
STATUTORY INSTRUMENTS

2014 No. 1599

INFRASTRUCTURE PLANNING

The East Anglia ONE Offshore Wind Farm Order 2014

Made - - - - *16th June 2014*

Coming into force - - *7th July 2014*

An application has been made to the Secretary of State in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009⁽¹⁾ for an Order under sections 37, 114, 115, 120 and 149A of the Planning Act 2008 (“the 2008 Act”)⁽²⁾;

And whereas the application was examined by a Panel appointed as an examining authority by the Secretary of State pursuant to Chapter 4 of the 2008 Act and the Infrastructure Planning (Examination Procedure) Rules 2010⁽³⁾;

The examining authority, having considered the application together with the documents that accompanied it, and the representations made and not withdrawn, has, in accordance with section 74 of the 2008 Act made a report and recommendation to the Secretary of State;

The Secretary of State, having considered the report and recommendation of the Panel, and decided the application, has determined to make an Order giving effect to the proposals comprised in the application with modifications which in its opinion do not make any substantial change to the proposals;

The Secretary of State in exercise of the powers conferred by sections 114, 115, 120, and 149A of the 2008 Act the Secretary of State makes the following Order—

PART 1

Preliminary

Citation and commencement

1. This Order may be cited as the East Anglia ONE Offshore Wind Farm Order 2014 and shall come into force on 7th July 2014.

(1) [S.I. 2009/2264](#) as amended by the Localism Act (Infrastructure Planning) (Consequential Amendments) Regulations 2012 ([S.I. 2012/635](#)) and the Infrastructure Planning (Prescribed Consultees and Interested Parties etc) (Amendment) Regulations 2013 ([S.I. 2013/522](#)).

(2) [2008 c.29](#). Parts 1 to 7 were amended by Chapter 6 of Part 6 of the Localism Act 2011 ([c.20](#)).

(3) [S.I. 2010/103](#), amended by [S.I. 2012/635](#).

Interpretation

2.—(1) In this Order—

- “the 1961 Act” means the Land Compensation Act 1961(4);
- “the 1965 Act” means the Compulsory Purchase Act 1965(5);
- “the 1980 Act” means the Highways Act 1980(6);
- “the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(7);
- “the 1990 Act” means the Town and Country Planning Act 1990(8);
- “the 1991 Act” means the New Roads and Street Works Act 1991(9);
- “the 2004 Act” means the Energy Act 2004(10);
- “the 2008 Act” means the Planning Act 2008(11);
- “the 2009 Act” means the Marine and Coastal Access Act 2009(12);

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- (4) 1961 c.33. Section 2(2) was amended by section 193 of, and paragraph 5 of Schedule 33 to, the Local Government, Planning and Land Act 1980 (c.65). There are other amendments to the 1961 Act which are not relevant to this Order.
 - (5) 1965 c.56. Section 3 was amended by section 70 of, and paragraph 3 of Schedule 15 to, the Planning and Compensation Act 1991 (c.34). Section 4 was amended by section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c.71). Section 5 was amended by sections 67 and 80 of, and Part 2 of Schedule 18 to, the Planning and Compensation Act 1991 (c.34). Subsection (1) of section 11 and sections 3, 31 and 32 were amended by section 34(1) of, and Schedule 4, to, the Acquisition of Land Act 1981 (c.67) and by section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No.1). Section 12 was amended by section 56(2) of, and Part 1 to Schedule 9 to, the Courts Act 1971 (c.23). Section 13 was amended by section 139 of the Tribunals, Courts and Enforcement Act 2007 (c.150). Section 20 was amended by section 70 of, and paragraph 14 of Schedule 15 to, the Planning and Compensation Act 1991 (c.34). Sections 9, 25 and 29 were amended by the Statute Law (Repeals) Act 1973 (c.39). Section 31 was also amended by section 70 of, and paragraph 19 of Schedule 15 to the Planning and Compensation Act 1991 (c.34) and by section 14 of, and paragraph 12(2) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No.1). There are other amendments to the 1965 Act which are not relevant to this Order.
 - (6) 1980 c.66. Section 1(1) was amended by section 21(2) of the New Roads and Street Works Act 1991 (c.22); sections 1(2), 1(3) and 1(4) were amended by section 8 of, and paragraph (1) of Schedule 4 to, the Local Government Act 1985 (c.51); section 1(2A) was inserted, and section 1(3) was amended, by section 259(1), (2) and (3) of the Greater London Authority Act 1999 (c.29); sections 1(3A) and 1(5) were inserted by section 22(1) of, and paragraph 1 of Schedule 7 to, the Local Government (Wales) Act 1994 (c.19). Section 36(2) was amended by section 4(1) of, and paragraphs 47(a) and (b) of Schedule 2 to, the Housing (Consequential Provisions) Act 1985 (c.71), by S.I. 2006/1177, by section 4 of, and paragraph 45(3) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c.11), by section 64(1), (2) and (3) of the Transport and Works Act 1992 (c.42) and by section 57 of, and paragraph 5 of Part 1 of Schedule 6 to, the Countryside and Rights of Way Act 2000 (c.37); section 36(3A) was inserted by section 65(5) of the Transport and Works Act 1992 and was amended by S.I. 2006/1177; section 36(6) was amended by section 8 of, and paragraph 7 of Schedule 4 to, the Local Government Act 1985 (c.51); and section 36(7) was inserted by section 22(1) of, and paragraph 4 of Schedule 7 to, the Local Government (Wales) Act 1994 (c.19). Section 329 was amended by section 112(4) of, and Schedule 18 to, the Electricity Act 1989 (c.29) and by section 190(3) of, and Part 1 of Schedule 27 to, the Water Act 1989 (c.15). There are other amendments to the 1980 Act which are not relevant to this Order.
 - (7) 1981 c.66. Sections 2(3), 6(2) and 11(6) were amended by section 4 of, and paragraph 52 of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c.11). Section 15 was amended by sections 56 and 321(1) of, and Schedules 8 and 16 to, the Housing and Regeneration Act 2008 (c.17). Paragraph 1 of Schedule 2 was amended by section 76 of, and Part 2 of Schedule 9 to, the Housing Act 1988 (c.50); section 161(4) of, and Schedule 19 to, the Leasehold Reform, Housing and Urban Development Act 1993 (c.28); and sections 56 and 321(1) of, and Schedule 8 to, the Housing and Regeneration Act 2008. Paragraph 3 of Schedule 2 was amended by section 76 of, and Schedule 9 to, the Housing Act 1988 and section 56 of, and Schedule 8 to, the Housing and Regeneration Act 2008. Paragraph 2 of Schedule 3 was repealed by section 277 of, and Schedule 9 to, the Inheritance Tax Act 1984 (c.51). There are amendments to the 1981 Act which are not relevant to this Order.
 - (8) 1990 c.8. Section 78 was extended by section 50(1) of the Planning and Compulsory Purchase Act 2004 (c.5). Section 56(4) was amended by section 32 of, and paragraph 10(2) of Schedule 7 to, the Planning and Compensation Act 1991 (c.34). Section 106 was substituted, and section 106A inserted, by section 12(1) of the Planning and Compensation Act 1991. Section 206(1) was amended by section 192(8) of, and paragraphs 7 and 11 of Schedule 8 to, the 2008 Act. Sections 272 to 274 and section 279 were amended by section 406(1) of, and paragraph 103 of Schedule 17 to, the Communications Act 2003 (c.21). Sections 272 to 274 were amended by S.I. 2011/741 and S.I. 2012/2590. There are amendments to the 1990 Act which are not relevant to this Order.
 - (9) 1991 c.22. Section 48(3A) was inserted by section 124 of the Local Transport Act 2008 (c.26). Sections 78(4), 80(4), and 83(4) were amended by section 40 of, and Schedule 1 to, the Traffic Management Act 2004 (c.18).
 - (10) 2004 c.20. Section 105 was amended by section 69 of the Energy Act 2008 (c.32).
 - (11) 2008 c.29. The relevant provisions of the Planning Act 2008 are amended by Chapter 6 of Part 6 of, and Schedule 13 to, the Localism Act 2011 (c.20), and by sections 22 to 27 of the Growth and Infrastructure Act 2013 (c.27). Section 149A was inserted by paragraph 4 in Part 1 of Schedule 8 to the Marine and Coastal Access Act 2009 (c. 23).
 - (12) 2009 c.23.

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

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

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

“book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;

“building” includes any structure or erection or any part of a building, structure or erection;

“CAA” means the Civil Aviation Authority constituted by the Civil Aviation Act 1982;

“cable” in respect of any onshore cable shall include direct lay cables and/or cables laid in cable ducts and in respect of any cable whether onshore or offshore shall include fibre optic cables either within the cable or laid alongside;

“cable crossings” means the crossing of existing sub-sea cables by the inter-array, interconnecting and/or export cables authorised by this Order together with physical protection measures including concrete mattresses and/or rock placement;

“cable ducts” means conduits for the installation of cables;

“carriageway” has the same meaning as in the 1980 Act;

“commencement” means, in relation to the authorised project seaward of MHWS, the first carrying out of any licensed marine activities authorised by the deemed marine licences, save for pre-construction surveys and monitoring and, in respect of any other part of the authorised project, beginning to carry out any material operation (as defined in section 155 of the 2008 Act) forming part of the authorised project other than operations consisting of site clearance, demolition work, archaeological investigations, environmental surveys, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and the words “commence” and “commenced” shall be construed accordingly;

“compulsory acquisition notice” means a notice served in accordance with section 134 of the 2008 Act;

“connection works” means Works No. 3B to 41 and any related further associated development in connection with those works, including, in relation to cable laying, jointing bays, manholes, kiosks, marker posts and other works associated with cable laying;

“construction consolidation site” means a construction site associated with the connection works including hard standings, lay down and storage areas for construction materials and equipment, areas for spoil, areas for vehicular parking, bunded storage areas, areas for welfare facilities including offices and canteen and washroom facilities, workshop facilities and temporary fencing or other means of enclosure and areas for other facilities required for construction purposes;

“deemed generation assets marine licence” means the licence set out in Schedule 9 (deemed licence under the Marine and Coastal Access Act 2009 – generation assets) and deemed by article 28 to have been granted under Part 4 of the 2009 Act, by virtue of section 149A of the 2008 Act;

“deemed marine licences” means the licence set out in Schedule 9 (deemed licence under the Marine and Coastal Access Act 2009 – generation assets) and the licence set out in Schedule 10 (deemed licence under the Marine and Coastal Access Act 2009 – transmission assets);

“deemed transmission assets marine licence” means the licence set out in Schedule 10 (deemed licence under the Marine and Coastal Access Act 2009 – transmission assets) and deemed by article 28 to have been granted under Part 4 of the 2009 Act, by virtue of section 149A of the 2008 Act;

“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 written scheme of investigation: archaeology and cultural heritage (offshore)” means the document certified as the draft written scheme of investigation: archaeology and cultural heritage (offshore) by the Secretary of State for the purposes of this Order;

“environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of this Order and submitted in support of the application;

“further environmental information” means the document certified as the further environmental information by the Secretary of State for the purposes of this Order and submitted in support of the application;

“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;

“highway” and “highway authority” have the same meaning as in the 1980 Act;

“horizontal directional drilling” includes, for the purposes of this Order, non-trenchless techniques for laying the onshore cables;

“horizontal directional drilling compound” means a construction site associated with the connection works where horizontal directional drilling is proposed including hard standings, lay down and storage areas for construction materials and equipment, areas for spoil, areas for vehicular parking, bunded storage areas, areas for welfare facilities including offices and canteen and washroom facilities, wheel washing facilities, workshop facilities and temporary fencing or other means of enclosure and areas for other facilities required for construction purposes;

“HVAC offshore collector station” 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 and/or 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;

“HVDC offshore converter station” means a platform with one or more decks, whether open or fully clad, accommodating electrical power transformers, AC equipment including phase reactors and AC filters, AC/DC converter with switching devices, DC equipment including DC capacitors and DC filters and associated equipment, switch gear, cooling systems, instrumentation, protection and control systems, standby electrical generation equipment, fuelling facilities, auxiliary and uninterruptible power supply systems and transformers, accommodation and/or emergency shelter, craneage, 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 communication and the conversion and transmission of electricity;

“jacket foundation” means a steel jacket/lattice-type structure constructed of steel which is fixed to the seabed at two 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, and “discrete jacket foundation types” shall include pre-piled or post-piled jackets, three-legged or four legged jackets, or straight or battered leg jackets;

“land plan” means the plan certified as the land plan by the Secretary of State for the purposes of this Order;

“LAT” means lowest astronomical tide;

“licensed marine activities” means the activities specified in Part 1 of the deemed Marine Licences;

“maintain” includes inspect, maintain, repair, adjust and alter, and further includes remove, reconstruct and replace any of the ancillary works in Part 2 of Schedule 1 (Ancillary Works) and any component part of any wind turbine generator, offshore substation or meteorological mast described in Part 1 of Schedule 1 (Authorised Development) (but not including the alteration, removal or replacement of foundations) to the extent assessed in the environmental statement; and “maintenance” shall be construed accordingly;

“MCA” means the Maritime and Coastguard Agency;

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

“mean low water” or “MLW” means the average height of all low waters above Chart Datum;

“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;

“MMO” means the Marine Management Organisation;

“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 substation” means a HVAC collector station or a HVDC converter station;

“onshore converter station” means onshore converter(s) housed within one or more converter halls and a compound containing electrical equipment including power transformers, switchgear, reactive compensation equipment, harmonic filters, cables, lightning protection masts, control buildings, communications masts, back-up generators, access, fencing and other associated equipment, structures or buildings;

“Order land” means the land shown on the land plan which is within the limits of land to be acquired and described in the book of reference;

“Order limits” means the limits shown on the works plan within which the authorised project may be carried out, whose grid coordinates seaward of MHWS are set out in paragraph 2 of Part 1 of Schedule 1 and whose grid coordinates landward of MLW are set out in paragraph 3 of Part 1 of Schedule 1;

“Order limits boundary coordinates plan” means the document certified as the Order limits boundary coordinates plan by the Secretary of State for the purposes of this Order;

“outline access management plan” means the document certified as the outline access management plan by the Secretary of State for the purposes of this Order;

“outline Bawdsey bed level monitoring and remediation strategy” means the document certified as the outline Bawdsey bed level monitoring and remediation strategy by the Secretary of State for the purposes of this Order;

“outline code of construction practice” means the document certified as the outline code of construction practice by the Secretary of State for the purposes of this Order;

“outline converter station design principles statement” means the document certified as the outline converter station design principles statement by the Secretary of State for the purposes of this Order;

“outline landscape and ecological management strategy” means the document certified as the outline landscape and ecological management strategy by the Secretary of State for the purposes of this Order;

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

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

“outline skills strategy” means the document certified as the outline skills strategy by the Secretary of State for the purposes of this Order;

“outline traffic management plan” means the document certified as the outline traffic management plan by the Secretary of State for the purposes of this Order;

“outline travel plan” means the document certified as the outline travel plan by the Secretary of State for the purposes of this Order;

“outline written scheme of investigation: archaeology and cultural heritage (onshore)” means the document certified as the outline written scheme of investigation: archaeology and cultural heritage (onshore) by the Secretary of State for the purposes of this Order;

“owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981(13);

“pin piles” means steel cylindrical piles driven and/or drilled into the seabed for fixity of steel jacket foundations;

“primary construction consolidation site” means a construction consolidation whose footprint does not exceed the dimensions specified in requirement 10(9)(a);

“public rights of way plan” means the plan certified as the public rights of way plan by the Secretary of State for the purposes of this Order;

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

“the Requirements” means those matters set out in Part 3 of Schedule 1 (Requirements) to this Order;

“secondary construction consolidation site” means a construction consolidation whose footprint does not exceed the dimensions specified in requirement 10(9)(b);

“statutory undertakers” means any person falling within section 127(8), 128(5) or 129(2) of the 2008 Act;

“street” means a street within the meaning of section 48 of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

(13) 1981 c.67. Section 7 was amended by section 70 of, and paragraph 9 of Schedule 15 to, the Planning and Compensation Act 1991 (c.34). There are other amendments to the 1981 Act which are not relevant to this Order.

“suction buckets” means large diameter steel cylindrical shells which penetrate the seabed assisted by hydrostatic pressure differential for fixity of 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 and equipment;

“transition cable jointing bay” means an underground pit where the offshore export cables comprised in Work No. 3A are jointed to the connection works;

“the tribunal” means the Lands Chamber of the Upper Tribunal;

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

“undertakers” means East Anglia ONE Limited;

“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;

“watercourse” includes all rivers, streams, creeks, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain;

“wind turbine generator” or “WTG” 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 plan” means the plan certified as the works plan by the Secretary of State for the purposes of the Order.

(2) References in this Order to rights over land include references to rights to do or to place and maintain, anything in, on or under land or in the air-space above its surface.

(3) All distances, directions and lengths referred to in this Order are approximate, save in respect of the parameters referred to Requirements 3 to 7 and 10 in Part 3, Schedule 1 (Requirements), conditions 1 to 5 in Part 2, Schedule 9 (deemed licence under the Marine and Coastal Access Act 2009 – Generation Assets) and conditions 2 to 5 in Part 2, Schedule 10 (deemed licence under the Marine and Coastal Access Act 2009 – Transmission Assets).

(4) Any reference in this Order to a work identified by the number of the work is to be construed as a reference to the work of that number authorised by this Order.

(5) References in this Order to points identified by letters are to be construed as references to the points so lettered on the works plan unless otherwise stated.

(6) The expression “includes” shall be construed without limitation.

PART 2

Principal powers

Development consent etc. granted by the Order

3.—(1) Subject to the provisions of this Order and to the Requirements the undertakers is granted—

- (a) development consent for the authorised development; and
- (b) consent for the ancillary works,

to be carried out within the Order limits.

(2) Subject to the Requirements, Works No. 1 to 3A shall be constructed anywhere within the Order limits seaward of mean high water springs and Works No. 3B to 41 shall be constructed anywhere within the Order limits landward of mean low water.

Power to construct and maintain authorised project

4. The undertakers may, at any time construct and maintain, and maintain from time to time, the authorised project, except to the extent that this Order or an agreement made under this Order provides otherwise.

Benefit of the Order

5.—(1) Subject to paragraphs (2) and (3), the undertakers may with the written consent of the Secretary of State—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order (excluding the deemed marine licences referred to in (2) below) and such related statutory rights as may be agreed between the undertakers and the transferee;
- (b) grant to another person (“the lessee”) for a period agreed between the undertakers and the lessee any or all of the benefit of the provisions of this Order (excluding the deemed marine licences referred to in (2) below) and such related statutory rights as may be so agreed.

(2) The undertakers may with the written consent of the Secretary of State—

- (a) where an agreement has been made in accordance with paragraph 5(a), transfer to the transferee the whole of the deemed generation assets marine licence and/or the whole of the deemed transmission assets marine licence and such related statutory rights as may be agreed between the undertakers and the transferee; or
- (b) where an agreement has been made in accordance with paragraph 5(b), grant to the lessee the whole of the deemed generation assets marine licence and/or the whole of the deemed transmission assets marine licence and such related statutory rights as may be so agreed.

(3) The Secretary of State shall consult the MMO before giving consent to the transfer or grant to another person of the whole of the benefit of the provisions of the deemed marine licences.

(4) Where paragraph (7) applies no consent of the Secretary of State shall be required.

(5) Where an agreement has been made in accordance with paragraph (1) references in this Order to the undertakers, except in paragraph (8), shall include references to the transferee or lessee.

(6) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) shall be subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertakers.

(7) Where an agreement has been made in accordance with paragraph (1)—

- (a) the benefit (“the transferred benefit”) shall include any rights that are conferred, and any obligations that are imposed by virtue of the provisions to which the benefit relates;
- (b) the transferred benefit shall reside exclusively with the transferee or, as the case may be, the lessee and the transferred benefit shall not be enforceable against the undertakers save in the case of a deemed marine licence transferred or granted in respect of any breach of an obligation by the undertakers which occurs prior to such transfer or grant or which occurs as a result of any activity carried out by the undertakers on behalf of the transferee.

(8) This paragraph applies where—

- (a) the transferee or lessee is a person who holds a licence under the Electricity Act 1989; or

- (b) the time limits for claims for compensation in respect of the acquisition of land or effects upon land under this Order have elapsed and—
 - (i) no such claims have been made;
 - (ii) any such claim has been made and has been compromised or withdrawn;
 - (iii) compensation has been paid in final settlement of any such claim;
 - (iv) payment of compensation into court has taken place in lieu of settlement of any such claim; or
 - (v) it has been determined by a tribunal or court of competent jurisdiction in respect of any such claim that no compensation shall be payable.

(9) The provisions of article 8 (street works), article 10 (temporary stopping up of streets), article 15 (compulsory acquisition of land), article 17 (compulsory acquisition of rights), article 23 (temporary use of land for carrying out the authorised project) and article 24 (temporary use of land for maintaining the authorised project) shall have effect only for the benefit of the named undertakers and a person who is a transferee or lessee and is also—

- (a) in respect of Works No. 3B to 41 a person who holds a licence under the Electricity Act 1989; or
- (b) in respect of functions under article 8 (street works) relating to a street, a street authority.

(10) Where paragraph (8) applies the undertakers shall provide written notification to the Secretary of State prior to transferring and/or granting any benefit under paragraph (1).

Application and modification of legislative provisions

6. Regulation 6 of the Hedgerows Regulations 1997⁽¹⁴⁾ shall be modified so as to read for the purposes of this Order only as if there were inserted after paragraph (1)(j) the following—

- “(k) or for carrying out development which has been authorised by development consent made pursuant to the Planning Act 2008.”

Defence to proceedings in respect of statutory nuisance

7.—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990⁽¹⁵⁾ (summary proceedings by person aggrieved by statutory nuisance) in relation to a nuisance falling within paragraph (g) of section 79(1) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance) no order shall be made, and no fine may be imposed, under section 82(2) of that Act if—

- (a) the defendant shows that the nuisance—
 - (i) relates to premises used by the undertakers for the purposes of or in connection with the construction or maintenance of the authorised project and that the nuisance is attributable to the carrying out of the authorised project in accordance with a notice served under section 60 (control of noise on construction site), or a consent given under section 61 (prior consent for work on construction site) or 65 (noise exceeding registered level), of the Control of Pollution Act 1974⁽¹⁶⁾; or
 - (ii) is a consequence of the construction or maintenance of the authorised project and that it cannot reasonably be avoided; or
- (b) the defendant shows that the nuisance—

⁽¹⁴⁾ S.I. 1997/1160.

⁽¹⁵⁾ 1990 c.43. There are amendments to this Act which are not relevant to this Order.

⁽¹⁶⁾ 1974 c.40. Sections 61(9) and 65(8) were amended by section 162 of, and paragraph 15 of Schedule 3 to, the Environmental Protection Act 1990 (c.25). There are other amendments to the 1974 Act which are not relevant to this Order.

- (i) relates to premises used by the undertakers for the purposes of or in connection with the use of the authorised project and that the nuisance is attributable to the use of the authorised project which is being used in compliance with requirement 24 (control of noise during operational phase); or
- (ii) is a consequence of the use of the authorised project and that it cannot reasonably be avoided.

(2) Section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 and section 65(8) of that Act (corresponding provision in relation to consent for registered noise level to be exceeded), do not apply where the consent relates to the use of premises by the undertakers for purposes of or in connection with the construction or maintenance of the authorised project.

PART 3

Streets

Street works

8.—(1) The undertakers may, for the purposes of the authorised project, enter on so much of any of the streets specified in Schedule 2 (streets subject to street works) as is within the Order limits and may—

- (a) break up or open the street, or any sewer, drain or tunnel under it;
- (b) tunnel or bore under the street;
- (c) place apparatus under the street;
- (d) maintain apparatus under the street or change its position; and
- (e) execute any works required for or incidental to any works referred to in sub-paragraphs (a), (b), (c) and (d).

(2) The authority given by paragraph (1) is a statutory right for the purposes of sections 48(3) (streets, street works and undertakers) and 51(1) (prohibition of unauthorised street works) of the 1991 Act.

(3) The provisions of sections 54 to 106 of the 1991 Act apply to any street works carried out under paragraph (1).

(4) In this article “apparatus” has the same meaning as in Part 3 of the 1991 Act.

Temporary stopping up of public rights of way

9.—(1) Subject to the provisions of this article, the undertakers may, in connection with the carrying out of the authorised project temporarily stop up each of the public rights of way specified in columns (2) to (3) of Schedule 3 (public rights of way to be temporarily stopped up) to the extent specified in column (4), by reference to the letters and numbers shown on the public rights of way plan.

(2) The public rights of way specified in Part 1 of Schedule 3 (public rights of way to be temporarily stopped up) shall not be temporarily stopped up under this article unless the diversion route specified on the public rights of way plan is first provided by the undertakers, to the reasonable satisfaction of the relevant highway authority.

(3) The relevant diversion route provided under paragraph (2) shall be subsequently maintained by the undertakers until the re-opening of the relevant public right of way specified in paragraph (1).

Temporary stopping up of streets

10.—(1) Subject to paragraph (4), the undertakers, during and for the purposes of carrying out the authorised project, may temporarily stop up, alter or divert any street within the Order limits and may for any reasonable time—

- (a) divert the traffic or a class of traffic from the street; and
- (b) subject to paragraph (2), prevent all persons from passing along the street.

(2) The undertakers shall provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary stopping up, alteration or diversion of a street under this article if there would otherwise be no such access.

(3) Without prejudice to the generality of paragraph (1) the undertakers may temporarily stop up, alter or divert the streets specified in column (1) and (2) of Schedule 4 (streets to be temporarily stopped up) to the extent specified, by reference to the letters and numbers shown on the public rights of way plan, in column (4) of that Schedule.

(4) The undertakers shall not temporarily stop up, alter or divert—

- (a) any street without the consent of the street authority which may attach reasonable conditions to any consent; and
- (b) any other street without the consent of the street authority which may attach reasonable conditions to any consent.

(5) Any person who suffers loss by the suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

Access to works

11. The undertakers may, for the purposes of the authorised project—

- (a) form and lay out means of access, or improve existing means of access, in the locations specified in columns (1) and (2) of Schedule 5 (access to works); and
- (b) with the approval of the relevant planning authority after consultation with the highway authority, form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the undertakers reasonably requires for the purposes of the authorised project.

Agreements with street authorities

12.—(1) A street authority and the undertakers may enter into agreements with respect to—

- (a) any temporary stopping up, alteration or diversion of a street authorised by this Order; or
- (b) the carrying out in the street of any of the works referred to in article 8(1) (street works).

(2) Such an agreement may, without prejudice to the generality of paragraph (1)—

- (a) make provision for the street authority to carry out any function under this Order which relates to the street in question;
- (b) include an agreement between the undertakers and street authority specifying a reasonable time for the completion of the works; and
- (c) contain such terms as to payment and otherwise as the parties consider appropriate.

PART 4

Supplemental powers

Discharge of water

13.—(1) The undertakers may use any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out or maintenance of the authorised project and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain subject to the obtaining of consent and approval respectively pursuant to paragraphs (3) and (4).

(2) Any dispute arising from the making of connections to or the use of a public sewer or drain by the undertakers pursuant to paragraph (1) shall be determined as if it were a dispute under section 106 of the Water Industry Act 1991⁽¹⁷⁾ (right to communicate with public sewers).

(3) The undertakers shall not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but shall not be unreasonably withheld.

(4) The undertakers shall not carry out any works to any public sewer or drain pursuant to article 13(1) except—

- (a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval shall not be unreasonably withheld; and
- (b) where that person has been given the opportunity to supervise the making of the opening.

(5) The undertakers shall not, in carrying out or maintaining works pursuant to this article, damage or interfere with the bed or banks of any watercourse forming part of a main river.

(6) The undertakers shall take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain pursuant to this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

(7) This article does not authorise the entry into controlled waters of any matter whose entry or discharge into controlled waters is prohibited by regulation 12 of the Environmental Permitting (England and Wales) Regulations 2010⁽¹⁸⁾.

(8) In this article—

- (a) “public sewer or drain” means a sewer or drain which belongs to a sewerage undertakers, the Environment Agency, an internal drainage board or a local authority; and
- (b) other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991, as amended by the Environmental Permitting (England and Wales) Regulations 2010 have the same meaning as in that Act.

Authority to survey and investigate the land

14.—(1) The undertakers may for the purposes of this Order enter on any land shown within the Order limits or which may be affected by the authorised project and—

- (a) survey or investigate the land;

⁽¹⁷⁾ 1991 c.56. Section 106 was amended by sections 36(2) and 99 of the Water Act 2003 (c.37), and amended by sections 32 and 42 of, and paragraph 16(2) of Schedule 3 to, the Flood and Water Management Act 2010 (date in force to be appointed see section 49(3)(h)(i)). There are other amendments to this section which are not relevant to this Order.

⁽¹⁸⁾ S.I. 2010/675, as amended by the Environmental Permitting (England and Wales) (Amendment) Regulations 2011 (S.I. 2011/2043), the Environmental Permitting (England and Wales) (Amendment No. 2) Regulations 2011 (S.I. 2011/2933), the Environmental Permitting (England and Wales) (Amendment) Regulations 2012 (S.I. 2012/630), the Controlled Waste (England and Wales) Regulations 2012 (S.I. 2012/811).

- (b) without prejudice to the generality of sub-paragraph (a), make trial holes in such positions on the land as the undertakers thinks fit to investigate the nature of the surface layer and subsoil and remove soil samples;
 - (c) without prejudice to the generality of sub-paragraph (a), carry out ecological or archaeological investigations on such land; and
 - (d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes.
- (2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 14 days' notice has been served on every owner and occupier of the land.
- (3) Any person entering land under this article on behalf of the undertakers—
- (a) shall, if so required on entering the land, produce written evidence of their authority to do so; and
 - (b) may take with them such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.
- (4) No trial holes shall be made under this article—
- (a) in land forming a railway without the consent of Network Rail Infrastructure Limited; or
 - (b) in land held by or in right of the Crown without the consent of the Crown.
- (5) No trial holes shall be made under this article—
- (a) in land located within the highway boundary without the consent of the highway authority; or
 - (b) in a private street without the consent of the street authority,
- but such consent shall not be unreasonably withheld.
- (6) The undertakers shall compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the authority conferred by this article, such compensation to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

PART 5

Powers of acquisition

Compulsory acquisition of land

15.—(1) The undertakers may acquire compulsorily so much of the Order land as is required for the authorised project or to facilitate, or is incidental, to it.

(2) This article is subject to paragraph (2) of article 17 (compulsory acquisition of rights) and article 23 (temporary use of land for carrying out the authorised project).

Time limit for exercise of authority to acquire land compulsorily

16.—(1) After the end of the period of 5 years beginning on the day on which this Order is made—

- (a) no notice to treat shall be served under Part 1 of the 1965 Act; and

(b) no declaration shall be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 as applied by article 19 (application of the Compulsory Purchase (Vesting Declarations) Act 1981)(19).

(2) The authority conferred by article 23 (temporary use of land for carrying out the authorised project) shall cease at the end of the period referred to in paragraph (1), except that nothing in this paragraph prevents the undertakers remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

Compulsory acquisition of rights

17.—(1) The undertakers may acquire compulsorily such rights or impose restrictive covenants over the Order land as may be required for any purpose for which that land may be acquired under article 15 (compulsory acquisition of land), by creating them as well as by acquiring rights already in existence.

(2) Subject to the provisions of this article, article 18 (private rights) and article 25 (statutory undertakers), in the case of the Order land specified in column (1) of Schedule 6 (land in which only new rights etc. may be acquired) the undertakers's powers of compulsory acquisition are limited to the acquisition of such new rights and the imposition of restrictive covenants for the purpose specified in relation to that land in column (2) of that Schedule.

(3) Subject to section 8 of the 1965 Act, as substituted by paragraph 5 of Schedule 7 (modification of compensation and compulsory purchase enactments for creation of new rights), where the undertakers acquires an existing right over land or restrictive covenant under paragraph (1), the undertakers shall not be required to acquire a greater interest in that land.

(4) Schedule 7 (modification of compensation and compulsory purchase enactments for creation of new rights) shall have effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right or the imposition of restrictive covenants.

(5) In any case where the acquisition of new rights under paragraph (1) is required for the purpose of diverting, replacing or protecting apparatus of a statutory undertakers, the undertakers may, with the consent of the Secretary of State, transfer the power to acquire such rights to the statutory undertakers in question.

(6) The exercise by a statutory undertakers of any power in accordance with a transfer under paragraph (5) is subject to the same restrictions, liabilities and obligations as would apply under this Order if that power were exercised by the undertakers.

Private rights

18.—(1) Subject to the provisions of this article, all private rights over land subject to compulsory acquisition under this Order shall be extinguished—

- (a) as from the date of acquisition of the land by the undertakers, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertakers under section 11(1) of the 1965 Act (power of entry),

whichever is the earliest.

(2) Subject to the provisions of this article, all private rights over land subject to the compulsory acquisition of rights under this article (and including those lands included in column (1) of Schedule 6

(19) 1981 c.66. Sections 2, 6 and 11 were amended by section 4 of, and paragraph 52 of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c.11). There are other amendments to the 1981 Act which are not relevant to this Order.

(land in which only new rights etc. may be acquired)) shall be extinguished in so far as their continuance would be inconsistent with the exercise of the right—

- (a) as from the date of acquisition of the right by the undertakers, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertakers under section 11(1) of the 1965 Act (power of entry),

whichever is the earlier.

(3) Subject to the provisions of this article, all private rights over land of which the undertakers takes temporary possession under this Order shall be suspended and unenforceable for as long as the undertakers remains in lawful possession of the land.

