity or phase of activity) have been submitted to and approved in writing by the MMO, in consultation with Trinity House, the MCA, the relevant statutory nature conservation body and UKHO as appropriate—

(a) a layout plan setting out proposed details of the authorised scheme, including the—

  (i) number, dimensions, specification, foundation type(s) and depth for each wind turbine generator and offshore accommodation platform;

  (ii) the grid coordinates of the centre point of the proposed location for each wind turbine generator and offshore accommodation platform;

  (iii) proposed layout of all cables;

  (iv) location and specification of all other aspects of the authorised scheme; and

  (v) any exclusion zones or micro-siting requirements identified pursuant to sub-paragraph 24(1)(e)(iv) or relating to any habitats of principal importance, Annex I subtidal habitat or surficial deposits of glacial till identified as part of surveys undertaken in accordance with condition 29;

 to ensure conformity with the description of Work No. 1B and 4B and compliance with conditions 10 to 14;

(b) a construction programme and monitoring plan (which accords with the in principle monitoring plan) which, save in respect information submitted pursuant to sub-paragraph (b)(iii)(aa), is to be submitted to the MMO at least six months prior to commencement of licensed activities and to include details of—

(i) the proposed construction start date;

(ii) proposed timings for mobilisation of plant delivery of materials and installation works;

(iii) proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction surveys and monitoring and related reporting in accordance with conditions 29, 30 and 31 to be submitted to the MMO in accordance with the following (unless otherwise agreed in writing with the MMO)—

(aa) at least six months prior to the first survey, detail of the pre-construction surveys and an outline of all proposed pre-construction monitoring;

(bb) at least six months prior to construction, detail on construction monitoring; (cc)

at least six months prior to commissioning, detail of post-construction (and operational) monitoring;

(iv) an indicative written construction programme for all wind turbine generators and cables including fibre optic cables comprised in the works at Part 1 (licensed marine activities) of this Schedule (insofar as not shown in paragraph (ii) above); and

(v) a monitoring plan for each topic identified, unless otherwise agreed in writing with the MMO, setting out the circumstances in which monitoring will be required and the monitoring to be carried out in such circumstances;

(c) a construction method statement (in accordance with the cable statement), including details of—

(i) cable burial, specification, installation and monitoring to include—

(aa) the technical specification of cables below MHWS;

(bb) a detailed cable laying plan for the authorised scheme, incorporating a detailed burial risk assessment encompassing the identification of any cable protection that exceeds 5 percent of navigable depth referenced to Chart Datum;

(cc) in the event that any area of cable protection exceeding 5 percent of navigable depth is identified, details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised, or similar such assessment to ascertain suitable burial depths and cable laying techniques, including cable protection; and

(dd) proposals for monitoring cables including cable protection until the authorised scheme is decommissioned which includes a risk-based approach to the management of unburied or shallow buried cables;

(ii) a scour protection plan (in accordance with the outline scour protection plan) including details of scour protection and cable protection including details of the need, type, sources, quantity and installation methods for scour protection and cable protection, with details updated and resubmitted for approval if changes to it are proposed following cable laying operations;

(iii) foundation installation methodology, including drilling methods and disposal of drill arisings and material extracted during seabed preparation for foundation and cable installation works and having regard to any mitigation scheme pursuant to sub-paragraph (1)(g);

(iv) advisory safe passing distances for vessels around the sites where the licensed activities are taking place;

(v) contractors;

(vi) vessels and vessel transit corridors;

(vii) associated ancillary works; and

(viii) guard vessels to be employed;

(d) a project environmental management plan (in accordance with the outline project environmental management plan) covering the period of construction and operation 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 scheme in relation to all activities carried out;

(ii) a chemical risk assessment, including information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance and standards;

(iii) waste management and disposal arrangements;

(iv) the appointment and responsibilities of a fisheries liaison officer;

(v) a fisheries liaison and coexistence plan (which accords with the outline fisheries liaison and co-existence plan) to ensure relevant fishing fleets are notified of commencement of licensed activities pursuant to condition 18 and to address the interaction of the licensed activities with fishing activities;

(vi) a code of conduct for vessel operators to reduce risk of injury to mammals; and

(vii) procedures, which must be adopted within vessel transit corridors to minimise disturbance to red-throated diver during the period 1 November to 31 March (inclusive), which must be in accordance with the best practice protocol for minimising disturbance to red-throated diver;

(e) an archaeological written scheme of investigation in relation to the offshore Order limits seaward of MHWS, which must accord with the outline written scheme of investigation (offshore) and industry good practice, in consultation with the statutory historic body to include—

(i) details of responsibilities of the undertaker, archaeological consultant and contractor;

(ii) a methodology for further site investigation including any specifications for geophysical, geotechnical and diver or remotely operated vehicle investigations;

(iii) archaeological analysis of survey data, and timetable for reporting, which is to be submitted to the MMO within four months of any survey being completed;

(iv) delivery of any mitigation including, where necessary, identification and modification of archaeological exclusion zones;

(v) monitoring of archaeological exclusion zones during and post construction;

(vi) a requirement for the undertaker to ensure that a copy of any agreed archaeological report is deposited with the Archaeological Data Service, by submitting an OASIS ('Online Access to the Index of archaeological investigations') form with a digital copy of the report within six months of completion of construction of the authorised scheme, and to notify the MMO and Historic England that the OASIS form has been submitted to the Archaeological Data Service within two weeks of submission;

(vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme; and

(viii) a timetable for all further site investigations, which must allow sufficient opportunity to establish a full understanding of the historic environment within the offshore

Order limits and the approval of any necessary mitigation required as a result of the further site investigations prior to commencement of licensed activities;

(f) an aids to navigation management plan to be agreed in writing by the MMO following consultation with Trinity House, the MCA, the Civil Aviation Authority and UKHO specifying how the undertaker will ensure compliance with condition 19 from the commencement of construction of the authorised scheme to the completion of decommissioning;

(g) in the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol (in accordance with the outline marine mammal mitigation protocol), the intention of which is to prevent injury to marine mammals, following current best practice as advised by the relevant statutory nature conservation bodies and which must include details of noise reduction methods through project design (primary measures) and/or, deployment of noise mitigation systems or noise abatement systems (secondary measures) that will be utilised to manage sounds from those piling activities and such protocol must include full details and justification for the mitigation chosen or excluded for deployment;

(h) a navigation management plan to manage crew transfer vessels (including daughter craft) during the construction and operation of the authorised scheme;

(i) a final cable statement (in accordance with the cable statement); and

(j) a site specific chemical risk assessment, which must be submitted no later than ten weeks prior to use of the relevant chemical, for all chemicals (with the exception of chemicals present on the OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk to the Environment) that have a pathway to the marine environment used for the marine licensed activities, outside the course of normal navigation, to include—

(i) the function of the chemical,

(ii) the quantities being used and the frequency of use; and

(iii) the physical, chemical, and ecotoxicological properties of the chemical.

(2) Pre-commencement surveys and archaeological investigations and pre-commencement material operations which involve intrusive seabed works must only take place in accordance with a specific outline written scheme of investigation (which must accord with the details set out in the outline written scheme of investigation (offshore)) which has been submitted to and approved by the MMO.

(3) Any sediment removed from within the Dogger Bank Special Area of Conservation during construction of the authorised scheme must be disposed of within that part of the Dogger Bank Special Area of Conservation which falls within the Order limits.

(4) In the event that driven or part-driven pile foundations are proposed to be used, the hammer energy used to drive or part-drive monopile foundations must not exceed 6,000kJ and the hammer energy used to drive or part-drive pin pile foundations must not exceed 3,000kJ.

(5) The maximum number of main vessels engaged at any time in activities related to piling for the licensed activities when combined with the number of main vessels engaged in piling activities authorised by the licences granted under Schedules 10, 12 and 13 must not exceed 2 vessels.

(6) The number of piled foundations installed within a 24-hour period when combined with the number of piled foundations installed pursuant to the licences granted under Schedules 10, 12 and 13 of the Order within the same 24-hour period must not exceed—

(a) 4 monopile foundations;

(b) 8 pin pile foundations;

(c) 3 monopile foundations and 2 pin pile foundations;

(d) 2 monopile foundations and 4 pin pile foundations; or

(e) 1 monopile foundation and 6 pin pile foundations.

The number of piled foundations installed concurrently when combined with the number of piled foundations installed concurrently pursuant to the licences granted under Schedules 10, 12 and 13 must not exceed—

(f) where only monopile foundations are being installed concurrently 2 monopile foundations;

(g) where only pin pile foundations are being installed concurrently 2 pin pile foundations; and

(h) where a combination of monopile foundations and pin pile foundations are being installed concurrently 1 monopile foundation and 1 pin pile foundation.

(7) In sub-paragraphs 24(1)(d)(ii) and 24(1)(j) above—

"pathway to the marine environment" means open systems or closed systems that require top up;

"chemicals" comprise both substances and preparations;

"preparation" means a mixture or solution composed of two or more substances; and

"substance" means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition.

Site Integrity Plan

25.—(1) No piling activities can take place until a Site Integrity Plan ("SIP"), which accords with the principles set out in the in principle Site Integrity Plan for the Southern North Sea Special Area of Conservation, has been submitted to, and approved in writing, by the MMO in consultation with the relevant statutory nature conservation body.

(2) The SIP submitted for approval must contain a description of the conservation objectives for the Southern North Sea Special Area of Conservation ("SNS SAC") as well as any relevant management measures and it must set out the key statutory nature conservation body advice on activities within the SNS SAC relating to piling as set out within the JNCC Guidance and how this has been considered in the context of the authorised scheme.

(3) The SIP must be submitted in writing to the MMO no later than six months prior to the commencement of piling activities.

(4) In approving the SIP the MMO must be satisfied that the authorised scheme at the preconstruction stage, in-combination with other plans and projects, is in line with the JNCC Guidance.

(5) 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, in-combination with other plans or projects at the pre-construction stage, is in line with the JNCC Guidance.

Approval of programmes, statements etc.

26.—(1) Each programme, statement, plan, protocol or scheme required to be approved under condition 24 must be submitted in writing for approval at least six months prior to the intended commencement of licensed activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.

(2) The MMO must determine an application for approval made under conditions 24 and 25 within a period of six months commencing on the date the application is received by the MMO, unless otherwise agreed in writing with the undertaker.

(3) The licensed activities must be carried out in accordance with the plans, protocols, statements, schemes and details approved under conditions 24 and 25, unless otherwise agreed in writing by the MMO.

Offshore safety management

27. Any part of the authorised scheme must not be commenced 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 scheme contained within MGN654 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" (or any equivalent guidance that replaces or supersedes it) and its annexes.

Reporting of engaged agents, contractors and vessels

28.—(1) The undertaker must provide the following information in writing to the MMO—

(a) the name, function, company number (if applicable), registered or head office address (as appropriate) of any agent or contractor appointed to engage in the licensed activities within seven days of appointment; and

(b) each week during the construction of the authorised scheme a completed Hydrographic Note H102 listing the vessels currently and to be used in relation to the licensed activities.

(2) The undertaker must notify the MMO in writing of any vessel being used to carry on any licensed activity listed in this licence on behalf of the undertaker. Such notification must be received by the MMO no less than 24 hours before the commencement of the licensed activity. Notification must include the master's name, vessel type, vessel IMO number and vessel owner or operating company.

(3) Any changes to the supplied details must be notified to the MMO in writing at least 24 hours before the agent, contractor or vessel engages in the licensed activities.

Pre-construction monitoring and surveys

29.—(1) The undertaker must, in discharging condition 24(1)(b), submit a monitoring plan or plans in accordance with the in principle monitoring plan for written approval by the MMO in consultation with the relevant statutory nature conservation body, which must contain details of proposed monitoring and surveys, including methodologies and timings, and a proposed format and content for a pre-construction baseline report.

(2) The survey proposals submitted under sub-paragraph (1) must be in 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 post-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.

(3) The baseline report proposals submitted under sub-paragraph (1) must ensure that the outcome of the agreed surveys, together with existing data and reports, are drawn together to present a valid statement of the pre-construction position, with any limitations, and must make clear what post-construction comparison is intended and the justification for this being required.

(4) The pre-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed in writing with the MMO, include, but not be limited to, the need to undertake—

(a) a survey to determine the location, extent and composition of any habitats of principal importance, Annex I subtidal habitat, or habitat with suitability for sandeel or surficial deposits of glacial till in the parts of the Order limits in which it is proposed to carry out construction works;

(b) a swath-bathymetry survey to IHO Order 1a standard that meets the requirements of MGN654 and its annexes, and side scan sonar, of the area(s) within the Order limits in which it is proposed to carry out construction works including an appropriate buffer around the location of each work;

(c) undertake any monitoring required by the SIP submitted in accordance with condition 25;

(d) undertake or contribute to any marine mammal monitoring referred to in the marine mammal mitigation protocol submitted in accordance with condition 24(1)(g);

(e) any marine mammal monitoring required by the monitoring plan submitted in accordance with condition 24(1)(b), including information on indirect effects;

(f) any sandeel monitoring required by the monitoring plan submitted in accordance with condition 24(1)(b), including information on indirect effects;

(g) any benthic monitoring required by the monitoring plan submitted in accordance with condition 24(1)(b); and

(h) any marine processes monitoring required by the monitoring plan submitted in accordance with condition 24(1)(b).

(5) The undertaker must carry out the surveys specified within the monitoring plan or plans in accordance with that plan or plans, unless otherwise agreed in writing by the MMO in consultation with the relevant statutory nature conservation body.

(6) When any surveys are carried out in accordance with sub-paragraph (5) a survey report must be submitted to the MMO following completion of the relevant survey. Any report submitted under this sub-paragraph must be submitted prior to the commencement of licensed activities for the relevant stage.

(7) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, unless otherwise agreed in writing by the MMO.

Construction monitoring and surveys

30.—(1) The undertaker must, in discharging condition 24(1)(b), for each phase of construction submit details (which accord with the in principle monitoring plan) for approval in writing by the MMO in consultation with the relevant statutory nature conservation bodies of any proposed monitoring and surveys, including methodologies and timings, to be carried out during the construction of the authorised scheme. The survey proposals 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.

(2) In the event that driven or part-driven pile foundations are proposed, such monitoring must include measurements of noise generated by the installation of the first four piled foundations of each piled foundation type to be installed unless the MMO otherwise agrees in writing.

(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 in writing with the MMO in consultation with the relevant statutory nature conservation bodies.

(4) The results of the initial noise measurements monitored in accordance with sub-paragraph (2) must be provided to the MMO within six weeks of the installation of the first four piled foundations. The assessment of this report by the MMO will determine whether any further noise monitoring is required. If, in the reasonable opinion of the MMO in consultation with the relevant statutory nature conservation body, the assessment shows significantly different impacts to those assessed in the environmental statement or failures in mitigation, all piling activity must cease until an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed.

(5) The undertaker must carry out the surveys specified in the construction monitoring plan in accordance with that plan, including any further noise monitoring required in writing by the MMO under sub-paragraph (4), unless otherwise agreed in writing by the MMO in consultation with the relevant statutory nature conservation body.

(6) Construction monitoring must include vessel traffic monitoring in accordance with the outline vessel traffic monitoring plan, including the provision of reports on the results of that monitoring by automatic identification system at the end of each year of the construction period to the MMO, MCA and Trinity House.

(7) In the event that piled foundations are proposed to be used, the details submitted in accordance with the marine mammal mitigation protocol must include proposals for monitoring marine mammals.

(8) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, unless otherwise agreed in writing by the MMO.

Post-construction monitoring and surveys

31.—(1) The undertaker must, in discharging condition 24(1)(b), submit details (which accord with the in principle monitoring plan) for approval in writing by the MMO in consultation with relevant statutory nature conservation bodies of proposed post-construction monitoring and surveys, including methodologies and timings, and a proposed format, content and timings for providing reports on the results.

(2) The survey proposals 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.

(3) The post-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed in writing with the MMO, have due regard to, but not be limited to, the need to—

(a) undertake a survey to determine any change in the location, extent and composition of any habitats of principal importance, Annex I subtidal habitat, or habitat with suitability for sandeel or surficial deposits of glacial till identified in the pre-construction survey in the parts of the Order limits in which construction works were carried out. The survey design must be informed by the results of the pre-construction benthic survey and the construction benthic surveys;

(b) undertake, within 12 months of completion of the licensed activities, a full sea floor coverage swath-bathymetry survey to IHO Order 1a standard that meets the requirements of MGN654 and its annexes, and side scan sonar, of the area(s) within the Order limits in which construction works were carried out to assess any changes in bedform topography and such further monitoring or assessment as may be agreed to ensure that cables (including fibre optic cables) have been buried or protected;

(c) undertake any monitoring required by the SIP submitted in accordance with condition 25;

(d) undertake post-construction vessel traffic monitoring in accordance with the outline vessel traffic monitoring plan by automatic identification system for a duration of three consecutive years following the completion of construction of the authorised project, unless otherwise agreed in writing by the MMO, with provision for a report to be submitted annually to the MMO, Trinity House and the MCA;

(e) undertake any marine mammal monitoring referred to in the marine mammal mitigation protocol submitted in accordance with condition 24(1)(g);

(f) undertake any marine mammal monitoring required by the monitoring plan submitted in accordance with condition 24(1)(b);

(g) undertake any sand eel monitoring required by the monitoring plan submitted in accordance with condition 24(1)(b);

(h) undertake any benthic monitoring required by the monitoring plan submitted in accordance with condition 24(1)(b); and

(i) undertake any marine processes monitoring required by the monitoring plan submitted in accordance with condition 24(1)(b).

(4) The undertaker must carry out the surveys agreed under sub-paragraph (1) and provide the agreed reports to the MMO 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 bodies.

(5) In the event that the reports provided to the MMO under sub-paragraph (4) identify a need for additional monitoring, the requirement for any additional monitoring will be agreed with the MMO in writing and implemented as agreed.

(6) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, unless otherwise agreed in writing by the MMO.

Reporting of scour and cable protection

32.—(1) No more than four months following completion of the construction of the authorised scheme, the undertaker must provide the MMO and the relevant statutory nature conservation bodies with a report setting out details of the cable protection and scour protection used for the authorised scheme.

(2) The report must include the following information—

(a) the location of cable protection and scour protection;

(b) the volume of cable protection and scour protection; and

(c) any other information relating to the cable protection and scour protection as agreed between the MMO and the undertaker.

(3) Where any cable protection or scour protection is replenished following completion of construction the undertaker must submit an updated report in accordance with sub-paragraph (2) in writing to the MMO and the relevant statutory nature conservation bodies no more than four months following completion of the relevant replenishment being deposited.

Completion of construction

33.—(1) The undertaker must submit a close out report to the MMO, the MCA, Trinity House, UKHO and the relevant statutory nature conservation body within three months of the date of completion of construction. The close out report must confirm the date of completion of construction and must include the following details—

(a) the final number of installed wind turbine generators;

(b) the installed wind turbine generator parameters;

(c) as built plans;

(d) latitude and longitude coordinates of the centre point of the location for each wind turbine generator and offshore accommodation platform, provided as Geographical Information System data referenced to WGS84 datum; and

(e) latitude and longitude coordinates of the array cables, provided as Geographical Information System data referenced to WGS84 datum.

(2) Following completion of construction, no further construction activities can be undertaken under this licence.

Collaboration

34.—(1) Prior to submission of plans and documentation required to be submitted to the MMO for approval in accordance with conditions 24 and 25, the undertaker must provide a copy of the relevant plans and documentation to DBSEL and allow a reasonable period of time to enable DBSEL to provide any comments on the plans and documentation to the undertaker.

(2) The plans and documentation submitted to the MMO for approval in accordance with conditions 24 and 25 must be accompanied by any comments received by the undertaker from DBSEL in accordance with sub-paragraph (1) or a statement from the undertaker confirming that no such comments were received.

Reporting of impact pile driving

35.—(1) In the event that driven or part–driven pile foundations are proposed to be used as part of the foundation installation the undertaker must provide the following information to the Marine Noise Registry—

(a) no less than six months prior to the commencement of each phase of construction of the licensed activities, information on the expected location, start and end dates of impact pile driving to satisfy the Marine Noise Registry's Forward Look requirements;

(b) within two weeks after commencement of each phase of construction of the licensed activities, information on the location, start and end dates of impact pile driving to satisfy the Marine Noise Registry's Forward Look requirements; and

(c) at six-month intervals following the commencement of pile driving, information on the locations and dates of impact pile driving to satisfy the Marine Noise Registry's Close Out requirements by 7 April for winter season October to March inclusive and 7 October for summer season April to September inclusive or within 12 weeks of completion of impact pile driving whichever is earlier.

(2) The undertaker must notify the MMO in writing of the successful submission of Forward Look or Close Out data pursuant to paragraph (1) above within seven days of the submission.

(3) For the purpose of this condition, "Forward Look" and "Close Out" mean the requirements as set out in the UK Marine Noise Registry Information Document Version 1 (July 2015) as amended, updated, or superseded from time to time.

Maintenance reporting

36.—(1) An annual maintenance report must be submitted to the MMO in writing within one month following the first anniversary of the date of commencement of operations, and every year thereafter until the permanent cessation of operation.

(2) The report must provide a record of the licensed activities undertaken as set out in condition 16 during the preceding year, the timing of activities and methodologies used.

(3) Every fifth year, the undertaker must submit to the MMO in writing, within one month of that date, a consolidated maintenance report, which will—

(a) include a review of licensed activities undertaken during the preceding five years with reference to the reports submitted in accordance with condition 36 (1) of this licence;

(b) reconfirm the applicability of the methodologies and frequencies of the licensable activities permitted by this licence for the remaining duration of this licence.

Sediment Sampling

37.—(1) The undertaker must submit a sample plan request in writing to the MMO for written approval of a sample plan.

(2) The sample plan request must be made—

(a) for capital dredging, at least six months prior to the commencement of any capital dredging; or

(b) for maintenance dredging, at least six months prior to the end of every third year from the date of the previous sediment sample analysis.

(3) The sample plan request must include details of—

(a) the volume of material to be dredged;

(b) the location of the area to be dredged;

(c) details of the material type proposed for dredging;

(d) the type and dredging methodology (including whether it is a capital or maintenance dredge, depth of material to be dredged and proposed programme for the dredging activities); and

(e) the location and depth of any supporting samples.

(4) Unless otherwise agreed by the MMO, the undertaker must undertake the sampling in accordance with the approved sample plan.

Ornithological monitoring

38.—(1) The licensed activities or any phase of those activities must not commence until an ornithological monitoring plan in accordance with condition 24(1)(b) including any information on indirect effects, setting out the circumstances in which ornithological monitoring will be required and the monitoring to be carried out in such circumstances has been submitted to and approved in writing by the MMO, in consultation with the relevant statutory nature conservation body.

(2) The ornithological monitoring plan must be submitted in writing to the MMO no later than six months prior to the first pre-construction survey.

(3) The undertaker must carry out any monitoring agreed under sub-paragraph (1) and provide the agreed reports to the MMO 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.

(4) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, unless otherwise agreed in writing by the MMO, in consultation with the relevant statutory nature conservation body.

Noise restriction

39.—(1) No piling activity can commence within Work Nos. 1B and 4B during the herring spawning season until a herring spawning piling restriction plan (in accordance with the herring spawning plan) is submitted to and approved in writing by the MMO, in consultation with the relevant statutory nature conservation body.

(2) The herring spawning piling restriction plan must be submitted to the MMO no later than six months prior to the commencement of the relevant activities unless otherwise agreed in writing by the MMO.

(3) The herring spawning piling restriction plan must present updated underwater noise modelling, which must be based on final project parameters to be used to install piles and must include details of any mitigation measures to be employed.

(4) If the updated underwater noise modelling referred to in sub-paragraph (3) above demonstrates that noise levels above 135 decibels from any piling area within Work Nos. 1B and/or 4B will impact either or both of—

(a) the area shoreward of the Herring Spawning Noise Restriction Boundary; or

(b) any area within 38km seaward of MHWS,

during the herring spawning season then any piles located within that piling area must not be installed during the herring spawning season without written approval from the MMO.

(5) Any piling activity within Work Nos. 1B and 4B during the herring spawning season must be undertaken in accordance with the approved herring spawning piling restriction plan approved under sub-paragraph (1) or in accordance with any approval given by the MMO under sub-paragraph (4) above.

(6) In this condition—

"Herring Spawning Noise Restriction Boundary" means the boundary indicated by the red line on the herring spawning plan, with the restricted area being the area shoreward of this boundary;

"herring spawning plan" means the document certified by the Secretary of State as the herring spawning plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"herring spawning season" means 21 August to 30 September inclusive or such other period as agreed in writing with the MMO; and

"piling area" means any area within Work Nos. 1B and/or 4B within which one or more piled foundations is proposed to be installed.

SCHEDULE 12

Article 35

Deemed Marine Licence 3: DBS East Project Offshore Transmission – Work Nos. 2A, 3A, 7A and 8A

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;

"the 2017 Regulations" means the Conservation of Offshore Marine Habitats and Species Regulations 2017;

"Annex I subtidal habitat" means a subtidal habitat of a type listed in Annex I to Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;

"array cable" means a cable linking the wind turbine generators to each other and to the offshore converter platforms;

"authorised deposits" means the substances and articles specified in paragraph 4 of Part 1 of this licence;

"authorised scheme" means Work No. 2A, 3A, 7A and 8A and the further associated development described in paragraph 3 of Part 1 of this licence or any part of that work or development;

"buoy" means any floating device used for navigational purposes or measurement purposes including LiDAR buoys, wave buoys and guard buoys;

"cable" means any offshore cable and includes direct-lay cables and cables laid in cable ducts and further includes fibre optic and other communications cables either within the cable or laid alongside;

"cable crossing" means the crossing of existing subsea cables and pipelines by the array, inter-platform or export cables authorised by the Order and forming part of the authorised scheme together with physical protection measures including cable protection;

"cable protection" means measures to protect cables forming part of the authorised scheme from physical damage and exposure due to loss of seabed sediment including, but not limited to, rock placement, concrete mattresses with or without frond devices, protective aprons or coverings, bagged solutions filled with sand, rock, grout or other materials and protective shells;

"cable statement" means the document certified by the Secretary of State as the cable statement for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"commence" means the first carrying out of any licensed marine activities authorised by this licence, save for pre-construction monitoring surveys approved under this licence, and "commenced" and "commencement" must be construed accordingly;

"condition" means a condition in Part 2 of this licence;

"DBS East" means the Dogger Bank South East Offshore Wind Farm;

"DBS East Project" means the DBS East Project offshore works and the DBS East Project onshore works;

"DBS East Project offshore works" means Work Nos. 1A to 8A and any other authorised development associated with those works;

"DBS East Project onshore works" means Work Nos. 9A to 34A and any other authorised development associated with those works;

"DBS West Project offshore works" means Work Nos. 1B to 8B and any authorised development associated with those works;

"DBS West Project" means the DBS West Project onshore works and the DBS West Project offshore works;

"DBS West Project onshore works" means Work Nos. 9B to 34B and any other authorised development associated with those works;

"DBSWL" means RWE Renewables UK Dogger Bank South (West) Limited, company number 13656525, whose registered office is Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, England, SN5 6PB;

"Defence Infrastructure Organisation Safeguarding" means Ministry of Defence Safeguarding, Defence Infrastructure Organisation, Kingston Road, Sutton Coldfield, West Midlands, B75 7RL and any successor body to its functions;

"disposal ground 1 (DBS East)" means the site to be used for disposal of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and cable sandwave clearance for the DBS East Project offshore works as shown on the Disposal Site Plan and with MMO disposal site reference DG036;

"disposal ground 3 (Export Cable)" means the site to be used for disposal of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and cable sandwave clearance for the DBS East Project offshore works as shown on the Disposal Site Plan as "Dogger Bank South Cable A" (MMO disposal site reference DG033) and "Dogger Bank South Cable B" (MMO disposal site reference DG034);

"Disposal Site Plan" means the plan certified by the Secretary of State as the Disposal Site Plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"Dogger Bank SAC" means the site designated as the Dogger Bank Special Area of Conservation;

"Dropped Object Procedure Form" means the MMO notification proforma with reference MLDIR1 for reporting the loss or dumping of synthetic materials and other refuse at sea or any other format advised in writing by the MMO;

"environmental statement" means the document certified by the Secretary of State as the environmental statement for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"habitats of principal importance" means a habitat designated as being of principal importance in accordance with section 41 (biodiversity lists and action (England)) of the Natural Environment and Rural Communities Act 2006;

"HAT" means highest astronomical tide;

"HVAC" means high voltage alternating current;

"HVDC" means high voltage direct current;

"IHO Order 1a standard" means order 1a from the sixth edition of the International Hydrographic Organisation's Standards for Hydrographic Surveys as updated or amended from time to time;

"in principle monitoring plan" means the document certified by the Secretary of State as the in principle monitoring plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"in principle Site Integrity Plan for the Southern North Sea Special Area of Conservation" means the document certified by the Secretary of State as the in principle Site Integrity Plan for the Southern North Sea Special Area of Conservation for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"inter-platform cable" means a cable linking the offshore converter platforms;

"intrusive activities" means activities including anchoring of vessels, jacking up of vessels, and temporary wet storage areas;

"jacket foundation" means a lattice type structure constructed of steel which is fixed to the seabed at 3 or more points with steel pin piles and associated equipment including scour protection, J-tubes, corrosion protection systems and access platforms;

"JNCC Guidance" means the statutory nature conservation body 'Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs' Joint Nature Conservation Committee Report No.654, May 2020 published in June 2020 as amended, updated or superseded from time to time;

"LAT" means lowest astronomical tide;

"maintain" includes inspect, upkeep, repair, adjust, alter, remove, reconstruct and replace (including replenishment of cable protection), but does not include the removal, reconstruction or replacement of foundations associated with the authorised scheme, to the extent assessed in the environmental statement; and "maintenance" must be construed accordingly;

"Marine Management Organisation" means the body created under the 2009 Act which is responsible for the regulation of this licence or any successor of that function and "MMO" shall be construed accordingly;

"Marine Noise Registry" means the database developed and maintained by JNCC on behalf of Defra to record the spatial and temporal distribution of impulsive noise generating activities in UK seas;

"MCA" means the Maritime and Coastguard Agency, the executive agency of the Department for Transport;

"MCMS" means the Marine Case Management System web portal provided and operated by the MMO;

"MHWS" or "mean high water springs" means the average throughout the year of two successive high waters during a 24-hour period in each month when the range of the tide is at its greatest (Spring tides);

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

"monopile foundation" means a steel pile driven or drilled into the seabed and associated equipment including scour protection, J-tubes, corrosion protection systems and access platforms and equipment;

"offshore converter platform" means an offshore converter platform with equipment to convert the HVAC power generated at the wind turbine generators into HVDC power, being a structure above LAT and attached to the seabed by means of a foundation, with one or more decks and open with modular equipment or fully clad and may include a helicopter platform, containing electrical equipment required to switch, transform, convert electricity generated at the wind turbine generators to a higher voltage and provide reactive power compensation, including but not limited to high voltage power transformers, high voltage switchgear and busbars, substation auxiliary systems and low voltage distribution, instrumentation, metering equipment and control systems, standby generators, shunt reactors, auxiliary and uninterruptible power supply systems, facilities to support operations and maintenance;

"offshore order limits and grid coordinates plan" means the plan certified by the Secretary of State as the offshore order limits and grid coordinates plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"Order" means The Dogger Bank South East and West Offshore Wind Farms Order 2026;

“Order limits” means the limits shown on the offshore order limits and grid coordinates plans within which the authorised scheme may be carried out and the grid coordinates for Work Nos. 2A, 3A, 5A, 7A and 8A are set out in paragraph 5 of Part 1 of this licence;

“outline fisheries liaison and co-existence plan” means the document certified by the Secretary of State as the outline fisheries liaison and co-existence plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

“outline marine mammal mitigation protocol” means the document certified by the Secretary of State as the outline marine mammal mitigation protocol for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

“outline offshore operations and maintenance plan” means the document certified by the Secretary of State as the outline offshore operations and maintenance plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

“outline project environmental management plan” means the document certified by the Secretary of State as the outline project environmental management plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

“outline scour protection plan” means the document certified by the Secretary of State as the outline scour protection plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified) ;

“outline vessel traffic monitoring plan” means the document certified by the Secretary of State as the outline vessel traffic monitoring plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

“outline written scheme of investigation (offshore)” means the document certified by the Secretary of State as the outline written scheme of investigation (offshore) for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

“scour protection” means measures to prevent loss of seabed sediment around any structure placed in or on the seabed including by the use of bagged solutions, filled with grout or other materials, protective aprons, mattresses with or without frond devices, flow energy dissipation devices and rock and gravel placement;

“statutory historic body” means Historic England or its successor in function;

“statutory nature conservation body” means a statutory nature conservation body, being the appropriate nature conservation body as defined in Regulation 5 of the Conservation of Habitats and Species Regulations 2017(**a**) or its equivalent in the Conservation of Offshore Marine Habitats and Species Regulations 2017(**b**);

“transition piece” means a metal structure attached to the top of a foundation where the base of a wind turbine generator is connected and includes additional equipment such as J-tubes, corrosion protection systems, boat access systems, access platforms, craneage, electrical transmission equipment and associated equipment;

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

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

“undertaker” means DBSEL;

“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

(a) S.I. 2017/1012.
(b) S.I. 2017/1013.

