



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

DEEMED MARINE LICENCE - NOTICE OF VARIATION

**THE WALNEY EXTENSION OFFSHORE WIND FARM ORDER 2014,
SCHEDULES 9 AND 10**

VARIATION NUMBER:

1

AUTHORISED DEVELOPMENT:

Walney Extension Offshore Wind Farm

LICENCE HOLDER:

DONG Energy Walney Extension (UK) Ltd
5 Howick Place
London
SW1P 1WG

DATE:

15 February 2017

COMPANY REGISTRATION NUMBER:

07306956

PREVIOUS VARIATIONS:

n/a

The Marine Management Organisation (“MMO”) received a request on 16 March 2015 from DONG Energy Walney Extension (UK) Ltd for a variation to the deemed marine licences (“DMLs”) contained within Schedule 9 and Schedule 10 of the Walney Extension Offshore Wind Farm Order 2014 (“the Order”).

NOTICE IS HEREBY GIVEN that the MMO varies the DMLs in relation to each of the provisions of the DMLs specified in the first column of the table in the Annex to this notice, by replacing the words set out in the second column of that table with the words set out in the third column of that table, in accordance with section 72(3)(d) of the Marine and Coastal Access Act 2009.

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

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

have 28 days from the date of the sending of this notice to send or deliver a notice of appeal to the First-tier Tribunal.

Signed: 
Name and Position: Frances Edwards, Marine Licensing Case Officer
Date: 14 February 2017

Annex 1

<i>Provision</i>	<i>Previous text</i>	<i>Replacement text</i>
Schedule 9, Part 1, Licensed Marine Activities, 1(1)	N/A	<i>“local notice to mariners” includes any notice to mariners which may be issued by the undertaker, Trinity House, Queen’s harbourmasters, government departments and harbour and pilotage authorities;</i>
Schedule 9, Part 1, Licensed Marine Activities, 1(1)	N/A	<i>“national notice to mariners” is a notice to mariners issued by the United Kingdom Hydrographic Office (UKHO);</i>
Schedule 9, Part 1, Licensed Marine Activities, 1(1)	<i>“notice to mariners” includes any notice to mariners which may be issued by the undertaker, Admiralty, Trinity House, Queen’s harbourmasters, government departments and harbour and pilotage authorities;</i>	<i>Definition replaced</i>
Schedule 9, Part 2, Licence Conditions, 5(5)	<i>The undertaker must inform the MMO marine licensing team and the coastal MMO office specified in paragraph 1(4)(a) above, and the Hydrographic Office, the MCA, and Trinity House, in writing at least five working</i>	<i>The undertaker must inform the MMO Coastal Office in writing at least five days prior to the commencement of the authorised development or any part thereof, and within 5 days of completion of the</i>

	<i>days prior to the commencement of the licensed activities or any part of them.</i>	<i>authorised development.</i>
Schedule 9, Part 2, Licence Conditions, 5(6)	<i>The undertaker must publish in the Kingfisher Fortnightly Bulletin details of the vessel routes, timings and locations relating to the construction of the authorised development, or relevant part, at least five working days prior to the commencement of the licensed activities or any part of them.</i>	<p><i>The Kingfisher Information Service of Seafish, must be informed of details of the vessel routes, timings and locations relating to the construction of the authorised development or any part thereof by email to kingfisher@seafish.co.uk :-</i></p> <p><i>a) at least 2 weeks prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data, and;</i></p> <p><i>b) as soon as reasonably practicable and no later than 24 hours of completion of all offshore activities.</i></p> <p><i>Confirmation of notification must be provided to the MMO within 5 days.</i></p>
Schedule 9, Part 2, Licence Conditions, 5(7)	<i>The undertaker must ensure that a notice to mariners is issued at least ten days prior to the commencement of Work No. 1 advising of the start date of those licensed activities and the expected vessel routes from the local service ports to the turbine locations.</i>	<i>A local notice to mariners is to be issued at least 10 days prior to the commencement of the authorised development or any part thereof advising of the start date of Work No.1 and the expected vessel routes from the construction ports to the relevant location. Copies of all notices must be provided to the MMO and UKHO within 5 days.</i>

