
STATUTORY INSTRUMENTS

2016 No. 844

INFRASTRUCTURE PLANNING

The Hornsea Two Offshore Wind Farm Order 2016

Made - - - - *16th August 2016*

Coming into force - - *7th September 2016*

An application under section 37 of the Planning Act 2008(1) (the “2008 Act”) has been made to the Secretary of State for an order granting development consent.

The application has been examined by a Panel, which has made a report to the Secretary of State under section 74(2) of the 2008 Act. After receiving the report, the Secretary of State requested further information from various persons.

The Secretary of State has considered the report and recommendation of the Panel, has taken into account the environmental information in accordance with regulation 3 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009(2) and has had regard to the documents and matters referred to in section 104(2) of the 2008 Act.

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

Accordingly, the Secretary of State, in exercise of the powers conferred by sections 114 and 120 of the 2008 Act, makes the following Order:

PART 1

Preliminary

Citation and commencement

- 1.—(1) This Order may be cited as the Hornsea Two Offshore Wind Farm Order 2016.
- (2) This Order comes into force on 7th September 2016.

(1) [2008 c.29](#). Section 37 was amended by section 137(5) of, and paragraph 5 of Schedule 13 to, the Localism Act 2011 ([c.20](#)). Section 74(2) was amended by paragraph 29(2) of that Schedule. Section 104(2) was amended by paragraph 49 of that Schedule and section 58 of the Marine and Coastal Access Act 2009 ([c.23](#)). Section 114 was amended by paragraph 55 of Schedule 13 to the Localism Act 2011. Section 120 was amended by section 140 of, and paragraph 60 of Schedule 13 to, that Act.

(2) [S.I. 2009/2263](#). Regulation 3 was amended by [S.I. 2012/635](#) and [2012/787](#).

Commencement Information

II Art. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

Interpretation

2.—(1) In this Order—

“1961 Act” means the Land Compensation Act 1961**(3)**;

“1965 Act” means the Compulsory Purchase Act 1965**(4)**;

“1980 Act” means the Highways Act 1980**(5)**;

“1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981**(6)**;

“1989 Act” means the Electricity Act 1989**(7)**;

“1990 Act” means the Town and Country Planning Act 1990**(8)**;

“1991 Act” means the New Roads and Street Works Act 1991**(9)**;

“2003 Act” means the Communications Act 2003**(10)**;

“2004 Act” means the Energy Act 2004**(11)**;

“2008 Act” means the Planning Act 2008;

“2009 Act” means the Marine and Coastal Access Act 2009**(12)**;

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

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

“authorised project” means the authorised development and the ancillary works;

“book of reference” means the document certified as the book of reference by the Secretary of State under article 40 (certification of plans, etc.);

“Breesea” means Breesea Limited**(13)** (company number 07883217);

“commence” means commence any material operation (as defined in section 155 of the 2008 Act) forming part of the authorised development other than operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions and remedial work in respect of any contamination or other adverse ground conditions; and “commencement” must be construed accordingly;

“compensation compound” means a construction working site forming part of the associated development and shown coloured green on the compensation compounds plan, the purpose of which is to compensate the Hornsea Project One undertaker in the event that the use by

(3) 1961 c.33.

(4) 1965 c.56.

(5) 1980 c.66.

(6) 1981 c.66.

(7) 1989 c.29.

(8) 1990 c.8.

(9) 1991 c.22.

(10) 2003 c.21.

(11) 2004 c.20.

(12) 2009 c.23.

(13) The registered office of Breesea Limited is 5 Howick Place, London SW1P 1WG.

the Hornsea Project One undertaker of the Hornsea Project One construction compounds is restricted or prevented by the undertaker carrying out authorised project;

“compensation compound access” means an access forming part of the associated development and shown coloured pink on the compensation compounds plan, the purpose of which is to access a compensation compound;

“compensation compounds plan” means the plans certified as the compensation compounds plan by the Secretary of State under article 40;

“connection works” means Work Nos. 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B and 10 and any related associated development;

“deemed marine licence” means a marine licence set out in Schedule 8, 9, 10 or 11;

“EIA Regulations” means the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009;

“electrical circuit” means a number of electrical conductors necessary to transmit electricity between 2 points within the authorised development comprising—

- (a) in the case of HVAC transmission, 3 conductors which may be bundled as 1 cable or (onshore) take the form of 3 separate cables; and
- (b) in the case of HVDC transmission, 2 conductors which may be attached together or take the form of single cables,

and the electrical circuit may include 1 or more auxiliary cables (normally fibre-optic cables) for the purpose of control, monitoring, protection or general communications;

“electrical transmission station” means an onshore HVDC converter substation or HVAC substation required for connecting the electrical circuits to the National Grid;

“environmental statement” means the document certified as the environmental statement by the Secretary of State under article 40;

“gravity base foundation” means—

- (a) a structure principally of concrete or steel (or both) that rests on the seabed due to its own weight and that of added ballast or to the weight of water above it and may include associated equipment including suction piles, J-tubes and access platforms; or
- (b) a structure principally of concrete or steel (or both) consisting of a platform supported on 2 pontoons to which the platform is connected by columns which may be connected by braces;

“highway” and “highway authority” have the same meaning as in the 1980 Act⁽¹⁴⁾;

“Hornsea Project One construction compounds” means the working sites to be used in connection with the construction of the works authorised by the Hornsea One Offshore Wind Farm Order 2014⁽¹⁵⁾ and forming part of the associated development authorised by that Order;

“Hornsea Project One undertaker” means Heron Wind Limited⁽¹⁶⁾ (company number 07640868) or any other person who has the benefit of the Hornsea One Offshore Wind Farm Order 2014 in respect of the works or operations authorised by that Order that are landward of MHWS;

“HVAC” means high voltage alternating current;

“HVDC” means high voltage direct current;

“in-principle monitoring plan” means the document certified as the in-principle monitoring plan by the Secretary of State under article 40;

⁽¹⁴⁾ “Highway” is defined in section 328(1). For “highway authority”, see section 1.

⁽¹⁵⁾ S.I. 2014/3331, amended by S.I. 2015/1280 and 2016/471.

⁽¹⁶⁾ The registered office of Heron Wind Limited is 5 Howick Place, London SW1P 1WG.

“intra-array electrical circuits” means the electrical circuits referred to in paragraph (b) of the description of Work No. 1A and in paragraph (b) of the description of Work No. 1B;

“intertidal area” means the area between MHWS and MLWS;

“jacket foundation” means a lattice construction comprising tubular members and joints fixed to the seabed with piles (either driven/drilled piles or suction piles) which will include platforms and J-tubes and may include braced monopiles and a transition piece;

“land plans” means the plans certified as the land plans by the Secretary of State under article 40;

“LAT” means lowest astronomical tide;

“limits of deviation” means the limits of deviation for the Works shown on the works plans;

“local planning authority” means, in relation to any land or part of the authorised development, the district council or unitary authority for the area in which the land or part of the development is situated;

“main river” has the meaning given by the Water Resources Act 1991(17);

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace any of the authorised development; and any derivative of “maintain” must be construed accordingly;

“marine export cable area” means the area described as such whose co-ordinates are set out in Part 1 of Schedule 1 and listed in the offshore works plans;

“MCA” means the Maritime and Coastguard Agency;

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

“MLWS” (mean low water springs) means the lowest level which spring tides reach on average over a period of time;

“MMO” means the Marine Management Organisation;

“mode of transmission” means whichever of the HVAC or HVDC technologies is chosen by the undertaker as the means of transmitting electricity by cable for the purposes of the authorised project;

“monopile foundation” means a foundation comprising a large diameter steel or concrete tube or pile driven vertically into the seabed, J-tubes and platforms and may include external structural devices such as bracing members or steel anchor wires and a transition piece;

“offshore accommodation platform” means a platform housing or incorporating temporary accommodation, landing ports for vessels and helicopters, standby electricity generation equipment, marking and lighting and other equipment facilities to assist in the co-ordination of marine activities related to the authorised development;

“offshore HVAC collector substation” means a structure serving as a collection point for the intra-array electrical circuits and containing equipment for the purpose of transforming the electricity generated at the wind turbine generators to a higher voltage; it may also include a helicopter platform;

“offshore HVDC converter substation” means a structure that contains equipment to convert HVAC electricity to HVDC electricity; it may also include a helicopter platform;

“offshore reactive compensation substation” means a structure housing electrical reactors for the purpose of limiting electrical losses in the course of HVAC transmission by providing reactive compensation; it may also include a helicopter platform;

“offshore works plans” means the part of the works plans described as the offshore works plans;

(17) 1991 c.57. “Main river” is defined in section 113(1). The definition was amended by section 59(3) of the Water Act 2014 (c.21).

- “onshore works plans” means the part of the works plans described as the onshore works plans;
- “Optimus Wind” means Optimus Wind Limited⁽¹⁸⁾ (company number 07883284);
- “Order land” means the land shown on the land plans that is within the limits of land to be acquired or used and described in the book of reference;
- “Order limits” means the limits shown on the works plans within which the authorised project may be carried out;
- “outline code of construction practice” means the document certified as the outline code of construction practice by the Secretary of State under article 40;
- “outline ecological management plan” means the document certified as the outline ecological management plan by the Secretary of State under article 40;
- “outline employment and skills plan” means the document certified as the outline employment and skills plan by the Secretary of State under article 40;
- “outline landscape scheme and management plan” means the document certified as the outline landscape scheme and management plan by the Secretary of State under article 40;
- “Project A works” means Work Nos. 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A and 9A;
- “Project B works” means Work Nos. 1B, 2B, 3B, 4B, 5B, 6B, 7B, 8B and 9B;
- “Requirements” means a Requirement set out in Part 3 of Schedule 1; and a reference to a numbered Requirement is a reference to the Requirement set out in the paragraph of that Part with the same number;
- “shared works” means Work No. 10;
- “street” means a street within the meaning of section 48 of the 1991 Act⁽¹⁹⁾ together with land on the verge of a street or between 2 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⁽²⁰⁾;
- “suction pile” means a large diameter steel cylinder that is fixed to the base of a foundation, partially penetrates the seabed and remains in place using its weight and hydrostatic pressure differential;
- “trenchless technique” means a method of installation that allows ducts and cables to be installed under an obstruction without breaking open the ground and digging a trench (examples of such techniques include horizontal directional drilling, thrust boring, auger boring and pipe ramming);
- “tribunal” means the Lands Chamber of the Upper Tribunal;
- “Trinity House” means the Corporation of Trinity House of Deptford Strond;
- “undertaker” means, subject to article 35(8) (transfer of benefit of Order),—
- (a) for the purposes of constructing, maintaining and operating the Project A works and any associated development or ancillary works relating to those works, Optimus Wind;
 - (b) for the purposes of constructing, maintaining and operating the Project B works and any associated development or ancillary works relating to those works, Breesea;
 - (c) for the purposes of constructing, maintaining and operating the shared works and any associated development or ancillary works relating to those works, Optimus Wind and Breesea; and any restrictions, liabilities and obligations arising in relation to any shared works apply to the undertaker exercising the powers under this Order in relation to the shared works; and

⁽¹⁸⁾ The registered office of Optimus Wind Limited is 5 Howick Place, London SW1P 1WG.

⁽¹⁹⁾ Section 48 was amended by section 124(2) of the Local Transport Act 2008 (c.26).

⁽²⁰⁾ “Street authority” is defined in section 49, which was amended by paragraph 117 of Schedule 1 to the Infrastructure Act 2015 (c.7).

(d) in any other case, Optimus Wind and Breesea;

“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 that is at the time in, on or over water;

“watercourse” includes any river, stream, ditch, drain, cut, culvert, dyke, sluice, sewer and passage through which water flows except a public sewer;

“wind farm area” means the area described as such whose co-ordinates are set out in Part 1 of Schedule 1;

“wind turbine generator” means a structure comprising any or all of a tower, rotor, blades, nacelle and ancillary electrical and other equipment or structures, which may include lighting and a helicopter platform, fixed to a foundation;

“Work” means a Work, or part of a Work, set out in Part 1 of Schedule 1; and a reference to a Work designated by a number, or a by a combination of a number and a letter (for example, “Work No. 1A”), is a reference to the Work so designated in that Part;

“works plans” means the plans certified as the works plans by the Secretary of State under article 40 comprising the offshore works plans, the intertidal works plans and the onshore works plans.

(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 airspace above its surface.

(3) All distances, directions and lengths referred to in this Order are approximate, except for the parameters referred to in Requirements 2 and 4 and Conditions 1 and 2 in Part 2 of each of the deemed marine licences; and distances between parts of a Work must be measured along that Work.

(4) References in this Order to points identified by letters, with or without numbers, must be construed as references to points so lettered on the works plans.

(5) In this Order—

(a) all offshore co-ordinates are latitude and longitude degrees, minutes and seconds to 3 decimal places in WGS84 Datum; and

(b) all onshore co-ordinates are Eastings and Northings in OSGB36 Datum, British National Grid Projection.

Commencement Information

I2 Art. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

Disapplication of legislative provisions

3.—(1) The following provisions do not apply in relation to the construction of works carried out for the purpose of, or in connection with, the construction or maintenance of the authorised project—

(a) the Environmental Permitting (England and Wales) Regulations 2010(**21**), to the extent that they require a permit for anything that would have required consent under section 109 of the Water Resources Act 1991 immediately before the repeal of that section;

(21) [S.I. 2010/675](#). See amendments made by [S.I. 2016/475](#).

- (b) the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 to the Water Resources Act 1991(22) (byelaw-making powers of the Appropriate Agency) that require consent or approval for the carrying out of the works;
 - (c) section 23 of the Land Drainage Act 1991(23) (prohibition of obstructions, etc. in watercourses);
 - (d) the provisions of any byelaws made under section 66 of the Land Drainage Act 1991 (powers to make byelaws) that require consent or approval for the carrying out of the works.
- (2) The following do not apply to the authorised project—
- (a) section 25 of the River Humber Conservancy Act 1852(24) (penalties for improper deposit of hard materials in the river);
 - (b) section 9(ii) of the Humber Conservancy Act 1899(25) (licences for execution of works);
 - (c) section 6(2) of the Humber Conservancy Act 1905(26) (no erections in Humber below river lines or without licence above river lines).

Commencement Information

I3 Art. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

Guarantees in respect of payment of compensation

4.—(1) The undertaker must not begin to exercise the powers in articles 18 to 28 in relation to any land unless it has first put in place—

- (a) a guarantee in respect of the liabilities of the undertaker to pay compensation under this Order in respect of the exercise of the relevant power in relation to that land; or
- (b) an alternative form of security for that purpose,

that has been approved by the Secretary of State.

(2) A guarantee or alternative form of security given in respect of any liability of the undertaker to pay compensation under this Order is enforceable against the guarantor or person giving the alternative form of security by any person to whom the compensation is payable and must be in such a form as to be capable of enforcement by such a person.

(3) Nothing in this article requires a guarantee or alternative form of security to be in place for more than 20 years after the date on which the relevant power is exercised.

Commencement Information

I4 Art. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

(22) Paragraph 5 was amended by section 100 of the Natural Environment and Rural Communities Act 2006 (c.16), section 84(2) of, and paragraph 3 of Schedule 11 to, the Marine and Coastal Access Act 2009, paragraph 49 of Schedule 2 to the Flood and Water Management Act 2010 (c.29) and paragraph 315 of Schedule 2 to S.I. 2013/755. Paragraph 6 was amended by paragraph 26 of Schedule 15 to the Environment Act 1995 (c.25) and section 224 of, and paragraph 24 of Schedule 16 and Part 5 of Schedule 22 to, the Marine and Coastal Access Act 2009. Paragraph 6A was inserted by section 103(3) of the Environment Act 1995.

(23) 1991 c.59. Section 23 was amended by paragraph 192 of Schedule 22 to the Environment Act 1995, paragraph 32 of Schedule 2 to the Flood and Water Management Act 2010 and S.I. 2013/755. Section 66 was amended by paragraph 38 of Schedule 2 to the Flood and Water Management Act 2010 and by section 86(3) of the Water Act 2014.

(24) 15 and 16 Vict. c. cxxx.

(25) 62 and 63 Vict. c. cci.

(26) 5 Edw. 7 c. clxxix.

Defence to proceedings in respect of statutory nuisance

5.—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990⁽²⁷⁾ (summary proceedings by person aggrieved by statutory nuisance) in relation to a nuisance falling within section 79(1)(g) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance), no order may be made, and no fine may be imposed, under section 82(2) of that Act if the defendant shows that the nuisance—

- (a) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised project and 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), of the Control of Pollution Act 1974⁽²⁸⁾;
- (b) is a consequence of the construction or maintenance of the authorised project and cannot reasonably be avoided; or
- (c) is a consequence of the use of the authorised project and 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 does not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised project.

Commencement Information

I5 Art. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

PART 2

Principal powers

Development consent, etc. granted by Order

6.—(1) Subject to the provisions of this Order and the Requirements, Optimus Wind is granted—

- (a) development consent for the Project A works and any associated development relating to those works; and
- (b) consent for the ancillary works relating to those works,

to be carried out within the Order limits.

(2) Subject to the provisions of this Order and the Requirements, Breesea is granted—

- (a) development consent for the Project B works and any associated development relating to those works; and
- (b) consent for the ancillary works relating to those works,

to be carried out within the Order limits.

(3) Subject to the provisions of this Order and the Requirements, Optimus Wind and Breesea are granted—

⁽²⁷⁾ 1990 c.43. Section 82(1) was amended by paragraph 6 of Schedule 17 to the Environment Act 1995. Section 82(2) was amended by section 5(2) of the Noise and Statutory Nuisance Act 1993 (c.40) and paragraph 6 of Schedule 17 to the Environment Act 1995.

⁽²⁸⁾ 1974 c.40. Section 61 was amended by Schedule 7 to the Building Act 1984 (c.55), paragraph 15 of Schedule 15 to the Environmental Protection Act 1990 and Schedule 24 to the Environment Act 1995.

- (a) development consent for the shared works and any associated development relating to those works; and
 - (b) consent for the ancillary works relating to those works,
- to be carried out within the Order limits.

(4) Each Work must be constructed and maintained within the limits of deviation for that Work.

(5) In carrying out a Work, the undertaker may deviate from the situations shown on the works plans and described in Schedule 1 to the extent of the limits of deviation.

(6) The grant of development consent is subject to paragraphs 2(2) and (3) and 3(2) to (8) of Part 1 of Schedule 1.

Commencement Information

I6 Art. 6 in force at 7.9.2016, see [art. 1\(2\)](#)

Maintenance of authorised project

7.—(1) The undertaker may at any time maintain the authorised project, except to the extent that this Order or an agreement made under this Order provides otherwise.

(2) No maintenance works, the likely effects of which on the environment must be assessed in accordance with the EIA Regulations and are not assessed in the environmental statement, may take place, unless otherwise approved by the MMO or the local planning authority.

(3) Where the MMO or local planning authority's approval is required under paragraph (2), consent may be given only where it has been demonstrated to the satisfaction of the MMO or the local planning authority that the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

Commencement Information

I7 Art. 7 in force at 7.9.2016, see [art. 1\(2\)](#)

Operation of generating stations

8.—(1) Optimus Wind is authorised to operate the generating station comprised in the Project A works.

(2) Breesea is authorised to operate the generating station comprised in the Project B works.

(3) This article does not relieve Optimus Wind or Breesea of any requirement to obtain any permit or licence under any other legislation that may be required to authorise the operation of a generating station.

Commencement Information

I8 Art. 8 in force at 7.9.2016, see [art. 1\(2\)](#)

PART 3

Streets

Street works

9.—(1) The undertaker may, for the purposes of the authorised project, enter on so much of any of the streets set out 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 in the street;
- (d) maintain apparatus in the street or change its position; and
- (e) execute any works required for or incidental to any works referred to in sub-paragraphs (a) to (d).

(2) In this article, “apparatus” has the same meaning as in Part 3 of the 1991 Act⁽²⁹⁾.

Commencement Information

I9 Art. 9 in force at 7.9.2016, see [art. 1\(2\)](#)

Application of New Roads and Street Works Act 1991

10.—(1) The provisions of the 1991 Act mentioned in paragraph (2) that apply in relation to the carrying out of street works under that Act and any regulations made or code of practice issued or approved under those provisions apply (with all necessary modifications) in relation to—

- (a) the carrying out of works under article 9 (street works); and
- (b) the temporary stopping up, temporary alteration or temporary diversion of a street by the undertaker under article 11 (temporary stopping up of streets),

whether or not the carrying out of the works or the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(2) The provisions of the 1991 Act⁽³⁰⁾ are—

- (a) subject to paragraph (3), section 54 (advance notice of certain works);
- (b) subject to paragraph (3), section 55 (notice of starting date of works);
- (c) section 57 (notice of emergency works);
- (d) section 59 (general duty of street authority to co-ordinate works);
- (e) section 60 (general duty of undertakers to co-operate);
- (f) section 68 (facilities to be afforded to street authority);
- (g) section 69 (works likely to affect other apparatus in the street);
- (h) section 76 (liability for cost of temporary traffic regulation);
- (i) section 77 (liability for cost of use of alternative route); and
- (j) all provisions of that Act that apply for the purposes of the provisions referred to in sub-paragraphs (a) to (i).

⁽²⁹⁾ “Apparatus” is defined in sections 89(3) and 105(1).

⁽³⁰⁾ Sections 54, 55, 57, 59, 60, 68 and 69 were amended by the Traffic Management Act 2004 (c. 18).

(3) Sections 54 and 55 of the 1991 Act as applied by paragraph (1) have effect as if references in section 57 of that Act to emergency works included a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

Commencement Information

I10 Art. 10 in force at 7.9.2016, see [art. 1\(2\)](#)

Temporary stopping up of streets

11.—(1) The undertaker, during and for the purposes of carrying out the authorised project, may temporarily stop up, alter or divert any street and may for any reasonable time—

- (a) divert the traffic from the street; and
- (b) subject to paragraph (3), prevent persons from passing along the street.

(2) Without limiting paragraph (1), the undertaker may use any street temporarily stopped up under the powers conferred by this article within the Order limits as a temporary working site.

(3) The undertaker must 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.

(4) Without limiting paragraph (1), the undertaker may temporarily stop up, alter or divert the streets set out in column (2) of Schedule 3 (streets to be temporarily stopped up) to the extent specified, by reference to the letters and numbers shown on the works plans, in column (3) of that Schedule.

(5) The undertaker must not temporarily stop up, alter, divert or use as a temporary working site—

- (a) any street referred to in paragraph (4) without first consulting the street authority; and
- (b) any other street without the consent of the street authority, which may attach reasonable conditions to the consent.

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

(7) If a street authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent under paragraph (5)(b), the street authority is deemed to have given consent.

Commencement Information

I11 Art. 11 in force at 7.9.2016, see [art. 1\(2\)](#)

Access to works

12.—(1) The undertaker 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 set out in column (2) of Schedule 4 (access to works); and
- (b) with the approval of the local 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 undertaker reasonably requires for the purposes of the authorised project.

(2) If the local planning authority fails to notify the undertaker of its decision within 28 days of receiving an application for approval under paragraph (1)(b), the local planning authority is deemed to have given approval.

Commencement Information

I12 Art. 12 in force at 7.9.2016, see [art. 1\(2\)](#)

Agreements with street authorities

- 13.**—(1) A street authority and the undertaker may enter into agreements with respect to—
- (a) the construction of any new street authorised by this Order; or
 - (b) the carrying out in the street of any of the works referred to in article 9(1) (street works).
- (2) Such an agreement may, without limiting paragraph (1),—
- (a) provide for the street authority to carry out any function under this Order that relates to the street in question;
 - (b) include an agreement between the undertaker 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.

Commencement Information

I13 Art. 13 in force at 7.9.2016, see [art. 1\(2\)](#)

Highway improvements

14.—(1) The undertaker may carry out highway improvements to the plot marked 133 on the land plans.

(2) The highway improvements must be carried out in accordance with plans approved by the highway authority, such approval not to be unreasonably withheld.

(3) If the highway authority fails to notify the undertaker of its decision within 28 days of receiving plans for approval under paragraph (2), the highway authority is deemed to have given approval.

Commencement Information

I14 Art. 14 in force at 7.9.2016, see [art. 1\(2\)](#)

PART 4

Supplemental powers

Discharge of water

15.—(1) The undertaker 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 and

subject to receipt of consent under paragraph (3), make openings into, and connections with, the watercourse, public sewer or drain.

(2) Any dispute arising from the making of connections to or the use of a public sewer or drain by the undertaker under paragraph (1) must be determined as if it were a dispute under section 106 of the Water Industry Act 1991⁽³¹⁾ (right to communicate with public sewers).

(3) The undertaker must not discharge any water into any watercourse, public sewer or drain without 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 must not be unreasonably withheld.

(4) The undertaker must not make any opening into any public sewer or drain except—

(a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval must not be unreasonably withheld; and

(b) where that person has been given the opportunity to supervise the making of the opening.

(5) The undertaker must 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 undertaker must 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) Nothing in this article overrides the requirement for an environmental permit under regulation 12(1)(b) of the Environmental Permitting (England and Wales) Regulations 2010.

(8) If a person fails to notify the undertaker of a decision within 28 days of receiving an application for consent under paragraph (3) or approval under paragraph (4)(a), the person is deemed to have granted consent or given approval, as the case may be.

(9) In this article—

(a) “public sewer or drain” means a sewer or drain that belongs to the Environment Agency, a harbour authority within the meaning of section 57 of the Harbours Act 1964⁽³²⁾ (interpretation), an internal drainage board, a local authority or a sewerage undertaker⁽³³⁾; and

(b) other expressions, excluding “watercourse”, used both in this article and in the Environmental Permitting (England and Wales) Regulations 2010 have the same meaning as in those Regulations.

Commencement Information

I15 Art. 15 in force at 7.9.2016, see [art. 1\(2\)](#)

Protective work to buildings

16.—(1) Subject to the following provisions of this article, the undertaker may at its own expense carry out such protective works to any building lying within the Order limits as the undertaker considers necessary or expedient.

(2) Protective works may be carried out—

⁽³¹⁾ 1991 c.56. Section 106 was amended by section 35(8)(a) of the Competition and Service (Utilities) Act 1992 (c.43) and sections 36(2) and 99 of the Water Act 2003 (c.37). There are other amendments to this section which are not relevant to this Order.

⁽³²⁾ 1964 c.40.

⁽³³⁾ “Sewerage undertaker” is defined in Schedule 1 to the Interpretation Act 1978 (c.30).

- (a) at any time before or during the carrying out in the vicinity of the building of any part of the authorised project; or
- (b) after the completion of that part of the authorised project in the vicinity of the building at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised project is first opened for use.

(3) For the purpose of determining how the powers under this article are to be exercised, the undertaker may enter and survey any building falling within paragraph (1) and any land within its curtilage.

(4) For the purpose of carrying out protective works under this article to a building, the undertaker may (subject to paragraphs (5) and (6))—

- (a) enter the building and any land within its curtilage; and
- (b) where the works cannot be carried out reasonably conveniently without entering land that is adjacent to the building but outside its curtilage, enter the adjacent land (but not any building erected on it).

(5) Before exercising—

- (a) a power under paragraph (1) to carry out protective works to a building;
- (b) a power under paragraph (3) to enter a building and land within its curtilage;
- (c) a power under paragraph (4)(a) to enter a building and land within its curtilage; or
- (d) a power under paragraph (4)(b) to enter land,

the undertaker must, except in the case of emergency, serve on the owners and occupiers of the building or land not less than 14 days' notice of its intention to exercise the power and, in a case falling within sub-paragraph (a) or (c), specifying the protective works proposed to be carried out.

(6) Where a notice is served under paragraph (5)(a), (c) or (d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is necessary or expedient to carry out the protective works or to enter the building or land to be referred to arbitration under [article 41](#) (arbitration).

(7) The undertaker must compensate the owners and occupiers of any building or land in relation to which powers under this article have been exercised for any loss or damage arising to them by reason of the exercise of the powers.

(8) Where—

- (a) protective works are carried out under this article to a building; and
- (b) within the period of 5 years beginning with the day on which the part of the authorised project carried out in the vicinity of the building is first opened for use it appears that the protective works are inadequate to protect the building against damage caused by the carrying out or use of that part of the authorised project,

the undertaker must compensate the owners and occupiers of the building for any loss or damage sustained by them.

(9) Nothing in this article relieves the undertaker from any liability to pay compensation under section 152 of the 2008 Act([34](#)) (compensation in case where no right to claim in nuisance).

(10) Any compensation payable under paragraph (7) or (8) must be determined, in case of dispute, under Part 1 of the 1961 Act.

(11) In this article “protective works”, in relation to a building, means—

[\(34\)](#) Section 152 was amended by [S.I. 2009/1307](#).

- (a) underpinning, strengthening and any other works the purpose of which is to prevent damage that may be caused to the building by the carrying out, maintenance or use of the authorised project; and
- (b) any works the purpose of which is to remedy any damage that has been caused to the building by the carrying out, maintenance or use of the authorised project.

Commencement Information

I16 Art. 16 in force at 7.9.2016, see [art. 1\(2\)](#)

Authority to survey and investigate land

17.—(1) The undertaker may for the purposes of this Order enter on any land shown within the Order limits and—

- (a) survey or investigate the land;
- (b) without limiting sub-paragraph (a), make trial holes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and subsoil and remove soil samples;
- (c) without limiting 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 undertaker—

- (a) must, if so required, produce written evidence of the authority to do so; and
- (b) may take with him or her such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.

(4) No trial holes may 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 must not be unreasonably withheld.

(5) The undertaker must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the powers conferred by this article, such compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) If a highway authority or a street authority fails to notify the undertaker of its decision within 28 days of receiving an application for consent—

- (a) in the case of a highway authority, under paragraph (4)(a); or
- (b) in the case of a street authority, under paragraph (4)(b),

the authority is deemed to have given consent.

Commencement Information

I17 Art. 17 in force at 7.9.2016, see [art. 1\(2\)](#)

PART 5

Powers of acquisition, etc.

Compulsory acquisition of land

18.—(1) Optimus Wind may, with the consent of Breesea, such consent not to be unreasonably withheld, acquire compulsorily so much of the Order land as is required for the Project A works, the shared works or to facilitate, or is incidental to, the construction, operation and maintenance of those works.

(2) Breesea may, with the consent of Optimus Wind, such consent not to be unreasonably withheld, acquire compulsorily so much of the Order land as is required for the Project B works, the shared works or to facilitate, or is incidental to, the construction, operation and maintenance of those works.

(3) If the undertaker whose consent is required under paragraph (1) or (2) fails to notify the undertaker requesting consent of its decision within 28 days of receiving an application for consent, the first-mentioned undertaker is deemed to have given consent.

(4) This article is subject to—

- (a) article 19(3) (compulsory acquisition of rights); and
- (b) article 26(10) (temporary use of land for carrying out authorised project).

Commencement Information

I18 Art. 18 in force at 7.9.2016, see [art. 1\(2\)](#)

Compulsory acquisition of rights

19.—(1) Subject to paragraph (3), Optimus Wind may, with the consent of Breesea, such consent not to be unreasonably withheld, acquire compulsorily such rights or impose such restrictive covenants over the Order land as may be required for any purpose for which that land may be acquired under article 18 (compulsory acquisition of land) by creating them as well as by acquiring rights already in existence.

(2) Subject to paragraph (3), Breesea may, with the consent of Optimus Wind, such consent not to be unreasonably withheld, acquire compulsorily such rights or impose such restrictive covenants over the Order land as may be required for any purpose for which that land may be acquired under article 18 by creating them as well as by acquiring rights already in existence.

(3) In the case of the Order land set out in column (1) of Schedule 5 (land in which new rights etc., may be acquired), the powers of compulsory acquisition conferred under paragraphs (1) and (2) and under article 18 are limited to the acquisition of such new rights or the imposition of such restrictive covenants as may be required for the purpose specified in relation to that land in column (2) of that Schedule.

(4) Subject to section 8 of the 1965 Act (as substituted by paragraph 5 of Schedule 6 (modification of compensation and compulsory purchase enactments for creation of new rights, etc.)), where the undertaker acquires an existing right over land or imposes a restrictive covenant under paragraph (1) or (2), the undertaker is not required to acquire a greater interest in that land.

(5) Schedule 6 has effect for the purpose of modifying enactments relating to compensation and 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 a restrictive covenant.

(6) In any case where the acquisition of new rights or the imposition of restrictive covenants under paragraph (1) or (2) is required for the purpose of diverting, replacing or protecting apparatus of a statutory undertaker, the undertaker may, with the consent of the Secretary of State, transfer the power to acquire such rights to the statutory undertaker in question.

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

(8) Any person who suffers loss as a result of the extinguishment or suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(9) If the undertaker whose consent is required under paragraph (1) or (2) fails to notify the undertaker requesting consent of its decision within 28 days of receiving an application for consent, the first-mentioned undertaker is deemed to have given consent.

Commencement Information

I19 Art. 19 in force at 7.9.2016, see [art. 1\(2\)](#)

Time limit for exercise of authority to acquire land compulsorily

20.—(1) After 15th August 2021—

- (a) no notice to treat may be served under Part 1 of the 1965 Act; and
- (b) no declaration may be executed under section 4 of the 1981 Act⁽³⁵⁾, as applied by article 22 (application of Compulsory Purchase (Vesting Declarations) Act 1981).

(2) The authority conferred by article 26 ceases at the end of 15th August 2021, but nothing in this paragraph prevents the undertaker remaining in possession of land after the end of that period, if the land was entered, and possession taken, on or before that date.

Commencement Information

I20 Art. 20 in force at 7.9.2016, see [art. 1\(2\)](#)

Private rights

21.—(1) Subject to the provisions of this article, all private rights over land subject to compulsory acquisition under article 18 cease to have effect in so far as their continuance would be inconsistent with the exercise of the powers under article 18—

- (a) as from the date of acquisition of the land by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act⁽³⁶⁾ (power of entry),

whichever is the earlier.

(2) Subject to the provisions of this article, all private rights over land subject to the compulsory acquisition of rights or the imposition of restrictive covenants under article 19 cease to have effect

⁽³⁵⁾ Section 4 is amended, from a date to be appointed, by sections 184 and 185 of, and paragraph 2 of Schedule 18 to, the Housing and Planning Act 2016 (c.22).

⁽³⁶⁾ Section 11(1) was amended by paragraph 14 of Schedule 4 to the Acquisition of Land Act 1981 and paragraph 12 of Schedule 5 to the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No. 1).

in so far as their continuance would be inconsistent with the exercise of the right or compliance with the restrictive covenant—

- (a) as from the date of the acquisition of the right or the imposition of the restrictive covenant by the undertaker (whether the right is acquired compulsorily, by agreement or through the grant of lease of the land by agreement); or
- (b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act in pursuance of the right,

whichever is the earlier.

(3) Subject to the provisions of this article, all private rights over land of which the undertaker takes temporary possession under this Order are suspended and unenforceable, in so far as their continuance would be inconsistent with the purpose for which temporary possession is taken, for as long as the undertaker 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 is entitled to compensation in accordance with 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⁽³⁷⁾ (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) or article 28 (statutory undertakers) applies.

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

- (a) any notice given by the undertaker 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 undertaker's appropriation of it,
 - (iii) the undertaker's entry onto it, or
 - (iv) the undertaker's taking temporary possession of it,
 that any or all of those paragraphs do not apply to any right specified in the notice; or
- (b) any agreement made at any time between the undertaker and the person in or to whom the right in question is vested or belongs.

(7) If an agreement 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,

the agreement is effective in respect of the persons so deriving title, whether 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.

(9) Where—

- (a) one undertaker exercises a power under article 18 or 19 in respect of land or rights; and
- (b) the other undertaker subsequently exercises such a power in respect of the same land or rights,

any right so acquired by the undertaker referred to in sub-paragraph (a) does not cease to have effect in consequence of the exercise of the power referred to in sub-paragraph (b) unless the undertaker referred to in sub-paragraph (a) gives consent, such consent not to be unreasonably withheld.

⁽³⁷⁾ Section 138 was amended by section 23(4) of the Growth and Industry Act 2013 (c.27).

Commencement Information

I21 Art. 21 in force at 7.9.2016, see [art. 1\(2\)](#)

Application of Compulsory Purchase (Vesting Declarations) Act 1981

- 22.**—(1) The 1981 Act applies as if this Order were a compulsory purchase order.
- (2) The 1981 Act, as applied by paragraph (1), has effect with the following modifications.
- (3) In section 3 (preliminary notices), for subsection (1), substitute—
- “(1) Before making a declaration under section 4 with respect to any land that is subject to a compulsory purchase order, the acquiring authority must include the particulars specified in subsection (3) in a notice that 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 where the land is situated.”.
- (4) In that section, in subsection (2)—
- (a) for “(1)(b)”, substitute “(1)”; and
- (b) after “given”, insert “and published”.
- (5) In that section, for subsections (5) and (6), substitute—
- “(5) For the purposes of this section, a person has a relevant interest in land if—
- (a) the person is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion; or
- (b) the person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds 1 month.”.
- (6) In section 5 (earliest date for execution of declaration)—
- (a) in subsection (1), after “publication”, insert “in a local newspaper circulating in the area in which the land is situated”; and
- (b) omit subsection (2).
- (7) In section 7 (constructive notice to treat), in subsection (1)(a), omit “(as modified by section 4 of the Acquisition of Land Act 1981)”.
- (8) References to the 1965 Act in the 1981 Act must be construed as references to that Act as applied by section 125 of the 2008 Act(**38**) (application of compulsory acquisition provisions) to the compulsory acquisition of land under this Order.

Commencement Information

I22 Art. 22 in force at 7.9.2016, see [art. 1\(2\)](#)

Acquisition of subsoil or airspace only

- 23.**—(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of, or the airspace over, the land referred to in article 18 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.

(38) Section 125 was amended by paragraph 17 of Schedule 16 to the Housing and Planning Act 2016.

(2) Where under paragraph (1) the undertaker acquires any part of, or rights in, the subsoil of or the airspace over, land, the undertaker is not required to acquire an interest in any other part of the land.

(3) Paragraph (2) does not prevent article 24 (acquisition of part of certain properties) from applying where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.

Commencement Information

I23 Art. 23 in force at 7.9.2016, see [art. 1\(2\)](#)

Acquisition of part of certain properties

24.—(1) This article applies instead of section 8(1) of the 1965 Act (other provisions as to 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 undertaker a counter-notice objecting to the sale of the land subject to the notice to treat that 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 must 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 must sell only the land subject to the notice to treat must, unless the undertaker 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 must 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 that the undertaker is authorised to acquire compulsorily under this Order.

(8) If the undertaker 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 that the undertaker 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 undertaker 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, must 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 undertaker must 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.

Commencement Information

I24 Art. 24 in force at 7.9.2016, see [art. 1\(2\)](#)

Rights under or over streets

25.—(1) The undertaker may—

(a) enter on and appropriate so much of the subsoil of, or airspace over, any street within the Order limits as may be required for the purposes of the authorised project; and

(b) use the subsoil or airspace for those purposes or any other purpose ancillary to the authorised project.

(2) Subject to paragraph (3), the undertaker 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 that forms part of a building fronting onto the street.

(4) Subject to paragraph (5), any person who—

(a) is an owner or occupier of land appropriated under paragraph (1) without the undertaker acquiring any part of that person's interest in the land; and

(b) suffers loss as a result,

is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) Compensation is not payable under paragraph (4) to any person who is an undertaker 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.

Commencement Information

I25 Art. 25 in force at 7.9.2016, see [art. 1\(2\)](#)

Temporary use of land for carrying out authorised project

26.—(1) Each undertaker may, from time to time, alone or in common with the other undertaker, in connection with the carrying out of the authorised project—

- (a) enter on and take temporary possession of—
 - (i) the Order land set out in column (2) of Part 1 of Schedule 7 (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;
 - (ii) the Order land set out in column (2) of Part 2 of Schedule 7 for the purpose specified in relation to that land in column (3) of that Schedule;
 - (iii) any of the land referred to in article 18 and Schedule 5 in respect of which (other than in connection with the acquisition of rights only) no notice of entry has been served under section 11 of the 1965 Act 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) and buildings on that land; and
 - (d) construct or carry out any works or operations specified in relation to that land in column (3) of Parts 1 and 2 of Schedule 7 or any other mitigation works or operations (including land drainage restoration works).
- (2) The undertaker may for the purpose of obtaining access to construct the authorised project—
- (a) make temporary use, in common with other persons enjoying rights over that land, of access routes over the land set out in Part 3 of Schedule 7; and
 - (b) carry out any necessary works to improve those access routes (and for that purpose only take temporary possession of the area in which the work is to be carried out for the duration of that work).
- (3) The undertaker may for the purpose of obtaining access to the compensation compounds—
- (a) make temporary use, in common with other persons enjoying rights over that land, of access routes over the land set out in Part 4 of Schedule 7; and
 - (b) carry out any necessary works to improve those access routes (and for that purpose only take temporary possession of the area in which the work is to be carried out for the duration of that work).

(4) Not less than 14 days before entering on and taking temporary possession of or using land under this article, the undertaker must serve notice of the intended entry on the owners and occupiers of the land.

(5) The undertaker must 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 1 year beginning with—

- (a) in the case of land referred to in paragraph (1)(a)(i), the date of completion of the construction, installation or implementation of the part of the authorised project specified in relation to that land in column (4) of Part 1 of Schedule 7;
 - (b) in the case of land referred to in paragraph (1)(a)(ii), the date on which the compensation compound ceases to be required;
 - (c) in the case of land referred to in paragraph (1)(a)(iii), the date of completion of the construction, installation or implementation of the work for which temporary possession of this land was taken unless the undertaker 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.
- (6) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker is not required to—
- (a) replace a building removed under this article; or
 - (b) restore land on which any works have been constructed under paragraph (1)(d).
- (7) The undertaker must 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 any power conferred by this article.
- (8) Any dispute as to a person's entitlement to compensation under paragraph (7), or as to the amount of the compensation, must be determined under Part 1 of the 1961 Act.
- (9) Nothing in this article affects any liability to pay compensation under section 10(2) of the 1965 Act (further provisions as to compensation for injurious affection) 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 (7).
- (10) The undertaker may not under this Order compulsorily acquire the land referred to in paragraphs (1)(a)(i) and (ii), (2)(a) or (3)(a); and the undertaker may not acquire rights in or impose restrictive covenants over any part of that land unless it is set out in column (1) of Schedule 5.
- (11) Where the undertaker takes possession of or uses land under this article, the undertaker is not required to acquire the land or any interest in it.
- (12) Section 13 of the 1965 Act⁽³⁹⁾ (refusal to give possession to acquiring authority) applies to the temporary use of land under 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.
- (13) The powers in this article may be exercised by each undertaker in relation to the same land at the same time as the other undertaker or at different times, and may be exercised more than once.

Commencement Information

I26 Art. 26 in force at 7.9.2016, see [art. 1\(2\)](#)

Temporary use of land for maintaining authorised project

27.—(1) Subject to paragraph (2), at any time during the maintenance period relating to any part of the authorised project, each undertaker may, alone or in common with the other undertaker,—

⁽³⁹⁾ Section 13 was amended by section 139 of, and paragraph 28(2) of Schedule 13 and Part 3 of Schedule 23 to, the Tribunals, Courts and Enforcement Act 2007 (c.15).

- (a) enter on and take temporary possession of any land referred to in article 26(1)(a)(i) or (iii) 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) does not authorise the undertaker 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 undertaker must serve notice of the intended entry on the owners and occupiers of the land.
- (4) The undertaker may remain in possession of land under this article only 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 is taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.
- (6) The undertaker must 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 powers in this article.
- (7) Any dispute as to a person’s entitlement to compensation under paragraph (6), or as to the amount of the compensation, must be determined under Part 1 of the 1961 Act.
- (8) Nothing in this article affects any liability to pay compensation under section 10(2) of the 1965 Act 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 undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.
- (10) Section 13 of the 1965 Act applies 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.
- (11) In this article “maintenance period”, in relation to any part of the authorised project, means—
- (a) the period of 5 years beginning with the date on which that part of the authorised project is first energised; and
 - (b) any period falling between the date at which temporary possession is no longer permitted under article 26(5)(a) or (c) and the date on which that part of the authorised project is first energised.
- (12) The powers in this article may be exercised by each undertaker in relation to the same land at the same time as the other undertaker or at different times, and may be exercised more than once.

Commencement Information

I27 Art. 27 in force at 7.9.2016, see [art. 1\(2\)](#)

Statutory undertakers

- 28.** Subject to Schedule 12 (protective provisions), the undertaker may—

- (a) exercise the powers conferred by articles 18 and 19 in relation to so much of any land referred to in those articles as belongs to statutory undertakers; and
- (b) extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers over or within the Order land referred to in those articles.

Commencement Information

I28 Art. 28 in force at 7.9.2016, see [art. 1\(2\)](#)

Recovery of costs of new connections

29.—(1) Where any apparatus of a public utility undertaker or a public communications provider is removed under article 28 (statutory undertakers), any person who is the owner or occupier of premises to which a supply was given from that apparatus is entitled to recover from the undertaker 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 28, any person who is—

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

is entitled to recover from the undertaker 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) In this article—

- “public communications provider” has the same meaning as in section 151(1) of the 2003 Act;
- “public utility undertaker” has the same meaning as in the 1980 Act⁽⁴⁰⁾.

Commencement Information

I29 Art. 29 in force at 7.9.2016, see [art. 1\(2\)](#)

PART 6

Operations

Felling or lopping of trees and removal of hedgerows

30.—(1) The undertaker may fell or lop any tree or shrub within or overhanging land within the Order limits 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 undertaker must not cause unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity.

⁽⁴⁰⁾ “Public utility undertaker” is defined in section 329.

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

(4) The undertaker may remove any hedgerows within the Order limits that may be required for the purposes of the carrying out of the authorised development.

(5) Regulation 6 of the Hedgerows Regulations 1997⁽⁴¹⁾ is modified so as to read for the purposes of this Order only as if there were inserted after paragraph (1)(j)—

“(k) for carrying out development that has been authorised by a development consent pursuant to the Planning Act 2008.”.

(6) In this article, “hedgerow” has the same meaning as in the Hedgerows Regulations 1997.

Commencement Information

I30 Art. 30 in force at 7.9.2016, see [art. 1\(2\)](#)

Trees subject to tree preservation orders

31.—(1) The undertaker may lop any tree within or overhanging land within the Order limits that is subject to a tree preservation order made after 3rd November 2014.

(2) In carrying out any activity authorised by paragraph (1)—

(a) the undertaker must not cause unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity; and

(b) the duty contained in section 206(1) of the 1990 Act (replacement of trees) does not apply.

(3) The authority given by paragraph (1) constitutes a deemed consent under the relevant tree preservation order.

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

Commencement Information

I31 Art. 31 in force at 7.9.2016, see [art. 1\(2\)](#)

PART 7

Miscellaneous and general

Operational land for purposes of 1990 Act

32. Development consent granted by this Order must 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).

Commencement Information

I32 Art. 32 in force at 7.9.2016, see [art. 1\(2\)](#)

(41) S.I. 1997/1160.

Procedure in relation to approvals, etc. under requirements

33. Where an application is made to the local planning authority for any consent, agreement or approval required by a Requirement, the following provisions (so far as they relate to a consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission) apply in relation to the application as if the Requirement were a condition imposed on a grant of planning permission—

- (a) sections 78 and 79 of the 1990 Act⁽⁴²⁾ (right of appeal in relation to planning decisions);
- (b) any orders, rules or regulations which make provision in relation to appeals under section 78 of the 1990 Act,

insofar as those provisions are not inconsistent with the EIA Regulations and any orders, rules or regulations made under the 2008 Act.

Commencement Information

I33 Art. 33 in force at 7.9.2016, see [art. 1\(2\)](#)

Offshore works: abandonment or decay

34.—(1) Where the authorised development constructed seaward of MHWS or any part of it is abandoned or allowed to fall into decay, the Secretary of State may, following consultation with the undertaker, by notice in writing require the undertaker at its own expense—

- (a) to repair and restore the authorised development or any part of it;
- (b) to remove the authorised development or any part of it; and
- (c) to restore the site to a safe and appropriate condition within an area and to such an extent as may be specified in the notice.

(2) If the undertaker fails to comply in any respect with a notice served under this article within the period of 30 days beginning with the date of service of the notice—

- (a) the Secretary of State may take whatever steps the Secretary of State considers appropriate to achieve the result required by the notice;
- (b) any expenditure incurred by the Secretary of State in doing so is recoverable from the undertaker.

(3) Nothing in this article limits the Secretary of State's powers under Chapter 3 of Part 2 of the 2004 Act (decommissioning of offshore installations).

Commencement Information

I34 Art. 34 in force at 7.9.2016, see [art. 1\(2\)](#)

Transfer of benefit of Order

35.—(1) Except as otherwise provided in this Order, the provisions of this Order have effect solely for the benefit of the undertaker.

⁽⁴²⁾ Section 78 was amended by section 43(2) of the Planning and Compulsory Purchase Act 2004 (c.5), paragraph 3(b) of Schedule 10 to the Planning Act 2008, section 123(3) of, and paragraph 11 of Schedule 12 to, the Localism Act 2011, paragraph 8 of Schedule 1 to the Growth and Infrastructure Act 2013, paragraph 12 of Schedule 4 to the Infrastructure Act 2015 and paragraph 21 of Schedule 12 to the Housing and Planning Act 2016. Section 79 was amended by section 18 of, and paragraph 19 of Schedule 7 to, the Planning and Compensation Act 1991 (c.34), paragraph 4 of Schedule 10 to the Planning Act 2008 and paragraph 23 of Schedule 12 to the Housing and Planning Act 2016.

- (2) The undertaker may—
- (a) transfer to another person (the “transferee”) any or all of the benefit of the provisions of this Order (including the deemed marine licences) and such related statutory rights as may be agreed between the undertaker and the transferee; or
 - (b) grant to another person (the “lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order (including the deemed marine licences) and such related statutory rights as may be agreed between the undertaker and the lessee.
- (3) The consent of the Secretary of State is required for a transfer or grant under paragraph (2), except for—
- (a) a transfer or grant of the benefit of any of the provisions (and any related statutory rights) relating to Work No. 1A or 1B from one undertaker to the other; or
 - (b) a transfer or grant of any of the provisions (and any related statutory rights) relating to Work Nos. 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B or 10 to a person who holds a licence under section 6 of the 1989 Act.
- (4) Where the consent of the Secretary of State is required for a transfer or grant under paragraph (1), the Secretary of State must consult the MMO before giving consent if the proposed transfer or grant is relevant to the exercise of functions within the MMO’s jurisdiction.
- (5) Where there is a transfer or grant under paragraph (2)—
- (a) the exercise by the transferee or, as the case may be, by the lessee of any benefit or right conferred by the transfer or grant (the “transferred benefit”) is subject to the same restrictions, liabilities and obligations as would apply under this Order if the benefit or right were exercised by the undertaker; and
 - (b) the transferred benefit resides exclusively with the transferee or lessee, and any breach of a restriction or an obligation with respect to the transferred benefit is not be enforceable against the person making the transfer or grant, except for a breach occurring before the date of transfer.
- (6) At least 5 days before a transfer or grant under paragraph (2) takes effect, the undertaker must give notice in writing—
- (a) to the Secretary of State; and
 - (b) if the transfer or grant is relevant to the exercise of functions within the MMO’s or the local planning authority’s jurisdiction, to the MMO or the local planning authority (or to both).
- (7) The notice must—
- (a) state—
 - (i) the name and contact details of the transferee or lessee;
 - (ii) the date on which the transfer or grant takes effect;
 - (iii) the provisions transferred or granted; and
 - (iv) the restrictions, liabilities and obligations that, in accordance with paragraph (5)(a), apply to the transferee or lessee;
 - (b) be accompanied by—
 - (i) where relevant, a plan showing the Works or areas to which the transfer or grant relates;
 - (ii) where the Secretary of State’s consent is needed for the transfer or grant, a copy of the consent; and

(iii) a copy of the document effecting the transfer or grant signed by the person making the transfer or grant and the transferee or lessee; and

(c) be signed by the person making the transfer or grant and the transferee or lessee.

(8) Where there is a transfer or grant under paragraph (2), references in this Order to the undertaker, except in paragraph (5), include references to the transferee or lessee.

Commencement Information

I35 Art. 35 in force at 7.9.2016, see [art. 1\(2\)](#)

Deemed marine licences under Marine and Coastal Access Act 2009

36. The marine licences set out in Schedules 8 to 11 are deemed to have been issued under Part 4 of the 2009 Act (marine licensing) for the licensed activities set out in Part 1, and subject to the Conditions set out in Part 2, of each licence.

Commencement Information

I36 Art. 36 in force at 7.9.2016, see [art. 1\(2\)](#)

Saving for Trinity House

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

Commencement Information

I37 Art. 37 in force at 7.9.2016, see [art. 1\(2\)](#)

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 undertaker or any licensee to take, use, enter on 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)—

- (a) 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;
- (b) 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
- (c) 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.

(2) Paragraph (1) does not apply to the exercise of any right under this Order compulsorily to acquire an interest in any land that 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.

(3) A consent under paragraph (1)—

- (a) may be given unconditionally or subject to terms and conditions;

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(b) is deemed to have been given in writing where it is sent electronically.

Commencement Information

I38 Art. 38 in force at 7.9.2016, see [art. 1\(2\)](#)

Protective provisions

39. Schedule 12 (protective provisions) has effect.

Commencement Information

I39 Art. 39 in force at 7.9.2016, see [art. 1\(2\)](#)

Certification of plans, etc.

40.—(1) The undertaker must, as soon as practicable after this Order is made, submit to the Secretary of State copies of the documents listed in Schedule 13 (documents to be certified) for certification that they are true copies of the documents referred to in this Order.

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

Commencement Information

I40 Art. 40 in force at 7.9.2016, see [art. 1\(2\)](#)

Arbitration

41. Any difference under any provision of this Order, unless otherwise provided for, must 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.

Commencement Information

I41 Art. 41 in force at 7.9.2016, see [art. 1\(2\)](#)

Signed by authority of the Secretary of State for Business, Energy and Industrial Strategy

Giles Scott
Head of Energy Infrastructure Planning and Coal
Liabilities
Department for Business, Energy and Industrial
Strategy

16th August 2016

SCHEDULE 1

Articles 2 and 6

Authorised project

PART 1

Authorised development

1. The authorised development includes—
 - (a) the nationally significant infrastructure project (as defined in sections 14 and 15 of the 2008 Act) described in paragraph 2; and
 - (b) the associated development (within the meaning of section 115(2) of the 2008 Act) described in paragraphs 3 and 4.

Commencement Information

I42 Sch. 1 Pt. 1 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

2.—(1) The nationally significant infrastructure project comprises up to 2 offshore wind generating stations with a combined gross electrical output capacity of up to 1,800 megawatts as follows—

Work No. 1A — An offshore wind generating station within the wind farm area comprising—

- (a) subject to sub-paragraph (2), up to 300 wind turbine generators fixed to the seabed;
- (b) a network of subsea intra-array electrical circuits connecting the structures comprised in *Work No. 1A*—
 - (i) with other such structures;
 - (ii) with any other structure located within the wind farm area; and
 - (iii) with the network of electrical circuits comprised in *Work Nos. 1B, 2A and 2B*;
- (c) subject to sub-paragraph (3), up to 2 offshore accommodation platforms fixed to the seabed which may be connected to one of the offshore HVAC collector substations or offshore HVDC converter substations within *Work No. 2A* by an unsupported steel bridge and up to 2 electrical circuits each connecting an accommodation platform to either an offshore HVAC collector substation or to a wind turbine generator in order to power the accommodation platform;

Work No. 1B — An offshore wind generating station within the wind farm area comprising—

- (a) subject to sub-paragraph (2), up to 300 wind turbine generators fixed to the seabed;
- (b) a network of subsea intra-array electrical circuits connecting the structures comprised in *Work No. 1B*—
 - (i) with other such structures;
 - (ii) with any other structure located within the wind farm area; and
 - (iii) with the network of electrical circuits comprised in *Work Nos. 1A, 2A and 2B*;
- (c) subject to sub-paragraph (3), up to 2 offshore accommodation platforms fixed to the seabed which may be connected to one of the offshore HVAC collector substations or offshore HVDC converter substations within *Work No. 2B* by an unsupported steel bridge and up to 2 electrical circuits each connecting an accommodation platform to either an

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offshore HVAC collector substation or to a wind turbine generator in order to power the accommodation platform.

Co-ordinates for wind farm area (limits of deviation for Work Nos. 1A, 1B, 2A and 2B)—

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	54° 0' 31.626" N	1° 26' 19.993" E
2	54° 0' 18.479" N	1° 38' 37.320" E
3	54° 0' 15.768" N	1° 40' 21.864" E
4	53° 59' 36.924" N	2° 3' 45.936" E
5	53° 57' 24.509" N	2° 6' 6.700" E
6	53° 57' 12.481" N	2° 4' 32.376" E
7	53° 56' 46.586" N	2° 5' 4.031" E
8	53° 56' 16.303" N	2° 1' 15.269" E
9	53° 55' 22.663" N	2° 2' 14.219" E
10	53° 55' 2.525" N	1° 59' 45.776" E
11	53° 55' 35.429" N	1° 59' 20.944" E
12	53° 55' 8.162" N	1° 56' 10.619" E
13	53° 55' 23.329" N	1° 55' 20.262" E
14	53° 55' 37.592" N	1° 53' 38.108" E
15	53° 55' 31.318" N	1° 52' 54.282" E
16	53° 56' 22.870" N	1° 51' 57.409" E
17	53° 55' 46.445" N	1° 47' 47.796" E
18	53° 58' 42.179" N	1° 44' 31.880" E
19	53° 58' 17.828" N	1° 41' 46.795" E
20	53° 56' 29.670" N	1° 43' 45.592" E
21	53° 56' 3.228" N	1° 41' 0.143" E
22	53° 55' 9.293" N	1° 39' 52.024" E
23	53° 50' 5.118" N	1° 38' 58.430" E
24	53° 50' 7.210" N	1° 26' 59.953" E

(2) The combined total of wind turbine generators constructed within Work Nos. 1A and 1B must not exceed 300.

