

## SCHEDULE 1

Article 2

### Authorised project

## PART 1

### Authorised development

1. A nationally significant infrastructure project as defined in sections 14 and 15 of the 2008 Act which is located in the North Sea approximately 31 kilometres from the Suffolk coast, comprising—

*Work No. 1*

- (a) an offshore wind turbine generating station with a gross electrical output capacity of over 100 MW comprising up to 75 wind turbine generators each fixed to the seabed by one of five foundation types (namely monopile, jacket on suction caissons, jacket on piles, suction caisson or gravity base), fitted with rotating blades and situated within the area shown on the works plans and further comprising (b) to (c) below;
- (b) up to one meteorological mast fixed to the seabed within the area shown on the works plans by one of five foundation types (namely monopile, jacket on suction caissons, jacket on piles, suction caisson or gravity base); and
- (c) a network of subsea inter-array cables within the area shown on the works plans between the wind turbine generators and between the wind turbine generators and Work No. 3 including one or more cable crossings,

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* — up to one construction, operation and maintenance platform fixed to the seabed within the area shown on the works plans by one of four foundation types (namely monopile, jacket on suction caissons, jacket on piles or gravity base);

*Work No. 3* — up to four offshore electrical platforms fixed to the seabed within the area shown on the works plans by one of four foundation types (namely monopile, jacket on suction caissons, jacket on piles or gravity base);

*Work No. 4* — a network of subsea platform link cables within the area shown on the works plans between the offshore electrical platforms comprising Work No. 3 and between the construction, operation and maintenance platform comprising Work No. 2 and the offshore electrical platforms comprising Work No. 3 for the transmission of electricity and electronic communications including one or more cable crossings;

*Work No. 5* — up to two subsea export cables between Work No. 3 and Work No. 6 within the area shown on the works plans including one or more cable crossings;

*Work No. 6* — landfall connection works consisting of up to two export cables and up to two separate fibre optic cables laid underground within two cable ducts between Work No. 5 and Work No. 8 within the area shown on the works plans;

*Work No. 7* — temporary construction consolidation sites and construction access;

*Work No. 8* — the onshore transmission works at the landfall consisting of—

- (a) up to two transition bays;
- (b) up to two export cables and up to two separate fibre optic cables laid underground within two cable ducts from Work No. 6 to the transition bays;

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- (c) up to six electrical cables, up to two fibre optic cables and up to two distributed temperature sensing cables and up to ten cable ducts laid underground from the transition bays to Work No. 9;
- (d) a temporary horizontal directional drilling compound;
- (e) temporary construction consolidation sites;
- (f) construction of a haul road; and
- (g) access.

*Work No. 9* — up to six electrical cables, up to two fibre optic cables and up to two distributed temperature sensing cables and up to ten cable ducts laid underground from Work No. 8 to Work No. 11 including construction of a haul road and access.

*Work No. 10* — formation of a new access from Sizewell Gap including vegetation clearance to the south of Sizewell Gap;

*Work No. 11* — up to six electrical cables, up to two fibre optic cables and up to two distributed temperature sensing cables and up to ten cable ducts laid underground from Work No. 9 to Work No. 12 together with a temporary trenchless technique compound, temporary construction consolidation sites, construction of a haul road and access.

*Work No. 12* — up to six electrical cables, up to two fibre optic cables and up to two distributed temperature sensing cables and up to ten cable ducts laid underground from Work No. 11 to Work No. 13 including construction of a haul road and access.

*Work No. 12A* — temporary ecological mitigation works in accordance with the ecological management plan and associated access.

*Work No. 13* — up to six electrical cables, up to two fibre optic cables and up to two distributed temperature sensing cables and up to ten cable ducts laid underground from Work No. 12 to Work No. 16 together with a temporary trenchless technique compound, construction of a haul road and access.

*Work No. 14* — temporary ecological mitigation works in accordance with the ecological management plan and associated access.

*Work No. 15* — formation of a new access at Sizewell Gap including vegetation clearance and construction of an access track to Work No. 13.

*Work No. 16* — up to six electrical cables, up to two fibre optic cables and up to two distributed temperature sensing cables and up to ten cable ducts laid underground from Work No. 13 to Work No. 17 together with temporary construction consolidation sites, construction of a haul road and access.

*Work No. 17* — up to six electrical cables, up to two fibre optic cables and up to two distributed temperature sensing cables and up to ten cable ducts laid underground from Work No. 16 to Work No. 18 and crossing Thorpe Road (B1353) together with the construction of a haul road and access.

*Work No. 18* — up to six electrical cables, up to two fibre optic cables and up to two distributed temperature sensing cables and up to ten cable ducts laid underground from Work No. 17 to Work No. 19 together with temporary construction consolidation sites, construction of a haul road and access.

*Work No. 19* — up to six electrical cables, up to two fibre optic cables and up to two distributed temperature sensing cables and up to ten cable ducts laid underground from Work No. 18 to Work No. 20 and crossing Aldeburgh Road (B1122) together with the construction of a haul road and access and the formation of a new access at Aldeburgh Road including vegetation clearance.

*Work No. 20* — up to six electrical cables, up to two fibre optic cables and up to two distributed temperature sensing cables and up to ten cable ducts laid underground from Work No. 19 to Work No. 21 together with the construction of a haul road and access and the formation of a new access at Aldeburgh Road including vegetation clearance.

*Work No. 21* — up to six electrical cables, up to two fibre optic cables and up to two distributed temperature sensing cables and up to ten cable ducts laid underground from Work No. 20 to Work No. 22 together with the construction of a haul road and access.

*Work No. 22* — up to six electrical cables, up to two fibre optic cables and up to two distributed temperature sensing cables and up to ten cable ducts laid underground from Work No. 21 to Work No. 23 together with temporary construction consolidation sites, construction of a haul road and access.

*Work No. 23* — up to six electrical cables, up to two fibre optic cables and up to two distributed temperature sensing cables and up to ten cable ducts laid underground from Work No. 22 to Work No. 26 together with the construction of a haul road and access and the formation of a new access at Snape Road (B1069) and a lay down area to the east of Snape Road.

*Work No. 24* — permanent ecological mitigation works in accordance with the ecological management plan and associated access.

*Work No. 25* — construction of bridleway to the west of Snape Road (B1069) connecting to the existing bridleway to the north including drainage works and fencing.

*Work No. 26* — up to six electrical cables, up to two fibre optic cables and up to two distributed temperature sensing cables and up to ten cable ducts laid underground from Work No. 23 to Work No. 31 and crossing Snape Road (B1069) together with the construction of a haul road and access and the formation of a new access at Snape Road (B1069).

*Work No. 27* — temporary construction consolidation sites and construction access.

*Work No. 28* — ecological mitigation works in accordance with the ecological management plan and associated access.

*Work No. 29* — permanent ecological mitigation works in accordance with the ecological management plan and associated access.

*Work No. 30* — a new onshore substation at Grove Wood, Friston.

*Work No. 31* — up to six electrical cables, up to two fibre optic cables and up to two distributed temperature sensing cables and up to ten cable ducts laid underground from Work No. 26 to Work No. 30 together with temporary construction consolidation sites, construction of a haul road, access and extension of permanent access comprised within Work No. 34.

*Work No. 32* — a connection consisting of up to six electrical cables, up to two fibre optic cables and up to two distributed temperature sensing cables and up to ten cable ducts laid underground from Work No. 30 to Work No. 41 including a connection above ground and electrical engineering works within the national grid substation comprised within Work No. 41.

*Work No. 33* — landscaping works including bunding and planting together with drainage works, sustainable drainage system ponds, surface water management systems, formation of footpaths and access.

*Work No. 34* — formation of a new permanent access road from the B1121 north of Kiln Lane to the onshore substation and national grid substation including vegetation clearance on the eastern side of the road. Highway modifications and traffic management measures.

*Work No. 35* — highway alterations to the junctions between the A1094 and the B1121 and the A1094 and the B1069 including widening of the highway and vegetation clearance.

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*Work No. 36* — highway alterations to the junction between the A12 and the A1094 including widening of the highway and vegetation clearance.

*Work No. 37* — highway alterations comprising reinforcement of bridge together with temporary construction works area and formation of access from the A12,

and in connection with Work Nos. 1 to 6 and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project and which fall within the scope of the work assessed by the environmental statement including—

- (a) scour protection around the foundations of the offshore structures;
- (b) cable protection measures such as rock placement and the placement of concrete mattresses and frond mattresses;
- (c) dredging;
- (d) the removal of material from the seabed required for the construction of Work Nos. 1 to 6 and the disposal of inert material of natural origin and dredged material within the Order limits produced during construction drilling and seabed preparation for the installation of the foundations of the offshore structures or during seabed preparation for cable laying;

and in connection with such Work Nos. 6 to 37 and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project and which fall within the scope of the work assessed by the environmental statement, including—

- (a) haul roads, ramps, and other vehicular and pedestrian means of access, including creation of new tracks and footpaths, and widening, upgrades, alterations and improvements of existing roads, tracks and footpaths;
- (b) bunds, embankments, swales, landscaping and boundary treatments;
- (c) habitat creation;
- (d) spoil storage and associated control measures;
- (e) jointing bays, link boxes, cable protection, joint protection, manholes, marker posts, tiles and tape, lighting and other works associated with laying cables and pulling cables through cable ducts;
- (f) water supply works, foul drainage provision, surface water management systems, temporary drainage during installations of cables and culverting;
- (g) works to alter the position of apparatus, including mains, sewers, drains and cables;
- (h) works to alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses;
- (i) landscaping and other works to mitigate adverse effects of the construction, maintenance or operation of the authorised project;
- (j) works for the benefit or protection of land affected by the authorised project;
- (k) working sites in connection with the construction of the authorised project, construction lay down areas and compounds and storage compounds;
- (l) works of restoration; and
- (m) fencing or other means of enclosure.

**2.** A nationally significant infrastructure project as defined in sections 14 and 16 (electric lines) of the 2008 Act comprising—

*Work No. 38* — up to three cable sealing end compounds, one of which may include circuit breakers, comprising an electrical compound with electrical equipment and overhead line gantries to allow

the connection of Work No. 41 to the overhead lines comprised within Work No. 39 together with cables connecting the national grid substation to the cable sealing ends, extension of the permanent access comprised within Work No. 34 and works to the overhead line pylons.

*Work No. 39* — replacement, upgrade and realignment works to the overhead line pylons in the vicinity of Work No. 38 together with up to one new additional overhead line pylon to the north west of the national grid substation comprised within Work No. 41.

*Work No. 40* — temporary realignment works to the overhead line pylons in the vicinity of Work No. 38.

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. 41* — a new national grid substation to the north west of Work No. 30 at Grove Wood, Friston and extension of permanent access comprised within Work No. 34.

*Work No. 42* — temporary construction consolidation sites, access and extension of permanent access comprised within Work No. 34.

*Work No. 43* — temporary working areas for the purposes of constructing Work Nos. 39 and 40 including access.

*Work No. 34* — formation of a new permanent access road from the B1121 north of Kiln Lane to the onshore substation and national grid substation including vegetation clearance on the eastern side of the road, highway modifications and traffic management measures.

and in connection with such Work No. 34 and Work Nos. 38 to 43 and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project and which fall within the scope of the work assessed by the environmental statement, including—

- (a) haul roads, ramps, and other vehicular and pedestrian means of access, including creation of new tracks and footpaths, and widening, upgrades, alterations and improvements of existing roads, tracks and footpaths;
- (b) bunds, embankments, swales, landscaping and boundary treatments;
- (c) habitat creation;
- (d) spoil storage and associated control measures;
- (e) jointing bays, link boxes, cable protection, joint protection, manholes, marker posts, tiles and tape, lighting and other works associated with laying cables and pulling cables through cable ducts;
- (f) water supply works, foul drainage provision, surface water management systems, temporary drainage during installations of cables and culverting;
- (g) works to alter the position of apparatus, including mains, sewers, drains and cables;
- (h) works to alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses;
- (i) landscaping and other works to mitigate adverse effects of the construction, maintenance or operation of the authorised project;
- (j) works for the benefit or protection of land affected by the authorised project;
- (k) working sites in connection with the construction of the authorised project, construction lay down areas and compounds and storage compounds;
- (l) works of restoration; and

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(m) fencing or other means of enclosure.

3. The grid coordinates for that part of the authorised project which is seaward of MHWS are specified below and more particularly shown on the Order limits boundary coordinates plan (offshore)—

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	52° 14 39.654N	02° 11 21.656E
2	52° 15 04.022N	02° 13 12.152E
3	52° 02 57.281N	02° 19 46.696E
4	52° 02 52.969N	02° 08 40.302E
5	52° 03 53.133N	02° 07 14.881E
6	52° 08 38.942N	02° 07 41.310E
7	52° 13 29.526N	02° 08 08.272E
8	52° 17 42.613N	02° 08 31.830E
9	52° 18 44.262N	02° 06 49.319E
10	52° 18 39.650N	01° 57 24.848E
11	52° 17 25.858N	01° 54 09.969E
12	52° 17 24.663N	01° 52 03.374E
13	52° 15 14.373N	01° 45 57.606E
14	52° 15 04.711N	01° 49 39.684E
15	52° 15 01.611N	01° 49 53.749E
16	52° 14 55.768N	01° 50 02.126E
17	52° 11 16.087N	01° 53 12.972E
18	52° 11 06.257N	01° 53 33.515E
19	52° 10 49.579N	01° 55 24.050E
20	52° 10 56.146N	01° 59 23.916E
21	52° 11 39.569N	02° 01 58.824E
22	52° 11 52.131N	02° 03 14.901E
23	52° 11 21.410N	02° 03 41.116E
24	52° 11 06.526N	02° 02 15.690E
25	52° 09 40.842N	01° 57 07.198E
26	52° 09 39.286N	01° 55 07.950E
27	52° 10 54.492N	01° 52 29.501E
28	52° 14 31.482N	01° 49 20.497E
29	52° 14 40.142N	01° 45 33.942E
30	52° 14 29.510N	01° 45 06.050E

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
31	52° 10 51.365N	01° 42 32.460E
32	52° 09 56.713N	01° 39 52.443E
33	52° 09 53.117N	01° 38 40.253E
34	52° 10 06.702N	01° 37 38.597E
35	52° 10 44.466N	01° 37 04.551E
36	52° 11 01.504N	01° 37 17.750E
37	52° 11 02.378N	01° 37 15.833E
38	52° 11 11.451N	01° 37 20.545E
39	52° 11 22.030N	01° 37 22.233E
40	52° 11 30.678N	01° 37 21.417E
41	52° 11 31.210N	01° 37 24.534E
42	52° 11 33.421N	01° 37 24.505E
43	52° 11 53.663N	01° 37 50.246E
44	52° 12 26.106N	01° 40 17.584E
45	52° 13 37.194N	01° 41 04.014E
46	52° 15 54.943N	01° 45 03.442E
47	52° 18 25.193N	01° 52 05.276E
48	52° 20 19.496N	01° 56 37.327E
49	52° 20 25.400N	02° 08 48.429E
50	52° 20 02.196N	02° 08 47.461E
51	52° 20 02.235N	02° 10 29.142E
52	52° 19 10.459N	02° 10 57.491E
53	52° 19 10.435N	02° 09 35.567E
54	52° 16 21.190N	02° 09 19.730E

## PART 2

### Ancillary works

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

- (a) temporary landing places, moorings or other means of accommodating vessels in the construction and/ or maintenance of the authorised development;
- (b) buoys, beacons, fenders and other navigational warning or ship impact protection works; and
- (c) temporary works for the benefit or protection of land or structures affected by the authorised development.

## PART 3

### Requirements

#### **Time limits**

1. The authorised project must commence no later than the expiration of five years beginning with the date this Order comes into force.

#### **Detailed offshore design parameters**

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

- (a) exceed a height of 282 metres when measured from LAT to the tip of the vertical blade;
- (b) exceed a height of 175 metres to the height of the centreline of the generator shaft forming part of the hub when measured from LAT;
- (c) exceed a rotor diameter of 250 metres;
- (d) be less than 800 metres from the nearest wind turbine generator in either direction perpendicular to the approximate prevailing wind direction (crosswind) or be less than 1,200 metres from the nearest wind turbine generator in either direction which is in line with the approximate prevailing wind direction (downwind); and
- (e) have an air clearance height of less than 24 metres from MHWS.

(2) References to the location of a wind turbine generator in sub-paragraph (1) above are references to the centre point of that turbine.

3.—(1) The total number of offshore electrical platforms forming part of the authorised project must not exceed four.

(2) The total number of construction, operation and maintenance platforms must not exceed one.

(3) The total number of meteorological masts must not exceed one.

(4) The dimensions of any offshore electrical platform forming part of the authorised project (excluding towers, helipads, masts and cranes) must not exceed 50 metres in height when measured from LAT, 70 metres in length and 50 metres in width.

(5) The dimensions of any construction, operation and maintenance platform forming part of the authorised project (excluding towers, helipads, masts and cranes) must not exceed 50 metres in height when measured from LAT, 70 metres in length and 50 metres in width.

(6) The meteorological mast must not exceed a height of 175 metres above LAT.

4.—(1) The total length of the inter-array cables comprised within Work No. 1(c) must not exceed 200 kilometres.

(2) The total length of the platform link cables comprised within Work No. 4 must not exceed 75 kilometres.

(3) The total length of the export cables comprised within Work Nos. 5 and 6 must not exceed 160 kilometres.

5.—(1) In relation to a wind turbine generator, each gravity base foundation must not have a diameter at the level of the seabed which is more than 60 metres;

(2) In relation to a wind turbine generator, each suction caisson foundation must not have a diameter at the level of the seabed which is more than 35 metres;



- (3) In relation to a wind turbine generator, each jacket foundation must not have—
- (a) a pile diameter which is more than 4.6 metres in the case of pin piles or a suction caisson diameter which is more than 16 metres;
  - (b) more than four piles or more than four suction caissons; and
  - (c) more than four legs.
- (4) In relation to a wind turbine generator, each monopile foundation must not have a diameter which is more than 15 metres.

**6.—**(1) In relation to a meteorological mast, each gravity base foundation must not have a footprint at the seabed which is more than 315 m<sup>2</sup>.

(2) In relation to a meteorological mast, each suction caisson foundation must not have a footprint at the seabed which is more than 177 m<sup>2</sup>.

(3) In relation to a meteorological mast, each jacket foundation must not have a footprint at the seabed which is more than 651 m<sup>2</sup>.

(4) In relation to a meteorological mast, each monopile foundation must not have a footprint at the seabed which is more than 51 m<sup>2</sup>.

**7.—**(1) In relation to each offshore electrical platform, the gravity base foundations must not have a total footprint at the seabed which is more than 4,800 m<sup>2</sup>.

(2) In relation to each offshore electrical platform, the jacket foundations must not have a total footprint at the seabed which is more than 5,676 m<sup>2</sup>.

(3) In relation to each offshore electrical platform, the monopile foundations must not have a total footprint at the seabed which is more than 177 m<sup>2</sup>.

**8.—**(1) In relation to a construction, operation and maintenance platform, the gravity base foundations must not have a total footprint of more than 4,800 m<sup>2</sup>.

(2) In relation to a construction, operation and maintenance platform, the jacket foundations must not have a total footprint at the seabed which is more than 5,676 m<sup>2</sup>.

(3) In relation to any construction, operation and maintenance platform, the monopile foundation must not have a total footprint at the seabed which is more than 177 m<sup>2</sup>.

**9.** The total amount of scour protection for the wind turbine generators, construction, operation and maintenance platform, meteorological mast and offshore electrical platform forming part of the authorised project must not exceed 1,606,983 m<sup>2</sup>.

### **Offshore decommissioning**

**10.** 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) of the 2004 Act<sup>(1)</sup> has been submitted to the Secretary of State for approval.

### **Stages of authorised development onshore**

**11.—**(1) The transmission works may not be commenced until a written scheme setting out the stages of the transmission works has been submitted to, and approved by, the relevant planning authority.

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(1) Section 105(2) was substituted by section 69(3) of the Energy Act 2008 (c. 32).

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(2) The grid connection works may not be commenced until a written scheme setting out the stages of the grid connection works has been submitted to, and approved by, the relevant planning authority.

(3) Any amendments to the approved written schemes must be submitted to, and approved by, the relevant planning authority.

(4) The written schemes specified in sub-paragraphs (1) and (2) must be implemented as approved. The approved details shall be taken to include any amendments that may subsequently be approved in accordance with sub-paragraph (3).

### **Detailed design parameters onshore**

**12.**—(1) No stage of Work No. 30 may commence until details of the layout, scale and external appearance of the onshore substation have been submitted to and approved by the relevant planning authority in consultation with Suffolk County Council. Work No. 30 must be carried out in accordance with the approved details.

(2) No stage of Work No. 30 may commence until written details of the specification of plant, and any noise mitigation proposed in respect of Work No. 30 together with updated modelling, have been submitted to and approved in writing by the relevant planning authority in consultation with Suffolk County Council. Work No. 30 must thereafter be implemented in accordance with the approved details.

(3) No stage of the national grid substation comprised within Work No. 41 may commence until details of the layout, scale and external appearance of the national grid substation have been submitted to and approved by the relevant planning authority in consultation with Suffolk County Council. Work No. 41 must be carried out in accordance with the approved details.

(4) No stage of the cable sealing end compounds comprised within Work No. 38 may commence until details of the layout, scale and external appearance of the cable sealing end compounds have been submitted to and approved by the relevant planning authority in consultation with Suffolk County Council. Work No. 38 must be carried out in accordance with the approved details.

(5) Any details provided by the undertaker pursuant to sub-paragraphs (1), (2), (3) and (4) must accord with the substations design principles statement and be within the Order limits.

(6) To the extent comprised within the onshore substation—

- (a) buildings must not exceed a height of 14 metres above finished ground level;
- (b) external electrical equipment, with the exception of lightning protection masts, must not exceed a height of 14 metres above finished ground level;
- (c) lightning protection masts must not exceed a height of 20 metres above finished ground level; and
- (d) the maximum number of lightning protection masts must not exceed six.

(7) Buildings comprised within the national grid substation must not exceed—

- (a) where AIS substation arrangement is used, a height of 6 metres above finished ground level; and
- (b) where GIS substation arrangement is used, a height of 16 metres above finished ground level.

(8) External electrical equipment comprised within the national grid substation must not exceed a height of 16 metres above finished ground level.

(9) To the extent comprised within the cable sealing end compounds comprised within Work No. 38—

- (a) the overhead line gantries must not exceed a height of 16 metres above finished ground level; and
  - (b) electrical equipment (excluding the overhead line gantries) must not exceed a height of 14.5 metres above finished ground level.
- (10) For the purposes of paragraphs (6) to (9), ‘finished ground level’ will be defined in accordance with the substations design principles statement.
- (11) The maximum number of new additional overhead line pylons comprised within Work No. 39 must not exceed one and the maximum number of permanently relocated and/or reconstructed overhead line pylons comprised within Work No. 39 must not exceed three.
- (12) The maximum height of any additional, relocated or reconstructed overhead line pylons must not exceed 59.2 metres.
- (13) The width of the new permanent access road comprised within Work No. 34 must not exceed 7 metres.
- (14) The fenced compound area (excluding its accesses) for the onshore substation must not exceed 32,300 m<sup>2</sup>.
- (15) The fenced compound area (excluding its accesses) for the national grid substation must not exceed—
- (a) where AIS substation arrangement is used, 44,950 m<sup>2</sup>; and
  - (b) where GIS substation arrangement is used, 16,800 m<sup>2</sup>.
- (16) The fenced compound area (excluding its accesses) for the cable sealing end compounds comprised within Work No. 38 must not exceed—
- (a) 5,000m<sup>2</sup> where the cable sealing end compound includes circuit breakers; and
  - (b) 2,500m<sup>2</sup> where the cable sealing end compound does not include circuit breakers.
- (17) The total footprint of the construction consolidation sites comprised within the following works must not exceed the following—

<i>Work</i>	<i>Total footprint of construction consolidation sites</i>
Work Nos. 7 and 8 (combined)	7,040 m <sup>2</sup>
Work No. 11	7,040 m <sup>2</sup>
Work No. 16	7,040 m <sup>2</sup>
Work No. 18	3,000 m <sup>2</sup>
Work No. 22	3,000 m <sup>2</sup>
Work No. 27	16,500 m <sup>2</sup>
Work No. 31	17,100 m <sup>2</sup>
Work No. 42	23,350 m <sup>2</sup>

- (18) The working width of the onshore cable route must not exceed 32 metres, save in respect of the following—
- (a) where the cables cross the Sandlings SPA the working width of the onshore cable route must not exceed—
    - (i) 16.1 metres, in the event that open cut trenching is used;

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- (ii) 90 metres, in the event that a trenchless technique is used;
  - (b) where the cables cross the Hundred River the working width of the onshore cable route must not exceed 34 metres for a distance of 40 metres from the banks of the river;
  - (c) where the cables cross the woodland to the west of Aldeburgh Road the working width of the onshore cable route must not exceed 16.1 metres;
  - (d) where the cables cross an important hedgerow specified in Part 2 of Schedule 11 (important hedgerows that will be crossed using a reduced working width) the working width of the onshore cable route must not exceed 16.1 metres;
  - (e) where the cables are within 418 metres of a transition bay forming part of Work No. 8, the working width of the onshore cable route must not exceed 113 metres; and
  - (f) where the cables cross the woodland to the east of Aldeburgh Road the working width of the onshore cable route must not exceed 16.1 metres between Aldeburgh Road and the point 40 metres from the western bank of the Hundred River.
- (19) Jointing bays must not be installed within 55 metres of a building used as a dwelling-house.
- (20) Where open cut trenching is used to cross the Sandlings SPA, Work Nos. 11 and 13 must not include trenchless technique compounds.
- (21) The ducts and cables comprised within Work No. 6 must be installed using horizontal directional drilling.

#### **Landfall construction method statement and monitoring plan**

13.—(1) No part of Work Nos. 6 or 8 may commence until the following have been submitted to and approved by the relevant planning authority in consultation with the relevant statutory nature conservation body and, in respect of sub-paragraph (a) and to the extent that it relates to works seaward of mean high water springs, the marine management organisation—

- (a) a landfall construction method statement for the construction of that part of Work No. 6 or Work No. 8 (which accords with the outline landfall construction method statement); and
  - (b) a landfall monitoring plan (which accords with the outline landfall monitoring plan contained within appendix 2 of the outline landfall construction method statement).
- (2) The landfall construction method statement and the landfall monitoring plan must be implemented as approved.
- (3) In the event that inspections carried out in accordance with the landfall monitoring plan indicate that, as a result of the rate and extent of landfall erosion, Work Nos. 6 or 8 could become exposed during the operation of the authorised project the undertaker must, as soon as practicable, submit proposals in writing for remedial works or mitigation measures to protect Work Nos. 6 or 8 from coastal retreat, together with a timetable for their implementation, to the relevant planning authority for approval in consultation with the relevant statutory nature conservation body and the remedial works or mitigation measures must be implemented as approved.

#### **Provision of landscaping**

14.—(1) No stage of the onshore works may commence until for that stage a written landscape management plan and associated work programme (which accords with the outline landscape and ecological management strategy and includes details of the ongoing maintenance and management of the landscaping works) has been submitted to and approved by the relevant planning authority.

- (2) The written landscape management plan(s) and associated work programme(s) must be implemented as approved.

### **Implementation and maintenance of landscaping**

15.—(1) All landscaping works must be carried out and maintained in accordance with the landscape management plan(s) approved under requirement 14 (provision of landscaping), and in accordance with the relevant recommendations of appropriate British Standards.

(2) Any tree or shrub planted as part of an approved landscape management plan that, within a period of five years (save in relation to Work Nos. 19, 24, 29 and 33, for which the relevant period is ten 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 first available planting season with a specimen of the same species and size as that originally planted unless alternative timing or a different specimen is otherwise approved by the relevant planning authority.

### **Highway accesses**

16.—(1) Construction of any access must not begin until written details (which accord with the outline access management plan) of the siting, design, layout 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 used by vehicular traffic, has been submitted to and approved by the relevant highway authority in consultation with the relevant planning authority.

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

### **Fencing and other means of enclosure**

17.—(1) No stage of the onshore works may commence until for that stage written details of all proposed permanent and temporary fences, walls or other means of enclosure of the onshore works have been submitted to and approved by the relevant planning authority.

(2) All fencing and other means of enclosure of the onshore works must be in accordance with the approved details.

(3) Any temporary fencing must be removed on completion of the relevant stage of the onshore works unless otherwise approved by the relevant planning authority.

(4) Any approved permanent fencing in relation to the onshore substation comprised within Work No. 30, the national grid substation comprised within Work No. 41 and the sealing end compounds comprised within Work No. 38 must be completed before the respective substation or sealing end compound is brought into use and must be maintained for the operational lifetime of the work to which it relates.

### **Contaminated land and groundwater**

18.—(1) No stage of the onshore works shall commence until a written scheme applicable to that stage, to mitigate the potential for release of contaminants within the Order limits has, after consultation with the Environment Agency, been submitted to and approved by the relevant planning authority.

(2) The scheme must include an investigation and assessment report, prepared by a specialist consultant approved by the relevant planning authority, to identify the extent of any contamination within the Order limits comprised in that stage and mitigation measures to be undertaken to limit impacts arising from the potential release of contaminants.

(3) The written scheme referred to in sub-paragraph (1) must be implemented as approved.

### **Pre-commencement archaeology execution plan**

**19.**—(1) No intrusive onshore preparation works (including pre-commencement archaeological surveys, archaeological investigations or site preparation works in respect of such surveys or investigations) may be carried out until a pre-commencement archaeology execution plan (which accords with the outline pre-commencement archaeology execution plan and the outline written scheme of investigation (onshore archaeology)) in respect of those works has been submitted to and approved by Suffolk County Council in consultation with the relevant planning authority.

(2) Intrusive onshore preparation works must be carried out in accordance with the approved plan.

### **Archaeology**

**20.**—(1) No stage of the onshore works may commence until for that stage a written scheme of archaeological investigation (which accords with the outline written scheme of investigation (onshore archaeology) and is informed by the pre-commencement archaeological surveys) has, after consultation with Historic England, been submitted to and approved by Suffolk County Council in consultation with the relevant planning authority.

(2) In the event that site investigation is required, the scheme must include details of the following—

- (a) an assessment of significance and research questions;
- (b) the programme and methodology of site investigation and recording;
- (c) the programme for post investigation assessment;
- (d) provision to be made for analysis of the site investigation and recording;
- (e) provision to be made for publication and dissemination of the analysis and records of the site investigation;
- (f) provision to be made for archive deposition of the analysis and records of the site investigation; and
- (g) nomination of a competent person or persons/organisation to undertake the works set out within the written scheme of investigation.

(3) Any archaeological works or watching brief must be carried out in accordance with the approved written scheme of archaeological investigation for that stage.

(4) In the event that site investigation is required, the site investigation and post investigation assessment must be completed for that stage in accordance with the programme set out in the written scheme of archaeological investigation and provision made for analysis, publication and dissemination of results and archive deposition secured for that stage.

### **Ecological management plan**

**21.**—(1) No stage of the onshore works may commence until for that stage a written ecological management plan (which accords with the outline landscape and ecological management strategy) reflecting pre-construction survey results, and the ecological mitigation measures included in the environmental statement and including—

- (a) a breeding bird protection plan;
- (b) an arboricultural method statement;
- (c) an invasive species method statement;
- (d) where appropriate, a special protection area crossing method statement (which accords with the outline SPA crossing method statement); and
- (e) a precautionary method of dealing of working for reptiles;

has been submitted to and approved by the relevant planning authority in consultation with the relevant statutory nature conservation body.

(2) Onshore preparation works may not be carried out until a written ecological management plan (which accords with the outline landscape and ecological management strategy) for those works reflecting survey results and the ecological mitigation measures included in the environmental statement has been submitted to and approved by the relevant planning authority in consultation with the relevant statutory nature conservation body.

(3) The ecological management plan(s) must include an implementation timetable and must be carried out as approved.

### **Code of construction practice**

**22.**—(1) No stage of the onshore works may commence until for that stage a code of construction practice (which must accord with the outline code of construction practice) has been submitted to and approved by the relevant discharging authority.

(2) The code of construction practice must include—

- (a) a surface water and drainage management plan;
- (b) a flood management plan;
- (c) a construction phase noise and vibration management plan;
- (d) a site waste management plan;
- (e) a soil management plan including method statements for soil handling;
- (f) an air quality management plan;
- (g) a materials management plan;
- (h) a pollution prevention and response plan including a groundwater protection method statement and construction method statements for the protection of onshore water;
- (i) a stakeholder communications plan;
- (j) an artificial light emissions management plan;
- (k) a watercourse crossing method statement (which accords with the outline watercourse crossing method statement); and
- (l) a Sizewell Gap construction method statement (which accords with the outline Sizewell Gap construction method statement).

(3) The relevant discharging authority is the relevant planning authority, except in relation to any surface water and drainage management plan prepared under requirements 22(2)(a) or flood management plan prepared under requirement 22(2)(b), where it is the relevant lead local flood authority.

(4) The code of construction practice approved in relation to the relevant stage of the onshore works must be followed in relation to that stage of the onshore works.

(5) In approving the code of construction practice the relevant discharging authority must consult with the relevant planning authority in relation to the following plans—

- (a) the surface water and drainage management plan; and
- (b) the flood management plan.

(6) In approving the code of construction practice the relevant discharging authority must consult with the relevant statutory nature conservation body in relation to the watercourse crossing method statement and in relation to the following plans to the extent that they relate to the Works Nos. specified—

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- (a) the surface water and drainage management plan in respect of Work Nos. 7 to 14 and Work No. 19;
- (b) the construction phase noise and vibration management plan in respect of Work Nos. 7 to 14;
- (c) the soil management plan in respect of Work No. 12 and Work No. 12A;
- (d) the pollution prevention and response plan in respect of Work Nos. 7 to 14 and Work No. 19; and
- (e) the artificial light emissions management plan in respect of Work Nos. 7 to 14.

### **Construction hours for the transmission works**

**23.**—(1) Construction work for the transmission works must only take place between 0700 hours and 1900 hours Monday to Friday and 0700 hours and 1300 hours on Saturdays, with no activity on Sundays or bank holidays, except as specified in sub-paragraph (2).

(2) Outside the hours specified in paragraph (1), construction work may be undertaken for essential activities including but not limited to—

- (a) continuous periods of operation that are required as assessed in the environmental statement, such as concrete pouring, dewatering, cable pulling, cable jointing and drilling during the operation of a trenchless technique;
- (b) internal fitting out works associated with the onshore substation;
- (c) delivery to the transmission works of abnormal loads that may cause congestion on the local road network;
- (d) the testing or commissioning of any electrical plant or cables installed as part of the authorised development; and
- (e) activity necessary in the instance of an emergency where there is a risk to persons, delivery of electricity or property.

(3) With the exception of activities undertaken in accordance with sub-paragraph (2)(e), the timing and duration of construction work undertaken in accordance with sub-paragraph (2) and, where works do not fall within sub-paragraphs (2)(a) to (2)(e), whether such works are essential, must be approved by the relevant planning authority in writing in advance, and must be carried out within the approved time.

### **Construction hours for the grid connection works**

**24.**—(1) Construction work for the grid connection works must only take place between 0700 hours and 1900 hours Monday to Friday and 0700 hours and 1300 hours on Saturdays, with no activity on Sundays or bank holidays, except as specified in sub-paragraph (2).

(2) Outside the hours specified in sub-paragraph (1), construction work may be undertaken for essential activities including but not limited to—

- (a) continuous periods of operation that are required as assessed in the environmental statement, such as concrete pouring and the installation and removal of conductors, pilot wires and associated protective netting across highways or public footpaths;
- (b) internal fitting out works associated with the national grid substation;
- (c) the completion of construction activities commenced during the approved working hours which cannot safely be stopped;
- (d) the testing or commissioning of any electrical plant installed as part of the authorised development; and



(e) activity necessary in the instance of an emergency where there is a risk to persons or property.

(3) With the exception of activities undertaken in accordance with sub-paragraph (2)(e), the timing and duration of construction work undertaken in accordance with sub-paragraph (2) and, where works do not fall within sub-paragraphs (2)(a) to (2)(e), whether such works are essential, must be approved by the relevant planning authority in writing in advance, and must be carried out within the approved time.

### **Control of artificial light emissions during operational phase**

**25.**—(1) Work No. 30 must not begin operation until an operational artificial light emissions management plan providing details of artificial light emissions during the operation of Work No. 30, including measures to minimise lighting pollution and the hours of lighting, has been submitted to and approved by the relevant planning authority.

(2) The approved operational artificial light emissions management plan must be implemented upon, and maintained during, the operation of Work No. 30.

(3) Work No. 41 must not begin operation until an operational artificial light emissions management plan providing details of artificial light emissions during the operation of Work No. 41, including measures to minimise lighting pollution and the hours of lighting, has been submitted to and approved by the relevant planning authority.

(4) The approved operational artificial light emissions management plan must be implemented upon, and maintained during, the operation of Work No. 41.

(5) Work No. 38 must not begin operation until an operational artificial light emissions management plan providing details of artificial light emissions during the operation of Work No. 38, including measures to minimise lighting pollution and the hours of lighting, has been submitted to and approved by the relevant planning authority.

(6) The approved operational artificial light emissions management plan must be implemented upon, and maintained during, the operation of Work No. 38.

### **Onshore preparation works management plan**

**26.**—(1) Prior to carrying out specified onshore preparation works, an onshore preparation works management plan in respect of those works (which accords with appendix 1 of the outline code of construction practice) must be submitted to and approved by the relevant planning authority in consultation with Suffolk County Council.

(2) The specified onshore preparation works must be carried out in accordance with the approved onshore preparation works management plan.

(3) For the purposes of this requirement, “specified onshore preparation works” means operations consisting of site clearance, demolition work, early planting of landscaping works, intrusive ecological mitigation, 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 temporary means of enclosure, creation of site accesses, footpath creation and erection of welfare facilities.

### **Control of noise during operational phase**

**27.**—(1) The combined noise rating level for the standard operation of Work No. 30 cumulatively with the standard operation of the new national grid substation and the East Anglia ONE North onshore substation must not exceed—

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- (a) 32dB LAeq (15 min) at any time at a free field location immediately adjacent to the following noise sensitive locations—
  - (i) 1 Woodside Cottages, Grove Road (641837, 261172);
  - (ii) Woodside Barn Cottages, Church Road (641237, 260645);
- (b) 31dB LAeq (15 min) at any time at a free field location immediately adjacent to the noise sensitive location—
  - Little Moor Farm, Knodishall (641228, 261676).

(2) Work No. 30 must not operate at the same time as the new national grid substation or the East Anglia ONE North onshore substation until a scheme for monitoring compliance with the noise rating levels set out in sub-paragraph (1) above has been submitted to and approved by the relevant planning authority. The scheme must be based on principles set out in BS 4142:2014+A1:2019. The reference method set out in Annex D to BS 4142:2014+A1:2019 shall be used in the assessment of whether tonal penalties apply. The scheme must identify—

- (a) the required meteorological and other conditions under which the measurements will be taken, acknowledging that data obtained during emergency operation or testing of certain plant and equipment is not to be taken in to account;
- (b) suitable monitoring locations (and alternative surrogate locations if appropriate); and
- (c) times when the monitoring is to take place

to demonstrate that the noise levels have been achieved after—

- (d) initial commencement of—
  - (i) Work No. 30, the new national grid substation and the East Anglia ONE North onshore substation all operating at the same time; and
  - (ii) where Work No. 30 begins operation before the East Anglia ONE North onshore substation, Work No. 30 and the new national grid substation operating at the same time; and
- (e) six months after—
  - (i) Work No. 30, the new national grid substation and the East Anglia ONE North onshore substation have all been operating cumulatively at full capacity; and
  - (ii) where Work No. 30 begins operation at least six months before the East Anglia ONE North onshore substation, both Work No. 30 and the new national grid substation have been operating cumulatively at full capacity.

(3) The monitoring scheme must be implemented as approved.

(4) For the purposes of this requirement—

- (a) “East Anglia ONE North onshore substation” means the onshore substation comprised within Work No. 30 of the East Anglia ONE North Order;
- (b) “new national grid substation” means the national grid substation comprised within Work No. 41 of this Order and Work No. 41 of the East Anglia ONE North Order; and
- (c) “standard operation” means the ordinary operation of the substations excluding emergency operation and the testing of plant and equipment associated with emergency operation.

## **Traffic**

**28.**—(1) No stage of the onshore works may commence until for that stage the following have been submitted to and approved by the relevant highway authority in consultation with the relevant planning authority—

- (a) a construction traffic management plan which must be in accordance with the outline construction traffic management plan; and
  - (b) a travel plan which must be in accordance with the outline travel plan.
- (2) The plans approved under paragraph (1) must be implemented upon commencement of the relevant stage of the onshore works.

### **Restoration of land used temporarily for construction**

**29.** Any land landward of mean low water springs within the Order limits which is used temporarily for construction of the onshore works and not ultimately incorporated in permanent works or approved landscaping must be reinstated, in accordance with such details as the relevant planning authority in consultation with the relevant highway authority may approve, within twelve months of completion of the relevant stage of the onshore works or such other period as the relevant planning authority may approve.

### **Onshore decommissioning**

**30.**—(1) The undertaker must notify the relevant planning authority of the permanent cessation of commercial operation of the transmission works within 14 days following the date of permanent cessation.

(2) Within six months following the permanent cessation of commercial operation of the transmission works an onshore decommissioning plan in respect of the transmission works must be submitted to and approved by the relevant planning authority in consultation with the relevant highway authority and the relevant statutory nature conservation body.

(3) The undertaker must notify the relevant planning authority of the permanent cessation of commercial operation of the grid connection works within 14 days following the date of permanent cessation.

(4) Within six months following the permanent cessation of commercial operation of the grid connection works an onshore decommissioning plan in respect of the grid connection works must be submitted to and approved by the relevant planning authority in consultation with the relevant highway authority and the relevant statutory nature conservation body.

(5) The decommissioning plans must be implemented as approved.

### **Aviation Lighting**

**31.**—(1) The undertaker must exhibit such lights, with such shape, colour and character as are required in writing by Air Navigation Order 2016<sup>(2)</sup> and determined necessary for aviation safety in consultation with the Defence Infrastructure Organisation Safeguarding and as directed by the Civil Aviation Authority.

(2) Such lights will be operated at the lowest permissible lighting intensity level.

### **Public rights of way**

**32.**—(1) No stage of the authorised development or onshore preparation works that would affect a public right of way specified in Schedule 3 (public rights of way to be temporarily stopped up) or Schedule 4 (footpaths to be stopped up) is to be undertaken until a public rights of way strategy in respect of that stage and in accordance with the outline public rights of way strategy, including the specification for the making up of an alternative right of way (where appropriate) has been

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(2) [S.I. 2016/765](#).

submitted to and approved by the relevant highway authority in consultation with the relevant planning authority.

(2) Any alternative public rights of way must be implemented in accordance with the approved public rights of way strategy.