Schedule 9, Part 2, Licence Conditions, 5(8)	<p><i>The undertaker must ensure that the notices to mariners are agreed with the MMO and the MCA in accordance with the construction programme approved under licence condition 11(1)(a). Such notices must be —</i></p> <ul style="list-style-type: none"> <i>(a) updated and reissued at regular intervals; and</i> <i>(b) supplemented with VHF radio broadcasts.</i> <p><i>Copies of all notices must be provided to the MMO.</i></p>	<p><i>Local notice to mariners are to be updated and reissued at weekly intervals during construction activities and at least 5 days before any planned operations and maintenance works. VHF radio broadcasts are to be made as agreed with the MCA in accordance with the construction and monitoring programme approved under deemed marine licence condition 11(1)(a). Copies of all notices must be provided to the MMO and UKHO within 5 day.</i></p>
Schedule 9, Part 2, Licence Conditions, 5(9)	N/A	<p><i>The undertaker must notify the UKHO of the completion (within 10 days) of the authorised development or any part thereof in order that all necessary amendments are made to nautical charts. Copies of all notices must be provided to the MMO within 5 days.</i></p>
Schedule 9, Part 2, Licence Conditions, 8(9)	<p><i>At least two months prior to the commencement of the licensed activities the undertaker must submit to the MMO a transportation audit sheet covering the construction of the authorised development. No works shall commence until the audit sheet content has been agreed with the MMO. The audit sheet must include details of—</i></p> <ul style="list-style-type: none"> <i>(a) loading facilities;</i> <i>(b) vessels;</i> <i>(c) equipment;</i> <i>(d) shipment routes;</i> <i>(e) working schedules;</i> <p><i>and</i></p>	<p><i>The undertaker must report all dropped objects to the MMO using the Dropped Object Procedure Form within 24 hours where possible, and in any event within 5 days of becoming aware of an incident. On receipt of 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 seabed at the undertaker's</i></p>

	<i>(f) all components and materials to be used in the construction of the authorised development.</i>	<i>expense if reasonable to do so.</i>
<i>Schedule 9, Part 2, Licence Conditions, 8(10)</i>	<i>The audit sheet must be maintained throughout the construction of the authorised development and any changes notified immediately in writing to the MMO. The audit sheet will be made available for inspection by the MMO within 12 hours of the undertaker's receipt of a request made by the MMO.</i>	<i>Condition removed</i>
<i>Schedule 9, Part 2, Licence Conditions, 8(11)</i>	<i>In the event that the MMO becomes aware that any of the materials on the audit sheet cannot be accounted for it shall require the undertaker in writing to carry out a side scan sonar survey to plot all obstructions across the relevant areas within the Order limits seaward of MHWS where construction works and related activities have been carried out. Local fishermen must be invited to send a representative to be present during the survey. Any new obstructions that the MMO reasonably concludes are associated with the authorised development must be removed, as directed by the MMO in writing, at the undertaker's expense.</i>	<i>Condition removed</i>
<i>Schedule 9, Part 2, Licence Conditions, 8(11)</i>	<i>In the event that the MMO becomes aware that any of the materials on the audit sheet cannot be</i>	<i>Condition removed</i>

accounted for it shall require the undertaker in writing to carry out a side scan sonar survey to plot all obstructions across the relevant areas within the Order limits seaward of MHWS where construction works and related activities have been carried out. Local fishermen must be invited to send a representative to be present during the survey. Any new obstructions that the MMO reasonably concludes are associated with the authorised development must be removed, as directed by the MMO in writing, at the undertaker's expense.

Schedule 9, Part 2,
Licence Conditions, 9

If, due to stress of weather or any other cause the master of a vessel determines that it is necessary to deposit the authorised substances and/or articles within or outside of the Order limits seaward of MHWS. . .

If, due to stress of weather or any other cause the master of a vessel determines that it is necessary to deposit substances and/or articles within or outside of the Order limits seaward of MHWS. . .

Schedule 9, Part 2,
Licence Conditions, 10(1)

The undertaker must ensure that no percussive piling activity takes place during the cod spawning period from 15 February to 31 March (inclusive) of any year.