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" means a structure comprising a tower, a rotor with three 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;

"works plans" means the works plans (offshore) and the works plans (onshore);

"works plans (offshore)" means the plans certified by the Secretary of State as the works plans (offshore) for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified); and

"works plans (onshore)" means the plans certified by the Secretary of State as the works plans (onshore) for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified).

(2) In this licence, a reference to any statute, order, regulation or similar instrument is a reference to a statute, order, regulation or instrument as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.

(3) In this licence, unless otherwise indicated—

(a) all times are Greenwich Mean Time;

(b) all coordinates are latitude and longitude degrees and minutes to two decimal places.

(4) Unless otherwise stated or agreed with the MMO, all submissions, notifications and communications must be sent by the undertaker to the MMO using MCMS. Except where otherwise notified in writing by the relevant organisation, the addresses for correspondence for the purposes of this licence are—

(a) Historic England
37 Tanner Road
York
YO1 6WP

(b) Marine Management Organisation
Marine Licensing Team
Tyneside House
Skinnerburn Road
Newcastle upon Tyne
NE4 7AR
Tel: 0300 123 1032

(c) Marine Management Organisation (local office)
Room 13, Ground Flood
Crosskill House
Mill Lane
Beverley
HU17 9JB
Tel: 0208 026 0519

(d) Maritime and Coastguard Agency
UK Technical Services Navigation
Spring Place

105 Commercial Road
Southampton
SO15 1EG
Tel: 020 3817 2433
Email: navigationsafety@mcga.gov.uk

(e) Natural England
4th Floor
Foss House
1-2 Peasholme Green
York
YO1 7PX
Tel: 0300 060 4911

(f) Trinity House
Tower Hill
London
EC3N 4DH
Tel: 020 7481 6900

(g) United Kingdom Hydrographic Office
Admiralty Way
Taunton
Somerset
TA1 2DN
Tel: 01823 337 900

(5) Unless otherwise advised in writing by the MMO, the address for electronic communication with the MMO for the purposes of this licence is marine.consents@marinemanagement.org.uk, or where contact to the Local Office of the MMO is required, beverley@marinemanagement.org.uk.

Details of licensed marine activities

2. Subject to the 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) (licensable marine activities) of the 2009 Act—

(a) the deposit at sea within the Order limits seaward of MHWS of the substances and objects specified in paragraph 4 below and, when combined with the disposal authorised within disposal ground 1 (DBS East) by the licences granted under Schedules 10, 14 and 14A of the Order, of up to 4,242,327 cubic metres (being a maximum, not an approximate upper figure) of inert material of natural origin produced during construction drilling or seabed preparation for foundation works, cable works and boulder clearance works at disposal site references to be provided to the MMO within disposal ground 1 (DBS East) and any other disposal sites approved in writing by the MMO;

(b) the deposit at sea within the Order limits seaward of MHWS of the substances and objects specified in paragraph 4 below and, when combined with the disposal authorised within disposal ground 3 (Export Cable) by the licence granted under Schedule 13 of the Order, of up to 26,025,965 cubic metres (being a maximum, not an approximate upper figure) of inert material of natural origin produced during construction drilling or seabed preparation for cable works and boulder clearance works at disposal site references to be provided to the MMO within disposal ground 3 (Export Cable);

(c) the construction of works in or over the sea or on or under the sea bed;

(d) dredging for the purposes of seabed preparation for foundation works or cable works;

(e) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation;

(f) boulder clearance works by displacement ploughing or subsea grab technique or any other comparable method;

(g) removal of static fishing equipment; and

(h) site preparation works.

3. Such activities are authorised in relation to the construction, maintenance and operation of—

Work No. 2A—

(a) up to one offshore converter platform fixed to the seabed by jacket or monopile foundations within the area shown on the works plans; and

(b) a network of subsea inter-platform cabling within the area shown on the works plans, including cable crossings and cable protection;

Work No. 3A—

(a) up to two HVDC subsea export cables between Work Nos. 2A and 8A along routes within the area shown on the works plans including cable crossings and cable protection;

(b) up to two cables for the transmission of fibre optic communications laid between Work Nos. 2A and 8A consisting of cables along routes within the area shown on the works plans including cable crossings and cable protection;

(c) up to three temporary pits for trenchless cable installation at landfall seaward of MLWS and up to three additional temporary pits for trenchless cable installation at landfall seaward of MLWS for the DBS West Project within the area shown on the works plans;

(d) installation of up to three landfall cable ducts (if required) and up to three additional landfall cable ducts (if required) for the DBS West Project within the area shown on the works plans;

Work No. 6A—

Not used;

Work No. 7A—

A temporary work area associated with Work Nos. 1A to 5A for vessels to carry out intrusive activities and non-intrusive activities alongside Work Nos. 1A to 7A;

In connection with such Work Nos. 2A, 3A and 7A and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised scheme and which fall within the scope of the work assessed by the environmental statement and the provisions of this licence, 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. 2A, 3A and 5A and the disposal of inert material of natural origin within the Order limits produced during construction drilling, seabed preparation for foundation works, cable installation preparation such as sandwave clearance, boulder clearance and pre-trenching and excavation of trenchless crossing exit pits;

(d) removal of static fishing equipment;

(e) temporary landing places, moorings or other means of accommodating vessels in the construction or maintenance of the authorised scheme;

(f) disposal of drill arisings in connection with any foundation drilling up to a total of 704 cubic metres;

(g) creation and use of temporary laydown areas, use of cable lay vessel anchors;

(h) lighting.

Work No. 8A—

(a) installation of up to two HVDC subsea export cables and up to two cables for the transmission of fibre optic communications within up to three landfall cable ducts (if required) between Work No. 3A and Work No. 12A and up to three landfall cable ducts (if required) for the DBS West Project between Work No. 3B and Work No. 12B;

(b) trenchless cable installation;

(c) temporary construction working areas for emergency works; and

(d) vessel anchoring for emergency works.

4. The substances and objects authorised for deposit at sea are—

(a) iron, steel, copper and aluminium;

(b) stone and rock;

(c) concrete and grout;

(d) sand and gravel;

(e) cement bound sand;

(f) natural soils;

(g) plastic and synthetic material;

(h) drilling fluid;

(i) material extracted from within the Order limits during construction drilling or seabed preparation for foundation works and cable installation preparation works;

(j) weights used for the calibration of vessels, consisting of a hessian sack, metal shackles or chains; and

(k) marine coatings, other chemicals and timber.

5. The grid coordinates for that part of the authorised scheme comprising Work Nos. 2A, 3A, 7A and 8A are specified below—

Point ID	*Latitude (DMS)*	*Longitude (DMS)*
1	53° 59.6364’ N	0° 12.40874’ W
2	53° 59.82784’ N	0° 11.50751’ W
3	53° 59.84021’ N	0° 9.78718’ W
4	54° 0.1033’ N	0° 8.05888’ W
5	54° 0.45563’ N	0° 6.57895’ W
6	54° 1.88431’ N	0° 3.05262’ W
7	54° 3.14098’ N	0° 0.70959’ E
8	54° 3.77637’ N	0° 2.53092’ E
9	54° 4.14562’ N	0° 3.45918’ E
10	54° 4.27659’ N	0° 4.42011’ E
11	54° 4.31082’ N	0° 5.04613’ E
12	54° 8.77722’ N	0° 14.26259’ E
13	54° 16.03855’ N	0° 31.60943’ E
14	54° 16.33488’ N	0° 32.15475’ E
15	54° 18.43135’ N	0° 36.31356’ E
16	54° 19.52715’ N	0° 37.41854’ E
17	54° 25.52646’ N	0° 46.47839’ E

18	54° 29.17866’ N	0° 55.21543’ E
19	54° 29.23775’ N	0° 55.41054’ E
20	54° 29.26306’ N	0° 55.54642’ E
21	54° 29.26308’ N	0° 55.68909’ E
22	54° 28.99427’ N	0° 58.64713’ E
23	54° 28.93459’ N	0° 59.30204’ E
24	54° 28.40177’ N	1° 9.1699’ E
25	54° 27.31636’ N	1° 25.25919’ E
26	54° 27.07325’ N	1° 27.08349’ E
27	54° 27.43831’ N	1° 30.69383’ E
28	54° 28.83322’ N	1° 42.21898’ E
29	54° 29.62572’ N	1° 43.27968’ E
30	54° 29.97807’ N	1° 44.94092’ E
31	54° 30.11639’ N	1° 45.61608’ E
32	54° 31.15408’ N	1° 44.71761’ E
33	54° 31.46655’ N	1° 44.62625’ E
34	54° 31.75489’ N	1° 44.85252’ E
35	54° 34.18354’ N	1° 48.56875’ E
36	54° 34.30904’ N	1° 48.85301’ E
37	54° 34.36288’ N	1° 49.19779’ E
38	54° 34.74598’ N	1° 58.90264’ E
39	54° 34.77086’ N	1° 59.72884’ E
40	54° 34.67215’ N	2° 0.18106’ E
41	54° 34.47546’ N	2° 0.46972’ E
42	54° 24.47523’ N	2° 8.98399’ E
43	54° 24.09368’ N	2° 8.92387’ E
44	54° 23.82918’ N	2° 8.43359’ E
45	54° 21.08378’ N	1° 54.2778’ E
46	54° 21.0601’ N	1° 53.90188’ E
47	54° 21.14588’ N	1° 53.48645’ E
48	54° 21.33732’ N	1° 53.18358’ E
49	54° 29.14527’ N	1° 46.45614’ E
50	54° 28.72479’ N	1° 44.40444’ E
51	54° 27.92907’ N	1° 43.36372’ E
52	54° 27.84264’ N	1° 43.13336’ E
53	54° 26.37912’ N	1° 31.04218’ E
54	54° 25.97903’ N	1° 27.06027’ E
55	54° 26.25093’ N	1° 24.96288’ E
56	54° 27.32951’ N	1° 8.97414’ E
57	54° 27.86406’ N	0° 59.07512’ E
58	54° 28.15029’ N	0° 55.92687’ E
59	54° 24.70977’ N	0° 47.69726’ E
60	54° 18.87875’ N	0° 38.89895’ E
61	54° 17.72124’ N	0° 37.72511’ E
62	54° 15.53155’ N	0° 33.38368’ E
63	54° 15.19324’ N	0° 32.75337’ E
64	54° 13.67671’ N	0° 29.11575’ E
65	54° 12.45423’ N	0° 27.88505’ E
66	54° 12.33295’ N	0° 27.60465’ E
67	54° 11.97431’ N	0° 25.0371’ E
68	54° 7.92055’ N	0° 15.37852’ E

69	54° 3.30272’ N	0° 5.84501’ E
70	54° 3.26167’ N	0° 5.6635’ E
71	54° 3.21017’ N	0° 4.70318’ E
72	54° 3.15199’ N	0° 4.23063’ E
73	54° 2.86151’ N	0° 3.50109’ E
74	54° 2.20927’ N	0° 1.63117’ E
75	54° 0.96981’ N	0° 2.08082’ W
76	53° 59.50126’ N	0° 5.71047’ W
77	53° 58.98868’ N	0° 7.85689’ W
78	53° 58.69884’ N	0° 8.79203’ W
79	53° 58.4388’ N	0° 9.96246’ W
80	53° 58.38876’ N	0° 11.76128’ W

6. This licence remains in force until the authorised scheme has been decommissioned in accordance with a programme approved by the Secretary of State under section 106 (approval of decommissioning programmes) 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.

7. The provisions of section 72 (variation, suspension, revocation and transfer) of the 2009 Act apply to this licence except that the provisions of section 72(7) and (8) relating to the transfer of the licence apply only to a transfer not falling within article 5 (benefit of the Order) of the Order.

8.—(1) With respect to any condition which requires the licensed activities be carried out in accordance with the details, plans or schemes approved under this licence, the approved details, plans or schemes are taken to include any amendments that may subsequently be approved in writing by the MMO.

(2) Any amendments to or variations from the approved details, plans or schemes must be in accordance with the principles and assessments set out in the environmental statement and approval of an amendment or variation may only be given where it has been demonstrated to the satisfaction of the MMO that it is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

9. Should the undertaker become aware that any of the information on which the granting of this licence was based was materially false or misleading, the undertaker must notify the MMO of this fact in writing as soon as is reasonably practicable. The undertaker must explain in writing what information was materially false or misleading and must provide to the MMO the correct information.

PART 2

Conditions

Design parameters

Offshore converter platform dimensions

10.—(1) The total number of offshore converter platforms in respect of the authorised scheme must not exceed one.

(2) The dimensions of any offshore converter platform (excluding helidecks, lightning protection, towers, masts and cranes) must not exceed—

(a) 125 metres in length;

(b) 100 metres in width; or

(c) 105 metres in height above LAT.

Offshore converter platform foundations

11.—(1) Offshore converter platform foundations must be of one or more of the following foundation options: piled monopile or piled jacket foundation.

(2) The pile diameter of any offshore converter platform piled monopile foundation must not exceed 15 metres.

(3) Any offshore converter platform piled jacket foundation must not have—

(a) more than eight legs;

(b) more than eight piles; or

(c) a pile diameter exceeding 3.8 metres.

(4) Any offshore converter platform foundation must not have—

(a) a seabed footprint (including scour protection) exceeding 5,411 square metres; or

(b) a seabed footprint (excluding scour protection) exceeding 177 square metres.

(5) Within Work No. 2A, the offshore converter platform foundations must not have—

(a) a total combined seabed footprint (including scour protection) exceeding 5,411 square metres; or

(b) a total combined amount of scour protection exceeding 5,234 square metres.

(6) The total volume of scour protection for offshore converter platforms in respect of the authorised scheme must not exceed 9,450 cubic metres.

Cables and cable protection

12.—(1) Within Work No. 3A, the offshore export cables must not, in total—

(a) exceed 2 in number;

(b) exceed 376 kilometres in length;

(c) exceed 12 cable crossings;

(d) have cable protection (including cable crossings) exceeding 576,021 square metres in area; or

(e) have cable protection (including cable crossings) exceeding 522,615 cubic metres in volume.

(2) The offshore export cables within Work No. 3A which fall within the Dogger Bank Special Area of Conservation must not have cable protection exceeding 10% of the length of such cables, when combined with the offshore export cables, array cables and inter-platform cables authorised by the licences granted under Schedules 10, 11 and 13 to 14A of the Order.

(3) Within the area between MHWS and 350 metres seaward of MLWS, all offshore export cables must be buried, and must not have cable protection.

(4) The offshore export cables within the area between 350 metres seaward of MLWS and the 10 metre depth contour as measured against LAT (as at the date of commencement of construction of the licensed activities) must not have cable protection exceeding 10% of the length of such cables, when combined with the offshore export cables authorised by the licence granted under Schedule 13 of the Order.

(5) Within Work No. 2A the inter-platform cables must not, in total—

(a) exceed 1 in number;

(b) exceed 23 kilometres in length;

(c) exceed 1 cable crossings;

(d) have cable protection (including cable crossings) exceeding 43,203 square metres in area; or

(e) have cable protection (including cable crossings) exceeding 39,207 cubic metres in volume.

Phases of authorised scheme

13.—(1) The authorised scheme must not commence until an offshore works phasing scheme setting out the phases of construction of the authorised scheme has been submitted to and approved in writing by the MMO.

(2) The authorised scheme must be submitted at least 6 months prior to the proposed commencement of the works.

(3) Any subsequent amendments to the offshore works phasing scheme submitted for approval under sub-paragraph (1) must be submitted to the MMO for approval in writing.

(4) The offshore works phasing scheme submitted for approval under sub-paragraph (1) must be implemented as approved. The approved details shall be taken to include any amendment that may subsequently be approved by the MMO in accordance with sub-paragraph (3).

Maintenance of the authorised scheme

14.—(1) The undertaker may at any time maintain the authorised scheme, except to the extent that this licence or an agreement made under this licence provides otherwise.

(2) Maintenance works include but are not limited to—

(a) routine maintenance of wind turbine generators, offshore converter platforms, and their respective foundations;

(b) major offshore converter platform replacement;

(c) painting and applying other coatings to offshore converter platforms;

(d) bird waste and marine growth removal;

(e) surveys/inspections of cables;

(f) cable remedial burial;

(g) cable protection replenishment;

(h) cable repairs and replacement;

(i) access ladder and boat landing replacement;

(j) offshore converter platform anode replacement; and

(k) J-tube repair/replacement.

(3) Operation of the licensed activities must not commence until an offshore operations and maintenance plan substantially in accordance with the outline offshore operations and maintenance plan has been submitted to and approved in writing by the MMO. The operations and maintenance plan must include, but is not limited to—

(a) a list of maintenance activities within the marine environment that are planned for the lifetime of the licensed activities;

(b) details of the typical construction plant, machinery and personnel requirements for each maintenance activity and any requirements for detailed method statements;

(c) details of the typical frequency and timing of each maintenance activity; and

(d) details of controls and mitigation that will be in place in order to protect the marine environment.

(4) The offshore operations and maintenance plan must be reviewed every three years commencing from the date on which the plan was approved, unless otherwise agreed by the MMO, to ensure the details of the maintenance activities remain accurate. The conclusions of that review must be submitted to and approved by the MMO in writing.

(5) The offshore operations and maintenance plan must be implemented as approved by the MMO.

(6) Unless otherwise agreed in writing with the MMO, the undertaker must submit—

(a) the first offshore operations and maintenance plan at least 6 months prior to the operation of the licensed activities;

(b) any revised offshore operations and maintenance plan submitted in accordance with sub-paragraph (4) at least 6 months before such revised plan is required to be put in place; and

(c) where additional maintenance activities are identified that are not included in the approved offshore operations and maintenance plan, or any revised plan approved in accordance with sub-paragraph (4), an updated offshore operations and maintenance plan including the additional maintenance activities must be submitted to and approved by the MMO in writing as soon as possible after the need for such additional maintenance activities is identified.

Extension of time periods

15. Any time period given in this licence to either the undertaker or the MMO may be extended with the agreement of the other party in writing, such agreement not to be unreasonably withheld or delayed.

Notifications and inspections

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

(a) a copy of this licence (issued as part of the grant of the Order) and any subsequent amendments or revisions to it is provided to—

(i) all agents and contractors notified to the MMO in accordance with condition 26;

(ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with condition 26; and

(b) the undertaker must confirm in writing to the MMO within 28 days of a copy of this licence and any subsequent amendments or revisions to it being provided to the persons listed in sub-paragraph (1)(a) that the required information has been provided.

(2) Only those persons and vessels notified to the MMO in accordance with condition 26 are permitted to carry out the licensed activities.

(3) Copies of this licence must also be available for inspection 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

(c) on board each vessel and at the office of any transport manager with responsibility for vessels from which authorised deposits or removals are to be made.

(4) The documents referred to in sub-paragraph (1) must be available for inspection by an authorised enforcement officer at the locations set out in sub-paragraph (3).

(5) The undertaker must provide access, and if necessary appropriate transportation, to the offshore construction site or any other associated works or vessels to facilitate any inspection that the MMO considers necessary to inspect the works during the construction and operation of the authorised scheme.

(6) The undertaker must inform the MMO Local Office in writing at least fourteen days prior to the commencement of the licensed activities or any part of them and within five days of the completion of the licensed activity.

(7) The undertaker must inform the Kingfisher Information Service of Seafish by email to kingfisher@seafish.co.uk of details of the vessel routes, timings and locations relating to the construction of the authorised scheme or relevant part—

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

(b) as soon as reasonably practicable and no later than 24 hours of completion of the DBS East Project offshore works,

and confirmation of notification must be provided to the MMO within five days.

(8) The undertaker must ensure that a local notification to mariners is issued at least 14 days prior to the commencement of the authorised scheme or any part thereof advising of the start date of each of Work Nos. 2A, 3A, 7A and 8A and the expected vessel routes from the construction ports to the relevant location. Copies of all notices must be provided to the MMO, MCA and UKHO within five days.

(9) The undertaker must ensure that local notifications to mariners are updated and reissued at weekly intervals during construction activities and at least five days before any planned operations (unless otherwise agreed in writing by the MMO) and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme and monitoring plan approved under condition 22(1)(b). Copies of all notices must be provided to the MMO, UKHO and the MCA within five days.

(10) The undertaker must notify UKHO and the MCA of the commencement (within ten days), progress and completion of construction (within ten days) of the licensed activities in order that all necessary amendments to nautical and aeronautical charts are made and the undertaker must send a copy of such notifications to the MMO within five days of the notification.

(11) In case of damage to, or destruction or decay of, the authorised scheme or any part thereof, excluding the exposure of cables, the undertaker must as soon as reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify the MMO, the MMO Local Office, MCA, Trinity House, the Kingfisher Information Service of Seafish and UKHO.

(12) In case of the exposure of cables on or above the seabed, the undertaker must within three days following identification of a potential cable exposure, notify mariners and inform the Kingfisher Information Service of Seafish of the location and extent of exposure. Copies of all notices must be provided to the MMO, MCA, Trinity House, and UKHO within five days.

(13) The undertaker must notify the MMO in writing a minimum of five days in advance of the commencement of each discrete incident of cable repair, replacement, or protection replenishment activity. Such a notification must include proposed timings and a description of proposed methodologies.

(14) The undertaker must ensure that the MMO, the MMO Local Office, local mariners, local fishermen's organisations and the Source Data Receipt Team at the UK Hydrographic Office, Taunton, Somerset, TA1 2DN (sdr@ukho.gov.uk) are notified within five days of completion of each instance of cable repair, replacement or protection replenishment activity.

Aids to navigation

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

(a) notice of commencement of construction of the authorised scheme 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 five days of completion of construction of the authorised scheme.

(3) The undertaker must provide reports to Trinity House on the availability of aids to navigation in accordance with the frequencies set out in the aids to navigation management plan agreed pursuant to condition 22(1)(f) using the reporting system provided by Trinity House.

(4) The undertaker must during the period from commencement of the licensed activities to completion of decommissioning of the authorised scheme 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 possible and no later than 24 hours following the undertaker becoming aware of any such failure.

(5) In the event that the provisions of condition 16(11) or condition 16(12) are invoked, the undertaker must lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as directed by Trinity House.

Colouring of Structures

18.—(1) Except as otherwise required by Trinity House the undertaker must colour all structures forming part of the authorised scheme yellow (colour code RAL 1023) from at least HAT to a height directed by Trinity House or must colour the structure as directed by Trinity House in writing from time to time.

(2) Subject to sub-paragraph (1) above, unless the MMO otherwise directs in writing, the undertaker must paint the remainder of the structures submarine grey (colour code RAL 7035).

Aviation safety

19.—(1) The undertaker must exhibit such lights, with such shape, colour and character as are required in writing by the Air Navigation Order 2016(**a**) (with any reference to the territorial sea being read as a reference to the Renewable Energy Zone established under section 84 of the 2004 Act) and determined necessary for aviation safety in consultation with the Defence Infrastructure Organisation Safeguarding and as directed by the Civil Aviation Authority.

(2) The undertaker must notify the Defence Infrastructure Organisation Safeguarding, the Civil Aviation Authority and the MMO, as soon as reasonably practicable and at least 14 days prior to the commencement of the authorised scheme, in writing of the following information—

(a) the date of the commencement of construction of the authorised scheme;

(b) the date any wind turbine generators are to be installed;

(c) the maximum height of any construction equipment or vessels to be used;

(d) the maximum height of each wind turbine generator to be constructed;

(e) the latitude and longitude of each wind turbine generator to be constructed;

and the Defence Infrastructure Organisation Safeguarding and the Civil Aviation Authority must be notified of any changes to the information supplied under this paragraph and of the completion of the construction of the authorised scheme. Copies of notifications must be provided to the MMO within 5 days.

Chemicals, drilling and debris

20.—(1) The undertaker must ensure that any coatings and treatments are suitable for use in the marine environment and are used in accordance with any guidelines approved by the Health and Safety Executive and the Environment Agency.

(2) The storage, handling, transport and use of fuels, lubricants, chemicals and other substances must be undertaken to prevent releases into the marine environment, including bunding of 110 percent of the total volume of all reservoirs and containers.

(3) The undertaker must inform the MMO in writing of the location and quantities of material disposed of each month under this licence by submission of a disposal return by 15 February each year for the months August to January inclusive, and by 15 August each year for the months February to July inclusive and must provide a null return if no activity has taken place during the reporting period.

(a) S.I. 2016/765.

(4) The undertaker must ensure that only inert material of natural origin, produced during pre-sweeping sandwave clearance where relevant, the drilling installation of or seabed preparation for foundations, and drilling mud is disposed of within the Order limits seaward of MHWS.

(5) The undertaker must ensure that any rock material used in the construction of the authorised scheme is from a recognised source, free from contaminants and containing minimal fines.

(6) In the event that any rock material used in the construction of the authorised scheme is misplaced or lost below MHWS, the undertaker must report the loss in writing to the local enforcement office within 24 hours and if the MMO, in consultation with the MCA and Trinity House, reasonably considers such material to constitute a navigation or environmental hazard (dependent on the size and nature of the material) the undertaker must, in that event, demonstrate to the MMO that reasonable attempts have been made to locate, remove or move any such material.

(7) The undertaker must ensure that no waste concrete slurry or wash water from concrete or cement works are discharged into the marine environment. Concrete and cement mixing and washing areas must be contained to prevent run off entering the water through the freeing ports.