(3) The combined total of accommodation platforms constructed within Work Nos. 1A and 1B must not exceed 2.

Commencement Information

I43 Sch. 1 Pt. 1 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

3.—(1) The associated development includes the following Works—

Work No. 2A — Subject to sub-paragraph (2), up to 6 offshore HVAC collector substations and, in the event that the mode of transmission is HVDC, up to 2 offshore HVDC converter substations together with a network of electrical circuits connecting the structures within Work Nos. 2A and 2B;

Work No. 2B — Subject to sub-paragraph (2), up to 6 offshore HVAC collector substations and, in the event that the mode of transmission is HVDC, up to 2 offshore HVDC converter substations together with a network of electrical circuits connecting the structures within Work Nos. 2A and 2B;

Work No. 3A — Subject to sub-paragraph (3), in the event that the mode of transmission is HVAC, up to 2 offshore reactive compensation substations fixed to the seabed at latitude point 53° 37' 54.291" N and longitude point 0° 55' 59.731" E and at latitude point 53° 38' 9.295" N and longitude point 0° 55' 49.576" E subject to deviation within the limits of deviation for Work Nos. 3A and 3B;

Work No. 3B — Subject to sub-paragraph (3), in the event that the mode of transmission is HVAC, up to 2 offshore reactive compensation substations fixed to the seabed at latitude point 53° 37' 54.291" N and longitude point 0° 55' 59.731" E and at latitude point 53° 38' 9.295" N and longitude point 0° 55' 49.576" E subject to deviation within the limits of deviation for Work Nos. 3A and 3B;

Co-ordinates for limits of deviation for Work Nos. 3A and 3B—

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	53° 38' 1.918" N	0° 55' 55.183" E
2	53° 38' 2.362" N	0° 55' 58.099" E
3	53° 38' 2.438" N	0° 56' 0.367" E
4	53° 38' 2.185" N	0° 56' 3.394" E
5	53° 38' 1.735" N	0° 56' 5.560" E
6	53° 38' 1.074" N	0° 56' 7.567" E
7	53° 37' 59.900" N	0° 56' 9.900" E
8	53° 37' 58.446" N	0° 56' 11.733" E
9	53° 37' 57.216" N	0° 56' 12.723" E
10	53° 37' 55.456" N	0° 56' 13.477" E
11	53° 37' 54.094" N	0° 56' 13.597" E
12	53° 37' 52.296" N	0° 56' 13.156" E
13	53° 37' 51.011" N	0° 56' 12.387" E
14	53° 37' 49.821" N	0° 56' 11.266" E
15	53° 37' 48.441" N	0° 56' 9.279" E
16	53° 37' 47.358" N	0° 56' 6.825" E
17	53° 37' 46.776" N	0° 56' 4.750" E
18	53° 37' 46.409" N	0° 56' 2.540" E
19	53° 37' 46.268" N	0° 56' 0.258" E
20	53° 37' 46.357" N	0° 55' 57.969" E
21	53° 37' 46.828" N	0° 55' 55.017" E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
22	53° 37' 47.678" N	0° 55' 52.316" E
23	53° 37' 48.540" N	0° 55' 50.538" E
24	53° 37' 49.567" N	0° 55' 49.029" E
25	53° 37' 51.143" N	0° 55' 47.509" E
26	53° 37' 52.881" N	0° 55' 46.618" E
27	53° 37' 54.238" N	0° 55' 46.392" E
28	53° 37' 56.046" N	0° 55' 46.691" E
29	53° 37' 57.351" N	0° 55' 47.359" E
30	53° 37' 58.570" N	0° 55' 48.386" E
31	53° 38' 0.004" N	0° 55' 50.262" E
32	53° 38' 1.153" N	0° 55' 52.630" E
33	53° 38' 1.792" N	0° 55' 54.657" E
34	53° 38' 1.346" N	0° 55' 51.708" E
35	53° 38' 1.300" N	0° 55' 48.665" E
36	53° 38' 1.657" N	0° 55' 45.681" E
37	53° 38' 2.399" N	0° 55' 42.906" E
38	53° 38' 3.490" N	0° 55' 40.477" E
39	53° 38' 5.257" N	0° 55' 38.112" E
40	53° 38' 6.910" N	0° 55' 36.872" E
41	53° 38' 8.684" N	0° 55' 36.281" E
42	53° 38' 10.939" N	0° 55' 36.497" E
43	53° 38' 12.244" N	0° 55' 37.130" E
44	53° 38' 13.467" N	0° 55' 38.122" E
45	53° 38' 15.233" N	0° 55' 40.491" E
46	53° 38' 16.080" N	0° 55' 42.277" E
47	53° 38' 16.738" N	0° 55' 44.277" E
48	53° 38' 17.187" N	0° 55' 46.433" E
49	53° 38' 17.441" N	0° 55' 49.447" E
50	53° 38' 17.365" N	0° 55' 51.746" E
51	53° 38' 16.908" N	0° 55' 54.716" E
52	53° 38' 16.068" N	0° 55' 57.438" E
53	53° 38' 15.210" N	0° 55' 59.234" E
54	53° 38' 13.812" N	0° 56' 1.201" E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
55	53° 38' 12.609" N	0° 56' 2.302" E
56	53° 38' 10.868" N	0° 56' 3.211" E
57	53° 38' 9.507" N	0° 56' 3.449" E
58	53° 38' 8.141" N	0° 56' 3.296" E
59	53° 38' 6.381" N	0° 56' 2.496" E
60	53° 38' 4.772" N	0° 56' 1.053" E
61	53° 38' 3.714" N	0° 55' 59.591" E
62	53° 38' 2.560" N	0° 55' 57.217" E

Work No. 4A — Subject to sub-paragraph (4), a marine connection to the shore within the marine export cable area, including cable and pipeline crossing works which—

- (a) if the mode of transmission is HVAC, consists of up to 8 subsea electrical circuits proceeding from the offshore HVAC collector substations comprised in Work No. 2A via and connecting with the offshore reactive compensation substations comprised in Work No. 3A; or
- (b) if the mode of transmission is HVDC, consists of up to 2 subsea electrical circuits proceeding from the offshore HVDC converter substations comprised in Work No. 2A,

and in either case terminating at Work No. 5A;

Work No. 4B — Subject to sub-paragraph (4), a marine connection to the shore within the marine export cable area, including cable and pipeline crossing works which—

- (a) if the mode of transmission is HVAC, consists of up to 8 subsea electrical circuits proceeding from the offshore HVAC collector substations comprised in Work No. 2B via and connecting with the offshore reactive compensation substation comprised in Work No. 3B; or
- (b) if the mode of transmission is HVDC, consists of up to 2 subsea electrical circuits proceeding from the offshore HVDC converter substations comprised in Work No. 2B,

and in either case terminating at Work No. 5B;

Principal co-ordinates for marine export cable area (limits of deviation for Work Nos. 4A and 4B) whose full co-ordinates are set out in the offshore works plans—

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	54° 0' 31.626" N	1° 26' 19.993" E
2	54° 0' 18.479" N	1° 38' 37.320" E
3	54° 0' 15.768" N	1° 40' 21.864" E
4	53° 59' 36.924" N	2° 3' 45.936" E
5	53° 57' 24.509" N	2° 6' 6.700" E
6	53° 57' 12.481" N	2° 4' 32.376" E
7	53° 56' 46.586" N	2° 5' 4.031" E
8	53° 56' 16.303" N	2° 1' 15.269" E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
9	53° 55' 22.663" N	2° 2' 14.219" E
10	53° 55' 2.525" N	1° 59' 45.776" E
11	53° 55' 35.429" N	1° 59' 20.944" E
12	53° 55' 8.162" N	1° 56' 10.619" E
13	53° 55' 23.329" N	1° 55' 20.262" E
14	53° 55' 37.592" N	1° 53' 38.108" E
15	53° 55' 31.318" N	1° 52' 54.282" E
16	53° 56' 22.870" N	1° 51' 57.409" E
17	53° 55' 46.445" N	1° 47' 47.796" E
18	53° 58' 42.179" N	1° 44' 31.880" E
19	53° 58' 17.828" N	1° 41' 46.795" E
20	53° 56' 29.670" N	1° 43' 45.592" E
21	53° 56' 3.228" N	1° 41' 0.143" E
22	53° 55' 9.293" N	1° 39' 52.024" E
23	53° 50' 5.118" N	1° 38' 58.430" E
24	53° 46' 7.286" N	1° 38' 16.673" E
25	53° 46' 4.677" N	1° 37' 22.711" E
27	53° 44' 47.813" N	1° 28' 38.495" E
32	53° 44' 47.743" N	1° 27' 26.607" E
34	53° 44' 36.477" N	1° 25' 23.743" E
141	53° 42' 30.629" N	1° 15' 58.654" E
152	53° 42' 28.182" N	1° 14' 34.895" E
264	53° 39' 35.134" N	1° 6' 29.785" E
316	53° 38' 17.582" N	1° 2' 16.928" E
447	53° 36' 54.624" N	0° 51' 31.062" E
449	53° 36' 15.738" N	0° 48' 52.425" E
513	53° 35' 21.166" N	0° 43' 44.242" E
515	53° 31' 50.425" N	0° 40' 55.898" E
516	53° 31' 38.281" N	0° 40' 8.340" E
521	53° 28' 36.676" N	0° 20' 3.846" E
532	53° 31' 43.122" N	0° 12' 21.707" E
533	53° 30' 57.432" N	0° 5' 59.890" E
534	53° 31' 11.028" N	0° 5' 42.539" E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
535	53° 30' 42.954" N	0° 5' 10.787" E
536	53° 30' 42.180" N	0° 5' 9.912" E
537	53° 30' 46.588" N	0° 4' 55.345" E
538	53° 30' 52.245" N	0° 4' 59.515" E
539	53° 31' 25.514" N	0° 5' 24.049" E
540	53° 31' 29.574" N	0° 5' 27.043" E
580	53° 32' 16.976" N	0° 12' 37.072" E
763	53° 29' 11.523" N	0° 20' 5.981" E
1001	53° 31' 28.589" N	0° 35' 44.348" E
1002	53° 32' 0.855" N	0° 37' 42.781" E
1003	53° 32' 17.793" N	0° 39' 31.883" E
1004	53° 32' 35.749" N	0° 39' 45.737" E
1005	53° 33' 8.117" N	0° 39' 47.665" E
1006	53° 34' 28.861" N	0° 41' 27.396" E
1007	53° 35' 42.522" N	0° 42' 37.802" E
1010	53° 36' 25.571" N	0° 43' 54.129" E
1081	53° 37' 2.569" N	0° 47' 31.846" E
1083	53° 37' 30.986" N	0° 49' 14.023" E
1086	53° 37' 29.991" N	0° 51' 27.606" E
1087	53° 37' 36.904" N	0° 52' 22.841" E
1111	53° 38' 45.654" N	0° 57' 1.237" E
1143	53° 39' 16.652" N	1° 1' 1.016" E
1149	53° 39' 42.566" N	1° 1' 40.167" E
1155	53° 41' 20.037" N	1° 6' 45.836" E
1157	53° 42' 59.843" N	1° 14' 18.127" E
1164	53° 43' 0.151" N	1° 15' 37.960" E
1165	53° 44' 0.963" N	1° 20' 9.157" E
1166	53° 49' 6.492" N	1° 25' 51.682" E
1167	53° 50' 7.210" N	1° 26' 59.953" E

Work No. 5A — A foreshore connection consisting of an extension of the electrical circuits comprised in *Work No. 4A*, including cable crossing works, crossing under the existing sea wall using a trenchless technique and terminating at the electrical circuit transition joint bays (*Work No. 6A*);

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Work No. 5B — A foreshore connection consisting of an extension of the electrical circuits comprised in *Work No. 4B*, including cable crossing works, crossing under the existing sea wall using a trenchless technique and terminating at the electrical circuit transition joint bays (*Work No. 6B*);

Onshore

Work No. 6A — Subject to sub-paragraph (5), up to 8 underground electrical circuit transition joint bays in the vicinity of Horseshoe Point in the parish of North Coates in the county of Lincolnshire, housing the connections between the offshore electrical circuits comprised in *Work No. 5A* and the onshore electrical circuits comprised in *Work No. 7A*;

Work No. 6B — Subject to sub-paragraph (5), up to 8 underground electrical circuit transition joint bays in the vicinity of Horseshoe Point in the parish of North Coates in the county of Lincolnshire, housing the connections between the offshore electrical circuits comprised in *Work No. 5B* and the onshore electrical circuits comprised in *Work No. 7B*;

Work No. 7A — Subject to sub-paragraph (6), a connection consisting of 2 underground transmission electrical circuits and associated electrical circuit ducts if the mode of transmission is HVDC and up to 8 underground transmission electrical circuits and associated electrical circuit ducts if the mode of transmission is HVAC, proceeding from *Work No. 6A* at co-ordinate—

Easting 537725, Northing 402577

to *Work No. 8A* at co-ordinate—

Easting 514946, Northing 419297; and

in the event that *Work No. 7A* is constructed before *Work No. 7B*, the electrical circuit ducts associated with the underground transmission electrical circuits comprised in *Work No. 7B*;

Work No. 7B — Subject to sub-paragraph (6), a connection consisting of 2 underground transmission electrical circuits and associated electrical circuit ducts if the mode of transmission is HVDC and up to 8 underground transmission electrical circuits and associated electrical circuit ducts if the mode of transmission is HVAC, proceeding from *Work No. 6B* at co-ordinate—

Easting 537725, Northing 402577

to *Work No. 8B* at co-ordinate—

Easting 514946, Northing 419297; and

in the event that *Work No. 7B* is constructed before *Work No. 7A*, the electrical circuit ducts associated with the underground transmission electrical circuits comprised in *Work No. 7A*;

Work No. 8A — Subject to sub-paragraph (7), up to 2 electrical transmission stations including up to 2 main buildings abutting an open yard (which may be partitioned with concrete or steel walls or fences containing switchgear, electrical reactors and other electrical equipment) and associated facilities on land adjoining the North Killingholme National Grid substation.

If the electrical circuits comprised in *Work Nos. 4A, 5A and 7A* are HVDC, the electrical transmission stations will include facilities to convert the current to HVAC;

Work No. 8B — Subject to sub-paragraph (7), up to 2 electrical transmission stations including up to 2 main buildings abutting an open yard (which may be partitioned with concrete or steel walls or fences containing switchgear, electrical reactors and other electrical equipment) and associated facilities on land adjoining the North Killingholme National Grid substation.

If the electrical circuits comprised in *Work Nos. 4B, 5B and 7B* are HVDC, the electrical transmission stations will include facilities to convert the current to HVAC;

Work No. 9A — Subject to sub-paragraph (8), a connection consisting of up to 2 underground electrical circuits between *Work No. 8A* and the North Killingholme National Grid substation,

including a connection above ground and electrical engineering works within the National Grid substation buildings and compound;

Work No. 9B — Subject to sub-paragraph (8), a connection consisting of up to 2 underground electrical circuits between Work No. 8B and the North Killingholme National Grid substation, including a connection above ground and electrical engineering works within the National Grid substation buildings and compound;

Work No. 10 — Improvements to the verge, highway and private access road running north from Chase Hill Road between the junction with Haven Road in the east and Eastfield Road in the west.

(2) The combined total of offshore HVAC collector substations constructed in whole or in part within Work Nos. 2A and 2B must not exceed 6, and the combined total of offshore HVDC converter substations constructed in whole or in part within Work Nos. 2A and 2B must not exceed 2.

(3) The combined total of offshore reactive compensation substations constructed in whole or in part within Work Nos. 3A and 3B must not exceed 2.

(4) The combined total of electrical circuits constructed in whole or in part within Work Nos. 4A and 4B must not exceed—

- (a) 2, in the event that the mode of transmission is HVDC; and
- (b) 8, in the event that the mode of transmission is HVAC.

(5) The combined total of underground electrical circuit transition joint bays constructed in whole or in part within Work Nos. 6A and 6B must not exceed 8.

(6) The combined total of electrical circuits constructed in whole or in part within Work Nos. 7A and 7B must not exceed—

- (a) 2, in the event that the mode of transmission is HVDC; and
- (b) 8, in the event that the mode of transmission is HVAC.

(7) The combined total of electrical transmission stations constructed in whole or in part within Work Nos. 8A and 8B must not exceed 2.

(8) The combined total of electrical circuits constructed in whole or in part within Work Nos. 9A and 9B must not exceed 2.

Commencement Information

I44 Sch. 1 Pt. 1 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

4. The associated development includes such further development as may be necessary or expedient in connection with each of the Works within the Order limits and is within the scope of the environmental impact assessment recorded in the environmental statement including—

- (a) scour protection around the foundations of the offshore structures;
- (b) dredging;
- (c) cable protection measures such as rock placement and the placement of concrete mattresses and frond mattresses;
- (d) the disposal of seabed sediments produced during construction drilling and seabed preparation for the installation of the foundations of the offshore structures or during seabed preparation for cable laying;
- (e) works to alter the position of apparatus, including mains, sewers, drains and cables;
- (f) works to alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses;

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- (g) landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised development;
- (h) works for the benefit or protection of land affected by the authorised development;
- (i) working sites in connection with the construction of the authorised development;
- (j) compensation compounds;
- (k) works to secure means of access;
- (l) works to construct surface water drainage systems;
- (m) in connection with Work Nos. 8A and 8B, private roads and hardstanding for parking;
- (n) link or earthing boxes associated with Work Nos. 6A and 6B;
- (o) jointing pits (including link or earthing boxes) associated with Work Nos. 7A and 7B;
- (p) a temporary haul road and temporary access track, both alongside and used for the purpose of constructing Work Nos. 7A and 7B;
- (q) works to enable utility services to be run from Chase Hill Road to Work Nos. 8A and 8B; and
- (r) such other works and apparatus, plant and machinery of whatever nature as may be necessary or expedient for the purposes of or in connection with the construction of the authorised development.

Commencement Information

I45 Sch. 1 Pt. 1 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

PART 2

Ancillary works

Commencement Information

I46 Sch. 1 Pt. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

Works and operations within the Order limits comprising—

- (a) temporary anchorage of vessels; and
- (b) buoys, beacons, fenders and other navigational warning or ship impact protection works.

PART 3

Requirements

Time limits

1. The authorised development must be commenced on or before 6th September 2021.

Commencement Information

I47 Sch. 1 Pt. 3 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

Detailed design parameters

- 2.—(1) No wind turbine generator forming part of Work No. 1A or 1B may—
- (a) be more than 151 metres from LAT to the turbine hub;
 - (b) exceed a height of 276 metres from LAT to the upper tip of the vertical blade;
 - (c) exceed a rotor diameter of 241.03 metres;
 - (d) be less than 34.97 metres from LAT to the lowest point of the rotating blade;
 - (e) be less than 810 metres from the nearest wind turbine generator in all directions.
- (2) In this Requirement, references to the location of a wind turbine generator are references to the centre point of the turbine.
- (3) No offshore accommodation platform forming part of Work No. 1A or 1B may—
- (a) exceed 64 metres in height above LAT;
 - (b) have a platform that at its greatest extent exceeds 3,600 square metres in area or 60 metres in width.
- (4) No offshore HVAC collector substation forming part of Work No. 2A or 2B may—
- (a) exceed 64 metres in height above LAT;
 - (b) have a platform that at its greatest extent exceeds 3,600 square metres in area or 60 metres in width.
- (5) No offshore HVDC converter substation forming part of Work No. 2A or 2B may—
- (a) exceed 110 metres in height above LAT;
 - (b) have a platform that at its greatest extent exceeds 16,200 square metres in area or 180 metres in width.
- (6) No offshore reactive compensation substation comprised in Work No. 3A or 3B may—
- (a) exceed 64 metres in height above LAT; or
 - (b) have a platform that at its greatest extent exceeds 3,600 square metres in area or 60 metres in width.
- (7) The diameter of the electrical cables comprising the electrical circuits must not exceed—
- (a) within Work Nos. 1A and 1B, 170 millimetres;
 - (b) within Work Nos. 2A and 2B, 300 millimetres;
 - (c) within Work Nos. 4A, 4B, 5A and 5B—
 - (i) 190 millimetres, where the mode of transmission is HVDC; and
 - (ii) 300 millimetres, where the mode of transmission is HVAC.
- (8) The combined total length of the connections in the form of electrical circuits between the structures comprised in Work Nos. 1A and 1B must not exceed 685 kilometres.
- (9) The combined total length of the connections in the form of electrical circuits between the structures comprised in Work Nos. 2A and 2B must not exceed 300 kilometres.
- (10) The combined total length of the electrical circuits comprised in Work Nos. 4A, 4B, 5A and 5B seaward of MHWS must not exceed 1,200 kilometres.
- (11) The combined total area of cable protection for the electrical circuits comprising Work Nos. 1A and 1B must not exceed 1,246,700 square metres.
- (12) The combined total area of cable protection for the electrical circuits comprising Work Nos. 2A and 2B must not exceed 546,000 square metres.

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(13) The combined total area of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located outside the Humber Estuary Special Area of Conservation must not exceed 2,055,200 square metres.

(14) The combined total area of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located within the Humber Estuary Special Area of Conservation must not exceed 44,800 square metres.

(15) The combined total volume of cable protection for the electrical circuits comprising Work Nos. 1A and 1B must not exceed 712,400 cubic metres.

(16) The combined total volume of cable protection for the electrical circuits comprising Work Nos. 2A and 2B must not exceed 312,000 cubic metres.

(17) The combined total volume of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located outside the Humber Estuary Special Area of Conservation must not exceed 1,174,400 cubic metres.

(18) The combined total volume of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located within the Humber Estuary Special Area of Conservation must not exceed 25,600 cubic metres.

(19) The electrical circuits comprised in Work Nos. 1A, 1B, 2A, 2B, 4A and 4B must be installed by use of, or a combination of, ploughing, trenching, jetting, rock-cutting, dredging, surface laying with post-lay burial and, where ground conditions make burial impracticable, by surface laying.

(20) The electrical circuits comprised in Work Nos. 5A and 5B must be installed by use of, or a combination of, a trenchless technique, ploughing, trenching and jetting, with the exception that, where the electrical circuits comprised in Work Nos. 5A and 5B cross under the existing sea wall, they must be installed using a trenchless technique.

(21) The combined total area in which the underground electrical circuit transition joint bays comprised in Work Nos. 6A and 6B may be contained must not exceed 2,000 square metres, and no underground electrical circuit transition joint bay within that area may individually exceed 25 metres in length or 10 metres in width.

(22) The diameter of the cables within Work Nos. 7A, 7B, 9A and 9B must not exceed 180 millimetres.

(23) No main building forming part of Work No. 8A or 8B may—

(a) where the mode of transmission is HVDC, exceed—

- (i) 40 metres in height;
- (ii) 69.5 metres in width;
- (iii) 135 metres in length; or

(b) where the mode of transmission is HVAC, exceed—

- (i) 15 metres in height;
- (ii) 18.5 metres in width;
- (iii) 82.5 metres in length.

(24) The combined total area of the site of Work Nos. 8A and 8B must not exceed 35,672 square metres, excluding any area of land required for landscaping and mitigation.

(25) The electrical circuits comprised in Work Nos. 7A and 7B must be installed by use of a trenchless technique where crossing under a main river.

(26) The width of the corridor occupied by the connection comprised in Work Nos. 7A and 7B following completion of construction of those works must not exceed 30 metres, except where those works overlap with Work No. 5A, 5B, 6A or 6B in which case the width of the corridor occupied by the connection comprising Work Nos. 7A and 7B must not exceed 150 metres.

Commencement Information

I48 Sch. 1 Pt. 3 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

Colour and lighting

3. Except as otherwise required by Trinity House under Condition [4](#) of each of the deemed marine licences, the undertaker must exhibit such lights, with such shape, colour and character as required by the Air Navigation Order 2009([43](#)) or as otherwise directed by the Civil Aviation Authority or the Secretary of State for Defence.

Commencement Information

I49 Sch. 1 Pt. 3 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

Foundation methods

4.—(1) The undertaker must in fixing to the seabed any structures comprised in Work Nos. 1A, 1B, 2A, 2B, 3A and 3B use one of the following methods—

- (a) monopile foundations;
- (b) jacket foundations supported by piles; or
- (c) gravity base foundations.

(2) The undertaker must not use the monopile foundation method or any other method that includes braced monopiles to fix to the seabed any offshore HVDC converter substation.

(3) The following parameters apply in respect of the foundation methods used to fix wind turbine generators to the seabed—

- (a) where monopile foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 1,963 square metres;
 - (ii) the diameter of each foundation must not exceed 10 metres;
- (b) where jacket foundations (driven/drilled piles) are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 2,827 square metres;
 - (ii) the number of piles per jacket must not exceed 12;
 - (iii) the diameter of each pile must not exceed 6 metres;
- (c) where jacket foundations (suction piles) are used—
 - (i) the area occupied by the foundations and scour protection for each individual structure must not exceed 12,596 square metres;
 - (ii) the number of piles per jacket must not exceed 4;
 - (iii) the diameter of each pile must not exceed 21.1 metres;
- (d) where gravity base foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 7,543 square metres;

(43) [S.I. 2009/3015](#).

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- (ii) the seabed levelling diameter must not exceed 78 metres;
 - (iii) the cone diameter must not exceed 58 metres at its base.
- (4) The following parameters apply in respect of the foundation methods used to fix offshore accommodation platforms to the seabed—
- (a) where monopile foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 1,963 square metres;
 - (ii) the diameter of each foundation must not exceed 10 metres;
 - (b) where jacket foundations (driven/drilled piles) are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 1,414 square metres;
 - (ii) the number of piles must not exceed 8;
 - (iii) the diameter of each pile must not exceed 3 metres;
 - (c) where jacket foundations (suction piles) are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 6,362 square metres;
 - (ii) the number of piles per jacket must not exceed 4;
 - (iii) the diameter of each pile must not exceed 15 metres;
 - (d) where gravity base foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 6,362 square metres;
 - (ii) the seabed levelling diameter must not exceed 70 metres;
 - (iii) the cone diameter must not exceed 50 metres at its base.
- (5) The following parameters apply in respect of the foundation methods used to fix offshore HVAC collector substations to the seabed—
- (a) where monopile foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 1,963 square metres;
 - (ii) the diameter of each foundation must not exceed 10 metres;
 - (b) where jacket foundations (driven/drilled piles) are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 1,924 square metres;
 - (ii) the number of piles per jacket must not exceed 8;
 - (iii) the diameter of each pile must not exceed 3.5 metres;
 - (c) where jacket foundations (suction piles) are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 12,723 square metres;
 - (ii) the number of piles per jacket must not exceed 8;
 - (iii) the diameter of each pile must not exceed 15 metres;
 - (d) where gravity base foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 6,362 square metres;

- (ii) the seabed levelling diameter must not exceed 70 metres;
- (iii) the cone diameter must not exceed 50 metres at its base.

(6) The following parameters apply in respect of the foundation methods used to fix offshore HVDC converter substations to the seabed—

- (a) where jacket foundations (driven/drilled piles) are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 17,318 square metres;
 - (ii) the number of jacket foundations per topside must not exceed 4;
 - (iii) the number of piles per topside must not exceed 72;
 - (iv) the number of piles per jacket must not exceed 18;
 - (v) the diameter of each pile must not exceed 3.5 metres;
- (b) where jacket foundations (suction piles) are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 50,894 square metres;
 - (ii) the number of jacket foundations per topside must not exceed 4;
 - (iii) the number of piles per topside must not exceed 32;
 - (iv) the number of piles per jacket must not exceed 8;
 - (v) the diameter of each pile must not exceed 15 metres;
- (c) where gravity base foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 27,300 square metres;
 - (ii) the number of pontoons for each individual structure must not exceed 3;
 - (iii) the pontoons must not exceed 170 metres in length or 35 metres in width.

(7) The following parameters apply in respect of the foundation methods used to fix the offshore reactive compensation substation to the seabed—

- (a) where monopile foundations are used—
 - (i) the area occupied by the foundations and the scour protection must not exceed 1,963 square metres;
 - (ii) the diameter of each foundation must not exceed 10 metres;
- (b) where jacket foundations (driven/drilled piles) are used—
 - (i) the area occupied by the foundations and the scour protection must not exceed 1,414 square metres;
 - (ii) the number of piles per jacket must not exceed 8;
 - (iii) the diameter of each pile must not exceed 3 metres;
- (c) where jacket foundations (suction piles) are used—
 - (i) the area occupied by the foundations and the scour protection must not exceed 6,362 square metres;
 - (ii) the number of piles per jacket must not exceed 4;
 - (iii) the diameter of each pile must not exceed 15 metres;
- (d) where gravity base foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 6,362 square metres;

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- (ii) the seabed levelling diameter must not exceed 70 metres;
- (iii) the cone diameter must not exceed 50 metres at its base.

(8) The combined total volume of scour protection for the wind turbine generators and the offshore accommodation platforms forming part of the authorised development must not exceed 4,761,555 cubic metres.

Commencement Information

I50 Sch. 1 Pt. 3 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

Archaeology landward of mean low water springs

5.—(1) No part of the authorised development landward of MLWS may be commenced within the area of a local planning authority until a written scheme for the investigation of areas of archaeological interest landward of MLWS has been submitted to and approved by the local planning authority.

(2) The scheme must identify areas where field work or a watching brief (or both) are required and the measures to be taken to evaluate, protect, record or preserve any significant archaeological remains that may be found.

(3) Any archaeological works or watching brief must be carried out—

- (a) in accordance with the approved scheme;
- (b) by a suitably qualified person or body approved by the local planning authority.

(4) Staged reports of the measures taken to evaluate, protect, record or preserve any significant archaeological remains that are found must be submitted to and approved by the local planning authority before the commencement of any works that would affect those remains.

Commencement Information

I51 Sch. 1 para. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

Ecological management plan landward of mean low water springs

6.—(1) No part of the authorised development landward of MLWS may be commenced within the area of a local planning authority until a ecological management plan relating to the land landward of MLWS based on the outline ecological management plan and reflecting the survey results and ecological mitigation measures included in the environmental statement has been submitted to and approved by the local planning authority in consultation with Natural England, the Environment Agency and, to the extent that the plan relates to the intertidal area, the MMO.

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

(3) The ecological management plan must be submitted for approval at least 4 months before the intended start of construction unless otherwise agreed by the local planning authority in consultation with Natural England.

Commencement Information

I52 Sch. 1 para. 6 in force at 7.9.2016, see [art. 1\(2\)](#)

Code of construction practice

7.—(1) No part of the authorised development landward of MLWS may be commenced within the area of a local planning authority until a code of construction practice relating to the Works landward of MLWS based on the outline code of construction practice has been submitted to and approved by the local planning authority.

(2) Before giving approval in the case of a construction traffic management plan referred to in sub-paragraph (3)(e) and a travel plan referred to in sub-paragraph (3)(l), the local planning authority must consult the highway authority and Highways England.

(3) The code of construction practice must include—

- (a) an external lighting scheme for the construction phase;
- (b) construction noise and vibration monitoring and management measures;
- (c) air quality and dust monitoring and management measures during construction;
- (d) a site waste management plan detailing sustainable site waste management measures;
- (e) a construction traffic management plan;
- (f) measures to prevent and control spillage of oil, chemicals and other potentially harmful liquids;
- (g) details of the storage of materials during construction;
- (h) measures for the protection of surface and ground water during construction;
- (i) a communication plan;
- (j) a health and safety plan, including details of how health and safety risks are to be identified and managed during construction;
- (k) details of screening and fencing to be installed during construction; and
- (l) a travel plan for the construction workforce to include details of—
 - (i) expected means of travel to and from the construction sites;
 - (ii) numbers of construction staff, working hours and modal split;
 - (iii) details of the number of car parking spaces to be provided on sites and if appropriate a car park management plan;
 - (iv) specification of measures to encourage sustainable travel to and from the construction site for construction staff;
 - (v) responsibility and timescales for implementing proposed measures;
 - (vi) targets for vehicle trips and modal splits;
 - (vii) formal monitoring regime for those targets; and
 - (viii) details of mess or canteen facilities for staff.

(4) All construction works must be undertaken in accordance with the approved code.

Commencement Information

I53 Sch. 1 para. 7 in force at 7.9.2016, see [art. 1\(2\)](#)

Landscape scheme

8.—(1) No part of the authorised development landward of MLWS may be commenced within the area of a local planning authority until a landscape scheme has been submitted to and approved by the local planning authority.

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(2) The landscape scheme must include the provisions of the outline landscape scheme and management plan, subject to any variation approved by the local planning authority, and, in addition details of—

- (a) cultivation, importing of materials and other operations to ensure plant establishment;
- (b) proposed finished ground levels;
- (c) hard surfacing materials; and
- (d) minor structures, refuse or other storage units, signs and lighting.

Commencement Information

I54 Sch. 1 para. 8 in force at 7.9.2016, see [art. 1\(2\)](#)

Implementation and maintenance of landscaping

9.—(1) Landscape works must be carried out in accordance with the relevant landscape scheme approved under Requirement 8.

(2) Any tree or shrub planted as part of an approved landscape scheme that within a period of 5 years after planting, is removed, dies or becomes, in the opinion of the local planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless alternative timing or a different specimen is otherwise approved by the local planning authority.

Commencement Information

I55 Sch. 1 para. 9 in force at 7.9.2016, see [art. 1\(2\)](#)

Offshore decommissioning

10. No part of the authorised development seaward of MLWS may be commenced until a decommissioning programme in compliance with any notice served on the undertaker by the Secretary of State under section 105(2) of the 2004 Act has been submitted to the Secretary of State for approval in relation to that part.

Commencement Information

I56 Sch. 1 para. 10 in force at 7.9.2016, see [art. 1\(2\)](#)

Highway accesses

11.—(1) No 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 may be commenced until details of the design and layout of such works have been submitted to and approved by the local planning authority in consultation with the highway authority.

(2) The highway accesses must be constructed in accordance with the approved details.

Commencement Information

I57 Sch. 1 para. 11 in force at 7.9.2016, see [art. 1\(2\)](#)

Contaminated land and groundwater scheme

12.—(1) No part of the authorised development within the area of a local planning authority may be commenced until a scheme to deal with the contamination of any land (including groundwater) within the Order limits that is likely to cause significant harm to persons or pollution of controlled waters or the environment has been submitted to, and approved by, the local planning authority in consultation with the Environment Agency and, to the extent that the plan relates to the intertidal area, the MMO.

(2) The scheme must include an investigation and assessment report, prepared by a specialist consultant approved by the local planning authority, to identify the extent of any contamination and the remedial measures to be taken for that stage to render the land fit for its intended purpose, together with a management plan which sets out long-term measures with respect to any contaminants remaining on the site.

(3) No remedial work constituting a material operation (as defined in section 155 of the 2008 Act) in respect of contamination of any land (including groundwater) within the Order limits may be carried out until the scheme has been approved.

(4) In carrying out the works for the authorised development, the undertaker must not conduct trenchless technique operations unless the scheme includes a hydrogeological risk assessment demonstrating that such operations are unlikely to cause an unacceptable risk to groundwater quality.

(5) Remediation must be carried out in accordance with the approved scheme.

(6) In this Requirement, “controlled waters” has the meaning given in Part 3 of the Water Resources Act 1991⁽⁴⁴⁾.

Commencement Information

I58 Sch. 1 para. 12 in force at 7.9.2016, see [art. 1\(2\)](#)

Surface water drainage scheme

13.—(1) No part of any electrical transmission station may be commenced until a detailed surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the electrical transmission station has been submitted to and approved by the local planning authority, in consultation with the drainage board concerned within the meaning of section 23 of the Land Drainage Act 1991.

(2) Construction of the electrical transmission station must be carried out in accordance with the approved scheme.

Commencement Information

I59 Sch. 1 para. 13 in force at 7.9.2016, see [art. 1\(2\)](#)

Colour and detailed design approval: electrical transmission stations

14.—(1) Unless otherwise agreed by the local planning authority, the electrical transmission stations must be coloured using one or more of the following colours—

- (a) bluebell (RAL Code 270 50 30);
- (b) lilac (RAL Code 270 60 25);

⁽⁴⁴⁾ See section 104(1).

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- (c) chalk blue (RAL Code 270 70 20);
- (d) Baltic blue (RAL Code 270 80 15);
- (e) white lilac (RAL Code 270 85 10);
- (f) blue white (RAL Code 270 90 05).

(2) Despite sub-paragraph (1), construction of Work No. 8A must not commence until details of the layout, scale and external appearance of that Work have been submitted to and approved by the local planning authority.

(3) Despite sub-paragraph (1), construction of Work No. 8B must not commence until details of the layout, scale and external appearance of that work have been submitted to and approved by the local planning authority.

(4) The construction of Work Nos. 8A and 8B must be carried out in accordance with the approved details.

Commencement Information

I60 Sch. 1 para. 14 in force at 7.9.2016, see [art. 1\(2\)](#)

Access road within plots 45 to 49

15.—(1) The undertaker must not use the access road along the crest of the sea defences within the plots numbered 45 to 49 on the land plans during the construction of Work Nos. 4A, 4B, 5A, 5B, 6A and 6B.

(2) Except in an emergency, the access road along the sea defences within the plots numbered 45 to 49 on the land plans must not be used by the undertaker following the construction of Work Nos. 4A, 4B, 5A, 5B, 6A and 6B until a scheme for the protection of the sea defences from use of the access road by the undertaker during the operation and maintenance of the authorised development has been submitted to and approved by the Environment Agency, such approval not to be unreasonably withheld or delayed.

(3) If the Environment Agency fails to notify the undertaker of its decision on whether to give approval within 2 months of receiving the scheme for approval, the Environment Agency is deemed to have given approval.

(4) The use of the access road must be in accordance with the approved scheme.

Commencement Information

I61 Sch. 1 para. 15 in force at 7.9.2016, see [art. 1\(2\)](#)

Port traffic management plan

16.—(1) No part of the authorised development seaward of MLWS (excluding ducting and related works which are an integral part of works landward of MLWS) may be commenced until—

- (a) a traffic management plan for the onshore port-related traffic to and from the selected base port or ports for construction or operation (or both) of that part of the authorised development has been submitted to and approved by the relevant planning authority in consultation with the relevant highway authority; or
- (b) the relevant planning authority has confirmed, after consultation with the relevant highway authority, that no traffic management plan is required for that part of the authorised development.

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(2) All traffic management plans must be implemented as approved at all times specified within the relevant traffic management plan during the construction and operation of the authorised development.

(3) In this Requirement—

“relevant highway authority” means the highway authority in whose area the selected base port is located;

“relevant planning authority” means the local planning authority in whose area the selected base port is located;

“selected base port” means a port situated in England and/or Wales and used by management personnel for the construction or ongoing operational management of the authorised development (or both).

Commencement Information

I62 Sch. 1 para. 16 in force at 7.9.2016, see [art. 1\(2\)](#)

Employment and skills plan

17.—(1) No part of the authorised development may be commenced until an employment and skills plan based on the outline employment and skills plan has been submitted to and approved by North Lincolnshire Council in consultation with North East Lincolnshire Council, East Lindsey District Council and the Humber Local Enterprise Partnership.

(2) The plan must include—

(a) proposals for the provision of information to the Humber Local Enterprise Partnership on the employment and supply chain opportunities associated with the construction, operation and maintenance of the authorised development including details of the core qualifications and skillsets required to access those opportunities;

(b) proposals for local advertising of employment and supply chain opportunities during the construction of the authorised development;

(c) proposals for the undertaker to provide outreach employment presentations during the period of construction of the authorised development at appropriate times and locations; and

(d) proposals for local advertising of employment and supply chain opportunities during the operation of the authorised development.

(3) The approved employment and skills plan must be implemented and maintained during the construction and operation of the authorised development.

(4) In this Requirement, “Humber Local Enterprise Partnership” means the local enterprise partnership established in June 2011 with the objective of promoting and developing the natural economic area surrounding the Humber estuary.

Commencement Information

I63 Sch. 1 para. 17 in force at 7.9.2016, see [art. 1\(2\)](#)

Offshore co-operation

18.—(1) Before submitting the pre-construction plans and documentation required to be submitted to the MMO for approval under Condition 8 of each of the deemed marine licences, the

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undertaker in respect of the relevant licence must provide a copy of the plans and documentation to the other undertaker under this Order.

(2) The other undertaker must provide any comments on the plans and documentation to the first undertaker within 14 days of receipt.

(3) Each undertaker must participate in liaison meetings with the other undertaker as requested from time to time by the MMO in writing in advance; and the meetings must be chaired by the MMO and must consider such matters as are determined by the MMO relating to the efficient operation of a deemed marine licence where it has an impact on the efficient operation of any other deemed marine licence.

Commencement Information

I64 Sch. 1 para. 18 in force at 7.9.2016, see [art. 1\(2\)](#)

Compensation compounds

19.—(1) The undertaker may exercise the powers conferred by this Order in relation to the compensation compounds shown coloured green on the compensation compounds plan only where—

- (a) the undertaker exercises, or intends to exercise, the powers conferred by this Order in relation to the Order land shown hatched green on the compensation compounds plan; and
- (b) sub-paragraph (4) applies.

(2) The undertaker may exercise the powers conferred by this Order only in relation to the compensation compound access coloured pink and labelled 14-A1c on the compensation compounds plan only where the undertaker exercises, or intends to exercise, the powers conferred by this Order in relation to the compensation compound shown coloured green and labelled 14-C3 on the compensation compounds plan in accordance with sub-paragraph (1).

(3) Where the undertaker exercises the powers conferred by this Order in relation to—

- (a) the compensation compounds shown coloured green on the compensation compounds plan in accordance with sub-paragraph (1); or
- (b) the compensation compound access coloured pink and labelled 14-A1c on the compensation compounds plan in accordance with sub-paragraph (2),

those powers may be exercised only for the benefit of the Hornsea Project One undertaker in connection with the carrying out of works authorised by the Hornsea One Offshore Wind Farm Order 2014.

(4) This sub-paragraph applies where—

- (a) the carrying out of works authorised by this Order in the Order land shown hatched green on the compensation compounds plan would overlap temporally with the carrying out of works authorised by the Hornsea One Offshore Wind Farm Order 2014 in that land; or
- (b) works authorised by this Order in the Order land shown hatched green on the compensation compounds plan are carried out and completed before the works authorised by the Hornsea One Offshore Wind Farm Order 2014 in that land commence.

Commencement Information

I65 Sch. 1 para. 19 in force at 7.9.2016, see [art. 1\(2\)](#)

Onshore decommissioning plan

20.—(1) Within 3 months of the cessation of commercial operation of the connection works, an onshore decommissioning plan must be submitted to the local planning authority for its approval.

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

Commencement Information

I66 Sch. 1 para. 20 in force at 7.9.2016, see [art. 1\(2\)](#)

North Coates airfield

21. No part of the authorised development may be commenced within half a mile of the perimeter of the North Coates airfield until a plan to secure its safe operation during the construction and operation of the authorised development has been submitted to and approved by the Secretary of State following consultation with the operator of North Coates airfield and the Civil Aviation Authority.

Commencement Information

I67 Sch. 1 para. 21 in force at 7.9.2016, see [art. 1\(2\)](#)

Control of noise during operational phase

22.—(1) The combined rating level (L_{Ar,Tr}) of the noise emitted during normal operation from the electrical transmission station, converter and associated plant, must not exceed 35 decibels at any residential property that has planning permission on 1st December 2014.

(2) The assessment must be carried out in accordance with BS 4142:2014 “Methods for rating and assessing industrial and commercial sound”(45).

Commencement Information

I68 Sch. 1 para. 22 in force at 7.9.2016, see [art. 1\(2\)](#)

Onshore co-operation

23.—(1) Before submitting any plan or document required to be submitted for approval under the Requirements, the undertaker in respect of the works to which the plan or document relates must provide a copy of the plan or document to the other undertaker under this Order.

(2) The other undertaker must provide any comments on the plan or document to the first undertaker within 14 days of receipt.

(3) On submission of any plan or document referred to in sub-paragraph (1) for approval, the undertaker in respect of the works to which the plan or document relates must also submit any comments received from the other undertaker under sub-paragraph (2) or a statement confirming that no such comments were received.

(4) Each undertaker must participate in liaison meetings with the other undertaker as requested from time to time by the local planning authority in writing in advance; and the meetings must be chaired by the local planning authority and must consider such matters as are determined by the local

(45) The document is available from:

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planning authority relating to the efficient construction and operation of the Project A works and the shared works above MLWS where they have an impact on the efficient construction and operation of the Project B works and the shared works above MLWS (and vice versa).

Commencement Information

I69 Sch. 1 para. 23 in force at 7.9.2016, see [art. 1\(2\)](#)

Intertidal access management plan

24.—(1) No part of the authorised development within the intertidal area may be commenced until an intertidal access management plan setting out details of the access routes to the intertidal area, the methods for accessing the intertidal area, the expected number of vehicles that will be accessing the intertidal area and the expected number of vehicle trips to the intertidal area required in relation to that part of the authorised development has been submitted to and approved by the local planning authority in consultation with Natural England.

(2) The undertaker must not exercise the power to maintain under article 7 (maintenance of authorised project) in the intertidal area until an intertidal access management plan setting out details of the access routes to the intertidal area, the methods for accessing the intertidal area, the expected number of vehicles that will be accessing the intertidal area and the expected number of vehicle trips to the intertidal area required for such maintenance activities has been submitted to and approved by the local planning authority in consultation with Natural England.

(3) If the local planning authority fails to notify the undertaker of its decision on whether to give approval within 2 months of receiving an intertidal access management plan for approval, the local planning authority is deemed to have given approval.

(4) The intertidal access management plan must be implemented as approved, unless otherwise agreed by the local planning authority.

Commencement Information

I70 Sch. 1 para. 24 in force at 7.9.2016, see [art. 1\(2\)](#)

Navigational safety at Saturn, Mimas and Tethys offshore platforms

25.—(1) No construction of any wind turbine generator forming part of the authorised development may commence until the Secretary of State, having consulted with the operator, is satisfied that appropriate mitigation will be implemented and maintained for the life of the authorised development.

(2) In this Requirement—

“appropriate mitigation” means measures to mitigate any adverse impacts which the operation of the authorised development will have on the ability of the operator’s radar early warning system to ensure the safety of its Saturn, Mimas and Tethys offshore platforms during the life of the authorised development;

“operator” means ConocoPhillips (U.K.) Limited (company number 00524868) or successor operator of any of the Saturn, Mimas or Tethys offshore platforms;

“radar early warning system” means the radar early warning system used to monitor and track vessels proximate to the operator’s offshore facilities via radio and network links (which is comprised primarily of radars fitted on a number of operator’s offshore platforms and provides

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a multi-site, multi-sensor integrated marine surveillance system with logistic and emergency response co-ordination facilities).

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

Commencement Information

I71 Sch. 1 para. 25 in force at 7.9.2016, see [art. 1\(2\)](#)

Requirement for written approval

26. Where the approval, agreement or confirmation of the Secretary of State, the local planning authority or another person is required under a Requirement, that approval, agreement or confirmation must be given in writing.

Commencement Information

I72 Sch. 1 para. 26 in force at 7.9.2016, see [art. 1\(2\)](#)

Amendments to approved plans, etc.

27.—(1) Where a Requirement requires the authorised development to be carried out in accordance with a plan, scheme, code or details approved by the local planning authority or any other person (the “approved plan”), the approved plan must be taken to include any amendments that may subsequently be approved by the local planning authority or other person.

(2) Any amendments to the approved plan must be in accordance with the principles and assessments set out in the environmental statement; and approval for such amendments may be given only where it has been demonstrated to the satisfaction of the local planning authority or other person that the amendments are unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

(3) Where the approved plan is required to be approved after consultation with another person, any amendments may be approved only after consultation with that person.

Commencement Information

I73 Sch. 1 para. 27 in force at 7.9.2016, see [art. 1\(2\)](#)

SCHEDULE 2

Article 9

Streets subject to street works

Commencement Information

I74 Sch. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

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<i>(1)</i>	<i>(2)</i>
<i>Area</i>	<i>Streets subject to street works</i>
District of East Lindsey	Permissive footpath along sea wall
District of East Lindsey	Sheep Marsh Lane
District of East Lindsey	Unnamed highway north of Sheep Marsh Lane providing access to Poplar Piggeries and area to the north
District of East Lindsey	Sea Lane
District of East Lindsey	Tetn/19/1 (public footpath)
District of East Lindsey	North Coates Road
District of East Lindsey	Tetn/343/1 (public footpath)
District of East Lindsey	Tetn/12/5 (public footpath)
District of East Lindsey	Tetn/13/5 (public footpath)
District of East Lindsey	Unnamed highway east of New Delights access
District of East Lindsey	Tetney Lock Road
District of East Lindsey	Humberston Road (A1031)
District of East Lindsey	Tetn/14/4 (public footpath)
District of East Lindsey	Holton Road
District of East Lindsey	HoLC/5/4 (public footpath)
District of East Lindsey	Station Road, Tetney
District of East Lindsey	HoLC/4/1 (public footpath)
District of East Lindsey	Louth Road (A16)
District of East Lindsey	High Street, North Thoresby (B1201)
District of East Lindsey	Station Road, North Thoresby (B1201)
District of East Lindsey	HoLC/10/1 (public footpath)
North East Lincolnshire	Brigsley FP84 (public footpath)
North East Lincolnshire	Brigsley FP83 (public footpath)
North East Lincolnshire	Waithe Lane
North East Lincolnshire	Brigsley BW75 (public bridleway)
North East Lincolnshire	Waltham Road, Brigsley (B1203)
North East Lincolnshire	Waltham Road, Barnoldby le Beck (C148)
North East Lincolnshire	Bradley FP95 (public footpath)
North East Lincolnshire	Bradley Road
North East Lincolnshire	Bradley BW93 (public bridleway)
North East Lincolnshire	Laceby FP95 (public footpath)

<i>(1)</i>	<i>(2)</i>
<i>Area</i>	<i>Streets subject to street works</i>
North East Lincolnshire	Laceby BW97 (public bridleway)
North East Lincolnshire	Laceby FP96 (public footpath)
North East Lincolnshire	Grimsby Road (A46)
North East Lincolnshire	Aylesby FP103 (public footpath)
North East Lincolnshire	Aylesby FP110 (public footpath)
North East Lincolnshire	Aylesby Road
North East Lincolnshire	Aylesby BW108 (public bridleway)
North East Lincolnshire	Beech Holt Lane
North East Lincolnshire	Nooking Lane
West Lindsey District	Wells Road
North East Lincolnshire	Riby Road (A1173)
North East Lincolnshire	Stallingborough FP26 (public footpath)
North East Lincolnshire	Stallingborough FP24 (public footpath)
North East Lincolnshire	Keelby Road
North East Lincolnshire	Habrough FP4 (public footpath)
North East Lincolnshire	Roxton Road south of A180 between Keelby and Immingham
North East Lincolnshire	A180(T)
North East Lincolnshire	Station Road, Habrough (B1210)
North East Lincolnshire	Immingham Road (B1210)
North East Lincolnshire	Habrough FP8 (public footpath)
North East Lincolnshire	Habrough FP7 (public footpath)
North East Lincolnshire	Killingholme Road/ Habrough Road
North Lincolnshire Council	South Killingholme 94 (public footpath)
	FP/SKIL/94
North Lincolnshire Council	Habrough Road/Faulding Lane
North Lincolnshire Council	South Killingholme 87 (public footpath)
	FP/SKIL/87
North Lincolnshire Council	Habrough Road
North Lincolnshire Council	South Killingholme 88 (public footpath)
	FP/SKIL/88

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(1)	(2)
<i>Area</i>	<i>Streets subject to street works</i>
North Lincolnshire Council	Proposed A160 upgrade/realignment (HA Improvement Scheme)
North Lincolnshire Council	Ulceby Road (A160)
North Lincolnshire Council	Ulceby Road access to houses
North Lincolnshire Council	Top Road
North Lincolnshire Council	Currently unconstructed road on route of proposed cable route (part of the A160 improvement works) north of the A160 and west of Top Road (area hatched between points 119 and 120 on the onshore works plan 24)
North Lincolnshire Council	South Killingholme 87 (public footpath) FP/SKIL/87
North Lincolnshire Council	South Killingholme 85 (public footpath) FP/SKIL/85
North Lincolnshire Council	Church Lane/ Nicholson Road
North Lincolnshire Council	Chase Hill Road
North Lincolnshire Council	Eastfield Road
North Lincolnshire Council	Brick Lane/Dean Street
North Lincolnshire Council	North Killingholme 86 (public footpath) FP/NKIL/86
North Lincolnshire Council	North Killingholme 79 (public footpath) FP/NKIL/79

SCHEDULE 3

Article 11

Streets to be temporarily stopped up

Commencement InformationI75 Sch. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Area</i>	<i>Street to be temporarily stopped up</i>	<i>Extent of temporary stopping up</i>
District of East Lindsey	Permissive footpath	Between points F1 and F2 as shown in a dotted black line on sheet 1 of the onshore works plans
District of East Lindsey	Permissive footpath	Between points F3 and F4 as shown in a dotted black line on sheet 1 of the onshore works plans
District of East Lindsey	Unnamed highway north of Sheep Marsh Lane providing access to Poplar Piggeries and area to the north	Between points 1 and 2 as shown hatched on sheet 2 of the onshore works plans
District of East Lindsey	Unnamed highway north of Sheep Marsh Lane providing access to Poplar Piggeries and area to the north	Between points 3 and 4 as shown hatched on sheet 2 of the onshore works plans
District of East Lindsey	Unnamed highway north of Sheep Marsh Lane providing access to Poplar Piggeries and area to the north	Between points 5 and 6 as shown hatched on sheet 2 of the onshore works plans
District of East Lindsey	Sea Lane	Between points 7 and 8 as shown hatched on sheet 2 of the onshore works plans
District of East Lindsey	Footpath Tetn/19/1	Between points F5 and F6 as shown in a dotted black line on sheet 3 of the onshore works plans
District of East Lindsey	Footpath Tetn/19/1	Between points F7 and F8 as shown in a dotted black line on sheet 3 of the onshore works plans
District of East Lindsey	North Coates Road	Between points 9 and 10 as shown hatched on sheet 4 of the onshore works plans
District of East Lindsey	Footpath Tetn/13/5	Between points F9 and F10 as shown in a dotted black line on sheet 4 of the onshore works plans
District of East Lindsey	Unnamed highway east of New Delights access	Between points 11 and 12 as shown hatched on sheet 4 of the onshore works plans
District of East Lindsey	Unnamed highway east of New Delights access	Between points 13 and 14 as shown hatched on sheet 4 of the onshore works plans
District of East Lindsey	Unnamed highway east of New Delights access	Between points 15 and 16 as shown hatched on Sheet 4 of the onshore works plans

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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Area</i>	<i>Street to be temporarily stopped up</i>	<i>Extent of temporary stopping up</i>
District of East Lindsey	Unnamed highway east of New Delights access	Between points 17 and 18 as shown hatched on sheet 5 of the onshore works plans
District of East Lindsey	Unnamed highway east of New Delights access	Between points 19 and 20 as shown hatched on sheet 5 of the onshore works plans
District of East Lindsey	Tetney Lock Road	Between points 21 and 22 as shown hatched on sheet 5 of the onshore works plans
District of East Lindsey	Tetney Lock Road	Between points 23 and 24 as shown hatched on sheet 5 of the onshore works plans
District of East Lindsey	Humberston Road	Between points 25 and 26 as shown hatched on sheet 5 of the onshore works plans
District of East Lindsey	Footpath Tetn/14/4	Between points F11 and F12 as shown in a dotted black line on sheet 6 of the onshore works plans
District of East Lindsey	Holton Road	Between points 27 and 28 as shown hatched on sheet 6 of the onshore works plans
District of East Lindsey	Holton Road	Between points 121 and 122 as shown hatched on sheet 6 of the onshore works plans
District of East Lindsey	Holton Road	Between points 123 and 124 as shown hatched on sheet 6 of the onshore works plans
District of East Lindsey	Footpath HoLC/5/4	Between points F13 and F14 as shown in a dotted black line on sheet 7 of the onshore works plans
District of East Lindsey	Footpath HoLC/5/4	Between points F14 and F15 as shown in a dotted black line on sheet 7 of the onshore works plans
District of East Lindsey	Station Road, Tetney	Between points 29 and 30 as shown hatched on sheet 7 of the onshore works plans
District of East Lindsey	Station Road, Tetney	Between points 31 and 32 as shown hatched on sheet 7 of the onshore works plans