The undertaker must ensure that no percussive piling activity takes place during the main cod spawning period from 15 February to 15 March (inclusive) of any year. Limited percussive piling activity may take place between 16 March and 31 March (inclusive) of any year to install 6 piles within the order limits to the east of a line described by the following co-ordinates (decimal degrees, WGS84):

Point	Lat- itude	Long- itude
A	54.06	-3.62
B	54.03	-3.65

Piling may be at 6 of the following locations:

WX-C13, WX-C16, WX-C19, WX-C20, WX-C21, WX-B16, WX-B17 and WX-A13 and be installed using a hammer energy of no greater than 1,500kJ and a piling time of no greater than 24 hours in total for all 6 piles.

Schedule 9, Part 2,
Licence Conditions, 10(2)

The undertaker must ensure that no percussive piling activity takes place during the herring spawning period from 15 September to 15 November (inclusive) for any year, within such areas as agreed with the MMO prior to the commencement of construction. The undertaker must provide to the MMO the results of noise modelling prepared to an agreed methodology to inform the selection of such areas.

The undertaker must ensure that no percussive piling activity takes place for the purposes of the installation of monopile foundations during the herring spawning period from 15 September to 15 November (inclusive) for any year, within the order limits to the west of a line described by the following co-ordinates (decimal degrees, WGS84):

Point	Lat- itude	Long- itude
A	54.06	-3.62
B	54.03	-3.65

Schedule 9, Part 2,
Licence Conditions, 11(1)

The licensed activities must not commence until the following have been submitted to and approved by the MMO and, in relation to paragraphs (a) to (g), (j) and (k), following consultation with Natural England

The licensed activities must not commence until the following have been submitted to and approved by the MMO and, in relation to paragraphs (a) to (g), (j), (k) and (l), following consultation with Natural England

Schedule 9, Part 2,
Licence Conditions,
11(1)(b)

a plan to be agreed with the MMO in consultation with Trinity House and the MCA setting out proposed details of the authorised

a plan to be agreed by the MMO following consultation with Trinity House and the MCA setting out proposed

	<p><i>development, specifying the—</i></p> <ul style="list-style-type: none"> <i>i) number, specification(s) and dimensions of each WTG;</i> <i>ii) number, dimensions and foundation type(s) and depth for each WTG;</i> <i>ii) the grid coordinates of the centre point of the proposed location for each WTG;</i> <i>v) proposed layout of all cables; and</i> <i>v) the proposed location(s) for the disposal of material produced during construction drilling and seabed preparation for foundation works;</i> 	<p><i>details of the authorised development, including the—</i></p> <ul style="list-style-type: none"> <i>i) number, dimensions, specification, foundation type(s) and depth for each WTG;</i> <i>ii) the grid coordinates of the centre point of the proposed location for each WTG;</i> <i>ii) proposed layout of all cables; and</i> <i>x) location and specification of all other aspects of the authorised development;</i>
<p>Schedule 9, Part 2, Licence Conditions, 11(1)(l)</p>	<p>N/A</p>	<p><i>An Aids to Navigation Management Plan to be agreed by the MMO following consultation with Trinity House specifying how the undertaker will comply with conditions 19(1) to 19(4) of 'Aids to Navigation' from the commencement of construction of the authorised development to the completion of decommissioning.</i></p>
<p>Schedule 9, Part 2, Licence Conditions, 11(4)</p>	<p>N/A</p>	<p><i>No part of the authorised development may commence until the MMO in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the project, adequately addressed all MCA recommendations as appropriate to the authorised development</i></p>

contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes.

Schedule 9, Part 2,
Licence Conditions, 16

(1) No authorised development seaward of MHWS shall commence until the MMO, in consultation with the MCA, has given written approval of a plan for an active safety management system which includes an emergency response and co-operation plan (ERCoP) for the construction, operation and decommissioning phases of the authorised development in accordance with the MCA's recommendations in MGN 371 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues".

