

SCHEDULE 3 REQUIREMENTS

Article 3

Interpretation

1.—(1) In this Schedule unless the context requires otherwise—

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

“discharging authority” means the body responsible for giving any consent, agreement or approval required by a requirement included in this Order, or further to any document referred to in any requirement, or the local authority in the exercise of functions set out in sections 60 or 61 of the Control of Pollution Act 1974;

“limits of deviation” means the limits of deviation referred to in article 5 (limits of deviation);

“HGV” means lorries over 3.5 tonnes maximum gross weight but excluding abnormal indivisible loads;

“part” means a given geographical section, component or location of the authorised development;

“stage” means a defined stage of the authorised development, the extent of which is shown in a scheme submitted to the relevant planning authority pursuant to Requirement 4 (stages of the authorised development);

“start-up and close down activities” means—

- (a) arrival and departure of workforce and staff at site and movement to and from places of work;
- (b) general refuelling of plant;
- (c) site inspections and safety checks;
- (d) site meetings inspections and walkovers;
- (e) site clean-up (site housekeeping that does not require the use of plant);
- (f) general site maintenance; and
- (g) low key maintenance and safety checking of plant and machinery.

(2) Where under any of the Requirements the approval or agreement of the relevant planning authority or the relevant highway authority is required, that approval or agreement must be given in writing.

(3) Where any Requirement requires the authorised development to be carried out in accordance or general accordance with matters including a plan, document, or details approved by the relevant planning authority, those matters are to be taken to include any amendments that may subsequently be approved in writing by the relevant planning authority.

(4) Where an approval or agreement is required under the terms of any Requirement or a document referred to in a Requirement, or any Requirement specifies “unless otherwise approved” or “unless otherwise agreed” by the relevant highway authority or the relevant planning authority, such approval or agreement may only be given in relation to minor or immaterial changes and where it has been demonstrated to the satisfaction of the relevant highway authority or the relevant planning authority that the subject matter of the approval or agreement sought will not give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement

(5) Unless otherwise provided in this Order, where a Requirement relates to a specific site or work and it specifies “commencement of development”, it refers to the commencement of development on that site or in relation to that work only

Time Limits

2.—(1) The authorised development must be commenced within five years of the date of this Order.

~~(1)~~(2) If any proceedings are begun to challenge that validity of this Order, the period specified in sub-paragraph (1) is extended by a period equivalent to the period beginning with the day the application to challenge is made and ending on the day it is withdrawn or finally determined.

~~(2)~~(3) An application is not finally determined for the purposes of sub-paragraph (2) if any appeal in respect of the application—

- (a) could be brought (ignoring any possibility of an appeal out of time with permission), or
- (b) has been made and not withdrawn or finally determined.

Converter Station Detailed Design

3. (1) Suffolk Converter Station, Kent Converter Station and Kent Substation

(a) No stage of development of the above ground elements of the authorised development comprised in Works Nos. 3B, 9B and 11 (Suffolk converter station, Kent converter station and Kent substation) may commence until details of the external colour and surface finish of the permanent buildings, which must be in general accordance with the relevant Key Design Principles, have been submitted to and approved by the relevant planning authority, following consultation with Historic England for Works 9B and 11.

(b) No stage of development of the above ground elements of the authorised development comprised in Works Nos. 3B, 9B and 11 (Suffolk converter station, Kent converter station and Kent substation) may commence until details of the layout, scale and operational lighting of the permanent buildings have been submitted to the relevant planning authority, and the relevant planning authority has confirmed, in consultation with the relevant county council and Historic England, that the details are in general accordance with the Key Design Principles. Consultation with Historic England in this paragraph is required in relation to Works 9B and 11.

(dc) In paragraphs (2) (a) and (b), the Key Design Principles mean those set out in the relevant tables in the Design Principles – Suffolk and Design Principles – Kent, certified under article 60 (certification of documents).

(de) The authorised development must be carried out in accordance with the details approved or confirmed by the relevant planning authority further to sub-paragraphs (2) (a) and (b).

