

SCHEDULE 9

Deemed licence under Marine and Coastal Access Act 2009

PART 2

Conditions

Pre-construction plans and documentation

7. The licensed marine activities or any part of those activities except for horizontal directional drilling works within Work No. 2 must not be commenced until the following (as far as relevant to that part) have been submitted to and approved in writing by the MMO—

- (a) a plan (to be approved after consultation with Trinity House, the MCA and the statutory nature conservation body) which shows the length and arrangement of the cables comprising Work Nos. 1 and 2 to ensure conformity with the description of Work Nos. 1 and 2 and compliance with Condition 1;
- (b) a construction and monitoring programme to include details of—
 - (i) the proposed construction start date;
 - (ii) proposed timings for mobilisation of plant, delivery of materials and installation works;
 - (iii) proposed pre-construction surveys, baseline report format and content, post-construction monitoring and related reporting in accordance with paragraph (g) and Conditions 12 and 13; and
 - (iv) an indicative written construction programme (insofar as not shown in accordance with sub-paragraph (ii)),

with details in accordance with sub-paragraph (iii) to be submitted to the MMO at least 4 months before the first survey unless otherwise agreed in writing with the MMO;

- (c) a construction method statement (to be approved after consultation with the statutory nature conservation body) in accordance with the construction methods assessed in the environmental statement and including details of—
 - (i) cable installation including cable landfall, cable protection and pipeline crossings;
 - (ii) contractors;
 - (iii) vessels and vessels transit corridors; and
 - (iv) associated and ancillary works;
- (d) a project environmental management 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 the construction and operation of the authorised scheme in relation to all activities carried out;
 - (ii) a chemical risk assessment 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; and
 - (iv) the appointment and responsibilities of a fisheries liaison officer and an environmental liaison officer;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (e) a cable protection plan (to be approved after consultation with the statutory nature conservation body) providing details of the need, type, sources, quantity and installation methods for cable armouring and a statement of the total area and volume of cable armouring material to be installed, to be within the scope of the environmental impact assessment recorded in the environmental statement;
- (f) a cable specification and installation plan for the offshore Order limits (to be approved after consultation with Trinity House, the MCA and the statutory nature conservation body) to include—
 - (i) technical specification of the cables 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 incorporating a burial risk assessment to ascertain suitable burial depths and cable-laying techniques including cable protection;
- (g) a written scheme of archaeological investigation in relation to the offshore Order limits seaward of mean low water (to be approved after consultation with Historic England) in accordance with the outline offshore written scheme of investigation and industry good practice to include—
 - (i) details of responsibilities of the undertaker, archaeological consultant and contractor inclusive of a programme for the production of reports and publication of results;
 - (ii) a methodology for any further site investigation including any specifications for geophysical, geotechnical and diver- or remotely-operated vehicle investigations;
 - (iii) archaeological analysis and reporting of survey data, and a timetable, which must be submitted to the MMO within 4 months of any survey being completed;
 - (iv) delivery of any mitigation including, where necessary, identification and modification of archaeological exclusion zones;
 - (v) monitoring during and post-construction including a conservation programme for finds;
 - (vi) archiving of archaeological material inclusive of any completed and agreed archaeological reports produced through the written scheme of archaeological investigation that are to be deposited by the undertaker within a public archive in accordance with the OASIS (outline access to the index of archaeological investigations) system; 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 mitigation scheme (to be approved after consultation with the statutory nature conservation body) for Annex 1 habitat biogenic reef (*Mytilus edulis* and/or *Sabellaria spinulosa*) features (or biogenic reef outside the Inner Dowsing, Race Bank and North Ridge Site of Community Importance) identified by the survey referred to in Condition 12(4)(a); and
- (i) an offshore operations and maintenance plan (to be approved after consultation with the statutory nature conservation body) in accordance with the outline offshore operations and maintenance plan to be submitted to the MMO at least 4 months before commencement of operation of the authorised scheme and to provide for review and resubmission every 3 years during the operational phase.