(8) The undertaker must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO Marine Pollution Response Team in accordance with the marine pollution contingency plan agreed under condition 22(1)(d)(i).

(9) Debris or dropped objects which are considered a danger or hazard to navigation must be reported as soon as reasonably practicable but no later than six hours from the undertaker becoming aware of an incident, to the relevant HM Coastguard Maritime Rescue Co-ordination Centre by telephone (0344 382 0580), and the UK Hydrographic Office email: navwarnings@btconnect.com.

(10) All dropped objects including those in sub-paragraph (9) must be reported to the MMO using the Dropped Object Procedure Form (including any updated form as provided by the MMO) as soon as reasonably practicable and in any event within 24 hours of the undertaker becoming aware of an incident, unless otherwise agreed in writing with the MMO.

(11) On receipt of notification or 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 marine environment at the undertaker’s expense if reasonable to do so.

Force majeure

21. If, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit the authorised deposits within or outside of the Order limits because the safety of human life or of the vessel is threatened, within 48 hours the undertaker must notify full details of the circumstances of the deposit to the MMO.

Pre-construction plans and documentation

22.—(1) The licensed activities or any phase of those activities must not commence until the following (insofar as relevant to that activity or phase of activity) have been submitted to and approved in writing by the MMO, in consultation with Trinity House, the MCA, the relevant statutory nature conservation body and UKHO as appropriate—

(a) a layout plan setting out proposed details of the authorised scheme, including the—

   (i) number, dimensions, specification, foundation type(s) and depth for each offshore converter platform;

   (ii) the grid coordinates of the centre point of the proposed location for each wind turbine generator and offshore converter platform;

   (iii) proposed layout of all cables;

   (iv) location and specification of all other aspects of the authorised scheme; and

(v) any exclusion zones or micro-siting requirements identified pursuant to sub-paragraph 22(1)(e)(iv) or relating to any habitats of principal importance, Annex I subtidal habitat or surficial deposits of glacial till identified as part of surveys undertaken in accordance with condition 27;

to ensure conformity with the description of Work Nos. 2A, 3A, 7A and 8A and compliance with conditions 10 to 12;

(b) a construction programme and monitoring plan (which accords with the in principle monitoring plan) which, save in respect information submitted pursuant to sub-paragraph (b)(iii)(aa), is to be submitted to the MMO at least six months prior to commencement of licensed activities and to include details of—

(i) the proposed construction start date;

(ii) proposed timings for mobilisation of plant, delivery of materials and installation works;

(iii) proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction surveys and monitoring and related reporting in accordance with conditions 27, 28 and 29 to be submitted to the MMO in accordance with the following (unless otherwise agreed in writing with the MMO)—

(aa) at least six months prior to the first survey, detail of the pre-construction surveys and an outline of all proposed pre-construction monitoring;

(bb) at least six months prior to construction, detail on construction monitoring; and

(cc) at least six months prior to commissioning, detail of post-construction (and operational) monitoring;

(iv) an indicative written construction programme for all offshore converter platforms and cables including fibre optic cables comprised in the works at Part 1 (licensed marine activities) of this Schedule (insofar as not shown in paragraph (ii) above); and

(v) a monitoring plan for each topic identified, unless otherwise agreed in writing with the MMO, setting out the circumstances in which monitoring will be required and the monitoring to be carried out in such circumstances;

(c) a construction method statement (in accordance with the cable statement), including details of—

(i) cable burial, specification, installation and monitoring to include—

(aa) the technical specification of cables below MHWS;

(bb) a detailed cable laying plan for the authorised scheme, incorporating a detailed burial risk assessment encompassing the identification of any cable protection that exceeds 5 percent of navigable depth referenced to Chart Datum;

(cc) in the event that any area of cable protection exceeding 5 percent of navigable depth is identified, details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised, or similar such assessment to ascertain suitable burial depths and cable laying techniques, including cable protection;

(dd) in the event that any area of cable protection exceeding 5 percent of navigable depth is identified within the 10m depth contour closest to the MHWS, details of updated nearshore sediment transport modelling to enable a comparison with the conclusions of the environmental statement to ensure that the impacts of the identified cable protection will not be significantly different to those in the environmental statement; and (ee) proposals for monitoring cables including cable protection until the authorised scheme is decommissioned which includes a risk-based approach to the management of unburied or shallow buried cables;

(ii) a scour protection plan (in accordance with the outline scour protection plan) including details of scour protection and cable protection including details of the need, type, sources, quantity and installation methods for scour protection and cable protection, with details updated and resubmitted for approval if changes to it are proposed following cable laying operations;

(iii) foundation installation methodology, including drilling methods and disposal of drill arisings and material extracted during seabed preparation for foundation and cable installation works and having regard to any mitigation scheme pursuant to sub-paragraph (1)(g);

(iv) advisory safe passing distances for vessels around the sites where the licensed activities are taking place;

(v) contractors;

(vi) vessels and vessel transit corridors;

(vii) associated ancillary works; and

(viii) guard vessels to be employed;

(d) a project environmental management plan (in accordance with the outline project environmental management plan) covering the period of construction and operation 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 scheme in relation to all activities carried out;

(ii) a chemical risk assessment, including information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance and standards;

(iii) waste management and disposal arrangements;

(iv) the appointment and responsibilities of a fisheries liaison officer;

(v) a fisheries liaison and coexistence plan (which accords with the outline fisheries liaison and co-existence plan) to ensure relevant fishing fleets are notified of commencement of licensed activities pursuant to condition 16 and to address the interaction of the licensed activities with fishing activities;

(vi) a code of conduct for vessel operators to reduce risk of injury to mammals; and

(vii) procedures, which must be adopted within vessel transit corridors to minimise disturbance to red-throated diver during the period 1 November to 31 March (inclusive), which must be in accordance with the best practice protocol for minimising disturbance to red-throated diver;

(e) an archaeological written scheme of investigation in relation to the offshore Order limits seaward of MHWS, which must accord with the outline written scheme of investigation (offshore) and industry good practice, in consultation with the statutory historic body to include—

(i) details of responsibilities of the undertaker, archaeological consultant and contractor;

(ii) a methodology for further site investigation including any specifications for geophysical, geotechnical and diver or remotely operated vehicle investigations;

(iii) archaeological analysis of survey data, and timetable for reporting, which is to be submitted to the MMO within four months of any survey being completed;

(iv) delivery of any mitigation including, where necessary, identification and modification of archaeological exclusion zones;

(v) monitoring of archaeological exclusion zones during and post construction;

(vi) a requirement for the undertaker to ensure that a copy of any agreed archaeological report is deposited with the Archaeological Data Service, by submitting an OASIS ('Online Access to the Index of archaeological investigations') form with a digital copy of the report within six months of completion of construction of the authorised scheme, and to notify the MMO and Historic England that the OASIS form has been submitted to the Archaeological Data Service within two weeks of submission;

(vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme; and

(viii) a timetable for all further site investigations, which must allow sufficient opportunity to establish a full understanding of the historic environment within the offshore Order limits and the approval of any necessary mitigation required as a result of the further site investigations prior to commencement of licensed activities;

(f) an aids to navigation management plan to be agreed in writing by the MMO following consultation with Trinity House, the MCA, the Civil Aviation Authority and UKHO specifying how the undertaker will ensure compliance with condition 17 from the commencement of construction of the authorised scheme to the completion of decommissioning;

(g) in the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol (in accordance with the outline marine mammal mitigation protocol), the intention of which is to prevent injury to marine mammals, following current best practice as advised by the relevant statutory nature conservation bodies and which must include details of noise reduction methods through project design (primary measures) and/or, deployment of noise mitigation systems or noise abatement systems (secondary measures) that will be utilised to manage sounds from those piling activities and such protocol must include full details and justification for the mitigation chosen or excluded for deployment;

(h) a navigation management plan to manage crew transfer vessels (including daughter craft) during the construction and operation of the authorised scheme;

(i) a final cable statement (in accordance with the cable statement); and

(j) a site specific chemical risk assessment, which must be submitted no later than ten weeks prior to use of the relevant chemical, for all chemicals (with the exception of chemicals present on the OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk to the Environment) that have a pathway to the marine environment used for the marine licensed activities, outside the course of normal navigation, to include—

(i) the function of the chemical,

(ii) the quantities being used and the frequency of use; and

(iii) the physical, chemical, and ecotoxicological properties of the chemical.

(2) Pre-commencement surveys and archaeological investigations and pre-commencement material operations which involve intrusive seabed works must only take place in accordance with a specific outline written scheme of investigation (which must accord with the details set out in the outline written scheme of investigation (offshore)) which has been submitted to and approved by the MMO.

(3) Anchoring of vessels must not occur within the Holderness Inshore Marine Conservation Zone or within the Smithic Bank, unless otherwise agreed in writing with the MMO following consultation with the relevant statutory nature conservation body and in the event that jack-up vessels are proposed to be used for cable installation or maintenance, their legs must not be deployed within the Holderness Inshore Marine Conservation Zone or within the Smithic Bank, unless otherwise agreed in writing with the MMO following consultation with the relevant statutory nature conservation body . For the purposes of this sub-paragraph the "Holderness Inshore Marine Conservation Zone" and the "Smithic Bank" means the area bounded by the following coordinates—

Co-ordinate ID	*X*	*Y*	*Co-ordinate ID*	*X*	*Y*
1	295623.5	5988145	23	298275.5	5998380
2	295151.2	5988060	24	298621.2	5998874
3	294745.5	5988423	25	298836.9	5999246
4	294511.3	5988778	26	299247.9	5999525
5	294268.6	5989292	27	299486.8	5999430
6	293876.3	5989601	28	299598.1	5998762
7	293560.8	5989880	39	299594.8	5997967
8	293332.8	5990368	30	299268.7	5997636
9	293232.9	5990929	31	298936.8	5997174
10	293248	5991618	32	298720.2	5996494
11	293357	5992382	33	298564.6	5995785
12	293486	5993034	34	298381.8	5994812
13	293672.5	5993577	35	298391.6	5993963
14	293869.5	5994077	36	298294.2	5992800
15	294131.6	5994638	37	298298.3	5991819
16	294494.2	5995216	38	298274.7	5990919
17	295039.8	5995701	39	298010.4	5989870
18	295805.2	5996367	40	297423.3	5988941
19	296495.2	5996740	41	296719	5988548
20	297164.8	5997219	42	296143.8	5988255
21	297591.3	5997561	43	295623.5	5988145
22	297845.4	5997953			

(4) Any sediment removed from within the Dogger Bank Special Area of Conservation during construction of the authorised scheme must be disposed of within that part of the Dogger Bank Special Area of Conservation which falls within the Order limits.

(5) In the event that driven or part-driven pile foundations are proposed to be used, the hammer energy used to drive or part-drive monopile foundations must not exceed 6,000kJ and the hammer energy used to drive or part-drive pin pile foundations must not exceed 3,000kJ.

(6) The maximum number of main vessels engaged at any time in activities related to piling for the licensed activities when combined with the number of main vessels engaged in piling activities authorised by the licences granted under Schedules 10, 11 and 13 must not exceed 2 vessels.

(7) The number of piled foundations installed within a 24-hour period when combined with the number of piled foundations installed pursuant to the licences granted under Schedules 10, 11 and 13 of the Order within the same 24-hour period must not exceed—

(a) 4 monopile foundations;

(b) 8 pin pile foundations;

(c) 3 monopile foundations and 2 pin pile foundations;

(d) 2 monopile foundations and 4 pin pile foundations; or

(e) 1 monopile foundation and 6 pin pile foundations.

(8) The number of piled foundations installed concurrently when combined with the number of piled foundations installed concurrently pursuant to the licences granted under Schedules 10, 11 and 13 must not exceed—

(a) where only monopile foundations are being installed concurrently 2 monopile foundations;

(b) where only pin pile foundations are being installed concurrently 2 pin pile foundations; and

(c) where a combination of monopile foundations and pin pile foundations are being installed concurrently 1 monopile foundation and 1 pin pile foundation.

(9) In sub-paragraphs 22(1)(d)(ii) and 22(1)(j) above—

"pathway to the marine environment" means open systems or closed systems that require top up;

"chemicals" comprise both substances and preparations;

"preparation" means a mixture or solution composed of two or more substances; and

"substance" means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition.

Site Integrity Plan

23.—(1) No piling activities can take place until a Site Integrity Plan ("SIP"), which accords with the principles set out in the in principle Site Integrity Plan for the Southern North Sea Special Area of Conservation, has been submitted to, and approved in writing, by the MMO in consultation with the relevant statutory nature conservation body.

(2) The SIP submitted for approval must contain a description of the conservation objectives for the Southern North Sea Special Area of Conservation ("SNS SAC") as well as any relevant management measures and it must set out the key statutory nature conservation body advice on activities within the SNS SAC relating to piling as set out within the JNCC Guidance and how this has been considered in the context of the authorised scheme.

(3) The SIP must be submitted in writing to the MMO no later than six months prior to the commencement of piling activities.

(4) In approving the SIP the MMO must be satisfied that the authorised scheme at the preconstruction stage, in-combination with other plans and projects, is in line with the JNCC Guidance.

(5) 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, in-combination with other plans or projects at the pre-construction stage, is in line with the JNCC Guidance.

Approval of programmes, statements etc.

24.—(1) Each programme, statement, plan, protocol or scheme required to be approved under condition 22 must be submitted for approval at least six months before the intended commencement of licensed activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.

(2) The MMO must determine an application for approval made under conditions 22 and 23 within a period of six months commencing on the date the application is received by the MMO, unless otherwise agreed in writing with the undertaker.

(3) The licensed activities must be carried out in accordance with the plans, protocols, statements, schemes and details approved under conditions 22 and 23, unless otherwise agreed in writing by the MMO.

Offshore safety management

25. Any part of the authorised scheme must not be commenced 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 scheme contained within MGN654 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" (or any equivalent guidance that replaces or supersedes it) and its annexes.

Reporting of engaged agents, contractors and vessels

26.—(1) The undertaker must provide the following information in writing to the MMO—

(a) the name, function, company number (if applicable), registered or head office address (as appropriate) of any agent or contractor appointed to engage in the licensed activities within seven days of appointment; and

(b) each week during the construction of the authorised scheme a completed Hydrographic Note H102 listing the vessels currently and to be used in relation to the licensed activities.

(2) The undertaker must notify the MMO in writing of any vessel being used to carry on any licensed activity listed in this licence on behalf of the undertaker. Such notification must be received by the MMO no less than 24 hours before the commencement of the licensed activity. Notification must include the master's name, vessel type, vessel IMO number and vessel owner or operating company.

(3) Any changes to the supplied details must be notified to the MMO in writing at least 24 hours before the agent, contractor or vessel engages in the licensed activities.

Pre-construction monitoring and surveys

27.—(1) The undertaker must, in discharging condition 22(1)(b), submit a monitoring plan or plans in accordance with the in principle monitoring plan for written approval in writing by the MMO in consultation with the relevant statutory nature conservation body, which must contain details of proposed monitoring and surveys, including methodologies and timings, and a proposed format and content for a pre-construction baseline report.

(2) The survey proposals submitted under sub-paragraph (1) must be in 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 post-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.

(3) The baseline report proposals submitted under sub-paragraph (1) must ensure that the outcome of the agreed surveys, together with existing data and reports, are drawn together to present a valid statement of the pre-construction position, with any limitations, and must make clear what post-construction comparison is intended and the justification for this being required.

(4) The pre-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed in writing with the MMO, include, but not be limited to, the need to undertake—

(a) a survey to determine the location, extent and composition of habitats of principal importance, Annex I subtidal habitat, habitat with suitability for sandeel or surficial deposits of glacial till in the parts of the Order limits in which it is proposed to carry out construction works;

(b) a swath-bathymetry survey to IHO Order 1a standard that meets the requirements MGN654 and its annexes, and side scan sonar, of the area(s) within the Order limits in which it is proposed to carry out construction works including an appropriate buffer around the location of each work;

(c) undertake any monitoring required by the SIP submitted in accordance with condition 23;

(d) undertake or contribute to any marine mammal monitoring referred to in the marine mammal mitigation protocol submitted in accordance with condition 22(1)(g);

(e) any marine mammal monitoring required by the monitoring plan submitted in accordance with condition 22(1)(b), including information on indirect effects;

(f) any sandeel monitoring required by the monitoring plan submitted in accordance with condition 22(1)(b), including information on indirect effects;

(g) any benthic monitoring required by the monitoring plan submitted in accordance with condition 22(1)(b); and

(h) any marine processes monitoring required by the monitoring plan submitted in accordance with condition 22(1)(b).

(5) The undertaker must carry out the surveys specified within the monitoring plan or plans in accordance with that plan or plans, unless otherwise agreed in writing by the MMO in consultation with the relevant statutory nature conservation body.

(6) When any surveys are carried out in accordance with sub-paragraph (5) a survey report must be submitted to the MMO following completion of the relevant survey. Any report submitted under this sub-paragraph must be submitted prior to the commencement of licensed activities for the relevant stage.

(7) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, unless otherwise agreed in writing by the MMO.

Construction monitoring and surveys

28.—(1) The undertaker must, in discharging condition 22(1)(b), for each phase of construction submit details (which accord with the in principle monitoring plan) for approval in writing by the MMO in consultation with the relevant statutory nature conservation bodies of any proposed monitoring and surveys, including methodologies and timings, to be carried out during the construction of the authorised scheme. The survey proposals 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.

(2) In the event that driven or part-driven pile foundations are proposed, such monitoring must include measurements of noise generated by the installation of the first four piled foundations of each piled foundation type to be installed unless the MMO otherwise agrees in writing.

(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 in writing with the MMO in consultation with the relevant statutory nature conservation bodies.

(4) The results of the initial noise measurements monitored in accordance with sub-paragraph (2) must be provided to the MMO within six weeks of the installation of the first four piled foundations. The assessment of this report by the MMO will determine whether any further noise monitoring is required. If, in the reasonable opinion of the MMO in consultation with the relevant statutory nature conservation body, the assessment shows significantly different impacts to those assessed in the environmental statement or failures in mitigation, all piling activity must cease until an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed.

(5) The undertaker must carry out the surveys specified in the construction monitoring plan in accordance with that plan, including any further noise monitoring required in writing by the MMO under sub-paragraph (4), unless otherwise agreed in writing by the MMO in consultation with the relevant statutory nature conservation body.

(6) Construction monitoring must include vessel traffic monitoring in accordance with the outline vessel traffic monitoring plan, including the provision of reports on the results of that monitoring by automatic identification system at the end of each year of the construction period to the MMO, MCA and Trinity House.

(7) In the event that piled foundations are proposed to be used, the details submitted in accordance with the marine mammal mitigation protocol must include proposals for monitoring marine mammals.

(8) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, unless otherwise agreed in writing by the MMO.

Post-construction monitoring and surveys

29.—(1) The undertaker must, in discharging condition 22(1)(b), submit details (which accord with the in principle monitoring plan) for approval in writing by the MMO in consultation with the relevant statutory nature conservation bodies of proposed post-construction monitoring and surveys, including methodologies and timings, and a proposed format, content and timings for providing reports on the results.

(2) The survey proposals 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.

(3) The post-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed with the MMO, have due regard to, but not be limited to, the need to—

- (a) undertake a survey to determine any change in the location, extent and composition of any habitats of principal importance, Annex I subtidal habitat, habitat with suitability for sandeel or surficial deposits of glacial till identified in the pre-construction survey in the parts of the Order limits in which construction works were carried out. The survey design must be informed by the results of the pre-construction benthic survey and the construction benthic surveys;
- (b) undertake, within twelve months of completion of the licensed activities, a full sea floor coverage swath-bathymetry survey to IHO Order 1a standard that meets the requirements of MGN654 and its annexes, and side scan sonar, of the area(s) within the Order limits in which construction works were carried out to assess any changes in bedform topography and such further monitoring or assessment as may be agreed to ensure that cables (including fibre optic cables) have been buried or protected;
- (c) undertake any monitoring required by the SIP submitted in accordance with condition 23;
- (d) undertake post-construction vessel traffic monitoring in accordance with the outline vessel traffic monitoring plan by automatic identification system for a duration of three consecutive years following the completion of construction of the authorised project, unless otherwise agreed in writing by the MMO, with provision for a report to be submitted annually to the MMO, Trinity House and the MCA;
- (e) undertake any marine mammal monitoring referred to in the marine mammal mitigation protocol submitted in accordance with condition 22(1)(g);
- (f) undertake any marine mammal monitoring required by the monitoring plan submitted in accordance with condition 22(1)(b);
- (g) undertake any sandeel monitoring required by the monitoring plan submitted in accordance with condition 22(1)(b);
- (h) undertake any benthic monitoring required by the monitoring plan submitted in accordance with condition 22(1)(b); and
- (i) undertake any marine processes monitoring required by the monitoring plan submitted in accordance with condition 22(1)(b).

(4) The undertaker must carry out the surveys agreed under sub-paragraph (1) and provide the agreed reports to the MMO 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 bodies.

(5) In the event that the reports provided to the MMO under sub-paragraph (4) identify a need for additional monitoring, the requirement for any additional monitoring will be agreed with the MMO in writing and implemented as agreed.

(6) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, unless otherwise agreed in writing by the MMO.

Reporting of scour and cable protection

30.—(1) No more than four months following completion of the construction of the authorised scheme, the undertaker must provide the MMO and the relevant statutory nature conservation bodies with a report setting out details of the cable protection and scour protection used for the authorised scheme.

(2) The report must include the following information—

(a) the location of cable protection and scour protection;

(b) the volume of cable protection and scour protection; and

(c) any other information relating to the cable protection and scour protection as agreed between the MMO and the undertaker.

(3) Where any cable protection or scour protection is replenished following completion of construction the undertaker must submit an updated report in accordance with sub-paragraph (2) in writing to the MMO and the relevant statutory nature conservation bodies no more than four months following completion of the relevant replenishment being deposited.

Completion of construction

31.—(1) The undertaker must submit a close out report to the MMO, the MCA, Trinity House, UKHO and the relevant statutory nature conservation body within three months of the date of completion of construction. The close out report must confirm the date of completion of construction and must include the following details—

(a) as built plans;

(b) latitude and longitude co-ordinates of the centre point of the location for each offshore converter platform, provided as Geographical Information System data referenced to WGS84 datum; and

(c) latitude and longitude co-ordinates of the export cables, provided as Geographical Information System data referenced to WGS84 datum.

(2) Following completion of construction, no further construction activities can be undertaken under this licence.

Collaboration

32.—(1) Prior to submission of plans and documentation required to be submitted to the MMO for approval in accordance with conditions 22 and 23, the undertaker must provide a copy of the relevant plans and documentation to DBSWL and allow a reasonable period of time to enable DBSWL to provide any comments on the plans and documentation to the undertaker.

(2) The plans and documentation submitted to the MMO for approval in accordance with conditions 22 and 23 must be accompanied by any comments received by the undertaker from DBSWL in accordance with sub-paragraph (1) or a statement from the undertaker confirming that no such comments were received.

Reporting of impact pile driving

33.—(1) In the event that driven or part–driven pile foundations are proposed to be used as part of the foundation installation the undertaker must provide the following information to the Marine Noise Registry—

(a) no less than six months prior to the commencement of each phase of construction of the licensed activities, information on the expected location, start and end dates of impact pile driving to satisfy the Marine Noise Registry's Forward Look requirements;

(b) within two weeks after commencement of each phase of construction of the licensed activities, information on the location, start and end dates of impact pile driving to satisfy the Marine Noise Registry's Forward Look requirements; and

(c) at six-month intervals following the commencement of pile driving, information on the locations and dates of impact pile driving to satisfy the Marine Noise Registry's Close Out requirements by 7 April for winter season October to March inclusive and 7 October for summer season April to September inclusive or within 12 weeks of completion of impact pile driving whichever is earlier.

(2) The undertaker must notify the MMO in writing of the successful submission of Forward Look

or Close Out data pursuant to paragraph (1) above within seven days of the submission.

(3) For the purpose of this condition, "Forward Look" and "Close Out" mean the requirements as set out in the UK Marine Noise Registry Information Document Version 1 (July 2015) as amended, updated, or superseded from time to time.

Maintenance reporting

34.—(1) An annual maintenance report must be submitted to the MMO in writing within one month following the first anniversary of the date of commencement of operations, and every year thereafter until the permanent cessation of operation.

(2) The report must provide a record of the licensed activities undertaken as set out in condition 14 during the preceding year, the timing of activities and methodologies used.

(3) Every fifth year, the undertaker must submit to the MMO in writing, within one month of that date, a consolidated maintenance report, which will—

(a) include a review of licensed activities undertaken during the preceding five years with reference to the reports submitted in accordance with condition 34(1) of this licence;

(b) reconfirm the applicability of the methodologies and frequencies of the licensable activities permitted by this licence for the remaining duration of this licence.

Sediment Sampling

35.—(1) The undertaker must submit a sample plan request in writing to the MMO for written approval of a sample plan.

(2) The sample plan request must be made—

(a) for capital dredging, at least six months prior to the commencement of any capital dredging; or

(b) for maintenance dredging, at least six months prior to the end of every third year from the date of the previous sediment sample analysis.

(3) The sample plan request must include details of—

(a) the volume of material to be dredged;

(b) the location of the area to be dredged;

(c) details of the material type proposed for dredging;

(d) the type and dredging methodology (including whether it is a capital or maintenance dredge, depth of material to be dredged and proposed programme for the dredging activities); and

(e) the location and depth of any supporting samples.

(4) Unless otherwise agreed by the MMO, the undertaker must undertake the sampling in accordance with the approved sample plan.

Noise restriction

36.—(1) No piling activity can commence within Work No. 2A during the herring spawning season until a herring spawning piling restriction plan (in accordance with the herring spawning plan) is submitted to and approved in writing by the MMO, in consultation with the relevant statutory nature conservation body.

(2) The herring spawning piling restriction plan must be submitted to the MMO no later than six months prior to the commencement of the relevant activities unless otherwise agreed in writing by the MMO.

(3) The herring spawning piling restriction plan must present updated underwater noise modelling, which must be based on final project parameters to be used to install piles and must include details of any mitigation measures to be employed.

(4) If the updated underwater noise modelling referred to in sub-paragraph (3) above demonstrates that noise levels above 135 decibels from any piling area within Work No. 2A will impact either or both of—

(a) the area shoreward of the Herring Spawning Noise Restriction Boundary; or

(b) any area within 38km seaward of MHWS,

during the herring spawning season then any piles located within that piling area must not be installed during the herring spawning season without written approval from the MMO.

(5) Any piling activity within Work No. 2A during the herring spawning season must be undertaken in accordance with the approved herring spawning piling restriction plan approved under sub-paragraph (1) or in accordance with any approval given by the MMO under sub-paragraph (4) above.

(6) In this condition—

"Herring Spawning Noise Restriction Boundary" means the boundary indicated by the red line on the herring spawning plan, with the restricted area being the area shoreward of this boundary;

"herring spawning plan" means the document certified by the Secretary of State as the herring spawning plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"herring spawning season" means 21 August to 30 September inclusive or such other period as agreed in writing with the MMO; and

"piling area" means any area within Work No. 2A within which one or more piled foundations is proposed to be installed.

Export cable restriction

37.—(1) The cable installation works listed at sub-paragraphs (a) – (f) below must not be undertaken on the seabed within the restricted area during the restricted period, unless otherwise agreed in writing by the MMO—

(a) pre-sweeping;

(b) dredging;

(c) mechanical ploughing;

(d) cutting;

(e) water jetting; and

(f) cable burial operations.

(2) No later than sixteen weeks (or such other period as agreed by the MMO in writing) prior to the commencement of any licensed activities in sub-paragraph (1) within Work No. 3A, a Back Calculation Technical Report, which must include details of the restricted period, must be submitted to the MMO for approval.

(3) The licensed activities in sub-paragraph (1) within Work No. 3A must not commence until the MMO has approved the Back Calculation Technical Report.

(4) In this condition—

"Back Calculation Technical Report" means an updated version of environmental statement Appendix 10-3, which must include evidence to support the restricted period including reference to a period of settlement;

"cable installation works restricted area plan" means the plan certified by the Secretary of State as the cable installation works restricted area plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"restricted area" means the area of seabed within Work No. 3A between KP20 and KP40 as shown on the cable installation works restricted area plan; and

"restricted period" means 21 August to 30 September inclusive or such other period indicated by the Back Calculation Technical Report as the period when herring are most likely to have spawned and where eggs and newly hatched larvae should be undisturbed to avoid any adverse impacts to those eggs or larvae and any such alternative period must be agreed with the MMO in writing.