### **Emergency planning arrangements**

**33.**—(1) No part of the relevant works shall commence until the Suffolk Resilience Forum Radiation Emergency Plan has been reviewed to account for the relevant works or part thereof and reissued in accordance with the relevant Radiation Emergency Preparedness Regulations.

(2) Emergency planning arrangements specified within the Suffolk Resilience Forum Radiation Emergency Plan in respect of the relevant works shall be implemented in relation to the relevant part of the relevant works, unless otherwise agreed with Suffolk County Council after consultation with the Sizewell Emergency Planning Consultative Committee or Suffolk Resilience Forum as appropriate.

(3) For the purposes of this requirement—

(a) “the relevant works” means—

(i) the onshore preparation works;

(ii) the onshore works; and

(iii) to the extent that they are within the Sizewell B Detailed Emergency Planning Zone, the offshore works.

(b) “the relevant Radiation Emergency Preparedness Regulations” means the Radiation (Emergency Preparedness and Public Information) Regulations 2019(3) as amended from time to time; and

(c) “the relevant Sizewell B Detailed Emergency Planning Zone” means the Sizewell Detailed Emergency Planning Zone detailed within the Suffolk Resilience Forum Radiation Emergency Plan.

### **Ministry of Defence surveillance operations**

**34.**—(1) No wind turbine generator forming part of the authorised development is permitted to rotate its rotor blades on its horizontal axis until the Secretary of State, having consulted with the Ministry of Defence, confirms satisfaction in writing that appropriate mitigation will be implemented and maintained for the life of the authorised development and that arrangements have been put in place with the Ministry of Defence to ensure that the approved mitigation is implemented.

(2) For the purposes of this requirement—

(a) “appropriate mitigation” means measures to prevent or remove any adverse effects which the authorised development will have on the air defence radar at Remote Radar Head Trimingham and the Ministry of Defence’s air surveillance and control operations;

(b) “approved mitigation” means the detailed Radar Mitigation Scheme that will set out the appropriate measures and timescales for implementation as agreed with the Ministry of Defence at the time the Secretary of State confirms satisfaction in writing in accordance with paragraph (1);

(c) “Ministry of Defence” means the Ministry of Defence as represented by Defence Infrastructure Organisation – Safeguarding, Kingston Road, Sutton Coldfield, B75 7RL or any successor body.

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(3) [S.I. 2019/703](#).

(3) The undertaker must thereafter comply with all other obligations contained within the approved mitigation for the life of the authorised development.

### **Cromer Primary Surveillance Radar**

**35.**—(1) No erection of any wind turbine generator forming part of the authorised development may commence until the Secretary of State, having consulted with NATS, has confirmed satisfaction in writing that appropriate mitigation will be implemented and maintained for the required period and that arrangements have been put in place with NATS to ensure that the approved mitigation is implemented and in operation prior to erection of the wind turbine generators.

(2) The undertaker must thereafter comply with the obligations contained within the approved mitigation for the required period.

(3) For the purposes of this requirement—

- (a) “appropriate mitigation” means measures to mitigate any adverse effects which the operation of the authorised development will have on the primary surveillance radar at Cromer and NATS’ associated air traffic (surveillance and control) services/operations during the required period;
- (b) “approved mitigation” means the detailed Primary Radar Mitigation Scheme setting out the appropriate mitigation approved by the Secretary of State and confirmed in writing in accordance with sub-paragraph (1);
- (c) “NATS” means NATS (En-Route) Plc (company number 04129273) or any successor body;
- (d) “the required period” means the shorter of—
  - (i) the operational life of the authorised development; and
  - (ii) the period ending on the date notified to the Secretary of State by the undertaker and confirmed in writing by NATS being the date on which NATS no longer requires the appropriate mitigation to be in place.

### **Port traffic**

**36.**—(1) No part of Work No. 1 may commence until—

- (a) a port construction traffic management plan (which accords with the outline port construction traffic management and travel plan) for the onshore port-related traffic to and from the construction 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; or
- (b) the relevant highway authority has confirmed, after consultation with the relevant planning authority, that no port construction traffic management plan is required for that part of the authorised development.

(2) No part of Work No. 1 may begin operating until—

- (a) a port travel plan (which accords with the outline port construction traffic management and travel plan) for the onshore port-related traffic to and from the operation 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; or
- (b) the relevant highway authority has confirmed, after consultation with the relevant planning authority, that no port travel plan is required for that part of the authorised development.

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(3) The port construction traffic management plan must be implemented as approved at all times specified within the port construction traffic management plan during the construction of the authorised project.

(4) The port travel plan must be implemented as approved at all times specified within the port travel plan during the operation of the authorised project.

(5) For the purposes of this requirement—

“relevant planning authority” and “relevant highway authority” mean—

- (a) in respect of sub-paragraph (1), the planning or highway authority or authorities in whose area the relevant construction port is located; and
- (b) in respect of sub-paragraph (2), the planning or highway authority or authorities in whose area the relevant operation port is located;

“construction port” or “ports” means a port or ports situated in England and/or Wales and used for construction of the authorised project; and

“operation port” or “ports” means a port or ports situated in England and/or Wales and used by management personnel for the ongoing operational management of the authorised project.

#### **Decommissioning of relevant landfall works**

**37.**—(1) After a period of 24 years but before the expiration of a period of 25 years following completion of construction of the relevant landfall works, the undertaker must submit a report to the relevant planning authority detailing the following—

- (a) the extent of coastal retreat experienced following completion of construction;
- (b) whether any remedial works or mitigation measures to protect the relevant landfall works from coastal retreat have been required during this period, what these works comprised and an assessment of their impacts on coastal processes;
- (c) the length of the anticipated remaining operational lifespan of the authorised project;
- (d) the extent of the likely coastal retreat during the timeframe of the anticipated remaining operational lifespan of the authorised project and the likely need for, and nature of, any proposed remedial works or mitigation measures to protect the relevant landfall works from coastal retreat and an analysis of their predicted impact on coastal processes; and
- (e) any proposed remedial works or mitigation measures identified under sub-paragraph (d).

(2) If it cannot be demonstrated to the reasonable satisfaction of the relevant planning authority that, taking into account any proposals for such remedial works or mitigation measures, the relevant landfall works will not have a significant impact on coastal processes then the relevant landfall works must be decommissioned in accordance with Requirement 30 (onshore decommissioning).

(3) For the purposes of this requirement—

“the relevant landfall works” means Work No. 6, to the extent that the works are landward of mean low water springs, and Work No. 8.

#### **Restriction on carrying out grid connection works where consented in another order**

**38.**—(1) Where any part of the grid connection works are being or have been constructed under another development consent order, that part of the grid connection works must not be constructed under this Order.

(2) Work No. 34 must not—

- (a) be constructed more than once under this Order;

- (b) be constructed under this Order if it is being or has been constructed under another development consent order.

### **Requirement for written approval**

**39.** Where under any of the above requirements the approval or agreement of the Secretary of State, the relevant planning authority or another person is required, that approval or agreement must be given in writing.

### **Amendments to approved details**

**40.**—(1) With respect to any requirement which requires the authorised project to be carried out in accordance with the details approved by the relevant planning authority or another person, the approved details must be carried out as approved unless an amendment or variation is previously approved in writing by the relevant planning authority or that other person in accordance with subparagraph (2).

(2) Any amendments to or variations from the approved details must be in accordance with the principles and assessments set out in the environmental statement. Such agreement may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the relevant planning authority or that other person that the subject matter of the agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

(3) The approved details must be taken to include any amendments that may subsequently be approved in writing by the relevant planning authority or that other person.

### **Operational drainage management plan**

**41.**—(1) No part of Work Nos. 30, 34, 38 or 41 may commence until an operational drainage management plan in respect of that part (which accords with the outline operational drainage management plan) and includes provision for the maintenance of any measures identified, has been submitted to and approved by the relevant lead local flood authority, in consultation with the relevant planning authority and the Environment Agency.

(2) The operational drainage management plan must be implemented as approved.

### **Installation of cable ducts**

**42.**—(1) In the event that the cables comprised within the East Anglia ONE North cable works are installed prior to the cables comprised within the East Anglia TWO cable works, the East Anglia TWO cable works may not subsequently be installed unless the cable ducts forming part of the East Anglia TWO cable works have been installed concurrently with the installation of the cables comprised within the East Anglia ONE North cable works.

(2) For the purposes of this requirement—

- (a) “the East Anglia ONE North cable works” mean Work Nos. 6, 8, 9, 11, 12, 13, 16 to 23 and 26 of the East Anglia ONE North Order; and
- (b) “the East Anglia TWO cable works” mean Work Nos. 6, 8, 9, 11, 12, 13, 16 to 23 and 26 of this Order.

### **Restriction on carrying out grid connection works**

**43.** No part of the grid connection works may commence under this Order until either—

- (a) the offshore works have commenced; or

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- (b) the undertaker has provided appropriate evidence to the Secretary of State demonstrating its commitment to commence the authorised development described within paragraph 1 of Schedule 1, Part 1 and the Secretary of State has confirmed that the grid connection works may commence.

**Control of development during operational phase**

44.—(1) During the operation of and within operational land related to Work No. 30 and Work No. 41, any development in addition to that authorised in this Order that is permitted under Schedule 2 Part 15 Class B (d), (e) or (f) of the General Permitted Development Order 2015 (“electricity undertakings permitted development”) or any equivalent successor provision is subject to the following conditions—

- (2) In respect of operational drainage—
  - (a) No electricity undertakings permitted development may commence until an amendment to the operational drainage management plan approved pursuant to requirement 41 that includes provision for the replacement of any existing drainage measures to be removed and maintenance of any new drainage measures to be provided as part of the permitted development, has been submitted to and approved by the relevant lead local flood authority, in consultation with the relevant planning authority and the Environment Agency; and
  - (b) The measures in the amendment to the operational drainage management plan in respect of the permitted development must be implemented as approved.
- (3) In respect of the provision, implementation and maintenance of landscaping—
  - (a) No electricity undertakings permitted development may commence until an amendment to the written landscape management plan and associated work programme approved pursuant to requirement 14 that includes provision for the replacement of any existing landscape measures to be removed and maintenance of any new landscape measures to be provided as part of the permitted development, has been submitted to and approved by the relevant planning authority; and
  - (b) The measures in the amendment to the written landscape management plan and associated work programme plan in respect of the permitted development must be implemented as approved.

SCHEDULE 2

Article 8

Streets subject to street works

<i>(1)</i> Area	<i>(2)</i> Street subject to street works
District of East Suffolk	Public right of way footpath E-106/020/0 between reference points 1a and 1b on sheet 1 of 12 of the works plans.
District of East Suffolk	Private track / public right of way footpath E-106/025/0 between reference points 2a and 2b on sheet 2 of 12 of the works plans.
District of East Suffolk	SIZEWELL GAP between reference points 3a and 3b on sheet 3 of 12 of the works plans.



<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
District of East Suffolk	SIZEWELL GAP between reference points 3c and 3d on sheet 3 of 12 of the works plans.
District of East Suffolk	Public right of way bridleway E-363/026/0 between reference points 3e and 3f and between points 3g and 3h on sheet 3 of 12 of the works plans.
District of East Suffolk	Public right of way footpath E-363/029/0 between reference points 3i and 3j on sheet 3 of 12 of the works plans.
District of East Suffolk	Public right of way footpath E-363/024/0 between reference points 3k and 3l on sheet 3 of 12 of the works plans.
District of East Suffolk	Public right of way footpath E-363/023/0 between reference points 3m and 3n on sheet 3 of 12 of the works plans.
District of East Suffolk	Public right of way footpath E-363/022/0 between reference points 3o and 3p on sheet 3 of 12 of the works plans.
District of East Suffolk	Public right of way bridleway E-363/027/0 between reference points 3q and 3r on sheet 3 of 12 of the works plans.
District of East Suffolk	Public right of way bridleway E-363/015/0 between reference points 4a and 4b on sheet 4 of 12 of the works plans.
District of East Suffolk	Public rights of way footpath E-363/014/0 between reference points 4a and 4c on sheet 4 of 12 of the works plans.
District of East Suffolk	Public rights of way footpath E-363/014/A between reference points 4d and 4e on sheet 4 of 12 of the works plans.
District of East Suffolk	THORPE ROAD between reference points 5a and 5b on sheet 5 of 12 of the works plans.
District of East Suffolk	Public right of way footpath E-106/065/0 between reference points 5c and 5d on sheet 5 of 12 of the works plans.
District of East Suffolk	ALDEBURGH ROAD between reference points 5e and 5f on sheet 5 of 12 of the works plans.
District of East Suffolk	Public right of way footpath E-260/030/0 between reference points 5g and 5h on sheet 5 of 12 of the works plans.

**Status:** This is the original version (as it was originally made).

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
District of East Suffolk	Public right of way footpath E-260/007/0 between reference points 5i and 5j on sheet 5 of 12 of the works plans.
District of East Suffolk	Public right of way footpath E-260/009/0 between reference points 5k and 5l on sheet 5 of 12 of the works plans.
District of East Suffolk	SLOE LANE between reference points 6a and 6b on sheet 6 of 12 of the works plans.
District of East Suffolk	B1069 (SNAPE ROAD) between reference points 6c and 6d on sheet 6 of 12 on the works plans.
District of East Suffolk	Public right of way bridleway E-354/020/0 between reference points 6e and 6f on sheet 6 of 12 of the works plans.
District of East Suffolk	Public right of way bridleway E-354/036/0 between reference points 6g and 6h on sheet 6 of 12 of the works plans.
District of East Suffolk	Public right of way bridleway E-354/001/0 between reference points 6i and 6j on sheet 6 of 12 of the works plans; and between reference points 8g and 8h on sheet 8 of 12 of the works plans.
District of East Suffolk	Public right of way footpath E-354/003/0 between reference points 6k and 6l on sheet 6 of 12 of the works plans.
District of East Suffolk	GROVE ROAD between reference points 7a and 7b on sheet 7 of 12 on the works plans.
District of East Suffolk	CHURCH ROAD between reference points 7f and 7j on sheet 7 of 12 on the works plans.
District of East Suffolk	Public right of way footpath E-354/007/0 between reference points 7c and 7d on sheet 7 of 12 on the works plans.
District of East Suffolk	Public right of way footpath E-354/006/0 between reference points 7e and 8a on sheet 7 of 12 on the works plans.
District of East Suffolk	Public right of way footpath E-260/017/0 between reference points 7f and 7g on sheet 7 of 12 on the works plans.
District of East Suffolk	Public right of way footpath E-260/017/0 between reference points 7h and 7i on sheet 7 of 12 on the works plans.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
District of East Suffolk	Public right of way footpath E-354/008/0 between reference points 8a and 8b on sheet 8 of 12 on the works plans.
District of East Suffolk	GROVE ROAD between reference points 8c and 8d on sheet 8 of 12 on the works plans.
District of East Suffolk	Public right of way footpath E-354/007/A between reference points 8e and 8f on sheet 8 of 12 on the works plans.
District of East Suffolk	B1121 (SAXMUNDHAM ROAD) between reference points 9a and 9b on sheet 9 of 12 on the works plans.
District of East Suffolk	B1121 (SAXMUNDHAM ROAD) between reference points 9b and 9c on sheet 9 of 12 on the works plans.
District of East Suffolk	Public right of way footpath E-260/016/0 between reference points 9d and 9e on sheet 9 of 12 on the works plans.
District of East Suffolk	A1094 (FARNHAM ROAD) between reference points 10a and 10d on sheet 10 of 12 on the works plans.
District of East Suffolk	A1094 (ALDEBURGH ROAD) between reference points 10b and 10d on sheet 10 of 12 on the works plans.
District of East Suffolk	B1121 (ALDEBURGH ROAD) between reference points 10c and 10d on sheet 10 of 12 on the works plans.
District of East Suffolk	B1069 (SNAPE ROAD) between reference points 10e and 10f on sheet 10 of 12 on the works plans.
District of East Suffolk	A12 (MAIN ROAD) between reference points 11a and 11b on sheet 11 of 12 on the works plans.
District of East Suffolk	A1094 (FRIDAY STREET) between reference points 11c and 11d on sheet 11 of 12 on the works plans.
District of East Suffolk	A12 (MAIN ROAD) between reference points 12a and 12b on sheet 12 of 12 on the works plans.
District of East Suffolk	Public right of way footpath E-387/009/0 between reference points 12c and 12d on sheet 12 of 12 on the works plans.

**Status:** This is the original version (as it was originally made).

SCHEDULE 3

Article 11

Public rights of way to be temporarily stopped up

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
<i>Area</i>	<i>Public right of way to be temporarily stopped up</i>	<i>Extent of temporary stopping up</i>	<i>Temporary public right of way to be substituted</i>
District of East Suffolk	Byway open to all traffic reference 1 (E-106/020/0)	Approximately 120m of the existing byway open to all traffic reference 1 between the points marked L-1 and L-2 on sheet 1 of 12 of the temporary stopping up of public rights of way plan shown with a dashed pink line.	Approximately 646m of proposed byway open to all traffic reference TEMP1 between the points marked L-1 and L-2 on sheet 1 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Byway open to all traffic reference 2 (E-106/025/0)	Approximately 66m of the existing byway open to all traffic reference 2 (E-106/025/0) between the points marked CS1-1 and CS1-2 on sheet 2 of 12 of the temporary stopping up of public rights of way plan shown with a dashed pink line.	Approximately 236m of proposed byway open to all traffic reference TEMP2a, or approximately 360m of proposed byway open to all traffic reference TEMP2b between the points CS1-1 and CS1-2 on sheet 2 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Bridleway reference 3 (E-363/026/0)	Approximately 73m of the existing bridleway reference 3 (E-363/026/0) between the points marked CS1-3 and CS1-4 on sheet 3 of 12 of the temporary stopping up of public rights of way	Approximately 339m of proposed bridleway reference TEMP3 between the points marked CS1-3 and CS1-4 on sheet 3 of 12 of the temporary stopping up of public rights of way plan shown with a black and

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Public right of way to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>	<i>(4)</i> <i>Temporary public right of way to be substituted</i>
		plan shown with a dashed green line.	white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Bridleway reference 4 (E-363/026/0)	Approximately 345m of the existing bridleway reference 4 (E-363/026/0) between the points marked CS2-1 and CS2-2 on sheet 3 of 12 of the temporary stopping up of public rights of way plan shown with a dashed blue line.	Approximately 578m of proposed bridleway reference TEMP4a between the points marked CS2-1 and CS2-2 on sheet 3 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.  Approximately 780m of proposed bridleway reference TEMP4b between the points marked CS2-1 to CS2-7 on sheet 3 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Footpath reference 5 (E-363/024/0)	Approximately 739m of the existing footpath reference 5 (E-363/024/0) between the points marked CS2-3 and CS2-4 on sheet 3 of 12 of the temporary stopping up of public rights of way plan shown with a dashed yellow line.	Approximately 806m of proposed footpath reference TEMP5 between the points marked CS2-3 and CS2-4 or approximately 1146m of proposed footpath reference TEMP6b, TEMP6a, TEMP8 and TEMP7 between the points marked CS2-3

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(1) Area	(2) Public right of way to be temporarily stopped up	(3) Extent of temporary stopping up	(4) Temporary public right of way to be substituted
District of East Suffolk	Footpath reference 6 (E-363/029/0)	Approximately 88m of the existing footpath reference 6 (E-363/029/0) between the points marked CS2-5 and CS2-6 on sheet 3 of 12 of the temporary stopping up of public rights of way plan shown with a dashed yellow line.	and CS2-4 on sheet 3 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority. Approximately 531m of proposed footpath reference TEMP4b and TEMP6b between the points marked CS2-5 and CS2-6 on sheet 3 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Footpath reference 7 (E-363/023/0)	Approximately 298m of the existing footpath reference 7 (E-363/023/0) between the points marked CS2-7 and CS2-8 on sheet 3 of 12 of the temporary stopping up of public rights of way plan shown with a dashed yellow line.	Approximately 497m of proposed footpath reference TEMP7 between the points marked CS2-7 and CS2-8 on sheet 3 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Footpath reference 8 (E-363/022/0)	Approximately 684m of the existing footpath reference 8 (E-363/022/0) between the points marked CS2-9 and CS2-12 on sheet 3 of 12 of the temporary stopping up of public rights of way	Approximately 537m of proposed footpath reference TEMP8 and TEMP7 between the points marked CS2-9 and CS2-12 on sheet 3 of 12 of the temporary stopping up of public rights of way plan shown with a black and

(1) Area	(2) Public right of way to be temporarily stopped up	(3) Extent of temporary stopping up	(4) Temporary public right of way to be substituted
		plan shown with a dashed yellow line.	white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Bridleway reference 9 (E-363/027/0)	Approximately 31m of the existing bridleway reference 9 (E-363/027/0) between the points marked CS2-10 and CS2-11 on sheet 3 of 12 of the temporary stopping up of public rights of way plan shown with a dashed green line.	Approximately 98m of proposed footpath reference TEMP9 between the points marked CS2-10 and CS2-11 on sheet 3 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Bridleway reference 10 (E-363/015/0)	Approximately 199m of the existing bridleway reference 10 (E-363/015/0) between the points marked CS2-13 and CS2-14 on sheet 4 of 12 of the temporary stopping up of public rights of way plan shown with a dashed green line.	Approximately 216m of proposed bridleway reference TEMP10a or approximately 359m of proposed bridleway reference TEMP10b between the points marked CS2-13 and CS2-14 on sheet 4 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Footpath reference 11 (E-363/014/0)	Approximately 66m of the existing footpath reference 11 (E-363/014/0) between the points marked CS2-15 and CS2-16 on sheet 4 of 12 of the temporary stopping up of public rights of way plan shown with a dashed yellow line.	Approximately 288m of proposed footpath reference TEMP11 between the points marked CS2-15 and CS2-16 on sheet 4 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by

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(1) Area	(2) Public right of way to be temporarily stopped up	(3) Extent of temporary stopping up	(4) Temporary public right of way to be substituted the relevant highway authority.
District of East Suffolk	Footpath reference 12 (E-363/014/A)	Approximately 106m of the existing footpath reference 12 (E-363/014/A) between the points marked CS2-17 and CS2-18 on sheet 4 of 12 of the temporary stopping up of public rights of way plan. shown with a dashed yellow line.	Approximately 347m of proposed footpath reference TEMP12a or approximately 409m of proposed footpath reference TEMP12b between the points marked CS2-17 and CS2-18 on sheet 4 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Footpath reference 13 (E-106/065/0)	Approximately 70m of the existing footpath reference 13 (E-106/065/0) between the points marked CS2-19 and CS2-20 on sheet 5 of 12 of the temporary stopping up of public rights of way plan. shown with a dashed yellow line.	Approximately 270m of proposed footpath reference TEMP13a or approximately 266m of proposed footpath reference TEMP13b between the points marked CS2-19 and CS2-20 on sheet 5 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Footpath reference 14 (E-260/030/0)	Approximately 61m of the existing footpath reference 14 (E-260/030/0) between the points marked CS3-1 and CS3-2 on sheet 5 of 12 of the temporary stopping up of public rights of way plan. shown with a dashed yellow line.	Approximately 321m of proposed footpath reference TEMP14 between the points marked CS3-1 and CS3-2 on sheet 5 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as



<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Public right of way to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>	<i>(4)</i> <i>Temporary public right of way to be substituted</i>
District of East Suffolk	Footpath reference 15 (E-260/007/0)	Approximately 239m of the existing footpath reference 15 (E-260/007/0) between the points marked CS3-3 and CS3-4 on sheet 5 of 12 of the temporary stopping up of public rights of way plan. shown with a dashed yellow line.	otherwise approved by the relevant highway authority. Approximately 654m of proposed footpath reference TEMP15 between the points marked CS3-3 and CS3-4 on sheet 5 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Footpath reference 16 (E-260/009/0)	Approximately 156m of the existing footpath reference 16 (E-260/009/0) between the points marked CS3-5 and CS3-6 on sheet 5 of 12 of the temporary stopping up of public rights of way plan. shown with a dashed yellow line.	Approximately 577m of proposed footpath reference TEMP16a or approximately 418m of proposed footpath reference TEMP16b between the points marked CS3-5 and CS3-6 on sheet 5 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Bridleway reference 17 (E-354/020/0)	Approximately 220m of the existing bridleway reference 17 (E-354/020/0) between the points marked CS4-1 and CS4-2 on sheet 6 of 12 of the temporary stopping up of public rights of way plan. shown with a dashed green line.	Approximately 637m of proposed bridleway reference TEMP17/18 between the points marked CS4-5 and CS4-2 on sheet 6 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by

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(1) Area	(2) Public right of way to be temporarily stopped up	(3) Extent of temporary stopping up	(4) Temporary public right of way to be substituted the relevant highway authority.
District of East Suffolk	Bridleway reference 18 (E-354/036/0)	Approximately 225m of the existing bridleway reference 18 (E-354/036/0) between the points marked CS4-3 and CS4-4 on sheet 6 of 12 of the temporary stopping up of public rights of way plan. shown with a dashed green line.	Approximately 637m of proposed bridleway reference TEMP17/18 between the points marked CS4-5 and CS4-4 on sheet 6 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Bridleway reference 19 (E-354/001/0)	Approximately 270m of the existing bridleway reference 19 (E-354/001/0) between the points marked CS4-6 and CS4-7 on sheet 6 of 12 of the temporary stopping up of public rights of way plan. shown with a dashed green line.	Approximately 538m of proposed bridleway reference TEMP19a between the points marked CS4-6 and CS4-3 or approximately 337m of proposed bridleway reference TEMP19b between the points marked CS4-7 and CS4-10 on sheet 6 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Footpath reference 20 (E-354/003/0)	Approximately 96m of the existing footpath reference 20 (E-354/003/0) between the points marked CS4-8 and CS4-9 on sheet 6 of 12 of the temporary stopping up of public rights of way plan shown with a dashed yellow line.	Approximately 363m of proposed footpath reference TEMP20a or approximately 347m of proposed footpath reference TEMP20b between the points marked CS4-8 and CS4-9 on sheet 6 of 12 of the temporary stopping up of public

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Public right of way to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>	<i>(4)</i> <i>Temporary public right of way to be substituted</i>
District of East Suffolk	Footpath reference 21 (E-354/007/0)	Approximately 316m of the existing footpath reference 21 (E-354/007/0) between the points marked S-1 and S-2 on sheet 7 of 12 of the temporary stopping up of public rights of way plan shown with a dashed yellow line.	rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority. Approximately 395m of proposed footpath reference TEMP21 between the points marked S-1 and S-2 on sheet 7 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Footpath reference 22 (E-354/006/0)	Approximately 283m of the existing footpath reference 22 (E-354/006/0) between the points marked S-4 and S-22 on sheet 7 of 12 of the temporary stopping up of public rights of way plan shown with a dashed yellow line.	Approximately 337m of proposed footpath reference TEMP22 between the points marked S-22 and S-14 and approximately 559m of proposed footpath reference TEMP22 between the points marked S-15 and S-5 on sheet 7 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Footpath reference 23 (E-354/006/0)	Approximately 206m of the existing footpath reference 23 (E-354/006/0) between the points marked S-4 and S-5 on sheet 7 of 12 of the temporary stopping up of public	Approximately 421m of proposed footpath reference TEMP23a or approximately 691m of proposed footpath reference TEMP23b between points marked S-4 and S-5 on sheet 7

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(1) Area	(2) Public right of way to be temporarily stopped up	(3) Extent of temporary stopping up	(4) Temporary public right of way to be substituted
	District of East Suffolk Footpath reference 24 (E-354/006/0)	rights of way plan shown with a dashed yellow line.  Approximately 208m of the existing footpath reference 24 (E-354/006/0) between the points marked S-22 and S-24 on sheet 7 of 12 of the temporary stopping up of public rights of way plan shown with a dashed yellow line.	of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.  Approximately 324m of proposed footpath reference TEMP22 between the points marked S-22 and S-14 and approximately 157m of proposed footpath reference TEMP24 between points marked S-24 and S-25 on sheet 7 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
	District of East Suffolk Footpath reference 25 (E-354/006/0)	Approximately 294m of the existing footpath reference 25 (E-354/006/0) between the points marked S-24 and S-3 on sheet 7 of 12 of the temporary stopping up of public rights of way plan shown with a dashed yellow line.	Approximately 442m of proposed footpath reference TEMP25 and TEMP21 between the points S-24 and S-3 on sheet 7 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
	District of East Suffolk Footpath reference 26 (E-354/007/A)	Approximately 465m of the existing footpath reference 26 (E-354/007/A) between the points marked S-10 and S-11	Approximately 571m of proposed footpath reference TEMP26 between the points marked S-10 and S-11 on sheet 8 of 12 of

(1) Area	(2) Public right of way to be temporarily stopped up	(3) Extent of temporary stopping up	(4) Temporary public right of way to be substituted
		on sheet 8 of 12 of the temporary stopping up of public rights of way plan shown with a dashed yellow line.	the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Bridleway reference 27 (E-354/001/0)	Approximately 207m of the existing bridleway reference 27 (E-354/001/0) between the points marked S-12 and S-13 on sheet 8 of 12 of the temporary stopping up of public rights of way plan shown with a dashed green line.	Approximately 491m of proposed bridleway reference TEMP27 between the points marked S-12 and S-13 on sheet 8 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Footpath reference 28 (E-260/017/0)	Approximately 169m of the existing footpath reference 28 (E-260/017/0) between the points marked S-20 and S-21 on sheet 7 of 12 of the temporary stopping up of public rights of way plan shown with a dashed yellow line.	Approximately 524m of proposed footpath reference TEMP28a between the points S-20 and S-21 or approximately 413m of proposed footpath reference TEMP28b between points S-20 and S-21 on sheet 7 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Footpath reference 29 (E-260/017/0)	Approximately 769m of the existing footpath reference 29 (E-260/017/0) between the points marked S-14 and S-15 on sheet 7 of 12 of the temporary	Approximately 1136m of proposed footpath reference TEMP22, TEMP28b and TEMP22/34 between the points marked S-14 and S-15 on sheet 7

**Status:** This is the original version (as it was originally made).

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Public right of way to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>	<i>(4)</i> <i>Temporary public right of way to be substituted</i>
		stopping up of public rights of way plan shown with a dashed yellow line.	of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Footpath reference 30 (E-354/008/0)	Approximately 429m of the existing footpath reference 30 (E-354/008/0) between the points marked S-6 and S-7 on sheet 8 of 12 of the temporary stopping up of public rights of way plan shown with a dashed yellow line.	Approximately 393m of proposed footpath reference TEMP30 between the points marked S-6 and S-7 on sheet 8 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Footpath reference 31 (E-260/016/0)	Approximately 53m of the existing footpath reference 31 (E-260/016/0) between the points marked S-16 and S-17 on sheet 9 of 12 of the temporary stopping up of public rights of way plan shown with a dashed yellow line.	Approximately 265m of proposed footpath reference TEMP31a or approximately 273m of proposed footpath reference TEMP31b between the points marked S-16 and S-17 on sheet 9 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Footpath reference 32 (E-260/017/0)	Approximately 548m of the existing footpath reference 32 (E-260/017/0) between the points marked S-8 and S-14 on sheet 7 of 12 of the temporary stopping up of public	Approximately 937m of proposed footpath reference TEMP35 and TEMP22 between the points marked S-8 and S-14 on sheet 7 of 12 of the temporary stopping up of public

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Public right of way to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>	<i>(4)</i> <i>Temporary public right of way to be substituted</i>
		rights of way plan shown with a dashed yellow line.	rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Footpath reference 33 (E-387/009/0)	Approximately 45m of the existing footpath reference 33 (E-387/009/0) between the points marked HW-1 and HW-2 on sheet 12 of 12 of the temporary stopping up of public rights of way plan shown with a dashed yellow line.	Approximately 56m of proposed footpath reference TEMP33 between the points marked HW-1 and HW-2 on sheet 12 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.
District of East Suffolk	Footpath reference 34 (E/260/017/0)	Approximately 294m of the existing footpath reference 34 (E-260/017/0) between the points marked S-15 and S-21 on sheet 7 of 12 of the temporary stopping up of public rights of way plan shown with a dashed yellow line.	Temporary diversion of approximately 295m of proposed footpath reference TEMP22/34 between the points marked S-15 and S-21 on sheet 7 of 12 of the temporary stopping up of public rights of way plan shown with a black and white dashed line or as otherwise agreed with the relevant highway authority.

SCHEDULE 4

Article 10

Footpaths to be stopped up

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Footpath to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New footpath to be substituted</i>
District of East Suffolk	Footpath reference 35 (E-354/007/0)	Approximately 87m of the existing	Approximately 89m of proposed footpath

**Status:** This is the original version (as it was originally made).

(1) Area	(2) Footpath to be stopped up	(3) Extent of stopping up	(4) New footpath to be substituted
		<p>footpath reference 35 (E-354/007/0) between the points marked S-1 and S-3; and approximately 38m of the existing footpath reference 35 (E-354/007/0) between the points marked S-4 and S-5 on sheet 7 of 12 of the permanent stopping up of public rights of way plan shown with a dashed yellow line.</p>	<p>reference PERM35a between the points marked S-1 and S-3 on sheet 7 of 12 of the permanent stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.</p> <p>Approximately 24m of proposed footpath reference PERM35b between the points marked S-4 and S-5 on sheet 7 of 12 of the permanent stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.</p>
<p>District of East Suffolk</p>	<p>Footpath reference 36 (E-354/006/0)</p>	<p>Approximately 693m of the existing footpath reference 36 (E-354/006/0) between points marked S-6 and S-8 on sheet 7 of 12 of the permanent stopping up of public rights of way plan shown with a dashed yellow line.</p>	<p>Approximately 584m of proposed footpath reference PERM36a between the points marked S-1 and S-13 on sheet 7 of 12 of the permanent stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.</p> <p>Approximately 761m of proposed footpath reference PERM36b between the points marked S-13 and S-8 on sheet 7 of 12 of the permanent stopping</p>



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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
<i>Area</i>	<i>Footpath to be stopped up</i>	<i>Extent of stopping up</i>	<i>New footpath to be substituted</i>
			<p>up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.</p>
			<p>Approximately 569m of proposed footpath reference PERM36c between the points marked S-8 and S-2 on sheet 7 of 12 of the permanent stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.</p>
			<p>Approximately 157m of proposed footpath reference PERM36d between the points marked S-6 and S-7 on sheet 7 of 12 of the permanent stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.</p>
			<p>Approximately 188m of proposed footpath reference PERM36e between the points marked S-9 and S-10 on sheet 7 of 12 of the permanent stopping up of public rights of way plan shown with a black and white dashed line or as otherwise agreed with</p>

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Footpath to be stopped up</i>	<i>(3)</i> <i>Extent of stopping up</i>	<i>(4)</i> <i>New footpath to be substituted</i>
District of East Suffolk	Footpath reference 37 (E-260/017/0)	Approximately 194m of the existing footpath reference 37 (E-260/017/0) between points marked S-11 and S-2 on sheet 7 of 12 of the permanent stopping up of public rights of way plan shown with a dashed yellow line.	Approximately 198m of proposed footpath reference PERM37 between the points marked S-11 and S-12 on sheet 7 of 12 of the permanent stopping up of public rights of way plan shown with a black and white dashed line or as otherwise approved by the relevant highway authority.

SCHEDULE 5

Article 12

Streets to be temporarily stopped up

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up, alteration or diversion</i>
District of East Suffolk	Private track	Approximately 66m of private track as is within Work No.9 as shown between reference points 2a and 2b on sheet 2 of 12 of the works plans.
District of East Suffolk	SIZEWELL GAP	Approximately 480m of Sizewell Gap as is within Work No.10 as shown between reference points 3a and 3b on sheet 3 of 12 of the works plans.
District of East Suffolk	SIZEWELL GAP	Approximately 307m of Sizewell Gap as is within Work No.15 as shown between reference points 3c and 3d on sheet 3 of 12 of the works plans.
District of East Suffolk	THORPE ROAD	Approximately 164m of Thorpe Road as is within Work No.17 as shown between reference points 5a and 5b on sheet 5 of 12 of the works plans.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up, alteration or diversion</i>
District of East Suffolk	ALDEBURGH ROAD	Approximately 93m of Aldeburgh Road as is within Work No.19 as shown between reference points 5e and 5f on sheet 5 of 12 of the works plans.
District of East Suffolk	SLOE LANE	Approximately 73m of Sloe Lane as is within Work No.23 as shown between reference points 6a and 6b on sheet 6 of 12 of the works plans.
District of East Suffolk	B1069 (SNAPE ROAD)	Approximately 88m of the B1069 (Snape Road) as is within Work No.26 as shown between reference points 6c and 6d on sheet 6 of 12 of the works plans.
District of East Suffolk	GROVE ROAD	Approximately 88m of Grove Road as is within Work No.26 as shown between reference points 7a and 7b on sheet 7 of 12 of the works plans.
District of East Suffolk	CHURCH ROAD	Approximately 105m of Church Road as is within Work No.33 as shown between reference points 7f and 7j on sheet 7 of 12 of the works plans.
District of East Suffolk	GROVE ROAD	Approximately 573m of Grove Road as is within Work No.43 as shown between reference points 8c and 8d on sheet 8 of 12 of the works plans.
District of East Suffolk	B1121 (SAXMUNDHAM ROAD)	Approximately 269m of the B1121 (Saxmundham Road) as is within Work No.43 as shown between reference points 9a and 9b on sheet 9 of 12 of the works plans.
District of East Suffolk	B1121 (SAXMUNDHAM ROAD)	Approximately 621m of the B1121 (Saxmundham Road) as is within Work No.34 as shown between reference points 9b and 9c on sheet 9 of 12 of the works plans.
District of East Suffolk	A1094 (FARNHAM ROAD)	Approximately 226m of the A1094 (Farnham Road) as is

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(1) Area	(2) Street to be temporarily stopped up	(3) Extent of temporary stopping up, alteration or diversion
District of East Suffolk	A1094 (ALDEBURGH ROAD)	within Work No.35 as shown between reference points 10a and 10d on sheet 10 of 12 of the works plans. Approximately 525m of the A1094 (Aldeburgh Road) as is within Work No.35 as shown between reference points 10b and 10d on sheet 10 of 12 of the works plans.
District of East Suffolk	B1121 (ALDEBURGH ROAD)	Approximately 84m of the B1121 (Aldeburgh Road) as is within Work No.35 as shown between reference points 10c and 10d on sheet 10 of 12 of the works plans.
District of East Suffolk	B1069 (SNAPE ROAD)	Approximately 197m of the B1069 (Snape Road) as is within Work No.35 as shown between reference points 10e and 10f on sheet 10 of 12 of the works plans.
District of East Suffolk	A12 (MAIN ROAD)	Approximately 680m of the A12 (Main Road) as is within Work No.36 as shown between reference points 11a and 11b on sheet 11 of 12 of the works plans.
District of East Suffolk	A1094 (FRIDAY STREET)	Approximately 469m of the A1094 (Friday Street) as is within Work No.36 as shown between reference points 11c and 11d on sheet 11 of 12 of the works plans.
District of East Suffolk	A12 (MAIN ROAD)	Approximately 84m of the A12 (Main Road) as is within Work No.37 as shown between reference points 12a and 12b on sheet 12 of 12 of the works plans.

SCHEDULE 6

Article 13

Access to works

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Description of Access</i>
District of East Suffolk	Vehicular access to the south from Sizewell Gap and marked at point AC1 on sheet 3 of 12 of the access to works plan.
District of East Suffolk	Vehicular access to the south from Sizewell Gap and marked at point AC2 on sheet 3 of 12 of the access to works plan.
District of East Suffolk	Vehicular access to the east and west from Aldeburgh Road and marked at point AC3 on sheet 5 of 12 of the access to works plan.
District of East Suffolk	Vehicular access to the west from Snape Road and marked at point AC4 on sheet 6 of 12 of the access to works plan.
District of East Suffolk	Vehicular access to the northeast from Saxmundham Road and marked at point AC5 on sheet 9 of 12 of the access to works plan.