(2) No authorised development seaward of MHWS shall commence until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and adequately addressed all MCA recommendations as appropriate to the authorised development contained within the document MGN 371 "Offshore Renewable Energy Installations (OREIs) – Guidance on

No part of the authorised development seaward of MHWS may commence until the MMO, in consultation with the MCA, has given written approval for an Emergency Response Co-operation Plan (ERCoP) which includes full details of the emergency response co-operation plans for the construction, operation and decommissioning phases of that part of the authorised development in accordance with the MCA recommendations contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues". The ERCoP and associated guidance and requirements must be implemented as approved, unless otherwise agreed in writing by the MMO in consultation with the MCA. The document must be reviewed at least annually or whenever changes are identified, whichever is sooner, and any proposed changes must be submitted to the MMO in writing for approval, in consultation with MCA.

UK Navigational Practice, Safety and Emergency Response Issues” and its annexes.

(3)The active safety management system and ERCoP must be implemented as approved unless otherwise agreed by the MMO in consultation with the MCA.

Schedule 9, Part 2,
Licence Conditions, 17(1)

The undertaker must at or near the authorised development during the whole period of the construction, operation, alteration, replacement or decommissioning of the authorised development seaward of MHWS exhibit such lights, marks, sounds, signals and other aids to navigation, and to take such other steps for the prevention of danger to navigation, as Trinity House may from time to time direct.

The undertaker shall during the whole period from the commencement of construction of the authorised development seaward of MHWS to the completion of decommissioning exhibit such lights, marks, sounds, signals and other aids to navigation, and to take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.

Schedule 9, Part 2,
Licence Conditions, 17(2)

The undertaker must provide information to the Hydrographic Office on the position and nature of works to facilitate the issuing of notices and warnings to mariners.

The undertaker must report the availability of aids to navigation to Trinity House daily using the reporting system provided by Trinity House.

Schedule 9, Part 2,
Licence Conditions, 17(3)

The undertaker must keep the Hydrographic Office, the MCA, Trinity House and the MMO informed of progress with the authorised development and will provide—

(a) notice of commencement within 24 hours of commencement having occurred;

The undertaker must during the whole period from the commencement of construction of the authorised development to the completion of decommissioning keep Trinity House and the MMO informed of progress of the authorised development including;

(a) notice of

	<p>(b) <i>as soon as reasonably practicable notification of the provision of any aids to navigation required by the licence conditions;</i></p> <p>(c) <i>reports on the working condition of aids to navigation as requested by Trinity House;</i></p> <p>(d) <i>notice to Trinity House and the MMO of any failure of aids to navigation, and the plans for remedying such failures, as soon as practicable and within 24 hours of such failure being identified;</i></p> <p>(e) <i>notification of completion within 2 weeks of completion of the authorised development.</i></p>	<p><i>commencement of construction of the authorised development within 24 hours of commencement having occurred;</i></p> <p><i>(b) notice within 24 hours of any aids to navigation being established by the undertaker; and</i></p> <p><i>(c) notice within 5 days of completion of construction of the authorised development.</i></p>
<p>Schedule 9, Part 2, Licence Conditions, 17(4)</p>	<p><i>The undertaker must paint yellow (colour code RAL 1023) all structures to be constructed as part of the authorised development seaward of MHWS from at least HAT to a height directed by Trinity House. Unless the MMO otherwise directs, the undertaker must paint the remainder of the structures submarine grey (colour code RAL 7035).</i></p>	<p><i>. Except as otherwise required by Trinity House the undertaker must paint all structures forming part of the authorised development yellow (colour code RAL 1023) from at least HAT to a height directed by Trinity House. Unless the MMO otherwise directs, the undertaker must paint the remainder of the structures submarine grey (colour code RAL 7035).</i></p>
<p>Schedule 9, Part 2, Licence Conditions, 17(6)</p>	<p>N/A</p>	<p><i>The undertaker must during the whole period from the commencement of construction of the authorised development to the completion of decommissioning notify Trinity House and the</i></p>