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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Area</i>	<i>Street to be temporarily stopped up</i>	<i>Extent of temporary stopping up</i>
District of East Lindsey	Station Road, Tetney	Between points 33 and 34 as shown hatched on sheet 7 of the onshore works plans
District of East Lindsey	Footpath HoLC/4/1	Between points F16 and F17 as shown in a dotted black line on sheet 7 of the onshore works plans
District of East Lindsey	Louth Road (A16)	Between points 35 and 36 as shown hatched on sheet 7 of the onshore works plans
District of East Lindsey	Louth Road (A16)	Between points 36 and 37 as shown hatched on sheet 7 of the onshore works plans
District of East Lindsey	Louth Road (A16)	Between points 38 and 39 as shown hatched on sheet 7 of the onshore works plans
District of East Lindsey	Footpath HoLC/10/1	Between points F18 and F19 as shown in a dotted black line on sheet 8 of the onshore works plans
North East Lincolnshire	Footpath FP84	Between points F18 and F21 as shown in a dotted black line on sheet 8 of the onshore works plans
North East Lincolnshire	Footpath FP83	Between points F20 and F20.1 as shown in a dotted black line on sheet 8 of the onshore works plans
North East Lincolnshire	Waithe Lane	Between points 40 and 41 as shown hatched on sheet 8 of the onshore works plans
North East Lincolnshire	Waithe Lane	Between points 127 and 128 as shown hatched on sheet 9 of the onshore works plans
North East Lincolnshire	Waithe Lane	Between points 42 and 43 as shown hatched on sheet 9 of the onshore works plans
North East Lincolnshire	Bridleway BW75	Between points F22 and F23 as shown in a dotted black line on sheet 9 of the onshore works plans
North East Lincolnshire	Waltham Road (B1203)	Between points 44 and 45 as shown hatched on sheet 9 of the onshore works plans

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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Area</i>	<i>Street to be temporarily stopped up</i>	<i>Extent of temporary stopping up</i>
North East Lincolnshire	Waltham Road (B1203)	Between points 46 and 47 as shown hatched on sheet 9 of the onshore works plans
North East Lincolnshire	Waltham Road (B1203)	Between points 48 and 49 as shown hatched on sheet 9 of the onshore works plans
North East Lincolnshire	Waltham Road (C148)	Between points 50 and 51 as shown hatched on sheet 10 of the onshore works plans
North East Lincolnshire	Bradley Road	Between points 52 and 53 as shown hatched on sheet 11 of the onshore works plans
North East Lincolnshire	Footpath FP95	Between points F24 and F25 as shown in a dotted black line on sheet 12 of the onshore works plans
North East Lincolnshire	Footpath FP95	Between points F26 and F27 as shown in a dotted black line on sheet 12 of the onshore works plans
North East Lincolnshire	Bradley Road	Between points 54 and 55 as shown hatched on sheet 12 of the onshore works plans
North East Lincolnshire	Bradley Road	Between points 56 and 57 as shown hatched on sheet 12 of the onshore works plans
North East Lincolnshire	Bridleway BW93	Between points F28 and F29 as shown in a dotted black line on sheet 12 of the onshore works plans
North East Lincolnshire	Footpath FP95	Between points F30 and F31 as shown in a dotted black line on sheet 13 of the onshore works plans
North East Lincolnshire	Bridleway BW97	Between points F32 and F33 as shown in a dotted black line on sheet 14 of the onshore works plans
North East Lincolnshire	Footpath FP96	Between points F34 and F35 as shown in a dotted black line on sheet 14 of the onshore works plans
North East Lincolnshire	Grimsby Road (A46)	Between points 58 and 59 as shown hatched on sheet 14 of the onshore works plans

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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Area</i>	<i>Street to be temporarily stopped up</i>	<i>Extent of temporary stopping up</i>
North East Lincolnshire	Grimsby Road (A46)	Between points 60 and 61 as shown hatched on sheet 14 of the onshore works plans
North East Lincolnshire	Grimsby Road (A46)	Between points 62 and 63 as shown hatched on sheet 14 of the onshore works plans
North East Lincolnshire	Grimsby Road (A46)	Between points 64 and 65 as shown hatched on sheet 14 of the onshore works plans
North East Lincolnshire	Grimsby Road (A46)	Between points 60 and 65 as shown hatched on sheet 14 of the onshore works plans
North East Lincolnshire	Grimsby Road (A46)	Between points 58 and 62 as shown hatched on sheet 14 of the onshore works plans
North East Lincolnshire	Footpath FP103	Between points F36 and F37 as shown in a dotted black line on sheet 15 of the onshore works plans
North East Lincolnshire	Footpath FP110	Between points F38 and F39 as shown in a dotted black line on sheet 15 of the onshore works plans
North East Lincolnshire	Aylesby Road	Between points 66 and 67 as shown hatched on sheet 15 of the onshore works plans
North East Lincolnshire	Bridleway BW108	Between points F40 and F41 as shown in a dotted black line on sheet 15 of the onshore works plans
North East Lincolnshire	Beech Holt Lane	Between points 68 and 69 as shown hatched on sheet 16 of the onshore works plans
West Lindsey District	Wells Road	Between points 70 and 71 as shown hatched on sheet 17 of the onshore works plans
North East Lincolnshire	Riby Road (A1173)	Between points 72 and 73 as shown hatched on sheet 18 of the onshore works plans
North East Lincolnshire	Riby Road (A1173)	Between points 74 and 75 as shown hatched on sheet 18 of the onshore works plans

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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Area</i>	<i>Street to be temporarily stopped up</i>	<i>Extent of temporary stopping up</i>
North East Lincolnshire	Footpath FP26	Between points F42 and F43 as shown in a dotted black line on sheet 19 of the onshore works plans
North East Lincolnshire	Keelby Road	Between points 76 and 77 as shown hatched on sheet 19 of the onshore works plans
North East Lincolnshire	Keelby Road	Between points 78 and 79 as shown hatched on sheet 19 of the onshore works plans
North East Lincolnshire	Roxton Road	Between points 80 and 81 as shown hatched on sheet 20 of the onshore works plans
North East Lincolnshire	Roxton Road	Between points 82 and 83 as shown hatched on sheet 20 of the onshore works plans
North East Lincolnshire	Station Road (B1210)	Between points 92 and 93 as shown hatched on sheet 22 of the onshore works plans
North East Lincolnshire	Immingham Road (B1210)	Between points 94 and 95 as shown hatched on sheet 23 of the onshore works plans
North East Lincolnshire	Immingham Road (B1210)	Between points 96 and 97 as shown hatched on sheet 23 of the onshore works plans
North East Lincolnshire	Footpath FP8	Between points F44 and F45 as shown in a dotted black line on sheet 23 of the onshore works plans
North East Lincolnshire	Footpath FP7	Between points F46 and F47 as shown in a dotted black line on sheet 23 of the onshore works plans
North East Lincolnshire	Killingholme Road/ Habrough Road	Between points 98 and 99 as shown hatched on sheet 23 of the onshore works plans
North Lincolnshire Council	Footpath 94	Between points F48 and F49 as shown in a dotted black line on sheet 24 of the onshore works plans
North Lincolnshire Council	Faulding Lane	Between points 100 and 101 as shown hatched on sheet 24 of the onshore works plans

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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Area</i>	<i>Street to be temporarily stopped up</i>	<i>Extent of temporary stopping up</i>
North Lincolnshire Council	Footpath 87	Between points F50 and F51 as shown in a dotted black line on sheet 24 of the onshore works plans
North Lincolnshire Council	Footpath 88	Between points F52 and F53 as shown in a dotted black line on sheet 24 of the onshore works plans
North Lincolnshire Council	Habrough Road	Between points 102 and 103 as shown hatched on sheet 24 of the onshore works plans
North Lincolnshire Council	Ulceby Road (A160)	Between points 104 and 105 as shown hatched on sheet 24 of the onshore works plans
North Lincolnshire Council	On cable route – potential future road	Between points 119 and 120 as shown hatched on sheet 24 of the onshore works plans
North Lincolnshire Council	Top Road	Between points 106 and 107 as shown hatched on sheet 25 of the onshore works plans
North Lincolnshire Council	Footpath 87	Between points F54 and F55 as shown in a dotted black line on sheet 25 of the onshore works plans
North Lincolnshire Council	Footpath 87	Between points F56 and F57 as shown in a dotted black line on sheet 25 of the onshore works plans
North Lincolnshire Council	Church Lane	Between points 108 and 109 as shown hatched on sheet 25 of the onshore works plans
North Lincolnshire Council	Church Lane	Between points 109 and 111 as shown hatched on sheet 25 of the onshore works plans
North Lincolnshire Council	Chase Hill Road	Between points 112 and 113 as shown hatched on sheet 26 of the onshore works plans
North Lincolnshire Council	Chase Hill Road	Between points 114 and 115 as shown hatched on sheet 26 of the onshore works plans
North Lincolnshire Council	Brick Lane	Between points 115 and 116 as shown hatched on sheet 26 and 27 of the onshore works plans

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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Area</i>	<i>Street to be temporarily stopped up</i>	<i>Extent of temporary stopping up</i>
North Lincolnshire Council	Footpath 86	Between points F58 and F59 as shown in a dotted black line on sheet 27 of the onshore works plans
North Lincolnshire Council	Footpath 79	Between points F60 and F61 as shown in a dotted black line on sheet 27 of the onshore works plans
North Lincolnshire Council	Footpath 86	Between points F62 and F65 as shown in a dotted black line on sheet 27 of the onshore works plans
North Lincolnshire Council	Footpath 86	Between points F65 and F64 as shown in a dotted red line on sheet 27 of the onshore works plans
North Lincolnshire Council	Chase Hill Road	Between points 117 and 118 as shown hatched on sheet 27 of the onshore works plans

SCHEDULE 4

Article 12

Access to works

Commencement Information

I76 Sch. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

<i>(1)</i>	<i>(2)</i>
<i>Area</i>	<i>Description of Access</i>
District of East Lindsey	Between point A1 (north side of Sheep Marsh Lane) shown on sheet 1 of the onshore works plans and Work Nos. 5A, 5B, 6A, 6B, 7A and 7B
District of East Lindsey	Between point A2 (unnamed highway north of Sheep Marsh Lane providing access to Poplar Piggeries) shown on sheet 2 of the onshore works plans and Work Nos. 7A and 7B
District of East Lindsey	Between point A3 (north side of North Coates Road) shown on sheet 3 of the onshore works plans and Work Nos. 7A and 7B
District of East Lindsey	Between point A4 (south side of North Coates Road) shown on sheet 4 of the onshore works plans and Work Nos. 7A and 7B

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Description of Access</i>
District of East Lindsey	Between point A5 (north side of unnamed highway east of New Delights access) shown on sheet 4 of the onshore works plans and Work Nos. 7A and 7B
District of East Lindsey	Between point A51 (north side of Tetney Lock Road east of New Delights access) shown on sheet 4 of the onshore works plans and Work Nos. 7A and 7B
District of East Lindsey	Between point A52 (north side of unnamed highway east of New Delights access) shown on sheet 4 of the onshore works plans and Work Nos. 7A and 7B
District of East Lindsey	Between point A53 (north side of unnamed highway east of New Delights access) shown on sheet 4 of the onshore works plans and Work Nos. 7A and 7B
District of East Lindsey	Between point A6 (north side of Tetney Lock Road west of Cow Marsh Lane) shown on sheet 5 of the onshore works plans and Work Nos. 7A and 7B
District of East Lindsey	Between point A7 (south side of unnamed highway east of New Delights access) shown on sheet 5 of the onshore works plans and Work Nos. 7A and 7B
District of East Lindsey	Between point A8 (north side of unnamed highway east of New Delights access) shown on sheet 5 of the onshore works plans and Work Nos. 7A and 7B
District of East Lindsey	Between point A9 (north side of Tetney Lock Road east of Humberston Road) shown on sheet 5 of the onshore works plans and Work Nos. 7A and 7B
District of East Lindsey	Between point A10 (west side of Holton Road) shown on sheet 6 of the onshore works plans and Work Nos. 7A and 7B
District of East Lindsey	Between point A11 (south side of Holton Road) shown on sheet 6 of the onshore works plans and Work Nos. 7A and 7B
District of East Lindsey	Between point A12 (north side of Station Road) shown on sheet 7 of the onshore works plans and Work Nos. 7A and 7B
District of East Lindsey	Between point A13 (north side of Station Road to the west of the dismantled railway line) shown

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(1) <i>Area</i>	(2) <i>Description of Access</i>
	on sheet 7 of the onshore works plans and Work Nos. 7A and 7B
District of East Lindsey	Between point A14 (north side of Station Road) shown on sheet 7 of the onshore works plans and Work Nos. 7A and 7B
District of East Lindsey	Between point A15 (west side of A16) shown on sheet 8 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A16 (west side of B1203, Waltham Road) shown on sheet 9 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A56 (east side of B1203, Waltham Road) shown on sheet 9 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A17 (south side of C148 Waltham Road) shown on sheet 10 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A18 (north side of C148 Waltham Road) shown on sheet 10 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A20 (west side of Bradley Road north of Waltham) shown on sheet 11 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A21 (west side of Bradley Road south of Netherwood Farm access point) shown on sheet 12 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A22 (west side of Bradley Road Netherwood Farm south access point) shown on sheet 12 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A23 (south-east side of A46 east of Laceby) shown on sheet 14 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A24 (north-west side of A46 east of Laceby) shown on sheet 14 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A25 (south-east side of Aylesby Road) shown on sheet 15 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A26 (north side of Beach Holt Lane/Nooking Lane west of Aylesby) shown on

(1) <i>Area</i>	(2) <i>Description of Access</i>
	sheet 16 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A57 (north side of Nooking Lane west of Aylesby) shown on sheet 16 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A27 (south-east side of Wells Road) shown on sheet 17 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A28 (north-west side of Wells Road) shown on sheet 17 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A29 (east side of A1173) shown on sheet 18 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A30 (north-west side of A1173 at Stallingborough Grange Farm) shown on sheet 18 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A31 (south-east side of Keelby Road, north of Wood View) shown on sheet 19 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A32 (north-west side of Keelby Road north of Wood View) shown on sheet 19 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A33 (north-west side of Keelby Road north of Wood View) shown on sheet 19 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A34 (south-east side of Roxton Road south of railway) shown on sheet 20 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A35 (east side of Roxton Road north of railway) shown on sheet 20 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A36 (west side of Roxton Road north of railway) shown on sheet 20 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A39 (south-east side of B1210 Station Road south of A180) shown on sheet 22 of the onshore works plans and Work Nos. 7A and 7B

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(1) <i>Area</i>	(2) <i>Description of Access</i>
North East Lincolnshire	Between point A40 (south side of B1210 Immingham Road) shown on sheet 23 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A41 (north side of B1210 Immingham Road) shown on sheet 23 of the onshore works plans and Work Nos. 7A and 7B
North East Lincolnshire	Between point A42 (east side of Killingholme Road/Habrough Road, opposite Hill Farm) shown on sheet 23 of the onshore works plans and Work Nos. 7A and 7B
North Lincolnshire	Between point A43 (north side of Faulding Lane) shown on sheet 24 of the onshore works plans and Work Nos. 7A and 7B
North Lincolnshire	Between point A54 (west side of Habrough Road south of A160) shown on sheet 24 of the onshore works plans and Work Nos. 7A and 7B
North Lincolnshire	Between point A55 (east side of Habrough Road) shown on sheet 24 of the onshore works plans and Work Nos. 7A and 7B
North Lincolnshire	Between point A44 (residential access road north of A160, west of A160/Habrough Road roundabout) shown on sheet 24 of the onshore works plans and Work Nos. 7A and 7B
North Lincolnshire	Between point A45 (north-east side of Top Road) shown on sheet 25 of the onshore works plans and Work Nos. 7A and 7B
North Lincolnshire	Between point A46 (south side of Church Lane) shown on sheet 25 of the onshore works plans and Work Nos. 7A and 7B
North Lincolnshire	Between point A47 (north side of Church Lane) shown on sheet 25 of the onshore works plans and Work Nos. 7A and 7B
North Lincolnshire	Between point A48 (south side of Chase Hill Road west of Eastfield Road) shown on sheet 26 of the onshore works plans and Work Nos. 7A and 7B
North Lincolnshire	Between point A49 (north side of Chase Hill Road west of Eastfield Road) shown on sheet 26 of the onshore works plans and Work Nos. 7A and 7B
North Lincolnshire	Between point A50 (Brick Lane, north side of Chase Hill Road) shown on sheet 26 of the onshore works plans and Work Nos. 7A and 7B

SCHEDULE 5

Articles 19 and 26

Land in which only new rights, etc. may be acquired

Commencement InformationI77 Sch. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

(1)	(2)
<i>Number of land shown on land plans</i>	<i>Purpose for which rights may be acquired</i>
1, 2, 3, 4, 19, 20, 21, 22, 23, 24, 26, 27, 28	To install, retain, maintain and operate apparatus (and to impose requirements for its protection) within an up to 320-metre corridor within the Order land and to obtain access for such purposes
5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 25, 29, 30, 31, 32	To ground and lay anchor for vessels within the Order land
509, 510	To install, retain, maintain and operate apparatus (and to impose requirements for its protection) within the Order land and to obtain access for such purposes
33, 511	To install, maintain and use an access track and to obtain access for such purposes
35	To install, retain, maintain and operate transition jointing bays for the connection of offshore cable circuits to onshore cable circuits and apparatus (and to impose requirements for their protection) within an up to 150-metre corridor within the Order land and to obtain access for such purposes
37, 38, 39, 67, 68, 69, 79, 80, 81, 83, 84, 85, 86, 87, 88, 92, 96, 97, 98, 99, 107, 113, 119, 123, 131, 132, 134, 135, 139, 140, 141, 147, 148, 149, 150, 151, 152, 153, 155, 161, 168, 169, 173, 175, 180, 183, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 211, 215, 216, 217, 218, 219, 220, 221, 222, 223, 228, 232, 234, 248, 249, 250, 251, 252, 255, 256, 261, 262, 268, 275, 281, 282, 285, 289, 291, 293, 294, 295, 296, 297, 298, 299, 300, 307, 308, 309, 310, 311, 312, 313, 314, 317, 325, 327, 332, 333, 334, 338, 339, 342, 347, 352, 360, 361, 364, 365, 394, 403, 404, 411, 420, 421, 424, 426, 429, 430, 431, 432, 433, 434, 438, 439, 440, 445, 448, 449, 450, 451, 452, 453, 454, 459, 460, 461, 465, 466, 468, 471, 472, 476, 482, 486, 487, 488, 489, 490, 491, 492, 497, 499, 503	To install, retain, maintain and operate apparatus (and to impose requirements for its protection) within an up to 30-metre corridor within the Order land and to obtain access for such purposes

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<i>(1)</i>	<i>(2)</i>
<i>Number of land shown on land plans</i>	<i>Purpose for which rights may be acquired</i>
45, 46, 47, 48, 49	To install, maintain and use an access track and to obtain access for the purposes only of maintaining and operating the authorised project
273	To install, retain, maintain and operate apparatus (and to impose requirements for its protection) within an up to 30-metre corridor within the Order land and to obtain access for such purposes but not extending to breaking open the surface of the Order land
388, 437	To install, retain, maintain and operate apparatus (and to impose requirements for its protection) within an up to 30-metre corridor within the Order land
507, 519	To install, retain, maintain and operate apparatus (and to impose requirements for its protection) within the Order land and to install, maintain and use an access track and to obtain access for such purposes
512, 521	To install, retain, maintain and operate services (and to impose requirements for their protection) within the Order land and to install, maintain and use an access road and to obtain access for such purposes

SCHEDULE 6

Article 19

Modification of compensation and compulsory purchase enactments for creation of new rights, etc.

Compensation enactments modified

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

Commencement Information

I78 Sch. 6 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

Land Compensation Act 1973 modified

2.—(1) Without limiting paragraph 1, the Land Compensation Act 1973⁽⁴⁶⁾ has effect subject to the modifications set out in sub-paragraphs (2) and (3).

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

- (a) for “land is acquired or taken from”, substitute “a right or restrictive covenant over land is purchased from or imposed on the land of”; and
- (b) for “acquired or taken from him”, substitute “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 “part” in paragraphs (a) and (b), substitute “a right over or restrictive covenant affecting land consisting”;
- (b) for “severance”, substitute “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 “part proposed”, substitute “right or restrictive covenant proposed”; and
- (d) for “part is”, substitute “right or restrictive covenant is”.

Commencement Information

179 Sch. 6 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

Compulsory Purchase Act 1965 modified

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

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

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

Commencement Information

180 Sch. 6 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

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

(46) 1973 c.26.

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

Commencement Information

I81 Sch. 6 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

5. For section 8 of the 1965 Act (other provisions as to divided land), substitute 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, or a restrictive covenant affecting, 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 interest 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 Hornsea Two Offshore Wind Farm Order 2016 (the “Order”), in relation to that person, ceases to authorise the purchase of the right or the imposition of a restrictive covenant 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) must 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.”

Commencement Information

I82 Sch. 6 para. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

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

- (a) section 9(4) (refusal to convey, failure to make title, etc.);
- (b) paragraph 10(3) of Schedule 1 (persons without power to sell their interests);
- (c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and
- (d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

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

Commencement Information

I83 Sch. 6 para. 6 in force at 7.9.2016, see [art. 1\(2\)](#)

7. Section 11 of the 1965 Act (powers of entry) is modified so as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right or restrictive covenant, 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 (unauthorised entry) and 13 (refusal to give possession to acquiring authority) of the 1965 Act⁽⁴⁷⁾ are modified correspondingly.

Commencement Information

I84 Sch. 6 para. 7 in force at 7.9.2016, see [art. 1\(2\)](#)

8. Section 20 of the 1965 Act⁽⁴⁸⁾ (tenants at will, etc.) applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right or the enforcement of the restrictive covenant in question.

Commencement Information

I85 Sch. 6 para. 8 in force at 7.9.2016, see [art. 1\(2\)](#)

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

⁽⁴⁷⁾ Section 13 was amended by section 139 of the Tribunals, Courts and Enforcement Act 2007 (c.15) and by paragraph 28 of Schedule 13 and Part 3 of Schedule 23 to that Act.

⁽⁴⁸⁾ Section 20 was amended by paragraph 4 of Schedule 15 to the Planning and Compensation Act 1991 (c.34) and paragraph 70 of Schedule 1 to S.I. 2009/1307.

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<p>Commencement Information</p> <p>I86 Sch. 6 para. 9 in force at 7.9.2016, see art. 1(2)</p>

<p>Commencement Information</p> <p>I80 Sch. 6 para. 3 in force at 7.9.2016, see art. 1(2)</p> <p>I81 Sch. 6 para. 4 in force at 7.9.2016, see art. 1(2)</p> <p>I82 Sch. 6 para. 5 in force at 7.9.2016, see art. 1(2)</p> <p>I83 Sch. 6 para. 6 in force at 7.9.2016, see art. 1(2)</p> <p>I84 Sch. 6 para. 7 in force at 7.9.2016, see art. 1(2)</p> <p>I85 Sch. 6 para. 8 in force at 7.9.2016, see art. 1(2)</p> <p>I86 Sch. 6 para. 9 in force at 7.9.2016, see art. 1(2)</p>

SCHEDULE 7

Article 26

Land of which temporary possession may be taken

PART 1

Authorised project

<p>Commencement Information</p> <p>I87 Sch. 7 Pt. 1 in force at 7.9.2016, see art. 1(2)</p>

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
<i>Area</i>	<i>Number of land shown on land plans</i>	<i>Purpose for which temporary possession may be taken</i>	<i>Relevant part of authorised project</i>
In the County of Lincolnshire, East Lindsey District	36	Worksite and access for the construction and carrying out of the authorised project	Work Nos. 5A, 5B, 6A, 6B, 7A and 7B
In the County of Lincolnshire, East Lindsey District	40, 41, 43, 44, 70, 71, 77, 93, 94, 100, 101, 102, 103, 104, 105, 106, 108, 109, 118, 124, 125, 126, 130, 137, 138, 154, 157, 158, 179, 184, 185	Worksite and access for the construction and carrying out of the authorised project	Work Nos. 7A and 7B
In the County of Lincolnshire, East Lindsey District	34, 50, 53, 54, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 73, 74, 76,	Laying and use of temporary vehicular access track	Work Nos. 7A and 7B

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(1)	(2)	(3)	(4)
Area	Number of land shown on land plans	Purpose for which temporary possession may be taken	Relevant part of authorised project
	78, 89, 90, 91, 110, 111, 112, 114, 115, 116, 117, 120, 121, 122, 127, 128, 129, 142, 143, 156, 159, 160, 162, 164, 165, 166, 167, 170, 171, 177, 178, 181, 182		
In the County of Lincolnshire, East Lindsey District	172, 174, 176	Laying of temporary public footpaths and bridleways	Work Nos. 7A and 7B
In the County of North East Lincolnshire	213, 214, 224, 226, 229, 230, 245, 246, 247, 257, 258, 259, 277, 278, 280, 283, 284, 287, 288, 301, 302, 318, 319, 322, 324, 330, 331, 335, 336, 345, 346, 350, 351, 353, 356, 359, 362, 363, 372, 374, 392, 393, 395, 397, 401, 402, 405, 406, 407, 408, 412, 414, 419	Worksite and access for the construction and carrying out of the authorised project	Work Nos. 7A and 7B
In the County of North East Lincolnshire	209, 210, 212, 231, 239, 241, 242, 264, 265, 266, 267, 269, 270, 271, 272, 274, 315, 316, 320, 337, 340, 341, 343, 355, 368, 370, 371, 375, 376, 377, 379, 381, 416, 418	Laying and use of temporary vehicular access track	Work Nos. 7A and 7B
In the County of North East Lincolnshire	244, 290, 292, 326, 329	Laying of temporary public footpaths and bridleways	Work Nos. 7A and 7B
In the County of North Lincolnshire	422, 423, 425, 427, 435, 436, 441, 442, 443, 444, 446, 455, 456, 458, 462, 463, 467, 469, 470, 473, 474, 477, 478, 479, 483, 484, 493, 496, 498	Worksite and access for the construction and carrying out of the authorised project	Work Nos. 7A and 7B

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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
<i>Area</i>	<i>Number of land shown on land plans</i>	<i>Purpose for which temporary possession may be taken</i>	<i>Relevant part of authorised project</i>
In the County of North Lincolnshire	513, 514, 515, 520, 522	Laying and use of temporary vehicular access track	Work Nos. 8A, 8B, 9A, 9B and 10
In the County of North Lincolnshire	502, 504, 505	Worksite and access for the construction and carrying out of the authorised project	Work Nos. 7A, 7B, 8A, 8B, 9A and 9B
In the County of North Lincolnshire	508, 517, 518	Worksite and access for the construction and carrying out of the authorised project	Work Nos. 8A, 8B, 9A and 9B

PART 2

Compensation compounds

Commencement Information

188 Sch. 7 Pt. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Area</i>	<i>Number of land shown on land plans</i>	<i>Purpose for which temporary possession may be taken</i>
In the County of Lincolnshire, East Lindsey District	72, 95, 136, 186	Compensation compound in respect of worksite and access
In the County of Lincolnshire, East Lindsey District	73, 185	Compensation compound access in respect of vehicular access track to and from a compensation compound
In the County of North East Lincolnshire	225, 233, 235, 243, 260, 276, 279, 286, 321, 328, 344, 348, 349, 354, 373, 396, 398, 409, 410, 413	Compensation compound in respect of worksite and access
In the County of North East Lincolnshire	239, 241, 242, 263, 293, 294, 296, 297, 355, 399, 400	Compensation compound access in respect of vehicular access track to and from a compensation compound
In the County of North Lincolnshire	428, 447, 457, 464, 475, 485, 494, 495, 501	Compensation compound in respect of worksite and access

PART 3

Authorised project: access

Commencement Information

189 Sch. 7 Pt. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

<i>(1)</i>	<i>(2)</i>
<i>Area</i>	<i>Number of land shown on land plans</i>
In the County of Lincolnshire, East Lindsey District	42, 51, 52, 55, 75, 82, 133, 144, 145, 146, 163
In the County of North East Lincolnshire	236, 237, 238, 240, 253, 254, 303, 304, 305, 306, 323, 357, 358, 366, 367, 369, 378, 380, 415, 417
In the County of North Lincolnshire	480, 481, 516

PART 4

Compensation compounds: access

Commencement Information

190 Sch. 7 Pt. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

<i>(1)</i>	<i>(2)</i>
<i>Area</i>	<i>Number of land shown on land plans</i>
In the County of North East Lincolnshire	240

SCHEDULE 8

Articles 2 and 36

Marine Licence A1: Project A – Generation Assets

PART 1

Licensed activities

Interpretation

1.—(1) In this licence—

“2008 Act” means the Planning Act 2008;

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

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“ancillary works” means the ancillary works described in clause 2 of Part 1 of this licence that are not development within the meaning of section 32 of the 2008 Act;

“Annex 1 habitat” means a habitat set out in Annex 1 to Council Directive 92/43/EEC of 21st May 1992 on the conservation of natural habitats and of wild fauna and flora;

“authorised deposits” means the substances and articles specified in clause 2(3) of Part 1 of this licence;

“authorised development” means the development described in Part 1 of Schedule 1 to the Order that is development within the meaning of section 32 of the 2008 Act;

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

“authorised scheme” means Work No. 1A described in clause 2 of Part 1 of this licence;

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

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

“construction vessel” means any vessel involved in the course of or used for the construction and/or maintenance of the authorised project;

“debris” means items or equipment of a significant size left on the seabed being lost from survey or construction vessels or the structures comprised within the authorised scheme;

“EIA Regulations” means the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009;

“electrical circuit” means a number of electrical conductors necessary to transmit electricity between 2 points within the authorised project, comprising—

- (a) in the case of HVAC transmission, 3 conductors which may be bundled as 1 cable; and
- (b) in the case of HVDC transmission 2 conductors, which may be attached together or take the form of single cables,

and the electrical circuit may include 1 or more auxiliary cables (normally fibre-optic cables) for the purpose of control, monitoring, protection or general communications;

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

“environmental statement” means the document certified as the environmental statement by the Secretary of State under article 40 of the Order;

“gravity base foundation” means—

- (a) a structure principally of concrete or steel (or both) that rests on the seabed due to its own weight and that of added ballast or to the weight of water above it and may include associated equipment including suction piles, J-tubes and access platforms; or
- (b) a structure principally of concrete or steel (or both) consisting of a platform supported on 2 pontoons to which the platform is connected by columns which may be connected by braces;

“HVAC” means high voltage alternating current;

“HVDC” means high voltage direct current;

“in-principle monitoring plan” means the document certified as the in-principle monitoring plan by the Secretary of State under article 40 of the Order;

“intra-array electrical circuits” means the circuits described in clause 2(2)(b) of Part 1 of this licence;

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“jacket foundation” means a lattice construction comprising tubular members and joints fixed to the seabed with piles (either driven/drilled piles or suction piles) which will include platforms and J-tubes and may include braced monopiles and a transition piece;

“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”, unless otherwise provided for, includes inspect, repair, adjust, alter, remove, reconstruct and replace any of the authorised development; and any derivative of “maintain” must be construed accordingly;

“Marine Noise Registry” means the online database maintained by the Joint Nature Conservation Committee on behalf of the Department for Environment, Food and Rural Affairs that records the spatial and temporal distribution of impulsive noise-generating activities in United Kingdom seas in order that they can be analysed to determine whether they may potentially compromise the achievement of good environmental status;

“MCA” means the Maritime and Coastguard Agency;

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

“MMO” means the Marine Management Organisation;

“monopile foundation” means a foundation comprising a large diameter steel or concrete tube or pile driven vertically into the seabed, J-tubes and platforms and may include external structural devices such as bracing members or steel anchor wires and a transition piece;

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

“offshore accommodation platform” means a platform housing or incorporating temporary accommodation, landing ports for vessels and helicopters, standby electricity generation equipment, marking and lighting and other equipment facilities to assist in the co-ordination of marine activities related to the authorised scheme;

“offshore HVAC collector substation” means a structure serving as a collection point for the intra-array electrical circuits and containing equipment for the purpose of transforming the electricity generated at the wind turbine generators to a higher voltage; it may also include a helicopter platform;

“offshore HVDC converter substation” means a structure that contains equipment to convert HVAC electricity to HVDC electricity; it may also include a helicopter platform;

“Order” means the Hornsea Two Offshore Wind Farm Order 2016;

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

“suction pile” means a large diameter steel cylinder that is fixed to the base of the foundation, partially penetrates the seabed and remains in place using its weight and hydrostatic pressure differential;

“survey vessel” means a vessel licensed to carry out environmental or engineering surveys;

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

“UK Hydrographic Office” means the Hydrographic Office of the Ministry of Defence or any replacement body or successor to its functions;

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“undertaker” means Optimus Wind Limited (company number 07883284) or, to the extent that the benefit of the provisions of the Order and related statutory rights in relation to Work No. 1A and such associated development or ancillary works has been transferred under article 35 of the Order to another person, that other 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 that is at the time in, on or over water;

“wind farm area” means the area within the limits of deviation for Work No. 1A whose co-ordinates are set out in Part 1 of Schedule 1 to the Order and shown on the works plans;

“wind turbine generator” means a structure comprising any or all of a tower, rotor, blades, nacelle and ancillary electrical and other equipment or structures, which may include lighting and a helicopter platform, fixed to a foundation;

“working day” means any day other than a Saturday, Sunday or public holiday in England and Wales;

“Work No. 1A” means an offshore wind generating station within the wind farm area and described as Work No. 1A in clause 2 of Part 1 of this licence;

“Work No. 1B” means an offshore wind generating station within the wind farm area and described as Work No. 1B in Part 1 of Schedule 1 to the Order;

“Work No. 2A” means up to 6 offshore HVAC collector substations and, in the event that the mode of transmission is HVDC, up to 2 offshore HVDC converter substations together with a network of electrical circuits connecting the structures within Work Nos. 2A and 2B;

“Work No. 2B” means up to 6 offshore HVAC collector substations and, in the event that the mode of transmission is HVDC, up to 2 offshore HVDC converter substations together with a network of electrical circuits connecting the structures within Work Nos. 2A and 2B;

“works plans” means the plans certified as the works plans by the Secretary of State under article 40 of the Order, comprising the offshore works plans, the intertidal works plans and the onshore works plans.

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

(3) Unless otherwise indicated—

- (a) all times are Greenwich Mean Time (GMT);
- (b) all co-ordinates are latitude and longitude degrees, minutes and seconds to 3 decimal places in WGS84 Datum.

(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 is—

(a) Marine Management Organisation

Marine Licensing Team

Lancaster House

Hampshire Court

Newcastle-upon-Tyne NE4 7YH

Tel: 0300 123 1032

E-mail: marine.consents@marinemanagement.org.uk

(b) Marine Management Organisation (referred to as the “MMO Coastal Office”)

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Neville House
Central Riverside
Bell Street
North Shields
Tyne and Wear NE30 1LJ
Tel (24-hour answer phone): 0191 257 4520 or 0191 257 0159
E-mail: northshields@marinemangement.org.uk

(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

Foss House
Kings Pool
1-2 Peasholme Green
York YO1 7PX
Tel: 0300 060 1911

(h) Historic Buildings and Monuments Commission for England (referred to as “Historic England”)

Eastgate Court
195-205 High Street
Guildford GU1 3EH
Tel: 01483 252 057.

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Commencement Information

191 Sch. 8 Pt. 1 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

Details of licensed activities

2.—(1) This licence authorises the undertaker (and any agent or contractor acting on its behalf) to carry out the following licensable marine activities pursuant to section 66(1) of the 2009 Act, subject to the Conditions—

- (a) the deposit at sea of the substances and articles specified in paragraph (3);
- (b) the construction of works in or over the sea and/or on or under the sea bed;
- (c) dredging for the purposes of seabed preparation for foundation works and/or electrical circuit works;
- (d) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation;
- (e) the disposal at disposal site reference HU211 of up to 2,427,666 cubic metres comprising inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work No. 1A, provided that the combined total volume of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work Nos. 1A and 1B disposed of at disposal site reference HU211 must not exceed 2,427,666 cubic metres;
- (f) the disposal at disposal site reference HU211 of up to 400,852 cubic metres comprising inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work No. 1A, provided that the combined total volume of inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 1A and 1B disposed of at disposal site reference HU211 must not exceed 400,852 cubic metres; and
- (g) the removal of the substances and articles specified in paragraph (3).

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

Work No. 1A — An offshore wind generating station within the wind farm area comprising—

- (a) up to 300 wind turbine generators fixed to the seabed, provided that the combined total of wind turbine generators constructed in whole or in part within Work Nos. 1A and 1B must not exceed 300;
- (b) a network of subsea intra-array electrical circuits connecting the structures comprised in Work No. 1A—
 - (i) with other such structures;
 - (ii) with any other structure located within the wind farm area; and
 - (iii) with the network of electrical circuits comprised in Work Nos. 1B, 2A and 2B;
- (c) up to 2 offshore accommodation platforms fixed to the seabed which may be connected to one of the offshore HVAC collector substations or offshore HVDC converter substations within Work No. 2A by an unsupported steel bridge and up to 2 electrical circuits each connecting an accommodation platform to either an offshore HVAC collector substation or to a wind turbine generator in order to power the accommodation platform, provided that the combined total of offshore accommodation platforms constructed in whole or in part within Work Nos. 1A and 1B must not exceed 2.

Co-ordinates for wind farm area (limits of deviation for Work Nos. 1A, 1B, 2A and 2B)—

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	54° 0' 31.626" N	1° 26' 19.993" E
2	54° 0' 18.479" N	1° 38' 37.320" E
3	54° 0' 15.768" N	1° 40' 21.864" E
4	53° 59' 36.924" N	2° 3' 45.936" E
5	53° 57' 24.509" N	2° 6' 6.700" E
6	53° 57' 12.481" N	2° 4' 32.376" E
7	53° 56' 46.586" N	2° 5' 4.031" E
8	53° 56' 16.303" N	2° 1' 15.269" E
9	53° 55' 22.663" N	2° 2' 14.219" E
10	53° 55' 2.525" N	1° 59' 45.776" E
11	53° 55' 35.429" N	1° 59' 20.944" E
12	53° 55' 8.162" N	1° 56' 10.619" E
13	53° 55' 23.329" N	1° 55' 20.262" E
14	53° 55' 37.592" N	1° 53' 38.108" E
15	53° 55' 31.318" N	1° 52' 54.282" E
16	53° 56' 22.870" N	1° 51' 57.409" E
17	53° 55' 46.445" N	1° 47' 47.796" E
18	53° 58' 42.179" N	1° 44' 31.880" E
19	53° 58' 17.828" N	1° 41' 46.795" E
20	53° 56' 29.670" N	1° 43' 45.592" E
21	53° 56' 3.228" N	1° 41' 0.143" E
22	53° 55' 9.293" N	1° 39' 52.024" E
23	53° 50' 5.118" N	1° 38' 58.430" E
24	53° 50' 7.210" N	1° 26' 59.953" E

And in connection with Work No. 1A, further associated development as may be necessary or expedient in connection with the authorised scheme within the Order limits and is within the scope of the environmental impact assessment recorded in the environmental statement.

And in connection with Work No. 1A, ancillary works consisting of works and operations within the Order limits comprising temporary anchorage of vessels and buoys, beacons, fenders and other navigational warning or ship impact protection works.

(3) The substances or articles authorised for deposit at sea and removal are—

- (a) iron and steel;
- (b) stone and rock;
- (c) concrete;

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- (d) sand and gravel;
 - (e) plastic and synthetic; and
 - (f) material extracted from within the wind farm area during construction drilling and seabed preparation for foundation works.
- (4) The grid co-ordinates for disposal site reference HU211 are—

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	54° 0' 31.626" N	1° 26' 19.993" E
2	54° 0' 18.479" N	1° 38' 37.320" E
3	54° 0' 15.768" N	1° 40' 21.864" E
4	53° 59' 36.924" N	2° 3' 45.936" E
5	53° 57' 24.509" N	2° 6' 6.700" E
6	53° 57' 12.481" N	2° 4' 32.376" E
7	53° 56' 46.586" N	2° 5' 4.031" E
8	53° 56' 16.303" N	2° 1' 15.269" E
9	53° 55' 22.663" N	2° 2' 14.219" E
10	53° 55' 2.525" N	1° 59' 45.776" E
11	53° 55' 35.429" N	1° 59' 20.944" E
12	53° 55' 8.162" N	1° 56' 10.619" E
13	53° 55' 23.329" N	1° 55' 20.262" E
14	53° 55' 37.592" N	1° 53' 38.108" E
15	53° 55' 31.318" N	1° 52' 54.282" E
16	53° 56' 22.870" N	1° 51' 57.409" E
17	53° 55' 46.445" N	1° 47' 47.796" E
18	53° 58' 42.179" N	1° 44' 31.880" E
19	53° 58' 17.828" N	1° 41' 46.795" E
20	53° 56' 29.670" N	1° 43' 45.592" E
21	53° 56' 3.228" N	1° 41' 0.143" E
22	53° 55' 9.293" N	1° 39' 52.024" E
23	53° 50' 5.118" N	1° 38' 58.430" E
24	53° 50' 7.210" N	1° 26' 59.953" E

(5) Section 72 of the 2009 Act applies to this licence, except that subsections (7) and (8) relating to the transfer of the licence apply only to a transfer not falling within article 35 of the Order.

Commencement Information

I92 Sch. 8 Pt. 1 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

Maintenance of authorised project

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

(2) No maintenance works whose likely effects on the environment require to be assessed in accordance with the EIA Regulations and are not assessed in the environmental statement may be carried out, unless otherwise approved by the MMO.

(3) Where the MMO's approval is required under paragraph (2), approval may be given only where it has been demonstrated to the satisfaction of the MMO that the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

Commencement Information

I93 Sch. 8 Pt. 1 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

Duration

4. This licence remains in force until the authorised scheme has been decommissioned in accordance with a programme approved by the Secretary of State under section 106 of the Energy Act 2004, including any modification to the programme under section 108(**49**), and the completion of the programme has been confirmed by the Secretary of State in writing.

Commencement Information

I94 Sch. 8 Pt. 1 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

PART 2

Licence conditions

Design parameters

1.—(1) No wind turbine generator forming part of Work No. 1A may—

- (a) be more than 151 metres from LAT to the turbine hub;
- (b) exceed a height of 276 metres from LAT to the upper tip of the vertical blade;
- (c) exceed a rotor diameter of 241.03 metres;
- (d) be less than 34.97 metres from LAT to the lowest point of the rotating blade;
- (e) be less than 810 metres from the nearest wind turbine generator in all directions.

(2) In this Condition, references to the location of a wind turbine generator are references to the centre point of the turbine.

(3) No offshore accommodation platform forming part of Work No. 1A may—

- (a) exceed 64 metres in height above LAT;
- (b) have a platform that at its greatest extent exceeds 3,600 square metres in area or 60 metres in width.

(49) Section 108 was amended by section 69(5) of the Energy Act 2008.

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(4) The diameter of the electrical cables comprising the electrical circuits within Work No. 1A must not exceed 170 millimetres.

(5) The combined total length of the connections in the form of electrical circuits between the structures comprised in Work Nos. 1A and 1B must not exceed 685 kilometres.

(6) The electrical circuits comprised in Work No. 1A must be installed by use of, or a combination of, ploughing, trenching, jetting, rock-cutting, dredging, surface laying with post-lay burial and, where ground conditions make burial impracticable, by surface laying.

Commencement Information

I95 Sch. 8 Pt. 2 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

2.—(1) The undertaker must in fixing to the seabed any structures comprised in Work No. 1A use one of the following methods—

- (a) monopile foundations;
- (b) jacket foundations supported by piles; or
- (c) gravity base foundations.

(2) The following parameters apply in respect of the foundation methods used to fix wind turbine generators comprised in Work No. 1A to the seabed—

- (a) where monopile foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 1,963 square metres;
 - (ii) the diameter of each foundation must not exceed 10 metres;
- (b) where jacket foundations (driven/drilled piles) are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 2,827 square metres;
 - (ii) the number of piles per jacket must not exceed 12;
 - (iii) the diameter of each pile must not exceed 6 metres;
- (c) where jacket foundations (suction piles) are used—
 - (i) the area occupied by the foundations and scour protection for each individual structure must not exceed 12,596 square metres;
 - (ii) the number of piles per jacket must not exceed 4;
 - (iii) the diameter of each pile must not exceed 21.1 metres;
- (d) where gravity base foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 7,543 square metres;
 - (ii) the seabed levelling diameter must not exceed 78 metres;
 - (iii) the cone diameter must not exceed 58 metres at its base.

(3) The following parameters apply in respect of the foundation methods used to fix offshore accommodation platforms to the seabed—

- (a) where monopile foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 1,963 square metres;
 - (ii) the diameter of each foundation must not exceed 10 metres;

- (b) where jacket foundations (driven/drilled piles) are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 1,414 square metres;
 - (ii) the number of piles must not exceed 8;
 - (iii) the diameter of each pile must not exceed 3 metres;
- (c) where jacket foundations (suction piles) are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 6,362 square metres;
 - (ii) the number of piles per jacket must not exceed 4;
 - (iii) the diameter of each pile must not exceed 15 metres;
- (d) where gravity base foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 6,362 square metres;
 - (ii) the seabed levelling diameter must not exceed 70 metres;
 - (iii) the cone diameter must not exceed 50 metres at its base.

(4) The total volume of scour protection for the wind turbine generators and the offshore accommodation platforms forming part of Work No. 1A must not exceed 4,761,555 cubic metres, provided that the combined total volume of scour protection for the wind turbine generators and the offshore accommodation platforms forming part of Work Nos. 1A and 1B must not exceed 4,761,555 cubic metres.

Commencement Information

I96 Sch. 8 Pt. 2 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

Commencement Information

I95 Sch. 8 Pt. 2 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

I96 Sch. 8 Pt. 2 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

Navigational practice, safety and emergency response

3.—(1) No part of the authorised scheme seaward of MHWS may commence until the MMO, in consultation with the MCA, has given written approval for an emergency response co-operation plan which includes full details of the emergency co-operation plans for the construction, operation and decommissioning phases of that part of the authorised scheme in accordance with the MCA recommendations contained within MGN 371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues”(50).

(2) No part of the authorised scheme seaward of MHWS may commence until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the development, adequately addressed all MCA recommendations as appropriate to the authorised scheme contained within MGN 371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” (including its annexes).

(50) See https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/441130/371.pdf.

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(3) The emergency response co-operation plan must be implemented as approved, unless otherwise agreed in writing by the MMO, in consultation with the MCA.

Commencement Information

I97 Sch. 8 Pt. 2 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

Aids to navigation

4.—(1) The undertaker must during the whole period from the start of construction of the authorised scheme seaward of MHWS to the completion of decommissioning—

- (a) 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;
- (b) colour all structures in the authorised scheme as directed by Trinity House;
- (c) keep Trinity House and the MMO informed of progress of the authorised scheme seaward of MHWS including—
 - (i) notice of commencement of construction of the authorised scheme within 24 hours of commencement having occurred;
 - (ii) notice within 24 hours of any aids to navigation being established by the undertaker; and
 - (iii) notice within 5 working days of completion of construction of the authorised scheme;
- (d) submit reports to Trinity House detailing the working condition of aids to navigation quarterly, or as requested by Trinity House;
- (e) notify Trinity House and the MMO of any failure of the aids to navigation and the timescales and plans for remedying such failures as soon as possible and no later than 24 hours following the undertaker becoming aware of any such failure.

(2) Except as otherwise required by Trinity House under paragraph (1), the undertaker must colour all structures comprised in Work No. 1A yellow (colour code RAL 1023) from at least highest astronomical tide to a height as directed by Trinity House.

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

Commencement Information

I98 Sch. 8 Pt. 2 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

Notifications and inspections

5.—(1) The undertaker must ensure that—

- (a) a copy of this licence and any subsequent amendments or revisions to it are provided to—
 - (i) all agents and contractors notified to the MMO in accordance with the Conditions; and
 - (ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with the Conditions;

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- (b) within 28 days of receipt of a copy of this licence, the persons referred to in sub-paragraph (a) provide a completed confirmation form to the MMO confirming their understanding of the terms of this licence.
 - (2) Only the persons and vessels notified to the MMO in accordance with Condition 11 are permitted to carry out the licensed activities.
 - (3) Copies of this licence must also be available for inspection at the following locations—
 - (a) the undertaker’s registered address;
 - (b) any site office located at or adjacent to the construction site and used by the undertaker or its agents and contractors responsible for the loading, transportation or deposit of the authorised deposits; and
 - (c) on board each vessel or at the office of any transport manager with responsibility for vessels from which authorised deposits are to be made.
 - (4) The documents referred to in paragraph (1)(a) must be available for inspection by an enforcement officer at the locations set out in paragraph (3) at any time.
 - (5) The undertaker must provide access, and if necessary appropriate transportation, to the offshore construction site or any other associated works or vessels to facilitate any inspection that the MMO considers necessary to inspect the works during construction and operation of the authorised scheme.
 - (6) The undertaker must inform the MMO Marine Licensing Team and the MMO Coastal Office in writing at least 5 working days before the commencement of the licensed activities or any part of them.
 - (7) The Kingfisher Information Service of Seafish must be informed by email of details of the vessel routes, timings and locations relating to the construction of the authorised scheme or relevant part to kingfisher@seafish.co.uk—
 - (a) at least 2 weeks before the construction of the authorised scheme or relevant part, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data; and
 - (b) on completion of the construction of the authorised scheme or relevant part.
- Confirmation of notification must be provided to the MMO within 5 working days of notification to the Kingfisher Information Service of Seafish.
- (8) The undertaker must ensure that a notice to mariners is issued at least 10 working days before the commencement of the licensed activities advising of the commencement of licensed activities within the wind farm area and the expected vessel routes from the local service ports to the location of the works comprised within the authorised scheme.
 - (9) The undertaker must ensure that the notices to mariners are updated and reissued at weekly intervals during construction activities and at least 5 days before any planned operation and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction and monitoring programme approved under Condition 8(2)(a). Copies of all notices must be provided to the MMO within 10 working days of issue.
 - (10) The undertaker must notify—
 - (a) the UK Hydrographic Office of commencement (within 2 weeks), progress and completion (within 2 weeks) of the authorised scheme in order that all necessary amendments to nautical charts are made, and the undertaker must send a copy of such notifications to the MMO; and
 - (b) the Defence Geographic Centre (at least 4 weeks before) of the commencement of the authorised scheme and of the progress and completion (within 2 weeks) of the authorised scheme, in order that all necessary amendments to aviation charts are made.

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

(12) In the event that the Marine Noise Registry has gone live before the commencement of impact pile driving—

- (a) the undertaker must submit details of the expected location, start and end dates of impact pile driving to the Marine Noise Registry before the commencement of the impact pile driving; and
- (b) the undertaker must notify the MMO of the successful submission of the details required under sub-paragraph (a) within 7 days of the submission.

(13) In the event that the Marine Noise Registry has gone live at the time of impact pile driving—

- (a) the undertaker must submit the exact locations and dates of impact pile driving to the Marine Noise Registry at 6-month intervals from the commencement of impact pile driving until the completion of impact pile driving. The final data must be submitted within 12 weeks of completion of impact pile driving; and
- (b) the undertaker must notify the MMO of the successful submission of the details required under sub-paragraph (a) within 7 days of the submission.

Commencement Information

I99 Sch. 8 para. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

Chemicals, drilling and debris

6.—(1) 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(**51**), unless otherwise agreed in writing by the MMO.

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

(3) The storage, handling, transport and use of fuels, lubricants, chemicals and other substances must be undertaken so as to prevent releases into the marine environment including bunding of 110% of the total volume of all reservoirs and containers.

(4) 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 disposal may also require a marine licence.

(5) The undertaker must ensure that, where practicable, any debris arising from the construction of the authorised scheme or temporary works placed seaward of MHWS is removed by a date no later than 28 days following the undertaker becoming aware of the debris after the completion of the authorised scheme (or by such later date as may be agreed in writing by the MMO). In the event that the debris cannot practicably be removed, the undertaker must notify the MMO, Trinity House and the MCA within 7 days of becoming aware that the debris cannot practicably be removed.

(6) At least 10 days before the commencement of the licensed activities, the undertaker must submit to the MMO an audit sheet covering all aspects of the construction of the authorised scheme,

(51) [S.I. 2002/1355](#), amended by [S.I. 2011/982](#).

and no works may commence until the audit sheet content has been agreed with the MMO. 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.

(7) The audit sheet must be maintained throughout the construction of the authorised scheme, and the MMO must be notified of any changes on a fortnightly basis.

(8) In the event that the undertaker becomes aware that any of the materials on the audit sheet cannot be accounted for, it must notify the MMO within 24 hours where possible, and in any event within 5 days of becoming aware using the dropped object procedure form. On receipt of the dropped object procedure form, the MMO may require relevant surveys to be carried out by the undertaker (such as side-scan sonar) if reasonable to do so. Local fishermen must be invited to send a representative to be present during the survey. The MMO may require any new obstructions associated with the authorised scheme to be removed from the seabed at the undertaker's expense if reasonable to do so.

(9) All debris arising from the operation and maintenance of the authorised scheme must be reported to the MMO using the dropped object procedure form within 24 hours where possible, and in any event within 5 days of the undertaker becoming aware of the incident. On receipt of the dropped object procedure form, the MMO may require relevant surveys to be carried out by the undertaker (such as side-scan sonar) if reasonable to do so and any new obstructions associated with the authorised scheme to be removed from the seabed at the undertaker's expense if reasonable to do so.

(10) The undertaker must inform the MMO of the location and quantities of inert material and dredged material disposed of each month under this licence, by submission of a disposal return by 31st January each year for disposals occurring during the months July to December inclusive of the preceding year, and by 31st July each year for disposals occurring during the months January to June inclusive of that year.

(11) The undertaker must ensure that only—

- (a) inert material of natural origin and drilling mud, produced during construction drilling and seabed preparation for foundation works comprised in Work No. 1A;
- (b) dredged material produced during seabed preparation for foundation works comprised in Work No. 1A; and
- (c) inert material of natural origin and dredged material produced during cable laying preparation works comprised in Work No. 1A;

is disposed of at disposal site reference HU211.

(12) The undertaker must ensure that no waste concrete slurry or wash water from concrete or cement works is discharged into the marine environment. Concrete, cement mixing and washing areas must be contained to prevent run-off entering the water through the freeing ports.

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

(14) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU211.

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Commencement Information

I100 Sch. 8 para. 6 in force at 7.9.2016, see [art. 1\(2\)](#)

Force majeure

7. If, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit—

- (a) authorised deposits outside of the wind farm area or disposal site reference HU211; or
- (b) unauthorised deposits within or outside of the wind farm area or disposal site reference HU211,

because the safety of human life or of the vessel is threatened, full details of the circumstances of the deposit must be notified to the MMO within 48 hours.

Commencement Information

I101 Sch. 8 para. 7 in force at 7.9.2016, see [art. 1\(2\)](#)

Pre-construction plans and documentation

8.—(1) The licensed activities may not commence until a plan setting out proposed details of the authorised scheme and including the following (insofar as relevant to that activity or phase of activity) has been submitted to and approved in writing by the MMO following appropriate consultation with Trinity House and the MCA—

- (a) number, dimensions, specification, foundation types and depth for each wind turbine generator and offshore accommodation platform;
- (b) grid co-ordinates of the centre point of the proposed location for each wind turbine generator and offshore accommodation platform, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions;
- (c) proposed layout of all cables, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions; and
- (d) location and specification of all other aspects of the authorised scheme, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions.

