

DOGGER BANK D WIND FARM

Draft Development Consent Order

Document Reference No: 3.1

Date: June 2025

Revision: V1



www.doggerbankd.com

202[●] No. [●]

INFRASTRUCTURE PLANNING

The Dogger Bank D Offshore Wind Farm Order 202[●]

Made - - - - - ***

Laid before Parliament ***

Coming into force ***

CONTENTS

[Drafting Note: a table of contents to be set out.]

An application has been made to the Secretary of State under section 37 of the Planning Act 2008 (“the 2008 Act”)(a), in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009(b) for an Order granting development consent.

The application was examined by the Examining Authority appointed by the Secretary of State pursuant to section 61(c) and section 65(d) of Part 6 of the 2008 Act and carried out in accordance with Chapter 4 of that Act and with the Infrastructure Planning (Examination) Procedure Rules 2010(e). The Examining Authority has submitted a report to the Secretary of State under section 74(2)(f) of the 2008 Act.

The Secretary of State has considered the report and recommendation of the Examining Authority, has taken into account the environmental information in accordance with regulation 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(g), [and has considered the representations made and not withdrawn] and, as national policy statements have effect in relation to the proposed development, has had regard to the documents and matters referred to in Section 104 of the Planning Act 2008(h).

[The Secretary of State, having decided the application, has determined to make an Order giving effect to the proposals comprised in the application on terms that in the opinion of the Secretary of State are not materially different from those proposed in the application.]

-
- (a) 2008 c. 29. Parts 1 to 7 were amended by Chapter 6 of Part 6 of the Localism Act 2011 (c. 20).
(b) S.I. 2009/2264, amended by S.I. 2010/439, S.I. 2010/602, S.I. 2012/635, S.I. 2012/2654, S.I. 2012/2732, S.I. 2013/522, S.I. 2013/755, S.I. 2014/469, S.I. 2014/2381, S.I. 2015/377, S.I. 2015/1682, S.I. 2017/524, S.I. 2017/572, S.I. 2018/378 and S.I. 2019/734, 2020/1534, 2021/978 and 2022/634.
(c) Section 61 was amended by Schedule 13, paragraph 18(4) to the Localism Act 2011 and by section 26 of the Infrastructure Act 2015 (c. 7).
(d) Section 65 was amended by Schedule 13 paragraph 22(2) and Schedule 25, paragraph 1 to the Localism Act 2011 and by section 27(1) of the Infrastructure Act 2015.
(e) S.I. 2010/103. This instrument was amended by S.I. 2012/635.
(f) Section 74 was amended by Schedule 13(1), paragraph 1, 29(3) and Schedule 25, paragraph 1, to the Localism Act 2011.
(g) S.I. 2017/572.
(h) Section 105 was amended by the Localism Act 2011 c. 20 Sch13(1) paragraph 50

[The Secretary of State is satisfied that the parcels of common land, open space, fuel allotment land, field allotment land comprised within the Order limits, when burdened with any new rights authorised for compulsory acquisition under the terms of this Order, will be no less advantageous than it was before such acquisition, to the persons whom it is vested, other persons, if any, entitled to rights of common or other rights, and the public, and that, accordingly, section 132(3)(a) of the 2008 Act applies.]

The Secretary of State, in exercise of the powers conferred by sections 114, 115, 120(b), 122, 123(c) and 149A(d) of the 2008 Act, makes the following Order—

PART 1

Preliminary

[Drafting Note: This part will include necessary preliminary articles (drafted based on precedent) including the citations and commencement article and will also set out the defined terms that are used throughout the Order. Defined terms (for the purposes of this consultation draft provided for ease of reading) will include:

“ancillary works” means the ancillary works described in Part 2 of Schedule 1 (ancillary works) and any other works authorised by this Order and which are not development within the meaning of section 32 of the 2008 Act;

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

“authorised project” means the authorised development and the ancillary works authorised by this Order;

“commence” means for the purposes of the Order (as defined in section 155 of the 2008 Act) forming part of the authorised project other than site preparation works and the words “commencement” and “commenced” must be construed accordingly;]

“maintain” in relation to the authorised development includes to inspect, assess, repair, test, cleanse, adjust, alter, divert, renew, re-lay, improve, landscape, preserve, make safe, dismantle, remove, clear, reconstruct, refurbish, replace, demolish, abandon or decommission any part of the authorised development, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement, and any derivative of “maintain” is to be construed accordingly;

“the Order limits” means the limits shown on the works plans within which the authorised development may be carried out;

“relevant planning authority” means the planning authority for the area in which the land to which the relevant provision of this Order applies is situated;

“site preparation works” means operations consisting of pre-construction surveys and/or monitoring, site clearance, demolition work, archaeological investigations, environmental surveys, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements;

-
- (a) Section 132 was amended by section 24(3) of the Growth and Infrastructure Act 2013 (c. 27)
(b) Section 114 was amended by Schedule 13, paragraphs 55 Localism Act 2011, section 115 was amended by section 160(1) to (6) of the Housing and Planning Act 2016 (c. 22), section 120 was amended by section 140 and Schedule 13, paragraphs 60 of the Localism Act 2011.
(c) Section 122 and 123 were amended by section 128(2) and Schedule 13 paragraphs 1 and 62 of the Localism Act 2011 c. 20
(d) Amended by Marine and Coastal Access Act 2009 c. 23 (Sch.8(1) para 4(2).

“undertaker” means, subject to article [●] (Benefit of the Order), Doggerbank Offshore Wind Farm Project 4 Projco Limited (company number 13587611), whose registered office is at No.1 Forbury Place, 43 Forbury Road, Reading, United Kingdom, RG1 3JH;]

PART 2

Principal powers

[Drafting Note: This part will include necessary articles (drafted based on precedent) setting out the principal powers of the Order.]

PART 3

Streets

[Drafting Note: This part will include necessary articles (drafted based on precedent) relating to street works, including temporary stopping up or temporary restriction of use of streets.]

PART 4

Supplemental powers

[Drafting Note: This part will include necessary articles (drafted based on precedent) setting out supplemental powers of the Order.]

PART 5

Powers of acquisition

[Drafting Note: This part will include necessary articles (drafted based on precedent) setting out the powers of acquisition under the Order and other related powers and how such powers must be exercised.]

PART 6

Miscellaneous and general

[Drafting Note: This part will include necessary articles (drafted based on precedent) setting out miscellaneous powers and provisions under the Order, such as protective provisions, removal of hedgerows, protections for Trinity House, etc.]

SCHEDULE 1

Article [●]

Authorised project

PART 1

Authorised development

[Drafting Note: This part of Schedule 1 will set out, in detail with reference to specific Works Numbers that are shown on corresponding Works plans, the components of the authorised development, e.g. wind turbine generators, offshore substations and/or converter stations, undersea

cables and onshore transmission infrastructure, including the onshore converter station and energy storage balancing infrastructure.]

1. A nationally significant infrastructure project as defined in sections 14 (nationally significant infrastructure projects: general) and 15 (generating stations) of the 2008 Act located in the Dogger Bank Zone approximately [●] kilometres from the coast of [●] being an offshore wind turbine generating station with electrical output capacity of over 100MW comprising—

Offshore Works

Work No [1]:

- (a) up to [●] wind turbine generators, each fixed to the seabed by a foundation; and
- (b) a network of subsea inter-array cables between the wind turbine generators and between the wind turbine generators and the offshore substations and/or converter stations forming part of Work No. 2 including cable crossings and cable protection;

and associated development within the meaning of section 115(2) (development for which development consent may be granted) of the 2008 Act comprising—

Work No [2]:

- (a) up to [●] offshore substations and/or converter stations each fixed to the seabed by a foundation; and
- (b) a network of subsea platform link cables including cable crossings and cable protection.

Work No [3]:

- (a) up to [●] subsea cables between Work No. [2] and Work No. [4] in cable ducts including cable crossings and cable protection.

[Intertidal Works]

Work No [4]:

- (a) up to [●] subsea cables between Work No. [3] and Work No. [5] in cable ducts including cable crossings and cable protection.]