		<i>MMO of any failure of the aids to navigation and the timescales and plans for remedying such failures, as soon as practicable and no later than 24 hours following the undertaker becoming aware of any such failure</i>
Schedule 9, Part 2, Licence Conditions, 18	<i>In case of damage to, or destruction or decay of, the authorised development seaward of MHWS or any part thereof the undertaker must as soon as reasonably practicable notify Trinity House and must lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House may from time to time direct.</i>	<i>In case of damage to, or destruction or decay of, the authorised development seaward of MHWS or any part thereof the undertaker shall as soon as reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify MMO, MCA, Trinity House and the UKHO.</i>
Schedule 9, Part 2, Licence Conditions, 20(3)	<i>N/A</i>	<i>The approved details shall be taken to include any amendments that may subsequently be approved by the MMO.</i>
Schedule 9, Part 2, Licence Conditions, 21	<i>N/A</i>	<i>(1) The licence holder must submit information on the expected location, start and end dates of impact pile driving to the Marine Noise Registry, in order to satisfy the 'Forward Look' requirements of the Registry, prior to the commencement of the licensed activities. The licence holder must notify the MMO of the successful submission of 'Forward Look' data within 7 days of the submission. (2) The licence holder must submit the exact</i>

		<p><i>locations and dates of impact pile driving to the Marine Noise Registry, in order to satisfy the 'Close out' requirements of the Registry, at 6 month intervals from the commencement of impact pile driving. The final data must be submitted within 12 weeks of completion of impact pile driving. The licence holder must notify the MMO of the successful submission of 'Close out' data within 7 days of the submission.</i></p>
Schedule 10, Part 1, Licensed Marine Activities, 1(1)	N/A	<p><i>"local notice to mariners" includes any notice to mariners which may be issued by the undertaker, Trinity House, Queen's harbourmasters, government departments and harbour and pilotage authorities;</i></p>
Schedule 10, Part 1, Licensed Marine Activities, 1(1)	N/A	<p><i>"national notice to mariners" is a notice to mariners issued by the United Kingdom Hydrographic Office (UKHO);</i></p>
Schedule 10, Part 1, Licensed Marine Activities, 1(1)	<p><i>"notice to mariners" includes any notice to mariners which may be issued by the undertaker, Admiralty, Trinity House, Queen's harbourmasters, government departments and harbour and pilotage authorities;</i></p>	<p><i>Definition removed</i></p>
Schedule 10, Part 2, Licence Conditions, 1(6)	N/A	<p><i>The total number of monopile foundations forming part of the authorised development shall not exceed 207 and no monopile foundation</i></p>

for use with any wind turbine generator or offshore substation forming part of the authorised development shall have a diameter greater than 9 metres.

Schedule 10, Part 2,
Licence Conditions, 3(5)

The undertaker must inform the MMO marine licensing team and the coastal MMO office specified in paragraph 1(4)(a) above, and the Hydrographic Office, the MCA, and Trinity House, in writing at least five working days prior to the commencement of the licensed activities or any part of them.

The undertaker must inform the MMO Coastal Office in writing at least 5 working days prior to the commencement of the authorised development or any part thereof, and within 5 days of completion of the authorised development.

Schedule 10, Part 2,
Licence Conditions, 3(6)

The undertaker must publish in the Kingfisher Fortnightly Bulletin details of the vessel routes, timings and locations relating to the construction of the authorised development, or relevant part, at least five working days prior to the commencement of the licensed activities or any part of them.

The Kingfisher Information Service of Seafish, must be informed of details of the vessel routes, timings and locations relating to the construction of the authorised development or any part thereof by email to kingfisher@seafish.co.uk :-

a) at least 2 weeks prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data, and;

b) as soon as reasonably practicable and no later than 24 hours of completion of all offshore activities.

Confirmation of notification must be provided to the MMO within 5 days.

