
STATUTORY INSTRUMENTS

2013 No. 1203

INFRASTRUCTURE PLANNING

The Galloper Wind Farm Order 2013

Made - - - - *24th May 2013*

Coming into force - - *15th June 2013*

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

The application was examined by a Panel appointed as the Examining authority by the Chair of the Infrastructure Planning Commission pursuant to Chapter 2 of Part 6 of the 2008 Act, and following the abolition of the Commission, by the Secretary of State⁽³⁾, and the examination was carried out in accordance with Chapter 4 of Part 6 of the 2008 Act, and the Infrastructure Planning (Examination Procedure) Rules⁽⁴⁾;

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having considered the application together with the documents that accompanied it, and the representations made and not withdrawn, has, in accordance with section 74 of the 2008 Act, made a report and recommendation to the Secretary of State;

The Secretary of State, having considered the report and recommendation of the Panel, and decided the application, has determined to make an Order giving effect to the proposals comprised in the application with modifications;

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

Citation and commencement

1. This Order may be cited as the Galloper Wind Farm Order 2013 and shall come into force on 15th June 2013.

(1) [S.I. 2009/2264](#), amended by [S.I. 2010/602](#), [2012/635](#), [2012/2732](#).

(2) [2008 c. 29](#). Parts 1 to 7 were amended by Part 6 of Chapter 6 of, and Schedule 13 to, the Localism Act 2011 ([c. 20](#)). Section 149A was inserted by paragraph 4 in Part 1 of Schedule 8 to the Marine and Coastal Access Act 2009 ([c. 23](#)).

(3) Following the abolition of the Infrastructure Commission on 1st April 2012 the Panel appointed under section 61(2) of the Planning Act 2008 is treated as if appointed by the Secretary of State by virtue of a direction given by the Secretary of State under section 129 of the Localism Act.

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

Interpretation

2.—(1) Except for Schedule 2 (Deemed Licence under the Marine and Coastal Access Act 2009), which is subject to the definitions in that Schedule, in this Order—

“the 1961 Act” means the Land Compensation Act 1961(5);

“the 1965 Act” means the Compulsory Purchase Act 1965(6);

“the 1980 Act” means the Highways Act 1980(7);

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

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

“the 2004 Act” means the Energy Act 2004(10);

“the 2008 Act” means the Planning Act 2008;

“the 2009 Act” means the Marine and Coastal Access Act 2009(11);

“accommodation platform” means a platform housing or incorporating temporary accommodation including mess facilities, landing points for vessels and helicopters, standby electricity generation equipment, marking and lighting and other equipment and facilities to assist in the coordination of emergency marine activities related to the authorised development;

“ancillary works” means the ancillary works described in Part 2 of Schedule 1 (ancillary works) which 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 (authorised development) and any other development authorised by this Order, which is development within the meaning of section 32 of the 2008 Act;

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- (5) 1961 c. 33. Section 2(2) was amended by section 193 of, and paragraph 5 of Schedule 33 to, the Local Government, Planning and Land Act 1980 (c. 65). There are other amendments to the 1961 Act which are not relevant to this Order.
- (6) 1965 c. 56. Section 3 was amended by section 70 of, and paragraph 3 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34). Section 4 was amended by section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71). Section 5 was amended by sections 67 and 80 of, and Part 2 of Schedule 18 to, the Planning and Compensation Act 1991 (c. 34). Subsection (1) of section 11 and sections 3, 31 and 32 were amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67) and by section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No. 1). Section 12 was amended by section 56(2) of, and Part 1 to Schedule 9 to, the Courts Act 1971 (c. 23). Section 13 was amended by section 139 of the Tribunals, Courts and Enforcement Act 2007 (c. 15). Section 20 was amended by section 70 of, and paragraph 14 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34). Sections 9, 25 and 29 were amended by the Statute Law (Repeals) Act 1973 (c. 39). Section 31 was also amended by section 70 of, and paragraph 19 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34) and by section 14 of, and paragraph 12(2) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No. 1). There are other amendments to the 1965 Act which are not relevant to this Order.
- (7) 1980 c. 66. Section 1(1) was amended by section 21(2) of the New Roads and Street Works Act 1991 (c. 22); section 1(2), (3) and (4) was amended by section 8 of, and paragraph 1 of Schedule 4 to, the Local Government Act 1985 (c. 51); section 1(2A) was inserted, and section 1(3) was amended, by section 259(1), (2) and (3) of the Greater London Authority Act 1999 (c. 29); section 1(3A) and (5) was inserted by section 22(1) of, and paragraph 1 of Schedule 7 to, the Local Government (Wales) Act 1994 (c. 19). Section 36(2) was amended by section 4(1) of, and paragraph 47(a) and (b) of Schedule 2 to, the Housing (Consequential Provisions) Act 1985 (c. 71), by S.I. 2006/1177, by section 4 of, and paragraph 45(3) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11), by section 64(1), (2) and (3) of the Transport and Works Act (c. 42) and by section 57 of, and paragraph 5 of Part 1 of Schedule 6 to, the Countryside and Rights of Way Act 2000 (c. 37); section 36(3A) was inserted by section 64(4) of the Transport and Works Act 1992 and was amended by S.I. 2006/1177; section 36(6) was amended by section 8 of, and paragraph 7 of Schedule 4 to, the Local Government Act 1985 (c. 51); and section 36(7) was inserted by section 22(1) of, and paragraph 4 of Schedule 7 to, the Local Government (Wales) Act 1994 (c. 19). Section 329 was amended by section 112(4) of, and Schedule 18 to, the Electricity Act 1989 (c. 29) and by section 190(3) of, and Part 1 of Schedule 27 to, the Water Act 1989 (c. 15). There are other amendments to the 1980 Act which are not relevant to this Order.
- (8) 1990 c. 8. Section 78 was extended by section 50(1) of the Planning and Compulsory Purchase Act 2004 (c. 5). There are other amendments to the 1990 Act which are not relevant to this Order. Section 262 has been amended by the Gas Act 1995 (c. 45), section 16(1) and Schedule 4, paragraph 18(2). There are other amendments not relevant to this Order.
- (9) 1991 c. 22. Section 48(3A) was inserted by section 124 of the Local Transport Act 2008 (c. 26). Sections 79(4), 80(4), and 83(4) were amended by section 40 of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18). There are other amendments to the 1991 Act but they are not relevant to this Order.
- (10) 2004 c. 20.
- (11) 2009 c. 23.