SCHEDULE 7

Article 20

Land in which only new rights etc. may be acquired

<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which rights may be acquired</i>
1, 2	<ol style="list-style-type: none"> <li>1) the right to install the cables by the use of directional drilling or other trenchless techniques only;</li> <li>2) the right to retain and use the cables and for the purposes of the transmission of electricity and telecommunications;</li> <li>3) the right to benefit from continuous vertical and lateral support for the cables and jointing installations;</li> <li>4) a restrictive covenant over the land for the benefit of the remainder of the Order land— <ul style="list-style-type: none"> <li>• to prevent anything to be done in or upon the land or any part thereof for the purpose of the erection of any buildings or construction erection or works of any kind (including the foundations or footings thereto);</li> </ul> </li> </ol>

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(1) <i>Number of land shown on land plan</i>	(2) <i>Purpose for which rights may be acquired</i>
	<ul style="list-style-type: none"> <li>• to prevent anything to be done by way of hard surfacing of the land with concrete of any kind or with any other material or surface whatsoever without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed if the proposed surfacing would not cause damage to relevant part of the authorised project nor make it materially more difficult or expensive to maintain the authorised project);</li> <li>• to prevent anything to be done by way of excavation of any kind in the land nor any activities which increase or decrease ground cover or soil levels in any manner whatsoever without the consent in writing of the undertaker save as are reasonably required for agricultural activities or are required to be carried out by National Grid in order to exercise their rights in relation to their apparatus (if any) within the land; and</li> <li>• to prevent anything being done which may interfere with free flow and passage of electricity or telecommunications through the cables or support for the cables.</li> </ul>
4, 5, 6	<ol style="list-style-type: none"> <li>1) all rights and restrictions necessary for the undertaker and/or those authorised by the undertaker to enter onto, pass and re-pass and remain on the land with or without all necessary plant, vehicles, machinery, materials, drilling fluids, apparatus, temporary structures and equipment;</li> <li>2) the right to carry out terrestrial work activities;</li> <li>3) the right to install the cables by the use of directional drilling or other trenchless techniques only;</li> <li>4) the right to lay down, construct, install, retain, adjust, alter, test, use, maintain, repair, renew, upgrade, inspect, survey, cleanse, re-lay, connect into, divert, protect, make safe, make incapable of operation, replace and remove pipes,</li> </ol>

<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which rights may be acquired</i>
	<p>cables, conduits, service media or apparatus that are used for the purposes of transmitting or distributing electricity, communications, gas, oil, water supply, sewerage and drainage (including the pipes, cables, conduits, service media or apparatus of statutory undertakers);</p> <p>5) the right to remove and discharge water from the land;</p> <p>6) the right to retain and use the cables, for the purposes of the transmission of electricity and telecommunications;</p> <p>7) the right to benefit from continuous vertical and lateral support for the cables, transition bays and jointing installations;</p> <p>8) a restrictive covenant over the land for the benefit of the remainder of the Order land—</p> <ul style="list-style-type: none"> <li>• to prevent anything to be done in or upon the land or any part thereof for the purpose of the erection of any buildings or construction erection or works of any kind (including the foundations or footings thereto);</li> <li>• to prevent anything to be done by way of hard surfacing of the land with concrete of any kind or with any other material or surface whatsoever without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed if the proposed surfacing would not cause damage to relevant part of the authorised project nor make it materially more difficult or expensive to maintain the authorised project);</li> <li>• to prevent anything to be done by way of excavation of any kind in the land nor any activities which increase or decrease ground cover or soil levels in any manner whatsoever without the consent in writing of the undertaker save as are reasonably required for agricultural activities or are required to be carried out by National Grid in order to exercise their rights in relation to their apparatus (if any) within the land; and</li> </ul>

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(1) <i>Number of land shown on land plan</i>	(2) <i>Purpose for which rights may be acquired</i>
	<ul style="list-style-type: none"> <li>• to prevent anything being done which may interfere with free flow and passage of electricity or telecommunications through the cables or support for the cables, transition bays and jointing installations.</li> </ul>
7	<ol style="list-style-type: none"> <li>1) all rights and restrictions necessary for the undertaker and/or those authorised by the undertaker to enter onto, pass and repass and remain on the land with or without all necessary plant, vehicles, machinery, materials, drilling fluids, apparatus, temporary structures and equipment;</li> <li>2) the right to carry out terrestrial work activities;</li> <li>3) the right to install the cables by way of (but not limited to) digging trenches, the use of directional drilling, auger boring, thrust boring, micro tunnelling or pipe ramming or other similar trenchless techniques;</li> <li>4) the right to lay down, construct, install, retain, adjust, alter, test, use, maintain, repair, renew, upgrade, inspect, survey, cleanse, re-lay, connect into, divert, protect, make safe, make incapable of operation, replace and remove—               <ul style="list-style-type: none"> <li>• public and private drains, watercourses, sewers, ponds or culverts, and to drain into and manage waterflows in any public and private drains, watercourses, sewers, ponds or culverts including (but not limited to) by way of damming and overpumping;</li> <li>• temporary welfare facilities (including but not limited to portakabins, portaloos and welfare equipment);</li> <li>• cable marker posts to identify the location of the cables as required for routine integrity testing;</li> <li>• pipes, cables, conduit, service media or apparatus that are used for the purposes of transmitting or distributing electricity, communications, gas, oil, water supply, sewerage and drainage</li> </ul> </li> </ol>



<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which rights may be acquired</i>
	<p>(including the pipes, cables, conduits, service media or apparatus of statutory undertakers);</p> <ul style="list-style-type: none"> <li>• hard standing and other surface materials including (but not limited to) matting, aggregate, trackway, stone, tarmacadam, terram;</li> <li>• temporary paths and bridleways for public use;</li> <li>• temporary access roads;</li> <li>• temporary haul roads;</li> <li>• temporary noise alleviation measures;</li> <li>• temporary barriers for the protection of fauna;</li> <li>• supporting or protective structures (including the bridging over of or protection of the apparatus of the statutory undertakers);</li> <li>• temporary fencing, gates, walls, barriers or other means of enclosure.</li> </ul> <p>5) the right to fell, prune, cut, coppice, alter, lop, uproot and replant trees, shrubs and hedges, and remove roots of trees, shrubs and hedges for the purpose of enabling rights to pass and repass and for the purposes of terrestrial work activities;</p> <p>6) the right to remove and discharge water from the land;</p> <p>7) the right to install, execute, implement, retain, repair, improve, renew, relocate, maintain and carry out mitigation, maintenance, remediation and/or enhancement works;</p> <p>8) the right to install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodland, shrubs, hedgerows, seeding and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs and landscaping;</p> <p>9) the right to erect temporary signage and provide measures for the benefit of public and personnel safety;</p> <p>10) the right to retain, maintain, straighten, widen, repair, alter, upgrade and use existing access routes for the purposes of accessing the land, adjoining land and highway;</p>

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<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which rights may be acquired</i>
	<p>11) the right to remove fences, hedges, gates or other barriers during any period during which terrestrial work activities is to occur (subject to the prior erection of any temporary stock proof fencing as is reasonably required) and the replacement, replanting or re-instatement of fences, hedges or other barriers;</p> <p>12) the right to remove, store and stockpile materials (including excavated material) within the land;</p> <p>13) the right to remove archaeological artefacts where they would prevent or cause it to be materially more difficult to undertake terrestrial work activities or where leaving such archaeological artefacts in situ would materially increase the cost of the terrestrial work activities;</p> <p>14) the right to retain and use the cables, transition bays and jointing installations for the purposes of the transmission of electricity and telecommunications;</p> <p>15) the right to benefit from continuous vertical and lateral support for the cables, transition bays and jointing installations;</p> <p>16) a restrictive covenant over the land for the benefit of the remainder of the Order land—</p> <ul style="list-style-type: none"> <li>• to prevent anything to be done in or upon the land or any part thereof for the purpose of the erection of any buildings or construction erection or works of any kind (including the foundations or footings thereto);</li> <li>• to prevent anything to be done by way of hard surfacing of the land with concrete of any kind or with any other material or surface whatsoever without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed if the proposed surfacing would not cause damage to relevant part of the authorised project nor make it materially more difficult or expensive to maintain the authorised project);</li> <li>• to prevent anything to be done by way of excavation of any kind in the land nor any activities which increase or decrease ground</li> </ul>

<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which rights may be acquired</i>
	<p>cover or soil levels in any manner whatsoever without the consent in writing of the undertaker save as are reasonably required for agricultural activities or are required to be carried out by National Grid in order to exercise their rights in relation to their apparatus (if any) within the land;</p> <ul style="list-style-type: none"> <li>• to prevent the planting or growing within the land of any trees, shrubs or underwood without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed provided that the proposed trees, shrubs or underwood would not cause damage to the relevant part of the authorised project nor make it materially more difficult or expensive to access the relevant part of the authorised project); and</li> <li>• to prevent anything being done which may interfere with free flow and passage of electricity or telecommunications through the cables or support for the cables, transition bays and jointing installations.</li> </ul>
<p>11, 12, 13, 14, 15, 16, 25, 27, 28, 30, 39, 40, 41, 42, 47, 49, 50, 54, 55, 56, 58, 59, 60, 61, 63, 64, 65, 66, 67, 69, 70, 74, 80, 82, 83, 85, 92, 93</p>	<p>1) all rights and restrictions necessary for the undertaker and/or those authorised by the undertaker to enter onto, pass and repass and remain on the land with or without all necessary plant, vehicles, machinery, materials, drilling fluids, apparatus, temporary structures and equipment;</p> <p>2) the right to carry out terrestrial work activities;</p> <p>3) the right to install the cables by way of (but not limited to) digging trenches, the use of directional drilling, auger boring, thrust boring, micro tunnelling or pipe ramming or other similar trenchless techniques;</p> <p>4) the right to lay down, construct, install, retain, adjust, alter, test, use, maintain, repair, renew, upgrade, inspect, survey, cleanse, re-lay, connect into, divert,</p>

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(1) Number of land shown on land plan	(2) Purpose for which rights may be acquired
	<p>protect, make safe, make incapable of operation, replace and remove—</p> <ul style="list-style-type: none"> <li>• public and private drains, watercourses, sewers, ponds or culverts, and to drain into and manage waterflows in any public and private drains, watercourses, sewers, ponds or culverts including (but not limited to) by way of damming and overpumping;</li> <li>• temporary welfare facilities (including but not limited to portakabins, portaloos and welfare equipment);</li> <li>• cable marker posts to identify the location of the cables as required for routine integrity testing;</li> <li>• pipes, cables, conduit, service media or apparatus that are used for the purposes of transmitting or distributing electricity, communications, gas, oil, water supply, sewerage and drainage (including the pipes, cables, conduits, service media or apparatus of statutory undertakers);</li> <li>• hard standing and other surface materials including (but not limited to) matting, aggregate, trackway, stone, tarmacadam, terram;</li> <li>• temporary paths and bridleways for public use;</li> <li>• temporary access roads;</li> <li>• temporary haul roads;</li> <li>• temporary noise alleviation measures;</li> <li>• temporary barriers for the protection of fauna;</li> <li>• supporting or protective structures (including the bridging over of or protection of the apparatus of the statutory undertakers);</li> <li>• temporary fencing, gates, walls, barriers or other means of enclosure.</li> </ul> <p>5) the right to fell, prune, cut, coppice, alter, lop, uproot and replant trees, shrubs and hedges, and remove roots of trees, shrubs and hedges for the purpose of enabling rights to pass and repass and for the purposes of terrestrial work activities;</p>

<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which rights may be acquired</i>
	6) the right to remove and discharge water from the land;
	7) the right to install, execute, implement, retain, repair, improve, renew, relocate, maintain and carry out mitigation, maintenance, remediation and/or enhancement works;
	8) the right to install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodland, shrubs, hedgerows, seeding and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs and landscaping;
	9) the right to erect temporary signage and provide measures for the benefit of public and personnel safety;
	10) the right to retain, maintain, straighten, widen, repair, alter, upgrade and use existing access routes for the purposes of accessing the land, adjoining land and highway;
	11) the right to remove fences, hedges, gates or other barriers during any period during which terrestrial work activities is to occur (subject to the prior erection of any temporary stock proof fencing as is reasonably required) and the replacement, replanting or re-instatement of fences, hedges or other barriers;
	12) the right to remove, store and stockpile materials (including excavated material) within the land;
	13) the right to remove archaeological artefacts where they would prevent or cause it to be materially more difficult to undertake terrestrial work activities or where leaving such archaeological artefacts in situ would materially increase the cost of the terrestrial work activities;
	14) the right to retain and use the cables and jointing installations for the purposes of the transmission of electricity and telecommunications;
	15) the right to benefit from continuous vertical and lateral support for the cables and jointing installations;
	16) a restrictive covenant over the land for the benefit of the remainder of the Order land—

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(1)	(2)
<i>Number of land shown on land plan</i>	<i>Purpose for which rights may be acquired</i>
	<ul style="list-style-type: none"> <li>• to prevent anything to be done in or upon the land or any part thereof for the purpose of the erection of any buildings or construction erection or works of any kind (including the foundations or footings thereto);</li> <li>• to prevent anything to be done by way of hard surfacing of the land with concrete of any kind or with any other material or surface whatsoever without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed if the proposed surfacing would not cause damage to relevant part of the authorised project nor make it materially more difficult or expensive to maintain the authorised project);</li> <li>• to prevent anything to be done by way of excavation of any kind in the land nor any activities which increase or decrease ground cover or soil levels in any manner whatsoever without the consent in writing of the undertaker save as are reasonably required for agricultural activities or are required to be carried out by National Grid in order to exercise their rights in relation to their apparatus (if any) within the land;</li> <li>• to prevent the planting or growing within the land of any trees, shrubs or underwood without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed provided that the proposed trees, shrubs or underwood would not cause damage to the relevant part of the authorised project nor make it materially more difficult or expensive to access the relevant part of the authorised project); and</li> <li>• to prevent anything being done which may interfere with free flow and passage of electricity or telecommunications through the</li> </ul>

<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which rights may be acquired</i> cables or support for the cables and jointing installations.
67, 69, 70, 80, 82, 83, 85, 86, 88, 93	<ol style="list-style-type: none"> <li>1) the right to pass and repass with or without plant, vehicles, machinery, materials, drilling fluids, apparatus and equipment to access adjoining land and highway;</li> <li>2) the right to retain, maintain, straighten, widen, repair, alter, upgrade and use existing access routes for the purposes of accessing the land, adjoining land and highway;</li> <li>3) the right to fell, prune, cut, coppice, alter, lop, uproot and replant trees, shrubs and hedges, and remove roots of trees, shrubs and hedges for the purposes of enabling rights to pass and repass;</li> <li>4) the right to remove and discharge water from the land;</li> <li>5) the right to erect temporary signage and provide measures for the benefit of public and personnel safety;</li> <li>6) the right to remove fences, hedges, gates or other barriers during any period during which terrestrial work activities are being undertaken (subject to the prior erection of any temporary stock proof fencing as is reasonably required) and the replacement, replanting or re-instatement of fences, hedges or other barriers.</li> </ol>
87	<ol style="list-style-type: none"> <li>1) the right to lay down, construct, install, retain, adjust, alter, test, use, maintain, repair, renew, upgrade, inspect, survey, cleanse, re-lay, connect into, divert, protect, make safe, make incapable of operation, replace and remove— <ul style="list-style-type: none"> <li>• temporary barriers for the protection of fauna;</li> <li>• temporary paths and bridleways for public use;</li> <li>• temporary access roads;</li> <li>• temporary fencing, gates, walls, barriers or other means of enclosure.</li> </ul> </li> <li>2) the right to pass and repass with or without plant, vehicles, machinery, materials, apparatus and equipment to access adjoining land and highway;</li> </ol>

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<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which rights may be acquired</i>
	<ol style="list-style-type: none"> <li>3) the right to place and use plant, vehicles, machinery, materials, apparatus, equipment and temporary structures on and within the land;</li> <li>4) the right to fell, prune, cut, coppice, alter, lop, uproot and replant trees, shrubs and hedges, and remove roots of trees, shrubs and hedges;</li> <li>5) the right to remove and discharge water from the land;</li> <li>6) the right to install, execute, implement, retain, repair, improve, renew, relocate, maintain and carry out mitigation, maintenance, remediation and/or enhancement works;</li> <li>7) the right to install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodland, shrubs, hedgerows, seeding and other ecological measures together with the right to maintain, inspect and replant trees, shrubs and landscaping;</li> <li>8) the right to erect temporary signage and provide measures for the benefit of public and personnel safety;</li> <li>9) the right to remove fences, hedges, gates or other barriers during any period during which terrestrial work activities in respect of the authorised project is to occur (subject to the prior erection of any temporary stock proof fencing as is reasonably required) and the replacement, replanting or re-instatement of fences, hedges or other barriers;</li> <li>10) the right to remove, store and stockpile materials (including excavated material) within the land;</li> <li>11) a restrictive covenant over the land for the benefit of the remainder of the Order land— <ul style="list-style-type: none"> <li>• to prevent anything to be done in or upon the land or any part thereof for the purpose of the erection of any buildings or construction erection or works of any kind (including the foundations or footings thereto); and</li> <li>• to prevent anything to be done by way of hard surfacing of the land with concrete of any kind or with any other material or surface</li> </ul> </li> </ol>



<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which rights may be acquired</i>
	<p>whatsoever without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed if the proposed surfacing would not cause damage to relevant part of the authorised project nor make it materially more difficult or expensive to maintain the authorised project).</p>
115	<p>all rights and restrictions necessary for the undertaker and/or those authorised by the undertaker to enter onto, pass and repass and remain on the land with or without all necessary plant, vehicles, machinery, materials, drilling fluids, apparatus, temporary structures and equipment, and to—</p> <ol style="list-style-type: none"> <li>1) lay down, construct, install, retain, adjust, alter, test, use, maintain, repair, renew, upgrade, inspect, survey, cleanse, re-lay, connect into, divert, protect, make safe, make incapable of operation, replace and remove— <ul style="list-style-type: none"> <li>• electricity poles, electricity pylons, electricity masts, overhead electricity lines, telecommunications cables and any ancillary equipment and apparatus (including but not limited to the use of scaffolding) and any other works as necessary;</li> <li>• public and private drains, watercourses, sewers, ponds or culverts, and to drain into and manage waterflows in any public and private drains, watercourses, sewers, ponds or culverts including (but not limited to) by way of damming and overpumping;</li> <li>• temporary welfare facilities (including but not limited to portakabins, portaloos and welfare equipment);</li> <li>• pipes, cables, conduit, service media or apparatus that are used for the purposes of transmitting or distributing electricity, communications, gas, oil, water supply, sewerage and drainage (including the pipes, cables,</li> </ul> </li> </ol>

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(1)	(2)
<i>Number of land shown on land plan</i>	<i>Purpose for which rights may be acquired</i>
	<p>conduits, service media or apparatus of statutory undertakers);</p> <ul style="list-style-type: none"> <li>• temporary noise alleviation measures;</li> <li>• temporary barriers for the protection of fauna;</li> <li>• supporting or protective structures (including the bridging over of or protection of the apparatus of the statutory undertakers);</li> <li>• hard standing and other material (including but not limited to matting, aggregate, trackway, stone, tarmacadam, terram);</li> <li>• temporary access roads;</li> <li>• temporary haul roads;</li> <li>• temporary paths and bridleways for public use;</li> <li>• fencing, gates, walls, barriers or other means of enclosure.</li> </ul> <p>2) retain and use electricity poles, electricity pylons, electricity masts, overhead electricity lines, telecommunications cables and all ancillary equipment and apparatus for the purposes of the transmission of electricity and telecommunications and for any other purpose ancillary to the authorised project;</p> <p>3) pass and repass with or without plant, vehicles, machinery, materials, drilling fluids, apparatus and equipment to access adjoining land and highway;</p> <p>4) place and use plant, vehicles, machinery, materials, drilling fluids, apparatus, equipment and temporary structures on and within the land;</p> <p>5) fell, prune, cut, coppice, alter, lop, uproot and replant trees, shrubs and hedges, and remove roots of trees, shrubs and hedges for the purpose of enabling rights to pass and repass;</p> <p>6) fell, prune, cut, coppice, alter, lop, uproot and replant trees, shrubs and hedges and remove roots of trees, shrubs and hedges which may obstruct or interfere with electricity poles, electricity pylons, overhead electricity lines, telecommunications cables and any ancillary equipment and apparatus (including but not limited to scaffolding);</p>

<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which rights may be acquired</i>
	<ul style="list-style-type: none"> <li>7) carry out surveys including for site investigation and environmental surveys (including without prejudice to the generality of the foregoing, topographic, drainage, archaeological, geotechnical, geoenvironmental, ecological and ground stability site investigations and surveys), making of boreholes, trial pits and archaeological trenches and field stripping, auger hole sampling and the taking of soil and other samples;</li> <li>8) remove and discharge water from the land;</li> <li>9) install, execute, implement, retain, repair, improve, renew, relocate, maintain and carry out mitigation, maintenance, remediation and/or enhancement works;</li> <li>10) install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodland, shrubs, hedgerows, seeding and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs and landscaping;</li> <li>11) benefit from continuous vertical and lateral support for the electricity poles, electricity pylons, overhead electricity lines, telecommunications cables and any ancillary equipment and apparatus (including but not limited to scaffolding);</li> <li>12) erect temporary signage and provide measures for the benefit of public and personnel safety;</li> <li>13) retain, maintain, straighten, widen, repair, alter, upgrade and use existing access routes for the purposes of accessing the land, adjoining land and highway;</li> <li>14) remove fences, hedges, gates or other barriers during any period during which terrestrial work activities in respect of the authorised project is to occur (subject to the prior erection of any temporary stock proof fencing as is reasonably required) and the replacement, replanting or re-instatement of fences, hedges or other barriers;</li> <li>15) remove, store and stockpile materials (including excavated material) within the land;</li> <li>16) remove archaeological artefacts where they would prevent or cause it to be</li> </ul>

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<i>(1)</i>	<i>(2)</i>
<i>Number of land shown on land plan</i>	<i>Purpose for which rights may be acquired</i>
	<p>materially more difficult to undertake terrestrial work activities or where leaving such archaeological artefacts in situ would materially increase the cost of the terrestrial work activities;</p> <p>17) a restrictive covenant over the land for the benefit of the remainder of the Order land to—</p> <ul style="list-style-type: none"> <li>• to prevent anything to be done in or upon the land or any part thereof for the purpose of the erection of any buildings or construction erection or works of any kind (including the foundations or footings thereto);</li> <li>• to prevent anything to be done by way of hard surfacing of the land with concrete of any kind or with any other material or surface whatsoever without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed if the proposed surfacing would not cause damage to relevant part of the authorised project nor make it materially more difficult or expensive to maintain the authorised project);</li> <li>• to prevent anything to be done by way of excavation of any kind in the land nor any activities which increase or decrease ground cover or soil levels in any manner whatsoever without the consent in writing of the undertaker save as are reasonably required for agricultural activities or are required to be carried out by National Grid in order to exercise their rights in relation to their apparatus (if any) within the land;</li> <li>• to prevent the planting or growing within the land of any trees, shrubs or underwood without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed provided that the proposed trees, shrubs or underwood would not cause damage to the relevant part of the authorised project nor make it materially more difficult or expensive to access</li> </ul>

<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which rights may be acquired</i>
	<p>the relevant part of the authorised project); and</p> <ul style="list-style-type: none"> <li>• to prevent anything being done which may interfere with free flow and passage of electricity or telecommunications through the cables or support for the cables, transition bays and jointing installations.</li> </ul>
100, 101, 102, 103, 104, 104A, 104B, 104C	<ol style="list-style-type: none"> <li>1) all rights and restrictions necessary for the undertaker and/or those authorised by the undertaker to enter onto, pass and repass and remain on the land with or without all necessary plant, vehicles, machinery, materials, drilling fluids, apparatus, temporary structures and equipment and to lay down, construct, install, retain, adjust, alter, test, use, maintain, repair, renew, upgrade, inspect, survey, cleanse, re-lay, connect into, divert, protect, make safe, make incapable of operation, replace and remove— <ul style="list-style-type: none"> <li>• public and private drains, watercourses, sewers, ponds or culverts, and to drain into and manage waterflows in any public and private drains, watercourses, sewers, ponds or culverts including (but not limited to) by way of damming and overpumping;</li> <li>• temporary welfare facilities (including but not limited to portakabins, portaloos and welfare equipment);</li> <li>• pipes, cables, conduits, service media or apparatus that are used for the purposes of transmitting or distributing electricity, communications, gas, oil, water supply, sewerage and drainage (including the pipes, cables, conduits, service media or apparatus of statutory undertakers);</li> </ul> </li> <li>2) the right to remove, store and stockpile materials (including excavated material) within the land;</li> <li>3) the right to fell, prune, cut, coppice, alter, lop, uproot and replant trees, shrubs and hedges, and remove roots of trees, shrubs and hedges;</li> </ol>

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<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which rights may be acquired</i>
	4) the right to benefit from continuous vertical and lateral support for the pipes, cables, conduits, service media and apparatus installed in, under, or over the land.
43, 46, 57, 72, 77, 95, 96, 97	1) all rights and restrictions necessary for the undertaker and/or those authorised by the undertaker to enter onto, pass and repass and remain on the land with or without all necessary plant, vehicles, machinery, materials, drilling fluids, apparatus, temporary structures and equipment; 2) the right to carry out terrestrial work activities; 3) the right to install the cables by way of (but not limited to) digging trenches, the use of directional drilling, auger boring, thrust boring, micro tunnelling or pipe ramming or other similar trenchless techniques; 4) the right to lay down, construct, install, retain, adjust, alter, test, use, maintain, repair, renew, upgrade, inspect, survey, cleanse, re-lay, connect into, divert, protect, make safe, make incapable of operation, replace and remove— <ul style="list-style-type: none"> <li>• public and private drains, watercourses, sewers, ponds or culverts, and to drain into and manage waterflows in any public and private drains, watercourses, sewers, ponds or culverts including (but not limited to) by way of damming and overpumping;</li> <li>• pipes, cables, conduit, service media or apparatus that are used for the purposes of transmitting or distributing electricity, communications, gas, oil, water supply, sewerage and drainage (including the pipes, cables, conduits, service media or apparatus of statutory undertakers);</li> <li>• hard standing and other surface materials including (but not limited to) matting, aggregate, trackway, stone, tarmacadam, terram;</li> <li>• temporary noise alleviation measures;</li> </ul>

<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which rights may be acquired</i>
	<ul style="list-style-type: none"> <li>• temporary barriers for the protection of fauna;</li> <li>• supporting or protective structures (including the bridging over of or protection of the apparatus of the statutory undertakers);</li> <li>• temporary fencing, gates, walls, barriers or other means of enclosure.</li> </ul> <p>5) the right to fell, prune, cut, coppice, alter, lop, uproot and replant trees, shrubs and hedges, and remove roots of trees, shrubs and hedges for the purpose of enabling rights to pass and repass and for the purposes of terrestrial work activities;</p> <p>6) the right to remove and discharge water from the land;</p> <p>7) the right to install, execute, implement, retain, repair, improve, renew, relocate, maintain and carry out mitigation, maintenance, remediation and/or enhancement works;</p> <p>8) the right to erect temporary signage and provide measures for the benefit of public and personnel safety;</p> <p>9) the right to remove archaeological artefacts where they would prevent or cause it to be materially more difficult to undertake terrestrial work activities or where leaving such archaeological artefacts in situ would materially increase the cost of the terrestrial work activities;</p> <p>10) the right to retain and use the cables, and jointing installations, for the purposes of the transmission of electricity and telecommunications;</p> <p>11) the right to benefit from continuous vertical and lateral support for the cables and jointing installations.</p>
22, 23, 24	<p>1) all rights and restrictions necessary for the undertaker and/or those authorised by the undertaker to enter onto, pass and repass and remain on the land with or without all necessary plant, vehicles, machinery, materials, drilling fluids, apparatus, temporary structures and equipment;</p> <p>2) the right to carry out terrestrial work activities;</p>

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(1)	(2)
<i>Number of land shown on land plan</i>	<i>Purpose for which rights may be acquired</i>
	<p>3) the right to install the cables by way of (but not limited to) digging trenches, the use of directional drilling, auger boring, thrust boring, micro tunnelling or pipe ramming or other similar trenchless techniques;</p> <p>4) the right to lay down, construct, install, retain, adjust, alter, test, use, maintain, repair, renew, upgrade, inspect, survey, cleanse, re-lay, connect into, divert, protect, make safe, make incapable of operation, replace and remove—</p> <ul style="list-style-type: none"> <li>• public and private drains, watercourses, sewers, ponds or culverts, and to drain into and manage waterflows in any public and private drains, watercourses, sewers, ponds or culverts including (but not limited to) by way of damming and overpumping;</li> <li>• cable marker posts to identify the location of the cables as required for routine integrity testing;</li> <li>• pipes, cables, conduit, service media or apparatus that are used for the purposes of transmitting or distributing electricity, communications, gas, oil, water supply, sewerage and drainage (including the pipes, cables, conduits, service media or apparatus of statutory undertakers);</li> <li>• temporary paths and bridleways for public use;</li> <li>• temporary access roads;</li> <li>• temporary haul roads;</li> <li>• temporary noise alleviation measures;</li> <li>• temporary barriers for the protection of fauna;</li> <li>• supporting or protective structures (including the bridging over of or protection of the apparatus of the statutory undertakers);</li> <li>• temporary fencing, gates, walls, barriers or other means of enclosure.</li> </ul> <p>5) the right to fell, prune, cut, coppice, alter, lop, uproot and replant trees, shrubs and hedges, and remove roots of trees, shrubs and hedges for the purpose of enabling</p>



<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which rights may be acquired</i>
	rights to pass and repass and for the purposes of terrestrial work activities;
	6) the right to remove and discharge water from the land;
	7) the right to install, execute, implement, retain, repair, improve, renew, relocate, maintain and carry out mitigation, maintenance, remediation and/or enhancement works;
	8) the right to install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodland, shrubs, hedgerows, seeding and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs and landscaping;
	9) the right to erect temporary signage and provide measures for the benefit of public and personnel safety;
	10) the right to retain, maintain, straighten, widen, repair, alter, upgrade and use existing access routes for the purposes of accessing the land, adjoining land and highway;
	11) the right to remove fences, hedges, gates or other barriers during any period during which terrestrial work activities is to occur (subject to the prior erection of any temporary stock proof fencing as is reasonably required) and the replacement, replanting or re-instatement of fences, hedges or other barriers;
	12) the right to remove, store and stockpile materials (including excavated material) within the land;
	13) the right to remove archaeological artefacts where they would prevent or cause it to be materially more difficult to undertake terrestrial work activities or where leaving such archaeological artefacts in situ would materially increase the cost of the terrestrial work activities;
	14) the right to retain and use the cables for the purposes of the transmission of electricity and telecommunications;
	15) the right to benefit from continuous vertical and lateral support for the cables;
	16) a restrictive covenant over the land for the benefit of the remainder of the Order land—

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<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which rights may be acquired</i>
	<ul style="list-style-type: none"> <li>• to prevent anything to be done in or upon the land or any part thereof for the purpose of the erection of any buildings or construction erection or works of any kind (including the foundations or footings thereto);</li> <li>• to prevent anything to be done by way of hard surfacing of the land with concrete of any kind or with any other material or surface whatsoever without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed if the proposed surfacing would not cause damage to relevant part of the authorised project nor make it materially more difficult or expensive to maintain the authorised project);</li> <li>• to prevent anything to be done by way of excavation of any kind in the land nor any activities which increase or decrease ground cover or soil levels in any manner whatsoever without the consent in writing of the undertaker save as are reasonably required for agricultural activities or are required to be carried out by National Grid in order to exercise their rights in relation to their apparatus (if any) within the land;</li> <li>• to prevent the planting or growing within the land of any trees, shrubs or underwood without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed provided that the proposed trees, shrubs or underwood would not cause damage to the relevant part of the authorised project nor make it materially more difficult or expensive to access the relevant part of the authorised project); and</li> <li>• to prevent anything being done which may interfere with free flow and passage of electricity or telecommunications through the cables or support for the cables.</li> </ul>

## SCHEDULE 8

Article 20

### Modification of compensation and compulsory purchase enactments for creation of new rights and imposition of new restrictions

#### Compensation enactments

**1.** The enactments for the time being in force with respect to compensation for the compulsory purchase of land apply, with the necessary modifications as respects compensation, in the case of a compulsory acquisition under this Order of a right by the creation of a new right or the imposition of a restrictive covenant as they apply as respects compensation on the compulsory purchase of land and interests in land.

**2.—(1)** Without prejudice to the generality of paragraph 1, the Land Compensation Act 1973(4) has effect subject to the modifications set out in sub-paragraphs (2) and (3).

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 of the 1965 Act as substituted by paragraph 4—

- (a) for “land is acquired or taken from” substitute “a right or restrictive covenant over land is purchased from or imposed on”; and
- (b) for “acquired or taken from him” substitute “over which the right is exercisable or the restrictive covenant enforceable”.

**3.—(1)** Without limitation on the scope of paragraph 1, the 1961 Act has effect subject to the modification set out in sub-paragraph (2).

(2) For section 5A(5A) (relevant valuation date) of the 1961 Act substitute—

“(5A) If—

- (a) the acquiring authority enters on land for the purpose of exercising a right in pursuance of a notice of entry under section 11(1) (powers of entry) of the 1965 Act (as modified by paragraph 6 of Schedule 8 to the East Anglia ONE North Offshore Wind Farm Order 2022); and
- (b) the acquiring authority is subsequently required by a determination under paragraph 12 of Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act (as substituted by paragraph 9 of Schedule 8 to the East Anglia ONE North Offshore Wind Farm Order 2022) to acquire an interest in the land, and
- (c) the acquiring authority enters on and takes possession of that land,

the authority is deemed for the purposes of subsection (3)(a) to have entered on that land where it entered on that land for the purpose of exercising that right.”.

#### Application of the 1965 Act

**4.—(1)** The 1965 Act has effect with the modifications necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right, or to the imposition under this Order of a restrictive covenant, as it applies to the compulsory acquisition under this Order of land, so that, in appropriate contexts, references in that Act to land are read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired or the restriction is to be imposed; or
- (b) the land over which the right is or is to be exercisable.

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(4) 1973 c. 26.

(2) Without prejudice to the generality of sub-paragraph (1), Part 1 of the 1965 Act applies in relation to the compulsory acquisition under this Order of a right by the creation of a new right or the imposition of a restriction with the modifications specified in the following provisions of this Schedule.

**5.** For section 7 of the 1965 Act (measure of compensation in case of severance) substitute the following section—

“7. In assessing the compensation to be paid by the acquiring authority under this Act, regard must be had not only to the extent (if any) to which the value of the land over which the right is to be acquired or the restrictive covenant is to be imposed is depreciated by the acquisition of the right or the imposition of the covenant but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”

**6.** The following provisions of the 1965 Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say—

- (a) section 9(4) (refusal to convey, failure to make title, etc.);
- (b) paragraph 10(3) of Schedule 1 (conveyance of the land or interest);
- (c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and
- (d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

are so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired or the restrictive covenant which is to be imposed is vested absolutely in the acquiring authority.

**7.** Section 11 of the 1965 Act (powers of entry) is so modified as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right or restrictive covenant, as well as the notice of entry required by subsection (1) of that section (as it applies to compulsory acquisition under article 20 (compulsory acquisition of rights)), it has power, exercisable in equivalent circumstances and subject to equivalent conditions, to enter for the purpose of exercising that right or enforcing that restrictive covenant (which is deemed for this purpose to have been created on the date of service of the notice); and sections 11A (powers of entry: further notices of entry), 11B (counter-notice requiring possession to be taken on specified date), 12 (unauthorised entry) and 13 (refusal to give possession to acquiring authority) of the 1965 Act is modified correspondingly.

**8.** Section 20 of the 1965 Act (tenants at will, etc.) applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right or the enforcement of the restrictive covenant in question.

**9.** Section 22 of the 1965 Act (interests omitted from purchase) is so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired or enforce the restrictive covenant imposed, subject to compliance with that section as respects compensation.

**10.** For Schedule 2A to the 1965 Act substitute—

## “SCHEDULE 2A

### Counter-notice requiring purchase of land

#### **Introduction**

1. This Schedule applies where an acquiring authority serve a notice to treat in respect of a right over, or restrictive covenant affecting, the whole or part of a house, building or factory and have not executed a general vesting declaration under section 4 (execution of declaration) of the 1981 Act as applied by article 22 (application of the Compulsory Purchase (Vesting Declarations) Act 1981) of the East Anglia TWO Offshore Wind Farm Order 2022 in respect of the land to which the notice to treat relates.

2. In this Schedule, “house” includes any park or garden belonging to a house.

#### **Counter-notice requiring purchase of land**

3. A person who is able to sell the house, building or factory (“the owner”) may serve a counter-notice requiring the acquiring authority to purchase the owner’s interest in the house, building or factory.

4. A counter-notice under paragraph 3 must be served within the period of 28 days beginning with the day on which the notice to treat was served.

#### **Response to counter-notice**

5. On receiving a counter-notice, the acquiring authority must decide whether to—

- (a) withdraw the notice to treat,
- (b) accept the counter-notice, or
- (c) refer the counter-notice to the Upper Tribunal.

6. The acquiring authority must serve notice of their decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served (“the decision period”).

7. If the acquiring authority decide to refer the counter-notice to the Upper Tribunal they must do so within the decision period.

8. If the acquiring authority do not serve notice of a decision within the decision period they are to be treated as if they had served notice of a decision to withdraw the notice to treat at the end of that period.

9. If the acquiring authority serve notice of a decision to accept the counter-notice, the compulsory purchase order and the notice to treat are to have effect as if they included the owner’s interest in the house, building or factory.

#### **Determination by the Upper Tribunal**

10. On a referral under paragraph 7, the Upper Tribunal must determine whether the acquisition of the right or the imposition of the restrictive covenant would—

- (a) in the case of a house, building or factory, cause material detriment to the house, building or factory, or
- (b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.

11. In making its determination, the Upper Tribunal must take into account—

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- (a) the effect of the acquisition of the right or the imposition of the covenant,
- (b) the use to be made of the right or covenant proposed to be acquired or imposed, and
- (c) if the right or covenant is proposed to be acquired or imposed for works or other purposes extending to other land, the effect of the whole of the works and the use of the other land.

**12.** If the Upper Tribunal determines that the acquisition of the right or the imposition of the covenant would have either of the consequences described in paragraph 10, it must determine how much of the house, building or factory the acquiring authority ought to be required to take.

**13.** If the Upper Tribunal determines that the authority ought to be required to take some or all of the house, building or factory, the compulsory purchase order and the notice to treat are to have effect as if they included the owner’s interest in that land.

**14.—(1)** If the Upper Tribunal determines that the acquiring authority ought to be required to take some or all of the house, building or factory, the acquiring authority may at any time within the period of 6 weeks beginning with the day on which the Upper Tribunal makes its determination withdraw the notice to treat in relation to that land.

(2) If the acquiring authority withdraws the notice to treat under this paragraph they must pay the person on whom the notice was served compensation for any loss or expense caused by the giving and withdrawal of the notice.

(3) Any dispute as to the compensation is to be determined by the Upper Tribunal.”

SCHEDULE 9

Article 26

Land of which temporary possession may be taken

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on land plan</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised project</i>
District of East Suffolk	1, 2, 4 to 9, 11 to 131, 133 to 136, 144, 146 to 160, 163 to 182	Construction and carrying out of the authorised project	Work Nos. 6 to 43
District of East Suffolk	7, 11 to 13, 15, 16, 25, 27, 28, 30, 31, 39 to 43, 47, 49, 50, 54 to 56, 65 to 67, 69, 70, 74, 80, 82, 83, 85, 92, 93, 99, 104, 104A, 104B, 104C, 107 to 116, 119 to 121, 127 to 131, 133 to 135, 144, 146, 147, 152, 153 and 182	Worksites for construction and carrying out of the authorised project	Work Nos. 8, 9, 11, 13, 15 to 19, 22, 23, 26, 30 to 35 and 37 to 43
District of East Suffolk	8, 9, 16, 29, 31, 34 to 38, 42 to 45, 47, 48, 51 to 54, 56, 58 to 60, 62, 69 to 71, 73, 74, 80, 89	Access for carrying out the authorised project	Work Nos. 7, 11, 15, 17, 18, 19, 20, 23, 26 and 34

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on land plan</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised project</i>
	to 93, 95, 96, 108 and 127		
District of East Suffolk	7, 8, 16, 39, 47, 65, 66, 84, 108 to 113	Construction consolidation sites	Work Nos. 7, 8, 11, 16, 18, 22, 27, 31 and 42
District of East Suffolk	7, 8, 11 to 16, 22 to 25, 27, 28, 30, 31, 39 to 43, 46, 47, 49, 50, 54 to 61, 63 to 67, 69, 70, 72, 74, 75, 77, 80, 82, 83, 85, 92, 93, 95, 96, 97, 107 to 116, 117, 123, 127 to 131, 133, 135, 136, 144, 146, 147, 152, 153, 177 to 180 and 182	Laying of temporary vehicular access tracks, haul roads, hard standings and improvements to tracks	Work Nos. 7, 8, 9, 11, 12, 13, 14, 15 to 23, 26, 30, 31, 32, 34, 35 and 37 to 43
District of East Suffolk	7, 8, 11 to 16, 22 to 27, 28, 30, 39 to 43, 47, 49, 50, 58 to 61, 63 to 67, 69, 78, 79, 80 to 84, 85, 92, 98, 99, 104, 104C, 105 to 116, 127 to 131, 133, 135, 144, 146, 147 and 182	Temporary diversion of public rights of way	Work Nos. 7, 8, 9, 11, 12, 13, 16 to 23, 25, 26, 27, 33 and 37 to 43
District of East Suffolk	26	Creation of habitat for flora and fauna and other ecological measures	Work No. 14
District of East Suffolk	50, 54 and 55	Temporary bridge arrangements over the Hundred River	Work No. 19
District of East Suffolk	17 to 21, 32, 33, 76, 117, 122 to 126, 148 to 160, 163 to 180	Clear vegetation to increase the visibility swathes	Work Nos. 10, 15, 23 and 34 to 37
District of East Suffolk	8, 8A	Temporary water supply	Work No. 7

## SCHEDULE 10

Article 42

## Protective Provisions

## PART 1

## Protection for electricity, gas, water and sewerage undertakers

**Application**

1. For the protection of the affected undertakers referred to in this part of this Schedule the following provisions have effect unless otherwise agreed in writing between the undertaker and the affected undertaker concerned.

2. In this part of this Schedule—

“affected undertaker” means—

- (a) any licence holder within the meaning of Part 1 (electricity supply) of the 1989 Act (an “electricity undertaker”);
- (b) a gas transporter within the meaning of Part 1 (gas supply) of the Gas Act 1986 (5) (a “gas undertaker”);
- (c) a water undertaker within the meaning of Part 1 (preliminary) of the Water Industry Act 1991(6) (a “water undertaker”); and
- (d) a sewerage undertaker within the meaning of Part 1 (preliminary) of the Water Industry Act 1991 (a “sewerage undertaker”),

for the area of the authorised development but, for the avoidance of doubt, does not include the undertakers specified in Part 3, Part 4, Part 5, Part 6, Part 7 or Part 8 of this Schedule, and in relation to any apparatus, means the undertaker to whom it belongs or by whom it is maintained;

“alternative apparatus” means alternative apparatus adequate to enable the affected undertaker in question to fulfil its statutory functions in a manner not less efficient than previously;

“apparatus” means—

- (a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the 1989 Act), belonging to or maintained by that affected undertaker;
- (b) in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by a gas transporter for the purposes of gas supply;
- (c) in the case of a water undertaker, mains, pipes or other apparatus belonging to or maintained by that affected undertaker for the purposes of water supply; and
- (d) in the case of a sewerage undertaker—
  - (i) any drain or works vested in the affected undertaker under the Water Industry Act 1991; and
  - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of that Act or an agreement to adopt made under section 104 of that Act,

and includes a sludge main, disposal main (within the meaning of section 219 of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part

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(5) 1986 c. 44.

(6) 1991 c. 56.



of any such sewer, drain or works, and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“functions” includes powers and duties; and

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over or upon land.

### **Precedence of the 1991 Act in respect of apparatus in the streets**

3. This part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and the affected undertaker are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act.

### **No acquisition etc. except by agreement**

4. Regardless of any provision in this Order or anything shown on the land plans, the undertaker must not acquire any apparatus otherwise than by agreement.

### **Removal of apparatus**

5.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed, that apparatus must not be removed under this part of this Schedule and any right of an affected undertaker to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the affected undertaker in question.

(2) If, for the purpose of executing any works in, on or under any land purchased, held, or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to the affected undertaker in question written notice of that requirement, together with a plan and section of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order an affected undertaker reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), afford to the affected undertaker the necessary facilities and rights for the construction of alternative apparatus in other land of the undertaker and subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2), in the land in which the alternative apparatus or part of such apparatus is to be constructed, the affected undertaker in question must, on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible use all reasonable endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed.

(4) Any alternative apparatus to be constructed in land of the undertaker under this part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between the affected undertaker in question and the undertaker or in default of agreement settled by arbitration in accordance with article 37 (arbitration).

(5) The affected undertaker in question must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 37 (arbitration), and after the grant to the affected undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this part of this Schedule.

(6) Regardless of anything in sub-paragraph (5), if the undertaker gives notice in writing to the affected undertaker in question that it desires itself to execute any work, or part of any work in connection with the construction or removal of apparatus in any land controlled by the undertaker, that work, instead of being executed by the affected undertaker, must be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the affected undertaker.

(7) Nothing in sub-paragraph (6) authorises the undertaker to execute the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus, or execute any filling around the apparatus (where the apparatus is laid in a trench) within 300 millimetres of the apparatus.

