

## SCHEDULE 11

Article 29

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

#### PART 1

##### Licensed marine activities

**1.—(1)** In this licence—

“the 2008 Act” means the Planning Act 2008;

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

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

“authorised deposits” means the substances and articles specified in paragraph 2(3);

“authorised scheme” means Works No. 2 and 3A described in paragraph 2 of this licence;

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

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

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

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

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

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

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

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

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

“HVAC option” means an offshore and onshore connection from the offshore wind farm to the National Grid Bramford substation by way of a HVAC transmission system;

“HVDC offshore converter station” means a platform with one or more decks, whether open or fully clad, accommodating electrical power transformers, AC equipment including phase reactors and AC filters, AC/DC converter with switching devices, DC equipment including DC capacitors and DC filters and associated equipment, switch gear, cooling systems, instrumentation, protection and control systems, standby electrical generation equipment, fuelling facilities, auxiliary and uninterruptible power supply systems and transformers, accommodation and/or emergency shelter, craneage, meteorological equipment, helicopter landing facilities, messing facilities, potable water storage, black water separation equipment, control hub, drainage facilities, access equipment, J-tubes, marking and lighting and other associated

equipment and facilities to enable the transmission of electronic communication and the conversion and transmission of electricity;

“HVDC option” means an offshore and onshore connection from the offshore wind farm to the National Grid Bramford substation by way of a HVDC transmission system;

“jacket foundation” means a steel jacket/lattice-type structure constructed of steel which is fixed to the seabed at two or more points with steel pin piles or steel suction buckets and associated equipment including scour protection, J-tubes, corrosion protection systems and access platform(s) and equipment, and “discrete jacket foundation types” shall include pre-piled or post-piled jackets, three-legged or four legged jackets, or straight or battered leg jackets;

“JNCC” means the Joint Nature Conservation Committee;

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

“LAT” means lowest astronomical tide;

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

“maintain” includes inspect, maintain, repair, adjust and alter, and further includes remove, reconstruct and replace any of the ancillary works in Part 2 of Schedule 1 (authorised project) and any component part of any wind turbine generator, offshore substation or meteorological mast described in Part 1 of Schedule 1 (authorised project) (but not including the alteration, removal or replacement of foundations) to the extent assessed in the environmental statement; and “maintenance” shall be construed accordingly; “Marine Management Organisation” or “MMO” means the body created under the Marine and Coastal Access Act 2009 which is responsible for the monitoring and enforcement of this licence;

“MCA” means the Maritime and Coastguard Agency;

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

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

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

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

“offshore substation” means a HVDC converter station for the HVDC option or HVAC collector station for the HVAC option;

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

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

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

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

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

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

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

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

“undertaker” means ‘TC East Anglia ONE OFTO Limited’, which is the named undertaker, or any other person who has the benefit of this Order in accordance with section 156 of the 2008 Act for such time as that section applies to that person;

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

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

“Work No. 1” means the offshore generating stations comprising wind turbine generators, HVAC collector stations, meteorological masts and interconnecting subsea cables;

“Work No. 3B” means up to four HVDC cables for the HVDC option or up to six HVAC cables for the HVAC option and up to eight additional cable ducts laid underground from mean low water at Bawdsey Cliffs to the cable transition jointing bays; and “works plan” means the plan certified as the works plan by the Secretary of State for the purposes of the Order.

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

(3) Unless otherwise indicated—

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

(b) all co-ordinates shall be taken to be latitude and longitude degrees and minutes to two decimal places.