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

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

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

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

“collection platform” means a platform housing or incorporating electrical switchgear and/or electrical transformers, J-tubes, marking and lighting and other equipment and facilities to enable the electrical connection of electrical cables from multiple WTGs to be collected at, and exported from, the platform in one or more cables;

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

“the deemed Marine Licence” means the licence set out in Schedule 2 and deemed by article 10 to have been granted under Part 4 of the 2009 Act, by virtue of section 149A of the 2008 Act;

“EDF Energy” means EDF Energy (UK) Limited (company number 02622406) and any group company of EDF Energy (UK) Limited which holds property and is a licensed holder for any of the purposes under section 6 of the Electricity Act 1989 at Sizewell, and for the purposes of this definition “group company” means any company which is a company within the meaning of section 42 of the Landlord and Tenant Act 1954 including EDF Energy Nuclear Generation Limited (company number 03076445) and NNB Generation Company Limited (company number 06937084);

“electric line” has the same meaning as in section 235 of the 2008 Act;

“electrical substation compound” means a compound containing electrical equipment including switchgear, transformers, reactive compensation equipment, harmonic filters, cables, control buildings, communications masts, back-up generators, access, fencing and other associated equipment or structures;

“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 on 21 November 2011 and the environmental information contained in the clarifications, corrections and omissions document accepted by the Examining authority as a late submission, together with the table of environmental mitigation measures in relation to protected species dated 16 July 2012 and the two tables of offshore and onshore environmental mitigation measures dated 16 July 2012 submitted to the Examining authority, as part of the examination of the application for this Order;

“examination” means the examination under Chapter 4 in Part 6 of the 2008 Act into the application for this Order;

“Examining authority” means the Examining authority appointed under Chapter 2 in Part 6 of the 2008 Act to examine the application for this Order;

“gravity base foundation” means a structure principally of concrete which rests on the seabed due to its own weight and that of added ballast, with or without additional drilled pins or other additional fixings, which may include an integrated transition piece, and associated equipment including J-tube and access platforms and equipment;

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

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

“maintain” includes maintain, upkeep, inspect, repair, adjust, alter, relay and remove and any derivative of “maintain” is to be construed accordingly;

“MCA” means the Maritime and Coastguard Agency;

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

“mean low water spring tides” or “MLWST” means the average of the low water heights occurring at the time of spring tides which is also the outermost extent of the local planning authority jurisdiction;

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

“MMO” means the Marine Management Organisation;

“monopile foundation” means a metal pile, typically cylindrical, driven and/or drilled into the seabed and associated equipment including J-tube and access-related equipment;

“offshore substation platform” means a platform with one or more decks, whether open or fully clad, accommodating medium to high voltage electrical power transformers, medium and/or high voltage switch gear, helicopter landing facilities, re-fuelling facilities, portable water storage, black water separation equipment, instrumentation, metering equipment, control systems, standby electrical generation equipment, auxiliary and uninterruptible power supply systems, emergency accommodation including mess facilities, craneage, control hub, drainage facilities, access equipment, marking and lighting and other associated equipment and facilities;

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

“the Order limits” means the limits shown on the Order limits plan within which the authorised project may be carried out, whose grid coordinates seaward of MHWS are set out in paragraph 3 of Part 1 of Schedule 1 (authorised development) of this Order;

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

“owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981⁽¹²⁾;

“relevant planning authority” means Suffolk Coastal District Council;

“Renewable Energy Zone” means the areas of the sea designated under the Renewable Energy Zone (Designation of Area) Order 2004⁽¹³⁾;

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

“scheduled works” means the works numbered 1(a), 2, 3A, 3B, 4 to 7, 8A, 8B, 9A, 9B, 10 and 11 specified in Part 1 of Schedule 1 to this Order;

“space frame foundation” means a metal jacket/lattice-type structure, including between three to six legs, which is fixed to the seabed with driven piles and/or drilled pins and/or weights and/or suction cans or additional fixings, which may include an integrated transition piece, and associated equipment including J-tube and access platforms and equipment;

“statutory undertaker” means any person falling within section 127(8), 128(5) or 129(2) of the 2008 Act (which make provision about orders affecting statutory undertakers’ land);

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

⁽¹²⁾ 1981 c. 67. Section 7 was amended by section 70 of, and paragraph 9 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34). There are other amendments to the 1981 Act which are not relevant to this Order.

⁽¹³⁾ S.I. 2004/2668.

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

“suction can” means a steel open-based cylinder, which is fixed to the base of a foundation and is installed until the lid is flush with the seabed;

“suction monopod” means a tubular metal structure founded on a steel open based cylinder akin to an up-turned bucket which partially penetrates the seabed, which may include an integrated transition piece, and associated equipment, including J-tube and access platforms and equipment;

“territorial waters” means the territorial waters within section 1 of the Territorial Sea Act 1987⁽¹⁴⁾;

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

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

“undertaker” means Galloper Wind Farm Limited;

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

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

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

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

(3) References in this Order to numbered Requirements are to the Requirements with those numbers in Part 3 of Schedule 1.

(4) In its application to the compulsory acquisition of land under this Order, by virtue of section 125 of the 2008 Act, Part 1 of the 1965 Act shall apply as if ‘land’ has the meaning given by section 159 of the 2008 Act.

(5) All distances, directions and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised project shall be taken to be measured along that work.

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

(7) References in this Order to reference points identified by letters are to be construed as references to the points so lettered on the works plans.