Onshore Works

In the East Riding of Yorkshire—

Work No [5]:

- (a) [●]

and associated development within the meaning of section 115(2) (development for which development consent may be granted) of the 2008 Act comprising—

- (a) [●]; and

PART 2

Ancillary works

[Drafting Note: This part of Schedule 1 will set out, in detail, any ancillary works that comprise part of the authorised project.]

1. Works within the Order limits which have been subject to an environmental impact assessment recorded in the environmental statement comprising —

- (a) [●]; and

- (b) temporary works for the benefit or protection of land or structures affected by the authorised development.

SCHEDULE 2

Article [●]

Requirements

Time limits

1.—(1) Subject to sub-paragraph (2), the authorised project must commence no later than the expiration of seven years beginning with the date this Order comes into force.

(2) If proceedings are begun to challenge the validity of this Order before the end of the period referred to in sub-paragraph (1) the period must be taken to be extended by one year.

Phases of the authorised project

2.—(1) The authorised development may not be commenced until a written scheme setting out the phases of construction of the authorised project has been submitted to and approved by the relevant planning authority, in relation to the onshore works, and the MMO, in relation to works seaward of MHWS.

(2) The scheme must be implemented as approved.

Offshore works design parameters

3.—(1) The offshore works to be constructed and operated as part of the authorised project must be located within the area shown on the [●] plan.

(2) The total number of the cables comprising Work No. [●] must not exceed [●].

(3) The total length of the cables comprising Work No. [●] must not exceed [●] km.

(4) The total amount of cable protection for the cables comprising Work No. [●] must not exceed [●] m² and [●] m³.

(5) The finished height of any cable protection must not exceed [five] percent of the navigable water depth existing before works commence unless otherwise agreed in writing in advance with the MMO and MCA

(6) The authorised project must be constructed in accordance with the parameters assessed in the environmental statement and set out in Table 1.

Table 1

<i>Parameter</i>	<i>Value</i>
<i>[To be added following completion of the ES]</i>	<i>[●]</i>

Aviation Safety

4.—(1) The undertaker must exhibit such lights, with such shape, colour and character and at such times as are required by the 2016 Order or determined necessary for aviation safety in consultation with the Defence Infrastructure Organisation Safeguarding and as directed by the Civil Aviation Authority. Lighting installed specifically to meet Ministry of Defence aviation safety requirements must remain operational for the lifetime of the authorised project unless otherwise agreed with the Ministry of Defence.

(2) The undertaker must notify the Defence Infrastructure Organisation Safeguarding, at least 14 days prior to the commencement of the authorised project, of the following—

- (a) the date of the commencement of construction of the authorised project;
- (b) the date any wind turbine generators are anticipated to be brought into use;

- (c) the latitude, longitude and maximum height of any offshore construction equipment with a height of 50m or greater (above mean sea level) to be used;
- (d) the maximum height of any wind turbine generator, meteorological mast and offshore electrical platform to be constructed;
- (e) the latitude and longitude of each wind turbine generator, meteorological mast and offshore electrical platform to be constructed; and

the Defence Infrastructure Organisation Safeguarding must be notified of any changes to the information supplied under this paragraph and of the completion of the construction of the authorised project.

(3) The lights installed in accordance with paragraph (1) shall be operated at the lowest permissible lighting intensity level.

Offshore decommissioning

5. No offshore works may commence until a written decommissioning programme in compliance with any notice served upon the undertaker by the Secretary of State pursuant to section 105(2) (requirement to prepare decommissioning programmes) of the 2004 Act has been submitted to the Secretary of State for approval.

Onshore works

6.—(1) Construction of Works No. [●] and [●] must not commence until details of—

- (a) the layout;
- (b) scale;
- (c) proposed finished ground levels;
- (d) hard surfacing materials;
- (e) the dimensions, colour and materials used for the buildings;
- (f) security fencing;
- (g) vehicular and pedestrian access, parking and circulation areas; and
- (h) proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports;

have been submitted to and approved by the relevant planning authority.

(2) The details submitted under sub-paragraph (1) of this requirement must be in accordance with requirement 7 (detailed design parameters onshore).

(3) Works No. [●] and [●] must be carried out in accordance with the approved details.

Detailed design parameters onshore

7. The onshore works must not exceed the parameters assessed in the environmental statement and set out in Table 2.

Table 2

<i>Parameter</i>	<i>Value</i>
<i>[To be added following completion of the ES]</i>	<i>[●]</i>

Construction hours

8.—(1) Except as otherwise agreed in the code of construction practice and subject to sub-paragraphs (2) to (4), construction of the onshore works and intertidal works, and construction-related traffic movements to or from the site of the relevant work may take place only between the hours of 0700 and 1900 from Monday to Saturday, with no activity on Sundays or bank holidays.

(2) Subject to paragraph (3), construction of the onshore works and intertidal works, and construction-related traffic movements arriving or departing from the site of the relevant work may take place outside the hours specified in sub-paragraph (1) for certain identified works including—

- (a) for the delivery and unloading of abnormal loads;
- (b) for the landfall works;
- (c) for any other time-critical element of the onshore works; and
- (d) emergency works.

(3) Except as provided in sub-paragraphs (2) and (4) and in relation to emergency works, all construction works which are to be undertaken outside the hours specified in sub-paragraph (1) must be agreed by giving at least 48 hours' notice in advance of the works to the relevant planning authority.

(4) In respect of trenchless installation technique works where continuous 24-hour working is required, the undertaker must notify the relevant planning authority in advance of such works.

(5) In the event of an emergency, notification of that emergency must be given to the relevant planning authority and the relevant highway authority as soon as reasonably practicable.

(6) For the purposes of this requirement, “emergency” means a situation where, if the relevant action is not taken, there will be adverse health, safety, security or environmental consequences that in the reasonable opinion of the undertaker would outweigh the adverse effects to the public (whether individuals, classes or generally as the case may be) of taking that action.

Code of Construction Practice

9.—(1) No relevant phase of the onshore works may commence until a code of construction practice for that phase has been submitted to and approved by the relevant planning authority following consultation as appropriate with Natural England, the Environment Agency and, in relation to works below MHWS, the MMO.

(2) The code of construction practice must be substantially in accordance with the outline code of construction practice and include, as appropriate to the relevant phase, a—

- (a) communications plan;
- (b) construction noise and vibration management plan;
- (c) pollution prevention plan;
- (d) public rights of way management plan (in accordance with the outline public rights of way management plan);
- (e) site waste management plan (in accordance with the outline site waste management plan);
- (f) soil management plan;
- (g) construction surface water drainage plan;
- (h) drilling fluid breakout management plan;
- (i) contaminated land and groundwater scheme;
- (j) mineral resource assessment;
- (k) materials management plan;
- (l) project emergency response plan;
- (m) project environmental management plan;
- (n) air quality management plan;
- (o) piling risk assessment;
- (p) hydrogeological risk assessment;
- (q) operational drainage strategy; and
- (r) watercourse crossing method statement.

(3) All construction works for each phase must be undertaken in accordance with the relevant approved code of construction practice.

Traffic and transport

10.—(1) No relevant phase of the onshore works may commence until a construction traffic management plan for that phase has been submitted to and approved by the relevant highway authority or in respect of the strategic road network in consultation with National Highways.

(2) The construction traffic management plan must be substantially in accordance with the outline construction traffic management plan.

(3) Any plan submitted under sub-paragraph (1) may cover one or more phase of the onshore works.

(4) Each plan approved under sub-paragraph (1) must be implemented upon commencement of the relevant phase of the onshore works.

Highway access

11.—(1) No relevant phase of the onshore works may commence until written details of the siting, design, layout, sequencing and timing and any access management measures for any new permanent or temporary means of access to a highway to be used by vehicular traffic, or any alteration to an existing means of access to a highway, for that phase have been submitted to and approved by the highway authority.

(2) The highway access for that phase must be constructed or altered, and the works described in sub-paragraph (1) in relation to access management measures carried out, in accordance with the approved details before the relevant highway accesses are brought into use for the purposes of the authorised project.

(3) Onshore site preparation works must be carried out in accordance with the applicable details set out in the outline construction traffic management plan and the outline highway access management plan.

Fencing and other means of enclosure

12.—(1) Work Nos. [*Work relating to the onshore converter station*] and [*Work relating to the energy storage balancing infrastructure*] may not commence operations until details of all proposed permanent fences, walls or other means of enclosure for those works have been submitted to and approved by the relevant planning authority.