(4) Any person who suffers loss by the extinguishment or suspension of any private right under this article shall be entitled to compensation in accordance with the terms of section 152 of the 2008 Act to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) This article does not apply in relation to any right to which section 138 of the 2008 Act (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) or article 25 (statutory undertakers) applies.

(6) Paragraphs (1) to (3) shall have effect subject to—

- (a) any notice given by the undertakers before—
 - (i) the completion of the acquisition of the land or the acquisition of rights or the imposition of restrictive covenants over or affecting the land;
 - (ii) the undertakers's entry onto it; or
 - (iii) the undertakers's taking temporary possession of it,that any or all of those paragraphs do not apply to any right specified in the notice; and
- (b) any agreement made at any time between the undertakers and the person in or to whom the right of way in question is vested or belongs.

(7) If any such agreement as is referred to in paragraph (6)(b)—

- (a) is made with a person in or to whom the right is vested or belongs; and
- (b) is expressed to have effect also for the benefit of those deriving title from or under that person,

it shall be effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

(8) Reference in this article to private rights over land includes reference to any trusts or incidents to which the land is subject.

Application of the Compulsory Purchase (Vesting Declarations) Act 1981

19.—(1) The 1981 Act shall apply as if this Order were a compulsory purchase order.

(2) The 1981 Act, as so applied, shall have effect with the following modifications.

(3) In section 3 (preliminary notices), for subsection (1) there shall be substituted—

“(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order, the acquiring authority shall include the particulars specified in subsection (3) in a notice which is—

- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession); and

(b) published in a local newspaper circulating in the area in which the land is situated.”.

(4) In that section, in subsection (2), for “(1)(b)” there shall be substituted “(1)” and after “given” there shall be inserted “and published”.

(5) In that section, for subsections (5) and (6) there shall be substituted—

“(5) For the purposes of this section, a person has a relevant interest in land if—

(a) that person is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion; or

(b) that person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”.

(6) In section 5 (earliest date for execution of declaration)—

(a) in subsection (1), after “publication” there shall be inserted “in a local newspaper circulating in the area in which the land is situated”; and

(b) subsection (2) shall be omitted.

(7) In section 7 (constructive notice to treat), in subsection (1)(a), the words “(as modified by section 4 of the Acquisition of Land Act 1981)” shall be omitted.

(8) References to the 1965 Act in the 1981 Act shall be construed as references to that Act as applied by section 125 of the 2008 Act to the compulsory acquisition of land under this Order.

Acquisition of subsoil only

20.—(1) The undertakers may acquire compulsorily so much of, or such rights in, the subsoil of the land referred to in paragraph (1) of article 15 (compulsory acquisition of land) or article 17 (compulsory acquisition of rights) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.

(2) Where the undertakers acquires any part of, or rights in, the subsoil of land under paragraph (1), the undertakers shall not be required to acquire an interest in any other part of the land.

(3) Paragraph (2) shall not prevent article 21 (acquisition of part of certain properties) from applying where the undertakers acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.

Acquisition of part of certain properties

21.—(1) This article shall apply instead of section 8(1) of the 1965 Act (other provisions as divided land) (as applied by section 125 of the 2008 Act) where—

(a) a notice to treat is served on a person (“the owner”) under the 1965 Act (as so applied) in respect of land forming only part of a house, building or manufactory or of land consisting of a house with a park or garden (“the land subject to the notice to treat”); and

(b) a copy of this article is served on the owner with the notice to treat.

(2) In such a case, the owner may, within the period of 21 days beginning with the day on which the notice was served, serve on the undertakers a counter-notice objecting to the sale of the land subject to the notice to treat which states that the owner is willing and able to sell the whole (“the land subject to the counter-notice”).

(3) If no such counter-notice is served within that period, the owner shall be required to sell the land subject to the notice to treat.

(4) If such a counter-notice is served within that period, the question whether the owner shall be required to sell only the land subject to the notice to treat shall, unless the undertakers agrees to take the land subject to the counter-notice, be referred to the tribunal.

(5) If on such a reference the tribunal determines that the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) where the land subject to the notice to treat consists of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the owner shall be required to sell the land subject to the notice to treat.

(6) If on such a reference the tribunal determines that only part of the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) where the land subject to the notice to treat consists of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house, the notice to treat is deemed to be a notice to treat for that part.

(7) If on such a reference the tribunal determines that—

- (a) the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice; but
- (b) the material detriment is confined to a part of the land subject to the counter-notice, the notice to treat is deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the undertakers is authorised to acquire compulsorily under this Order.

(8) If the undertakers agrees to take the land subject to the counter-notice, or if the tribunal determines that—

- (a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and
- (b) the material detriment is not confined to a part of the land subject to the counter-notice, the notice to treat is deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which the undertakers is authorised to acquire compulsorily under this Order.

(9) Where, by reason of a determination by the tribunal under this article, a notice to treat is deemed to be a notice to treat for less land or more land than that specified in the notice, the undertakers may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice to treat; and, in that event, shall pay the owner compensation for any loss or expense occasioned to the owner by the giving and withdrawal of the notice, to be determined in case of dispute by the tribunal.

(10) Where the owner is required under this article to sell only part of a house, building or manufactory or of land consisting of a house with a park or garden, the undertakers shall pay the owner compensation for any loss sustained by the owner due to the severance of that part in addition to the value of the interest acquired.

Rights under or over streets

22.—(1) The undertakers may enter on and appropriate so much of the subsoil of any street within the Order limits as may be required for the purposes of the authorised project and may use the subsoil for those purposes or any other purpose ancillary to the authorised project.

(2) Subject to paragraph (3), the undertakers may exercise any power conferred by paragraph (1) in relation to a street without being required to acquire any part of the street or any easement or right in the street.

(3) Paragraph (2) does not apply in relation to—

- (a) any subway or underground building; or
- (b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street.

(4) Subject to paragraph (5), any person who is an owner or occupier of land appropriated under paragraph (1) without the undertakers acquiring any part of that person's interest in the land, and who suffers loss as a result, shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) Compensation shall not be payable under paragraph (4) to any person who is an undertakers to whom section 85 of the 1991 Act (sharing cost of necessary measures) applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

Temporary use of land for carrying out the authorised project

23.—(1) The undertakers may, in connection with the carrying out of the authorised project—

- (a) enter on and take temporary possession of—
 - (i) the land specified in columns (1) and (2) of Schedule 8 (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (3) of that Schedule relating to the part of the authorised project specified in column (4) of that Schedule; and
 - (ii) any other Order land in respect of which no notice of entry has been served under section 11 of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 of the 1981 Act;
- (b) remove any buildings and vegetation from that land;
- (c) construct temporary works (including the provision of means of access), haul roads, security fencing, bridges, structures and buildings on that land;
- (d) use the land for the purposes of a working site with access to the working site in connection with the authorised project; and
- (e) construct any works, or use the land, as specified in relation to that land in column 3 of Schedule 8 (land of which temporary possession may be taken), or any mitigation works.

(2) Not less than 14 days before entering on and taking temporary possession of land under this article the undertakers shall serve notice of the intended entry on the owners and occupiers of the land.

(3) The undertakers shall not remain in possession of any land under this article for longer than reasonably necessary and in any event shall not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of one year beginning with the date of completion of the part of the authorised project specified in relation to that land in column (4) of Schedule 8 (land of which temporary possession may be taken), unless the undertakers has, before the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act in relation to that land.

(4) Before giving up possession of land of which temporary possession has been taken under this article, the undertakers shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the undertakers shall not be required to replace a building removed under this article.

(5) The undertakers shall pay compensation to the owners and occupiers of land which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of any power conferred by this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.

(7) Nothing in this article shall affect any liability to pay compensation under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance) or under any other enactment in respect of loss or damage arising from the carrying out of the authorised project, other than loss or damage for which compensation is payable under paragraph (5).

(8) The undertakers may not compulsorily acquire under this Order the land referred to in paragraph (1) except that the undertakers shall not be precluded from—

- (a) acquiring new rights or imposing restrictive covenants over any part of that land under article 17 (compulsory acquisition of rights); or
- (b) acquiring any part of the subsoil (or rights in the subsoil) of that land under article 20 (acquisition of subsoil only).

(9) Where the undertakers takes possession of land under this article, the undertakers shall not be required to acquire the land or any interest in it.

(10) Section 13 of the 1965 Act (refusal to give possession to acquiring authority) shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (application of compulsory acquisition provisions).

Temporary use of land for maintaining authorised project

24.—(1) Subject to paragraph (2), at any time during the maintenance period relating to any part of the authorised project, the undertakers may—

- (a) enter on and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised project; and
- (b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.

(2) Paragraph (1) shall not authorise the undertakers to take temporary possession of—

- (a) any house or garden belonging to a house; or
- (b) any building (other than a house) if it is for the time being occupied.

(3) Not less than 28 days before entering on and taking temporary possession of land under this article the undertakers shall serve notice of the intended entry on the owners and occupiers of the land.

(4) The undertakers may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised project for which possession of the land was taken.

(5) Before giving up possession of land of which temporary possession has been taken under this article, the undertakers shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

(6) The undertakers shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of this article.

(7) Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.

(8) Nothing in this article shall affect any liability to pay compensation under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance) or under any other enactment in respect of loss or damage arising from the maintenance of the authorised project, other than loss or damage for which compensation is payable under paragraph (6).

(9) Where the undertakers takes possession of land under this article, the undertakers shall not be required to acquire the land or any interest in it.

(10) Section 13 of the 1965 Act (refusal to give possession to acquiring authority) shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (application of compulsory acquisition provisions).

(11) In this article "the maintenance period", in relation to any part of the authorised project, means the period of 5 years beginning with the date on which the authorised project first exports electricity to the national electricity transmission network.

Protective provisions for specified undertakers

25. Schedule 9 (Protective provisions) shall have effect.

Statutory undertakers

26. Subject to the provisions of Schedule 9 (Protective provisions) the undertakers may—

- (a) acquire compulsorily, or acquire new rights or impose restrictive covenants over, the land belonging to statutory undertakers shown on the land plans within the limits to the land to be acquired and described in the book of reference; and
- (b) extinguish the rights of, remove, relocate the rights of or reposition the apparatus belonging to statutory undertakers over or within the Order land.

Recovery of costs of new connections

27.—(1) Where any apparatus of a public utility undertakers or of a public communications provider is removed under article 25 (statutory undertakers) any person who is the owner or occupier of premises to which a supply was given from that apparatus shall be entitled to recover from the undertakers compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(2) Paragraph (1) does not apply in the case of the removal of a public sewer but where such a sewer is removed under article 25, any person who is—

- (a) the owner or occupier of premises the drains of which communicated with that sewer; or
- (b) the owner of a private sewer which communicated with that sewer,

shall be entitled to recover from the undertakers compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the drain or sewer belonging to that person communicate with any other public sewer or with a private sewerage disposal plant.

(3) This article shall not have effect in relation to apparatus to which Part 3 of the 1991 Act applies.

(4) In this paragraph—

“public communications provider” has the same meaning as in section 151(1) of the Communications Act 2003; and

“public utility undertakers” has the same meaning as in the 1980 Act.

PART 6

Operations

Operation of generating station

28.—(1) The undertakers is hereby authorised to operate the generating station comprised in the authorised development.

(2) This article does not relieve the undertakers of any requirement to obtain any permit or licence under any other legislation that may be required from time to time to authorise the operation of an electricity generating station.

Deemed marine licences under the Marine and Coastal Access Act 2009

29. The undertakers is granted the deemed licences under Part 4 Chapter 1 of the 2009 Act to carry out the works and make the deposits specified in Part 1 of Schedule 10 (deemed licence under the Marine and Coastal Access Act 2009 – generation assets) and Part 1 of Schedule 11 (deemed licence under the Marine and Coastal Access Act 2009 – transmission assets), both subject to the conditions set out in Part 2 of those Schedules.

PART 7

Miscellaneous and general

Application of landlord and tenant law

30.—(1) This article applies to—

- (a) any agreement for leasing to any person the whole or any part of the authorised project or the right to operate the same; and
- (b) any agreement entered into by the undertakers with any person for the construction, maintenance, use or operation of the authorised project, or any part of it, so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person’s use.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants shall prejudice the operation of any agreement to which this article applies.

(3) Accordingly, no such enactment or rule of law shall apply in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;

- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease).

Operational land for purposes of the 1990 Act

31. Development consent granted by this Order shall be treated as specific planning permission for the purposes of section 264(3)(a) of the 1990 Act (cases in which land is to be treated as operational land for the purposes of that Act).

Felling or lopping of trees and removal of hedgerows

32.—(1) The undertakers may fell or lop any tree or shrub near any part of the authorised project, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project.

(2) In carrying out any activity authorised by paragraph (1), the undertakers shall do no unnecessary damage to any tree or shrub and shall pay compensation to any person for any loss or damage arising from such activity.

(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, shall be determined under Part 1 of the 1961 Act.

(4) The undertakers may, for the purposes of the authorised project—

- (a) subject to paragraph (2), remove any hedgerows within the Order limits that may be required for the purposes of carrying out the authorised project; and
- (b) remove the important hedgerows as are within the Order limits and specified in Schedule 12 (removal of important hedgerows).

(5) In this article “hedgerow” and “important hedgerow” have the same meaning as in the Hedgerow Regulations 1997(20).

Certification of plans etc.

33.—(1) The undertakers shall, as soon as practicable after the making of this Order, submit to the Secretary of State copies of—

(a) the works plan—

- document reference 2.3(a) sheet 1-4 Sep-13 rev C;
- document reference 2.3(b) sheet 5-9 Sep-13 rev C;
- document reference 2.3(c) sheet 10-14 Sep-13 rev C;
- document reference 2.3(d) sheet 15-19 Sep-13 rev C;
- document reference 2.3(e) sheet 20-24 Sep-13 rev C;
- document reference 2.3(f) sheet 25-28 Sep-13 rev C;

(b) the order limits boundary coordinates plan—

- document reference 2.13 sheet 1 of 2 Nov-13 rev D;
- document reference 2.13 -sheet 2 Nov-12 rev A;

- (c) the land plan—
 - document reference 2.2(a) sheet 1-5 Sep-13 rev C;
 - document reference 2.2(b) sheet 6-10 Sep-13 rev C;
 - document reference 2.2(c) sheet 11-15 Sep-13 rev C;
 - document reference 2.2(d) sheet 16-19 Sep-13 rev C;
 - document reference 2.2(e) sheet 20-22 Sep-13 rev C;
- (d) the important hedgerows plan—
 - document reference 2.6 sheet 1 of 13 Sep-13 rev C;
 - document reference 2.6 sheet 2 of 13 Sep-13 rev C;
 - document reference 2.6 sheet 3 of 13 Sep-13 rev C;
 - document reference 2.6 sheet 4 of 13 Sep-13 rev C;
 - document reference 2.6 sheet 5 of 13 Sep-13 rev C;
 - document reference 2.6 sheet 6 of 13 Sep-13 rev C;
 - document reference 2.6 sheet 7 of 13 Sep-13 rev C;
 - document reference 2.6 sheet 8 of 13 Sep-13 rev C;
 - document reference 2.6 sheet 9 of 13 Sep-13 rev C;
 - document reference 2.6 sheet 10 of 13 Sep-13 rev C;
 - document reference 2.6 sheet 11 of 13 Sep-13 rev C;
 - document reference 2.6 sheet 12 of 13 Sep-13 rev C;
 - document reference 2.6 sheet 13 of 13 Sep-13 rev C;
- (e) the public rights of way plan—
 - document reference 2.4 sheet 1 of 13 Sep-13 rev C;
 - document reference 2.4 sheet 2 of 13 Sep-13 rev C;
 - document reference 2.4 sheet 3 of 13 Sep-13 rev C;
 - document reference 2.4 sheet 4 of 13 Sep-13 rev C;
 - document reference 2.4 sheet 6 of 13 Sep-13 rev C;
 - document reference 2.4 sheet 7 of 13 Nov-13 rev E;
 - document reference 2.4 sheet 8 of 13 Nov-13 rev E;
 - document reference 2.4 sheet 9 of 13 Sep-13 rev C;
 - document reference 2.4 sheet 10 of 13 Sep-13 rev C;
 - document reference 2.4 sheet 11 of 13 Sep-13 rev C;
 - document reference 2.4 sheet 12 of 13 Sep-13 rev C;
 - document reference 2.4 sheet 13 of 13 Sep-13 rev C;
- (f) the access to works plan—
 - document reference 2.5 sheet 1 of 22 Sep-13 rev C;
 - document reference 2.5 sheet 2 of 22 Sep-13 rev C;
 - document reference 2.5 sheet 3 of 22 Sep-13 rev C;
 - document reference 2.5 sheet 4 of 22 Sep-13 rev C;
 - document reference 2.5 sheet 5 of 22 Sep-13 rev C;
 - document reference 2.5 sheet 6 of 22 Sep-13 rev C;

document reference 2.5 sheet 7 of 22 Sep-13 rev C;
document reference 2.5 sheet 8 of 22 Sep-13 rev C;
document reference 2.5 sheet 9 of 22 Sep-13 rev C;
document reference 2.5 sheet 10 of 22 Sep-13 rev C;
document reference 2.5 sheet 11 of 22 Nov-13 rev D;
document reference 2.5 sheet 12 of 22 Nov-13 rev E;
document reference 2.5 sheet 13 of 22 Sep-13 rev C;
document reference 2.5 sheet 14 of 22 Sep-13 rev C;
document reference 2.5 sheet 15 of 22 Sep-13 rev C;
document reference 2.5 sheet 16 of 22 Sep-13 rev C;
document reference 2.5 sheet 17 of 22 Sep-13 rev C;
document reference 2.5 sheet 18 of 22 Sep-13 rev C;
document reference 2.5 sheet 19 of 22 Sep-13 rev C;
document reference 2.5 sheet 20 of 22 Sep-13 rev C;
document reference 2.5 sheet 21 of 22 Sep-13 rev C;
document reference 2.5 sheet 22 of 22 Sep-13 rev C;

- (g) the book of reference (November 2013 – version 6);
- (h) the outline converter station design principles statement (November 2013 – version 3);
- (i) the outline written scheme of investigation: archaeology and cultural heritage (onshore) (July 2013 rev 1);
- (j) the outline code of construction practice (October 2013 – version 3);
- (k) the outline landscape and ecological management strategy (October 2013 – version 2);
- (l) the outline traffic management plan (October 2013 – version 3);
- (m) the outline travel plan (October 2013 – version 3);
- (n) the outline access management plan (October 2013 – version 3);
- (o) the outline Bawdsey bed level monitoring and remediation strategy (October 2013 – version 1);
- (p) the draft written scheme of investigation: archaeology and cultural heritage (offshore) (July 2013 – version 1);
- (q) the outline offshore operations and maintenance and monitoring plan (October 2013 – version 1);
- (r) the outline navigation monitoring strategy (October 2013 – version 1);
- (s) the outline skills strategy (October 2013 – version 1); and
- (t) the environmental statement and the further environmental information

for certification that they are true copies of the documents referred to in this Order.

(2) A plan or document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Arbitration

34. Any difference under any provision of this Order, unless otherwise provided for, shall be referred to and settled by a single arbitrator to be agreed between the parties, or failing agreement,

to be appointed on the application of either party (after giving notice in writing to the other) by the Secretary of State.

Requirements, appeals, etc.

35.—(1) The provisions of section 72 of the 1990 Act shall apply so that requirements 10 to 32 are deemed to be imposed as and as if they were conditions imposed upon the grant of planning permission pursuant to section 72 of the 1990 Act and the development consent granted by this Order was a planning permission granted under the 1990 Act.

(2) Subsection (1) of section 78 of the 1990 Act shall apply to the development consent granted by this Order and to the requirements specified in paragraph (1) except that it shall be modified so as to read for the purposes of this Order only as if there were inserted after paragraph (b) the following—

“(bb) refuse an application for any consent, agreement or approval of that authority required by a requirement imposed on a grant of development consent or contained in a development consent order, or grant it subject to conditions; or”.

(3) Sections 78 and 79 of the 1990 Act shall have effect in relation to any appeal under the terms of this article except that the Secretary of State in question shall be the Secretary of State who would be responsible for determining an application for development consent with the subject matter of this Order if section 103(1) of the 2008 Act applied.

(4) The terms of any development order, and other rules and regulations, including without limitation regulations requiring environmental impact assessment, and which apply to applications pursuant to conditions or the subject matter of section 78 of the 1990 Act shall apply to any application or appeal made under the requirements specified in paragraph (1).

Abatement of works abandoned or decayed

36. Where Work No. 1(a) to (c) and Work No. 2 or any part of it is abandoned or allowed to fall into decay the Secretary of State may, following consultation with the undertakers, issue a written notice requiring the undertakers at its own expense to repair and restore or remove Work No. 1(a) to (c) and Work No. 2 or any relevant part of it, without prejudice to any notice served under section 105(2) of the 2004 Act. The notice may also require the restoration of the site of the relevant part(s) of Work No. 1(a) to (c) and Work No. 2 to a safe and proper condition within an area and to such an extent as may be specified in the notice.

Saving provisions for Trinity House

37. Nothing in this Order prejudices or derogates from any of the rights, duties or privileges of Trinity House.

Crown rights

38.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertakers or any licensee—

(a) to take, use, enter upon or in any manner interfere with any land or rights of any description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)—

(i) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate without the consent in writing of the Crown Estate Commissioners;

- (ii) belonging to Her Majesty in right of the Crown and not forming part of the Crown Estate without the consent in writing of the government department having the management of that land; or
 - (iii) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department; or
- (b) to exercise any right under this Order compulsorily to acquire an interest in any land which is Crown land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown without the consent in writing of the appropriate Crown authority (as defined in the 2008 Act).
- (2) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically.

Protective provisions

- 39.** Schedule 12 (protective provisions) shall have effect.

Signed by authority of the Secretary of State for Energy and Climate Change

16th June 2014

Giles Scott
Head of National Infrastructure Consents
Department of Energy and Climate Change

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 43.4 kilometres from the Suffolk coast, comprising—

Work No. 1 –

- (a) an offshore wind turbine generating station with a gross electrical output capacity of up to 1,200 MW comprising up to 240 wind turbine generators each fixed to the seabed by one of three foundation types (namely, jacket foundation, gravity base foundation or suction caisson foundation), fitted with rotating blades and situated within the area shown on the works plan and including the further works comprising sub-paragraphs (b) to (d);
- (b) up to three HVAC offshore collector stations fixed to the seabed within the area shown on the works plan by one of two foundation types (namely jacket foundation or gravity base foundation);
- (c) up to 1 meteorological mast fixed to the seabed within the area shown on the works plan by one of four foundation types (namely jacket foundation, gravity base foundation, suction caisson foundation or monopile foundation);
- (d) a network of subsea cables within the area shown on the works plan between the WTGs and the HVAC offshore collector stations, up to two interconnection cables between the HVAC offshore collector stations, up to ten export cables between the HVAC offshore collector stations and Work No. 2, and up to one interconnection cable between the HVDC offshore converter stations comprising Work No. 2 for the transmission of electricity and electronic communications between these different structures including one or more cable crossings;

and associated development within the meaning of section 115(2) of the 2008 Act comprising—

Work No. 2 – up to two HVDC offshore converter stations fixed to the seabed within the area shown on the works plan by one of two foundation types (namely jacket foundation or gravity base foundation);

Work No. 3A – up to four HVDC export cables between Work No. 2 and Work No. 3B consisting of subsea cables along routes within the Order limits seaward of MHWS including one or more cable crossings;

In the county of Suffolk, district of Suffolk Coastal

Work No. 3B – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground from mean low water at Bawdsey Cliffs to Work No. 4 together with new temporary horizontal directional drilling compounds and a new temporary secondary construction consolidation site;

Work No. 3C – a new temporary vehicular access track from the temporary compound to the adopted highway at Ferry Road including modifications to the junction of the new vehicular access track and the adopted highway at Ferry Road and a new temporary vehicular access ramp from the temporary compound to the beach at Bawdsey Cliffs;

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Work No. 4 – up to twelve transition cable jointing bays, with associated cables, connecting Work No. 3B to Work No. 5 to the east of Ferry Lane, Bawdsey together with new temporary horizontal directional drilling compounds and a new temporary secondary construction consolidation site;

Work No. 5 – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground from Work No. 4 running in a south westerly direction and passing through Ferry Road and continuing in a south westerly direction and passing through Queen’s Fleet drain and then running in a north westerly direction and then continuing in a westerly direction and then continuing in a north westerly direction and then continuing in a south westerly direction to Work No. 7A;

Work No. 6 – a new temporary access track running in a north easterly direction from Work No. 5 to Duke’s Lane and an upgraded access track running from Duke’s Lane to join the adopted highway at Dock Road and modifications to the junction of Duke’s Lane and the adopted highway at Dock Road;

Work No. 7A – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground from Work No. 5 running in a south westerly direction and passing under the River Deben to Work No. 9 together with new temporary horizontal directional drilling compounds;

Work No. 7B – a new temporary secondary construction consolidation site on the east bank of the River Deben;

Work No. 8 – a new temporary vehicular access track running in a south westerly direction from Work No. 7B to Sheepgate Lane and upgrading of Sheepgate Lane to the adopted highway at Lower Falkenham Road and modifications to the junction of Sheepgate Lane and the adopted highway at Lower Falkenham Road;

Work No. 9 – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground running from Work No. 7A in a westerly direction and then running in a north westerly direction to Work No. 10A;

Work No. 10A – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground running in a north westerly direction from Work No. 9 to Work No. 11;

Work No. 10B – a new temporary secondary construction consolidation site and modifications to the adopted highway at Park Lane to provide vehicular access to the construction consolidation site;

Work No. 11 – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground from Work No. 10 running in a northerly direction and passing through Park Lane and then continuing in a northerly direction to Work No. 14;

Work No. 12 – a new temporary vehicular access track running to the south of Low Wood and Cottage Wood from Work No. 11 and then running in a north westerly direction to Kirton Brook and then running in a westerly direction and then running in a south westerly direction to the adopted highway at Newbourn Road together with modifications to the junction of the new temporary vehicular access track and the adopted highway at Newbourn Road;

Work No. 13 – a new temporary vehicular access track running from Work No. 14 in an easterly direction to the north of the Thicket and then in a southerly direction and then westerly direction running along the edge of the Thicket and then in a southerly direction to Sluice Farm and an upgrade of the existing vehicular access track from Sluice Farm to the adopted highway at Park Lane together with modifications to the junction of the new temporary vehicular access track and the adopted highway at Park Lane;

Work No. 14 – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground from Work No. 11 to Work No. 15 running in a northerly direction and passing under Kirton Creek together with new temporary horizontal directional drilling compounds;

Work No. 15 – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground running from Work No. 14 in a northerly direction and continuing parallel with Mill Road and passing through The Street and then continuing in a northerly direction and passing through Ipswich Road and then continuing in a northerly direction and passing through Low Farm Campsite and then running in an easterly direction to Work No. 18 at Woodbridge Road;

Work No. 16 – a new temporary secondary construction consolidation site to the south east of Glebe Farm adjoining Work No. 15;

Work No. 17 – modifications to and upgrading of an existing vehicular access track, running in a westerly direction from Work No. 16 to the adopted highway on Woodbridge Road together with modifications to the junction of the upgraded vehicular access track and the adopted highway at Woodbridge Road;

Work No. 18 – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground running from Work No. 15 and passing through Woodbridge Road and then continuing in a north easterly and then northerly and then north westerly direction and then running parallel with Waldringfield Road and then continuing in a westerly direction passing through Waldringfield Road and continuing to run parallel with Waldringfield Road and then running in a northerly direction passing through Waldringfield Road to Work No. 19;

Work No. 19 – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground from Work No. 18 running in a northerly direction and passing under Martlesham Creek and then passing under the East Suffolk Railway to Work No. 21 together with new temporary horizontal directional drilling compounds;

Work No. 20 – modifications to and upgrading of an existing vehicular access track, running from Work No. 19 in a southerly direction and then in a westerly direction and then in a northerly direction to the adopted highway on Church Lane together with modifications to the junction of the upgraded vehicular access track and the adopted highway at Church Lane;

Work No. 21 – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground from Work No. 19 running in a westerly direction and passing under Sandy Lane and continuing in a westerly direction to Work No. 23A at Top Street;

Work No. 21A – a new temporary vehicular access track from Sandy Lane to Work No. 21 together with modifications to the junction of the new temporary vehicular access track and Sandy Lane;

Work No. 22A – modifications to and upgrading of an existing vehicular access track, running in a westerly direction from Work No. 19 to the adopted highway at Sandy Lane;

Work No. 22B – modifications to and upgrading of an existing vehicular access track, running in a southerly direction from Sandy Lane to Work No. 21 and Work No. 22A;

Work No. 23A – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground from Work No. 21 to Work No. 24;

Work No. 23B – a new temporary primary construction consolidation site;

Work No. 23C – modification and upgrading of an existing vehicular access track to provide vehicular access from and to the adopted highway at Top Street/Ipswich Road together with modifications to the junction of the upgraded vehicular access track and the adopted highway at Top Street/Ipswich Road;

Work No. 24 – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground from Work No. 23A running in a north westerly direction and passing under the A12 highway to Work No. 25A; together with new temporary horizontal directional drilling compounds;

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Work No. 24A – modifications to and upgrading of an existing vehicular access track known as Brock Lane running in an easterly direction to the adopted highway at Top Street together with modifications to the junction of the upgraded vehicular access track and the adopted highway at Top Street and upgrading of the existing vehicular access through the existing tunnel passing under the A12;

Work No. 25A – connection works consisting of up to four cables and up to eight additional cable ducts laid underground running in a northerly direction from Work No. 24A and then in a north westerly direction passing through the existing access track leading to Cherry Tree Farm and continuing in a westerly direction passing through the access track from Lodge Road leading to Meadow Cottage and continuing in a westerly direction passing through the River Lark to Work No. 26;

Work No. 25B – modifications and upgrading of an existing vehicular access track from Work No. 25A leading to the adopted highway at Seckford Hall Road to the south of Birds Hill together with modifications to the junction of the upgraded vehicular access track and the adopted highway at Seckford Hall Road;

Work No. 25C – a new temporary vehicular access track from Work No. 25A leading to the adopted highway at Lodge Road together with modifications to the junction of the new temporary vehicular access track and the adopted highway at Lodge Road;

Work No. 26 – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground from Work No. 25A to Work No. 27 running in a north westerly direction and passing under Lodge Road together with new temporary horizontal directional drilling compounds;

Work No. 27 – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground running in a north westerly direction from Work No. 26 and then continuing in a south westerly direction and passing through Holly Lane and continuing in a westerly direction and passing through Church Road to Work No. 28A;

Work No. 28A – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground running in a north westerly direction to Work No. 29 at Butts Road;

Work No. 28B – a new temporary secondary construction consolidation site and a new vehicular access from the construction consolidation site to the adopted highway together with modifications to the junction of the new vehicular access track and the adopted highway;

Work No. 29 – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground running in a westerly direction from Work No. 28A passing through Butts Road and then running parallel with Grundisburgh Road and then continuing in a south westerly direction and then continuing in a westerly direction and then continuing in a north westerly direction passing through Grundisburgh Road and then continuing in a north westerly and then westerly direction passing through Clopton Road and then continuing in a south westerly direction and passing through the River Fynn and then continuing in a westerly direction and then continuing in a south westerly direction and then continuing in a westerly direction to Work No. 30A;

Work No. 30A – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground from Work No. 29 and then passing through Winesham Road then running in a north westerly direction to Work No. 31;

Work No. 30B – a new temporary secondary construction consolidation site and a new temporary vehicular access to the adopted highway at Winesham Road together with modifications to the junction of the new temporary vehicular access and the adopted highway at Winesham Road;

Work No. 31 – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground from Work No. 30A passing through Cockfield Hall Lane running

in a westerly direction and then continuing in a northerly direction and then continuing in a south westerly direction to Work No. 32;

In the county of Suffolk, district of Mid Suffolk

Work No. 32 – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground from Work No. 31 running in a westerly direction and passing through Henley Road and continuing in a westerly direction passing through an unnamed track north east of Akenham and then continuing in a westerly direction and then continuing in a south westerly direction to Work No. 33A;

Work No. 33A – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground from Work No. 32 running in a south westerly direction and passing under the Old Ipswich Road and then passing under the A14 highway to Work No. 34A together with new temporary horizontal directional drilling compounds;

Work No. 33B – a new temporary vehicular access track from Work No. 33A and Work No. 34B to the adopted highway at Paper Mill Lane together with modifications to the junction of the new temporary vehicular access track and the adopted highway at Paper Mill Lane;

Work No. 33C – modifications to the adopted highway at Old Ipswich Road to provide a vehicular access from the adopted highway at Old Ipswich Road to Work No. 33A;

Work No. 34A – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground running in a westerly direction from Work No. 33A and continuing in a westerly direction and passing through Paper Mill Lane to Work No. 35A;

Work No. 34B – a new temporary primary construction consolidation site;

Work No. 35A – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground from Work No. 34A running in a westerly direction and passing under the River Gipping and then continuing in a westerly direction and passing under the Great Eastern Mainline Railway and then continuing in a westerly direction and passing under Bramford Road and then continuing in a westerly direction to Work No. 36 together with new temporary horizontal directional drilling compounds;

Work No. 35B – a new temporary access track and modification of the existing highway to provide access from Work No. 35A to the adopted highway at Paper Mill Lane;

Work No. 35C – a new temporary access track and modification of the existing highway to provide access from Work No. 35A to the adopted highway at Bramford Road;

Work No. 35D – upgrading of an existing access track and modification of the existing highway to provide access from Work No. 35A and Work No. 36 to the adopted highway at Bramford Road;

Work No. 36 – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground from Work No. 35A running in a south westerly direction and passing through Pound Lane and then continuing in a south westerly direction passing through an unnamed track and then continuing in a south westerly direction passing through Somersham Road and then continuing in a south westerly direction passing through Tye Lane and then continuing in a south westerly direction to Work No. 37A;

Work No. 37A – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground from Work No. 36 running in a south westerly direction and passing under Miller’s Wood to Work No. 37D together with new temporary horizontal directional drilling compounds;

Work No. 37B – new temporary vehicular access tracks providing access between the eastern and western areas within Work No. 37A together with upgrading of the unnamed vehicular access track passing through Miller’s Wood;

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Work No. 37C – a new temporary vehicular access track from Work No. 37A and Work No. 37E passing through the temporary compound leading to the adopted highway at Bullen Lane together with modifications to the junction of the new temporary vehicular access track and the adopted highway at Bullen Lane;

Work No. 37D – onshore connection works consisting of up to four cables and up to eight additional cable ducts laid underground from Work No. 37A running in a south westerly direction passing through an unnamed vehicular access track to Bullenhall Farm and continuing in a westerly direction to Work No. 39;

Work No. 37E – a new temporary secondary construction consolidation site and a new temporary access from Work No. 37D to the adopted highway at Bullen Lane;

Work No. 38 – a new temporary works area associated with Work No. 39;

Work No. 39 – an onshore converter station to the north west of the existing National Grid Bramford substation;

Work No. 39A – a new temporary vehicular access track to the un-adopted highway at Bullen Lane together with modifications to the junction of the new temporary vehicular access track and the un-adopted highway at Bullen Lane;

Work No. 40 – landscaping works comprising of landscape planting in the vicinity of the onshore converter station referred to at Work No. 39 and a sustainable drainage system; and

Work No. 41 – onshore connection works consisting of up to two cables laid underground from Work No. 39 running in a south easterly direction through bridleway 144 (3126) and continuing towards a connection point at the existing National Grid Bramford substation;

and in connection with Works No. 1 to 3A 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 and the deemed marine licences;

and in connection with such Works No. 3B to 41 and to the extent that they do not otherwise form part of any such work, further associated development shown on the plans referred to in the requirements, or approved pursuant to the requirements, including—

- (a) ramps, means of access and footpaths;
- (b) bunds, embankments, swales, landscaping and boundary treatments;
- (c) jointing bays, manholes, kiosks, marker posts and other works associated with cable laying;
- (d) water supply works, foul drainage provision, surface water management systems and culverting;
- (e) works of restoration;
- (f) fencing or other means of enclosure; and
- (g) such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project;

which fall within the scope of the works assessed by the environmental statement.