Development consent etc. granted by the Order

3. Subject to the provisions of Part 3 of Schedule 1 (Requirements), Schedule 2 (deemed marine licence) and the other provisions of this Order, the undertaker is granted—

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

to be carried out within the Order limits.

⁽¹⁴⁾ 1987 c. 49.

Maintenance of authorised project

4. 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. No maintenance works whose likely significant effects on the environment are not described in the environmental statement shall take place except with the prior written consent, and subject to such further environmental assessment, as the MMO may require.

Operation of an offshore electricity generating station and keeping of overhead lines

5.—(1) The undertaker is hereby authorised to operate the offshore electricity generating station comprised in the authorised development.

(2) The undertaker is hereby authorised to keep the overhead lines above ground which are comprised in the authorised development.

(3) This article does not relieve the undertaker of any requirement to obtain any permit or licence under any other legislation that may be required from time to time to authorise the operation of an offshore electricity generating station or the keeping of an electric line above ground.

Requirements, appeals, etc.

6.—(1) Where an application is made to the relevant planning authority for any consent, agreement or approval required by Requirements 19 to 36 (inclusive) (Requirements that relate to land above mean low water spring tides), the following provisions apply in respect of that application as they would if the consent, agreement or approval so required was required by a condition imposed on the grant of planning permission—

- (a) sections 78 and 79 of the 1990 Act (right of appeal in relation to planning decisions);
- (b) any orders, rules or regulations which make provision in relation to a consent, agreement or approval of a local planning authority required by a condition imposed on the grant of planning permission.

(2) For the purposes of the application of section 262 of the 1990 Act (meaning of “statutory undertaker”) to appeals pursuant to this article, the undertaker is deemed to be a holder of a licence under section 6 of the Electricity Act 1989⁽¹⁵⁾.

Benefit of the Order

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

- (a) transfer to another person (the “transferee”) any or all of the benefit of the provisions of this Order 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 and such related statutory rights as may be so agreed.

(2) The Secretary of State shall consult the MMO before giving consent to the transfer to another person of any or all of the benefit of the provisions of the deemed Marine Licence.

(3) Where an agreement has been made in accordance with paragraph (1) references in this Order to the undertaker, except in paragraph (4), shall include references to the transferee or lessee.

(15) 1989 c. 29.

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

Public rights of navigation

8.—(1) Subject to paragraphs (2) and (3), the rights of navigation over the places in the sea within territorial waters where any of the wind turbine generators, meteorological masts, offshore substation platforms, accommodation platforms and collection platforms (“the Installations”), including their foundations, comprising part of the authorised development is located (“the relevant rights of navigation”), shall be extinguished.

(2) The extinguishment of the relevant rights of navigation identified in paragraph (1) shall take effect 14 days after the undertaker has submitted a plan to the Secretary of State, Trinity House, the MCA and the MMO showing the precise locations of the foundations of each of the Installations to be constructed as part of the authorised development.

(3) The plan submitted in accordance with paragraph (2) shall be published by the undertaker in such form and manner as required by the Secretary of State.

Abatement of works abandoned or decayed

9. Where Work No. 1 or any part of it, is abandoned or allowed to fall into decay the Secretary of State may by notice in writing require the undertaker at its own expense either to repair and restore Work No. 1 or any part, or to remove it and, without prejudice to any notice served under section 105(2) of the 2004 Act, restore the site to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.

Deemed licence under the Marine and Coastal Access Act 2009

10. The undertaker is granted a deemed licence under Part 4 Chapter 1 of the 2009 Act to carry out the works and make the deposits specified in Part 1 of Schedule 2, subject to the licence conditions set out in Part 2 of that Schedule.

Saving for Trinity House

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

Crown rights

12.—(1) Nothing in this Order shall—

- (a) prejudicially affect any estate, right, power, privilege, authority or exemption of the Crown; or
- (b) authorise the undertaker to take, use, enter upon or in any manner interfere with any land, hereditaments or rights of whatever description (including any part of the shore or bed of the sea or any river, channel, creek, bay or estuary) belonging to—
 - (i) Her Majesty in right of the Crown and under the management of the Crown Estate Commissioners without the consent in writing of those Commissioners; or
 - (ii) 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) A consent under paragraph (1)(b) may be given unconditionally or may be subject to such conditions or upon such terms as may be considered necessary or appropriate.

Street works

13.—(1) The undertaker may, for the purposes of the authorised project, enter on so much of any of the streets specified in Schedule 3 (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, or bore under the street;
- (b) place apparatus under the street;
- (c) maintain apparatus under the street or change its position; and
- (d) execute any works required for or incidental to any works referred to in sub-paragraphs (a), (b) and (c).

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

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

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

Agreements with street authorities

14.—(1) A street authority and the undertaker may enter into agreements with respect to the carrying out in the street of any of the works referred to in article 13(1) (street works).

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

- (a) make provision for the street authority to carry out any function under this Order which relates to the street in question;
- (b) include an agreement between the 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.

Authority to survey and investigate the land

15.—(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 prejudice to the generality of 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 prejudice to the generality of sub-paragraph (a), carry out ecological or archaeological investigations on such land; and
- (d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes.

(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 14 days’ notice has been served on every owner and occupier of the land.

(3) Any person entering land under this article on behalf of the undertaker—

- (a) shall, if so required entering the land, produce written evidence of their authority to do so; and
 - (b) may take with them such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.
- (4) No trial holes shall be made under this article—
- (a) in land located within the highway boundary without the consent of the highway authority; or
 - (b) in a private street without the consent of the street authority,
- but such consent shall not be unreasonably withheld.
- (5) The undertaker shall compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the authority conferred by this article, such compensation to be determined, in case of dispute, Part 1 (determination of questions of disputed compensation) of the 1961 Act.

Compulsory acquisition of land

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

(2) This article is subject to article 18 (compulsory acquisition of rights) and article 23 (temporary use of land for carrying out the authorised project).