(2) All permanent fencing, walls and other means of enclosure must be in accordance with the details approved under sub-paragraph (1).

(3) Any approved permanent fencing in relation to Work Nos. [*Work relating to the onshore converter station*] and [*Work relating to the energy storage balancing infrastructure*] must be completed before that work becomes operational.

(4) Any details submitted under sub-paragraph (1) may cover one or more phase of the onshore works.

(5) Permanent fencing, walls and other means of enclosure approved under sub-paragraph (1) must be provided and maintained until the onshore works to which they relate are decommissioned in accordance with the onshore decommissioning plan approved under requirement 25 (onshore decommissioning).

Onshore archaeology

13.—(1) No relevant phase of the onshore works may commence until an archaeological onshore written scheme of investigation for that phase, has been submitted to and approved by East Riding of Yorkshire Council, in consultation with Historic England.

(2) The onshore written scheme of investigation must be substantially in accordance with the outline onshore written scheme of investigation.

(3) Pre-commencement surveys and investigations, including those necessary to allow production of any scheme required under sub-paragraph (1) must only take place in accordance with the applicable details set out in the outline onshore written scheme of investigation.

(4) Any archaeological works must be carried out by a suitably qualified and competent person or body previously notified to the relevant planning authority.

(5) The onshore written scheme of investigation submitted under sub-paragraph (1) must be implemented as approved.

Ecological management plan

14.—(1) No relevant phase of the onshore works or intertidal works may commence until a written ecological management plan, as appropriate for that phase, has been submitted to and approved by the relevant planning authority in consultation with Natural England.

(2) The ecological management plan must be substantially in accordance with the outline ecological management plan.

(3) The ecological management plan submitted under sub-paragraph (1) must include an implementation timetable and must be implemented as approved.

(4) Onshore site preparation works must only take place in accordance with the applicable details set out in the outline ecological management plan.

Carbon management plan

15.—(1) No phase of the authorised development is to commence until for that part a carbon management plan has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the local highway authority on matters related to their functions.

(2) The authorised development must be carried out in accordance with any carbon management plan approved under sub-paragraph (1).

[Biodiversity net gain]

16. *[Drafting Note: As it is expected that there will be a biodiversity net gain requirement for NSIPs, the undertaker is considering a DCO requirement to secure the provision of BNG and would welcome comments from consultees on drafting or what this should contain.]*

European protected species onshore

17.—(1) No relevant phase of the onshore works other than surveying and investigation necessary to comply with this requirement may be undertaken until, for that relevant phase, survey work has been carried out to establish whether a European protected species or nationally protected species under the Wildlife and Countryside Act 1981 is present on any of the land affected, or likely to be affected, by any part of the relevant phase of the onshore works.

(2) Where a European protected species or nationally protected species under the Wildlife and Countryside Act 1981 is shown to be present or likely to be affected, the relevant phase of the onshore works likely to affect the species must not commence until, after consultation with Natural England, a scheme of protection and mitigation measures for that stage has been submitted to and approved by the relevant planning authority or a European Protected Species licence granted by Natural England.

(3) Each stage of the onshore works which requires a scheme of protection and mitigation measures in accordance with sub-paragraph (2) of this requirement must be carried out in accordance with the approved scheme.

(4) In this paragraph, “European protected species” has the same meaning as in regulations 42 (European protected species of animals) and 46 (European protected species of plants) of the Conservation of Habitats and Species Regulations 2017.

(5) In this paragraph, “nationally protected species” means any species protected under the Wildlife and Countryside Act 1981.

Provision of landscaping

18.—(1) No relevant phase of Work Nos. [*Work relating to the onshore converter station*] and [*Work relating to the energy storage balancing infrastructure*] may commence until a written landscaping scheme and associated work programme [in accordance with the outline landscape management plan] for that phase has been submitted to and approved by the relevant planning authority.

(2) The written landscaping scheme must include details of all proposed hard and soft landscaping works including—

- (a) location, number, species, size and planting density of any proposed planting including any trees; and
- (b) implementation timetables for all landscaping works.

Implementation and maintenance of landscaping

19.—(1) All landscaping works must be carried out in accordance with a landscape management plan approved under requirement [8] (provision of landscaping).

(2) Unless otherwise stated in the approved landscape management plan, any tree or shrub planted as part of an approved landscape management plan that, within five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the next planting season with a specimen of the same species and size as that originally planted, unless otherwise agreed by the relevant planning authority.

Employment and skills plan

20.—(1) No relevant phase of the onshore works may commence until, following consultation with East Riding of Yorkshire Council, an employment and skills plan in respect of that phase has been notified in writing to East Riding of Yorkshire Council.

(2) Any employment and skills plan submitted under sub-paragraph (1) must be in accordance with the outline employment and skills plan and must be implemented and maintained for the duration of the construction of the onshore works.

Port access and management plan

21.—(1) Where a port in England is to be used for the transport over land of [abnormal loads required for Work No. [●]] in connection with the construction, operation or maintenance of the authorised development, no relevant phase of the authorised development may commence until a port access management plan (which accords with the outline port access management plan) for the onshore port-related traffic to and from the port or ports and relating to that part of the authorised development has been submitted to and approved by the relevant highway authority in consultation with the relevant planning authority.

(2) Sub-paragraph (1) does not apply if the relevant highway authority confirms, after consultation with the relevant planning authority, that no port access and transport plan is required for that part of the authorised development.

(3) The port access and transport plan must be implemented as approved at all times specified within the port access and management plan during the construction of the authorised development.

(4) For the purposes of this requirement, “relevant planning authority” and “relevant highway authority” mean the planning or highway authority or authorities in whose area the relevant port is located.

Restoration of land used temporarily for construction

22. Any land landward of MLWS which is used temporarily for construction of the onshore works and not ultimately incorporated in permanent works or approved landscaping or ecological works must be reinstated following completion of the relevant stage of the onshore in accordance with details approved by the relevant planning authority.

Control of noise during operational stage

23.—(1) Work Nos. [*Work relating to the onshore converter station*] and [*Work relating to the energy storage balancing infrastructure*] may not commence operations until an operational noise management plan for those works has been submitted to and approved by the relevant planning authority.

(2) The noise management plan must set out the particulars of—

- (a) any necessary noise attenuation and mitigation measures to be taken to minimise noise resulting from Work Nos. [*Work relating to the onshore converter station*] and [*Work relating to the energy storage balancing infrastructure*], including any noise limits; and
- (b) a scheme for monitoring attenuation and mitigation measures provided under sub-paragraph (a) which must include—
 - (i) the circumstances under which noise will be monitored;
 - (ii) the locations at which noise will be monitored;
 - (iii) the method of noise measurement (which must be in accordance with BS 4142:2014+A1:2019, an equivalent successor standard or other agreed noise measurement methodology appropriate to the circumstances); and
 - (iv) a complaints procedure.

(3) The noise mitigation plan must be implemented as approved.

Operational drainage strategy

24.—(1) No relevant phase of Work Nos. [*Work relating to the onshore converter station*] and [*Work relating to the energy storage balancing infrastructure*] may commence until an operational drainage strategy for the relevant phase has been submitted to and approved by East Riding of Yorkshire Council in consultation with the Environment Agency as appropriate.

(2) Any operational drainage strategy submitted under sub-paragraph (1) must be substantially in accordance with the outline operational drainage strategy.

(3) The operational drainage strategy must be implemented as approved.

Onshore decommissioning

25.—(1) At least six months prior to the commencement of any decommissioning of the onshore works (or any part thereof), an onshore decommissioning plan must be submitted to the relevant planning authority for approval unless otherwise agreed in writing by the relevant planning authority.

(2) The relevant planning authority must provide its decision on any onshore decommissioning plan submitted under sub-paragraph (1) within three months of submission of each plan unless otherwise agreed in writing between the relevant planning authority and the undertaker.

(3) All decommissioning of the onshore works must be carried out in accordance with the decommissioning plan approved under this requirement.

SCHEDULE 3

Article [●]

Approval of matters specified in requirements

[Drafting Note: This schedule will set out the process for approving matters specified in the requirements (Schedule 2) and will replicate precedent orders.]