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

- (a) a construction and monitoring programme, to include details of—
 - (i) the proposed construction start date;
 - (ii) proposed timings for mobilisation of plant, delivery of materials and installation works; and
 - (iii) proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction monitoring and related reporting in accordance with Conditions 13, 14 and 15. The pre-construction survey programme and all pre-construction survey methodologies must be submitted to the MMO for written approval by the MMO in consultation with the relevant statutory nature conservation

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- body at least 4 months before the commencement of any survey works detailed within;
- (b) a construction method statement in accordance with the environmental statement, including details of—
- (i) foundation installation, including any seabed preparation, drilling and disposal of arisings methods;
 - (ii) turbine installation, including any seabed preparation and scour protection;
 - (iii) installation of offshore accommodation platforms, including any seabed preparation and scour protection;
 - (iv) circuit installation, including any seabed preparation and circuit protection;
 - (v) contractors;
 - (vi) vessels; and
 - (vii) associated works;
- (c) a project environmental management and monitoring plan, to include details of—
- (i) a marine pollution contingency plan to address the risks, methods and procedures to deal with any spills and collision incidents during construction and operation of the authorised scheme in relation to all activities carried out seaward of MHWS. The plan must include a mechanism for reporting oil, fuel and chemical spills to the MMO Marine Pollution Response Team;
 - (ii) a chemical risk analysis to include information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance;
 - (iii) a disposal plan detailing the locations, methods and timings of dredging and disposal, as well as disposal site monitoring requirements;
 - (iv) waste management and disposal arrangements;
 - (v) locations of any archaeological exclusion zones agreed as part of the written scheme of archaeological investigation approved under sub-paragraph (g); and
 - (vi) the appointment and responsibilities of a fisheries liaison officer and an environmental liaison officer;
- (d) a scour protection management and cable armouring plan providing details of the need, type, sources, quantity, location and installation methods for scour protection and cable armouring to be within the scope of the environmental impact assessment recorded in the environmental statement;
- (e) in the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol, the intention of which is to prevent injury and/or significant disturbance to marine mammals, following current best practice as advised by the statutory nature conservation bodies, which may include, but is not limited to—
- (i) identification of a marine mammal mitigation zone (“MMMZ”);
 - (ii) appointment of an appropriate number of suitably qualified marine mammal observers;
 - (iii) methods for the detection of marine mammals within the MMMZ whether visually (by the marine mammal observers) or acoustically using passive acoustic monitoring equipment or other means of detection;
 - (iv) a reporting methodology to enable efficient communication between the marine mammal observers and the person responsible for approving commencement of piling;

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- (v) an appropriate soft start procedure whereby piling activities do not commence until an agreed time has elapsed and during which marine mammals have not been detected within the MMMZ;
 - (vi) where appropriate, methods for the application of acoustic deterrent devices; and
 - (vii) where appropriate, consideration of the use of noise reduction at source technologies;
- (f) a cable specification and installation plan, to include—
- (i) technical specification of offshore electrical circuits, including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with industry good practice; and
 - (ii) a detailed cable laying plan, including geotechnical data, cable laying techniques and a cable burial risk assessment encompassing the identification of any cable protection that exceeds 5% of navigable depth referenced to Chart Datum and, in the event that any area of cable protection exceeding 5% of navigable depth is identified, details of any steps (to be determined following consultation with the MCA) to be taken to ensure existing and future safe navigation is not compromised;
- (g) a written scheme of archaeological investigation in relation to the wind farm area in accordance with industry good practice, to include—
- (i) details of responsibilities of the undertaker, archaeological consultant and contractor;
 - (ii) a methodology for any further site investigation including any specifications for geophysical, geotechnical and diver- or remotely-operated vehicle investigations;
 - (iii) analysis and reporting of survey data to be submitted to the MMO within 4 months of survey completion;
 - (iv) delivery of any mitigation including, where necessary, archaeological exclusion zones;
 - (v) monitoring during and post-construction, including a conservation programme for finds;
 - (vi) archiving of archaeological material; and
 - (vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme;
- (h) a plan for marine mammal monitoring setting out the circumstances in which marine mammal monitoring will be required and the monitoring to be carried out in such circumstances;
- (i) an offshore project maintenance plan to be submitted to the MMO at least 4 months before commencement of the operation of the licensed activities and to include provision for the review and resubmission of the plan every 3 years during the operational phase;
- (j) an aids to navigation management plan specifying how the undertaker will ensure compliance with Condition 4 from the start of construction of the authorised scheme seaward of MHWS to the completion of decommissioning;
- (k) an ornithological monitoring plan setting out the circumstances in which ornithological monitoring will be required and the monitoring to be carried out in such circumstances.
- (3) Before the submission of the pre-construction plans and documentation required by this Condition, the undertaker must provide a copy of the plans and documentation to the other undertakers under the Order.
- (4) The undertaker must participate in liaison meetings with other undertakers under the Order as requested from time to time by the MMO in writing in advance. The meetings must be chaired by

the MMO and must consider such matters as are determined by the MMO relating to the efficient operation of a deemed marine licence where it has an impact on the efficient operation of any other deemed marine licence issued under the Order (including as varied or transferred).

- (5) Before giving its approval under paragraph (2), the MMO must—
- (a) in relation to any programme, statement, plan or protocol submitted under sub-paragraphs (a) to (f), (h), (i) or (k), consult the relevant statutory nature conservation body;
 - (b) in relation to a scheme submitted under sub-paragraph (g), consult Historic England; and
 - (c) in relation to a plan submitted under sub-paragraph (j), consult Trinity House.

(6) In the event that driven or part-driven pile foundations are proposed to be used, the MMO must not approve the plan referred to in paragraph (1) or the code referred to in paragraph (2) unless the MMO is satisfied, after consulting such persons as the Secretary of State may specify in relation to the plan or the part of the code specified by the Secretary of State (in addition to the persons with whom consultation is otherwise required under this Condition), that either the plan or code (or both of them) provide such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2007 Regulations) of a relevant site, to the extent that marine mammals are a protected feature of that site.

- (7) The mitigation referred to in paragraph (6) may include (without limitation)—
- (a) seasonal restrictions to piling;
 - (b) scheduling of piling, having regard to previous, ongoing and future piling associated with other offshore developments, based on an updated assessment of cumulative impacts;
 - (c) subject to the terms and conditions of this licence, changing the location of wind turbine generators;
 - (d) the use of alternative foundation methodologies, such as jacket foundations (suction piles) or gravity base foundations;
 - (e) the use of noise reduction at source technologies;
 - (f) the use of other relevant technologies or methodologies that may emerge in the future.

(8) In paragraph (6), “relevant site” means—

- (a) a European offshore marine site;
- (b) a European site.

(9) For the purpose of paragraph (6)—

- (a) the Southern North Sea possible Special Area of Conservation must be treated as a European offshore marine site until—
 - (i) that Area (or any part of it) becomes a European offshore marine site or a European site; or
 - (ii) it is decided that no part of that Area should be a European offshore marine site or a European site; and
- (b) harbour porpoise must be treated as a protected feature of the Southern North Sea possible Special Area of Conservation.

(10) In this Condition—

“2007 Regulations” means the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(52);

“disturbance” must be construed in accordance with regulation 39(1)(b) of the 2007 Regulations;

(52) S.I. 2007/1842, amended by S.I. 2009/7, 2010/491 and 2012/1928.

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“European offshore marine site” has the meaning given in regulation 15 of the 2007 Regulations;

“European site” has the meaning given in regulation 24 of the 2007 Regulations;

“Southern North Sea possible Special Area of Conservation” means the Southern North Sea possible Special Area of Conservation as set out in the JNCC 2016 Harbour Porpoise Possible Special Area of Conservation Consultation dated January 2016⁽⁵³⁾.

Commencement Information

I102 Sch. 8 para. 8 in force at 7.9.2016, see [art. 1\(2\)](#)

9. The undertaker must ensure that a copy of any agreed archaeological report is deposited with the National Record of the Historic Environment, by submitting a Historic England OASIS form with a digital copy of the report within 6 months of completion of construction of the authorised scheme. The undertaker must notify the MMO that the OASIS report has been submitted to the National Record of the Historic Environment within 2 weeks of the submission.

Commencement Information

I103 Sch. 8 para. 9 in force at 7.9.2016, see [art. 1\(2\)](#)

10.—(1) Each programme, statement, plan, protocol or scheme required to be approved under Condition [8](#)—

- (a) must be submitted for approval at least 4 months before the intended start of construction, except where otherwise stated or where an alternative date is agreed in writing by the MMO; and
- (b) must be accompanied by—
 - (i) a statement confirming that the undertaker has complied with Condition [8\(3\)](#) in relation to the programme, statement, plan, protocol or scheme; and
 - (ii) any comments received by the undertaker from the other undertakers, or a statement from the undertaker confirming that no such comments were received.

(2) The undertaker must comply with the plans and documentation approved under Condition [8](#) in carrying out the licensed activities unless otherwise agreed in writing by the MMO.

(3) Before agreeing an alternative date under paragraph (1)(a) or a change to approved details under paragraph (2) relating to any document in respect of which consultation is required under Condition [8\(5\)](#), the MMO must consult the relevant consultation body referred to in that Condition.

Commencement Information

I104 Sch. 8 para. 10 in force at 7.9.2016, see [art. 1\(2\)](#)

Commencement Information

I102 Sch. 8 para. 8 in force at 7.9.2016, see [art. 1\(2\)](#)

I103 Sch. 8 para. 9 in force at 7.9.2016, see [art. 1\(2\)](#)

⁽⁵³⁾ See <http://jncc.defra.gov.uk/default.aspx?page=7059>.

I104 Sch. 8 para. 10 in force at 7.9.2016, see [art. 1\(2\)](#)

Reporting of engaged agents, contractors and vessels

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

- (a) the name and function of any agent or contractor appointed to engage in the licensed activities at least 5 working days before the commencement of the licensed activities or any part of them; and
- (b) each week during the construction of the authorised scheme, a completed Hydrographic Note H102 listing the construction 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 and MMO Coastal Office in writing before the agent, contractor or vessel engages in the licensed activities.

(3) All agents, contractors and vessel operators comply with the Conditions.

Commencement Information

I105 Sch. 8 para. 11 in force at 7.9.2016, see [art. 1\(2\)](#)

Equipment and operation of vessels engaged in licensed activities

12.—(1) All vessels employed to perform the licensed activities must be constructed and equipped to be capable of the proper performance of the activities in accordance with the Conditions and must comply with paragraphs (2) to (5).

(2) All motor-powered vessels must be fitted with—

- (a) an electronic positioning aid to provide navigational data;
- (b) radar;
- (c) an echo sounder; and
- (d) multi-channel VHF.

(3) All vessel names or identification must be clearly marked on the hull or superstructure of the vessel.

(4) All communication on VHF working frequencies must be in English.

(5) No vessel may engage in the licensed activities until all the equipment specified in paragraph (2) is fully operational.

Commencement Information

I106 Sch. 8 para. 12 in force at 7.9.2016, see [art. 1\(2\)](#)

Pre-construction monitoring and surveys

13.—(1) The undertaker must, in discharging Condition 8(2)(a), submit details for written approval by the MMO in consultation with the relevant conservation body of proposed pre-construction surveys, including methodologies (including appropriate buffers, where relevant) and timings, and a proposed format and content for a pre-construction baseline report; and—

- (a) the survey proposals must be in general accordance with the principles set out in the in-principle monitoring plan and must specify each survey's objectives and explain

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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) Subject to receipt from the undertaker of specific proposals pursuant to this Condition, so far as applicable, the pre-construction surveys must comprise, in outline—

- (a) a high-resolution swath bathymetric survey to include a 100% coverage and a side-scan sonar survey of the parts of the wind farm area in which it is proposed to carry out construction works and disposal activities under this licence;
- (b) any ornithological monitoring required by the ornithological monitoring plan submitted in accordance with Condition 8(2)(k);
- (c) a survey to determine the location, extent and composition of any benthic habitats of conservation, ecological and/or economic importance (including Annex 1 habitats) in the parts of the wind farm area in which it is proposed to carry out construction works under this licence; and
- (d) any marine mammal monitoring required by the plan for marine mammal monitoring submitted in accordance with Condition 8(2)(h).

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

Commencement Information

I107 Sch. 8 para. 13 in force at 7.9.2016, see [art. 1\(2\)](#)

Construction monitoring

14.—(1) The undertaker must, in discharging Condition 8(2)(a), submit details for written approval by the MMO in consultation with the relevant statutory nature conservation body of any proposed construction monitoring, including methodologies and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals must be in general accordance with the principles set out in the in-principle monitoring plan and must specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.

(2) Subject to receipt from the undertaker of specific proposals pursuant to this Condition, so far as applicable, the construction monitoring must comprise, in outline—

- (a) unless the MMO agrees otherwise in writing, measurements of noise generated by the installation of the first 4 foundations of each discrete foundation type to be constructed under this licence where driven or part-driven pile foundations are used;
- (b) recording of any visual sightings or acoustic detection of marine mammals where required as part of the marine mammal mitigation protocol under Condition 8(2)(e); and
- (c) any ornithological monitoring required by the ornithological monitoring plan submitted in accordance with Condition 8(2)(k).

(3) The undertaker must carry out the surveys approved under paragraph (1), including any further noise monitoring required in writing by the MMO under paragraph (4), and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with the relevant statutory nature conservation body.

(4) The results of the initial noise measurements monitored in accordance with paragraph (2)(a) must be provided to the MMO within 6 weeks of the installation of the first 4 foundations of each discrete foundation type for the MMO to determine, following assessment of this report, whether any further noise monitoring is required.

(5) Construction monitoring must include vessel traffic monitoring by automatic identification system for the duration of the construction period. A report must be submitted to the MMO and the MCA at the end of each year of the construction period.

Commencement Information

I108 Sch. 8 para. 14 in force at 7.9.2016, see [art. 1\(2\)](#)

Post-construction

15.—(1) The undertaker must, in discharging Condition 8(2)(a), submit details for written approval by the MMO in consultation with the relevant statutory nature conservation body of proposed post-construction surveys, including methodologies (including appropriate buffers, where relevant) and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals must be in general accordance with the principles set out in the in-principle monitoring plan and must specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.

(2) Subject to receipt of specific proposals, so far as applicable, the post-construction surveys must comprise, in outline—

- (a) any ornithological monitoring required by the ornithological monitoring plan submitted in accordance with Condition 8(2)(k);
- (b) a high-resolution swath bathymetric survey of the following to assess any changes in bedform morphology—
 - (i) a representative sample area, as may be agreed in writing with the MMO, of the parts of the wind farm area within which construction works and disposal activities were carried out under this licence, and such further monitoring as may be required to ensure that the cables have been buried or protected; and
 - (ii) an area not to exceed 125% of the predicted scour area around a selection of turbines, such selection to be based on the desk-based assessment;
- (c) a survey to determine any change in the location, extent and composition of any benthic habitats of conservation, ecological and/or economic importance (including Annex 1 habitats) identified in the pre-construction survey in the parts of the wind farm area in which construction works were carried out. The survey design must be informed by the results of the pre-construction benthic survey;
- (d) any marine mammal monitoring required by the plan for marine mammal monitoring submitted in accordance with Condition 8(2)(h); and
- (e) vessel traffic monitoring by automatic identification system, for 28 days taking account seasonal variations in traffic patterns, for a maximum duration of 1 year post-construction. A report must be submitted to the MMO and the MCA at the end of the first year after construction is completed.

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(3) The undertaker must carry out the surveys agreed under paragraph (1) and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with the relevant statutory nature conservation body.

(4) Before carrying out the survey required under paragraph (2)(b), the undertaker must submit to the MMO for written approval a desk-based assessment (which takes account of all factors which influence scour) identifying the turbines with greatest potential for scour. The survey must be used to validate the desk-based assessment, and the significance of any differences between the predicted scour and recorded scour must be assessed in the survey report which must be submitted to the MMO. The need for further surveys must be agreed in writing with the MMO following submission of the first year of survey data.

Commencement Information

I109 Sch. 8 para. 15 in force at 7.9.2016, see [art. 1\(2\)](#)

Offshore decommissioning

16.—(1) No decommissioning activities may commence until a plan for the carrying out of the activities has been submitted to and approved in writing by the MMO.

(2) The plan must be submitted for approval at least 4 months before the intended start of the decommissioning activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.

(3) The plan must be implemented as approved.

Commencement Information

I110 Sch. 8 para. 16 in force at 7.9.2016, see [art. 1\(2\)](#)

Amendments to approved plans, etc.

17.—(1) Where any Condition requires the licensed activities to be carried out in accordance with any plan, programme, code, statement, protocol, scheme or details (the “plan”) approved by the MMO, the approved plan must be taken to include any amendment to the plan that may subsequently be approved in writing by the MMO.

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

Commencement Information

I111 Sch. 8 para. 17 in force at 7.9.2016, see [art. 1\(2\)](#)

SCHEDULE 9

Articles 2 and 36

Marine Licence A2: Project A – Transmission Assets

PART 1

Licensed activities

Interpretation

1.—(1) In this licence—

“2008 Act” means the Planning Act 2008;

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

“ancillary works” means the ancillary works described in clause 2 of Part 1 of this licence that are not development within the meaning of section 32 of the 2008 Act;

“Annex 1 habitat” means a habitat set out in Annex 1 to Council [Directive 92/43/EEC](#) of 21st May 1992 on the conservation of natural habitats and of wild fauna and flora;

“authorised deposits” means the substances and articles specified in clause 2(3) of Part 1 of this licence;

“authorised development” means the development described in Part 1 of Schedule 1 to the Order that is development within the meaning of section 32 of the 2008 Act;

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

“authorised scheme” means Work Nos. 2A, 3A, 4A and 5A described in clause 2 of Part 1 of this licence;

“Cefas” means the Centre for Environment, Fisheries and Aquaculture Science or any replacement body;

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

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

“construction vessel” means any vessel involved in the course of or used for the construction and/or maintenance of the authorised project;

“debris” means items or equipment of a significant size left on the seabed being lost from survey or construction vessels or the structures comprised within the authorised scheme;

“EIA Regulations” means the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009;

“electrical circuit” means a number of electrical conductors necessary to transmit electricity between 2 points within the authorised project, comprising—

- (a) in the case of HVAC transmission, 3 conductors which may be bundled as 1 cable; and
- (b) in the case of HVDC transmission, 2 conductors, which may be attached together or take the form of single cables,

and the electrical circuit may include 1 or more auxiliary cables (normally fibre-optic cables) for the purpose of control, monitoring, protection or general communications;

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

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“environmental statement” means the document certified as the environmental statement by the Secretary of State under article 40 of the Order;

“gravity base foundation” means—

- (a) a structure principally of concrete or steel (or both) that rests on the seabed due to its own weight and that of added ballast or to the weight of water above it and may include associated equipment including suction piles, J-tubes and access platforms; or
- (b) a structure principally of concrete or steel (or both) consisting of a platform supported on 2 pontoons to which the platform is connected by columns which may be connected by braces;

“high tide” means the state of the tide when it reaches its highest level during a tidal cycle, as may be published from time to time on the UK Hydrographic Office Admiralty EasyTide Website or such other publication as may be approved by the MMO;

“HVAC” means high voltage alternating current;

“HVDC” means high voltage direct current;

“in-principle monitoring plan” means the document certified as the in-principle monitoring plan by the Secretary of State under article 40 of the Order;

“intertidal area” means the area between MHWS and MLWS;

“intertidal works plans” means the part of the works plans described as the intertidal works plans;

“jacket foundation” means a lattice construction comprising tubular members and joints fixed to the seabed with piles (either driven/drilled piles or suction piles) which will include platforms and J-tubes and may include braced monopiles and a transition piece;

“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”, unless otherwise provided for, includes inspect, repair, adjust, alter, remove, reconstruct and replace any of the authorised development; and any derivative of “maintain” must be construed accordingly;

“major storm event” means a greater than 1 in 10 year wave event within the offshore Order limits seaward of MHWS in terms of wave height, measured by reference to the height of waves recorded at the nearest wave buoy to the authorised scheme as agreed with the MMO and the WaveNet data published by Cefas, or such other means of measurement as may be agreed with the MMO;

“Marine Noise Registry” means the online database maintained by the Joint Nature Conservation Committee on behalf of the Department for Environment, Food and Rural Affairs that records the spatial and temporal distribution of impulsive noise-generating activities in UK seas in order that they can be analysed to determine whether they may potentially compromise the achievement of good environmental status;

“MCA” means the Maritime and Coastguard Agency;

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

“MLWS” (mean low water springs) means the lowest level which spring tides reach on average over a period of time;

“MMO” means the Marine Management Organisation;

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“monopile foundation” means a foundation comprising a large diameter steel or concrete tube or pile driven vertically into the seabed, J-tubes and platforms and may include external structural devices such as bracing members or steel anchor wires and a transition piece;

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

“offshore HVAC collector substation” means a structure serving as a collection point for the intra-array electrical circuits and containing equipment for the purpose of transforming the electricity generated at the wind turbine generators to a higher voltage; it may also include a helicopter platform;

“offshore HVDC converter substation” means a structure that contains equipment to convert HVAC electricity to HVDC electricity; it may also include a helicopter platform;

“offshore Order limits” means the limits shown on the offshore works plans and the intertidal works plans within which the authorised scheme may be carried out whose grid co-ordinates are set out in clause 2(2) of Part 1 of this licence;

“offshore reactive compensation substation” means a structure housing electrical reactors for the purpose of limiting electrical losses in the course of HVAC transmission by providing reactive compensation; it may also include a helicopter platform;

“offshore works plans” means the part of the works plans described as the offshore works plans;

“Order” means the Hornsea Two Offshore Wind Farm Order 2016;

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

“suction pile” means a large diameter steel cylinder that is fixed to the base of the foundation, partially penetrates the seabed and remains in place using its weight and hydrostatic pressure differential;

“survey vessel” means a vessel licensed to carry out environmental or engineering surveys;

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

“UK Hydrographic Office” means the Hydrographic Office of the Ministry of Defence or any replacement body or successor to its functions;

“undertaker” means Optimus Wind Limited (company number 07883284) or, to the extent that the benefit of the provisions of the Order and related statutory rights in relation to Work Nos. 2A, 3A, 4A or 5A and such associated development or ancillary works has been transferred under article 35 of the Order to another person, that other 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 that is at the time in, on or over water;

“wind turbine generator” means a structure comprising any or all of a tower, rotor, blades, nacelle and ancillary electrical and other equipment or structures, which may include lighting and a helicopter platform, fixed to a foundation;

“working day” means any day other than a Saturday, Sunday or public holiday in England and Wales;

“Work No. 2A” means the works described as Work No. 2A in clause 2 of Part 1 of this licence;

“Work No. 2B” means up to 6 offshore HVAC collector substations and, in the event that the mode of transmission is HVDC, up to 2 offshore HVDC converter substations together with a network of electrical circuits connecting the structures within Work Nos. 2A and 2B;

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“Work No. 3A” means the works described as Work No. 3A in clause 2 of Part 1 of this licence;

“Work No. 3B” means up to 2 offshore reactive compensation substations fixed to the seabed in the event that the mode of transmission is HVAC;

“Work No. 4A” means the works described as Work No. 4A in clause 2 of Part 1 of this licence;

“Work No. 4B” means a marine connection to the shore, including cable and pipeline crossing works which—

(a) if the mode of transmission is HVAC, consists of up to 8 subsea electrical circuits proceeding from the offshore HVAC collector substations comprised in Work No. 2B via and connecting with the offshore reactive compensation substation comprised in Work No. 3B; or

(b) if the mode of transmission is HVDC, consists of up to 2 subsea electrical circuits proceeding from the offshore HVDC converter substations comprised in Work No. 2B,

and in either case terminating at Work No. 5B;

“Work No. 5A” means the works described as Work No. 5A in clause 2 of Part 1 of this licence;

“Work No. 5B” means a foreshore connection consisting of an extension of the electrical circuits comprised in Work No. 4B, including cable crossing works, crossing under the existing sea wall using a trenchless technique and terminating at the electrical circuit transition joint bays comprising Work No. 6B;

“Work No. 6A” means up to 8 underground electrical circuit transition joint bays in the vicinity of Horseshoe Point in the parish of North Coates in the county of Lincolnshire, housing the connections between the offshore electrical circuits comprised in Work No. 5A and the onshore electrical circuits;

“Work No. 6B” means up to 8 underground electrical circuit transition joint bays in the vicinity of Horseshoe Point in the parish of North Coates in the county of Lincolnshire, housing the connections between the offshore electrical circuits comprised in Work No. 5B and the onshore electrical circuits;

“works plans” means the plans certified as the works plans by the Secretary of State under article 40 of the Order, comprising the offshore works plans, the intertidal works plans and the onshore works plans.

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

(3) Unless otherwise indicated—

(a) all times are Greenwich Mean Time (GMT);

(b) all co-ordinates are latitude and longitude degrees, minutes and seconds to 3 decimal places in WGS84 Datum.

(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 is—

(a) Marine Management Organisation

Marine Licensing Team

Lancaster House

Hampshire Court

Newcastle-upon-Tyne NE4 7YH

Tel: 0300 123 1032

E-mail: marine.consents@marinemanagement.org.uk

- (b) Marine Management Organisation (referred to as the “MMO Coastal Office”)
 - Neville House
 - Central Riverside
 - Bell Street
 - North Shields
 - Tyne and Wear NE30 1LJ
 - Tel (24-hour answer phone): 0191 257 4520 or 0191 257 0159
 - E-mail: northshields@marinemanagement.org.uk
- (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
 - Foss House
 - Kings Pool
 - 1-2 Peasholme Green
 - York YO1 7PX
 - Tel: 0300 060 1911
- (h) Historic Buildings and Monuments Commission for England (referred to as “Historic England”)
 - Eastgate Court
 - 195-205 High Street
 - Guildford GU1 3EH

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Tel: 01483 252 057

- (i) Environment Agency
Waterside House
Waterside North
Lincoln LN2 5HA
Tel: 03708 506 506.

Commencement Information

I112 Sch. 9 Pt. 1 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

Details of licensed activities

2.—(1) This licence authorises the undertaker (and any agent or contractor acting on its behalf) to carry out the following licensable marine activities pursuant to section 66(1) of the 2009 Act, subject to the Conditions—

- (a) the deposit at sea of the substances and articles specified in paragraph (3);
- (b) the construction of works in or over the sea and/or on or under the sea bed;
- (c) dredging for the purposes of seabed preparation for foundation works and/or electrical circuit works;
- (d) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation;
- (e) the disposal at disposal site reference HU211 of up to 324,454 cubic metres comprising inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work No. 2A, provided that the combined total volume of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work Nos. 2A and 2B disposed of at disposal site reference HU211 must not exceed 324,454 cubic metres;
- (f) the disposal at disposal site reference HU211 of up to 92,048 cubic metres comprising inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 2A and 4A, provided that the combined total volume of inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 2A, 2B, 4A and 4B disposed of at disposal site reference HU211 must not exceed 92,048 cubic metres;
- (g) the disposal at disposal site reference HU209 of up to 38,485 cubic metres comprising inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work No. 3A, provided that the combined total volume of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work Nos. 3A and 3B disposed of at disposal site reference HU209 must not exceed 38,485 cubic metres;
- (h) the disposal at disposal site reference HU209 of up to 1,269,000 cubic metres comprising inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work No. 4A, provided that the combined total volume

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of inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 4A and 4B disposed of at disposal site reference HU209 must not exceed 1,269,000 cubic metres;

- (i) the disposal at disposal site reference HU210 of up to 131,000 cubic metres comprising inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work No. 4A, provided that the combined total volume of inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 4A and 4B disposed of at disposal site reference HU210 must not exceed 131,000 cubic metres; and
- (j) the removal of the substances and articles specified in paragraph (3).

(2) The activities are authorised in relation to the construction, maintenance and operation of—
Work No. 2A — Up to 6 offshore HVAC collector substations and, in the event that the mode of transmission is HVDC, up to 2 offshore HVDC converter substations together with a network of electrical circuits connecting the structures within Work Nos. 2A and 2B, provided that—

- (a) the combined total of offshore HVAC collector substations constructed in whole or in part within Work Nos. 2A and 2B must not exceed 6; and
- (b) the combined total of offshore HVDC converter substations constructed in whole or in part within Work Nos. 2A and 2B must not exceed 2.

Co-ordinates for wind farm area (limits of deviation for Work No. 2A)—

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	54° 0' 31.626" N	1° 26' 19.993" E
2	54° 0' 18.479" N	1° 38' 37.320" E
3	54° 0' 15.768" N	1° 40' 21.864" E
4	53° 59' 36.924" N	2° 3' 45.936" E
5	53° 57' 24.509" N	2° 6' 6.700" E
6	53° 57' 12.481" N	2° 4' 32.376" E
7	53° 56' 46.586" N	2° 5' 4.031" E
8	53° 56' 16.303" N	2° 1' 15.269" E
9	53° 55' 22.663" N	2° 2' 14.219" E
10	53° 55' 2.525" N	1° 59' 45.776" E
11	53° 55' 35.429" N	1° 59' 20.944" E
12	53° 55' 8.162" N	1° 56' 10.619" E
13	53° 55' 23.329" N	1° 55' 20.262" E
14	53° 55' 37.592" N	1° 53' 38.108" E
15	53° 55' 31.318" N	1° 52' 54.282" E
16	53° 56' 22.870" N	1° 51' 57.409" E
17	53° 55' 46.445" N	1° 47' 47.796" E
18	53° 58' 42.179" N	1° 44' 31.880" E
19	53° 58' 17.828" N	1° 41' 46.795" E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
20	53° 56' 29.670" N	1° 43' 45.592" E
21	53° 56' 3.228" N	1° 41' 0.143" E
22	53° 55' 9.293" N	1° 39' 52.024" E
23	53° 50' 5.118" N	1° 38' 58.430" E
24	53° 50' 7.210" N	1° 26' 59.953" E

Work No. 3A — In the event that the mode of transmission is HVAC, up to 2 offshore reactive compensation substations fixed to the seabed at latitude point 53° 37' 54.291" N and longitude point 0° 55' 59.731" E and at latitude point 53° 38' 9.295" N and longitude point 0° 55' 49.576" E subject to deviation within the following limits of deviation, provided that the combined total of offshore reactive compensation substations constructed in whole or in part within Work Nos. 3A and 3B must not exceed 2—

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	53° 38' 1.918" N	0° 55' 55.183" E
2	53° 38' 2.362" N	0° 55' 58.099" E
3	53° 38' 2.438" N	0° 56' 0.367" E
4	53° 38' 2.185" N	0° 56' 3.394" E
5	53° 38' 1.735" N	0° 56' 5.560" E
6	53° 38' 1.074" N	0° 56' 7.567" E
7	53° 37' 59.900" N	0° 56' 9.900" E
8	53° 37' 58.446" N	0° 56' 11.733" E
9	53° 37' 57.216" N	0° 56' 12.723" E
10	53° 37' 55.456" N	0° 56' 13.477" E
11	53° 37' 54.094" N	0° 56' 13.597" E
12	53° 37' 52.296" N	0° 56' 13.156" E
13	53° 37' 51.011" N	0° 56' 12.387" E
14	53° 37' 49.821" N	0° 56' 11.266" E
15	53° 37' 48.441" N	0° 56' 9.279" E
16	53° 37' 47.358" N	0° 56' 6.825" E
17	53° 37' 46.776" N	0° 56' 4.750" E
18	53° 37' 46.409" N	0° 56' 2.540" E
19	53° 37' 46.268" N	0° 56' 0.258" E
20	53° 37' 46.357" N	0° 55' 57.969" E
21	53° 37' 46.828" N	0° 55' 55.017" E
22	53° 37' 47.678" N	0° 55' 52.316" E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
23	53° 37' 48.540" N	0° 55' 50.538" E
24	53° 37' 49.567" N	0° 55' 49.029" E
25	53° 37' 51.143" N	0° 55' 47.509" E
26	53° 37' 52.881" N	0° 55' 46.618" E
27	53° 37' 54.238" N	0° 55' 46.392" E
28	53° 37' 56.046" N	0° 55' 46.691" E
29	53° 37' 57.351" N	0° 55' 47.359" E
30	53° 37' 58.570" N	0° 55' 48.386" E
31	53° 38' 0.004" N	0° 55' 50.262" E
32	53° 38' 1.153" N	0° 55' 52.630" E
33	53° 38' 1.792" N	0° 55' 54.657" E
34	53° 38' 1.346" N	0° 55' 51.708" E
35	53° 38' 1.300" N	0° 55' 48.665" E
36	53° 38' 1.657" N	0° 55' 45.681" E
37	53° 38' 2.399" N	0° 55' 42.906" E
38	53° 38' 3.490" N	0° 55' 40.477" E
39	53° 38' 5.257" N	0° 55' 38.112" E
40	53° 38' 6.910" N	0° 55' 36.872" E
41	53° 38' 8.684" N	0° 55' 36.281" E
42	53° 38' 10.939" N	0° 55' 36.497" E
43	53° 38' 12.244" N	0° 55' 37.130" E
44	53° 38' 13.467" N	0° 55' 38.122" E
45	53° 38' 15.233" N	0° 55' 40.491" E
46	53° 38' 16.080" N	0° 55' 42.277" E
47	53° 38' 16.738" N	0° 55' 44.277" E
48	53° 38' 17.187" N	0° 55' 46.433" E
49	53° 38' 17.441" N	0° 55' 49.447" E
50	53° 38' 17.365" N	0° 55' 51.746" E
51	53° 38' 16.908" N	0° 55' 54.716" E
52	53° 38' 16.068" N	0° 55' 57.438" E
53	53° 38' 15.210" N	0° 55' 59.234" E
54	53° 38' 13.812" N	0° 56' 1.201" E
55	53° 38' 12.609" N	0° 56' 2.302" E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
56	53° 38' 10.868" N	0° 56' 3.211" E
57	53° 38' 9.507" N	0° 56' 3.449" E
58	53° 38' 8.141" N	0° 56' 3.296" E
59	53° 38' 6.381" N	0° 56' 2.496" E
60	53° 38' 4.772" N	0° 56' 1.053" E
61	53° 38' 3.714" N	0° 55' 59.591" E
62	53° 38' 2.560" N	0° 55' 57.217" E

Work No. 4A — A marine connection to the shore, including cable and pipeline crossing works which—

- (a) if the mode of transmission is HVAC, consists of up to 8 subsea electrical circuits proceeding from the offshore HVAC collector substations comprised in Work No. 2A via and connecting with the offshore reactive compensation substations comprised in Work No. 3A; or
- (b) if the mode of transmission is HVDC, consists of up to 2 subsea electrical circuits proceeding from the offshore HVDC converter substations comprised in Work No. 2A,

and in either case terminating at Work No. 5A, provided that the combined total of electrical circuits constructed in whole or in part within Work Nos. 4A and 4B must not exceed, in the event that the mode of transmission is HVDC, 2, and in the event that the mode of transmission is HVAC, 8.

Principal co-ordinates for marine export cable area (limits of deviation for Work No. 4A) whose full co-ordinates are set out in the offshore works plans—

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	54° 0' 31.626" N	1° 26' 19.993" E
2	54° 0' 18.479" N	1° 38' 37.320" E
3	54° 0' 15.768" N	1° 40' 21.864" E
4	53° 59' 36.924" N	2° 3' 45.936" E
5	53° 57' 24.509" N	2° 6' 6.700" E
6	53° 57' 12.481" N	2° 4' 32.376" E
7	53° 56' 46.586" N	2° 5' 4.031" E
8	53° 56' 16.303" N	2° 1' 15.269" E
9	53° 55' 22.663" N	2° 2' 14.219" E
10	53° 55' 2.525" N	1° 59' 45.776" E
11	53° 55' 35.429" N	1° 59' 20.944" E
12	53° 55' 8.162" N	1° 56' 10.619" E
13	53° 55' 23.329" N	1° 55' 20.262" E
14	53° 55' 37.592" N	1° 53' 38.108" E
15	53° 55' 31.318" N	1° 52' 54.282" E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
16	53° 56' 22.870" N	1° 51' 57.409" E
17	53° 55' 46.445" N	1° 47' 47.796" E
18	53° 58'42.179" N	1° 44' 31.880" E
19	53° 58' 17.828" N	1° 41' 46.795" E
20	53° 56' 29.670" N	1° 43' 45.592" E
21	53° 56' 3.228" N	1° 41' 0.143" E
22	53° 55' 9.293" N	1° 39' 52.024" E
23	53° 50' 5.118" N	1° 38' 58.430" E
24	53° 46' 7.286" N	1° 38' 16.673" E
25	53° 46' 4.677" N	1° 37' 22.711" E
27	53° 44' 47.813" N	1° 28' 38.495" E
32	53° 44' 47.743" N	1° 27' 26.607" E
34	53° 44' 36.477" N	1° 25' 23.743" E
141	53° 42' 30.629" N	1° 15' 58.654" E
152	53° 42' 28.182" N	1° 14' 34.895" E
264	53° 39' 35.134" N	1° 6' 29.785" E
316	53° 38' 17.582" N	1° 2' 16.928" E
447	53° 36' 54.624" N	0° 51' 31.062" E
449	53° 36' 15.738" N	0° 48' 52.425" E
513	53° 35' 21.166" N	0° 43' 44.242" E
515	53° 31' 50.425" N	0° 40' 55.898" E
516	53° 31' 38.281" N	0° 40' 8.340" E
521	53° 28' 36.676" N	0° 20' 3.846" E
532	53° 31' 43.122" N	0° 12' 21.707" E
533	53° 30' 57.432" N	0° 5' 59.890" E
534	53° 31' 11.028" N	0° 5' 42.539" E
535	53° 30' 42.954" N	0° 5' 10.787" E
536	53° 30' 42.180" N	0° 5' 9.912" E
537	53° 30' 46.588" N	0° 4' 55.345" E
538	53° 30' 52.245" N	0° 4' 59.515" E
539	53° 31' 25.514" N	0° 5' 24.049" E
540	53° 31' 29.574" N	0° 5' 27.043" E
580	53° 32' 16.976" N	0° 12' 37.072" E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
763	53° 29' 11.523" N	0° 20' 5.981" E
1001	53° 31' 28.589" N	0° 35' 44.348" E
1002	53° 32' 0.855" N	0° 37' 42.781" E
1003	53° 32' 17.793" N	0° 39' 31.883" E
1004	53° 32' 35.749" N	0° 39' 45.737" E
1005	53° 33' 8.117" N	0° 39' 47.665" E
1006	53° 34' 28.861" N	0° 41' 27.396" E
1007	53° 35' 42.522" N	0° 42' 37.802" E
1010	53° 36' 25.571" N	0° 43' 54.129" E
1081	53° 37' 2.569" N	0° 47' 31.846" E
1083	53° 37' 30.986" N	0° 49' 14.023" E
1086	53° 37' 29.991" N	0° 51' 27.606" E
1087	53° 37' 36.904" N	0° 52' 22.841" E
1111	53° 38' 45.654" N	0° 57' 1.237" E
1143	53° 39' 16.652" N	1° 1' 1.016" E
1149	53° 39' 42.566" N	1° 1' 40.167" E
1155	53° 41' 20.037" N	1° 6' 45.836" E
1157	53° 42' 59.843" N	1° 14' 18.127" E
1164	53° 43' 0.151" N	1° 15' 37.960" E
1165	53° 44' 0.963" N	1° 20' 9.157" E
1166	53° 49' 6.492" N	1° 25' 51.682" E
1167	53° 50' 7.210" N	1° 26' 59.953" E

Work No. 5A — A foreshore connection consisting of an extension of the electrical circuits comprised in *Work No. 4A*, including cable crossing works, crossing under the existing sea wall using a trenchless technique and terminating at the electrical circuit transition joint bays (*Work No. 6A*).

And in connection with *Work Nos. 2A, 3A, 4A and 5A*, further associated development as may be necessary or expedient in connection with the authorised scheme within the Order limits and is within the scope of the environmental impact assessment recorded in the environmental statement.

And in connection with *Work Nos. 2A, 3A, 4A and 5A*, ancillary works consisting of works and operations within the Order limits comprising temporary anchorage of vessels and buoys, beacons, fenders and other navigational warning or ship impact protection works.

(3) The substances or articles authorised for deposit at sea and removal are—

- (a) iron and steel;
- (b) stone and rock;
- (c) concrete;
- (d) sand and gravel;

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- (e) plastic and synthetic; and
 - (f) material extracted from within the offshore Order limits during construction drilling and seabed preparation for foundation works and cable sandwave preparation works.
- (4) The grid co-ordinates for disposal site reference HU211 are—

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	54° 0' 31.626" N	1° 26' 19.993" E
2	54° 0' 18.479" N	1° 38' 37.320" E
3	54° 0' 15.768" N	1° 40' 21.864" E
4	53° 59' 36.924" N	2° 3' 45.936" E
5	53° 57' 24.509" N	2° 6' 6.700" E
6	53° 57' 12.481" N	2° 4' 32.376" E
7	53° 56' 46.586" N	2° 5' 4.031" E
8	53° 56' 16.303" N	2° 1' 15.269" E
9	53° 55' 22.663" N	2° 2' 14.219" E
10	53° 55' 2.525" N	1° 59' 45.776" E
11	53° 55' 35.429" N	1° 59' 20.944" E
12	53° 55' 8.162" N	1° 56' 10.619" E
13	53° 55' 23.329" N	1° 55' 20.262" E
14	53° 55' 37.592" N	1° 53' 38.108" E
15	53° 55' 31.318" N	1° 52' 54.282" E
16	53° 56' 22.870" N	1° 51' 57.409" E
17	53° 55' 46.445" N	1° 47' 47.796" E
18	53° 58' 42.179" N	1° 44' 31.880" E
19	53° 58' 17.828" N	1° 41' 46.795" E
20	53° 56' 29.670" N	1° 43' 45.592" E
21	53° 56' 3.228" N	1° 41' 0.143" E
22	53° 55' 9.293" N	1° 39' 52.024" E
23	53° 50' 5.118" N	1° 38' 58.430" E
24	53° 50' 7.210" N	1° 26' 59.953" E

- (5) The grid co-ordinates for disposal site reference HU209 are—

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
A	53° 36' 40.490" N	0° 50' 41.571" E
B	53° 36' 54.624" N	0° 51' 31.062" E
C	53° 37' 22.048" N	0° 55' 08.301" E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
D	53° 37' 38.643" N	0° 57' 17.843" E
E	53° 37' 56.680" N	0° 59' 39.524" E
F	53° 38' 15.917" N	1° 02' 08.601" E
G	53° 39' 35.134" N	1° 06' 29.785" E
H	53° 41' 22.549" N	1° 11' 30.804" E
I	53° 42' 14.598" N	1° 10' 44.250" E
J	53° 41' 19.717" N	1° 06' 44.682" E
K	53° 39' 41.954" N	1° 01' 38.714" E
L	53° 39' 16.652" N	1° 01' 01.016" E
M	53° 38' 45.654" N	0° 57' 01.237" E
N	53° 37' 36.904" N	0° 52' 22.841" E
O	53° 37' 29.991" N	0° 51' 27.606" E
P	53° 37' 30.124" N	0° 50' 57.716" E

(6) The grid co-ordinates for disposal site reference HU210 are—

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
W	53° 43' 14.348" N	1° 19' 13.563" E
X	53° 43' 52.989" N	1° 22' 07.248" E
Y	53° 44' 22.957" N	1° 21' 47.484" E
Z	53° 43' 44.110" N	1° 18' 53.902" E

(7) Section 72 of the 2009 Act applies to this licence, except that subsections (7) and (8) relating to the transfer of the licence apply only to a transfer not falling within article 35 of the Order.

Commencement Information

I113 Sch. 9 Pt. 1 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

Maintenance of authorised project

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

(2) No maintenance works whose likely effects on the environment require to be assessed in accordance with the EIA Regulations and are not assessed in the environmental statement may be carried out, unless otherwise approved by the MMO.

(3) Where the MMO's approval is required under paragraph (2), approval may be given only where it has been demonstrated to the satisfaction of the MMO that the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

Commencement Information

I114 Sch. 9 Pt. 1 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

Duration

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

Commencement Information

I115 Sch. 9 Pt. 1 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

PART 2

Licence conditions

Design parameters

- 1.—(1) No offshore HVAC collector substation forming part of Work No. 2A may—
 - (a) exceed 64 metres in height above LAT;
 - (b) have a platform that at its greatest extent exceeds 3,600 square metres in area or 60 metres in width.
- (2) No offshore HVDC converter substation forming part of Work No. 2A may—
 - (a) exceed 110 metres in height above LAT;
 - (b) have a platform that at its greatest extent exceeds 16,200 square metres in area or 180 metres in width.
- (3) The offshore reactive compensation substation comprised in Work No. 3A must not—
 - (a) exceed 64 metres in height above LAT; or
 - (b) have a platform that at its greatest extent exceeds 3,600 square metres in area or 60 metres in width.
- (4) The diameter of the electrical cables comprising the electrical circuits must not exceed—
 - (a) within Work No. 2A, 300 millimetres;
 - (b) within Work Nos. 4A and 5A—
 - (i) 190 millimetres, where the mode of transmission is HVDC; and
 - (ii) 300 millimetres, where the mode of transmission is HVAC.
- (5) The combined total length of the connections in the form of electrical circuits between the structures comprised in Work Nos. 2A and 2B must not exceed 300 kilometres.
- (6) The combined total length of the electrical circuits comprised in Work Nos. 4A, 4B, 5A and 5B seaward of MHWS must not exceed 1,200 kilometres.
- (7) The combined total area of cable protection for the electrical circuits comprising Work Nos. 2A and 2B must not exceed 546,000 square metres.

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(8) The combined total area of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located outside the Humber Estuary Special Area of Conservation must not exceed 2,055,200 square metres.

(9) The combined total area of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located within the Humber Estuary Special Area of Conservation must not exceed 44,800 square metres.

(10) The combined total volume of cable protection for the electrical circuits comprising Work Nos. 2A and 2B must not exceed 312,000 cubic metres.

(11) The combined total volume of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located outside the Humber Estuary Special Area of Conservation must not exceed 1,174,400 cubic metres.

(12) The combined total volume of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located within the Humber Estuary Special Area of Conservation must not exceed 25,600 cubic metres.

(13) The electrical circuits comprised in Work Nos. 2A and 4A must be installed by use of, or a combination of, ploughing, trenching, jetting, rock-cutting, dredging, surface laying with post-lay burial, and where ground conditions make burial impracticable, by surface laying.

(14) The electrical circuits comprised in Work No. 5A must be installed by use of, or a combination of, ploughing, trenching and jetting, with the exception that, where the electrical circuits comprised in Work No. 5A cross under the existing sea wall, they must be installed using a trenchless technique.

Commencement Information

I116 Sch. 9 Pt. 2 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

2.—(1) The undertaker must in fixing to the seabed any structures comprised in Work Nos. 2A and 3A use one of the following methods—

- (a) monopile foundations;
- (b) jacket foundations supported by piles; or
- (c) gravity base foundations.

(2) The undertaker must not use the monopile foundation method or any other method that includes braced monopiles to fix to the seabed any offshore HVDC converter substation.

(3) The following parameters apply in respect of the foundation methods used to fix offshore HVAC collector substations to the seabed—

- (a) where monopile foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 1,963 square metres;
 - (ii) the diameter of each foundation must not exceed 10 metres;
- (b) where jacket foundations (driven/drilled piles) are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 1,924 square metres;
 - (ii) the number of piles per jacket must not exceed 8;
 - (iii) the diameter of each pile must not exceed 3.5 metres;
- (c) where jacket foundations (suction piles) are used—

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- (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 12,723 square metres;
 - (ii) the number of piles per jacket must not exceed 8;
 - (iii) the diameter of each pile must not exceed 15 metres;
 - (d) where gravity base foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 6,362 square metres;
 - (ii) the seabed levelling diameter must not exceed 70 metres;
 - (iii) the cone diameter must not exceed 50 metres at its base.
- (4) The following parameters apply in respect of the foundation methods used to fix offshore HVDC converter substations to the seabed—
- (a) where jacket foundations (driven/drilled piles) are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 17,318 square metres;
 - (ii) the number of jacket foundations per topside must not exceed 4;
 - (iii) the number of piles per topside must not exceed 72;
 - (iv) the number of piles per jacket must not exceed 18;
 - (v) the diameter of each pile must not exceed 3.5 metres;
 - (b) where jacket foundations (suction piles) are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 50,894 square metres;
 - (ii) the number of jacket foundations per topside must not exceed 4;
 - (iii) the number of piles per topside must not exceed 32;
 - (iv) the number of piles per jacket must not exceed 8;
 - (v) the diameter of each pile must not exceed 15 metres;
 - (c) where gravity base foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 27,300 square metres;
 - (ii) the number of pontoons for each individual structure must not exceed 3;
 - (iii) the pontoons must not exceed 170 metres in length or 35 metres in width.
- (5) The following parameters apply in respect of the foundation methods used to fix the offshore reactive compensation substation to the seabed—
- (a) where monopile foundations are used—
 - (i) the area occupied by the foundations and the scour protection must not exceed 1,963 square metres;
 - (ii) the diameter of each foundation must not exceed 10 metres;
 - (b) where jacket foundations (driven/drilled piles) are used—
 - (i) the area occupied by the foundations and the scour protection must not exceed 1,414 square metres;
 - (ii) the number of piles per jacket must not exceed 8;
 - (iii) the diameter of each pile must not exceed 3 metres;
 - (c) where jacket foundations (suction piles) are used—

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- (i) the area occupied by the foundations and the scour protection must not exceed 6,362 square metres;
- (ii) the number of piles per jacket must not exceed 4;
- (iii) the diameter of each pile must not exceed 15 metres;
- (d) where gravity base foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 6,362 square metres;
 - (ii) the seabed levelling diameter must not exceed 70 metres;
 - (iii) the cone diameter must not exceed 50 metres at its base.

Commencement Information

I117 Sch. 9 Pt. 2 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

Commencement Information

I116 Sch. 9 Pt. 2 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

I117 Sch. 9 Pt. 2 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

Navigational practice, safety and emergency response

3.—(1) No part of the authorised scheme seaward of MHWS may commence until the MMO, in consultation with the MCA, has given written approval for an emergency response co-operation plan which includes full details of the emergency co-operation plans for the construction, operation and decommissioning phases of that part of the authorised scheme in accordance with the MCA recommendations contained within MGN 371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues”.

(2) No part of the authorised scheme seaward of MHWS may commence until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the development, adequately addressed all MCA recommendations as appropriate to the authorised scheme contained within MGN 371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” (including its annexes).

(3) The emergency response co-operation plan must be implemented as approved, unless otherwise agreed in writing by the MMO, in consultation with the MCA.

Commencement Information

I118 Sch. 9 Pt. 2 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

Aids to navigation

4.—(1) The undertaker must during the whole period from the start of construction of the authorised scheme seaward of MHWS to the completion of decommissioning—

- (a) 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;

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- (b) colour all structures in the authorised scheme as directed by Trinity House;
 - (c) keep Trinity House and the MMO informed of progress of the authorised scheme seaward of MHWS including—
 - (i) notice of commencement of construction of the authorised scheme within 24 hours of commencement having occurred;
 - (ii) notice within 24 hours of any aids to navigation being established by the undertaker; and
 - (iii) notice within 5 working days of completion of construction of the authorised scheme;
 - (d) submit reports to Trinity House detailing the working condition of aids to navigation quarterly, or as requested by Trinity House;
 - (e) notify Trinity House and the MMO of any failure of the aids to navigation and the timescales and plans for remedying such failures as soon as possible and no later than 24 hours following the undertaker becoming aware of any such failure.
- (2) Except as otherwise required by Trinity House under paragraph (1), the undertaker must colour all structures comprised in Work Nos. 2A and 3A yellow (colour code RAL 1023) from at least highest astronomical tide to a height as directed by Trinity House.
- (3) Unless the MMO otherwise directs, the undertaker must paint the remainder of the structures submarine grey (colour code RAL 7035).

Commencement Information

I119 Sch. 9 Pt. 2 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

Notifications and inspections

- 5.—(1) The undertaker must ensure that—
- (a) a copy of this licence and any subsequent amendments or revisions to it are provided to—
 - (i) all agents and contractors notified to the MMO in accordance with the Conditions; and
 - (ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with the Conditions;
 - (b) within 28 days of receipt of a copy of this licence, the persons referred to in subparagraph (a) provide a completed confirmation form to the MMO confirming their understanding of the terms and conditions of this licence.
- (2) Only the persons and vessels notified to the MMO in accordance with Condition 11 are permitted to carry out the licensed activities.
- (3) Copies of this licence must also be available for inspection at the following locations—
- (a) the undertaker’s registered address;
 - (b) any site office located at or adjacent to the construction site and used by the undertaker or its agents and contractors responsible for the loading, transportation or deposit for the authorised deposits; and
 - (c) on board each vessel or at the office of any transport manager with responsibility for vessels from which authorised deposits are to be made.
- (4) The documents referred to in paragraph (1)(a) must be available for inspection by an enforcement officer at the locations set out in paragraph (3) at any time.

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(5) The undertaker must provide access, and if necessary appropriate transportation, to the offshore construction site or any other associated works or vessels to facilitate any inspection that the MMO considers necessary to inspect the works during construction and operation of the authorised scheme.

(6) The undertaker must inform the MMO Marine Licensing Team and the MMO Coastal Office in writing at least 5 working days before the commencement of the licensed activities or any part of them.

(7) The Kingfisher Information Service of Seafish must be informed by email of details of the vessel routes, timings and locations relating to the construction of the authorised scheme or relevant part to kingfisher@seafish.co.uk—

- (a) at least 2 weeks before the construction of the authorised scheme or relevant part, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data; and
- (b) on completion of the construction of the authorised scheme or relevant part.

Confirmation of notification must be provided to the MMO within 5 working days of notification to the Kingfisher Information Service of Seafish.

(8) The undertaker must ensure that a notice to mariners is issued at least 10 working days before the commencement of the licensed activities advising of the commencement of licensed activities within the offshore Order limits and the expected vessel routes from the local service ports to the location of the works comprised within the authorised scheme.

(9) The undertaker must ensure that the notices to mariners are updated and reissued at weekly intervals during construction activities and at least 5 days before any planned operation and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction and monitoring programme approved under Condition 8(2)(a). Copies of all notices must be provided to the MMO within 10 working days of issue.

(10) The undertaker must notify—

- (a) the UK Hydrographic Office of commencement (within 2 weeks), progress and completion (within 2 weeks) of the authorised scheme in order that all necessary amendments to nautical charts are made, and the undertaker must send a copy of such notifications to the MMO; and
- (b) the Defence Geographic Centre (at least 4 weeks before) of the commencement of the authorised scheme, and of the progress and completion (within 2 weeks) of the authorised scheme, in order that all necessary amendments to aviation charts are made.

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

(12) In the event that the Marine Noise Registry has gone live before the commencement of impact pile driving—

- (a) the undertaker must submit details of the expected location, start and end dates of impact pile driving to the Marine Noise Registry before the commencement of the impact pile driving; and
- (b) the undertaker must notify the MMO of the successful submission of the details required under sub-paragraph (a) within 7 days of the submission.

(13) In the event that the Marine Noise Registry has gone live at the time of impact pile driving—

- (a) the undertaker must submit the exact locations and dates of impact pile driving to the Marine Noise Registry at 6-month intervals from the commencement of impact pile

driving until the completion of impact pile driving. The final data must be submitted within 12 weeks of completion of impact pile driving; and

- (b) the undertaker must notify the MMO of the successful submission of the details required under sub-paragraph (a) within 7 days of the submission.

Commencement Information

I120 Sch. 9 para. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

Chemicals, drilling and debris

6.—(1) 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, unless otherwise agreed in writing by the MMO.

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

(3) The storage, handling, transport and use of fuels, lubricants, chemicals and other substances must be undertaken so as to prevent releases into the marine environment including bunding of 110% of the total volume of all reservoirs and containers.

(4) 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 disposal may also require a marine licence.

(5) The undertaker must ensure that, where practicable, any debris arising from the construction of the authorised scheme or temporary works placed seaward of MHWS is removed by a date no later than 28 days following the undertaker becoming aware of the debris after the completion of the authorised scheme (or by such later date as may be agreed in writing by the MMO). In the event that the debris cannot practicably be removed, the undertaker must notify the MMO, Trinity House and the MCA within 7 days of becoming aware that the debris cannot practicably be removed.

(6) At least 10 days before the commencement of the licensed activities, the undertaker must submit to the MMO an audit sheet covering all aspects of the construction of the authorised scheme, and no works may commence until the audit sheet content has been agreed with the MMO. 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.

(7) The audit sheet must be maintained throughout the construction of the authorised scheme, and the MMO must be notified of any changes on a fortnightly basis.

(8) In the event that the undertaker becomes aware that any of the materials on the audit sheet cannot be accounted for, it must notify the MMO within 24 hours where possible, and in any event within 5 days of becoming aware using the dropped object procedure form. On receipt of the dropped object procedure form, the MMO may require relevant surveys to be carried out by the undertaker (such as side-scan sonar) if reasonable to do so. Local fishermen must be invited to

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send a representative to be present during the survey. The MMO may require any new obstructions associated with the authorised scheme to be removed from the seabed at the undertaker's expense if reasonable to do so.

(9) All debris arising from the operation and maintenance of the authorised scheme must be reported to the MMO using the dropped object procedure form within 24 hours where possible, and in any event within 5 days of the undertaker becoming aware of the incident. On receipt of the dropped object procedure form, the MMO may require relevant surveys to be carried out by the undertaker (such as side-scan sonar) if reasonable to do so and any new obstructions associated with the authorised scheme to be removed from the seabed at the undertaker's expense if reasonable to do so.

(10) The undertaker must inform the MMO of the location and quantities of inert material and dredged material disposed of each month under this licence at each of disposal site reference HU211, disposal site reference HU209 and disposal site reference HU210, by submission of a disposal return for each disposal area by 31st January each year for disposals occurring during the months July to December inclusive of the preceding year, and by 31st July each year for disposals occurring during the months January to June inclusive of that year.

(11) The undertaker must ensure that only—

- (a) inert material of natural origin and drilling mud, produced during construction drilling and seabed preparation for foundation works comprised in Work No. 2A;
- (b) dredged material produced during seabed preparation for foundation works comprised in Work No. 2A; and
- (c) inert material of natural origin and dredged material produced during cable laying preparation works comprised in Work No. 2A and Work No. 4A,

is disposed of at disposal site reference HU211.

(12) The undertaker must ensure that only—

- (a) inert material of natural origin and drilling mud, produced during construction drilling and seabed preparation for foundation works comprised in Work No. 3A;
- (b) dredged material produced during seabed preparation for foundation works comprised in Work No. 3A; and
- (c) inert material of natural origin and dredged material produced during cable laying preparation works comprised in Work No. 4A,

is disposed of at disposal site reference HU209.

(13) The undertaker must ensure that only inert material of natural origin and dredged material produced during cable laying preparation works comprised in Work No. 4A is disposed of at disposal site reference HU210.

(14) The undertaker must ensure that no waste concrete slurry or wash water from concrete or cement works are discharged into the marine environment. Concrete, cement mixing and washing areas must be contained to prevent run-off entering the water through the freeing ports.

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

(16) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU211.

(17) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU209.

(18) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU210.

Commencement Information

I121 Sch. 9 para. 6 in force at 7.9.2016, see [art. 1\(2\)](#)

Force majeure

7. If, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit—

- (a) authorised deposits outside of the offshore Order limits or disposal site references HU209, HU210 or HU211; or
- (b) unauthorised deposits within or outside of the offshore Order limits or disposal site references HU209, HU210 or HU211,

because the safety of human life and/or of the vessel is threatened, full details of the circumstances of the deposit must be notified to the MMO within 48 hours.