Time limit for exercise of authority to acquire land compulsorily

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

- (a) no notice to treat shall be served under Part 1 of the 1965 Act; and
- (b) no declaration shall be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981⁽¹⁶⁾ as applied by article 20 (application of the Compulsory Purchase (Vesting Declarations) Act 1981).

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

Compulsory acquisition of rights

18.—(1) Subject to paragraph (2) the undertaker may acquire compulsorily such rights over the Order land as may be required for any purpose for which that land may be acquired under article 16 (compulsory acquisition of land), by creating them as well as by acquiring rights already in existence.

(2) In the case of the Order land specified in column (1) of Schedule 4 (land in which only new rights etc., may be acquired) the undertaker's powers of compulsory acquisition are limited to the acquisition of such new rights as may be required for the purpose specified in relation to that land in column (2) of that Schedule.

⁽¹⁶⁾ 1981 c. 66. Sections 2(3), 6(2) and 11(6) were amended by section 4 of, and paragraph 52 of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11). Section 15 was amended by sections 56 and 321(1) of, and Schedules 8 and 16 to, the Housing and Regeneration Act 2008 (c. 17). Paragraph 1 of Schedule 2 was amended by section 76 of, and Part 2 of Schedule 9 to, the Housing Act 1988 (c. 50); section 161(4) of, and Schedule 19 to, the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28); and sections 56 and 321(1) of, and Schedule 8 to, the Housing and Regeneration Act 2008. Paragraph 3 of Schedule 2 was amended by section 76 of, and Schedule 9 to, the Housing Act 1988 and section 56 of, and Schedule 8 to, the Housing and Regeneration Act 2008. Paragraph 2 of Schedule 3 was repealed by section 277 of, and Schedule 9 to, the Inheritance Tax Act 1984 (c. 51). There are other amendments to the 1981 Act which are not relevant to this Order.

(3) Subject to section 8 of the 1965 Act where the undertaker acquires a right over land under paragraph (1) or (2) the undertaker shall not be required to acquire a greater interest in that land.

(4) In any case where the acquisition of new rights under paragraph (1) is required for the purpose of diverting, replacing or protecting apparatus of a statutory 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.

(5) The exercise by a statutory undertaker of any power in accordance with a transfer under paragraph (4) shall be subject to the same restrictions, liabilities and obligations as would apply under this Order if that power were exercised by the undertaker.

Private rights

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

- (a) as from the date of acquisition of the land by the 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 (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 under this Order are extinguished in so far as their continuance would be inconsistent with the exercise of the right—

- (a) as from the date of the acquisition of the right 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 in pursuance of the right,

whichever is the earlier.

(3) Subject to the provisions of this article, all private rights over land owned by the undertaker which, being within the limits of land which may be acquired shown on the land plan, are required for the purposes of this Order shall be extinguished on the appropriation of the land by the undertaker for any of those purposes.

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

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

(6) This article does not apply in relation to any right to which section 138 of the 2008 Act (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) or article 26 (statutory undertakers) applies.

(7) Paragraphs (1) to (3) shall 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 shall not apply to any right specified in the notice; and
- (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.
- (8) If any such agreement as is referred to in paragraph (7)(b)—
- (a) is made with a person in or to whom the right is vested or belongs; and
- (b) is expressed to have effect also for the benefit of those deriving title from or under that person,

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

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

Application of the Compulsory Purchase (Vesting Declarations) Act 1981

20.—(1) The Compulsory Purchase (Vesting Declarations) Act 1981 shall apply as if this Order were a compulsory purchase order.

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

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

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

- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession); and
- (b) published in a local newspaper circulating in the area in which the land is situated.

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

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

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

- (a) that person is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion; or
- (b) that person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”.

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

- (a) in subsection (1), after “publication” there shall be inserted “in a local newspaper circulating in the area in which the land is situated”; and
- (b) subsection (2) shall be omitted.

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

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

Acquisition of subsoil only

21.—(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of the land referred to in paragraph (1) of article 16 (compulsory acquisition of land) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.

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

Rights under or over streets

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

(2) Subject to paragraph (3), the 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) shall not apply in relation to—

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

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

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

Temporary use of land for carrying out the authorised project

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

- (a) enter on and take temporary possession of the land specified in columns (1) and (2) of Schedule 5 (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;
- (b) remove any buildings and vegetation from that land; and
- (c) construct temporary works (including the provision of means of access) and buildings on that land.

(2) In the case of the land numbered 141, 142, 143, 161, 163, 165, 167, 170 and 171 in column (2) of Schedule 5, the power conferred by paragraph (1) shall be limited to entering in and taking temporary possession of the airspace over the land for the purpose specified in relation to that land in column (3) of that Schedule.

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

(4) The undertaker may not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of one year beginning with the date of completion of the part of the authorised project specified in relation to that land in column (4) of Schedule 5.

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

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

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

(8) Nothing in this article shall affect any liability to pay compensation under section 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 (6).

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

- (a) acquiring new rights over any part of that land under article 18 (compulsory acquisition of rights); or
- (b) acquiring any part of the subsoil (or rights in the subsoil) of that land under article 21 (acquisition of subsoil only).

(10) In relation to the land specified in paragraph (2), the powers conferred by paragraph (9), shall be limited to the airspace over the land and that paragraph shall not authorise the undertaker to acquire any part of the subsoil or rights in the subsoil of that land.

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

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

Temporary use of land for maintaining authorised project

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

- (a) enter on and take temporary possession of any land within the Order land 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 Order land as may be reasonably necessary for that purpose.

(2) Paragraph (1) shall 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 shall serve notice of the intended entry on the owners and occupiers of the land.

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

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

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

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

(8) Nothing in this article shall affect any liability to pay compensation under section 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 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 shall not be required to acquire the land or any interest in it.

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

(11) In this article "the maintenance period", in relation to any part of the authorised project, means the period of 5 years beginning with the date on which that part of the authorised project is first opened for use.