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

(a) Marine Management Organisation

Offshore Marine Licensing

Lancaster House

Hampshire Court

Newcastle upon Tyne

NE4 7YH

Tel: 0300 123 1032

(b) Marine Management Organisation (local office)

Marine Environment Team

Pakefield Road

Lowestoft

Suffolk

NR33 0HT

(c) Trinity House

Tower Hill

London

EC3N 4DH

Tel: 020 7481 6900

(d) The United Kingdom Hydrographic Office

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

(e) Maritime and Coastguard Agency

Navigation Safety Branch  
Bay 2/04  
Spring Place  
105 Commercial Road  
Southampton  
SO15 1EG  
Tel: 023 8032 9191

(f) Centre for Environment, Fisheries and Aquaculture Science

Pakefield Road  
Lowestoft  
Suffolk  
NR33 0HT  
Tel: 01502 562 244

(g) Natural England

Foundry House  
3 Millsands  
Riverside Exchange  
Sheffield  
S3 8NH  
Tel: 0300 060 4911

(h) Historic England

The Engine House  
Fire Fly Avenue  
Swindon SN2  
2EH.  
Tel: 01793 445050

(i) JNCC

Inverdee House  
Baxter Street  
Aberdeen  
AB11 9QA  
Tel: 01224 266 550.

## Details of licensed marine activities

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

- (a) the deposit at sea of the substances and articles specified in sub-paragraph (3);
- (b) the construction of works in or over the sea and/or on or under the sea bed;
- (c) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation.

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

*Work No. 2* – up to two HVDC offshore converter stations for the HVDC option or up to two HVAC offshore collector stations for the HVAC option (which may alternatively be constructed under Work No. 1), each fixed to the seabed within the area shown on the works plan by one of two foundation types (namely jacket foundation or gravity base foundation);

*Work No. 3A* – up to four HVDC export cables for the HVDC option or up to two HVAC export cables for the HVAC option between Work No.1(b) for the HVAC option or Work No. 2 and MHWS consisting of subsea cables along routes within the Order limits seaward of MHWS including one or more cable crossings.

(3) And in connection with such Works No. 2 and 3A, ancillary works within the Order limits which have been subject to an environmental impact assessment recorded in the environmental statement comprising—

- (a) temporary landing places, moorings or other means of accommodating vessels in the construction and/or maintenance of the authorised scheme;
- (b) buoys, beacons, fenders and other navigational warning or ship impact protection works;
- (c) temporary works for the benefit or protection of land or structures affected by the authorised scheme; and
- (d) the disposal of up to 201,000 metres<sup>3</sup> of inert material of natural origin within the offshore Order limits produced during construction drilling and seabed preparation for foundation works and cable sandwave preparation works at disposal site reference HU212; and
- (e) the disposal of up to 44,000 metres<sup>3</sup> of inert material of natural origin within the offshore Order limits produced during cable sandwave preparation works at disposal site reference TH023.

(4) The substances or articles authorised for deposit at sea are—

- (a) iron/steel;
- (b) stone and rock;
- (c) concrete;
- (d) sand and gravel;
- (e) plastic/synthetic;
- (f) material extracted from within the offshore Order limits during construction drilling and seabed preparation for foundation works and cable sandwave preparation works; and (g) marine coatings, other chemicals and timber.

3. The grid coordinates for the authorised scheme are specified below and more particularly shown on the Order limits boundary coordinates plan—

### Coordinates for the Order limits seaward of MHWS

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	52° 0' 0.777"	1° 25' 27.320"
2	52° 0' 41.137"	1° 27' 15.227"
3	52° 3' 53.611"	1° 35' 40.499"
4	52° 5' 44.773"	1° 40' 57.350"
5	52° 8' 21.995"	1° 48' 34.767"