Commencement Information

I122 Sch. 9 para. 7 in force at 7.9.2016, see [art. 1\(2\)](#)

Pre-construction plans and documentation

8.—(1) The licensed activities may not commence until a plan setting out proposed details of the authorised scheme and including the following (insofar as relevant to that activity or phase of activity) has been submitted to and approved in writing by the MMO following appropriate consultation with Trinity House and the MCA—

- (a) number, dimensions, specification, foundation types and depth for each offshore HVAC collector substation, offshore HVDC converter substation and offshore reactive compensation substation;
- (b) grid co-ordinates of the centre point of the proposed location for each offshore HVAC collector substation, offshore HVDC converter substation and offshore reactive compensation substation, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions;
- (c) proposed layout of all cables, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions; and
- (d) location and specification of all other aspects of the authorised scheme, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions.

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

- (a) a construction and monitoring programme, to include details of—
 - (i) the proposed construction start date;
 - (ii) proposed timings for mobilisation of plant, delivery of materials and installation works; and
 - (iii) proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction monitoring and related reporting in accordance with Conditions 13, 14 and 15. The pre-construction survey programme and all pre-

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- construction survey methodologies must be submitted to the MMO for written approval by the MMO in consultation with the relevant statutory nature conservation body at least 4 months before the commencement of any survey works detailed within;
- (b) a construction method statement in accordance with the environmental statement, including details of—
- (i) foundation installation, including any seabed preparation, drilling and disposal of arisings methods;
 - (ii) installation of offshore HVAC collector substations, offshore HVDC converter substations and offshore reactive compensation substations, including any seabed preparation and scour protection;
 - (iii) circuit installation, including any seabed preparation and circuit protection;
 - (iv) contractors;
 - (v) vessels; and
 - (vi) associated works;
- (c) a project environmental management and monitoring plan, to include details of—
- (i) a marine pollution contingency plan to address the risks, methods and procedures to deal with any spills and collision incidents during construction and operation of the authorised scheme in relation to all activities carried out seaward of MHWS. The plan must include a mechanism for reporting oil, fuel and chemical spills to the MMO Marine Pollution Response Team;
 - (ii) a chemical risk analysis to include information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance;
 - (iii) a disposal plan detailing the locations, methods and timings of dredging and disposal, as well as disposal site monitoring requirements;
 - (iv) waste management and disposal arrangements;
 - (v) locations of any archaeological exclusion zones agreed as part of the written scheme of archaeological investigation approved under sub-paragraph (g);
 - (vi) any seasonal restrictions on construction works; and
 - (vii) the appointment and responsibilities of a fisheries liaison officer, an environmental liaison officer and an intertidal ecological clerk of works;
- (d) a scour protection management and cable armouring plan providing details of the need, type, sources, quantity, location and installation methods for scour protection and cable armouring to be within the scope of the environmental impact assessment recorded in the environmental statement;
- (e) in the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol, the intention of which is to prevent injury and/or significant disturbance to marine mammals, following current best practice as advised by the statutory nature conservation bodies, which may include, but is not limited to—
- (i) identification of a marine mammal mitigation zone (“MMMZ”);
 - (ii) appointment of an appropriate number of suitably qualified marine mammal observers;
 - (iii) methods for the detection of marine mammals within the MMMZ whether visually (by the marine mammal observers) or acoustically using passive acoustic monitoring equipment or other means of detection;

- (iv) a reporting methodology to enable efficient communication between the marine mammal observers and the person responsible for approving commencement of piling;
- (v) an appropriate soft start procedure whereby piling activities do not commence until an agreed time has elapsed and during which marine mammals have not been detected within the MMMZ;
- (vi) where appropriate, methods for the application of acoustic deterrent devices; and
- (vii) where appropriate, consideration of the use of noise reduction at source technologies;
- (f) a cable specification and installation plan, to include—
 - (i) technical specification of offshore electrical circuits, including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with industry good practice;
 - (ii) a detailed cable laying plan, including geotechnical data, cable laying techniques and a cable burial risk assessment encompassing the identification of any cable protection that exceeds 5% of navigable depth referenced to Chart Datum and, in the event that any area of cable protection exceeding 5% of navigable depth is identified, details of any steps (to be determined following consultation with the MCA) to be taken to ensure existing and future safe navigation is not compromised;
 - (iii) details of the steps to be taken, where the offshore electrical circuits across the intertidal area are buried using trenching or ploughing to ensure that the excavation and subsequent backfilling is carried out in such a way as to maintain the sediment profile so far as is reasonably practicable; and
 - (iv) details of the steps to be taken, where the offshore electrical circuits across the intertidal area are installed using a trenchless technique;
- (g) a written scheme of archaeological investigation in relation to the offshore Order limits seaward of MHWS in accordance with industry good practice, to include—
 - (i) details of responsibilities of the undertaker, archaeological consultant and contractor;
 - (ii) a methodology for any further site investigation including any specifications for geophysical, geotechnical and diver- or remotely-operated vehicle investigations;
 - (iii) analysis and reporting of survey data to be submitted to the MMO within 4 months of survey completion;
 - (iv) delivery of any mitigation including, where necessary, archaeological exclusion zones;
 - (v) monitoring during and post-construction, including a conservation programme for finds;
 - (vi) archiving of archaeological material; and
 - (vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme;
- (h) a proposed survey and reinstatement plan for Salicornia forming Annex 1 habitat in the parts of the offshore Order limits within which it is proposed to carry out construction works comprised in Work No. 5A, including the circumstances in which reinstatement will be required and the proposed methods of reinstatement;
- (i) an offshore project maintenance plan to be submitted to the MMO at least 4 months before commencement of the operation of the licensed activities and to include provision for the review and resubmission of the plan every 3 years during the operational phase;

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- (j) an aids to navigation management plan specifying how the undertaker will ensure compliance with Condition 4 from the start of construction of the authorised scheme seaward of MHWS to the completion of decommissioning.
- (3) Before the submission of the pre-construction plans and documentation required by this Condition, the undertaker must provide a copy of the plans and documentation to the other undertakers under the Order.
- (4) The undertaker must participate in liaison meetings with other undertakers under the Order as requested from time to time by the MMO in writing in advance. The meetings must be chaired by the MMO and must consider such matters as are determined by the MMO relating to the efficient operation of a deemed marine licence where it has an impact on the efficient operation of any other deemed marine licence issued under the Order (including as varied or transferred).
- (5) Before giving its approval under paragraph (2), the MMO must—
- (a) in relation to any programme or plan submitted under sub-paragraphs (a), (c), (d), (f), (h) or (i), consult the relevant statutory nature conservation body and the Environment Agency;
 - (b) in relation to any statement or protocol submitted under sub-paragraphs (b) or (e), consult the relevant statutory nature conservation body;
 - (c) in relation to a scheme submitted under sub-paragraph (g), consult Historic England; and
 - (d) in relation to a plan submitted under sub-paragraph (j), consult Trinity House.
- (6) In the event that driven or part-driven pile foundations are proposed to be used, the MMO must not approve the plan referred to in paragraph (1) or the code referred to in paragraph (2) unless the MMO is satisfied, after consulting such persons as the Secretary of State may specify in relation to the plan or the part of the code specified by the Secretary of State (in addition to the persons with whom consultation is otherwise required under this Condition), that either the plan or code (or both of them) provide such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2007 Regulations) of a relevant site, to the extent that marine mammals are a protected feature of that site.
- (7) The mitigation referred to in paragraph (6) may include (without limitation)—
- (a) seasonal restrictions to piling;
 - (b) scheduling of piling, having regard to previous, ongoing and future piling associated with other offshore developments, based on an updated assessment of cumulative impacts;
 - (c) the use of alternative foundation methodologies, such as jacket foundations (suction piles) or gravity base foundations;
 - (d) the use of noise reduction at source technologies;
 - (e) the use of other relevant technologies or methodologies that may emerge in the future.
- (8) In paragraph (6), “relevant site” means—
- (a) a European offshore marine site;
 - (b) a European site.
- (9) For the purpose of paragraph (6)—
- (a) the Southern North Sea possible Special Area of Conservation must be treated as a European offshore marine site until—
 - (i) that Area (or any part of it) becomes a European offshore marine site or a European site; or
 - (ii) it is decided that no part of that Area should be a European offshore marine site or a European site; and

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(b) harbour porpoise must be treated as a protected feature of the Southern North Sea possible Special Area of Conservation.

(10) In this Condition—

“2007 Regulations” means the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007;

“disturbance” must be construed in accordance with regulation 39(1)(b) of the 2007 Regulations;

“European offshore marine site” has the meaning given in regulation 15 of the 2007 Regulations;

“European site” has the meaning given in regulation 24 of the 2007 Regulations;

“Southern North Sea possible Special Area of Conservation” means the Southern North Sea possible Special Area of Conservation as set out in the JNCC 2016 Harbour Porpoise Possible Special Area of Conservation Consultation dated January 2016.

Commencement Information

I123 Sch. 9 para. 8 in force at 7.9.2016, see [art. 1\(2\)](#)

9. The undertaker must ensure that a copy of any agreed archaeological report is deposited with the National Record of the Historic Environment, by submitting a Historic England OASIS form with a digital copy of the report within 6 months of completion of construction of the authorised scheme. The undertaker must notify the MMO and, where the report relates to the intertidal area, Lincolnshire County Council that the OASIS report has been submitted to the National Record of the Historic Environment within 2 weeks of the submission.

Commencement Information

I124 Sch. 9 para. 9 in force at 7.9.2016, see [art. 1\(2\)](#)

10.—(1) Each programme, statement, plan, protocol or scheme required to be approved under Condition 8—

(a) must be submitted for approval at least 4 months before the intended start of construction, except where otherwise stated or where an alternative date is agreed in writing by the MMO; and

(b) must be accompanied by—

(i) a statement confirming that the undertaker has complied with Condition 8(3) in relation to the programme, statement, plan, protocol or scheme;

(ii) any comments received by the undertaker from the other undertakers, or a statement from the undertaker confirming that no such comments were received; and

(iii) details of any consultation that has been carried out with the undertakers with the benefit of all or part of the deemed marine licences under the Hornsea One Offshore Wind Farm Order 2014 and any comments received from those undertakers.

(2) The undertaker must comply with the plans and documentation approved under Condition 8 in carrying out the licensed activities unless otherwise agreed in writing by the MMO.

(3) Before agreeing an alternative date under paragraph (1)(a) or a change to approved details under paragraph (2) relating to any document in respect of which consultation is required under Condition 8, the MMO must consult the relevant consultation body referred to in that Condition.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Hornsea Two Offshore Wind Farm Order 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I125 Sch. 9 para. 10 in force at 7.9.2016, see [art. 1\(2\)](#)

Commencement Information

I123 Sch. 9 para. 8 in force at 7.9.2016, see [art. 1\(2\)](#)

I124 Sch. 9 para. 9 in force at 7.9.2016, see [art. 1\(2\)](#)

I125 Sch. 9 para. 10 in force at 7.9.2016, see [art. 1\(2\)](#)

Reporting of engaged agents, contractors and vessels

- 11.**—(1) The undertaker must provide the following information to the MMO—
- (a) the name and function of any agent or contractor appointed to engage in the licensed activities at least 5 working days before the commencement of the licensed activities or any part of them; and
 - (b) each week during the construction of the authorised scheme, a completed Hydrographic Note H102 listing the construction 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 and MMO Coastal Office in writing before the agent, contractor or vessel engages in the licensed activities.
- (3) All agents, contractors and vessel operators must comply with the Conditions.

Commencement Information

I126 Sch. 9 para. 11 in force at 7.9.2016, see [art. 1\(2\)](#)

Equipment and operation of vessels engaged in licensed activities

- 12.**—(1) All vessels employed to perform the licensed activities must be constructed and equipped to be capable of the proper performance of the activities in accordance with the Conditions and must comply with paragraphs (2) to (5).
- (2) All motor-powered vessels must be fitted with—
- (a) an electronic positioning aid to provide navigational data;
 - (b) radar;
 - (c) an echo sounder; and
 - (d) multi-channel VHF.
- (3) All vessel names or identification must be clearly marked on the hull or superstructure of the vessel.
- (4) All communication on VHF working frequencies must be in English.
- (5) No vessel may engage in the licensed activities until all the equipment specified in paragraph (2) is fully operational.

Commencement Information

I127 Sch. 9 para. 12 in force at 7.9.2016, see [art. 1\(2\)](#)

Pre-construction monitoring and surveys

13.—(1) The undertaker must, in discharging Condition 8(2)(a), submit details for written approval by the MMO in consultation with the relevant statutory nature conservation body and, in respect of the surveys required under paragraph (2)(b) and (c), in consultation with the Environment Agency, of proposed pre-construction surveys, including methodologies (including appropriate buffers, where relevant) and timings, and a proposed format and content for a pre-construction baseline report; and—

- (a) the survey proposals must be in general accordance with the principles set out in the in-principle monitoring plan and must specify each survey’s objectives and explain how it will assist in either informing a useful and valid comparison with the post-construction position 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) Subject to receipt from the undertaker of specific proposals pursuant to this Condition, so far as applicable, the pre-construction surveys must comprise, in outline—

- (a) a survey to determine the location, extent and composition of any benthic habitats of conservation, ecological and/or economic importance (including Annex 1 habitats) in the parts of the offshore Order limits in which it is proposed to carry out construction works under this licence;
- (b) a phase 1 survey of the intertidal area within which it is proposed to carry out construction works;
- (c) a high-resolution swath bathymetric survey to include a 100% coverage and a side-scan sonar survey of the parts of the offshore Order limits within which it is proposed to carry out construction works and disposal activities under this licence; and
- (d) a grab survey and particle size analysis in the parts of the offshore Order limits within which it is proposed to carry out dredging and disposal activities relating to Work Nos. 3A and 4A under this licence within a period not greater than 12 months before the dredging and disposal activities to determine the extent of suitable herring spawning habitat within those areas.

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

Commencement Information

I128 Sch. 9 para. 13 in force at 7.9.2016, see [art. 1\(2\)](#)

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Construction monitoring

14.—(1) The undertaker must, in discharging Condition 8(2)(a), submit details for written approval by the MMO in consultation with the relevant statutory nature conservation body of any proposed construction monitoring, including methodologies and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals must be in general accordance with the principles set out in the in-principle monitoring plan and must specify each survey’s objectives and explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.

(2) Subject to receipt from the undertaker of specific proposals pursuant to this Condition, so far as applicable, the construction monitoring must comprise, in outline—

- (a) unless the MMO agrees otherwise in writing, measurements of noise generated by the installation of the first 4 foundations of each discrete foundation type comprised in Work No. 2A to be constructed under this licence where driven or part-driven pile foundations are used;
- (b) recording of any visual sightings or acoustic detection of marine mammals where required as part of the marine mammal mitigation protocol under Condition 8(2)(e); and
- (c) any ornithological monitoring required by the ornithological monitoring plan submitted in accordance with Condition 8(2)(k).

(3) The undertaker must carry out the surveys approved under paragraph (1), including any further noise monitoring required in writing by the MMO under paragraph (4), and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with the relevant statutory nature conservation body.

(4) The results of the initial noise measurements monitored in accordance with paragraph (2)(a) must be provided to the MMO within 6 weeks of the installation of the first 4 foundations of each discrete foundation type for the MMO to determine, following assessment of this report, whether any further noise monitoring is required.

(5) Construction monitoring must include vessel traffic monitoring by automatic identification system for the duration of the construction period. A report must be submitted to the MMO and the MCA at the end of each year of the construction period.

Commencement Information

I129 Sch. 9 para. 14 in force at 7.9.2016, see [art. 1\(2\)](#)

Post-construction

15.—(1) The undertaker must, in discharging Condition 8(2)(a), submit details for written approval by the MMO in consultation with the relevant statutory nature conservation body and, in respect of the surveys required under paragraph (2)(a), (b) and (c), in consultation with the Environment Agency, of proposed post-construction surveys, including methodologies (including appropriate buffers, where relevant) and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals must be in general accordance with the principles set out in the in-principle monitoring plan and must specify each survey’s objectives and explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.

(2) Subject to receipt of specific proposals, so far as applicable, the post-construction surveys must comprise, in outline—

- (a) a survey to determine any change in the location, extent and composition of any benthic habitats of conservation, ecological and/or economic importance (including Annex 1 habitats) identified in the pre-construction survey in the parts of the offshore Order limits in which construction works were carried out. The survey design must be informed by the results of the pre-construction benthic survey;
 - (b) a high-resolution swath bathymetric survey to be undertaken no sooner than 6 months following completion of construction works and disposal activities to include a 100% coverage of the parts of the offshore Order limits with a water depth no greater than 12 metres (referenced to Chart Datum) within which construction works and disposal activities were carried out under this licence to assess any changes in bedform morphology and such further monitoring as may be required to ensure that the cables have been buried or protected and sediment is able to move over any installed cable protection. The need for further surveys must be agreed in writing with the MMO following submission of the first year of survey data;
 - (c) a high-resolution bathymetric survey of a representative sample area, as may be agreed in writing with the MMO, of the parts of the offshore Order limits with a water depth no greater than 12 metres (referenced to Chart Datum) within which construction works and disposal activities were carried out under this licence following the first major storm event the timing of which must be agreed with the MMO in consultation with Natural England and the Environment Agency;
 - (d) a grab survey and particle size analysis in the parts of the offshore Order limits within which dredging and disposal activities relating to Work Nos. 3A and 4A were carried out under this licence within 12 months of the completion of the dredging and disposal activities to determine the extent of suitable herring spawning ground habitat within those areas; and
 - (e) vessel traffic monitoring by automatic identification system, for 28 days taking account seasonal variations in traffic patterns, for a maximum duration of 1 year post-construction. A report must be submitted to the MMO and the MCA at the end of the first year after construction is completed.
- (3) The undertaker must carry out the surveys agreed under paragraph (1) and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with the relevant statutory nature conservation body.

Commencement Information

I130 Sch. 9 para. 15 in force at 7.9.2016, see [art. 1\(2\)](#)

Offshore decommissioning

16.—(1) No decommissioning activities may commence until a plan for the carrying out of the activities has been submitted to and approved in writing by the MMO and, where the plan relates to the decommissioning of Work No. 4A or 5A, the MMO must consult the Environment Agency before giving its approval.

(2) The plan must be submitted for approval at least 4 months before the intended start of the decommissioning activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.

(3) The plan must be implemented as approved.

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Commencement Information

I131 Sch. 9 para. 16 in force at 7.9.2016, see [art. 1\(2\)](#)

Amendments to approved plans, etc.

17.—(1) Where any Condition requires the licensed activities to be carried out in accordance with any plan, programme, code, statement, protocol scheme or details (the “plan”) approved by the MMO, the approved plan must be taken to include any amendment to the plan that may subsequently be approved in writing by the MMO.

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

Commencement Information

I132 Sch. 9 para. 17 in force at 7.9.2016, see [art. 1\(2\)](#)

Restrictions in intertidal area and Humber Estuary Special Area of Conservation

18.—(1) The cable protection to be used within the Humber Estuary Special Area of Conservation must be frond mattressing, unless otherwise agreed in writing with the MMO.

(2) No cable protection may be used within the intertidal area of the Humber Estuary Special Area of Conservation.

(3) The undertaker must not construct or install the licensed activities comprised in Work No. 4A or 5A in the intertidal area during the overwintering period unless otherwise agreed in writing with the MMO, in consultation with Natural England.

(4) The undertaker must not construct or install the licensed activities comprised in Work Nos. 4A and 5A in the intertidal area within 500 metres seaward of the seawall during the period of time commencing 2 hours before a high tide predicted to be greater than 6.5 metres Chart Datum and ending 2 hours after a high tide predicted to be greater than 6.5 metres Chart Datum between 1st April and 31st May (inclusive) and 1st August to 30th September (inclusive), unless provided for in the construction and monitoring programme submitted and approved under Condition 8(2)(a) or the construction method statement submitted and approved under Condition 8(2)(b) or unless otherwise agreed in writing by the MMO, in consultation with Natural England.

(5) The undertaker must not carry out inspections in the intertidal area during the overwintering period to the extent that the inspections require to be carried out—

- (a) more than once per overwintering period;
- (b) over more than 2 consecutive days by people on foot; or
- (c) by more than 5 people on foot at any one time,

unless otherwise agreed in writing with the MMO, in consultation with Natural England or unless provided for in the offshore project maintenance plan submitted and approved under Condition 8(2) (i).

(6) Where this Condition provides that the MMO may agree to an alternative to what is otherwise provided under this Condition—

- (a) any alternative must be in accordance with the principles and assessments set out in the environmental statement; and
 - (b) agreement to any alternative may be given only where it has been demonstrated to the satisfaction of the MMO that the alternative is unlikely to give rise to any materially new or materially different effects from those assessed in the environmental statement.
- (7) In this Condition, “overwintering period” means the period between 1st October and 31st March (inclusive).

Commencement Information

I133 Sch. 9 para. 18 in force at 7.9.2016, see [art. 1\(2\)](#)

SCHEDULE 10

Articles 2 and 36

Marine Licence B1: Project B – Generation Assets

PART 1

Licensed activities

Interpretation

1.—(1) In this licence—

“2008 Act” means the Planning Act 2008;

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

“ancillary works” means the ancillary works described in clause 2 of Part 1 of this licence that are not development within the meaning of section 32 of the 2008 Act;

“Annex 1 habitat” means a habitat set out in Annex 1 to Council [Directive 92/43/EEC](#) of 21st May 1992 on the conservation of natural habitats and of wild fauna and flora;

“authorised deposits” means the substances and articles specified in clause 2(3) of Part 1 of this licence;

“authorised development” means the development described in Part 1 of Schedule 1 to the Order that is development within the meaning of section 32 of the 2008 Act;

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

“authorised scheme” means Work No. 1B described in clause 2 of Part 1 of this licence;

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

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

“construction vessel” means any vessel involved in the course of or used for the construction and/or maintenance of the authorised project;

“debris” means items or equipment of a significant size left on the seabed being lost from survey or construction vessels or the structures comprised within the authorised scheme;

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“EIA Regulations” means the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009;

“electrical circuit” means a number of electrical conductors necessary to transmit electricity between 2 points within the authorised project, comprising—

- (a) in the case of HVAC transmission, 3 conductors which may be bundled as 1 cable; and
- (b) in the case of HVDC transmission, 2 conductors, which may be attached together or take the form of single cables,

and the electrical circuit may include 1 or more auxiliary cables (normally fibre-optic cables) for the purpose of control, monitoring, protection or general communications;

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

“environmental statement” means the document certified as the environmental statement by the Secretary of State under article 40 of the Order;

“gravity base foundation” means—

- (a) a structure principally of concrete or steel (or both) that rests on the seabed due to its own weight and that of added ballast or to the weight of water above it and may include associated equipment including suction piles, J-tubes and access platforms; or
- (b) a structure principally of concrete or steel (or both) consisting of a platform supported on 2 pontoons to which the platform is connected by columns which may be connected by braces;

“HVAC” means high voltage alternating current;

“HVDC” means high voltage direct current;

“in-principle monitoring plan” means the document certified as the in-principle monitoring plan by the Secretary of State under article 40 of the Order;

“intra-array electrical circuits” means the circuits described in clause 2(2)(b) of Part 1 of this licence;

“jacket foundation” means a lattice construction comprising tubular members and joints fixed to the seabed with piles (either driven/drilled piles or suction piles) which will include platforms and J-tubes and may include braced monopiles and a transition piece;

“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”, unless otherwise provided for, includes inspect, repair, adjust, alter, remove, reconstruct and replace any of the authorised development; and any derivative of “maintain” must be construed accordingly;

“Marine Noise Registry” means the online database maintained by the Joint Nature Conservation Committee on behalf of the Department for Environment, Food and Rural Affairs that records the spatial and temporal distribution of impulsive noise-generating activities in United Kingdom seas in order that they can be analysed to determine whether they may potentially compromise the achievement of good environmental status;

“MCA” means the Maritime and Coastguard Agency;

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

“MMO” means the Marine Management Organisation;

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“monopile foundation” means a foundation comprising a large diameter steel or concrete tube or pile driven vertically into the seabed, J-tubes and platforms and may include external structural devices such as bracing members or steel anchor wires and a transition piece;

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

“offshore accommodation platform” means a platform housing or incorporating temporary accommodation, landing ports for vessels and helicopters, standby electricity generation equipment, marking and lighting and other equipment facilities to assist in the co-ordination of marine activities related to the authorised scheme;

“offshore HVAC collector substation” means a structure serving as a collection point for the intra-array electrical circuits and containing equipment for the purpose of transforming the electricity generated at the wind turbine generators to a higher voltage; it may also include a helicopter platform;

“offshore HVDC converter substation” means a structure that contains equipment to convert HVAC electricity to HVDC electricity; it may also include a helicopter platform;

“Order” means the Hornsea Two Offshore Wind Farm Order 2016;

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

“suction pile” means a large diameter steel cylinder that is fixed to the base of the foundation, partially penetrates the seabed and remains in place using its weight and hydrostatic pressure differential;

“survey vessel” means a vessel licensed to carry out environmental or engineering surveys;

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

“UK Hydrographic Office” means the Hydrographic Office of the Ministry of Defence or any replacement body or successor to its functions;

“undertaker” means Breesea Limited (company number 07883217) or, to the extent that the benefit of the provisions of the Order and related statutory rights in relation to Work No. 1B and such associated development or ancillary works has been transferred under article 35 of the Order to another person, that other 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 that is at the time in, on or over water;

“wind farm area” means the area within the limits of deviation for Work No. 1B whose co-ordinates are set out in Part 1 of Schedule 1 to the Order and shown on the works plans;

“wind turbine generator” means a structure comprising any or all of a tower, rotor, blades, nacelle and ancillary electrical and other equipment or structures, which may include lighting and a helicopter platform, fixed to a foundation;

“working day” means any day other than a Saturday, Sunday or public holiday in England and Wales;

“Work No. 1A” means an offshore wind generating station within the wind farm area and described as Work No. 1A in Part 1 of Schedule 1 to the Order;

“Work No. 1B” means an offshore wind generating station within the wind farm area and described as Work No. 1B in clause 2 of Part 1 of this licence;

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“Work No. 2A” means up to 6 offshore HVAC collector substations and, in the event that the mode of transmission is HVDC, up to 2 offshore HVDC converter substations together with a network of electrical circuits connecting the structures within Work Nos. 2A and 2B;

“Work No. 2B” means up to 6 offshore HVAC collector substations and, in the event that the mode of transmission is HVDC, up to 2 offshore HVDC converter substations together with a network of electrical circuits connecting the structures within Work Nos. 2A and 2B;

“works plans” means the plans certified as the works plans by the Secretary of State under article 40 of the Order, comprising the offshore works plans, the intertidal works plans and the onshore works plans.

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

(3) Unless otherwise indicated—

(a) all times are Greenwich Mean Time (GMT);

(b) all co-ordinates are latitude and longitude degrees, minutes and seconds to 3 decimal places in WGS84 Datum.

(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 is—

(a) Marine Management Organisation

Marine Licensing Team

Lancaster House

Hampshire Court

Newcastle-upon-Tyne NE4 7YH

Tel: 0300 123 1032

E-mail: marine.consents@marinemanagement.org.uk

(b) Marine Management Organisation (referred to as the “MMO Coastal Office”)

Neville House

Central Riverside

Bell Street

North Shields

Tyne and Wear NE30 1LJ

Tel (24-hour answer phone): 0191 257 4520 or 0191 257 0159

E-mail: northshields@marinemanagement.org.uk

(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

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- (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
Foss House
Kings Pool
1-2 Peasholme Green
York YO1 7PX
Tel: 0300 060 1911
- (h) Historic Buildings and Monuments Commission for England (referred to as “Historic England”)
Eastgate Court
195-205 High Street
Guildford GU1 3EH
Tel: 01483 252 057.

Commencement Information

1134 Sch. 10 Pt. 1 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

Details of licensed activities

2.—(1) This licence authorises the undertaker (and any agent or contractor acting on its behalf) to carry out the following licensable marine activities pursuant to section 66(1) of the 2009 Act, subject to the Conditions—

- (a) the deposit at sea of the substances and articles specified in paragraph (3);
- (b) the construction of works in or over the sea and/or on or under the sea bed;
- (c) dredging for the purposes of seabed preparation for foundation works and/or electrical circuit works;
- (d) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation;
- (e) the disposal at disposal site reference HU211 of up to 2,427,666 cubic metres comprising inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed

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preparation for foundation works comprised in Work No. 1B, provided that the combined total volume of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work Nos. 1A and 1B disposed of at disposal site reference HU211 must not exceed 2,427,666 cubic metres;

- (f) the disposal at disposal site reference HU211 of up to 400,852 cubic metres comprising inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work No. 1B, provided that the combined total volume of inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 1A and 1B disposed of at disposal site reference HU211 must not exceed 400,852 cubic metres; and
- (g) the removal of the substances and articles specified in paragraph (3).

(2) The activities are authorised in relation to the construction, maintenance and operation of—
Work No. 1B — An offshore wind generating station within the wind farm area comprising—

- (a) up to 300 wind turbine generators fixed to the seabed, provided that the combined total of wind turbine generators constructed in whole or in part within Work Nos. 1A and 1B must not exceed 300;
- (b) a network of subsea intra-array electrical circuits connecting the structures comprised in Work No. 1B—
- (i) with other such structures;
 - (ii) with any other structure located within the wind farm area; and
 - (iii) with the network of electrical circuits comprised in Work Nos. 1A, 2A and 2B;
- (c) up to 2 offshore accommodation platforms fixed to the seabed which may be connected to one of the offshore HVAC collector substations or offshore HVDC converter substations within Work No. 2B by an unsupported steel bridge and up to 2 electrical circuits each connecting an accommodation platform to either an offshore HVAC collector substation or to a wind turbine generator in order to power the accommodation platform, provided that the combined total of offshore accommodation platforms constructed in whole or in part within Work Nos. 1A and 1B must not exceed 2.

Co-ordinates for wind farm area (limits of deviation for Work Nos. 1A, 1B, 2A and 2B)—

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	54° 0' 31.626" N	1° 26' 19.993" E
2	54° 0' 18.479" N	1° 38' 37.320" E
3	54° 0' 15.768" N	1° 40' 21.864" E
4	53° 59' 36.924" N	2° 3' 45.936" E
5	53° 57' 24.509" N	2° 6' 6.700" E
6	53° 57' 12.481" N	2° 4' 32.376" E
7	53° 56' 46.586" N	2° 5' 4.031" E
8	53° 56' 16.303" N	2° 1' 15.269" E
9	53° 55' 22.663" N	2° 2' 14.219" E
10	53° 55' 2.525" N	1° 59' 45.776" E
11	53° 55' 35.429" N	1° 59' 20.944" E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
12	53° 55' 8.162" N	1° 56' 10.619" E
13	53° 55' 23.329" N	1° 55' 20.262" E
14	53° 55' 37.592" N	1° 53' 38.108" E
15	53° 55' 31.318" N	1° 52' 54.282" E
16	53° 56' 22.870" N	1° 51' 57.409" E
17	53° 55' 46.445" N	1° 47' 47.796" E
18	53° 58' 42.179" N	1° 44' 31.880" E
19	53° 58' 17.828" N	1° 41' 46.795" E
20	53° 56' 29.670" N	1° 43' 45.592" E
21	53° 56' 3.228" N	1° 41' 0.143" E
22	53° 55' 9.293" N	1° 39' 52.024" E
23	53° 50' 5.118" N	1° 38' 58.430" E
24	53° 50' 7.210" N	1° 26' 59.953" E

And in connection with Work No. 1B, further associated development as may be necessary or expedient in connection with the authorised scheme within the Order limits and is within the scope of the environmental impact assessment recorded in the environmental statement.

And in connection with Work No. 1B, ancillary works consisting of works and operations within the Order limits comprising temporary anchorage of vessels and buoys, beacons, fenders and other navigational warning or ship impact protection works.

- (3) The substances or articles authorised for deposit at sea and removal are—
- (a) iron and steel;
 - (b) stone and rock;
 - (c) concrete;
 - (d) sand and gravel;
 - (e) plastic and synthetic; and
 - (f) material extracted from within the wind farm area during construction drilling and seabed preparation for foundation works.
- (4) The grid co-ordinates for disposal site reference HU211 are—

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	54° 0' 31.626" N	1° 26' 19.993" E
2	54° 0' 18.479" N	1° 38' 37.320" E
3	54° 0' 15.768" N	1° 40' 21.864" E
4	53° 59' 36.924" N	2° 3' 45.936" E
5	53° 57' 24.509" N	2° 6' 6.700" E
6	53° 57' 12.481" N	2° 4' 32.376" E
7	53° 56' 46.586" N	2° 5' 4.031" E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
8	53° 56' 16.303" N	2° 1' 15.269" E
9	53° 55' 22.663" N	2° 2' 14.219" E
10	53° 55' 2.525" N	1° 59' 45.776" E
11	53° 55' 35.429" N	1° 59' 20.944" E
12	53° 55' 8.162" N	1° 56' 10.619" E
13	53° 55' 23.329" N	1° 55' 20.262" E
14	53° 55' 37.592" N	1° 53' 38.108" E
15	53° 55' 31.318" N	1° 52' 54.282" E
16	53° 56' 22.870" N	1° 51' 57.409" E
17	53° 55' 46.445" N	1° 47' 47.796" E
18	53° 58' 42.179" N	1° 44' 31.880" E
19	53° 58' 17.828" N	1° 41' 46.795" E
20	53° 56' 29.670" N	1° 43' 45.592" E
21	53° 56' 3.228" N	1° 41' 0.143" E
22	53° 55' 9.293" N	1° 39' 52.024" E
23	53° 50' 5.118" N	1° 38' 58.430" E
24	53° 50' 7.210" N	1° 26' 59.953" E

(5) Section 72 of the 2009 Act applies to this licence, except that subsections (7) and (8) relating to the transfer of the licence apply only to a transfer not falling within article 35 of the Order.

Commencement Information

I135 Sch. 10 Pt. 1 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

Maintenance of authorised project

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

(2) No maintenance works whose likely effects on the environment require to be assessed in accordance with the EIA Regulations and are not assessed in the environmental statement may be carried out, unless otherwise approved by the MMO.

(3) Where the MMO's approval is required under paragraph (2), approval may be given only where it has been demonstrated to the satisfaction of the MMO that the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

Commencement Information

I136 Sch. 10 Pt. 1 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

Duration

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

Commencement Information

I137 Sch. 10 Pt. 1 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

PART 2

Licence conditions

Design parameters

- 1.—(1) No wind turbine generator forming part of Work No. 1B may—
 - (a) be more than 151 metres from LAT to the turbine hub;
 - (b) exceed a height of 276 metres from LAT to the upper tip of the vertical blade;
 - (c) exceed a rotor diameter of 241.03 metres;
 - (d) be less than 34.97 metres from LAT to the lowest point of the rotating blade;
 - (e) be less than 810 metres from the nearest wind turbine generator in all directions.
- (2) In this Condition, references to the location of a wind turbine generator are references to the centre point of the turbine.
- (3) No offshore accommodation platform forming part of Work No. 1B may—
 - (a) exceed 64 metres in height above LAT;
 - (b) have a platform that at its greatest extent exceeds 3,600 square metres in area or 60 metres in width.
- (4) The diameter of the electrical cables comprising the electrical circuits within Work No. 1B must not exceed 170 millimetres.
- (5) The combined total length of the connections in the form of electrical circuits between the structures comprised in Work Nos. 1A and 1B must not exceed 685 kilometres.
- (6) The electrical circuits comprised in Work No. 1B must be installed by use of, or a combination of, ploughing, trenching, jetting, rock-cutting, dredging, surface laying with post-lay burial, and where ground conditions make burial impracticable, by surface laying.

Commencement Information

I138 Sch. 10 Pt. 2 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

- 2.—(1) The undertaker must in fixing to the seabed any structures comprised in Work No. 1B use one of the following methods—
 - (a) monopile foundations;
 - (b) jacket foundations supported by piles; or
 - (c) gravity base foundations.

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(2) The following parameters apply in respect of the foundation methods used to fix wind turbine generators comprised in Work No. 1B to the seabed—

- (a) where monopile foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 1,963 square metres;
 - (ii) the diameter of each foundation must not exceed 10 metres;
- (b) where jacket foundations (driven/drilled piles) are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 2,827 square metres;
 - (ii) the number of piles per jacket must not exceed 12;
 - (iii) the diameter of each pile must not exceed 6 metres;
- (c) where jacket foundations (suction piles) are used—
 - (i) the area occupied by the foundations and scour protection for each individual structure must not exceed 12,596 square metres;
 - (ii) the number of piles per jacket must not exceed 4;
 - (iii) the diameter of each pile must not exceed 21.1 metres;
- (d) where gravity base foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 7,543 square metres;
 - (ii) the seabed levelling diameter must not exceed 78 metres;
 - (iii) the cone diameter must not exceed 58 metres at its base.

(3) The following parameters apply in respect of the foundation methods used to fix offshore accommodation platforms to the seabed—

- (a) where monopile foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 1,963 square metres;
 - (ii) the diameter of each foundation must not exceed 10 metres;
- (b) where jacket foundations (driven/drilled piles) are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 1,414 square metres;
 - (ii) the number of piles must not exceed 8;
 - (iii) the diameter of each pile must not exceed 3 metres;
- (c) where jacket foundations (suction piles) are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 6,362 square metres;
 - (ii) the number of piles per jacket must not exceed 4;
 - (iii) the diameter of each pile must not exceed 15 metres;
- (d) where gravity base foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 6,362 square metres;
 - (ii) the seabed levelling diameter must not exceed 70 metres;
 - (iii) the cone diameter must not exceed 50 metres at its base.

(4) The total volume of scour protection for the wind turbine generators and the offshore accommodation platforms forming part of Work No. 1B must not exceed 4,761,555 cubic metres, provided that the combined total volume of scour protection for the wind turbine generators and the offshore accommodation platforms forming part of Work Nos. 1A and 1B must not exceed 4,761,555 cubic metres.

Commencement Information

I139 Sch. 10 Pt. 2 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

Commencement Information

I138 Sch. 10 Pt. 2 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

I139 Sch. 10 Pt. 2 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

Navigational practice, safety and emergency response

3.—(1) No part of the authorised scheme seaward of MHWS may commence until the MMO, in consultation with the MCA, has given written approval for an emergency response co-operation plan which includes full details of the emergency co-operation plans for the construction, operation and decommissioning phases of that part of the authorised scheme in accordance with the MCA recommendations contained within MGN 371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues”.

(2) No part of the authorised scheme seaward of MHWS may commence until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the development, adequately addressed all MCA recommendations as appropriate to the authorised scheme contained within MGN 371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” (including its annexes).

(3) The emergency response co-operation plan must be implemented as approved, unless otherwise agreed in writing by the MMO, in consultation with the MCA.

Commencement Information

I140 Sch. 10 Pt. 2 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

Aids to navigation

4.—(1) The undertaker must during the whole period from the start of construction of the authorised scheme seaward of MHWS to the completion of decommissioning—

- (a) 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;
- (b) colour all structures in the authorised scheme as directed by Trinity House;
- (c) keep Trinity House and the MMO informed of progress of the authorised scheme seaward of MHWS including—
 - (i) notice of commencement of construction of the authorised scheme within 24 hours of commencement having occurred;

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- (ii) notice within 24 hours of any aids to navigation being established by the undertaker; and
 - (iii) notice within 5 working days of completion of construction of the authorised scheme;
 - (d) submit reports to Trinity House detailing the working condition of aids to navigation quarterly, or as requested by Trinity House;
 - (e) notify Trinity House and the MMO of any failure of the aids to navigation and the timescales and plans for remedying such failures as soon as possible and no later than 24 hours following the undertaker becoming aware of any such failure.
- (2) Except as otherwise required by Trinity House under paragraph (1), the undertaker must colour all structures comprised in Work No. 1B yellow (colour code RAL 1023) from at least highest astronomical tide to a height as directed by Trinity House.
- (3) Unless the MMO otherwise directs, the undertaker must paint the remainder of the structures submarine grey (colour code RAL 7035).

Commencement Information

I141 Sch. 10 Pt. 2 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

Notifications and inspections

- 5.—(1) The undertaker must ensure that—
- (a) a copy of this licence and any subsequent amendments or revisions to it are provided to—
 - (i) all agents and contractors notified to the MMO in accordance with the Conditions; and
 - (ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with the Conditions;
 - (b) within 28 days of receipt of a copy of this licence, the persons referred to in subparagraph (a) provide a completed confirmation form to the MMO confirming their understanding of the terms and conditions of this licence.
- (2) Only the persons and vessels notified to the MMO in accordance with Condition 11 are permitted to carry out the licensed activities.
- (3) Copies of this licence must also be available for inspection at the following locations—
- (a) the undertaker’s registered address;
 - (b) any site office located at or adjacent to the construction site and used by the undertaker or its agents and contractors responsible for the loading, transportation or deposit of the authorised deposits; and
 - (c) on board each vessel or at the office of any transport manager with responsibility for vessels from which authorised deposits are to be made.
- (4) The documents referred to in paragraph (1)(a) must be available for inspection by an enforcement officer at the locations set out in paragraph (3) at any time.
- (5) The undertaker must provide access, and if necessary appropriate transportation, to the offshore construction site or any other associated works or vessels to facilitate any inspection that the MMO considers necessary to inspect the works during construction and operation of the authorised scheme.

(6) The undertaker must inform the MMO Marine Licensing Team and the MMO Coastal Office in writing at least 5 working days before the commencement of the licensed activities or any part of them.

(7) The Kingfisher Information Service of Seafish must be informed by email of details of the vessel routes, timings and locations relating to the construction of the authorised scheme or relevant part to kingfisher@seafish.co.uk—

- (a) at least 2 weeks before the construction of the authorised scheme or relevant part, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data; and
- (b) on completion of the construction of the authorised scheme or relevant part.

Confirmation of notification must be provided to the MMO within 5 working days of notification to the Kingfisher Information Service of Seafish.

(8) The undertaker must ensure that a notice to mariners is issued at least 10 working days before the commencement of the licensed activities advising of the commencement of licensed activities within the wind farm area and the expected vessel routes from the local service ports to the location of the works comprised within the authorised scheme.

(9) The undertaker must ensure that the notices to mariners are updated and reissued at weekly intervals during construction activities and at least 5 days before any planned operation and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction and monitoring programme approved under Condition 8(2)(a). Copies of all notices must be provided to the MMO within 10 working days of issue.

(10) The undertaker must notify—

- (a) the UK Hydrographic Office of commencement (within 2 weeks), progress and completion (within 2 weeks) of the authorised scheme in order that all necessary amendments to nautical charts are made, and the undertaker must send a copy of such notifications to the MMO; and
- (b) the Defence Geographic Centre (at least 4 weeks before) of the commencement of the authorised scheme and of the progress and completion (within 2 weeks) of the authorised scheme, in order that all necessary amendments to aviation charts are made.

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

(12) In the event that the Marine Noise Registry has gone live before the commencement of impact pile driving—

- (a) the undertaker must submit details of the expected location, start and end dates of impact pile driving to the Marine Noise Registry before the commencement of the impact pile driving; and
- (b) the undertaker must notify the MMO of the successful submission of the details required under sub-paragraph (a) within 7 days of the submission.

(13) In the event that the Marine Noise Registry has gone live at the time of impact pile driving—

- (a) the undertaker must submit the exact locations and dates of impact pile driving to the Marine Noise Registry at 6-month intervals from the commencement of impact pile driving until the completion of impact pile driving. The final data must be submitted within 12 weeks of completion of impact pile driving; and
- (b) the undertaker must notify the MMO of the successful submission of the details required under sub-paragraph (a) within 7 days of the submission.

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Commencement Information

I142 Sch. 10 para. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

Chemicals, drilling and debris

6.—(1) 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, unless otherwise agreed in writing by the MMO.

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

(3) The storage, handling, transport and use of fuels, lubricants, chemicals and other substances must be undertaken so as to prevent releases into the marine environment including bunding of 110% of the total volume of all reservoirs and containers.

(4) 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 disposal may also require a marine licence.

(5) The undertaker must ensure that, where practicable, any debris arising from the construction of the authorised scheme or temporary works placed seaward of MHWS is removed by a date no later than 28 days following the undertaker becoming aware of the debris after the completion of the authorised scheme (or by such later date as may be agreed in writing by the MMO). In the event that the debris cannot practicably be removed, the undertaker must notify the MMO, Trinity House and the MCA within 7 days of becoming aware that the debris cannot practicably be removed.

(6) At least 10 days before the commencement of the licensed activities, the undertaker must submit to the MMO an audit sheet covering all aspects of the construction of the authorised scheme, and no works may commence until the audit sheet content has been agreed with the MMO. 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.

(7) The audit sheet must be maintained throughout the construction of the authorised scheme, and the MMO must be notified of any changes on a fortnightly basis.

(8) In the event that the undertaker becomes aware that any of the materials on the audit sheet cannot be accounted for, it must notify the MMO within 24 hours where possible, and in any event within 5 days of becoming aware using the dropped object procedure form. On receipt of the dropped object procedure form, the MMO may require relevant surveys to be carried out by the undertaker (such as side-scan sonar) if reasonable to do so. Local fishermen must be invited to send a representative to be present during the survey. The MMO may require any new obstructions associated with the authorised scheme to be removed from the seabed at the undertaker's expense if reasonable to do so.

(9) All debris arising from the operation and maintenance of the authorised scheme must be reported to the MMO using the dropped object procedure form within 24 hours where possible,

and in any event within 5 days of the undertaker becoming aware of the incident. On receipt of the dropped object procedure form, the MMO may require relevant surveys to be carried out by the undertaker (such as side-scan sonar) if reasonable to do so and any new obstructions associated with the authorised scheme to be removed from the seabed at the undertaker's expense if reasonable to do so.

(10) The undertaker must inform the MMO of the location and quantities of inert material and dredged material disposed of each month under this licence, by submission of a disposal return by 31st January each year for disposals occurring during the months July to December inclusive of the preceding year, and by 31st July each year for disposals occurring during the months January to June inclusive of that year.

(11) The undertaker must ensure that only—

- (a) inert material of natural origin and drilling mud, produced during construction drilling and seabed preparation for foundation works comprised in Work No. 1B;
- (b) dredged material produced during seabed preparation for foundation works comprised in Work No. 1B; and
- (c) inert material of natural origin and dredged material produced during cable laying preparation works comprised in Work No. 1B;

is disposed of at disposal site reference HU211.

(12) The undertaker must ensure that no waste concrete slurry or wash water from concrete or cement works is discharged into the marine environment. Concrete, cement mixing and washing areas must be contained to prevent run-off entering the water through the freeing ports.

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

(14) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU211.

Commencement Information

I143 Sch. 10 para. 6 in force at 7.9.2016, see [art. 1\(2\)](#)

Force majeure

7. If, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit—

- (a) authorised deposits outside of the wind farm area or disposal site reference HU211; or
- (b) unauthorised deposits within or outside of the wind farm area or disposal site reference HU211,

because the safety of human life and/or of the vessel is threatened, full details of the circumstances of the deposit must be notified to the MMO within 48 hours.

Commencement Information

I144 Sch. 10 para. 7 in force at 7.9.2016, see [art. 1\(2\)](#)

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Pre-construction plans and documentation

8.—(1) The licensed activities may not commence until a plan setting out proposed details of the authorised scheme and including the following (insofar as relevant to that activity or phase of activity) has been submitted to and approved in writing by the MMO following appropriate consultation with Trinity House and the MCA—

- (a) number, dimensions, specification, foundation types and depth for each wind turbine generator and offshore accommodation platform;
- (b) grid co-ordinates of the centre point of the proposed location for each wind turbine generator and offshore accommodation platform, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions;
- (c) proposed layout of all cables, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions; and
- (d) location and specification of all other aspects of the authorised scheme, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions.

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

- (a) a construction and monitoring programme, to include details of—
 - (i) the proposed construction start date;
 - (ii) proposed timings for mobilisation of plant, delivery of materials and installation works; and
 - (iii) proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction monitoring and related reporting in accordance with Conditions 13, 14 and 15. The pre-construction survey programme and all pre-construction survey methodologies must be submitted to the MMO for written approval by the MMO in consultation with the relevant statutory nature conservation body at least 4 months before the commencement of any survey works detailed within;
- (b) a construction method statement in accordance with the environmental statement, including details of—
 - (i) foundation installation, including any seabed preparation, drilling and disposal of arisings methods;
 - (ii) turbine installation, including any seabed preparation and scour protection;
 - (iii) installation of offshore accommodation platforms, including any seabed preparation and scour protection;
 - (iv) circuit installation, including any seabed preparation and circuit protection;
 - (v) contractors;
 - (vi) vessels; and
 - (vii) associated works;
- (c) a project environmental management and monitoring plan, to include details of—
 - (i) a marine pollution contingency plan to address the risks, methods and procedures to deal with any spills and collision incidents during construction and operation of the authorised scheme in relation to all activities carried out seaward of MHWS. The plan must include a mechanism for reporting oil, fuel and chemical spills to the MMO Marine Pollution Response Team;

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- (ii) a chemical risk analysis to include information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance;
 - (iii) a disposal plan detailing the locations, methods and timings of dredging and disposal, as well as disposal site monitoring requirements;
 - (iv) waste management and disposal arrangements;
 - (v) locations of any archaeological exclusion zones agreed as part of the written scheme of archaeological investigation approved under sub-paragraph (g); and
 - (vi) the appointment and responsibilities of a fisheries liaison officer and an environmental liaison officer;
- (d) a scour protection management and cable armouring plan providing details of the need, type, sources, quantity, location and installation methods for scour protection and cable armouring to be within the scope of the environmental impact assessment recorded in the environmental statement;
- (e) in the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol, the intention of which is to prevent injury and/or significant disturbance to marine mammals, following current best practice as advised by the statutory nature conservation bodies, which may include, but is not limited to—
- (i) identification of a marine mammal mitigation zone (“MMMZ”);
 - (ii) appointment of an appropriate number of suitably qualified marine mammal observers;
 - (iii) methods for the detection of marine mammals within the MMMZ whether visually (by the marine mammal observers) or acoustically using passive acoustic monitoring equipment or other means of detection;
 - (iv) a reporting methodology to enable efficient communication between the marine mammal observers and the person responsible for approving commencement of piling;
 - (v) an appropriate soft start procedure whereby piling activities do not commence until an agreed time has elapsed and during which marine mammals have not been detected within the MMMZ;
 - (vi) where appropriate, methods for the application of acoustic deterrent devices; and
 - (vii) where appropriate, consideration of the use of noise reduction at source technologies;
- (f) a cable specification and installation plan, to include—
- (i) technical specification of offshore electrical circuits, including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with industry good practice; and
 - (ii) a detailed cable laying plan, including geotechnical data, cable laying techniques and a cable burial risk assessment encompassing the identification of any cable protection that exceeds 5% of navigable depth referenced to Chart Datum and, in the event that any area of cable protection exceeding 5% of navigable depth is identified, details of any steps (to be determined following consultation with the MCA) to be taken to ensure existing and future safe navigation is not compromised;
- (g) a written scheme of archaeological investigation in relation to the wind farm area in accordance with industry good practice, to include—
- (i) details of responsibilities of the undertaker, archaeological consultant and contractor;

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- (ii) a methodology for any further site investigation including any specifications for geophysical, geotechnical and diver- or remotely-operated vehicle investigations;
 - (iii) analysis and reporting of survey data to be submitted to the MMO within 4 months of survey completion;
 - (iv) delivery of any mitigation including, where necessary, archaeological exclusion zones;
 - (v) monitoring during and post-construction, including a conservation programme for finds;
 - (vi) archiving of archaeological material; and
 - (vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme;
- (h) a plan for marine mammal monitoring setting out the circumstances in which marine mammal monitoring will be required and the monitoring to be carried out in such circumstances;
- (i) an offshore project maintenance plan to be submitted to the MMO at least 4 months before commencement of the operation of the licensed activities and to include provision for the review and resubmission of the plan every 3 years during the operational phase;
- (j) an aids to navigation management plan specifying how the undertaker will ensure compliance with Condition 4 from the start of construction of the authorised scheme seaward of MHWS to the completion of decommissioning;
- (k) an ornithological monitoring plan setting out the circumstances in which ornithological monitoring will be required and the monitoring to be carried out in such circumstances.
- (3) Before the submission of the pre-construction plans and documentation required by this Condition, the undertaker must provide a copy of the plans and documentation to the other undertakers under the Order.
- (4) The undertaker must participate in liaison meetings with other undertakers under the Order as requested from time to time by the MMO in writing in advance. The meetings must be chaired by the MMO and must consider such matters as are determined by the MMO relating to the efficient operation of a deemed marine licence where it has an impact on the efficient operation of any other deemed marine licence issued under the Order (including as varied or transferred).
- (5) Before giving its approval under paragraph (2), the MMO must—
- (a) in relation to any programme, statement, plan or protocol submitted under sub-paragraphs (a) to (f), (h), (i) or (k), consult the relevant statutory nature conservation body;
 - (b) in relation to a scheme submitted under sub-paragraph (g), consult Historic England; and
 - (c) in relation to a plan submitted under sub-paragraph (j), consult Trinity House.
- (6) In the event that driven or part-driven pile foundations are proposed to be used, the MMO must not approve the plan referred to in paragraph (1) or the code referred to in paragraph (2) unless the MMO is satisfied, after consulting such persons as the Secretary of State may specify in relation to the plan or the part of the code specified by the Secretary of State (in addition to the persons with whom consultation is otherwise required under this Condition), that either the plan or code (or both of them) provide such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2007 Regulations) of a relevant site, to the extent that marine mammals are a protected feature of that site.
- (7) The mitigation referred to in paragraph (6) may include (without limitation)—
- (a) seasonal restrictions to piling;

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- (b) scheduling of piling, having regard to previous, ongoing and future piling associated with other offshore developments, based on an updated assessment of cumulative impacts;
 - (c) subject to the terms and conditions of this licence, changing the location of wind turbine generators;
 - (d) the use of alternative foundation methodologies, such as jacket foundations (suction piles) or gravity base foundations;
 - (e) the use of noise reduction at source technologies;
 - (f) the use of other relevant technologies or methodologies that may emerge in the future.
- (8) In paragraph (6), “relevant site” means—
- (a) a European offshore marine site;
 - (b) a European site.
- (9) For the purpose of paragraph (6)—
- (a) the Southern North Sea possible Special Area of Conservation must be treated as a European offshore marine site until—
 - (i) that Area (or any part of it) becomes a European offshore marine site or a European site; or
 - (ii) it is decided that no part of that Area should be a European offshore marine site or a European site; and
 - (b) harbour porpoise must be treated as a protected feature of the Southern North Sea possible Special Area of Conservation.
- (10) In this Condition—
- “2007 Regulations” means the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007;
- “disturbance” must be construed in accordance with regulation 39(1)(b) of the 2007 Regulations;
- “European offshore marine site” has the meaning given in regulation 15 of the 2007 Regulations;
- “European site” has the meaning given in regulation 24 of the 2007 Regulations;
- “Southern North Sea possible Special Area of Conservation” means the Southern North Sea possible Special Area of Conservation as set out in the JNCC 2016 Harbour Porpoise Possible Special Area of Conservation Consultation dated January 2016.

Commencement Information

I145 Sch. 10 para. 8 in force at 7.9.2016, see [art. 1\(2\)](#)

9. The undertaker must ensure that a copy of any agreed archaeological report is deposited with the National Record of the Historic Environment, by submitting a Historic England OASIS form with a digital copy of the report within 6 months of completion of construction of the authorised scheme. The undertaker must notify the MMO that the OASIS report has been submitted to the National Record of the Historic Environment within 2 weeks of the submission.

Commencement Information

I146 Sch. 10 para. 9 in force at 7.9.2016, see [art. 1\(2\)](#)

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10.—(1) Each programme, statement, plan, protocol or scheme required to be approved under Condition 8—

- (a) must be submitted for approval at least 4 months before the intended start of construction, except where otherwise stated or where an alternative date is agreed in writing by the MMO; and
- (b) must be accompanied by—
 - (i) a statement confirming that the undertaker has complied with Condition 8(3) in relation to the programme, statement, plan, protocol or scheme; and
 - (ii) any comments received by the undertaker from the other undertakers, or a statement from the undertaker confirming that no such comments were received.

(2) The undertaker must comply with the plans and documentation approved under Condition 8 in carrying out the licensed activities unless otherwise agreed in writing by the MMO.

(3) Before agreeing an alternative date under paragraph (1)(a) or a change to approved details under paragraph (2) relating to any document in respect of which consultation is required under Condition 8, the MMO must consult the relevant consultation body referred to in that Condition.

Commencement Information

I147 Sch. 10 para. 10 in force at 7.9.2016, see [art. 1\(2\)](#)

Commencement Information

I145 Sch. 10 para. 8 in force at 7.9.2016, see [art. 1\(2\)](#)

I146 Sch. 10 para. 9 in force at 7.9.2016, see [art. 1\(2\)](#)

I147 Sch. 10 para. 10 in force at 7.9.2016, see [art. 1\(2\)](#)

Reporting of engaged agents, contractors and vessels

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

- (a) the name and function of any agent or contractor appointed to engage in the licensed activities at least 5 working days before the commencement of the licensed activities or any part of them; and
- (b) each week during the construction of the authorised scheme, a completed Hydrographic Note H102 listing the construction 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 and MMO Coastal Office in writing before the agent, contractor or vessel engages in the licensed activities.