For the protection of specified undertakers

25. Schedule 6 has effect.

Statutory undertakers

26. Subject to the provisions of Schedule 6 (for the protection of specified undertakers), the undertaker may—

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

Recovery of costs of new connections

27.—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 26 (statutory undertakers) any person who is the owner or occupier of premises to which a supply was given from that apparatus shall be entitled to recover from the 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) shall not apply in the case of the removal of a public sewer but where such a sewer is removed under article 26, any person who is—

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

shall be entitled to recover from the 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 Communications Act 2003(17); and

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

Application of landlord and tenant law

28.—(1) This article applies to—

- (a) any agreement for leasing to any person the whole or any part of the authorised project or the right to operate the same; and
- (b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised project, or any part of it,

so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person’s use.

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

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

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

Operational land for purposes of the 1990 Act

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

Certification of plans etc.

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

- (a) the Order limits plans Number 2.1 Rev 3 (1 of 2) as submitted in the application for this Order and 2.2 Rev 4 (2 of 2) submitted to the Examining authority in connection with the examination of the application for this Order;
- (b) the consolidated book of reference dated 22 October 2012 and submitted to the Examining authority in connection with the examination of the application for this Order;
- (c) the land plans—

- Number 2.5 Rev 20 (1 of 2) dated 7 June 2012 submitted to the Examining authority in connection with the examination of the application for this Order; and
- Number 2.6 Rev 6 (2 of 2) as submitted in the application for this Order;
- (d) the onshore works plan Number 2.3 Rev 1 dated 6 November 2012 submitted to the Examining authority in connection with the examination of the application for this Order; and
- (e) the offshore works plans Number—
- C2.4_A Rev1;
 - C2.4-1 Rev4;
 - C2.4-2 Rev3;
 - C2.4-3 Rev2;
 - C2.4-4 Rev2;
 - C2.4-5 Rev2;
 - C2.4-6 Rev2;
 - C2.4-7 Rev2;
 - C2.4-8 Rev2;
 - C2.4-9 Rev2;
 - C2.4-10 Rev2;
 - C2.4-11 Rev1;
 - C2.4-12 Rev2;
 - C2.4-13 Rev2;
 - C2.4-14 Rev2;
 - C2.4-15 Rev2;
 - C2.4-16 Rev2;
 - C2.4-17 Rev2;
 - C2.4-18 Rev2;
 - C2.4-19 Rev2;
 - C2.4-20 Rev1;
 - C2.4-21 Rev2;
 - C2.4-22 Rev2;
 - C2.4-23 Rev2;
 - C2.4-24 Rev2;
 - C2.4-25 Rev2;
 - C2.4-26 Rev2;
 - C2.4-27 Rev2;
 - C2.4-28 Rev2;
 - C2.4-29 Rev2;
 - C2.4-30 Rev2;
 - C2.4-31 Rev2;
 - C2.4-32 Rev2;

C2.4-33 Rev2;
C2.4-34 Rev2;
C2.4-35 Rev2;
C2.4-36 Rev2;
C2.4-37 Rev2;
C2.4-38 Rev2;
C2.4-39 Rev2;
C2.4-40 Rev2;
C2.4-41 Rev1;
C2.4-42 Rev1;
C2.4-43 Rev1;
C2.4-44 Rev1;
C2.4-45 Rev1;
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C2.4-65 Rev1;
C2.4-66 Rev1;
C2.4-67 Rev1;
C2.4-68 Rev1;
C2.4-69 Rev1;
C2.4-70 Rev1;
C2.4-71 Rev1;

C2.4-72 Rev1;

C2.4-73 Rev1;

C2.4-74 Rev1;

C2.4-75 Rev1;

C2.4-76 Rev1;

C2.4-77 Rev1;

C2.4-78 Rev1;

C2.4-79 Rev1;

(f) other plans referred to in this Order—

Number 2.7 Rev 40 (Onshore General Arrangement) dated 13 November 2012 submitted to the Examining authority in connection with the Examination of the application for this Order;

Number 2.8 Rev 6 (Height Restrictions Plan) as submitted with the application for this Order;

Number 2.9 Rev 1 (Onshore Connection and Transmission Works – General Arrangement) dated 10 November 2012 submitted to the Examining authority in connection with the examination of the application for this Order;

Number 2.10 Rev 2 (Transmission Compound – General Arrangement and Elevations) dated 16 July 2012 submitted to the Examining authority in connection with the examination of the application for this Order;

Number 2.21 Rev 4 (Extinguishment of Rights of Navigation Plan) as submitted in the application for this Order;

Number GWF 888 R3 Rev 3 (BEEMS-MS0345 (Sizewell C Protective Provisions Plan)) dated 29 October 2012 submitted to the Examining authority in connection with the examination of the application for this Order;

Number GWF 890 R3 Rev 3 (BEEMS-MS0357A (Sizewell B Quality of Cooling Water Intake Plan)) dated 29 October 2012 submitted to the Examining authority in connection with the examination of the application for this Order; and

Number GWF 887 R3 Rev 3 (BEEMS-MS0359A (Sizewell B Buffer Zone Plan)) dated 29 October 2012 submitted to the Examining authority in connection with the examination of the application for this Order;

(g) other documents referred to in this Order—

(i) the draft Construction Code of Practice dated 29 October 2012 submitted to the Examining authority in connection with the examination of the application for this Order;

(ii) the environmental statement submitted with the application for this Order and the environmental information contained in the clarifications, corrections and omissions document accepted by the Examining authority as a late submission, together with the table of environmental mitigation measures in relation to protected species dated 16 July 2012 and the two tables of offshore and onshore environmental mitigation measures dated 16 July 2012 submitted to the Examining authority as part of the examination of the application for this Order;

(iii) the design and access statement as submitted in the application for this Order; and

(iv) the landscape strategy as submitted in the application for this Order,

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

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

Arbitration

31. Any difference under any provision of this Order, unless otherwise provided for, shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the Secretary of State.