Schedule 10, Part 2, Licence Conditions, 3(7)	<p><i>The undertaker must ensure that a notice to mariners is issued at least ten days prior to the commencement of Work Nos. 2 and 3A and 3B advising of the start date of those licensed activities and the expected vessel routes from the local service ports to the areas in which those works are to be carried out.</i></p>	<p><i>A local notice to mariners is to be issued at least 10 days prior to the commencement of the authorised development or any part thereof advising of the start date of each Work No2 and 3A and 3B and the expected vessel routes from the construction ports to the relevant location. Copies of all notices must be provided to the MMO and UKHO within 5 days.</i></p>
Schedule 10, Part 2, Licence Conditions, 3(8)	<p><i>The undertaker must ensure that the notices to mariners are agreed with the MMO and the MCA in accordance with the construction programme approved under licence condition 9(1)(a). Such notices must be —</i></p> <ul style="list-style-type: none"> <i>(a) updated and reissued at regular intervals; and</i> <i>(b) supplemented with VHF radio broadcasts.</i> <p><i>Copies of all notices must be provided to the MMO.</i></p>	<p><i>Local notice to mariners are to be updated and reissued at weekly intervals during construction activities and at least 5 days before any planned operations and maintenance works. VHF radio broadcasts are to be made as agreed with the MCA in accordance with the construction and monitoring programme approved under deemed marine licence condition 10(1)(a). Copies of all notices must be provided to the MMO and UKHO within 5 days.</i></p>
Schedule 10, Part 2, Licence Conditions, 3(9)	N/A	<p><i>The undertaker must notify the UKHO of the completion (within 10 days) of the authorised development or any part thereof in order that all necessary amendments are made to nautical charts. Copies of all notices must be provided to the MMO within 5 days.</i></p>
Schedule 10, Part 2, Licence Conditions, 6(9)	<p><i>At least two months prior to the commencement of the licensed activities the undertaker must submit to</i></p>	<p><i>The undertaker must report all dropped objects to the MMO using the Dropped Object</i></p>

	<p><i>the MMO a transportation audit sheet covering the construction of the authorised development. No works shall commence until the audit sheet content has been agreed with the MMO. The audit sheet must include details of—</i></p> <ul style="list-style-type: none"> <i>(f) loading facilities;</i> <i>(g) vessels;</i> <i>(h) equipment;</i> <i>(i) shipment routes;</i> <i>(j) working schedules;</i> <i>and</i> <i>(k) all components and materials to be used in the construction of the authorised development.</i> 	<p><i>Procedure Form within 24 hours where possible, and in any event within 5 days of becoming aware of an incident. On receipt of 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 seabed at the undertaker's expense if reasonable to do so.</i></p>
<p>Schedule 10, Part 2, Licence Conditions, 6(10)</p>	<p><i>The audit sheet must be maintained throughout the construction of the authorised development and any changes notified immediately in writing to the MMO. The audit sheet will be made available for inspection by the MMO within 12 hours of the undertaker's receipt of a request made by the MMO.</i></p>	<p><i>Condition removed</i></p>
<p>Schedule 10, Part 2, Licence Conditions, 6(11)</p>	<p><i>In the event that the MMO becomes aware that any of the materials on the audit sheet cannot be accounted for it shall require the undertaker in writing to carry out a side scan sonar survey to plot all obstructions across the relevant areas within the Order limits seaward of MHWS where construction works and related activities have been carried out. Local fishermen must be invited to send a representative to</i></p>	<p><i>Condition removed</i></p>

be present during the survey. Any new obstructions that the MMO reasonably concludes are associated with the authorised development must be removed, as directed by the MMO in writing, at the undertaker's expense.

Schedule 10, Part 2,
Licence Conditions, 7

If, due to stress of weather or any other cause the master of a vessel determines that it is necessary to deposit the authorised substances and/or articles within or outside of the Order limits seaward of MHWS...

If, due to stress of weather or any other cause the master of a vessel determines that it is necessary to deposit substances and/or articles within or outside of the Order limits seaward of MHWS...

Schedule 10, Part 2,
Licence Conditions, 9(2)

The undertaker must ensure that no percussive piling activity takes place during the herring spawning period from 15 September to 15 November (inclusive) for any year, within such areas as agreed with the MMO prior to the commencement of construction. The undertaker must provide to the MMO the results of noise modelling prepared to an agreed methodology to inform the selection of such areas.