(3) All agents, contractors and vessel operators must comply with the Conditions.

Commencement Information

I148 Sch. 10 para. 11 in force at 7.9.2016, see [art. 1\(2\)](#)

Equipment and operation of vessels engaged in licensed activities

12.—(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 and must comply with paragraphs (2) to (5).

(2) All motor-powered vessels must be fitted with—

- (a) an electronic positioning aid to provide navigational data;
- (b) radar;
- (c) an echo sounder; and
- (d) multi-channel VHF.

(3) All vessel names or identification must be clearly marked on the hull or superstructure of the vessel.

(4) All communication on VHF working frequencies must be in English.

(5) No vessel may engage in the licensed activities until all the equipment specified in paragraph (2) is fully operational.

Commencement Information

I149 Sch. 10 para. 12 in force at 7.9.2016, see [art. 1\(2\)](#)

Pre-construction monitoring and surveys

13.—(1) The undertaker must, in discharging Condition 8(2)(a), submit details for written approval by the MMO in consultation with the relevant conservation body of proposed pre-construction surveys, including methodologies (including appropriate buffers, where relevant) and timings, and a proposed format and content for a pre-construction baseline report; and—

- (a) the survey proposals must be in general accordance with the principles set out in the in-principle monitoring plan and must specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the post-construction position 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) Subject to receipt from the undertaker of specific proposals pursuant to this Condition, so far as applicable, the pre-construction surveys must comprise, in outline—

- (a) a high-resolution swath bathymetric survey to include a 100% coverage and a side-scan sonar survey of the parts of the wind farm area in which it is proposed to carry out construction works and disposal activities under this licence;
- (b) any ornithological monitoring required by the ornithological monitoring plan submitted in accordance with Condition 8(2)(k);
- (c) a survey to determine the location, extent and composition of any benthic habitats of conservation, ecological and/or economic importance (including Annex 1 habitats) in the parts of the wind farm area in which it is proposed to carry out construction works under this licence; and
- (d) any marine mammal monitoring required by the plan for marine mammal monitoring submitted in accordance with Condition 8(2)(h).

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

Commencement Information

I150 Sch. 10 para. 13 in force at 7.9.2016, see [art. 1\(2\)](#)

Construction monitoring

14.—(1) The undertaker must, in discharging Condition 8(2)(a), submit details for written approval by the MMO in consultation with the relevant statutory nature conservation body of any proposed construction monitoring, including methodologies and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals must be in general accordance with the principles set out in the in-principle monitoring plan and must specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.

(2) Subject to receipt from the undertaker of specific proposals pursuant to this Condition, so far as applicable, the construction monitoring must comprise, in outline—

- (a) unless the MMO agrees otherwise in writing, measurements of noise generated by the installation of the first 4 foundations of each discrete foundation type to be constructed under this licence where driven or part-driven pile foundations are used;
- (b) recording of any visual sightings or acoustic detection of marine mammals where required as part of the marine mammal mitigation protocol under Condition 8(2)(e); and
- (c) any ornithological monitoring required by the ornithological monitoring plan submitted in accordance with Condition 8(2)(k).

(3) The undertaker must carry out the surveys approved under paragraph (1), including any further noise monitoring required in writing by the MMO under paragraph (4), and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with the relevant statutory nature conservation body.

(4) The results of the initial noise measurements monitored in accordance with paragraph (2)(a) must be provided to the MMO within 6 weeks of the installation of the first 4 foundations of each discrete foundation type for the MMO to determine, following assessment of this report, whether any further noise monitoring is required.

(5) Construction monitoring must include vessel traffic monitoring by automatic identification system for the duration of the construction period. A report must be submitted to the MMO and the MCA at the end of each year of the construction period.

Commencement Information

I151 Sch. 10 para. 14 in force at 7.9.2016, see [art. 1\(2\)](#)

Post-construction

15.—(1) The undertaker must, in discharging Condition 8(2)(a), submit details for written approval by the MMO in consultation with the relevant statutory nature conservation body of proposed post-construction surveys, including methodologies (including appropriate buffers, where relevant) and timings, and a proposed format, content and timings for providing reports on the results.

The survey proposals must be in general accordance with the principles set out in the in-principle monitoring plan and must specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.

(2) Subject to receipt of specific proposals, so far as applicable, the post-construction surveys must comprise, in outline—

- (a) any ornithological monitoring required by the ornithological monitoring plan submitted in accordance with Condition 8(2)(k);
- (b) a high-resolution swath bathymetric survey of the following to assess any changes in bedform morphology—
 - (i) a representative sample area, as may be agreed in writing with the MMO, of the parts of the wind farm area within which construction works and disposal activities were carried out under this licence, and such further monitoring as may be required to ensure that the cables have been buried or protected; and
 - (ii) an area not to exceed 125% of the predicted scour area around a selection of turbines, such selection to be based on the desk-based assessment;
- (c) a survey to determine any change in the location, extent and composition of any benthic habitats of conservation, ecological and/or economic importance (including Annex 1 habitats) identified in the pre-construction survey in the parts of the wind farm area in which construction works were carried out. The survey design must be informed by the results of the pre-construction benthic survey;
- (d) any marine mammal monitoring required by the plan for marine mammal monitoring submitted in accordance with Condition 8(2)(h); and
- (e) vessel traffic monitoring by automatic identification system, for 28 days taking account seasonal variations in traffic patterns, for a maximum duration of 1 year post-construction. A report must be submitted to the MMO and the MCA at the end of the first year after construction is completed.

(3) The undertaker must carry out the surveys agreed under paragraph (1) and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with the relevant statutory nature conservation body.

(4) Before carrying out the survey required under paragraph (2)(b), the undertaker must submit to the MMO for written approval a desk-based assessment (which takes account of all factors which influence scour) identifying the turbines with greatest potential for scour. The survey must be used to validate the desk-based assessment, and the significance of any differences between the predicted scour and recorded scour must be assessed in the survey report which must be submitted to the MMO. The need for further surveys must be agreed in writing with the MMO following submission of the first year of survey data.

Commencement Information

1152 Sch. 10 para. 15 in force at 7.9.2016, see [art. 1\(2\)](#)

Offshore decommissioning

16.—(1) No decommissioning activities may commence until a plan for the carrying out of the activities has been submitted to and approved in writing by the MMO.

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(2) The plan must be submitted for approval at least 4 months before the intended start of the decommissioning activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.

(3) The plan must be implemented as approved.

Commencement Information

I153 Sch. 10 para. 16 in force at 7.9.2016, see [art. 1\(2\)](#)

Amendments to approved plans, etc.

17.—(1) Where any Condition requires the licensed activities to be carried out in accordance with any plan, programme, code, statement, protocol scheme or details (the “plan”) approved by the MMO, the approved plan must be taken to include any amendment to the plan that may subsequently be approved in writing by the MMO.

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

Commencement Information

I154 Sch. 10 para. 17 in force at 7.9.2016, see [art. 1\(2\)](#)

SCHEDULE 11

Articles 2 and 36

Marine Licence B2: Project B – Transmission Assets

PART 1

Licensed activities

Interpretation

1.—(1) In this licence—

“2008 Act” means the Planning Act 2008;

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

“ancillary works” means the ancillary works described in clause 2 of Part 1 of this licence that are not development within the meaning of section 32 of the 2008 Act;

“Annex 1 habitat” means a habitat set out in Annex 1 to Council [Directive 92/43/EEC](#) of 21st May 1992 on the conservation of natural habitats and of wild fauna and flora;

“authorised deposits” means the substances and articles specified in clause 2(3) of Part 1 of this licence;

“authorised development” means development described in Part 1 of Schedule 1 to the Order that is development within the meaning of section 32 of the 2008 Act;

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

“authorised scheme” means Work Nos. 2B, 3B, 4B and 5B described in clause 2 of Part 1 of this licence;

“Cefas” means the Centre for Environment, Fisheries and Aquaculture Science or any replacement body;

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

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

“construction vessel” means any vessel involved in the course of or used for the construction and/or maintenance of the authorised project;

“debris” means items or equipment of a significant size left on the seabed being lost from survey or construction vessels or the structures comprised within the authorised scheme;

“EIA Regulations” means the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009;

“electrical circuit” means a number of electrical conductors necessary to transmit electricity between 2 points within the authorised project, comprising—

- (a) in the case of HVAC transmission, 3 conductors which may be bundled as 1 cable; and
- (b) in the case of HVDC transmission 2 conductors, which may be attached together or take the form of single cables,

and the electrical circuit may include 1 or more auxiliary cables (normally fibre-optic cables) for the purpose of control, monitoring, protection or general communications;

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

“environmental statement” means the document certified as the environmental statement by the Secretary of State under article 40 of the Order;

“gravity base foundation” means—

- (a) a structure principally of concrete or steel (or both) that rests on the seabed due either to its own weight and that of added ballast or to the weight of water above it and may include associated equipment including suction piles, J-tubes and access platforms; or
- (b) a structure principally of concrete and/or steel consisting of a platform supported on 2 pontoons to which the platform is connected by columns which may be connected by braces;

“high tide” means the state of the tide when it reaches its highest level during a tidal cycle, as may be published from time to time on the UK Hydrographic Office Admiralty EasyTide Website or such other publication as may be approved by the MMO;

“HVAC” means high voltage alternating current;

“HVDC” means high voltage direct current;

“in-principle monitoring plan” means the document certified as the in-principle monitoring plan by the Secretary of State under article 40 of the Order;

“intertidal area” means the area between MHWS and MLWS;

“intertidal works plans” means the part of the works plans described as the intertidal works plans;

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“jacket foundation” means a lattice construction comprising tubular members and joints fixed to the seabed with piles (either driven/drilled piles or suction piles) which will include platforms and J-tubes and may include braced monopiles and a transition piece;

“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”, unless otherwise provided for, includes inspect, repair, adjust, alter, remove, reconstruct and replace any of the authorised development; and any derivative of “maintain” must be construed accordingly;

“major storm event” means a greater than 1 in 10 year wave event within the offshore Order limits seaward of MHWS in terms of wave height, measured by reference to the height of waves recorded at the nearest wave buoy to the authorised scheme as agreed with the MMO, and the WaveNet data published by Cefas, or such other means of measurement as may be agreed with the MMO;

“Marine Noise Registry” means the online database maintained by the Joint Nature Conservation Committee on behalf of the Department of Environment, Food and Rural Affairs that records the spatial and temporal distribution of impulsive noise-generating activities in United Kingdom seas in order that they can be analysed to determine whether they may potentially compromise the achievement of good environmental status;

“MCA” means the Maritime and Coastguard Agency;

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

“MLWS” (mean low water springs) means the lowest level which spring tides reach on average over a period of time;

“MMO” means the Marine Management Organisation;

“monopile foundation” means a foundation comprising a large diameter steel or concrete tube or pile driven vertically into the seabed, J-tubes and platforms and may include external structural devices such as bracing members or steel anchor wires and a transition piece;

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

“offshore HVAC collector substation” means a structure serving as a collection point for the intra-array electrical circuits and containing equipment for the purpose of transforming the electricity generated at the wind turbine generators to a higher voltage; it may also include a helicopter platform;

“offshore HVDC converter substation” means a structure that contains equipment to convert HVAC electricity to HVDC electricity; it may also include a helicopter platform;

“offshore Order limits” means the limits shown on the offshore works plans and the intertidal works plans within which the authorised scheme may be carried out whose grid co-ordinates are set out in clause 2(2) of Part 1 of this licence;

“offshore reactive compensation substation” means a structure housing electrical reactors for the purpose of limiting electrical losses in the course of HVAC transmission by providing reactive compensation; it may also include a helicopter platform;

“offshore works plans” means the part of the works plans described as the offshore works plans;

“Order” means the Hornsea Two Offshore Wind Farm Order 2016;

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

“suction pile” means a large diameter steel cylinder that is fixed to the base of the foundation, partially penetrates the seabed and remains in place using its weight and hydrostatic pressure differential;

“survey vessel” means a vessel licensed to carry out environmental or engineering surveys;

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

“UK Hydrographic Office” means the Hydrographic Office of the Ministry of Defence or any replacement body or successor to its functions;

“undertaker” means Breesea Limited (company number 07883217) or, to the extent that the benefit of the provisions of the Order and related statutory rights in relation to Work No. 2B, 3B, 4B or 5B and such associated development or ancillary works has been transferred under article 35 of the Order to another person, that other 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 that is at the time in, on or over water;

“wind turbine generator” means a structure comprising any or all of a tower, rotor, blades, nacelle and ancillary electrical and other equipment or structures, which may include lighting and a helicopter platform, fixed to a foundation;

“working day” means any day other than a Saturday, Sunday or public holiday in England and Wales;

“Work No. 2A” means up to 6 offshore HVAC collector substations and, in the event that the mode of transmission is HVDC, up to 2 offshore HVDC converter substations together with a network of electrical circuits connecting the structures within Work Nos. 2A and 2B;

“Work No. 2B” means the works described as Work No. 2B in clause 2 of Part 1 of this licence;

“Work No. 3A” means up to 2 offshore reactive compensation substations fixed to the seabed in the event that the mode of transmission is HVAC;

“Work No. 3B” means the works described as Work No. 3B in clause 2 of Part 1 of this licence;

“Work No. 4A” means a marine connection to the shore, including cable and pipeline crossing works which—

(a) if the mode of transmission is HVAC, consists of up to 8 subsea electrical circuits proceeding from the offshore HVAC collector substations comprised in Work No. 2A via and connecting with the offshore reactive compensation substation comprised in Work No. 3A; or

(b) if the mode of transmission is HVDC, consists of up to 2 subsea electrical circuits proceeding from the offshore HVDC converter substations comprised in Work No. 2A,

and in either case terminating at Work No. 5A;

“Work No. 4B” means the works described as Work No. 4B in clause 2 of Part 1 of this licence;

“Work No. 5A” means a foreshore connection consisting of an extension of the electrical circuits comprised in Work No. 4A, including cable crossing works, crossing under the existing sea wall using a trenchless technique and terminating at the electrical circuit transition joint bays comprising Work No. 6A;

“Work No. 5B” means the works described as Work No. 5B in clause 2 of Part 1 of this licence;

“Work No. 6A” means up to 8 underground electrical circuit transition joint bays in the vicinity of Horseshoe Point in the parish of North Coates in the county of Lincolnshire, housing the

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connections between the offshore electrical circuits comprised in Work No. 5A and the onshore electrical circuits;

“Work No. 6B” means up to 8 underground electrical circuit transition joint bays in the vicinity of Horseshoe Point in the parish of North Coates in the county of Lincolnshire, housing the connections between the offshore electrical circuits comprised in Work No. 5B and the onshore electrical circuits;

“works plans” means the plans certified as the works plans by the Secretary of State under article 40 of the Order, comprising the offshore works plans, the intertidal works plans and the onshore works plans.

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

(3) Unless otherwise indicated—

- (a) all times are Greenwich Mean Time (GMT);
- (b) all co-ordinates are latitude and longitude degrees, minutes and seconds to 3 decimal places in WGS84 Datum.

(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 is—

(a) Marine Management Organisation

Marine Licensing Team

Lancaster House

Hampshire Court

Newcastle-upon-Tyne NE4 7YH

Tel: 0300 123 1032

E-mail: marine.consents@marinemanagement.org.uk

(b) Marine Management Organisation (referred to as the “MMO Coastal Office”)

Neville House

Central Riverside

Bell Street

North Shields

Tyne and Wear NE30 1LJ

Tel (24-hour answer phone): 0191 257 4520 or 0191 257 0159

E-mail:

(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

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- (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
Foss House
Kings Pool
1-2 Peasholme Green
York YO1 7PX
Tel: 0300 060 1911
- (h) Historic Buildings and Monuments Commission for England (referred to as “Historic England”)
Eastgate Court
195-205 High Street
Guildford GU1 3EH
Tel: 01483 252 057
- (i) Environment Agency
Waterside House
Waterside North
Lincoln LN2 5HA
Tel: 03708 506 506.

Commencement Information

I155 Sch. 11 Pt. 1 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

Details of licensed activities

2.—(1) This licence authorises the undertaker (and any agent or contractor acting on its behalf) to carry out the following licensable marine activities pursuant to section 66(1) of the 2009 Act, subject to the Conditions—

- (a) the deposit at sea of the substances and articles specified in paragraph (3);
- (b) the construction of works in or over the sea and/or on or under the sea bed;

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- (c) dredging for the purposes of seabed preparation for foundation works and/or electrical circuit works;
 - (d) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation;
 - (e) the disposal at disposal site reference HU211 of up to 324,454 cubic metres comprising inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work No. 2B, provided that the combined total volume of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work Nos. 2A and 2B disposed of at disposal site reference HU211 must not exceed 324,454 cubic metres;
 - (f) the disposal at disposal site reference HU211 of up to 92,048 cubic metres comprising inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 2B and 4B, provided that the combined total volume of inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 2A, 2B, 4A and 4B disposed of at disposal site reference HU211 must not exceed 92,048 cubic metres;
 - (g) the disposal at disposal site reference HU209 of up to 38,485 cubic metres comprising inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work No. 3B, provided that the combined total volume of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work Nos. 3A and 3B disposed of at disposal site reference HU209 must not exceed 38,485 cubic metres;
 - (h) the disposal at disposal site reference HU209 of up to 1,269,000 cubic metres comprising inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work No. 4B, provided that the combined total volume of inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 4A and 4B disposed of at disposal site reference HU209 must not exceed 1,269,000 cubic metres;
 - (i) the disposal at disposal site reference HU210 of up to 131,000 cubic metres comprising inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work No. 4B, provided that the combined total volume of inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 4A and 4B disposed of at disposal site reference HU210 must not exceed 131,000 cubic metres; and
 - (j) the removal of the substances and articles specified in paragraph (3).
- (2) The activities are authorised in relation to the construction, maintenance and operation of—
- Work No. 2B* — Up to 6 offshore HVAC collector substations and, in the event that the mode of transmission is HVDC, up to 2 offshore HVDC converter substations together with a network of electrical circuits connecting the structures within Work Nos. 2A and 2B, provided that—
- (a) the combined total of offshore HVAC collector substations constructed in whole or in part within Work Nos. 2A and 2B must not exceed 6; and
 - (b) the combined total of offshore HVDC converter substations constructed in whole or in part within Work Nos. 2A and 2B must not exceed 2.
- Co-ordinates for wind farm area (limits of deviation for Work No. 2B)—

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	54° 0' 31.626" N	1° 26' 19.993" E
2	54° 0' 18.479" N	1° 38' 37.320" E
3	54° 0' 15.768" N	1° 40' 21.864" E
4	53° 59' 36.924" N	2° 3' 45.936" E
5	53° 57' 24.509" N	2° 6' 6.700" E
6	53° 57' 12.481" N	2° 4' 32.376" E
7	53° 56' 46.586" N	2° 5' 4.031" E
8	53° 56' 16.303" N	2° 1' 15.269" E
9	53° 55' 22.663" N	2° 2' 14.219" E
10	53° 55' 2.525" N	1° 59' 45.776" E
11	53° 55' 35.429" N	1° 59' 20.944" E
12	53° 55' 8.162" N	1° 56' 10.619" E
13	53° 55' 23.329" N	1° 55' 20.262" E
14	53° 55' 37.592" N	1° 53' 38.108" E
15	53° 55' 31.318" N	1° 52' 54.282" E
16	53° 56' 22.870" N	1° 51' 57.409" E
17	53° 55' 46.445" N	1° 47' 47.796" E
18	53° 58' 42.179" N	1° 44' 31.880" E
19	53° 58' 17.828" N	1° 41' 46.795" E
20	53° 56' 29.670" N	1° 43' 45.592" E
21	53° 56' 3.228" N	1° 41' 0.143" E
22	53° 55' 9.293" N	1° 39' 52.024" E
23	53° 50' 5.118" N	1° 38' 58.430" E
24	53° 50' 7.210" N	1° 26' 59.953" E

Work No. 3B — In the event that the mode of transmission is HVAC, up to 2 offshore reactive compensation substations fixed to the seabed at latitude point 53° 37' 54.291" N and longitude point 0° 55' 59.731" E and at latitude point 53° 38' 9.295" N and longitude point 0° 55' 49.576" E subject to deviation within the following limits of deviation, provided that the combined total of offshore reactive compensation substations constructed in whole or in part within Work Nos. 3A and 3B must not exceed 2—

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	53° 38' 1.918" N	0° 55' 55.183" E
2	53° 38' 2.362" N	0° 55' 58.099" E
3	53° 38' 2.438" N	0° 56' 0.367" E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
4	53° 38' 2.185" N	0° 56' 3.394" E
5	53° 38' 1.735" N	0° 56' 5.560" E
6	53° 38' 1.074" N	0° 56' 7.567" E
7	53° 37' 59.900" N	0° 56' 9.900" E
8	53° 37' 58.446" N	0° 56' 11.733" E
9	53° 37' 57.216" N	0° 56' 12.723" E
10	53° 37' 55.456" N	0° 56' 13.477" E
11	53° 37' 54.094" N	0° 56' 13.597" E
12	53° 37' 52.296" N	0° 56' 13.156" E
13	53° 37' 51.011" N	0° 56' 12.387" E
14	53° 37' 49.821" N	0° 56' 11.266" E
15	53° 37' 48.441" N	0° 56' 9.279" E
16	53° 37' 47.358" N	0° 56' 6.825" E
17	53° 37' 46.776" N	0° 56' 4.750" E
18	53° 37' 46.409" N	0° 56' 2.540" E
19	53° 37' 46.268" N	0° 56' 0.258" E
20	53° 37' 46.357" N	0° 55' 57.969" E
21	53° 37' 46.828" N	0° 55' 55.017" E
22	53° 37' 47.678" N	0° 55' 52.316" E
23	53° 37' 48.540" N	0° 55' 50.538" E
24	53° 37' 49.567" N	0° 55' 49.029" E
25	53° 37' 51.143" N	0° 55' 47.509" E
26	53° 37' 52.881" N	0° 55' 46.618" E
27	53° 37' 54.238" N	0° 55' 46.392" E
28	53° 37' 56.046" N	0° 55' 46.691" E
29	53° 37' 57.351" N	0° 55' 47.359" E
30	53° 37' 58.570" N	0° 55' 48.386" E
31	53° 38' 0.004" N	0° 55' 50.262" E
32	53° 38' 1.153" N	0° 55' 52.630" E
33	53° 38' 1.792" N	0° 55' 54.657" E
34	53° 38' 1.346" N	0° 55' 51.708" E
35	53° 38' 1.300" N	0° 55' 48.665" E
36	53° 38' 1.657" N	0° 55' 45.681" E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
37	53° 38' 2.399" N	0° 55' 42.906" E
38	53° 38' 3.490" N	0° 55' 40.477" E
39	53° 38' 5.257" N	0° 55' 38.112" E
40	53° 38' 6.910" N	0° 55' 36.872" E
41	53° 38' 8.684" N	0° 55' 36.281" E
42	53° 38' 10.939" N	0° 55' 36.497" E
43	53° 38' 12.244" N	0° 55' 37.130" E
44	53° 38' 13.467" N	0° 55' 38.122" E
45	53° 38' 15.233" N	0° 55' 40.491" E
46	53° 38' 16.080" N	0° 55' 42.277" E
47	53° 38' 16.738" N	0° 55' 44.277" E
48	53° 38' 17.187" N	0° 55' 46.433" E
49	53° 38' 17.441" N	0° 55' 49.447" E
50	53° 38' 17.365" N	0° 55' 51.746" E
51	53° 38' 16.908" N	0° 55' 54.716" E
52	53° 38' 16.068" N	0° 55' 57.438" E
53	53° 38' 15.210" N	0° 55' 59.234" E
54	53° 38' 13.812" N	0° 56' 1.201" E
55	53° 38' 12.609" N	0° 56' 2.302" E
56	53° 38' 10.868" N	0° 56' 3.211" E
57	53° 38' 9.507" N	0° 56' 3.449" E
58	53° 38' 8.141" N	0° 56' 3.296" E
59	53° 38' 6.381" N	0° 56' 2.496" E
60	53° 38' 4.772" N	0° 56' 1.053" E
61	53° 38' 3.714" N	0° 55' 59.591" E
62	53° 38' 2.560" N	0° 55' 57.217" E

Work No. 4B — A marine connection to the shore, including cable and pipeline crossing works which—

- (a) if the mode of transmission is HVAC, consists of up to 8 subsea electrical circuits proceeding from the offshore HVAC collector substations comprised in Work No. 2B via and connecting with the offshore reactive compensation substations comprised in Work No. 3B; or
- (b) if the mode of transmission is HVDC, consists of up to 2 subsea electrical circuits proceeding from the offshore HVDC converter substations comprised in Work No. 2B,

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and in either case terminating at Work No. 5B, provided that the combined total of electrical circuits constructed in whole or in part within Work Nos. 4A and 4B must not exceed, in the event that the mode of transmission is HVDC, 2, and in the event that the mode of transmission is HVAC, 8.

Principal co-ordinates for marine export cable area (limits of deviation for Work No. 4B) whose full co-ordinates are set out in the offshore works plans—

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	54° 0' 31.626" N	1° 26' 19.993" E
2	54° 0' 18.479" N	1° 38' 37.320" E
3	54° 0' 15.768" N	1° 40' 21.864" E
4	53° 59' 36.924" N	2° 3' 45.936" E
5	53° 57' 24.509" N	2° 6' 6.700" E
6	53° 57' 12.481" N	2° 4' 32.376" E
7	53° 56' 46.586" N	2° 5' 4.031" E
8	53° 56' 16.303" N	2° 1' 15.269" E
9	53° 55' 22.663" N	2° 2' 14.219" E
10	53° 55' 2.525" N	1° 59' 45.776" E
11	53° 55' 35.429" N	1° 59' 20.944" E
12	53° 55' 8.162" N	1° 56' 10.619" E
13	53° 55' 23.329" N	1° 55' 20.262" E
14	53° 55' 37.592" N	1° 53' 38.108" E
15	53° 55' 31.318" N	1° 52' 54.282" E
16	53° 56' 22.870" N	1° 51' 57.409" E
17	53° 55' 46.445" N	1° 47' 47.796" E
18	53° 58' 42.179" N	1° 44' 31.880" E
19	53° 58' 17.828" N	1° 41' 46.795" E
20	53° 56' 29.670" N	1° 43' 45.592" E
21	53° 56' 3.228" N	1° 41' 0.143" E
22	53° 55' 9.293" N	1° 39' 52.024" E
23	53° 50' 5.118" N	1° 38' 58.430" E
24	53° 46' 7.286" N	1° 38' 16.673" E
25	53° 46' 4.677" N	1° 37' 22.711" E
27	53° 44' 47.813" N	1° 28' 38.495" E
32	53° 44' 47.743" N	1° 27' 26.607" E
34	53° 44' 36.477" N	1° 25' 23.743" E
141	53° 42' 30.629" N	1° 15' 58.654" E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
152	53° 42' 28.182" N	1° 14' 34.895" E
264	53° 39' 35.134" N	1° 6' 29.785" E
316	53° 38' 17.582" N	1° 2' 16.928" E
447	53° 36' 54.624" N	0° 51' 31.062" E
449	53° 36' 15.738" N	0° 48' 52.425" E
513	53° 35' 21.166" N	0° 43' 44.242" E
515	53° 31' 50.425" N	0° 40' 55.898" E
516	53° 31' 38.281" N	0° 40' 8.340" E
521	53° 28' 36.676" N	0° 20' 3.846" E
532	53° 31' 43.122" N	0° 12' 21.707" E
533	53° 30' 57.432" N	0° 5' 59.890" E
534	53° 31' 11.028" N	0° 5' 42.539" E
535	53° 30' 42.954" N	0° 5' 10.787" E
536	53° 30' 42.180" N	0° 5' 9.912" E
537	53° 30' 46.588" N	0° 4' 55.345" E
538	53° 30' 52.245" N	0° 4' 59.515" E
539	53° 31' 25.514" N	0° 5' 24.049" E
540	53° 31' 29.574" N	0° 5' 27.043" E
580	53° 32' 16.976" N	0° 12' 37.072" E
763	53° 29' 11.523" N	0° 20' 5.981" E
1001	53° 31' 28.589" N	0° 35' 44.348" E
1002	53° 32' 0.855" N	0° 37' 42.781" E
1003	53° 32' 17.793" N	0° 39' 31.883" E
1004	53° 32' 35.749" N	0° 39' 45.737" E
1005	53° 33' 8.117" N	0° 39' 47.665" E
1006	53° 34' 28.861" N	0° 41' 27.396" E
1007	53° 35' 42.522" N	0° 42' 37.802" E
1010	53° 36' 25.571" N	0° 43' 54.129" E
1081	53° 37' 2.569" N	0° 47' 31.846" E
1083	53° 37' 30.986" N	0° 49' 14.023" E
1086	53° 37' 29.991" N	0° 51' 27.606" E
1087	53° 37' 36.904" N	0° 52' 22.841" E
1111	53° 38' 45.654" N	0° 57' 1.237" E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1143	53° 39' 16.652" N	1° 1' 1.016" E
1149	53° 39' 42.566" N	1° 1' 40.167" E
1155	53° 41' 20.037" N	1° 6' 45.836" E
1157	53° 42' 59.843" N	1° 14' 18.127" E
1164	53° 43' 0.151" N	1° 15' 37.960" E
1165	53° 44' 0.963" N	1° 20' 9.157" E
1166	53° 49' 6.492" N	1° 25' 51.682" E
1167	53° 50' 7.210" N	1° 26' 59.953" E

Work No. 5B — A foreshore connection consisting of an extension of the electrical circuits comprised in *Work No. 4B*, including cable crossing works, crossing under the existing sea wall using a trenchless technique and terminating at the electrical circuit transition joint bays (*Work No. 6B*).

And in connection with *Work Nos. 2B, 3B, 4B and 5B*, further associated development as may be necessary or expedient in connection with the authorised scheme within the Order limits and is within the scope of the environmental impact assessment recorded in the environmental statement.

And in connection with *Work Nos. 2B, 3B, 4B and 5B*, ancillary works consisting of works and operations within the Order limits comprising temporary anchorage of vessels and buoys, beacons, fenders and other navigational warning or ship impact protection works.

- (3) The substances or articles authorised for deposit at sea and removal are—
- (a) iron and steel;
 - (b) stone and rock;
 - (c) concrete;
 - (d) sand and gravel;
 - (e) plastic and synthetic; and
 - (f) material extracted from within the offshore Order limits during construction drilling and seabed preparation for foundation works and cable sandwave preparation works.
- (4) The grid co-ordinates for disposal site reference HU211 are—

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	54° 0' 31.626" N	1° 26' 19.993" E
2	54° 0' 18.479" N	1° 38' 37.320" E
3	54° 0' 15.768" N	1° 40' 21.864" E
4	53° 59' 36.924" N	2° 3' 45.936" E
5	53° 57' 24.509" N	2° 6' 6.700" E
6	53° 57' 12.481" N	2° 4' 32.376" E
7	53° 56' 46.586" N	2° 5' 4.031" E
8	53° 56' 16.303" N	2° 1' 15.269" E
9	53° 55' 22.663" N	2° 2' 14.219" E
10	53° 55' 2.525" N	1° 59' 45.776" E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
11	53° 55' 35.429" N	1° 59' 20.944" E
12	53° 55' 8.162" N	1° 56' 10.619" E
13	53° 55' 23.329" N	1° 55' 20.262" E
14	53° 55' 37.592" N	1° 53' 38.108" E
15	53° 55' 31.318" N	1° 52' 54.282" E
16	53° 56' 22.870" N	1° 51' 57.409" E
17	53° 55' 46.445" N	1° 47' 47.796" E
18	53° 58' 42.179" N	1° 44' 31.880" E
19	53° 58' 17.828" N	1° 41' 46.795" E
20	53° 56' 29.670" N	1° 43' 45.592" E
21	53° 56' 3.228" N	1° 41' 0.143" E
22	53° 55' 9.293" N	1° 39' 52.024" E
23	53° 50' 5.118" N	1° 38' 58.430" E
24	53° 50' 7.210" N	1° 26' 59.953" E

(5) The grid co-ordinates for disposal site reference HU209 are—

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
A	53° 36' 40.490" N	0° 50' 41.571" E
B	53° 36' 54.624" N	0° 51' 31.062" E
C	53° 37' 22.048" N	0° 55' 08.301" E
D	53° 37' 38.643" N	0° 57' 17.843" E
E	53° 37' 56.680" N	0° 59' 39.524" E
F	53° 38' 15.917" N	1° 02' 08.601" E
G	53° 39' 35.134" N	1° 06' 29.785" E
H	53° 41' 22.549" N	1° 11' 30.804" E
I	53° 42' 14.598" N	1° 10' 44.250" E
J	53° 41' 19.717" N	1° 06' 44.682" E
K	53° 39' 41.954" N	1° 01' 38.714" E
L	53° 39' 16.652" N	1° 01' 01.016" E
M	53° 38' 45.654" N	0° 57' 01.237" E
N	53° 37' 36.904" N	0° 52' 22.841" E
O	53° 37' 29.991" N	0° 51' 27.606" E
P	53° 37' 30.124" N	0° 50' 57.716" E

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(6) The grid co-ordinates for disposal site reference HU210 are—

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
W	53° 43' 14.348" N	1° 19' 13.563" E
X	53° 43' 52.989" N	1° 22' 07.248" E
Y	53° 44' 22.957" N	1° 21' 47.484" E
Z	53° 43' 44.110" N	1° 18' 53.902" E

(7) Section 72 of the 2009 Act applies to this licence, except that subsections (7) and (8) relating to the transfer of the licence apply only to a transfer not falling within article 35 of the Order.

.....
Commencement Information

I156 Sch. 11 Pt. 1 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

Maintenance of authorised project

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

(2) No maintenance works whose likely effects on the environment require to be assessed in accordance with the EIA Regulations and are not assessed in the environmental statement may be carried out, unless otherwise approved by the MMO.

(3) Where the MMO's approval is required under paragraph (2), approval may be given only where it has been demonstrated to the satisfaction of the MMO that the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

.....
Commencement Information

I157 Sch. 11 Pt. 1 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

Duration

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

.....
Commencement Information

I158 Sch. 11 Pt. 1 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

PART 2

Licence conditions

Design parameters

- 1.—(1) No offshore HVAC collector substation forming part of Work No. 2B may—
 - (a) exceed 64 metres in height above LAT;
 - (b) have a platform that at its greatest extent exceeds 3,600 square metres or 60 metres in width.
- (2) No offshore HVDC converter substation forming part of Work No. 2B may—
 - (a) exceed 110 metres in height above LAT;
 - (b) have a platform that at its greatest extent exceeds 16,200 square metres in area or 180 metres in width.
- (3) The offshore reactive compensation substation comprised in Work No. 3B must not—
 - (a) exceed 64 metres in height above LAT; or
 - (b) have a platform that at its greatest extent exceeds 3,600 square metres or 60 metres in width.
- (4) The diameter of the electrical cables comprising the electrical circuits must not exceed the following limitations—
 - (a) within Work No. 2B, 300 millimetres;
 - (b) within Work Nos. 4B and 5B—
 - (i) 190 millimetres, where the mode of transmission is HVDC; and
 - (ii) 300 millimetres, where the mode of transmission is HVAC.
- (5) The combined total length of the connections in the form of electrical circuits between the structures comprised in Work Nos. 2A and 2B must not exceed 300 kilometres.
- (6) The combined total length of the electrical circuits comprised in Work Nos. 4A, 4B, 5A and 5B seaward of MHWS must not exceed 1,200 kilometres.
- (7) The combined total area of cable protection for the electrical circuits comprising Work Nos. 2A and 2B must not exceed 546,000 square metres.
- (8) The combined total area of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located outside the Humber Estuary Special Area of Conservation must not exceed 2,055,200 square metres.
- (9) The combined total area of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located within the Humber Estuary Special Area of Conservation must not exceed 44,800 square metres.
- (10) The combined total volume of cable protection for the electrical circuits comprising Work Nos. 2A and 2B must not exceed 312,000 cubic metres.
- (11) The combined total volume of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located outside the Humber Estuary Special Area of Conservation must not exceed 1,174,400 cubic metres.
- (12) The combined total volume of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located within the Humber Estuary Special Area of Conservation must not exceed 25,600 cubic metres.

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(13) The electrical circuits comprised in Work Nos. 2B and 4B must be installed by use of, or a combination of, ploughing, trenching, jetting, rock-cutting, dredging, surface laying with post-lay burial, and where ground conditions make burial impracticable, by surface laying.

(14) The electrical circuits comprised in Work No. 5B must be installed by use of, or a combination of, ploughing, trenching and jetting, with the exception that, where the electrical circuits comprised in Work No. 5B cross under the existing sea wall, they must be installed using a trenchless technique.

Commencement Information

I159 Sch. 11 Pt. 2 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

2.—(1) The undertaker must in fixing to the seabed any structures comprised in Work Nos. 2B and 3B use one of the following methods—

- (a) monopile foundations;
- (b) jacket foundations supported by piles; or
- (c) gravity base foundations.

(2) The undertaker must not use the monopile foundation method or any other method which includes braced monopiles to fix to the seabed any offshore HVDC converter substation.

(3) The following parameters apply in respect of the foundation methods used to fix offshore HVAC collector substations to the seabed—

- (a) where monopile foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 1,963 square metres;
 - (ii) the diameter of each foundation must not exceed 10 metres;
- (b) where jacket foundations (driven/drilled piles) are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 1,924 square metres;
 - (ii) the number of piles per jacket must not exceed 8;
 - (iii) the diameter of each pile must not exceed 3.5 metres;
- (c) where jacket foundations (suction piles) are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 12,723 square metres;
 - (ii) the number of piles per jacket must not exceed 8;
 - (iii) the diameter of each pile must not exceed 15 metres;
- (d) where gravity base foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 6,362 square metres;
 - (ii) the seabed levelling diameter must not exceed 70 metres;
 - (iii) the cone diameter must not exceed 50 metres at its base.

(4) The following parameters apply in respect of the foundation methods used to fix offshore HVDC converter substations to the seabed—

- (a) where jacket foundations (driven/drilled piles) are used—

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- (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 17,318 square metres;
 - (ii) the number of jacket foundations per topside must not exceed 4;
 - (iii) the number of piles per topside must not exceed 72;
 - (iv) the number of piles per jacket must not exceed 18;
 - (v) the diameter of each pile must not exceed 3.5 metres;
- (b) where jacket foundations (suction piles) are used—
- (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 50,894 square metres;
 - (ii) the number of jacket foundations per topside must not exceed 4;
 - (iii) the number of piles per topside must not exceed 32;
 - (iv) the number of piles per jacket must not exceed 8;
 - (v) the diameter of each pile must not exceed 15 metres;
- (c) where gravity base foundations are used—
- (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 27,300 square metres;
 - (ii) the number of pontoons for each individual structure must not exceed 3;
 - (iii) the pontoons must not exceed 170 metres in length or 35 metres in width.
- (5) The following parameters apply in respect of the foundation methods used to fix the offshore reactive compensation substation to the seabed—
- (a) where monopile foundations are used—
- (i) the area occupied by the foundations and the scour protection must not exceed 1,963 square metres;
 - (ii) the diameter of each foundation must not exceed 10 metres;
- (b) where jacket foundations (driven/drilled piles) are used—
- (i) the area occupied by the foundations and the scour protection must not exceed 1,414 square metres;
 - (ii) the number of piles per jacket must not exceed 8;
 - (iii) the diameter of each pile must not exceed 3 metres;
- (c) where jacket foundations (suction piles) are used—
- (i) the area occupied by the foundations and the scour protection must not exceed 6,362 square metres;
 - (ii) the number of piles per jacket must not exceed 4;
 - (iii) the diameter of each pile must not exceed 15 metres;
- (d) where gravity base foundations are used—
- (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 6,362 square metres;
 - (ii) the seabed levelling diameter must not exceed 70 metres;
 - (iii) the cone diameter must not exceed 50 metres at its base.

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Commencement Information

I160 Sch. 11 Pt. 2 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

Commencement Information

I159 Sch. 11 Pt. 2 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

I160 Sch. 11 Pt. 2 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

Navigational practice, safety and emergency response

3.—(1) No part of the authorised scheme seaward of MHWS may commence until the MMO, in consultation with the MCA, has given written approval for an emergency response co-operation plan which includes full details of the emergency co-operation plans for the construction, operation and decommissioning phases of that part of the authorised scheme in accordance with the MCA recommendations contained within MGN 371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues”.

(2) No part of the authorised scheme seaward of MHWS may commence until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the development, adequately addressed all MCA recommendations as appropriate to the authorised scheme contained within MGN 371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” (including its annexes).

(3) The emergency response co-operation plan must be implemented as approved, unless otherwise agreed in writing by the MMO, in consultation with the MCA.

Commencement Information

I161 Sch. 11 Pt. 2 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

Aids to navigation

4.—(1) The undertaker must during the whole period from the start of construction of the authorised scheme seaward of MHWS to the completion of decommissioning—

- (a) 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;
- (b) colour all structures in the authorised scheme as directed by Trinity House;
- (c) keep Trinity House and the MMO informed of progress of the authorised scheme seaward of MHWS including—
 - (i) notice of commencement of construction of the authorised scheme within 24 hours of commencement having occurred;
 - (ii) notice within 24 hours of any aids to navigation being established by the undertaker; and
 - (iii) notice within 5 working days of completion of construction of the authorised scheme;
- (d) submit reports to Trinity House detailing the working condition of aids to navigation quarterly, or as requested by Trinity House;

- (e) notify Trinity House and the MMO of any failure of the aids to navigation and the timescales and plans for remedying such failures as soon as possible and no later than 24 hours following the undertaker becoming aware of any such failure.
- (2) Except as otherwise required by Trinity House under paragraph (1), the undertaker must colour all structures comprised in Work Nos. 2B and 3B yellow (colour code RAL 1023) from at least highest astronomical tide to a height as directed by Trinity House.
- (3) Unless the MMO otherwise directs, the undertaker must paint the remainder of the structures submarine grey (colour code RAL 7035).

Commencement Information

I162 Sch. 11 Pt. 2 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

Notifications and inspections

- 5.—(1) The undertaker must ensure that—
- (a) a copy of this licence and any subsequent amendments or revisions to it are provided to—
 - (i) all agents and contractors notified to the MMO in accordance with the Conditions; and
 - (ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with the Conditions;
 - (b) within 28 days of receipt of a copy of this licence, the persons referred to in subparagraph (a) provide a completed confirmation form to the MMO confirming their understanding of the terms and conditions of this licence.
- (2) Only the persons and vessels notified to the MMO in accordance with Condition 11 are permitted to carry out the licensed activities.
- (3) Copies of this licence must also be available for inspection at the following locations—
- (a) the undertaker’s registered address;
 - (b) any site office located at or adjacent to the construction site and used by the undertaker or its agents and contractors responsible for the loading, transportation or deposit of the authorised deposits; and
 - (c) on board each vessel or at the office of any transport manager with responsibility for vessels from which authorised deposits are to be made.
- (4) The documents referred to in paragraph (1)(a) must be available for inspection by an enforcement officer at the locations set out in paragraph (3) at any time.
- (5) The undertaker must provide access, and if necessary appropriate transportation, to the offshore construction site or any other associated works or vessels to facilitate any inspection that the MMO considers necessary to inspect the works during construction and operation of the authorised scheme.
- (6) The undertaker must inform the MMO Marine Licensing Team and the MMO Coastal Office in writing at least 5 working days before the commencement of the licensed activities or any part of them.
- (7) The Kingfisher Information Service of Seafish must be informed by email of details of the vessel routes, timings and locations relating to the construction of the authorised scheme or relevant part to kingfisher@seafish.co.uk—
- (a) at least 2 weeks before the construction of the authorised scheme or relevant part, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data; and

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(b) on completion of the construction of the authorised scheme or relevant part.

Confirmation of notification must be provided to the MMO within 5 working days of notification to the Kingfisher Information Service of Seafish.

(8) The undertaker must ensure that a notice to mariners is issued at least 10 working days before the commencement of the licensed activities advising of the commencement of licensed activities within the offshore Order limits and the expected vessel routes from the local service ports to the location of the works comprised within the authorised scheme.

(9) The undertaker must ensure that the notices to mariners are updated and reissued at weekly intervals during construction activities and at least 5 days before any planned operation and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction and monitoring programme approved under Condition 8(2)(a). Copies of all notices must be provided to the MMO within 10 working days of issue.

(10) The undertaker must notify—

- (a) the UK Hydrographic Office of commencement (within 2 weeks), progress and completion (within 2 weeks) of the authorised scheme in order that all necessary amendments to nautical charts are made, and the undertaker must send a copy of such notifications to the MMO; and
- (b) the Defence Geographic Centre (at least 4 weeks before) of the commencement of the authorised scheme and of the progress and completion (within 2 weeks) of the authorised scheme, in order that all necessary amendments to aviation charts are made.

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

(12) In the event that the Marine Noise Registry has gone live before the commencement of impact pile driving—

- (a) the undertaker must submit details of the expected location, start and end dates of impact pile driving to the Marine Noise Registry before the commencement of the impact pile driving; and
- (b) the undertaker must notify the MMO of the successful submission of the details required under sub-paragraph (a) within 7 days of the submission.

(13) In the event that the Marine Noise Registry has gone live at the time of impact pile driving—

- (a) the undertaker must submit the exact locations and dates of impact pile driving to the Marine Noise Registry at 6-month intervals from the commencement of impact pile driving until the completion of impact pile driving. The final data must be submitted within 12 weeks of completion of impact pile driving; and
- (b) the undertaker must notify the MMO of the successful submission of the details required under sub-paragraph (a) within 7 days of the submission.

Commencement Information

I163 Sch. 11 para. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

Chemicals, drilling and debris

6.—(1) 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, unless otherwise agreed in writing by the MMO.

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

(3) The storage, handling, transport and use of fuels, lubricants, chemicals and other substances must be undertaken so as to prevent releases into the marine environment including bunding of 110% of the total volume of all reservoirs and containers.

(4) 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 disposal may also require a marine licence.

(5) The undertaker must ensure that, where practicable, any debris arising from the construction of the authorised scheme or temporary works placed seaward of MHWS is removed by a date no later than 28 days following the undertaker becoming aware of the debris after the completion of the authorised scheme (or by such later date as may be agreed in writing by the MMO). In the event that the debris cannot practicably be removed, the undertaker must notify the MMO, Trinity House and the MCA within 7 days of becoming aware that the debris cannot practicably be removed.

(6) At least 10 days before the commencement of the licensed activities, the undertaker must submit to the MMO an audit sheet covering all aspects of the construction of the authorised scheme, and no works may commence until the audit sheet content has been agreed with the MMO. 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.

(7) The audit sheet must be maintained throughout the construction of the authorised scheme, and the MMO must be notified of any changes on a fortnightly basis.

(8) In the event that the undertaker becomes aware that any of the materials on the audit sheet cannot be accounted for, it must notify the MMO within 24 hours where possible, and in any event within 5 days of becoming aware using the dropped object procedure form. On receipt of the dropped object procedure form, the MMO may require relevant surveys to be carried out by the undertaker (such as side-scan sonar) if reasonable to do so. Local fishermen must be invited to send a representative to be present during the survey. The MMO may require any new obstructions associated with the authorised scheme to be removed from the seabed at the undertaker's expense if reasonable to do so.

(9) All debris arising from the operation and maintenance of the authorised scheme must be reported to the MMO using the dropped object procedure form within 24 hours where possible, and in any event within 5 days of the undertaker becoming aware of the incident. On receipt of the dropped object procedure form, the MMO may require relevant surveys to be carried out by the undertaker (such as side-scan sonar) if reasonable to do so and any new obstructions associated with the authorised scheme to be removed from the seabed at the undertaker's expense if reasonable to do so.

(10) The undertaker must inform the MMO of the location and quantities of inert material and dredged material disposed of each month under this licence at each of disposal site reference HU211, disposal site reference HU209 and disposal site reference HU210, by submission of a disposal return for each disposal area by 31st January each year for disposals occurring during the months July to

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December inclusive of the preceding year, and by 31st July each year for disposals occurring during the months January to June inclusive of that year.

(11) The undertaker must ensure that only—

- (a) inert material of natural origin and drilling mud, produced during construction drilling and seabed preparation for foundation works comprised in Work No. 2B;
- (b) dredged material produced during seabed preparation for foundation works comprised in Work No. 2B; and
- (c) inert material of natural origin and dredged material produced during cable laying preparation works comprised in Work Nos. 2B and 4B,

is disposed of at disposal site reference HU211.

(12) The undertaker must ensure that only—

- (a) inert material of natural origin and drilling mud, produced during construction drilling and seabed preparation for foundation works comprised in Work No. 3B;
- (b) dredged material produced during seabed preparation for foundation works comprised in Work No. 3B; and
- (c) inert material of natural origin and dredged material produced during cable laying preparation works comprised in Work No. 4B,

is disposed of at disposal site reference HU209.

(13) The undertaker must ensure that only inert material of natural origin and dredged material produced during cable laying preparation works comprised in Work No. 4B is disposed of at disposal site reference HU210.

(14) The undertaker must ensure that no waste concrete slurry or wash water from concrete or cement works is discharged into the marine environment. Concrete, cement mixing and washing areas must be contained to prevent run-off entering the water through the freeing ports.

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

(16) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU211.

(17) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU209.

(18) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU210.

Commencement Information

I164 Sch. 11 para. 6 in force at 7.9.2016, see [art. 1\(2\)](#)

Force majeure

7. If, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit—

- (a) authorised deposits outside of the offshore Order limits or disposal site references HU209, HU210 or HU211; or
- (b) unauthorised deposits within or outside of the offshore Order limits or disposal site references HU209, HU210 or HU211,

because the safety of human life and/or of the vessel is threatened, full details of the circumstances of the deposit must be notified to the MMO within 48 hours.

Commencement Information

I165 Sch. 11 para. 7 in force at 7.9.2016, see [art. 1\(2\)](#)

Pre-construction plans and documentation

8.—(1) The licensed activities may not commence until a plan setting out proposed details of the authorised scheme and including the following (insofar as relevant to that activity or phase of activity) has been submitted to and approved in writing by the MMO following appropriate consultation with Trinity House and the MCA—

- (a) number, dimensions, specification, foundation types and depth for each offshore HVAC collector substation, offshore HVDC converter substation and offshore reactive compensation substation;
- (b) grid co-ordinates of the centre point of the proposed location for each offshore HVAC collector substation, offshore HVDC converter substation and offshore reactive compensation substation, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions;
- (c) proposed layout of all cables, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions; and
- (d) location and specification of all other aspects of the authorised scheme, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions.

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

- (a) a construction and monitoring programme, to include details of—
 - (i) the proposed construction start date;
 - (ii) proposed timings for mobilisation of plant, delivery of materials and installation works; and
 - (iii) proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction monitoring and related reporting in accordance with Conditions 13, 14 and 15. The pre-construction survey programme and all pre-construction survey methodologies must be submitted to the MMO for written approval by the MMO in consultation with the relevant statutory nature conservation body at least 4 months before the commencement of any survey works detailed within;
- (b) a construction method statement in accordance with the environmental statement, including details of—
 - (i) foundation installation, including any seabed preparation, drilling and disposal of arisings methods;
 - (ii) installation of offshore HVAC collector substations, offshore HVDC converter substations and offshore reactive compensation substations, including any seabed preparation and scour protection;
 - (iii) circuit installation, including any seabed preparation and circuit protection;

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- (iv) contractors;
 - (v) vessels; and
 - (vi) associated works;
- (c) a project environmental management and monitoring plan, to include details of—
- (i) a marine pollution contingency plan to address the risks, methods and procedures to deal with any spills and collision incidents during construction and operation of the authorised scheme in relation to all activities carried out seaward of MHWS. The plan must include a mechanism for reporting oil, fuel and chemical spills to the MMO Marine Pollution Response Team;
 - (ii) a chemical risk analysis to include information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance;
 - (iii) a disposal plan detailing the locations, methods and timings of dredging and disposal, as well as disposal site monitoring requirements;
 - (iv) waste management and disposal arrangements;
 - (v) locations of any archaeological exclusion zones agreed as part of the written scheme of archaeological investigation approved under sub-paragraph (g);
 - (vi) any seasonal restrictions on construction works; and
 - (vii) the appointment and responsibilities of a fisheries liaison officer, an environmental liaison officer and an intertidal ecological clerk of works;
- (d) a scour protection management and cable armouring plan providing details of the need, type, sources, quantity, location and installation methods for scour protection and cable armouring to be within the scope of the environmental impact assessment recorded in the environmental statement;
- (e) in the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol, the intention of which is to prevent injury and/or significant disturbance to marine mammals, following current best practice as advised by the statutory nature conservation bodies, which may include, but is not limited to—
- (i) identification of a marine mammal mitigation zone (“MMMZ”);
 - (ii) appointment of an appropriate number of suitably qualified marine mammal observers;
 - (iii) methods for the detection of marine mammals within the MMMZ whether visually (by the marine mammal observers) or acoustically using passive acoustic monitoring equipment or other means of detection;
 - (iv) a reporting methodology to enable efficient communication between the marine mammal observers and the person responsible for approving commencement of piling;
 - (v) an appropriate soft start procedure whereby piling activities do not commence until an agreed time has elapsed and during which marine mammals have not been detected within the MMMZ;
 - (vi) where appropriate, methods for the application of acoustic deterrent devices; and
 - (vii) where appropriate, consideration of the use of noise reduction at source technologies;
- (f) a cable specification and installation plan, to include—

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- (i) technical specification of offshore electrical circuits, including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with industry good practice;
 - (ii) a detailed cable laying plan, including geotechnical data, cable laying techniques and a cable burial risk assessment encompassing the identification of any cable protection that exceeds 5% of navigable depth referenced to Chart Datum and, in the event that any area of cable protection exceeding 5% of navigable depth is identified, details of any steps (to be determined following consultation with the MCA) to be taken to ensure existing and future safe navigation is not compromised;
 - (iii) details of the steps to be taken, where the offshore electrical circuits across the intertidal area are buried using trenching or ploughing to ensure that the excavation and subsequent backfilling is carried out in such a way as to maintain the sediment profile so far as is reasonably practicable; and
 - (iv) details of the steps to be taken, where the offshore electrical circuits across the intertidal area are installed using a trenchless technique;
- (g) a written scheme of archaeological investigation in relation to the offshore Order limits seaward of MHWS in accordance with industry good practice to include—
- (i) details of responsibilities of the undertaker, archaeological consultant and contractor;
 - (ii) a methodology for any further site investigation including any specifications for geophysical, geotechnical and diver- or remotely-operated vehicle investigations;
 - (iii) analysis and reporting of survey data to be submitted to the MMO within 4 months of survey completion;
 - (iv) delivery of any mitigation including, where necessary, archaeological exclusion zones;
 - (v) monitoring during and post-construction, including a conservation programme for finds;
 - (vi) archiving of archaeological material; and
 - (vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme;
- (h) a proposed survey and reinstatement plan for Salicornia forming Annex 1 habitat in the parts of the offshore Order limits within which it is proposed to carry out construction works comprised in Work No. 5B, including the circumstances in which reinstatement will be required and the proposed methods of reinstatement;
- (i) an offshore project maintenance plan to be submitted to the MMO at least 4 months before commencement of the operation of the licensed activities and to include provision for the review and resubmission of the plan every 3 years during the operational phase;
- (j) an aids to navigation management plan specifying how the undertaker will ensure compliance with Condition 4 from the start of construction of the authorised scheme seaward of MHWS to the completion of decommissioning.
- (3) Before the submission of the pre-construction plans and documentation required by this Condition, the undertaker must provide a copy of the plans and documentation to the other undertakers under the Order.
- (4) The undertaker must participate in liaison meetings with other undertakers under the Order as requested from time to time by the MMO in writing in advance. The meetings must be chaired by the MMO and must consider such matters as are determined by the MMO relating to the efficient

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operation of a deemed marine licence where it has an impact on the efficient operation of any other deemed marine licence issued under the Order (including as varied or transferred).

- (5) Before giving its approval under paragraph (2), the MMO must—
- (a) in relation to any programme or plan submitted under sub-paragraphs (a), (c), (d), (f), (h) or (i), consult the relevant statutory nature conservation body and the Environment Agency;
 - (b) in relation to any statement or protocol submitted under sub-paragraphs (b) or (e), consult the relevant statutory nature conservation body;
 - (c) in relation to a scheme submitted under sub-paragraph (g), consult Historic England; and
 - (d) in relation to a plan submitted under sub-paragraph (j), consult Trinity House.

(6) In the event that driven or part-driven pile foundations are proposed to be used, the MMO must not approve the plan referred to in paragraph (1) or the code referred to in paragraph (2) unless the MMO is satisfied, after consulting such persons as the Secretary of State may specify in relation to the plan or the part of the code specified by the Secretary of State (in addition to the persons with whom consultation is otherwise required under this Condition), that either the plan or code (or both of them) provide such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2007 Regulations) of a relevant site, to the extent that marine mammals are a protected feature of that site.

- (7) The mitigation referred to in paragraph (6) may include (without limitation)—
- (a) seasonal restrictions to piling;
 - (b) scheduling of piling, having regard to previous, ongoing and future piling associated with other offshore developments, based on an updated assessment of cumulative impacts;
 - (c) the use of alternative foundation methodologies, such as jacket foundations (suction piles) or gravity base foundations;
 - (d) the use of noise reduction at source technologies;
 - (e) the use of other relevant technologies or methodologies that may emerge in the future.