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

24th May 2013

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

SCHEDULE 1

Article 2

Authorised project

PART 1

Authorised development

1. A nationally significant infrastructure project as defined in sections 14 and 15 of the 2008 Act on the bed of the North Sea approximately 27 kilometres off the coast of Suffolk and partly within the Renewable Energy Zone, comprising—

Work No. 1—

- (a) an offshore wind turbine generating station with a gross electrical output capacity of up to 504 MW comprising up to 140 wind turbine generators each fixed to the seabed by one of four foundation types (namely, monopile foundation, space frame foundation, suction monopod foundation or gravity base foundation), fitted with rotating blades and situated within one or more of array areas A to C whose coordinates are specified below, and including the further works comprising (b) to (e) below;

Coordinates for the array areas

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
Area A					
1	51° 59' 59.611" N	1° 59' 30.896" E	2	51° 59' 30.066" N	2° 05' 35.129" E
3	51° 59' 28.672" N	2° 05' 37.951" E	4	51° 59' 25.641" N	2° 05' 44.985" E
5	51° 59' 22.901" N	2° 05' 52.323" E	6	51° 59' 20.463" N	2° 05' 59.937" E
7	51° 59' 18.338" N	2° 06' 07.792" E	8	51° 59' 16.534" N	2° 06' 15.855" E
9	51° 59' 15.059" N	2° 06' 24.092" E	10	51° 59' 13.920" N	2° 06' 32.467" E
11	51° 59' 13.122" N	2° 06' 40.945" E	12	51° 59' 12.682" N	2° 06' 49.050" E
13	51° 59' 12.329" N	2° 06' 59.141" E	14	51° 58' 56.293" N	2° 07' 50.888" E
15	51° 58' 33.766" N	2° 08' 44.666" E	16	51° 57' 13.719" N	2° 08' 44.383" E
17	51° 55' 37.835" N	2° 08' 14.508" E	18	51° 53' 42.962" N	2° 01' 36.868" E
19	51° 53' 27.719" N	2° 00' 44.242" E	20	51° 53' 15.002" N	2° 00' 00.138" E
21	51° 58' 42.600" N	2° 00' 00.138" E	22	51° 58' 42.600" N	1° 56' 02.667" E
Area B					
1	51° 49' 01.731" N	2° 01' 29.385" E	2	51° 50' 17.180" N	2° 06' 34.867" E
3	51° 45' 40.117" N	2° 05' 09.101" E	4	51° 43' 22.529" N	1° 57' 54.170" E
5	51° 43' 58.800" N	1° 56' 18.600" E	6	51° 45' 14.400" N	2° 00' 00.000" E

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
7	51° 46' 28.672" N	2° 00' 00.000" E	8	51° 48' 39.346" N	2° 00' 00.000" E
9	51° 48' 48.664" N	2° 00' 36.597" E			
Area C					
1	51° 47' 45.600" N	1° 56' 02.400" E	2	51° 45' 58.800" N	1° 54' 59.040" E
3	51° 43' 58.800" N	1° 56' 18.600" E	4	51° 45' 31.800" N	1° 52' 27.415" E
5	51° 46' 51.579" N	1° 52' 55.728" E			

- (b) up to one accommodation platform fixed to the seabed by a monopile or space frame foundation within the array areas;
- (c) up to one collection platform fixed to the seabed by a monopile or space frame foundation within the array areas;
- (d) up to three meteorology masts fixed to the seabed by a monopile, space frame, gravity base or suction monopod foundation within the array areas;
- (e) a network of cables laid within the array areas between the WTGs, the meteorology masts, any collection platform, any accommodation platform and Work No. 2, for the transmission of electricity and electronic communications between these different structures, including one or more cable crossings;

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

Work No. 2 — up to three offshore substation platforms fixed to the seabed by monopile or space frame foundations within the array areas;

Work No. 3A — a grid connection or connections between the different offshore substation platforms comprising Work No. 2 and between Work No. 2 and Work No. 3B consisting of up to three cables laid along routes within the Order limits seaward of mean low water spring tides, including one or more cable crossings;

In the county of Suffolk, district of Suffolk Coastal

Work No. 3B — a grid connection consisting of up to three cables laid underground from mean low water spring tides to the south of Sizewell at reference point A to Work No. 4;

Work No. 4 — up to three transition cable jointing bays, with cables, to the south of Sizewell Gap connecting Work No. 3B to Work No. 5;

Work No. 5 — a grid connection consisting of up to nine cables laid underground from Work No. 4 to Work No. 6 running in a westerly then northerly direction and going under the unnamed road at reference point B and under Sizewell Gap at reference point C;

Work No. 6 — an electrical substation compound at Sizewell Wents approximately 10 metres west of Work No. 10 with an underground electrical connection to Work No. 10;

Work No. 7 — a screening landform adjacent to all or part of the northern, western and southern boundaries of Work No. 6;

and in connection with such Work Nos. 1 to 3A and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project and which fall within the scope of the work assessed by the environmental statement;

and in connection with such Work Nos. 3B to 7 and to the extent that they do not otherwise form part of any such work, further associated development shown on the plans referred to in the Requirements, or approved pursuant to the Requirements, including—

- (a) relocation of a communications mast serving the Greater Gabbard substation to reference point H, which is currently located within the footprint of Work No. 6, and associated cabling;
- (b) ramps, means of access and footpaths;
- (c) bunds, embankments, swales, landscaping, fencing and boundary treatments;
- (d) habitat creation;
- (e) jointing bays, cable ducts, manholes and other works associated with cable laying;
- (f) works for the provision of apparatus including cabling, water supply works, surface water management systems and culverting;
- (g) construction lay down areas and compounds and their restoration; and
- (h) such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project and which fall within the scope of the works assessed by the environmental statement.