6	52° 9' 37.650"	1° 53' 5.293"
7	52° 9' 40.842"	1° 57' 7.198"
8	52° 11' 6.526"	2° 2' 15.690"
<b>Point</b>	<b>Latitude (DMS)</b>	<b>Longitude (DMS)</b>
9	52° 12' 27.654"	2° 10' 3.953"
10	52° 12' 22.845"	2° 11' 9.965"
11	52° 13' 33.795"	2° 15' 22.225"
12	52° 13' 57.058"	2° 23' 6.622"
13	52° 9' 17.925"	2° 25' 36.436"
14	52° 11' 7.988"	2° 11' 30.888"
15	52° 10' 13.221"	2° 5' 28.775"
16	52° 8' 12.739"	1° 57' 41.369"
17	52° 8' 37.192"	1° 57' 49.886"
18	52° 8' 1.912"	1° 54' 31.662"
19	52° 8' 1.935"	1° 52' 54.350"
20	52° 4' 49.045"	1° 45' 5.590"
21	52° 2' 47.963"	1° 36' 38.722"
22	52° 2' 7.247"	1° 35' 19.374"
23	52° 0' 37.213"	1° 33' 17.008"
24	51° 58' 41.939"	1° 32' 27.850"
25	51° 57' 26.482"	1° 29' 55.449"
26	51° 57' 41.943"	1° 26' 39.492"
27	51° 59' 57.517"	1° 25' 20.806"
A	52° 17' 50.395"	2° 21' 1.372"
B	52° 19' 10.175"	2° 27' 36.407"
C	52° 23' 22.654"	2° 31' 40.044"
D	52° 21' 53.636"	2° 34' 13.872"
E	52° 18' 15.833"	2° 34' 13.645"
F	52° 7' 14.982"	2° 32' 58.021"
G	52° 4' 46.512"	2° 31' 2.669"
H	52° 4' 45.732"	2° 28' 1.913"

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

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

6. Where the words 'unless otherwise agreed' or 'unless otherwise stated' appear in the conditions in Part 2, any such agreement or statement may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of MMO that the subject matter of the approval or agreement sought is unlikely

to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

## PART 2

### Conditions

#### Design parameters

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

#### Coordinates for restricted build area

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

2.—(1) The total number of HVDC offshore converter stations forming part of the authorised scheme must not exceed two for the HVDC option or two HVAC offshore collector stations for the HVAC option (whether constructed under Work No. 1 or Work No. 2).

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

3.—(1) The total length of the cables comprising Work No. 3A must not exceed 400 kilometres for the HVDC option or 250 kilometres for the HVAC option.

(2) The total amount of cable protection for the cables comprising Work No. 3A must not exceed 24,000 metres<sup>3</sup> for the HVDC option or 15,000 metres<sup>3</sup> for the HVAC option.

4. The total amount of scour protection for the HVDC offshore converter stations forming part of the authorised scheme must not exceed 0.029 kilometres<sup>2</sup>.

#### Notifications and inspections

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

- (a) a copy of this licence (issued as part of the grant of the Order) and any subsequent amendments or revisions to it is provided to—
  - (i) all agents and contractors notified to the MMO in accordance with condition 15; and
  - (ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with condition 15;
- (b) within 28 days of receipt of a copy of this licence those persons referred to at paragraph (a) must provide a completed form to the MMO confirming their understanding of the terms of conditions of this licence.

(2) Only those persons and vessels notified to the MMO in accordance with condition 15 are permitted to carry out the licensed activities.

(3) Copies of this licence must also be available for inspection at the following locations—

- (a) the 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 and at the office of any transport manager with responsibility for vessels from which authorised deposits or removals are to be made.

(4) The document referred to in sub-paragraph (1)(a) must be available for inspection by an authorised enforcement officer at all times at the locations set out in sub-paragraph (3).

(5) The undertaker must provide access, and if necessary appropriate transportation, to the offshore construction site or any other associated works or vessels to facilitate any inspection that the MMO considers necessary to inspect the works during construction and operation of the authorised scheme.

(6) The undertaker must inform the MMO Coastal Office in writing at least 5 days prior to the commencement of the authorised project or any part thereof, and within 5 days of completion of the authorised project.

(7) The Kingfisher Information Service of Seafish, must be informed of details of the vessel routes, timing and locations relating to the construction of the authorised project or any part thereof by email to [kingfisher@seafish.co.uk](mailto:kingfisher@seafish.co.uk) :-

- a) At least 2 weeks prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data and;
- b) As soon as reasonably practicable and no later than 24 hours of completion of all offshore activities. Confirmation of notification must be provided to the MMO within 5 days.