### **Facilities and rights for alternative apparatus**

6.—(1) Where, in accordance with the provisions of this part of this Schedule, the undertaker affords to an affected undertaker facilities and rights for the construction and maintenance in land of the undertaker of alternative apparatus in substitution for apparatus to be removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the undertaker and the affected undertaker in question or in default of agreement settled by arbitration in accordance with article 37 (arbitration).

(2) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator less favourable on the whole to the affected undertaker in question than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator must make such provision for the payment of compensation by the undertaker to that affected undertaker as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

### **Retained apparatus**

7.—(1) Not less than 28 days before starting the execution of any works of the type referred to in paragraph 5(2) that are near to, or will or may affect, any apparatus the removal of which has not been required by the undertaker under paragraph 5(2), the undertaker must submit to the affected undertaker in question a plan, section and description of the works to be executed.

(2) Those works must be executed only in accordance with the plan, section and description submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) by the affected undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the affected undertaker is entitled to watch and inspect the execution of those works.

(3) Any requirements made by an affected undertaker under sub-paragraph (2) must be made within a period of 21 days beginning with the date on which a plan, section and description under sub-paragraph (1) are submitted to it.

(4) If an affected undertaker in accordance with sub-paragraph (3) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 1 to 6 apply as if the removal of the apparatus had been required by the undertaker under paragraph 5(2).

(5) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a new plan, section and description instead of the plan, section and description previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan, section and description.

(6) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case it must give to the affected undertaker in question notice as soon as is reasonably practicable

and a plan, section and description of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (2) in so far as is reasonably practicable in the circumstances.

**8.—**(1) Subject to the following provisions of this paragraph, the undertaker must repay to an affected undertaker the reasonable expenses incurred by that affected undertaker in, or in connection with, the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus (including costs or compensation payable in connection with the acquisition of land for that purpose) which may be required in consequence of the execution of any such works as are referred to in paragraph 5(2).

(2) There must be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this part of this Schedule, that value being calculated after removal.

(3) If in accordance with the provisions of this part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 37 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the affected undertaker in question by virtue of sub-paragraph (1) must be reduced by the amount of that excess.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined.

(5) An amount which apart from this sub-paragraph would be payable to an affected undertaker in respect of works by virtue of sub-paragraph (1) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the affected undertaker any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

### **Expenses and costs**

**9.—**(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works referred to in paragraph 5(2), any damage is caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of an affected undertaker, or there is any interruption in any service provided, or in the supply of any goods, by any affected undertaker, the undertaker must—

- (a) bear and pay the cost reasonably incurred by that affected undertaker in making good such damage or restoring the supply; and

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- (b) make reasonable compensation to that affected undertaker for any other expenses, loss, damages, penalty or costs incurred by the affected undertaker,

by reason or in consequence of any such damage or interruption.

(2) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of an affected undertaker, its officers, servants, contractors or agents.

(3) An affected undertaker must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise may be made without the consent of the undertaker which, if it withholds such consent, shall have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

**10.** Nothing in this part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and an affected undertaker in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

## PART 2

### Protection for operators of electronic communications code networks

**1.—(1)** For the protection of any operator, the following provisions have effect unless otherwise agreed in writing between the undertaker and the operator.

(2) In this part of this Schedule—

“electronic communications apparatus” has the same meaning as in the electronic communications code;

“the electronic communications code” has the same meaning as in Chapter 1 of Part 2 of the 2003 Act;

“electronic communications code network” means—

(a) so much of an electronic communications network or infrastructure system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 (application of the electronics communications code) of the 2003 Act; and

(b) an electronic communications network which the Secretary of State is providing or proposing to provide;

“electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act;

“infrastructure system” has the same meaning as in the electronic communications code and references to providing an infrastructure system are to be construed in accordance with paragraph 7 of that code; and

“operator” means the operator of an electronic communications code network.

**2.** The exercise of the powers of article 28 (statutory undertakers) are subject to Part 10 of Schedule 3A (the electronics communications code) to the Communications Act 2003.

**3.—(1)** Subject to sub-paragraphs (2) to (4), if as the result of the authorised development or their construction, or of any subsidence resulting from any of those works—

(a) any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works, or other property of an operator); or

- (b) there is any interruption in the supply of the service provided by an operator, the undertaker must bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply and must—
- (i) make reasonable compensation to an operator for loss sustained by it; and
  - (ii) indemnify an operator against claims, demands, proceedings, costs, damages and expenses which may be made or taken against, or recovered from, or incurred by, an operator by reason, or in consequence of, any such damage or interruption.
- (2) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of an operator, its officers, servants, contractors or agents.
- (3) The operator must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise of the claim or demand may be made without the consent of the undertaker which, if it withholds such consent, shall have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.
- (4) Any difference arising between the undertaker and the operator under this paragraph must be referred to and settled by arbitration under article 37 (arbitration).
4. This part of this Schedule does not apply to—
- (a) any apparatus in respect of which the relations between the undertaker and an operator are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act; or
  - (b) any damage, or any interruption, caused by electro-magnetic interference arising from the construction or use of the authorised development.
5. Nothing in this part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and an operator in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

## PART 3

### Protection for Anglian Water Services Limited

1. For the protection of Anglian Water, the following provisions of this Schedule have effect unless otherwise agreed in writing between the undertaker and Anglian Water.
2. In this part of this schedule—
- “alternative apparatus” means alternative apparatus adequate to enable Anglian Water to fulfil its statutory functions in not less efficient a manner than previously;
- “Anglian Water” means Anglian Water Services Limited (company number 02366656);
- “apparatus” means any works, mains, pipes or other apparatus belonging to or maintained by Anglian Water for the purposes of water supply and sewerage; and
- (a) any drain or works vested in Anglian Water under The Water Industry Act 1991,
  - (b) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102 (4) of The Water Industry Act 1991 or an agreement to adopt made under section 104 of that Act,
- and includes a sludge main, disposal main or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any sewer, drain, or works (within the meaning of section 219 of that Act) and any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus.

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“functions” includes powers and duties.

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over or upon land; and

“plan” includes sections, drawings, specifications and method statements.

**3.** This Part does not apply to apparatus in respect of which the relations between the undertaker and Anglian Water are regulated by the provisions of Part 3 (street works in England and Wales) of the 1991 Act.

**4.** The undertaker must not interfere with, build over or near to any apparatus within the Order land or execute the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus, or execute any filling around the apparatus (where the apparatus is laid in a trench) within the standard protection strips which are the strips of land falling, the following distances to either side of the medial line of any apparatus—

- (a) 2.25 metres where the diameter of the pipe is less than 150 millimetres;
- (b) 3 metres where the diameter of the pipe is between 150 and 450 millimetres;
- (c) 4.5 metres where the diameter of the pipe is between 450 and 750 millimetres;
- (d) 6 metres where the diameter of the pipe exceeds 750 millimetres;

unless otherwise agreed in writing with Anglian Water, such agreement not to be unreasonably withheld or delayed, and such provision being brought to the attention of any agent or contractor responsible for carrying out any work on behalf of the undertaker.

**5.** The alteration, extension, removal or re-location of any apparatus may not be implemented until—

- (a) any requirement for any permits under the Environmental Permitting (England and Wales) Regulations 2016 or other legislations and any other associated consents are obtained, and any approval or agreement required from Anglian Water on alternative outfall locations as a result of such re-location are approved, such approvals or agreement from Anglian Water not to be unreasonably withheld or delayed; and
- (b) the undertaker has made the appropriate application required under the Water Industry Act 1991 together with a plan and description of the works proposed and Anglian Water has agreed all of the contractual documentation required under the Water Industry Act 1991, such agreement not to be unreasonably withheld or delayed; and such works to be executed only in accordance with the plan and description submitted and in accordance with such reasonable requirements as may be made by Anglian Water without delay for the alteration or otherwise for the protection of the apparatus, or for securing access to it.

**6.** In the situation, where in exercise of the powers conferred by the Order, the undertaker acquires any interest in any land in which apparatus is placed and such apparatus is to be relocated, extended, removed or altered in any way, no alteration or extension may take place until Anglian Water has established to its reasonable satisfaction, contingency arrangements in order to conduct its functions for the duration of the works to relocate, extend, remove or alter the apparatus. Anglian Water must use reasonable endeavours to establish contingency arrangements in a timely manner.

**7.** Regardless of any provision in this Order or anything shown on any plan, the undertaker must not acquire any apparatus otherwise than by agreement, and before extinguishing any existing rights for Anglian Water to use, keep, inspect, renew and maintain its apparatus in the Order land, the undertaker must, with the agreement of Anglian Water, create a new right to use, keep, inspect, renew and maintain the apparatus that is reasonably convenient for Anglian Water such agreement not to be unreasonably withheld or delayed, and to be subject to arbitration under article 37 (arbitration).

8. If the undertaker is unable to create the new rights referred to in paragraph 7, Anglian Water must, on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible, use its reasonable endeavours to obtain the necessary rights.

9. If in consequence of the exercise of the powers conferred by the Order the access to any apparatus is materially obstructed the undertaker must provide such alternative means of access to such apparatus as enables Anglian Water to maintain or use the apparatus no less effectively than was possible before such obstruction.

10. If in consequence of the exercise of the powers conferred by the Order, previously unmapped sewers, lateral drains or other apparatus are identified by the undertaker, notification of the location of such assets will immediately be given to Anglian Water and afforded the same protection as other Anglian Water assets.

11. If for any reason or in consequence of the construction of any of the works referred to in paragraphs 5 to 7 and 10 above any damage is caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of Anglian Water, or there is any interruption in any service provided, or in the supply of any goods, by Anglian Water, the undertaker must—

- (a) bear and pay the cost reasonably incurred by Anglian Water in making good any damage or restoring the supply; and
- (b) make reasonable compensation to Anglian Water for any other expenses, loss, damages, penalty or costs properly and reasonably incurred by Anglian Water

by reason or in consequence of any such damage or interruption.

12. Nothing in paragraph 11 above imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of Anglian Water, its officer, servants, contractors or agents.

13. Anglian Water must give the undertaker reasonable notice of any claim or demand pursuant to paragraph 11 and must consider its representations before proceeding further in respect of the claim or demand.

14. Anglian Water must use its reasonable endeavours to mitigate in whole or in part and to minimise any claim, costs, expenses, loss, demands and penalties pursuant to paragraph 11. If requested to do so by the undertaker, Anglian Water shall provide an explanation of how the claim has been minimised

15. Any difference or dispute arising between the undertaker and Anglian Water under this Schedule must, unless otherwise agreed in writing between the undertaker and Anglian Water, be determined by arbitration in accordance with article 37 (arbitration).

## PART 4

### Protection for National Grid as electricity undertaker

#### Application

1.—(1) For the protection of National Grid, the statutory undertaker referred to in this Part of this Schedule, the following provisions have effect unless otherwise agreed in writing between the undertaker and the statutory undertaker.

(2) Subject to sub-paragraph (3) or to the extent otherwise agreed in writing between the undertaker and the statutory undertakers, where the benefit of this Order is transferred or granted to another person under article 5 (benefit of Order)—

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- (a) any agreement of the type mentioned in sub-paragraph (1) has effect as if it had been made between the statutory undertaker and the transferee or grantee (as the case may be) in all cases where the transfer of the benefit relates to any specified works; and
  - (b) written notice of the transfer or grant must be given to the statutory undertaker on or before the date of that transfer or grant.
- (3) Without prejudice to paragraph 10(3)(b) below, sub-paragraph (2) does not apply where the benefit of the Order is transferred or granted to the statutory undertaker.

## **Interpretation**

### **2. In this Part of this Schedule—**

“alternative apparatus” means appropriate alternative apparatus to the satisfaction of the statutory undertaker to enable the statutory undertaker to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus” means any electric lines or electrical plant as defined in the Electricity Act 1989, belonging to or maintained by the statutory undertaker together with any replacement apparatus and such other apparatus constructed pursuant to the Order that becomes operational apparatus of the statutory undertaker for the purposes of transmission, distribution and/or supply and includes any structure in which apparatus is or will be lodged or which gives or will give access to apparatus;

“authorised works” has the same meaning as is given to the term “authorised development” in article 2 of this Order and includes any associated development authorised by the Order and for the purposes of this Part of this Schedule includes the use and maintenance of the authorised works and construction of any works authorised by this Schedule;

“commence” and “commencement” in paragraph 8 of this Part of this Schedule shall, to the extent that at the relevant time there is subterranean apparatus, include any below ground surveys or monitoring, ground work operations or the receipt and erection of construction plant and equipment “deed of consent” means a deed of consent, crossing agreement, deed of variation or new deed of grant agreed between the parties acting reasonably in order to vary and/or replace existing easements, agreements, enactments and other such interests so as to secure land rights and interests as are necessary to carry out, maintain, operate and use the apparatus in a manner consistent with the terms of this Part of this Schedule;

“functions” includes powers and duties;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon such land;

“maintain” and “maintenance” includes the ability and right to do any of the following in relation to any apparatus or alternative apparatus of the statutory undertaker including construct, use, repair, alter, inspect, renew or remove the apparatus;

“plan” or “plans” include all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe and assess the works to be executed;

“parent company” means a parent company of the undertaker acceptable to and which shall have been approved by the statutory undertaker acting reasonably;

“statutory undertaker” means National Grid Electricity Transmission PLC (Company No. 2366977) whose registered office is at 1-3 Strand, London, WC2N 5EH, an electricity undertaker being a licence holder within the meaning of Part 1 of the Electricity Act 1989;

“specified works” means any of the authorised works or activities undertaken in association with the authorised works which will or may be situated over, or within 15 metres measured in any direction of any apparatus the removal of which has not been required by the undertaker



under paragraph 7(2) or otherwise; and/or may in any way adversely affect any apparatus the removal of which has not been required by the undertaker under paragraph 6(2) or otherwise “undertaker” means the undertaker as defined in article 2 of this Order.

3. Except for paragraphs 4 (apparatus of statutory undertakers in stopped up streets), 8 (retained apparatus: protection of National Grid as electricity undertaker), 9 (expenses) and 10 (indemnity) of this Schedule which apply in respect of the exercise of all or any powers under the Order affecting the rights and apparatus of the statutory undertaker, the other provisions of this Schedule do not apply to apparatus in respect of which the relations between the undertaker and the statutory undertaker are regulated by the provisions of Part 3 of the 1991 Act.

### **Apparatus of statutory undertakers in stopped up streets**

4. Without prejudice to the generality of any other protection afforded to the statutory undertaker elsewhere in the Order, where any street is stopped up under article 10 (public rights of way), if the statutory undertaker has any apparatus in the street or accessed via that street the statutory undertaker will be entitled to the same rights in respect of such apparatus as it enjoyed immediately before the stopping up and the undertaker will grant to the statutory undertaker, or will procure the granting to the statutory undertaker of, legal easements reasonably satisfactory to the specified statutory undertaker in respect of such apparatus and access to it prior to the stopping up of any such street but nothing in this paragraph affects any right of the undertaker or the statutory undertaker to require the removal of that apparatus under paragraph 7. Notwithstanding the temporary stopping up or diversion of any streets under the powers of articles 11 (temporary stopping up of public rights of way) and 12 (temporary stopping up of streets), the statutory undertaker will be at liberty at all times to take all necessary access across any such stopped up street and/or to execute and do all such works and things in, upon or under any such street as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the stopping up or diversion was in that street.

### **Acquisition of land**

5.—(1) Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference to the Order, the undertaker may not acquire any land interest or apparatus or override any easement and/or other interest of the statutory undertaker otherwise than by agreement.

(2) As a condition of agreement between the parties in paragraph 5(1), prior to the carrying out of any part of the authorised works (or in such other timeframe as may be agreed between the statutory undertaker and the undertaker) that are subject to the requirements of this Part of this Schedule that will cause any conflict with or breach the terms of any easement and/or other legal or land interest of the statutory undertaker and/or affects the provisions of any enactment or agreement regulating the relations between the statutory undertaker and the undertaker in respect of any apparatus laid or erected in land belonging to or secured by the undertaker, the undertaker must as the statutory undertaker reasonably requires enter into such deeds of consent upon such terms and conditions as may be agreed between the statutory undertaker and the undertaker acting reasonably and which must be no less favourable on the whole to the statutory undertaker unless otherwise agreed by the statutory undertaker, and it will be the responsibility of the undertaker to procure and/or secure the consent and entering into of such deeds and variations by all other third parties with an interest in the land at that time who are affected by such authorised works.

(3) The undertaker and the statutory undertaker agree that where there is any inconsistency or duplication between the provisions set out in this Part of this Schedule relating to the relocation and/or removal of apparatus/including but not limited to the payment of costs and expenses relating to such relocation and/or removal of apparatus) and the provisions of any existing easement, rights, agreements and licences granted, used, enjoyed or exercised by the statutory undertaker and/or other

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enactments relied upon by the statutory undertaker as of right or other use in relation to the apparatus, then the provisions in this Schedule shall prevail.

(4) Any agreement or consent granted by the statutory undertaker under paragraph 8 or any other paragraph of this Part of this Schedule, shall not be taken to constitute agreement under sub-paragraph 5(1).

### **Removal of apparatus**

6.—(1) If, in the exercise of the agreement reached in accordance with paragraph 5 or in any other authorised manner, the undertaker acquires any interest in or possesses temporarily any land in which any apparatus is placed, that apparatus must not be removed under this Part of this Schedule and any right of the statutory undertaker to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed, and is in operation to the reasonable satisfaction of the statutory undertaker in question in accordance with sub-paragraph (2) to (5) inclusive.

(2) If, for the purpose of executing any works in, on, under or over any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to the statutory undertaker advance written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order the statutory undertaker reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), afford to the statutory undertaker to its satisfaction (taking into account paragraph 7(1) below) the necessary facilities and rights—

- (a) for the construction of alternative apparatus in other land of or land secured by the undertaker; and
- (b) subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of or land secured by the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2), in the land in which the alternative apparatus or part of such apparatus is to be constructed, the statutory undertaker must, on receipt of a written notice to that effect from the undertaker, take such steps as are reasonable in the circumstances in an endeavour to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed save that this obligation does not extend to the requirement for the statutory undertaker to use its compulsory purchase powers to this end unless it elects to so do.

(4) Any alternative apparatus to be constructed in land of or land secured by the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between the statutory undertaker and the undertaker.

(5) The statutory undertaker must, after the alternative apparatus to be provided or constructed has been agreed, and subject to the grant to the statutory undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

### **Facilities and rights for alternative apparatus**

7.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to or secures for the statutory undertaker facilities and rights in land for the construction, use, maintenance and protection of alternative apparatus in substitution for apparatus to be removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the undertaker and the statutory undertaker and must be no less favourable on the whole to the statutory undertaker than the facilities and rights enjoyed by it in respect of the apparatus to be removed unless otherwise agreed by the statutory undertaker.

(2) If the facilities and rights to be afforded by the undertaker and agreed with the statutory undertaker under paragraph 7(1) above in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to the statutory undertaker than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject in the matter will be referred to arbitration in accordance with paragraph 14 (Arbitration) of this Part of this Schedule and the arbitrator shall make such provision for the payment of compensation by the undertaker to the statutory undertaker as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

### **Retained apparatus: Protection of National Grid as electricity undertaker**

**8.—**(1) Not less than 56 days before the commencement of any authorised works that are near to, or will or may affect, any apparatus the removal of which has not been required by the undertaker under paragraph 6(2) or otherwise, the undertaker must submit to the statutory undertaker a plan of the works to be executed and seek from the statutory undertaker details of the underground extent of their electricity tower foundations.

(2) In relation to works which will or may be situated on, over, under or within (i) 15 metres measured in any direction of any apparatus, or (ii) involve embankment works within 15 metres of any apparatus, the plan to be submitted to the statutory undertaker under sub-paragraph (1) must include a method statement and describe—

- (a) the exact position of the works;
- (b) the level at which these are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal including details of excavation, positioning of plant;
- (d) the position of all apparatus;
- (e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus;
- (f) any intended maintenance regimes; and
- (g) an assessment of risks of rise of earth issues.

(3) In relation to any works which will or may be situated on, over, under or within 10 metres of any part of the foundations of an electricity tower or between any two or more electricity towers, the plan to be submitted under sub-paragraph (1) must, in addition to the matters set out in sub-paragraph (2), include a method statement describing—

- (a) details of any cable trench design including route, dimensions, clearance to pylon foundations;
- (b) demonstration that pylon foundations will not be affected prior to, during and post construction;
- (c) details of load bearing capacities of trenches;
- (d) details of cable installation methodology including access arrangements, jointing bays and backfill methodology;
- (e) a written management plan for high voltage hazard during construction and ongoing maintenance of the cable route;
- (f) written details of the operations and maintenance regime for the cable, including frequency and method of access;
- (g) assessment of earth rise potential if reasonably required by the statutory undertaker's engineers;

- (h) evidence that trench bearing capacity is to be designed to 26 tonnes to take the weight of overhead line construction traffic.
- (4) The undertaker must not commence any works to which sub-paragraphs (2) or (3) apply until the statutory undertaker has given written approval of the plan so submitted.
- (5) Any approval of the statutory undertaker required under sub-paragraphs (2) or (3)—
  - (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraphs (6) or (8); and,
  - (b) must not be unreasonably withheld.
- (6) In relation to any work to which sub-paragraphs (2) or (3) apply, the statutory undertaker may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its apparatus against interference or risk of damage or for the purpose of providing or securing proper and convenient means of access to any apparatus.
- (7) Works to which this paragraph applies must only be executed in accordance with the plan, submitted under sub-paragraph (1) or as relevant sub-paragraph (5), as approved or as amended from time to time by agreement between the undertaker and the statutory undertaker and in accordance with such reasonable requirements as may be made in accordance with sub-paragraphs (6) or (8) by the statutory undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the statutory undertaker will be entitled to watch and inspect the execution of those works.
- (8) Where the statutory undertaker requires any protective works to be carried out by itself or by the undertaker (whether of a temporary or permanent nature) such protective works, inclusive of any measures or schemes required and approved as part of the plan approved pursuant to this paragraph, must be carried out to the statutory undertakers' satisfaction prior to the commencement of any authorised works (or any relevant part thereof) for which protective works are required and the statutory undertaker must give 56 days' notice of such works from the date of submission of a plan pursuant to this paragraph (except in an emergency).
- (9) If the statutory undertaker in accordance with sub-paragraphs (6) or (8) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, sub-paragraphs 1 to 3 and 5 to 7 apply as if the removal of the apparatus had been required by the undertaker under paragraph 7(2).
- (10) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of the authorised works, a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph shall apply to and in respect of the new plan.
- (11) The undertaker will not be required to comply with sub-paragraph (1) where it needs to carry out emergency works as defined in the 1991 Act but in that case it must give to the statutory undertaker notice as soon as is reasonably practicable and a plan of those works and must—
  - (a) comply with sub-paragraphs (6), (7) and (8) insofar as is reasonably practicable in the circumstances; and
  - (b) comply with sub-paragraph (12) at all times.
- (12) At all times when carrying out any works authorised under the Order, the undertaker must comply with the statutory undertaker's policies for development near overhead lines EN43-8 and HSE's guidance note 6 "Avoidance of Danger from Overhead Lines".

## **Expenses**

9.—(1) Subject to the following provisions of this paragraph, the undertaker must pay to the statutory undertaker on demand all charges, costs and expenses reasonably anticipated or incurred by the statutory undertaker in, or in connection with, the inspection, removal, relaying or replacing,

alteration or protection of any apparatus or the construction of any new or alternative apparatus which may be required in consequence of the execution of any authorised works as are referred to in this Part of this Schedule including without limitation—

- (a) any costs reasonably incurred by or compensation properly paid by the statutory undertaker in connection with the acquisition of rights or the exercise of statutory powers for such apparatus including without limitation all costs incurred by the statutory undertaker as a consequence of the statutory undertaker;
  - (i) using its own compulsory purchase powers to acquire any necessary rights under paragraph 6(3); and/or
  - (ii) exercising any compulsory acquisition powers in the Order transferred to or benefitting the statutory undertaker;
- (b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus;
- (c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;
- (d) the approval of plans;
- (e) the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works;
- (f) the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Part of this Schedule.

(2) There will be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule and which is not re-used as part of the alternative apparatus, that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 37 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the statutory undertaker by virtue of sub-paragraph (1) will be reduced by the amount of that excess save where it is not possible in the circumstances to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs will be borne by the undertaker.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus will not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole will be treated as if it also had been agreed or had been so determined.

(5) An amount which apart from this sub-paragraph would be payable to the statutory undertaker in respect of works by virtue of sub-paragraph (1) will, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the statutory undertaker any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

## **Indemnity**

**10.**—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works authorised by this Part of this Schedule or in consequence of the construction, use, maintenance or failure of any of the authorised works by or on behalf of the undertaker or in consequence of any act or default of the undertaker (or any person employed or authorised by him) in the course of carrying out such works, including without limitation works carried out by the undertaker under this Part of this Schedule or any subsidence resulting from any of these works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised works) or property of the statutory undertaker, or there is any interruption in any service provided, or in the supply of any goods, by the statutory undertaker, or the statutory undertaker becomes liable to pay any amount to any third party, the undertaker must—

- (a) bear and pay on demand the cost reasonably incurred by the statutory undertaker in making good such damage or restoring the supply; and
- (b) indemnify the statutory undertaker for any other expenses, loss, demands, proceedings, damages, claims, penalty or costs incurred by or recovered from the statutory undertaker, by reason or in consequence of any such damage or interruption or the statutory undertaker becoming liable to any third party as aforesaid other than arising from any default of the statutory undertaker.

(2) The fact that any act or thing may have been done by the statutory undertaker on behalf of the undertaker or in accordance with a plan approved by the statutory undertaker or in accordance with any requirement of the statutory undertaker or under its supervision does not (unless sub-paragraph (3) applies), excuse the undertaker from liability under the provisions of this sub-paragraph (1) unless the statutory undertaker fails to carry out and execute the works properly with due care and attention and in a skilful and workman like manner or in a manner that does not accord with the approved plan.

(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker in respect of—

- (a) any damage or interruption to the extent that it is attributable to the neglect or default of the statutory undertaker, its officers, servants, contractors or agents; and
- (b) any authorised works and/or any other works authorised by this Part of this Schedule carried out by the statutory undertaker as an assignee, transferee or lessee of the undertaker with the benefit of the Order pursuant to section 156 of the Planning Act 2008 or article 5 (benefit of the Order) subject to the proviso that once such works become apparatus (“new apparatus”), any authorised works yet to be executed and not falling within this sub-paragraph (3)(b) will be subject to the full terms of this Part of this Schedule including this paragraph 10.

(4) The statutory undertaker must give the undertaker reasonable notice of any such third party claim or demand and no settlement or compromise must, unless payment is required in connection with a statutory compensation scheme, be made without first consulting the undertaker and considering their representations.

### **Enactments and agreements**

11. Save to the extent provided for to the contrary elsewhere in this Part of this Schedule or by agreement in writing between the statutory undertaker and the undertaker, nothing in this Part of this Schedule shall affect the provisions of any enactment or agreement regulating the relations between the undertaker and the statutory undertaker in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

### **Co-operation**

12.—(1) Where in consequence of the proposed construction of any of the authorised works, the undertaker or the statutory undertaker requires the removal of apparatus under paragraph 6(2) or the statutory undertaker makes requirements for the protection or alteration of apparatus under paragraph 8, the undertaker shall use reasonable endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of the statutory undertaker's undertaking and the statutory undertaker shall use reasonable endeavours to co-operate with the undertaker for that purpose.

(2) For the avoidance of doubt whenever the statutory undertaker's consent, agreement or approval is required in relation to plans, documents or other information submitted by the undertaker or the taking of action by the undertaker, it must not be unreasonably withheld or delayed.

### **Access**

13. If in consequence of the agreement reached in accordance with paragraph 5(1) or the powers granted under this Order the access to any apparatus is materially obstructed, the undertaker must provide such alternative means of access to such apparatus as will enable the statutory undertaker to maintain or use the apparatus no less effectively than was possible before such obstruction.

### **Arbitration**

14. Save for differences or disputes arising under paragraph 6(2), 6(4), 7(1), and 8 any difference or dispute arising between the undertaker and the statutory undertaker under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and the statutory undertaker, be determined by arbitration in accordance with article 37 (arbitration).

### **Notices**

15. The plans submitted to the statutory undertaker by the undertaker pursuant to paragraph 8(1) must be sent to National Grid Plant Protection at [plantprotection@nationalgrid.com](mailto:plantprotection@nationalgrid.com) or such other address as the statutory undertaker may from time to time appoint instead for that purpose and notify to the undertaker in writing.

## **PART 5**

### **Protection for East Anglia ONE North Limited**

1. For the protection of the statutory undertaker, the following provisions of this Schedule have effect unless otherwise agreed in writing between the undertaker and the statutory undertaker.

2. In this part of this schedule—

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“alternative apparatus” means appropriate alternative apparatus to the reasonable satisfaction of the statutory undertaker to enable the statutory undertaker in question to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus” means, electric lines or electrical plant as defined in the 1989 Act, belonging to, maintained by, or to be constructed by the statutory undertaker;

“cable route disposal area(s)” means the disposal site reference(s) provided by the MMO in accordance with Schedule 14 (deemed licence under the 2009 Act – offshore transmission assets) to this Order and in the deemed marine licence in accordance with Schedule 14 (deemed licence under the 2009 Act – offshore transmission assets) to the East Anglia ONE North Order;

“construction” includes execution, placing, altering, replacing, reconstruction, relaying, maintenance, extensions, enlargement and removal; and “construct” and “constructed” must be construed accordingly;

“East Anglia ONE North” means the offshore wind farm to be constructed pursuant to the East Anglia ONE North Order including, whether pursuant to the East Anglia ONE North Order or otherwise, all elements of the connection of the wind farm to the National Grid at Friston;

“East Anglia ONE North Order land” means the land within the Order limits defined in the East Anglia ONE North Order;

“functions” includes powers and duties;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon such land;

“maintain” and “maintenance” include the ability and right to do any of the following in relation to any apparatus or alternative apparatus of the statutory undertaker including construct, use, repair, alter, inspect, renew or remove the apparatus;

“plan” or “plans” include all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe the specified works to be executed;

“proposed East Anglia ONE North cable route” means the proposed route for any cables to serve East Anglia ONE North as shown on plans produced to the undertaker by the statutory undertaker pursuant to paragraph 11;

“specified works” means so much of any works or operations authorised by this Order (or authorised by any planning permission or marine licence intended to operate in conjunction with this Order)—

- (a) as is within the East Anglia ONE North Order land; or
- (b) is in, on, under, over or within 750 metres of a proposed East Anglia ONE North cable route or existing apparatus seaward of MHWS;

“statutory undertaker” means, in respect of the order land, and in relation to any apparatus, the statutory undertaker who owns and/or operates or has the power to construct the transmission assets under the East Anglia ONE North Order.

**3.** This part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and the statutory undertaker are regulated by the provisions of Part 3 of the 1991 Act.

**4.** The consent of the statutory undertaker under this Part is not required where the East Anglia ONE North Order has expired without the authorised development having been commenced pursuant to requirement 1 of Part 3 of Schedule 1 (requirements) to the East Anglia ONE North Order.



### **Apparatus of undertakers in stopped up streets**

5. Notwithstanding the temporary stopping up or diversion of any highway under the powers of article 12 (temporary stopping up of streets), a statutory undertaker may be at liberty at all times to take all necessary access across any such stopped up highway and/or to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to construct any apparatus within that highway or maintain any apparatus which at the time of the stopping up or diversion was in that highway subject always to the undertaking of works by the undertaker authorised by the Order.

### **Acquisition of land**

6. Regardless of any provision in the Order or anything shown on the land plan or contained in the book of reference to the Order, the undertaker must not acquire any interest in land or any apparatus or override any easement or other interest of the statutory undertaker otherwise than by agreement, such agreement not to be unreasonably withheld or delayed.

### **Removal of apparatus**

7.—(1) If, in the exercise of the agreement reached in accordance with paragraph 6 or in any other authorised manner, the undertaker acquires any interest in any land in which any apparatus is placed, that apparatus must not be removed and any right of a statutory undertaker to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed, and is in operation to the reasonable satisfaction of the statutory undertaker in accordance with sub-paragraph (2) to (5) inclusive.

(2) If, for the purpose of executing any works in, on, under or over any land purchased, held, appropriated or used under the Order, the undertaker requires the removal of any apparatus placed in that land, it must give to the statutory undertaker 56 days' advance written notice of that requirement (or such lesser period of notice agreed by the statutory undertaker, acting reasonably), together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by the Order a statutory undertaker reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), afford to the statutory undertaker to their reasonable satisfaction (taking into account paragraph 8(1) below) the necessary facilities and rights—

- (a) for the construction of alternative apparatus in other land of the undertaker; and
- (b) subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2), in the land in which the alternative apparatus or part of such apparatus is to be constructed, the statutory undertaker must, on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible take such steps as are reasonable in the circumstances in an endeavour to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed except that this obligation does not extend to the requirement for the statutory undertaker to use its compulsory purchase powers to this end unless it elects to so do.

(4) Any alternative apparatus to be constructed in land of the undertaker must be constructed in such manner and in such line or situation as may be reasonably agreed between the statutory undertaker and the undertaker.

(5) The statutory undertaker must, after the alternative apparatus to be provided or constructed has been agreed, and subject to the grant to the statutory undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and

bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions hereof.

### **Facilities and rights for alternative apparatus**

8.—(1) Where, in accordance with the provisions hereof, the undertaker affords to a statutory undertaker facilities and rights for the construction and maintenance in land of the undertaker of alternative apparatus in substitution for apparatus to be removed, those facilities and rights must be granted upon such terms and conditions as may be reasonably agreed between the undertaker and the statutory undertaker and must be no less favourable on the whole to the statutory undertaker than the facilities and rights enjoyed by it in respect of the apparatus to be removed unless agreed by the statutory undertaker (acting reasonably).

(2) If the facilities and rights to be afforded by the undertaker and agreed with the statutory undertaker under paragraph 8(1) above in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator less favourable on the whole to the statutory undertaker in question than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator must make such provision for the payment of compensation by the undertaker to that statutory undertaker as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

### **Retained apparatus: protection**

9.—(1) Not less than 56 days (or such lesser period agreed by the statutory undertaker, acting reasonably) before commencing the execution of any specified works authorised by the Order which do not require the removal of apparatus in accordance with paragraph 7(2), the undertaker must submit to the statutory undertaker a plan.

(2) In relation to specified works which will or may be situated on, over, under or within five metres measured in any direction of any apparatus, or involve embankment works within 5 metres of any apparatus, the plan to be submitted to the statutory undertaker under sub-paragraph (1) must be detailed including a material statement and describing—

- (a) the exact position of the works;
- (b) the level at which these are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal including details of excavation and positioning of plant;
- (d) the position of all apparatus; and
- (e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus.

(3) The undertaker must not commence the construction or renewal of any specified works to which sub-paragraph (1) or (2) applies until the statutory undertaker has given written approval of the plan so submitted.

(4) Any approval of the statutory undertaker required under sub-paragraph (3)—

- (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraphs (5), (7) or (8);
- (b) must not be unreasonably withheld or delayed.

(5) In relation to a specified work to which sub-paragraph (1) or (2) applies, the statutory undertaker may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its system against interference or risk of damage or for the purpose of providing or securing proper and convenient means of access to any apparatus provided that such

modifications are made within a period of 56 days beginning with the date on which the plan under sub-paragraph (1) is submitted to it (or such lesser period agreed by the statutory undertaker, acting reasonably). For the avoidance of doubt, provided that any further iterations of the plan submitted to the statutory undertaker for approval as a result of modifications required under this paragraph are not materially different to the modifications previously made by the statutory undertaker, any further required modifications will be made by the statutory undertaker as soon as reasonably practicable thereafter and in any event within 21 days of receipt of any further plans.

(6) Specified works executed under the Order must be executed only in accordance with the plan, submitted under sub-paragraph (1) or as relevant sub paragraph (2), as amended from time to time by agreement between the undertaker and the statutory undertaker and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (5) or (7) by the statutory undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the statutory undertaker is entitled to watch and inspect the execution of those works.

(7) Where the statutory undertaker requires any protective works to be carried out either themselves or by the undertaker (whether of a temporary or permanent nature) such protective works must be carried out to the statutory undertaker's satisfaction prior to the carrying out of any specified works authorised by the Order or any relevant part thereof (unless otherwise agreed by the statutory undertaker, acting reasonably) and the statutory undertaker must give notice of such works as soon as reasonably practicable and in any event within 56 days from the date of submission of a plan in line with sub-paragraph (1) or (2) (except in an emergency).

(8) In relation to a specified work to which sub-paragraph (1) or (2) applies, it is reasonable for a statutory undertaker to require as a condition of granting approval that the undertaker enter into a cable proximity agreement on reasonable terms reflecting industry good practice.

(9) If a statutory undertaker in accordance with sub-paragraph (5) or (7) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 6 to 8 apply as if the removal of the apparatus had been required by the undertaker under paragraph 7(2).

(10) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of any specified works (unless otherwise agreed by the statutory undertaker, acting reasonably), a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan.

(11) The undertaker is not required to comply with sub-paragraph (1) where it needs to carry out emergency works but in that case it must give to the statutory undertaker notice as soon as is reasonably practicable and a plan of those works and must comply with sub-paragraph (5), (6) and (7) insofar as is reasonably practicable in the circumstances.

## **Offshore disposals**

**10.—(1)** The undertaker must—

- (a) consult the statutory undertaker in relation to any draft disposal plan or similar which proposes to deposit material within the cable route disposal area(s) at least 56 days prior to the submission of the draft plan or similar to the MMO; and
- (b) make such amendments as are reasonably requested by the statutory undertaker within 30 days following receipt of the draft plan by the statutory undertaker prior to submission of the draft disposal plan or similar to the MMO for approval.

(2) Subject to complying with all relevant health and safety considerations, the undertaker must permit representatives of the statutory undertaker on any vessel carrying out dredging or disposal activities related to the cable route disposal area(s) to monitor and verify the dredging and disposal

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carried out in terms of location, method, timing, quantity, nature of materials and other relevant matters.

(3) Unless otherwise agreed, the undertaker must give at least 21 days' notice in writing to the statutory undertaker of the intended departure of all vessels referred to in sub-paragraph (2) together with written information concerning the proposed dredging and disposal activities and must comply with all reasonable requests from the statutory undertaker to enable the verification referred to in that sub-paragraph to be carried out effectively and efficiently.

(4) The undertaker must provide to the statutory undertaker a copy of each disposal return required to be submitted to the MMO pursuant to the approved disposal plan or similar under this Order relevant to the cable route disposal area(s) within ten days of submission to the MMO, such returns to include, without limitation, the actual volumes of materials disposed of, the disposal locations, the approved monitoring plan and the results of monitoring conducted.

### **Provision of information**

**11.**—(1) To ensure its compliance with this Part, the undertaker must before carrying out any works or operations pursuant to this Order request up-to-date written confirmation from the statutory undertaker of the precise route of any existing installed apparatus and any proposed East Anglia ONE North cable route or other apparatus to be installed by the statutory undertaker.

(2) Within 56 days following receipt of a request under sub-paragraph (1), the statutory undertaker must provide the requested information to the extent that such information is available.

### **Expenses**

**12.**—(1) Subject to the following provisions of this paragraph, the undertaker must repay to the statutory undertaker on demand all charges, costs and expenses reasonably and properly incurred by that statutory undertaker in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to herein including without limitation—

- (a) any costs reasonably incurred or compensation properly paid in connection with the acquisition of rights or the exercise of statutory powers for such apparatus including without limitation in the event that the statutory undertaker elects to use powers of compulsory acquisition to acquire any necessary rights under paragraph 7(3) all costs incurred as a result of such action;
- (b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus;
- (c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;
- (d) the approval of plans;
- (e) the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works;
- (f) the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to herein.

(2) There must be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions hereof and which is not re-used as part of the alternative apparatus, that value being calculated after removal.

(3) If in accordance with the provisions hereof—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
  - (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated, and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or in default of agreement settled by arbitration in accordance with article 37 (arbitration) of the Order to be necessary, then, if such placing involves cost in the construction of works under the provisions hereof exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the statutory undertaker in question by virtue of sub-paragraph (1) must be reduced by the amount of that excess save where it is not possible in the circumstances to obtain the existing type of operations, capacity, dimensions or place at the existing depth in which case full costs must be borne by the undertaker.
- (4) For the purposes of sub-paragraph (3)—
- (a) an extension of apparatus to a length greater than the length of existing apparatus must not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
  - (b) where the provision of a joint in a cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole must be treated as if it also had been agreed or had been so determined.
- (5) An amount which apart from this sub-paragraph would be payable to the statutory undertaker in respect of works by virtue of sub-paragraph (1) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the statutory undertaker any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

### **Compensation**

13.—(1) Subject to sub-paragraphs (2), (3) and (4), if by reason or in consequence of the construction of any such works authorised herein or in consequence of the construction, use, maintenance or failure of any of the authorised development by or on behalf of the undertaker or in consequence of any act or default of the undertaker (or any person employed or authorised by him) in the course of carrying out such works, including without limitation works carried out by the undertaker under the provisions herein or any subsidence resulting from any of these works), any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of the statutory undertaker, or there is any interruption in any service provided, or in the supply of any goods, by the statutory undertaker, or the statutory undertaker becomes liable to pay any amount to any third party, the undertaker must—

- (a) bear and pay on demand the cost reasonably incurred by the statutory undertaker in making good such damage or restoring the supply; and
  - (b) compensate the statutory undertaker for any other expenses, loss, demands, proceedings, damages, claims, penalty or costs incurred by or recovered from the statutory undertaker, by reason or in consequence of any such damage or interruption or the statutory undertaker becoming liable to any third party in accordance with the provisions of this part.
- (2) The fact that any act or thing may have been done by the statutory undertaker on behalf of the undertaker or in accordance with a plan approved by the statutory undertaker or in accordance

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with any requirement of the statutory undertaker or under its supervision does not (subject to sub-paragraph (3)), excuse the undertaker from liability under the provisions of this paragraph.

(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the neglect or default of the statutory undertaker, its officers, servants, contractors or agents.

(4) The statutory undertaker must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise may be made without first consulting the undertaker and considering their representations (such representations not to be unreasonably withheld or delayed).

### **Enactments and agreements**

14. Nothing herein affects the provisions of any enactment or agreement regulating the relations between the undertaker and the statutory undertaker in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which the Order is made.

### **Co-operation**

15. Where in consequence of the proposed construction of any of the authorised development, the undertaker or the statutory undertaker requires the removal of apparatus under paragraph 7(2) or a statutory undertaker makes requirements for the protection or alteration of apparatus under paragraph 9 the undertaker must use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of the statutory undertaker's undertaking and the statutory undertaker must use its best endeavours to co-operate with the undertaker for that purpose.

### **Access**

16. If in consequence of the agreement reached in accordance with paragraph 6 or the powers granted under the Order the access to any apparatus is materially obstructed, the undertaker must provide such alternative means of access to such apparatus as enables the statutory undertaker to maintain or use the apparatus no less effectively than was possible before such obstruction.