(232) Suffolk Substation (Friston)

(a) Unless otherwise approved by the relevant planning authority, the Suffolk Substation (Work No 1B) will be constructed in accordance with the following details (which accord with the documents submitted for the discharge of Requirement 12 of part 3 of schedule 1 to SI 2022/433):

- (i) Substation buildings will be clad in metal cladding using either cool sky tones, light/mid-range ground colours, and darker hedgerow/woodland elements. These colours would include RAL DESIGN 240 80 05, RAL DESIGN 110 60 20 or RAL DESIGN 120 50 05 or similar.
- (ii) The roof cladding should match the colour of the uppermost wall cladding on the buildings.
- (iii) The door colour should match the colour of the cladding around it.
- (iv) Perimeter security fences would be coloured green (RAL DESIGN 110 60 20 or similar).

(b) Insofar as the details approved pursuant to Requirement 12 of SI 2022/433 are amended or if the East Anglia TWO or East Anglia ONE North projects do not progress as currently planned, then the relevant planning authority shall have regard to such circumstances when considering whether to approve otherwise pursuant to paragraph (2)(a).

~~3. No stage of development of the above ground elements of the authorised development comprised in Works Nos. 3B and 9B (Suffolk and Kent converter stations) may commence until details of the layout, scale and external appearance have been submitted to the relevant planning authority, and the relevant planning authority has confirmed, in consultation with the relevant county council and Historic England in relation to the Kent converter station only, that the details are in general accordance with the Key Design Principles set out in the Converter Station Design Principles as presented in Document 7.12.1 Design Principles—Suffolk and Document 7.12.2 Design Principles—Kent.~~

~~(2) In paragraph (1), the Converter Station Design Principles means Design Principles—Suffolk and Design Principles—Kent, certified under article 60 (certification of documents) by the Secretary of State as Design Principles—Suffolk and Design Principles—Kent for the purposes of this Order.~~

~~(3) The authorised development must be carried out in accordance with the details submitted to the relevant planning authority further to sub-paragraph (1).~~

(343) Bridge over the River Fromus

(a) Development of the bridge crossing of the River Fromus (part of Work No. 3a) must not commence until details of the layout and scale of the bridge have been submitted to the relevant planning authority, and the relevant local planning authority has confirmed, following consultation with the Environment Agency, that the parameters set out in (4)(b) have been met.

(b) The bridge over the River Fromus should be designed in accordance with the following parameters:

i. the bridge shall not have a soffit height lower than 10.49 m Above Ordnance Datum (approximately 4m above the Q95 flow level);

ii. abutments for the bridge shall be set back no less than 8m from the top of the bank; and

iii. the bridge shall not have a deck width greater than 6m.

(c) The details of layout and scale submitted under (a) must be accompanied by a technical statement demonstrating how, recognising the minimum size parameters in (b)(i) and (ii), the Applicant has sought to reduce the scale of the bridge, having regard to the relationship with the landscape mitigation proposals, the articulation of the spanning structure, the design of the abutment walls, and the design of the parapet railings. The technical statement will include a plan, elevation and section drawings, and 3D renders of the bridge design in key view VP02 and CH02.

(d) No part of the finished external treatment of the bridge crossing of the River Fromus comprised in Work No. 3A(a) (part of the authorised development comprising the access road to the Suffolk Converter Station) must be implemented until details of the external colour and surface finish (in line with the process established in Design Principle ID.3) have been submitted to and approved by the relevant planning authority.

(e) Should the bridge design comprise a soffit height of less 12.49 m Above Ordnance Datum (approximately 6m above the Q95 flow level), then development of the bridge must not commence until a macro invertebrate monitoring and contingency plan has been submitted to and approved by East Suffolk Council, following consultation with the Environment Agency. The invertebrate monitoring and contingency plan must include:

i. The requirement to carry out Water Framework Directive compliant surveys twice yearly (spring and autumn), upstream and downstream of the Fromus crossing for a period of five years following completion of the construction of the Fromus crossing.

ii. Principles of the contingency monetary fund set out in (f) and criteria for when provision of the fund would be triggered.