SCHEDULE 4

Article [●]

Deemed Marine Licence 1: Generation Assets

PART 1

Licensed marine activities

[Drafting Note: This part will set out the defined terms that are used throughout the Licence. Initial defined terms (for the purposes of this consultation draft for ease of reading) include:

“ancillary works” means the ancillary works described in Part 2 of Schedule 1 (ancillary works) and any other works authorised by this Order and which are not development within the meaning of section 32 of the 2008 Act;

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

“authorised project” means the authorised development and the ancillary works authorised by this Order;

“commence” means the first carrying out of any licensed activities, save for activities consisting of pre-construction surveys, monitoring surveys and unexploded ordnance surveys, and any derivative of “commence” is to be construed accordingly;

“licensed activities” means those activities specified in Part 1 of this licence [Drafting Note: these will be restricted to the Transmission Assets associated with the Project, which may include the offshore substations and/or converter stations];

“maintain” in relation to the authorised development includes to inspect, assess, repair, test, cleanse, adjust, alter, divert, renew, re-lay, improve, landscape, preserve, make safe, dismantle, remove, clear, reconstruct, refurbish, replace, demolish, abandon or decommission any part of the authorised development, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement, and any derivative of “maintain” is to be construed accordingly;

“the Order limits” means the limits shown on the works plans within which the authorised development may be carried out;

“undertaker” means Doggerbank Offshore Wind Farm Project 4 Projco Limited (company number 13587611), whose registered office is at No.1 Forbury Place, 43 Forbury Road, Reading, United Kingdom, RG1 3JH;

This part will also set out in detail the licensed marine activities, following the approach of Work Nos. taken in Schedule 1 Part 1 of this Order.]

PART 2

Conditions

Design Parameters

1.—(1) The licensed activities must be constructed in accordance with the parameters assessed in the environmental statement and set out in Table 3.

Table 3

<i>Parameter</i>	<i>Value</i>
<i>[To be added following completion of the ES]</i>	<i>[●]</i>

Phasing of the licensed activities

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

(2) The offshore works phasing 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 licensed activities

3.—(1) The undertaker may at any time maintain the licensed activities, except to the extent that this deemed marine licence or an agreement made under this marine licence provides otherwise.

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

- (a) major wind turbine component or offshore substation and/or converter station platform replacement;
- (b) routine maintenance of wind turbine generators, offshore accommodation platform and their respective foundation;
- (c) painting and applying other coatings to wind turbine generators, foundation structures (including transition pieces) or offshore substation and/or converter station platforms;
- (d) bird waste and marine growth removal;
- (e) cable remedial burial;
- (f) cable repairs and replacement;
- (g) cable protection and scour protection replenishment or replacement;
- (h) access ladder and boat landing replacement;
- (i) anode replacement in connection with any wind turbine generator, offshore substation and/or converter station platform or foundation; and
- (j) J-tube repair/replacement.

(3) An operations and maintenance plan must be submitted to the MMO for approval in writing at least [four months prior] to commencement of the operation of licensed activities. 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) The MMO must determine an application for approval made under this condition within a period of [four] months commencing on the date the application is received by the MMO, unless otherwise agreed in writing with the undertaker.

Extension of time periods

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

Notifications and inspections

5.—(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 15 (reporting of engaged agents, contractors and vessels);
 - (ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with condition 15 (reporting of engaged agents, contractors and vessels);
- (b) within 28 days of receipt of a copy of this licence those persons referred to in paragraph (a) must confirm receipt of this licence in writing to the MMO.

(2) Only those persons and vessels notified to the MMO in accordance with condition 15 (reporting of engaged agents, contractors and vessels) 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 licensed activities.

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

(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 licensed activities or relevant part—

- (a) at least 14 days prior to the commencement of the licensed 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 after completion of construction of the licensed activities, 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 each phase of the licensed activities advising of the start date and the expected vessel routes from the construction ports to the relevant location for that relevant phase. 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 regular intervals during construction activities and at least five days before any planned operations and maintenance works (or otherwise agreed) in accordance with the construction programme and monitoring plan approved under conditions 10(1)(c) and 10(1)(d). Copies of all notices must be provided to the MMO and UKHO within five days.

(10) The undertaker must notify UKHO of completion (within 14 days) of construction of the licensed activities or any part thereof in order that all necessary amendments to nautical charts are made. Copies of all notices must be provided to the MMO and MCA within five days.

(11) In case of damage to, or destruction or decay of, the licensed activities or any part thereof, excluding the exposure of cables and faults, 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, MCA, Trinity House, UKHO, the Kingfisher Information Service of Seafish and regional fisheries contacts.

(12) In case of buried cables becoming exposed on or above the seabed, the undertaker must within three days following identification of a cable exposure, notify mariners, regional fisheries contacts 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.

Aids to navigation

6.—(1) The undertaker must during the whole period from the commencement of construction of the licensed activities to the completion of decommissioning of the licensed activities 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 whole period from the commencement of construction of the licensed activities to completion of decommissioning of the licensed activities keep Trinity House and the MMO informed of progress of the licensed activities including—

- (a) notice of commencement of construction of the licensed activities 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 licensed activities.

(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 10(1)(b) using the reporting system provided by Trinity House.

(4) The undertaker must, during the whole period from the commencement of the construction of the licensed activities, to 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 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 5(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

7.—(1) Except as otherwise required by Trinity House, the undertaker must paint all structures forming part of the licensed activities yellow (colour code RAL 1023) from at least HAT to a height as directed by Trinity House from time to time.

(2) Unless the MMO otherwise directs, the undertaker must paint the remainder of the structures grey (colour code RAL 7035).

Chemicals, drilling and debris

8.—(1) Unless otherwise agreed in writing by the MMO, the carriage and use of chemicals in the construction of the licensed activities must comply with the International Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997.

(2) The undertaker must ensure that any coatings and treatments are suitable for use in the marine environment and are used in accordance with guidelines approved by the Health and Safety Executive and the Environment Agency Pollution Prevention Control Guidelines.

(3) 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.

(4) 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].

(5) The undertaker must ensure that only inert material of natural origin, produced during seabed preparation for and installation of cables is disposed of within the Order limits.

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

(7) In the event that any rock material used in the construction of the licensed activities is misplaced or lost within the Order limits, the undertaker must report the loss in writing to the local enforcement office within 48 hours and if the MMO 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.

(8) 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.

(9) 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 10(1)(f)(i).

(10) 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 of the undertaker becoming aware of an incident, to the relevant HM Coastguard Maritime Rescue Co-ordination Centre by telephone, and United Kingdom Hydrographic Office by email.

(11) All dropped objects must be reported to the MMO using a dropped object procedure form as soon as reasonably practicable and in any event within 24 hours of the undertaker becoming aware of an incident. On receipt of a 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.

Force majeure

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 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

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

- (a) a layout plan setting out proposed details of the licensed activities, including the—
 - (i) proposed layout of all cables;
 - (ii) location and specification of the wind turbine generators; and
 - (iii) any archaeological exclusion zones,

to ensure conformity with Work No. [●] and compliance with condition 1 (Design parameters);

- (b) 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 ensure compliance with condition 5 (Aids to navigation) from the commencement of construction of the licensed activities to the completion of decommissioning of the licensed activities;
- (c) a construction programme to include details of—
 - (i) the proposed construction start date;
 - (ii) proposed timings for mobilisation of plant delivery of materials and installation works; and
 - (iii) an indicative written construction programme for all works forming part of the licensed activities;
- (d) a monitoring plan (which substantially accords with the offshore in principle monitoring plan) to include details of proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction monitoring and related reporting to be submitted to the MMO in accordance with the following—
 - (i) at least [four] months prior to the first survey, detail of the pre-construction surveys and an outline of all proposed monitoring;
 - (ii) at least [four] months prior to commencement of construction, detail on construction monitoring;
 - (iii) at least [four] months prior to completion of construction, details of operational monitoring, if required.

unless otherwise agreed in writing with the MMO;