2. 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—

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Coordinates for the Order limits seaward of MHWS

| Point | Latitude (DMS) | Longitude (DMS) |
|--------------|-----------------------|------------------------|
| 1 | 52° 0' 0.777" | 1° 25' 27.320" |
| 2 | 52° 0' 41.137" | 1° 27' 15.227" |
| 3 | 52° 3' 53.611" | 1° 35' 40.499" |
| 4 | 52° 5' 44.773" | 1° 40' 57.350" |
| 5 | 52° 8' 21.995" | 1° 48' 34.767" |
| 6 | 52° 9' 37.650" | 1° 53' 5.293" |
| 7 | 52° 9' 40.842" | 1° 57' 7.198" |
| 8 | 52° 11' 6.526" | 2° 2' 15.690" |
| 9 | 52° 12' 27.654" | 2° 10' 3.953" |
| 10 | 52° 12' 22.845" | 2° 11' 9.965" |
| 11 | 52° 13' 33.795" | 2° 15' 22.225" |
| 12 | 52° 13' 57.058" | 2° 23' 6.622" |
| 13 | 52° 9' 17.925" | 2° 25' 36.436" |
| 14 | 52° 11' 7.988" | 2° 11' 30.888" |
| 15 | 52° 10' 13.221" | 2° 5' 28.775" |
| 16 | 52° 8' 12.739" | 1° 57' 41.369" |
| 17 | 52° 8' 37.192" | 1° 57' 49.886" |
| 18 | 52° 8' 1.912" | 1° 54' 31.662" |
| 19 | 52° 0' 0.777" | 1° 25' 27.320" |
| 20 | 52° 0' 41.137" | 1° 27' 15.227" |
| 21 | 52° 3' 53.611" | 1° 35' 40.499" |
| 22 | 52° 5' 44.773" | 1° 40' 57.350" |
| 23 | 52° 8' 21.995" | 1° 48' 34.767" |
| 24 | 52° 9' 37.650" | 1° 53' 5.293" |
| 25 | 52° 9' 40.842" | 1° 57' 7.198" |
| 26 | 52° 11' 6.526" | 2° 2' 15.690" |
| 27 | 52° 12' 27.654" | 2° 10' 3.953" |
| A | 52° 17' 50.395" | 2° 21' 1.372" |
| B | 52° 19' 10.175" | 2° 27' 36.407" |
| C | 52° 23' 22.654" | 2° 31' 40.044" |
| D | 52° 21' 53.636" | 2° 34' 13.872" |
| E | 52° 18' 15.833" | 2° 34' 13.645" |

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| Point | Latitude (DMS) | Longitude (DMS) |
|--------------|-----------------------|------------------------|
| F | 52° 7' 14.982" | 2° 32' 58.021" |
| G | 52° 4' 46.512" | 2° 31' 2.669" |
| H | 52° 4' 45.732" | 2° 28' 1.913" |

3. The grid coordinates for that part of the authorised project which is landward of MLW are specified below and more particularly shown on the Order limits boundary coordinates plan—

Coordinates for the Order limits landward of MLW

| Point | Easting | Northing |
|--------------|----------------|-----------------|
| 1 | 617171 | 249404 |
| 2 | 618190 | 248721 |
| 3 | 618960 | 249173 |
| 4 | 620210 | 248413 |
| 5 | 625998 | 247781 |
| 6 | 629270 | 239493 |
| 7 | 630483 | 239547 |
| 8 | 631351 | 240084 |
| 9 | 633561 | 238981 |
| 10 | 634660 | 239242 |
| 11 | 634728 | 239318 |
| 12 | 635017 | 239232 |
| 13 | 635146 | 239181 |
| 14 | 635221 | 239151 |
| 15 | 635144 | 239066 |
| 16 | 635024 | 238959 |
| 17 | 634642 | 239170 |
| 18 | 633558 | 238900 |
| 19 | 631362 | 240010 |
| 20 | 630482 | 239481 |
| 21 | 629227 | 239432 |
| 22 | 626017 | 247711 |
| 23 | 620207 | 248338 |
| 24 | 618966 | 249122 |
| 25 | 618205 | 248646 |
| 26 | 617180 | 249325 |

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| <i>Point</i> | <i>Easting</i> | <i>Northing</i> |
|---------------------|-----------------------|------------------------|
| 27 | 612053 | 248923 |
| 28 | 610583 | 246204 |
| 29 | 610057 | 246124 |
| 30 | 609739 | 245985 |
| 31 | 609918 | 245942 |
| 32 | 609884 | 245833 |
| 33 | 609642 | 245891 |
| 34 | 609353 | 245766 |
| 35 | 609318 | 246028 |
| 36 | 609487 | 246133 |
| 37 | 609420 | 246159 |
| 38 | 609446 | 246180 |
| 39 | 609475 | 246203 |
| 40 | 609485 | 246210 |
| 41 | 609497 | 246218 |
| 42 | 609578 | 246292 |
| 43 | 609616 | 246313 |
| 44 | 609627 | 246317 |
| 45 | 609669 | 246338 |
| 46 | 609899 | 246396 |
| 47 | 609920 | 246409 |
| 48 | 609922 | 246357 |
| 49 | 610290 | 246374 |
| 50 | 610417 | 246545 |
| 51 | 611926 | 248920 |

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

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

PART 3

Requirements

Interpretation

1. In this Part of this Schedule—

“AOD” means above ordnance datum;

“highway authority” means the local highway authority for the relevant area;

“onshore cable corridor” means the onshore area in which the cables will be located within the Order limits;

“stage” means one of the nine stages of the connection works comprised in—

- (a) Works No. 3B and 3C (using the construction consolidation site at Work No. 4);
- (b) Works No. 5 to 7A (using the construction consolidation site at Work No. 7B);
- (c) Works No. 8 to 10A (using the construction consolidation site at Work No. 10B);
- (d) Works No. 11 to 15 (using the construction consolidation site at Work No. 16);
- (e) Works No. 17 to 23A (using the construction consolidation site at Work No. 23B);
- (f) Works No. 23C to 28A (using the construction consolidation site at Work No. 28B);
- (g) Works No. 29 to 30A (using the construction consolidation site at Work No. 30B);
- (h) Works No. 31 to 34A (using the construction consolidation site at Work No. 34B);
- (i) Works No. 35A to 37D (using the construction consolidation site at Work No. 37E);
- (j) Works No. 38 to 41;

or such other stage of the connection works agreed in writing with the relevant local planning authority;

“working width” means the construction width of the onshore cable corridor including haul route, spoil storage and temporary drainage during installation of cables and/or cable ducts.

Time limits

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

Detailed offshore design parameters

3.—(1) Subject to sub-paragraph (2), no wind turbine generator forming part of the authorised project shall—

- (a) exceed a height of 200 metres when measured from LAT to the tip of the vertical blade;
- (b) exceed a height of 120 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 170 metres;
- (d) be less than 675 metres from the nearest WTG in either direction perpendicular to the approximate prevailing wind direction (crosswind) or be less than 900 metres from the

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nearest WTG in either direction which is in line with the approximate prevailing wind direction (downwind);

- (e) have a distance of less than 22 metres between the lowest point of the rotating blade of the wind turbine and MHWS;
- (f) except with the consent of the Secretary of State, have a gross electrical output capacity of less than 5 MW.

(2) References to the location of a wind turbine generator are references to the centre point of that turbine.

4. No meteorological mast, wind turbine generator or offshore substation forming part of the authorised project shall be erected within the areas hatched black on the works plan, whose coordinates are specified below and more particularly shown on the Order limits boundary coordinates plan—

Coordinates for restricted build area

| <i>Point</i> | <i>Latitude (DMS)</i> | <i>Longitude (DMS)</i> |
|--------------|-----------------------|------------------------|
| i | 52° 17' 29.501" | 2° 21' 18.183" |
| ii | 52° 19' 32.953" | 2° 29' 16.557" |
| iii | 52° 19' 47.657" | 2° 34' 8.460" |
| iv | 52° 20' 36.356" | 2° 34' 8.509" |
| v | 52° 20' 18.296" | 2° 28' 48.188" |
| vi | 52° 23' 17.520" | 2° 31' 41.224" |
| vii | 52° 21' 52.244" | 2° 34' 8.586" |
| viii | 52° 18' 15.948" | 2° 34' 8.368" |
| ix | 52° 7' 15.824" | 2° 32' 52.848" |
| x | 52° 4' 49.734" | 2° 30' 59.349" |
| xi | 52° 4' 48.985" | 2° 28' 5.706" |

5.—(1) The total number of offshore substations forming part of the authorised development must not exceed five.

(2) The dimensions of any HVAC offshore collector stations forming part of the authorised development (excluding towers, helipads, masts and cranes) must not exceed 60 metres in height when measured from LAT, 30 metres in length and 40 metres in width.

(3) The dimensions of any HVDC offshore converter stations forming part of the authorised development (excluding towers, helipads, masts and cranes) must not exceed 60 metres in height when measured from LAT, 75 metres in length and 120 metres in width.

6.—(1) The total length of the cables comprising Work No. 3A must not exceed 400 kilometres.

(2) The total length of the cables comprising Work No. 1(d) must not exceed 680 kilometres.

(3) The total amount of cable protection for the cables comprising Work No. 3A must not exceed 24,000 metres³.

(4) The total amount of cable protection for the cables comprising Work No. 1(d) must not exceed 3,000 metres³.

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- 7.—(1) In relation to a WTG, each gravity base foundation must not have—
- (a) a diameter at the level of the seabed which is more than 50 metres;
 - (b) a base height, where there is a flat base and a cylindrical shaft, which is more than 10 metres above the level of the seabed;
 - (c) a column diameter, where there is a flat or conical base, of more than 7.5 metres at LAT.
- (2) In relation to a WTG, each suction caisson foundation must not have—
- (a) a diameter at the level of the seabed which is more than 25 metres;
 - (b) a base height where there is a flat base, which is more than 5 metres above the level of the seabed;
 - (c) a column diameter which is more than 7.5 metres at LAT.
- (3) In relation to a WTG, each jacket foundation must not have—
- (a) a width spacing between its legs at the level of the seabed which is more than 35 metres;
 - (b) a pile diameter which is more than 2.5 metres in the case of pin piles or a suction bucket diameter of more than 5 metres;
 - (c) more than one pile per leg or more than one suction bucket per leg;
 - (d) more than four legs.
- (4) In relation to a meteorological mast, each monopile foundation must not have a diameter greater than 6.5 metres.
- (5) The total number of WTGs with gravity base foundations must not exceed 240.
- (6) The total amount of scour protection for the WTGs, HVDC offshore converter stations and HVAC offshore collector stations forming part of the authorised development must not exceed 3.529 kilometres².

Aviation safety

8.—(1) The undertakers must exhibit such lights, with such shape, colour and character as are required in writing by Air Navigation Order 2009(21) and determined necessary for aviation safety in consultation with the Defence Infrastructure Organisation Safeguarding and as directed by the CAA.

(2) The undertakers must notify the Defence Infrastructure Organisation, at least 14 days prior to the commencement of the authorised development, in writing of the following information—

- (a) the date of the commencement of construction of the authorised development;
- (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, mast and platform to be constructed;
- (e) the latitude and longitude of each wind turbine generator, 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 development.

(21) S.I. 2009/3015.

Offshore decommissioning

9. No authorised development shall commence until a written decommissioning programme in compliance with any notice served upon the undertakers by the Secretary of State pursuant to section 105(2) of the 2004 Act has been submitted to the Secretary of State for approval.

Detailed design approval onshore

10.—(1) No part of Work No. 39 shall commence until details of the layout, scale and external appearance of the same, have been submitted to and approved in writing by the relevant planning authority. Work No. 39 must be carried out in accordance with the approved details.

(2) Any details provided by the undertakers pursuant to sub-paragraph (1) must accord with the outline converter station design principles statement and be within the Order limits.

(3) No building comprised in Work No. 39 shall exceed 79 metres AOD and no external electrical equipment comprised in Work No. 39 shall exceed 64 metres AOD.

(4) The total footprint of the buildings housing the converters comprised in Work No. 39 must not exceed 130 metres in length and 85 metres in width.

(5) The fenced compound (excluding its accesses) comprised in Work No. 39 must not exceed 190 metres by 150 metres.

(6) The working width of the onshore cable corridor must not exceed 55 metres, save in respect of the following—

- (a) works for which horizontal directional drilling is proposed for the purpose of passing under the relevant obstruction named in the relevant Work No., as follows—
 - (i) Work No. 3B for which the working width of the onshore cable corridor must not exceed 160 metres;
 - (ii) Work No. 7A for which the working width of the onshore cable corridor must not exceed 160 metres;
 - (iii) Work No. 14 for which the working width of the onshore cable corridor must not exceed 110 metres;
 - (iv) Work No. 19 for which the working width of the onshore cable corridor must not exceed 160 metres;
 - (v) Work No. 24 for which the working width of the onshore cable corridor must not exceed 120 metres;
 - (vi) Work No. 26 for which the working width of the onshore cable corridor must not exceed 120 metres;
 - (vii) Work No. 33A for which the working width of the onshore cable corridor must not exceed 160 metres;
 - (viii) Work No. 35A for which the working width of the onshore cable corridor must not exceed 130 metres;
 - (ix) Work No. 37A for which the working width of the onshore cable corridor must not exceed 130 metres;

(b) plot 340 in the book of reference within Work No. 31 must not exceed 97 metres.

(7) Works No. 3B, 7A, 14, 19, 24, 26, 33A, 35A, and 37A must comprise horizontal directional drilling for the purpose of passing under the relevant obstruction named in the relevant Work No.

(8) In the event of the use of open trenching for construction of the connection works at Work No. 26, that open trenching must be carried out in accordance with figure 6.1 of the further environmental information.

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- (9) The footprint of the construction consolidation sites must not exceed the following—
- (a) 15,000 metres² in the case of primary construction consolidation sites; or
 - (b) 10,000 metres² in the case of secondary construction consolidation sites.
- (10) In relation to the kiosks to be located within the onshore cable corridor—
- (a) no stage of the connection works shall commence until details of the number, location, scale and appearance of the kiosks have been submitted to and approved in writing by the relevant planning authority;
 - (b) the footprint of each kiosk must not exceed 1 metre in width, 0.75 metres in length and 1 metres in height; and
 - (c) the kiosks must be constructed in accordance with the approved details.

Landfall method statement

11.—(1) No part of Work No. 3B, Work No. 3C or Work No. 4 shall commence until a method statement for the construction of Works No. 3B, 3C and 4 has been submitted to and approved in writing by the relevant planning authority in consultation with Natural England.

(2) The method statement referred to in sub-paragraph (1) must include measures to minimise the impact of the works on cliff stability and coastal erosion.

(3) The method statement must be implemented as approved.

Provision of landscaping

12.—(1) No stage of the connection works shall commence until for that stage a written landscaping management scheme and associated work programme (which accords with the outline landscape and ecological management strategy) has been submitted to and approved in writing by the relevant planning authority in consultation with Natural England.

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

- (a) location, number, species, size and planting density of any proposed planting, including any trees;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) proposed finished ground levels;
- (d) hard surfacing materials;
- (e) vehicular and pedestrian access, parking and circulation areas;
- (f) minor structures, such as furniture, refuse or other storage units, signs and lighting;
- (g) proposed and existing functional services above and below, ground, including drainage, power and communications cables and pipelines, manholes and supports;
- (h) details of existing trees to be retained with measures for their protection during the construction period;
- (i) retained historic landscape features and proposals for restoration, where relevant;
- (j) implementation timetables for all landscaping works;
- (k) proposed finished heights, form and gradient of earthworks in relation to Work No. 39 and Work No. 40; and
- (l) in relation to Work No. 39 and Work No. 40 only, maintenance of the landscaping, including irrigation arrangements.

- (3) The landscaping management scheme must be implemented as approved.

Implementation and maintenance of landscaping

13.—(1) All landscaping works must be carried out in accordance with the landscaping management schemes approved under Requirement 12, and in accordance with the relevant recommendations of appropriate British Standards.

(2) Any tree or shrub planted as part of an approved landscaping management scheme that, within a period of five years (save in relation to Work No. 38 and Work No. 40, which shall be 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.

Highway accesses and improvements

14.—(1) No stage of the connection works shall commence until for that stage 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, after consultation with the highway authority, been submitted to and approved by the relevant planning authority.

(2) The highway accesses for that stage must be constructed or altered and the works described in sub-paragraph (1) 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 development.

(3) No stage of the connection works shall commence until for that stage, a scheme of highway improvements within the highway boundary (in accordance with table 1 of the outline traffic management plan) has been submitted to, and approved by the local planning authority in consultation with the relevant highway authority. The scheme must describe whether the proposed improvements are to be temporary or permanent.

(4) The highway improvements must be constructed in accordance with the approved details before they are brought in to use for the purposes of the authorised development.

Fencing and other means of enclosure

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

(2) All construction consolidation sites must remain securely fenced in accordance with the approved details at all times during construction of the relevant stage of the connection works.

(3) Any temporary fencing must be removed on completion of the relevant stage of the connection works.

(4) Any approved permanent fencing in relation to Work No. 39 must be completed before the relevant work is brought into use and maintained for the operational lifetime of Work No. 39.

Surface and foul water drainage

16.—(1) No stage of the connection works shall be commenced until for that stage written details of the surface and (if any) foul water drainage system (including means of pollution control) have, after consultation with the relevant drainage authorities, Suffolk County Council and the Environment Agency, been submitted to and approved by the relevant planning authority.

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(2) The details agreed in sub-paragraph (1) must include a surface water drainage scheme for Work No. 39, which is based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.

(3) The surface and foul water drainage system for the relevant stage must be constructed in accordance with the approved details unless agreed otherwise in writing by the relevant planning authority.

Contaminated land and ground water

17.—(1) No connection works comprised in stage (vii) 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 stage (vii) 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.

Archaeology

18.—(1) No stage of the connection works shall be commenced until for that stage a written scheme of archaeological investigation (which accords with the outline written scheme of investigation: archaeology and cultural heritage (onshore)) has, after consultation with English Heritage and Suffolk County Council, been submitted to and approved in writing by the relevant planning authority.

(2) The scheme must include details of the following—

- (a) an assessment of significance and research questions; and
- (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 scheme.

(4) 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

19.—(1) No stage of the connection works shall be commenced until for that stage a written ecological management plan (which accords with the outline landscape and ecological management strategy) reflecting the survey results and ecological mitigation and enhancement measures included

in the environmental statement has been submitted to and approved in writing by the relevant planning authority in consultation with Natural England.

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

Code of construction practice

20.—(1) No stage of the connection works shall be commenced until for that stage a code of construction practice has been submitted to and approved in writing by the relevant local planning authority, in consultation with the relevant highway authority. The code of construction practice must cover all the matters set out in the outline code of construction practice.

(2) The code of construction practice must include—

- (a) a surface water and drainage management plan;
- (b) watercourse crossing method statements;
- (c) a flood plan;
- (d) a written scheme for noise and vibration management during construction;
- (e) an air quality monitoring plan;
- (f) artificial light emissions plan;
- (g) a site waste management plan;
- (h) a pollution prevention and emergency incident response plan; and
- (i) a project community and public relations procedure.

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

External lighting and control of artificial light emissions

21.—(1) No stage of the connection works shall commence until written details of any external lighting to be installed in connection with that stage, including measures to prevent light spillage, have, after consultation with the highway authority, been submitted to and approved by the relevant planning authority; and any approved means of lighting shall be installed in accordance with the approved details and retained for the duration of the construction period.

(2) Any means of construction lighting approved under sub-paragraph (1) must be removed on completion of the relevant stage of the connection works.

(3) Work No. 39 shall not be commenced until a written scheme for the management and mitigation of artificial light emissions during the operation of Work No. 39, including measures to minimise lighting pollution and the hours of lighting, has been submitted to and approved in writing by the relevant planning authority.

(4) The approved scheme for the management and mitigation of artificial light emissions must be implemented before and maintained during the operation of Work No. 39.

Control of noise during construction

22.—(1) No stage of the connection works shall commence until a written scheme for noise and vibration management (which must accord with the outline code of construction practice) during construction of that stage has been submitted to and approved by the relevant planning authority. The scheme for noise and vibration management must form part of the code of construction practice.

(2) The scheme must set out the particulars of—

- (a) the construction works, and the method by which they are to be carried out;

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- (b) the noise attenuation measures to be taken to minimise noise resulting from the construction works, including any noise limits; and
 - (c) a scheme for monitoring the noise during the construction works to ensure compliance with the noise limits and effectiveness of the attenuation measures.
- (3) The approved noise and vibration management scheme must be implemented before and maintained during construction of the relevant stage of the connection works.
- (4) The construction works must be undertaken in accordance with the approved noise and vibration management scheme.

Construction hours

23.—(1) Construction work for the connection works and any construction-related traffic movements to or from the site of the connection works shall not take place other than between 0700 hours and 1900 hours Monday to Saturday, with no activity on Sundays or bank holidays, save—

- (a) where continuous periods of operation are required as assessed in the environmental statement, such as concrete pouring and directional drilling (subject to sub-paragraphs (3) and (4));
- (b) for internal fitting out works associated with the onshore converter station comprised within Work No. 39;
- (c) for the delivery of abnormal loads to the connection works, which may cause congestion on the local road network; and
- (d) where connection works are being carried out on the foreshore.

(2) All construction operations which are to be undertaken outside the hours specified in sub-paragraph (1) must be agreed with the relevant planning authority in writing in advance, and must be carried out within the agreed times.

(3) Construction of Work No. 21 shall not take place other than between 0700 hours and 1900 hours Monday to Saturday, with no activity on Sunday or bank holidays.

(4) Construction of Work No. 26 shall not take place other than between 0700 hours and 1900 hours Monday to Friday and 0700 hours and 1400 hours on Saturday, with no activity on Sunday or bank holidays.

Control of noise during operational phase

24.—(1) No part of Work No. 39 will commence until written details that provide for the insulation of the onshore converter station against the transmission of noise and vibration have been submitted to and approved in writing by the relevant planning authority. Work No. 39 must thereafter be implemented in accordance with the approved details. The rating level of operational noise immissions (including any relevant penalties for tonal or impulsive noise in accordance with section 8 of BS4142:1997) from Work No. 39 (including transformers, air handling units and cooling fans) shall not exceed 35 dB $L_{Aeq, 5 \text{ min}}$ at Bullenhall Farm (610287, 246601) Hill Farm (609088, 245652) and Woodlands Farm (609597, 246806).

(2) Within three months of the completion of commissioning of Work 39, the undertakers shall submit measurements to the relevant planning authority taken in the vicinity of the relevant property or properties specified at sub-paragraph (1) to confirm the rating level of operational noise immissions do not exceed 35 dB $L_{Aeq, 5 \text{ min}}$, including details of any remedial works and a programme of implementation should the immissions exceed the stated levels.

(3) Measurements shall be undertaken in accordance with the equipment specifications, measurement procedures and monitoring equipment positioning guidelines outlined in sections 4, 5 and 6 of BS 4142:1997.

(4) For the purposes of this requirement, “completion of commissioning” means the date when the circuits have been fully tested and verified that they are able to transmit their rated power capacity to the grid connection point and National Grid has issued an FON (final operation notification) to the generator.

Traffic

25.—(1) No stage of the connection works shall be commenced until for that stage, after consultation with the relevant highway authority, the following have been submitted to and approved by the relevant local planning authority in consultation with the relevant highway authority—

- (a) a traffic management plan which must be in accordance with the outline traffic management plan;
- (b) a travel plan which must be in accordance with the outline travel plan; and
- (c) an access management plan which must be in accordance with the outline access management plan.

(2) The plans approved under sub-paragraph (1) must be implemented upon commencement of the relevant stage of the connection works.

Port travel plan

26.—(1) No stage of the connection works shall be commenced until a travel plan for the onshore port-related traffic to and from the selected base port or ports and relating to the authorised project, has been submitted to and approved in writing by the relevant planning authority in consultation with the relevant highway authority. The travel plan must be implemented as approved at all times specified within the travel plan during the construction and/or operation of the authorised development.

(2) For the purposes of this Requirement—

“base port” means the port used by management personnel for construction of the authorised development and for the ongoing operational management of the authorised development;

“relevant planning authority” and “relevant highway authority” mean the planning or highway authority or authorities in whose area the relevant port is located; and

“selected base port” or “ports” means a port or ports situated in England and/or Wales.

European protected species

27.—(1) No stage of the connection works shall be commenced until final pre-construction survey work has been carried out to establish whether a European protected species is present on any of the land affected, or likely to be affected, by that stage of the connection works or in any of the trees to be lopped or felled as part of that stage of the connection works.

(2) Where a European protected species is shown to be present, the relevant part(s) of the connection works must not begin until, after consultation with Natural England and the relevant planning authority, a scheme of protection and mitigation measures has been submitted to and approved in writing by the relevant planning authority. The connection works shall be carried out in accordance with the approved scheme.

(3) “European protected species” has the same meaning as in regulations 40 and 44 of the Conservation (Natural Habitats, &c.) Regulations 2010⁽²²⁾.

(22) [S.I. 2010/490](#). There are amendments to these Regulations which are not relevant to this Order.

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

Restoration of land used temporarily for construction

28. Any land landward of mean low water within the Order limits which is used temporarily for construction of the connection works and not ultimately incorporated in permanent works or approved landscaping, must be reinstated in accordance with such details the relevant planning authority in consultation with the relevant highway authority may approve, as soon as reasonably practicable and in any event within twelve months of completion of the relevant stage of the connection works.

Installation of cable ducts

29.—(1) Save in relation to plots 448 to 450, 453 to 454 and 457 to 471 in the book of reference—

- (a) all cable ducts forming part of the onshore connection works must be installed simultaneously together with the onshore cables for the authorised project forming part of the onshore connection works unless sub-paragraph (2) applies; and
- (b) no stage of the connection works shall commence until a written method statement showing the programme for laying the onshore cables for the authorised project and all cable ducts as part of a single cable laying operation has for that stage been submitted to and approved in writing by the relevant planning authority. The method statement must include an implementation timetable for laying the cables for the authorised project and all ducts and must be carried out as approved.

(2) If the Secretary of State, on an application to him from the undertakers shall confirm in writing that other generation projects which would otherwise use the ducts to connect to the National Grid have been abandoned or will not come forward within a reasonable timeframe there shall be no requirement to install the ducts pursuant to sub-paragraph (1).

(3) In considering any application to him under sub-paragraph (2) the Secretary of State shall have regard to—

- (a) the status of any consent process for those other generation projects;
- (b) the status of any agreement for lease for the offshore location of these other generation projects;
- (c) the status of any connection agreement to the National Grid;
- (d) any confirmation from The Crown Estate or National Grid with regard to (b) and (c) respectively;
- (e) any statements from the relevant planning authorities and any other interested party in relation to those other generation projects.

Skills strategy

30.—(1) No stage of the connection works shall be commenced until a skills strategy (which accords with the outline skills strategy) has been submitted to and approved in writing by the relevant planning authority, after consultation with Suffolk County Council.

(2) The skills strategy must be implemented as approved.

Onshore decommissioning

31.—(1) Within three months of the cessation of commercial operation of the connection works, or of Work No. 3B or of Work No. 4 an onshore decommissioning plan shall be submitted to and approved in writing by the relevant planning authority.

(2) The decommissioning plan must be implemented as approved.

Decommissioning of Work No. 3B and Work No. 4

32.—(1) After a period of 24 years but before the expiration of a period of 25 years following completion of construction of Work No. 3B and Work No. 4 or 2043 (whichever is earlier), the undertakers 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 Work No. 3B and Work No. 4 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 any proposed extension to the operational lifespan of the authorised project;
- (d) the extent of the likely coastal retreat during the timeframe of any proposed extension and the likely need for, and nature of, any proposed remedial works or mitigation measures to protect Work No. 3B and Work No. 4 from coastal retreat and an analysis of their predicted impact on coastal processes; and
- (e) any proposed remedial works or mitigation measures identified under 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, Work No. 3B and Work No. 4 will not have a significant impact on coastal processes then Work No. 3B and Work No. 4 must be decommissioned in accordance with Requirement 31 (onshore decommissioning).

Requirement for written approval

33. 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

34.—(1) With respect to any Requirement which requires the authorised development 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 agreed in writing by the relevant planning authority or that other person in accordance with sub-paragraph (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 shall be taken to include any amendments that may subsequently be approved in writing by the relevant planning authority or that other person.