(f) Following receipt and review of the monitoring results under (e)(i), should the criteria in (e)(ii) be exceeded, then a contingency fund would be provided to fund measures to encourage the passage of macro invertebrates around the Fromus crossing and/or

enhancement of Water Framework Directive invertebrate habitat upstream of the Fromus crossing. This would be secured via an appropriate legal agreement.

Stages of the Authorised Development

4.—(1) Unless otherwise agreed with the relevant planning authority, written notice setting out the anticipated programme for the carrying out of pre-commencement operations must be given to the relevant planning authority no less than seven days prior to the date on which those pre-commencement operations are first carried out.

(1)(2) The authorised development may not commence until a written scheme setting out all stages of the authorised development has been submitted to the relevant planning authority.

(2)(3) Any revisions to the written scheme referred to in sub-paragraph 4(2) above must be submitted to the relevant planning authority in advance of the commencement of the stage of the authorised development to which the revisions relate.

(3)(4) Written notice of the completion of construction for each stage of the authorised development, and the operational use of that part of the authorised development, must be given to the relevant planning authority within 28 days of the relevant event being completed.

(4)(5) The authorised development must be carried out in accordance with the written scheme submitted further to sub-paragraphs (2) or (2).

Construction Management Plans and Commitments

5.—(1)-(1)—All ~~construction~~ works forming part of the authorised development must be carried out in accordance with the ~~construction~~ management plans, schemes and strategies listed in sub-paragraph 0 below, unless otherwise agreed with the relevant planning authority or other discharging authority as may be appropriate to the relevant plan, scheme or strategy concerned.

(1) (2) The plans, schemes and strategies referred to in paragraph 0 above comprise the following—

(a) Greenhouse Gas Reduction Strategy; ~~and~~

(b) Red Throated Diver Protocol; ~~and~~

(b)(c) Register of Environmental Actions and Commitments Table 1.1 [note for Examining Authority]: REAC to be reorganised for submission at a later deadline with Table 1.1. to include requirements that are to be firmly secured and Table 2.1 to then provide a summary of commitments in other documents, in the form for a more traditional mitigation route map].

(2) (3) For the avoidance of doubt, all pre-commencement operations must be carried out in accordance with the plans listed in paragraph 0 above, the ~~outline~~ management plans listed in paragraph 0 below, and the outline overarching written schemes of investigation listed in paragraph 14(1) below, unless otherwise agreed with the relevant planning authority or other discharging authority as may be appropriate to the relevant plan concerned.

Construction Management Plans to be Approved

6.—(1)-(1) No stage of the authorised development may commence until, for that stage, the following plans as relevant to that stage have been submitted to and approved by the relevant planning authority or other discharging authority as may be appropriate to the relevant plan, scheme or strategy concerned—

(a) Onshore Construction Environmental Management Plan (which must be substantially in accordance with the Onshore Outline Construction Environmental Management Plan);

(b) Construction Traffic Management and Travel Plan – Suffolk (which must be substantially in accordance with the Outline Construction Traffic Management and Travel Plan – Suffolk);

(c) Construction Traffic Management and Travel Plan – Kent (which must be substantially in accordance with the Outline Construction Traffic Management and Travel Plan – Kent);