- (e) a construction method statement for the relevant phase in accordance with the construction methods assessed in the environmental statement, including details of—
 - (i) cable specification, installation and monitoring, (in accordance with the outline offshore cable specification and installation plan);
 - (ii) the technical specification of offshore cables comprised within the licensed activities;
 - (iii) a detailed cable laying plan for the licensed activities, incorporating a cable burial risk assessment (in accordance with the outline cable burial risk assessment) encompassing the identification of any cable protection that exceeds [5 percent] of navigable depth referenced to Chart Datum and, 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;
- (iv) the need, type, sources, quantity and installation methods for cable protection, with details updated and resubmitted for approval if changes to it are proposed following cable laying operations;
 - (v) contractors;
 - (vi) associated ancillary works; and
 - (vii) guard vessels to be employed;
- (f) a 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 licensed activities 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;
 - (iii) waste management and disposal arrangements;
 - (iv) the appointment and responsibilities of a fisheries liaison officer;
 - (v) a fisheries liaison and coexistence plan (which substantially accords with the outline fisheries liaison and co-existence plan) to ensure relevant fishing fleets are notified of commencement of the licensed activities pursuant to condition 5 (Notification and inspections) and to address the interaction of the licensed activities with fishing activities;
 - (vi) measures to minimise disturbance to marine mammals and rafting birds from vessels; and
 - (vii) a marine biosecurity plan including measures to minimise the potential spread of invasive non-native species;
- (g) an offshore written scheme of investigation for archaeology in relation to the offshore Order limits seaward of MHWS, which must substantially accord with the outline offshore written scheme of investigation for archaeology 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 specification 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 where required;
 - (vi) a requirement for the undertaker to ensure that a copy of any agreed archaeological report is deposited with the National Record of the Historic Environment, 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 licensed activities, and to notify the MMO that the OASIS form has been submitted to the National Record of the Historic Environment within [two weeks] of submission;
 - (vii) a reporting and recording protocol of archaeological discoveries, including reporting of any wreck or wreck material during construction, operation and decommissioning of the licensed activities; 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;
 - (h) a vessel traffic management plan (which must substantially accord with the outline vessel traffic management plan); and
 - (i) an ornithological monitoring plan (which must substantially accord with the outline ornithological monitoring plan).
- (2) Pre-construction surveys and archaeological investigations and pre-construction operations which involve intrusive seabed works must only take place in accordance with the offshore written scheme of investigation for archaeology approved by the MMO under sub-paragraph (1)(g).

Approval of pre-construction plans and documentation

11.—(1) Each programme, statement, plan, protocol or scheme required to be approved under condition 10 (Pre-construction plans and documentation) must be submitted for approval at least [four] months before the intended commencement of the relevant phase, except where otherwise stated or unless otherwise agreed in writing by the MMO.

(2) The MMO must determine an application for approval made under condition 10 (Pre-construction plans and documentation) within a period of [four] 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 condition 8 (Pre-construction plans and documentation), unless otherwise agreed in writing by the MMO.

Safety Zones

12. The licensed activities or relevant part thereof must not commence until (insofar as relevant to the licensed activity) an application has been made to the Secretary of State for a safety zone for the relevant activities pursuant to the 2004 Act.

Reporting of Impact Pile Driving

13.—(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) (a) no less than [six months] prior to the commencement of each relevant 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 relevant 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 [●] for the winter season (October to March inclusive) and [●] for the summer season (April to September inclusive) or within 12 weeks] of completion of impact pile driving, whichever is earlier.
- (2) For the purpose of this condition—
- (a) “Marine Noise Registry” means the database of impulsive noise generating activities in UK seas maintained by the Joint Nature Conservation Committee or any successor database; and

- (b) “forward look” and “close out” requirements are as set out in the “UK Marine Noise Registry: Information Document, Version 1 (May 2016)” or any updated information document.

Offshore safety management

14. No relevant phase of the licensed activities 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 phase of the licensed activities, adequately addressed all MCA recommendations as appropriate to the licensed activities 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

15.—(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 licensed activities 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

16.—(1) The undertaker must, in discharging condition 10(1)(d) (Pre-construction plans and documentation) submit a monitoring plan or plans substantially in accordance with the [offshore 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 offshore 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 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 with the MMO, have due regard to, but not be limited to, the need to undertake—

- (a) a swath-bathymetry survey to IHO Order 1a standard that meets the requirements of MGN654 and its supporting Hydrographic Guidelines for Offshore Renewable Energy Developers, which includes the requirement for the full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications, 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 area around the location of each work.

(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.

Construction monitoring and surveys

17.—(1) The undertaker must, in discharging condition 10(1)(c) (pre-construction plans and documentation) for each relevant phase of construction, submit details (which substantially accord with the in principle monitoring plan) for approval by the MMO in consultation with the relevant statutory nature conservation body of any proposed construction monitoring, including methodologies and timings, to be carried out during each relevant phase of construction of the licensed activities. The monitoring proposals must specify each monitoring proposal's objectives.

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

(3) The undertaker must carry out the monitoring approved under sub-paragraph (1), including any further underwater sound monitoring required by the MMO, and provide the agreed reports in the agreed format in accordance with the agreed timetable.

(4) The results of the initial underwater sound measurements monitored in accordance with sub-paragraph (2) must be provided to the MMO within [nine weeks] of the end of piling of the first four piled foundations. The assessment of this report by the MMO will determine whether any further underwater sound monitoring is required.

(5) Construction monitoring must include vessel traffic monitoring (which substantially accords with the in principle monitoring plan, including the provision of reports on the results of that monitoring at the end of each year of the construction period to the MMO, MCA and Trinity House.

(6) 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 to ensure the ongoing efficacy of the marine mammal mitigation protocol

Post-construction monitoring and surveys

18.—(1) The undertaker must, in discharging condition 10(1)(d) (Pre-construction plans and documentation) submit details (which accord with the offshore in principle monitoring plan) for approval in writing by the MMO in consultation with relevant statutory nature conservation bodies of proposed post-construction monitoring, including methodologies and timings, and a proposed format, content and timings for providing reports on the results.

(2) The monitoring proposals must specify each monitoring proposal'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 monitoring 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, within [12] months of completion of construction of the licensed activities, a full sea floor coverage swath-bathymetry survey that meets the requirements of MGN654 and its supporting Hydrographic Guidelines for Offshore Renewable Energy Developers, which includes the requirement for the full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications, 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;

(4) The undertaker must carry out the 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 bodies.

(5) Following the installation of cables, details of cable monitoring required under 10(1)(d) must be updated with the results of the post installation surveys. The statement must be implemented until the licensed activities are implemented and reviewed as specified within the statement, following cable burial surveys, or as instructed by the MMO.

Reporting of scour and cable protection

19.—(1) Not more than [four] months following completion of the construction of the licensed activities, the undertaker must provide the MMO and the relevant statutory nature conservation bodies with a report setting out details of the cable protection used for the licensed activities.

(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

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

- (a) the final number of installed wind turbine generators;
- (b) the installed wind turbine generator parameters relevant for ornithological collision risk modelling;
- (c) as built plans;
- (d) latitude and longitude coordinates of the centre point of the location for each wind turbine generator [and offshore substations and/or converter stations] provided as Geographical Information System data referenced to WGS84 datum; and
- (e) latitude and longitude coordinates of the inter array cables and platform link cable routes 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.

Deployment of new cable protection and scour protection

21. Any cable protection and scour protection (other than the replenishment or replacement of existing cable protection or scour protection) authorised under this licence must be deployed within [ten years] from the date on which operation of the licensed activities commences unless otherwise agreed by the MMO.

Requirement for written approval

22. Where under any of the above conditions the approval or agreement of the MMO is required, that approval or agreement must be given in writing.