SCHEDULE 13

Article 35

Deemed Marine Licence 4: DBS West Project Offshore Transmission – Work Nos. 2B, 3B, 7B and 8B

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;

"the 2017 Regulations" means the Conservation of Offshore Marine Habitats and Species Regulations 2017;

"Annex I subtidal habitat" means a subtidal habitat of a type listed in Annex I to Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;

"array cable" means a cable linking the wind turbine generators to each other and to the offshore converter platforms;

"authorised deposits" means the substances and articles specified in paragraph 4 of Part 1 of this licence;

"authorised scheme" means Work Nos. 2B, 3B, 7B and 8B and the further associated development described in paragraph 3 of Part 1 of this licence or any part of that work or development;

"buoy" means any floating device used for navigational purposes or measurement purposes including LiDAR buoys, wave buoys and guard buoys;

"cable" means any offshore cable and includes direct-lay cables and cables laid in cable ducts and further includes fibre optic and other communications cables either within the cable or laid alongside;

"cable crossing" means the crossing of existing subsea cables and pipelines by the array, inter-platform or export cables authorised by the Order and forming part of the authorised scheme together with physical protection measures including cable protection;

"cable protection" means measures to protect cables forming part of the authorised scheme from physical damage and exposure due to loss of seabed sediment including, but not limited to, rock placement, concrete mattresses with or without frond devices, protective aprons or coverings, bagged solutions filled with sand, rock, grout or other materials and protective shells;

"cable statement" means the document certified by the Secretary of State as the cable statement for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"commence" means the first carrying out of any licensed marine activities authorised by this licence, save for pre-construction monitoring surveys approved under this licence, and "commenced" and "commencement" must be construed accordingly;

"condition" means a condition in Part 2 of this licence;

"DBS East" means the Dogger Bank South East Offshore Wind Farm;

"DBS East Project" means the DBS East Project offshore works and the DBS East Project onshore works;

"DBS East Project offshore works" means Work Nos. 1A to 8A and any other authorised development associated with those works;

"DBS East Project onshore works" means Work Nos. 9A to 34A and any other authorised development associated with those works;

"DBS West Project offshore works" means Work Nos. 1B to 8B and any authorised development associated with those works;

"DBS West Project" means the DBS West Project onshore works and the DBS West Project offshore works;

"DBS West Project onshore works" means Work Nos. 9B to 34B and any other authorised development associated with those works;

"DBSWL" means RWE Renewables UK Dogger Bank South (West) Limited, company number 13656525, whose registered office is Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, England, SN5 6PB;

"Defence Infrastructure Organisation Safeguarding" means Ministry of Defence Safeguarding, Defence Infrastructure Organisation, Kingston Road, Sutton Coldfield, West Midlands, B75 7RL and any successor body to its functions;

"disposal ground 2 (DBS West)" means the site to be used for disposal of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and cable sandwave clearance for the DBS West Project offshore works as shown on the Disposal Site Plan and with MMO disposal site reference DG035;

"disposal ground 3 (Export Cable)" means the site to be used for disposal of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and cable sandwave clearance for the DBS West Project offshore works as shown on the Disposal Site Plan as "Dogger Bank South Cable A" (MMO disposal site reference DG033) and "Dogger Bank South Cable B" (MMO disposal site reference DG034);

"Disposal Site Plan" means the plan certified by the Secretary of State as the Disposal Site Plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"Dogger Bank SAC" means the site designated as the Dogger Bank Special Area of Conservation;

"Dropped Object Procedure Form" means the MMO notification proforma with reference MLDIR1 for reporting the loss or dumping of synthetic materials and other refuse at sea or any other format advised in writing by the MMO;

"environmental statement" means the document certified by the Secretary of State as the environmental statement for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"habitats of principal importance" means a habitat designated as being of principal importance in accordance with section 41 (biodiversity lists and action (England)) of the Natural Environment and Rural Communities Act 2006;

"HAT" means highest astronomical tide;

"HVAC" means high voltage alternating current;

"HVDC" means high voltage direct current;

"IHO Order 1a standard" means order 1a from the sixth edition of the International Hydrographic Organisation's Standards for Hydrographic Surveys as updated or amended from time to time;

"in principle monitoring plan" means the document certified by the Secretary of State as the in principle monitoring plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"in principle Site Integrity Plan for the Southern North Sea Special Area of Conservation" means the document certified by the Secretary of State as the in principle Site Integrity Plan for the Southern North Sea Special Area of Conservation for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

“inter-platform cable” means a cable linking the offshore converter platforms;

“intrusive activities” means activities including anchoring of vessels, jacking up of vessels, and temporary wet storage areas;

“jacket foundation” means a lattice type structure constructed of steel which is fixed to the seabed at 3 or more points with steel pin piles and associated equipment including scour protection, J-tubes, corrosion protection systems and access platforms;

“JNCC Guidance” means the statutory nature conservation body ‘Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs’ Joint Nature Conservation Committee Report No.654, May 2020 published in June 2020 as amended, updated or superseded from time to time;

“LAT” means lowest astronomical tide;

“maintain” includes inspect, upkeep, repair, adjust, alter, remove, reconstruct and replace (including replenishment of cable protection), but does not include the removal, reconstruction or replacement of foundations associated with the authorised scheme, to the extent assessed in the environmental statement; and “maintenance” must be construed accordingly;

“Marine Management Organisation” means the body created under the 2009 Act which is responsible for the regulation of this licence or any successor of that function and “MMO” shall be construed accordingly;

“Marine Noise Registry” means the database developed and maintained by JNCC on behalf of Defra to record the spatial and temporal distribution of impulsive noise generating activities in UK seas;

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

“MCMS” means the Marine Case Management System web portal provided and operated by the MMO;

“MHWS” or “mean high water springs” means the average throughout the year of two successive high waters during a 24-hour period in each month when the range of the tide is at its greatest (Spring tides);

“MLWS” or “mean low water springs” means the lowest level that spring tides reach on average over a period of time;

“monopile foundation” means a steel pile driven or drilled into the seabed and associated equipment including scour protection, J-tubes, corrosion protection systems and access platforms and equipment;

“offshore converter platform” means an offshore converter platform with equipment to convert the HVAC power generated at the wind turbine generators into HVDC power, being a structure above LAT and attached to the seabed by means of a foundation, with one or more decks and open with modular equipment or fully clad and may include a helicopter platform, containing electrical equipment required to switch, transform, convert electricity generated at the wind turbine generators to a higher voltage and provide reactive power compensation, including but not limited to high voltage power transformers, high voltage switchgear and busbars, substation auxiliary systems and low voltage distribution, instrumentation, metering equipment and control systems, standby generators, shunt reactors, auxiliary and uninterruptible power supply systems, facilities to support operations and maintenance;

“offshore order limits and grid coordinates plan” means the plan certified by the Secretary of State as the offshore order limits and grid coordinates plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

“Order” means The Dogger Bank South East and West Offshore Wind Farms Order 2026;

"Order limits" means the limits shown on the offshore order limits and grid coordinates plans within which the authorised scheme may be carried out and the grid coordinates for Work Nos. 2B, 3B, 5B, 7B and 8B are set out in paragraph 5 of Part 1 of this licence;

"outline fisheries liaison and co-existence plan" means the document certified by the Secretary of State as the outline fisheries liaison and co-existence plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"outline marine mammal mitigation protocol" means the document certified by the Secretary of State as the outline marine mammal mitigation protocol for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"outline offshore operations and maintenance plan" means the document certified by the Secretary of State as the outline offshore operations and maintenance plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"outline project environmental management plan" means the document certified by the Secretary of State as the outline project environmental management plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"outline scour protection plan" means the document certified by the Secretary of State as the outline scour protection plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"outline vessel traffic monitoring plan" means the document certified by the Secretary of State as the outline vessel traffic monitoring plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"outline written scheme of investigation (offshore)" means the document certified by the Secretary of State as the outline written scheme of investigation (offshore) for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"scour protection" means measures to prevent loss of seabed sediment around any structure placed in or on the seabed including by the use of bagged solutions, filled with grout or other materials, protective aprons, mattresses with or without frond devices, flow energy dissipation devices and rock and gravel placement;

"statutory historic body" means Historic England or its successor in function;

"statutory nature conservation body" means a statutory nature conservation body, being the appropriate nature conservation body as defined in Regulation 5 of the Conservation of Habitats and Species Regulations 2017(**a**) or its equivalent in the Conservation of Offshore Marine Habitats and Species Regulations 2017(**b**);

"transition piece" means a metal structure attached to the top of a foundation where the base of a wind turbine generator is connected and includes additional equipment such as J-tubes, corrosion protection systems, boat access systems, access platforms, craneage, electrical transmission equipment and associated equipment;

"Trinity House" means the Corporation of Trinity House of Deptford Strond;

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

"undertaker" means DBSWL;

"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

(a) S.I. 2017/1012.
(b) S.I. 2017/1013.

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" means a structure comprising a tower, a rotor with three 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;

"works plans" means the works plans (offshore) and the works plans (onshore);

"works plans (offshore)" means the plans certified by the Secretary of State as the works plans (offshore) for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified); and

"works plans (onshore)" means the plans certified by the Secretary of State as the works plans (onshore) for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified).

(2) In this licence, a reference to any statute, order, regulation or similar instrument is a reference to a statute, order, regulation or instrument as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.

(3) In this licence, unless otherwise indicated—

(a) all times are Greenwich Mean Time;

(b) all coordinates are latitude and longitude degrees and minutes to two decimal places.

(4) Unless otherwise stated or agreed with the MMO, all submissions, notifications and communications must be sent by the undertaker to the MMO using MCMS. Except where otherwise notified in writing by the relevant organisation, the addresses for correspondence for the purposes of this licence are—

(a) Historic England
37 Tanner Road
York
YO1 6WP

(b) Marine Management Organisation
Marine Licensing Team
Tyneside House
Skinnerburn Road
Newcastle upon Tyne
NE4 7AR
Tel: 0300 123 1032

(c) Marine Management Organisation (local office)
Room 13, Ground Flood
Crosskill House
Mill Lane
Beverley
HU17 9JB
Tel: 0208 026 0519

(d) Maritime and Coastguard Agency
UK Technical Services Navigation
Spring Place

105 Commercial Road
Southampton
SO15 1EG
Tel: 020 3817 2433
Email: navigationsafety@mcga.gov.uk

(e) Natural England
4th Floor
Foss House
1-2 Peasholme Green
York
YO1 7PX
Tel: 0300 060 4911

(f) Trinity House
Tower Hill
London
EC3N 4DH
Tel: 020 7481 6900

(g) United Kingdom Hydrographic Office
Admiralty Way
Taunton
Somerset
TA1 2DN
Tel: 01823 337 900

(5) Unless otherwise advised in writing by the MMO, the address for electronic communication with the MMO for the purposes of this licence is marine.consents@marinemanagement.org.uk, or where contact to the Local Office of the MMO is required, beverley@marinemanagement.org.uk.

Details of licensed marine activities

2. Subject to the 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) (licensable marine activities) of the 2009 Act—

(a) the deposit at sea within the Order limits seaward of MHWS of the substances and objects specified in paragraph 4 below and, when combined with the disposal authorised within disposal ground 2 (DBS West) by the licences granted under Schedules 11, 14 and 14A of the Order, of up to 2,258,194 cubic metres (being a maximum, not an approximate upper figure) of inert material of natural origin produced during construction drilling or seabed preparation for foundation works, cable works and boulder clearance works at disposal site references to be provided to the MMO within disposal ground 2 (DBS West) and any other disposal sites approved in writing by the MMO;

(b) the deposit at sea within the Order limits seaward of MHWS of the substances and objects specified in paragraph 4 below and, when combined with the disposal authorised within disposal ground 3 (Export Cable) by the licence granted under Schedule 12 of the Order, of up to 26,025,965 cubic metres (being a maximum, not an approximate upper figure) of inert material of natural origin produced during construction drilling or seabed preparation for cable works and boulder clearance works at disposal site references to be provided to the MMO within disposal ground 3 (Export Cable);

(c) the construction of works in or over the sea or on or under the sea bed;

(d) dredging for the purposes of seabed preparation for foundation works or cable works;

(e) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation;

(f) boulder clearance works by displacement ploughing or subsea grab technique or any other comparable method;

(g) removal of static fishing equipment; and

(h) site preparation works.

3. Such activities are authorised in relation to the construction, maintenance and operation of—

Work No. 2B—

(a) up to one offshore converter platform fixed to the seabed by jacket or monopile foundations within the area shown on the works plans; and

(b) a network of subsea inter-platform cabling within the area shown on the works plans, including cable crossings and cable protection;

Work No. 3B—

(a) up to two HVDC subsea export cables between Work Nos. 2B and 8B along routes within the area shown on the works plans including cable crossings and cable protection;

(b) up to two cables for the transmission of fibre optic communications laid between Work Nos. 2B and 8B consisting of cables along routes within the area shown on the works plans including cable crossings and cable protection;

(c) up to three temporary pits for trenchless cable installation at landfall seaward of MLWS and up to three additional temporary pits for trenchless cable installation at landfall seaward of MLWS for the DBS East Project within the area shown on the works plans;

(d) installation of up to three landfall cable ducts (if required) and up to three additional landfall cable ducts (if required) for the DBS East Project within the area shown on the works plans; and

(e) installation of up to three cable duct extensions from below LAT to any temporary pits created for trenchless cable installation situated above MLWS and up to three additional landfall cable ducts (if required) for the DBS East Project from below LAT to any temporary pits created for trenchless cable installation situated above MLWS;

Work No. 6B—

Not used;

Work No. 7B—

A temporary work area associated with Work Nos. 1B to 5B for vessels to carry out intrusive activities and non-intrusive activities alongside Work Nos. 1B to 7B;

In connection with such Work Nos. 2B, 3B and 7B and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised scheme and which fall within the scope of the work assessed by the environmental statement and the provisions of this licence, 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. 2B, 3B and 5B and the disposal of inert material of natural origin within the Order limits produced during construction drilling, seabed preparation for foundation works, cable installation preparation such as sandwave clearance, boulder clearance and pre-trenching and excavation of trenchless crossing exit pits;

(d) removal of static fishing equipment;

(e) temporary landing places, moorings or other means of accommodating vessels in the construction or maintenance of the authorised scheme;

(f) disposal of drill arisings in connection with any foundation drilling up to a total of 704 cubic metres;

(g) creation and use of temporary laydown areas, use of cable lay vessel anchors;

(h) lighting.

Work No. 8B—

(a) installation of up to two HVDC subsea export cables and up to two cables for the transmission of fibre optic communications within up to three landfall cable ducts (if required) between Work No. 3B and Work No. 12B and up to three landfall cable ducts (if required) for the DBS East Project between Work No. 3A and Work No. 12A;

(b) trenchless cable installation;

(c) temporary construction working areas for emergency works; and

(d) vessel anchoring for emergency works.

4. The substances and objects authorised for deposit at sea are—

(a) iron, steel, copper and aluminium;

(b) stone and rock;

(c) concrete and grout;

(d) sand and gravel;

(e) cement bound sand;

(f) natural soils;

(g) plastic and synthetic material;

(h) drilling fluid;

(i) material extracted from within the Order limits during construction drilling or seabed preparation for foundation works and cable installation preparation works;

(j) weights used for the calibration of vessels, consisting of a hessian sack, metal shackles or chains; and

(k) marine coatings, other chemicals and timber.

5. The grid coordinates for that part of the authorised scheme comprising Work Nos. 2B, 3B, 7B and 8B are specified below—

Point ID	Latitude (DMS)	Longitude (DMS)
1	53° 59.6364’ N	0° 12.40874’ W
2	53° 59.82784’ N	0° 11.50751’ W
3	53° 59.84021’ N	0° 9.78718’ W
4	54° 0.1033’ N	0° 8.05888’ W
5	54° 0.45563’ N	0° 6.57895’ W
6	54° 1.88431’ N	0° 3.05262’ W
7	54° 3.14098’ N	0° 0.70959’ E
8	54° 3.77637’ N	0° 2.53092’ E
9	54° 4.14562’ N	0° 3.45918’ E
10	54° 4.27659’ N	0° 4.42011’ E
11	54° 4.31082’ N	0° 5.04613’ E
12	54° 8.77722’ N	0° 14.26259’ E
13	54° 16.03855’ N	0° 31.60943’ E
14	54° 16.33488’ N	0° 32.15475’ E

15	54° 18.43135’ N	0° 36.31356’ E
16	54° 19.52715’ N	0° 37.41854’ E
17	54° 25.52646’ N	0° 46.47839’ E
18	54° 29.17866’ N	0° 55.21543’ E
19	54° 35.2432’ N	1° 15.59582’ E
20	54° 41.97912’ N	1° 19.18481’ E
21	54° 42.68808’ N	1° 19.11958’ E
22	54° 42.89576’ N	1° 19.19192’ E
23	54° 43.00532’ N	1° 19.2987’ E
24	54° 43.10223’ N	1° 19.45603’ E
25	54° 44.18515’ N	1° 21.7125’ E
26	54° 44.28093’ N	1° 22.03856’ E
27	54° 44.30046’ N	1° 22.32068’ E
28	54° 44.26468’ N	1° 22.62418’ E
29	54° 39.02878’ N	1° 44.92686’ E
30	54° 38.84907’ N	1° 45.31024’ E
31	54° 38.57165’ N	1° 45.4825’ E
32	54° 36.48108’ N	1° 44.38088’ E
33	54° 36.3193’ N	1° 44.24208’ E
34	54° 36.19975’ N	1° 44.03507’ E
35	54° 31.81809’ N	1° 33.61066’ E
36	54° 31.68029’ N	1° 33.16936’ E
37	54° 31.68491’ N	1° 32.6914’ E
38	54° 33.7017’ N	1° 20.55955’ E
39	54° 33.84869’ N	1° 20.16118’ E
40	54° 34.09052’ N	1° 19.9387’ E
41	54° 34.54334’ N	1° 17.32206’ E
42	54° 28.99427’ N	0° 58.64713’ E
43	54° 28.15029’ N	0° 55.92687’ E
44	54° 24.70977’ N	0° 47.69726’ E
45	54° 18.87875’ N	0° 38.89895’ E
46	54° 17.72124’ N	0° 37.72511’ E
47	54° 15.53155’ N	0° 33.38368’ E
48	54° 15.19324’ N	0° 32.75337’ E
49	54° 13.67671’ N	0° 29.11575’ E
50	54° 12.45423’ N	0° 27.88505’ E
51	54° 12.33295’ N	0° 27.60465’ E
52	54° 11.97431’ N	0° 25.0371’ E
53	54° 7.92055’ N	0° 15.37852’ E
54	54° 3.30272’ N	0° 5.84501’ E
55	54° 3.26167’ N	0° 5.6635’ E
56	54° 3.21017’ N	0° 4.70318’ E
57	54° 3.15199’ N	0° 4.23063’ E
58	54° 2.86151’ N	0° 3.50109’ E
59	54° 2.20927’ N	0° 1.63117’ E
60	54° 0.96981’ N	0° 2.08082’ W
61	53° 59.50126’ N	0° 5.71047’ W
62	53° 58.98868’ N	0° 7.85689’ W
63	53° 58.69884’ N	0° 8.79203’ W
64	53° 58.4388’ N	0° 9.96246’ W

65	53° 58.38876’ N	0° 11.76128’ W

6. This licence remains in force until the authorised scheme has been decommissioned in accordance with a programme approved by the Secretary of State under section 106 (approval of decommissioning programmes) 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.

7. The provisions of section 72 (variation, suspension, revocation and transfer) of the 2009 Act apply to this licence except that the provisions of section 72(7) and (8) relating to the transfer of the licence apply only to a transfer not falling within article 5 (benefit of the Order) of the Order.

8.—(1) With respect to any condition which requires the licensed activities be carried out in accordance with the details, plans or schemes approved under this licence, the approved details, plans or schemes are taken to include any amendments that may subsequently be approved in writing by the MMO.

(2) Any amendments to or variations from the approved details, plans or schemes must be in accordance with the principles and assessments set out in the environmental statement and approval of an amendment or variation may only be given where it has been demonstrated to the satisfaction of the MMO that it is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

9. Should the undertaker become aware that any of the information on which the granting of this licence was based was materially false or misleading, the undertaker must notify the MMO of this fact in writing as soon as is reasonably practicable. The undertaker must explain in writing what information was materially false or misleading and must provide to the MMO the correct information.

PART 2

Conditions

Design parameters

Offshore converter platform dimensions

10.—(1) The total number of offshore converter platforms in respect of the authorised scheme must not exceed one.

(2) The dimensions of any offshore converter platform (excluding helidecks, lightning protection, towers, masts and cranes) must not exceed—

(a) 125 metres in length;

(b) 100 metres in width; or

(c) 105 metres in height above LAT.

Offshore converter platform foundations

11.—(1) Offshore converter platform foundations must be of one or more of the following foundation options: piled monopile, or piled jacket foundation.

(2) The pile diameter of any offshore converter platform piled monopile foundation must not exceed 15 metres.

(3) Any offshore converter platform piled jacket must not have—

(a) more than eight legs;

(b) more than eight piles; or

(c) a pile diameter exceeding 3.8 metres.

(4) Any offshore converter platform foundation must not have—

(a) a seabed footprint (including scour protection) exceeding 5,411 square metres; or

(b) a seabed footprint (excluding scour protection) exceeding 177 square metres.

(5) Within Work No. 2B, the offshore converter platforms foundations must not have—

(a) a total combined seabed footprint (including scour protection) exceeding 5,411 square metres; or

(b) a total combined amount of scour protection exceeding 5,234 square metres.

(6) The total volume of scour protection for offshore converter platforms in respect of the authorised scheme must not exceed 9,450 cubic metres.

Cables and cable protection

12.—(1) Within Work No. 3B the offshore export cables must not, in total—

(a) exceed 2 in number;

(b) exceed 306 kilometres in length;

(c) exceed 12 cable crossings;

(d) have cable protection (including cable crossings) exceeding 470,350 square metres in area; or

(e) have cable protection (including cable crossings) exceeding 426,747 cubic metres in volume.

(2) The offshore export cables within Work No. 3B which fall within the Dogger Bank Special Area of Conservation must not have cable protection exceeding 10% of the length of such cables, when combined with the offshore export cables, array cables and inter-platform cables authorised by the licences granted under Schedules 10 to 12 and 14 to 14A of the Order.

(3) Within the area between MHWS and 350 metres seaward of MLWS, all offshore export cables must be buried, and must not have cable protection.

(4) Any offshore export cables within the area between 350 metres seaward of MLWS and the 10 metre depth contour as measured against LAT (as at the date of commencement of construction of the licensed activities) must not have cable protection exceeding 10% of the length of such cables, when combined with the offshore export cables authorised by the licence granted under Schedule 12 of the Order.

(5) Within Work No. 2B the inter-platform cables must not, in total—

(a) exceed 1 in number;

(b) exceed 23 kilometres in length;

(c) exceed 1 cable crossings;

(d) have cable protection (including cable crossings) exceeding 43,203 square metres in area; or

(e) have cable protection (including cable crossings) exceeding 39,207 cubic metres in volume.

Phases of authorised scheme

13.—(1) The authorised scheme must not commence until an offshore works phasing scheme setting out the phases of construction of the authorised scheme has been submitted to and approved in writing by the MMO.

(2) The authorised scheme must be submitted at least 6 months prior to the proposed commencement of the works.

(3) Any subsequent amendments to the offshore works phasing scheme submitted for approval under sub-paragraph (1) must be submitted to the MMO for approval in writing.

(4) The offshore works phasing scheme submitted for approval under sub-paragraph (1) must be implemented as approved. The approved details shall be taken to include any amendment that may subsequently be approved by the MMO in accordance with sub-paragraph (3).

Maintenance of the authorised scheme

14.—(1) The undertaker may at any time maintain the authorised scheme, except to the extent that this licence or an agreement made under this licence provides otherwise.

(2) Maintenance works include but are not limited to—

(a) routine maintenance of wind turbine generators, offshore converter platforms, and their respective foundations;

(b) major offshore converter platform replacement;

(c) painting and applying other coatings to offshore converter platforms;

(d) bird waste and marine growth removal;

(e) surveys/inspections of cables;

(f) cable remedial burial;

(g) cable protection replenishment;

(h) cable repairs and replacement;

(i) access ladder and boat landing replacement;

(j) offshore converter platform anode replacement; and

(k) J-tube repair/replacement.

(3) Operation of the licensed activities must not commence until an offshore operations and maintenance plan substantially in accordance with the outline offshore operations and maintenance plan has been submitted to and approved in writing by the MMO. The operations and maintenance plan must include, but is not limited to—

(a) a list of maintenance activities within the marine environment that are planned for the lifetime of the licensed activities;

(b) details of the typical construction plant, machinery and personnel requirements for each maintenance activity and any requirements for detailed method statements;

(c) details of the typical frequency and timing of each maintenance activity; and

(d) details of controls and mitigation that will be in place in order to protect the marine environment.

(4) The offshore operations and maintenance plan must be reviewed every three years commencing from the date on which the plan was approved, unless otherwise agreed by the MMO, to ensure the details of the maintenance activities remain accurate. The conclusions of that review must be submitted to and approved by the MMO in writing.

(5) The offshore operations and maintenance plan must be implemented as approved by the MMO.

(6) Unless otherwise agreed in writing with the MMO, the undertaker must submit—

(a) the first offshore operations and maintenance plan at least 6 months prior to the operation of the licensed activities;

(b) any revised offshore operations and maintenance plan submitted in accordance with sub-paragraph (4) at least 6 months before such revised plan is required to be put in place; and

(c) where additional maintenance activities are identified that are not included in the approved offshore operations and maintenance plan, or any revised plan approved in accordance with sub-paragraph (4), an updated offshore operations and maintenance plan including the additional maintenance activities must be submitted to and approved by the MMO in writing as soon as possible after the need for such additional maintenance activities is identified.

Extension of time periods

15. Any time period given in this licence to either the undertaker or the MMO may be extended with the agreement of the other party in writing, such agreement not to be unreasonably withheld or delayed.

Notifications and inspections

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

(a) a copy of this licence (issued as part of the grant of the Order) and any subsequent amendments or revisions to it is provided to—

(i) all agents and contractors notified to the MMO in accordance with condition 26;

(ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with condition 26; and

(b) the undertaker must confirm in writing to the MMO within 28 days of a copy of this licence and any subsequent amendments or revisions to it being provided to the persons listed in sub-paragraph (1)(a) that the required information has been provided.

(2) Only those persons and vessels notified to the MMO in accordance with condition 26 are permitted to carry out the licensed activities.

(3) Copies of this licence must also be available for inspection 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

(c) on board each vessel and at the office of any transport manager with responsibility for vessels from which authorised deposits or removals are to be made.

(4) The documents referred to in sub-paragraph (1) must be available for inspection by an authorised enforcement officer at the locations set out in sub-paragraph (3).

(5) The undertaker must provide access, and if necessary appropriate transportation, to the offshore construction site or any other associated works or vessels to facilitate any inspection that the MMO considers necessary to inspect the works during the construction and operation of the authorised scheme.

(6) The undertaker must inform the MMO Local Office in writing at least fourteen days prior to the commencement of the licensed activities or any part of them and within five days of the completion of the licensed activity.

(7) The undertaker must inform the Kingfisher Information Service of Seafish by email to kingfisher@seafish.co.uk of details of the vessel routes, timings and locations relating to the construction of the authorised scheme or relevant part—

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

(b) as soon as reasonably practicable and no later than 24 hours of completion of the DBS West Project offshore works,

and confirmation of notification must be provided to the MMO within five days.

(8) The undertaker must ensure that a local notification to mariners is issued at least 14 days prior to the commencement of the authorised scheme or any part thereof advising of the start date of each of Work Nos. 2B, 3B, 7B and 8B and the expected vessel routes from the construction ports to the relevant location. Copies of all notices must be provided to the MMO, MCA and UKHO within five days.

(9) The undertaker must ensure that local notifications to mariners are updated and reissued at weekly intervals during construction activities and at least five days before any planned operations (unless otherwise agreed in writing by the MMO) and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme and

monitoring plan approved under condition 22(1)(b). Copies of all notices must be provided to the MMO, UKHO and the MCA within five days.

(10) The undertaker must notify UKHO and the MCA of the commencement (within ten days), progress and completion of construction (within ten days) of the licensed activities in order that all necessary amendments to nautical and aeronautical charts are made and the undertaker must send a copy of such notifications to the MMO within five days of the notification.

(11) In case of damage to, or destruction or decay of, the authorised scheme or any part thereof, excluding the exposure of cables, the undertaker must as soon as reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify the MMO, the MMO Local Office, MCA, Trinity House, the Kingfisher Information Service of Seafish and UKHO.

(12) In case of the exposure of cables on or above the seabed, the undertaker must within three days following identification of a potential cable exposure, notify mariners and inform the Kingfisher Information Service of Seafish of the location and extent of exposure. Copies of all notices must be provided to the MMO, MCA, Trinity House, and UKHO within five days.

(13) The undertaker must notify the MMO in writing a minimum of five days in advance of the commencement of each discrete incident of cable repair, replacement, or protection replenishment activity. Such a notification must include proposed timings and a description of proposed methodologies.

(14) The undertaker must ensure that the MMO, the MMO Local Office, local mariners, local fishermen's organisations and the Source Data Receipt Team at the UK Hydrographic Office, Taunton, Somerset, TA1 2DN (sdr@ukho.gov.uk) are notified within five days of completion of each instance of cable repair, replacement or protection replenishment activity.

Aids to navigation

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

(a) notice of commencement of construction of the authorised scheme 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 five days of completion of construction of the authorised scheme.

(3) The undertaker must provide reports to Trinity House on the availability of aids to navigation in accordance with the frequencies set out in the aids to navigation management plan agreed pursuant to condition 22(1)(f) using the reporting system provided by Trinity House.

(4) The undertaker must during the period from commencement of the licensed activities to completion of decommissioning of the authorised scheme 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 possible and no later than 24 hours following the undertaker becoming aware of any such failure.