### **Arbitration**

17. Any difference or dispute arising between the undertaker and the statutory undertaker must, unless otherwise agreed in writing between the undertaker and the statutory undertaker, be determined by arbitration in accordance with article 37 (arbitration) of the Order.

## **PART 6**

### **Protection for East Anglia ONE Offshore Wind Farm and East Anglia THREE Offshore Wind Farm**

1. For the protection of the statutory undertakers referred to in this part of this Schedule the following provisions have effect unless otherwise agreed in writing between the undertaker and the statutory undertaker concerned.

2. In this part of this schedule—

“apparatus” means electric lines or electrical plant (as defined in the 1989 Act) belonging to or maintained by the statutory undertaker;

“plan” or “plans” includes all designs, drawings, specifications, method statements, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe the works to be executed;

“specified works” means works authorised by this Order (or authorised by any marine licence intended to operate in conjunction with this Order) that are to be carried out within 750 metres of apparatus belonging to a statutory undertaker; and

“statutory undertaker” means, as appropriate—

- (a) the statutory undertaker who owns and/or operates the transmission assets under the East Anglia ONE Offshore Wind Farm Order 2014(7);
- (b) the statutory undertaker who owns and/or operates the transmission assets under the East Anglia THREE Offshore Wind Farm Order 2017(8).

**3.—**(1) Not less than 56 days (or such lesser period agreed by the statutory undertaker, acting reasonably) before commencing the execution of any specified works, the undertaker must submit to the statutory undertaker a plan.

(2) The undertaker must not commence the construction or renewal of any works to which sub-paragraph (1) applies until the statutory undertaker has given written approval of the plan so submitted.

(3) Any approval of the statutory undertaker required under sub-paragraph (2)—

- (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraphs (4), (6) or (7);
- (b) must not be unreasonably withheld or delayed.

(4) In relation to a work to which sub-paragraph (1) applies, the statutory undertaker may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its system against interference or risk of damage or for the purpose of providing or securing proper and convenient means of access to any apparatus provided that such modifications are made within a period of 56 days beginning with the date on which the plan under sub-paragraph (1) is submitted to it (or such lesser period agreed by the statutory undertaker, acting reasonably). For the avoidance of doubt, provided that any further iterations of the plan submitted to the statutory undertaker for approval as a result of modifications required under this paragraph are not materially different to the modifications previously made by the statutory undertaker, any further required modifications will be made by the statutory undertaker as soon as reasonably practicable thereafter and in any event within 21 days of receipt of any further plans.

(5) Specified works executed under this Order must be executed only in accordance with the plan, submitted under sub-paragraph (1), as amended from time to time by agreement between the undertaker and the statutory undertaker and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (4) or (6) by the statutory undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the statutory undertaker is entitled to watch and inspect the execution of those works.

(6) Where the statutory undertaker requires any protective works to be carried out either themselves or by the undertaker (whether of a temporary or permanent nature) such protective works must be carried out to the statutory undertaker’s satisfaction prior to the carrying out of any specified works authorised by this Order or any relevant part thereof (unless otherwise agreed by the statutory undertaker, acting reasonably) and the statutory undertaker must give notice of such works as soon as reasonably practicable and in any event within 56 days from the date of submission of a plan in line with sub-paragraph (1) (except in an emergency).

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(7) [S.I. 2014/1599](#).

(8) [S.I. 2017/826](#).

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(7) In relation to a specified work to which sub-paragraph (1) applies, it is reasonable for a statutory undertaker to require as a condition of granting approval that the undertaker enter into a cable proximity agreement on reasonable terms reflecting industry good practice.

(8) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of any works (unless otherwise agreed by the statutory undertaker, acting reasonably), a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan.

(9) The undertaker is not required to comply with sub-paragraph (1) where it needs to carry out emergency works but in that case it must give to the statutory undertaker notice as soon as is reasonably practicable and a plan of those works and must comply with sub-paragraph (4) and (6) insofar as is reasonably practicable in the circumstances.

### **Expenses**

4. Subject to the following provisions of this paragraph, the undertaker must repay to the statutory undertaker on demand all charges, costs and expenses reasonably and properly incurred by that statutory undertaker in, or in connection with, the inspection, alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to herein including without limitation—

- (a) the approval of plans;
- (b) the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works;
- (c) the survey of apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to herein.

### **Compensation**

5.—(1) Subject to sub-paragraphs (2), (3) and (4), if by reason or in consequence of the construction of any such works authorised herein or in consequence of the construction, use, maintenance or failure of any of the authorised development by or on behalf of the undertaker or in consequence of any act or default of the undertaker (or any person employed or authorised by the undertaker) in the course of carrying out such works, including without limitation works carried out by the undertaker under the provisions herein or any subsidence resulting from any of these works), any damage is caused to any apparatus of the statutory undertaker, or there is any interruption in any service provided, or in the supply of any goods, by the statutory undertaker, or the statutory undertaker becomes liable to pay any amount to any third party, the undertaker must—

- (a) bear and pay on demand the cost reasonably incurred by the statutory undertaker in making good such damage or restoring the supply; and
- (b) compensate the statutory undertaker for any other expenses, loss, demands, proceedings, damages, claims, penalty or costs incurred by or recovered from the statutory undertaker, by reason or in consequence of any such damage or interruption or the statutory undertaker becoming liable to any third party in accordance with the provisions of this part.

(2) The fact that any act or thing may have been done by the statutory undertaker on behalf of the undertaker or in accordance with a plan approved by the statutory undertaker or in accordance with any requirement of the statutory undertaker or under its supervision does not (subject to sub-paragraph (3)), excuse the undertaker from liability under the provisions of this paragraph.



(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the neglect or default of the statutory undertaker, its officers, servants, contractors or agents.

(4) The statutory undertaker must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise may be made without first consulting the undertaker and considering their representations (such representations not to be unreasonably withheld or delayed).

### **Co-operation**

6. Where in consequence of the proposed construction of any of the authorised development, a statutory undertaker makes requirements for the protection or alteration of apparatus under paragraph 3 the undertaker must use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of the statutory undertaker's undertaking and the statutory undertaker must use its best endeavours to co-operate with the undertaker for that purpose.

### **Arbitration**

7. Any difference or dispute arising between the undertaker and the statutory undertaker must, unless otherwise agreed in writing between the undertaker and the statutory undertaker, be determined by arbitration in accordance with article 37 (arbitration) of the Order.

## **PART 7**

### **Protection for EDF Energy**

#### **Application**

1. For the protection of EDF Energy the following provisions of this Schedule shall have effect unless otherwise agreed in writing between the undertaker and EDF Energy.

#### **Interpretation**

2. In this Part of this Schedule—

“EDF Energy” means EDF Energy Nuclear Generation Limited (company number 03076445);

“HDD punch out” means the location where the drilling bit associated with the HDD exits out of the pilot hole on the seabed;

“utility apparatus” includes water mains, pipes, electricity or telecommunication cables, or other apparatus belonging to or maintained by a statutory undertaker.

#### **Interaction at Sizewell Gap**

3.—(1) The undertaker shall consult with EDF Energy in the preparation of the Sizewell Gap construction method statement prior to submission of the Sizewell Gap construction method statement to the relevant planning authority for approval in accordance with requirement 22.

(2) The undertaker shall consult with EDF Energy in the preparation of—

(a) the access management plan, to the extent that it relates to Work Nos. 10, 11 or 15; and

(b) the construction traffic management plan, to the extent that it relates to Work Nos. 10 or 15,

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prior to the submission of each plan to the relevant highway authority for approval in accordance with requirements 16 and 28 respectively.

(3) Prior to carrying out any of Work Nos. 10, 11 and or 15, the undertaker shall carry out surveys to establish the location of all utility apparatus within these areas which has the potential to provide services to EDF Energy.

(4) In the event of any damage to any utility apparatus which provides services to EDF Energy within the area of Work Nos. 10, 11 and 15, the undertaker shall immediately inform EDF Energy and shall use best endeavours to secure the repair of any damage within 24 hours.

#### **Quality of Sizewell B cooling water intake**

4.—(1) Save for urgent reasons of vessel safety which mean there is insufficient time to comply with this sub-paragraph, in which case the undertaker shall use its reasonable endeavours to contact EDF Energy immediately to inform of non-compliance by a mechanism previously agreed in writing with EDF Energy, all operations carried out by the undertaker must avoid the area labelled “Sizewell B Tidally Restricted Shallow Water Area / Vessel Transit and Loafing Exclusion Zone” and coloured purple on the Activity Exclusion Zones plan (Drawing No. EA2-DEV-DRG-IBR-001259).

(2) Sub-paragraph (1) applies unless EDF Energy otherwise agrees in writing either a modification of the procedure described above or an alternative protective measure and that alternative method is shown to be of no greater risk to the Sizewell B intake and its function (such agreement not to be unreasonably withheld or delayed).

#### **Coralline Crag**

5.—(1) The undertaker shall consult with EDF Energy in the preparation of the landfall construction method statement prior to submission of the landfall construction method statement to the relevant planning authority for approval in accordance with requirement 13.

(2) Prior to carrying out Work No. 6, the undertaker shall carry out geophysical surveys to confirm the visible extent of the Coralline Crag formation and shall provide the results of such surveys to the extent that they demonstrate the visible extent of the Coralline Crag to EDF Energy on completion.

(3) The undertaker must not undertake cable trenching activities or locate the HDD punch out within—

- (a) the Punch Out and Trenching Restriction Area shown on the Activity Exclusion Zones plan (Drawing No. EA2-DEV-DRG-IBR-001259); or
- (b) the visible extent of the Coralline Crag as confirmed by the surveys undertaken under sub-paragraph (2),

unless otherwise agreed with EDF Energy (such agreement not to be unreasonably withheld or delayed).

#### **Arbitration**

6. Any difference or dispute arising between EDF Energy and the undertaker must, unless otherwise agreed in writing between EDF Energy and the undertaker, be determined by arbitration in accordance with article 37 (arbitration) of the Order.

## PART 8

### Protection of NNB Generation Company (SZC) Limited

#### **Application**

1. For the protection of SZC Co. the following provisions of this Schedule have effect unless otherwise agreed in writing between the undertaker and SZC Co.

#### **Interpretation**

2. In this Part of this Schedule—

“SZC Co.” means NNB Generation Company (SZC) Limited (company number 09284825).

#### **Interaction at Sizewell Gap**

3. The undertaker shall consult with SZC Co. in the preparation of the Sizewell Gap construction method statement, to the extent that it relates to Work No. 15, prior to submission of the Sizewell Gap construction method statement to the relevant planning authority for approval in accordance with requirement 22.

#### **Interaction at Snape Road**

4. The undertaker shall consult with SZC Co. in the formulation of the proposed method of working and timing of execution of works within the area of Work No. 35, prior to Work No. 35 commencing.

#### **Interaction at Friday Street**

5. The undertaker shall consult with SZC Co. in the formulation of the proposed method of working and timing of execution of works within the area of Work No. 36, prior to Work No.36 commencing.

#### **Sizewell C proposed intake infrastructure**

6.—(1) Save for urgent reasons of vessel safety and subject to sub-paragraph (2), the undertaker shall not carry out any of the authorised project (including the placement temporary or otherwise of anchors or moorings) within the area labelled “Overlap of Sizewell C Order limits with East Anglia TWO Order limits” and hatched purple on the Sizewell C Order Limits Interaction – Offshore Plan (Drawing No. EA2-DEV-DRG-IBR-001284) without having first submitted to and secured approval from SZC Co. details of the proposed method of working within these areas (such approval not to be unreasonably withheld or delayed) and thereafter the undertaker shall implement the authorised project in full accordance with such approved details.

(2) Nothing in this paragraph shall prevent the passage of vessels within the area specified in sub-paragraph (1) prior to the construction of any works within that location by SZC Co. at any time.

#### **Acquisition of land**

7. Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference to the Order, the undertaker may not, to the extent that the exercise of such powers relates to the carrying out of Work Nos. 15, 35 or 36, acquire any land interest or rights or impose restrictive covenants over land belonging to SZC Co. and may not override or extinguish any easement and/or other rights or interests of SZC Co. otherwise than by agreement.

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## Arbitration

8. Any difference or dispute arising between SZC Co. and the undertaker must, unless otherwise agreed in writing between SZC Co. and the undertaker, be determined by arbitration in accordance with article 37 (arbitration) of the Order.

## SCHEDULE 11

Article 34

### Hedgerows

#### PART 1

#### Removal of important hedgerows

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Reference of hedgerow</i>
District of East Suffolk	The important hedgerow marked 3 on sheet 1 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 10 on sheet 3 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 11 on sheet 3 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 12 on sheet 3 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 15 on sheet 4 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 17 on sheet 4 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 19 on sheet 5 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 21 on sheet 5 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 26 on sheet 6 of 12 of the important hedgerows and tree preservation order plan.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Reference of hedgerow</i>
District of East Suffolk	The important hedgerow marked 27 on sheet 6 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 28 on sheet 6 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 29 on sheet 6 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 30 on sheet 6 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 35 on sheet 7 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 36 on sheet 7 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 37 on sheet 7 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 38 on sheet 7 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 39 on sheet 7 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 40 on sheet 7 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 41 on sheet 7 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 42 on sheet 7 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 43 on sheet 7 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 44 on sheet 7 of 12 of the important hedgerows and tree preservation order plan.

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Reference of hedgerow</i>
District of East Suffolk	The important hedgerow marked 45 on sheet 7 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 46 on sheet 7 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 47 on sheet 7 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 48 on sheet 7 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 49 on sheet 7 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 50 on sheet 7 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 51 on sheet 7 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 52 on sheet 7 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 54 on sheet 7 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 56 on sheet 8 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 57 on sheet 8 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 58 on sheet 8 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 60 on sheet 7 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 61 on sheet 9 of 12 of the important hedgerows and tree preservation order plan.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Reference of hedgerow</i>
District of East Suffolk	The important hedgerow marked 62 on sheet 9 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 63 on sheet 9 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 64 on sheet 9 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 65 on sheet 9 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 66 on sheet 9 of 12 of the important hedgerows and tree preservation order plan.

## PART 2

### Important hedgerows that will be crossed using a reduced working width

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Reference of hedgerow</i>
District of East Suffolk	The important hedgerow marked 1 on sheet 1 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 2 on sheet 1 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 4 on sheet 2 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 6 on sheet 2 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 7 on sheet 2 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 8 on sheet 3 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 9 on sheet 3 of 12 of the important hedgerows and tree preservation order plan.

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Reference of hedgerow</i>
District of East Suffolk	The important hedgerow marked 14 on sheet 4 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 16 on sheet 4 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 18 on sheet 4 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 20 on sheet 5 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 22 on sheet 5 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 23 on sheet 5 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 24 on sheet 6 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 31 on sheet 6 of 12 of the important hedgerows and tree preservation order plan.
District of East Suffolk	The important hedgerow marked 32 on sheet 6 of 12 of the important hedgerows and tree preservation order plan.

SCHEDULE 12

Article 35

Trees subject to tree preservation orders

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Type of tree</i>	<i>(3)</i> <i>Reference of trees</i>	<i>(4)</i> <i>Work to be carried out</i>	
District of East Suffolk	Several deciduous coniferous trees consisting mainly of Silver Birch, Beech, Horse Cherry, Corsican Pine, mixed	mixed and species of Oak, Sycamore, Chestnut, Scots Pine, mixed	Tree Preservation Order 1987, Area Number A1, TPO Number SCDC/87/00030 marked on sheet 5 of 12 of the important hedgerows	Removal, trimming, lopping and coppicing of trees within Tree Preservation Order 1987, Area Number A1, TPO Number SCDC/87/00030 to be carried out to facilitate the construction of the



<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Type of tree</i>	<i>(3)</i> <i>Reference of trees</i>	<i>(4)</i> <i>Work to be carried out</i>
	Ornamental and Evergreen Oak.	Conifers and tree preservation order plan.	authorised development and to ensure its future operation.

## SCHEDULE 13

Article 31

## Deemed licence under the 2009 Act - generation assets

## PART 1

## Licensed marine activities

## 1.—(1) In this licence—

“the 2004 Act” means the Energy Act 2004;

“the 2009 Act” means the Marine and Coastal Access Act 2009;

“the 2017 Offshore Regulations” means the Conservation of Offshore Marine Habitats and Species Regulations 2017(9);

“the 2017 Regulations” means the Conservation of Habitats and Species Regulations 2017(10);

“air clearance height” means the distance between the lowest point of the rotating blade of the wind turbine generator and MHWS;

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

“authorised scheme” means Work Nos. 1 to 4 described in paragraph 3 of Part 1 of this licence or any part of that work;

“best practice protocol for minimising disturbance to red-throated diver” means the document certified as the best practice protocol for minimising disturbance to red-throated diver by the Secretary of State for the purposes of the Order under article 36;

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

“cable crossings” means the crossing of existing sub-sea cables or pipelines or other existing infrastructure by the platform link or export cables authorised by the Order together with physical protection measures including cable protection;

“cable protection” means measures to protect cables from physical damage and including, but not limited to, the use of bagged solutions filled with grout or other materials, protective aprons or coverings, mattresses, flow energy dissipation devices or rock and gravel burial;

“Cefas” means the Centre for Environment, Fisheries and Aquaculture Science or any successor body to its function;

“commence” means the first carrying out of any licensed marine activities authorised by this licence, save for operations consisting of offshore preparation works or pre-construction

(9) S.I. 2017/1013.

(10) S.I. 2017/1012.

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monitoring surveys approved under this licence and the words “commencement” and “commenced” must be construed accordingly;

“condition” means a condition in Part 2 of this licence;

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

“draft marine mammal mitigation protocol” means the document certified as the draft marine mammal mitigation protocol by the Secretary of State for the purposes of this Order under article 36;

“enforcement officer” means a person authorised to carry out enforcement duties under Chapter 3 of Part 4 (marine licensing) of the 2009 Act;

“environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of the Order under article 36;

“European offshore marine site” has the meaning given in regulation 18 of the 2017 Offshore Regulations;

“European site” has the meaning given in regulation 27 of the 2017 Offshore Regulations;

“gravity base foundation” means a structure principally of steel, concrete, or steel and concrete which rests on the seabed either due to its own weight with or without added ballast or additional skirts and associated equipment including scour protection, J-tubes, corrosion protection systems and access platforms and equipment;

“Historic England” means the Historic Buildings and Monuments Commission for England;

“in principle monitoring plan” means the document certified as the in principle monitoring plan by the Secretary of State for the purposes of the Order under article 36;

“in principle East Anglia TWO Project Southern North Sea SAC Site Integrity Plan” means the document certified as the in principle East Anglia TWO Project Southern North Sea SAC Site Integrity Plan by the Secretary of State for the purposes of the Order under article 36;

“inter-array cable” means the cables linking the wind turbine generators to each other and to the offshore electrical platforms and described in paragraph (c) of Work No. 1;

“jacket foundation” means a steel jacket/lattice-type structure constructed of steel which is fixed to the seabed at three or more points with steel pin piles or steel suction buckets and associated equipment including scour protection, J-tubes, corrosion protection systems and access platform(s) and equipment;

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

“Kingfisher Fortnightly Bulletin” means the bulletin published by the Humber Seafood Institute or such other alternative publication approved in writing by the MMO for the purposes of this licence;

“LAT” means lowest astronomical tide;

“layout principles statement” means the document certified as the layout principles statement by the Secretary of State for the purposes of the Order under article 36;

“licence 2 (transmission)” means the licence set out in Schedule 14 (deemed licence under the 2009 Act – offshore transmission assets);

“licensed activities” means the activities specified in Part 1 of this licence;

“maintain” includes inspect, upkeep, repair, adjust, and alter and further includes remove, reconstruct and replace (but only in relation to any of the ancillary works in Part 2 of Schedule 1 (ancillary works) to the Order and any component part of any wind turbine generator, offshore electrical platform, construction, operation and maintenance platform or meteorological mast described in Part 1 of Schedule 1 (authorised development) to the Order not including the alteration, removal or replacement of foundations), to the extent assessed in the environmental statement; and “maintenance” must be construed accordingly;

“mean high water springs” or “MHWS” means the highest level which spring tides reach on average over a period of time;

“meteorological mast” means a mast housing equipment to measure wind speed and other wind characteristics, including a topside housing electrical, communication and associated equipment and marking and lighting;

“Marine Management Organisation” or “MMO” means the body created under the 2009 Act which is responsible for the monitoring and enforcement of this licence;

“MCA” means the Maritime and Coastguard Agency;

“monopile foundation” means a steel pile, typically cylindrical, driven and/or drilled into the seabed and associated equipment including scour protection, J-tubes, corrosion protection systems and access platform(s) and equipment;

“offshore electrical platform” means a platform with one or more decks, whether open or fully clad, accommodating electrical power transformers, low, medium and/or high voltage switch gear, instrumentation, protection and control systems, neutral earthing resistors, reactive compensation, standby electrical generation equipment, fuelling facilities, auxiliary and uninterruptible power supply systems and transformers, accommodation, emergency shelter, craneage, metering stations, meteorological equipment, helicopter landing facilities, messing facilities, potable water storage, black water separation equipment, control hub, drainage facilities, access equipment, J-tubes, marking and lighting and other associated equipment and facilities to enable the transmission of electronic communications and for electricity to be collected at, and exported from, the platform;

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

“offshore platforms” means the construction, operation and maintenance platform and the offshore electrical platforms;

“offshore preparation works” means surveys, monitoring and UXO clearance activities seaward of MHWS undertaken prior to the commencement of construction to prepare for construction;

“the Order” means the East Anglia TWO Offshore Wind Farm Order 2022;

“outline fisheries liaison and coexistence plan” means the document certified as the outline fisheries liaison and coexistence plan by the Secretary of State for the purposes of the Order under article 36;

“outline navigation monitoring strategy” means the document certified as the outline navigation monitoring strategy by the Secretary of State for the purposes of the Order under article 36;

“outline offshore operations and maintenance plan” means the document certified as the outline offshore operations and maintenance plan by the Secretary of State for the purposes of the Order under article 36;

“outline *Sabellaria* reef management plan” means the document certified as the outline *Sabellaria* reef management plan by the Secretary of State for the purposes of the Order under article 36;

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“outline written scheme of investigation (offshore)” means the document certified as the outline written scheme of investigation (offshore) by the Secretary of State for the purposes of the Order under article 36;

“pin piles” means steel cylindrical piles driven and/or drilled into the seabed to secure steel jacket foundations;

“platform link cables” means the cables linking offshore platforms to one another and described in Work No. 4;

“relevant site” means a European offshore marine site or a European site;

“SAC” means special area of conservation;

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

“statutory nature conservation body” means the appropriate nature conservation body as defined in regulation 5 of the 2017 Regulations;

“suction caisson” means large diameter steel cylindrical shells which penetrate the seabed assisted by a hydrostatic pressure differential for securing steel jacket foundations;

“suction caisson foundation” means a tubular steel structure which penetrates the seabed assisted by a hydrostatic pressure differential and associated equipment, including scour protection, J-tubes, corrosion protection systems and access platform(s) and equipment;

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

“undertaker” means East Anglia TWO Limited (company number 11121842);

“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in, on or over water and which is at the time in, on or over water;

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

“UXO” means unexploded ordnance;

“wind turbine generator” means a structure comprising a tower, rotor with three blades connected at the hub, nacelle and ancillary electrical and other equipment which may include J-tube(s), transition piece, access and rest platforms, access ladders, boat access systems, corrosion protection systems, fenders and maintenance equipment, helicopter landing facilities and other associated equipment, fixed to a foundation; and

“works plans” means the plans certified as the works plans by the Secretary of State for the purposes of the Order.

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

(3) Unless otherwise indicated—

(a) all times are taken to be Greenwich Mean Time (GMT);

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

(4) Except where otherwise notified in writing by the relevant organisation, the primary point of contact with the organisations listed below and the address for returns and correspondence are—

(a) Marine Management Organisation

Marine Licensing Team

Lancaster House

Hampshire Court  
Newcastle Business Park  
Newcastle upon Tyne  
NE4 7YH  
Tel: 0300 123 1032;

(b) Marine Management Organisation (local office)

Marine Environment Team  
Pakefield Road  
Lowestoft  
Suffolk  
NR33 0HT  
Tel: 0208 026 6094;

(c) Trinity House

Tower Hill  
London  
EC3N 4DH  
Tel: 020 7481 6900;

(d) The United Kingdom Hydrographic Office

Admiralty Way  
Taunton  
Somerset  
TA1 2DN  
Tel: 01823 337 900;

(e) Maritime and Coastguard Agency

Navigation Safety Branch  
Bay 2/20, Spring Place  
105 Commercial Road  
Southampton  
SO15 1EG  
Tel: 020 3817 2426;

(f) Natural England

Area 1C, Nobel House  
17 Smith Square  
London  
SW1P 2AL  
Tel: 0300 060 4911;

(g) Historic England

Brooklands  
24 Brooklands Avenue

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Cambridge  
CB2 8BU.  
Tel: 01223 582749.

### **Details of licensed marine activities**

2. Subject to the licence conditions, this licence authorises the undertaker (and any agent or contractor acting on their behalf) to carry out the following licensable marine activities under section 66(1) (licensable marine activities) of the 2009 Act—

- (a) the deposit at sea of the substances and articles specified in paragraph 4 below;
- (b) the construction of works in or over the sea or on or under the sea bed;
- (c) dredging for the purposes of seabed preparation for foundation works and cable laying preparation works;
- (d) debris clearance works;
- (e) boulder clearance works either by displacement ploughing or subsea grab technique or other equivalent method;
- (f) UXO clearance works;
- (g) the removal of out of service cables;
- (h) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation; and
- (i) the disposal of up to 3,022,423 m<sup>3</sup> of inert material of natural origin and/or dredged material within the offshore Order limits produced during construction drilling or seabed preparation for foundation works, sandwave clearance and boulder clearance works at disposal site reference(s) to be provided by the MMO within the extent of the Order limits seaward of MHWS comprising—
  - (i) 1,779,891 m<sup>3</sup> in respect of the wind turbine generators;
  - (ii) 400,000 m<sup>3</sup> in respect of the inter-array cables;
  - (iii) 23,732 m<sup>3</sup> in respect of the meteorological mast;
  - (iv) 668,800 m<sup>3</sup> in respect of the construction, operation and maintenance platform and the offshore electrical platforms (some of which may alternatively be disposed under licence 2 (transmission)); and
  - (v) 150,000 m<sup>3</sup> in respect of the platform link cables (some of which may alternatively be disposed under licence 2 (transmission)).

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

(2) Work No. 1—

- (a) an offshore wind turbine generating station with a gross electrical output capacity of over 100 MW comprising up to 75 wind turbine generators each fixed to the seabed by one of five foundation types (namely monopile, jacket on suction caissons, jacket on piles, suction caisson or gravity base), fitted with rotating blades and situated within the area shown on the works plans and further comprising (b) to (c) below;
- (b) up to one meteorological mast fixed to the seabed within the area shown on the works plans by one of five foundation types (namely monopile, jacket on suction caissons, jacket on piles, suction caisson or gravity base); and

- (c) a network of subsea inter-array cables within the area shown on the works plans between the wind turbine generators and between the wind turbine generators and Work No. 3 for the transmission of electricity and electronic communications including one or more cable crossings.
- (3) Work No. 2— up to one construction, operation and maintenance platform fixed to the seabed within the area shown on the works plans by one of four foundation types (namely monopile, jacket on suction caissons, jacket on piles or gravity base) (which may alternatively be constructed under licence 2 (transmission));
- (4) Work No. 3— up to four offshore electrical platforms fixed to the seabed within the area shown on the works plans by one of four foundation types (namely monopile, jacket on suction caissons, jacket on piles or gravity base) (which may alternatively be constructed under licence 2 (transmission));
- (5) Work No. 4— a network of subsea platform link cables within the area shown on the works plans between the offshore electrical platforms comprising Work No. 3 and between the construction, operation and maintenance platform comprising Work No. 2 and the offshore electrical platforms comprising Work No. 3 for the transmission of electricity and electronic communications including one or more cable crossings (which may alternatively be constructed under licence 2 (transmission));
- (6) In connection with such Work Nos. 1 to 4 and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised scheme and which fall within the scope of the work assessed by the environmental statement, including—
- (a) scour protection around the foundations of the offshore structures;
  - (b) cable protection measures such as rock placement and the placement of concrete mattresses and frond mattresses;
  - (c) dredging;
  - (d) the removal of material from the seabed required for the construction of Work Nos. 1 to 4 and the disposal of seabed sediments produced during construction drilling and seabed preparation for the installation of the foundations of the offshore structures or during seabed preparation for cable laying.
- (7) In connection with such Work Nos. 1 to 4, ancillary works within the Order limits which have been subject to an environmental impact assessment recorded in the environmental statement comprising—
- (a) temporary landing places, moorings or other means of accommodating vessels in the construction and/ or maintenance of the authorised scheme; and
  - (b) marking buoys, beacons, fenders and other navigational warning or ship impact protection works.
4. The substances or articles authorised for deposit at sea are—
- (a) iron and steel, copper and aluminium;
  - (b) stone and rock;
  - (c) concrete;
  - (d) sand and gravel;
  - (e) plastic and synthetic;
  - (f) material extracted from within the offshore Order limits during construction drilling and seabed preparation for foundation works and sandwave clearance works; and
  - (g) marine coatings, other chemicals and timber.
5. The grid coordinates for the authorised scheme are specified below—

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	52° 14 39.654N	02° 11 21.656E
2	52° 15 04.022N	02° 13 12.152E
3	52° 02 57.281N	02° 19 46.696E
4	52° 02 52.969N	02° 08 40.302E
5	52° 03 53.133N	02° 07 14.881E
6	52° 08 38.942N	02° 07 41.310E
7	52° 13 29.526N	02° 08 08.272E

6. This licence remains in force until the authorised scheme has been decommissioned in accordance with a programme approved by the Secretary of State under section 106 of the 2004 Act, including any modification to the programme under section 108, and the completion of such programme has been confirmed by the Secretary of State in writing.

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

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

9. Any amendments to the details, plan or scheme must be in accordance with the principles and assessments set out in the environmental statement, and approval for an amendment may be given only where it has been demonstrated to the satisfaction of the MMO that the amendment is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

## PART 2

### Conditions

#### Design parameters

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

- (a) exceed a height of 282 metres when measured from LAT to the tip of the vertical blade;
- (b) exceed a height of 175 metres to the height of the centreline of the generator shaft forming part of the hub when measured from LAT;
- (c) exceed a rotor diameter of 250 metres;
- (d) be less than 800 metres from the nearest wind turbine generator in either direction perpendicular to the approximate prevailing wind direction (crosswind) or be less than 1,200 metres from the nearest wind turbine generator in either direction which is in line with the approximate prevailing wind direction (downwind);
- (e) have an air clearance height of less than 24 metres from MHWS.



(2) References to the location of a wind turbine generator in sub-paragraph (1) above, are references to the centre point of that turbine.

2.—(1) The total number of meteorological masts forming part of the authorised scheme must not exceed one.

(2) The meteorological mast must not exceed a height of 175 metres above LAT.

3.—(1) The total number of construction, operation and maintenance platforms forming part of the authorised scheme and the authorised scheme in licence 2 (transmission) taken together must not exceed one (whether constructed under this licence or licence 2 (transmission)).

(2) The dimensions of the construction, operation and maintenance platform forming part of the authorised scheme (excluding towers, helipads, masts and cranes) must not exceed 50 metres in height when measured from LAT, 70 metres in length and 50 metres in width.

4.—(1) The total number of offshore electrical platforms forming part of the authorised scheme and the authorised scheme in licence 2 (transmission) taken together must not exceed four (whether constructed under this licence or licence 2 (transmission)).

(2) The dimensions of any offshore electrical platform forming part of the authorised scheme (excluding towers, helipads, masts and cranes) must not exceed 50 metres in height when measured from LAT, 70 metres in length and 50 metres in width.

5. The total length of the cables forming part of the authorised scheme and the authorised scheme in licence 2 (transmission) and the volume and area of their cable protection must not exceed the following (whether installed under this licence or licence 2 (transmission))—

<i>Work</i>	<i>Length</i>	<i>Area of cable protection</i>	<i>Volume of cable protection</i>
Work No. 1(c) (inter-array cables)	200 kilometres	204,000 m <sup>2</sup>	229,440 m <sup>3</sup>
Work No. 4 (platform link cables)	75 kilometres	104,550 m <sup>2</sup>	117,588 m <sup>3</sup>

6.—(1) In relation to a wind turbine generator, each gravity base foundation must not have a diameter at the level of the seabed which is more than 60 metres.

(2) In relation to a wind turbine generator, each suction caisson foundation must not have a diameter at the level of the seabed which is more than 35 metres.

(3) In relation to a wind turbine generator, each jacket foundation must not have—

- (a) a pile diameter which is more than 4.6 metres in the case of pin piles or a suction caisson diameter which is more than 16 metres;
- (b) more than four piles or more than four suction caissons;
- (c) more than four legs.

(4) In relation to a wind turbine generator, each monopile foundation must not have a diameter which is more than 15 metres.

(5) The total amount of scour protection for the wind turbine generators must not exceed 1,526,815 m<sup>2</sup>.

(6) The total volume of scour protection for the wind turbine generators must not exceed 2,290,221 m<sup>3</sup>.

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7.—(1) In relation to a meteorological mast, each gravity base foundation must not have a footprint at the seabed which is more than 315 m<sup>2</sup>.

(2) In relation to a meteorological mast, each suction caisson foundation must not have a footprint at seabed which is more than 177 m<sup>2</sup>.

(3) In relation to a meteorological mast, each jacket foundation must not have a footprint at the seabed which is more than 651 m<sup>2</sup>.

(4) In relation to a meteorological mast, each monopile foundation must not have a footprint at the seabed which is more than 51 m<sup>2</sup>.

(5) The total amount of scour protection for the meteorological mast must not exceed 2,828 m<sup>2</sup>.

(6) The total volume of scour protection for the meteorological mast must not exceed 4,241 m<sup>3</sup>.

8.—(1) In relation to any construction, operation and maintenance platform, the gravity base foundations must not have a total footprint of more than 4,800 m<sup>2</sup>.

(2) In relation to any construction, operation and maintenance platform, the jacket foundations must not have a total footprint at the seabed which is more than 5,676 m<sup>2</sup>.

(3) In relation to any construction, operation and maintenance platform, the monopile foundation must not have a total footprint at the seabed which is more than 177 m<sup>2</sup>.

(4) The total amount of scour protection for the construction, operation and maintenance platform forming part of the authorised scheme and the authorised scheme in licence 2 (transmission) must not exceed 15,276 m<sup>2</sup> (whether installed under this licence or licence 2 (transmission)).

(5) The total volume of scour protection for the construction, operation and maintenance platform forming part of the authorised scheme and the authorised scheme in licence 2 (transmission) must not exceed 22,914 m<sup>3</sup> (whether installed under this licence or licence 2 (transmission)).

9.—(1) In relation to each offshore electrical platform, the gravity base foundations must not have a total footprint at the seabed which is more than 4,800 m<sup>2</sup>.

(2) In relation to each offshore electrical platform, the jacket foundations must not have a total footprint at the seabed which is more than 5,676 m<sup>2</sup>.

(3) In relation to each offshore electrical platform, the monopile foundation must not have a total footprint at the seabed which is more than 177 m<sup>2</sup>.

(4) The total amount of scour protection for the offshore electrical platforms forming part of the authorised scheme and the authorised scheme in licence 2 (transmission) must not exceed 62,064 m<sup>2</sup> (whether installed under this licence or licence 2 (transmission)).

(5) The total volume of scour protection for the offshore electrical platforms forming part of the authorised scheme and the authorised scheme in licence 2 (transmission) must not exceed 91,656 m<sup>3</sup> (whether installed under this licence or licence 2 (transmission)).

### **Notifications and inspections**

10.—(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 19 and

- (ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with condition 19;
    - (b) within 28 days of receipt of a copy of this licence those persons referred to in paragraph (a) above 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 19 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 or 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) above.
  - (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 construction and operation of the authorised scheme.
  - (6) The undertaker must inform the MMO Coastal Office in writing at least five days prior to UXO clearance activities and at least five days prior to commencement of the licensed activities or any part of them, and within five days of completion of the licensed activities.
  - (7) The undertaker must inform the Kingfisher Information Service of Seafish by email to [kingfisher@seafish.co.uk](mailto:kingfisher@seafish.co.uk) of details regarding the vessel routes, timings and locations relating to the construction of the authorised scheme or relevant part—
    - (a) at least 14 days prior to UXO clearance activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data;
    - (b) at least 14 days prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data; and
    - (c) as soon as reasonably practicable and no later than 24 hours after completion of construction of all offshore activities.
- Confirmation of notification must be provided to the MMO within five days.
- (8) A notice to mariners must be issued at least 14 days prior to UXO clearance activities and at least 14 days prior to the commencement of the licensed activities or any part of them advising of the start date of Work No. 1, and to the extent that they are constructed under this licence, Work Nos. 2, 3, and 4, and the expected vessel routes from the construction ports to the relevant location. Copies of all notices must be provided to the MMO, MCA and UKHO within five days.
  - (9) The notices to mariners must be updated and reissued at regular intervals during construction activities and at least five days before any planned operations and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme approved under condition 17(1)(b). Copies of all notices must be provided to the MMO and UKHO within five days.
  - (10) The undertaker must notify the UK Hydrographic Office of UXO clearance activities (14 days prior) and of the commencement (14 days prior), progress and completion of construction (within 14 days) of the licensed activities in order that all necessary amendments to nautical charts are made and the undertaker must send a copy of such notifications to the MMO within five days.

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(11) In case of damage to, or destruction or decay of, the authorised scheme seaward of MHWS or any part thereof the undertaker must as soon as possible and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify MMO, MCA, Trinity House, Kingfisher Information Service and the UK Hydrographic Office.

(12) In case of exposure of cables on or above the seabed, the undertaker must, within three days following identification of a cable exposure, notify mariners by issuing a notice to mariners and by informing Kingfisher Information Service 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**

**11.**—(1) The undertaker must during the whole period from commencement of the licensed activities to completion of decommissioning seaward of MHWS exhibit such lights, marks, sounds, signals and other aids to navigation, and take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.

(2) The undertaker must during the period from the start of construction of the authorised scheme to completion of decommissioning seaward of MHWS keep Trinity House and the MMO informed of progress of the authorised scheme including the following—

- (a) notice of commencement of construction of the authorised scheme within 24 hours of commencement having occurred;
- (b) notice within 24 hours of any aids to navigation being established by the undertaker; and
- (c) notice within five days of completion of construction of the authorised scheme.

(3) The undertaker must provide reports to Trinity House on the availability of aids to navigation in accordance with the frequencies set out in the aids to navigation management plan approved pursuant to condition 17(1)(i) using the reporting system provided by Trinity House.

(4) The undertaker must during the whole period from commencement of the licensed activities to completion of decommissioning seaward of MHWS 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 10(11) 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.

**12.**—(1) The undertaker must colour all structures yellow (colour code RAL 1023) from at least highest astronomical tide to a height directed by Trinity House, or must colour the structure as directed by Trinity House from time to time.

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

### **Aviation safety**

**13.** The undertaker must notify the Defence Infrastructure Organisation Safeguarding, at least 14 days prior to the commencement of the authorised scheme, in writing of the following information—

- (a) the date of the commencement of construction of the authorised scheme;
- (b) the date any wind turbine generators are brought into use;
- (c) the maximum height of any construction equipment to be used;
- (d) the maximum heights of any wind turbine generator, meteorological mast and platform to be constructed;

- (e) the latitude and longitude of each wind turbine generator, meteorological mast and 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 scheme. Copies of notifications must be provided to the MMO within five working days of the notification to the Defence Infrastructure Organisation Safeguarding.

### **Chemicals, drilling and debris**

**14.**—(1) Unless otherwise agreed in writing by the MMO, the carriage and use of chemicals in the construction of the authorised scheme must comply with the International Convention for the Prevention of Pollution from Ships.

(2) The undertaker must ensure that any coatings/treatments are suitable for use in the marine environment and are used in accordance with guidelines approved by 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% of the total volume of all reservoirs and containers.

(4) The undertaker must inform the MMO of the location and quantities of material disposed of each month under the Order, by submission of a disposal return by 31st January each year for the months July to December inclusive, and by 31st July each year for the months January to June inclusive.

(5) The undertaker must ensure that only inert material of natural origin, drilling mud and dredged material, produced during the drilling installation of or seabed preparation for foundations, and sandwave clearance works is disposed of within the disposal site reference(s) to be provided by MMO within the extent of the Order limits seaward of MHWS. Any material of anthropogenic origin will be screened out and disposed of at an appropriate waste facility onshore.

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

(7) In the event that any rock material used in the construction of the authorised scheme is misplaced or lost below MHWS, the undertaker must report the loss to the District Marine 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 endeavour to locate the material and recover it.

(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 should 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 approved under condition 17(1)(e)(i).

(10) All dropped objects must be reported to the MMO using the Dropped Object Procedure Form as soon as reasonably practicable and in any event within five days of the undertaker becoming aware of an incident. On receipt of the Dropped Object Procedure Form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the seabed at the undertaker's expense if reasonable to do so.

**Force majeure**

15.—(1) 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 and/or of the vessel is threatened, within 48 hours full details of the circumstances of the deposit must be notified to the MMO.

(2) The unauthorised deposits must be removed at the expense of the undertaker unless written approval is obtained from the MMO.

**UXO clearance**

16.—(1) No removal or detonation of UXO can take place until the following have been submitted to and approved in writing by the MMO in consultation with the relevant statutory nature conservation body and, in respect of the method statement, the MCA—

- (a) a method statement for UXO clearance which must include—
  - (i) methodologies for—
    - (aa) identification and investigation of potential UXO targets;
    - (bb) clearance of UXO;
    - (cc) removal and disposal of large debris;
  - (ii) a plan showing the area in which clearance activities are proposed to take place;
  - (iii) a programme of works; and
  - (iv) any exclusion zones/environmental micrositing requirements;
- (b) a marine mammal mitigation protocol in accordance with the draft marine mammal mitigation protocol, the intention of which is to prevent injury to marine mammals, following current best practice as advised by the relevant statutory nature conservation bodies.

(2) The method statement (excluding the information required under sub-paragraphs (1)(a)(ii) and (1)(a)(iv)) and the marine mammal mitigation protocol must be submitted to the MMO for approval at least six months prior to the date on which it is intended for UXO clearance activities to begin.

(3) The information to be included within the method statement in accordance with sub-paragraphs (1)(a)(ii) and (1)(a)(iv) must be submitted to the MMO for approval at least three months prior to the date on which it is intended for UXO clearance activities to begin.

(4) Any UXO clearance activities must be undertaken in accordance with the method statement and marine mammal mitigation protocol approved under sub-paragraph (1).