(8) The undertaker must ensure that—

- (a) a local notice to mariners is issued at least 10 working days prior to the commencement of the authorised project or any part thereof advising of the start date of Work No. 2 and the expected vessel routes from the construction ports to the relevant location; and
- (b) a second local notice to mariners is issued at least 10 working days prior to the commencement of Work No. 3A (subsea export cables to MHWS) and the route of the subsea export cables.

Copies of all notices must be provided to the MMO and UKHO within 5 days.

(9) The undertaker must ensure that local notices to mariners are updated and reissued at weekly intervals during construction activities and at least 5 days before any planned operations and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction and monitoring programme approved under deemed marine licence condition 11(a).

Copies of all notices must be provided to the MMO and UKHO within 5 days.

(10) The undertaker must notify the UKHO of the completion (within 10 days) of the authorised project or any part thereof in order that all necessary amendments are made to nautical charts. Copies of all notices must be provided to the MMO within 5 days.

## **Offshore safety management**

6.—(1) No part of the authorised project may commence until the MMO, in consultation with the MCA has given written approval for an Emergency Response Co-operation Plan (ERCoP) which includes full details of the emergency response co-operation plans for the construction, operation and decommissioning phases of that part of the authorised project in accordance with the MCA recommendations contained within MGN543



## “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues”

The ERCoP and associated guidance and requirements must be implemented as approved, unless otherwise agreed in writing by the MMO in consultation with the MCA.

The document must be reviewed at least annually or whenever changes are identified, whichever is sooner, and any proposed changes must be submitted to the MMO in writing for approval, in consultation with MCA.

### **Aids to navigation**

7.—(1) The undertaker shall during the whole period from the commencement of construction of the authorised project to the completion of decommissioning exhibit such lights, marks, sounds, signals and other aids to navigation, and to take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.

(2) The undertaker must during the whole period from the commencement of construction of the authorised project to the completion of decommissioning keep Trinity House and the MMO informed of progress of the authorised project including;

- a Notice of commencement of construction of the authorised project within 24 hours of commencement having occurred;
- b Notice within 24 hours of any aids to navigation being established by the undertaker; and
- c Notice within 5 days of completion of construction of the authorised project..

(3) The undertaker must report the availability of aids to navigation daily using the reporting system provided by Trinity House.

(4) The undertaker must during the whole period from the commencement of construction of the authorised project to the completion of decommissioning notify Trinity House and the MMO of any failure of the aids to navigation and the timescales and plans for remedying such failures, as soon as possible and no later than 24 hours following the undertaker becoming aware of any such failure.

(5) Except as otherwise required by Trinity House, the undertaker must paint all structures forming part of the authorised project yellow (colour code RAL 1023) from at least HAT to a height as directed by Trinity House. Unless the MMO otherwise directs, the undertaker must paint the remainder of the structures submarine grey (colour code RAL 7035).

(6) In case of damage to or destruction or decay of, the authorised project or any part thereof 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 MMO, MCA, Trinity House and the UKHO. The undertaker must lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House may from time to time direct.

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

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

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

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

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

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

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

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

(8) The undertaker must report all dropped objects to the MMO using the Dropped Object Procedure Form as soon as reasonably practicable and in any event within 24 hours becoming aware of an incident. On receipt of the Dropped Object Procedure Form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the seabed at the undertaker's expense if reasonable to do so.

(9) *intentionally left blank*

(10) *intentionally left blank*

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

(12) The undertaker must ensure that only inert material of natural origin, produced during construction drilling and seabed preparation for foundation works and cable sandwave preparation works shall be disposed of within the offshore Order limits (disposal site reference TH023 East Anglia ONE).

(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) In the event that any rock material used in the construction of the authorised scheme is misplaced or lost below MHWS, the undertaker must report the loss to the District Marine Office within 48 hours and if the MMO shall reasonably consider such material to constitute a navigation or environmental hazard (dependent on the size and nature of the material) the undertaker must endeavour to locate the material and recover it.