- (d) Air Quality Management Plan – Suffolk (which must be substantially in accordance with the Outline Air Quality Management Plan – Suffolk);
- (e) Air Quality Management Plan – Kent (which must be substantially in accordance with the Outline Air Quality Management Plan – Kent);
- (f) Landscape and Ecological Management Plan (LEMP) – Suffolk (which must be substantially in accordance with the Outline LEMP – Suffolk)
- (g) Landscape and Ecological Management Plan (LEMP) – Kent (which must be substantially in accordance with the Outline LEMP – Kent);
- (h) Construction Noise and Vibration Management Plan (NVMP) – Suffolk (which must be substantially in accordance with the Outline Construction NVMP - Suffolk);
- (i) Construction Noise and Vibration Management Plan (NVMP) – Kent (which must be substantially in accordance with the Outline NVMP – Kent);
- (j) Public Rights of Way (PRoW) Management Plan – Suffolk (which must be substantially in accordance with the Outline PRoW - Suffolk)
- (k) Public Rights of Way (PRoW) Management Plan – Kent (which must be substantially in accordance with the Outline PRoW - Kent);
- (l) Soil Management Plan – Suffolk (which must be substantially in accordance with the Outline Soil Management Plan - Suffolk);
- (m) Soil Management Plan – Kent (which must be substantially in accordance with the Outline Soil Management Plan - Kent);
- (n) Material and Waste Management Plan (such approval to be given in consultation with the Environment Agency);
- ~~(o) Construction–Drainage Management Plan –Suffolk (which must be substantially in accordance with the Suffolk Drainage Strategy);~~
- ~~(p) Drainage Management Plan -Kent (which must be substantially in accordance with the Kent Drainage Strategy)~~
- ~~(r)–Flood Management Plan (FMP);~~
- ~~(q) Operational Drainage Management Plan; and~~
- ~~(s)–Code of Construction Practice (which must be substantially in accordance with the outline Code of Construction Practice); and~~
- ~~(t) Register of Environmental Actions and Commitments.~~

~~(2)~~ The ~~construction~~ works for each stage of the authorised development and mitigation works ~~to minimise the impact of construction~~ must be carried out in accordance with the relevant stage of the approved plans, schemes and strategies referred to in sub-paragraph 0 or with any amended plans, schemes or strategies that may subsequently be approved by the relevant planning authority or other discharging authority as may be appropriate to the relevant plan, scheme or strategy concerned.

~~(3)~~ All landscaping works must be carried out and maintained in accordance with the Landscape and Ecological Management Plans approved under sub-paragraph (1), and in accordance with the relevant recommendations of appropriate British Standards.

~~(2)~~(4) Any tree or shrub planted as part of an approved Landscape and Ecological Management Plans that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless alternative timing or a different specimen is otherwise approved by the relevant planning authority.

Construction hours

7.— (1) Subject to sub-paragraphs 7(2), 7(3), 7(4) and (7) onshore construction work may only take place between 0700 and 1900 Monday to Friday and between 0700 and 1700 on Saturdays, Sundays and Bank Holidays (the core working hours), unless otherwise approved by the relevant

planning authority. There will be no working on Bank Holidays in respect of Work No. 3B, Work No. 9B, and Work No. 11, except for the operations described in paragraph (4) below or with the prior agreement of the local planning authority. In respect of those works, for Bank Holiday Mondays (meaning Easter Monday, the early May bank holiday, the Spring bank holiday, and the summer bank holiday) there will also be no working on the preceding Saturday or Sunday in each case.

(+)(2) Percussive piling works are limited to 0700 to 1900 Monday to Friday and 0700 to 1700 on Saturdays and may not occur on Sundays or Bank Holidays, unless otherwise approved by the relevant planning authority.

(2) Subject to sub-paragraph (4), HGV deliveries are limited to 0700 to 1900 Monday to Friday and 0700 to 1700 on Saturdays and may not occur on Sundays or Bank Holidays, unless otherwise approved by the relevant highway authority.

(3) The following operations may take place outside the core working hours referred to in sub-paragraph 0—

- (a) trenchless crossing operations including at landfalls and beneath highways, railway lines, woodlands, nature reserves, Sites of Special Scientific Interest or watercourses;
- (b) the installation and removal of conductors, pilot wires and associated protective netting across highways, railway lines or watercourses;
- (c) the jointing of underground cables;
- (d) the continuation of any work activity commenced during the core working hours to a point where they can securely and or safely be paused;
- (e) delivery to the transmission works of abnormal loads and any highway works requested by the highway authority to be undertaken outside the core working hours;
- (f) the testing or commissioning of any electrical plant installed as part of the authorised development including undertaking of any identified corrective activities;
- (g) the completion of works delayed or held up by severe weather conditions which disrupted or interrupted normal construction activities;
- (h) activity necessary in the instance of an emergency where there is a risk to persons or property;
- (i) marine works (all works below the mean high water springs line);
- (j) security monitoring;
- (k) intrusive and non-intrusive surveys;
- (l) mechanical and electrical installation works within buildings once erected and enclosed; and

(m) any highway works requested by the highway authority to be undertaken ~~on a Saturday or Sunday or~~ outside the core working hours.