(5) Subject to paragraph (6), a UXO clearance close out report must be submitted to the MMO and the relevant statutory nature conservation body within three months following the end of the UXO clearance activity and must include the following for each detonation undertaken—

- (a) co-ordinates, depth, current speed, charge utilised and the date and time of each detonation; and
- (b) whether any mitigation was deployed, including feedback on practicalities of deployment of equipment and efficacy of the mitigation where reasonably practicable, or justification if this information is not available.

(6) Should there be more than one UXO clearance activity, the report required under paragraph (5) will be provided at intervals agreed with the MMO.

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

17.—(1) The licensed activities or any part of those activities must not commence until the following (as relevant to that part) have been submitted to and approved in writing by the MMO—

- (a) A design plan at a scale of between 1:25,000 and 1:50,000, including detailed representation on the most suitably scaled admiralty chart, to be approved in writing by 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, offshore electrical platforms, the construction, operation and maintenance platform and meteorological mast;
  - (ii) the height to the tip of the vertical blade; height to the centreline of the generator shaft forming part of the hub;
  - (iii) rotor diameter and spacing of all wind turbine generators;
  - (iv) the height of all lattice towers forming part of the meteorological mast;
  - (v) the length and arrangement of all cables comprising Work Nos. 1 and 4;
  - (vi) the dimensions of all gravity base foundations;
  - (vii) the dimensions of all jacket foundations;
  - (viii) the dimensions of all suction caisson foundations;
  - (ix) the dimensions of all monopile foundations;
  - (x) the proposed layout of all wind turbine generators (to be in accordance with the layout principles statement and which must accord with the recommendations for layout contained in MGN654 and its annexes), offshore electrical platforms, the construction, operation and maintenance platform and meteorological mast including any exclusion zones identified under condition 17(1)(g)(iv);
  - (xi) a plan showing the indicative layout of all wind turbine generators, offshore electrical platforms, the construction, operation and maintenance platform and meteorological mast including all exclusion zones (insofar as not shown in (x) above) and showing the indicative programming of particular works as set out in the indicative programme to be provided under condition 17(1)(b)(iii); and
  - (xii) any exclusion zones/environmental micro-siting requirements;to ensure conformity with the description of Work Nos. 1 to 4 and compliance with conditions 1 to 9 above.
- (b) 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;
  - (iii) an indicative written construction programme for all wind turbine generators offshore electrical platforms, the construction, operation and maintenance platform, meteorological mast and cable comprised in the works at paragraph 3 of Part 1 (licensed marine activities) of this licence (insofar as not shown in paragraph (ii) above);
- (c) A monitoring plan (which accords with the 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 in accordance with conditions 20, 21 and 22 to be submitted to the MMO in accordance with the following—
  - (i) at least six months prior to the first survey, detail of the pre-construction surveys and an outline of all proposed monitoring;

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- (ii) at least six months prior to construction, detail on construction monitoring;
  - (iii) at least six months prior to completion of construction, detail of post-construction (and operational) monitoring;
- unless otherwise agreed in writing with the MMO.
- (d) A construction method statement in accordance with the construction methods assessed in the environmental statement and including details of—
- (i) foundation installation methodology, including drilling methods and disposal of drill arisings and material extracted during seabed preparation for foundation works;
  - (ii) cable specification, installation and monitoring, to include—
    - (aa) technical specification of offshore cables below MHWS;
    - (bb) a detailed cable laying plan for the Order limits, incorporating a burial risk assessment encompassing the identification of any cable protection that 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 and Trinity House) to be taken to ensure existing and future safe navigation is not compromised or such similar assessment to ascertain suitable burial depths and cable laying techniques, including cable protection; and
    - (cc) proposals for monitoring offshore cables and the status of cable protection during the operational lifetime of the authorised scheme which include a risk based approach to the management of unburied or shallow buried cables.
  - (iii) scour protection management and cable protection including details of the need, type, sources, quantity and installation methods for scour protection and cable protection, with details updated and resubmitted for approval if changes to it are proposed following cable laying operations;
  - (iv) main contractors;
  - (v) vessels and vessels transit corridors; and
  - (vi) associated and ancillary works.
- (e) 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 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;
  - (iv) the appointment and responsibilities of a fisheries liaison officer;
  - (v) a fisheries liaison and coexistence plan, in accordance with the outline fisheries liaison and coexistence plan, to ensure relevant fishing fleets are notified of commencement of licensed activities pursuant to condition 10 and to address the interaction of the licensed activities with fishing activities;
  - (vi) procedures which must be adopted within vessels transit corridors to minimise disturbance to red-throated diver during the period 1st November to 31st March



- (inclusive), which must be in accordance with the best practice protocol for minimising disturbance to red-throated diver.
- (f) In the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol in accordance with the draft marine mammal mitigation protocol, the intention of which is to prevent injury to marine mammals, following current best practice as advised by the relevant statutory nature conservation bodies.
- (g) A written scheme of archaeological investigation in relation to the offshore Order limits seaward of mean high water, which must be submitted to the statutory historic body at least six months prior to commencement of the licensed activities and to the MMO at least four months prior to commencement of the licensed activities and which must accord with the outline written scheme of investigation (offshore) and industry good practice, in consultation with the statutory historic body to include—
- (i) details of responsibilities of the undertaker, archaeological consultant and contractor;
  - (ii) a methodology for further site investigation including any specifications for geophysical, geotechnical and diver or remotely operated vehicle investigations;
  - (iii) archaeological analysis of survey data, and timetable for reporting, which is to be submitted to the MMO within four months of any survey being completed;
  - (iv) delivery of any mitigation including, where necessary, identification and modification of archaeological exclusion zones;
  - (v) monitoring of archaeological exclusion zones during and post construction, where required;
  - (vi) a requirement for the undertaker to ensure that a copy of any agreed archaeological report is deposited with the Archaeological Data Service, by submitting an OASIS (Online Access to the Index of archaeological investigations) form with a digital copy of the report within six months of completion of construction of the authorised scheme, and to notify the MMO and Historic England that the OASIS form has been submitted to the Archaeological Data Service within two weeks of submission;
  - (vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme; and
  - (viii) a timetable for all further site investigations, which must allow sufficient opportunity to establish a full understanding of the historic environment within the offshore Order limits and the approval of any necessary mitigation required as a result of the further site investigations prior to commencement of licensed activities.
- (h) An offshore operations and maintenance plan, in accordance with the outline offshore operations and maintenance plan, to be submitted to the MMO at least six months prior to commencement of operation of the licensed activities and to provide for review and resubmission every three years during the operational phase.
- (i) An aids to navigation management plan to be approved in writing by the MMO following consultation with Trinity House, to include details of how the undertaker will comply with the provisions of condition 11 for the lifetime of the authorised scheme.
- (j) A *Sabellaria* reef management plan, in accordance with the outline *Sabellaria* reef management plan, to be submitted to the MMO at least six months prior to undertaking any pre-construction geophysical survey detailed in the monitoring plan to be submitted under condition 17(1)(c)(i).
- (2) In the event that driven or part-driven pile foundations are proposed to be used, the hammer energy used to drive or part-drive the pile foundations must not exceed—
- (a) 4,000kJ in respect of monopile foundations; and

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(b) 2,400kJ in respect of pin piles.

(3) Pre-construction archaeological investigations, UXO clearance and pre-commencement material operations which involve intrusive seabed works must only take place in accordance with a specific written scheme of archaeological investigation which is itself in accordance with the details set out in the outline written scheme of investigation (offshore), and which has been submitted to and approved by the MMO in consultation with the statutory historic body.

**18.**—(1) Any archaeological reports produced in accordance with condition 17(1)(g)(iii) are to be approved by the statutory historic body.

(2) Each programme, statement, plan, protocol or scheme required to be approved under condition 17 must be submitted for approval at least six months prior to the intended commencement of licensed activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.

(3) No licensed activity may commence until for that licensed activity the MMO has approved in writing any relevant programme, statement, plan, protocol or scheme required to be approved under condition 17.

(4) The licensed activities must be carried out in accordance with the approved plans, protocols, statements, schemes and details approved under condition 17, unless otherwise agreed in writing by the MMO.

(5) No part of the authorised scheme 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 part of the authorised scheme, adequately addressed all MCA recommendations as appropriate to the authorised scheme contained within MGN654 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” and its annexes.

#### **Reporting of engaged agents, contractors and vessels**

**19.**—(1) The undertaker must provide the following information to the MMO—

- (a) the name and function of any agent or contractor appointed to engage in the licensed activities within seven days of appointment; and
- (b) each week during the construction of the authorised scheme a completed Hydrographic Note H102 listing the vessels currently and to be used in relation to the licensed activities.

(2) Any changes to the supplied details must be notified to the MMO in writing prior to the agent, contractor or vessel engaging in the licensed activities.

#### **Pre-construction monitoring and surveys**

**20.**—(1) The undertaker must, in discharging condition 17(1)(c), submit details (which accord with the in principle monitoring plan) for written approval by the MMO in consultation with the relevant statutory bodies of proposed pre-construction surveys, including methodologies (including appropriate buffers, where relevant) and timings, and a proposed format and content for a pre-construction baseline report; and

- (a) the survey proposals must specify each survey’s objectives and explain how it will assist in either informing a useful and valid comparison with the post-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement; and
- (b) the baseline report proposals 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.

(2) 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 survey to determine the location and extent of any *Sabellaria spinulosa* reef inside the area(s) within the Order limits in which it is proposed to carry out construction works;
- (b) a full sea floor coverage swath-bathymetry survey undertaken to IHO Order 1a standard that meets the requirements of MGN654 and its annexes, and side scan sonar, of the area(s) within the Order limits in which it is proposed to carry out construction works including an appropriate buffer area around the site of each work, inclusive of seabed anomalies or sites of historic or archaeological interest that lie within the buffer;
- (c) any marine mammal monitoring required by the monitoring plan submitted in accordance with condition 17(1)(c); and
- (d) any ornithological monitoring required by the monitoring plan submitted in accordance with condition 17(1)(c).

(3) The undertaker must carry out the surveys agreed under sub-paragraph (1) and provide the baseline report to the MMO in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing by the MMO in consultation with the relevant statutory nature conservation bodies.

### **Construction monitoring**

21.—(1) The undertaker must, in discharging condition 17(1)(c), submit details (which accord with the in principle monitoring plan) for approval 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 authorised scheme. The survey proposals must specify each survey's objectives. In any event, such monitoring must include measurements of noise generated by the installation of the first four piled foundations of each piled foundation type to be installed.

(2) The undertaker must carry out the surveys approved under sub-paragraph (1), including any further noise monitoring required in writing by the MMO, and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with the relevant statutory nature conservation bodies.

(3) The results of the initial noise measurements monitored in accordance with sub-paragraph (1) must be provided to the MMO within six weeks of the installation of the first four piled foundations of each piled foundation type. The assessment of this report by the MMO will determine whether any further noise monitoring is required. If, in the opinion of the MMO in consultation with the statutory nature conservation body, the assessment shows significantly different impacts to those assessed in the environmental statement or failures in mitigation, all piling activity must cease until an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed.

(4) Construction monitoring must include traffic monitoring in accordance with the outline navigation monitoring strategy, including the provision of reports on the results of that monitoring periodically as requested by the MMO in consultation with Trinity House and the MCA.

### **Post construction**

22.—(1) The undertaker must, in discharging condition 17(1)(c), submit details (which accord with the in principle monitoring plan) for approval by the MMO in consultation with relevant statutory bodies of proposed post-construction surveys, including methodologies and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals

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must specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.

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

- (a) appropriate surveys to determine any change in the location, extent and composition of any *Sabellaria spinulosa* reef identified in the pre-construction survey in the parts of the offshore Order limits in which construction works were carried out. The survey design must be informed by the results of the pre-construction survey;
- (b) within twelve months of completion of the licensed activities, one swath-bathymetry survey undertaken to IHO Order 1a standard that meets the requirements of MGN654 and its annexes of the part(s) of 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 have been buried or protected;
- (c) any marine mammal monitoring required by the monitoring plan submitted in accordance with condition 17(1)(c);
- (d) post-construction traffic monitoring in accordance with the outline navigation monitoring strategy, including the provision of reports on the results of that monitoring periodically as requested by the MMO in consultation with Trinity House and the MCA; and
- (e) any ornithological monitoring required by the monitoring plan submitted in accordance with condition 17(1)(c).

(3) The undertaker must carry out the surveys agreed 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.

(4) Following installation of cables, the cable monitoring plan required under condition 17(1)(d)(ii)(cc) must be updated with the results of the post installation surveys. The plan must be implemented during the operational lifetime of the project and reviewed as specified within the plan, following cable burial surveys, or as instructed by the MMO.

### **Reporting of impact pile driving/detonation of explosives**

**23.—**(1) Only when driven or part-driven pile foundations or detonation of explosives are proposed to be used as part of the foundation installation the undertaker must provide the following information to the Marine Noise Registry—

- (a) prior to the commencement of the licenced activities, information on the expected location, start and end dates of impact pile driving/detonation of explosives to satisfy the Marine Noise Registry's Forward Look requirements;
- (b) within 12 weeks of completion of impact pile driving/detonation of explosives, information on the locations and dates of impact pile driving/detonation of explosives to satisfy the Marine Noise Registry's Close Out requirements.

(2) The undertaker must notify the MMO of the successful submission of Forward Look or Close Out data pursuant to sub-paragraph (1) above within 7 days of the submission.

(3) For the purpose of this condition—

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

- (b) “*Forward Look*” and “*Close Out*” requirements are as set out in the UK Marine Noise Registry Information Document Version 1 (July 2015) or any updated information document.

### **Scour protection and cable protection during operation**

**24.**—(1) During the period of five years following the completion of construction the undertaker must not install scour protection in locations where scour protection was not installed during construction until the following information has been submitted to and approved by the MMO in consultation with the relevant statutory nature conservation body—

- (a) the need for and location of the scour protection;
- (b) the type and sources of scour protection proposed to be used;
- (c) the volume and area of scour protection proposed, together with details of the total volume and area of scour protection installed under this licence;
- (d) installation methods for the scour protection; and
- (e) a report to confirm the Environmental Statement predictions in relation to the potential impact of scour protection and that the data used is appropriate.

(2) The information required under paragraph (1) must be submitted to the MMO for approval at least four months prior to the date on which scour protection is intended for installation, unless otherwise agreed with the MMO.

(3) The installation of such scour protection must be undertaken in accordance with the details approved under sub-paragraph (1).

(4) A close out report following each instance of installation of scour protection approved under sub-paragraph (1) must be submitted to the MMO within three months of completion of the activity.

(5) Following the date of completion of construction, the undertaker must not install scour protection in locations where scour protection was not installed during construction unless approved under sub-paragraph (1).

(6) During the period of five years following the completion of construction the undertaker must not install cable protection in locations where cable protection was not installed during construction until the following information has been submitted to and approved by the MMO in consultation with the relevant statutory nature conservation body—

- (a) the need for and location of the cable protection;
- (b) the type and sources of cable protection proposed to be used;
- (c) the volume and area of cable protection proposed, together with details of the total volume and area of cable protection installed under this licence;
- (d) installation methods for the cable protection; and
- (e) a report to confirm the Environmental Statement predictions in relation to the potential impact of cable protection and that the data used is appropriate.

(7) The information required under sub-paragraph (6) must be submitted to the MMO for approval at least four months prior to the date on which cable protection is intended for installation, unless otherwise agreed with the MMO.

(8) The installation of such cable protection must be undertaken in accordance with the details approved under sub-paragraph (6).

(9) A close out report following each instance of installation of cable protection approved under sub-paragraph (6) must be submitted to the MMO within three months of completion of the activity.

(10) Following the date of completion of construction, the undertaker must not install cable protection in locations where cable protection was not installed during construction unless approved under sub-paragraph (6).

### **Co-operation**

**25.—**(1) Prior to submission of plans and documentation required to be submitted to the MMO for approval in accordance with conditions 16(1), 17(1) and 26(1), the undertaker must provide a copy of the relevant plans and documentation to the East Anglia ONE North undertaker to enable the East Anglia ONE North undertaker to provide any comments on the plans and documentation to the undertaker.

(2) The plans and documentation submitted to the MMO for approval in accordance with conditions 16(1), 17(1) and 26(1) must be accompanied by any comments received by the undertaker from the East Anglia ONE North undertaker in accordance with paragraph (1) or a statement from the undertaker confirming that no such comments were received.

(3) The undertaker must participate in liaison meetings with the East Anglia ONE North undertaker as requested from time to time by the MMO in writing in advance, and such meetings will be chaired by the MMO and may consider such matters as are determined by the MMO relating to the efficient management and discharge of conditions 16(1), 17(1) and 26(1) of this licence and conditions 16(1), 17(1) and 26(1) of Schedule 13, Part 2 to the East Anglia ONE North Order.

(4) For the purposes of this condition—

“East Anglia ONE North authorised scheme” means Work Nos. 1 to 6 of the East Anglia ONE North Order;

“East Anglia ONE North Order” means the East Anglia ONE North Offshore Wind Farm Order 2022; and

“East Anglia ONE North undertaker” means the undertaker in respect of the East Anglia ONE North authorised scheme.

### **Southern North Sea Special Area of Conservation Site Integrity Plan (Piling)**

**26.—**(1) No piling activities can commence until a Site Integrity Plan (SIP), which accords with the principles set out in the in principle East Anglia TWO Project Southern North Sea SAC Site Integrity Plan, has been submitted to, and approved in writing, by the MMO in consultation with the relevant statutory nature conservation body.

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

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

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

### **Southern North Sea Special Area of Conservation Site Integrity Plan (UXO clearance)**

**27.—**(1) No removal or detonation of UXO can take place until a Site Integrity Plan (SIP), which accords with the principles set out in the in principle East Anglia TWO Project Southern North Sea SAC Site Integrity Plan, has been submitted to, and approved in writing, by the MMO in consultation with the relevant statutory nature conservation body.

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

(3) The SIP must be submitted to the MMO no later than six months prior to removal or detonation of UXO being undertaken.

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

### **Control of piling and UXO detonations**

**28.**—(1) The undertaker must not—

- (a) undertake pile driving in respect of more than one pile at the same time;
- (b) undertake more than one UXO detonation at the same time; or
- (c) undertake pile driving at the same time as undertaking a UXO detonation.

(2) In the event that pile driving or UXO detonation is being carried out under licence 2 (transmission), the undertaker must not undertake pile driving or UXO detonation under this licence at the same time.

(3) During the winter period the undertaker must not carry out more than one pile driving activity or UXO detonation within a 24 hour period under this licence, alone or in-combination with pile driving or UXO detonations undertaken in accordance with licence 2 (transmission).

(4) For the purpose of this condition—

“winter period” means the period between 1st October to 31st March inclusive.

### **Herring spawning**

**29.**—(1) The undertaker must not undertake pile driving or UXO detonations during the herring spawning period.

(2) The “herring spawning period” means a period within 1st November and 31st January to be confirmed in writing by the MMO following submission of a herring spawning report by the undertaker which analyses the International Herring Larval Survey data for the periods 1st -15th January and 16th -31st January for the preceding ten years in order to determine when the highest larval densities occur and which includes a methodology for the analysis.

(3) Unless otherwise agreed in writing with the MMO, the report referred to in paragraph (2) must be submitted to the MMO at least six months prior to—

- (a) the date on which it is intended for UXO clearance activities to begin; or
- (b) the commencement of construction,

whichever is earlier.

### **Sediment sampling**

**30.**—(1) The undertaker must not undertake dredge or disposal activities until the following have been submitted to and approved in writing by the MMO—

- (a) details of an additional sediment contaminants sampling campaign; and
- (b) a dredge and disposal process report detailing—

(i) the results of the sampling campaign referred to in sub-paragraph (1)(a); and

(ii) the requirements to be adhered to during any dredge and disposal activities.

(2) Any dredge and disposal activities must be undertaken in accordance with the dredge and disposal process report approved under sub-paragraph (1).

### **Completion of construction**

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

- (a) the final number of installed wind turbine generators; and
- (b) the installed wind turbine generator parameters relevant for ornithological collision risk modelling.

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

## SCHEDULE 14

Article 31

### Deemed licence under the 2009 Act – offshore transmission assets

## PART 1

### Licensed marine activities

**1.**—(1) In this licence—

“the 2004 Act” means the Energy Act 2004;

“the 2009 Act” means the Marine and Coastal Access Act 2009;

“the 2017 Offshore Regulations” means the Conservation of Offshore Marine Habitats and Species Regulations 2017<sup>(11)</sup>;

“the 2017 Regulations” means the Conservation of Habitats and Species Regulations 2017<sup>(12)</sup>;

“air clearance height” means the distance between the lowest point of the rotating blade of the wind turbine generator and MHWS;

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

“authorised scheme” means Work Nos. 2 to 6 described in paragraph 3 of Part 1 of this licence or any part of that work;

“best practice protocol for minimising disturbance to red-throated diver” means the document certified as the best practice protocol for minimising disturbance to red-throated diver by the Secretary of State for the purposes of the Order under article 36;

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

<sup>(11)</sup> S.I. 2017/1013.

<sup>(12)</sup> S.I. 2017/1012.



“cable crossings” means the crossing of existing sub-sea cables or pipelines or other existing infrastructure by the platform link or export cables authorised by the Order together with physical protection measures including cable protection;

“cable protection” means measures to protect cables from physical damage and including, but not limited to, the use of bagged solutions filled with grout or other materials, protective aprons or coverings, mattresses, flow energy dissipation devices or rock and gravel burial;

“Cefas” means the Centre for Environment, Fisheries and Aquaculture Science or any successor body to its function;

“commence” means the first carrying out of any licensed marine activities authorised by this licence, save for operations consisting of offshore preparation works or pre-construction monitoring surveys approved under this licence and the words “commencement” and “commenced” must be construed accordingly;

“condition” means a condition in Part 2 of this licence;

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

“draft marine mammal mitigation protocol” means the document certified as the draft marine mammal mitigation protocol by the Secretary of State for the purposes of this Order under article 36;

“enforcement officer” means a person authorised to carry out enforcement duties under Chapter 3 of Part 4 (marine licensing) of the 2009 Act under article 36;

“environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of the Order under article 36;

“European offshore marine site” has the meaning given in regulation 18 of the 2017 Offshore Regulations;

“European site” has the meaning given in regulation 27 of the 2017 Offshore Regulations;

“gravity base foundation” means a structure principally of steel, concrete, or steel and concrete which rests on the seabed either due to its own weight with or without added ballast or additional skirts and associated equipment including scour protection, J-tubes, corrosion protection systems and access platforms and equipment;

“in principle monitoring plan” means the document certified as the in principle monitoring plan by the Secretary of State for the purposes of the Order under article 36;

“in principle East Anglia TWO Project Southern North Sea SAC Site Integrity Plan” means the document certified as the in principle East Anglia TWO Project Southern North Sea SAC Site Integrity Plan by the Secretary of State for the purposes of the Order under article 36;

“Historic England” means the Historic Buildings and Monuments Commission for England;

“intertidal area” means the area between MHWS and MLWS;

“jacket foundation” means a steel jacket/lattice-type structure constructed of steel which is fixed to the seabed at three or more points with steel pin piles or steel suction buckets and associated equipment including scour protection, J-tubes, corrosion protection systems and access platform(s) and equipment;

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

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“Kingfisher Fortnightly Bulletin” means the bulletin published by the Humber Seafood Institute or such other alternative publication approved in writing by the MMO for the purposes of this licence;

“LAT” means lowest astronomical tide;

“licence 1 (generation)” means the licence set out in Schedule 13 (deemed licence under the 2009 Act – generation assets);

“licensed activities” means the activities specified in Part 1 of this licence;

“maintain” includes inspect, upkeep, repair, adjust, and alter and further includes remove, reconstruct and replace (but only in relation to any of the ancillary works in Part 2 of Schedule 1 (ancillary works) to the Order and any component part of any offshore electrical platform or construction, operation and maintenance platform described in Part 1 of Schedule 1 (authorised development) to the Order not including the alteration, removal or replacement of foundations), to the extent assessed in the environmental statement; and “maintenance” must be construed accordingly;

“mean high water springs” or “MHWS” means the highest level which spring tides reach on average over a period of time;

“mean low water springs” or “MLWS” means the average height of all low waters above Chart Datum;

“Marine Management Organisation” or “MMO” means the body created under the 2009 Act which is responsible for the monitoring and enforcement of this licence;

“MCA” means the Maritime and Coastguard Agency;

“monopile foundation” means a steel pile, typically cylindrical, driven and/or drilled into the seabed and associated equipment including scour protection, J-tubes, corrosion protection systems and access platform(s) and equipment;

“offshore electrical platform” means a platform with one or more decks, whether open or fully clad, accommodating electrical power transformers, low, medium and/or high voltage switch gear, instrumentation, protection and control systems, neutral earthing resistors, reactive compensation, standby electrical generation equipment, fuelling facilities, auxiliary and uninterruptible power supply systems and transformers, accommodation, emergency shelter, craneage, metering stations, meteorological equipment, helicopter landing facilities, messing facilities, potable water storage, black water separation equipment, control hub, drainage facilities, access equipment, J-tubes, marking and lighting and other associated equipment and facilities to enable the transmission of electronic communications and for electricity to be collected at, and exported from, the platform;

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

“offshore platforms” means the construction, operation and maintenance platform and the offshore electrical platforms;

“offshore preparation works” means surveys, monitoring and UXO clearance activities seaward of MHWS undertaken prior to the commencement of construction to prepare for construction;

“the Order” means the East Anglia TWO Offshore Wind Farm Order 2022;

“outline fisheries liaison and coexistence plan” means the document certified as the outline fisheries liaison and coexistence plan by the Secretary of State for the purposes of the Order under article 36;

“outline navigation monitoring strategy” means the document certified as the outline navigation monitoring strategy by the Secretary of State for the purposes of the Order under article 36;

“outline offshore operations and maintenance plan” means the document certified as the outline offshore operations and maintenance plan by the Secretary of State for the purposes of the Order under article 36;

“outline *Sabellaria* reef management plan” means the document certified as the outline *Sabellaria* reef management plan by the Secretary of State for the purposes of the Order under article 36;

“outline written scheme of investigation (offshore)” means the document certified as the outline written scheme of investigation (offshore) by the Secretary of State for the purposes of the Order under article 36;

“pin piles” means steel cylindrical piles driven and/or drilled into the seabed to secure steel jacket foundations;

“platform link cables” means the cables linking offshore platforms to one another and described in Work No. 4;

“relevant site” means a European offshore marine site or a European site;

“SAC” means special area of conservation;

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

“statutory nature conservation body” means the appropriate nature conservation body as defined in regulation 5 of the 2017 Regulations;

“suction caisson” means large diameter steel cylindrical shells which penetrate the seabed assisted by a hydrostatic pressure differential for securing steel jacket foundations;

“suction caisson foundation” means a tubular steel structure which penetrates the seabed assisted by a hydrostatic pressure differential and associated equipment, including scour protection, J-tubes, corrosion protection systems and access platform(s) and equipment;

“transition bay” means an underground pit where the offshore export cables are jointed to the onshore cables;

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

“undertaker” means East Anglia TWO Limited (company number 11121842);

“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in, on or over water and which is at the time in, on or over water;

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

“UXO” means unexploded ordnance; and

“works plans” means the plans certified as the works plans by the Secretary of State for the purposes of the Order.

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

(3) Unless otherwise indicated—

(a) all times are taken to be Greenwich Mean Time (GMT);

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- (b) all coordinates are taken to be latitude and longitude degrees and minutes to two decimal places.
- (4) Except where otherwise notified in writing by the relevant organisation, the primary point of contact with the organisations listed below and the address for returns and correspondence are—
  - (a) Marine Management Organisation
    - Marine Licensing Team
    - Lancaster House
    - Hampshire Court
    - Newcastle Business Park
    - Newcastle upon Tyne
    - NE4 7YH
    - Tel: 0300 123 1032;
  - (b) Marine Management Organisation (local office)
    - Marine Environment Team
    - Pakefield Road
    - Lowestoft
    - Suffolk
    - NR33 0HT
    - Tel: 0208 026 6094;
  - (c) Trinity House
    - Tower Hill
    - London
    - EC3N 4DH
    - Tel: 020 7481 6900;
  - (d) The United Kingdom Hydrographic Office
    - Admiralty Way
    - Taunton
    - Somerset
    - TA1 2DN
    - Tel: 01823 337 900;
  - (e) Maritime and Coastguard Agency
    - Navigation Safety Branch
    - Bay 2/20, Spring Place
    - 105 Commercial Road
    - Southampton
    - SO15 1EG
    - Tel: 020 3817 2426;
  - (f) Natural England
    - Area 1C, Nobel House
    - 17 Smith Square

London  
SW1P 2AL  
Tel: 0300 060 4911;

- (g) Historic England  
Brooklands  
24 Brooklands Avenue  
Cambridge  
CB2 8BU  
Tel: 01223 582749.

### **Details of licensed marine activities**

2. Subject to the licence conditions, this licence authorises the undertaker (and any agent or contractor acting on their behalf) to carry out the following licensable marine activities under section 66(1) of the 2009 Act—

- (a) the deposit at sea of the substances and articles specified in paragraph 4 below;
- (b) the construction of works in or over the sea or on or under the sea bed;
- (c) dredging for the purposes of seabed preparation for foundation works and cable laying preparation works;
- (d) debris clearance works;
- (e) boulder clearance works either by displacement ploughing or subsea grab technique or other equivalent method;
- (f) UXO clearance works;
- (g) the removal of out of service cables;
- (h) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation; and
- (i) the disposal of up to 1,887,600 m<sup>3</sup> of inert material of natural origin and/or dredged material within the offshore Order limits produced during construction drilling or seabed preparation for foundation works, sandwave clearance and boulder clearance works at disposal site reference(s) to be provided by the MMO within the extent of the Order limits seaward of MHWS comprising—
  - (i) 668,800 m<sup>3</sup> in respect of the construction, operation and maintenance platform and the offshore electrical platforms (some of which may alternatively be disposed under licence 1 (generation));
  - (ii) 150,000 m<sup>3</sup> in respect of the platform link cables (some of which may alternatively be disposed under licence 1 (generation)); and
  - (iii) 1,068,800 m<sup>3</sup> in respect of the subsea export cables.

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

(2) Work No. 2— up to one construction, operation and maintenance platform fixed to the seabed within the area shown on the works plans by one of four foundation types (namely monopile, jacket on suction caissons, jacket on piles or gravity base) (which may alternatively be constructed under licence 1 (generation));

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(3) Work No. 3— up to four offshore electrical platforms fixed to the seabed within the area shown on the works plans by one of four foundation types (namely monopile, jacket on suction caissons, jacket on piles or gravity base) (which may alternatively be constructed under licence 1 (generation));

(4) Work No. 4— a network of subsea platform link cables within the area shown on the works plans between the offshore electrical platforms comprising Work No. 3 and between the construction, operation and maintenance platform comprising Work No. 2 and the offshore electrical platforms comprising Work No. 3 for the transmission of electricity and electronic communications including one or more cable crossings (which may alternatively be constructed under licence 1 (generation));

(5) Work No. 5— up to two subsea export cables between Work No. 3 and Work No. 6 within the area shown on the works plans including one or more cable crossings;

(6) Work No. 6— a landfall connection works consisting of up to two cables laid underground from Work No. 5 to the transition bays;

(7) In connection with such Work Nos. 2 to 6 and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised scheme and which fall within the scope of the work assessed by the environmental statement, including—

- (a) scour protection around the foundations of the offshore structures;
- (b) cable protection measures such as rock placement and the placement of concrete mattresses and frond mattresses;
- (c) dredging;
- (d) the removal of material from the seabed required for the construction of Work Nos. 2 to 6 and the disposal of seabed sediments produced during construction drilling and seabed preparation for the installation of the foundations of the offshore structures or during seabed preparation for cable laying;

(8) In connection with such Work Nos. 2 to 6, ancillary works within the Order limits which have been subject to an environmental impact assessment recorded in the environmental statement comprising—

- (a) temporary landing places, moorings or other means of accommodating vessels in the construction and/ or maintenance of the authorised scheme; and
- (b) marking buoys, beacons, fenders and other navigational warning or ship impact protection works.

4. The substances or articles authorised for deposit at sea are—

- (a) iron and steel, copper and aluminium;
- (b) stone and rock;
- (c) concrete;
- (d) sand and gravel;
- (e) plastic and synthetic;
- (f) bentonite drilling mud;
- (g) material extracted from within the offshore Order limits during construction drilling and seabed preparation for foundation works and sandwave clearance works; and
- (h) marine coatings, other chemicals and timber.

5. The grid coordinates for the authorised scheme are specified below—

**Status:** This is the original version (as it was originally made).

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	52° 14 39.654N	02° 11 21.656E
2	52° 15 04.022N	02° 13 12.152E
3	52° 02 57.281N	02° 19 46.696E
4	52° 02 52.969N	02° 08 40.302E
5	52° 03 53.133N	02° 07 14.881E
6	52° 08 38.942N	02° 07 41.310E
7	52° 13 29.526N	02° 08 08.272E
8	52° 17 42.613N	02° 08 31.830E
9	52° 18 44.262N	02° 06 49.319E
10	52° 18 39.650N	01° 57 24.848E
11	52° 17 25.858N	01° 54 09.969E
12	52° 17 24.663N	01° 52 03.374E
13	52° 15 14.373N	01° 45 57.606E
14	52° 15 04.711N	01° 49 39.684E
15	52° 15 01.611N	01° 49 53.749E
16	52° 14 55.768N	01° 50 02.126E
17	52° 11 16.087N	01° 53 12.972E
18	52° 11 06.257N	01° 53 33.515E
19	52° 10 49.579N	01° 55 24.050E
20	52° 10 56.146N	01° 59 23.916E
21	52° 11 39.569N	02° 01 58.824E
22	52° 11 52.131N	02° 03 14.901E
23	52° 11 21.410N	02° 03 41.116E
24	52° 11 06.526N	02° 02 15.690E
25	52° 09 40.842N	01° 57 07.198E
26	52° 09 39.286N	01° 55 07.950E
27	52° 10 54.492N	01° 52 29.501E
28	52° 14 31.482N	01° 49 20.497E
29	52° 14 40.142N	01° 45 33.942E
30	52° 14 29.510N	01° 45 06.050E
31	52° 10 51.365N	01° 42 32.460E
32	52° 09 56.713N	01° 39 52.443E
33	52° 09 53.117N	01° 38 40.253E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
34	52° 10 06.702N	01° 37 38.597E
35	52° 10 44.466N	01° 37 04.551E
36	52° 11 01.504N	01° 37 17.750E
37	52° 11 02.378N	01° 37 15.833E
38	52° 11 11.451N	01° 37 20.545E
39	52° 11 22.030N	01° 37 22.233E
40	52° 11 30.678N	01° 37 21.417E
41	52° 11 31.210N	01° 37 24.534E
42	52° 11 33.421N	01° 37 24.505E
43	52° 11 53.663N	01° 37 50.246E
44	52° 12 26.106N	01° 40 17.584E
45	52° 13 37.194N	01° 41 04.014E
46	52° 15 54.943N	01° 45 03.442E
47	52° 18 25.193N	01° 52 05.276E
48	52° 20 19.496N	01° 56 37.327E
49	52° 20 25.400N	02° 08 48.429E
50	52° 20 02.196N	02° 08 47.461E
51	52° 20 02.235N	02° 10 29.142E
52	52° 19 10.459N	02° 10 57.491E
53	52° 19 10.435N	02° 09 35.567E
54	52° 16 21.190N	02° 09 19.730E

**6.** This licence remains in force until the authorised scheme has been decommissioned in accordance with a programme approved by the Secretary of State under section 106 of the 2004 Act, including any modification to the programme under section 108, and the completion of such programme has been confirmed by the Secretary of State in writing.

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

**8.** With respect to any condition which requires the licensed activities be carried out in accordance with the plans, protocols or statements approved under this licence, the approved details, plan or scheme are taken to include any amendments that may subsequently be approved in writing by the MMO.

**9.** Any amendments to the details, plan or scheme must be in accordance with the principles and assessments set out in the environmental statement, and approval for an amendment may be given only where it has been demonstrated to the satisfaction of the MMO that the amendment is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.



## PART 2

### Conditions

#### Design parameters

1.—(1) The total number of construction, operation and maintenance platforms forming part of the authorised scheme and the authorised scheme in licence 1 (generation) taken together must not exceed one (whether constructed under this licence or licence 1 (generation)).

(2) The dimensions of the construction, operation and maintenance platform forming part of the authorised scheme (excluding towers, helipads, masts and cranes) must not exceed 50 metres in height when measured from LAT, 70 metres in length and 50 metres in width.

2.—(1) The total number of offshore electrical platforms forming part of the authorised scheme and the authorised scheme in licence 1 (generation) taken together must not exceed four (whether constructed under this licence or licence 1 (generation)).

(2) The dimensions of any offshore electrical platform forming part of the authorised scheme (excluding towers, helipads, masts and cranes) must not exceed 50 metres in height when measured from LAT, 70 metres in length and 50 metres in width.

3. The total length of the cables forming part of the authorised scheme and the authorised scheme in licence 1 (generation) and the volume and area of their cable protection must not exceed the following (whether installed under this licence or licence 1 (generation))—

<i>Work</i>	<i>Length</i>	<i>Area of cable protection</i>	<i>Volume of cable protection</i>
Work No. 4 (platform link cables)	75 kilometres	104,550 m <sup>2</sup>	117,588 m <sup>3</sup>
Work Nos. 5 and 6 (export cables)	160 kilometres	108,800 m <sup>2</sup>	122,368 m <sup>3</sup>

4.—(1) In relation to any construction, operation and maintenance platform, the gravity base foundations must not have a total footprint of more than 4,800 m<sup>2</sup>.

(2) In relation to any construction, operation and maintenance platform, the jacket foundations must not have a total footprint at the seabed which is more than 5,676 m<sup>2</sup>.

(3) In relation to any construction, operation and maintenance platform, the monopile foundation must not have a total footprint at the seabed which is more than 177 m<sup>2</sup>.

(4) The total amount of scour protection for the construction, operation and maintenance platform forming part of the authorised scheme and the authorised scheme in licence 1 (generation) must not exceed 15,276 m<sup>2</sup> (whether installed under this licence or licence 1 (generation)).

(5) The total volume of scour protection for the construction, operation and maintenance platform forming part of the authorised scheme and the authorised scheme in licence 1 (generation) must not exceed 22,914 m<sup>3</sup> (whether installed under this licence or licence 1 (generation)).

5.—(1) In relation to each offshore electrical platform, the gravity base foundations must not have a total footprint at the seabed which is more than 4,800 m<sup>2</sup>.

(2) In relation to each offshore electrical platform, the jacket foundations must not have a total footprint at the seabed which is more than 5,676 m<sup>2</sup>.

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(3) In relation to each offshore electrical platform, the monopile foundation must not have a total footprint at the seabed which is more than 177 m<sup>2</sup>.

(4) The total amount of scour protection for the offshore electrical platforms forming part of the authorised scheme and the authorised scheme in licence 1 (generation) must not exceed 62,064 m<sup>2</sup> (whether installed under this licence or licence 1 (generation)).

(5) The total volume of scour protection for the offshore electrical platforms forming part of the authorised scheme and the authorised scheme in licence 1 (generation) must not exceed 91,656 m<sup>3</sup> (whether installed under this licence or licence 1 (generation)).

### **Notifications and inspections**

6.—(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; and
- (ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with condition 15;

(b) within 28 days of receipt of a copy of this licence those persons referred to in paragraph (a) above 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 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 or 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) above.

(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 construction and operation of the authorised scheme.

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

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

- (a) at least 14 days prior to UXO clearance activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data;
- (b) at least 14 days prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data; and
- (c) as soon as reasonably practicable and no later than 24 hours after completion of construction of all offshore activities.

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

(8) A notice to mariners must be issued at least 14 days prior to UXO clearance activities and at least 14 days prior to the commencement of the licensed activities or any part of them advising of the start date of Work Nos. 2, 3, 4, 5 and 6 to the extent that they are constructed under this licence, and the expected vessel routes from the construction ports to the relevant location. Copies of all notices must be provided to the MMO, MCA and UKHO within five days.

(9) The notices to mariners must be updated and reissued at regular intervals during construction activities and at least five days before any planned operations and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme approved under condition 13(1)(b). Copies of all notices must be provided to the MMO and UKHO within five days.

(10) The undertaker must notify the UK Hydrographic Office of UXO clearance activities (14 days prior) and of the commencement (14 days prior), progress and completion of construction (within 14 days) of the licensed activities in order that all necessary amendments to nautical charts are made and the undertaker must send a copy of such notifications to the MMO within five days.

(11) In case of damage to, or destruction or decay of, the authorised scheme seaward of MHWS or any part thereof the undertaker must as soon as possible and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify MMO, MCA, Trinity House, Kingfisher Information Service and the UK Hydrographic Office.

(12) In case of exposure of cables on or above the seabed, the undertaker must, within three days following identification of a cable exposure, notify mariners by issuing a notice to mariners and by informing Kingfisher Information Service 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**

7.—(1) The undertaker must during the whole period from commencement of the licensed activities to completion of decommissioning seaward of MHWS exhibit such lights, marks, sounds, signals and other aids to navigation, and take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.

(2) The undertaker must during the period from the start of construction of the authorised scheme to completion of decommissioning seaward of MHWS keep Trinity House and the MMO informed of progress of the authorised scheme including the following—

- (a) notice of commencement of construction of the authorised scheme within 24 hours of commencement having occurred;
- (b) notice within 24 hours of any aids to navigation being established by the undertaker; and
- (c) notice within five days of completion of construction of the authorised scheme.

(3) The undertaker must provide reports to Trinity House on the availability of aids to navigation in accordance with the frequencies set out in the aids to navigation management plan approved pursuant to condition 13(1)(i) using the reporting system provided by Trinity House.

(4) The undertaker must during the whole period from commencement of the licensed activities to completion of decommissioning seaward of MHWS 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 6(11) 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.

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8.—(1) The undertaker must colour all structures yellow (colour code RAL 1023) from at least highest astronomical tide to a height directed by Trinity House, or must colour the structure as directed by Trinity House from time to time.

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

#### **Aviation safety**

9. The undertaker must notify the Defence Infrastructure Organisation Safeguarding, at least 14 days prior to the commencement of the authorised scheme, in writing of the following information—

- (a) the date of the commencement of construction of the authorised scheme;
- (b) the maximum height of any construction equipment to be used;
- (c) the maximum height of any platform to be constructed;
- (d) the latitude and longitude of each 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 scheme. Copies of notifications must be provided to the MMO within five working days of the notification to the Defence Infrastructure Organisation Safeguarding.

#### **Chemicals, drilling and debris**

10.—(1) Unless otherwise agreed in writing by the MMO, the carriage and use of chemicals in the construction of the authorised scheme must comply with the International Convention for the Prevention of Pollution from Ships.

(2) The undertaker must ensure that any coatings/treatments are suitable for use in the marine environment and are used in accordance with guidelines approved by 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% of the total volume of all reservoirs and containers.