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

In the county of Suffolk, district of Suffolk Coastal

Work No. 8A — overhead 400 kV electric lines connecting a new sealing end compound to the extended arms of the existing pylon at reference point D;

Work No. 8B — overhead 400 kV electric lines connecting a new sealing end compound to the extended arms of the existing pylon at reference point E;

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

Work No. 9A — a grid connection consisting of one or more cables laid underground from Work No. 8A in an approximately northerly then westerly direction to Work No. 10;

Work No. 9B — a grid connection consisting of one or more cables laid underground from Work No. 8B in a north westerly direction to Work No. 10;

Work No. 10 — an electrical substation compound at Sizewell Wents to the west of the existing Greater Gabbard substation;

Work No. 11 — a grid connection consisting of one or more cables laid underground from Work No. 10 in a south then easterly direction, connecting to the existing underground cable at reference point F, and a grid connection laid underground from Work No. 10 to the existing Greater Gabbard substation at reference point G;

and in connection with such Work Nos. 8A to 11 and to the extent that they do not otherwise form part of any such work, further associated development shown on the plans referred to in the Requirements, or approved pursuant to the Requirements, including—

- (a) ramps, means of access and footpaths;
- (b) bunds, embankments, swales, landscaping, fencing and boundary treatments;
- (c) habitat creation;
- (d) jointing bays, cable ducts, manholes and other works associated with cable laying;
- (e) works for the provision of apparatus including cabling, water supply works, surface water management systems and culverting;

- (f) construction lay down areas and compounds and their restoration; and
- (g) such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project and which fall within the scope of the works assessed by the environmental statement.

3. The grid coordinates for that part of the authorised development which is seaward of MHWS are specified below—

Coordinates for the Order limits seaward of MHWS

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	52° 12' 21.695" N	1° 37' 21.969" E	2	52° 12' 21.770" N	1° 37' 22.834" E
3	52° 12' 38.547" N	1° 37' 31.559" E	4	52° 13' 06.787" N	1° 39' 31.266" E
5	52° 12' 41.875" N	1° 41' 19.072" E	6	52° 08' 53.641" N	1° 43' 50.558" E
7	52° 07' 19.811" N	1° 46' 13.310" E	8	52° 06' 47.705" N	1° 46' 22.155" E
9	52° 05' 45.119" N	1° 47' 48.934" E	10	52° 04' 21.240" N	1° 47' 50.697" E
11	52° 03' 00.375" N	1° 49' 47.154" E	12	52° 02' 59.277" N	1° 50' 58.902" E
13	52° 02' 32.852" N	1° 51' 36.901" E	14	52° 01' 50.815" N	1° 52' 18.710" E
15	52° 01' 30.601" N	1° 54' 02.808" E	16	52° 01' 22.163" N	1° 54' 18.345" E
17	52° 01' 09.327" N	1° 54' 17.298" E	18	52° 01' 05.147" N	1° 54' 18.294" E
19	52° 00' 59.527" N	1° 54' 22.958" E	20	52° 00' 55.981" N	1° 54' 29.281" E
21	52° 00' 54.528" N	1° 54' 33.851" E	22	52° 00' 53.496" N	1° 54' 40.490" E
23	52° 00' 52.133" N	1° 55' 24.154" E	24	51° 59' 40.210" N	1° 58' 21.019" E
25	51° 59' 34.074" N	1° 58' 21.796" E	26	51° 59' 59.611" N	1° 59' 30.896" E
27	51° 59' 30.066" N	2° 05' 35.129" E	28	51° 59' 28.672" N	2° 05' 37.951" E
29	51° 59' 25.641" N	2° 05' 44.985" E	30	51° 59' 22.901" N	2° 05' 52.323" E
31	51° 59' 20.463" N	2° 05' 59.937" E	32	51° 59' 18.338" N	2° 06' 07.792" E
33	51° 59' 16.534" N	2° 06' 15.855" E	34	51° 59' 15.059" N	2° 06' 24.092" E
35	51° 59' 13.920" N	2° 06' 32.467" E	36	51° 59' 13.122" N	2° 06' 40.945" E
37	51° 59' 12.682" N	2° 06' 49.050" E	38	51° 59' 12.329" N	2° 06' 59.141" E
39	51° 58' 56.293" N	2° 07' 50.888" E	40	51° 58' 33.766" N	2° 08' 44.666" E
41	51° 57' 13.719" N	2° 08' 44.383" E	42	51° 55' 37.835" N	2° 08' 14.508" E
43	51° 53' 42.962" N	2° 01' 36.868" E	44	51° 49' 01.731" N	2° 01' 29.385" E
45	51° 50' 17.180" N	2° 06' 34.867" E	46	51° 45' 40.117" N	2° 05' 09.101" E
47	51° 43' 22.529" N	1° 57' 54.170" E	48	51° 43' 58.800" N	1° 56' 18.600" E

Status: This is the original version (as it was originally made). UK
Statutory Instruments are not carried in their revised form on this site.