(8) In paragraph (6), “relevant site” means—

- (a) a European offshore marine site;
- (b) a European site.

(9) For the purpose of paragraph (6)—

- (a) the Southern North Sea possible Special Area of Conservation must be treated as a European offshore marine site until—
 - (i) that Area (or any part of it) becomes a European offshore marine site or a European site; or
 - (ii) it is decided that no part of that Area should be a European offshore marine site or a European site; and
- (b) harbour porpoise must be treated as a protected feature of the Southern North Sea possible Special Area of Conservation.

(10) In this Condition—

“2007 Regulations” means the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007;

“disturbance” must be construed in accordance with regulation 39(1)(b) of the 2007 Regulations;

“European offshore marine site” has the meaning given in regulation 15 of the 2007 Regulations;

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“European site” has the meaning given in regulation 24 of the 2007 Regulations;

“Southern North Sea possible Special Area of Conservation” means the Southern North Sea possible Special Area of Conservation as set out in the JNCC 2016 Harbour Porpoise Possible Special Area of Conservation Consultation dated January 2016.

Commencement Information

I166 Sch. 11 para. 8 in force at 7.9.2016, see [art. 1\(2\)](#)

9. The undertaker must ensure that a copy of any agreed archaeological report is deposited with the National Record of the Historic Environment, by submitting a Historic England OASIS form with a digital copy of the report within 6 months of completion of construction of the authorised scheme. The undertaker must notify the MMO and, where the report relates to the intertidal area, Lincolnshire County Council that the OASIS report has been submitted to the National Record of the Historic Environment within 2 weeks of the submission.

Commencement Information

I167 Sch. 11 para. 9 in force at 7.9.2016, see [art. 1\(2\)](#)

10.—(1) Each programme, statement, plan, protocol or scheme required to be approved under Condition 8—

- (a) must be submitted for approval at least 4 months before the intended start of construction, except where otherwise stated or where an alternative date is agreed in writing by the MMO; and
- (b) must be accompanied by—
 - (i) a statement confirming that the undertaker has complied with Condition 8(3) in relation to the programme, statement, plan, protocol or scheme;
 - (ii) any comments received by the undertaker from the other undertakers, or a statement from the undertaker confirming that no such comments were received; and
 - (iii) details of any consultation that has been carried out with the undertakers with the benefit of all or part of the deemed marine licences under the Hornsea One Offshore Wind Farm Order 2014 and any comments received from those undertakers.

(2) The undertaker must comply with the plans and documentation approved under Condition 8 in carrying out the licensed activities unless otherwise agreed in writing by the MMO.

(3) Before agreeing an alternative date under paragraph (1)(a) or a change to approved details under paragraph (2) relating to any document in respect of which consultation is required under Condition 8, the MMO must consult the relevant consultation body referred to in that Condition.

Commencement Information

I168 Sch. 11 para. 10 in force at 7.9.2016, see [art. 1\(2\)](#)

Commencement Information

I166 Sch. 11 para. 8 in force at 7.9.2016, see [art. 1\(2\)](#)

I167 Sch. 11 para. 9 in force at 7.9.2016, see [art. 1\(2\)](#)

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I168 Sch. 11 para. 10 in force at 7.9.2016, see [art. 1\(2\)](#)

Reporting of engaged agents, contractors and vessels

- 11.**—(1) The undertaker must provide the following information to the MMO—
- (a) the name and function of any agent or contractor appointed to engage in the licensed activities at least 5 working days before the commencement of the licensed activities or any part of them; and
 - (b) each week during the construction of the authorised scheme, a completed Hydrographic Note H102 listing the construction 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 and MMO Coastal Office in writing before the agent, contractor or vessel engages in the licensed activities.
- (3) All agents, contractors and vessel operators must comply with the Conditions.

Commencement Information

I169 Sch. 11 para. 11 in force at 7.9.2016, see [art. 1\(2\)](#)

Equipment and operation of vessels engaged in licensed activities

- 12.**—(1) All vessels employed to perform the licensed activities must be constructed and equipped to be capable of the proper performance of the activities in accordance with the Conditions and must comply with paragraphs (2) to (5).
- (2) All motor-powered vessels must be fitted with—
- (a) an electronic positioning aid to provide navigational data;
 - (b) radar;
 - (c) an echo sounder; and
 - (d) multi-channel VHF.
- (3) All vessel names or identification must be clearly marked on the hull or superstructure of the vessel.
- (4) All communication on VHF working frequencies must be in English.
- (5) No vessel may engage in the licensed activities until all the equipment specified in paragraph (2) is fully operational.

Commencement Information

I170 Sch. 11 para. 12 in force at 7.9.2016, see [art. 1\(2\)](#)

Pre-construction monitoring and surveys

- 13.**—(1) The undertaker must, in discharging Condition 8(2)(a), submit details for written approval by the MMO in consultation with the relevant statutory nature conservation body and, in respect of the surveys required under paragraph (2)(b) and (c), in consultation with the Environment Agency, of proposed pre-construction surveys, including methodologies (including appropriate buffers, where relevant) and timings, and a proposed format and content for a pre-construction baseline report; and—

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- (a) the survey proposals must be in general accordance with the principles set out in the in-principle monitoring plan and must specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the post-construction position 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) Subject to receipt from the undertaker of specific proposals pursuant to this Condition, so far as applicable, the pre-construction surveys must comprise, in outline—
- (a) a survey to determine the location, extent and composition of any benthic habitats of conservation, ecological and/or economic importance (including Annex 1 habitats) in the parts of the offshore Order limits in which it is proposed to carry out construction works under this licence;
 - (b) a phase 1 survey of the intertidal area within which it is proposed to carry out construction works;
 - (c) a high-resolution swath bathymetric survey to include a 100% coverage and a side-scan sonar survey of the parts of the offshore Order limits within which it is proposed to carry out construction works and disposal activities under this licence; and
 - (d) a grab survey and particle size analysis in the parts of the offshore Order limits within which it is proposed to carry out dredging and disposal activities relating to Work Nos. 3B and 4B under this licence within a period not greater than 12 months before the dredging and disposal activities to determine the extent of suitable herring spawning habitat within those areas.
- (3) The undertaker must carry out the surveys agreed under paragraph (1) and provide the baseline report to the MMO in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing by the MMO in consultation with the relevant statutory nature conservation body.

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Commencement Information

I171 Sch. 11 para. 13 in force at 7.9.2016, see [art. 1\(2\)](#)

Construction monitoring

14.—(1) The undertaker must, in discharging Condition 8(2)(a), submit details for written approval by the MMO in consultation with the relevant statutory nature conservation body of any proposed construction monitoring, including methodologies and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals must be in general accordance with the principles set out in the in-principle monitoring plan and must specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.

(2) Subject to receipt from the undertaker of specific proposals pursuant to this Condition, so far as applicable, the construction monitoring must comprise, in outline—

- (a) unless the MMO agrees otherwise in writing, measurements of noise generated by the installation of the first 4 foundations of each discrete foundation type comprised in Work No. 2B to be constructed under this licence where driven or part-driven pile foundations are used;

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- (b) recording of any visual sightings or acoustic detection of marine mammals where required as part of the marine mammal mitigation protocol under Condition 8(2)(e); and
- (c) any ornithological monitoring required by the ornithological monitoring plan submitted in accordance with Condition 8(2)(k).

(3) The undertaker must carry out the surveys approved under paragraph (1), including any further noise monitoring required in writing by the MMO under paragraph (4), and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with the relevant statutory nature conservation body.

(4) The results of the initial noise measurements monitored in accordance with paragraph (2)(a) must be provided to the MMO within 6 weeks of the installation of the first 4 foundations of each discrete foundation type, for the MMO to determine, following assessment of this report, whether any further noise monitoring is required.

(5) Construction monitoring must include vessel traffic monitoring by automatic identification system for the duration of the construction period. A report must be submitted to the MMO and the MCA at the end of each year of the construction period.

Commencement Information

I172 Sch. 11 para. 14 in force at 7.9.2016, see [art. 1\(2\)](#)

Post-construction

15.—(1) The undertaker must, in discharging Condition 8(2)(a), submit details for written approval by the MMO in consultation with the relevant statutory nature conservation body and, in respect of the surveys required under paragraph (2)(a), (b) and (c), in consultation with the Environment Agency, of proposed post-construction surveys, including methodologies (including appropriate buffers, where relevant) and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals must be in general accordance with the principles set out in the in-principle monitoring plan and must specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.

(2) Subject to receipt of specific proposals, so far as applicable, the post-construction surveys must comprise, in outline—

- (a) a survey to determine any change in the location, extent and composition of any benthic habitats of conservation, ecological and/or economic importance (including Annex 1 habitats) identified in the pre-construction survey in the parts of the offshore Order limits in which construction works were carried out. The survey design must be informed by the results of the pre-construction benthic survey;
- (b) a high-resolution swath bathymetric survey to be undertaken no sooner than 6 months following completion of construction works and disposal activities to include a 100% coverage of the parts of the offshore Order limits with a water depth no greater than 12 metres (referenced to Chart Datum) within which construction works and disposal activities were carried out under this licence to assess any changes in bedform morphology and such further monitoring as may be required to ensure that the cables have been buried or protected and sediment is able to move over any installed cable protection. The need for further surveys must be agreed in writing with the MMO following submission of the first year of survey data;

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- (c) a high-resolution bathymetric survey of a representative sample area, as may be agreed in writing with the MMO, of the parts of the offshore Order limits with a water depth no greater than 12 metres (referenced to Chart Datum) within which construction works and disposal activities were carried out under this licence following the first major storm event the timing of which must be agreed with the MMO in consultation with Natural England and the Environment Agency;
 - (d) a grab survey and particle size analysis in the parts of the offshore Order limits within which dredging and disposal activities relating to Work Nos. 3B and 4B were carried out under this licence within 12 months of the completion of the dredging and disposal activities to determine the extent of suitable herring spawning ground habitat within those areas; and
 - (e) vessel traffic monitoring by automatic identification system, for 28 days taking account seasonal variations in traffic patterns, for a maximum duration of 1 year post- construction. A report must be submitted to the MMO and the MCA at the end of the first year after construction is completed.
- (3) The undertaker must carry out the surveys agreed under paragraph (1) and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with the relevant statutory nature conservation body.

Commencement Information

I173 Sch. 11 para. 15 in force at 7.9.2016, see [art. 1\(2\)](#)

Offshore decommissioning

16.—(1) No decommissioning activities may commence until a plan for the carrying out of the activities has been submitted to and approved in writing by the MMO and, where the plan relates to the decommissioning of Work No. 4B or 5B, the MMO must consult the Environment Agency before giving its approval.

(2) The plan must be submitted for approval at least 4 months before the intended start of the decommissioning activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.

(3) The plan must be implemented as approved.

Commencement Information

I174 Sch. 11 para. 16 in force at 7.9.2016, see [art. 1\(2\)](#)

Amendments to approved plans, etc.

17.—(1) Where any Condition requires the licensed activities to be carried out in accordance with any plan, programme, code, statement, protocol scheme or details (the “plan”) approved by the MMO, the approved plan must be taken to include any amendment to the plan that may subsequently be approved in writing by the MMO.

(2) Any amendment to the plan must be in accordance with the principles and assessments set out in the environmental statement, and approval for an amendment may be given only where it has been demonstrated to the satisfaction of the MMO that amendment 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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Commencement Information

I175 Sch. 11 para. 17 in force at 7.9.2016, see [art. 1\(2\)](#)

Restrictions in intertidal area and Humber Estuary Special Area of Conservation

18.—(1) The cable protection to be used within the Humber Estuary Special Area of Conservation must be frond mattressing, unless otherwise agreed in writing with the MMO.

(2) No cable protection may be used within the intertidal area of the Humber Estuary Special Area of Conservation.

(3) The undertaker must not construct or install the licensed activities comprised in Work No. 4B or 5B in the intertidal area during the overwintering period unless otherwise agreed in writing with the MMO, in consultation with Natural England.

(4) The undertaker must not construct or install the licensed activities comprised in Work Nos. 4B and 5B in the intertidal area within 500 metres seaward of the seawall during the period of time commencing 2 hours before a high tide predicted to be greater than 6.5 metres Chart Datum and ending 2 hours after a high tide predicted to be greater than 6.5 metres Chart Datum between 1st April and 31st May (inclusive) and 1st August to 30th September (inclusive), unless provided for in the construction and monitoring programme submitted and approved under Condition 8(2)(a) or the construction method statement submitted and approved under Condition 8(2)(b) or unless otherwise agreed in writing by the MMO, in consultation with Natural England.

(5) The undertaker must not carry out inspections in the intertidal area during the overwintering period to the extent that such inspections require to be carried out—

- (a) more than once per overwintering period;
- (b) over more than 2 consecutive days by people on foot; or
- (c) by more than 5 people on foot at any one time,

unless otherwise agreed in writing with the MMO, in consultation with Natural England or unless provided for in the offshore project maintenance plan submitted and approved under Condition 8(2)(i).

(6) Where this Condition provides that the MMO may agree to an alternative to what is otherwise provided under this Condition—

- (a) any alternative must be in accordance with the principles and assessments set out in the environmental statement; and
- (b) agreement to any alternative may be given only where it has been demonstrated to the satisfaction of the MMO that the alternative is unlikely to give rise to any materially new or materially different effects from those assessed in the environmental statement.

(7) In this Condition, “overwintering period” means the period between 1st October and 31st March (inclusive).

Commencement Information

I176 Sch. 11 para. 18 in force at 7.9.2016, see [art. 1\(2\)](#)

SCHEDULE 12

Article 39

Protective provisions

PART 1

Protection for Environment Agency and drainage authorities

1. The provisions of this Part have effect for the protection of a drainage authority unless otherwise agreed in writing between the relevant undertaker and the drainage authority.

Commencement Information

I177 Sch. 12 Pt. 1 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

2. In this Part—

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

“drainage authority” means—

- (a) in relation to an ordinary watercourse, the drainage board concerned within the meaning of section 23 of the Land Drainage Act 1991; and
- (b) in relation to a main river or any sea defence work, the Environment Agency;

“drainage work” means any watercourse other than the River Humber and includes any land that provides or is expected to provide flood storage capacity for any watercourse and any bank, wall, embankment or other structure, or any appliance, constructed or used for land drainage, flood defence, sea defence or tidal monitoring;

“ordinary watercourse” has the meaning given in the Land Drainage Act 1991⁽⁵⁴⁾;

“plans” includes sections, drawings, specifications and method statements;

“relevant undertaker” means—

- (a) in relation to specified work that is Project A works or associated development or ancillary works relating to Project A works, Optimus Wind;
- (b) in relation to specified work that is Project B works or associated development or ancillary works relating to Project B works, Breesea; and
- (c) in relation to specified work that is shared works or associated development or ancillary works relating to shared works, Optimus Wind and Breesea;

“specified work” means so much of any work or operation authorised by this Order as is in, on, under, over or within 16 metres of a drainage work or is otherwise likely to—

- (a) affect any drainage work or the volumetric rate of flow of water in or flowing to or from any drainage work;
- (b) affect the flow, purity, or quality of water in any watercourse; or
- (c) affect the conservation, distribution or use of water resources.

⁽⁵⁴⁾ See section 72(1).

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Commencement Information

I178 Sch. 12 Pt. 1 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

3.—(1) Before beginning to construct any specified work, the relevant undertaker must submit to the drainage authority plans of the specified work and such further particulars available to it as the drainage authority may within 28 days of the submission of the plans reasonably require.

(2) Any such specified work must not be constructed except in accordance with such plans as may be approved in writing by the drainage authority or determined under paragraph 11.

(3) Any approval of the drainage authority required under this paragraph—

- (a) must not be unreasonably withheld or delayed;
- (b) is deemed to have been given if it is neither given nor refused within 2 months of the submission of the plans for approval(or submission of further particulars if required by the drainage authority under sub-paragraph (1)) or, in the case of a refusal, if it is not accompanied by a statement of the grounds of refusal; and
- (c) may be given subject to such reasonable requirements as the drainage authority may make for the protection of any drainage work or, where the drainage authority is the Environment Agency, for the protection of water resources for the prevention of pollution or in the discharge of its environmental duties.

(4) The drainage authority must use its reasonable endeavours to respond to the submission of any plans before the expiration of the period mentioned in sub-paragraph (3)(b).

Commencement Information

I179 Sch. 12 Pt. 1 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

4. Without limiting paragraph 3, the requirements which the drainage authority may make under that paragraph include conditions requiring the relevant undertaker at its own expense to construct such protective works, whether temporary or permanent, during the construction of the specified work (including the provision of flood banks, walls or embankments or other new works and the strengthening, repair or renewal of existing banks, walls or embankments) as are reasonably necessary—

- (a) to safeguard any drainage work against damage; or
- (b) to secure that its efficiency for flood defence purposes is not impaired and that the risk of flooding is not otherwise increased,

by reason of any specified work.

Commencement Information

I180 Sch. 12 Pt. 1 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

5.—(1) Subject to sub-paragraph (2), any specified work, and all protective works required by the drainage authority under paragraph 4, must be constructed—

- (a) without unreasonable delay in accordance with the plans approved or deemed to have been approved or settled under this Part; and
- (b) to the reasonable satisfaction of the drainage authority,

and an officer of the drainage authority is entitled to watch and inspect the construction of such works.

- (2) The relevant undertaker must give to the drainage authority—
- (a) not less than 14 days' notice in writing of its intention to commence construction of any specified work; and
 - (b) notice in writing of its completion not later than 7 days after the date on which it is brought into use.

(3) If the drainage authority reasonably requires, the relevant undertaker must construct all or part of the protective works so that they are in place before the construction of the specified work.

(4) If any part of a specified work or any protective work required by the drainage authority is constructed otherwise than in accordance with the requirements of this Part, the drainage authority may by notice in writing require the relevant undertaker at the relevant undertaker's expense to comply with the requirements of this Part or (if the relevant undertaker so elects and the drainage authority in writing consents, such consent not to be unreasonably withheld or delayed) to remove, alter or pull down the work and, where removal is required, to restore the site to its former condition to such extent and within such limits as the drainage authority reasonably requires.

(5) Subject to sub-paragraph (6), if within a reasonable period, being not less than 28 days from the date when a notice under sub-paragraph (4) is served on the relevant undertaker, the relevant undertaker has failed to begin taking steps to comply with the requirements of the notice and subsequently to make reasonably expeditious progress towards their implementation, the drainage authority may execute the works specified in the notice, and any expenditure incurred by it in so doing is recoverable from the relevant undertaker.

(6) In the event of any dispute as to whether sub-paragraph (4) is properly applicable to any work in respect of which notice has been served under that sub-paragraph, or as to the reasonableness of any requirement of such a notice, the drainage authority must not except in emergency exercise the powers conferred by sub-paragraph (5) until the dispute has been finally determined.

Commencement Information

1181 Sch. 12 Pt. 1 para. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

6.—(1) Subject to sub-paragraph (5) the relevant undertaker must from the commencement of the construction of any specified work maintain in good repair and condition and free from obstruction any drainage work that is situated within the limits of deviation on land held by the relevant undertaker for the purposes of or in connection with the specified work, whether or not the drainage work is constructed under the powers conferred by this Order or is already in existence.

(2) If any drainage work that the relevant undertaker is liable to maintain is not maintained to the reasonable satisfaction of the drainage authority, the drainage authority may by notice in writing require the relevant undertaker to repair and restore the work, or any part of such work, or (if the relevant undertaker so elects and the drainage authority in writing consents, such consent not to be unreasonably withheld or delayed), to remove the work and restore the site to its former condition, to such extent and within such limits as the drainage authority reasonably requires.

(3) If, within a reasonable period being not less than 28 days beginning with the date on which a notice in respect of any drainage work is served under sub-paragraph (2) on the relevant undertaker, the relevant undertaker has failed to begin taking steps to comply with the reasonable requirements of the notice and has not subsequently made reasonably expeditious progress towards their implementation, the drainage authority may do what is necessary for such compliance and may recover any expenditure reasonably incurred by it in so doing from the relevant undertaker.

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(4) In the event of any dispute as to the reasonableness of any requirement of a notice served under sub-paragraph (2), the drainage authority must not except in a case of emergency exercise the powers conferred by sub-paragraph (3) until the dispute has been finally determined.

(5) This paragraph does not apply to—

- (a) drainage works that are vested in the drainage authority or that the drainage authority or another person is liable to maintain and is not prevented by this Order from so doing; and
- (b) any obstruction of a drainage work for the purpose of a work or operation authorised by this Order and carried out in accordance with the provisions of this Part.

Commencement Information

I182 Sch. 12 Pt. 1 para. 6 in force at 7.9.2016, see [art. 1\(2\)](#)

7. If by reason of the construction of any specified work or of the failure of any such work the efficiency of any drainage work for flood defence purposes is impaired, or the drainage work is otherwise damaged, the impairment or damage must be made good by the relevant undertaker to the reasonable satisfaction of the drainage authority and, if the relevant undertaker fails to do so, the drainage authority may make good the impairment or damage and recover from the relevant undertaker the expense reasonably incurred by it in doing so.

Commencement Information

I183 Sch. 12 Pt. 1 para. 7 in force at 7.9.2016, see [art. 1\(2\)](#)

8. The relevant undertaker must indemnify the drainage authority in respect of all costs, charges and expenses that the drainage authority may reasonably incur, have to pay or may sustain—

- (a) in the examination or approval of plans under this Part;
- (b) in inspecting the construction of any specified work or any protective works required by the drainage authority under this Part; and
- (c) in carrying out of any surveys or tests by the drainage authority that are reasonably required in connection with the construction of the specified work.

Commencement Information

I184 Sch. 12 Pt. 1 para. 8 in force at 7.9.2016, see [art. 1\(2\)](#)

9.—(1) Without limiting the other provisions of this Part, the relevant undertaker must indemnify the drainage authority in respect of all claims, demands, proceedings, costs, damages, expenses or loss that may be made or taken against, recovered from or incurred by, the drainage authority by reason of—

- (a) any damage to any drainage work so as to impair its efficiency for the purposes of flood defence;
- (b) any raising or lowering of the water table in land adjoining the authorised development or any sewers, drains and watercourses; or
- (c) any flooding or increased flooding of any such land; and
- (d) where the drainage authority is the Environment Agency, inadequate water quality in any watercourse or other surface waters or in any groundwater,

that is caused by the construction of any specified work or any act or omission of the relevant undertaker, its contractors, agents or employees whilst engaged on the work.

(2) The drainage authority must give to the relevant undertaker reasonable notice of any such claim or demand, and no settlement or compromise may be made without the agreement of the relevant undertaker which agreement must not be unreasonably withheld or delayed.

Commencement Information

I185 Sch. 12 Pt. 1 para. 9 in force at 7.9.2016, see [art. 1\(2\)](#)

10. The fact that any work or thing has been executed or done by the relevant undertaker in accordance with a plan approved or deemed to be approved by the drainage authority, or to its satisfaction, or in accordance with any directions or award of an arbitrator, does not relieve the relevant undertaker from any liability under this Part.

Commencement Information

I186 Sch. 12 Pt. 1 para. 10 in force at 7.9.2016, see [art. 1\(2\)](#)

11. Any dispute between the relevant undertaker and the drainage authority under this Part, if the parties agree, must be determined by arbitration under article 41 (arbitration), but otherwise must be determined by the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Business, Energy and Industrial Strategy acting jointly on a reference to them by the relevant undertaker or the drainage authority, after notice in writing by one to the other.

Commencement Information

I187 Sch. 12 Pt. 1 para. 11 in force at 7.9.2016, see [art. 1\(2\)](#)

PART 2

Protection for Network Rail Infrastructure Limited, etc.

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

Commencement Information

I188 Sch. 12 Pt. 2 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

2. In this Part—

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

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

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“network licence” means the network licence, as amended from time to time, granted to Network Rail Infrastructure Limited by the Secretary of State in exercise of the powers in section 8 of the Railways Act 1993⁽⁵⁵⁾;

“Network Rail” means—

- (a) Network Rail Infrastructure Limited (company number 2904587); and
- (b) any associated company of Network Rail Infrastructure Limited that holds property for railway purposes,

and for the purpose of paragraph (b) “associated company” means any company that is (within the meaning of section 1159 of the Companies Act 2006⁽⁵⁶⁾) 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⁽⁵⁷⁾) or station lease;

“railway property” means—

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

“relevant undertaker” means—

- (a) in relation to specified work that is Project A works or associated development or ancillary works relating to Project A works, Optimus Wind;
- (b) in relation to specified work that is Project B works or associated development or ancillary works relating to Project B works, Breesea; and
- (c) in relation to specified work that is shared works or associated development or ancillary works relating to shared works, Optimus Wind and Breesea;

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

Commencement Information

I189 Sch. 12 Pt. 2 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

3.—(1) Where under this Part 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.

⁽⁵⁵⁾ [1993 c.43](#). Section 8 was amended by paragraph 4 of Schedule 17 and Part 4 of Schedule 31 to the Transport Act 2000 ([c.38](#)), paragraphs 3 and 5 of Schedule 2 to the Railways and Transport Safety Act 2003 ([c.20](#)), paragraph 3 of Schedule 1 and Part 1 of Schedule 13 to the Railways Act 2005 ([c.14](#)) and Part 1 of Schedule 1 to [S.I. 2015/1682](#).

⁽⁵⁶⁾ [2006 c.46](#).

⁽⁵⁷⁾ “Access agreement” is defined in section 83. The definition was amended by section 230 of the Transport Act 2000.

(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 relevant undertaker 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 their reasonable endeavours to avoid any conflict arising between the application of those procedures and the proper implementation of the authorised development pursuant to this Order.

Commencement Information

I190 Sch. 12 Pt. 2 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

4.—(1) The undertaker must not exercise the powers conferred by article 17 (authority to survey and investigate land) or 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 undertaker 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 undertaker must not exercise the powers conferred by sections 271 (extinguishment of rights of statutory undertakers: preliminary notices) or 272 (extinguishment of rights of electronic code communications operators: preliminary notices) of the 1990 Act⁽⁵⁸⁾ or article 28 (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 undertaker must not under the powers of this Order acquire or use or acquire new rights over any railway property except with the consent of Network Rail.

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

Commencement Information

I191 Sch. 12 Pt. 2 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

5.—(1) The relevant undertaker 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 must not be commenced except in accordance with such plans as have been approved in writing by the engineer or settled by arbitration.

(2) The approval of the engineer under sub-paragraph (1) must 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—

- (a) the relevant undertaker may serve on the engineer written notice requiring the engineer to intimate approval or disapproval within a further period of 28 days beginning with the date on which the engineer receives written notice from the relevant undertaker; and
- (b) 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 supplied.

⁽⁵⁸⁾ Section 272 was amended by paragraph 103 of Schedule 17 to the Communications Act 2003.

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

(4) When signifying approval of the plans the engineer may specify any protective works (whether temporary or permanent) that 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 them (including any relocation, de-commissioning or removal of works, apparatus or equipment necessitated by a specified work or the comfort and safety of passengers who may be affected by the specified work), and—

- (a) such protective works as may be reasonably necessary for those purposes must be constructed by Network Rail or by the relevant undertaker, if Network Rail so desires, at the expense of the relevant undertaker in either case, with all reasonable dispatch; and
- (b) the relevant undertaker must not commence the construction of the specified work until the engineer has notified the relevant undertaker that the protective works have been completed to the engineer's reasonable satisfaction.

Commencement Information

I192 Sch. 12 Pt. 2 para. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

6.—(1) Any specified work and any protective works to be constructed by virtue of paragraph 5(4) must, 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 on it 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 relevant undertaker must, notwithstanding any such approval, make good such damage and must 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 Part imposes—

- (a) any liability on the relevant undertaker with respect to any damage, costs, expenses or loss attributable to the negligence of Network Rail or its servants, contractors or agents; or
- (b) any liability on Network Rail with respect of any damage, costs, expenses or loss attributable to the negligence of the relevant undertaker or its servants, contractors or agents.

Commencement Information

I193 Sch. 12 Pt. 2 para. 6 in force at 7.9.2016, see [art. 1\(2\)](#)

7. The relevant undertaker 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.

Commencement Information

I194 Sch. 12 Pt. 2 para. 7 in force at 7.9.2016, see [art. 1\(2\)](#)

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

Commencement Information

I195 Sch. 12 Pt. 2 para. 8 in force at 7.9.2016, see [art. 1\(2\)](#)

9.—(1) If any permanent or temporary alterations or additions to railway property 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, such alterations and additions may be carried out by Network Rail.

(2) If Network Rail gives to the relevant undertaker reasonable notice of its intention to carry out such alterations or additions (which must be specified in the notice), the relevant undertaker 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 that may be expected to be reasonably incurred by Network Rail in maintaining, working and, when necessary, renewing any such alterations or additions.

(3) If during the construction of a specified work by the relevant undertaker, Network Rail gives notice to the relevant undertaker 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 relevant undertaker decides that part of the specified work is to be constructed,—

- (a) Network Rail may assume construction of that part of the specified work; and
- (b) the relevant undertaker must, notwithstanding any approval of a specified work under paragraph 5(1), pay to Network Rail all reasonable expenses to which Network Rail may be put and compensation for any loss that it may suffer by reason of the execution by Network Rail of that part of the specified work.

(4) 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 relevant undertaker may reasonably require.

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

Commencement Information

I196 Sch. 12 Pt. 2 para. 9 in force at 7.9.2016, see [art. 1\(2\)](#)

10. The relevant undertaker 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 relevant undertaker 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 relevant undertaker 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, signallers, guards and other persons whom it may 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 that 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 that 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 work, being lighting made reasonably necessary by reason or in consequence of the construction or failure of a specified work.

Commencement Information

I197 Sch. 12 Pt. 2 para. 10 in force at 7.9.2016, see [art. 1\(2\)](#)

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 that adversely affects the safe operation of Network Rail’s apparatus;

“Network Rail’s apparatus” means any lines, circuits, wires, apparatus or equipment (whether or not modified or installed as part of the authorised development) that 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 the 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 relevant undertaker 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 relevant undertaker must in the design and construction of the authorised development take all measures necessary to prevent EMI and establish with Network Rail (both parties acting reasonably) appropriate arrangements to verify their effectiveness.

- (4) In order to facilitate the relevant undertaker's compliance with sub-paragraph (3)—
- (a) the relevant undertaker must consult Network Rail as early as reasonably practicable to identify all Network Rail's apparatus that may be at risk of EMI, and thereafter must continue to consult 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 relevant undertaker all information in the possession of Network Rail reasonably requested by the relevant undertaker in respect of Network Rail's apparatus identified pursuant to paragraph (a); and
 - (c) Network Rail must allow the relevant undertaker 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 reasonably be prevented only 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 selected are in the reasonable discretion of Network Rail, and in relation to such modifications paragraph 5(1) has effect subject to this sub-paragraph.
- (6) If, at any time before the commencement of commercial operation of the authorised development and notwithstanding any measures adopted pursuant to sub-paragraph (3), the testing or commissioning of the authorised development causes EMI, then the relevant undertaker must immediately on 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) immediately cease to use (or procure the cessation of use of) the relevant undertaker's apparatus causing the EMI until all measures necessary have been taken to remedy the EMI by way of modification to the source of the 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 relevant undertaker must afford reasonable facilities to Network Rail for access to the relevant undertaker's apparatus in the investigation of the EMI;
 - (b) Network Rail must afford reasonable facilities to the relevant undertaker for access to Network Rail's apparatus in the investigation of the EMI; and
 - (c) Network Rail must make available to the relevant undertaker any additional material information in its possession reasonably requested by the relevant undertaker in respect of Network Rail's apparatus or the EMI.
- (8) Where Network Rail approves modifications to Network Rail's apparatus pursuant to sub-paragraphs (5) or (6)—
- (a) Network Rail must allow the relevant undertaker reasonable facilities for the inspection of the relevant part of Network Rail's apparatus; and
 - (b) any modifications to Network Rail's apparatus approved pursuant to those sub-paragraphs must be carried out and completed by the relevant undertaker 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 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 are deemed to be protective works referred to in that sub-paragraph.

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(11) In relation to any dispute arising under this paragraph, the reference in article 41 (arbitration) to an arbitrator to be agreed must be read as a reference to an arbitrator being a member of the Institution of Engineering and Technology to be agreed.

Commencement Information

I198 Sch. 12 Pt. 2 para. 11 in force at 7.9.2016, see [art. 1\(2\)](#)

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 relevant undertaker 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 relevant undertaker 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.

Commencement Information

I199 Sch. 12 Pt. 2 para. 12 in force at 7.9.2016, see [art. 1\(2\)](#)

13. The relevant undertaker—

- (a) 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
- (b) 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.

Commencement Information

I200 Sch. 12 Pt. 2 para. 13 in force at 7.9.2016, see [art. 1\(2\)](#)

14. Any additional expenses that 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 must, provided that 56 days’ previous notice of the commencement of such alteration, reconstruction or maintenance has been given to the relevant undertaker, be repaid by the relevant undertaker to Network Rail.

Commencement Information

I201 Sch. 12 Pt. 2 para. 14 in force at 7.9.2016, see [art. 1\(2\)](#)

15.—(1) The relevant undertaker—

- (a) must pay to Network Rail all reasonable costs, charges, damages and expenses not otherwise provided for in this Part that may be occasioned to or reasonably incurred by Network Rail by reason of—
 - (i) the construction, maintenance or failure of a specified work; or
 - (ii) any act or omission of the relevant undertaker or of any person in its employ or of its contractors or others whilst engaged on a specified work; and

- (b) 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.
- (2) The fact that any act or thing may have been done by Network Rail on behalf of the relevant undertaker or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under the supervision of the engineer does 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 relevant undertaker from any liability under sub-paragraph (1).
- (3) Network Rail must give the relevant undertaker reasonable notice of any such claim or demand, and no settlement or compromise of such a claim or demand may be made without the prior consent of the relevant undertaker.
- (4) The sums payable by the relevant undertaker under sub-paragraph (1) must include a sum equivalent to the relevant costs.
- (5) 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 (4) that relates to the relevant costs of that train operator.
- (6) The obligation under sub-paragraph (4) to pay Network Rail the relevant costs may, 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 (5).
- (7) In this paragraph—
- “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 act or omission as mentioned in sub-paragraph (1);
- “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.

Commencement Information

I202 Sch. 12 Pt. 2 para. 15 in force at 7.9.2016, see [art. 1\(2\)](#)

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

Commencement Information

I203 Sch. 12 Pt. 2 para. 16 in force at 7.9.2016, see [art. 1\(2\)](#)

17. In the assessment of any sums payable to Network Rail under this Part, no account must be taken of 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 relevant undertaker under this Part or increasing the sums so payable.

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Commencement Information

I204 Sch. 12 Pt. 2 para. 17 in force at 7.9.2016, see [art. 1\(2\)](#)

18. Nothing in this Order, or in any enactment incorporated with or applied by this Order, prejudices or affects the operation of Part 1 of the Railways Act 1993.

Commencement Information

I205 Sch. 12 Pt. 2 para. 18 in force at 7.9.2016, see [art. 1\(2\)](#)

19. The undertaker must give written notice to Network Rail where any application is proposed to be made by the undertaker for the Secretary of State's consent under article 35 (transfer of benefit of 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
- (c) the name and address of the person acting for the Secretary of State to whom the application is to be made.

Commencement Information

I206 Sch. 12 Pt. 2 para. 19 in force at 7.9.2016, see [art. 1\(2\)](#)

20. The undertaker 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 40 (certification of plans, etc.), provide a set of those plans to Network Rail in the form of a computer disc with read-only memory.

Commencement Information

I207 Sch. 12 Pt. 2 para. 20 in force at 7.9.2016, see [art. 1\(2\)](#)

PART 3

Protection for operators of electronic communications code networks

1. The provisions of this Part have effect for the protection of an operator unless otherwise agreed in writing between the undertaker and the operator.

Commencement Information

I208 Sch. 12 Pt. 3 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

2. In this Part—

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“conduit system” has the same meaning as in the electronic communications code; and references to providing a conduit system must be construed in accordance with paragraph 1(3A) of the code⁽⁵⁹⁾;

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

“electronic communications code” has the same meaning as in Chapter 1 of Part 2 of the 2003 Act⁽⁶⁰⁾;

“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 that 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;

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

“relevant undertaker” means—

- (a) in relation to authorised development that is Project A works or associated development or ancillary works relating to Project A works, Optimus Wind;
- (b) in relation to authorised development that is Project B works or associated development or ancillary works relating to Project B works, Breesea; and
- (c) in relation to authorised development that is shared works or associated development or ancillary works relating to shared works, Optimus Wind and Breesea.

Commencement Information

I209 Sch. 12 Pt. 3 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

3. Paragraph 23 of Schedule 2 to the Telecommunications Act 1984⁽⁶¹⁾ (which provides a procedure for certain cases where works involve the alteration of electronic communications apparatus) applies in relation to the exercise of the powers of article 28 (statutory undertakers).

Commencement Information

I210 Sch. 12 Pt. 3 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

4.—(1) Subject to sub-paragraphs (2) to (4), if as the result of the authorised development, its construction or any subsidence resulting from that development—

- (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 relevant undertaker must—

⁽⁵⁹⁾ Paragraph 1(3A) was added to the code (Schedule 2 to the Telecommunications Act 1984) by paragraph 4 of Schedule 3 to the Communications Act 2003.

⁽⁶⁰⁾ “The electronic communications code” is defined in section 106(1).

⁽⁶¹⁾ 1984 c.12.

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- (c) bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply;
- (d) make reasonable compensation to an operator for loss sustained by it; and
- (e) indemnify an operator against claims, demands, proceedings, costs, damages and expenses that may be made or taken against, or recovered from, or incurred by, an operator by reason, or in consequence of, any such damage or interruption.

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

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

(4) Any difference arising between the undertaker and the operator under this paragraph must be referred to and settled by arbitration under article 41 (arbitration).

Commencement Information

I211 Sch. 12 Pt. 3 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

5. This Part does not apply to any apparatus in respect of which the relations between the undertaker and an operator are regulated by Part 3 of the 1991 Act.

Commencement Information

I212 Sch. 12 Pt. 3 para. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

PART 4

Protection for utility undertakers

1. The provisions of this Part have effect for the protection of a utility undertaker unless otherwise agreed in writing between the undertaker and the utility undertaker in question.

Commencement Information

I213 Sch. 12 Pt. 4 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

2. In this Part—

“alternative apparatus” means alternative apparatus adequate to enable the utility undertaker in question to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus”—

- (a) in the case of a utility undertaker within paragraph (a) of the definition of that term, means electric lines or electrical plant (as defined in the 1989 Act⁽⁶²⁾) belonging to or maintained by the utility undertaker;

⁽⁶²⁾ See section 64. The definition of “electrical plant” was amended by paragraph 38(3) of Schedule 6 to the Utilities Act 2000 (c.27).

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- (b) in the case of a utility undertaker within paragraph (b) of the definition of that term, means any mains, pipes or other apparatus belonging to or maintained by the utility undertaker for the purposes of gas supply;
- (c) in the case of a utility undertaker within paragraph (c) of the definition of that term, means—
 - (i) mains, pipes or other apparatus belonging to, or maintained by, the utility undertaker for the purposes of water supply; and
 - (ii) any water mains or service pipes (or part of a water main or service pipe) that is the subject of an agreement to adopt made under section 51A of the Water Industry Act 1991(63);
- (d) in the case of a utility undertaker within paragraph (d) of the definition of that term—
 - (i) means—
 - (aa) any drain or works vested in the sewerage undertaker under the Water Industry Act 1991; and
 - (bb) any sewer that is so vested or is the subject of a notice of intention to adopt given under section 102(4) of that Act(64) or an agreement to adopt made under section 104 of that Act; and
 - (ii) 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 in each case includes any structure in which apparatus is or is to be lodged or that 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 on land;

“relevant undertaker” means—

- (a) in relation to works that are Project A works or associated development or ancillary works relating to Project A works, Optimus Wind;
- (b) in relation to works that are Project B works or associated development or ancillary works relating to Project B works, Breesea; and
- (c) in relation to works that are shared works or associated development or ancillary works relating to shared works, Optimus Wind and Breesea;

“utility undertaker” means—

- (a) a licence holder within the meaning of Part 1 of the 1989 Act;
- (b) a gas transporter within the meaning of Part 1 of the Gas Act 1986(65);
- (c) a water undertaker(66); and
- (d) a sewerage undertaker,

for the area of the authorised development and, in relation to any apparatus, means the utility undertaker to whom it belongs or by whom it is maintained; but does not include—

(63) Section 51A was inserted by section 92(1) of the Water Act 2003.

(64) Section 102(4) was amended by section 96 of the Water Act 2003. Section 104 was amended by section 96 of, and Part 3 of Schedule 9 to, the Water Act 2003 and by section 42(3) of the Flood and Water Management Act 2010.

(65) 1986 c.44. “Gas transporter” is defined in section 7. 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.

(66) “Water undertaker” is defined in Schedule 1 to the Interpretation Act 1978.

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- (e) Anglian Water Services Limited (company number 02366656);
- (f) Centrica plc (company number 03033654);
- (g) VPI Immingham LLP (registered number OC300980);
- (h) C.GEN Killingholme Limited (company number 06422434); or
- (i) the Hornsea One companies (as defined in Part 12).

Commencement Information

I214 Sch. 12 Pt. 4 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

3. This Part does not apply to apparatus in respect of which the relations between the undertaker and the utility undertaker are regulated by Part 3 of the 1991 Act.

Commencement Information

I215 Sch. 12 Pt. 4 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

4.—(1) Despite any provision in this Order or anything shown on the land plans the undertaker must not acquire any apparatus other than by agreement.

(2) The undertaker must not in the exercise of the powers in this Order acquire any right over, or occupy or use, all or any part of the electricity sub-station within the land shown numbered plot 510 on the land plans without the consent of the utility undertaker responsible for its operation.

(3) Consent for the purpose of sub-paragraph (2) must not be unreasonably withheld but may be granted subject to reasonable conditions.

Commencement Information

I216 Sch. 12 Pt. 4 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

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

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the relevant undertaker requires the removal of any apparatus placed in that land, it must give to the utility undertaker in question written notice of that requirement, together with a plan and section of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed; and in that case (or if in consequence of the exercise of any of the powers conferred by this Order a utility undertaker reasonably needs to remove any of its apparatus) the relevant undertaker must, subject to sub-paragraph (3), afford to the utility undertaker the necessary facilities and rights for the construction of alternative apparatus in other land of the relevant undertaker and for the subsequent 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 relevant undertaker, or the relevant undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2), in the land in which the alternative apparatus or part of such apparatus is to be constructed, the utility undertaker in question must, on receipt of a written notice to that effect from the relevant undertaker, as soon as reasonably possible use its best

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 relevant undertaker under this Part must be constructed in such manner and in such line or situation as may be agreed between the utility undertaker in question and the relevant undertaker or in default of agreement settled by arbitration in accordance with article 41.

(5) The utility undertaker in question must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 41, and after the grant to the utility undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the relevant undertaker to be removed under this Part.

(6) Despite anything in sub-paragraph (5), if the relevant undertaker gives notice in writing to the utility undertaker in question that it desires itself to execute any work to which this subparagraph applies, that work, instead of being executed by the utility undertaker, must be executed by the relevant undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the utility undertaker.

(7) Sub-paragraph (6) applies to any part of any work necessary in connection with the construction of alternative apparatus, or the removal of apparatus required to be removed, as will take place in any land of the relevant undertaker.

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

Commencement Information

I217 Sch. 12 Pt. 4 para. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

6.—(1) Where, in accordance with this Part, the relevant undertaker affords to a utility undertaker facilities and rights for the construction and maintenance in land of the relevant undertaker of alternative apparatus in substitution for apparatus to be removed, those facilities and rights must be granted on such terms and conditions as may be agreed between the relevant undertaker and the utility undertaker in question or in default of agreement settled by arbitration in accordance with article 41.

(2) In settling those terms and conditions in respect of the alternative apparatus to be constructed, the arbitrator must—

- (a) give effect to all reasonable requirements of the relevant undertaker for ensuring the safety and efficient operation of the electricity generating station and for securing any subsequent alterations or adaptations of the alternative apparatus that may be required to prevent interference with any proposed works of the relevant undertaker; and
- (b) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to the terms and conditions, if any, applicable to the apparatus constructed for which the alternative apparatus is to be substituted.

(3) If the facilities and rights to be afforded by the relevant undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator less favourable on the whole to the utility undertaker in question than the facilities and right enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator must make such provision

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for the payment of compensation by the relevant undertaker to that utility undertaker as appears to the arbitrator to be reasonable, having regard to all the circumstances of the particular case.

Commencement Information

I218 Sch. 12 Pt. 4 para. 6 in force at 7.9.2016, see [art. 1\(2\)](#)

7.—(1) Not less than 28 days before commencing 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 relevant undertaker under that sub-paragraph, the relevant undertaker must submit to the utility undertaker in question a plan, section and description of the works to be executed.

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

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

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

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

(6) The relevant undertaker is not required to comply with sub-paragraph (1) in a case of emergency, but in that case it must give to the utility undertaker in question notice as soon as is reasonably practicable and a plan, section and description of those works as soon as reasonable practicable subsequently and must comply with sub-paragraph (2) in so far as is reasonably practicable in the circumstances.

Commencement Information

I219 Sch. 12 Pt. 4 para. 7 in force at 7.9.2016, see [art. 1\(2\)](#)

8. If in consequence of the exercise of the powers conferred by this Order the access to any apparatus is materially obstructed, the relevant undertaker must provide such alternative means of access to such apparatus as will enable the utility undertaker to maintain or use the apparatus no less effectively than was possible before the obstruction.

Commencement Information

I220 Sch. 12 Pt. 4 para. 8 in force at 7.9.2016, see [art. 1\(2\)](#)

9.—(1) Subject to the following provisions of this paragraph, the relevant undertaker must pay to a utility undertaker the reasonable expenses incurred by the utility undertaker in, or in connection

with, the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus that may be required in consequence of the execution of any works referred to in paragraph 5(2).

(2) The value of any apparatus removed under this Part must be deducted from any sum payable under sub-paragraph (1), that value being calculated after removal.

(3) If in accordance with this Part—

- (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 those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the relevant undertaker or, in default of agreement, is not determined by arbitration in accordance with article 41 to be necessary, then, if such placing involves cost in the construction of works under this Part 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 that apart from this sub-paragraph would be payable to the utility undertaker in question by virtue of sub-paragraph (1) must be reduced by the amount of that excess.

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

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

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

Commencement Information

I221 Sch. 12 Pt. 4 para. 9 in force at 7.9.2016, see [art. 1\(2\)](#)

10.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any 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 a utility undertaker, or there is any interruption in any service provided, or in the supply of any goods, by any utility undertaker, the relevant undertaker must—

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

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

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

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

Commencement Information

I222 Sch. 12 Pt. 4 para. 10 in force at 7.9.2016, see [art. 1\(2\)](#)

PART 5

Protection for Associated British Ports

1. The provisions of this Part have effect for the protection of A. B. Ports unless otherwise agreed in writing between the undertaker and A. B. Ports

Commencement Information

I223 Sch. 12 Pt. 5 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

2. In this Part—

“A. B. Ports” means Associated British Ports;

“accumulation” means any accumulation of silt or other material that constitutes an impediment to navigation;

“construction” includes execution and placing, maintenance, extension, enlargement, alteration, replacement, relaying, and removal (including the removal of the electrical circuits comprised in Work Nos. 6A and 6B); and “construct” and “constructed” must be construed accordingly;

“erosion” means any erosion of the bed or banks of the River Humber or of any jetty or other structure of whatever nature;

“plans” includes sections, descriptions, drawings and specifications;

“relevant undertaker” means—

- (a) in relation to specified works that is Project A works or associated development or ancillary works relating to Project A works, Optimus Wind;
- (b) in relation to specified works that is Project B works or associated development or ancillary works relating to Project B works, Breesea; and
- (c) in relation to specified works that is shared works or associated development or ancillary works relating to shared works, Optimus Wind and Breesea;

“specified works” means so much of Work Nos. 6A and 6B and any associated development or ancillary works as are within A. B. Ports’ jurisdiction.

Commencement Information

I224 Sch. 12 Pt. 5 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

3. The undertaker must not under the powers of this Order acquire land or acquire new rights over land held by A. B. Ports for the purpose of its statutory undertaking without the consent of A. B. Ports, which consent must not be unreasonably withheld but may be given subject to reasonable conditions.

Commencement Information

I225 Sch. 12 Pt. 5 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

4.—(1) Before commencing the construction of the specified works, the relevant undertaker must furnish to A. B. Ports for its approval, which it must not unreasonably withhold, plans of the specified works showing the general mode of construction, depth and method of trenching and possible cable protection; and the specified works—

- (a) must not be constructed otherwise than in accordance with the plans approved by A. B. Ports; and
- (b) must be executed to the reasonable satisfaction of A. B. Ports.

(2) When submitting plans in respect of the specified works to the Secretary of State pursuant to article 40 (certification of plans, etc.), the relevant undertaker must—

- (a) send a copy of those plans to A. B. Ports; and
- (b) on receipt of approval of plans or of any conditions or restrictions imposed by the Secretary of State, send a copy to A. B. Ports.

(3) If A. B. Ports fails to express its disapproval of any plans within 56 days after they have been furnished to it under sub-paragraph (1), it is deemed to have approved them.

Commencement Information

I226 Sch. 12 Pt. 5 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

5. The relevant undertaker must give to A. B. Ports—

- (a) not less than 14 days' written notice of its intention to commence the construction of the specified works; and
- (b) not more than 14 days after completion of the construction, written notice of such completion.

Commencement Information

I227 Sch. 12 Pt. 5 para. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

6. The relevant undertaker must at all reasonable times during construction of the specified works and afterwards allow A. B. Ports, its servants and agents, access to the specified works and all reasonable facilities for inspection of the specified works.

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Commencement Information

I228 Sch. 12 Pt. 5 para. 6 in force at 7.9.2016, see [art. 1\(2\)](#)

7.—(1) After the purpose of any temporary works has been accomplished, the relevant undertaker must with all reasonable dispatch, or after a reasonable period of notice in writing from A. B. Ports requiring the relevant undertaker so to do, remove any such temporary works or any materials relating to them that may have been placed below the level of high water by or on behalf of the relevant undertaker.

(2) If the relevant undertaker fails to do so within a reasonable period after receiving such notice, A. B. Ports may remove them and may recover the reasonable costs of doing so from the relevant undertaker.

Commencement Information

I229 Sch. 12 Pt. 5 para. 7 in force at 7.9.2016, see [art. 1\(2\)](#)

8.—(1) If during the construction of the specified works it is agreed, or in the absence of agreement it is proved to the satisfaction of an arbitrator appointed under article 41 (arbitration), that any accumulation or erosion has been caused wholly or partly by the construction of the specified works or exercise of powers under this Order, the relevant undertaker, if so requested by A. B. Ports acting reasonably, must remedy the accumulation or erosion to the extent attributable to the construction or exercise of powers.

(2) If the relevant undertaker refuses or fails to do so, A. B. Ports may itself cause the work to be done and may recover the reasonable cost of doing so from the relevant undertaker.

Commencement Information

I230 Sch. 12 Pt. 5 para. 8 in force at 7.9.2016, see [art. 1\(2\)](#)

9. The relevant undertaker must pay to A. B. Ports the reasonable costs of such alterations to the marking and lighting of the navigational channel of the river as may be necessary during or in consequence of the construction of the specified works.

Commencement Information

I231 Sch. 12 Pt. 5 para. 9 in force at 7.9.2016, see [art. 1\(2\)](#)

10.—(1) Without limiting the other provisions of this Part, the relevant undertaker must indemnify A. B. Ports in respect of all losses, costs, charges, damages and expenses however caused (including a reasonable and proper proportion of the overhead charges of A. B. Ports) that may reasonably be incurred by or occasioned to A. B. Ports by reason of or arising from or in connection with—

- (a) the perusal of plans and the inspection of the specified works by A. B. Ports or its duly authorised representative;
- (b) the construction or failure of the specified works or the undertaking by A. B. Ports of works or measures to prevent or remedy danger or impediment to navigation or damage to any property of A. B. Ports arising from such construction or failure; or

(c) any act or omission of the relevant undertaker or its servants or agents whilst engaged in the construction of any of the specified works.

(2) Without limiting sub-paragraph (1), the relevant undertaker must indemnify A. B. Ports in respect of all claims and demands arising out of, or in connection with, such construction, or failure or act or omission as is mentioned in that sub-paragraph.

(3) Nothing in this paragraph imposes any liability on the relevant undertaker to the extent that any losses, costs, charges, damages, expenses, claims or demands referred to in sub-paragraph (1) or (2) are attributable to negligence on the part of A. B. Ports or of any person in its employ or of its contractors or agents.

(4) A. B. Ports must give to the relevant undertaker notice in writing of any claim or demand for which the relevant undertaker may be liable under this paragraph, and no settlement or compromise of any such claim or demand may be made without the consent in writing of the relevant undertaker.

Commencement Information

I232 Sch. 12 Pt. 5 para. 10 in force at 7.9.2016, see [art. 1\(2\)](#)

11. The fact that any work or thing has been executed or done with the consent of A. B. Ports and in accordance with any conditions or restrictions prescribed by A. B. Ports or in accordance with any plans approved or deemed to be approved by A. B. Ports or to its satisfaction or in accordance with any directions or award of any arbitrator or in accordance with any plans approved by the Secretary of State and any conditions or restrictions imposed by the Secretary of State does not relieve the relevant undertaker from any liability under this Part.

Commencement Information

I233 Sch. 12 Pt. 5 para. 11 in force at 7.9.2016, see [art. 1\(2\)](#)

12. With the exception of any duty owed by A. B. Ports to the relevant undertaker expressly provided for in this Part, nothing in this Order must be construed as imposing on A. B. Ports, either directly or indirectly, any form of duty or liability to which A. B. Ports would not otherwise be subject which is enforceable by proceedings before any court.

Commencement Information

I234 Sch. 12 Pt. 5 para. 12 in force at 7.9.2016, see [art. 1\(2\)](#)

13. Nothing in this Order affects prejudicially any statutory or other rights, powers or privileges vested in, or enjoyed by, A. B. Ports at the commencement of this Order or any title of A. B. Ports in, to or over any lands or foreshore held or acquired by it.

Commencement Information

I235 Sch. 12 Pt. 5 para. 13 in force at 7.9.2016, see [art. 1\(2\)](#)

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PART 6

Protection for Anglian Water Services Limited

1. The provisions of this Part have effect for the protection of Anglian Water unless otherwise agreed in writing between the undertaker and Anglian Water.

Commencement Information

I236 Sch. 12 Pt. 6 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

2. In this Part—

“alternative apparatus” means alternative apparatus adequate to enable Anglian Water to fulfill its statutory functions in no less efficient a manner than previously;

“Anglian Water” means Anglian Water Services Limited (company number 02366656);

“apparatus” means—

(a) any works, mains, pipes or other apparatus belonging to or maintained by Anglian Water for the purposes of water supply and sewerage;

(b) any drain or works vested in Anglian Water under the Water Industry Act 1991; and

(c) any sewer that 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 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 will 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 on land;

“plan” includes section, drawing, specification and method statement;

“relevant undertaker” means—

(a) in relation to works that are Project A works or associated development or ancillary works relating to Project A works, Optimus Wind;

(b) in relation to works that are Project B works or associated development or ancillary works relating to Project B works, Breesea; and

(c) in relation to works that are shared works or associated development or ancillary works relating to shared works, Optimus Wind and Breesea.

Commencement Information

I237 Sch. 12 Pt. 6 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

3. This Part does not apply to apparatus in respect of which the relations between the undertaker and Anglian Water are regulated by the provisions of Part 3 of the 1991 Act.

Commencement Information

I238 Sch. 12 Pt. 6 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

4.—(1) The relevant undertaker must not—

- (a) execute any works that interfere with, build over or are near to any apparatus within the Order land;
- (b) execute the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus; or
- (c) where the apparatus is laid in a trench, execute any filling around the apparatus 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—
 - (i) 2.25 metres, where the diameter of the pipe is less than 150 millimetres;
 - (ii) 3 metres, where the diameter of the pipe is 150 millimetres or more but less than 450 millimetres;
 - (iii) 4.5 metres, where the diameter of the pipe is 450 millimetres or more but less than 750 millimetres; and
 - (iv) 6 metres, where the diameter of the pipe is 750 millimetres or more,

unless the relevant undertaker has submitted to Anglian Water, not less than 28 days before starting the execution of any works, a plan and description of the works to be executed.

(2) The works must be executed only in accordance with the plan 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 Anglian Water for the alteration or otherwise for the protection of the apparatus, or for securing access to it; and an officer of Anglian Water is entitled to watch and inspect the execution of the works.

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

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

(5) The relevant undertaker is not required to comply with sub-paragraph (1) in a case of emergency, but in that case it must give to Anglian Water notice as soon as is reasonably practicable and a plan and description of the works as soon as reasonably practicable subsequently and must comply with sub-paragraph (2) in so far as is reasonably practicable in the circumstances.

(6) It is reasonable for Anglian Water to require that the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus, or the filling around the apparatus (where the apparatus is laid in a trench) be executed by Anglian Water.

(7) Anglian Water must execute any requirement made under sub-paragraph (6) in a timely manner.