The undertaker must ensure that no percussive piling activity takes place for the purposes of the installation of monopile foundations during the herring spawning period from 15 September to 15 November (inclusive) for any year, within the order limits to the west of a line described by the following co-ordinates (decimal degrees, WGS84):

Point	Lat- itude	Long- itude
A	54.06	-3.62
B	54.03	-3.65

Schedule 10, Part 2,
Licence Conditions, 10(1)

The licensed activities must not commence until the following have been submitted to and approved by the MMO and, in relation to paragraphs (a) to (g), (i) and (j), following consultation with Natural England—

The authorised development shall not commence until the following have been submitted to and approved by the MMO, and in relation to paragraphs (a) to (g), (i) to (k),, following consultation with Natural England. Each programme, statement,

		<i>plan, protocol, scheme or other detail required to be approved under this condition must be submitted to the MMO for approval at least four months prior to the commencement of works, except where otherwise stated or unless otherwise agreed by the MMO —</i>
Schedule 10, Part 2, Licence Conditions, 10(1)	N/A	<i>(k) An Aids to Navigation Management Plan to be agreed in writing by the MMO following appropriate consultation with Trinity House specifying how the undertaker will comply with conditions 16(1) to 16(4) of 'Aids to Navigation' from the commencement of construction of the authorised development to the completion of decommissioning.</i>
Schedule 10, Part 2, Licence Conditions, 10(4)	N/A	<i>No part of the authorised development may commence until the MMO in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the project, adequately addressed all MCA recommendations as appropriate to the authorised development contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes.</i>
Schedule 10, Part 2, Licence Conditions, 12(2)	<i>A scheme for noise monitoring must be</i>	<i>A scheme for noise monitoring must be</i>

	<i>submitted for approval by the MMO prior to the commencement of any piling activity,...</i>	<i>submitted for approval by the MMO prior to the commencement of any piling activity associated with the installation of monopiles,...</i>
Schedule 10, Part 2, Licence Conditions, 15	<p><i>(1) No authorised development seaward of MHWS shall commence until the MMO, in consultation with the MCA, has given written approval of a plan for an active safety management system which includes an emergency response and co-operation plan (ERCoP) for the construction, operation and decommissioning phases of the authorised development in accordance with the MCA's recommendations in MGN 371 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues".</i></p> <p><i>(2) No authorised development seaward of MHWS shall commence until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and adequately addressed all MCA recommendations as appropriate to the authorised development contained within the document MGN 371 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its</i></p>	<p><i>No part of the authorised development seaward of MHWS may commence until the MMO, in consultation with the MCA, has given written approval for an Emergency Response Co-operation Plan (ERCoP) which includes full details of the emergency response co-operation plans for the construction, operation and decommissioning phases of that part of the authorised development in accordance with the MCA recommendations contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues". The ERCoP and associated guidance and requirements must be implemented as approved, unless otherwise agreed in writing by the MMO in consultation with the MCA. The document must be reviewed at least annually or whenever changes are identified, whichever is sooner, and any proposed changes must be submitted to the MMO in writing for approval, in consultation with MCA.</i></p>

annexes.

(3) The active safety management system and ERCoP must be implemented as approved unless otherwise agreed by the MMO in consultation with the MCA.

Schedule 10, Part 2,
Licence Conditions, 16(1)

The undertaker must at or near the authorised development during the whole period of the construction, operation, alteration, replacement or decommissioning of the authorised development seaward of MHWS exhibit such lights, marks, sounds, signals and other aids to navigation, and to take such other steps for the prevention of danger to navigation, as Trinity House may from time to time direct.

The undertaker shall during the whole period from the commencement of construction of the authorised development seaward of MHWS to the completion of decommissioning exhibit such lights, marks, sounds, signals and other aids to navigation, and to take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.

Schedule 10, Part 2,
Licence Conditions, 16(3)

The undertaker must provide information to the Hydrographic Office on the position and nature of works to facilitate the issuing of notices and warnings to mariners.

The undertaker must report the availability of aids to navigation to Trinity House daily using the reporting system provided by Trinity House.