(5) In the event that the provisions of condition 16(11) or condition 16(12) are invoked, the undertaker must lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as directed by Trinity House.

Colouring of Structures

18.—(1) Except as otherwise required by Trinity House the undertaker must colour all structures forming part of the authorised scheme yellow (colour code RAL 1023) from at least HAT to a height directed by Trinity House or must colour the structure as directed by Trinity House in writing from time to time.

(2) Subject to sub-paragraph (1) above, unless the MMO otherwise directs in writing, the undertaker must paint the remainder of the structures submarine grey (colour code RAL 7035).

Aviation safety

19.—(1) The undertaker must exhibit such lights, with such shape, colour and character as are required in writing by the Air Navigation Order 2016(**a**) (with any reference to the territorial sea being read as a reference to the Renewable Energy Zone established under section 84 of the 2004 Act) and determined necessary for aviation safety in consultation with the Defence Infrastructure Organisation Safeguarding and as directed by the Civil Aviation Authority.

(2) The undertaker must notify the Defence Infrastructure Organisation Safeguarding, the Civil Aviation Authority and the MMO, as soon as reasonably practicable and at least 14 days prior to the commencement of the authorised scheme, in writing of the following information—

(a) the date of the commencement of construction of the authorised scheme;

(b) the date any wind turbine generators are to be installed;

(c) the maximum height of any construction equipment or vessels to be used;

(d) the maximum height of each wind turbine generator to be constructed;

(e) the latitude and longitude of each wind turbine generator to be constructed;

and the Defence Infrastructure Organisation Safeguarding and the Civil Aviation Authority must be notified of any changes to the information supplied under this paragraph and of the completion of the construction of the authorised scheme. Copies of notifications must be provided to the MMO within 5 days.

Chemicals, drilling and debris

20.—(1) The undertaker must ensure that any coatings and treatments are suitable for use in the marine environment and are used in accordance with any guidelines approved by the Health and Safety Executive and the Environment Agency.

(2) The storage, handling, transport and use of fuels, lubricants, chemicals and other substances must be undertaken to prevent releases into the marine environment, including bunding of 110 percent of the total volume of all reservoirs and containers.

(3) The undertaker must inform the MMO in writing of the location and quantities of material disposed of each month under this licence by submission of a disposal return by 15 February each year for the months August to January inclusive, and by 15 August each year for the months February to July inclusive and must provide a null return if no activity has taken place during the reporting period.

(4) The undertaker must ensure that only inert material of natural origin, produced during pre-sweeping sandwave clearance where relevant, the drilling installation of or seabed preparation for foundations, and drilling mud is disposed of within the Order limits seaward of MHWS.

(5) The undertaker must ensure that any rock material used in the construction of the authorised scheme is from a recognised source, free from contaminants and containing minimal fines.

(6) In the event that any rock material used in the construction of the authorised scheme is misplaced or lost below MHWS, the undertaker must report the loss in writing to the local enforcement office within 24 hours and if the MMO, in consultation with the MCA and Trinity House, reasonably considers such material to constitute a navigation or environmental hazard (dependent on the size and nature of the material) the undertaker must, in that event, demonstrate to the MMO that reasonable attempts have been made to locate, remove or move any such material.

(a) S.I. 2016/765.

(7) The undertaker must ensure that no waste concrete slurry or wash water from concrete or cement works are discharged into the marine environment. Concrete and cement mixing and washing areas must be contained to prevent run off entering the water through the freeing ports.

(8) The undertaker must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO Marine Pollution Response Team in accordance with the marine pollution contingency plan agreed under condition 22(1)(d)(i).

(9) Debris or dropped objects which are considered a danger or hazard to navigation must be reported as soon as reasonably practicable but no later than six hours from the undertaker becoming aware of an incident, to the relevant HM Coastguard Maritime Rescue Co-ordination Centre by telephone (0344 382 0580), and the UK Hydrographic Office email: navwarnings@btconnect.com.

(10) All dropped objects including those in sub-paragraph (9) must be reported to the MMO using the Dropped Object Procedure Form (including any updated form as provided by the MMO) as soon as reasonably practicable and in any event within 24 hours of the undertaker becoming aware of an incident, unless otherwise agreed in writing by the MMO.

(11) On receipt of notification or 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 marine environment at the undertaker's expense if reasonable to do so.

Force majeure

21. If, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit the authorised deposits within or outside of the Order limits because the safety of human life or of the vessel is threatened, within 48 hours the undertaker must notify full details of the circumstances of the deposit to the MMO.

Pre-construction plans and documentation

22.—(1) The licensed activities or any phase of those activities must not commence until the following (insofar as relevant to that activity or phase of activity) have been submitted to and approved in writing by the MMO, in consultation with Trinity House, the MCA, the relevant statutory nature conservation body and UKHO as appropriate—

(a) a layout plan setting out proposed details of the authorised scheme, including the—

(i) number, dimensions, specification, foundation type(s) and depth for each offshore converter platform;

(ii) the grid coordinates of the centre point of the proposed location for each wind turbine generator and offshore converter platform;

(iii) proposed layout of all cables;

(iv) location and specification of all other aspects of the authorised scheme; and

(v) any exclusion zones or micro-siting requirements identified pursuant to sub-paragraph 22(1)(e)(iv) or relating to any habitats of principal importance, Annex I subtidal habitat or surficial deposits of glacial till identified as part of surveys undertaken in accordance with condition 27;

to ensure conformity with the description of Work Nos. 2B, 3B, 7B and 8B and compliance with conditions 10 to 12;

(b) a construction programme and monitoring plan (which accords with the in principle monitoring plan) which, save in respect information submitted pursuant to sub-paragraph (b)(iii)(aa), is to be submitted to the MMO at least six months prior to commencement of licensed activities and to include details of—

(i) the proposed construction start date;

(ii) proposed timings for mobilisation of plant, delivery of materials and installation works;

(iii) proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction surveys and monitoring and related reporting in accordance with conditions 27, 28 and 29 to be submitted to the MMO in accordance with the following (unless otherwise agreed in writing with the MMO)—

(aa) at least six months prior to the first survey, detail of the pre-construction surveys and an outline of all proposed pre-construction monitoring;

(bb) at least six months prior to construction, detail on construction monitoring; and

(cc) at least six months prior to commissioning, detail of post-construction (and operational) monitoring;

(iv) an indicative written construction programme for all offshore converter platforms and cables including fibre optic cables comprised in the works at Part 1 (licensed marine activities) of this Schedule (insofar as not shown in paragraph (ii) above); and

(v) a monitoring plan for each topic identified, unless otherwise agreed in writing with the MMO, setting out the circumstances in which monitoring will be required and the monitoring to be carried out in such circumstances;

(c) a construction method statement (in accordance with the cable statement), including details of—

(i) cable burial, specification, installation and monitoring to include—

(aa) the technical specification of cables below MHWS;

(bb) a detailed cable laying plan for the authorised scheme, incorporating a detailed burial risk assessment encompassing the identification of any cable protection that exceeds 5 percent of navigable depth referenced to Chart Datum;

(cc) in the event that any area of cable protection exceeding 5 percent of navigable depth is identified, details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised, or similar such assessment to ascertain suitable burial depths and cable laying techniques, including cable protection;

(dd) in the event that any area of cable protection exceeding 5 percent of navigable depth is identified within the 10m depth contour closest to the MHWS, details of updated nearshore sediment transport modelling to enable a comparison with the conclusions of the environmental statement to ensure that the impacts of the identified cable protection will not be significantly different to those in the environmental statement; and

(ee) proposals for monitoring cables including cable protection until the authorised scheme is decommissioned which includes a risk-based approach to the management of unburied or shallow buried cables;

(ii) a scour protection plan (in accordance with the outline scour protection plan) including details of scour protection and cable protection including details of the need, type, sources, quantity and installation methods for scour protection and cable protection, with details updated and resubmitted for approval if changes to it are proposed following cable laying operations;

(iii) foundation installation methodology, including drilling methods and disposal of drill arisings and material extracted during seabed preparation for foundation and cable installation works and having regard to any mitigation scheme pursuant to sub-paragraph (1)(i);

(iv) advisory safe passing distances for vessels around sites where the licensed activities are taking place;

(v) contractors;

(vi) vessels and vessel transit corridors;

(vii) associated ancillary works; and

(viii) guard vessels to be employed;

(d) a project environmental management plan (in accordance with the outline project environmental management plan) covering the period of construction and operation 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 scheme in relation to all activities carried out;

(ii) a chemical risk assessment, including information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance and standards;

(iii) waste management and disposal arrangements;

(iv) the appointment and responsibilities of a fisheries liaison officer;

(v) a fisheries liaison and coexistence plan (which accords with the outline fisheries liaison and co-existence plan) to ensure relevant fishing fleets are notified of commencement of licensed activities pursuant to condition 16 and to address the interaction of the licensed activities with fishing activities;

(vi) a code of conduct for vessel operators to reduce risk of injury to mammals; and

(vii) procedures, which must be adopted within vessel transit corridors to minimise disturbance to red-throated diver during the period 1 November to 31 March (inclusive), which must be in accordance with the best practice protocol for minimising disturbance to red-throated diver;

(e) an archaeological written scheme of investigation in relation to the offshore Order limits seaward of MHWS, which must accord with the outline written scheme of investigation (offshore) and industry good practice, in consultation with the statutory historic body to include—

(i) details of responsibilities of the undertaker, archaeological consultant and contractor;

(ii) a methodology for further site investigation including any specifications for geophysical, geotechnical and diver or remotely operated vehicle investigations;

(iii) archaeological analysis of survey data, and timetable for reporting, which is to be submitted to the MMO within four months of any survey being completed;

(iv) delivery of any mitigation including, where necessary, identification and modification of archaeological exclusion zones;

(v) monitoring of archaeological exclusion zones during and post construction;

(vi) a requirement for the undertaker to ensure that a copy of any agreed archaeological report is deposited with the Archaeological Data Service, by submitting an OASIS ('Online Access to the Index of archaeological investigations') form with a digital copy of the report within six months of completion of construction of the authorised scheme, and to notify the MMO and Historic England that the OASIS form has been submitted to the Archaeological Data Service within two weeks of submission;

(vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme; and

(viii) a timetable for all further site investigations, which must allow sufficient opportunity to establish a full understanding of the historic environment within the offshore Order limits and the approval of any necessary mitigation required as a result of the further site investigations prior to commencement of licensed activities;

(f) an aids to navigation management plan to be agreed in writing by the MMO following consultation with Trinity House, the MCA, the Civil Aviation Authority and UKHO specifying how the undertaker will ensure compliance with condition 17 from the commencement of construction of the authorised scheme to the completion of decommissioning;

(g) in the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol (in accordance with the outline marine mammal mitigation protocol), the intention of which is to prevent injury to marine mammals, following current best practice as advised by the relevant statutory nature conservation bodies and which must include details of noise reduction methods through project design (primary measures) and/or, deployment of noise mitigation systems or noise abatement systems (secondary measures) that will be utilised to manage sounds from those piling activities and such protocol must include full details and justification for the mitigation chosen or excluded for deployment;

(h) a navigation management plan to manage crew transfer vessels (including daughter craft) during the construction and operation of the authorised scheme;

(i) a final cable statement (in accordance with the cable statement); and

(j) a site specific chemical risk assessment, which must be submitted no later than ten weeks prior to use of the relevant chemical, for all chemicals (with the exception of chemicals present on the OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk to the Environment) that have a pathway to the marine environment used for the marine licensed activities, outside the course of normal navigation, to include—

(i) the function of the chemical,

(ii) the quantities being used and the frequency of use; and

(iii) the physical, chemical, and ecotoxicological properties of the chemical.

(2) Pre-commencement surveys and archaeological investigations and pre-commencement material operations which involve intrusive seabed works must only take place in accordance with a specific outline written scheme of investigation (which must accord with the details set out in the outline written scheme of investigation (offshore)) which has been submitted to and approved by the MMO.

(3) Anchoring of vessels must not occur within the Holderness Inshore Marine Conservation Zone or within the Smithic Bank, unless otherwise agreed in writing with the MMO following consultation with the relevant statutory nature conservation body and in the event that jack-up vessels are proposed to be used for cable installation or maintenance, their legs must not be deployed within the Holderness Inshore Marine Conservation Zone or within the Smithic Bank, unless otherwise agreed in writing with the MMO following consultation with the relevant statutory nature conservation body. For the purposes of this sub-paragraph the "Holderness Inshore Marine Conservation Zone" and the "Smithic Bank" means the area bounded by the following coordinates—

Co-ordinate ID	*X*	*Y*	*Co-ordinate ID*	*X*	*Y*
1	295623.5	5988145	23	298275.5	5998380
2	295151.2	5988060	24	298621.2	5998874
3	294745.5	5988423	25	298836.9	5999246
4	294511.3	5988778	26	299247.9	5999525
5	294268.6	5989292	27	299486.8	5999430
6	293876.3	5989601	28	299598.1	5998762
7	293560.8	5989880	39	299594.8	5997967
8	293332.8	5990368	30	299268.7	5997636
9	293232.9	5990929	31	298936.8	5997174
10	293248	5991618	32	298720.2	5996494
11	293357	5992382	33	298564.6	5995785
12	293486	5993034	34	298381.8	5994812
13	293672.5	5993577	35	298391.6	5993963

14	293869.5	5994077	36	298294.2	5992800
15	294131.6	5994638	37	298298.3	5991819
16	294494.2	5995216	38	298274.7	5990919
17	295039.8	5995701	39	298010.4	5989870
18	295805.2	5996367	40	297423.3	5988941
19	296495.2	5996740	41	296719	5988548
20	297164.8	5997219	42	296143.8	5988255
21	297591.3	5997561	43	295623.5	5988145
22	297845.4	5997953			

(4) Any sediment removed from within the Dogger Bank Special Area of Conservation during construction of the authorised scheme must be disposed of within that part of the Dogger Bank Special Area of Conservation which falls within the Order limits.

(5) In the event that driven or part-driven pile foundations are proposed to be used, the hammer energy used to drive or part-drive monopile foundations must not exceed 6,000kJ and the hammer energy used to drive or part-drive pin pile foundations must not exceed 3,000kJ.

(6) The maximum number of main vessels engaged at any time in activities related to piling for the licensed activities when combined with the number of main vessels engaged in piling activities authorised by the licences granted under Schedules 10 to 12 must not exceed 2 vessels.

(7) The number of piled foundations installed within a 24-hour period when combined with the number of piled foundations installed pursuant to the licences granted under Schedules 10 to 12 of the Order within the same 24-hour period must not exceed—

(a) 4 monopile foundations;

(b) 8 pin pile foundations;

(c) 3 monopile foundations and 2 pin pile foundations;

(d) 2 monopile foundations and 4 pin pile foundations; or

(e) 1 monopile foundation and 6 pin pile foundations.

(8) The number of piled foundations installed concurrently when combined with the number of piled foundations installed concurrently pursuant to the licences granted under Schedules 10 to 12 must not exceed—

(a) where only monopile foundations are being installed concurrently 2 monopile foundations;

(b) where only pin pile foundations are being installed concurrently 2 pin pile foundations; and

(c) where a combination of monopile foundations and pin pile foundations are being installed concurrently 1 monopile foundation and 1 pin pile foundation.

(9) In sub-paragraphs 22(1)(d)(ii) and 22(1)(j) above—

"pathway to the marine environment" means open systems or closed systems that require top up;

"chemicals" comprise both substances and preparations;

"preparation" means a mixture or solution composed of two or more substances; and

"substance" means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition.

Site Integrity Plan

23.—(1) No piling activities can take place until a Site Integrity Plan ("SIP"), which accords with the principles set out in the in principle Site Integrity Plan for the Southern North Sea Special Area of Conservation, has been submitted to, and approved in writing, by the MMO in consultation with the relevant statutory nature conservation body.

(2) The SIP submitted for approval must contain a description of the conservation objectives for the Southern North Sea Special Area of Conservation ("SNS SAC") as well as any relevant management measures and it must set out the key statutory nature conservation body advice on activities within the SNS SAC relating to piling as set out within the JNCC Guidance and how this has been considered in the context of the authorised scheme.

(3) The SIP must be submitted in writing to the MMO no later than six months prior to the commencement of piling activities.

(4) In approving the SIP the MMO must be satisfied that the authorised scheme at the preconstruction stage, in-combination with other plans and projects, is in line with the JNCC Guidance.

(5) 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, in-combination with other plans or projects at the pre-construction stage, is in line with the JNCC Guidance.

Approval of programmes, statements etc.

24.—(1) Each programme, statement, plan, protocol or scheme required to be approved under condition 22 must be submitted for approval at least six months before the intended commencement of licensed activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.

(2) The MMO must determine an application for approval made under conditions 22 and 23 within a period of six months commencing on the date the application is received by the MMO, unless otherwise agreed in writing with the undertaker.

(3) The licensed activities must be carried out in accordance with the plans, protocols, statements, schemes and details approved under conditions 22 and 23, unless otherwise agreed in writing by the MMO.

Offshore safety management

25. Any part of the authorised scheme must not be commenced 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 scheme contained within MGN654 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" (or any equivalent guidance that replaces or supersedes it) and its annexes.

Reporting of engaged agents, contractors and vessels

26.—(1) The undertaker must provide the following information in writing to the MMO—

(a) the name, function, company number (if applicable), registered or head office address (as appropriate) of any agent or contractor appointed to engage in the licensed activities within seven days of appointment; and

(b) each week during the construction of the authorised scheme a completed Hydrographic Note H102 listing the vessels currently and to be used in relation to the licensed activities.

(2) The undertaker must notify the MMO in writing of any vessel being used to carry on any licensed activity listed in this licence on behalf of the undertaker. Such notification must be received by the MMO no less than 24 hours before the commencement of the licensed activity. Notification must include the master's name, vessel type, vessel IMO number and vessel owner or operating company.

(3) Any changes to the supplied details must be notified to the MMO in writing at least 24 hours before the agent, contractor or vessel engages in the licensed activities.

Pre-construction monitoring and surveys

27.—(1) The undertaker must, in discharging condition 22(1)(b), submit a monitoring plan or plans in accordance with the in principle monitoring plan for written approval in writing by the MMO in consultation with the relevant statutory nature conservation body, which must contain details of proposed monitoring and surveys, including methodologies and timings, and a proposed format and content for a pre-construction baseline report.

(2) The survey proposals submitted under sub-paragraph (1) must be in 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 post-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.

(3) The baseline report proposals submitted under sub-paragraph (1) must ensure that the outcome of the agreed surveys, together with existing data and reports, are drawn together to present a valid statement of the pre-construction position, with any limitations, and must make clear what post-construction comparison is intended and the justification for this being required.

(4) The pre-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed in writing with the MMO, include, but not be limited to, the need to undertake—

(a) a survey to determine the location, extent and composition of habitats of principal importance, Annex I subtidal habitat, habitat with suitability for sandeel or surficial deposits of glacial till in the parts of the Order limits in which it is proposed to carry out construction works;

(b) a swath-bathymetry survey to IHO Order 1a standard that meets the requirements MGN654 and its annexes, and side scan sonar, of the area(s) within the Order limits in which it is proposed to carry out construction works including an appropriate buffer around the location of each work;

(c) undertake any monitoring required by the SIP submitted in accordance with condition 23;

(d) undertake or contribute to any marine mammal monitoring referred to in the marine mammal mitigation protocol submitted in accordance with condition 22(1)(g);

(e) any marine mammal monitoring required by the monitoring plan submitted in accordance with condition 22(1)(b), including information on indirect effects;

(f) any sandeel monitoring required by the monitoring plan submitted in accordance with condition 22(1)(b), including information on indirect effects;

(g) any benthic monitoring required by the monitoring plan submitted in accordance with condition 22(1)(b); and

(h) any marine processes monitoring required by the monitoring plan submitted in accordance with condition 22(1)(b).

(5) The undertaker must carry out the surveys specified within the monitoring plan or plans in accordance with that plan or plans, unless otherwise agreed in writing by the MMO in consultation with the relevant statutory nature conservation body.

(6) When any surveys are carried out in accordance with sub-paragraph (5) a survey report must be submitted to the MMO following completion of the relevant survey. Any report submitted under this sub-paragraph must be submitted prior to the commencement of licensed activities for the relevant stage.

(7) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, unless otherwise agreed in writing by the MMO.

Construction monitoring and surveys

28.—(1) The undertaker must, in discharging condition 22(1)(b), for each phase of construction submit details (which accord with the in principle monitoring plan) for approval in writing by the MMO in consultation with the relevant statutory nature conservation bodies of any proposed monitoring and surveys, including methodologies and timings, to be carried out during the construction of the authorised scheme. The survey proposals 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.

(2) In the event that driven or part-driven pile foundations are proposed, such monitoring must include measurements of noise generated by the installation of the first four piled foundations of each piled foundation type to be installed unless the MMO otherwise agrees in writing.

(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 in writing with the MMO in consultation with the relevant statutory nature conservation bodies.

(4) The results of the initial noise measurements monitored in accordance with sub-paragraph (2) must be provided to the MMO within six weeks of the installation of the first four piled foundations. The assessment of this report by the MMO will determine whether any further noise monitoring is required. If, in the reasonable opinion of the MMO in consultation with the relevant statutory nature conservation body, the assessment shows significantly different impacts to those assessed in the environmental statement or failures in mitigation, all piling activity must cease until an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed.

(5) The undertaker must carry out the surveys specified in the construction monitoring plan in accordance with that plan, including any further noise monitoring required in writing by the MMO under sub-paragraph (4), unless otherwise agreed in writing by the MMO in consultation with the relevant statutory nature conservation body.

(6) Construction monitoring must include vessel traffic monitoring in accordance with the outline vessel traffic monitoring plan, including the provision of reports on the results of that monitoring by automatic identification system at the end of each year of the construction period to the MMO, MCA and Trinity House.

(7) In the event that piled foundations are proposed to be used, the details submitted in accordance with the marine mammal mitigation protocol must include proposals for monitoring marine mammals.

(8) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, unless otherwise agreed in writing by the MMO.

Post-construction monitoring and surveys

29.—(1) The undertaker must, in discharging condition 22(1)(b), submit details (which accord with the in principle monitoring plan) for approval in writing by the MMO in consultation with the relevant statutory nature conservation bodies of proposed post-construction monitoring and surveys, including methodologies and timings, and a proposed format, content and timings for providing reports on the results.

(2) The survey proposals 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.

(3) The post-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed with the MMO, have due regard to, but not be limited to, the need to—

(a) undertake a survey to determine any change in the location, extent and composition of any habitats of principal importance, Annex I subtidal habitat, habitat with suitability for sandeel or surficial deposits of glacial till identified in the pre-construction survey in the parts of the Order limits in which construction works were carried out. The survey design must be informed by the results of the pre-construction benthic survey and the construction benthic surveys;

(b) undertake, within twelve months of completion of the licensed activities, a full sea floor coverage swath-bathymetry survey to IHO Order 1a standard that meets the requirements of MGN654 and its annexes, and side scan sonar, of the area(s) within the Order limits in which construction works were carried out to assess any changes in bedform topography and such further monitoring or assessment as may be agreed to ensure that cables (including fibre optic cables) have been buried or protected;

(c) undertake any monitoring required by the SIP submitted in accordance with condition 23;

(d) undertake post-construction vessel traffic monitoring in accordance with the outline vessel traffic monitoring plan by automatic identification system for a duration of three consecutive years following the completion of construction of the authorised project, unless otherwise agreed in writing by the MMO, with provision for a report to be submitted annually to the MMO, Trinity House and the MCA;

(e) undertake any marine mammal monitoring referred to in the marine mammal mitigation protocol submitted in accordance with condition 22(1)(g);

(f) undertake any marine mammal monitoring required by the monitoring plan submitted in accordance with condition 22(1)(b);

(g) undertake any sandeel monitoring required by the monitoring plan submitted in accordance with condition 22(1)(b);

(h) undertake any benthic monitoring required by the monitoring plan submitted in accordance with condition 22(1)(b); and

(i) undertake any marine processes monitoring required by the monitoring plan submitted in accordance with condition 22(1)(b).

(4) The undertaker must carry out the surveys agreed under sub-paragraph (1) and provide the agreed reports to the MMO 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 bodies.

(5) In the event that the reports provided to the MMO under sub-paragraph (4) identify a need for additional monitoring, the requirement for any additional monitoring will be agreed with the MMO in writing and implemented as agreed.

(6) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, unless otherwise agreed in writing by the MMO.

Reporting of scour and cable protection

30.—(1) No more than four months following completion of the construction of the authorised scheme, the undertaker must provide the MMO and the relevant statutory nature conservation bodies with a report setting out details of the cable protection and scour protection used for the authorised scheme.

(2) The report must include the following information—

(a) the location of cable protection and scour protection;

(b) the volume of cable protection and scour protection; and

(c) any other information relating to the cable protection and scour protection as agreed between the MMO and the undertaker.

(3) Where any cable protection or scour protection is replenished following completion of construction the undertaker must submit an updated report in accordance with sub-paragraph (2) in writing to the MMO and the relevant statutory nature conservation bodies no more than four months following completion of the relevant replenishment being deposited.

Completion of construction

31.—(1) The undertaker must submit a close out report to the MMO, the MCA, Trinity House, UKHO and the relevant statutory nature conservation body within three months of the date of completion of construction. The close out report must confirm the date of completion of construction and must include the following details—

(a) as built plans;

(b) latitude and longitude co-ordinates of the centre point of the location for each offshore converter platform, provided as Geographical Information System data referenced to WGS84 datum; and

(c) latitude and longitude co-ordinates of the export cables, provided as Geographical Information System data referenced to WGS84 datum.

(2) Following completion of construction, no further construction activities can be undertaken under this licence.

Collaboration

32.—(1) Prior to submission of plans and documentation required to be submitted to the MMO for approval in accordance with conditions 22 and 23, the undertaker must provide a copy of the relevant plans and documentation to DBSEL and allow a reasonable period of time to enable DBSEL to provide any comments on the plans and documentation to the undertaker.

(2) The plans and documentation submitted to the MMO for approval in accordance with conditions 22 and 23 must be accompanied by any comments received by the undertaker from DBSEL in accordance with sub-paragraph (1) or a statement from the undertaker confirming that no such comments were received.

Reporting of impact pile driving

33.—(1) In the event that driven or part–driven pile foundations are proposed to be used as part of the foundation installation the undertaker must provide the following information to the Marine Noise Registry—

(a) no less than six months prior to the commencement of each phase of construction of the licensed activities, information on the expected location, start and end dates of impact pile driving to satisfy the Marine Noise Registry's Forward Look requirements;

(b) within two weeks after commencement of each phase of construction of the licensed activities, information on the location, start and end dates of impact pile driving to satisfy the Marine Noise Registry's Forward Look requirements; and

(c) at six-month intervals following the commencement of pile driving, information on the locations and dates of impact pile driving to satisfy the Marine Noise Registry's Close Out requirements by 7 April for winter season October to March inclusive and 7 October for summer season April to September inclusive or within 12 weeks of completion of impact pile driving whichever is earlier.

(2) The undertaker must notify the MMO in writing of the successful submission of Forward Look or Close Out data pursuant to paragraph (1) above within seven days of the submission.

(3) For the purpose of this condition, "Forward Look" and "Close Out" mean the requirements as set out in the UK Marine Noise Registry Information Document Version 1 (July 2015) as amended, updated, or superseded from time to time.

Maintenance reporting

34.—(1) An annual maintenance report must be submitted to the MMO in writing within one month following the first anniversary of the date of commencement of operations, and every year thereafter until the permanent cessation of operation.

(2) The report must provide a record of the licensed activities undertaken as set out in condition 14 during the preceding year, the timing of activities and methodologies used.

(3) Every fifth year, the undertaker must submit to the MMO in writing, within one month of that date, a consolidated maintenance report, which will—

(a) include a review of licensed activities undertaken during the preceding five years with reference to the reports submitted in accordance with condition 34(1) of this licence;

(b) reconfirm the applicability of the methodologies and frequencies of the licensable activities permitted by this licence for the remaining duration of this licence.

Sediment Sampling

35.—(1) The undertaker must submit a sample plan request in writing to the MMO for written approval of a sample plan.

(2) The sample plan request must be made—

(a) for capital dredging, at least six months prior to the commencement of any capital dredging; or

(b) for maintenance dredging, at least six months prior to the end of every third year from the date of the previous sediment sample analysis.

(3) The sample plan request must include details of—

(a) the volume of material to be dredged;

(b) the location of the area to be dredged;

(c) details of the material type proposed for dredging;

(d) the type and dredging methodology (including whether it is a capital or maintenance dredge, depth of material to be dredged and proposed programme for the dredging activities); and

(e) the location and depth of any supporting samples.

(4) Unless otherwise agreed by the MMO, the undertaker must undertake the sampling in accordance with the approved sample plan.

Noise restriction

36.—(1) No piling activity can commence within Work No. 2B during the herring spawning season until a herring spawning piling restriction plan (in accordance with the herring spawning plan) is submitted to and approved in writing by the MMO, in consultation with the relevant statutory nature conservation body.

(2) The herring spawning piling restriction plan must be submitted to the MMO no later than six months prior to the commencement of the relevant activities unless otherwise agreed in writing by the MMO.