(4) The undertaker must inform the MMO of the location and quantities of material disposed of each month under the Order, by submission of a disposal return by 31st January each year for the months July to December inclusive, and by 31st July each year for the months January to June inclusive.

(5) The undertaker must ensure that only inert material of natural origin, drilling mud and dredged material, produced during the drilling installation of or seabed preparation for foundations, and sandwave clearance works is disposed of within the disposal site reference(s) to be provided by the MMO within the extent of the Order limits seaward of MHWS. Any material of anthropogenic origin will be screened out and disposed of at an appropriate waste facility onshore.

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

(7) In the event that any rock material used in the construction of the authorised scheme is misplaced or lost below MHWS, the undertaker must report the loss to the District Marine 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 endeavour to locate the material and recover it.

(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 should 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 approved under condition 13(1)(e)(i).

(10) All dropped objects must be reported to the MMO using the Dropped Object Procedure Form as soon as reasonably practicable and in any event within five days of the undertaker becoming aware of an incident. On receipt of the Dropped Object Procedure Form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the seabed at the undertaker's expense if reasonable to do so.

### **Force majeure**

**11.**—(1) 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 and/or of the vessel is threatened, within 48 hours full details of the circumstances of the deposit must be notified to the MMO.

(2) The unauthorised deposits must be removed at the expense of the undertaker unless written approval is obtained from the MMO.

### **UXO clearance**

**12.**—(1) No removal or detonation of UXO can take place until the following have been submitted to and approved in writing by the MMO in consultation with the relevant statutory nature conservation body and, in respect of the method statement, the MCA—

- (a) a method statement for UXO clearance which must include—
  - (i) methodologies for—
    - (aa) identification and investigation of potential UXO targets;
    - (bb) clearance of UXO;
    - (cc) removal and disposal of large debris;
  - (ii) a plan showing the area in which clearance activities are proposed to take place;
  - (iii) a programme of works; and
  - (iv) any exclusion zones/environmental micro-siting requirements;
- (b) a marine mammal mitigation protocol in accordance with the draft marine mammal mitigation protocol, the intention of which is to prevent injury to marine mammals, following current best practice as advised by the relevant statutory nature conservation bodies.

(2) The method statement (excluding the information required under paragraphs (1)(a)(ii) and (1)(a)(iv)) and the marine mammal mitigation protocol must be submitted to the MMO for approval at least six months prior to the date on which it is intended for UXO clearance activities to begin.

(3) The information to be included within the method statement in accordance with sub-paragraphs (1)(a)(ii) and (1)(a)(iv) must be submitted to the MMO for approval at least three months prior to the date on which it is intended for UXO clearance activities to begin.

(4) Any UXO clearance activities must be undertaken in accordance with the method statement and marine mammal mitigation protocol approved under sub-paragraph (1).

(5) Subject to sub-paragraph (6), a UXO clearance close out report must be submitted to the MMO and the relevant statutory nature conservation body within three months following the end of the UXO clearance activity and must include the following for each detonation undertaken—

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- (a) co-ordinates, depth, current speed, charge utilised and the date and time of each detonation; and
  - (b) whether any mitigation was deployed, including feedback on practicalities of deployment of equipment and efficacy of the mitigation where reasonably practicable, or justification if this information is not available.
- (6) Should there be more than one UXO clearance activity, the report required under sub-paragraph (5) will be provided at intervals agreed with the MMO.

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

**13.—**(1) The licensed activities or any part of those activities must not commence until the following (as relevant to that part) have been submitted to and approved in writing by the MMO—

- (a) A design plan at a scale of between 1:25,000 and 1:50,000, including detailed representation on the most suitably scaled admiralty chart, to be approved 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 offshore electrical platforms and the construction, operation and maintenance platform;
  - (ii) the length and arrangement of all cables comprising Work Nos. 4, 5 and 6;
  - (iii) the dimensions of all gravity base foundations;
  - (iv) the dimensions of all jacket foundations;
  - (v) the dimensions of all suction caisson foundations;
  - (vi) the dimensions of all monopile foundations;
  - (vii) the proposed layout of the offshore electrical platforms and the construction, operation and maintenance platform including any exclusion zones identified under condition 13(1)(g)(iv);
  - (viii) a plan showing the indicative layout of the offshore electrical platforms and the construction, operation and maintenance platform including all exclusion zones (insofar as not shown in (vii) above) and showing the indicative programming of particular works as set out in the indicative programme to be provided under condition 13(1)(b)(iii); and
  - (ix) any exclusion zones/environmental micrositing requirements;

to ensure conformity with the description of Work Nos. 2 to 6 and compliance with conditions 1 to 5 above.
- (b) 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;
  - (iii) an indicative written construction programme for the offshore electrical platforms, and the construction, operation and maintenance platform and cables comprised in the works at paragraph 3 of Part 1 (licenced marine activities) of this licence (insofar as not shown in sub-paragraph (ii) above);
- (c) A monitoring plan (which accords with the 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 in accordance with conditions 16, 17 and 18 to be submitted to the MMO in accordance with the following—
  - (i) at least six months prior to the first survey, detail of the pre-construction surveys and an outline of all proposed monitoring;

- (ii) at least six months prior to construction, detail on construction monitoring;
  - (iii) at least six months prior to completion of construction, detail of post-construction (and operational) monitoring;
- unless otherwise agreed in writing with the MMO.
- (d) A construction method statement in accordance with the construction methods assessed in the environmental statement and including details of—
- (i) foundation installation methodology, including drilling methods and disposal of drill arisings and material extracted during seabed preparation for foundation works;
  - (ii) cable specification, installation and monitoring, to include—
    - (aa) technical specification of offshore cables below MHWS;
    - (bb) a detailed cable laying plan for the Order limits, incorporating a burial risk assessment encompassing the identification of any cable protection that 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 and Trinity House) to be taken to ensure existing and future safe navigation is not compromised or such similar assessment to ascertain suitable burial depths and cable laying techniques, including cable landfall and cable protection; and
    - (cc) proposals for monitoring offshore cables and the status of cable protection during the operational lifetime of the authorised scheme which include a risk based approach to the management of unburied or shallow buried cables; and
    - (dd) where necessary, a relocation plan for Waverider Buoy and associated buoy (WMO ID: 62294) located at 52°12' 28.8"N, 001° 41' 04.8"E during cable installation, after consultation by the undertaker with Cefas and Trinity House;
  - (iii) scour protection management and cable protection including details of the need, type, sources, quantity and installation methods for scour protection and cable protection, with details updated and resubmitted for approval if changes to it are proposed following cable laying operations;
  - (iv) main contractors;
  - (v) vessels and vessels transit corridors; and
  - (vi) associated and ancillary works.
- (e) 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 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;
  - (iv) the appointment and responsibilities of a fisheries liaison officer;
  - (v) a fisheries liaison and coexistence plan, in accordance with the outline fisheries liaison and coexistence plan, to ensure relevant fishing fleets are notified of

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- commencement of licensed activities pursuant to condition 6 and to address the interaction of the licensed activities with fishing activities;
- (vi) procedures which must be adopted within vessels transit corridors to minimise disturbance to red-throated diver during the period 1st November to 31st March (inclusive), which must be in accordance with the best practice protocol for minimising disturbance to red-throated diver.
- (f) In the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol in accordance with the draft marine mammal mitigation protocol, the intention of which is to prevent injury to marine mammals, following current best practice as advised by the relevant statutory nature conservation bodies.
- (g) A written scheme of archaeological investigation in relation to the offshore Order limits seaward of mean high water, which must be submitted to the statutory historic body at least six months prior to commencement of the licensed activities and to the MMO at least four months prior to commencement of the licensed activities and which must accord with the outline written scheme of investigation (offshore) and industry good practice, in consultation with the statutory historic body (and, if relevant, Suffolk County Council) to include—
- (i) details of responsibilities of the undertaker, archaeological consultant and contractor;
  - (ii) details of coastal interface;
  - (iii) a methodology for further site investigation including any specifications for geophysical, geotechnical and diver or remotely operated vehicle investigations;
  - (iv) 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;
  - (v) delivery of any mitigation including, where necessary, identification and modification of archaeological exclusion zones;
  - (vi) monitoring of archaeological exclusion zones during and post construction, where required;
  - (vii) a requirement for the undertaker to ensure that a copy of any agreed archaeological report is deposited with the Archaeological Data Service, by submitting an OASIS (Online AccesS to the Index of archaeological investigationS’) form with a digital copy of the report within six months of completion of construction of the authorised scheme, and to notify the MMO and Historic England that the OASIS form has been submitted to the Archaeological Data Service within two weeks of submission;
  - (viii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme; and
  - (ix) 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) An offshore operations and maintenance plan, in accordance with the outline offshore operations and maintenance plan, to be submitted to the MMO at least six months prior to commencement of operation of the licensed activities and to provide for review and resubmission every three years during the operational phase.
- (i) An aids to navigation management plan to be approved in writing by the MMO following consultation with Trinity House, to include details of how the undertaker will comply with the provisions of condition 7 for the lifetime of the authorised scheme.



- (j) A *Sabellaria* reef management plan, in accordance with the outline *Sabellaria* reef management plan, to be submitted to the MMO at least six months prior to undertaking any pre-construction geophysical survey detailed in the monitoring plan to be submitted under condition 13(1)(c)(i).
  - (2) In the event that driven or part-driven pile foundations are proposed to be used, the hammer energy used to drive or part-drive the pile foundations must not exceed—
    - (a) 4,000kJ in respect of monopile foundations; and
    - (b) 2,400kJ in respect of pin piles.
  - (3) Pre-construction archaeological investigations, UXO clearance and pre-commencement material operations which involve intrusive seabed works must only take place in accordance with a specific written scheme of archaeological investigation which is itself in accordance with the details set out in the outline written scheme of investigation (offshore), and which has been submitted to and approved by the MMO in consultation with the statutory historic body.
- 14.—**(1) Any archaeological reports produced in accordance with condition 13(1)(g)(iii) are to be approved by the statutory historic body.
- (2) Each programme, statement, plan, protocol or scheme required to be approved under condition 13 must be submitted for approval at least six months prior to the intended commencement of licensed activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.
  - (3) No licensed activity may commence until for that licensed activity the MMO has approved in writing any relevant programme, statement, plan, protocol or scheme required to be approved under condition 13.
  - (4) The licensed activities must be carried out in accordance with the approved plans, protocols, statements, schemes and details approved under condition 13, unless otherwise agreed in writing by the MMO.
  - (5) No part of the authorised scheme 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 part of the authorised scheme, adequately addressed all MCA recommendations as appropriate to the authorised scheme contained within MGN654 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” and its annexes.

#### **Reporting of engaged agents, contractors and vessels**

- 15.—**(1) The undertaker must provide the following information to the MMO—
- (a) the name and function of any agent or contractor appointed to engage in the licensed activities within seven days of appointment; and
  - (b) each week during the construction of the authorised scheme a completed Hydrographic Note H102 listing the vessels currently and to be used in relation to the licensed activities.
- (2) Any changes to the supplied details must be notified to the MMO in writing prior to the agent, contractor or vessel engaging in the licensed activities.

#### **Pre-construction monitoring and surveys**

- 16.—**(1) The undertaker must, in discharging condition 13(1)(c), submit details (which accord with the in principle monitoring plan) for written approval by the MMO in consultation with the relevant statutory bodies of proposed pre-construction surveys, including methodologies (including

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appropriate buffers, where relevant) and timings, and a proposed format and content for a pre-construction baseline report; and

- (a) the survey proposals must specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the post-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement; and
  - (b) the baseline report proposals 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.
- (2) 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 survey to determine the location and extent of any *Sabellaria spinulosa* reef inside the area(s) within the Order limits in which it is proposed to carry out construction works;
  - (b) a full sea floor coverage swath-bathymetry survey undertaken to IHO Order 1a standard that meets the requirements of MGN654 and its annexes, and side scan sonar, of the area(s) within the Order limits in which it is proposed to carry out construction works including an appropriate buffer area around the site of each work, inclusive of seabed anomalies or sites of historic or archaeological interest that lie within the buffer;
  - (c) any marine mammal monitoring required by the monitoring plan submitted in accordance with condition 13(1)(c); and
  - (d) any ornithological monitoring required by the monitoring plan submitted in accordance with condition 13(1)(c).
- (3) The undertaker must carry out the surveys agreed under sub-paragraph (1) and provide the baseline report to the MMO in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing by the MMO in consultation with the relevant statutory nature conservation bodies.

### **Construction monitoring**

17.—(1) The undertaker must, in discharging condition 13(1)(c), submit details (which accord with the in principle monitoring plan) for approval 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 authorised scheme. The survey proposals must specify each survey's objectives. In any event, such monitoring must include measurements of noise generated by the installation of the first four piled foundations of each piled foundation type to be installed.

(2) The undertaker must carry out the surveys approved under sub-paragraph (1), including any further noise monitoring required in writing by the MMO, and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with the relevant statutory nature conservation bodies.

(3) The results of the initial noise measurements monitored in accordance with sub-paragraph (1) must be provided to the MMO within six weeks of the installation of the first four piled foundations of each piled foundation type. The assessment of this report by the MMO will determine whether any further noise monitoring is required. If, in the opinion of the MMO in consultation with the statutory nature conservation body, the assessment shows significantly different impacts to those assessed in the environmental statement or failures in mitigation, all piling activity must cease until an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed.

(4) Construction monitoring must include traffic monitoring in accordance with the outline navigation monitoring strategy, including the provision of reports on the results of that monitoring periodically as requested by the MMO in consultation with Trinity House and the MCA.

### **Post construction**

**18.**—(1) The undertaker must, in discharging condition 13(1)(c), submit details (which accord with the in principle monitoring plan) for approval by the MMO in consultation with relevant statutory bodies of proposed post-construction surveys, including methodologies and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals must specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.

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

- (a) appropriate surveys to determine any change in the location, extent and composition of any *Sabellaria spinulosa* reef identified in the pre-construction survey in the parts of the offshore Order limits in which construction works were carried out. The survey design must be informed by the results of the pre-construction survey;
- (b) within twelve months of completion of the licensed activities, one swath-bathymetry survey undertaken to IHO Order 1a standard that meets the requirements of MGN654 and its annexes of the part(s) of 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 have been buried or protected;
- (c) any marine mammal monitoring required by the monitoring plan submitted in accordance with condition 13(1)(c);
- (d) post-construction traffic monitoring in accordance with the outline navigation monitoring strategy, including the provision of reports on the results of that monitoring periodically as requested by the MMO in consultation with Trinity House and the MCA; and
- (e) any ornithological monitoring required by the monitoring plan submitted in accordance with condition 13(1)(c).

(3) The undertaker must carry out the surveys agreed 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.

(4) Following installation of cables, the cable monitoring plan required under condition 13(1)(d)(ii)(cc) must be updated with the results of the post installation surveys. The plan must be implemented during the operational lifetime of the project and reviewed as specified within the plan, following cable burial surveys, or as instructed by the MMO.

### **Reporting of impact pile driving/detonation of explosives**

**19.**—(1) Only when driven or part-driven pile foundations or detonation of explosives are proposed to be used as part of the foundation installation the undertaker must provide the following information to the Marine Noise Registry—

- (a) prior to the commencement of the licenced activities, information on the expected location, start and end dates of impact pile driving/detonation of explosives to satisfy the Marine Noise Registry's Forward Look requirements;
- (b) within 12 weeks of completion of impact pile driving/detonation of explosives, information on the locations and dates of impact pile driving/detonation of explosives to satisfy the Marine Noise Registry's Close Out requirements.

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(2) The undertaker must notify the MMO of the successful submission of Forward Look or Close Out data pursuant to paragraph (1) above within 7 days of the submission.

(3) For the purpose of this condition—

- (a) “*Marine Noise Registry*” means the database developed and maintained by JNCC on behalf of Defra to record the spatial and temporal distribution of impulsive noise generating activities in UK seas;
- (b) “*Forward Look*” and “*Close Out*” requirements are as set out in the UK Marine Noise Registry Information Document Version 1 (July 2015) or any updated information document.

### **Scour protection and cable protection during operation**

**20.**—(1) During the period of five years following the completion of construction the undertaker must not install scour protection in locations where scour protection was not installed during construction until the following information has been submitted to and approved by the MMO in consultation with the relevant statutory nature conservation body—

- (a) the need for and location of the scour protection;
- (b) the type and sources of scour protection proposed to be used;
- (c) the volume and area of scour protection proposed, together with details of the total volume and area of scour protection installed under this licence;
- (d) installation methods for the scour protection; and
- (e) a report to confirm the Environmental Statement predictions in relation to the potential impact of scour protection and that the data used is appropriate.

(2) The information required under sub-paragraph (1) must be submitted to the MMO for approval at least four months prior to the date on which scour protection is intended for installation, unless otherwise agreed with the MMO.

(3) The installation of such scour protection must be undertaken in accordance with the details approved under sub-paragraph (1).

(4) A close out report following each instance of installation of scour protection approved under sub-paragraph (1) must be submitted to the MMO within three months of completion of the activity.

(5) Following the date of completion of construction, the undertaker must not install scour protection in locations where scour protection was not installed during construction unless approved under sub-paragraph (1).

(6) During the period of five years following the completion of construction the undertaker must not install cable protection in locations where cable protection was not installed during construction until the following information has been submitted to and approved by the MMO in consultation with the relevant statutory nature conservation body—

- (a) the need for and location of the cable protection;
- (b) the type and sources of cable protection proposed to be used;
- (c) the volume and area of cable protection proposed, together with details of the total volume and area of cable protection installed under this licence;
- (d) installation methods for the cable protection; and
- (e) a report to confirm the Environmental Statement predictions in relation to the potential impact of cable protection and that the data used is appropriate.

(7) The information required under sub-paragraph (6) must be submitted to the MMO for approval at least four months prior to the date on which cable protection is intended for installation, unless otherwise agreed with the MMO.

(8) The installation of such cable protection must be undertaken in accordance with the details approved under sub-paragraph (6).

(9) A close out report following each instance of installation of cable protection approved under sub-paragraph (6) must be submitted to the MMO within three months of completion of the activity.

(10) Following the date of completion of construction, the undertaker must not install cable protection in locations where cable protection was not installed during construction unless approved under sub-paragraph (6).

### **Co-operation**

**21.**—(1) Prior to submission of plans and documentation required to be submitted to the MMO for approval in accordance with conditions 12(1), 13(1) and 22(1), the undertaker must provide a copy of the relevant plans and documentation to the East Anglia ONE North undertaker to enable the East Anglia ONE North undertaker to provide any comments on the plans and documentation to the undertaker.

(2) The plans and documentation submitted to the MMO for approval in accordance with conditions 12(1), 13(1) and 22(1) must be accompanied by any comments received by the undertaker from the East Anglia ONE North undertaker in accordance with paragraph (1) or a statement from the undertaker confirming that no such comments were received.

(3) The undertaker must participate in liaison meetings with the East Anglia ONE North undertaker as requested from time to time by the MMO in writing in advance, and such meetings will be chaired by the MMO and may consider such matters as are determined by the MMO relating to the efficient management and discharge of conditions 12(1), 13(1) and 22(1) of this licence and conditions 12(1), 13(1) and 22(1) of Schedule 14, Part 2 to the East Anglia ONE North Order.

(4) For the purposes of this condition—

“East Anglia ONE North authorised scheme” means Work Nos. 1 to 6 of the East Anglia ONE North Order;

“East Anglia ONE North Order” means the East Anglia ONE North Offshore Wind Farm Order 2022; and

“East Anglia ONE North undertaker” means the undertaker in respect of the East Anglia ONE North authorised scheme.

### **Southern North Sea Special Area of Conservation Site Integrity Plan (Piling)**

**22.**—(1) No piling activities can commence until a Site Integrity Plan (SIP), which accords with the principles set out in the in principle East Anglia TWO Project Southern North Sea SAC Site Integrity Plan, has been submitted to, and approved in writing, by the MMO in consultation with the relevant statutory nature conservation body.

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

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

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

### **Southern North Sea Special Area of Conservation Site Integrity Plan (UXO clearance)**

**23.**—(1) No removal or detonation of UXO can take place until a Site Integrity Plan (SIP), which accords with the principles set out in the in principle East Anglia TWO Project Southern North Sea SAC Site Integrity Plan, has been submitted to, and approved in writing, by the MMO in consultation with the relevant statutory nature conservation body.

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

(3) The SIP must be submitted to the MMO no later than six months prior to removal or detonation of UXO being undertaken.

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

### **Control of piling and UXO detonations**

**24.**—(1) The undertaker must not—

- (a) undertake pile driving in respect of more than one pile at the same time;
- (b) undertake more than one UXO detonation at the same time; or
- (c) undertake pile driving at the same time as undertaking a UXO detonation.

(2) In the event that pile driving or UXO detonation is being carried out under licence 1 (generation), the undertaker must not undertake pile driving or UXO detonation under this licence at the same time.

(3) During the winter period the undertaker must not carry out more than one pile driving activity or UXO detonation within a 24 hour period under this licence, alone or in-combination with pile driving or UXO detonations undertaken in accordance with licence 1 (generation).

(4) For the purpose of this condition—

- (a) “winter period” means the period between 1st October to 31st March inclusive.

### **Herring spawning**

**25.**—(1) The undertaker must not undertake pile driving or UXO detonations during the herring spawning period.

(2) The “herring spawning period” means a period within 1st November and 31st January to be confirmed in writing by the MMO following submission of a herring spawning report by the undertaker which analyses the International Herring Larval Survey data for the periods 1st – 15th January and 16th – 31st January for the preceding ten years in order to determine when the highest larval densities occur and which includes a methodology for the analysis.

(3) Unless otherwise agreed in writing with the MMO, the report referred to in sub-paragraph (2) must be submitted to the MMO at least six months prior to—

- (a) the date on which it is intended for UXO clearance activities to begin; or
- (b) the commencement of construction,

whichever is earlier.

### **Sediment sampling**

**26.**—(1) The undertaker must not undertake dredge or disposal activities until the following have been submitted to and approved in writing by the MMO—

- (a) details of an additional sediment contaminants sampling campaign; and
- (b) a dredge and disposal process report detailing—
  - (i) the results of the sampling campaign referred to in sub-paragraph (1)(a); and
  - (ii) the requirements to be adhered to during any dredge and disposal activities.

(2) Any dredge and disposal activities must be undertaken in accordance with the dredge and disposal process report approved under sub-paragraph (1).

### **Completion of construction**

**27.**—(1) The undertaker must submit a close out report to the MMO and the relevant statutory nature conservation body confirming the date of completion of construction within three months of the date of completion of construction.

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

## SCHEDULE 15

Article 37

### Arbitration Rules

#### **Primary objective**

**1.**—(1) The primary objective of these Arbitration Rules is to achieve a fair, impartial, final and binding award on the substantive difference between the parties (save as to costs) within four months from the date the Arbitrator is appointed pursuant to article 37 (arbitration) of the Order.

(2) The Parties will first use their reasonable endeavours to settle a dispute amicably through negotiations undertaken in good faith by the senior management of the Parties. Any dispute which is not resolved amicably by the senior management of the Parties within twenty business days of the dispute arising, or such longer period as agreed in writing by the Parties, shall be subject to arbitration in accordance with the terms of this Schedule.

(3) The Arbitration shall be deemed to have commenced when a party (“the Claimant”) serves a written notice of arbitration on the other party (“the Respondent”).

#### **Time periods**

**2.**—(1) All time periods in these Arbitration Rules are measured in days and this will include weekends but not bank holidays in England and Wales as defined in the Banking and Financial Dealings Act 1971.

- (2) Time periods are calculated from the day after the Arbitrator is appointed which is either—
  - (a) the date the Arbitrator notifies the parties in writing of his/her acceptance of an appointment by agreement of the parties; or
  - (b) the date the Arbitrator is appointed by the Secretary of State.

**Timetable**

3.—(1) The timetable for the Arbitration is set out in sub-paragraphs (2) to (4) below unless amended in accordance with paragraph 5(3).

(2) Within 14 days of the Arbitrator being appointed, the Claimant must provide both the Respondent and the Arbitrator with—

- (a) a written Statement of Claim which describes the nature of the difference between the parties, the legal and factual issues, the Claimant's contentions as to those issues, the amount of its claim and/or the remedy it is seeking; and
- (b) all statements of evidence and copies of all documents on which it relies, including contractual documentation, correspondence (including electronic documents), legal precedents and expert witness reports.

(3) Within 14 days of receipt of the Claimant's statements under sub-paragraph (2) by the Arbitrator and Respondent, the Respondent must provide the Claimant and the Arbitrator with—

- (a) a written Statement of Defence responding to the Claimant's Statement of Claim, its statement in respect of the nature of the difference, the legal and factual issues in the Claimant's claim, its acceptance of any element(s) of the Claimant's claim, its contentions as to those elements of the Claimant's claim it does not accept;
- (b) all statements of evidence and copies of all documents on which it relies, including contractual documentation, correspondence (including electronic documents), legal precedents and expert witness reports;
- (c) any objections it wishes to make to the Claimant's statements, comments on the Claimant's expert report(s) (if submitted by the Claimant) and explanations for the objections.

(4) Within 7 days of the Respondent serving its statements under sub-paragraph (3), the Claimant may make a Statement of Reply by providing both the Respondent and the Arbitrator with—

- (a) a written statement responding to the Respondent's submissions, including its reply in respect of the nature of the difference, the issues (both factual and legal) and its contentions in relation to the issues;
- (b) all statements of evidence and copies of documents in response to the Respondent's submissions;
- (c) any expert report in response to the Respondent's submissions;
- (d) any objections to the statements of evidence, expert reports or other documents submitted by the Respondent;
- (e) its written submissions in response to the legal and factual issues involved.

**Procedure**

4.—(1) The seat, or place, of the arbitration shall be London, England, the governing law shall be the laws of England and Wales and the language of the arbitration proceedings shall be English. The proceedings shall be conducted in accordance with the Arbitration Act 1996(13), save where modified by these Rules.

(2) The Arbitrator must make an award on the substantive difference(s) based solely on the written material submitted by the parties unless the Arbitrator decides that a hearing is necessary to explain or resolve any matters.

(3) Either party may, within 2 business days of delivery of the last submission, request a hearing giving specific reasons why it considers a hearing is required.

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(13) 1996 c. 23.



(4) Within 7 days of receiving the last submission, the Arbitrator must notify the parties whether a hearing is to be held and the length of that hearing.

(5) Within 10 days of the Arbitrator advising the parties that he is to hold a hearing, the date and venue for the hearing must be fixed by agreement with the parties, save that if there is no agreement the Arbitrator must direct a date and venue which he considers is fair and reasonable in all the circumstances. The date for the hearing must not be less than 35 days from the date of the Arbitrator's direction confirming the date and venue of the hearing.

(6) A decision must be made by the Arbitrator on whether there is any need for expert evidence to be submitted orally at the hearing. If oral expert evidence is required by the Arbitrator, then any expert(s) attending the hearing may be asked questions by the Arbitrator.

(7) There is no process of examination and cross-examination of experts, but the Arbitrator shall invite the parties to ask questions of the experts by way of clarification of any answers given by the expert(s) in response to the Arbitrator's questions. Prior to the hearing the procedure for the expert(s) is—

- (a) at least 28 days before a hearing, the Arbitrator must provide a list of issues to be addressed by the expert(s);
- (b) if more than one expert is called, they are to jointly confer and produce a joint report or reports within 14 days of the issues being provided; and
- (c) the form and content of a joint report must be as directed by the Arbitrator and must be provided at least 7 days before the hearing.

(8) Within 14 days of a Hearing or a decision by the Arbitrator that no hearing is to be held the Parties may by way of exchange provide the Arbitrator with a final submission in connection with the matters in dispute and any submissions on costs. The Arbitrator must take these submissions into account in the award.

(9) Where a party requests an expedited procedure, accompanied by an evidenced reason for expedition, the Arbitrator may vary the timescales in sub paragraphs (3), (4), (5) and (7), but where a party does so, the Arbitrator must provide an opportunity for parties objecting to the effects of an expedited procedure to provide written submissions on that point and may decide to revert to standard timescales in response to such submissions. Where an expedited procedure is sustained, the Arbitrator must set out their reasons for acceding to an expedited timetable in writing, to be given alongside their award.

(10) The Arbitrator may make other directions or rulings as considered appropriate in order to ensure that the parties comply with the timetable and procedures to achieve an award on the substantive difference within four months of the date on which they are appointed, unless both parties otherwise agree to an extension to the date for the award.

(11) If a party fails to comply with the timetable, procedure or any other direction then the Arbitrator may continue in the absence of a party or submission or document, and may make a decision on the information before them attaching the appropriate weight to any evidence submitted beyond any timetable or in breach of any procedure and/or direction.

(12) The Arbitrator's award must include reasons. The parties must accept that the extent to which reasons are given shall be proportionate to the issues in dispute and the time available to the Arbitrator to deliver the award.

### **Arbitrator's powers**

5.—(1) The Arbitrator has all the powers of the Arbitration Act 1996, including the non-mandatory sections, save where modified by these Rules.

(2) There must be no discovery or disclosure, except that the Arbitrator has the power to order the parties to produce such documents as are reasonably requested by another party no later than the

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Statement of Reply, or by the Arbitrator, where the documents are manifestly relevant, specifically identified and the burden of production is not excessive. Any application and orders are to be made by way of a Redfern Schedule without any hearing.

(3) Any time limits fixed in accordance with this procedure or by the Arbitrator may be varied by agreement between the parties, subject to any such variation being acceptable to and approved by the Arbitrator. In the absence of agreement, the Arbitrator may vary the timescales and/or procedure—

- (a) if the Arbitrator is satisfied that a variation of any fixed time limit is reasonably necessary to avoid a breach of the rules of natural justice and then;
- (b) only for such a period that is necessary to achieve fairness between the parties.

(4) On the date the award is made, the Arbitrator must notify the parties that the award is completed, signed and dated, and that it is to be issued to the parties on receipt of cleared funds for the Arbitrator's fees and expenses.

### **Costs**

6.—(1) The costs of the Arbitration must include the fees and expenses of the Arbitrator, the reasonable fees and expenses of any experts and the reasonable legal and other costs incurred by the parties for the Arbitration.

(2) Subject to sub-paragraph (3), the Arbitrator will award recoverable costs on the general principle that each party should bear its own costs.

(3) The Arbitrator may depart from the general principle in sub-paragraph (2) and make such other costs award as it considers reasonable where a party has behaved unreasonably as defined within the National Planning Practice Guidance or such other guidance as may replace it.

### **Confidentiality**

7.—(1) Subject to sub-paragraphs (2), (3) and (4), any arbitration hearing and documentation shall be open to and accessible by the public.

(2) Where the Arbitration relates to a dispute or difference under the provisions of Schedule 10, the hearings must take place in private unless otherwise agreed between the parties and any matters, materials, documents, awards, expert reports and the like are confidential and must not be disclosed to any third party without prior written consent of the other party.

(3) The Arbitrator may direct that the whole or part of a hearing is to be private and/or any documentation to be confidential where it is necessary in order to protect commercially sensitive information.

(4) Nothing in this paragraph shall prevent any disclosure of a document by a party pursuant to an order of a court in England and Wales or where disclosure is required under any enactment.

### **Conservatory and Interim Measures**

8.—(1) Unless the parties have otherwise agreed, after the arbitration has commenced, the Arbitrator may, at the request of either party, order any conservatory or interim measure it deems appropriate. Any conservatory or interim measure shall be in the form of an order, giving reasons, or of an award, as the Arbitrator considers appropriate.

(2) Unless the parties have otherwise agreed, either party may apply to the courts of England and Wales for conservatory or interim measures.

(3) Such application by a party shall not be deemed to be an infringement or a waiver of the arbitration agreement, and shall not affect the relevant powers reserved to the Arbitrator.

## SCHEDULE 16

Article 38

### Procedure for discharge of requirements

#### **Applications made for certain approvals**

1.—(1) Where an application has been made to a discharging authority for any consent, agreement or approval required or contemplated by any of the requirements within Part 3 of Schedule 1 (requirements) to this Order—

- (a) the undertaker must give the discharging authority sufficient information to identify the requirement(s) to which the application relates; and
- (b) the undertaker must provide such particulars, plans and drawings as are reasonably considered necessary to deal with the application.

(2) The discharging authority must give notice to the undertaker of its decision on the application before the end of the decision period.

(3) For the purposes of this paragraph, the decision period is—

- (a) where no further information is requested under paragraph 2 (further information), 56 days from the day immediately following that on which the application is received by the discharging authority;
- (b) where further information is requested under paragraph 2 (further information) 42 days from the day immediately following that on which the further information has been supplied by the undertaker under paragraph 2; or
- (c) such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period in sub-paragraph (a) or (b).

#### **Further information**

2.—(1) In relation to any application to which this Schedule applies, the discharging authority has the right to request such further information from the undertaker as is reasonably necessary to enable it to consider the application.

(2) If the discharging authority considers such further information to be necessary it must, as soon as reasonably practicable and within 20 business days of receipt of the application notify the undertaker in writing specifying the further information required.

(3) If the discharging authority does not give such notification as specified in sub-paragraph (2) it is to be deemed to have sufficient information to consider the application and is not subsequently entitled to request further information without the prior agreement of the undertaker.

(4) A discharging authority may request further information under sub-paragraph (1) on more than one occasion provided that all such requests are made within the period specified by sub-paragraph (2).

#### **Appeals**

3.—(1) The undertaker may appeal to the Secretary of State in the event that—

- (a) the discharging authority refuses an application for any consent, agreement or approval required or contemplated by a requirement contained within Part 3 of Schedule 1 (requirements) to this Order or grants it subject to conditions to which the undertaker objects;
- (b) the discharging authority does not give notice of its decision to the undertaker within the decision period specified in paragraph 1 (applications made for certain approvals);

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- (c) on receipt of a request for further information under paragraph 2 (further information) the undertaker considers that either the whole or part of the specified information requested by the discharging authority is not necessary for consideration of the application; or
  - (d) on receipt of any further information requested, the discharging authority notifies the undertaker that the information provided is inadequate and requests additional information which the undertaker considers is not necessary for consideration of the application.
- (2) The appeal process is as follows—
- (a) the undertaker must submit the appeal documentation to the Secretary of State, which must include a copy of the application submitted to the discharging authority and any supporting documentation which the undertaker may wish to provide;
  - (b) the undertaker must on the same day provide copies of the appeal documentation to the discharging authority and the relevant consultees (if applicable);
  - (c) as soon as is practicable after receiving the appeal documentation, but in any event within 28 business days of receiving the appeal documentation, the Secretary of State must appoint a person to determine the appeal (“the appointed person”) and must notify the appeal parties of the identity of the appointed person and the address to which all correspondence for that person’s attention should be sent;
  - (d) the discharging authority and the relevant consultees must submit written representations to the appointed person in respect of the appeal within 20 business days of the date on which the appeal parties are notified of the appointment of a person under sub-paragraph (c) and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;
  - (e) the appeal parties shall make any counter-submissions to the appointed person within 20 business days of receipt of written representations pursuant to sub-paragraph (d) above.
- (3) The appointed person must make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable and within 40 business days of—
- (a) the deadline within sub-paragraph (2)(e); or
  - (b) the deadline for written submissions in respect of further information submitted in accordance with sub-paragraph (5),

whichever is later.

(4) If the appointed person considers that further information is necessary to enable consideration of the appeal the appointed person must, as soon as practicable, and within 10 business days of the deadline for submissions in accordance with sub-paragraph (2)(e), or where further information has already been requested, within 10 business days of the deadline for written submissions in accordance sub-paragraph (5), notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information is to be submitted.

(5) Any further information required under sub-paragraph (4) is to be provided by the party from whom the information is sought to the appointed person and to other appeal parties by the date specified by the appointed person. Any written representations concerning matters contained in the further information must be submitted to the appointed person, and made available to all appeal parties within 10 business days of that date.

- (6) On an appeal under this paragraph, the appointed person may—
- (a) allow or dismiss the appeal; or
  - (b) reverse or vary any part of the decision of the discharging authority (whether the appeal relates to that part of it or not), and may deal with the application as if it had been made to the appointed person in the first instance.

(7) The appointed person may proceed to a decision even though no written representations have been made within those time limits if it appears to the appointed person that there is sufficient material to enable a decision to be made.

(8) The decision of the appointed person on an appeal is to be final and binding on the appeal parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.

(9) If an approval is given by the appointed person under this Schedule, it is deemed to be an approval for the purpose of any consent, agreement or approval required under Part 3 of Schedule 1 (requirements) as if it had been given by the discharging authority.

(10) Except where a direction is given under sub-paragraph (11) requiring the costs of the appointed person to be paid by the discharging authority, the reasonable costs of the appointed person are to be met by the undertaker.

(11) On application by the discharging authority or the undertaker, the appointed person may give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid. In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to Planning Practice Guidance on the award of costs or any circular or guidance which may from time to time replace it.

#### **Interpretation of Schedule 16**

**4. In this Schedule—**

“the appeal parties” means the discharging authority, the undertaker and any relevant consultees.

“business day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971;

“discharging authority” means the body responsible for giving consent, agreement or approval pursuant to a requirement within Part 3 of Schedule 1 (requirements) to this Order;

“relevant consultee” means any body named in a requirement which is required to be consulted by the discharging authority in discharging that requirement.