Deemed Marine Licence 2: Transmission Assets

PART 1

Licensed marine activities

[Drafting Note: This part will set out the defined terms that are used throughout the Licence. Initial defined terms (for the purposes of this consultation draft for ease of reading) include:

“ancillary works” means the ancillary works described in Part 2 of Schedule 1 (ancillary works) and any other works authorised by this Order and which are not development within the meaning of section 32 of the 2008 Act;

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

“authorised project” means the authorised development and the ancillary works authorised by this Order;

“commence” means the first carrying out of any licensed activities, save for activities consisting of pre-construction surveys, monitoring surveys and unexploded ordnance surveys, and any derivative of “commence” is to be construed accordingly;

“licensed activities” means those activities specified in Part 1 of this licence [Drafting Note: these will be restricted to the Transmission Assets associated with the Project, which may include the offshore substations and/or converter stations];

“maintain” in relation to the authorised development includes to inspect, assess, repair, test, cleanse, adjust, alter, divert, renew, re-lay, improve, landscape, preserve, make safe, dismantle, remove, clear, reconstruct, refurbish, replace, demolish, abandon or decommission any part of the authorised development, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement, and any derivative of “maintain” is to be construed accordingly;

“the Order limits” means the limits shown on the works plans within which the authorised development may be carried out;

“undertaker” means Doggerbank Offshore Wind Farm Project 4 Projco Limited (company number 13587611), whose registered office is at No.1 Forbury Place, 43 Forbury Road, Reading, United Kingdom, RG1 3JH;

This part will also set out in detail the licensed marine activities, following the approach of Work Nos. taken in Schedule 1 Part 1 of this Order.]

PART 2

Conditions

Design parameters

1.—(1) The licensed activities must be constructed in accordance with the parameters assessed in the environmental statement and set out in Table 4

Table 4

Parameter	Value
<i>[To be added following completion of the ES]</i>	<i>[●]</i>

(2) The finished height of any cable protection must not exceed [5%] of the navigable water depth existing before works commence unless otherwise agreed in writing in advance with the MMO in consultation with the MCA.

Phasing of the licensed activities

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

(2) The offshore works phasing 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 licensed activities

3.—(1) The undertaker may at any time maintain the licensed activities, 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) cable remedial burial;
- (b) cable repairs and replacement;
- (c) routine maintenance;
- (d) major offshore converter platform replacement;
- (e) survey and inspection of cables;
- (f) painting and applying other coatings to offshore converter platforms;
- (g) bird waste and marine growth removal;
- (h) cable protection and scour protection replenishment or replacement;
- (i) access ladder and boat landing replacement;
- (j) anode replacement in connection with any offshore converter platform or foundation; and
- (k) J-tube repair/replacement.

(3) An operations and maintenance plan must be submitted to the MMO for approval in writing at least [four months prior] to commencement of the operation of licensed activities. 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) The MMO must determine an application for approval made under this condition within a period of [four] months commencing on the date the application is received by the MMO, unless otherwise agreed in writing with the undertaker.

Extension of time periods

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

Notification and inspections

5.—(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 13 (reporting of engaged agents, contractors and vessels);
 - (ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with condition 13 (reporting of engaged agents, contractors and vessels);
- (b) within 28 days of receipt of a copy of this licence those persons referred to in paragraph (a) must confirm receipt of this licence in writing to the MMO.

(2) Only those persons and vessels notified to the MMO in accordance with condition 13 (reporting of engaged agents, contractors and vessels) 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 licensed activities.

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

(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 licensed activities 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 after completion of construction of the licensed activities, 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 each phase of the licensed activities advising of the start date and the expected vessel routes from the construction ports to the relevant location for that relevant phase. 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 regular intervals during construction activities and at least five days before any planned operations and maintenance works (or otherwise agreed) and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme and monitoring plan approved under conditions 10(1)(c) and 10(1)(d). Copies of all notices must be provided to the MMO and UKHO within five days.

(10) The undertaker must notify UKHO of completion (within 14 days) of the construction of the licensed activities or any part thereof in order that all necessary amendments to nautical charts are made. Copies of all notices must be provided to the MMO and MCA within five days.

(11) In case of damage to, or destruction or decay of, the licensed activities or any part thereof, excluding the exposure of cables and faults, 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, MCA, Trinity House, UKHO, the Kingfisher Information Service of Seafish and regional fisheries contacts.

(12) In case of buried cables becoming exposed on or above the seabed, the undertaker must within three days following identification of a cable exposure, notify mariners, regional fisheries contacts 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.

Aids to navigation

6.—(1) The undertaker must during the whole period from the commencement of construction of the licensed activities to the completion of decommissioning of the licensed activities 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 whole period from the commencement of construction of the licensed activities to completion of decommissioning of the licensed activities keep Trinity House and the MMO informed of progress of the licensed activities including—

- (a) notice of commencement of construction of the licensed activities 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 licensed activities.

(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 10(1)(b) using the reporting system provided by Trinity House.

(4) The undertaker must, during the whole period from the commencement of the construction of the licensed activities, to 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 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 5(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

7.—(1) Except as otherwise required by Trinity House, the undertaker must paint all structures forming part of the licensed activities yellow (colour code RAL 1023) from at least HAT to a height as directed by Trinity House from time to time.

(2) Unless the MMO otherwise directs, the undertaker must paint the remainder of the structures grey (colour code RAL 7035).

Chemical, drilling and debris

8.—(1) Unless otherwise agreed in writing by the MMO, the carriage and use of chemicals in the construction of the licensed activities must comply with the International Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997.

(2) The undertaker must ensure that any coatings and treatments are suitable for use in the marine environment and are used in accordance with guidelines approved by the Health and Safety Executive and the Environment Agency Pollution Prevention Control Guidelines..

(3) 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.

(4) 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].

(5) The undertaker must ensure that only inert material of natural origin, produced during seabed preparation for and installation of cables is disposed of within the Order limits.

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

(7) In the event that any rock material used in the construction of the licensed activities is misplaced or lost within the Order limits, the undertaker must report the loss in writing to the local enforcement office within 48 hours and if the MMO 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.

(8) 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.

(9) 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 10(1)(f)(i).

(10) 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 of the undertaker becoming aware of an incident, to the relevant HM Coastguard Maritime Rescue Co-ordination Centre by telephone, and United Kingdom Hydrographic Office by email.

(11) All dropped objects must be reported to the MMO using a dropped object procedure form as soon as reasonably practicable and in any event within 24 hours of the undertaker becoming aware of an incident. On receipt of a 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.

Force majeure

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 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

10.—(1) The licensed activities or any stage of those activities must not commence until the following (insofar as relevant to that activity or stage of activity) have been submitted to and

approved in writing by the MMO, in consultation with Trinity House, the MCA and UKHO as appropriate—

- (a) a layout plan setting out proposed details of the licensed activities, including the—
 - (i) proposed layout of all cables;
 - (ii) location and specification of the offshore substation and/or converter station platforms; and
 - (iii) any archaeological exclusion zones,

to ensure conformity with Work No. [cables] and compliance with condition 1 (design parameters);

- (b) 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 ensure compliance with condition 5 (Aids to navigation) from the commencement of construction of the licensed activities to the completion of decommissioning of the licensed activities;
- (c) a construction programme to include details of—
 - (i) the proposed construction start date;
 - (ii) proposed timings for mobilisation of plant delivery of materials and installation works; and
 - (iii) an indicative written construction programme for all works forming part of the licensed activities;
- (d) a monitoring plan (which substantially accords with the offshore in principle monitoring plan) to include details of proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction monitoring and related reporting to be submitted to the MMO in accordance with the following—
 - (i) at least [four] months prior to the first survey, detail of the pre-construction surveys and an outline of all proposed monitoring;
 - (ii) at least [four] months prior to commencement of construction, detail on construction monitoring;
 - (iii) at least [four] months prior to completion of construction, details of operational monitoring, if required.

unless otherwise agreed in writing with the MMO;

- (e) a construction method statement for the relevant phase in accordance with the construction methods assessed in the environmental statement, including details of—
 - (i) cable specification, installation and monitoring, (in accordance with the outline offshore cable specification and installation plan);
 - (ii) the technical specification of offshore cables comprised within the licensed activities;
 - (iii) a detailed cable laying plan for the licensed activities, incorporating a cable burial risk assessment (in accordance with the outline cable burial risk assessment) encompassing the identification of any cable protection that exceeds [5 percent] of navigable depth referenced to Chart Datum and, 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;
 - (iv) the need, type, sources, quantity and installation methods for cable protection, with details updated and resubmitted for approval if changes to it are proposed following cable laying operations;
 - (v) contractors;
 - (vi) associated ancillary works; and
 - (vii) guard vessels to be employed;

- (f) a 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 licensed activities 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;
 - (iii) waste management and disposal arrangements;
 - (iv) the appointment and responsibilities of a fisheries liaison officer;
 - (v) a fisheries liaison and coexistence plan (which substantially 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 5 (Notification and inspections) and to address the interaction of the licensed activities with fishing activities;
 - (vi) measures to minimise disturbance to marine mammals and rafting birds from vessels; and
 - (vii) a marine biosecurity plan including measures to minimise the potential spread of invasive non-native species;
- (g) an offshore written scheme of investigation for archaeology in relation to the offshore Order limits seaward of MHWS, which must substantially accord with the outline offshore written scheme of investigation for archaeology 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 specification 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 where required;
 - (vi) a requirement for the undertaker to ensure that a copy of any agreed archaeological report is deposited with the National Record of the Historic Environment, 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 licensed activities, and to notify the MMO that the OASIS form has been submitted to the National Record of the Historic Environment within [two weeks] of submission;
 - (vii) a reporting and recording protocol of archaeological discoveries, including reporting of any wreck or wreck material during construction, operation and decommissioning of the licensed activities; 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;
- (h) a vessel traffic management plan (which must substantially accord with the outline vessel traffic management plan); and
- (i) an ornithological monitoring plan (which must substantially accord with the outline ornithological monitoring plan).