Commencement Information

I239 Sch. 12 Pt. 6 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

5. The alteration, extension, removal or relocation of any apparatus must not be implemented until—

- (a) any requirement for any permits under the Environmental Permitting (England and Wales) Regulations 2010 or other legislation and any other associated consents are obtained, and

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any approval or agreement required from Anglian Water on alternative outfall locations as a result of such relocation are obtained, such approvals or agreements from Anglian Water not to be unreasonably withheld or delayed; and

- (b) the relevant undertaker has given to Anglian Water written notice of its requirement to alter, extend, remove or relocate apparatus together with a plan and description of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed, 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 for the alteration or otherwise for the protection of the apparatus, or for securing access to it.

Commencement Information

I240 Sch. 12 Pt. 6 para. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

6. If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the relevant undertaker, Anglian Water must, on receipt of a written notice to that effect from the relevant undertaker, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed.

Commencement Information

I241 Sch. 12 Pt. 6 para. 6 in force at 7.9.2016, see [art. 1\(2\)](#)

7. Any alternative apparatus to be constructed in land of the relevant undertaker under this Part must be constructed in such manner and in such line or situation as may be agreed between Anglian Water and the relevant undertaker or in default of agreement settled by arbitration in accordance with article 41 (arbitration).

Commencement Information

I242 Sch. 12 Pt. 6 para. 7 in force at 7.9.2016, see [art. 1\(2\)](#)

8.—(1) Where, in exercise of the powers conferred by this Order,—

- (a) the relevant undertaker acquires any interest in any land in which apparatus is placed; and
 (b) the apparatus is to be relocated, extended, removed or altered in any way,

no alteration or extension may take place until Anglian Water has established, to its reasonable satisfaction, contingency arrangements in order to conduct its functions for the duration of the works to relocate, extend, remove or alter the apparatus.

(2) Anglian Water must use reasonable endeavours to establish contingency arrangements in a timely manner.

Commencement Information

I243 Sch. 12 Pt. 6 para. 8 in force at 7.9.2016, see [art. 1\(2\)](#)

9. Despite any provision in this Order or anything shown on any plan, the relevant undertaker must not acquire any apparatus otherwise than by agreement; and before extinguishing any existing rights for Anglian Water to use, keep, inspect, renew and maintain its apparatus in the Order land,

the relevant undertaker must, with the agreement of Anglian Water, create a new right to use, keep, inspect, renew and maintain the apparatus that is reasonably convenient for Anglian Water, such agreement not to be unreasonably withheld or delayed, and to be subject to arbitration under article 41.

Commencement Information

I244 Sch. 12 Pt. 6 para. 9 in force at 7.9.2016, see [art. 1\(2\)](#)

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

Commencement Information

I245 Sch. 12 Pt. 6 para. 10 in force at 7.9.2016, see [art. 1\(2\)](#)

11. If, in consequence of the exercise of the powers conferred by this Order, previously unmapped sewers, lateral drains or other apparatus are identified by the relevant undertaker, notification of the location of such assets must be given to Anglian Water as soon as reasonably practicable and, if identified by Anglian Water as being within its responsibility, must be afforded the same protection as other Anglian Water assets.

Commencement Information

I246 Sch. 12 Pt. 6 para. 11 in force at 7.9.2016, see [art. 1\(2\)](#)

12. If, for any reason or in consequence of the construction of any of the works referred to in paragraphs 4 to 9 and 11, 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 relevant undertaker must—

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

by reason or in consequence of the damage or interruption.

Commencement Information

I247 Sch. 12 Pt. 6 para. 12 in force at 7.9.2016, see [art. 1\(2\)](#)

13. The relevant undertaker must pay to Anglian Water the reasonable expenses incurred by Anglian Water in executing the works reasonably required under paragraph 4(6) and paragraph 5 and in complying with a written notice under paragraph 6.

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Commencement Information

I248 Sch. 12 Pt. 6 para. 13 in force at 7.9.2016, see [art. 1\(2\)](#)

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

Commencement Information

I249 Sch. 12 Pt. 6 para. 14 in force at 7.9.2016, see [art. 1\(2\)](#)

15. Any difference or dispute arising between the undertaker and Anglian Water under this Part must, unless otherwise agreed in writing between the undertaker and Anglian Water, be determined by arbitration in accordance with article 41.

Commencement Information

I250 Sch. 12 Pt. 6 para. 15 in force at 7.9.2016, see [art. 1\(2\)](#)

PART 7

Protection for Centrica plc

1. The provisions of this Part have effect for the protection of Centrica unless otherwise agreed in writing between the undertaker and Centrica.

Commencement Information

I251 Sch. 12 Pt. 7 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

2. In this Part—

“access road” means the road providing access to Centrica’s power station from Chase Hill Road;

“apparatus” means Centrica’s pipelines, cables, structures, or other electrical, gas or telecommunication infrastructure owned, occupied or maintained by Centrica for the purposes of its undertaking;

“Centrica” means Centrica plc (company number 03033654) and all of its subsidiaries and group companies including but not limited to Centrica KPS Limited (company number 05006144), Centrica Storage Limited (company number 03294124) and Centrica Energy Limited (company number 02877398) or any successor company in title and function;

“relevant undertaker” means—

- (a) in relation to works which are Project A works or associated development or ancillary works relating to Project A works, Optimus Wind;
- (b) in relation to works which are Project B works or associated development or ancillary works relating to Project B works, Breesea; and
- (c) in relation to works which are shared works or associated development or ancillary works relating to shared works, Optimus Wind and Breesea.

Commencement Information

I252 Sch. 12 Pt. 7 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

3. Before extinguishing any existing rights for Centrica to place, install, keep, inspect, renew and maintain its apparatus on, over or in the Order land or to cross the Order land to access its apparatus, the relevant undertaker, with the agreement of Centrica, must create a new right, which is consistent with the existing right being extinguished, to place, install, keep, inspect, renew and maintain the apparatus in the same location or a new right of access that is reasonably convenient for Centrica, such agreement not to be unreasonably withheld or delayed.

Commencement Information

I253 Sch. 12 Pt. 7 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

4.—(1) Except where paragraph 5 applies, no works may commence within 10 metres of apparatus or on, to or within 10 metres in any direction of the access road until a construction method statement to protect the apparatus or the access road as the case may be has been prepared by the relevant undertaker and submitted to and agreed with Centrica (provided that Centrica must not unreasonably withhold or delay such agreement).

(2) The construction method statement must include provisions in respect of—

- (a) the location and methods of reinforcement of crossing points over the apparatus and restrictions on building and altering the ground level over the apparatus elsewhere;
- (b) a mechanism for the enforcement of the relevant undertaker's use of designated crossing points over the apparatus and the agreed reinforcement methods; and
- (c) adoption of a prior notification and consent regime which would require the relevant undertaker to—
 - (i) seek Centrica's consent to the carrying out of the proposed development within the vicinity of the apparatus or on or to the access road, such consent not to be unreasonably withheld, and comply with any reasonable conditions attached by Centrica to its consent; and
 - (ii) notify Centrica of its intention to carry out any development within the vicinity of the apparatus or on or to the access road, such notification to be provided at least 48 hours before any such development occurs; and

the authorised development must be carried out in accordance with the approved construction method statement.

Commencement Information

I254 Sch. 12 Pt. 7 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

5.—(1) If the relevant undertaker acquires or overrides any interest in any land in which apparatus is laid, the apparatus must not be removed under this Part and any right of Centrica to maintain the apparatus in that land must not be extinguished until alternative apparatus has been constructed at the relevant undertaker's expense and is in operation to the reasonable satisfaction of Centrica in accordance with sub-paragraphs (2) to (5).

(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 relevant undertaker requires the removal of apparatus in

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that land, it must give to Centrica 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, Centrica reasonably needs to remove the apparatus) the relevant undertaker must, subject to sub-paragraph (3), afford to Centrica to its satisfaction (taking into account paragraph 6(1)) the necessary facilities and rights for—

- (a) the construction of an alternative apparatus in other land of the relevant undertaker or Centrica; and
- (b) subsequently 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 relevant undertaker or Centrica, or the relevant undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed, Centrica must, on receipt of a written notice to that effect from the relevant undertaker, take such steps as are reasonable in the circumstances in an endeavour to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed, except that this obligation does not extend to the requirement for Centrica to seek compulsory purchase powers to this end unless it elects to so do.

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

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

Commencement Information

I255 Sch. 12 Pt. 7 para. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

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

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

Commencement Information

I256 Sch. 12 Pt. 7 para. 6 in force at 7.9.2016, see [art. 1\(2\)](#)

7. If for any reason or in consequence of the construction or operation of the authorised development 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 Centrica or to the access road, the relevant undertaker must bear and pay the cost reasonably incurred by Centrica in making good any damage by reason or in consequence of any such damage, provided that the maximum liability of the relevant undertaker or the maximum liability of the relevant undertakers (in aggregate) is limited to £50,000,000 per claim or series of claims arising from 1 event.

Commencement Information

I257 Sch. 12 Pt. 7 para. 7 in force at 7.9.2016, see [art. 1\(2\)](#)

8. The relevant undertaker must use its best endeavours to co-ordinate the execution and operation 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 Centrica's undertaking, and Centrica must use its best endeavours to co-operate with the relevant undertaker for that purpose.

Commencement Information

I258 Sch. 12 Pt. 7 para. 8 in force at 7.9.2016, see [art. 1\(2\)](#)

9. Despite any provision in this Order or anything shown on the land plans or contained in the book of reference, the undertaker must not acquire any apparatus, override any easement or other interest of Centrica, acquire any land or other interest of Centrica or create any new rights over any land or other interest of Centrica otherwise than by agreement of Centrica, which agreement must not be unreasonably withheld.

Commencement Information

I259 Sch. 12 Pt. 7 para. 9 in force at 7.9.2016, see [art. 1\(2\)](#)

10. Any dispute arising between the undertaker and Centrica under this Part must be determined by arbitration as provided in article 41 (arbitration).

Commencement Information

I260 Sch. 12 Pt. 7 para. 10 in force at 7.9.2016, see [art. 1\(2\)](#)

PART 8

Protection for VPI Immingham LLP

1. The provisions of this Part have effect for the protection of VPI unless otherwise agreed in writing between the undertaker and VPI.

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Commencement Information

I261 Sch. 12 Pt. 8 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

2. In this Part—

“pipeline” means the gas pipeline crossing the Order land owned and operated by VPI used at various times for the passage of gas and all ancillary apparatus including such works and apparatus properly appurtenant to the pipeline as are specified by section 65(2) of the Pipelines Act 1962⁽⁶⁷⁾;

“relevant undertaker” means—

- (a) in relation to works which are Project A works or associated development or ancillary works relating to Project A works, Optimus Wind;
- (b) in relation to works which are Project B works or associated development or ancillary works relating to Project B works, Breesea; and
- (c) in relation to works which are shared works or associated development or ancillary works relating to shared works, Optimus Wind and Breesea;

“VPI” means VPI Immingham LLP (registered number OC300980).

Commencement Information

I262 Sch. 12 Pt. 8 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

3. Before commencing any part of the authorised development or the operation of the authorised development that would have an effect on the operation and maintenance of the pipeline and access to it, the relevant undertaker must submit to VPI plans and sections of the proposed works and such further particulars as VPI may, within 28 days from the day on which plans and sections are submitted under this paragraph, reasonably require.

Commencement Information

I263 Sch. 12 Pt. 8 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

4. No works comprising any part of the authorised development or the operation of the authorised development that would have an effect in full or in part on the operation, maintenance, repair, replacement and abandonment of the pipeline and access to it may be commenced until plans and sections in respect of the works submitted under paragraph 3 have been approved by VPI.

Commencement Information

I264 Sch. 12 Pt. 8 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

5. Any approval of VPI required under paragraph 4 must not be unreasonably withheld or delayed but may be given subject to such reasonable requirements as VPI may require to be made for—

- (a) the continuing safety and operational viability of the pipeline; and
- (b) the requirement for VPI to have uninterrupted and unimpeded access to the pipeline at all times.

⁽⁶⁷⁾ 1962 c.58. Section 65(2) was amended by paragraph 6 of Schedule 2 to the Energy Act 2011 (c.16) and S.I. 2000/1937 and 2011/2305.

Commencement Information

I265 Sch. 12 Pt. 8 para. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

6.—(1) Subject to sub-paragraphs (2) and (3), if, by reason or in consequence of the construction of any of the works referred to in paragraph 3, any damage is caused to any apparatus or property of VPI, or there is any interruption in any service provided, or in the supply of any goods, by VPI, the relevant undertaker must—

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

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

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

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

Commencement Information

I266 Sch. 12 Pt. 8 para. 6 in force at 7.9.2016, see [art. 1\(2\)](#)

7. Any dispute arising between the undertaker and VPI under this Part must be determined by arbitration as provided in article 41 (arbitration).

Commencement Information

I267 Sch. 12 Pt. 8 para. 7 in force at 7.9.2016, see [art. 1\(2\)](#)

PART 9

Protection for Phillips 66 Limited

1. The provisions of this Part have effect for the protection of P66 unless otherwise agreed in writing between the undertaker and P66.

Commencement Information

I268 Sch. 12 Pt. 9 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

2. In this Part—

“P66” means Phillips 66 Limited (company number 529086);

“pipeline” means the crude oil pipeline owned and operated by P66 used at various times for the passage of multi-purpose hydrocarbon fuels and all ancillary apparatus including such

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works and apparatus properly appurtenant to the pipeline as are specified by section 65(2) of the Pipe-lines Act 1962;

“relevant undertaker” means—

- (a) in relation to works which are Project A works or associated development or ancillary works relating to Project A works, Optimus Wind;
- (b) in relation to works which are Project B works or associated development or ancillary works relating to Project B works, Breesea; and
- (c) in relation to works which are shared works or associated development or ancillary works relating to shared works, Optimus Wind and Breesea.

Commencement Information

I269 Sch. 12 Pt. 9 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

3. Before commencing any part of the authorised development or the operation of the authorised development that would have an effect on the operation and maintenance of the pipeline and access to it, the relevant undertaker must submit to P66 plans and sections of the proposed works and such further particulars as P66 may, within 28 days from the day on which plans and sections are submitted under this paragraph, reasonably require.

Commencement Information

I270 Sch. 12 Pt. 9 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

4. No works comprising any part of the authorised development or the operation of the authorised development that would have an effect in full or in part on the operation, maintenance, repair, replacement and abandonment of the pipeline and access to it may be commenced until plans and sections in respect of the works submitted under paragraph 3 have been approved by P66.

Commencement Information

I271 Sch. 12 Pt. 9 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

5. Any approval of P66 required under paragraph 4 must not be unreasonably withheld or delayed but may be given subject to such reasonable requirements as P66 may require to be made for—

- (a) the continuing safety and operational viability of the pipeline; and
- (b) the requirement for P66 to have uninterrupted and unimpeded access to the pipeline at all times.

Commencement Information

I272 Sch. 12 Pt. 9 para. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

6.—(1) Subject to sub-paragraphs (2) and (3), if, by reason or in consequence of the construction of any of the works referred to in paragraph 3, any damage is caused to any apparatus or property of P66, or there is any interruption in any service provided, or in the supply of any goods, by P66, the relevant undertaker must—

- (a) bear and pay the cost reasonably incurred by P66 in making good such damage or restoring the supply; and

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(b) make reasonable compensation to P66 for any other expenses, loss, damages, penalty or costs incurred by P66,

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

(2) Nothing in sub-paragraph (1) imposes any liability on the relevant undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of P66, its officers, servants, contractors or agents.

(3) P66 must give the relevant undertaker reasonable notice of any claim or demand, and no settlement or compromise may be made without the consent of the relevant undertaker, which, if it withholds consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

Commencement Information

I273 Sch. 12 Pt. 9 para. 6 in force at 7.9.2016, see [art. 1\(2\)](#)

7. Any dispute arising between the undertaker and P66 under this Part must be determined by arbitration as provided in article 41(arbitration).

Commencement Information

I274 Sch. 12 Pt. 9 para. 7 in force at 7.9.2016, see [art. 1\(2\)](#)

PART 10

Protection for ConocoPhillips (U.K.) Limited

1. The provisions of this Part have effect for the protection of ConocoPhillips unless otherwise agreed in writing between the undertaker and ConocoPhillips.

Commencement Information

I275 Sch. 12 Pt. 10 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

2. In this Part—

“ConocoPhillips” means ConocoPhillips (U.K.) Limited (company number 00524868);

“pipeline” means the condensate pipeline running from the ConocoPhillips Theddlethorpe Gas Terminal to the Humber Oil Refinery, operated by ConocoPhillips on behalf of the pipeline owners and all ancillary apparatus including such works and apparatus properly appurtenant to the pipeline as are specified by section 65(2) of the Pipe-lines Act 1962;

“relevant undertaker” means—

- (a) in relation to works which are Project A works or associated development or ancillary works relating to Project A works, Optimus Wind;
- (b) in relation to works which are Project B works or associated development or ancillary works relating to Project B works, Breesea; and
- (c) in relation to works which are shared works or associated development or ancillary works relating to shared works, Optimus Wind and Breesea.

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Commencement Information

I276 Sch. 12 Pt. 10 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

3. Not less than 28 days before commencing any part of the authorised development or the operation of the authorised development that is near to and would or may have an effect on the operation and maintenance of the pipeline and access to it, the relevant undertaker must submit to ConocoPhillips plans and sections of the proposed works and such further particulars as ConocoPhillips may, within 28 days from the day on which plans and sections are submitted under this paragraph, reasonably require.

Commencement Information

I277 Sch. 12 Pt. 10 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

4. No works comprising any part of the authorised development or the operation of the authorised undertaking which would have an effect in full or in part on the operation, maintenance, repair, replacement and abandonment of the pipeline and access to it may be commenced until plans and sections in respect of the works submitted under paragraph 3 have been approved by ConocoPhillips.

Commencement Information

I278 Sch. 12 Pt. 10 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

5. Any approval of ConocoPhillips required under paragraph 4 must not be unreasonably withheld or delayed but may be given subject to such reasonable requirements as ConocoPhillips may require to be made for—

- (a) the continuing safety and operational viability of the pipeline; and
- (b) the requirement for ConocoPhillips to have uninterrupted and unimpeded access to the pipeline at all times.

Commencement Information

I279 Sch. 12 Pt. 10 para. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

6.—(1) Subject to sub-paragraphs (2) and (3), if, by reason or in consequence of the construction of any of the works referred to in paragraph 3, any damage is caused to any apparatus or property of ConocoPhillips, or there is any interruption in any service provided, or in the supply of any goods, by ConocoPhillips, the relevant undertaker must—

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

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

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

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

Commencement Information

I280 Sch. 12 Pt. 10 para. 6 in force at 7.9.2016, see [art. 1\(2\)](#)

7. Any dispute arising between the undertaker and ConocoPhillips under this Part must be determined by arbitration as provided in article 41 (arbitration).

Commencement Information

I281 Sch. 12 Pt. 10 para. 7 in force at 7.9.2016, see [art. 1\(2\)](#)

PART 11

Protection for C.GEN Killingholme Limited

1. The provisions of this Part apply to govern the relationship between the undertaker and C.GEN unless otherwise agreed in writing between the undertaker and C.GEN.

Commencement Information

I282 Sch. 12 Pt. 11 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

2. In this Part—

“approving party” means the party from whom an approval should be, has been or should have been obtained under this Part, being—

(a) in the case of specified works by C.GEN, Optimus Wind and Breesea, to the extent that they continue to have powers under this Order in respect of any part of the Order land shown numbered 503, 505, 506, 507 or 509 on the land plans, and any party who has powers under this Order in respect of that Order land by virtue of article 35 (transfer of benefit of Order); and

(b) in the case of specified works by the undertaker, C.GEN;

“C.GEN” means C.GEN Killingholme Limited (company number 06422434);

“C.GEN relevant land” means the area of land shown coloured yellow on the Plan;

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

“crossing zones” means those areas of land shown coloured green on the Plan;

“dominant land” means the Order land shown numbered 500 and 506 on the land plans;

“drainage ditch” means the ditch shown by a black line marked “Drain” on the Plan;

“grid connection land” means the C.GEN relevant land, the thermal buffer zone and the crossing zones;

“Hornsea Project Substation Site” means the site shown outlined in pink on the Plan;

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“Plan” means the plan certified as the C.GEN protective provisions plan by the Secretary of State under article 40 (certification of plans, etc.);

“plans” includes sections, drawings, specifications, designs, design data, software, 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 the grid connection land;

“promoting party” means the party who is seeking, has sought or should have sought an approval under this Part, being—

- (a) the undertaker, in the case of specified works by the undertaker; and
- (b) C.GEN, in the case of specified works by C.GEN;

“servient land” means any pond, ponds or any watercourse on land under the ownership of C.GEN as at the date of this Order;

“specified works” means so much of any works or operations by the undertaker or C.GEN as is in, on, under or over the grid connection land;

“thermal buffer zone” means the area of land shown coloured red on the Plan.

Commencement Information

I283 Sch. 12 Pt. 11 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

3. The undertaker must not under the powers of this Order acquire—

- (a) new rights over the C.GEN relevant land; or
- (b) new rights over the thermal buffer zone, except for the purposes of access and maintenance; or
- (c) new rights over crossing zones,

without the consent of C.GEN, such consent not to be unreasonably withheld or delayed but which may be given subject to reasonable conditions.

Commencement Information

I284 Sch. 12 Pt. 11 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

4.—(1) The promoting party must give to the approving party not less than 28 days’ written notice of its intention to commence the construction of any specified works and at the same time must submit plans for the specified works to the approving party.

(2) Not more than 14 days after completion of the construction of the specified works, the promoting party must give the approving party written notice of such completion.

Commencement Information

I285 Sch. 12 Pt. 11 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

5.—(1) Following receipt of the notification of the intention to commence the construction of the specified works under paragraph 4(1), the approving party must within 14 days give notice in writing to the promoting party that (acting reasonably)—

- (a) it approves the plans; or

(b) it does not approve the plans and provide reasons for this.

(2) Where the approving party confirms that it does not approve the plans for the specified works, then both parties must, acting reasonably, enter into negotiations to seek to agree the plans.

(3) If following the expiry of 14 days from the date of notification under sub-paragraph (1)(b) no agreement has been reached, the matter must be determined in accordance with paragraph 22.

Commencement Information

I286 Sch. 12 Pt. 11 para. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

6.—(1) Any specified works must be constructed—

(a) without unreasonable delay in accordance with the plans approved or settled under this Part; and

(b) to the reasonable satisfaction of the approving party.

(2) If any part of the specified works is constructed otherwise than in accordance with the requirements of this Part, the approving party may by notice in writing require the promoting party at the promoting party's own expense to comply with the requirements of this Part or (if the promoting party so elects and the approving party in writing consents, such consent not to be unreasonably withheld or delayed) to remove, alter or pull down the works and, where removal is required, to restore the site to its former condition to such extent and within such limits as the approving party reasonably requires.

(3) Subject to sub-paragraph (4), if within a reasonable period, being not less than 28 days from the date when a notice under sub-paragraph (2) is served on the promoting party, the promoting party has failed to begin taking steps to comply with the requirements of the notice and subsequently to make reasonably expeditious progress towards their implementation, the approving party may execute the works specified in the notice and any expenditure incurred by it in so doing is recoverable from the promoting party.

(4) In the event of any dispute as to whether sub-paragraph (2) is properly applicable to any works in respect of which notice has been served under that sub-paragraph, or as to the reasonableness of any requirement of such a notice, the approving party must not except in an emergency exercise the powers conferred by sub-paragraph (3) until the dispute has been finally determined.

Commencement Information

I287 Sch. 12 Pt. 11 para. 6 in force at 7.9.2016, see [art. 1\(2\)](#)

7. The promoting party must at all reasonable times during construction of the specified works and thereafter allow the approving party, its servants and agents, access to the works and all reasonable facilities for inspection of the works.

Commencement Information

I288 Sch. 12 Pt. 11 para. 7 in force at 7.9.2016, see [art. 1\(2\)](#)

8.—(1) After the purpose of any temporary works has been accomplished, the promoting party must with all reasonable dispatch, or after a reasonable period of notice in writing from the approving party requiring the promoting party to do so, remove the temporary works or any materials relating

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to them which may have been placed in, on, under or over the grid connection land by or on behalf of the promoting party.

(2) If the promoting party fails to do so within a reasonable period after receiving notice under sub-paragraph (1), the approving party may remove them and may recover the reasonable costs of doing so from the promoting party.

Commencement Information

I289 Sch. 12 Pt. 11 para. 8 in force at 7.9.2016, see [art. 1\(2\)](#)

9.—(1) If any damage to the grid connection land or any apparatus of any approving party on the grid connection land or any interference or obstruction is caused by the carrying out of, or in consequence of the construction of specified works, the promoting party must, notwithstanding any approval, make good the damage to the reasonable satisfaction of the approving party and must pay to the approving party all reasonable expenses to which the approving party may be put and compensation for any loss which it may sustain by reason of the damage, interference or obstruction in accordance with paragraph 10.

(2) If the promoting party refuses or fails to do so, the approving party may cause the work to be done and may recover the reasonable cost of doing so from the promoting party.

Commencement Information

I290 Sch. 12 Pt. 11 para. 9 in force at 7.9.2016, see [art. 1\(2\)](#)

10.—(1) Without limiting the other provisions of this Part, the promoting party is responsible for, and must make good to the approving party, all losses, costs, charges, damages and expenses however caused (including a reasonable and proper proportion of the overhead charges of the approving party) that may reasonably be incurred by or occasioned to the approving party by reason of or arising from or in connection with—

- (a) the perusal of plans and the inspection of the specified works by the approving party or its duly authorised representative;
- (b) the construction or failure of the specified works, or the undertaking by the approving party of works or measures to prevent or remedy damage to any property of the approving party arising from such construction or failure;
- (c) any act or omission of the promoting party or its servants or agents whilst engaged in the construction of any of the specified works.

(2) The approving party must give to the promoting party notice in writing of any claim or demand for which the promoting party may be liable under this paragraph, and no settlement or compromise of any such claim or demand may be made without the consent in writing of the promoting party.

(3) Nothing in this paragraph imposes any liability on the promoting party to the extent that any losses, costs, charges, damages, expenses, claims or demands referred to in sub-paragraph (1) are attributable to negligence on the part of the approving party or of any person in its employ or of its contractors or agents.

Commencement Information

I291 Sch. 12 Pt. 11 para. 10 in force at 7.9.2016, see [art. 1\(2\)](#)

11. The fact that any work or thing has been executed or done with the consent of the approving party and in accordance with any conditions or restrictions prescribed by the approving party or in accordance with any plans approved by the approving party or to its satisfaction or in accordance with any directions or award of any arbitrator does not relieve the promoting party from any liability under this Part.

Commencement Information

I292 Sch. 12 Pt. 11 para. 11 in force at 7.9.2016, see [art. 1\(2\)](#)

12. Any consent or approval of an approving party required under this Part—
- (a) must not be unreasonably withheld or delayed; and
 - (b) may be given subject to reasonable conditions.

Commencement Information

I293 Sch. 12 Pt. 11 para. 12 in force at 7.9.2016, see [art. 1\(2\)](#)

13. Any consent or approval of an approving party required under this Part is deemed to have been given if it is neither given nor refused within 28 days beginning with the date on which the application for consent or approval was submitted to the approving party.

Commencement Information

I294 Sch. 12 Pt. 11 para. 13 in force at 7.9.2016, see [art. 1\(2\)](#)

14. Without limiting paragraph 12, it is not be reasonable for an approving party to withhold or delay any consent or approval under this Part in relation to specified works in, on, under, or over the grid connection land solely on the basis of thermal interaction between the circuit and any adjacent circuit, whether existing or proposed, where it has been demonstrated that there will be no material thermal interaction, which is deemed to have been demonstrated where the separation between the circuits is 6 metres or more (from the centre line of each circuit).

Commencement Information

I295 Sch. 12 Pt. 11 para. 14 in force at 7.9.2016, see [art. 1\(2\)](#)

15. Without limiting paragraph 12, and in addition to the circumstances described in paragraph 14, it is not reasonable for the approving party to withhold or delay any consent or approval under this Part in relation to specified works in, on, under, or over the crossing zones solely on the basis of thermal interaction where the plans of the specified works submitted under paragraph 4 demonstrate that all reasonable steps have been taken to minimise thermal interaction between the circuit and any other circuit, whether existing or proposed.

Commencement Information

I296 Sch. 12 Pt. 11 para. 15 in force at 7.9.2016, see [art. 1\(2\)](#)

16. With the exception of any duty owed by the approving party to the promoting party expressly provided for in the foregoing provisions of this Part, nothing in this Order must be construed as

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imposing on the approving party, either directly or indirectly, any form of duty or liability to which the approving party would not otherwise be subject which is enforceable by proceedings before any court.

.....
Commencement Information

I297 Sch. 12 Pt. 11 para. 16 in force at 7.9.2016, see [art. 1\(2\)](#)

17. Except as this Part provides, nothing in this Order affects prejudicially any statutory or other rights, powers or privileges vested in, or enjoyed by, the approving party at the commencement of this Order or any title of the approving party in, to or over any lands held or acquired by it.

.....
Commencement Information

I298 Sch. 12 Pt. 11 para. 17 in force at 7.9.2016, see [art. 1\(2\)](#)

18. In the event that the promoting party requires to alter the course of, modify, or remove any part of the drainage ditch the alteration, modification or removal works must be approved in writing by the approving party before the works are carried out, and such approval may not be unreasonably withheld or delayed but may be given subject to reasonable conditions.

.....
Commencement Information

I299 Sch. 12 Pt. 11 para. 18 in force at 7.9.2016, see [art. 1\(2\)](#)

19. The undertaker must ensure that the rate or volume of water discharged from the dominant land onto, over, across or through the servient land will not result in a significant increase in the exercise of the rights of the easement enjoyed by the dominant land on, over, across and through the servient land other than with the prior written approval of C.GEN.

.....
Commencement Information

I300 Sch. 12 Pt. 11 para. 19 in force at 7.9.2016, see [art. 1\(2\)](#)

20. The undertaker must not exercise the powers conferred by article 18 (compulsory acquisition of land) or article 19 (compulsory acquisition of rights) in respect of the Order land shown numbered 510 on the land plans to extinguish any rights that C.GEN has to connect into the North Killingholme National Grid substation.

.....
Commencement Information

I301 Sch. 12 Pt. 11 para. 20 in force at 7.9.2016, see [art. 1\(2\)](#)

21. The provisions of this Part enure for the benefit of the undertaker, C.GEN and any statutory successor of either that is licensed under section 6 of the 1989 Act and is in occupation or use of the Hornsea Project Substation Site, the grid connection land or any part of it pursuant to its undertaking.

.....
Commencement Information

I302 Sch. 12 para. 21 in force at 7.9.2016, see [art. 1\(2\)](#)

22. Any dispute or difference arising between Optimus Wind, Breesea or any other party having powers under this Order in respect of the Order land shown numbered 503, 505, 506, 507 or 509 on the land plans by virtue of article 35 (transfer of benefit of Order) on the one hand (the “undertaker”) and C.GEN on the other as to their respective rights, duties and obligations under this Part or as to any matters arising out of it or in connection with the subject matter of this Part must be determined by a single arbitrator whose appointment is to be agreed on between the undertaker and C.GEN or, where agreement cannot be reached within 14 days, who is to be appointed on the application of either party (after notice in writing to the other party) by the President or Deputy President of the Royal Institute of Chartered Arbitrators.

Commencement Information

I303 Sch. 12 para. 22 in force at 7.9.2016, see [art. 1\(2\)](#)

PART 12

Protection for Hornsea One companies

1. The provisions of this Part apply for the protection of the Hornsea One companies unless otherwise agreed in writing between the undertaker and the Hornsea One companies.

Commencement Information

I304 Sch. 12 Pt. 12 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

2. In this Part—

“apparatus” means the cables, structures or other infrastructure owned, occupied or maintained by any Hornsea One company or its successor in title, including any offshore transmission owner, within the Hornsea One Order land;

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

“Hornsea One” means the wind farms to be constructed pursuant to the Hornsea One Order including, whether pursuant to the Hornsea One Order or otherwise, all elements of the connection of the wind farms to the National Grid at North Killingholme substation;

“Hornsea One company” means an undertaker with the benefit of all or part of the Hornsea One Order for the time being, being the holder of a licence under section 6 of the 1989 Act; and “Hornsea One companies” means all such undertakers;

“Hornsea One disposal areas” means disposal site reference HU209 and HU210 whose co-ordinates are specified in the deemed marine licence in Schedule 11 to the Hornsea One Order;

“Hornsea One Order” means the Hornsea One Offshore Wind Farm Order 2014;

“Hornsea One Order land” means the land within the Order limits defined in the Hornsea One Order together with the land edged red on plan HOW01095_4 submitted to support planning application reference PA/2015/0398 submitted to North Lincolnshire Council;

“plans” includes sections, drawings, specifications, designs, design data, software, 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 the Hornsea One Order land;

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“proposed Hornsea One circuit route” means the proposed route for any electrical circuit to serve Hornsea One as shown on plans produced to the undertaker by the relevant Hornsea One company pursuant to paragraph 16;

“relevant Hornsea One company” means the Hornsea One company whose undertaking includes the part of Hornsea One or the part of the Hornsea One Order land affected by the particular proposals of the undertaker;

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

- (a) in, on, under, over or within 500 metres of a proposed Hornsea One circuit route or existing installed electrical circuit (seaward of MHWS);
- (b) in, on, under, over or within 25 metres of a proposed Hornsea One circuit route or existing installed electrical circuit (landward of MHWS); or
- (c) in, on, under, over or within 1,000 metres of other apparatus installed or to be installed as part of Hornsea One.

Commencement Information

I305 Sch. 12 Pt. 12 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

3. The consent of a Hornsea One company under this Part is not required where the Hornsea One Order has expired without the authorised development having been commenced pursuant to requirement 1 of Part 3 of Schedule 1 to the Hornsea One Order or the project has been abandoned.

Commencement Information

I306 Sch. 12 Pt. 12 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

4. Where conditions are included in any consent granted by a Hornsea One company pursuant to this Part, the undertaker must comply with the conditions if it chooses to implement or rely on the consent, unless the conditions are waived or varied in writing by the relevant Hornsea One company.

Commencement Information

I307 Sch. 12 Pt. 12 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

5. It is reasonable for the relevant Hornsea One company to require as a condition of granting consent under this Part that the undertaker enter into a cable proximity agreement on reasonable terms reflecting industry good practice if the undertaker proposes to install an electrical circuit at any point closer than 500 metres to the centre line of any electrical circuit installed to serve Hornsea One or is to cross a proposed Hornsea One circuit route.

Commencement Information

I308 Sch. 12 Pt. 12 para. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

6. The undertaker must not under the powers of this Order—

- (a) acquire any of the Hornsea One Order land or acquire new or existing rights or interfere with existing rights or impose restrictive covenants or acquire any rights of temporary

use over or in relation to the Hornsea One Order land without the consent of the relevant Hornsea One company, which must not be unreasonably withheld or delayed but which may be made subject to reasonable conditions;

- (b) carry out any specified works without the consent of the relevant Hornsea One company, which must not be unreasonably withheld or delayed but which may be made subject to reasonable conditions.

Commencement Information

I309 Sch. 12 Pt. 12 para. 6 in force at 7.9.2016, see [art. 1\(2\)](#)

7.—(1) Subject to obtaining consent pursuant to paragraph 6(b) and before beginning to construct any specified works, the undertaker must submit plans of the specified works to the relevant Hornsea One company and must submit such further particulars available to it that the relevant Hornsea One company may reasonably require.

(2) Any specified works must be constructed without unreasonable delay in accordance with the plans approved in writing by the relevant Hornsea One company.

(3) Any approval of the relevant Hornsea One company required under this paragraph may be made subject to such reasonable conditions as it may make for the protection of the Hornsea One Order Land, the apparatus and apparatus for Hornsea One not yet installed.

(4) If any part of the specified works is constructed otherwise than in accordance with the requirements of this Part, the relevant Hornsea One company may by notice in writing require the undertaker at the undertaker's own expense to comply with the requirements of this Part.

Commencement Information

I310 Sch. 12 Pt. 12 para. 7 in force at 7.9.2016, see [art. 1\(2\)](#)

8. The undertaker must give to the relevant Hornsea One company not less than 28 days' written notice of its intention to commence the construction of the specified works and, not more than 28 days after completion of their construction, must give the relevant Hornsea One company written notice of the completion.

Commencement Information

I311 Sch. 12 Pt. 12 para. 8 in force at 7.9.2016, see [art. 1\(2\)](#)

9. The undertaker must at all reasonable times during construction of the specified works and thereafter allow the relevant Hornsea One company and its servants and agents access to the works and all reasonable facilities for inspection of the works.

Commencement Information

I312 Sch. 12 Pt. 12 para. 9 in force at 7.9.2016, see [art. 1\(2\)](#)

10. After the purpose of any temporary works has been accomplished, the undertaker must with all reasonable dispatch, or after a reasonable period of notice in writing from the relevant Hornsea One company requiring the undertaker so to do, remove the temporary works or any materials relating to them that may have been placed by or on behalf of the undertaker—

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- (a) in, on, under, over, or within 500 metres of a proposed Hornsea One circuit route or existing installed electrical circuit (seaward of MHWS); or
- (b) in, on, under, over, or within 25 metres of a proposed Hornsea One circuit route or existing installed electrical circuit (landward of MHWS).

Commencement Information

I313 Sch. 12 Pt. 12 para. 10 in force at 7.9.2016, see [art. 1\(2\)](#)

11. With the exception of any duty owed by the relevant Hornsea One company to the undertaker expressly provided for in the foregoing provisions of this Part, nothing in this Order must be construed as imposing on the relevant Hornsea One company, either directly or indirectly, any form of duty or liability to which the relevant Hornsea One company would not otherwise be subject which is enforceable by proceedings before any court.

Commencement Information

I314 Sch. 12 Pt. 12 para. 11 in force at 7.9.2016, see [art. 1\(2\)](#)

12. The undertaker must consult the relevant Hornsea One company in relation to any draft disposal plan which proposes to deposit material within the Hornsea One disposal areas and must make such amendments as are reasonably requested by the relevant Hornsea One company before submission to the MMO for approval.

Commencement Information

I315 Sch. 12 Pt. 12 para. 12 in force at 7.9.2016, see [art. 1\(2\)](#)

13. Subject to complying with all relevant health and safety considerations, the undertaker must permit representatives of the relevant Hornsea One company on any vessel carrying out dredging or disposal activities related to the Hornsea One disposal areas to monitor and verify the dredging and disposal carried out in terms of location, method, timing, quantity, nature of materials and other relevant matters.

Commencement Information

I316 Sch. 12 Pt. 12 para. 13 in force at 7.9.2016, see [art. 1\(2\)](#)

14. The undertaker must give reasonable notice in writing to the relevant Hornsea One company of the intended departure of all vessels referred to in paragraph 13 together with written information concerning the proposed dredging and disposal activities and must comply with all reasonable requests from the relevant Hornsea One company to enable the verification referred to in that paragraph to be carried out effectively and efficiently.

Commencement Information

I317 Sch. 12 Pt. 12 para. 14 in force at 7.9.2016, see [art. 1\(2\)](#)

15. The undertaker must provide to the relevant Hornsea One company a copy of each disposal return required to be submitted to the MMO pursuant to the approved disposal plan under this Order relevant to the Hornsea One disposal areas, such returns to include, without limitation, the actual

volumes of materials disposed of, the disposal locations, the approved monitoring plan and the results of monitoring conducted.

Commencement Information

I318 Sch. 12 Pt. 12 para. 15 in force at 7.9.2016, see [art. 1\(2\)](#)

16. To ensure its compliance with this Part, the undertaker must before carrying out any works or operations pursuant to this Order request up-to-date written confirmation from the relevant Hornsea One company of the precise route of any existing installed apparatus and any proposed Hornsea One circuit route or other apparatus to be installed by the relevant Hornsea One company.

Commencement Information

I319 Sch. 12 Pt. 12 para. 16 in force at 7.9.2016, see [art. 1\(2\)](#)

17. The undertaker and the Hornsea One companies must each act in good faith and use reasonable endeavours to co-operate with, and provide assistance to, each other as may be required to give effect to the provisions of this Part.

Commencement Information

I320 Sch. 12 Pt. 12 para. 17 in force at 7.9.2016, see [art. 1\(2\)](#)

18. Any dispute arising between the undertaker and the relevant Hornsea One company under this Part must be determined by arbitration under article 41 (arbitration).

Commencement Information

I321 Sch. 12 Pt. 12 para. 18 in force at 7.9.2016, see [art. 1\(2\)](#)

SCHEDULE 13

Article 40

Documents to be certified

1. The land plans listed below—

<i>PINS Document No.</i>	<i>Description of Plan</i>	<i>Report No.</i>	<i>Version</i>
4.1	Land plans: key plan	UK06-060700-DRW-0001	2
4.1	Land plans: offshore plans – page 1	UK06-060700-DRW-0001	2
4.1	Land plans: offshore plans – page 2	UK06-060700-DRW-0001	1
4.1	Land plans: offshore plans – page 3	UK06-060700-DRW-0001	1
4.1	Land plans: intertidal plans – page 1	UK06-060700-DRW-0001	1
4.1	Land plans: intertidal plans – page 2	UK06-060700-DRW-0001	1

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<i>PINS Document No.</i>	<i>Description of Plan</i>	<i>Report No.</i>	<i>Version</i>
4.1	Land plans: intertidal plans – page 3	UK06-060700-DRW-0001	1
4.1	Land plans: onshore plans – page 4	UK06-060700-DRW-0001	1
4.1	Land plans: onshore plans – page 5	UK06-060700-DRW-0001	1
4.1	Land plans: onshore plans – page 6	UK06-060700-DRW-0001	1
4.1	Land plans: onshore plans – page 7	UK06-060700-DRW-0001	1
4.1	Land plans: onshore plans – page 8	UK06-060700-DRW-0001	1
4.1	Land plans: onshore plans – page 9	UK06-060700-DRW-0001	1
4.1	Land plans: onshore plans – page 10	UK06-060700-DRW-0001	1
4.1	Land plans: onshore plans – page 11	UK06-060700-DRW-0001	2
4.1	Land plans: onshore plans – page 12	UK06-060700-DRW-0001	1
4.1	Land plans: onshore plans – page 13	UK06-060700-DRW-0001	1
4.1	Land plans: onshore plans – page 14	UK06-060700-DRW-0001	1
4.1	Land plans: onshore plans – page 15	UK06-060700-DRW-0001	1
4.1	Land plans: onshore plans – page 16	UK06-060700-DRW-0001	1
4.1	Land plans: onshore plans – page 17	UK06-060700-DRW-0001	1
4.1	Land plans: onshore plans – page 18	UK06-060700-DRW-0001	1
4.1	Land plans: onshore plans – page 19	UK06-060700-DRW-0001	1
4.1	Land plans: onshore plans – page 20	UK06-060700-DRW-0001	1
4.1	Land plans: onshore plans – page 21	UK06-060700-DRW-0001	2
4.1	Land plans: onshore plans – page 22	UK06-060700-DRW-0001	2
4.1	Land plans: onshore plans – page 23	UK06-060700-DRW-0001	2
4.1	Land plans: onshore plans – page 24	UK06-060700-DRW-0001	1
4.1	Land plans: onshore plans – page 25	UK06-060700-DRW-0001	1
4.1	Land plans: onshore plans – page 26	UK06-060700-DRW-0001	1
4.1	Land plans: onshore plans – page 27	UK06-060700-DRW-0001	2
4.1	Land plans: inset plans – page 1	UK06-060700-DRW-0001	1
4.1	Land plans: inset plans – page 2	UK06-060700-DRW-0001	1
4.1	Land plans: inset plans – page 3	UK06-060700-DRW-0001	1
4.1	Land plans: inset plans – page 4	UK06-060700-DRW-0001	1
4.1	Land plans: inset plans – page 5	UK06-060700-DRW-0001	1
4.1	Land plans: inset plans – page 6	UK06-060700-DRW-0001	1
4.1	Land plans: inset plans – page 7	UK06-060700-DRW-0001	1

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<i>PINS Document No.</i>	<i>Description of Plan</i>	<i>Report No.</i>	<i>Version</i>
4.1	Land plans: inset plans – page 8	UK06-060700-DRW-0001	1
4.1	Land plans: inset plans – page 9	UK06-060700-DRW-0001	1
4.1	Land plans: inset plans – page 10	UK06-060700-DRW-0001	1
4.1	Land plans: inset plans – page 11	UK06-060700-DRW-0001	1
4.1	Land plans: inset plans – page 12	UK06-060700-DRW-0001	1
4.1	Land plans: inset plans – page 13	UK06-060700-DRW-0001	2
4.1	Land plans: inset plans – page 14	UK06-060700-DRW-0001	1
4.1	Land plans: inset plans – page 15	UK06-060700-DRW-0001	1
4.1	Land plans: inset plans – page 16	UK06-060700-DRW-0001	1
4.1	Land plans: inset plans – page 17	UK06-060700-DRW-0001	1
4.1	Land plans: inset plans – page 18	UK06-060700-DRW-0001	1
4.1	Land plans: inset plans – page 19	UK06-060700-DRW-0001	1
4.1	Land plans: inset plans – page 20	UK06-060700-DRW-0001	2
4.1	Land plans: inset plans – page 21	UK06-060700-DRW-0001	1
4.1	Land plans: inset plans – page 22	UK06-060700-DRW-0001	1
4.1	Land plans: inset plans – page 23	UK06-060700-DRW-0001	1
4.1	Land plans: inset plans – page 24	UK06-060700-DRW-0001	1
4.1	Land plans: inset plans – page 25	UK06-060700-DRW-0001	1
4.1	Land plans: inset plans – page 26	UK06-060700-DRW-0001	1

Commencement Information

I322 Sch. 13 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

2. The offshore works plans listed below—

<i>PINS Document No.</i>	<i>Description of Plan</i>	<i>Report No.</i>	<i>Version</i>
5.1	Works plans: master index sheets	UK06-060700-DRW-0003	3
5.1	Offshore works plans: map index sheet	UK06-060700-DRW-0002	3
5.1	Offshore works plans – sheet 1	UK06-060700-DRW-0002	3
5.1	Offshore works plans – sheet 2	UK06-060700-DRW-0002	3
5.1	Offshore works plans – sheet 3	UK06-060700-DRW-0002	2
5.1	Offshore works plans – sheet 4	UK06-060700-DRW-0002	2

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<i>PINS Document No.</i>	<i>Description of Plan</i>	<i>Report No.</i>	<i>Version</i>
5.1	List of co-ordinates for offshore works and disposal areas – pages i to xi	UK06-060700-DRW-0002	2

Commencement Information

I323 Sch. 13 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

3. The intertidal works plans listed below—

<i>PINS Document No.</i>	<i>Description of Plan</i>	<i>Report No.</i>	<i>Version</i>
5.3	Works plans: master index sheets	UK06-060700-DRW-0003	3
5.3	Intertidal works plans: map index sheet	UK06-060700-DRW-0004	1
5.3	Intertidal works plans – sheet 1	UK06-060700-DRW-0004	1
5.3	Intertidal works plans – sheet 2	UK06-060700-DRW-0004	1
5.3	Intertidal works plans – sheet 3	UK06-060700-DRW-0004	1
5.3	Intertidal works plans – sheet 4	UK06-060700-DRW-0004	1
5.3	List of co-ordinates for intertidal works	UK06-060700-DRW-0004	1

Commencement Information

I324 Sch. 13 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

4. The onshore works plans listed below—

<i>PINS Document No.</i>	<i>Description of Plan</i>	<i>Report No.</i>	<i>Version</i>
5.2	Works plans: master index sheets	UK06-060700-DRW-0003	3
5.2	Onshore works plans: map index sheet	UK06-060700-DRW-0003	2
5.2	Onshore works plans – sheet 1	UK06-060700-DRW-0003	1
5.2	Onshore works plans – sheet 2	UK06-060700-DRW-0003	1
5.2	Onshore works plans – sheet 3	UK06-060700-DRW-0003	1
5.2	Onshore works plans – sheet 4	UK06-060700-DRW-0003	1
5.2	Onshore works plans – sheet 5	UK06-060700-DRW-0003	1
5.2	Onshore works plans – sheet 6	UK06-060700-DRW-0003	1
5.2	Onshore works plans – sheet 7	UK06-060700-DRW-0003	1

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<i>PINS Document No.</i>	<i>Description of Plan</i>	<i>Report No.</i>	<i>Version</i>
5.2	Onshore works plans – sheet 8	UK06-060700-DRW-0003	1
5.2	Onshore works plans – sheet 9	UK06-060700-DRW-0003	1
5.2	Onshore works plans – sheet 10	UK06-060700-DRW-0003	1
5.2	Onshore works plans – sheet 11	UK06-060700-DRW-0003	2
5.2	Onshore works plans – sheet 12	UK06-060700-DRW-0003	1
5.2	Onshore works plans – sheet 13	UK06-060700-DRW-0003	1
5.2	Onshore works plans – sheet 14	UK06-060700-DRW-0003	1
5.2	Onshore works plans – sheet 15	UK06-060700-DRW-0003	1
5.2	Onshore works plans – sheet 16	UK06-060700-DRW-0003	1
5.2	Onshore works plans – sheet 17	UK06-060700-DRW-0003	1
5.2	Onshore works plans – sheet 18	UK06-060700-DRW-0003	1
5.2	Onshore works plans – sheet 19	UK06-060700-DRW-0003	1
5.2	Onshore works plans – sheet 20	UK06-060700-DRW-0003	1
5.2	Onshore works plans – sheet 21	UK06-060700-DRW-0003	2
5.2	Onshore works plans – sheet 22	UK06-060700-DRW-0003	2
5.2	Onshore works plans – sheet 23	UK06-060700-DRW-0003	2
5.2	Onshore works plans – sheet 24	UK06-060700-DRW-0003	1
5.2	Onshore works plans – sheet 25	UK06-060700-DRW-0003	1
5.2	Onshore works plans – sheet 26	UK06-060700-DRW-0003	1
5.2	Onshore works plans – sheet 27	UK06-060700-DRW-0003	2
5.2	List of co-ordinates for onshore works – pages i to iv	UK06-060700-DRW-0003	2

Commencement Information

I325 Sch. 13 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

5. The compensation compounds plan listed below—

<i>PINS Document No.</i>	<i>Description of Plan</i>	<i>Report No.</i>	<i>Version</i>
7.4.5.6	Compensation compounds plan – sheet 1	UK06-050709-DRW-0001	1
7.4.5.6	Compensation compounds plan – sheet 2	UK06-050709-DRW-0001	1
7.4.5.6	Compensation compounds plan – sheet 3	UK06-050709-DRW-0001	1

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<i>PINS Document No.</i>	<i>Description of Plan</i>	<i>Report No.</i>	<i>Version</i>
7.4.5.6	Compensation compounds plan – sheet 4	UK06-050709-DRW-0001	1
7.4.5.6	Compensation compounds plan – sheet 5	UK06-050709-DRW-0001	1
7.4.5.6	Compensation compounds plan – sheet 6	UK06-050709-DRW-0001	1
7.4.5.6	Compensation compounds plan – sheet 7	UK06-050709-DRW-0001	1
7.4.5.6	Compensation compounds plan – sheet 8	UK06-050709-DRW-0001	1
7.4.5.6	Compensation compounds plan – sheet 9	UK06-050709-DRW-0001	1
7.4.5.6	Compensation compounds plan – sheet 10	UK06-050709-DRW-0001	1
7.4.5.6	Compensation compounds plan – sheet 11	UK06-050709-DRW-0001	2
7.4.5.6	Compensation compounds plan – sheet 12	UK06-050709-DRW-0001	1
7.4.5.6	Compensation compounds plan – sheet 13	UK06-050709-DRW-0001	1
7.4.5.6	Compensation compounds plan – sheet 14	UK06-050709-DRW-0001	1
7.4.5.6	Compensation compounds plan – sheet 15	UK06-050709-DRW-0001	1
7.4.5.6	Compensation compounds plan – sheet 16	UK06-050709-DRW-0001	1
7.4.5.6	Compensation compounds plan – sheet 17	UK06-050709-DRW-0001	1
7.4.5.6	Compensation compounds plan – sheet 18	UK06-050709-DRW-0001	1
7.4.5.6	Compensation compounds plan – sheet 19	UK06-050709-DRW-0001	1
7.4.5.6	Compensation compounds plan – sheet 20	UK06-050709-DRW-0001	1
7.4.5.6	Compensation compounds plan – sheet 21	UK06-050709-DRW-0001	2
7.4.5.6	Compensation compounds plan – sheet 22	UK06-050709-DRW-0001	2
7.4.5.6	Compensation compounds plan – sheet 23	UK06-050709-DRW-0001	2
7.4.5.6	Compensation compounds plan – sheet 24	UK06-050709-DRW-0001	1
7.4.5.6	Compensation compounds plan – sheet 25	UK06-050709-DRW-0001	1
7.4.5.6	Compensation compounds plan – sheet 26	UK06-050709-DRW-0001	1
7.4.5.6	Compensation compounds plan – sheet 27	UK06-050709-DRW-0001	1

Commencement Information

I326 Sch. 13 para. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

6. The environmental statement that accompanied the application.

Commencement Information

I327 Sch. 13 para. 6 in force at 7.9.2016, see [art. 1\(2\)](#)

7. The book of reference dated December 2015 (version 4).

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I328 Sch. 13 para. 7 in force at 7.9.2016, see [art. 1\(2\)](#)

8. The outline code of construction practice dated December 2015 (version 2).

Commencement Information

I329 Sch. 13 para. 8 in force at 7.9.2016, see [art. 1\(2\)](#)

9. The outline ecological management plan dated November 2015 (version 2).

Commencement Information

I330 Sch. 13 para. 9 in force at 7.9.2016, see [art. 1\(2\)](#)

10. The outline landscape scheme and management plan dated January 2015.

Commencement Information

I331 Sch. 13 para. 10 in force at 7.9.2016, see [art. 1\(2\)](#)

11. The outline employment and skills plan dated November 2015.

Commencement Information

I332 Sch. 13 para. 11 in force at 7.9.2016, see [art. 1\(2\)](#)

12. The in-principle monitoring plan dated November 2015 (version 2).

Commencement Information

I333 Sch. 13 para. 12 in force at 7.9.2016, see [art. 1\(2\)](#)

13. The C.GEN protective provisions plan submitted on 24th September 2015 (referred to as the “Hornsea Protective Provisions Plan”).

Commencement Information

I334 Sch. 13 para. 13 in force at 7.9.2016, see [art. 1\(2\)](#)

14. Plan HOW01095_4 submitted to North Lincolnshire Council to support planning application reference PA/2015/0398 (referred to in paragraph 2 of Part 12 of Schedule 12).

Commencement Information

I335 Sch. 13 para. 14 in force at 7.9.2016, see [art. 1\(2\)](#)

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants development consent for, and authorises the construction, operation and maintenance of up to 2 offshore wind farms with a combined capacity of up to 1,800 megawatts in the North Sea approximately 89 kilometres off the coast of Yorkshire together with associated development. This Order imposes requirements in connection with the development and authorises the compulsory purchase of land (including rights in land) and the right to use land and to override easements and other rights.

This Order also grants deemed marine licences under Part 4 of the Marine and Coastal Access Act 2009 in connection with the wind farms. The marine licences impose conditions in connection with the deposits and works for which they grant consent.

A copy of the plans and book of reference referred to in this Order and certified in accordance with article 40 (certification of plans, etc.) may be inspected free of charge at the offices of Dong Energy at 5 Howick Place, London SW1P 1WG.

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 1 Pt. 3 para. 2(24) sum substituted by [S.I. 2018/370 art. 2\(1\)](#)
- Sch. 1 Pt.01 para. 4(g) words substituted by [S.I. 2016/1104 Sch.](#)
- Sch. 1 Pt.01 para. 4(h) words substituted by [S.I. 2016/1104 Sch.](#)
- Sch. 1 Pt.01 para. 4(i) words substituted by [S.I. 2016/1104 Sch.](#)
- Sch. 1 Pt.01 para. 4(r) words substituted by [S.I. 2016/1104 Sch.](#)
- Sch. 1 Pt. 1 para. 3(1) words substituted by [S.I. 2018/570 art. 2\(2\)](#)
- Sch. 1 Pt. 1 para. 3(2) words substituted by [S.I. 2018/570 art. 2\(3\)](#)
- Sch. 1 Pt. 3 para. 2(4)(b) words substituted by [S.I. 2018/570 art. 2\(4\)](#)
- Sch. 13 para. 1 Table words inserted by [S.I. 2016/1104 Sch.](#)
- Sch. 13 para. 11 words inserted by [S.I. 2016/1104 Sch.](#)
- Sch. 13 para. 8 words substituted by [S.I. 2016/1104 Sch.](#)
- art. 2(1) words inserted by [S.I. 2016/1104 Sch.](#)
- art. 3(1)(a) words substituted by [S.I. 2016/1154 Sch. 29 Pt. 2 para. 118\(2\)](#)
- art. 15(7) words substituted by [S.I. 2016/1154 Sch. 29 Pt. 2 para. 118\(3\)](#)
- art. 15(9)(b) words substituted by [S.I. 2016/1154 Sch. 29 Pt. 2 para. 118\(3\)](#)
- art. 35(5)(b) word omitted by [S.I. 2016/1104 Sch.](#)

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

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

- Sch. 1 Pt.03 para. 6(l) words substituted by [S.I. 2016/1104 Sch.](#)
- Sch. 12 Pt. 6 para. 5(a) words substituted by [S.I. 2016/1154 Sch. 29 Pt. 2 para. 118\(4\)](#)