

## SCHEDULES

### SCHEDULE 8

#### Deemed Marine Licences under the Marine and Coastal Access Act 2009 – Deemed Marine Licence 1

### PART 2

#### Licence conditions

##### **Pre-construction plans and documentation**

**13.**—(1) The licensed activities shall not commence until the following (insofar as relevant to that activity or phase of activity) have been submitted to and approved in writing by the MMO—

- (a) to ensure conformity with the description of Work No. 1 and compliance with licence conditions 1 to 5 above, a plan, to be agreed in writing with the MMO in consultation with Trinity House and the MCA, which shows—
  - (i) the proposed location and choice of foundation of all wind turbine generators and offshore accommodation platforms, subject to any micro-siting required due to anthropological constraints, environmental constraints, difficult ground conditions or to give adequate spacing between other infrastructure;
  - (ii) the proposed location and height of bridge links;
  - (iii) the height to the tip of the vertical blade, height to the centreline of the generator shaft forming part of the hub, rotor diameter and spacing of all wind turbine generators;
  - (iv) whether an accommodation platform will be built as part of Work No. 1 and, if so, the height, length and width of that offshore accommodation platform;
  - (v) the length and arrangement of all electrical circuits comprising Work No. 1 subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions;
  - (vi) the proposed dimensions of all monopile foundations;
  - (vii) the proposed dimensions of all gravity base foundations;
  - (viii) the proposed dimensions of all jacket foundations; and
  - (ix) the proposed layout of all wind turbine generators and any offshore accommodation platform including all exclusion zones comprised in the licensed activities and showing the indicative programming of particular works as set out in the indicative programme to be provided under paragraph (2)(a).

(2) The licensed activities, or any phase of those activities, shall not commence until a Code of Construction Practice incorporating the following (insofar as relevant to that activity or phase of activity) has been submitted to and approved in writing by the MMO—

- (a) a construction and monitoring programme to include details of—
  - (i) the proposed construction start date;

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- (ii) proposed timings for mobilisation of plant, delivery of materials and installation works; and
  - (iii) proposed pre-construction surveys, baseline report format and content, construction monitoring, post construction monitoring, and related reporting in accordance with licence conditions 18 to 20. The pre-construction survey programme and all pre-construction survey methodologies shall be submitted to the MMO at least four months prior to the commencement of any survey works detailed within;
- (b) a construction method statement in accordance with the project description and Environmental Statement and including details of—
  - (i) foundation installation, including any seabed preparation, drilling and disposal of arisings methods;
  - (ii) turbine installation, including any seabed preparation and scour protection;
  - (iii) installation of any offshore accommodation platform, including any seabed preparation and scour protection;
  - (iv) circuit installation, including any seabed preparation and circuit protection;
  - (v) contractors;
  - (vi) vessels; and
  - (vii) associated works;
- (c) a project environmental management and monitoring plan to include details of—
  - (i) a marine pollution contingency plan to address the risks, methods and procedures to deal with any spills and collision incidents during construction and operation of the authorised scheme in relation to all activities carried out below MHWS;
  - (ii) a chemical risk analysis to include 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) offshore project maintenance plans including offshore electrical circuit maintenance;
  - (v) locations of any archaeological exclusion zones agreed as part of the written scheme of archaeological investigation approved under sub-paragraph (g);
  - (vi) the appointment and responsibilities of a fisheries liaison officer and an environmental liaison officer; and
  - (vii) a disposal plan detailing the locations, methods and timings of dredging and disposal, as well as disposal site monitoring requirements;
- (d) a scour protection management and cable armouring plan providing details of the need, type, sources, quantity, location and installation methods for scour protection and cable armouring to be within the scope of the environmental impact assessment recorded in the Environmental Statement;
- (e) in the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol following current best practice as advised by the statutory nature conservation agencies, to include, but not be limited to—
  - (i) identification of a Marine Mammal Monitoring Zone (MMMZ);
  - (ii) appointment of an appropriate number of suitably qualified marine mammal observer(s);

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- (iii) methods for the detection of marine mammals within the MMMZ whether visually (by the marine mammal observer(s)) or acoustically using Passive Acoustic Monitoring equipment or other means of detection;
  - (iv) a reporting methodology to enable efficient communication between the marine mammal observer(s) and the person responsible for approving commencement of piling;
  - (v) an appropriate soft start procedure whereby piling activities do not commence until an agreed time has elapsed and during which marine mammals have not been detected within the MMMZ; and
  - (vi) where appropriate, methods for the application of acoustic deterrent devices;
- (f) cable specification and installation plan, to include—
- (i) technical specification of offshore electrical circuits, including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with industry good practice; and
  - (ii) a detailed cable laying plan, including geotechnical data, cable laying techniques and a cable burial risk assessment encompassing the identification of any cable protection which exceeds 5% of navigable depth referenced to Chart Datum and, in the event that any area of cable protection exceeding 5% of navigable depth is identified, details of any steps (to be determined following consultation with the MCA) to be taken to ensure existing and future safe navigation is not compromised;
- (g) a written scheme of archaeological investigation in relation to Wind Farm Area 1 in accordance with industry good practice to include—
- (i) details of responsibilities of the licence-holder, archaeological consultant and contractor;
  - (ii) a methodology for any further site investigation including any specifications for geophysical, geotechnical and diver or remotely operated vehicle investigations;
  - (iii) analysis and reporting of survey data to be submitted to the MMO within four months of survey completion;
  - (iv) delivery of any mitigation including, where necessary, archaeological exclusion zones;
  - (v) monitoring during and post construction, including a conservation programme for finds;
  - (vi) archiving of archaeological material; and
  - (vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme;
- (h) a marine mammal monitoring plan setting out the circumstances in which marine mammal monitoring will be required and the monitoring to be carried out in such circumstances; and
- (i) an offshore project maintenance plan to be submitted to the MMO at least four months prior to commencement of the operation of the licensed activities and to include provision for the review and resubmission of the plan every three years during the operational phase.
- (3) Prior to the submission of the pre-construction plans and documentation required by this condition the licence-holder must provide a copy of the plans and documentation to the other undertakers listed in Article 3 of the Order.
- (4) The other undertakers must provide any comments on the plans and documentation to the undertaker within 14 days of receipt of the plans and documentation.

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(5) The licence-holder shall participate in liaison meetings with other undertakers listed in Article 3 of the Order as requested from time to time by the MMO in writing in advance, which meetings shall be chaired by the MMO and shall consider such matters as are determined by the MMO relating to the efficient operation of a deemed marine licence where it has an impact on the efficient operation of any other deemed marine licence issued under the Order (including as varied or transferred).

(6) Prior to giving its approval under paragraph (2), the MMO must—

- (a) in relation to any programme, statement, plan or protocol submitted under sub-paragraphs (a) to (e) or (h), consult with the relevant statutory nature conservation body; and
- (b) in relation to a scheme submitted under sub-paragraph (g), consult with English Heritage.

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**Commencement Information**

**II** Sch. 8 para. 13 in force at 31.12.2014, see [art. 1](#)

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Order modified by [S.I. 2016/471 art. 4Sch.](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 2(6) inserted by [S.I. 2015/1280 Sch.](#)