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

SCHEDULE 2

Article 8

Streets subject to street works

| (1) <i>Area</i> | (2) <i>Street subject to street works</i> | (3) <i>Grid co-ordinates</i> | |
|--------------------------|--|---------------------------------|-----------------|
| | | Easting | Northing |
| Suffolk Coastal District | Ferry Road | 634614 | 239177 |
| Suffolk Coastal District | Track leading south to Ferry Road | 634370 | 239139 |
| Suffolk Coastal District | Track parallel to Sheepgate Lane, north of Goseford Hall and south of Falkenham Wood | 629732 | 239454 |
| Suffolk Coastal District | Track leading south from Falkenham Wood to Falkenham at The Old Vicarage | 629272 | 239423 |
| Suffolk Coastal District | Track between Falkenham Wood and sewage works to the west of Falkenham Wood | 628851 | 239776 |
| Suffolk Coastal District | Track perpendicular to Falkenham Road, leading to Corporation Farm | 628590 | 240036 |
| Suffolk Coastal District | Park Lane | 628242 | 240408 |
| Suffolk Coastal District | Track north of Park Lane, south of White Cottages, leading to Lodge Farm | 628093 | 240827 |
| Suffolk Coastal District | Track between Ranglins Wood and Ivy Cottages/Hemley House | 628018 | 242359 |
| Suffolk Coastal District | The Street | 627809 | 243226 |
| Suffolk Coastal District | Track from Newbourne Road leading to New Oak Tree Farm | 627408 | 244468 |
| Suffolk Coastal District | Ipswich Road | 627462 | 244841 |
| Suffolk Coastal District | Woodbridge Road | 627560 | 245176 |
| Suffolk Coastal District | Track from Waldringfield Road, leading to Rudd's Barn | 627140 | 245610 |
| Suffolk Coastal District | Track from Waldringfield Road, to the east of Howe's Farm Cottages | 626758 | 245999 |
| Suffolk Coastal District | Waldringfield Road | 626581 | 246126 |
| Suffolk Coastal District | Waldringfield Road | 626301 | 246329 |
| Suffolk Coastal District | Track north of, and roughly parallel to, Waldringfield Road, and south of Hall Farm | 626295 | 246536 |
| Suffolk Coastal District | Sandy Lane | 625976 | 247756 |
| Suffolk Coastal District | Top Street | 625448 | 247817 |
| Suffolk Coastal District | A12 | 624951 | 247849 |
| Suffolk Coastal District | Track west of Seckford Hall Golf Course, leading south to Cherry Tree Farm | 624569 | 248354 |

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

| (1) Area | (2) Street subject to street works | (3) Grid co-ordinates | |
|---------------------------|---|--|-----------------|
| | | Easting | Northing |
| Suffolk Coastal District | Track leading south from Lodge Road to Meadow Cottage | 623853 | 248241 |
| Suffolk Coastal District | Lodge Road | 623195 | 248243 |
| Suffolk Coastal District | Holly Lane | 622419 | 248534 |
| Suffolk Coastal District | Church Road | 621773 | 248420 |
| Suffolk Coastal District | Butts Road | 621310 | 248603 |
| Suffolk Coastal District | Grundisburgh Road | 619720 | 248770 |
| Suffolk Coastal District | Clopton Road | 619275 | 249287 |
| Suffolk Coastal District | Witnesham Road (B1077) | 617716 | 248813 |
| Suffolk Coastal District | Cockfield Hall Lane | 617410 | 249092 |
| Mid Suffolk District | Henley Road | 616129 | 249053 |
| Mid Suffolk District | Thurleston Lane, track to Bower Farm | 615152 | 248929 |
| Mid Suffolk District | Old Ipswich Road | 613343 | 249033 |
| Mid Suffolk District | A14 | 613288 | 248997 |
| Mid Suffolk District | Papermill Lane | 612800 | 248938 |
| Mid Suffolk District | Bramford Road (B1113) | 612073 | 248982 |
| Mid Suffolk District | Pound Lane | 611768 | 248776 |
| Mid Suffolk District | Track between Dairy Farm and Lower Dairy Farm | 611343 | 247949 |
| Mid Suffolk District | Somersham Road | 611291 | 247823 |
| Mid Suffolk District | Track to west of Copenhagen Cottage | 610997 | 247466 |
| Mid Suffolk District | Tye Lane | 610767 | 247054 |
| Mid Suffolk District | Track to Bullenhall Farm | 610239 | 246401 |
| Mid Suffolk District | Track to Bullenhall Farm | 610253 | 246206 |
| Mid Suffolk District | Track leading west of Bullenhall farm towards Fore Grove and Bushey Grove | 609682 | 246278 |

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SCHEDULE 3

Article 9

Public rights of way to be temporarily stopped up

PART 1

Rights of way for which a replacement will be provided during stopping up

| (1) Area | (2) Footpath to be temporarily stopped up | | | (3) Grid coordinates at start of crossing (point a on the public rights of way plan) | | (4) Grid coordinates at start of crossing (point b on the public rights of way plan) | | (5) Extent of temporary stopping up as shown on sheet X of the public rights of way plan | |
|--------------------------|--|--------------------|-----------|---|----------|---|----------|---|--|
| | | | | Easting | Northing | Easting | Northing | | |
| | Plan ref | Definitive map ref | Parish | Path number | | | | | |
| Suffolk Coastal District | 4 | 7201 | Falkenham | Footpath 5 | 629762 | 289491 | 629446 | 289390 | 206 approximately 350 metres between the points marked 4a and 4b on Sheet 2 of the public rights of way plan |
| Suffolk Coastal District | 5 | 7187 | Falkenham | Footpath 3 | 629255 | 289503 | 629271 | 289410 | 645 approximately 95 metres between the points marked 5a and 5b on Sheet 3 of the public rights of way plan |
| Suffolk Coastal District | 6 | 7951 | Kirton | Bridleway 34 | 628588 | 284038 | 628588 | 289941 | 664 approximately 97 metres between points 6a and 6b on Sheet 2 of the public rights of way plan |
| Suffolk Coastal District | 7 | 7953 | Kirton | Footpath 37 | 628438 | 284070 | 628352 | 284145 | 308 approximately 90 metres between points 7a and 7b on Sheet 3 of the public rights of way plan |
| Suffolk Coastal District | 8 | 7937 | Kirton | Bridleway 13 | 628127 | 284104 | 628052 | 284107 | 582 approximately 75 metres between points 8a and 8b on Sheet 3 of the public rights of way plan |

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| (1) Area | (2) Footpath to be temporarily stopped up | | | (3) Grid coordinates at start of crossing (point a on the public rights of way plan) | | (4) Grid coordinates at start of crossing (point b on the public rights of way plan) | | (5) Extent of temporary stopping up as shown on sheet X of the public rights of way plan | |
|--------------------------|--|--------------------|---------------|---|---------|---|---------|---|---|
| | Plan ref | Definitive map ref | Parish | Path number | Easting | Northing | Easting | | Northing |
| Suffolk Coastal District | 9 | 7632 | Hemley | Footpath 1 | 628081 | 222364 | 628007 | 242352 | Approximately 75 metres between points 9a and 9b on Sheet 4 of the public rights of way plan |
| Suffolk Coastal District | 10 | 8257 | Newbourn | Footpath 8 | 627752 | 243616 | 627726 | 244540 | Approximately 80 metres between points 10a and 10b on Sheet 4 of the public rights of way plan |
| Suffolk Coastal District | 11 | 8256 | Newbourn | Bridleway 6 | 627749 | 243624 | 627685 | 243684 | Approximately 90 metres between points 11a and 11c on Sheet 4 of the public rights of way plan |
| Suffolk Coastal District | 13 | 9280 | Waldringfield | Bridleway 24 | 627448 | 244473 | 627354 | 243467 | Approximately 94 metres between points 13a and 13b on Sheet 5 of the public rights of way plan |
| Suffolk Coastal District | 14 | 8152 | Martlesham | Footpath 46 | 626347 | 246536 | 626265 | 246537 | Approximately 85 metres between points 14a and 14b on Sheet 5 of the public rights of way plan |
| Suffolk Coastal District | 15 | 8151 | Martlesham | Footpath 45 | 626467 | 246590 | 626480 | 246678 | Approximately 85 metres between points 15a and 15b on Sheet 6 of the public rights of way plan |
| Suffolk Coastal District | 16 | 8132 | Martlesham | Footpath 16 | 626515 | 246822 | 626407 | 246806 | Approximately 110 metres between points 16a and 16c on Sheet 6 of the public rights of way plan |

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| (1) Area | (2) Footpath to be temporarily stopped up | | | (3) Grid coordinates at start of crossing (point a on the public rights of way plan) | | (4) Grid coordinates at start of crossing (point b on the public rights of way plan) | | (5) Extent of temporary stopping up as shown on sheet X of the public rights of way plan | |
|--------------------------|--|------|----------------|---|--------|---|--------|---|---|
| | | | | | | | | | Plan ref |
| Suffolk Coastal District | 19 | 8126 | Martlesham | Footpath 10 | 625352 | 247889 | 625331 | 247815 | Approximately 77 metres between points 19a and 19b on Sheet 6 of the public rights of way plan |
| Suffolk Coastal District | 20 | 7487 | Great Bealings | Footpath 10 | 625040 | 247855 | 625149 | 247784 | Approximately 130 metres between points 20a to 20c on Sheet 6 of the public rights of way plan |
| Suffolk Coastal District | 20 | 8125 | Martlesham | Footpath 9A | 625331 | 247746 | 625149 | 247784 | Approximately 190 metres between points 20c and 20b on Sheet 6 of the public rights of way plan |
| Suffolk Coastal District | 21 | 7486 | Great Bealings | Footpath 9 | 625061 | 247841 | 625148 | 247632 | Approximately 109 metres between points 21a and 21c on Sheet 6 of the public rights of way plan |
| Suffolk Coastal District | 21 | 8124 | Martlesham | FP9 | 625102 | 247740 | 625148 | 247632 | Approximately 118 metres between points 21c and 21b on Sheet 6 of the public rights of way plan |
| Suffolk Coastal District | 24 | 7487 | Great Bealings | Footpath 10 | 624855 | 247958 | 624759 | 248071 | Approximately 150 metres between points 24a and 24b on Sheet 6 of the public rights of way plan |
| Suffolk Coastal District | 25 | 7485 | Great Bealings | Footpath 8 | 624568 | 248404 | 624579 | 248329 | Approximately 75 metres between points 25a and 25b on Sheet 6 of the public rights of way plan |

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| (1) Area | (2) Footpath to be temporarily stopped up | | | (3) Grid coordinates at start of crossing (point a on the public rights of way plan) | | (4) Grid coordinates at start of crossing (point b on the public rights of way plan) | | (5) Extent of temporary stopping up as shown on sheet X of the public rights of way plan | |
|--------------------------|--|------|-----------------|---|--------|---|--------|---|---|
| | | | | | | | | | Plan ref |
| Suffolk Coastal District | 26 | 7488 | Great Bealings | Footpath 11 | 623857 | 248290 | 623855 | 248216 | Approximately 75 metres between points 26a and 26b on Sheet 7 of the public rights of way plan |
| Suffolk Coastal District | 27 | 8080 | Little Bealings | Footpath 6 | 622871 | 248398 | 623034 | 248224 | Approximately 241 metres between points 27a and 27b on Sheet 7 of the public rights of way plan |
| Suffolk Coastal District | 28 | 8079 | Little Bealings | Footpath 5 | 622860 | 248401 | 622906 | 248262 | Approximately 145 metres between points 28a and 28b on Sheet 7 of the public rights of way plan |
| Suffolk Coastal District | 29 | 8078 | Little Bealings | Footpath 3 | 622341 | 248516 | 622375 | 248449 | Approximately 75 metres between points 29a and 29b on Sheet 7 of the public rights of way plan |
| Suffolk Coastal District | 30 | 8441 | Playford | Footpath 5 | 622050 | 248386 | 621987 | 248326 | Approximately 85 metres between points 30a and 30b on Sheet 7 of the public rights of way plan |
| Suffolk Coastal District | 31 | 7062 | Culpho | Footpath 1 | 620954 | 248615 | 621002 | 248540 | Approximately 95 metres between points 31a and 31b on Sheet 8 of the public rights of way plan |
| Suffolk Coastal District | 32 | 9511 | Witnesham | Bridleway 30 | 618816 | 249221 | 618872 | 249144 | Approximately 95 metres between points 32a and 32b on Sheet 9 of the public rights of way plan |

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| (1) Area | (2) Footpath to be temporarily stopped up | | | (3) Grid coordinates at start of crossing (point a on the public rights of way plan) | | (4) Grid coordinates at start of crossing (point b on the public rights of way plan) | | (5) Extent of temporary stopping up as shown on sheet X of the public rights of way plan |
|--------------------------|--|--------|--------------------------------|---|----------|---|----------|--|
| | | | | Easting | Northing | Easting | Northing | |
| Plan ref | Definitive map ref | Parish | Path number | | | | | |
| Suffolk Coastal District | 33 | 9363 | Westerfield Restricted Byway 5 | 617722 | 288876 | 617639 | 288879 | Approximately 85 metres between points 33a and 33b on Sheet 9 of the public rights of way plan |
| Suffolk Coastal District | 34 | 9362 | Westerfield Footpath 3 | 617304 | 289200 | 617226 | 289197 | Approximately 85 metres between points 34a and 34b on Sheet 9 of the public rights of way plan |
| Suffolk Coastal District | 35 | 9366 | Westerfield Bridleway 10 | 617020 | 289343 | 617052 | 289274 | Approximately 75 metres between points 35a and 35b on Sheet 9 of the public rights of way plan |
| Mid Suffolk District | 36 | 2084 | Akenham Bridleway 19 | 615361 | 229018 | 615231 | 228943 | Approximately 150 metres between points 36a and 36b on Sheet 10 of the public rights of way plan |
| Mid Suffolk District | 37 | 2071 | Akenham Bridleway 5 | 615157 | 229019 | 615155 | 228943 | Approximately 80 metres between points 37a and 37b on Sheet 10 of the public rights of way plan |
| Mid Suffolk District | 38 | 2069 | Akenham Bridleway 5 | 614504 | 249086 | 614537 | 249012 | Approximately 80 metres between points 38a and 38b on Sheet 10 of the public rights of way plan |
| Mid Suffolk District | 39 | 3542 | Claydon Footpath 21 | 613668 | 249167 | 613636 | 249093 | Approximately 80 metres between points 39a and 39b on Sheet 10 of the public rights of way plan |

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| (1) Area | (2) Footpath to be temporarily stopped up | | | (3) Grid coordinates at start of crossing (point a on the public rights of way plan) | | (4) Grid coordinates at start of crossing (point b on the public rights of way plan) | | (5) Extent of temporary stopping up as shown on sheet X of the public rights of way plan | |
|----------------------|--|------|----------|---|--------|---|--------|---|--|
| | | | | | | | | | Plan ref |
| Mid Suffolk District | 41 | 3136 | Bramford | Footpath 10 | 611276 | 247828 | 581265 | 277701 | Approximately 130 metres between points 41a and 41b on Sheet 11 of the public rights of way plan |
| Mid Suffolk District | 42 | 3133 | Bramford | Footpath 8 | 610838 | 247434 | 610932 | 277452 | Approximately 95 metres between points 42a and 42b on Sheet 11 of the public rights of way plan |

PART 2

Rights of way for which no replacement will be provided during the temporary stopping up

| (1) Area | (2) Footpath to be temporarily stopped up | | | (3) Grid coordinates at start of crossing (point a on the public rights of way plan) | | (4) Grid coordinates at start of crossing (point b on the public rights of way plan) | | (5) Extent of temporary stopping up as shown on sheet X of the public rights of way plan | |
|------------------------------|--|------|----------|---|--------|---|--------|---|--|
| | | | | | | | | | Plan ref |
| Mid Suffolk District Council | 43 | 3127 | Bramford | Footpath 2 | 610402 | 246523 | 610582 | 245209 | Approximately 384 metres between points 43a and 43b on Sheet 12 of the public rights of way plan |
| Mid Suffolk District Council | 44 | 3126 | Bramford | Bridleway 1 | 610273 | 246161 | 609351 | 245761 | Approximately 1022 metres between points 44a and 44b on |

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| (1) Area | (2) Footpath to be temporarily stopped up | | | (3) Grid coordinates at start of crossing (point a on the public rights of way plan) | | (4) Grid coordinates at start of crossing (point b on the public rights of way plan) | | (5) Extent of temporary stopping up as shown on sheet X of the public rights of way plan |
|-------------|--|--------------------|--------|---|---------|---|---------|---|
| | Plan ref | Definition map ref | Parish | Path number | Easting | Northing | Easting | |
| | | | | | | | | Sheet 12 of the public rights of way plan |

SCHEDULE 4

Article 10

Streets to be temporarily stopped up

| (1) Area | (2) Street to be temporarily stopped up | (3) Grid co-ordinates (start) | (4) Grid co-ordinates (end) | (5) Extent of temporary stopping up | | |
|--------------------------|--|----------------------------------|--------------------------------|--|----------|---|
| | | Easting | Northing | Easting | Northing | |
| Suffolk Coastal District | Park Lane, Kirton | 628,187 | 240,381 | 628,253 | 240,417 | For 75 metres within the area shown hatched on sheet 3 of the public rights of way plan |
| Suffolk Coastal District | The Street, Newbourne | 627,799 | 243,228 | 627,871 | 243,217 | For 75 metres within the area shown hatched on sheet 4 of the public rights of way plan |
| Suffolk Coastal District | Ipswich Road, Waldringfield | 627,416 | 244,840 | 627,501 | 244,857 | For 75 metres within the area shown hatched on sheet 5 of the public rights of way plan |

SCHEDULE 5

Article 11

Access to works

| (1) Area | (2) Grid reference point | (3) Description of access |
|--------------------------|-----------------------------|---|
| Suffolk Coastal District | 634614, 239177 | Vehicular access to Ferry Road from the east and west marked at point A on the access to works plan (sheet 1) |

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| (1) Area | (2) Grid reference point | (3) Description of access |
|--------------------------|-------------------------------------|---|
| Suffolk Coastal District | 632047, 241321 | Vehicular access to Dock Road from the south via Duke's Lane (Track) marked at point B on the access to works plan (Sheet 4) |
| Suffolk Coastal District | 629662, 238830 | Vehicular access to Lower Road from the east via Sheepgate Lane marked at point C on the access to works plan (Sheet 5) |
| Suffolk Coastal District | 628222, 240400 | Vehicular access to Park Lane from the north and south marked at point D on the access to works plan (Sheet 6) |
| Suffolk Coastal District | 628399, 240500 | Vehicular access to Park Lane at Park Gates Lodge from the north via farm tracks marked at point E on the access to works plan (Sheet 6) |
| Suffolk Coastal District | 626630, 241348 | Vehicular access to Newbourn Road at Kembroke Hall from the east via farm tracks marked at point F on the access to works plan (Sheet 7) |
| Suffolk Coastal District | 627809, 243226 | Vehicular access north and south from The Street marked at point G on the access to works plan (Sheet 8) |
| Suffolk Coastal District | 626630, 241348 | Vehicular access to Woodbridge Road south of Heath Farm from the east via farm tracks marked at point H on the access to works plan (Sheet 9) |
| Suffolk Coastal District | 627462, 244841 | Vehicular access North and South from The Ipswich Road marked at point I on the access to works plan (Sheet 10) |
| Suffolk Coastal District | 627560, 245176 | Vehicular access east and west from Woodbridge Road marked at point J on the access to works plan (Sheet 10) |
| Suffolk Coastal District | 626581, 246126 | Vehicular access east and west from Waldringfield Road marked at point K on the access to works plan (Sheet 11) |
| Suffolk Coastal District | 626301, 246329 | Vehicular access north and south from Waldringfield Road marked at point L1 on the access to works plan (Sheet 11) |
| Suffolk Coastal District | 626355, 246299 | Vehicular access south-east from Waldringfield Road marked at point L2 on the access to works plan (Sheet 11) |
| Suffolk Coastal District | 626143, 2469245 | Vehicular access to Church Lane at the Old Rectory from the south via tracks marked at point M on the access to works plan (Sheet 12) |
| Suffolk Coastal District | 625976, 247756 | Vehicular access east from Sandy Lane marked point N1 on the access to works plan (Sheet 12) |

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| (1) Area | (2) Grid reference point | (3) Description of access |
|--------------------------|-------------------------------------|---|
| Suffolk Coastal District | 626037, 247843 | Vehicular access south from Sandy Lane marked point N2 on the access to works plan (Sheet 12) |
| Suffolk Coastal District | 625826, 247619 | Vehicular access to Sandy Lane from the east marked point O on the access to works plan (Sheet 12) |
| Suffolk Coastal District | 625448, 247817 | Vehicular access east and west from Top Street marked at point P on the access to works plan (Sheet 12) |
| Suffolk Coastal District | 625333, 247744 | Vehicular access to Top Street south of the roundabout with the B1438 from the west marked point Q1 on the access to works plan (Sheet 12) |
| Suffolk Coastal District | 625337, 247782 | Vehicular access to Top Street south of the roundabout with the B1438 from the south marked point Q2 on the access to works plan (Sheet 12) |
| Suffolk Coastal District | 624523, 248500 | Vehicular access to Seckford Hall Road on Road west of Seckford Hall Hotel from the south marked point R on the access to works plan (Sheet 13) |
| Suffolk Coastal District | 623710, 248383 | Vehicular access to Lodge Road from the south marked point S on the access to works plan (Sheet 13) |
| Suffolk Coastal District | 622419, 248534 | Vehicular access east and west from Holly Lane at point T on the access to works plan (Sheet 14) |
| Suffolk Coastal District | 621773, 248420 | Vehicular access to Church Road from the east and west marked point U on the access to works plan (Sheet 15) |
| Suffolk Coastal District | 621310, 248603 | Vehicular access to Butts Road from the south and vehicular access to Butts Road from the east and west marked point V on the access to works plan (Sheet 14) |
| Suffolk Coastal District | 619720, 248770 | Vehicular access north and south from Grundisburgh Road at point W on the access to works plan (Sheet 15) |
| Suffolk Coastal District | 619275, 249287 | Vehicular access east and west from Clopton Road at point X on the access to works plan (Sheet 16) |
| Suffolk Coastal District | 617716, 248813 | Vehicular access to Witnesham Road from the east and west marked point Y on the access to works plan (Sheet 16) |

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| (1) Area | (2) Grid reference point | (3) Description of access |
|--------------------------|-------------------------------------|--|
| Suffolk Coastal District | 617410, 249092 | Vehicular access to Cockfield Hall Lane from the east and west marked point Z on the access to works plan (Sheet 17) |
| Mid Suffolk District | 616128, 249052 | Vehicular access east and west from Henley Road at point AA on the access to works plan (Sheet 17) |
| Mid Suffolk District | 615160, 248980 | Vehicular access east and west from Thurlestone Lane at point AB on the access to works plans (Sheet 18) |
| Mid Suffolk District | 613310, 249094 | Vehicular access to Old Ipswich Road from the east marked point AC on the access to works plan (Sheet 19) |
| Mid Suffolk District | 612849, 249074 | Vehicular access to Papermill Lane from the east at point AD on the access to works plan (Sheet 19) |
| Mid Suffolk District | 612809, 248992 | Vehicular access to Papermill Lane from the west at point AE on the access to works plan (Sheet 19) |
| Mid Suffolk District | 612802, 248946 | Vehicular access east and west from Papermill Lane at point AF on the access to works plan (Sheet 19) |
| Mid Suffolk District | 612074, 248972 | Vehicular access to Bramford Road from the west at point AG on the access to works plan (Sheet 19) |
| Mid Suffolk District | 612098, 249048 | Vehicular access to Bramford Road from the east at point AH on the access to works plan (Sheet 19) |
| Mid Suffolk District | 611950, 248776 | Vehicular access north and south from Pound Lane at point AI on the access to works plan (Sheet 20) |
| Mid Suffolk District | 611291, 247822 | Vehicular access north and south from Somersham Road at point AJ on the access to works plan (Sheet 21) |
| Mid Suffolk District | 610767, 247053 | Vehicular access north and south from Tye Lane at point AK on the access to works plan (Sheet 22) |
| Mid Suffolk District | 610571, 246214 | Vehicular access to Bullen Lane from the north at point AL on the access to works plan (Sheet 22) |
| Mid Suffolk District | 610052, 246122 | Vehicular access to Bullen Lane from the west at point AM on the access to works plan (Sheet 22) |

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SCHEDULE 6

Article 17

Land in which only new rights etc. may be acquired

| (1) Number of land shown on land plans | (2) Purpose for which rights may be acquired |
|---|---|
| 2–7 | <p>The right to enter onto and remain on the land for the purposes of construction, installation, operation, maintenance and decommissioning of the authorised project and to—</p> <ul style="list-style-type: none"> (a) construct, lay and install by way of directional drilling, adjust, alter, use, maintain, repair, renew, upgrade, inspect, remove and replace underground electrical cables and ducts, together with such telemetry and fibre optic lines, jointing bays, ducting and other apparatus, protection and safety measures and equipment which is ancillary to the purposes of transmitting electricity along such electrical cables (which collectively shall be referred to as the “cables”); (b) enter and be upon the land and remain with or without plant, vehicles, vessels, machinery, apparatus and equipment which is ancillary to the purposes of transmitting electricity along the cables; (c) retain and use the cables for the purpose of the transmission of telecommunications and electricity; (d) pass and repass with or without vehicles, plant, equipment, materials and machinery for the purposes of constructing, laying down, installing, adjusting, altering, using, maintaining, repairing, renewing, upgrading, inspecting, removing and replacing the cables; (e) place and use plant, machinery and temporary structures within the land for the installation, construction, maintenance, repairing, renewing, upgrading, inspecting, removal and replacing of the cables; (f) lay down, use, repair, alter and remove hard standings for the purposes of allowing access; (g) lay out temporary permissive paths for public use; (h) install, alter, re-lay, maintain, protect, adjust or remove pipes, cables, conduit or apparatus (including the pipes, cables, conduits or apparatus of statutory undertakers); and (i) alter, lop, uproot and replant trees, shrubs and hedges for the purposes of enabling the right to pass and repass. |
| 10 11 13 15 | <p>The right to enter onto and remain on the land for the purposes of construction, installation, operation, maintenance and decommissioning of the authorised project and to—</p> <ul style="list-style-type: none"> (a) pass and repass with or without vehicles, plant, equipment, materials and machinery to access adjoining land for the purposes of laying, installing, adjusting, altering, constructing, using, maintaining, |

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| (1) Number of land shown on land plans | (2) Purpose for which rights may be acquired |
|---|--|
| 44–51 | repairing, renewing, upgrading, inspecting, removing and replacing the cables; |
| 70–73 | (b) lay down, use, repair, alter and remove hard standings for the purposes of access to adjoining land; |
| 99 | (c) erect temporary supporting or protective structures (including the bridging over of or protection of the apparatus of the statutory undertakers) for the purposes of access to adjoining land; |
| 100–102 | (d) alter, lop, uproot and replant trees, shrubs and hedges for the purposes of enabling the right to pass and repass to adjoining land; |
| 107 | (e) lay out temporary permissive paths for public use; |
| 108–110 | (f) effect access to the highway; |
| 117 | (g) straighten, widen, repair, alter, upgrade and use existing access routes for the purposes of accessing adjoining land; |
| 117A | (h) remove fences, hedges or other barriers during any period during which construction, upgrading, improvement, renewal or removal are being carried or for the exercise of the power to access the cables (subject to the prior erection of any temporary stock proof fencing as is reasonably required and the replacement or re-instatement of the fences, hedges or other barriers following the exercise of the rights); and |
| 117B | (i) install, use, inspect, modify, improve, maintain, adjust, repair, replace, extend, test, cleanse and remove temporary or permanent drainage and manage waterflows in existing drains, watercourses and culverts. |
| 133 | |
| 185 | |
| 186 | |
| 205 | |
| 205A | |
| 210 | |
| 212 | |
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| 235–237 | |
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| 257–259 | |
| 268 | |
| 385 | |

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| (1) Number of land shown on land plans | (2) Purpose for which rights may be acquired |
|--|--|
| 391 398 401 436 437 439 441 448 465 | |
| 60–63 67 118–131 191–194 196 249 370 371 377 382 394 | <p>1. The right to enter onto and remain on the land for the purposes of construction, installation, operation, maintenance and decommissioning of the authorised project and to—</p> <p>(a) enter and remain on the sub-soil of the land to construct, lay, install, adjust, alter, use, maintain, repair, renew, upgrade, inspect, remove and replace the cables;</p> <p>(b) retain and use the cables for the purpose of the transmission of telecommunications and electricity;</p> <p>(c) install, alter, re-lay, maintain, protect, adjust or remove pipes, cables, conduits or apparatus (including the pipes, cables, conduits or apparatus of statutory undertakers);</p> <p>(d) uproot and replant trees, shrubs and hedges which may interfere with the cables;</p> <p>(e) pass and repass with or without vehicles, plant, equipment, materials and machinery for the purposes of uprooting and replanting trees, shrubs, and hedges which may interfere with the cables;</p> <p>(f) construct, lay down, use and remove temporary hardstanding for the purposes of permitting access to uproot and replant trees, shrubs and hedges which may interfere with the cables;</p> <p>(g) lay out temporary permissive paths for public use;</p> <p>(h) install, use, inspect, modify, improve, maintain, adjust, repair, replace, extend, test, cleanse and remove temporary or permanent drainage and manage waterflows in existing drains, watercourses and culverts;</p> <p>(i) maintain cable marker posts to identify the location of the cables; and</p> <p>(j) carry out environmental mitigation and/or enhancement works.</p> |

| (1) Number of land shown on land plans | (2) Purpose for which rights may be acquired |
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| | <p>2. A restrictive covenant over the land for the benefit of the remainder of the Order land to—</p> <ul style="list-style-type: none"> (a) prevent anything to be done in or upon the Order 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); (b) prevent anything to be done by way of hard surfacing of the Order 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); (c) prevent anything to be done by way of excavation of any kind in the Order 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 within the Order land; (d) prevent the planting or growing within the Order 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). |
| <p>20 22 24 26–43 52–56 79–93 103–106 135–141 145–150 154–158</p> | <p>1. The right to enter onto and remain on the land for the purposes of construction, installation, operation, maintenance and decommissioning of the authorised project and to—</p> <ul style="list-style-type: none"> (a) construct, lay and install by way of drilling and/or trenching, adjust, alter, use, maintain, repair, replace, renew, upgrade, inspect and remove the cables; (b) install, use, inspect, modify, improve, maintain, adjust, repair, extend, test, cleanse, and remove temporary or permanent drainage and manage waterflows in existing drains, watercourses and culverts; (c) pass and repass, with or without vehicles, plant, equipment, materials and machinery for the purposes of constructing, laying, installing, adjusting, altering, using, maintaining, repairing, replacing, renewing, upgrading, inspecting and removing the cables; (d) lay down, use, repair, alter and remove hardstanding for the purposes of constructing, laying, installing, adjusting, altering, |

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| (1) Number of land shown on land plans | (2) Purpose for which rights may be acquired |
|---|---|
| 163 | using, maintaining, repairing, replacing, renewing, upgrading, inspecting and removing the cables; |
| 167–175 | (e) enter and be upon the land and remain with or without plant, vehicles, machinery, apparatus and equipment which is ancillary to the purposes of transmitting electricity and telecommunications along the cables; |
| 181–184 | |
| 199–204 | (f) retain and use the cables for the purpose of the transmission of telecommunications and electricity; |
| 213 | |
| 216, 217 | (g) place and use plant, machinery and temporary structures within the land for the installation, construction, maintenance, repairing, renewing, upgrading, inspecting, removal and replacing of the cables; |
| 227–228 | |
| 230 | (h) install and maintain cable marker posts to identify the location of the cables, manhole covers and kiosks as required for routine integrity testing; |
| 233 | |
| 234 | (i) store and stockpile materials (including excavated material) within the Order land; |
| 238–239 | (j) remove fences within the land during any period during which construction, maintenance, repair or renewal are being carried out (subject to the prior erection of any temporary stock proof fencing as is reasonably required and the replacement of the original fences following the exercise of the rights); |
| 241–242 | |
| 251 | (k) install, alter, re-lay, maintain, protect, adjust or remove pipes, cables, conduits or apparatus (including the pipes, cables, conduits or apparatus of statutory undertakers); |
| 253–256 | |
| 260–267 | (l) works to lop, fell, cut or coppice trees or remove roots of trees or hedges or shrubs; |
| 269–271 | |
| 292 | (m) lay out temporary permissive paths for public use; |
| 296–297 | (n) remove archaeological artefacts where they would prevent or cause it to be materially more difficult or expensive to construct, lay, install, adjust, alter, use, maintain, repair, replace, renew, upgrade, inspect or remove the cables; |
| 300 | |
| 304–312 | (o) carry out environmental mitigation and/or enhancement works; and |
| 316 | (p) install, construct, use and remove temporary welfare facilities during any periods of maintenance, repair, replacement, renewal, upgrade and removal of the cables. |
| 320–331 | |
| 339–340 | 2. A restrictive covenant over the land for the benefit of the remainder of the Order land to— |
| | (a) prevent anything to be done in or upon the Order land or any part thereof for the purpose of the erection of any buildings |

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| (1) Number of land shown on land plans | (2) Purpose for which rights may be acquired |
|--|--|
| 343–348 354 357–358 360 362–366 383 413–414 416–418 422–426 428–431 434 438 442 444–446 | <p>or construction erection or works of any kind (including the foundations or footings thereto);</p> <p>(b) prevent anything to be done by way of hard surfacing of the Order land with concrete of any kind or with any other material or surface whatsoever without the consent in writing of the undertakers (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> <p>(c) prevent anything to be done by way of excavation of any kind in the Order land nor any activities which increase or decrease ground cover or soil levels in any manner whatsoever without the consent in writing of the undertakers 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 within the Order land;</p> <p>(d) prevent the planting or growing within the Order land of any trees, shrubs or underwood without the consent in writing of the undertakers (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).</p> |
| 8–9 17 57–59 68–69 76–78 111–116 132 134 187–189 195 | <p>1. The right to enter onto and remain on the land for the purposes of construction, installation, operation, maintenance and decommissioning of the authorised project and to—</p> <p>(a) construct, lay and install by way of horizontal directional drilling and/or trenching, adjust, alter, use, maintain, repair, replace, renew, upgrade, inspect and remove the cables;</p> <p>(b) install, use, inspect, modify, improve, maintain, adjust, repair, extend, test, cleanse, and remove temporary or permanent drainage and manage waterflows in existing drains, watercourses and culverts;</p> <p>(c) pass and repass, with or without vehicles, plant, equipment, materials and machinery for the purposes of constructing, laying, installing, adjusting, altering, using, maintaining, repairing, replacing, renewing, upgrading, inspecting and removing the cables;</p> <p>(d) lay down, use, repair, alter and remove hardstanding for the purposes of constructing, laying, installing, adjusting, altering, using, maintaining, repairing, replacing, renewing, upgrading, inspecting and removing the cables;</p> |