(n) any railway works to be undertaken as part of the project on a Saturday, Sunday, Bank Holiday or outside the core working hours.

(4) The core working hours referred to in sub-paragraph 0 exclude start-up and close down activities up to 1 hour either side of the core working hours.

(5) The severe weather conditions referred to in sub-paragraph (4)(g) means any weather which prevents work from taking place during the core working hours referred to in sub-paragraph (1) and, as the case may be, the hours referred to in sub-paragraph (3) by reason of physical incapacity (whether for reasons of visibility, ground conditions, power availability, site access, wind or otherwise) or being contrary to safe working practices.

(6) In respect of Work No.1A and Work No. 1B, construction work may only take place between 0700 hours and 1900 hours Monday to Friday and 0700 hours and 1300 hours on Saturdays, with no activity on Sundays or bank holidays, except as specified in sub-paragraph (8).

(7) Outside the hours specified in sub-paragraph (7), construction work may be undertaken for essential activities including but not limited to—

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

(8) With the exception of activities undertaken in accordance with sub-paragraph (2)(e), the timing and duration of construction work undertaken in accordance with sub-paragraph (8) and, where works do not fall within sub-paragraphs (2)(a) to (2)(e), whether such works are essential, must be approved by the relevant planning authority in writing in advance, and must be carried out within the approved time.

Retention and protection of existing trees and hedgerows

8.—~~(1)~~ (1) No stage of the authorised development may commence until, for that stage, an Arboricultural Method Statement identifying the trees, groups of trees and hedgerows to be retained during that stage has been submitted to and approved by the relevant planning authority.

~~(1)~~(2) The Statement referred to in sub-paragraph 0 must include—

- (a) a schedule of all proposed tree and hedgerow removal and management;
- (b) specification for temporary physical protection including clearly defined root protection areas to prevent damage / compaction of roots by machinery; and
- (c) details of an auditable system of compliance.

~~(2)~~(3) The relevant works in proximity to the protected tree or hedgerow must not commence until the approved protection measures referred to in sub-paragraph (2) are in place, and they must thereafter be maintained during the construction of the relevant stage of the authorised development.

~~(3)~~(4) The authorised development must proceed in accordance with the Statement referred to in sub-paragraph (1) unless otherwise approved by the relevant planning authority.

Reinstatement schemes

9.—~~(1)~~(1) Subject to sub-paragraphs 1(1) ~~and (3)~~, any land within the Order limits which is used temporarily for construction is to be reinstated to a condition suitable for its former use, or such condition as the relevant planning authority may approve, within 12 months of completion of the construction of the stage of authorised development for which it was required, or such further time as may be approved by the relevant planning authority.

~~(1) The requirement to reinstate the land to a condition suitable for its former use does not apply to land above or within 10 metres of underground cables installed as part of the authorised development, except in respect of the reinstatement of hedgerows.~~

~~(2)~~ (2) The requirement to reinstate the land to a condition suitable for its former use is subject to the provisions of article 27 (temporary use of land for carrying out the authorised project).

Unsuspected contamination

10.—~~(1)~~(1) In the event that contaminated land, including groundwater, is found at any time when carrying out the authorised development, which was not previously identified in the environmental statement, then no further development (unless otherwise approved in writing by the relevant authorities) shall be carried out within the identifiable perimeters of the area in which the suspected contamination is located. It must be reported as soon as reasonably practicable to the relevant planning authority, and where necessary, the Environment Agency, and the undertaker must complete a risk assessment of the contamination in consultation with the relevant planning authority, and where necessary, the Environment Agency.

(1) Where the undertaker determines that remediation of the contaminated land is necessary, a written scheme and programme for the remedial measures to be taken to render the land fit for its intended purpose must be submitted to and approved in writing by the relevant planning authority, following consultation with the Environment Agency.