(15) The undertaker must undertake the survey agreed under condition 10(g)(iii) following the high resolution swath bathymetric survey referred to in condition 18(2)(d). Should any such obstructions be identified which may reasonably be considered to interfere with fishing the undertaker must take reasonable steps to remove them.

## **Force majeure**

9. If, due to stress of weather or any other cause the master of a vessel determines that it is necessary to deposit the authorised deposits outside of the Order limits because the safety of human life and/or of the vessel is threatened, within 48 hours full details of the circumstances of the deposit must be notified to the MMO.

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

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

- (a) a design plan at a scale of between 1:25,000 and 1:50,000, including detailed representation on the most suitably scaled admiralty chart, to be agreed in writing with the MMO in consultation with Trinity House and the MCA which shows—
  - (i) the proposed location and choice of foundation of all offshore substations;
  - (ii) the height, length and width of all offshore substations;
  - (iii) the length and arrangement of all cables comprising Work No. 3A;
  - (iv) the dimensions of all gravity base foundations;
  - (v) the dimensions of all jacket foundations;

- (vi) the proposed layout of all offshore substations including any exclusion zones under condition 2 and/or identified under condition 11(h)(iv);
  - (vii) a plan showing the indicative layout of all offshore substations including all exclusion zones (insofar as not shown in paragraph (vi)) and showing the indicative programming of particular works as set out in the indicative programme to be provided under sub-paragraph (b)(iv); and
  - (viii) any exclusion zones/micrositing requirements identified in any mitigation scheme pursuant to condition 10(j);
- to ensure conformity with the description of Works No. 2 and 3A and compliance with conditions 1 to 5;
- (b) a construction programme and monitoring plan to include details of—
- (i) the proposed construction start date;
  - (ii) proposed timings for mobilisation of plant, delivery of materials and installation works;
  - (iii) proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction monitoring and related reporting in accordance with conditions 11(h), 17, 18 and 19; and
  - (iv) an indicative written construction programme for all offshore substations and cables comprised in the works at paragraph 2(2) of Part 1 (licensed marine activities) of this Schedule (insofar as not shown in paragraph (ii));
- with details pursuant to paragraph (iii) to be submitted to the MMO as part of the monitoring plan in accordance with the following—
- (aa) at least four months prior to the first survey, detail of the pre-construction surveys and an outline of all proposed monitoring;
  - (bb) at least four months prior to construction, detail on construction monitoring;
  - (cc) at least four months prior to commissioning, detail of post-construction (and operational) monitoring;
- unless otherwise agreed in writing with the MMO;
- (c) a construction method statement in accordance with the construction methods assessed in the environmental statement and including details of—
- (i) drilling methods and disposal of drill arisings and material extracted during seabed preparation for foundation works and cable sandwave preparation works;
  - (ii) soft start procedures with specified duration periods;
  - (iii) offshore substation location and installation, including scour protection;
  - (iv) cable installation, including cable landfall and cable protection; (v) contractors;
  - (vi) vessels and vessels transit corridors; and
  - (vii) associated and ancillary works;
- (d) a project environmental management plan to include details of—
- (i) a marine pollution contingency plan to address the risks, methods and procedures to deal with any spills and collision incidents during construction and operation of the authorised scheme in relation to all activities carried out;
  - (ii) a chemical risk assessment to include information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance;
  - (iii) waste management and disposal arrangements;
  - (iv) the appointment and responsibilities of a fisheries liaison officer and an environmental liaison officer; and
  - (v) a fisheries liaison and coexistence plan to ensure relevant fishing fleets are notified of commencement of licensed activities pursuant to condition 5 and to address the interaction of the licensed activities with fishing activities;