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| (1) Number of land shown on land plans | (2) Purpose for which rights may be acquired |
|---|---|
| 198 | |
| 244–245 | (e) enter and be upon the land and remain with or without plant, vehicles, machinery, apparatus and equipment which is ancillary to the purposes of transmitting electricity and telecommunications along the cables; |
| 250 | |
| 252 | (f) retain and use the cables for the purpose of the transmission of telecommunications and electricity; |
| 367–369 | |
| 384 | (g) place and use plant, machinery and temporary structures within the land for the installation, construction, maintenance, repairing, renewing, upgrading, inspecting, removal and replacing of the cables; |
| 392 | |
| 396–397 | (h) install and maintain cable marker posts to identify the location of the cables, manhole covers and kiosks as required for routine integrity testing; |
| 435 | |
| 440 | (i) store and stockpile materials (including excavated material) within the Order land; |
| | (j) remove fences within the land during any period during which construction, maintenance, repair or renewal are being carried out (subject to the prior erection of any temporary stock proof fencing as is reasonably required and the replacement of the original fences following the exercise of the rights); |
| | (k) install, alter, re-lay, maintain, protect, adjust or remove pipes, cables, conduits or apparatus (including the pipes, cables, conduits or apparatus of statutory undertakers); |
| | (l) works to lop, fell, cut or coppice trees or remove roots of trees or hedges or shrubs; |
| | (m) lay out temporary permissive paths for public use; |
| | (n) remove archaeological artefacts where they would prevent or cause it to be materially more difficult or expensive to construct, lay, install, adjust, alter, use, maintain, repair, replace, renew, upgrade, inspect or remove the cables; |
| | (o) carry out environmental mitigation and/or enhancement works; and |
| | (p) install, construct, use and remove temporary welfare facilities during any periods of maintenance, repair, replacement, renewal, upgrade and removal of the cables. |
| | 2. A restrictive covenant over the land for the benefit of the remainder of the Order land to— |
| | (a) prevent anything to be done in or upon the Order 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); |

| (1) Number of land shown on land plans | (2) Purpose for which rights may be acquired |
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| | <p>(b) prevent anything to be done by way of hard surfacing of the Order 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);</p> <p>(c) prevent anything to be done by way of excavation of any kind in the Order 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 within the Order land;</p> <p>(d) prevent the planting or growing within the Order 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).</p> |
| <p>18 97 143 160 165 177 179 215 219 247–248 273 294 298</p> | <p>The right to enter onto and remain on the land for the purposes of construction, installation, operation, maintenance and decommissioning of the authorised project and to—</p> <p>(a) construct, lay, install, adjust, alter, use maintain, repair, replace renew, upgrade, inspect and remove the cables by way of drilling and/or trenching;</p> <p>(b) install, use, inspect, modify, improve, maintain, adjust, repair, replace, extend, test, cleanse and remove temporary or permanent drainage and manage waterflows in existing drains, watercourses and culverts;</p> <p>(c) pass and repass with or without vehicles, plant, equipment, materials and machinery for the purposes of constructing, laying, installing, adjusting, altering, using, maintaining, repairing, replacing, renewing, upgrading, inspecting and removing the cables;</p> <p>(d) enter and be upon the land and remain with or without plant, vehicles, machinery, apparatus and equipment which is ancillary to the purposes of transmitting electricity along the cables;</p> <p>(e) retain and use the cables for the purpose of the transmission of telecommunications and electricity;</p> <p>(f) install and maintain cable marker posts to identify the location of the cables;</p> |

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| (1) Number of land shown on land plans | (2) Purpose for which rights may be acquired |
|---|--|
| 302 314 318 333 337 350–353 355–356 359 389 404–407 415 427 433 464 466–471 | (g) lop fell, cut or coppice trees, or remove roots of trees or hedges or shrubs; (h) lay out temporary permissive paths for public use; (i) remove fences within the land during any period during which construction, maintenance, repair or renewal are being carried out (subject to the prior erection of any temporary stock proof fencing as is reasonably required and the replacement of the original fences following the exercise of the rights); (j) carry out environmental mitigation and/or enhancement works; and (k) lay down, use, repair, alter and remove temporary hardstanding for the purposes of constructing, laying, installing, adjusting, altering, using, maintaining, repairing, replacing, renewing, upgrading, inspecting and removing the cables, except where this may interfere with the operation of an adopted highway. |
| 19 96 98 142 144 159 161 164 166 | 1. The right to enter onto and remain on the land for the purposes of construction, installation, operation, maintenance and decommissioning of the authorised project and to— (a) construct, lay and install by way of drilling and/or trenching, adjust, alter, use, maintain, repair, replace, renew, upgrade, inspect and remove the cables; (b) install, use, inspect, modify, improve, maintain, adjust, repair, extend, test, cleanse, and remove temporary or permanent drainage and manage waterflows in existing drains, watercourses and culverts; (c) pass and repass with or without vehicles, plant, equipment, materials and machinery for the purposes of constructing, laying, installing, adjusting, altering, using, maintaining, repairing, replacing, renewing, upgrading, inspecting and removing the cables; |

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| (1) Number of land shown on land plans | (2) Purpose for which rights may be acquired |
|---|---|
| 176 | |
| 178 | |
| 180 | (d) lay down, use, repair, alter and remove hardstanding for the purposes of constructing, laying, installing, adjusting, altering, using, maintaining, repairing, replacing, renewing, upgrading, inspecting and removing the cables; |
| 206–209 | (e) enter and be upon the land and remain with or without plant, vehicles, machinery, apparatus and equipment which is ancillary to the purposes of transmitting electricity along the cables; |
| 211 | (f) retain and use the cables for the purpose of the transmission of telecommunications and electricity; |
| 216A | |
| 218 | (g) place and use plant, machinery and temporary structures within the land for the installation, construction, maintenance, repairing, renewing, upgrading, inspecting, removal and replacing of the cables; |
| 220 | |
| 222–223 | (h) effect access to the highway; |
| 293 | (i) install and maintain cable marker posts to identify the location of the cables, manhole covers and kiosks as required for routine integrity testing; |
| 295 | (j) store and stockpile materials (including excavated material) within the Order land; |
| 299 | |
| 303 | (k) remove fences within the land during any period during which construction, maintenance, repair or renewal are being carried out (subject to the prior erection of any temporary stock proof fencing as is reasonably required and the replacement of the original fences following the exercise of the rights); |
| 313 | |
| 315 | (l) install, alter, re-lay, maintain, protect, adjust or remove pipes, cables, conduits or apparatus (including the pipes, cables, conduits or apparatus of statutory undertakers); |
| 317 | |
| 319 | (m) works to lop, fell, cut or coppice trees or remove roots of trees or hedges or shrubs; |
| 332 | (n) lay out temporary permissive paths for public use; |
| 334 | (o) remove archaeological artefacts where they would prevent or cause it to be materially more difficult or expensive to construct, lay, install, adjust, alter, use, maintain, repair, replace, renew, upgrade, inspect or remove the cables; |
| 335 | |
| 338 | (p) carry out environmental mitigation and/or enhancement works; and |
| 349 | (q) install, construct, use and remove temporary welfare facilities during any periods of maintenance, repair, replacement, renewal, upgrade and removal of the cables. |
| 387 | |
| | 2. A restrictive covenant over the land for the benefit of the remainder of the Order land to— |

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| (1) Number of land shown on land plans | (2) Purpose for which rights may be acquired |
|--|--|
| 390 432 449 | <p>(a) prevent anything to be done in or upon the Order 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);</p> <p>(b) prevent anything to be done by way of hard surfacing of the Order 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);</p> <p>(c) prevent anything to be done by way of excavation of any kind in the Order 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 within the Order land;</p> <p>(d) prevent the planting or growing within the Order 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).</p> |
| 64–66 190 197 246 372–376 378–379 393 395 | <p>The right to enter onto and remain on the land for the purposes of construction, installation, operation, maintenance and decommissioning of the authorised project and to—</p> <p>(a) enter and remain on the sub-soil of the land to construct, lay, install, adjust, alter, use, maintain, repair, replace, renew upgrade, inspect and remove the cables;</p> <p>(b) retain and use the cables for the purpose of the transmission of telecommunications and electricity;</p> <p>(c) install, alter, re-lay, maintain, protect, adjust or remove pipes, cables, conduits or apparatus (including the pipes, cables, conduits or apparatus of statutory undertakers);</p> <p>(d) uproot and replant trees, shrubs and hedges which may interfere with the cables;</p> <p>(e) pass and repass with or without vehicles, plant, equipment, materials and machinery for the purposes of uprooting and replanting trees, shrubs, and hedges which may interfere with the cables;</p> <p>(f) install, use, inspect, modify, improve, maintain, adjust, repair, replace, extend, test, cleanse and remove temporary or permanent</p> |

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| (1) Number of land shown on land plans | (2) Purpose for which rights may be acquired |
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| | <p>drainage and manage waterflows in existing drains, watercourses and culverts; and</p> <p>(g) maintain cable marker posts to identify the location of the cables.</p> |
| <p>279 283–286 288 291 399–400 402 410–412</p> | <p>1. The right to enter onto and remain on the land for the purposes of construction, installation, operation, maintenance and decommissioning of the authorised project and to—</p> <p>(a) construct, lay and install by way of horizontal directional drilling and/or other form of drilling and/or trenching, adjust, alter, use, maintain, repair, replace, renew, upgrade, inspect and remove the cables;</p> <p>(b) install, use, inspect, modify, improve, maintain, adjust, repair, extend, test, cleanse, and remove temporary or permanent drainage and manage waterflows in existing drains, watercourses and culverts;</p> <p>(c) pass and repass, with or without vehicles, plant, equipment, materials and machinery for the purposes of constructing, laying, installing, adjusting, altering, using, maintaining, repairing, replacing, renewing, upgrading, inspecting and removing the cables;</p> <p>(d) lay down, use, repair, alter and remove hardstanding for the purposes of constructing, laying, installing, adjusting, altering, using, maintaining, repairing, replacing, renewing, upgrading, inspecting and removing the cables;</p> <p>(e) enter and be upon the land and remain with or without plant, vehicles, machinery, apparatus and equipment which is ancillary to the purposes of transmitting electricity and telecommunications along the cables;</p> <p>(f) retain and use the cables for the purpose of the transmission of telecommunications and electricity;</p> <p>(g) place and use plant, machinery and temporary structures within the land for the installation, construction, maintenance, repairing, renewing, upgrading, inspecting, removal and replacing of the cables;</p> <p>(h) install and maintain cable marker posts to identify the location of the cables, manhole covers and kiosks as required for routine integrity testing;</p> <p>(i) store and stockpile materials (including excavated material) within the Order land;</p> <p>(j) remove fences within the land during any period during which construction, maintenance, repair or renewal are being carried out (subject to the prior erection of any temporary stock proof fencing as is reasonably required and the replacement of the original fences following the exercise of the rights);</p> |

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| (1) Number of land shown on land plans | (2) Purpose for which rights may be acquired |
|---|--|
| | <p>(k) install, alter, re-lay, maintain, protect, adjust or remove pipes, cables, conduits or apparatus (including the pipes, cables, conduits or apparatus of statutory undertakers);</p> <p>(l) works to lop, fell, cut or coppice trees or remove roots of trees or hedges or shrubs;</p> <p>(m) lay out temporary permissive paths for public use;</p> <p>(n) remove archaeological artefacts where they would prevent or cause it to be materially more difficult or expensive to construct, lay, install, adjust, alter, use, maintain, repair, replace, renew, upgrade, inspect or remove the cables;</p> <p>(o) carry out environmental mitigation and/or enhancement works; and</p> <p>(p) install, construct, use and remove temporary welfare facilities during any periods of maintenance, repair, replacement, renewal, upgrade and removal of the cables.</p> <p>2. A restrictive covenant over the land for the benefit of the remainder of the Order land to—</p> <p>(a) prevent anything to be done in or upon the Order 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);</p> <p>(b) prevent anything to be done by way of hard surfacing of the Order 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);</p> <p>(c) prevent anything to be done by way of excavation of any kind in the Order 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 within the Order land;</p> <p>(d) prevent the planting or growing within the Order 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).</p> |

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| (1) Number of land shown on land plans | (2) Purpose for which rights may be acquired |
|---|---|
| 272 275 403 408-409 | <p>1. The right to enter onto and remain on the land for the purposes of construction, installation, operation, maintenance and decommissioning of the authorised project and to—</p> <ul style="list-style-type: none"> (a) construct, lay and install by way of horizontal directional drilling and/or other form of drilling and/or trenching, adjust, alter, use, maintain, repair, replace, renew, upgrade, inspect and remove the cables; (b) install, use, inspect, modify, improve, maintain, adjust, repair, extend, test, cleanse, and remove temporary or permanent drainage and manage waterflows in existing drains, watercourses and culverts; (c) pass and repass, with or without vehicles, plant, equipment, materials and machinery for the purposes of constructing, laying, installing, adjusting, altering, using, maintaining, repairing, replacing, renewing, upgrading, inspecting and removing the cables; (d) lay down, use, repair, alter and remove hardstanding for the purposes of constructing, laying, installing, adjusting, altering, using, maintaining, repairing, replacing, renewing, upgrading, inspecting and removing the cables; (e) enter and be upon the land and remain with or without plant, vehicles, machinery, apparatus and equipment which is ancillary to the purposes of transmitting electricity and telecommunications along the cables; (f) retain and use the cables for the purpose of the transmission of telecommunications and electricity; (g) place and use plant, machinery and temporary structures within the land for the installation, construction, maintenance, repairing, renewing, upgrading, inspecting, removal and replacing of the cables; (h) effect access to the highway; (i) install and maintain cable marker posts to identify the location of the cables, manhole covers and kiosks as required for routine integrity testing; (j) store and stockpile materials (including excavated material) within the Order land; (k) remove fences within the land during any period during which construction, maintenance, repair or renewal are being carried out (subject to the prior erection of any temporary stock proof fencing as is reasonably required and the replacement of the original fences following the exercise of the rights); |

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| (1) Number of land shown on land plans | (2) Purpose for which rights may be acquired |
|---|--|
| | <p>(l) install, alter, re-lay, maintain, protect, adjust or remove pipes, cables, conduits or apparatus (including the pipes, cables, conduits or apparatus of statutory undertakers);</p> <p>(m) works to lop, fell, cut or coppice trees or remove roots of trees or hedges or shrubs;</p> <p>(n) lay out temporary permissive paths for public use;</p> <p>(o) remove archaeological artefacts where they would prevent or cause it to be materially more difficult or expensive to construct, lay, install, adjust, alter, use, maintain, repair, replace, renew, upgrade, inspect or remove the cables;</p> <p>(p) carry out environmental mitigation and/or enhancement works; and</p> <p>(q) install, construct, use and remove temporary welfare facilities during any periods of maintenance, repair, replacement, renewal, upgrade and removal of the cables.</p> <p>2. A restrictive covenant over the land for the benefit of the remainder of the Order land to—</p> <p>(a) prevent anything to be done in or upon the Order 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);</p> <p>(b) prevent anything to be done by way of hard surfacing of the Order 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);</p> <p>(c) prevent anything to be done by way of excavation of any kind in the Order 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 within the Order land;</p> <p>(d) prevent the planting or growing within the Order 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).</p> |

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| (1) Number of land shown on land plans | (2) Purpose for which rights may be acquired |
|---|--|
| 278 281–282 287 289–290 | <p>1. The right to enter onto and remain on the land for the purposes of construction, installation, operation, maintenance and decommissioning of the authorised project and to—</p> <ul style="list-style-type: none"> (a) construct, lay and install by way of horizontal directional drilling and/or other form of drilling, adjust, alter, use, maintain, repair, replace, renew, upgrade, inspect and remove the cables; (b) install, use, inspect, modify, improve, maintain, adjust, repair, extend, test, cleanse, and remove temporary or permanent drainage and manage waterflows in existing drains, watercourses and culverts; (c) pass and repass, with or without vehicles, plant, equipment, materials and machinery for the purposes of constructing, laying, installing, adjusting, altering, using, maintaining, repairing, replacing, renewing, upgrading, inspecting and removing the cables; (d) lay down, use, repair, alter and remove hardstanding for the purposes of constructing, laying, installing, adjusting, altering, using, maintaining, repairing, replacing, renewing, upgrading, inspecting and removing the cables; (e) enter and be upon the land and remain with or without plant, vehicles, machinery, apparatus and equipment which is ancillary to the purposes of transmitting electricity and telecommunications along the cables; (f) retain and use the cables for the purpose of the transmission of telecommunications and electricity; (g) place and use plant, machinery and temporary structures within the land for the installation, construction, maintenance, repairing, renewing, upgrading, inspecting, removal and replacing of the cables; (h) install and maintain cable marker posts to identify the location of the cables, manhole covers and kiosks as required for routine integrity testing; (i) store and stockpile materials (including excavated material) within the Order land; (j) remove fences within the land during any period during which construction, maintenance, repair or renewal are being carried out (subject to the prior erection of any temporary stock proof fencing as is reasonably required and the replacement of the original fences following the exercise of the rights); (k) install, alter, re-lay, maintain, protect, adjust or remove pipes, cables, conduits or apparatus (including the pipes, cables, conduits or apparatus of statutory undertakers); |

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| (1) Number of land shown on land plans | (2) Purpose for which rights may be acquired |
|---|---|
| | <p>(l) works to lop, fell, cut or coppice trees or remove roots of trees or hedges or shrubs;</p> <p>(m) lay out temporary permissive paths for public use;</p> <p>(n) remove archaeological artefacts where they would prevent or cause it to be materially more difficult or expensive to construct, lay, install, adjust, alter, use, maintain, repair, replace, renew, upgrade, inspect or remove the cables;</p> <p>(o) carry out environmental mitigation and/or enhancement works; and</p> <p>(p) install, construct, use and remove temporary welfare facilities during any periods of maintenance, repair, replacement, renewal, upgrade and removal of the cables.</p> <p>2. A restrictive covenant over the land for the benefit of the remainder of the Order land to—</p> <p>(a) prevent anything to be done in or upon the Order 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);</p> <p>(b) prevent anything to be done by way of hard surfacing of the Order 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);</p> <p>(c) prevent anything to be done by way of excavation of any kind in the Order 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 within the Order land;</p> <p>(d) prevent the planting or growing within the Order 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).</p> |
| <p>274</p> <p>276–277</p> <p>280</p> | <p>1. The right to enter onto and remain on the land for the purposes of construction, installation, operation, maintenance and decommissioning of the authorised project and to—</p> |

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| (1) Number of land shown on land plans | (2) Purpose for which rights may be acquired |
|---|---|
| | <ul style="list-style-type: none"> (a) construct, lay and install by way of horizontal directional drilling and/or other form of drilling, adjust, alter, use, maintain, repair, replace, renew, upgrade, inspect and remove the cables; (b) install, use, inspect, modify, improve, maintain, adjust, repair, extend, test, cleanse, and remove temporary or permanent drainage and manage waterflows in existing drains, watercourses and culverts; (c) pass and repass, with or without vehicles, plant, equipment, materials and machinery for the purposes of constructing, laying, installing, adjusting, altering, using, maintaining, repairing, replacing, renewing, upgrading, inspecting and removing the cables; (d) lay down, use, repair, alter and remove hardstanding for the purposes of constructing, laying, installing, adjusting, altering, using, maintaining, repairing, replacing, renewing, upgrading, inspecting and removing the cables; (e) enter and be upon the land and remain with or without plant, vehicles, machinery, apparatus and equipment which is ancillary to the purposes of transmitting electricity and telecommunications along the cables; (f) retain and use the cables for the purpose of the transmission of telecommunications and electricity; (g) place and use plant, machinery and temporary structures within the land for the installation, construction, maintenance, repairing, renewing, upgrading, inspecting, removal and replacing of the cables; (h) effect access to the highway; (i) install and maintain cable marker posts to identify the location of the cables, manhole covers and kiosks as required for routine integrity testing; (j) store and stockpile materials (including excavated material) within the Order land; (k) remove fences within the land during any period during which construction, maintenance, repair or renewal are being carried out (subject to the prior erection of any temporary stock proof fencing as is reasonably required and the replacement of the original fences following the exercise of the rights); (l) install, alter, re-lay, maintain, protect, adjust or remove pipes, cables, conduits or apparatus (including the pipes, cables, conduits or apparatus of statutory undertakers); (m) works to lop, fell, cut or coppice trees or remove roots of trees or hedges or shrubs; (n) lay out temporary permissive paths for public use; |

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| (1) Number of land shown on land plans | (2) Purpose for which rights may be acquired |
|---|---|
| | <p>(o) remove archaeological artefacts where they would prevent or cause it to be materially more difficult or expensive to construct, lay, install, adjust, alter, use, maintain, repair, replace, renew, upgrade, inspect or remove the cables;</p> <p>(p) carry out environmental mitigation and/or enhancement works; and</p> <p>(q) install, construct, use and remove temporary welfare facilities during any periods of maintenance, repair, replacement, renewal, upgrade and removal of the cables.</p> <p>2. A restrictive covenant over the land for the benefit of the remainder of the Order land to—</p> <p>(a) prevent anything to be done in or upon the Order 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);</p> <p>(b) prevent anything to be done by way of hard surfacing of the Order 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);</p> <p>(c) prevent anything to be done by way of excavation of any kind in the Order 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 within the Order land;</p> <p>(d) prevent the planting or growing within the Order 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).</p> |

SCHEDULE 7

Article 17

Modification of compensation and compulsory purchase enactments for creation of new rights

Compensation enactments

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land shall 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(23) shall have 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 the words “land is acquired or taken” there shall be substituted the words “a right or restrictive covenant over land is purchased from or imposed on”; and
- (b) for the words “acquired or taken from him” there shall be substituted the words “over which the right is exercisable or the restrictive covenant enforceable”.

(3) In section 58(1) (determination of material detriment where part of house etc. proposed for compulsory acquisition), as it applies to determinations under section 8 of the 1965 Act as substituted by paragraph 5—

- (a) for the word “part” in paragraphs (a) and (b) there shall be substituted the words “a right over or restrictive covenant affecting land consisting”;
- (b) for the word “severance” there shall be substituted the words “right or restrictive covenant over or affecting the whole of the house, building or manufactory or of the house and the park or garden”;
- (c) for the words “part proposed” there shall be substituted the words “right or restrictive covenant proposed”; and
- (d) for the words “part is” there shall be substituted the words “right or restrictive covenant is”.

Application of the 1965 Act

3.—(1) The 1965 Act shall have 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
- (b) the land over which the right is or is to be exercisable.

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

4. For section 7 of the 1965 Act (measure of compensation) there shall be substituted the following section—

(23) 1973 c.26.

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“7. In assessing the compensation to be paid by the acquiring authority under this Act, regard shall 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.”

5. For section 8 of the 1965 Act (provisions as to divided land) there shall be substituted the following section—

“8.—(1) Where in consequence of the service on a person under section 5 of this Act of a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (“the relevant land”)—

- (a) a question of disputed compensation in respect of the purchase of the right or the imposition of the restrictive covenant would apart from this section fall to be determined by the Upper Tribunal (“the tribunal”); and
- (b) before the tribunal has determined that question the tribunal is satisfied that the person has an interest in the whole of the relevant land and is able and willing to sell that land and—
 - (i) where that land consists of a house, building or manufactory, that the right cannot be purchased or the restrictive covenant imposed without material detriment to that land; or
 - (ii) where that land consists of such a park or garden, that the right cannot be purchased or the restrictive covenant imposed without seriously affecting the amenity or convenience of the house to which that land belongs, the East Anglia ONE Offshore Wind Farm Order 2014(24) (“the Order”) shall, in relation to that person, cease to authorise the purchase of the right and be deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice is deemed to have been served in respect of that interest on such date as the tribunal directs.

(2) Any question as to the extent of the land in which the Order is deemed to authorise the purchase of an interest by virtue of subsection (1) shall be determined by the tribunal.

(3) Where in consequence of a determination of the tribunal that it is satisfied as mentioned in subsection (1) the Order is deemed by virtue of that subsection to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of 6 weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the authority to withdraw the notice.”

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) (failure by owners to convey);
- (b) paragraph 10(3) of Schedule 1 (owners under incapacity);
- (c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and
- (d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

(24) S.I. 2014/1599.

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shall be 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) shall be 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 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 12 (penalty for unauthorised entry) and 13 (entry on warrant in the event of obstruction) of the 1965 Act shall be modified correspondingly.

8. Section 20 of the 1965 Act (protection for interests of tenants at will, etc.) shall apply 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 (protection of acquiring authority's possession where by inadvertence an estate, right or interest has not been got in) shall be 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, subject to compliance with that section as respects compensation.

SCHEDULE 8

Article 23

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> |
|-----------------------------|--|---|--|
| County of Suffolk | 2–8 | Construction and carrying out of the authorised project; worksites for construction and the carrying out of the authorised project; access for carrying out the authorised project. | 3B, 4, 5, 7A, 7B, 9, 10a, 11, 14, 15, 18, 19, 21, 23A, 24, 25A, 26, 27, 28A, 29, 30A, 31 |
| District of Suffolk Coastal | 17 | | |
| | 18–20 | | |
| | 22 | | |
| | 24 | | |
| | 26–43 | | |
| | 52–69 | | |
| | 76–93 | | |
| | 96–98 | | |

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| (1) Area | (2) Number of land shown on land plan | (3) Purpose for which temporary possession may be taken | (4) Relevant part of the authorised project |
|---|---|---|--|
| | 103–106 111–116 118–132 134–150 154–161 163–184 187–204 206–213 215–220 222 223 227–230 233–234 238–256 260–267 269–300 302–340 343–345 347 | | |
| County of Suffolk District of Suffolk Coastal | 8 17 57–59 94 95 | Construction compound; access for carrying out the authorised project. | 3B and 4, 7B, 10B, 16, 17, 23B, 23C, 28B, 30B |

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| (1) Area | (2) Number of land shown on land plan | (3) Purpose for which temporary possession may be taken | (4) Relevant part of the authorised project |
|---|---|---|--|
| | 151 152 153 221 224 226 229 231–232 240 301 336 | | |
| County of Suffolk District of Suffolk Coastal | 9–11 13 15 44–51 70–73 99–102 107 108–110 117 117A 117B 133 185–186 | Laying of hardstandings and improvements to tracks; access for carrying out the authorised project. | 3C, 6, 8, 12, 13, 20, 21A, 22A, 22B, 24A, 25B, 25C |

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| (1) Area | (2) Number of land shown on land plan | (3) Purpose for which temporary possession may be taken | (4) Relevant part of the authorised project |
|--|--|---|--|
| | 201–204 205–205A 210 212 214 235–237 247 257–259 268 | | |
| County of Suffolk District of Mid Suffolk | 346–360 362–379 382–387 389 390 392–397 399 400 402–418 422–435 438 440 442 444–445A 449 | Construction and carrying out of the authorised project; worksites for construction and the carrying out of the authorised project; access for carrying out the authorised project. | 32, 33A, 34A, 35A, 36, 37A, 37D, 38 |

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| (1) Area | (2) Number of land shown on land plan | (3) Purpose for which temporary possession may be taken | (4) Relevant part of the authorised project |
|--|---|--|--|
| | 464–471 | | |
| County of Suffolk District of Mid Suffolk | 369 385 391 398 401 405 407 409 410 441 447–448 | Laying of hardstandings and improvements to tracks; access for carrying out the authorised project. | 33 B, 33C, 35B, 35C, 35D, 39A, 41 |
| County of Suffolk District of Mid Suffolk | 384 386 388 436–437 439 443 446 | Construction compound; access for carrying out the authorised project. | 34B, 37B, 37C, 37E |

SCHEDULE 9

Article 25

Protective provisions

PART 1

Protection for electricity, gas, water and sewerage undertakers

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

2. In this part of this Schedule—

“affected undertakers” means—

- (a) any licence holder within the meaning of Part 1 of the Electricity Act 1989⁽²⁵⁾;
- (b) a gas transporter within the meaning of Part 1 of the Gas Act 1986⁽²⁶⁾;
- (c) a water undertakers within the meaning of the Water Industry Act 1991⁽²⁷⁾; and
- (d) a sewerage undertakers within the meaning of Part 1 of the Water Industry Act 1991, for the area of the authorised development, and in relation to any apparatus, means the undertakers to whom it belongs or by whom it is maintained;

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

“apparatus” means—

- (a) in the case of an electricity undertakers, electric lines or electrical plant (as defined in the Electricity Act 1989), belonging to or maintained by that affected undertakers;
- (b) in the case of a gas undertakers, 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 undertakers, mains, pipes or other apparatus belonging to or maintained by that affected undertakers for the purposes of water supply; and
- (d) in the case of a sewerage undertakers—
 - (i) any drain or works vested in the affected undertakers 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 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.

(25) 1989 c.29. Section 64(1) was amended by section 108 and paragraphs 24, 38(1), (3) of Part II of Schedule 6 of the Utilities Act 2000.

(26) 1986 c.44. A new section 7 was substituted by section 5 of the Gas Act 1995 (c.45), and was further amended by section 76 of the Utilities Act 2000 (c.27).

(27) 1991 c.56.

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

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

5.—(1) If, in the exercise of the powers conferred by this Order, the undertakers acquires any interest in any land in which any apparatus is placed, that apparatus shall not be removed under this part of this Schedule and any right of an affected undertakers to maintain that apparatus in that land shall not be extinguished until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the affected undertakers 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 undertakers requires the removal of any apparatus placed in that land, it shall give to the affected undertakers 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 undertakers reasonably needs to remove any of its apparatus) the undertakers shall, subject to sub-paragraph (3), afford to the affected undertakers the necessary facilities and rights for the construction of alternative apparatus in other land of the undertakers 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 undertakers, or the undertakers 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 undertakers in question shall, on receipt of a written notice to that effect from the undertakers, 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 undertakers under this part of this Schedule shall be constructed in such manner and in such line or situation as may be agreed between the affected undertakers in question and the undertakers or in default of agreement settled by arbitration in accordance with article 33 (arbitration).

(5) The affected undertakers in question shall, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 33 (arbitration), and after the grant to the affected undertakers 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 undertakers to be removed under the provisions of this part of this Schedule.

(6) Regardless of anything in sub-paragraph (5), if the undertakers gives notice in writing to the affected undertakers 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 undertakers, that work, instead of being executed by the affected undertakers, shall be executed by the undertakers without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the affected undertakers.

(7) Nothing in sub-paragraph (6) shall authorise the undertakers 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.

6.—(1) Where, in accordance with the provisions of this part of this Schedule, the undertakers affords to an affected undertakers facilities and rights for the construction and maintenance in land of the undertakers of alternative apparatus in substitution for apparatus to be removed, those

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facilities and rights shall be granted upon such terms and conditions as may be agreed between the undertakers and the affected undertakers in question or in default of agreement settled by arbitration in accordance with article 33 (arbitration).

(2) If the facilities and rights to be afforded by the undertakers 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 undertakers 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 shall make such provision for the payment of compensation by the undertakers to that affected undertakers as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

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 undertakers under paragraph 5(2), the undertakers shall submit to the affected undertakers in question a plan, section and description of the works to be executed.

(2) Those works shall 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 undertakers for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the affected undertakers shall be entitled to watch and inspect the execution of those works.

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

(5) Nothing in this paragraph shall preclude the undertakers 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 shall apply to and in respect of the new plan, section and description.

(6) The undertakers shall not be required to comply with sub-paragraph (1) in a case of emergency but in that case it shall give to the affected undertakers 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 shall 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 undertakers shall repay to an affected undertakers the reasonable expenses incurred by that affected undertakers 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 shall 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—

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- (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 undertakers or, in default of agreement, is not determined by arbitration in accordance with article 33 (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 undertakers in question by virtue of sub-paragraph (1) shall 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 shall 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 shall 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 undertakers in respect of works by virtue of sub-paragraph (1) shall, 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 undertakers 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.

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 undertakers, or there is any interruption in any service provided, or in the supply of any goods, by any affected undertakers, the undertakers shall—

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

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

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

(3) An affected undertakers shall give the undertakers reasonable notice of any such claim or demand and no settlement or compromise shall be made without the consent of the undertakers 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 shall affect the provisions of any enactment or agreement regulating the relations between the undertakers and an affected undertakers in respect of any apparatus laid or erected in land belonging to the undertakers on the date on which this Order is made.

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PART 2

Protection for operators of electronic communications code networks

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

(2) In this part of this Schedule—

“conduit system” has the same meaning as in the electronic communications code and references to providing a conduit system shall be construed in accordance with paragraph 1(3A) of that code;

“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⁽²⁸⁾;

“electronic communications code network” means—

- (a) so much of an electronic communications network or conduit 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 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; and

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

2. The exercise of the powers of article 25 (statutory undertakers) are subject to paragraph 23 of Schedule 2 to the Telecommunications Act 1984⁽²⁹⁾.

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 undertakers shall bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply and shall—
 - (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) shall impose any liability on the undertakers 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 shall give the undertakers reasonable notice of any such claim or demand and no settlement or compromise of the claim or demand shall be made without the consent of the undertakers 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.

⁽²⁸⁾ See section 106.

⁽²⁹⁾ 1984 c.12.

(4) Any difference arising between the undertakers and the operator under this paragraph shall be referred to and settled by arbitration under article 33 (arbitration).

4. This part of this Schedule does not apply to—

- (a) any apparatus in respect of which the relations between the undertakers and an operator are regulated by the provisions of Part 3 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 shall affect the provisions of any enactment or agreement regulating the relations between the undertakers and an operator in respect of any apparatus laid or erected in land belonging to the undertakers on the date on which this Order is made.

PART 3

Protection of Network Rail Infrastructure Limited

1. The following provisions of this Schedule have effect unless otherwise agreed in writing between the undertakers and Network Rail and, in the case of paragraph 15, any other person on whom rights or obligations are conferred by that paragraph.

2. In this part of this Schedule—

“construction” includes execution, placing, alteration and reconstruction and “construct” and “constructed” have corresponding meanings;

“the engineer” means an engineer appointed by Network Rail for the purposes of this Order;

“network licence” means the network licence, as amended from time to time, granted to Network Rail by the Secretary of State in exercise of powers under section 8 of the Railways Act 1993⁽³⁰⁾;

“Network Rail” means Network Rail Infrastructure Limited (Company registration number 02904587) whose registered office is at Kings Place, 90 York Way, London, N1 9AG and any associated company of Network Rail which holds property for railway purposes, and for the purpose of this definition “associated company” means any company which is (within the meaning of section 1159 of the Companies Act 2006⁽³¹⁾) the holding company of Network Rail Infrastructure Limited, a subsidiary of Network Rail Infrastructure Limited or another subsidiary of the holding company of Network Rail Infrastructure Limited;

“plans” includes sections, designs, design data, software, drawings, specifications, soil reports, calculations, descriptions (including descriptions of methods of construction), staging proposals, programmes and details of the extent, timing and duration of any proposed occupation of railway property;

“railway operational procedures” means procedures specified under any access agreement (as defined in the Railways Act 1993) or station lease;

“railway property” means any railway belonging to Network Rail and—

- (a) any station, land, works, apparatus and equipment belonging to Network Rail or connected with any such railway; and
- (b) any easement or other property interest held or used by Network Rail for the purposes of such railway or works, apparatus or equipment; and

⁽³⁰⁾ 1993 c.43.

⁽³¹⁾ 2006 c.46.

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“specified work” means so much of any of the authorised development as is situated upon, across, under, over or within 15 metres of, or may in any way adversely affect, railway property.