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## SCHEDULE 17

Article 36

## Documents to be certified

## PART 1

## Documents forming the environmental statement to be certified

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
<i>Document Reference</i> <i>(and relevant ES Chapters)</i>	<i>Examination Library Reference</i> <i>(and relevant ES Chapter reference)</i>	<i>Document Name</i>	<i>Version</i>	<i>Date</i>
6.1	APP-049 APP-079	to Environmental Statement	1	25th October 2019
6.2	APP-080 APP-441	to Figures	1	25th October 2019
6.3	APP-442 APP-571	to Technical Appendices	1	25th October 2019
ExA.WQ-1.A10.D1.V (Chapter 6)	REP1-099 (APP-054)	Applicants' Responses to WQ1 Appendix 10 Landfall Indicative HDD Working Area	1	Deadline 1 2nd November 2020
ExA.WQ-1.A11.D1.V (Chapter 6)	REP1-100 (APP-054)	Applicants' Responses to WQ1 Appendix 11 Landfall HDD Cross Sections	1	Deadline 1 2nd November 2020
ExA.AS-13.D6.V1 (Chapter 6)	REP6-024 (APP-054)	HDD Verification Clarification Note	1	Deadline 6 24th February 2021
ExA.WQ-1.A6.D1.V (Chapter 6)	REP1-090 (APP-054)	Applicants' Responses to WQ1 Appendix 6 Illustrative Open Trench and Trenchless Onshore Cable Route	1	Deadline 1 2nd November 2020
ExA.WQ-1.A7.D1.V (Chapter 6)	REP1-091 (APP-054)	Applicants' Responses to WQ1 Appendix 7	1	Deadline 1 2nd November 2020

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
<i>Document Reference</i>  <i>(and relevant ES Chapters)</i>	<i>Examination Library Reference</i>  <i>(and relevant ES Chapter reference)</i>	<i>Document Name</i>	<i>Version</i>	<i>Date</i>
		Onshore Crossing Schedule		
ExA.AS-10.D3.V1  (Chapter 6)	REP3-056  (APP-054)	Onshore Cable Route Programme Clarification Note	1	Deadline 3  15th December 2020
ExA.AS-11.D3.V1  (Chapter 6)  (Chapter 29)	REP3-057  (APP-054)  (APP-077)	Onshore Substations Update Clarification Note	1	Deadline 3  15th December 2020
ExA.AS-12.D3.V1  (Chapter 6)	REP3-058  (APP-054)	Construction in Proximity to Properties	1	Deadline 3  15th December 2020
6.3.6.2  (Chapter 6)	REP8-015  (APP-054)	EA2 Environmental Statement Appendix 6.2 Relationship of Onshore Plans Secured by the DCO	5	Deadline 8  25th March 2021
6.3.6.3  (Chapter 6)	REP8-016  (APP-054)	EA2 Environmental Statement Appendix 6.3 Relationship of Offshore Plans Secured by the DCO	5	Deadline 8  25th March 2021
6.3.6.4  (Chapter 6)	REP3-020  (APP-054)	EA2 Environmental Statement Appendix 6.4 Cumulative Project Description	2	Deadline 3  15th December 2020
ExA.RRA6.D0.V1  (Chapters 7 to 17)	AS-043  (APP-055 to APP-065)	Applicant's Responses to Relevant Representations	1	11th June 2020

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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
<i>Document Reference</i>  <i>(and relevant ES Chapters)</i>	<i>Examination Library Reference</i>  <i>(and relevant ES Chapter reference)</i>	<i>Document Name</i>	<i>Version</i>	<i>Date</i>
		Appendices. Appendix 6 Disposal Site Locations (Windfarm Site)		
ExA.RRA2.D0.V1  (Chapter 7)	AS-039  (APP-055)	Applicant's Responses to Relevant Representations Appendices. Appendix 2 Wave Climatology Clarification Note	1	11th June 2020
ExA.AS-13.D3.V1  (Chapter 7)  (Chapter 9)  (Chapter 10)  (Chapter 12)	REP3-059  (APP-055)  (APP-057)  (APP-058)  (APP-060)	Effects on Supporting Habitats of Outer Thames Estuary SPA Clarification Note	1	Deadline 3  15th December 2020
ExA.RRA3.D0.V1  (Chapter 10)	AS-040  (APP-058)	Applicant's Responses to Relevant Representations Appendices. Appendix 3 Fish and Shellfish Ecology Clarification Note	1	11th June 2020
ExA.AS-5.D11.V2  (Chapter 11)	REP11-045  (APP-062)	Underwater Noise Modelling Update	2	Deadline 11  7th June 2021
ExA.AS-3.D2.V1  (Chapter 12)	REP2-006  (APP-060)	Cumulative Displacement, Seabird Assemblage Assessment of FFC SPA and Gannet PVA	1	Deadline 2  17th November 2020



<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
<i>Document Reference</i> <i>(and relevant ES Chapters)</i>	<i>Examination Library Reference</i> <i>(and relevant ES Chapter reference)</i>	<i>Document Name</i>	<i>Version</i>	<i>Date</i>
ExA.AS-2.D11.V5 (Chapter 12)	REP11-026 (APP-060)	Displacement of 5 red-throated divers in the Outer Thames Estuary SPA		Deadline 11 7th June 2021
ExA.AS-20.D1.V1 (Chapter 19) (Chapter 26)	REP1-040 (APP-067) (APP-074)	Deadline 1 Air 1 Quality Clarification Note		Deadline 1 2nd November 2020
ExA.AS-16.D3.V1 (Chapter 19)	REP3-061 (APP-067)	Deadline 3 Air 1 Quality Clarification Note		Deadline 3 15th December 2020
ExA.WQ-1.A8.D1.V1 (Chapter 20)	REP1-092 (APP-068)	Applicants' Responses to WQ1 Appendix 8 Environment Agency Flood Zones	1	Deadline 1 2nd November 2020
ExA.AS-9.D4.V2 (Chapter 20)	REP4-044 (APP-068)	SuDS Infiltration Note	2	Deadline 4 13th January 2021
ExA.AS-12.D6.V1 (Chapter 18) (Chapter 20)	REP6-021 (APP-066) (APP-068)	Landfall Hydrogeological Risk Assessment	1	Deadline 6 24th February 2021
ExA.AS-13.D8.V1 (Chapter 20)	REP8-038 (APP-068)	Flood Risk and Drainage Clarification Note	1	Deadline 8 25th March 2021
ExA.AS-11.D1.V1 (Chapter 21)	REP1-022 (APP-069)	Land Use Clarification Note	1	Deadline 1 2nd November 2020
ExA.WQ-1.A4.D1.V1 (Chapter 22)	REP1-088 (APP-070)	Applicants' Responses to WQ1 Appendix 4 Ecological Mitigation Works	1	Deadline 1 2nd November 2020

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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
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ExA.AS-12.D1.V1  (Chapter 22)	REP1-023  (APP-070)	Onshore Ecology Clarification Note	1	Deadline 1  2nd November 2020
ExA.AS-16.D1.V1  (Chapter 22)	REP1-035  (APP-070)	Ecological Enhancement Clarification Note	1	Deadline 1  2nd November 2020
ExA.AS-14.D3.V1  (Chapter 22)	REP3-060  (APP-070)	Deadline Onshore Ecology Clarification Note	3 1	Deadline 3  15th December 2020
ExA.AS-10.D4.V1  (Chapter 22)	REP4-005  (APP-070)	Deadline Onshore Ecology Clarification Note	4 1	Deadline 4  13th January 2021
ExA.AS-14.D6.V1  (Chapter 22)	REP6-025  (APP-070)	Deadline Onshore Ecology Clarification Note	6 1	Deadline 6  24th February 2021
ExA.AS-28.D6.V1  (Chapter 22)	REP6-035  (APP-070)	Ecology Survey Results: February 2021	1	Deadline 6  24th February 2021
ExA.AS-16.D8.V1  (Chapter 22)	REP8-041  (APP-070)	Ecological Enhancement Clarification Note Addendum	1	Deadline 8  25th March 2021
ExA.AS-10.D1.V1  (Chapter 24)  (Chapter 29)	REP1-021  (APP-072)  (APP-077)	Archaeology and Cultural Heritage Clarification Note	1	Deadline 1  2nd November 2020
ExA.AS-13.D1.V1  (Chapter 24)	REP1-024  (APP-072)	Pre-Construction Trial Trenching Report	1	Deadline 1  2nd November 2020
ExA.AS-14.D1.V1  (Chapter 24)	REP1-025 to REP1-033  (APP-072)	Onshore Archaeology Geophysical Survey Report (Parts 1 to 9)	1	Deadline 1  2nd November 2020
ExA.AS-15.D1.V1  (Chapter 24)	REP1-034  (APP-072)	Onshore Archaeology Earthworks Report	1	Deadline 1  2nd November 2020

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<i>Document Reference</i>  <i>(and relevant ES Chapters)</i>	<i>Examination Library Reference</i>  <i>(and relevant ES Chapter reference)</i>	<i>Document Name</i>	<i>Version</i>	<i>Date</i>
ExA.AS-29.D8.V1  (Chapter 24)	REP8-063  (APP-072)	Cultural heritage Viewpoint 5 Additional Visualisation	1	Deadline 8  25th March 2021
ExA.AS-16.D3.V1  (Chapter 24) (Chapter 29)	REP3-062 to REP3-068  (APP-072)  (APP-077)	Updated Photomontages Clarification Note	1	Deadline 3  15th December 2020
ExA.AS-11.D4.V1  (Chapter 24)	REP4-006  (APP-072)	Heritage Assessment Addendum	1	Deadline 4  13th January 2021
ExA.AS-11.D4.V1_01  (Chapter 24)	REP4-007  (APP-072)	Heritage Assessment Addendum Appendix 1 CHVP2 – PRoW between Friston Hall and Friston (Appendix 24.7, Figure 7 Update)	2	Deadline 4  13th January 2021
ExA.AS-11.D4.V1_02  (Chapter 24)	REP4-008  (APP-072)	Heritage Assessment Addendum Appendix 2 CHVP3 – PRoW between Moor Farm and Little Moor Farm (Appendix 24.7, Figure 8 Update)	3	Deadline 4  13th January 2021
ExA.AS-11.D4.V1_03  (Chapter 24)	REP4-009  (APP-072)	Heritage Assessment Addendum Appendix 3 CHVP4 – PRoW to east of Little Moor Farm (Appendix 24.7, Figure 9 Update)	3	Deadline 4  13th January 2021

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(1)	(2)	(3)	(4)	(5)
Document Reference  (and relevant ES Chapters)	Examination Library Reference  (and relevant ES Chapter reference)	Document Name	Version	Date
ExA.AS-11.D4.V1_0REP4-010  (Chapter 24)	REP4-010  (APP-072)	Heritage Assessment Addendum Appendix 4 CHVP5 – PRoW at Woodside Farm (Appendix 24.7, Figure 10 Update)	3	Deadline 4  13th January 2021
ExA.AS-11.D4.V1_0REP4-011  (Chapter 24)	REP4-011  (APP-072)	Heritage Assessment Addendum Appendix 5 CHVP7 – Friston House (b) (Appendix 24.7, Figure 12 Update)	2	Deadline 4  13th January 2021
ExA.AS-11.D4.V1_0REP4-012  (Chapter 24)	REP4-012  (APP-072)	Heritage Assessment Addendum Appendix 6 CHVP8 – Friston War Memorial (Appendix 24.7, Figure 13 Update)	2	Deadline 4  13th January 2021
ExA.AS-29.D11.V1 REP11-075  (Chapter 24)	REP11-075	Heritage Assessment GIS Addendum	1	Deadline 11  7th June 2021
ExA.AS-29.D11.V1_0REP11-076  (Chapter 24)	REP11-076	Heritage Assessment GIS Addendum App 1 CHVP2 App 24.7 Fig 7 Update	1	Deadline 11  7th June 2021
ExA.AS-29.D11.V1_0REP11-077  (Chapter 24)	REP11-077	Heritage Assessment GIS Addendum App 2 CHVP3 App 24.7 Fig 8 Update	1	Deadline 11  7th June 2021
ExA.AS-29.D11.V1_0REP11-078  (Chapter 24)	REP11-078	Heritage Assessment GIS Addendum App 3	1	Deadline 11  7th June 2021

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		CHVP4 App 24.7 Fig 9 Update		
ExA.AS-30.D11.V1_06 (Chapter 24)	REP11-054	Heritage Assessment GIS Addendum App 4 CHVP5 App 24.7 Fig 10 Update	1	Deadline 11  7th June 2021
ExA.AS-29.D11.V1_06 (Chapter 24)	REP11-079	Heritage Assessment GIS Addendum App 5 CHVP7 App 24.7 Fig 12 Update	1	Deadline 11  7th June 2021
ExA.AS-29.D11.V1_06 (Chapter 24)	REP11-080	Heritage Assessment GIS Addendum App 6 CHVP8 App 24.7 Fig 13	1	Deadline 11  7th June 2021
ExA.AS-14.D8.V1 (Chapter 25)	REP8-039 (APP-073)	Applicants' Position Statement on Noise	1 on	Deadline 8  25th March 2021
ExA.AS-8.D2.V1 (Chapter 25)	REP2-011 (APP-073)	Noise and Vibration Assessment Clarification Note	1	Deadline 2  17th November 2020
ExA.AS-8.D4.V1 (Chapter 25)	REP4-043 (APP-073)	Noise Modelling Clarification Note	1	Deadline 4  13th January 2021
ExA.WQ-1.A14.D1.V1 (Chapter 26)	REP1-103 (APP-074)	Applicants' Responses to WQ1 Appendix 14 Junction Locations	1	Deadline 1  2nd November 2020
ExA.AS-8.D1.V1 (Chapter 26)	REP1-048 (APP-074)	Traffic and Transport Clarification Note for Deadline 1	1	Deadline 1  2nd November 2020
ExA.AS-6.D6.V2 (Chapter 26)	REP6-043 (APP-074)	Sizewell Cumulative Impact	C 2	Deadline 6  24th February 2021

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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
<i>Document Reference</i> <i>(and relevant ES Chapters)</i>	<i>Examination Library Reference</i> <i>(and relevant ES Chapter reference)</i>	<i>Document Name</i>	<i>Version</i>	<i>Date</i>
		Assessment Note (Traffic and Transport)		
ExA.AS-9.D3.V1 (Chapter 26)	REP3-055 (APP-074)	Traffic and Transport Clarification Note for Deadline 3	1	Deadline 3 15th December 2020
ExA.AS-26.D4.V1 (Chapter 26)	REP4-027 (APP-074)	Traffic and Transport Deadline 4 Clarification Note	1 4	Deadline 4 13th January 2021
ExA.AS-9.D1.V1 (Chapters 27 to 30)	REP1-049 (APP-075 to APP-078)	Public Rights of Way Clarification Note	1	Deadline 1 2nd November 2020
ExA.AS-5.D2.V1 (Chapter 28) (Chapter 29)	REP2-008 (APP-076) (APP-077)	Effects with Regard to the Statutory Purposes of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty and Accordance with NPS Policy	1	Deadline 2 17th November 2020
ExA.AS-33.D8.V1 (Chapter 28)	REP8-075 (APP-076)	Landscape and Visual: Sizewell C Cumulative Impact Assessment	1	Deadline 8 25th March 2021
ExA.WQ-1.A9.7.D1 (Chapter 29)	REP1-093 (APP-077)	Applicants' Responses to WQ1 Appendix 9.7 EA2 Annotated Viewpoint 1	1	Deadline 1 2nd November 2020
ExA.WQ-1.A9.8.D1 (Chapter 29)	REP1-094 (APP-077)	Applicants' Responses to WQ1 Appendix 9.8 EA2	1	Deadline 1 2nd November 2020

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
<i>Document Reference</i> <i>(and relevant ES Chapters)</i>	<i>Examination Library Reference</i> <i>(and relevant ES Chapter reference)</i>	<i>Document Name</i>	<i>Version</i>	<i>Date</i>
		Annotated Viewpoint 2		
ExA.WQ-1.A9.9.D1 (Chapter 29)	REP1-095 (APP-077)	Applicants' Responses to WQ1 Appendix 9.9 EA2 Annotated Viewpoint 3	1	Deadline 1 2nd November 2020
ExA.WQ-1.A9.10.D1 (Chapter 29)	REP1-096 (APP-077)	Applicants' Responses to WQ1 Appendix 9.10 EA2 Annotated Viewpoint 4	1	Deadline 1 2nd November 2020
ExA.WQ-1.A9.11.D1 (Chapter 29)	REP1-097 (APP-077)	Applicants' Responses to WQ1 Appendix 9.11 EA2 Annotated Viewpoint 5	1	Deadline 1 2nd November 2020
ExA.WQ-1.A9.12.D1 (Chapter 29)	REP1-098 (APP-077)	Applicants' Responses to WQ1 Appendix 9.12 EA2 Annotated Viewpoint 8	1	Deadline 1 2nd November 2020
ExA.AS-7.D2.V1 (Chapter 29)	REP2-010 (APP-077)	Sizewell Cumulative Impact Assessment Note (Landscape and Visual)	C 1	Deadline 2 17th November 2020
ExA.AS-3.D4.V1 (Chapter 29)	REP4-031 (APP-077)	Landscape and Visual Impact Assessment Addendum	1	Deadline 4 13th January 2021
ExA.AS-3.D4.V1_00 (Chapter 29)	REP4-032 (APP-077)	Landscape and Visual Impact Assessment Addendum Appendix	1	Deadline 4 13th January 2021

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(1)	(2)	(3)	(4)	(5)
<i>Document Reference</i>  <i>(and relevant ES Chapters)</i>	<i>Examination Library Reference</i>  <i>(and relevant ES Chapter reference)</i>	<i>Document Name</i>	<i>Version</i>	<i>Date</i>
		Viewpoint 1 – Public Right of Way (PRoW) near Friston House (Figure 29.13 Update)		
ExA.AS-3.D4.V1_001 (Chapter 29)	REP4-033 (APP-077)	Landscape and Visual Impact Assessment Addendum Appendix 2 Viewpoint 2 – Friston, Church Road (Figure 29.14 Update)	1	Deadline 4 13th January 2021
ExA.AS-3.D4.V1_002 (Chapter 29)	REP4-034 (APP-077)	Landscape and Visual Impact Assessment Addendum Appendix 3 Viewpoint 3 – Grove Road, near Pear Tree Farm (Figure 29.15 Update)	1	Deadline 4 13th January 2021
ExA.AS-3.D4.V1_003 (Chapter 29)	REP4-035 (APP-077)	Landscape and Visual Impact Assessment Addendum Appendix 4 Viewpoint 4 – Grove Road, near Church Road (Friston) (Figure 29.16 Update)	1	Deadline 4 13th January 2021
ExA.AS-3.D4.V1_004 (Chapter 29)	REP4-036 (APP-077)	Landscape and Visual Impact Assessment Addendum Appendix 5 Viewpoint 5 – PRoW near Moor	1	Deadline 4 13th January 2021



<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
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		Farm (Figure 29.17 Update)		
ExA.AS-3.D4.V1_006 (Chapter 29)	REP4-037 (APP-077)	Landscape and Visual Impact Assessment Addendum Appendix 6 Viewpoint 6 – Friston, Village Green (Figure 29.18 Update)	1	Deadline 4  13th January 2021
ExA.AS-3.D4.V1_007 (Chapter 29)	REP4-038 (APP-077)	Landscape and Visual Impact Assessment Addendum Appendix 7 Viewpoint 8 – Saxmundham Road (North of Friston) (Figure 29.20 Update)	1	Deadline 4  13th January 2021
ExA.AS-3.D4.V1_008 (Chapter 29)	REP4-039 (APP-077)	Landscape and Visual Impact Assessment Addendum Appendix 8 Viewpoint 9 – B1121 Aldeburgh Road, south of Friston (Figure 29.21 Update)	1	Deadline 4  13th January 2021
ExA.AS-6.D7.V1 (Chapter 29)	REP7-062 (APP-077)	Updated Figure 29.37- Viewpoint 5 Public Rights of Way, near Moor Farm (with National Grid GIS Substation)	1	Deadline 7  4th March 2021
ExA.AS-28.D8.V1_009 (Chapter 29)	REP8-055 (APP-077)	National Grid GIS Substation Photomontages: Figure 29.13	1	Deadline 8  25th March 2021

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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
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		Update Viewpoint 1 Public Rights of Way near Friston House		
ExA.AS-28.D8.V1_02 (Chapter 29)	REP8-056 (APP-077)	National Grid GIS Substation Photomontages: Figure 29.14 Update Viewpoint 2 Friston, Church Road	1	Deadline 8 25th March 2021
ExA.AS-28.D8.V1_03 (Chapter 29)	REP8-057 (APP-077)	National Grid GIS Substation Photomontages: Figure 29.17 Update Viewpoint 5 Public Rights of Way, near Moor Farm	1	Deadline 8 25th March 2021
ExA.AS-28.D8.V1_04 (Chapter 29)	REP8-058 (APP-077)	National Grid GIS Substation Photomontages: Figure 29.20 Update Viewpoint 8 Saxmundham Road (North of Friston)	1	Deadline 8 25th March 2021
ExA.AS-28.D8.V1_05 (Chapter 29)	REP8-059 (APP-077)	National Grid GIS Substation Photomontages: Figure 29.21 Update Viewpoint 9: B1121 Aldeburgh Road (south of Friston)	1	Deadline 8 25th March 2021
ExA.AS-28.D8.V1_06 (Chapter 29)	REP8-060 (APP-077)	National Grid GIS Substation Photomontages: CHVP3 – PRoW between Moor	1	Deadline 8 25th March 2021

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
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		Farm and Little Moor Farm (Appendix 24.7, Figure 8-Update)		
ExA.AS-28.D8.V1_08 (Chapter 29)	REP8-061 (APP-077)	National Grid GIS Substation Photomontages: CHVP4 – PRoW to east of Little Moor Farm (Appendix 24.7, Figure 9-Update)	1	Deadline 8 25th March 2021
ExA.AS-28.D8.V1_08 (Chapter 29)	REP8-062 (APP-077)	National Grid GIS Substation Photomontages: CHVP5 – PRoW at Woodside Farm (Appendix 24.7, Figure 10-Update)	1	Deadline 8 25th March 2021
ExA.AS-30.D8.V1_08 (Chapter 29)	REP8-066 (APP-077)	Different colour schemes for Substations Design Principles Statement : Viewpoint 1 Public Rights of Way near Friston House	1	Deadline 8 25th March 2021
ExA.AS-30.D8.V1_08 (Chapter 29)	REP8-067 (APP-077)	Different colour schemes for Substations Design Principles Statement: Viewpoint 2 Friston, Church Road	1	Deadline 8 25th March 2021
ExA.AS-30.D8.V1_08 (Chapter 29)	REP8-068 (APP-077)	Different colour schemes for Substations Design Principles Statement:	1	Deadline 8 25th March 2021

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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
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		Viewpoint 9 – B1121 Aldeburgh Road, south of Friston		
ExA.AS-31.D8.V1_02 (Chapter 29)	REP8-071 (APP-077)	Viewpoint Photomontages with Potential National Grid Extension Bays: Figure 29.14 Update Viewpoint 2 Friston, Church Road	1	Deadline 8 25th March 2021
ExA.AS-31.D8.V1_03 (Chapter 29)	REP8-072 (APP-077)	Viewpoint Photomontages with Potential National Grid Extension Bays: Figure 29.17 Update Viewpoint 5 Public Rights of Way, near Moor Farm	1	Deadline 8 25th March 2021
ExA.AS-31.D8.V1_04 (Chapter 29)	REP8-073 (APP-077)	Viewpoint Photomontages with Potential National Grid Extension Bays: Figure 29.20 Update Viewpoint 8 Saxmundham Road (North of Friston)	1	Deadline 8 25th March 2021
ExA.AS-31.D8.V1_05 (Chapter 29)	REP8-069 (APP-077)	Viewpoint Photomontages with Potential National Grid Extension Bays: CHVP3 – PRoW between Moor Farm and Little Moor Farm	1	Deadline 8 25th March 2021

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
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		(Appendix 24.7, Figure 8-Update)		
ExA.AS-31.D8.V1_08 (Chapter 29)	REP8-070 (APP-077)	Viewpoint Photomontages with Potential National Grid Extension Bays: CHVP4 – PRoW to east of Little Moor Farm (Appendix 24.7, Figure 9-Update)	1	Deadline 8  25th March 2021
ExA.AS-32.D8.V1 (Chapter 29)	REP8-074 (APP-077)	Extension of National Grid Substation Appraisal	1	Deadline 8  25th March 2021
ExA.AS-4.D11.V1 (Chapter 29)	REP11-028	Landscape and Visual Impact Assessment GIS Addendum	1	Deadline 11  7th June 2021
ExA.AS-4.D11.V1_08 (Chapter 29)	REP11-029	LVIA Addendum Appendix Viewpoint Figure 29.13 GIS Update	1 1 1	Deadline 11  7th June 2021
ExA.AS-4.D11.V1_08 (Chapter 29)	REP11-030	LVIA Addendum Appendix Viewpoint Figure 29.14 GIS Update	1 2 2	Deadline 11  7th June 2021
ExA.AS-4.D11.V1_08 (Chapter 29)	REP11-031	LVIA Addendum Appendix Viewpoint Figure 29.15 GIS Update	1 3 3	Deadline 11  7th June 2021
ExA.AS-4.D11.V1_08 (Chapter 29)	REP11-032	LVIA Addendum Appendix	1 4	Deadline 11  7th June 2021

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(1)	(2)	(3)	(4)	(5)
Document Reference  (and relevant ES Chapters)	Examination Library Reference  (and relevant ES Chapter reference)	Document Name	Version	Date
		Viewpoint Figure 29.16 Update	4 GIS	
ExA.AS-4.D11.V1_08  (Chapter 29)	REP11-033	LVIA Addendum Appendix Viewpoint Figure 29.17 Update	GIS 1  5 5 GIS	Deadline 11  7th June 2021
ExA.AS-4.D11.V1_08  (Chapter 29)	REP11-034	LVIA Addendum Appendix Viewpoint Figure 29.18 Update	GIS 1  6 6 GIS	Deadline 11  7th June 2021
ExA.AS-4.D11.V1_08  (Chapter 29)	REP11-035	LVIA Addendum Appendix Viewpoint Figure 29.20 Update	GIS 1  7 8 GIS	Deadline 11  7th June 2021
ExA.AS-4.D11.V1_08  (Chapter 29)	REP11-036	LVIA Addendum Appendix Viewpoint Figure 29.21 Update	GIS 1  8 9 GIS	Deadline 11  7th June 2021
ExA.AS-4.D11.V1_08  (Chapter 29)	REP11-037	LVIA Addendum Appendix Viewpoint Figure 29.13 Update	GIS 1  9 1 AIS	Deadline 11  7th June 2021
ExA.AS-4.D11.V1_10  (Chapter 29)	REP11-038	LVIA Addendum Appendix Viewpoint Figure 29.14 Update	GIS 1  10 2 AIS	Deadline 11  7th June 2021
ExA.AS-4.D11.V1_10	REP11-039	LVIA Addendum	GIS 1	Deadline 11

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<i>Document Reference</i>  <i>(and relevant ES Chapters)</i>	<i>Examination Library Reference</i>  <i>(and relevant ES Chapter reference)</i>	<i>Document Name</i>	<i>Version</i>	<i>Date</i>
(Chapter 29)		Appendix Viewpoint Figure 29.15 Update	11 3 AIS	7th June 2021
ExA.AS-4.D11.V1_	<del>REP</del> 11-040	LVIA Addendum	GIS 1	Deadline 11
(Chapter 29)		Appendix Viewpoint Figure 29.16 Update	12 4 AIS	7th June 2021
ExA.AS-4.D11.V1_	<del>REP</del> 11-041	LVIA Addendum	GIS 1	Deadline 11
(Chapter 29)		Appendix Viewpoint Figure 29.17 Update	13 5 AIS	7th June 2021
ExA.AS-4.D11.V1_	<del>REP</del> 11-042	LVIA Addendum	GIS 1	Deadline 11
(Chapter 29)		Appendix Viewpoint Figure 29.18 Update	14 6 AIS	7th June 2021
ExA.AS-4.D11.V1_	<del>REP</del> 11-043	LVIA Addendum	GIS 1	Deadline 11
(Chapter 29)		Appendix Viewpoint Figure 29.20 Update	15 8 AIS	7th June 2021
ExA.AS-4.D11.V1_	<del>REP</del> 11-044	LVIA Addendum	GIS 1	Deadline 11
(Chapter 29)		Appendix Viewpoint Figure 29.21 Update	16 9 AIS	7th June 2021
ExA.AS-17.D1.V1	REP1-036	Socio-Economics and Tourism Clarification Note (SZC CIA)	1	Deadline 1
(Chapter 30)	(APP-078)			2nd November 2020
ExA.WQ-1.A13.D1.	<del>REP</del> 1-102	Applicants' Responses to WQ1 Appendix	1	Deadline 1
(Chapter 30)	(APP-078)			2nd November 2020

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Document Reference  (and relevant ES Chapters)	Examination Library Reference  (and relevant ES Chapter reference)	Document Name	Version	Date
		13 Tourism Impact Review		
5.3	APP-043	Habitat Regulations Assessment Information to Support the Appropriate Assessment Report	1	25th October 2019
5.3.1	APP-044	Habitat Regulations Assessment Appendix 1 Information to Support AA Report - HRA Screening Report	1	25th October 2019
5.3.2	REP3-016	Habitat Regulations Assessment Appendix 2 Information to Support AA Report - Screening Matrices	3	Deadline 3 15th December 2020
5.3.3	APP-046	Habitat Regulations Assessment Appendix 3 Information to Support AA Report - Integrity Matrices	1	25th October 2019
ExA.AS-19.D1.V1  (Chapter 11)	REP1-038  (APP-059)	Information to Support AA Addendum for Marine Mammals	1	Deadline 1 2nd November 2020
ExA.AS-7.D4.V1	REP4-042	Deadline Offshore	4 1	Deadline 4



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(Information to Support Appropriate Assessment Report)	(APP-043 to APP-047)	Ornithology Cumulative and In Combination Collision Risk Update		13th January 2021
ExA.AS-11.D8.V1	REP8-035	Deadline Offshore	8 1	Deadline 8
(Information to Support Appropriate Assessment Report)	(APP-043 to APP-047)	Ornithology Cumulative and In Combination Collision Risk Update		25th March 2021
ExA.AS-3.D11.V1	REP11-027	Deadline Offshore	11 1	Deadline 11
(Information to Support Appropriate Assessment Report)	(APP-043 to APP-047)	Ornithology Cumulative and In Combination Collision Risk and Displacement Update		7th June 2021
ExA.AS-12.D13.V1	REP13-019	Deadline 13 Offshore	1	Deadline 13
(Information to Support Appropriate Assessment Report)	(APP-043 to APP-047)	Ornithology Cumulative  and In-Combination Collision Risk  and Displacement Update		5th July 2021

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## PART 2

### Other documents to be certified

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
<i>Document Reference</i>	<i>Examination Library Reference</i>	<i>Document Name</i>	<i>Version</i>	<i>Date</i>
2.2	REP11-003	Land Plans (onshore)	6	Deadline 11 7th June 2021
2.2.1	AS-002	Land Plans (offshore)	1	20th December 2019
2.3.1	APP-010	Works Plans (offshore)	1	25th October 2019
2.3.2	REP11-004	Works Plans (onshore)	7	Deadline 11 7th June 2021
2.4	REP12-004	Access to Works Plan (Rev 2)	2	Deadline 12 28th June 2021
2.5	REP12-005	Temporary Stopping up of Public Rights of Way Plan (Rev 4)	4	Deadline 12 28th June 2021
2.6	REP12-006	Permanent Stopping up of Public Rights of Way Plan (Rev 4)	3	Deadline 12 28th June 2021
2.10	REP12-012	Important Hedgerows and Tree Preservation Order Plan (Rev 4)	4	Deadline 12 28th June 2021
2.12	APP-022	Order boundary coordinates plan (offshore)	limits 1	25th October 2019
4.3	REP12-019	Book Reference (Version 10)	of 10	Deadline 12 28th June 2021
8.1	REP13-005	Outline Code of Construction Practice	8	Deadline 13 5th July 2021
		(Version 09)		

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<i>Document Reference</i>	<i>Examination Library Reference</i>	<i>Document Name</i>	<i>Version</i>	<i>Date</i>
8.4	AS-116	Outline Public Rights of Way Strategy	3	22nd April 2021
8.5	REP6-005	Outline Written Scheme of Investigation (Onshore Archaeology)	3	Deadline 6 24th February 2021
8.6	REP3-028	Outline Written Scheme of Investigation (Offshore)	2	Deadline 3 15th December 2020
8.7	REP13-007	Outline Landscape and Ecological Management Strategy (Version 07)	6	Deadline 13 5th July 2021
8.9	REP11-017	Outline Construction Traffic Management Plan	6	Deadline 11 7th June 2021
8.10	REP12-023	Outline Access Management Plan (Version 07)	7	Deadline 12 28th June 2021
8.11	REP11-022	Outline Travel Plan	6	Deadline 11 7th June 2021
8.12	REP7-027	Outline Offshore Operations and Maintenance Plan	3	Deadline 7 4th March 2021
8.13	REP8-027	Offshore Principle Monitoring Plan	In 4	Deadline 8 25th March 2021
8.14	REP8-029	Draft Marine Mammal Mitigation Protocol	4	Deadline 8 25th March 2021
8.17	REP8-031	In Principle East Anglia TWO Project Southern North Sea SAC Site Integrity Plan	4	Deadline 8 25th March 2021

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Document Reference	Examination Library Reference	Document Name	Version	Date
8.18	APP-595	Outline Navigation Monitoring Strategy	1	25th October 2019
8.20	REP1-019	Outline pre-commencement archaeology execution plan	2	Deadline 1 2nd November 2020
ExA.AS-1.D12.V4	REP12-025	Outline Landfall Construction Method Statement (Version 04)	4	Deadline 12 28th June 2021
ExA.AS-2.D12.V3	REP12-027	Outline SPA Crossing Method Statement (Version 03)	3	Deadline 12 28th June 2021
ExA.AS-6.D8.V2	REP8-086	Outline Sizewell Gap Construction Method Statement	2	Deadline 8 25th March 2021
ExA.AS-5.D3.V2	REP3-050	Outline Fisheries Liaison and Coexistence Plan	2	Deadline 3 15th December 2020
ExA.AS-4.D6.V3	REP6-039	Outline Sabellaria Reef Management Plan	3	Deadline 6 24th February 2021
ExA.AS-37.D12.V6	REP13-020	Outline Operational Drainage Management Plan (Version 07)	6	Deadline 13 5th July 2021
ExA.AS-5.D12.V5	REP12-062	Outline Port Construction Traffic Management and Travel Plan	5	Deadline 12 28th June 2021
ExA.AS-29.D11.V4	REP11-074	Outline Watercourse Crossing Method Statement	4	Deadline 11 7th June 2021
ExA.AS-12.D8.V3	REP8-036	Best Practice Protocol for Minimising Disturbance to	3	Deadline 8 25th March 2021

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		Red-Throated Diver		
ExA.AS-6.D11.V4	AS-133	Substations Design Principles Statement (Rev 04)	3	Additional Submission 21st June 2021
ExA.AS-4.D12.V4	REP12-060	Offshore Ornithology Without Prejudice Compensation Measures	4	Deadline 12 28th June 2021
ExA.AS-35.D8.V2	REP8-077	Activity Exclusion Zones Plan	2	Deadline 8 25th March 2021
ExA.AS-15.D7.V1	REP7-037	Sizewell C Order Limits Interaction – Offshore Plan	1	Deadline 7 4th March 2021
ExA.AS-34.D9.V2	REP9-031	Layout Principles Statement	2	Deadline 9 15th April 2021

## SCHEDULE 18

Article 44

## Offshore Ornithology Compensation Measures

## PART 1

Flamborough and Filey Coast Special Protection  
Area: Kittiwake Compensation Measures

## 1. In this Part—

“the kittiwake compensation plan” means Appendix 1 of the Offshore Ornithology Without Prejudice Compensation Measures.

2. The authorised development may not be commenced until a plan for the work of the kittiwake compensation steering group (“KCSG”) has been submitted to and approved by the Secretary of State. Such plan to include—

- (a) terms of Reference of the KCSG;
- (b) details of the membership of the KCSG;
- (c) details of the schedule of meetings, timetable for preparation of the kittiwake implementation and monitoring plan (the “KIMP”) and reporting and review periods; and
- (d) the dispute resolution mechanism.

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3. Following consultation with the KCSG, the KIMP must be submitted to and approved by the Secretary of State (in consultation with the MMO, the local planning authority for the land containing the artificial nest site, and the relevant statutory nature conservation body). The KCSG must be consulted further as required during the approval process. The KIMP must be based on the strategy for kittiwake compensation set out in the kittiwake compensation plan and include—

- (a) details of the location where compensation measures will be deployed, why the location is appropriate ecologically and likely to support successful compensation, and details of agreements demonstrating how the land and/or rights will or have been secured to deliver the ecology objectives of the KIMP;
- (b) details of designs of the artificial nest site including the type of nesting structure; and how risks from avian or mammalian predation and unauthorised human access will be mitigated;
- (c) an implementation timetable for delivery of the artificial nest structure that ensures relevant compensation measures are in place to allow four full kittiwake breeding seasons prior to the operation of any wind turbine generator forming part of the authorised development;
- (d) details of the proposed ongoing monitoring of the measures including: survey methods; survey programmes; success criteria; recording of KCSG consultations and project reviews; adaptive management measures and details of the factors used to trigger alternative compensation measures and/or adaptive management measures;
- (e) details of the artificial nesting site maintenance schedule; and
- (f) provision for annual reporting to the Secretary of State, to include details of the number of birds colonising the site including: evidence of birds prospecting; nesting attempts; egg laying; hatching; and fledging, to identify barriers to breeding success and target alternative or adaptive management measures.

4. The undertaker must not commence the authorised development unless it has first—

- (a) provided a reasonable estimate of the cost of delivery of the compensation measures; and
- (b) put in place either—
  - (i) a guarantee in respect of the reasonable estimate of costs associated with the delivery of the compensation measures; or
  - (ii) an alternative form of security for that purpose, that has been approved by the Secretary of State.

5. The undertaker must implement the measures as set out in the KIMP approved by the Secretary of State, unless otherwise agreed in writing by the Secretary of State in consultation with the relevant statutory nature conservation body and the relevant local planning authority. In particular, no operation of any turbine forming part of the authorised development may begin until four full breeding seasons following the implementation of the measures set out in the KIMP have elapsed. For the purposes of this paragraph each breeding season is assumed to have commenced on 1st March in each year and ended on 30th September.

6. The undertaker shall notify the Secretary of State of completion of implementation of the measures set out in the KIMP.

7. Results from the monitoring scheme must be submitted at least annually to the Secretary of State and the relevant statutory nature conservation body. This must include details of any finding that the measures have been ineffective in securing an increase in the number of adult kittiwakes available to recruit to the SPA and, in such case, proposals to address this. Any proposals to address effectiveness must thereafter be implemented by the undertaker as approved in writing by the Secretary of State in consultation with the relevant statutory nature conservation body.

**8.** The artificial nest structure must not be decommissioned without written approval of the Secretary of State, in consultation with the relevant statutory nature conservation body. The artificial nest structures shall be maintained beyond the operational lifetime of the authorised development if they are colonised, and routine and adaptive management measures and monitoring must continue whilst the artificial nesting structures are in place.

**9.** The KIMP approved under this Schedule includes any amendments that may subsequently be approved in writing by the Secretary of State. Any amendments to or variations of the approved KIMP must be in accordance with the principles set out in the kittiwake compensation plan and may only be approved where it has been demonstrated to the satisfaction of the Secretary of State that it is unlikely to give rise to any materially new or materially different environmental effects from those considered in the kittiwake compensation plan.

**10.** In the event of any conflict or inconsistency between the terms of the kittiwake compensation plan and the provisions of this Order, the provisions of this Order shall prevail.

## PART 2

### Alde-Ore Estuary Special Protection Area: Lesser black-backed gull Compensation Measures

**1.** In this Part—

“the lesser black-backed gull compensation plan” means Appendices 5 and 7 of the Offshore Ornithology Without Prejudice Compensation Measures.

**2.** The authorised development may not be commenced until a plan for the work of the lesser black-backed gull compensation steering group (“LBBCSG”) has been submitted to and approved by the Secretary of State. Such plan to include—

- (a) terms of Reference of the LBBCSG;
- (b) details of the membership of the LBBCSG;
- (c) details of the schedule of meetings, timetable for preparation of the lesser black-backed gull implementation and monitoring plan (the “LBBIMP”) and reporting and review periods; and
- (d) the dispute resolution mechanism.

**3.** Following consultation with the LBBCSG, the LBBIMP must be submitted to the Secretary of State for approval (in consultation with the MMO, the local planning authority for any land containing the predator control fencing, and the relevant statutory nature conservation body). The LBBCSG must be consulted further as required during the approval process. The LBBIMP must be based on the strategy for lesser black-backed gull compensation set out in the lesser black-backed gull compensation plan and include—

- (a) details of the location where compensation measures will be deployed, why the location is appropriate ecologically and likely to support successful compensation, and details of agreements demonstrating how any land and/or rights will or have been secured to deliver the ecology objectives of the LBBIMP;
- (b) details of designs of any predator control fencing including the type of fencing and area and location of enclosure, and details of any other habitats management measures;
- (c) an implementation timetable for delivery of any predator control fencing and any other habitat management measures that ensures relevant compensation measures are in place to allow four full lesser black-backed gull breeding seasons prior to the operation of any wind turbine generator forming part of the authorised development;

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- (d) details of the proposed ongoing monitoring of the measures including: survey methods; survey programmes; success criteria; recording of LBBCSG consultations and project reviews; adaptive management measures and details of the factors used to trigger alternative compensation measures and/ or adaptive management measures;
  - (e) details of the maintenance schedule for any predator proof fencing; and
  - (f) details of the work in respect of ornithological by-catch measures as set out in Appendix 7 of the Offshore Ornithology Without Prejudice Compensation Measures, that could support practical management measures to reduce ornithological by-catch, and which would be undertaken alongside or in place of the predator control fencing.
- 4.** The undertaker must not commence the authorised development unless it has first—
- (a) provided a reasonable estimate of the cost of delivery of the compensation measures; and
  - (b) put in place either—
    - (i) a guarantee in respect of the reasonable estimate of costs associated with the delivery of the compensation measures; or
    - (ii) an alternative form of security for that purpose,  
that has been approved by the Secretary of State.
- 5.** The undertaker must implement the measures as set out in the LBBIMP approved by the Secretary of State, unless otherwise agreed in writing by the Secretary of State in consultation with the relevant statutory nature conservation body and the relevant local planning authority. In particular, no operation of any turbine forming part of the authorised development may begin until four full breeding seasons following the implementation of the measures set out in the LBBIMP have elapsed. For the purposes of this paragraph each breeding season is assumed to have commenced on 1st March in each year and ended on 30th September.
- 6.** The undertaker shall notify the Secretary of State of completion of implementation of the measures set out in the LBBIMP.
- 7.** Results from the monitoring scheme must be submitted at least annually to the Secretary of State and the relevant statutory nature conservation body. This must include details of any finding that the measures have been ineffective in securing an increase in the number of adult lesser black-backed gulls available to recruit to the SPA and, in such case, proposals to address this. Any proposals to address effectiveness must thereafter be implemented by the undertaker as approved in writing by the Secretary of State in consultation with the relevant statutory nature conservation body.
- 8.** Any predator proof fencing installed must not be decommissioned without written approval of the Secretary of State, in consultation with the relevant statutory nature conservation body. The predator control fencing shall be maintained beyond the operational lifetime of the authorised development if the site is colonised. The routine and adaptive management measures and monitoring should continue whilst the fencing is in place.
- 9.** The LBBIMP approved under this Schedule includes any amendments that may subsequently be approved in writing by the Secretary of State. Any amendments to or variations of the approved LBBIMP must be in accordance with the principles set out in the lesser black-backed gull compensation plan and may only be approved where it has been demonstrated to the satisfaction of the Secretary of State that it is unlikely to give rise to any materially new or materially different environmental effects from those considered in the lesser black-backed gull compensation plan.
- 10.** In the event of any conflict or inconsistency between the terms of the lesser black-backed gull compensation plan and the provisions of this Order, the provisions of this Order shall prevail.



## PART 3

### Outer Thames Estuary Special Protection Area: Red-throated diver Compensation Measures

**1.** In this Part—

“the red-throated diver compensation plan” means Appendix 6 of the Offshore Ornithology Without Prejudice Compensation Measures.

**2.** The authorised development may not be commenced until a plan for the work of the red-throated diver compensation steering group (“RTDCSG”) has been submitted to and approved by the Secretary of State. Such plan to include—

- (a) terms of Reference of the RTDCSG;
- (b) details of the membership of the RTDCSG;
- (c) details of the schedule of meetings, timetable for preparation of the lesser black-backed gull implementation and monitoring plan (the “RTDIMP”) and reporting and review periods; and
- (d) the dispute resolution mechanism.

**3.** Following consultation with the RTDCSG, the RTDIMP must be submitted to the Secretary of State for approval (in consultation with the MMO and the relevant statutory nature conservation body). The RTDCSG must be consulted further as required during the approval process. The RTDIMP must be based on the strategy for red-throated diver compensation set out in the red-throated diver compensation plan and include—

- (a) details of the location where compensation measures will be deployed, why the location is appropriate ecologically and likely to support successful compensation, and details of agreements demonstrating how the vessel route diversions and/or exclusions will or have been secured to deliver the ecology objectives of the RTDIMP;
- (b) an implementation timetable for delivery of the vessel route diversion and/or exclusion compensation measures which ensures that the measures are in place prior to the installation of any tower comprised within a wind turbine generator forming part of the authorised development;
- (c) details in relation to the monitoring of red-throated diver abundance and distribution using aerial digital surveys in the Outer Thames Estuary SPA and a 10km buffer over two winters. Three surveys should take place each winter (between 1st November and 31st March) with one batch to take place before the installation of the turbines forming part of the authorised development and the other batch to take place after;
- (d) details of the proposed ongoing monitoring of the measures including: survey methods; survey programmes; success criteria; recording of RTDCSG consultations and project reviews; details of the factors used to trigger alternative compensation measures and/or adaptive management measures;
- (e) details in relation to the convening of a partnership with relevant authorities and user representation to—
  - (i) improve understanding of disturbance and displacement effects on red-throated diver within the Outer Thames Estuary SPA;
  - (ii) identify and implement opportunities to reduce these effects; and
  - (iii) ensure stakeholder engagement and liaison to raise awareness and communicate any proposed changes in usage; and

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- (f) details of the work in respect of ornithological by-catch measures as set out in Appendix 7 of the Offshore Ornithology Without Prejudice Compensation Measures, that could support practical management measures to reduce ornithological by-catch, and which would be undertaken alongside or in place of the predator control fencing.
4. The undertaker must not commence the authorised development unless it has first—
- (a) provided a reasonable estimate of the cost of delivery of the compensation measures; and
  - (b) put in place either—
    - (i) a guarantee in respect of the reasonable estimate of costs associated with the delivery of the compensation measures; or
    - (ii) an alternative form of security for that purpose, that has been approved by the Secretary of State.
5. The undertaker must implement the measures as set out in the RTDIMP approved by the Secretary of State unless otherwise agreed in writing by the Secretary of State in consultation with the relevant statutory nature conservation body and the relevant local planning authority. No tower comprised within a wind turbine generator forming part of the authorised development may be installed until the implementation of relevant measures as set out in the RTDIMP.
6. The undertaker shall notify the Secretary of State of completion of implementation of the measures set out in the RTDIMP. Once implemented, the measures should remain in place throughout the operational lifetime of the authorised development.
7. Results from the monitoring scheme and aerial digital surveys must be submitted at least annually to the Secretary of State and the relevant statutory nature conservation body. This must include details of any finding that the measures have been ineffective in securing the maintenance of the SPA's conservation objectives and, in such case, proposals to address this. Any proposals to address effectiveness must thereafter be implemented by the undertaker as approved in writing by the Secretary of State in consultation with the relevant statutory nature conservation body.
8. The RTDIMP approved under this Schedule includes any amendments that may subsequently be approved in writing by the Secretary of State. Any amendments to or variations of the approved RTDIMP must be in accordance with the principles set out in the red-throated diver compensation plan and may only be approved where it has been demonstrated to the satisfaction of the Secretary of State that it is unlikely to give rise to any materially new or materially different environmental effects from those considered in the red-throated diver compensation plan.
9. In the event of any conflict or inconsistency between the terms of the red-throated diver compensation plan and the provisions of this Order, the provisions of this Order shall prevail.