(2) Pre-construction surveys and archaeological investigations and pre-construction operations which involve intrusive seabed works must only take place in accordance with the offshore written scheme of investigation for archaeology approved by the MMO under sub-paragraph (1)(g).

Approval of pre-construction plans and documentation

11.—(1) Each programme, statement, plan, protocol or scheme required to be approved under condition 10 (Pre-construction plans and documentation) must be submitted for approval at least [four] 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 condition 10 (Pre-construction plans and documentation) within a period of [four] 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 condition 10 (Pre-construction plans and documentation), unless otherwise agreed in writing by the MMO.

Offshore safety management

12. No relevant phase of the licensed activities 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 phase of the project, adequately addressed all MCA recommendations as appropriate to the licensed activities 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

13.—(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 licensed activities 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

14.—(1) The undertaker must, in discharging condition 10(1)(d) (Pre-construction plans and documentation) submit a monitoring plan or plans, substantially in accordance with the [offshore 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 offshore 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 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 with the MMO, have due regard to, but not be limited to, the need to undertake—

- (a) a swath-bathymetry survey to IHO Order 1a standard that meets the requirements of MGN654 and its supporting Hydrographic Guidelines for Offshore Renewable Energy Developers, which includes the requirement for the full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications, 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 area around the location of each work.

(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.

Construction monitoring and surveys

15.—(1) The undertaker must, in discharging condition 10(1)(d), for each relevant phase of construction, submit details (which substantially accord with the offshore in principle monitoring plan) for approval in writing by the MMO in consultation with the relevant statutory nature conservation bodies of any proposed monitoring, including methodologies and timings, to be carried out during the construction of the licensed activities. The monitoring proposals must specify each monitoring proposal's objectives and explain how it will assist in either informing a useful and valid comparison with the preconstruction position and/or will enable the validation or otherwise of key predictions in the environmental statement.

(2) The undertaker must carry out the monitoring 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 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) Construction monitoring must include vessel traffic monitoring by automatic identification system for the duration of the construction period. An appropriate report must be submitted to the MMO, Trinity House and the MCA at the end of each year of the construction period.

Post-construction monitoring and surveys

16.—(1) The undertaker must, in discharging condition 10(1)(d) (Pre-construction plans and documentation) submit details (which accord with the offshore in principle monitoring plan) for approval in writing by the MMO in consultation with relevant statutory nature conservation bodies of proposed post-construction monitoring, including methodologies and timings, and a proposed format, content and timings for providing reports on the results.

(2) The monitoring proposals must specify each monitoring proposal'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 monitoring 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, within [12] months of completion of construction of the licensed activities, a full sea floor coverage swath-bathymetry survey that meets the requirements of MGN654 and its supporting Hydrographic Guidelines for Offshore Renewable Energy Developers,

which includes the requirement for the full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications, 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;

(4) The undertaker must carry out the 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 bodies.

(5) Following the installation of cables, details of cable monitoring required under 10(1)(d) must be updated with the results of the post installation surveys. The statement must be implemented until the licensed activities are implemented and reviewed as specified within the statement, following cable burial surveys, or as instructed by the MMO.

Reporting cable protection

17.—(1) Not more than [four] months following completion of the construction of the licensed activities, the undertaker must provide the MMO and the relevant statutory nature conservation bodies with a report setting out details of the cable protection used for the licensed activities.

(2) The report must include the following information—

- (a) the location of cable protection;
- (b) the volume of cable protection; and
- (c) any other information relating to the cable protection as agreed between the MMO and the undertaker.

Completion of construction

18.—(1) The undertaker must submit a close out report to the MMO, MCA, Trinity House, the UKHO and the relevant statutory nature conservation body within [four] 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; and
- (b) latitude and longitude coordinates of the centre point of the location for each offshore substation and/or converter station platform provided as Geographical Information System data referenced to WGS84 datum; and
- (c) latitude and longitude coordinates of the 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.

Deployment of new cable protection and scour protection

19. Any cable protection and scour protection (other than the replenishment or replacement of existing cable protection or scour protection) authorised under this licence must be deployed within [ten years] from the date on which operation of the licensed activities commences unless otherwise agreed by the MMO.

Requirement for written approval

20. Where under any of the above conditions the approval or agreement of the MMO is required, that approval or agreement must be given in writing.

SCHEDULE 6

Article [●]

Streets subject to street works

[Drafting Note: To be included as required based on final Order Limits.]

SCHEDULE 7

Article [●]

Streets and rights of way to be temporarily stopped up or restricted

[Drafting Note: To be included as required based on final Order Limits.]

SCHEDULE 8

Article [●]

Public rights of way to be temporarily stopped up or restricted

[Drafting Note: To be included as required based on final Order Limits.]

SCHEDULE 9

Article [●]

Access to works

[Drafting Note: To be included as required based on final Order Limits.]

SCHEDULE 10

Article [●]

Land of which only temporary possession may be taken

[Drafting Note: To be included as required based on final Order Limits.]

SCHEDULE 11

Article [●]

Land in which only new rights etc. may be acquired

[Drafting Note: To be included as required based on final Order Limits.]

SCHEDULE 12

Article [●]

Modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants

[Drafting Note: This schedule will set out any modifications that are necessary in connection with compulsory acquisition and compensation, with reference to precedented wording from other made Orders.]

SCHEDULE 13

Article [●]

Protective provisions

[Drafting Note: To be included following discussions with statutory undertakers.]

SCHEDULE 14

Article [●]

Removal of hedgerows

[Drafting Note: To be included as required based on final Order Limits.]

PART 1

Removal of hedgerows

[Drafting Note: To be included as required based on final Order Limits.]

Table 5

(1) Grid co-ordinates (start)		(2) Identifier as shown on the hedgerow and protected tree plan		(3) Grid co-ordinates (end)		(4) Identifier as shown on the hedgerow and protected tree plan	
Easting	Northing			Easting	Northing		

PART 2

Removal of important hedgerows

[Drafting Note: To be included as required based on final Order Limits.]

Table 6

(1) Grid co-ordinates (start)		(2) Identifier as shown on the hedgerow and protected tree plan		(3) Grid co-ordinates (end)		(4) Identifier as shown on the hedgerow and protected tree plan	
Easting	Northing			Easting	Northing		

SCHEDULE 15

Article [●]

Trees subject to Tree Preservation Orders

[Drafting Note: To be included as required based on final Order Limits.]

Table 7

(1) Type of tree	(2) Location	(3) Indicative works to be carried out	(4) TPO reference
<i>In the East Riding of Yorkshire</i>			

SCHEDULE 16

Article [●]

Arbitration rules

[Drafting Note: This schedule will set out the rules regarding arbitration under the DCO, noting that any matters for which the consent or approval of the Secretary of State or the MMO is required under any provision of the Order shall not be subject to arbitration.]

SCHEDULE 17

Article [●]

Modifications to [●] Order

[Drafting Note: This schedule will contain any modifications that are considered required to existing Development Consent Orders, such as The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015.]