(2) Remediation must be carried out in accordance with the approved scheme under sub-paragraph (2).

(3) Following the implementation of the remediation strategy approved under sub-paragraph (2), a verification report, based on the data collected as part of the remediation strategy and demonstrating the completion of the remediation measures must be produced and supplied to the relevant planning authority and the Environment Agency.

Removal of temporary bridges and culverts

11.—~~(1)~~(1) Any temporary bridge or culvert required in connection with a part of the authorised development must be removed within eighteen months of that part of the authorised development being first brought into operational use, or such further time as may be approved by the relevant planning authority.

Highway works

12.—(1) (1) No work to construct, alter or temporarily alter any new or existing means of access to a highway to be used by vehicular traffic may commence until written details of design, layout and reinstatement of that means of access has been submitted to and approved by the relevant highway authority.

~~(1)~~(2) The highway accesses must be constructed and reinstated in accordance with the details approved under sub-paragraph 0.

~~(2)~~(3) For the avoidance of doubt, all pre-commencement operations involving the construction or alteration of temporary accesses must be carried out in accordance with sub-paragraphs 0 and (2) unless otherwise agreed with the relevant highway authority.

Decommissioning

13.—(1) (1) Excluding for substations and that part of the authorised development comprised in the Licensed Marine Activities authorised pursuant to Schedule 16 (deemed marine licence), in the event that, at some future date, the authorised development, or part of it, is to be decommissioned, a written scheme of decommissioning must be submitted for approval by the relevant planning authority, in consultation with the Environment Agency, at least six months prior to any decommissioning works.

~~(1)~~(2) The approved scheme must be implemented as approved as part of the decommissioning of the authorised development or relevant part of it.

(2) This requirement does not apply to the part of the authorised development and associated development described in Schedule 1 (authorised project) which relates to the dismantling and removal of existing infrastructure or apparatus.

Archaeology

14.—(1) (1) The proposed development must be undertaken in accordance with the following documents as relevant to the location of the works unless otherwise agreed with the relevant planning authority:

- (a) Outline Onshore Overarching Written Scheme of Investigation – Suffolk for onshore works within the county of Suffolk;
- (b) Outline Onshore Overarching Written Scheme of Investigation – Kent for onshore works within the county of Kent; and
- (c) Outline Offshore Overarching Written Scheme of Investigation and the Marine Archaeological Method Statement as appropriate.

(2) No stage of the authorised development may commence until for that stage either a preservation in situ Historic Environment Management Plan or a site-specific written scheme of investigation (which accords with the relevant Overarching Written Scheme of Investigation and is

informed by the pre-commencement archaeological surveys) has been submitted to and approved by the relevant planning authority, in consultation with Historic England.

(3) Site-specific written schemes of investigation must be in accordance with the outline written scheme of investigation and must identify areas where archaeological works are required and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found and must include:

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

(4) All archaeological works must be carried out in accordance with the approved site-specific written scheme of investigation for that stage.

(5) Unless otherwise agreed with the relevant planning authority:

- (a) No later than two years following the completion of the fieldwork specified in each site-specific written scheme of investigation, a site-specific post excavation assessment for that site must be completed in accordance with the Overarching Archaeological Written Scheme of Investigation and submitted to the relevant planning authority for approval;
- (b) No later than one year following the approval of the final site-specific post excavation assessment, an archaeological updated project design for all sites, must be submitted to the relevant planning authority for approval. The archaeological updated project design must be produced in general accordance with the Overarching Archaeological Written Scheme of Investigation, include details of the scope of post-excavation analysis and publication and have regard to the site-specific research agendas set out in the site-specific written schemes of investigation;
- (c) Post-excavation analysis and publication must be carried out in accordance with the approved archaeological updated project design;
- (d) The full archaeological archive must be submitted to the relevant planning authority in accordance with the archaeological updated project design.

Restriction on carrying out works when consented in another order

15. (1) Where any part of Work No.1B has been completed pursuant to another development consent order, those works must not be constructed under this Order, save where amendments to those works are required for the purposes of the Authorised Project.