- (e) a scour protection management and cable armouring plan providing details of the need, type, sources, quantity and installation methods for scour protection;
- (f) *condition intentionally left blank*
- (g) a cable specification and installation plan, to include—
  - (i) technical specification of offshore cables below MHWS, including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with industry good practice;
  - (ii) a detailed cable laying plan for the Order limits, incorporating a burial risk assessment to ascertain suitable burial depths and cable laying techniques, including cable protection; and including contingency plans if burial is not achieved through preferred techniques; and
  - (iii) appropriate methods such as trawl or drift net to be deployed along the offshore subsea export cables between Work No. 1 in Schedule 10 (deemed licence under the Marine and Coastal Access Act 2009 – generation assets) and mean low water mark, following the survey referred to in condition 19(2)(d) to assess any seabed obstructions resulting from burial of the export cables;
- (h) a written scheme of archaeological investigation in relation to the offshore Order limits seaward of mean low water in accordance with the draft written scheme of investigation: archaeology and cultural heritage (offshore), industry good practice and in consultation with Historic England (and, if relevant, Suffolk Coastal District Council) 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) archaeological analysis and reporting of survey data, and timetable, which is to be submitted to the MMO within four months of any survey being completed;
  - (iv) delivery of any mitigation including, where necessary, identification and modification of archaeological exclusion zones;
  - (v) monitoring during and post construction, including a conservation programme for finds; (vi) archiving of archaeological material; and
  - (vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme;
    - (i) a bed level monitoring and remediation plan for that area of Work No. 3B below MHWS in accordance with the outline Bawdsey bed level monitoring and remediation strategy, to include—
      - (i) monitoring of bed levels of London clay for the operational lifetime of the authorised scheme; and
      - (ii) a methodology for any remedial works in that area identified as necessary by such monitoring;
- (j) a mitigation scheme for any Annex 1 features identified by the survey referred to in condition 16(2)(b);
- (k) an offshore operations and maintenance and monitoring plan, in accordance with the outline offshore operations and maintenance and monitoring plan, to be submitted to the MMO at least four months prior to commencement of operation of the licensed activities and to provide for review and resubmission every three years during the operational phase;
- (l) a coexistence statement demonstrating how the scheme design and construction methods, including cable specification, installation and armouring, reasonably avoids or mitigates effects on other marine users, including fisheries.
- (m) An Aids to Navigation Plan to be agreed in writing by the MMO following appropriate consultation with Trinity House specifying how the undertaker will ensure compliance with conditions (1) to (4) of ‘Aids to Navigation’ from the commencement of construction of the authorised project to the completion of decommissioning.

**11.—**(1) Any archaeological reports produced in accordance with condition 10(h)(iii) are to be agreed with Historic England (and, if relevant, Suffolk Coastal District Council).

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

**12.—**(1) Each programme, statement, plan, protocol or scheme required to be approved under condition 10 must be submitted for approval at least four months prior to the intended start of construction, except where otherwise stated or unless otherwise agreed in writing by the MMO.

(2) No licensed activities shall commence until the MMO has approved in writing each programme, statement, plan, protocol or scheme required to be approved under condition 10 and the licensed activities must be carried out in accordance with the approved plans, protocols, statements, schemes and details approved under condition 11, unless otherwise agreed in writing by the MMO.

### **Foundation restrictions**

**13.** No gravity base foundations may be installed in any area of the seabed with mobile sand waves of 5 metres or more, as identified by the swath-bathymetry survey carried out under condition 16(2)(c), unless otherwise agreed in writing by the MMO.

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

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

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

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

### **Equipment and operation of vessels engaged in licensed activities**

**15.—**(1) All vessels employed to perform the licensed activities must be constructed and equipped to be capable of the proper performance of such activities in accordance with the conditions of this licence and (save in the case of remotely operated vehicles or vessels) must comply with sub-paragraphs (2) to (7).

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

electronic positioning aid to provide navigational data;

(b) radar;

(c) echo sounder; and (d)  
multi-channel VHF.

(3) No radio beacon or radar beacon operating on the marine frequency bands must be installed or used without the prior written approval of the Secretary of State.

(4) All vessels' names or identification must be clearly marked on the hull or superstructure.

(5) All vessels must exhibit signals in accordance with the requirements of the International Regulations for the Prevention of Collisions at Sea.