(3) The herring spawning piling restriction plan must present updated underwater noise modelling, which must be based on final project parameters to be used to install piles and must include details of any mitigation measures to be employed.

(4) If the updated underwater noise modelling referred to in sub-paragraph (3) above demonstrates that noise levels above 135 decibels from any piling area within Work No. 2B will impact either or both of—

(a) the area shoreward of the Herring Spawning Noise Restriction Boundary; or

(b) any area within 38km seaward of MHWS,

during the herring spawning season then any piles located within that piling area must not be installed during the herring spawning season without written approval from the MMO.

(5) Any piling activity within Work No. 2B during the herring spawning season must be undertaken in accordance with the approved herring spawning piling restriction plan approved under sub-paragraph (1) or in accordance with any approval given by the MMO under sub-paragraph (4) above.

(6) In this condition—

"Herring Spawning Noise Restriction Boundary" means the boundary indicated by the red line on the herring spawning plan, with the restricted area being the area shoreward of this boundary;

"herring spawning plan" means the document certified by the Secretary of State as the herring spawning plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"herring spawning season" means 21 August to 30 September inclusive or such other period as agreed in writing with the MMO; and

"piling area" means any area within Work No. 2B within which one or more piled foundations is proposed to be installed.

Export cable restriction

37. —(1) The cable installation works listed at sub-paragraphs (a) – (f) below must not be undertaken on the seabed within the restricted area during the restricted period, unless otherwise agreed in writing by the MMO—

(a) pre-sweeping;

(b) dredging;

(c) mechanical ploughing;

(d) cutting;

(e) water jetting; and

(f) cable burial operations.

(2) No later than sixteen weeks (or such other period as agreed by the MMO in writing) prior to the commencement of any licensed activities in sub-paragraph (1) within Work No. 3B, a Back Calculation Technical Report, which must include details of the restricted period, must be submitted to the MMO for approval.

(3) The licensed activities in sub-paragraph (1) within Work No. 3B must not commence until the MMO has approved the Back Calculation Technical Report.

(4) In this condition—

"Back Calculation Technical Report" means an updated version of environmental statement Appendix 10-3, which must include evidence to support the restricted period, including reference to a period of settlement;

"cable installation works restricted area plan" means the plan certified by the Secretary of State as the cable installation works restricted area plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"restricted area" means the area of seabed within Work No. 3B between KP20 and KP40 as shown on the cable installation works restricted area plan; and

"restricted period" means 21 August to 30 September inclusive or such other period indicated by the Back Calculation Technical Report as the period when herring are most likely to have spawned and where eggs and newly hatched larvae should be undisturbed to avoid any adverse impacts to those eggs or larvae and any such alternative period must be agreed with the MMO in writing.

SCHEDULE 14

Article 35

Deemed Marine Licence 5: DBS East Project Offshore Transmission – Work Nos. 5A and 7A

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;

"the 2017 Regulations" means the Conservation of Offshore Marine Habitats and Species Regulations 2017;

"Annex I subtidal habitat" means a subtidal habitat of a type listed in Annex I to Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;

"array cable" means a cable linking the wind turbine generators to each other and to the offshore converter platforms;

"authorised deposits" means the substances and articles specified in paragraph 4 of Part 1 of this deemed marine licence;

"authorised scheme" means Work No. 5A and 7A and the further associated development described in paragraph 3 of Part 1 of this deemed marine licence or any part of that work or development;

"buoy" means any floating device used for navigational purposes or measurement purposes including LiDAR buoys, wave buoys and guard buoys;

"cable" means any offshore cable and includes direct-lay cables and cables laid in cable ducts and further includes fibre optic and other communications cables either within the cable or laid alongside;

"cable crossing" means the crossing of existing subsea cables and pipelines by the array, inter-platform or export cables authorised by the Order and forming part of the authorised scheme together with physical protection measures including cable protection;

"cable protection" means measures to protect cables forming part of the authorised scheme from physical damage and exposure due to loss of seabed sediment including, but not limited to, rock placement, concrete mattresses with or without frond devices, protective aprons or coverings, bagged solutions filled with sand, rock, grout or other materials and protective shells;

"cable statement" means the document certified by the Secretary of State as the cable statement for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"commence" means the first carrying out of any licensed marine activities authorised by this deemed marine licence, save for pre-construction monitoring surveys approved under this deemed marine licence, and "commenced" and "commencement" must be construed accordingly;

"condition" means a condition in Part 2 of this licence;

"DBSEL" means RWE Renewables UK Dogger Bank South (East) Limited, company number 13656240, whose registered office is Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, England, SN5 6PB;

"DBS East" means the Dogger Bank South East Offshore Wind Farm;

"DBS East Project" means the DBS East Project offshore works and the DBS East Project onshore works;

"DBS East Project offshore works" means Work Nos. 1A to 8A and any other authorised development associated with those works;

"DBS East Project onshore works" means Work Nos. 9A to 34A and any other authorised development associated with those works;

"DBS West Project offshore works" means Work Nos. 1B to 8B and any authorised development associated with those works;

"DBS West Project" means the DBS West Project onshore works and the DBS West Project offshore works;

"DBS West Project onshore works" means Work Nos. 9B to 34B and any other authorised development associated with those works;

"DBSWL" means RWE Renewables UK Dogger Bank South (West) Limited, company number 13656525, whose registered office is Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, England, SN5 6PB;

"Defence Infrastructure Organisation Safeguarding" means Ministry of Defence Safeguarding, Defence Infrastructure Organisation, Kingston Road, Sutton Coldfield, West Midlands, B75 7RL and any successor body to its functions;

"disposal ground 1 (DBS East)" means the site to be used for disposal of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and cable sandwave clearance for the DBS East Project offshore works as shown on the Disposal Site Plan and with MMO disposal site reference DG036;

"disposal ground 2 (DBS West)" means the site to be used for disposal of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and cable sandwave clearance for the DBS West Project offshore works as shown on the Disposal Site Plan and with MMO disposal site reference DG035;

"Disposal Site Plan" means the plan certified by the Secretary of State as the Disposal Site Plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"Dropped Object Procedure Form" means the MMO notification proforma with reference MLDIR1 for reporting the loss or dumping of synthetic materials and other refuse at sea or any other format advised in writing by the MMO;

"environmental statement" means the document certified by the Secretary of State as the environmental statement for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"habitats of principal importance" means a habitat designated as being of principal importance in accordance with section 41 (biodiversity lists and action (England)) of the Natural Environment and Rural Communities Act 2006;

"HAT" means highest astronomical tide;

"HVAC" means high voltage alternating current;

"HVDC" means high voltage direct current;

IHO Order 1a standard" means order 1a from the sixth edition of the International Hydrographic Organisation's Standards for Hydrographic Surveys as updated or amended from time to time;

"in principle monitoring plan" means the document certified by the Secretary of State as the in principle monitoring plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"inter-platform cable" means a cable linking the offshore converter platforms;

"intrusive activities" means activities including anchoring of vessels, jacking up of vessels, and temporary wet storage areas;

"JNCC Guidance" means the statutory nature conservation body 'Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs' Joint Nature Conservation Committee Report No.654, May 2020 published in June 2020 as amended, updated or superseded from time to time;

"maintain" includes inspect, upkeep, repair, adjust, alter, remove, reconstruct and replace (including replenishment of cable protection), but does not include the removal, reconstruction or replacement of foundations associated with the authorised scheme, to the extent assessed in the environmental statement; and "maintenance" must be construed accordingly;

"Marine Management Organisation" means the body created under the 2009 Act which is responsible for the regulation of this deemed marine licence or any successor of that function and "MMO" shall be construed accordingly;

"MCA" means the Maritime and Coastguard Agency, the executive agency of the Department for Transport;

"MCMS" means the Marine Case Management System web portal provided and operated by the MMO;

"MHWS" or "mean high water springs" means the average throughout the year of two successive high waters during a 24-hour period in each month when the range of the tide is at its greatest (Spring tides);

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

"offshore order limits and grid coordinates plan" means the plan certified by the Secretary of State as the offshore order limits and grid coordinates plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"Order" means the Dogger Bank South East and West Offshore Wind Farms Order 2026;

"Order limits" means the limits shown on the offshore order limits and grid coordinates plans within which the authorised scheme may be carried out and the grid coordinates for Work Nos. 8A and 8B are set out in paragraph 5 of Part 1 of this deemed marine licence;

"outline fisheries liaison and co-existence plan" means the document certified by the Secretary of State as the outline fisheries liaison and co-existence plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"outline offshore operations and maintenance plan" means the document certified by the Secretary of State as the outline offshore operations and maintenance plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"outline project environmental management plan" means the document certified by the Secretary of State as the outline project environmental management plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"outline scour protection plan" means the document certified by the Secretary of State as the outline scour protection plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified) ;

"outline written scheme of investigation (offshore)" means the document certified by the Secretary of State as the outline written scheme of investigation (offshore) for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"scour protection" means measures to prevent loss of seabed sediment around any structure placed in or on the seabed including by the use of bagged solutions, filled with grout or other materials, protective aprons, mattresses with or without frond devices, flow energy dissipation devices and rock and gravel placement;

"statutory historic body" means Historic England or its successor in function;

"statutory nature conservation body" means a statutory nature conservation body, being the appropriate nature conservation body as defined in Regulation 5 of the Conservation of Habitats and Species Regulations 2017(**a**) or its equivalent in the Conservation of Offshore Marine Habitats and Species Regulations 2017(**b**);

"Trinity House" means the Corporation of Trinity House of Deptford Strond;

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

"undertaker" means DBSEL;

"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

(a) S.I. 2017/1012.
(b) S.I. 2017/1013.

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" means a structure comprising a tower, a rotor with three 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;

"works plans" means the works plans (offshore) and the works plans (onshore);

"works plans (offshore)" means the plans certified by the Secretary of State as the works plans (offshore) for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified); and

"works plans (onshore)" means the plans certified by the Secretary of State as the works plans (onshore) for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified).

(2) In this licence, a reference to any statute, order, regulation or similar instrument is a reference to a statute, order, regulation or instrument as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.

(3) In this licence, unless otherwise indicated—

(a) all times are Greenwich Mean Time;

(b) all coordinates are latitude and longitude degrees and minutes to two decimal places.

(4) Unless otherwise stated or agreed with the MMO, all submissions, notifications and communications must be sent by the undertaker to the MMO using MCMS. Except where otherwise notified in writing by the relevant organisation, the addresses for correspondence for the purposes of this licence are—

(a) Historic England
37 Tanner Road
York
YO1 6WP

(b) Marine Management Organisation
Marine Licensing Team
Tyneside House
Skinnerburn Road
Newcastle upon Tyne
NE4 7AR
Tel: 0300 123 1032

(c) Marine Management Organisation (local office)
Room 13, Ground Flood
Crosskill House
Mill Lane
Beverley
HU17 9JB
Tel: 0208 026 0519

(d) Maritime and Coastguard Agency
UK Technical Services Navigation
Spring Place
105 Commercial Road

Southampton
SO15 1EG
Tel: 020 3817 2433
Email: navigationsafety@mcga.gov.uk

(e) Natural England
4th Floor
Foss House
1-2 Peasholme Green
York
YO1 7PX
Tel: 0300 060 4911

(f) Trinity House
Tower Hill
London
EC3N 4DH
Tel: 020 7481 6900

(g) United Kingdom Hydrographic Office
Admiralty Way
Taunton
Somerset
TA1 2DN
Tel: 01823 337 900

(5) Unless otherwise advised in writing by the MMO, the address for electronic communication with the MMO for the purposes of this licence is marine.consents@marinemanagement.org.uk, or where contact to the Local Office of the MMO is required, beverley@marinemanagement.org.uk.

Details of licensed marine activities

2. Subject to the 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) (licensable marine activities) of the 2009 Act—

(a) the deposit at sea within the Order limits seaward of MHWS of the substances and objects specified in paragraph 4 below and, when combined with the disposal authorised within disposal ground 1 (DBS East) by the licences granted under Schedules 10, 12 and 14A of the Order, of up to 4,242,327 cubic metres (being a maximum, not an approximate upper figure) of inert material of natural origin produced during construction drilling or seabed preparation for foundation works, cable works and boulder clearance works at disposal site references to be provided to the MMO within disposal ground 1 (DBS East) and any other disposal sites approved in writing by the MMO;

(b) the deposit at sea within the Order limits seaward of MHWS of the substances and objects specified in paragraph 4 below and, when combined with the disposal authorised within disposal ground 2 (DBS West) by the licences granted under Schedules 11, 13 and 14A of the Order, of up to 2,258,194 cubic metres (being a maximum, not an approximate upper figure) of inert material of natural origin produced during construction drilling or seabed preparation for foundation works, cable works and boulder clearance works at disposal site references to be provided to the MMO within disposal ground 2 (DBS West);

(c) the construction of works in or over the sea or on or under the sea bed;

(d) dredging for the purposes of seabed preparation for foundation works or cable works;

(e) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation;

(f) boulder clearance works by displacement ploughing or subsea grab technique or any other comparable method;

(g) removal of static fishing equipment; and

(h) site preparation works.

3. Such activities are authorised in relation to the construction, maintenance and operation of—

Work No. 5A—

Up to three HVAC subsea export cables linking Work Nos. 2A and 2B providing an electrical connection between Work Nos. 1A and 1B, including cable crossings and cable protection;

Work No. 7A—

A temporary work area associated with Work Nos. 1A to 5A for vessels to carry out intrusive activities and non-intrusive activities alongside Work Nos. 1A to 5A;

In connection with such Work Nos. 5A and 7A and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised scheme and which fall within the scope of the work assessed by the environmental statement and the provisions of this licence, 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. 5A and 7A and the disposal of inert material of natural origin within the Order limits produced during construction drilling, seabed preparation for foundation works, cable installation preparation such as sandwave clearance, and boulder clearance;

(d) removal of static fishing equipment;

(e) temporary landing places, moorings or other means of accommodating vessels in the construction or maintenance of the authorised scheme;

(f) creation and use of temporary laydown areas, use of cable lay vessel anchors; and

(g) lighting.

4. The substances and objects authorised for deposit at sea are—

(a) iron, steel, copper and aluminium;

(b) stone and rock;

(c) concrete and grout;

(d) sand and gravel;

(e) cement bound sand;

(f) natural soils;

(g) plastic and synthetic material;

(h) drilling fluid;

(i) material extracted from within the Order limits during construction drilling or seabed preparation for foundation works and cable installation preparation works;

(j) weights used for the calibration of vessels, consisting of a hessian sack, metal shackles or chains; and

(k) marine coatings, other chemicals and timber.

5. The grid coordinates for that part of the authorised scheme comprising Work Nos. 5A and 7A are specified below—

Point ID	*Latitude (DMS)*	*Longitude (DMS)*
1	54° 33.7017′ N	1° 20.55955′ E
2	54° 33.84869′ N	1° 20.16118′ E
3	54° 34.09052′ N	1° 19.9387′ E
4	54° 42.68808′ N	1° 19.11958′ E
5	54° 42.89576′ N	1° 19.19192′ E
6	54° 43.00532′ N	1° 19.2987′ E
7	54° 43.10223′ N	1° 19.45603′ E
8	54° 44.18515′ N	1° 21.7125′ E
9	54° 44.28093′ N	1° 22.03856′ E
10	54° 44.30046′ N	1° 22.32068′ E
11	54° 44.26468′ N	1° 22.62418′ E
12	54° 39.02878′ N	1° 44.92686′ E
13	54° 38.84907′ N	1° 45.31024′ E
14	54° 38.57165′ N	1° 45.4825′ E
15	54° 34.74598′ N	1° 58.90264′ E
16	54° 34.77086′ N	1° 59.72884′ E
17	54° 34.67215′ N	2° 0.18106′ E
18	54° 34.47546′ N	2° 0.46972′ E
19	54° 24.47523′ N	2° 8.98399′ E
20	54° 24.09368′ N	2° 8.92387′ E
21	54° 23.82918′ N	2° 8.43359′ E
22	54° 21.08378′ N	1° 54.2778′ E
23	54° 21.0601′ N	1° 53.90188′ E
24	54° 21.14588′ N	1° 53.48645′ E
25	54° 21.33732′ N	1° 53.18358′ E
26	54° 29.82331′ N	1° 45.86969′ E
27	54° 30.75742′ N	1° 40.25123′ E
28	54° 31.81809′ N	1° 33.61066′ E
29	54° 31.68029′ N	1° 33.16936′ E
30	54° 31.68491′ N	1° 32.6914′ E

6. This licence remains in force until the authorised scheme has been decommissioned in accordance with a programme approved by the Secretary of State under section 106 (approval of decommissioning programmes) 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.

7. The provisions of section 72 (variation, suspension, revocation and transfer) of the 2009 Act apply to this licence except that the provisions of section 72(7) and (8) relating to the transfer of the licence apply only to a transfer not falling within article 5 (benefit of the Order) of the Order.

8.—(1) With respect to any condition which requires the licensed activities be carried out in accordance with the details, plans or schemes approved under this licence, the approved details, plans or schemes are taken to include any amendments that may subsequently be approved in writing by the MMO.

(2) Any amendments to or variations from the approved details, plans or schemes must be in accordance with the principles and assessments set out in the environmental statement and approval of an amendment or variation may only be given where it has been demonstrated to the

satisfaction of the MMO that it is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

9. Should the undertaker become aware that any of the information on which the granting of this licence was based was materially false or misleading, the undertaker must notify the MMO of this fact in writing as soon as is reasonably practicable. The undertaker must explain in writing what information was materially false or misleading and must provide to the MMO the correct information.

PART 2

Conditions

Design parameters

Cables and cable protection

10.—(1) Within Work No. 5A the inter-platform cables must not, in total—

(a) exceed 3 in number;

(b) exceed 138 kilometres in length;

(c) exceed 9 cable crossings;

(d) have cable protection (including cable crossings) exceeding 286,808 square metres in area; or

(e) have cable protection (including cable crossings) exceeding 260,234 cubic metres in volume.

(2) The inter-platform cables within Work No. 5A which falls within the Dogger Bank Special Area of Conservation must not have cable protection exceeding 10% of the length of such cables, when combined with the offshore export cables, array cables and inter-platform cables authorised by the licences granted under Schedules 10 to 13 and 14A of the Order.

Phases of authorised scheme

11.—(1) The authorised scheme must not commence until an offshore works phasing scheme setting out the phases of construction of the authorised scheme has been submitted to and approved in writing by the MMO.

(2) The authorised scheme must be submitted at least 6 months prior to the proposed commencement of the works.

(3) Any subsequent amendments to the offshore works phasing scheme submitted for approval under sub-paragraph (1) must be submitted to the MMO for approval in writing.

(4) The offshore works phasing scheme submitted for approval under sub-paragraph (1) must be implemented as approved. The approved details shall be taken to include any amendment that may subsequently be approved by the MMO in accordance with sub-paragraph (3).

Maintenance of the authorised scheme

12.—(1) The undertaker may at any time maintain the authorised scheme, except to the extent that this licence or an agreement made under this licence provides otherwise.

(2) Maintenance works include but are not limited to—

(a) bird waste and marine growth removal;

(b) surveys/inspections of cables;

(c) cable remedial burial;

(d) cable protection replenishment;

(e) cable repairs and replacement;

(f) access ladder and boat landing replacement; and

(g) J-tube repair/replacement.

(3) Operation of the licensed activities must not commence until an offshore operations and maintenance plan substantially in accordance with the outline offshore operations and maintenance plan has been submitted to and approved in writing by the MMO. The operations and maintenance plan must include, but is not limited to—

(a) a list of maintenance activities within the marine environment that are planned for the lifetime of the licensed activities;

(b) details of the typical construction plant, machinery and personnel requirements for each maintenance activity and any requirements for detailed method statements;

(c) details of the typical frequency and timing of each maintenance activity; and

(d) details of controls and mitigation that will be in place in order to protect the marine environment.

(4) The offshore operations and maintenance plan must be reviewed every three years commencing from the date on which the plan was approved, unless otherwise agreed by the MMO, to ensure the details of the maintenance activities remain accurate. The conclusions of that review must be submitted to and approved by the MMO in writing.

(5) The offshore operations and maintenance plan must be implemented as approved by the MMO.

(6) Unless otherwise agreed in writing with the MMO, the undertaker must submit—

(a) the first offshore operations and maintenance plan at least 6 months prior to the operation of the licensed activities;

(b) any revised offshore operations and maintenance plan submitted in accordance with sub-paragraph (4) at least 6 months before such revised plan is required to be put in place; and

(c) where additional maintenance activities are identified that are not included in the approved offshore operations and maintenance plan, or any revised plan approved in accordance with sub-paragraph (4), an updated offshore operations and maintenance plan including the additional maintenance activities must be submitted to and approved by the MMO in writing as soon as possible after the need for such additional maintenance activities is identified.

Extension of time periods

13. Any time period given in this licence to either the undertaker or the MMO may be extended with the agreement of the other party in writing, such agreement not to be unreasonably withheld or delayed.

Notifications and inspections

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

(a) a copy of this licence (issued as part of the grant of the Order) and any subsequent amendments or revisions to it is provided to—

(i) all agents and contractors notified to the MMO in accordance with condition 22;

(ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with condition 22; and

(b) the undertaker must confirm in writing to the MMO within 28 days of a copy of this licence and any subsequent amendments or revisions to it being provided to the persons listed in sub-paragraph (1)(a) that the required information has been provided.

(2) Only those persons and vessels notified to the MMO in accordance with condition 22 are permitted to carry out the licensed activities.

(3) Copies of this licence must also be available for inspection 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

(c) on board each vessel and at the office of any transport manager with responsibility for vessels from which authorised deposits or removals are to be made.

(4) The documents referred to in sub-paragraph (1) must be available for inspection by an authorised enforcement officer at the locations set out in sub-paragraph (3).

(5) The undertaker must provide access, and if necessary appropriate transportation, to the offshore construction site or any other associated works or vessels to facilitate any inspection that the MMO considers necessary to inspect the works during the construction and operation of the authorised scheme.

(6) The undertaker must inform the MMO Local Office in writing at least fourteen days prior to the commencement of the licensed activities or any part of them and within five days of the completion of the licensed activity.

(7) The undertaker must inform the Kingfisher Information Service of Seafish by email to kingfisher@seafish.co.uk of details of the vessel routes, timings and locations relating to the construction of the authorised scheme or relevant part—

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

(b) as soon as reasonably practicable and no later than 24 hours of completion of the DBS East Project offshore works and the DBS West Project offshore works,

and confirmation of notification must be provided to the MMO within five days.

(8) The undertaker must ensure that a local notification to mariners is issued at least 14 days prior to the commencement of the authorised scheme or any part thereof advising of the start date of each of Work Nos. 5A and 7A and the expected vessel routes from the construction ports to the relevant location. Copies of all notices must be provided to the MMO, MCA and UKHO within five days.

(9) The undertaker must ensure that local notifications to mariners are updated and reissued at weekly intervals during construction activities and at least five days before any planned operations (unless otherwise agreed in writing by the MMO) and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme and monitoring plan approved under condition 20(1)(b). Copies of all notices must be provided to the MMO, UKHO and the MCA within five days.

(10) The undertaker must notify UKHO and the MCA of the commencement (within ten days), progress and completion of construction (within ten days) of the licensed activities in order that all necessary amendments to nautical and aeronautical charts are made and the undertaker must send a copy of such notifications to the MMO within five days of the notification.

(11) In case of damage to, or destruction or decay of, the authorised scheme or any part thereof, excluding the exposure of cables, the undertaker must as soon as reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify the MMO, the MMO Local Office, MCA, Trinity House, the Kingfisher Information Service of Seafish and UKHO.

(12) In case of the exposure of cables on or above the seabed, the undertaker must within three days following identification of a potential cable exposure, notify mariners and inform the Kingfisher Information Service of Seafish of the location and extent of exposure. Copies of all notices must be provided to the MMO, MCA, Trinity House, and UKHO within five days.

(13) The undertaker must notify the MMO in writing a minimum of five days in advance of the commencement of each discrete incident of cable repair, replacement, or protection replenishment activity. Such a notification must include proposed timings and a description of proposed methodologies.

(14) The undertaker must ensure that the MMO, the MMO Local Office, local mariners, local fishermen's organisations and the Source Data Receipt Team at the UK Hydrographic Office, Taunton, Somerset, TA1 2DN (sdr@ukho.gov.uk) are notified within five days of completion of each instance of cable repair, replacement or protection replenishment activity.

Aids to navigation

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

(a) notice of commencement of construction of the authorised scheme 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 five days of completion of construction of the authorised scheme.

(3) The undertaker must provide reports to Trinity House on the availability of aids to navigation in accordance with the frequencies set out in the aids to navigation management plan agreed pursuant to condition 20(1)(f) using the reporting system provided by Trinity House.

(4) The undertaker must during the period from commencement of the licensed activities to completion of decommissioning of the authorised scheme 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 possible and no later than 24 hours following the undertaker becoming aware of any such failure.

(5) In the event that the provisions of condition 14(11) or condition 14(12) are invoked, the undertaker must lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as directed by Trinity House.

Not used

16. Not used.

Aviation safety

17.—(1) The undertaker must exhibit such lights, with such shape, colour and character as are required in writing by the Air Navigation Order 2016(**a**) (with any reference to the territorial sea being read as a reference to the Renewable Energy Zone established under section 84 of the 2004 Act) and determined necessary for aviation safety in consultation with the Defence Infrastructure Organisation Safeguarding and as directed by the Civil Aviation Authority.

(2) The undertaker must notify the Defence Infrastructure Organisation Safeguarding, the Civil Aviation Authority and the MMO, as soon as reasonably practicable and at least 14 days prior to the commencement of the authorised scheme, in writing of the following information—

(a) the date of the commencement of construction of the authorised scheme;

(b) the date any wind turbine generators are to be installed;

(c) the maximum height of any construction equipment or vessels to be used;

(d) the maximum height of each wind turbine generator to be constructed;

(e) the latitude and longitude of each wind turbine generator to be constructed;

(a) S.I. 2016/765.

and the Defence Infrastructure Organisation Safeguarding and the Civil Aviation Authority must be notified of any changes to the information supplied under this paragraph and of the completion of the construction of the authorised scheme. Copies of notifications must be provided to the MMO within 5 days.

Chemicals, drilling and debris

18.—(1) The undertaker must ensure that any coatings and treatments are suitable for use in the marine environment and are used in accordance with any guidelines approved by the Health and Safety Executive and the Environment Agency.

(2) 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 percent of the total volume of all reservoirs and containers.

(3) The undertaker must inform the MMO in writing of the location and quantities of material disposed of each month under this licence by submission of a disposal return by 15 February each year for the months August to January inclusive, and by 15 August each year for the months February to July inclusive and must provide a null return if no activity has taken place during the reporting period.

(4) The undertaker must ensure that only inert material of natural origin, produced during pre-sweeping sandwave clearance where relevant, the drilling installation of or seabed preparation for foundations, and drilling mud is disposed of within the Order limits seaward of MHWS.

(5) The undertaker must ensure that any rock material used in the construction of the authorised scheme is from a recognised source, free from contaminants and containing minimal fines.

(6) In the event that any rock material used in the construction of the authorised scheme is misplaced or lost below MHWS, the undertaker must report the loss in writing to the local enforcement office within 24 hours and if the MMO, in consultation with the MCA and Trinity House, reasonably considers such material to constitute a navigation or environmental hazard (dependent on the size and nature of the material) the undertaker must, in that event, demonstrate to the MMO that reasonable attempts have been made to locate, remove or move any such material.

(7) The undertaker must ensure that no waste concrete slurry or wash water from concrete or cement works are discharged into the marine environment. Concrete and cement mixing and washing areas must be contained to prevent run off entering the water through the freeing ports.

(8) The undertaker must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO Marine Pollution Response Team in accordance with the marine pollution contingency plan agreed under condition 20(1)(d)(i).

(9) Debris or dropped objects which are considered a danger or hazard to navigation must be reported as soon as reasonably practicable but no later than six hours from the undertaker becoming aware of an incident, to the relevant HM Coastguard Maritime Rescue Co-ordination Centre by telephone (0344 382 0580), and the UK Hydrographic Office email: navwarnings@btconnect.com.

(10) All dropped objects including those in sub-paragraph (9) must be reported to the MMO using the Dropped Object Procedure Form (including any updated form as provided by the MMO) as soon as reasonably practicable and in any event within 24 hours of the undertaker becoming aware of an incident, unless otherwise agreed in writing by the MMO.

(11) On receipt of notification or 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 marine environment at the undertaker's expense if reasonable to do so.

Force majeure

19. If, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit the authorised deposits within or outside of the Order limits because the safety of human life or of the vessel is threatened, within 48 hours the undertaker must notify full details of the circumstances of the deposit to the MMO.