3.—(1) Where under this part of this Schedule Network Rail is required to give its consent, agreement or approval in respect of any matter, that consent, agreement or approval is subject to the condition that Network Rail complies with any relevant railway operational procedures and any obligations under its network licence or under statute.

(2) In so far as any specified work or the acquisition or use of railway property is or may be subject to railway operational procedures, Network Rail must—

- (a) co-operate with the undertakers with a view to avoiding undue delay and securing conformity as between any plans approved by the engineer and requirements emanating from those procedures; and
- (b) use its reasonable endeavours to avoid any conflict arising between the application of those procedures and the proper implementation of the authorised development under this Order.

4.—(1) The undertakers must not exercise the powers conferred by article 14 (authority to survey and investigate the land) or the powers conferred by section 11(3) of the 1965 Act (powers of entry) in respect of any railway property unless the exercise of such powers is with the consent of Network Rail.

(2) The undertakers must not in the exercise of the powers conferred by this Order prevent pedestrian or vehicular access to any railway property, unless preventing such access is with the consent of Network Rail.

(3) The undertakers shall not exercise the powers conferred by sections 271 or 272 of the 1990 Act (extinguishment of rights of statutory undertakers and electronic code communications operators: preliminary notices), or article 25 (statutory undertakers), in relation to any right of access of Network Rail to railway property, but such right of access may be diverted with the consent of Network Rail.

(4) The undertakers must not under the powers conferred by this Order acquire or use or acquire new rights over, or seek to impose any restrictive covenants over, any railway property, or extinguish any existing rights of Network Rail in respect of any third party property except with the consent of Network Rail.

(5) Where Network Rail is asked to give its consent or agreement pursuant to this paragraph, such consent or agreement must not be unreasonably withheld but may be given subject to reasonable conditions.

5.—(1) The undertakers must before commencing construction of any specified work supply to Network Rail proper and sufficient plans of that work for the reasonable approval of the engineer and the specified work shall not be commenced except in accordance with such plans as have been approved in writing by the engineer or settled by arbitration under article 33 (arbitration).

(2) The approval of the engineer under sub-paragraph (1) shall not be unreasonably withheld, and if by the end of the period of 28 days beginning with the date on which such plans have been supplied to Network Rail the engineer has not intimated disapproval of those plans and the grounds of disapproval the undertakers may serve upon the engineer written notice requiring the engineer to intimate approval or disapproval within a further period of 28 days beginning with the date upon which the engineer receives written notice from the undertakers. If by the expiry of the further 28 days the engineer has not intimated approval or disapproval, the engineer is deemed to have approved the plans as submitted.

(3) If by the end of the period of 28 days beginning with the date on which written notice was served upon the engineer under sub-paragraph (2), Network Rail gives notice to the undertakers that Network Rail desires itself to construct any part of a specified work which in the opinion of

the engineer will or may affect the stability of railway property or the safe operation of traffic on the railways of Network Rail then, if the undertakers desires such part of the specified work to be constructed, Network Rail must construct it with all reasonable dispatch on behalf of and to the reasonable satisfaction of the undertakers in accordance with the plans approved or deemed to be approved or settled under this paragraph, and under the supervision (where appropriate and if given) of the undertakers.

(4) When signifying approval of the plans the engineer may specify any protective works (whether temporary or permanent) which in the engineer's opinion should be carried out before the commencement of the construction of a specified work to ensure the safety or stability of railway property or the continuation of safe and efficient operation of the railways of Network Rail or the services of operators using the same (including any relocation de-commissioning and removal of works, apparatus and equipment necessitated by a specified work and the comfort and safety of passengers who may be affected by the specified works), and such protective works as may be reasonably necessary for those purposes are to be constructed by Network Rail or by the undertakers, if Network Rail so desires, and such protective works shall be carried out at the expense of the undertakers in either case with all reasonable dispatch and the undertakers shall not commence the construction of the specified works until the engineer has notified the undertakers that the protective works have been completed to the engineer's reasonable satisfaction.

6.—(1) Any specified work and any protective works to be constructed by virtue of paragraph 5(4) shall, when commenced, be constructed—

- (a) with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled under paragraph 5;
- (b) under the supervision (where appropriate and if given) and to the reasonable satisfaction of the engineer;
- (c) in such manner as to cause as little damage as is possible to railway property; and
- (d) so far as is reasonably practicable, so as not to interfere with or obstruct the free, uninterrupted and safe use of any railway of Network Rail or the traffic thereon and the use by passengers of railway property.

(2) If any damage to railway property or any such interference or obstruction is caused by the carrying out of, or in consequence of the construction of, a specified work, the undertakers must, regardless of any approval described in paragraph 6(1)(a), make good such damage and shall pay to Network Rail all reasonable expenses to which Network Rail may be put and compensation for any loss which it may sustain by reason of any such damage, interference or obstruction.

(3) Nothing in this Schedule imposes any liability on the undertakers with respect to any damage, costs, expenses or loss attributable to the negligence of Network Rail or its servants, contractors or agents or any liability on Network Rail with respect of any damage, costs, expenses or loss attributable to the negligence of the undertakers or its servants, contractors or agents.

7. The undertakers must—

- (a) at all times afford reasonable facilities to the engineer for access to a specified work during its construction; and
- (b) supply the engineer with all such information as the engineer may reasonably require with regard to a specified work or the method of constructing it.

8. Network Rail must at all times afford reasonable facilities to the undertakers and its agents for access to any works carried out by Network Rail under this part of this Schedule during their construction and must supply the undertakers with such information as it may reasonably require with regard to such works or the method of constructing them.

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9.—(1) If any permanent or temporary alterations or additions to railway property, or to any protective works under paragraph 5(4), are reasonably necessary in consequence of the construction of a specified work, or during a period of 24 months after the completion of that work in order to ensure the safety of railway property or the continued safe operation of the railway of Network Rail or the services of operators using the same, such alterations and additions may be carried out by Network Rail and if Network Rail gives to the undertakers reasonable notice of its intention to carry out such alterations or additions (which must be specified in the notice), the undertakers must pay to Network Rail the reasonable cost of those alterations or additions including, in respect of any such alterations and additions as are to be permanent, a capitalised sum representing the increase of the costs which may be expected to be reasonably incurred by Network Rail in maintaining, working and, when necessary, renewing any such alterations or additions.

(2) If during the construction of a specified work by the undertakers, Network Rail gives notice to the undertakers that Network Rail desires itself to construct that part of the specified work which in the opinion of the engineer is endangering the stability of railway property or the safe operation of traffic on the railways of Network Rail then, if the undertakers decides that part of the specified work is to be constructed, Network Rail must assume construction of that part of the specified work and the undertakers must, notwithstanding any such approval of a specified work under paragraph 5(3), pay to Network Rail all reasonable expenses to which Network Rail may be put and compensation for any loss which it may suffer by reason of the execution by Network Rail of that specified work.

(3) The engineer must, in respect of the capitalised sums referred to in this paragraph and paragraph 10(a) provide such details of the formula by which those sums have been calculated as the undertakers may reasonably require.

(4) If the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions a capitalised sum representing such saving must be set off against any sum payable by the undertakers to Network Rail under this paragraph.

10. The undertakers must repay to Network Rail all reasonable fees, costs, charges and expenses reasonably incurred by Network Rail—

- (a) in constructing any part of a specified work on behalf of the undertakers as provided by paragraph 5(3) or in constructing any protective works under the provisions of paragraph 5(4) including, in respect of any permanent protective works, a capitalised sum representing the cost of maintaining and renewing those works;
- (b) in respect of the approval by the engineer of plans submitted by the undertakers and the supervision by the engineer of the construction of a specified work;
- (c) in respect of the employment or procurement of the services of any inspectors, signalmen, watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting, signalling, watching and lighting railway property and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of a specified work;
- (d) in respect of any special traffic working resulting from any speed restrictions which may in the opinion of the engineer, require to be imposed by reason or in consequence of the construction or failure of a specified work or from the substitution or diversion of services which may be reasonably necessary for the same reason; and
- (e) in respect of any additional temporary lighting of railway property in the vicinity of the specified works, being lighting made reasonably necessary by reason or in consequence of the construction or failure of a specified work.

11.—(1) In this paragraph—

“EMI” means, subject to sub-paragraph (2), electromagnetic interference with Network Rail’s apparatus generated by the operation of the authorised development where such interference is of a level which adversely affects the safe operation of Network Rail’s apparatus; and

“Network Rail’s apparatus” means any lines, circuits, wires, apparatus or equipment (whether or not modified or installed as part of the authorised development) which are owned or used by Network Rail for the purpose of transmitting or receiving electrical energy or of radio, telegraphic, telephonic, electric, electronic or other like means of signalling or other communications.

(2) This paragraph applies to EMI only to the extent that such EMI is not attributable to any change to Network Rail’s apparatus carried out after approval of plans under paragraph 5(1) for the relevant part of the authorised development giving rise to EMI (unless the undertakers has been given notice in writing before the approval of those plans of the intention to make such change).

(3) Subject to sub-paragraph (5), the undertakers must in the design and construction of the authorised development take all measures necessary to prevent EMI and must establish with Network Rail (both parties acting reasonably) appropriate arrangements to verify their effectiveness.

(4) In order to facilitate the undertakers’s compliance with sub-paragraph (3)—

(a) the undertakers must consult with Network Rail as early as reasonably practicable to identify all Network Rail’s apparatus which may be at risk of EMI, and thereafter must continue to consult with Network Rail (both before and after formal submission of plans under paragraph 5(1)) in order to identify all potential causes of EMI and the measures required to eliminate them;

(b) Network Rail must make available to the undertakers all information in the possession of Network Rail reasonably requested by the undertakers in respect of Network Rail’s apparatus identified pursuant to paragraph (a); and

(c) Network Rail must allow the undertakers reasonable facilities for the inspection of Network Rail’s apparatus identified pursuant to paragraph (a).

(5) In any case where it is established that EMI can only reasonably be prevented by modifications to Network Rail’s apparatus, Network Rail must not withhold its consent unreasonably to modifications of Network Rail’s apparatus, but the means of prevention and the method of their execution must be selected in the reasonable discretion of Network Rail, and in relation to such modifications paragraph 5(1) shall have effect subject to this sub-paragraph.

(6) If at any time prior to the commencement of commercial operation of the authorised development and regardless of any measures adopted under to sub-paragraph (3), the testing or commissioning of the authorised development causes EMI then the undertakers shall immediately upon receipt of notification by Network Rail of such EMI either in writing or communicated orally (such oral communication to be confirmed in writing as soon as reasonably practicable after it has been issued) forthwith cease to use (or procure the cessation of use of) the undertakers’s apparatus causing such EMI until all measures necessary have been taken to remedy such EMI by way of modification to the source of such EMI or (in the circumstances, and subject to the consent, specified in sub-paragraph (5)) to Network Rail’s apparatus.

(7) In the event of EMI having occurred—

(a) the undertakers must afford reasonable facilities to Network Rail for access to the undertakers’s apparatus in the investigation of such EMI;

(b) Network Rail must afford reasonable facilities to the undertakers for access to Network Rail’s apparatus in the investigation of such EMI; and

(c) Network Rail must make available to the undertakers any additional material information in its possession reasonably requested by the undertakers in respect of Network Rail’s apparatus or such EMI.

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(8) Where Network Rail approves modifications to Network Rail's apparatus pursuant to sub-paragraphs (5) or (6)—

- (a) Network Rail must allow the undertakers reasonable facilities for the inspection of the relevant part of Network Rail's apparatus;
- (b) any modifications to Network Rail's apparatus approved pursuant to those sub-paragraphs must be carried out and completed by the undertakers in accordance with paragraph 6.

(9) To the extent that it would not otherwise do so, the indemnity in paragraph 15(1) applies to the costs and expenses reasonably incurred or losses suffered by Network Rail through the implementation of the provisions of this paragraph (including costs incurred in connection with the consideration of proposals, approval of plans, supervision and inspection of works and facilitating access to Network Rail's apparatus) or in consequence of any EMI to which sub-paragraph (6) applies.

(10) For the purpose of paragraph 10(a) any modifications to Network Rail's apparatus under this paragraph is deemed to be protective works referred to in that paragraph.

(11) In relation to any dispute arising under this paragraph the reference in article 33 (arbitration) to an arbitrator to be agreed shall be read as a reference to an arbitrator being a member of the Institution of Electrical Engineers.

12. If at any time after the completion of a specified work, not being a work vested in Network Rail, Network Rail gives notice to the undertakers informing it that the state of maintenance of any part of the specified work appears to be such as adversely affects the operation of railway property, the undertakers must, on receipt of such notice, take such steps as may be reasonably necessary to put that specified work in such state of maintenance as not adversely to affect railway property.

13. The undertakers must not provide any illumination or illuminated sign or signal on or in connection with a specified work in the vicinity of any railway belonging to Network Rail unless it has first consulted Network Rail and it must comply with Network Rail's reasonable requirements for preventing confusion between such illumination or illuminated sign or signal and any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway.

14. Any additional expenses which Network Rail may reasonably incur in altering, reconstructing or maintaining railway property under any powers existing at the making of this Order by reason of the existence of a specified work, provided that 56 days' previous notice of the commencement of such alteration, reconstruction or maintenance has been given to the undertakers, are to be repaid by the undertakers to Network Rail.

15.—(1) The undertakers must pay to Network Rail all reasonable costs, charges, damages and expenses not otherwise provided for in this Schedule which may be occasioned to or reasonably incurred by Network Rail—

- (a) by reason of the construction or maintenance of a specified work or the failure thereof; or
- (b) by reason of any act or omission of the undertakers or of any person in its employ or of its contractors or others whilst engaged upon a specified work,

and the undertakers must indemnify and keep indemnified Network Rail from and against all claims and demands arising out of or in connection with a specified work or any such failure, act or omission: and the fact that any act or thing may have been done by Network Rail on behalf of the undertakers or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under his supervision will not (if it was done without negligence on the part of Network Rail or of any person in its employ or of its contractors or agents) excuse the undertakers from any liability under the provisions of this sub-paragraph.

(2) Network Rail must give the undertakers reasonable notice of any such claim or demand and no settlement or compromise of such a claim or demand is to be made without the prior consent of the undertakers, such consent not to be unreasonably withheld.

(3) The sums payable by the undertakers under sub-paragraph (1) will include a sum equivalent to the relevant costs.

(4) Subject to the terms of any agreement between Network Rail and a train operator regarding the timing or method of payment of the relevant costs in respect of that train operator, Network Rail must promptly pay to each train operator the amount of any sums which Network Rail receives under sub-paragraph (3) which relates to the relevant costs of that train operator.

(5) The obligation under sub-paragraph (3) to pay Network Rail the relevant costs will, in the event of default, be enforceable directly by any train operator concerned to the extent that such sums would be payable to that operator pursuant to sub-paragraph (4).

(6) In this paragraph—

“the relevant costs” means the costs, direct losses and expenses (including loss of revenue) reasonably incurred by each train operator as a consequence of any restriction of the use of Network Rail’s railway network as a result of the construction, maintenance or failure of a specified work or any such act or omission as mentioned in sub-paragraph (1); and

“train operator” means any person who is authorised to act as the operator of a train by a licence under section 8 of the Railways Act 1993.

16. Network Rail must, on receipt of a request from the undertakers, from time to time provide the undertakers free of charge with written estimates of the costs, charges, expenses and other liabilities for which the undertakers is or will become liable under this Schedule (including the amount of the relevant costs mentioned in paragraph 15) and with such information as may reasonably enable the undertakers to assess the reasonableness of any such estimate or claim made or to be made pursuant to this Schedule (including any claim relating to those relevant costs).

17. In the assessment of any sums payable to Network Rail under this Schedule there must not be taken into account any increase in the sums claimed that is attributable to any action taken by or any agreement entered into by Network Rail if that action or agreement was not reasonably necessary and was taken or entered into with a view to obtaining the payment of those sums by the undertakers under this Schedule or increasing the sums so payable.

18. The undertakers and Network Rail may, subject in the case of Network Rail to compliance with the terms of its network licence, enter into, and carry into effect, agreements for the transfer to the undertakers of—

- (a) any railway property shown on the works and land plans and described in the book of reference;
- (b) any lands, works or other property held in connection with any such railway property; and
- (c) any rights and obligations (whether or not statutory) of Network Rail relating to any railway property or any lands, works or other property referred to in this paragraph.

19. Nothing in this Order, or in any enactment incorporated with or applied by this Order, shall prejudice or affect the operation of Part I of the Railways Act 1993.

20. The undertakers must give written notice to Network Rail where any application is proposed to be made by the undertakers for the Secretary of State’s consent under article 5 (benefit of the Order) of this Order and any such notice must be given no later than 28 days before any such application is made and must describe or give (as appropriate)—

- (a) the nature of the application to be made;
- (b) the extent of the geographical area to which the application relates; and

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(c) the name and address of the person acting for the Secretary of State to whom the application is to be made.

21. The undertakers must no later than 28 days from the date that the plans submitted to and certified by the Secretary of State in accordance with article 32 (certification of plans etc.), provide a set of those plans to Network Rail in the form of a computer disc with read only memory.

PART 4

For the protection of Anglian Water Services Limited

1. For the protection of Anglian Water, the following provisions of this Schedule shall, unless otherwise agreed in writing between the undertakers and Anglian Water, have effect.

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;

“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;

“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. The undertakers shall 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—

2.25 metres where the diameter of the pipe is less than 150 millimetres

3 metres where the diameter of the pipe is between 150 and 450 millimetres

4.5 metres where the diameter of the pipe is between 450 and 750 millimetres

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 undertakers.

4. The alteration, extension, removal or re-location of any Apparatus shall not be implemented until—

- (a) any requirement for any permits under the Environmental Permitting (England and Wales) Regulations 2010 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 undertakers 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.

5. In the situation, where in exercise of the powers conferred by the Order, the undertakers 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 shall 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 shall use reasonable endeavours to establish contingency arrangements in a timely manner.

6. Regardless of any provision in this Order or anything shown on any plan, the undertakers 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 undertakers shall, 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 33 (arbitration).

7. If in consequence of the exercise of the powers conferred by the Order the access to any Apparatus is materially obstructed the undertakers shall provide such alternative means of access to such Apparatus as will enable Anglian Water to maintain or use the apparatus no less effectively than was possible before such obstruction.

8. 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 undertakers, notification of the location of such assets will immediately be given to Anglian Water and afforded the same protection as other Anglian Water assets.

9. If for any reason or in consequence of the construction of any of the works referred to in paragraphs 4 to 6 and 8 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 undertakers shall—

- (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.

10. Nothing in paragraph 9 shall impose any liability on the undertakers 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.

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11. Any difference or dispute arising between the undertakers and Anglian Water under this Schedule shall, unless otherwise agreed in writing between the undertakers and Anglian Water, be determined by arbitration in accordance with article 33 (arbitration).

PART 5

For the protection of National Grid Gas plc and National Grid Electricity Transmission plc

Application

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

Interpretation

2. In this Part of this Schedule—

“1991 Act” means the New Roads and Street Works Act 1991;

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

“apparatus” means—

- (a) in the case of an electricity undertakers, electric lines or electrical plant as defined in the Electricity Act 1989, belonging to or maintained by that undertakers;
- (b) in the case of a gas undertakers, any mains, pipes or other apparatus belonging to or maintained by a gas transporter for the purposes of gas supply;

“commence” has the same meaning as article 2 of this 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” shall include the ability and right to do any of the following in relation to any apparatus or alternative apparatus of the statutory undertakers 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 works to be executed;

“statutory undertakers” means—

- (a) any licence holder within the meaning of Part 1 of the Electricity Act 1989; and
- (b) a gas transporter within the meaning of Part 1 of the Gas Act 1986;
- (c) for the area of the authorised development, and in relation to any apparatus, means the statutory undertakers to whom it belongs or by whom it is maintained;

“undertakers” means the undertakers as defined in article 2 of this Order.

Apparatus of undertakers in stopped up streets

3. Notwithstanding the temporary stopping up or diversion of any highway under the powers of article 10 (temporary stopping up of streets), a statutory undertakers shall 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 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 undertakers authorised by this Order.

Acquisition of land

4. 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 undertakers shall not acquire any interest in land or any apparatus or override any easement or other interest of the statutory undertakers otherwise than by agreement, such agreement not to be unreasonably withheld or delayed.

Removal of apparatus

5.—(1) If, in the exercise of the agreement reached in accordance with paragraph 4 or in any other authorised manner, the undertakers acquires any interest in any land in which any apparatus is placed, that apparatus shall not be removed under this part of this Schedule and any right of a statutory undertakers to maintain that apparatus in that land shall not be extinguished until alternative apparatus has been constructed, and is in operation to the reasonable satisfaction of the statutory undertakers in question in accordance with sub-paragraphs (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 undertakers requires the removal of any apparatus placed in that land, it shall give to the statutory undertakers in question 56 days' 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 a statutory undertakers reasonably needs to remove any of its apparatus) the undertakers shall, subject to sub-paragraph (3), afford to the statutory undertakers to their reasonable satisfaction (taking into account paragraph 6(1)) the necessary facilities and rights for—

- (a) the construction of alternative apparatus in other land of the undertakers; 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 undertakers, or the undertakers 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 undertakers in question shall, on receipt of a written notice to that effect from the undertakers, 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 shall not extend to the requirement for the statutory undertakers 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 undertakers under this part of this Schedule shall be constructed in such manner and in such line or situation as may be agreed between the statutory undertakers in question and the undertakers.

(5) The statutory undertakers in question shall, after the alternative apparatus to be provided or constructed has been agreed, and subject to the grant to the statutory undertakers 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

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any apparatus required by the undertakers to be removed under the provisions of this part of this Schedule.

Facilities and rights for alternative apparatus

6.—(1) Where, in accordance with the provisions of this part of this Schedule, the undertakers affords to a statutory undertakers facilities and rights for the construction and maintenance in land of the undertakers of alternative apparatus in substitution for apparatus to be removed, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the undertakers and the statutory undertakers in question and shall be no less favourable on the whole to the statutory undertakers in question than the facilities and rights enjoyed by it in respect of the apparatus to be removed unless agreed by the statutory undertakers.

(2) If the facilities and rights to be afforded by the undertakers and agreed with the statutory undertakers under paragraph 7(1) 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 undertakers 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 shall make such provision for the payment of compensation by the undertakers to that statutory undertakers as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus: protection: gas undertakers

7.—(1) Not less than 56 days before commencing the execution of any works authorised by this Order that are near to, or will or may affect, any apparatus the removal of which has not been required by the undertakers under paragraph 5(2) or otherwise, the undertakers shall submit to the statutory undertakers in question a plan.

(2) In relation to works which will or may be situated on, over, under or within 15 metres measured in any direction of any apparatus, or (wherever situated) impose any load directly upon any apparatus or involve embankment works within 15 metres of any apparatus, the plan to be submitted to the statutory undertakers under sub-paragraph (1) shall 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, positioning of plant etc.;
- (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 undertakers shall not commence the construction or renewal of any works to which sub-paragraph (1) or (2) applies until the statutory undertakers has given written approval of the plan so submitted.

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

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

(5) In relation to a work to which sub-paragraph (1) or (2) applies, the statutory undertakers 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. For the avoidance of doubt, provided that any further iterations of the plan submitted to the statutory undertakers for approval as a result of modifications required under this paragraph are not materially different to the modifications previously made by the statutory undertakers, any further required modifications will be made by the statutory undertakers as soon as reasonably practicable thereafter and in any event within 21 days of receipt of any further plans.

(6) Works executed under this Order shall 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 undertakers and the statutory undertakers and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (5) or (7) by the statutory undertakers for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the statutory undertakers shall be entitled to watch and inspect the execution of those works.

(7) Where statutory undertakers require any protective works to be carried out either themselves or by the undertakers (whether of a temporary or permanent nature) such protective works shall be carried out to the statutory undertakers' satisfaction prior to the carrying out of any works authorised by the Order (or any relevant part thereof) and the statutory undertakers shall give 56 days' notice of such works from the date of submission of a plan in line with sub-paragraph (1) or (2) (except in an emergency).

(8) If a statutory undertakers in accordance with sub-paragraph (5) or (7) and in consequence of the works proposed by the undertakers, reasonably requires the removal of any apparatus and gives written notice to the undertakers of that requirement, paragraphs 1 to 3 and 6 to 8 shall apply as if the removal of the apparatus had been required by the undertakers under paragraph 5(2).

(9) Nothing in this paragraph shall preclude the undertakers 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, 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.

(10) The undertakers shall 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 shall give to the statutory undertakers in question notice as soon as is reasonably practicable and a plan of those works and shall—

- (a) comply with sub-paragraphs (5), (6) and (7) insofar as is reasonably practicable in the circumstances; and
- (b) comply with sub-paragraph (11) at all times.

(11) At all times when carrying out any works authorised under the Order comply with National Grid's policies for safe working in proximity to gas apparatus "Specification for safe working in the vicinity of National Grid, High pressure Gas pipelines and associated installation requirements for third parties T/SP/SSW27" and HSE's "HS(~G)47 Avoiding Danger from underground services".

Retained apparatus: protection: electricity undertakers

8.—(1) Not less than 56 days before commencing the execution of any works authorised by this Order that are near to, or will or may affect, any apparatus the removal of which has not been required by the undertakers under paragraph 5(2) or otherwise, the undertakers shall submit to the statutory undertakers in question a plan.

(2) In relation to works which will or may be situated on, over, under or within 8.1 metres measured in any direction of any apparatus, or involve embankment works within 8.1 metres of any apparatus, the plan to be submitted to the statutory undertakers under sub-paragraph (1) shall be detailed including a material statement and describing—

- (a) the exact position of the works;

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- (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; and
- (e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus.

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

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

- (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraph (5) or (7);
- (b) shall not be unreasonably withheld.

(5) In relation to a work to which sub-paragraph (1) or (2) applies, the statutory undertakers 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. For the avoidance of doubt, provided that any further iterations of the plan submitted to the statutory undertakers for approval as a result of modifications required under this paragraph are not materially different to the modifications previously made by the statutory undertakers, any further required modifications will be made by the statutory undertakers as soon as reasonably practicable thereafter and in any event within 21 days of receipt of any further plans.

(6) Works executed under this Order shall 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 undertakers and the statutory undertakers and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (5) or (7) by the statutory undertakers for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the statutory undertakers shall be entitled to watch and inspect the execution of those works.

(7) Where statutory undertakers require any protective works to be carried out either themselves or by the undertakers (whether of a temporary or permanent nature) such protective works shall be carried out to the statutory undertakers' satisfaction prior to the carrying out of any works authorised by the Order (or any relevant part thereof) and the statutory undertakers shall give 56 days' notice of such works from the date of submission of a plan in line with sub-paragraph (1) or (2) (except in an emergency).

(8) If a statutory undertakers in accordance with sub-paragraph (5) or (7) and in consequence of the works proposed by the undertakers, reasonably requires the removal of any apparatus and gives written notice to the undertakers of that requirement, paragraphs 1 to 3 and 6 to 8 shall apply as if the removal of the apparatus had been required by the undertakers under paragraph 5(2).

(9) Nothing in this paragraph shall preclude the undertakers 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, 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.

(10) The undertakers shall 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 shall give to the statutory undertakers in question notice as soon as is reasonably practicable and a plan of those works and shall—

(a) comply with sub-paragraphs (5), (6) and (7) insofar as is reasonably practicable in the circumstances; and

(b) comply with sub-paragraph (11) at all times.

(11) At all times when carrying out any works authorised under the Order comply with National Grid'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 undertakers shall repay to a statutory undertakers on demand all charges, costs and expenses reasonably and properly incurred by that statutory undertakers 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 in this Schedule 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 undertakers elects to use powers of compulsory acquisition to acquire any necessary rights under 5(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 in this Schedule.

(2) There shall be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions 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 undertakers or in default of agreement settled by arbitration in accordance with article 34 (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 undertakers in question by virtue of sub-paragraph (1) shall 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 shall be borne by the undertakers.

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

- (a) an extension of apparatus to a length greater than the length of existing apparatus shall 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 shall 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 a statutory undertakers in respect of works by virtue of sub-paragraph (1) shall, 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 undertakers 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

10.—(1) Subject to sub-paragraphs (2), (3) and (4), if by reason or in consequence of the construction of any such works authorised by this Schedule or in consequence of the construction, use, maintenance or failure of any of the authorised development by or on behalf of the undertakers or in consequence of any act or default of the undertakers (or any person employed or authorised by him) in the course of carrying out such works, including without limitation works carried out by the undertakers under 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 those works) or property of a statutory undertakers, or there is any interruption in any service provided, or in the supply of any goods, by any statutory undertakers, or the statutory undertakers becomes liable to pay any amount to any third party, the undertakers shall—

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

(2) The fact that any act or thing may have been done by a statutory undertakers on behalf of the undertakers or in accordance with a plan approved by a statutory undertakers or in accordance with any requirement of a statutory undertakers or under its supervision shall not (subject to sub-paragraph (3), excuse the undertakers from liability under the provisions of this sub-paragraph (1)).

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

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

Ground subsidence monitoring scheme in respect of statutory undertakers's apparatus

11.—(1) No works within 15 metres of any apparatus or alternative apparatus shall commence until a scheme for monitoring ground subsidence (“referred to in this paragraph as the monitoring scheme”) which is capable of interfering with or risking damage to statutory undertakers's apparatus has been submitted to and approved by the relevant statutory undertakers, such approval not to be unreasonably withheld or delayed.

- (2) The ground subsidence monitoring scheme described in sub-paragraph (1) shall set out—
- (a) the apparatus which is to be subject to such monitoring;
 - (b) the extent of land to be monitored;
 - (c) the manner in which ground levels are to be monitored;
 - (d) the timescales of any monitoring activities; and
 - (e) the extent of ground subsidence which, if exceeded, shall require the undertakers to submit for statutory undertakers's approval a ground subsidence mitigation scheme in respect of such subsidence in accordance with sub-paragraph (3).

(3) The monitoring scheme required by sub-paragraphs (1) and (2) must be submitted within 56 days prior to the commencement of any works authorised by this Order or comprised within the authorised development. Any requirements of the statutory undertakers will be notified within 28 days of receipt of the monitoring scheme. Thereafter the monitoring scheme must be implemented as approved, unless otherwise agreed in writing with the statutory undertakers.

(4) As soon as reasonably practicable after any ground subsidence identified by the monitoring activities set out in the monitoring scheme has exceeded the level described in sub-paragraph (2)(e), a scheme setting out necessary mitigation measures (if any) for such ground subsidence (referred to in this paragraph as a "mitigation scheme") shall be submitted to the statutory undertakers for approval, such approval not to be unreasonably withheld or delayed; and any mitigation scheme must be implemented as approved, unless otherwise agreed in writing with the statutory undertakers except that the statutory undertakers retains the right to carry out any further necessary protective works for the safeguarding of their apparatus and can recover any such costs in line with paragraph 10.

Enactments and agreements

12. Nothing in this part of this Schedule shall affect the provisions of any enactment or agreement regulating the relations between the undertakers and a statutory undertakers in respect of any apparatus laid or erected in land belonging to the undertakers on the date on which this Order is made.

Co-operation

13. Where in consequence of the proposed construction of any of the authorised development, the undertakers or a statutory undertakers requires the removal of apparatus under paragraph 5(2) or a statutory undertakers makes requirements for the protection or alteration of apparatus under paragraph 7 or 8 the undertakers shall 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 undertakers's undertaking and each statutory undertakers shall use its best endeavours to co-operate with the undertakers for that purpose.

Access

14. If in consequence of the agreement reached in accordance with paragraph 4 or the powers granted under this Order the access to any apparatus is materially obstructed, the undertakers shall provide such alternative means of access to such apparatus as will enable the statutory undertakers to maintain or use the apparatus no less effectively than was possible before such obstruction.

Arbitration

15. Save for differences or disputes arising under paragraphs 5(2) and (4), 6(1), 7 and 8 any difference or dispute arising between the undertakers and a statutory undertakers under this Schedule

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shall, unless otherwise agreed in writing between the undertakers and that statutory undertakers, be determined by arbitration in accordance with article 34 (arbitration).

SCHEDULE 10

Article 29

Deemed licence under the Marine and Coastal Access Act 2009 – generation assets

PART 1

Licensed marine activities

1.—(1) In this licence—

“the 2008 Act” means the Planning Act 2008⁽³²⁾;

“the 2009 Act” means the Marine and Coastal Access Act 2009⁽³³⁾;

“Annex 1 Habitat” means such habitat as defined under the EU Council [Directive 92/43/EEC](#)⁽³⁴⁾ on the Conservation of Natural Habitats and of Wild Fauna and Flora;

“authorised deposits” means the substances and articles specified in paragraph 2(4) of Part 1 of this Schedule;

“authorised scheme” means Work No. 1 described in paragraph 2 of Part 1 of this Schedule;

“Cefas” means the Centre for Environment, Fisheries and Aquaculture Science;

“commence” means the first carrying out of any part of the licensed activities save for pre-construction surveys and monitoring and “commencement” shall be construed accordingly;

“condition” means a condition in Part 2 and references in this licence to numbered conditions are to conditions with those numbers in Part 2;

“draft written scheme of investigation: archaeology and cultural heritage (offshore)” means the document certified as the draft written scheme of investigation: archaeology and cultural heritage (offshore) by the Secretary of State for the purposes of this Order;

“enforcement officer” means a person authorised to carry out enforcement duties under Chapter 3 of the Marine and Coastal Access Act 2009;

“environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of this Order and submitted with the application;

“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;

“HVAC offshore collector station” 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 and/or emergency shelter, craneage, metering stations, meteorological equipment, helicopter landing facilities, messing facilities, potable water storage, black water separation equipment, control hub,

⁽³²⁾ 1990 c.8.

⁽³³⁾ 2009 c.23.