SCHEDULE 18

Article [●]

PART 1

Compensation measures: [●] Special Protection Area – [Ornithological Species]

1. In this Part—

“the [compensation measure]” means [the project-alone compensation measure];

“Defra” means the Department for Environment, Food and Rural Affairs;

“the [] SPA” means the site designated as the [] Special Protection Area;

“outline [species] compensation plan” means the document certified as the outline [species] compensation plan for the purposes of this Order by the Secretary of State under article [●] (certification of plans and documents etc.);

“relevant planning authority” means the planning authority in whose area the [compensation measure] is located;

“[species] CIMP” means the [species] compensation implementation and monitoring plan for the delivery of the [compensation measure] to compensate for the predicted loss of [species] from the [] SPA as a result of the authorised development;

“[species CSG]” means the [species] Compensation Steering Group;

“Marine Recovery Fund” means the fund operated by Defra pursuant to the Offshore Wind Environmental Improvement Package of the British Energy Security Strategy (April 2022), the Energy Act 2023 or any subordinate legislation made pursuant thereto, for the implementation of strategic compensation or any equivalent fund established for that purpose; and

“strategic compensation owner” means the Government body with the responsibility to manage the Marine Recovery Fund.

2.—(1) No later than [●] months prior to the commencement of the authorised development, the undertaker must advise the Secretary of State of the intention to provide compensation either—

(a) through a contribution to the Marine Recovery Fund; or

(b) through a project alone [compensation measure].

(2) Paragraphs 6 to 13 of this Part shall not apply to the extent that a contribution to the Marine Recovery Fund has been elected in paragraph 2 of this Part, and paragraphs 3, 4 and 5 of this Schedule shall not apply to the extent that a project-alone [compensation measure] has been elected in paragraph 2 of this Part.

Marine Recovery Fund

3.—(1) The undertaker must agree a value of contribution with the strategic compensation owner, in consultation with the statutory nature conservation body.

(2) Unless otherwise agreed with the strategic compensation owner, the value must include the provision of—

(a) the required contribution to compensate for the reasonable worst-case scenario of adverse effect on the [] SPA;

- (b) the required contribution to monitoring of the compensation undertaken under the Marine Recovery Fund;
- (c) the required contribution to provide for any adaptive management measures for the compensation undertaken under the Marine Recovery Fund;
- (d) the timing of any required contribution to ensure compensation is either provided ahead of construction or to a sufficient value to allow for operation prior to implementation of the compensation;
- (e) the required contribution for the ongoing maintenance of the compensation undertaken under the Marine Recovery Fund; and
- (f) the required contribution for any decommissioning of the compensation undertaken under the Marine Recovery Fund.

4. Prior to the commencement of any works, the undertaker must provide details of the contribution to the Marine Recovery Fund agreed under paragraph 4 to the Secretary of State.

5. The undertaker must provide the contribution to the Marine Recovery Fund in accordance with the agreement notified to the Secretary of State under paragraph 5.

[Compensation measure]

6. The authorised development may not be commenced until a plan for the work of the [species CSG] has been submitted to and approved by the Secretary of State. Such plan must include—

- (a) terms of reference for the [species CSG];
- (b) details of the membership of the [species CSG], which must include the relevant statutory nature conservation body and, where appropriate, the MMO or the relevant planning authority as core members;
- (c) details of the proposed schedule of meetings, timetable for preparation of the [species CIMP] and reporting and review periods; and
- (d) the dispute resolution mechanism.

7. The [species] CIMP must be submitted to the Secretary of State for approval, in consultation with the relevant statutory nature conservation body and, where appropriate, the MMO or the relevant local planning authority.

8.—(1) The [species] CIMP must be based on the strategy for [species] compensation set out in the outline [species] compensation implementation and monitoring plan and must include—

- (a) details of the location(s) where the [compensation measure] will be delivered;
- (b) details of how any necessary land access rights, licences and approvals have or will be obtained;
- (c) an implementation timetable for delivery of the [compensation measure];
- (d) a record of [species CSG] consultations;
- (e) details of the proposed ongoing monitoring and reporting on the effectiveness of the [compensation measure], including: survey methods; success criteria; adaptive management measures; timescales for the monitoring and monitoring reports to be delivered; and details of the mechanism to determine the need for any alternative compensation measures or implementation of adaptive management measures (or both); and
- (f) provision for reporting at a frequency to be agreed on the [compensation measure] to the Secretary of State.

9. The undertaker must implement the measures set out in the [species] CIMP approved by the Secretary of State, unless otherwise agreed by the Secretary of State in consultation with the relevant statutory nature conservation body and, where appropriate, the MMO or the relevant local planning authority.

10. No wind turbine generator forming part of Work No. [●] may commence operation until the [compensation measure] has been implemented for [[no.] breeding seasons][x] years], unless commencement of operation at an earlier date is approved by the Secretary of State. For the purposes of this paragraph each breeding season is [●] to [●] of each year inclusive.

11. The undertaker must notify the Secretary of State of the implementation of the [compensation measure].

12. The [compensation measure] as approved in the [species] CIMP must be maintained by the undertaker (or at its expense) for the operational lifetime of the wind turbine generators erected under Work No. [●].

13. The [species] CIMP approved under this Schedule includes any amendments that may subsequently be approved by the Secretary of State. Any amendments to or variations of the approved [species] CIMP must be in accordance with the principles set out in the outline [species] compensation implementation and monitoring plan.

PART 2

Compensation measures: Dogger Bank Special Area of Conservation

1. In this part—

“Defra” means the Department for Environment, Food and Rural Affairs;

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

“Marine Recovery Fund” means the fund operated by Defra pursuant to the Offshore Wind Environmental Improvement Package of the British Energy Security Strategy (April 2022), the Energy Act 2023 or any subordinate legislation made pursuant thereto, for the implementation of strategic compensation or any equivalent fund established for that purpose; and

“strategic compensation owner” means the Government body with the responsibility to manage the Marine Recovery Fund.

2. No later than six months prior to the commencement of the authorised development, the undertaker must advise the Secretary of State of the intention to provide compensation for impacts on sandbanks within the Dogger Bank SAC as a result of the authorised development through a contribution to the Marine Recovery Fund.

3.—(1) The undertaker must agree a value of contribution with the strategic compensation owner, in consultation with the relevant statutory nature conservation body.

(2) Unless otherwise agreed with the strategic compensation owner, the value must include the provision for—

- (a) the required contribution to compensate for the reasonable worst-case scenario of adverse effect on the Dogger Bank SAC;
- (b) the required contribution to monitoring of the compensation undertaken under the Marine Recovery Fund;
- (c) the required contribution to provide for any adaptive management measures for the compensation undertaken under the Marine Recovery Fund;
- (d) the timing of any required contribution to ensure compensation is either provided ahead of construction or to a sufficient value to allow for construction prior to implementation of the compensation;
- (e) the required contribution for the ongoing maintenance of the compensation undertaken under the Marine Recovery Fund; and
- (f) the required contribution for any decommissioning of the compensation undertaken under the Marine Recovery Fund.

4. Prior to the commencement of Work Nos. [●], the undertaker must provide details of the contribution to the Marine Recovery Fund agreed under paragraph 3 to the Secretary of State.

5. The undertaker must provide the contribution to the Marine Recovery Fund in accordance with the agreement notified to the Secretary of State under paragraph 4.

SCHEDULE 19

Article [●]

Documents to be certified

The following documents, including those listed in Table 8, are the list referred to in article [●] (certification of documents and plans, etc.)—

Table 8

<i>Document Reference Number</i>	<i>Planning Inspectorate Reference</i>	<i>Document Name</i>	<i>Revision</i>	<i>Date</i>
--	--	----------------------	-----------------	-------------

EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants development consent for, and authorises the construction, operation and maintenance of The Dogger Bank D Offshore Wind Farm together with associated development. This Order imposes requirements in connection with the development and authorises the compulsory purchase of land (including rights in land) and the right to use land and to override easements and other rights.

A copy of the plans and book of reference referred to in this Order and certified in accordance with article [●] (certification of documents and plans, etc.) together with a copy of any guarantee or alternative form of security approved by the Secretary of State pursuant to article [●], may be inspected free of charge at the offices of [●].