Pre-construction plans and documentation

20.—(1) The licensed activities or any phase of those activities must not commence until the following (insofar as relevant to that activity or phase of activity) have been submitted to and approved in writing by the MMO, in consultation with Trinity House, the MCA, the relevant statutory nature conservation body and UKHO as appropriate—

(a) a layout plan setting out proposed details of the authorised scheme, including the—

(i) proposed layout of all cables;

(ii) location and specification of all other aspects of the authorised scheme; and

(iii) any exclusion zones or micro-siting requirements identified pursuant to sub-paragraph 20(1)(e)(iv) or relating to any habitats of principal importance, Annex I subtidal habitat or surficial deposits of glacial till identified as part of surveys undertaken in accordance with condition 23;

to ensure conformity with the description of Work Nos. 5A and 7A and compliance with condition 10;

(b) a construction programme and monitoring plan (which accords with the in principle monitoring plan) which, save in respect information submitted pursuant to sub-paragraph (b)(iii)(aa), is to be submitted to the MMO at least six months prior to commencement of licensed activities and to include details of—

(i) the proposed construction start date;

(ii) proposed timings for mobilisation of plant, delivery of materials and installation works;

(iii) proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction surveys and monitoring and related reporting in accordance with conditions 23, 24 and 25 to be submitted to the MMO in accordance with the following (unless otherwise agreed in writing with the MMO)—

(aa) at least six months prior to the first survey, detail of the pre-construction surveys and an outline of all proposed pre-construction monitoring;

(bb) at least six months prior to construction, detail on construction monitoring; and

(cc) at least six months prior to commissioning, detail of post-construction (and operational) monitoring;

(iv) an indicative written construction programme for all cables including fibre optic cables comprised in the works at Part 1 (licensed marine activities) of this Schedule (insofar as not shown in paragraph (ii) above); and

(v) a monitoring plan for each topic identified, unless otherwise agreed in writing with the MMO, setting out the circumstances in which monitoring will be required and the monitoring to be carried out in such circumstances;

(c) a construction method statement (in accordance with the cable statement), including details of—

(i) cable burial, specification, installation and monitoring to include—

(aa) the technical specification of cables below MHWS;

(bb) a detailed cable laying plan for the authorised scheme, incorporating a detailed burial risk assessment encompassing the identification of any cable protection that exceeds 5 percent of navigable depth referenced to Chart Datum;

(cc) in the event that any area of cable protection exceeding 5 percent of navigable depth is identified, details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised, or similar such assessment to ascertain suitable burial depths and cable laying techniques, including cable protection; and

(dd) proposals for monitoring cables including cable protection until the authorised scheme is decommissioned which includes a risk-based approach to the management of unburied or shallow buried cables;

(ii) a scour protection plan (in accordance with the outline scour protection plan) including details of scour protection and cable protection including details of the need, type, sources, quantity and installation methods for scour protection and cable protection, with details updated and resubmitted for approval if changes to it are proposed following cable laying operations;

(iii) cable installation methodology, including disposal of material extracted during seabed preparation for cable installation works and having regard to any mitigation scheme pursuant to sub-paragraph (1)(a);

(iv) advisory safe passing distances for vessels around the sites where the licensed activities are taking place;

(v) contractors;

(vi) vessels and vessel transit corridors;

(vii) associated ancillary works; and

(viii) guard vessels to be employed;

(d) a project environmental management plan (in accordance with the outline project environmental management plan) covering the period of construction and operation 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 scheme in relation to all activities carried out;

(ii) a chemical risk assessment, including information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance and standards;

(iii) waste management and disposal arrangements;

(iv) the appointment and responsibilities of a fisheries liaison officer;

(v) a fisheries liaison and coexistence plan (which accords with the outline fisheries liaison and co-existence plan) to ensure relevant fishing fleets are notified of commencement of licensed activities pursuant to condition 14 and to address the interaction of the licensed activities with fishing activities;

(vi) a code of conduct for vessel operators to reduce risk of injury to mammals; and

(vii) procedures, which must be adopted within vessel transit corridors to minimise disturbance to red-throated diver during the period 1 November to 31 March (inclusive), which must be in accordance with the best practice protocol for minimising disturbance to red-throated diver;

(e) an archaeological written scheme of investigation in relation to the offshore Order limits seaward of MHWS, which must accord with the outline written scheme of investigation (offshore) and industry good practice, in consultation with the statutory historic body to include—

(i) details of responsibilities of the undertaker, archaeological consultant and contractor;

(ii) a methodology for further site investigation including any specifications for geophysical, geotechnical and diver or remotely operated vehicle investigations;

(iii) archaeological analysis of survey data, and timetable for reporting, which is to be submitted to the MMO within four months of any survey being completed;

(iv) delivery of any mitigation including, where necessary, identification and modification of archaeological exclusion zones;

(v) monitoring of archaeological exclusion zones during and post construction;

(vi) a requirement for the undertaker to ensure that a copy of any agreed archaeological report is deposited with the Archaeological Data Service, by submitting an OASIS ('Online Access to the Index of archaeological investigations') form with a digital copy of the report within six months of completion of construction of the authorised scheme, and to notify the MMO and Historic England that the OASIS form has been submitted to the Archaeological Data Service within two weeks of submission;

(vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme; and

(viii) a timetable for all further site investigations, which must allow sufficient opportunity to establish a full understanding of the historic environment within the offshore Order limits and the approval of any necessary mitigation required as a result of the further site investigations prior to commencement of licensed activities;

(f) an aids to navigation management plan to be agreed in writing by the MMO following consultation with Trinity House, the MCA, the Civil Aviation Authority and UKHO specifying how the undertaker will ensure compliance with condition 15 from the commencement of construction of the authorised scheme to the completion of decommissioning;

(g) a navigation management plan to manage crew transfer vessels (including daughter craft) during the construction and operation of the authorised scheme;

(h) a final cable statement (in accordance with the cable statement); and

(i) a site specific chemical risk assessment, which must be submitted no later than ten weeks prior to use of the relevant chemical, for all chemicals (with the exception of chemicals present on the OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk to the Environment) that have a pathway to the marine environment used for the marine licensed activities, outside the course of normal navigation, to include—

(i) the function of the chemical,

(ii) the quantities being used and the frequency of use; and

(iii) the physical, chemical, and ecotoxicological properties of the chemical.

(2) Pre-commencement surveys and archaeological investigations and pre-commencement material operations which involve intrusive seabed works must only take place in accordance with a specific outline written scheme of investigation (which must accord with the details set out in the outline written scheme of investigation (offshore)) which has been submitted to and approved by the MMO.

(3) Any sediment removed from within the Dogger Bank Special Area of Conservation during construction of the authorised scheme must be disposed of within that part of the Dogger Bank Special Area of Conservation which falls within the Order limits.

(4) Each programme, statement, plan, protocol or scheme required to be approved under condition 20 must be submitted for approval at least six months before the intended commencement of licensed activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.

(5) The MMO must determine an application for approval made under condition 20 within a period of six months commencing on the date the application is received by the MMO, unless otherwise agreed in writing with the undertaker.

(6) The licensed activities must be carried out in accordance with the programmes, statements, plans, protocols or schemes approved under condition 20 unless otherwise agreed in writing by the MMO.

(7) In sub-paragraphs 20(1)(d)(ii) and 20(1)(i) above—

(a) "pathway to the marine environment" means open systems or closed systems that require top up;

(b) "chemicals" comprise both substances and preparations;

(c) "preparation" means a mixture or solution composed of two or more substances; and

(d) "substance" means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition.

Offshore safety management

21. Any part of the authorised scheme must not be commenced 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 scheme contained within MGN654 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" (or any equivalent guidance that replaces or supersedes it) and its annexes.

Reporting of engaged agents, contractors and vessels

22.—(1) The undertaker must provide the following information in writing to the MMO—

(a) the name, function, company number (if applicable), registered or head office address (as appropriate) of any agent or contractor appointed to engage in the licensed activities within seven days of appointment; and

(b) each week during the construction of the authorised scheme a completed Hydrographic Note H102 listing the vessels currently and to be used in relation to the licensed activities.

(2) The undertaker must notify the MMO in writing of any vessel being used to carry on any licensed activity listed in this licence on behalf of the undertaker. Such notification must be received by the MMO no less than 24 hours before the commencement of the licensed activity. Notification must include the master's name, vessel type, vessel IMO number and vessel owner or operating company.

(3) Any changes to the supplied details must be notified to the MMO in writing at least 24 hours before the agent, contractor or vessel engages in the licensed activities.

Pre-construction monitoring and surveys

23.—(1) The undertaker must, in discharging condition 20(1)(b), submit a monitoring plan or plans in accordance with the in principle monitoring plan for written approval in writing by the MMO in consultation with the relevant statutory nature conservation body, which must contain details of proposed monitoring and surveys, including methodologies and timings, and a proposed format and content for a pre-construction baseline report.

(2) The survey proposals submitted under sub-paragraph (1) must be in 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 post-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.

(3) The baseline report proposals submitted under sub-paragraph (1) must ensure that the outcome of the agreed surveys, together with existing data and reports, are drawn together to present a valid statement of the pre-construction position, with any limitations, and must make clear what post-construction comparison is intended and the justification for this being required.

(4) The pre-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed in writing with the MMO, include, but not be limited to, the need to undertake—

(a) a survey to determine the location, extent and composition of habitats of principal importance, Annex I subtidal habitat, habitat with suitability for sandeel or surficial deposits of glacial till in the parts of the Order limits in which it is proposed to carry out construction works;

(b) a swath-bathymetry survey to IHO Order 1a standard that meets the requirements MGN654 and its annexes, and side scan sonar, of the area(s) within the Order limits in which it is proposed to carry out construction works including an appropriate buffer around the location of each work;

(c) any marine mammal monitoring required by the monitoring plan submitted in accordance with condition 20(1)(b), including information on indirect effects;

(d) any sandeel monitoring required by the monitoring plan submitted in accordance with condition 20(1)(b), including information on indirect effects;

(e) any benthic monitoring required by the monitoring plan submitted in accordance with condition 20(1)(b); and

(f) any marine processes monitoring required by the monitoring plan submitted in accordance with condition 20(1)(b).

(5) The undertaker must carry out the surveys specified within the monitoring plan or plans in accordance with that plan or plans, unless otherwise agreed in writing by the MMO in consultation with the relevant statutory nature conservation body.

(6) When any surveys are carried out in accordance with sub-paragraph (5) a survey report must be submitted to the MMO following completion of the relevant survey. Any report submitted under this sub-paragraph must be submitted prior to the commencement of licensed activities for the relevant stage.

(7) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, unless otherwise agreed in writing by the MMO.

Construction monitoring and surveys

24.—(1) The undertaker must, in discharging condition 20(1)(b), for each phase of construction submit details (which accord with the in principle monitoring plan) for approval in writing by the MMO in consultation with the relevant statutory nature conservation bodies of any proposed monitoring and surveys, including methodologies and timings, to be carried out during the construction of the authorised scheme. The survey proposals 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.

(2) The undertaker must carry out the surveys approved under sub-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 bodies.

(3) The undertaker must carry out the surveys specified in the construction monitoring plan in accordance with that plan, unless otherwise agreed in writing by the MMO in consultation with the relevant statutory nature conservation body.

(4) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, unless otherwise agreed in writing by the MMO.

Post-construction monitoring and surveys

25.—(1) The undertaker must, in discharging condition 20(1)(b), submit details (which accord with the in principle monitoring plan) for approval in writing by the MMO in consultation with the relevant statutory nature conservation bodies of proposed post-construction monitoring and surveys, including methodologies and timings, and a proposed format, content and timings for providing reports on the results.

(2) The survey proposals 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.

(3) The post-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed with the MMO, have due regard to, but not be limited to, the need to—

(a) undertake a survey to determine any change in the location, extent and composition of any habitats of principal importance, Annex I subtidal habitat, habitat with suitability for sandeel or surficial deposits of glacial till identified in the pre-construction survey in the parts of the Order limits in which construction works were carried out. The survey design must be informed by the results of the pre-construction benthic survey and the construction benthic surveys;

(b) undertake, within twelve months of completion of the licensed activities, a full sea floor coverage swath-bathymetry survey to IHO Order 1a standard that meets the requirements of MGN654 and its annexes, and side scan sonar, of the area(s) within the Order limits in which construction works were carried out to assess any changes in bedform topography and such further monitoring or assessment as may be agreed to ensure that cables (including fibre optic cables) have been buried or protected;

(c) undertake any marine mammal monitoring required by the monitoring plan submitted in accordance with condition 20(1)(b);

(d) undertake any sandeel monitoring required by the monitoring plan submitted in accordance with condition 20(1)(b);

(e) undertake any benthic monitoring required by the monitoring plan submitted in accordance with condition 20(1)(b); and

(f) undertake any marine processes monitoring required by the monitoring plan submitted in accordance with condition 20(1)(b).

(4) The undertaker must carry out the surveys agreed under sub-paragraph (1) and provide the agreed reports to the MMO 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 bodies.

(5) In the event that the reports provided to the MMO under sub-paragraph (4) identify a need for additional monitoring, the requirement for any additional monitoring will be agreed with the MMO in writing and implemented as agreed.

(6) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, unless otherwise agreed in writing by the MMO.

Reporting of scour and cable protection

26.—(1) No more than four months following completion of the construction of the authorised scheme, the undertaker must provide the MMO and the relevant statutory nature conservation bodies with a report setting out details of the cable protection and scour protection used for the authorised scheme.

(2) The report must include the following information—

(a) the location of cable protection and scour protection;

(b) the volume of cable protection and scour protection; and

(c) any other information relating to the cable protection and scour protection as agreed between the MMO and the undertaker.

(3) Where any cable protection or scour protection is replenished following completion of

construction the undertaker must submit an updated report in accordance with sub-paragraph (2) in writing to the MMO and the relevant statutory nature conservation bodies no more than four months following completion of the relevant replenishment being deposited.

Completion of construction

27.—(1) The undertaker must submit a close out report to the MMO, the MCA, Trinity House, UKHO and the relevant statutory nature conservation body within three months of the date of completion of construction. The close out report must confirm the date of completion of construction and must include as built plans and details of the latitude and longitude co-ordinates of the export cables, provided as Geographical Information System data referenced to WGS84 datums.

(2) Following completion of construction, no further construction activities can be undertaken under this licence.

Collaboration

28.—(1) Where DBSEL intend to submit plans and documentation required to be submitted to the MMO for approval in accordance with condition 20, DBSEL must provide a copy of the relevant plans and documentation to DBSWL and allow a reasonable period of time to enable DBSWL to provide any comments on the plans and documentation to DBSEL.

(2) The plans and documentation submitted to the MMO for approval in accordance with condition 20 must be accompanied by any comments received by the undertaker from DBSWL in accordance with sub-paragraph (1) or a statement from the undertaker confirming that no such comments were received.

Maintenance reporting

29.—(1) An annual maintenance report must be submitted to the MMO in writing within one month following the first anniversary of the date of commencement of operations, and every year thereafter until the permanent cessation of operation.

(2) The report must provide a record of the licensed activities undertaken as set out in condition 12 during the preceding year, the timing of activities and methodologies used.

(3) Every fifth year, the undertaker must submit to the MMO in writing, within one month of that date, a consolidated maintenance report, which will—

(a) include a review of licensed activities undertaken during the preceding five years with reference to the reports submitted in accordance with condition 29(1) of this licence.

(b) reconfirm the applicability of the methodologies and frequencies of the licensable activities permitted by this licence for the remaining duration of this licence.

Sediment Sampling

30.—(1) The undertaker must submit a sample plan request in writing to the MMO for written approval of a sample plan.

(2) The sample plan request must be made—

(a) for capital dredging, at least six months prior to the commencement of any capital dredging; or

(b) for maintenance dredging, at least six months prior to the end of every third year from the date of the previous sediment sample analysis.

(3) The sample plan request must include details of—

(a) the volume of material to be dredged;

(b) the location of the area to be dredged;

(c) details of the material type proposed for dredging;

(d) the type and dredging methodology (including whether it is a capital or maintenance dredge, depth of material to be dredged and proposed programme for the dredging activities); and

(e) the location and depth of any supporting samples.

(4) Unless otherwise agreed by the MMO, the undertaker must undertake the sampling in accordance with the approved sample plan.

Notification of works

31.—(1) The licensed activities or any phase of those activities must not be commenced until notification has been submitted to the MMO by the undertaker as to whether DBSWL intends to commence development of Work Nos. 5B and 7B.

(2) If the notification submitted under sub-paragraph (1) gives notice that DBSWL does intend to commence development of Work Nos. 5B and 7B, the undertaker must not commence any of the licensed activities.

SCHEDULE 14A

Article 35

Deemed Marine Licence 6: DBS West Project Offshore Transmission – Work Nos. 5B and 7B

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;

"the 2017 Regulations" means the Conservation of Offshore Marine Habitats and Species Regulations 2017;

"Annex I subtidal habitat" means a subtidal habitat of a type listed in Annex I to Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;

"array cable" means a cable linking the wind turbine generators to each other and to the offshore converter platforms;

"authorised deposits" means the substances and articles specified in paragraph 4 of Part 1 of this licence;

"authorised scheme" means Work No. 5B and 7B and the further associated development described in paragraph 3 of Part 1 of this licence or any part of that work or development;

"buoy" means any floating device used for navigational purposes or measurement purposes including LiDAR buoys, wave buoys and guard buoys;

"cable" means any offshore cable and includes direct-lay cables and cables laid in cable ducts and further includes fibre optic and other communications cables either within the cable or laid alongside;

"cable crossing" means the crossing of existing subsea cables and pipelines by the array, inter-platform or export cables authorised by the Order and forming part of the authorised scheme together with physical protection measures including cable protection;

"cable protection" means measures to protect cables forming part of the authorised scheme from physical damage and exposure due to loss of seabed sediment including, but not limited to, rock placement, concrete mattresses with or without frond devices, protective aprons or coverings, bagged solutions filled with sand, rock, grout or other materials and protective shells;

"cable statement" means the document certified by the Secretary of State as the cable statement for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"commence" means the first carrying out of any licensed marine activities authorised by this licence, save for pre-construction monitoring surveys approved under this licence, and "commenced" and "commencement" must be construed accordingly;

"condition" means a condition in Part 2 of this licence;

"DBSEL" means RWE Renewables UK Dogger Bank South (East) Limited, company number 13656240, whose registered office is Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, England, SN5 6PB;

"DBS East" means the Dogger Bank South East Offshore Wind Farm;

"DBS East Project" means the DBS East Project offshore works and the DBS East Project onshore works;

"DBS East Project offshore works" means Work Nos. 1A to 8A and any other authorised development associated with those works;

"DBS East Project onshore works" means Work Nos. 9A to 34A and any other authorised development associated with those works;

"DBS West Project offshore works" means Work Nos. 1B to 8B and any authorised development associated with those works;

"DBS West Project" means the DBS West Project onshore works and the DBS West Project offshore works;

"DBS West Project onshore works" means Work Nos. 9B to 34B and any other authorised development associated with those works;

"DBSWL" means RWE Renewables UK Dogger Bank South (West) Limited, company number 13656525, whose registered office is Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire, England, SN5 6PB;

"Defence Infrastructure Organisation Safeguarding" means Ministry of Defence Safeguarding, Defence Infrastructure Organisation, Kingston Road, Sutton Coldfield, West Midlands, B75 7RL and any successor body to its functions;

"disposal ground 1 (DBS East)" means the site to be used for disposal of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and cable sandwave clearance for the DBS East Project offshore works as shown on the Disposal Site Plan and with MMO disposal site reference DG036;

"disposal ground 2 (DBS West)" means the site to be used for disposal of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and cable sandwave clearance for the DBS West Project offshore works as shown on the Disposal Site Plan and with MMO disposal site reference DG035;

"Disposal Site Plan" means the plan certified by the Secretary of State as the Disposal Site Plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"Dropped Object Procedure Form" means the MMO notification proforma with reference MLDIR1 for reporting the loss or dumping of synthetic materials and other refuse at sea or any other format advised in writing by the MMO;

"environmental statement" means the document certified by the Secretary of State as the environmental statement for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"habitats of principal importance" means a habitat designated as being of principal importance in accordance with section 41 (biodiversity lists and action (England)) of the Natural Environment and Rural Communities Act 2006;

"HAT" means highest astronomical tide;

"HVAC" means high voltage alternating current;

"HVDC" means high voltage direct current;

IHO Order 1a standard" means order 1a from the sixth edition of the International Hydrographic Organisation's Standards for Hydrographic Surveys as updated or amended from time to time;

"in principle monitoring plan" means the document certified by the Secretary of State as the in principle monitoring plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"inter-platform cable" means a cable linking the offshore converter platforms;

"intrusive activities" means activities including anchoring of vessels, jacking up of vessels, and temporary wet storage areas;

"JNCC Guidance" means the statutory nature conservation body 'Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs' Joint Nature Conservation Committee Report No.654, May 2020 published in June 2020 as amended, updated or superseded from time to time;

"maintain" includes inspect, upkeep, repair, adjust, alter, remove, reconstruct and replace (including replenishment of cable protection), but does not include the removal, reconstruction or replacement of foundations associated with the authorised scheme, to the extent assessed in the environmental statement; and "maintenance" must be construed accordingly;

"Marine Management Organisation" means the body created under the 2009 Act which is responsible for the regulation of this licence or any successor of that function and "MMO" shall be construed accordingly;

"MCA" means the Maritime and Coastguard Agency, the executive agency of the Department for Transport;

"MCMS" means the Marine Case Management System web portal provided and operated by the MMO;

"MHWS" or "mean high water springs" means the average throughout the year of two successive high waters during a 24-hour period in each month when the range of the tide is at its greatest (Spring tides);

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

"offshore order limits and grid coordinates plan" means the plan certified by the Secretary of State as the offshore order limits and grid coordinates plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"Order" means the Dogger Bank South East and West Offshore Wind Farms Order 2026;

"Order limits" means the limits shown on the offshore order limits and grid coordinates plans within which the authorised scheme may be carried out and the grid coordinates for Work Nos. 8A and 8B are set out in paragraph 5 of Part 1 of this licence;

"outline fisheries liaison and co-existence plan" means the document certified by the Secretary of State as the outline fisheries liaison and co-existence plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"outline offshore operations and maintenance plan" means the document certified by the Secretary of State as the outline offshore operations and maintenance plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"outline project environmental management plan" means the document certified by the Secretary of State as the outline project environmental management plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"outline scour protection plan" means the document certified by the Secretary of State as the outline scour protection plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"outline written scheme of investigation (offshore)" means the document certified by the Secretary of State as the outline written scheme of investigation (offshore) for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified);

"scour protection" means measures to prevent loss of seabed sediment around any structure placed in or on the seabed including by the use of bagged solutions, filled with grout or other materials, protective aprons, mattresses with or without frond devices, flow energy dissipation devices and rock and gravel placement;

"statutory historic body" means Historic England or its successor in function;

"statutory nature conservation body" means a statutory nature conservation body, being the appropriate nature conservation body as defined in Regulation 5 of the Conservation of Habitats and Species Regulations 2017(**a**) or its equivalent in the Conservation of Offshore Marine Habitats and Species Regulations 2017(**b**);

"Trinity House" means the Corporation of Trinity House of Deptford Strond;

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

"undertaker" means DBSWL;

"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" means a structure comprising a tower, a rotor with three 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;

"works plans" means the works plans (offshore) and the works plans (onshore);

"works plans (offshore)" means the plans certified by the Secretary of State as the works plans (offshore) for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified); and

"works plans (onshore)" means the plans certified by the Secretary of State as the works plans (onshore) for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified).

(2) In this licence, a reference to any statute, order, regulation or similar instrument is a reference to a statute, order, regulation or instrument as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.

(3) In this licence, unless otherwise indicated—

(a) all times are Greenwich Mean Time;

(b) all coordinates are latitude and longitude degrees and minutes to two decimal places.

(4) Unless otherwise stated or agreed with the MMO, all submissions, notifications and communications must be sent by the undertaker to the MMO using MCMS. Except where otherwise notified in writing by the relevant organisation, the addresses for correspondence for the purposes of this licence are—

(a) S.I. 2017/1012.
(b) S.I. 2017/1013.

(a) Historic England
37 Tanner Road
York
YO1 6WP

(b) Marine Management Organisation
Marine Licensing Team
Tyneside House
Skinnerburn Road
Newcastle upon Tyne
NE4 7AR
Tel: 0300 123 1032

(c) Marine Management Organisation (local office)
Room 13, Ground Flood
Crosskill House
Mill Lane
Beverley
HU17 9JB
Tel: 0208 026 0519

(d) Maritime and Coastguard Agency
UK Technical Services Navigation
Spring Place
105 Commercial Road
Southampton
SO15 1EG
Tel: 020 3817 2433
Email: navigationsafety@mcga.gov.uk

(e) Natural England
4th Floor
Foss House
1-2 Peasholme Green
York
YO1 7PX
Tel: 0300 060 4911

(f) Trinity House
Tower Hill
London
EC3N 4DH
Tel: 020 7481 6900

(g) United Kingdom Hydrographic Office
Admiralty Way
Taunton
Somerset
TA1 2DN

Tel: 01823 337 900

(5) Unless otherwise advised in writing by the MMO, the address for electronic communication with the MMO for the purposes of this licence is marine.consents@marinemanagement.co.uk, or where contact to the Local Office of the MMO is required, beverley@marinemanagaement.org.uk.

Details of licensed marine activities

2. Subject to the 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) (licensable marine activities) of the 2009 Act—

(a) the deposit at sea within the Order limits seaward of MHWS of the substances and objects specified in paragraph 4 below and, when combined with the disposal authorised within disposal ground 1 (DBS East) by the licences granted under Schedules 10, 12 and 14 of the Order, of up to 4,242,327 cubic metres (being a maximum, not an approximate upper figure) of inert material of natural origin produced during construction drilling or seabed preparation for foundation works, cable works and boulder clearance works at disposal site references to be provided to the MMO within disposal ground 1 (DBS East) and any other disposal sites approved in writing by the MMO;

(b) the deposit at sea within the Order limits seaward of MHWS of the substances and objects specified in paragraph 4 below and, when combined with the disposal authorised within disposal ground 2 (DBS West) by the licences granted under Schedules 11, 13 and 14 of the Order, of up to 2,258,194 cubic metres (being a maximum, not an approximate upper figure) of inert material of natural origin produced during construction drilling or seabed preparation for foundation works, cable works and boulder clearance works at disposal site references to be provided to the MMO within disposal ground 2 (DBS West);

(c) the construction of works in or over the sea or on or under the sea bed;

(d) dredging for the purposes of seabed preparation for foundation works or cable works;

(e) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation;

(f) boulder clearance works by displacement ploughing or subsea grab technique or any other comparable method;

(g) removal of static fishing equipment; and

(h) site preparation works.

3. Such activities are authorised in relation to the construction, maintenance and operation of—

Work No. 5B—

Up to three HVAC subsea export cables linking Work Nos. 2A and 2B providing an electrical connection between Work Nos. 1A and 1B, including cable crossings and cable protection;

Work No. 7B—

A temporary work area associated with Work Nos. 1B to 5B for vessels to carry out intrusive activities and non-intrusive activities alongside Work Nos. 1B to 5B;

In connection with such Work Nos. 5B and 7B and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised scheme and which fall within the scope of the work assessed by the environmental statement and the provisions of this licence, 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. 5B and 7B and the disposal of inert material of natural origin within the Order limits produced during construction drilling, seabed preparation for foundation works, cable installation preparation such as sandwave clearance, and boulder clearance;

(d) removal of static fishing equipment;

(e) temporary landing places, moorings or other means of accommodating vessels in the construction or maintenance of the authorised scheme;

(f) creation and use of temporary laydown areas, use of cable lay vessel anchors; and

(g) lighting.

4. The substances and objects authorised for deposit at sea are—

(a) iron, steel, copper and aluminium;

(b) stone and rock;

(c) concrete and grout;

(d) sand and gravel;

(e) cement bound sand;

(f) natural soils;

(g) plastic and synthetic material;

(h) drilling fluid;

(i) material extracted from within the Order limits during construction drilling or seabed preparation for foundation works and cable installation preparation works;

(j) weights used for the calibration of vessels, consisting of a hessian sack, metal shackles or chains; and

(k) marine coatings, other chemicals and timber.

5. The grid coordinates for that part of the authorised scheme comprising Work Nos. 5B and 7B are specified below—

Point ID	*Latitude (DMS)*	*Longitude (DMS)*
1	54° 33.7017′ N	1° 20.55955′ E
2	54° 33.84869′ N	1° 20.16118′ E
3	54° 34.09052′ N	1° 19.9387′ E
4	54° 42.68808′ N	1° 19.11958′ E
5	54° 42.89576′ N	1° 19.19192′ E
6	54° 43.00532′ N	1° 19.2987′ E
7	54° 43.10223′ N	1° 19.45603′ E
8	54° 44.18515′ N	1° 21.7125′ E
9	54° 44.28093′ N	1° 22.03856′ E
10	54° 44.30046′ N	1° 22.32068′ E
11	54° 44.26468′ N	1° 22.62418′ E
12	54° 39.02878′ N	1° 44.92686′ E
13	54° 38.84907′ N	1° 45.31024′ E
14	54° 38.57165′ N	1° 45.4825′ E
15	54° 34.74598′ N	1° 58.90264′ E
16	54° 34.77086′ N	1° 59.72884′ E
17	54° 34.67215′ N	2° 0.18106′ E
18	54° 34.47546′ N	2° 0.46972′ E
19	54° 24.47523′ N	2° 8.98399′ E
20	54° 24.09368′ N	2° 8.92387′ E

21	54° 23.82918′ N	2° 8.43359′ E
22	54° 21.08378′ N	1° 54.2778′ E
23	54° 21.0601′ N	1° 53.90188′ E
24	54° 21.14588′ N	1° 53.48645′ E
25	54° 21.33732′ N	1° 53.18358′ E
26	54° 29.82331′ N	1° 45.86969′ E
27	54° 30.75742′ N	1° 40.25123′ E
28	54° 31.81809′ N	1° 33.61066′ E
29	54° 31.68029′ N	1° 33.16936′ E
30	54° 31.68491′ N	1° 32.6914′ E

6. This licence remains in force until the authorised scheme has been decommissioned in accordance with a programme approved by the Secretary of State under section 106 (approval of decommissioning programmes) 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.