⁽³⁴⁾ OJ No L 206, 22.7.93, p7.

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;

“jacket foundation” means a steel jacket/lattice-type structure constructed of steel which is fixed to the seabed at two 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, and “discrete jacket foundation types” shall include pre-piled or post-piled jackets, three-legged or four legged jackets, or straight or battered leg jackets;

“JNCC” means the Joint Nature Conservation Committee;

“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;

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

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

“major storm event” means a greater than 1 in 10 year wave event within the Order limits seaward of MHWS in terms of a wave height measured from the West Gabbard Waverider buoy (WESTGAB) or any other definition as agreed with the MMO;

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

“MCA” means the Maritime and Coastguard Agency;

“mean high water springs level” 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;

“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;

“notice to mariners” includes any notice to mariners which may be issued by the Admiralty, Trinity House, Queen’s harbourmasters, government departments and harbour and pilotage authorities;

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

“offshore substation” means a HVAC collector station;

“the Order” means the East Anglia ONE Offshore Wind Farm Order 2014;

“Order limits boundary coordinates plan” means the document certified as the Order limits boundary coordinates plan by the Secretary of State for the purposes of this Order;

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

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

“suction buckets” means large diameter steel cylindrical shells which penetrate the seabed assisted by hydrostatic pressure differential for fixity of 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;

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

“undertakers” means East Anglia ONE Limited;

“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;

“wind turbine generator” or “WTG” 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;

“Work No. 2” means up to two HVDC offshore converter stations;

“Work No. 3A” means up to four HVDC export cables from Work No. 2 to MHWS; and

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

(2) A reference to any statute, order, regulation or similar instrument shall be 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 shall be taken to be Greenwich Mean Time (GMT);

(b) all co-ordinates shall be 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 shall be—

(a) Marine Management Organisation

Offshore Marine Licensing

Lancaster House

Hampshire Court

Newcastle upon Tyne

NE4 7YH

Tel: 0300 123 1032

(b) Marine Management Organisation (local office)

Marine Environment Team

Pakefield Road

- Lowestoft
Suffolk
NR33 0HT
- (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 2/04, Spring Place
105 Commercial Road
Southampton
SO15 1EG
Tel: 023 8032 9191
- (f) Centre for Environment, Fisheries and Aquaculture Science
Pakefield Road
Lowestoft
Suffolk
NR33 0HT
Tel: 01502 562 244
- (g) Natural England
Foundry House
3 Millsands
Riverside Exchange
Sheffield
S3 8NH
Tel: 0300 060 4911
- (h) English Heritage
Eastgate Court
195-205 High Street
Guildford
GU1 3EH

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Tel: 01483 252 057

(i) JNCC

Inverdee House

Baxter Street

Aberdeen

AB11 9QA

Tel: 01224 266 550.

Details of licensed marine activities

2.—(1) Subject to the licence conditions, this licence authorises the undertakers (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 sub-paragraph (4);
- (b) the construction of works in or over the sea and/or on or under the sea bed; and
- (c) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation.

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

Work No. 1—

- (a) an offshore wind turbine generating station with a gross electrical output capacity of up to 1,200 MW comprising up to 240 wind turbine generators each fixed to the seabed by one of three foundation types (namely, jacket foundation, gravity base foundation or suction caisson foundation), fitted with rotating blades and situated within the area shown on the works plan and further comprising paragraphs (b) to (d);
- (b) up to three HVAC offshore collector stations fixed to the seabed within the area shown on the works plan by one of two foundation types (namely jacket foundation or gravity base foundation);
- (c) up to one meteorological mast fixed to the seabed within the area shown on the works plan by one of four foundation types (namely jacket foundation, gravity base foundation, suction caisson foundation or monopile foundation);
- (d) a network of subsea cables within the area shown on the works plan between the WTGs and the HVAC offshore collector stations, up to two interconnection cables between the HVAC offshore collector stations, up to ten export cables between the HVAC offshore collector stations and Work No. 2, and up to one interconnection cable between the HVDC offshore converter stations comprising Work No. 2 for the transmission of electricity and electronic communications between these different structures including one or more cable crossings.

(3) And in connection with such Work No. 1, 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;
- (b) buoys, beacons, fenders and other navigational warning or ship impact protection works;
- (c) temporary works for the benefit or protection of land or structures affected by the authorised scheme; and

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- (d) the disposal of up to 5,603,500 metres³ of inert material of natural origin within the offshore Order limits produced during construction drilling and seabed preparation for foundation works and cable sandwave preparation works at disposal site reference TH23 East Anglia ONE.
- (4) The substances or articles authorised for deposit at sea are—
- (a) iron/steel;
 - (b) stone and rock;
 - (c) concrete;
 - (d) sand and gravel;
 - (e) plastic/synthetic;
 - (f) material extracted from within the offshore Order limits during construction drilling and seabed preparation for foundation works and cable sandwave preparation works; and
 - (g) marine coatings, other chemicals and timber.
3. The grid coordinates for the authorised scheme are specified below and more particularly shown on the Order limits boundary coordinates plan—

Coordinates for the Order limits seaward of MHWS

| <i>Point</i> | <i>Latitude (DMS)</i> | <i>Longitude (DMS)</i> |
|--------------|-----------------------|------------------------|
| A | 52° 17' 50.395" | 2° 21' 1.372" |
| B | 52° 19' 10.175" | 2° 27' 36.407" |
| C | 52° 23' 22.654" | 2° 31' 40.044" |
| D | 52° 21' 53.636" | 2° 34' 13.872" |
| E | 52° 18' 15.833" | 2° 34' 13.645" |
| F | 52° 7' 14.982" | 2° 32' 58.021" |
| G | 52° 4' 46.512" | 2° 31' 2.669" |
| H | 52° 4' 45.732" | 2° 28' 1.913" |

4. This licence shall remain 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.

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

6. Where the words ‘unless otherwise agreed’ or ‘unless otherwise stated’ appear in the conditions in Part 2, any such agreement or statement may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of MMO that the subject matter of the approval or agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

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PART 2

Conditions

Design parameters for wind turbines

- 1.—(1) No wind turbine generator forming part of the authorised scheme shall—
- (a) exceed a height of 200 metres when measured from LAT to the tip of the vertical blade;
 - (b) exceed a height of 120 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 170 metres;
 - (d) be less than 675 metres from the nearest WTG in either direction perpendicular to the approximate prevailing wind direction (crosswind) or be less than 900 metres from the nearest WTG in either direction which is in line with the approximate prevailing wind direction (downwind);
 - (e) have a distance of less than 22 metres between the lowest point of the rotating blade of the wind turbine and MHWS;
 - (f) except with the consent of the Secretary of State, have an electrical output of less than 5 MW.

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

2. No meteorological mast, wind turbine generator or HVAC offshore collector station forming part of the authorised scheme shall be erected within the areas hatched black on the works plan, whose coordinates are specified below and more particularly shown on the Order limits boundary coordinates plan—

Coordinates for restricted build area

| <i>Point</i> | <i>Latitude (DMS)</i> | <i>Longitude (DMS)</i> |
|--------------|-----------------------|------------------------|
| i | 52° 17' 29.501" | 2° 21' 18.183" |
| ii | 52° 19' 32.953" | 2° 29' 16.557" |
| iii | 52° 19' 47.657" | 2° 34' 8.460" |
| iv | 52° 20' 36.356" | 2° 34' 8.509" |
| v | 52° 20' 18.296" | 2° 28' 48.188" |
| vi | 52° 23' 17.520" | 2° 31' 41.224" |
| vii | 52° 21' 52.244" | 2° 34' 8.586" |
| viii | 52° 18' 15.948" | 2° 34' 8.368" |
| ix | 52° 7' 15.824" | 2° 32' 52.848" |
| x | 52° 4' 49.734" | 2° 30' 59.349" |
| xi | 52° 4' 48.985" | 2° 28' 5.706" |

3.—(1) The total number of HVAC offshore collector stations forming part of the authorised scheme must not exceed three.

(2) The dimensions of any HVAC offshore collector stations forming part of the authorised scheme (excluding towers, helipads, masts and cranes) must not exceed 60 metres in height when measured from LAT, 30 metres in length and 40 metres in width.

4.—(1) The total length of the cables comprising Work No. 1(d) must not exceed 680 kilometres.

(2) The total amount of cable protection for the cables comprising Work No. 1(d) must not exceed 3,000 metres³.

5.—(1) In relation to a WTG, each gravity base foundation must not have—

- (a) diameter at the level of the seabed which is more than 50 metres;
- (b) a base height, where there is a flat base and a cylindrical shaft, which is more than 10 metres above the level of the seabed;
- (c) a column diameter, where there is a flat or conical base, of more than 7.5 metres at LAT.

(2) In relation to a WTG, each suction caisson foundation must not have—

- (a) a diameter at the level of the seabed which is more than 25 metres;
- (b) a base height where there is a flat base, which is more than 5 metres above the level of the seabed;
- (c) a column diameter which is more than 7.5 metres at LAT.

(3) In relation to a WTG, each jacket foundation must not have—

- (a) a width spacing between its legs at the level of the seabed which is more than 35 metres;
- (b) a pile diameter which is more than 2.5 metres in the case of pin piles or a suction bucket diameter of more than 5 metres;
- (c) more than one pile per leg or more than one suction bucket per leg;
- (d) more than four legs.

(4) In relation to a meteorological mast, each monopile foundation must not have a diameter greater than 6.5 metres.

(5) The total number of WTGs with gravity base foundations must not exceed 240.

(6) The total amount of scour protection for the WTGs and HVDC offshore converter stations forming part of the authorised scheme must not exceed 3.5 kilometres².

Notifications and inspections

6.—(1) The undertakers 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 at paragraph (a) must provide a completed form to the MMO confirming their understanding of the terms of conditions of this licence.

(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 undertakers's registered address;

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- (b) any site office located at or adjacent to the construction site and used by the undertakers or its agents and contractors responsible for the loading, transportation or deposit of the authorised deposits; and
 - (c) on board each vessel and at the office of any transport manager with responsibility for vessels from which authorised deposits or removals are to be made.
- (4) The document referred to in sub-paragraph (1)(a) must be available for inspection by an authorised enforcement officer at all times at the locations set out in sub-paragraph (3).
- (5) The undertakers 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 undertakers must inform the local MMO office in writing at least ten working days prior to the commencement of the licensed activities or any part of them and within ten working days of completion of any works comprised in the licensed activities.
- (7) Prior to the commencement of the licensed activities the undertakers must publish in the Kingfisher Fortnightly Bulletin details of the vessel routes (if appropriate), timings and locations relating to the construction of the authorised scheme.
- (8) The undertakers must ensure that a notice to mariners is issued at least 10 working days prior to the commencement of the licensed activities or any part of them advising of the start date of Work No. 1 and the expected vessel routes from the local construction ports to the relevant location.
- (9) The undertakers must ensure that the notices to mariners are updated and reissued at regular intervals, and at least fortnightly, and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme approved under condition 11(a). Copies of all notices must be provided to the MMO.
- (10) The undertakers must notify—
- (a) the Hydrographic Office of both the commencement (within two weeks), progress and completion (within two weeks) of the authorised scheme in order that all necessary amendments to nautical charts are made; and
 - (b) the MMO, MCA and Trinity House once the authorised scheme is completed and any required lighting or marking has been established.

Offshore safety management

7.—(1) The authorised scheme shall not commence until the Secretary of State, in consultation with the MCA, has confirmed in writing that the undertakers has taken into account and adequately addressed all MCA recommendations contained within MGN 371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” and its annexes including full details of the Emergency Co-operation Plans (ERCoP) for the construction, operation and decommissioning as appropriate to the authorised scheme.

(2) The undertakers will prepare and implement a project-specific Active Safety Management System, taking account of safety and mitigation measures as referred to in the navigation risk assessment in the environmental statement.

Aids to navigation

8.—(1) The undertakers must at or near the authorised scheme during the whole period of the construction, operation, alteration, replacement or decommissioning of the authorised scheme 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 undertakers must ensure that timely and efficient notices to mariners and other navigational warnings of the position and nature of the authorised scheme seaward of MHWS, are issued during and after the period of construction, alteration, replacement or decommissioning of the authorised scheme, such information to be promulgated to mariners in the shipping and fishing industry as well as to recreational mariners, in accordance with condition 6(8) and (9).

(3) The undertakers must notify Trinity House as soon as reasonably practicable of both the progress and completion of the authorised scheme seaward of MHWS and any aids for navigation established from time to time.

(4) The undertakers must provide reports on the availability of aids to navigation periodically as requested by Trinity House.

(5) The undertakers must colour all structures yellow 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.

(6) Subject to sub-paragraph (6), unless the Secretary of State otherwise directs, the undertakers must ensure that the wind turbine generators must be painted submarine grey (colour code RAL 7035).

(7) In case of injury to, or destruction or decay of, the authorised scheme or any part thereof the undertakers must as soon as reasonably practicable notify Trinity House and must lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House may from time to time direct.

Chemicals, drilling and debris

9.—(1) Unless otherwise agreed in writing by the MMO all chemicals used in the construction of the authorised scheme must be selected from the List of Notified Chemicals approved for use by the offshore oil and gas industry under the Offshore Chemicals Regulations 2002⁽³⁵⁾.

(2) All protective coatings and paints must be suitable for use in the marine environment and, where necessary, approved by the Health and Safety Executive. The use of such coatings must accord with best environmental practice.

(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) Where foundation drilling works are proposed, in the event that any system other than water-based mud is proposed the MMO's written approval in relation to the proposed disposal of any arisings must be obtained before the drilling commences, which may also require a marine licence.

(5) The undertakers 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.

(6) The undertakers must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO, Marine Pollution Response Team.

(7) The undertakers must ensure that any waste and/or debris arising from the construction of the authorised scheme or from equipment or temporary works placed below MHWS are removed on completion of the authorised scheme.

(8) At least 10 days prior to the commencement of the licensed activities the undertakers must submit and obtain the MMO's approval of an audit sheet covering all aspects of the construction of the authorised scheme. The audit sheet must include details of—

- (a) loading facilities;

(35) [S.I. 2002/1355](#) as amended by [S.I. 2011/982](#).

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- (b) vessels;
- (c) equipment;
- (d) shipment routes;
- (e) working schedules; and
- (f) all components and materials to be used in the construction of the authorised scheme.

(9) The audit sheet must be maintained throughout the construction of the authorised scheme and any changes notified immediately in writing to the MMO.

(10) In the event that the MMO becomes aware that any of the materials on the audit sheet cannot be accounted for it shall require the undertakers to carry out a side scan sonar survey to plot all obstructions across the relevant area(s) within the offshore Order limits where construction works and related activities have been carried out. In the event that the missing material is not located, the survey area may be extended at the discretion of the MMO. Local fishermen shall be invited to send a representative to be present during the survey. Any new obstructions that the MMO believes to be associated with the authorised scheme must be removed at the undertakers's expense.

(11) The undertakers must inform the MMO of the location and quantities of inert material disposed of each month under this licence, by submission of a disposal return by 31 January each year for the months August to January inclusive, and by 31 July each year for the months February to July inclusive.

(12) The undertakers must ensure that only inert material of natural origin, produced during construction drilling and seabed preparation for foundation works and cable sandwave preparation works shall be disposed of within the offshore Order limits (disposal site reference TH23 East Anglia ONE).

(13) The undertakers 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.

(14) In the event that any rock material used in the construction of the authorised scheme is misplaced or lost below MHWS, the undertakers must report the loss to the District Marine Office within 48 hours and the undertakers must locate the material and recover it unless otherwise agreed with the MMO.

Force majeure

10. 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 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.

Pre-construction plans and documentation

11. The licensed activities or any part of those activities shall 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 agreed in writing with the MMO in consultation with Trinity House and the MCA which shows—
 - (i) the proposed location and choice of foundation of all wind turbine generators, offshore substations and the 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 length and width of all offshore substations;
 - (v) the height of all lattice towers forming part of the meteorological mast;
 - (vi) the length and arrangement of all cables comprising Work No. 1(d);
 - (vii) the dimensions of all gravity base foundations;
 - (viii) the dimensions of all jacket foundations;
 - (ix) the dimensions of all suction caisson foundations;
 - (x) in relation to the meteorological mast, the dimensions of each monopile foundation;
 - (xi) the proposed layout of all wind turbine generators, offshore substations and meteorological masts including any exclusion zones under condition 2 and/or identified under sub-paragraph (h)(iv);
 - (xii) a plan showing the indicative layout of all wind turbine generators, offshore substations and meteorological masts including all exclusion zones (insofar as not shown in paragraph (xi)) and showing the indicative programming of particular works as set out in the indicative programme to be provided under sub-paragraph (b)(iv); and
 - (xiii) any exclusion zones/micrositing requirements identified in any mitigation scheme pursuant to sub-paragraph (i);
- to ensure conformity with the description of Work No. 1 and compliance with conditions 1 to 5;
- (b) a construction and monitoring programme to include details of—
 - (i) the proposed construction start date;
 - (ii) proposed timings for mobilisation of plant, delivery of materials and installation works;
 - (iii) proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction monitoring and related reporting in accordance with sub-paragraph (h) and conditions 17, 18 and 19; and
 - (iv) an indicative written construction programme for all wind turbine generators, offshore substations, meteorological masts and cables comprised in the works at paragraph 2(2) of Part 1 (licensed marine activities) (insofar as not shown in paragraph (ii));with details pursuant to paragraph (iii) to be submitted to the MMO at least six months prior to the first survey unless otherwise agreed in writing with the MMO;
 - (c) a construction method statement in accordance with the construction methods assessed in the environmental statement and including details of—
 - (i) drilling methods and disposal of drill arisings and material extracted during seabed preparation for foundation works and cable sandwave preparation works;
 - (ii) soft start procedures with specified duration periods;
 - (iii) WTG, meteorological mast and offshore substation location and installation, including scour protection;
 - (iv) cable installation, including cable protection;
 - (v) contractors;
 - (vi) vessels and vessels transit corridors; and
 - (vii) associated and ancillary works;
 - (d) a project environmental management and monitoring plan to include details of—

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- (i) a marine pollution contingency plan to address the risks, methods and procedures to deal with any spills and collision incidents during construction and operation of the authorised scheme in relation to all activities carried out;
 - (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 and an environmental liaison officer; and
 - (v) a fisheries liaison and coexistence plan to ensure relevant fishing fleets are notified of commencement of licensed activities pursuant to condition 6 and to address the interaction of the licensed activities with fishing activities;
- (e) a scour protection management and cable armouring plan providing details of the need, type, sources, quantity and installation methods for scour protection;
- (f) only when driven or part-driven pile foundations are proposed to be used as part of the foundation installation, a marine mammal mitigation protocol in line with JNCC guidelines for minimising acoustic disturbance to marine mammals;
- (g) a cable specification and installation plan, to include—
- (i) technical specification of offshore cables below MHWS, including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with industry good practice;
 - (ii) a detailed cable laying plan for the Order limits, incorporating a burial risk assessment to ascertain suitable burial depths and cable laying techniques, including cable protection and including contingency plans if burial is not achieved through preferred techniques; and
 - (iii) appropriate methods such as trawl or drift net to be deployed along the offshore subsea cables within the authorised scheme as agreed in writing by the MMO, following the survey referred to in condition 19(2)(d) to assess any seabed obstructions resulting from burial of cables as part of the authorised scheme;
- (h) a written scheme of archaeological investigation in relation to the offshore Order limits seaward of mean low water in accordance with the draft written scheme of investigation: archaeology and cultural heritage (offshore), industry good practice and in consultation with English Heritage (and, if relevant, Suffolk Coastal District Council) to include—
- (i) details of responsibilities of the undertakers, archaeological consultant and contractor;
 - (ii) a methodology for any further site investigation including any specifications for geophysical, geotechnical and diver or remotely operated vehicle investigations;
 - (iii) archaeological analysis and reporting of survey data, and timetable, 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 during and post construction, including a conservation programme for finds;
 - (vi) archiving of archaeological material; and

- (vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme;
- (i) a mitigation scheme for any Annex 1 features identified by the survey referred to in condition 17(2)(b);
- (j) an offshore operations and maintenance and monitoring plan, in accordance with the outline offshore operations and maintenance and monitoring plan, to be submitted to the MMO at least four months prior to commencement of operation of the licensed activities and to provide for review and resubmission every three years during the operational phase;
- (k) a coexistence statement demonstrating how the scheme design and construction methods, including cable specification, installation and armouring, reasonably avoids or mitigates effects on other marine users, including fisheries.

12.—(1) Any archaeological reports produced in accordance with condition 11(h)(iii) are to be agreed with English Heritage (and, if relevant, Suffolk Coastal District Council).

(2) The undertakers must ensure that a copy of any agreed archaeological report is deposited with the National Monuments Record, by submitting an English Heritage OASIS form with a digital copy of the report. If the report relates to the foreshore, the undertakers must notify Suffolk County Council that the OASIS report has been submitted to the National Monuments Record.

13.—(1) Each programme, statement, plan, protocol or scheme required to be approved under condition 11 must be submitted for approval at least four months prior to the intended start of construction, except where otherwise stated or unless otherwise agreed in writing by the MMO.

(2) No licensed activities shall commence until the MMO has approved in writing each programme, statement, plan, protocol or scheme required to be approved under condition 11 and the licensed activities must be carried out in accordance with the approved plans, protocols, statements, schemes and details approved under condition 11, unless otherwise agreed in writing by the MMO.

Foundation restrictions

14. No gravity base foundations may be installed in any area of the seabed with mobile sand waves of 5 metres or more, as identified by the swath-bathymetry survey carried out under condition 17(2)(c), unless otherwise agreed in writing by the MMO.

Reporting of engaged agents, contractors and vessels

15.—(1) The undertakers must provide the following information to the MMO as soon as is reasonably practicable prior to the agent, contractor or vessel engaging in the licensed activities—

- (a) the name and function of any agent or contractor appointed to engage in the licensed activities; 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.

Equipment and operation of vessels engaged in licensed activities

16.—(1) All vessels employed to perform the licensed activities must be constructed and equipped to be capable of the proper performance of such activities in accordance with the conditions

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of this licence and (save in the case of remotely operated vehicles or vessels) must comply with sub-paragraphs (2) to (7).

(2) All motor powered vessels must be fitted with—

- (a) electronic positioning aid to provide navigational data;
- (b) radar;
- (c) echo sounder; and
- (d) multi-channel VHF.

(3) No radio beacon or radar beacon operating on the marine frequency bands must be installed or used without the prior written approval of the Secretary of State.

(4) All vessels' names or identification must be clearly marked on the hull or superstructure.

(5) All vessels must exhibit signals in accordance with the requirements of the International Regulations for the Prevention of Collisions at Sea.

(6) All communication on VHF working frequencies must be in English.

(7) No vessel shall engage in the licensed activities until all the equipment specified in sub-paragraph (2) is fully operational.

Pre-construction monitoring and surveys

17.—(1) The undertakers must, in discharging condition 11(b), submit details for written approval by the MMO in consultation with Natural England and JNCC of proposed pre-construction surveys, including methodologies 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) appropriate surveys to determine the location, extent and composition of any benthic habitats of conservation, ecological or economic importance;
- (b) appropriate surveys to determine the location and extent of any benthic communities/ benthos constituting Annex 1 Habitat in whole or in part inside the area(s) within the Order limits in which it is proposed to carry out construction works;
- (c) high resolution swath-bathymetry survey(s), to include a 100% coverage and side scan sonar, of the area(s) within the Order limits in which it is proposed to carry out construction works;
- (d) appropriate surveys of existing ornithological activity inside the area(s) within the Order limits in which it is proposed to carry out construction works, and any wider area(s) where appropriate, which is required to test predictions in the environmental statement concerning key ornithological interests of relevance to the authorised scheme;
- (e) low intensity information gathering of elasmobranch populations within the Order limits in which it is proposed to carry out construction and any wider areas where appropriate, to

test predictions made in the environmental statement concerning impacts to elasmobranchs from electromagnetic fields;

- (f) appropriate surveys of existing marine mammal activity inside the area(s) within the Order limits in which it is proposed to carry out construction works and any wider area(s) where appropriate which is required to test predictions in the environmental statement concerning key marine mammal interests of relevance to the authorised scheme.

(3) The undertakers 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 Natural England and JNCC.

Construction monitoring

18.—(1) The undertakers must, in discharging condition 11(b), submit details for approval by the MMO in consultation with Natural England and JNCC 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 jacket foundations of each discrete jacket foundation type to be installed.

(2) The undertakers 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 Natural England and JNCC.

(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 jacket foundations of each discrete jacket foundation type. The assessment of this report by the MMO shall determine whether any further noise monitoring is required.

(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 MCA.

Post construction

19.—(1) The undertakers must, in discharging condition 11(b), submit details of approval by the MMO in consultation with Natural England and JNCC 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 of any benthic communities/benthos constituting Annex 1 Habitat in whole or in part inside the area(s) within the Order limits in which construction works were carried out;
- (b) if existing data is not available, appropriate surveys to validate predictions made in the environmental statement in relation to habitat creation and the ability of structures to act as vectors for non-native species;
- (c) appropriate ornithological surveys covering the area(s) within the Order limits in which construction works were carried out, and any wider area(s) where appropriate, as required to test predictions in the environmental statement concerning key ornithological interests of relevance to the authorised scheme;

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- (d) one high resolution swath bathymetric survey across the area(s) within the Order limits in which construction works were carried out to assess any changes in bedform topography and such further monitoring as may be agreed to ensure scour equilibrium has been reached and that the cables have been buried;
 - (e) side scan sonar and bathymetry survey(s) within the Order limits in which construction works were carried out after the first occurrence of a major storm event;
 - (f) appropriate marine mammal surveys covering the area(s) within the Order limits in which construction works were carried out and any wider area(s) where appropriate, as required to test predictions in the environmental statement concerning key marine mammal interests of relevance to the authorised scheme;
 - (g) low intensity information gathering (in conjunction with reports of fisheries catch data) within the Order limits in which construction works were carried out, to test predictions made in the environmental statement concerning impacts to elasmobranchs from electromagnetic fields;
 - (h) 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 MCA.
- (3) The undertakers 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 Natural England and JNCC.

SCHEDULE 11

Article 29

Deemed licence under the Marine and Coastal Access Act 2009 – transmission assets

PART 1

Licensed marine activities

1.—(1) In this licence—

“the 2008 Act” means the Planning Act 2008;

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

“Annex 1 Habitat” means such habitat as defined under the EU Council [Directive 92/43/EEC](#) on the Conservation of Natural Habitats and of Wild Fauna and Flora;

“authorised deposits” means the substances and articles specified in paragraph 2(3);

“authorised scheme” means Works No. 2 and 3A described in paragraph 2 of this licence;

“CAA” means the Civil Aviation Authority constituted by the Civil Aviation Act 1982;

“Cefas” means the Centre for Environment, Fisheries and Aquaculture Science;

“commence” means the first carrying out of any part of the licensed activities save for pre-construction surveys and monitoring;

“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;

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“draft written scheme of investigation: archaeology and cultural heritage (offshore)” means the document certified as the draft written scheme of investigation: archaeology and cultural heritage (offshore) by the Secretary of State for the purposes of this Order;

“enforcement officer” means a person authorised to carry out enforcement duties under Chapter 3 of the Marine and Coastal Access Act 2009;

“environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of this Order and submitted with the application;

“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 platform(s) and equipment;

“HVDC offshore converter station” means a platform with one or more decks, whether open or fully clad, accommodating electrical power transformers, AC equipment including phase reactors and AC filters, AC/DC converter with switching devices, DC equipment including DC capacitors and DC filters and associated equipment, switch gear, cooling systems, instrumentation, protection and control systems, standby electrical generation equipment, fuelling facilities, auxiliary and uninterruptible power supply systems and transformers, accommodation and/or emergency shelter, craneage, 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 communication and the conversion and transmission of electricity;

“jacket foundation” means a steel jacket/lattice-type structure constructed of steel which is fixed to the seabed at two 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, and “discrete jacket foundation types” shall include pre-piled or post-piled jackets, three-legged or four legged jackets, or straight or battered leg jackets;

“JNCC” means the Joint Nature Conservation Committee;

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

“LAT” means lowest astronomical tide;

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

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

“major storm event” means a greater than 1 in 10 year wave event within the Order limits seaward of MHWS in terms of a wave height measured from the West Gabbard Waverider buoy (WESTGAB) or any other definition as agreed with the MMO;

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

“MCA” means the Maritime and Coastguard Agency;

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

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“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;

“notice to mariners” includes any notice to mariners which may be issued by the Admiralty, Trinity House, Queen’s harbourmasters, government departments and harbour and pilotage authorities;

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

“offshore substation” means a HVDC converter station;

“the Order” means the East Anglia ONE Offshore Wind Farm Order 2014;

“Order limits boundary coordinates plan” means the document certified as the Order limits boundary coordinates plan by the Secretary of State for the purposes of this Order;

“outline Bawdsey bed level monitoring and remediation strategy” means the document certified as the outline Bawdsey bed level monitoring and remediation strategy by the Secretary of State for the purposes of this Order;

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

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

“suction buckets” means large diameter steel cylindrical shells which penetrate the seabed assisted by hydrostatic pressure differential for fixity of steel jacket foundations;

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

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

“undertakers” means East Anglia ONE Limited, which is the named undertakers, or any other person who has the benefit of this Order in accordance with section 156 of the 2008 Act for such time as that section applies to that person;

“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;

“wind turbine generator” or “WTG” 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;

“Work No. 1” means the offshore generating stations comprising wind turbine generators, HVAC collector stations, meteorological masts and interconnecting subsea cables;

“Work No. 3B” means up to four cables and up to eight additional cable ducts laid underground from mean low water at Bawdsey Cliffs to the cable landfall; and

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

(2) A reference to any statute, order, regulation or similar instrument shall be 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 shall be taken to be Greenwich Mean Time (GMT);
 - (b) all co-ordinates shall be 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 shall be—
- (a) Marine Management Organisation
 - Offshore Marine Licensing
 - Lancaster House
 - Hampshire Court
 - Newcastle upon Tyne
 - NE4 7YH
 - Tel: 0300 123 1032
 - (b) Marine Management Organisation (local office)
 - Marine Environment Team
 - Pakefield Road
 - Lowestoft
 - Suffolk
 - NR33 0HT
 - (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 2/04
 - Spring Place
 - 105 Commercial Road
 - Southampton
 - SO15 1EG
 - Tel: 023 8032 9191
 - (f) Centre for Environment, Fisheries and Aquaculture Science
 - Pakefield Road

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Lowestoft
Suffolk
NR33 0HT
Tel: 01502 562 244

- (g) Natural England
Foundry House
3 Millsands
Riverside Exchange
Sheffield
S3 8NH
Tel: 0300 060 4911

- (h) English Heritage
Eastgate Court
195-205 High Street
Guildford
GU1 3EH
Tel: 01483 252 057

- (i) JNCC
Inverdee House
Baxter Street
Aberdeen
AB11 9QA
Tel: 01224 266 550.

Details of licensed marine activities

2.—(1) This licence authorises the undertakers (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, subject to the conditions—

- (a) the deposit at sea of the substances and articles specified in sub-paragraph (3);
- (b) the construction of works in or over the sea and/or on or under the sea bed;
- (c) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation.

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

Work No. 2 – up to two HVDC offshore converter stations fixed to the seabed within the area shown on the works plan by one of two foundation types (namely jacket foundation or gravity base foundation);

Work No. 3A – up to four HVDC export cables between Work No. 2 and MHWS consisting of subsea cables along routes within the Order limits seaward of MHWS including one or more cable crossings.