Schedule 10, Part 2,
Licence Conditions, 16(2)

The undertaker must keep the Hydrographic Office, the MCA, Trinity House and the MMO informed of progress with the authorised development and will provide—

- (l) notice of commencement within 24 hours of commencement having occurred;*
- (m) as soon as reasonably practicable notification of the provision of any*

The undertaker must during the whole period from the commencement of construction of the authorised development to the completion of decommissioning keep Trinity House and the MMO informed of progress of the authorised development including;

- (a) notice of commencement of construction of the authorised development*

	<p><i>aids to navigation required by the licence conditions;</i></p> <p><i>(n) reports on the working condition of aids to navigation as requested by Trinity House;</i></p> <p><i>(o) notice to Trinity House and the MMO of any failure of aids to navigation, and the plans for remedying such failures, as soon as practicable and within 24 hours of such failure being identified;</i></p> <p><i>(p) notification of completion within 2 weeks of completion of the authorised development.</i></p>	<p><i>within 24 hours of commencement having occurred;</i></p> <p><i>(b) notice within 24 hours of any aids to navigation being established by the undertaker; and</i></p> <p><i>(c) notice within 5 days of completion of construction of the authorised development.</i></p>
<p>Schedule 10, Part 2, Licence Conditions, 16(4)</p>	<p><i>The undertaker must paint yellow (colour code RAL 1023) all structures to be constructed as part of the authorised development seaward of MHWS from at least HAT to a height directed by Trinity House. Unless the MMO otherwise directs, the undertaker must paint the remainder of the structures submarine grey (colour code RAL 7035).</i></p>	<p><i>Except as otherwise required by Trinity House the undertaker must paint all structures forming part of the authorised development yellow (colour code RAL 1023) from at least HAT to a height directed by Trinity House. Unless the MMO otherwise directs, the undertaker must paint the remainder of the structures submarine grey (colour code RAL 7035).</i></p>
<p>Schedule 10, Part 2, Licence Conditions, 16(5)</p>	<p><i>The undertaker must exhibit such lights, with such shape, colour and character as are required by Air Navigation Order 2009, or as directed by the CAA, and must notify the CAA and the MMO of any failure of those lights and the timescales in which such failure will be</i></p>	<p><i>The undertaker must exhibit such lights, with such shape, colour and character as are required by Air Navigation Order 2009, or as directed by the CAA, and must notify the CAA and the MMO of any failure of those lights and the timescales in which such failure will be</i></p>

	<i>remedied, as soon as possible and no later than 24 hours following the undertaker becoming aware of any such failure.</i>	<i>remedied, as soon as possible and no later than 24 hours following the undertaker becoming aware of any such failure.</i>
Schedule 10, Part 2, Licence Conditions, 16(6)	N/A	<i>The undertaker must during the whole period from the commencement of construction of the authorised development to the completion of decommissioning 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 practicable and no later than 24 hours following the undertaker becoming aware of any such failure.</i>
Schedule 10, Part 2, Licence Conditions, 17	<i>In case of damage to, or destruction or decay of, the authorised development seaward of MHWS or any part thereof the undertaker must as soon as reasonably practicable notify Trinity House and must lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House may from time to time direct.</i>	<i>In case of damage to, or destruction or decay of, the authorised development seaward of MHWS or any part thereof the undertaker shall as soon as reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify MMO, MCA, Trinity House and the UKHO.</i>
Schedule 10, Part 2, Licence Conditions, 20	N/A	<i>(1) The licence holder must submit information on the expected location, start and end dates of impact pile driving to the Marine Noise Registry, in order to satisfy the 'Forward Look' requirements of the Registry, prior to the commencement of the</i>

licensed activities. The licence holder must notify the MMO of the successful submission of 'Forward Look' data within 7 days of the submission.

(2) The licence holder must submit the exact locations and dates of impact pile driving to the Marine Noise Registry, in order to satisfy the 'Close out' requirements of the Registry, at 6 month intervals from the commencement of impact pile driving. The final data must be submitted within 12 weeks of completion of impact pile driving. The licence holder must notify the MMO of the successful submission of 'Close out' data within 7 days of the submission.

Schedule 10, Part 2,
Licence Conditions, 21

N/A

The licence holder must submit a fisheries liaison and co-existence plan to the MMO for approval not less than 2 months prior to commencement of any licensed activities within work area 3a, unless otherwise agreed in writing by the MMO. The plan must include information on the liaison that will be carried out with the fishing industry (including the liaison carried out by the Fisheries Liaison officer referred to in condition 10(1)(f)(v), as well as details of how the project construction and operation will take into account the fisheries industry.