7. The provisions of section 72 (variation, suspension, revocation and transfer) of the 2009 Act apply to this licence except that the provisions of section 72(7) and (8) relating to the transfer of the licence apply only to a transfer not falling within article 5 (benefit of the Order) of the Order.

8.—(1) With respect to any condition which requires the licensed activities be carried out in accordance with the details, plans or schemes approved under this licence, the approved details, plans or schemes are taken to include any amendments that may subsequently be approved in writing by the MMO.

(2) Any amendments to or variations from the approved details, plans or schemes must be in accordance with the principles and assessments set out in the environmental statement and approval of an amendment or variation may only be given where it has been demonstrated to the satisfaction of the MMO that it is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

9. Should the undertaker become aware that any of the information on which the granting of this licence was based was materially false or misleading, the undertaker must notify the MMO of this fact in writing as soon as is reasonably practicable. The undertaker must explain in writing what information was materially false or misleading and must provide to the MMO the correct information.

PART 2

Conditions

Design parameters

Cables and cable protection

10.—(1) Within Work No. 5B the inter-platform cables must not, in total—

(a) exceed 3 in number;

(b) exceed 138 kilometres in length;

(c) exceed 9 cable crossings;

(d) have cable protection (including cable crossings) exceeding 286,808 square metres in area; or

(e) have cable protection (including cable crossings) exceeding 260,234 cubic metres in volume.

(2) The inter-platform cables within Work No. 5B which falls within the Dogger Bank Special Area of Conservation must not have cable protection exceeding 10% of the length of such cables, when combined with the offshore export cables, array cables and inter-platform cables authorised by the licences granted under Schedules 11 to 14A of the Order.

Phases of authorised scheme

11.—(1) The authorised scheme must not commence until an offshore works phasing scheme setting out the phases of construction of the authorised scheme has been submitted to and approved in writing by the MMO.

(2) The authorised scheme must be submitted at least 6 months prior to the proposed commencement of the works.

(3) Any subsequent amendments to the offshore works phasing scheme submitted for approval under sub-paragraph (1) must be submitted to the MMO for approval in writing.

(4) The offshore works phasing scheme submitted for approval under sub-paragraph (1) must be implemented as approved. The approved details shall be taken to include any amendment that may subsequently be approved by the MMO in accordance with sub-paragraph (3).

Maintenance of the authorised scheme

12.—(1) The undertaker may at any time maintain the authorised scheme, except to the extent that this licence or an agreement made under this licence provides otherwise.

(2) Maintenance works include but are not limited to—

(a) bird waste and marine growth removal;

(b) surveys/inspections of cables;

(c) cable remedial burial;

(d) cable protection replenishment;

(e) cable repairs and replacement;

(f) access ladder and boat landing replacement; and

(g) J-tube repair/replacement.

(3) Operation of the licensed activities must not commence until an offshore operations and maintenance plan substantially in accordance with the outline offshore operations and maintenance plan has been submitted to and approved in writing by the MMO. The operations and maintenance plan must include, but is not limited to—

(a) a list of maintenance activities within the marine environment that are planned for the lifetime of the licensed activities;

(b) details of the typical construction plant, machinery and personnel requirements for each maintenance activity and any requirements for detailed method statements;

(c) details of the typical frequency and timing of each maintenance activity; and

(d) details of controls and mitigation that will be in place in order to protect the marine environment.

(4) The offshore operations and maintenance plan must be reviewed every three years commencing from the date on which the plan was approved, unless otherwise agreed by the MMO, to ensure the details of the maintenance activities remain accurate. The conclusions of that review must be submitted to and approved by the MMO in writing.

(5) The offshore operations and maintenance plan must be implemented as approved by the MMO.

(6) Unless otherwise agreed in writing with the MMO, the undertaker must submit—

(a) the first offshore operations and maintenance plan at least 6 months prior to the operation of the licensed activities;

(b) any revised offshore operations and maintenance plan submitted in accordance with sub-paragraph (4) at least 6 months before such revised plan is required to be put in place; and

(c) where additional maintenance activities are identified that are not included in the approved offshore operations and maintenance plan, or any revised plan approved in accordance with sub-paragraph (4), an updated offshore operations and maintenance plan including the additional maintenance activities must be submitted to and approved by the MMO in writing as soon as possible after the need for such additional maintenance activities is identified.

Extension of time periods

13. Any time period given in this licence to either the undertaker or the MMO may be extended with the agreement of the other party in writing, such agreement not to be unreasonably withheld or delayed.

Notifications and inspections

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

(a) a copy of this licence (issued as part of the grant of the Order) and any subsequent amendments or revisions to it is provided to—

(i) all agents and contractors notified to the MMO in accordance with condition 22;

(ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with condition 22; and

(b) the undertaker must confirm in writing to the MMO within 28 days of a copy of this licence and any subsequent amendments or revisions to it being provided to the persons listed in sub-paragraph (1)(a) that the required information has been provided.

(2) Only those persons and vessels notified to the MMO in accordance with condition 22 are permitted to carry out the licensed activities.

(3) Copies of this licence must also be available for inspection 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

(c) on board each vessel and at the office of any transport manager with responsibility for vessels from which authorised deposits or removals are to be made.

(4) The documents referred to in sub-paragraph (1) must be available for inspection by an authorised enforcement officer at the locations set out in sub-paragraph (3).

(5) The undertaker must provide access, and if necessary appropriate transportation, to the offshore construction site or any other associated works or vessels to facilitate any inspection that the MMO considers necessary to inspect the works during the construction and operation of the authorised scheme.

(6) The undertaker must inform the MMO Local Office in writing at least fourteen days prior to the commencement of the licensed activities or any part of them and within five days of the completion of the licensed activity.

(7) The undertaker must inform the Kingfisher Information Service of Seafish by email to kingfisher@seafish.co.uk of details of the vessel routes, timings and locations relating to the construction of the authorised scheme or relevant part—

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

(b) as soon as reasonably practicable and no later than 24 hours of completion of the DBS East Project offshore works and the DBS West Project offshore works,

and confirmation of notification must be provided to the MMO within five days.

(8) The undertaker must ensure that a local notification to mariners is issued at least 14 days prior to the commencement of the authorised scheme or any part thereof advising of the start date of each of Work Nos. 5B and 7B and the expected vessel routes from the construction ports to the relevant location. Copies of all notices must be provided to the MMO, MCA and UKHO within five days.

(9) The undertaker must ensure that local notifications to mariners are updated and reissued at weekly intervals during construction activities and at least five days before any planned operations (unless otherwise agreed in writing by the MMO) and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme and monitoring plan approved under condition 20(1)(b). Copies of all notices must be provided to the MMO, UKHO and the MCA within five days.

(10) The undertaker must notify UKHO and the MCA of the commencement (within ten days), progress and completion of construction (within ten days) of the licensed activities in order that all necessary amendments to nautical and aeronautical charts are made and the undertaker must send a copy of such notifications to the MMO within five days of the notification.

(11) In case of damage to, or destruction or decay of, the authorised scheme or any part thereof, excluding the exposure of cables, the undertaker must as soon as reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify the MMO, the MMO Local Office, MCA, Trinity House, the Kingfisher Information Service of Seafish and UKHO.

(12) In case of the exposure of cables on or above the seabed, the undertaker must within three days following identification of a potential cable exposure, notify mariners and inform the Kingfisher Information Service of Seafish of the location and extent of exposure. Copies of all notices must be provided to the MMO, MCA, Trinity House, and UKHO within five days.

(13) The undertaker must notify the MMO in writing a minimum of five days in advance of the commencement of each discrete incident of cable repair, replacement, or protection replenishment activity. Such a notification must include proposed timings and a description of proposed methodologies.

(14) The undertaker must ensure that the MMO, the MMO Local Office, local mariners, local fishermen's organisations and the Source Data Receipt Team at the UK Hydrographic Office, Taunton, Somerset, TA1 2DN (sdr@ukho.gov.uk) are notified within five days of completion of each instance of cable repair, replacement or protection replenishment activity.

Aids to navigation

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

(a) notice of commencement of construction of the authorised scheme 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 five days of completion of construction of the authorised scheme.

(3) The undertaker must provide reports to Trinity House on the availability of aids to navigation in accordance with the frequencies set out in the aids to navigation management plan agreed pursuant to condition 20(1)(f) using the reporting system provided by Trinity House.

(4) The undertaker must during the period from commencement of the licensed activities to completion of decommissioning of the authorised scheme 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 possible and no later than 24 hours following the undertaker becoming aware of any such failure.

(5) In the event that the provisions of condition 14(11) or condition 14(12) are invoked, the undertaker must lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as directed by Trinity House.

Not used

16. Not used.

Aviation safety

17.—(1) The undertaker must exhibit such lights, with such shape, colour and character as are required in writing by the Air Navigation Order 2016(**a**) (with any reference to the territorial sea being read as a reference to the Renewable Energy Zone established under section 84 of the 2004 Act) and determined necessary for aviation safety in consultation with the Defence Infrastructure Organisation Safeguarding and as directed by the Civil Aviation Authority.

(2) The undertaker must notify the Defence Infrastructure Organisation Safeguarding, the Civil Aviation Authority and the MMO, as soon as reasonably practicable and at least 14 days prior to the commencement of the authorised scheme, in writing of the following information—

(a) the date of the commencement of construction of the authorised scheme;

(b) the date any wind turbine generators are to be installed;

(c) the maximum height of any construction equipment or vessels to be used;

(d) the maximum height of each wind turbine generator to be constructed;

(e) the latitude and longitude of each wind turbine generator to be constructed;

and the Defence Infrastructure Organisation Safeguarding and the Civil Aviation Authority must be notified of any changes to the information supplied under this paragraph and of the completion of the construction of the authorised scheme. Copies of notifications must be provided to the MMO within 5 days.

Chemicals, drilling and debris

18.—(1) The undertaker must ensure that any coatings and treatments are suitable for use in the marine environment and are used in accordance with any guidelines approved by the Health and Safety Executive and the Environment Agency.

(2) 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 percent of the total volume of all reservoirs and containers.

(3) The undertaker must inform the MMO in writing of the location and quantities of material disposed of each month under this licence by submission of a disposal return by 15 February each year for the months August to January inclusive, and by 15 August each year for the months February to July inclusive and must provide a null return if no activity has taken place during the reporting period.

(4) The undertaker must ensure that only inert material of natural origin, produced during pre-sweeping sandwave clearance where relevant, the drilling installation of or seabed preparation for foundations, and drilling mud is disposed of within the Order limits seaward of MHWS.

(5) The undertaker must ensure that any rock material used in the construction of the authorised scheme is from a recognised source, free from contaminants and containing minimal fines.

(6) In the event that any rock material used in the construction of the authorised scheme is misplaced or lost below MHWS, the undertaker must report the loss in writing to the local

(**a**) S.I. 2016/765.

enforcement office within 24 hours and if the MMO, in consultation with the MCA and Trinity House, reasonably considers such material to constitute a navigation or environmental hazard (dependent on the size and nature of the material) the undertaker must, in that event, demonstrate to the MMO that reasonable attempts have been made to locate, remove or move any such material.

(7) The undertaker must ensure that no waste concrete slurry or wash water from concrete or cement works are discharged into the marine environment. Concrete and cement mixing and washing areas must be contained to prevent run off entering the water through the freeing ports.

(8) The undertaker must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO Marine Pollution Response Team in accordance with the marine pollution contingency plan agreed under condition 20(1)(d)(i).

(9) Debris or dropped objects which are considered a danger or hazard to navigation must be reported as soon as reasonably practicable but no later than six hours from the undertaker becoming aware of an incident, to the relevant HM Coastguard Maritime Rescue Co-ordination Centre by telephone (0344 382 0580), and the UK Hydrographic Office email: navwarnings@btconnect.com.

(10) All dropped objects including those in sub-paragraph (9) must be reported to the MMO using the Dropped Object Procedure Form (including any updated form as provided by the MMO) as soon as reasonably practicable and in any event within 24 hours of the undertaker becoming aware of an incident, unless otherwise agreed in writing by the MMO.

(11) On receipt of notification or 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 marine environment at the undertaker's expense if reasonable to do so.

Force majeure

19. If, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit the authorised deposits within or outside of the Order limits because the safety of human life or of the vessel is threatened, within 48 hours the undertaker must notify full details of the circumstances of the deposit to the MMO.

Pre-construction plans and documentation

20.—(1) The licensed activities or any phase of those activities must not commence until the following (insofar as relevant to that activity or phase of activity) have been submitted to and approved in writing by the MMO, in consultation with Trinity House, the MCA, the relevant statutory nature conservation body and UKHO as appropriate—

(a) a layout plan setting out proposed details of the authorised scheme, including the—

(i) proposed layout of all cables;

(ii) location and specification of all other aspects of the authorised scheme; and

(iii) any exclusion zones or micro-siting requirements identified pursuant to sub-paragraph 20(1)(e)(iv) or relating to any habitats of principal importance, Annex I subtidal habitat or surficial deposits of glacial till identified as part of surveys undertaken in accordance with condition 23;

to ensure conformity with the description of Work Nos. 5B and 7B and compliance with condition 10;

(b) a construction programme and monitoring plan (which accords with the in principle monitoring plan) which, save in respect information submitted pursuant to sub-paragraph (b)(iii)(aa), is to be submitted to the MMO at least six months prior to commencement of licensed activities and to include details of—

(i) the proposed construction start date;

(ii) proposed timings for mobilisation of plant, delivery of materials and installation works;

(iii) proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction surveys and monitoring and related reporting in accordance with conditions 23, 24 and 25 to be submitted to the MMO in accordance with the following (unless otherwise agreed in writing with the MMO)—

(aa) at least six months prior to the first survey, detail of the pre-construction surveys and an outline of all proposed pre-construction monitoring;

(bb) at least six months prior to construction, detail on construction monitoring; and

(cc) at least six months prior to commissioning, detail of post-construction (and operational) monitoring;

(iv) an indicative written construction programme for all cables including fibre optic cables comprised in the works at Part 1 (licensed marine activities) of this Schedule (insofar as not shown in paragraph (ii) above); and

(v) a monitoring plan for each topic identified, unless otherwise agreed in writing with the MMO, setting out the circumstances in which monitoring will be required and the monitoring to be carried out in such circumstances;

(c) a construction method statement (in accordance with the cable statement), including details of—

(i) cable burial, specification, installation and monitoring to include—

(aa) the technical specification of cables below MHWS;

(bb) a detailed cable laying plan for the authorised scheme, incorporating a detailed burial risk assessment encompassing the identification of any cable protection that exceeds 5 percent of navigable depth referenced to Chart Datum;

(cc) in the event that any area of cable protection exceeding 5 percent of navigable depth is identified, details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised, or similar such assessment to ascertain suitable burial depths and cable laying techniques, including cable protection; and

(dd) proposals for monitoring cables including cable protection until the authorised scheme is decommissioned which includes a risk-based approach to the management of unburied or shallow buried cables;

(ii) a scour protection plan (in accordance with the outline scour protection plan) including details of scour protection and cable protection including details of the need, type, sources, quantity and installation methods for scour protection and cable protection, with details updated and resubmitted for approval if changes to it are proposed following cable laying operations;

(iii) cable installation methodology, including disposal of material extracted during seabed preparation for cable installation works and having regard to any mitigation scheme pursuant to sub-paragraph (1)(a);

(iv) advisory safe passing distances for vessels around the sites where the licensed activities are taking place;

(v) contractors;

(vi) vessels and vessel transit corridors;

(vii) associated ancillary works; and

(viii) guard vessels to be employed;

(d) a project environmental management plan (in accordance with the outline project environmental management plan) covering the period of construction and operation 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 scheme in relation to all activities carried out;

(ii) a chemical risk assessment, including information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance and standards;

(iii) waste management and disposal arrangements;

(iv) the appointment and responsibilities of a fisheries liaison officer;

(v) a fisheries liaison and coexistence plan (which accords with the outline fisheries liaison and co-existence plan) to ensure relevant fishing fleets are notified of commencement of licensed activities pursuant to condition 14 and to address the interaction of the licensed activities with fishing activities;

(vi) a code of conduct for vessel operators to reduce risk of injury to mammals; and

(vii) procedures, which must be adopted within vessel transit corridors to minimise disturbance to red-throated diver during the period 1 November to 31 March (inclusive), which must be in accordance with the best practice protocol for minimising disturbance to red-throated diver;

(e) an archaeological written scheme of investigation in relation to the offshore Order limits seaward of MHWS, which must accord with the outline written scheme of investigation (offshore) and industry good practice, in consultation with the statutory historic body to include—

(i) details of responsibilities of the undertaker, archaeological consultant and contractor;

(ii) a methodology for further site investigation including any specifications for geophysical, geotechnical and diver or remotely operated vehicle investigations;

(iii) archaeological analysis of survey data, and timetable for reporting, which is to be submitted to the MMO within four months of any survey being completed;

(iv) delivery of any mitigation including, where necessary, identification and modification of archaeological exclusion zones;

(v) monitoring of archaeological exclusion zones during and post construction;

(vi) a requirement for the undertaker to ensure that a copy of any agreed archaeological report is deposited with the Archaeological Data Service, by submitting an OASIS ('Online Access to the Index of archaeological investigations') form with a digital copy of the report within six months of completion of construction of the authorised scheme, and to notify the MMO and Historic England that the OASIS form has been submitted to the Archaeological Data Service within two weeks of submission;

(vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme; and

(viii) a timetable for all further site investigations, which must allow sufficient opportunity to establish a full understanding of the historic environment within the offshore Order limits and the approval of any necessary mitigation required as a result of the further site investigations prior to commencement of licensed activities;

(f) an aids to navigation management plan to be agreed in writing by the MMO following consultation with Trinity House, the MCA, the Civil Aviation Authority and UKHO specifying how the undertaker will ensure compliance with condition 15 from the commencement of construction of the authorised scheme to the completion of decommissioning; and

(g) a navigation management plan to manage crew transfer vessels (including daughter craft) during the construction and operation of the authorised scheme;

(h) a final cable statement (in accordance with the cable statement); and

(i) a site specific chemical risk assessment, which must be submitted no later than ten weeks prior to use of the relevant chemical, for all chemicals (with the exception of chemicals present on the OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk to the Environment) that have a pathway to the marine environment used for the marine licensed activities, outside the course of normal navigation, to include—

(i) the function of the chemical,

(ii) the quantities being used and the frequency of use; and

(iii) the physical, chemical, and ecotoxicological properties of the chemical.

(2) Pre-commencement surveys and archaeological investigations and pre-commencement material operations which involve intrusive seabed works must only take place in accordance with a specific outline written scheme of investigation (which must accord with the details set out in the outline written scheme of investigation (offshore)) which has been submitted to and approved by the MMO.

(3) Any sediment removed from within the Dogger Bank Special Area of Conservation during construction of the authorised scheme must be disposed of within that part of the Dogger Bank Special Area of Conservation which falls within the Order limits.

(4) Each programme, statement, plan, protocol or scheme required to be approved under condition 20 must be submitted for approval at least six months before the intended commencement of licensed activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.

(5) The MMO must determine an application for approval made under condition 20 within a period of six months commencing on the date the application is received by the MMO, unless otherwise agreed in writing with the undertaker.

(6) The licensed activities must be carried out in accordance with the programmes, statements, plans, protocols or schemes approved under condition 20 unless otherwise agreed in writing by the MMO.

(7) In sub-paragraphs 20(1)(d)(ii) and 20(1)(i) above—

(a) "pathway to the marine environment" means open systems or closed systems that require top up;

(b) "chemicals" comprise both substances and preparations;

(c) "preparation" means a mixture or solution composed of two or more substances; and

(d) "substance" means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition.

Offshore safety management

21. Any part of the authorised scheme must not be commenced 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 scheme contained within MGN654 "Offshore Renewable Energy

Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" (or any equivalent guidance that replaces or supersedes it) and its annexes.

Reporting of engaged agents, contractors and vessels

22.—(1) The undertaker must provide the following information in writing to the MMO—

(a) the name, function, company number (if applicable), registered or head office address (as appropriate) of any agent or contractor appointed to engage in the licensed activities within seven days of appointment; and

(b) each week during the construction of the authorised scheme a completed Hydrographic Note H102 listing the vessels currently and to be used in relation to the licensed activities.

(2) The undertaker must notify the MMO in writing of any vessel being used to carry on any licensed activity listed in this licence on behalf of the undertaker. Such notification must be received by the MMO no less than 24 hours before the commencement of the licensed activity. Notification must include the master's name, vessel type, vessel IMO number and vessel owner or operating company.

(3) Any changes to the supplied details must be notified to the MMO in writing at least 24 hours before the agent, contractor or vessel engages in the licensed activities.

Pre-construction monitoring and surveys

23.—(1) The undertaker must, in discharging condition 20(1)(b), submit a monitoring plan or plans in accordance with the in principle monitoring plan for written approval in writing by the MMO in consultation with the relevant statutory nature conservation body, which must contain details of proposed monitoring and surveys, including methodologies and timings, and a proposed format and content for a pre-construction baseline report.

(2) The survey proposals submitted under sub-paragraph (1) must be in 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 post-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.

(3) The baseline report proposals submitted under sub-paragraph (1) must ensure that the outcome of the agreed surveys, together with existing data and reports, are drawn together to present a valid statement of the pre-construction position, with any limitations, and must make clear what post-construction comparison is intended and the justification for this being required.

(4) The pre-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed in writing with the MMO, include, but not be limited to, the need to undertake—

(a) a survey to determine the location, extent and composition of habitats of principal importance, Annex I subtidal habitat, habitat with suitability for sandeel or surficial deposits of glacial till in the parts of the Order limits in which it is proposed to carry out construction works;

(b) a swath-bathymetry survey to IHO Order 1a standard that meets the requirements MGN654 and its annexes, and side scan sonar, of the area(s) within the Order limits in which it is proposed to carry out construction works including an appropriate buffer around the location of each work;

(c) any marine mammal monitoring required by the monitoring plan submitted in accordance with condition 20(1)(b), including information on indirect effects;

(d) any sandeel monitoring required by the monitoring plan submitted in accordance with condition 20(1)(b), including information on indirect effects;

(e) any benthic monitoring required by the monitoring plan submitted in accordance with condition 20(1)(b); and

(f) any marine processes monitoring required by the monitoring plan submitted in accordance with condition 20(1)(b).

(5) The undertaker must carry out the surveys specified within the monitoring plan or plans in accordance with that plan or plans, unless otherwise agreed in writing by the MMO in consultation with the relevant statutory nature conservation body.

(6) When any surveys are carried out in accordance with sub-paragraph (5) a survey report must be submitted to the MMO following completion of the relevant survey. Any report submitted under this sub-paragraph must be submitted prior to the commencement of licensed activities for the relevant stage.

(7) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, unless otherwise agreed in writing by the MMO.

Construction monitoring and surveys

24.—(1) The undertaker must, in discharging condition 20(1)(b), for each phase of construction submit details (which accord with the in principle monitoring plan) for approval in writing by the MMO in consultation with the relevant statutory nature conservation bodies of any proposed monitoring and surveys, including methodologies and timings, to be carried out during the construction of the authorised scheme. The survey proposals 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.

(2) The undertaker must carry out the surveys approved under sub-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 bodies.

(3) The undertaker must carry out the surveys specified in the construction monitoring plan in accordance with that plan, unless otherwise agreed in writing by the MMO in consultation with the relevant statutory nature conservation body.

(4) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, unless otherwise agreed in writing by the MMO.

Post-construction monitoring and surveys

25.—(1) The undertaker must, in discharging condition 20(1)(b), submit details (which accord with the in principle monitoring plan) for approval in writing by the MMO in consultation with the relevant statutory nature conservation bodies of proposed post-construction monitoring and surveys, including methodologies and timings, and a proposed format, content and timings for providing reports on the results.

(2) The survey proposals 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.

(3) The post-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed with the MMO, have due regard to, but not be limited to, the need to—

(a) undertake a survey to determine any change in the location, extent and composition of any habitats of principal importance, Annex I subtidal habitat, habitat with suitability for sandeel or surficial deposits of glacial till identified in the pre-construction survey in the parts of the Order limits in which construction works were carried out. The survey design must be informed by the results of the pre-construction benthic survey and the construction benthic surveys;

(b) undertake, within twelve months of completion of the licensed activities, a full sea floor coverage swath-bathymetry survey to IHO Order 1a standard that meets the requirements of MGN654 and its annexes, and side scan sonar, of the area(s) within the Order limits in which construction works were carried out to assess any changes in bedform topography and such further monitoring or assessment as may be agreed to ensure that cables (including fibre optic cables) have been buried or protected;

(c) undertake any marine mammal monitoring required by the SIP monitoring plan submitted in accordance with condition 1220(1)(b);

(d) undertake any sandeel monitoring required by the monitoring plan submitted in accordance with condition 20(1)(b);

(e) undertake any benthic monitoring required by the monitoring plan submitted in accordance with condition 20(1)(b); and

(f) undertake any marine processes monitoring required by the monitoring plan submitted in accordance with condition 20(1)(b).

(4) The undertaker must carry out the surveys agreed under sub-paragraph (1) and provide the agreed reports to the MMO 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 bodies.

(5) In the event that the reports provided to the MMO under sub-paragraph (4) identify a need for additional monitoring, the requirement for any additional monitoring will be agreed with the MMO in writing and implemented as agreed.

(6) All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, unless otherwise agreed in writing by the MMO.

Reporting of scour and cable protection

26.—(1) No more than four months following completion of the construction of the authorised scheme, the undertaker must provide the MMO and the relevant statutory nature conservation bodies with a report setting out details of the cable protection and scour protection used for the authorised scheme.

(2) The report must include the following information—

(a) the location of cable protection and scour protection;

(b) the volume of cable protection and scour protection; and

(c) any other information relating to the cable protection and scour protection as agreed between the MMO and the undertaker.

(3) Where any cable protection or scour protection is replenished following completion of construction the undertaker must submit an updated report in accordance with sub-paragraph (2) in writing to the MMO and the relevant statutory nature conservation bodies no more than four months following completion of the relevant replenishment being deposited.

Completion of construction

27.—(1) The undertaker must submit a close out report to the MMO, the MCA, Trinity House, UKHO and the relevant statutory nature conservation body within three months of the date of completion of construction. The close out report must confirm the date of completion of construction and must include as built plans details of the latitude and longitude co-ordinates of the export cables, provided as Geographical Information System data referenced to WGS84 datum.

(2) Following completion of construction, no further construction activities can be undertaken under this licence.

Collaboration

28.—(1) Where DBSWL intend to submit plans and documentation required to be submitted to the MMO for approval in accordance with condition 20, DBSWL must provide a copy of the relevant plans and documentation to DBSEL and allow a reasonable period of time to enable DBSEL to provide any comments on the plans and documentation to DBSWL.

(2) The plans and documentation submitted to the MMO for approval in accordance with condition 20 must be accompanied by any comments received by the undertaker from

DBSEL in accordance with sub-paragraph (1) or a statement from the undertaker confirming that no such comments were received.

Maintenance reporting

29.—(1) An annual maintenance report must be submitted to the MMO in writing within one month following the first anniversary of the date of commencement of operations, and every year thereafter until the permanent cessation of operation.

(2) The report must provide a record of the licensed activities undertaken as set out in condition 12 during the preceding year, the timing of activities and methodologies used.

(3) Every fifth year, the undertaker must submit to the MMO in writing, within one month of that date, a consolidated maintenance report, which will—

(a) include a review of licensed activities undertaken during the preceding five years with reference to the reports submitted in accordance with condition 29(1) of this licence.

(b) reconfirm the applicability of the methodologies and frequencies of the licensable activities permitted by this licence for the remaining duration of this licence.

Sediment Sampling

30.—(1) The undertaker must submit a sample plan request in writing to the MMO for written approval of a sample plan.

(2) The sample plan request must be made—

(a) for capital dredging, at least six months prior to the commencement of any capital dredging; or

(b) for maintenance dredging, at least six months prior to the end of every third year from the date of the previous sediment sample analysis.

(3) The sample plan request must include details of—

(a) the volume of material to be dredged;

(b) the location of the area to be dredged;

(c) details of the material type proposed for dredging;

(d) the type and dredging methodology (including whether it is a capital or maintenance dredge, depth of material to be dredged and proposed programme for the dredging activities); and

(e) the location and depth of any supporting samples.

(4) Unless otherwise agreed by the MMO, the undertaker must undertake the sampling in accordance with the approved sample plan.

Notification of works

31.—(1) The licensed activities or any phase of those activities must not be commenced until notification has been submitted to the MMO by the undertaker as to whether DBSEL intends to commence development of Work Nos. 5A and 7A.

(2) If the notification submitted under sub-paragraph (1) gives notice that DBSEL does intend to commence development of Work Nos. 5A and 7A, the undertaker must not commence any of the licensed activities.