(3) And in connection with such Works No. 2 and 3A, ancillary works within the Order limits which have been subject to an environmental impact assessment recorded in the environmental statement comprising—

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- (a) temporary landing places, moorings or other means of accommodating vessels in the construction and/or maintenance of the authorised scheme;
 - (b) buoys, beacons, fenders and other navigational warning or ship impact protection works;
 - (c) temporary works for the benefit or protection of land or structures affected by the authorised scheme; and
 - (d) the disposal of up to 245,000 metres³ of inert material of natural origin within the offshore Order limits produced during construction drilling and seabed preparation for foundation works and cable sandwave preparation works at disposal site reference TH23 East Anglia ONE.
- (4) The substances or articles authorised for deposit at sea are—
- (a) iron/steel;
 - (b) stone and rock;
 - (c) concrete;
 - (d) sand and gravel;
 - (e) plastic/synthetic;
 - (f) material extracted from within the offshore Order limits during construction drilling and seabed preparation for foundation works and cable sandwave preparation works; and
 - (g) marine coatings, other chemicals and timber.
3. The grid coordinates for the authorised scheme are specified below and more particularly shown on the Order limits boundary coordinates plan—

Coordinates for the Order limits seaward of MHWS

| <i>Point</i> | <i>Latitude (DMS)</i> | <i>Longitude (DMS)</i> |
|--------------|-----------------------|------------------------|
| 1 | 52° 0' 0.777" | 1° 25' 27.320" |
| 2 | 52° 0' 41.137" | 1° 27' 15.227" |
| 3 | 52° 3' 53.611" | 1° 35' 40.499" |
| 4 | 52° 5' 44.773" | 1° 40' 57.350" |
| 5 | 52° 8' 21.995" | 1° 48' 34.767" |
| 6 | 52° 9' 37.650" | 1° 53' 5.293" |
| 7 | 52° 9' 40.842" | 1° 57' 7.198" |
| 8 | 52° 11' 6.526" | 2° 2' 15.690" |
| 9 | 52° 12' 27.654" | 2° 10' 3.953" |
| 10 | 52° 12' 22.845" | 2° 11' 9.965" |
| 11 | 52° 13' 33.795" | 2° 15' 22.225" |
| 12 | 52° 13' 57.058" | 2° 23' 6.622" |
| 13 | 52° 9' 17.925" | 2° 25' 36.436" |
| 14 | 52° 11' 7.988" | 2° 11' 30.888" |
| 15 | 52° 10' 13.221" | 2° 5' 28.775" |
| 16 | 52° 8' 12.739" | 1° 57' 41.369" |

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| Point | Latitude (DMS) | Longitude (DMS) |
|--------------|-----------------------|------------------------|
| 17 | 52° 8' 37.192" | 1° 57' 49.886" |
| 18 | 52° 8' 1.912" | 1° 54' 31.662" |
| 19 | 52° 8' 1.935" | 1° 52' 54.350" |
| 20 | 52° 4' 49.045" | 1° 45' 5.590" |
| 21 | 52° 2' 47.963" | 1° 36' 38.722" |
| 22 | 52° 2' 7.247" | 1° 35' 19.374" |
| 23 | 52° 0' 37.213" | 1° 33' 17.008" |
| 24 | 51° 58' 41.939" | 1° 32' 27.850" |
| 25 | 51° 57' 26.482" | 1° 29' 55.449" |
| 26 | 51° 57' 41.943" | 1° 26' 39.492" |
| 27 | 51° 59' 57.517" | 1° 25' 20.806" |
| A | 52° 17' 50.395" | 2° 21' 1.372" |
| B | 52° 19' 10.175" | 2° 27' 36.407" |
| C | 52° 23' 22.654" | 2° 31' 40.044" |
| D | 52° 21' 53.636" | 2° 34' 13.872" |
| E | 52° 18' 15.833" | 2° 34' 13.645" |
| F | 52° 7' 14.982" | 2° 32' 58.021" |
| G | 52° 4' 46.512" | 2° 31' 2.669" |
| H | 52° 4' 45.732" | 2° 28' 1.913" |

4. This licence shall remain 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.

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

6. Where the words 'unless otherwise agreed' or 'unless otherwise stated' appear in the conditions in Part 2, any such agreement or statement may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of MMO that the subject matter of the approval or agreement sought 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. No HVDC offshore converter station forming part of the authorised scheme shall be erected within the areas hatched black on the works plan, whose coordinates are specified below and more particularly shown on the Order limits boundary coordinates plan—

Coordinates for restricted build area

| <i>Point</i> | <i>Latitude (DMS)</i> | <i>Longitude (DMS)</i> |
|--------------|-----------------------|------------------------|
| i | 52° 17' 29.501" | 2° 21' 18.183" |
| ii | 52° 19' 32.953" | 2° 29' 16.557" |
| iii | 52° 19' 47.657" | 2° 34' 8.460" |
| iv | 52° 20' 36.356" | 2° 34' 8.509" |
| v | 52° 23' 17.520" | 2° 31' 41.224" |
| vi | 52° 21' 52.244" | 2° 34' 8.586" |
| vii | 52° 18' 15.948" | 2° 34' 8.368" |
| viii | 52° 20' 36.356" | 2° 32' 52.848" |
| ix | 52° 20' 18.296" | 2° 28' 48.188" |
| x | 52° 4' 49.734" | 2° 30' 59.349" |
| xi | 52° 4' 48.985" | 2° 28' 5.706" |

2.—(1) The total number of HVDC offshore converter stations forming part of the authorised scheme must not exceed 2.

(2) The dimensions of any HVDC offshore converter stations forming part of the authorised scheme (excluding towers, helipads, masts and cranes) must not exceed 60 metres in height when measured from LAT, 75 metres in length and 120 metres in width.

3.—(1) The total length of the cables comprising Work No. 3A must not exceed 400 kilometres.

(2) The total amount of cable protection for the cables comprising Work No. 3A must not exceed 24,000 metres³.

4. The total amount of scour protection for the HVAC offshore collector stations forming part of the authorised scheme must not exceed 0.029 kilometres².

Notifications and inspections

5.—(1) The undertakers 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

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- (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 at paragraph (a) must provide a completed form to the MMO confirming their understanding of the terms of conditions of this licence.
- (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 undertakers’s registered address;
 - (b) any site office located at or adjacent to the construction site and used by the undertakers or its agents and contractors responsible for the loading, transportation or deposit of the authorised deposits; and
 - (c) on board each vessel and at the office of any transport manager with responsibility for vessels from which authorised deposits or removals are to be made.
- (4) The document referred to in sub-paragraph (1)(a) must be available for inspection by an authorised enforcement officer at all times at the locations set out in sub-paragraph (3).
- (5) The undertakers 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 undertakers must inform the local MMO office in writing at least ten working days prior to the commencement of the licensed activities or any part of them and within ten working days of completion of any works comprised in the licensed activities.
- (7) Prior to the commencement of the licensed activities the undertakers must publish in the Kingfisher Fortnightly Bulletin details of the vessel routes (if appropriate), timings and locations relating to the construction of the authorised scheme.
- (8) The undertakers must ensure that—
 - (a) a notice to mariners is issued at least 10 working days prior to the commencement of the licensed activities or any part of them advising of the start date of Work No. 2 and the expected vessel routes from the local construction ports to the relevant location; and
 - (b) a second notice to mariners is issued at least 10 working days prior to the commencement of Work No. 3A (subsea export cables to MHWS) and the route of the subsea export cables.
- (9) The undertakers must ensure that the notices to mariners are updated and reissued at regular intervals, and at least fortnightly, and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme approved under condition 11(a). Copies of all notices must be provided to the MMO.
- (10) The undertakers must notify—
 - (a) the Hydrographic Office of both the commencement (within two weeks), progress and completion (within two weeks) of the authorised scheme in order that all necessary amendments to nautical charts are made; and
 - (b) the MMO, MCA and Trinity House once the authorised scheme is completed and any required lighting or marking has been established.

Offshore safety management

6.—(1) The authorised scheme shall not commence until the Secretary of State, in consultation with the MCA, has confirmed in writing that the undertakers has taken into account and adequately

addressed all MCA recommendations contained within MGN 371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” and its annexes including full details of the Emergency Co-operation Plans (ERCoP) for the construction, operation and decommissioning as appropriate to the authorised scheme.

(2) The undertakers will prepare and implement a project-specific Active Safety Management System, taking account of safety and mitigation measures as referred to in the navigation risk assessment in the environmental statement.

Aids to navigation

7.—(1) The undertakers must at or near the authorised scheme during the whole period of the construction, operation, alteration, replacement or decommissioning of the authorised scheme 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 undertakers must ensure that timely and efficient notices to mariners and other navigational warnings of the position and nature of the authorised scheme seaward of MHWS, are issued during and after the period of construction, alteration, replacement or decommissioning of the authorised scheme, such information to be promulgated to mariners in the shipping and fishing industry as well as to recreational mariners, in accordance with condition 6(8) and (9).

(3) The undertakers must notify Trinity House as soon as reasonably practicable of both the progress and completion of the authorised scheme seaward of MHWS and any aids for navigation established from time to time.

(4) The undertakers must provide reports on the availability of aids to navigation periodically as requested by Trinity House.

(5) The undertakers must colour all structures yellow 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.

(6) In case of injury to, or destruction or decay of, the authorised scheme or any part thereof the undertakers must as soon as reasonably practicable notify Trinity House and must lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House may from time to time direct.

Chemicals, drilling and debris

8.—(1) Unless otherwise agreed in writing by the MMO all chemicals used in the construction of the authorised scheme must be selected from the List of Notified Chemicals approved for use by the offshore oil and gas industry under the Offshore Chemicals Regulations 2002 (as amended).

(2) All protective coatings and paints must be suitable for use in the marine environment and, where necessary, approved by the Health and Safety Executive. The use of such coatings must accord with best environmental practice.

(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) Where foundation drilling works are proposed, in the event that any system other than water-based mud is proposed the MMO’s written approval in relation to the proposed disposal of any arisings must be obtained before the drilling commences, which may also require a marine licence.

(5) The undertakers 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.

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(6) The undertakers must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO, Marine Pollution Response Team.

(7) The undertakers must ensure that any waste and/or debris arising from the construction of the authorised scheme or from equipment or temporary works placed below MHWS are removed on completion of the authorised scheme.

(8) At least 10 days prior to the commencement of the licensed activities the undertakers must submit and obtain the MMO's approval of an audit sheet covering all aspects of the construction of the authorised scheme. The audit sheet must include details of—

- (a) loading facilities;
- (b) vessels;
- (c) equipment;
- (d) shipment routes;
- (e) working schedules; and
- (f) all components and materials to be used in the construction of the authorised scheme.

(9) The audit sheet must be maintained throughout the construction of the authorised scheme and any changes notified immediately in writing to the MMO.

(10) In the event that the MMO becomes aware that any of the materials on the audit sheet cannot be accounted for it shall require the undertakers to carry out a side scan sonar survey to plot all obstructions across the relevant area(s) within the offshore Order limits where construction works and related activities have been carried out. In the event that the missing material is not located, the survey area may be extended at the discretion of the MMO. Local fishermen shall be invited to send a representative to be present during the survey. Any new obstructions that the MMO believes to be associated with the authorised scheme must be removed at the undertakers's expense.

(11) The undertakers must inform the MMO of the location and quantities of inert material disposed of each month under this licence, by submission of a disposal return by 31 January each year for the months August to January inclusive, and by 31 July each year for the months February to July inclusive.

(12) The undertakers must ensure that only inert material of natural origin, produced during construction drilling and seabed preparation for foundation works and cable sandwave preparation works shall be disposed of within the offshore Order limits (disposal site reference TH23 East Anglia ONE).

(13) The undertakers 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.

(14) In the event that any rock material used in the construction of the authorised scheme is misplaced or lost below MHWS, the undertakers must report the loss to the District Marine Office within 48 hours and if the MMO shall reasonably consider such material to constitute a navigation or environmental hazard (dependent on the size and nature of the material) the undertakers must endeavour to locate the material and recover it.

(15) The undertakers must undertake the survey agreed under condition 11(g)(iii) following the high resolution swath bathymetric survey referred to in condition 19(2)(d). Should any such obstructions be identified which may reasonably be considered to interfere with fishing the undertakers must take reasonable steps to remove them.

Force majeure

9. If, due to stress of weather or any other cause the master of a vessel determines that it is necessary to deposit the authorised deposits 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.

Pre-construction plans and documentation

10. The licensed activities or any part of those activities shall 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 agreed in writing with the MMO in consultation with Trinity House and the MCA which shows—
 - (i) the proposed location and choice of foundation of all offshore substations;
 - (ii) the height, length and width of all offshore substations;
 - (iii) the length and arrangement of all cables comprising Work No. 3A;
 - (iv) the dimensions of all gravity base foundations;
 - (v) the dimensions of all jacket foundations;
 - (vi) the proposed layout of all offshore substations including any exclusion zones under condition 2 and/or identified under condition 11(h)(iv);
 - (vii) a plan showing the indicative layout of all offshore substations including all exclusion zones (insofar as not shown in paragraph (vi)) and showing the indicative programming of particular works as set out in the indicative programme to be provided under sub-paragraph (b)(iv); and
 - (viii) any exclusion zones/micrositing requirements identified in any mitigation scheme pursuant to condition 11(j);to ensure conformity with the description of Works No. 2 and 3A and compliance with conditions 1 to 5;
- (b) a construction and monitoring programme to include details of—
 - (i) the proposed construction start date;
 - (ii) proposed timings for mobilisation of plant, delivery of materials and installation works;
 - (iii) proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction monitoring and related reporting in accordance with conditions 11(h), 17, 18 and 19; and
 - (iv) an indicative written construction programme for all offshore substations and cables comprised in the works at paragraph 2(2) of Part 1 (licensed marine activities) of this Schedule (insofar as not shown in paragraph (ii));with details pursuant to paragraph (iii) to be submitted to the MMO at least six months prior to the first survey unless otherwise agreed in writing with the MMO;
- (c) a construction method statement in accordance with the construction methods assessed in the environmental statement and including details of—
 - (i) drilling methods and disposal of drill arisings and material extracted during seabed preparation for foundation works and cable sandwave preparation works;
 - (ii) soft start procedures with specified duration periods;
 - (iii) offshore substation location and installation, including scour protection;
 - (iv) cable installation, including cable landfall and cable protection;
 - (v) contractors;

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- (vi) vessels and vessels transit corridors; and
- (vii) associated and ancillary works;
- (d) a project environmental management and monitoring plan to include details of—
 - (i) a marine pollution contingency plan to address the risks, methods and procedures to deal with any spills and collision incidents during construction and operation of the authorised scheme in relation to all activities carried out;
 - (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 and an environmental liaison officer; and
 - (v) a fisheries liaison and coexistence plan to ensure relevant fishing fleets are notified of commencement of licensed activities pursuant to condition 6 and to address the interaction of the licensed activities with fishing activities;
- (e) a scour protection management and cable armouring plan providing details of the need, type, sources, quantity and installation methods for scour protection;
- (f) only when driven or part-driven pile foundations are proposed to be used as part of the foundation installation, a marine mammal mitigation protocol in line with JNCC guidelines for minimising acoustic disturbance to marine mammals;
- (g) a cable specification and installation plan, to include—
 - (i) technical specification of offshore cables below MHWS, including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with industry good practice;
 - (ii) a detailed cable laying plan for the Order limits, incorporating a burial risk assessment to ascertain suitable burial depths and cable laying techniques, including cable protection; and including contingency plans if burial is not achieved through preferred techniques; and
 - (iii) appropriate methods such as a trawl or drift net to be deployed along the offshore subsea export cables between Work No. 1 in Schedule 9 (deemed licence under the Marine and Coastal Access Act 2009 – generation assets) and mean low water mark, following the survey referred to in condition 19(2)(d) to assess any seabed obstructions resulting from burial of the export cables;
- (h) a written scheme of archaeological investigation in relation to the offshore Order limits seaward of mean low water in accordance with the draft written scheme of investigation: archaeology and cultural heritage (offshore), industry good practice and in consultation with English Heritage (and, if relevant, Suffolk Coastal District Council) to include—
 - (i) details of responsibilities of the undertakers, archaeological consultant and contractor;
 - (ii) a methodology for any further site investigation including any specifications for geophysical, geotechnical and diver or remotely operated vehicle investigations;
 - (iii) archaeological analysis and reporting of survey data, and timetable, 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 during and post construction, including a conservation programme for finds;
 - (vi) archiving of archaeological material; and
 - (vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme;
- (i) a bed level monitoring and remediation plan for that area of Work No. 3B below MHWS in accordance with the outline Bawdsey bed level monitoring and remediation strategy, to include—
 - (i) monitoring of bed levels of London clay for the operational lifetime of the authorised scheme; and
 - (ii) a methodology for any remedial works in that area identified as necessary by such monitoring;
 - (j) a mitigation scheme for any Annex 1 features identified by the survey referred to in condition 17(2)(b);
 - (k) an offshore operations and maintenance and monitoring plan, in accordance with the outline offshore operations and maintenance and monitoring plan, to be submitted to the MMO at least four months prior to commencement of operation of the licensed activities and to provide for review and resubmission every three years during the operational phase;
 - (l) a coexistence statement demonstrating how the scheme design and construction methods, including cable specification, installation and armouring, reasonably avoids or mitigates effects on other marine users, including fisheries.

11.—(1) Any archaeological reports produced in accordance with condition 11(h)(iii) are to be agreed with English Heritage (and, if relevant, Suffolk Coastal District Council).

(2) The undertakers must ensure that a copy of any agreed archaeological report is deposited with the National Monuments Record, by submitting an English Heritage OASIS form with a digital copy of the report. If the report relates to the foreshore, the undertakers must notify Suffolk County Council that the OASIS report has been submitted to the National Monuments Record.

12.—(1) Each programme, statement, plan, protocol or scheme required to be approved under condition 11 must be submitted for approval at least four months prior to the intended start of construction, except where otherwise stated or unless otherwise agreed in writing by the MMO.

(2) No licensed activities shall commence until the MMO has approved in writing each programme, statement, plan, protocol or scheme required to be approved under condition 11 and the licensed activities must be carried out in accordance with the approved plans, protocols, statements, schemes and details approved under condition 11, unless otherwise agreed in writing by the MMO.

Foundation restrictions

13. No gravity base foundations may be installed in any area of the seabed with mobile sand waves of 5 metres or more, as identified by the swath-bathymetry survey carried out under condition 17(2)(c), unless otherwise agreed in writing by the MMO.

Reporting of engaged agents, contractors and vessels

14.—(1) The undertakers must provide the following information to the MMO as soon as is reasonably practicable prior to the agent, contractor or vessel engaging in the licensed activities—

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- (a) the name and function of any agent or contractor appointed to engage in the licensed activities; 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.

Equipment and operation of vessels engaged in licensed activities

15.—(1) All vessels employed to perform the licensed activities must be constructed and equipped to be capable of the proper performance of such activities in accordance with the conditions of this licence and (save in the case of remotely operated vehicles or vessels) must comply with sub-paragraphs (2) to (7).

- (2) All motor powered vessels must be fitted with—
- (a) electronic positioning aid to provide navigational data;
 - (b) radar;
 - (c) echo sounder; and
 - (d) multi-channel VHF.
- (3) No radio beacon or radar beacon operating on the marine frequency bands must be installed or used without the prior written approval of the Secretary of State.
- (4) All vessels' names or identification must be clearly marked on the hull or superstructure.
- (5) All vessels must exhibit signals in accordance with the requirements of the International Regulations for the Prevention of Collisions at Sea.
- (6) All communication on VHF working frequencies must be in English.
- (7) No vessel shall engage in the licensed activities until all the equipment specified in sub-paragraph (2) is fully operational.

Pre-construction monitoring and surveys

16.—(1) The undertakers must, in discharging condition 11(b), submit details for written approval by the MMO in consultation with Natural England and JNCC of proposed pre-construction surveys, including methodologies 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) appropriate surveys to determine the location, extent and composition of any benthic habitats of conservation, ecological or economic importance;

- (b) appropriate surveys to determine the location and extent of any benthic communities/benthos constituting Annex 1 Habitat in whole or in part inside the area(s) within the Order limits in which it is proposed to carry out construction works;
 - (c) high resolution swath-bathymetry survey(s), to include a 100% coverage and side scan sonar, of the area(s) within the Order limits in which it is proposed to carry out construction works;
 - (d) appropriate surveys of existing ornithological activity inside the area(s) within the Order limits in which it is proposed to carry out construction works, and any wider area(s) where appropriate, which is required to test predictions in the environmental statement concerning key ornithological interests of relevance to the authorised scheme;
 - (e) low intensity information gathering of elasmobranch populations within the Order limits in which it is proposed to carry out construction and any wider areas where appropriate, to test predictions made in the environmental statement concerning impacts to elasmobranchs from electromagnetic fields;
 - (f) appropriate surveys of existing marine mammal activity inside the area(s) within the Order limits in which it is proposed to carry out construction works and any wider area(s) where appropriate which is required to test predictions in the environmental statement concerning key marine mammal interests of relevance to the authorised scheme.
- (3) The undertakers 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 Natural England and JNCC.

Construction monitoring

17.—(1) The undertakers must, in discharging condition 11(b), submit details for approval by the MMO in consultation with Natural England and JNCC 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.

(2) 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 MCA.

(3) The undertakers must carry out the surveys approved under sub-paragraph (1) and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with Natural England and JNCC.

Post construction

18.—(1) The undertakers must, in discharging condition 11(b), submit details of approval by the MMO in consultation with Natural England and JNCC 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 of any benthic communities/benthos constituting Annex 1 Habitat in whole or in part inside the area(s) within the Order limits in which construction works were carried out;

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- (b) if existing data is not available, appropriate surveys to validate predictions made in the environmental statement in relation to habitat creation and the ability of structures to act as vectors for non-native species;
 - (c) appropriate ornithological surveys covering the area(s) within the Order limits in which construction works were carried out, and any wider area(s) where appropriate, as required to test predictions in the environmental statement concerning key ornithological interests of relevance to the authorised scheme;
 - (d) one high resolution swath bathymetric survey across the area(s) within the Order limits in which construction works were carried out to assess any changes in bedform topography and such further monitoring as may be agreed to ensure scour equilibrium has been reached and that the cables have been buried;
 - (e) side scan sonar and bathymetry survey(s) within the Order limits in which construction works were carried out after the first occurrence of a major storm event;
 - (f) appropriate marine mammal surveys covering the area(s) within the Order limits in which construction works were carried out and any wider area(s) where appropriate, as required to test predictions in the environmental statement concerning key marine mammal interests of relevance to the authorised scheme;
 - (g) low intensity information gathering (in conjunction with reports of fisheries catch data) within the Order limits in which construction works were carried out, to test predictions made in the environmental statement concerning impacts to elasmobranchs from electromagnetic fields;
 - (h) 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 MCA.
- (3) The undertakers 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 Natural England and JNCC.

SCHEDULE 12

Article 32

Removal of important hedgerows

| (1) Area | (2) Number of hedgerow shown on important hedgerow plan |
|---------------------------|--|
| Suffolk Coastal District | Hedgerow 1 on sheet 1 |
| Suffolk Coastal District | Hedgerow 2 on sheet 1 |
| Suffolk Coastal District | Hedgerow 4 on sheet 1 |
| Suffolk Coastal District | Hedgerow 5 on sheet 1 |
| Suffolk Coastal District | Hedgerow 6 on sheet 1 |
| Suffolk Coastal District | Hedgerow 7 on sheet 2 |
| Suffolk Coastal District | Hedgerow 8 on sheet 2 |
| Suffolk Coastal District | Hedgerow 9 on sheet 3 |
| Suffolk Coastal District | Hedgerow 10 on sheet 3 |

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| (1) Area | (2) Number of hedgerow shown on important hedgerow plan |
|---------------------------|--|
| Suffolk Coastal District | Hedgerow 11 on sheet 3 |
| Suffolk Coastal District | Hedgerow 12 on sheet 3 |
| Suffolk Coastal District | Hedgerow 14 on sheet 3 |
| Suffolk Coastal District | Hedgerow 15 on sheet 3 |
| Suffolk Coastal District | Hedgerow 16 on sheet 3 |
| Suffolk Coastal District | Hedgerow 17 on sheet 3 |
| Suffolk Coastal District | Hedgerow 18 on sheet 3 |
| Suffolk Coastal District | Hedgerow 19 on sheet 4 |
| Suffolk Coastal District | Hedgerow 20 on sheet 4 |
| Suffolk Coastal District | Hedgerow 21 on sheet 4 |
| Suffolk Coastal District | Hedgerow 22 on sheet 4 |
| Suffolk Coastal District | Hedgerow 23 on sheet 4 |
| Suffolk Coastal District | Hedgerow 24 on sheet 4 |
| Suffolk Coastal District | Hedgerow 25 on sheet 5 |
| Suffolk Coastal District | Hedgerow 26 on sheet 5 |
| Suffolk Coastal District | Hedgerow 27 on sheet 5 |
| Suffolk Coastal District | Hedgerow 28 on sheet 5 |
| Suffolk Coastal District | Hedgerow 29 on sheet 5 |
| Suffolk Coastal District | Hedgerow 30 on sheet 5 |
| Suffolk Coastal District | Hedgerow 31 on sheet 5 |
| Suffolk Coastal District | Hedgerow 32 on sheet 5 |
| Suffolk Coastal District | Hedgerow 33 on sheet 9 |
| Suffolk Coastal District | Hedgerow 37 on sheet 6 |
| Suffolk Coastal District | Hedgerow 38 on sheet 6 |
| Suffolk Coastal District | Hedgerow 39 on sheet 6 |
| Suffolk Coastal District | Hedgerow 40 on sheet 6 |
| Suffolk Coastal District | Hedgerow 41 on sheet 6 |
| Suffolk Coastal District | Hedgerow 42 on sheet 6 |
| Suffolk Coastal District | Hedgerow 43 on sheet 6 |
| Suffolk Coastal District | Hedgerow 44 on sheet 6 |
| Suffolk Coastal District | Hedgerow 45 on sheet 6 |
| Suffolk Coastal District | Hedgerow 46 on sheet 6 |
| Suffolk Coastal District | Hedgerow 47 on sheet 6 |

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| (1) Area | (2) Number of hedgerow shown on important hedgerow plan |
|---------------------------|--|
| Suffolk Coastal District | Hedgerow 48 on sheet 6 |
| Suffolk Coastal District | Hedgerow 49 on sheet 6 |
| Suffolk Coastal District | Hedgerow 50 on sheet 6 |
| Suffolk Coastal District | Hedgerow 51 on sheet 6 |
| Suffolk Coastal District | Hedgerow 52 on sheet 7 |
| Suffolk Coastal District | Hedgerow 53 on sheet 7 |
| Suffolk Coastal District | Hedgerow 54 on sheet 7 |
| Suffolk Coastal District | Hedgerow 55 on sheet 7 |
| Suffolk Coastal District | Hedgerow 56 on sheet 7 |
| Suffolk Coastal District | Hedgerow 61 on sheet 7 |
| Suffolk Coastal District | Hedgerow 62 on sheet 7 |
| Suffolk Coastal District | Hedgerow 63 on sheet 7 |
| Suffolk Coastal District | Hedgerow 64 on sheet 7 |
| Suffolk Coastal District | Hedgerow 66 on sheet 7 |
| Suffolk Coastal District | Hedgerow 67 on sheet 7 |
| Suffolk Coastal District | Hedgerow 68 on sheet 7 |
| Suffolk Coastal District | Hedgerow 69 on sheet 7 |
| Suffolk Coastal District | Hedgerow 70 on sheet 7 |
| Suffolk Coastal District | Hedgerow 71 on sheet 7 |
| Suffolk Coastal District | Hedgerow 72 on sheet 7 |
| Suffolk Coastal District | Hedgerow 73 on sheet 7 |
| Suffolk Coastal District | Hedgerow 74 on sheet 7 |
| Suffolk Coastal District | Hedgerow 75 on sheet 7 |
| Suffolk Coastal District | Hedgerow 76 on sheet 7 |
| Suffolk Coastal District | Hedgerow 77 on sheet 7 |
| Suffolk Coastal District | Hedgerow 78 on sheet 7 |
| Suffolk Coastal District | Hedgerow 79 on sheet 8 |
| Suffolk Coastal District | Hedgerow 80 on sheet 8 |
| Suffolk Coastal District | Hedgerow 81 on sheet 8 |
| Suffolk Coastal District | Hedgerow 82 on sheet 8 |
| Suffolk Coastal District | Hedgerow 83 on sheet 8 |
| Suffolk Coastal District | Hedgerow 84 on sheet 8 |
| Suffolk Coastal District | Hedgerow 85 on sheet 8 |

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| (1) Area | (2) Number of hedgerow shown on important hedgerow plan |
|---------------------------|--|
| Suffolk Coastal District | Hedgerow 86 on sheet 8 |
| Suffolk Coastal District | Hedgerow 87 on sheet 8 |
| Suffolk Coastal District | Hedgerow 88 on sheet 8 |
| Suffolk Coastal District | Hedgerow 89 on sheet 8 |
| Suffolk Coastal District | Hedgerow 90 on sheet 8 |
| Suffolk Coastal District | Hedgerow 91 on sheet 9 |
| Suffolk Coastal District | Hedgerow 92 on sheet 9 |
| Suffolk Coastal District | Hedgerow 93 on sheet 9 |
| Suffolk Coastal District | Hedgerow 94 on sheet 9 |
| Suffolk Coastal District | Hedgerow 95 on sheet 9 |
| Suffolk Coastal District | Hedgerow 96 on sheet 9 |
| Suffolk Coastal District | Hedgerow 97 on sheet 9 |
| Suffolk Coastal District | Hedgerow 98 on sheet 9 |
| Suffolk Coastal District | Hedgerow 99 on sheet 9 |
| Suffolk Coastal District | Hedgerow 100 on sheet 9 |
| Suffolk Coastal District | Hedgerow 101 on sheet 9 |
| Suffolk Coastal District | Hedgerow 102 on sheet 9 |
| Suffolk Coastal District | Hedgerow 103 on sheet 9 |
| Suffolk Coastal District | Hedgerow 104 on sheet 9 |
| Suffolk Coastal District | Hedgerow 105 on sheet 9 |
| Suffolk Coastal District | Hedgerow 106 on sheet 9 |
| Suffolk Coastal District | Hedgerow 107 on sheet 9 |
| Suffolk Coastal District | Hedgerow 108 on sheet 9 |
| Suffolk Coastal District | Hedgerow 109 on sheet 9 |
| Suffolk Coastal District | Hedgerow 110 on sheet 9 |
| Suffolk Coastal District | Hedgerow 111 on sheet 9 |
| Suffolk Coastal District | Hedgerow 112 on sheet 9 |
| Suffolk Coastal District | Hedgerow 113 on sheet 9 |
| Suffolk Coastal District | Hedgerow 114 on sheet 9 |
| Suffolk Coastal District | Hedgerow 115 on sheet 10 |
| Suffolk Coastal District | Hedgerow 116 on sheet 10 |
| Suffolk Coastal District | Hedgerow 117 on sheet 10 |
| Suffolk Coastal District | Hedgerow 118 on sheet 10 |

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| (1) Area | (2) Number of hedgerow shown on important hedgerow plan |
|---------------------------|--|
| Suffolk Coastal District | Hedgerow 119 on sheet 10 |
| Suffolk Coastal District | Hedgerow 120 on sheet 10 |
| Suffolk Coastal District | Hedgerow 121 on sheet 10 |
| Suffolk Coastal District | Hedgerow 122 on sheet 10 |
| Mid Suffolk District | Hedgerow 123 on sheet 10 |
| Mid Suffolk District | Hedgerow 124 on sheet 10 |
| Mid Suffolk District | Hedgerow 125 on sheet 10 |
| Mid Suffolk District | Hedgerow 126 on sheet 10 |
| Mid Suffolk District | Hedgerow 127 on sheet 10 |
| Mid Suffolk District | Hedgerow 128 on sheet 11 |
| Mid Suffolk District | Hedgerow 129 on sheet 11 |
| Mid Suffolk District | Hedgerow 130 on sheet 11 |
| Mid Suffolk District | Hedgerow 131 on sheet 11 |
| Mid Suffolk District | Hedgerow 132 on sheet 11 |
| Mid Suffolk District | Hedgerow 133 on sheet 11 |
| Mid Suffolk District | Hedgerow 134 on sheet 11 |
| Mid Suffolk District | Hedgerow 135 on sheet 11 |
| Mid Suffolk District | Hedgerow 136 on sheet 11 |
| Mid Suffolk District | Hedgerow 137 on sheet 11 |
| Mid Suffolk District | Hedgerow 137 on sheet 11 |
| Mid Suffolk District | Hedgerow 138 on sheet 11 |
| Mid Suffolk District | Hedgerow 139 on sheet 11 |
| Mid Suffolk District | Hedgerow 140 on sheet 11 |
| Mid Suffolk District | Hedgerow 141 on sheet 11 |
| Mid Suffolk District | Hedgerow 142 on sheet 11 |
| Mid Suffolk District | Hedgerow 143 on sheet 11 |
| Mid Suffolk District | Hedgerow 144 on sheet 11 |
| Mid Suffolk District | Hedgerow 145 on sheet 11 |
| Mid Suffolk District | Hedgerow 146 on sheet 12 |
| Mid Suffolk District | Hedgerow 147 on sheet 12 |
| Mid Suffolk District | Hedgerow 148 on sheet 12 |
| Mid Suffolk District | Hedgerow 149 on sheet 12 |
| Mid Suffolk District | Hedgerow 150 on sheet 12 |

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

| (1) Area | (2) Number of hedgerow shown on important hedgerow plan |
|---------------------------|--|
| Mid Suffolk District | Hedgerow 151 on sheet 12 |
| Mid Suffolk District | Hedgerow 152 on sheet 12 |
| Mid Suffolk District | Hedgerow 153 on sheet 12 |
| Mid Suffolk District | Hedgerow 154 on sheet 13 |
| Mid Suffolk District | Hedgerow 155 on sheet 13 |
| Mid Suffolk District | Hedgerow 156 on sheet 13 |
| Mid Suffolk District | Hedgerow 157 on sheet 13 |
| Mid Suffolk District | Hedgerow 158 on sheet 13 |
| Mid Suffolk District | Hedgerow 159 on sheet 13 |
| Mid Suffolk District | Hedgerow 160 on sheet 13 |
| Mid Suffolk District | Hedgerow 161 on sheet 13 |
| Mid Suffolk District | Hedgerow 162 on sheet 13 |
| Mid Suffolk District | Hedgerow 163 on sheet 13 |
| Mid Suffolk District | Hedgerow 164 on sheet 13 |
| Mid Suffolk District | Hedgerow 165 on sheet 13 |
| Mid Suffolk District | Hedgerow 166 on sheet 13 |
| Mid Suffolk District | Hedgerow 167 on sheet 13 |
| Mid Suffolk District | Hedgerow 168 on sheet 13 |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants development consent for, and authorises East Anglia ONE Limited to construct, operate and maintain a generating station located in the North Sea approximately 43.4 kilometres from the Suffolk coast, together with all necessary and associated development. For the purposes of the development that it authorises East Anglia ONE Limited is authorised by the Order compulsorily or by agreement to purchase land and rights in land to use land, as well as to override easements and other rights. The Order also provides a defence in proceedings in respect of statutory nuisance and to discharge water. The Order imposes Requirements in connection with the development for which it grants development consent.

The Order also grants deemed marine licences for the marine licensable activities, being the deposit of substances and articles and the carrying out of works, involved in the construction of the generating station and associated development. The deemed marine licence imposes conditions in connection with the deposits and works for which it grants consent.

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

A copy of the plans and book of reference referred to in this Order and certified in accordance with article 33 (certification of plans, etc.) of this Order may be inspected free of charge at the offices of Suffolk Coastal District Council at Melton Hill, Woodbridge, Suffolk, IP12 1AU and Mid Suffolk District Council at 131 High Street, Needham Market, Ipswich, Suffolk, IP6 8DL.