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

(7) No vessel shall engage in the licensed activities until all the equipment specified in sub-paragraph (2) is fully operational.

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

**16.—**(1) The undertaker must, in discharging condition 10(b)(iii), submit the monitoring plan for approval by the MMO, in consultation with the relevant statutory nature conservation bodies, containing details of proposed pre-construction surveys, including methodologies and timings, and a proposed format and content for a pre-construction baseline report; and—

- (a) the survey proposals must specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the post-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement; and
  - (b) the baseline report proposals must ensure that the outcome of the agreed surveys together with existing data and reports are drawn together to present a valid statement of the pre-construction position, with any limitations, and must make clear what post-construction comparison is intended and the justification for this being required.
- (2) The pre-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed with the MMO, have due regard to, but not be limited to, the need to undertake—
- (a) appropriate surveys to determine the location, extent and composition of any benthic habitats of conservation, ecological or economic importance;
  - (b) appropriate surveys to determine the location and extent of any benthic communities/benthos constituting Annex 1 Habitat in whole or in part inside the area(s) within the Order limits in which it is proposed to carry out construction works;
  - (c) high resolution swath-bathymetry survey(s), to include a 100% coverage and side scan sonar, of the area(s) within the Order limits in which it is proposed to carry out construction works.
- (3) The undertaker must carry out the surveys agreed under sub-paragraph (1) and provide the baseline report to the MMO in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing by the MMO in consultation with the relevant statutory nature conservation bodies.

### **Construction monitoring**

- 17.—(1) The undertaker must, in discharging condition 10(b)(iii), submit the monitoring plan for approval by the MMO in consultation with the relevant statutory nature conservation bodies, containing details of any proposed monitoring, including methodologies and timings, to be carried out during the construction of the authorised scheme. The survey proposals must specify each survey's objectives.
- (2) The undertaker must carry out the surveys approved under sub-paragraph (1) and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with the relevant statutory nature conservation bodies.

### **Post construction**

- 18.—(1) The undertaker must, in discharging condition 10(b)(iii), submit the monitoring plan for approval by the MMO in consultation with the relevant statutory nature conservation bodies, containing details of proposed post-construction surveys, including methodologies and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals must specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.
- (2) The post-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed with the MMO, have due regard to, but not be limited to, the need to undertake—
- (a) appropriate surveys of any benthic communities/benthos constituting Annex 1 Habitat in whole or in part inside the area(s) within the Order limits in which construction works were carried out;
  - (b) one high resolution swath bathymetric survey across the area(s) within the Order limits in which construction works were carried out to assess any changes in bedform topography and such further monitoring as may be agreed to ensure scour equilibrium has been reached and that the cables have been buried.
- (3) The undertaker must carry out the surveys agreed under sub-paragraph (1) and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with the relevant statutory nature conservation bodies.
- (4) The undertaker must conduct a swath bathymetric survey to IHO Order 1a of the installed export cable route and provide the data and survey report(s) to the MCA and UKHO.

**Transmission system**

**19.** Prior to commencement of construction of the authorised scheme, the undertaker must provide notification to the MMO stating which of the HVAC option or the HVDC option is to be implemented. Only one of the HVAC option or the HVDC option may be constructed pursuant to this licence and this licence does not permit a combination of both the HVAC option and HVDC option.

**Marine Noise Registry**

**20.** – (1) The licence holder must submit information on the expected location, start and end dates of impact pile driving to the Marine Noise Registry, in order to satisfy the ‘Forward Look’ requirements of the Registry, prior to the commencement of the licensed activities. The licence holder must notify the MMO of the successful submission of ‘Forward Look’ data within 7 days of the submission.

(2) The licence holder must submit the exact locations and dates of impact pile driving to the Marine Noise Registry, in order to satisfy the ‘Close out’ requirements of the Registry, at 6 month intervals from the commencement of impact pile driving. The final data must be submitted within 12 weeks of completion of impact pile driving. The licence holder must notify the MMO of the successful submission of ‘Close out’ data within 7 days of the submission.