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
49	51° 45' 31.800" N	1° 52' 27.415" E	50	51° 46' 51.579" N	1° 52' 55.728" E
51	51° 47' 45.600" N	1° 56' 02.400" E	52	51° 45' 57.600" N	1° 54' 59.040" E
53	51° 44' 12.004" N	1° 56' 09.764" E	54	51° 44' 03.295" N	1° 56' 31.748" E
55	51° 45' 14.400" N	2° 00' 00.000" E	56	51° 46' 28.672" N	2° 00' 00.000" E
57	51° 48' 39.346" N	2° 00' 00.000" E	58	51° 48' 48.664" N	2° 00' 36.597" E
59	51° 53' 27.719" N	2° 00' 44.242" E	60	51° 53' 15.002" N	2° 00' 00.138" E
61	51° 58' 42.600" N	2° 00' 00.138" E	62	51° 58' 42.616" N	1° 58' 28.302" E
63	51° 58' 42.616" N	1° 57' 34.138" E	64	51° 58' 42.600" N	1° 56' 02.667" E
65	51° 59' 15.255" N	1° 57' 30.906" E	66	51° 59' 22.686" N	1° 57' 30.170" E
67	52° 01' 01.179" N	1° 53' 39.506" E	68	52° 01' 28.919" N	1° 51' 16.683" E
69	52° 01' 36.462" N	1° 50' 37.798" E	70	52° 02' 03.097" N	1° 49' 59.472" E
71	52° 04' 08.838" N	1° 46' 58.300" E	72	52° 05' 32.520" N	1° 46' 56.527" E
73	52° 06' 33.520" N	1° 45' 32.604" E	74	52° 07' 04.673" N	1° 45' 24.158" E
75	52° 08' 35.786" N	1° 43' 05.562" E	76	52° 12' 06.924" N	1° 40' 45.328" E
77	52° 12' 08.338" N	1° 40' 38.374" E	78	52° 12' 09.091" N	1° 40' 34.668" E
79	52° 12' 10.453" N	1° 40' 29.362" E	80	52° 12' 10.658" N	1° 40' 28.945" E
81	52° 12' 10.947" N	1° 40' 27.617" E	82	52° 12' 11.334" N	1° 40' 24.014" E
83	52° 12' 11.585" N	1° 40' 24.163" E	84	52° 12' 12.420" N	1° 40' 20.735" E
85	52° 12' 12.713" N	1° 40' 19.698" E	86	52° 12' 12.978" N	1° 40' 19.092" E
87	52° 12' 13.722" N	1° 40' 14.764" E	88	52° 12' 14.592" N	1° 40' 11.316" E
89	52° 12' 14.726" N	1° 40' 09.601" E	90	52° 12' 16.655" N	1° 40' 00.995" E
91	52° 12' 18.548" N	1° 39' 52.398" E	92	52° 12' 19.617" N	1° 39' 47.867" E
93	52° 12' 20.133" N	1° 39' 44.145" E	94	52° 12' 21.264" N	1° 39' 40.715" E
95	52° 12' 22.455" N	1° 39' 35.162" E	96	52° 12' 22.647" N	1° 39' 34.805" E
97	52° 12' 23.511" N	1° 39' 30.442" E	98	52° 12' 24.413" N	1° 39' 27.238" E
99	52° 12' 24.629" N	1° 39' 25.209" E	100	52° 12' 25.271" N	1° 39' 21.684" E
101	52° 12' 25.717" N	1° 39' 20.525" E	102	52° 12' 26.377" N	1° 39' 15.364" E
103	52° 12' 26.479" N	1° 39' 14.852" E	104	52° 12' 26.591" N	1° 39' 13.000" E
105	52° 12' 26.726" N	1° 39' 09.534" E	106	52° 12' 27.156" N	1° 39' 04.787" E

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
107	52° 12' 27.336" N	1° 39' 03.952" E	108	52° 12' 27.378" N	1° 39' 02.849" E
109	52° 12' 27.503" N	1° 39' 01.729" E	110	52° 12' 27.672" N	1° 38' 59.184" E
111	52° 12' 27.936" N	1° 38' 56.895" E	112	52° 12' 27.980" N	1° 38' 54.459" E
113	52° 12' 28.226" N	1° 38' 52.855" E	114	52° 12' 28.252" N	1° 38' 51.642" E
115	52° 12' 28.372" N	1° 38' 51.228" E	116	52° 12' 28.438" N	1° 38' 49.416" E
117	52° 12' 28.801" N	1° 38' 46.905" E	118	52° 12' 28.941" N	1° 38' 44.288" E
119	52° 12' 28.845" N	1° 38' 39.122" E	120	52° 12' 28.858" N	1° 38' 38.526" E
121	52° 12' 28.608" N	1° 38' 35.768" E	122	52° 12' 28.426" N	1° 38' 34.235" E
123	52° 12' 28.155" N	1° 38' 33.195" E	124	52° 12' 27.765" N	1° 38' 28.902" E
125	52° 12' 27.466" N	1° 38' 27.740" E	126	52° 12' 26.843" N	1° 38' 23.551" E
127	52° 12' 26.282" N	1° 38' 18.752" E	128	52° 12' 25.310" N	1° 38' 13.007" E
129	52° 12' 25.249" N	1° 38' 11.139" E	130	52° 12' 24.835" N	1° 38' 08.881" E
131	52° 12' 24.783" N	1° 38' 08.123" E	132	52° 12' 24.514" N	1° 38' 06.910" E
133	52° 12' 24.191" N	1° 38' 03.616" E	134	52° 12' 23.841" N	1° 38' 01.335" E
135	52° 12' 23.181" N	1° 37' 57.957" E	136	52° 12' 22.595" N	1° 37' 54.034" E
137	52° 12' 22.177" N	1° 37' 52.624" E	138	52° 12' 21.193" N	1° 37' 47.365" E
139	52° 12' 20.325" N	1° 37' 42.850" E	140	52° 12' 19.615" N	1° 37' 37.741" E
141	52° 12' 19.710" N	1° 37' 32.227" E	142	52° 12' 19.863" N	1° 37' 28.535" E
143	52° 12' 20.547" N	1° 37' 22.637" E	144	52° 12' 20.572" N	1° 37' 21.805" E

PART 2

Ancillary works

Seaward of mean low water spring tides, works comprising—

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

PART 3

Requirements

Interpretation

1. In this Part of this Schedule—

“AIS” means automatic identification system;

“AOD” means above ordnance datum;

“the Approval Application” means the application made by the undertaker to the Secretary of State under paragraph 4;

“the Approval Notice” means the notice issued by the Secretary of State under paragraph 4;

“the CAA” means the Civil Aviation Authority constituted by the Civil Aviation Act 1982(18);

“CNIS” means Channel Navigation Information Service;

“commence” means, in relation to the authorised project, beginning to carry out any activity not comprising a material operation (as defined in section 155 of the 2008 Act), and in relation to the authorised development the carrying out of a material operation, and the words “commenced” and “commencement” shall be construed accordingly;

“connection works” means Work Nos. 3B to 7 and any further associated development in connection with those works as described in paragraph 1 of Part 1 of this Schedule;

“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;

“LAT” means lowest astronomical tide;

“the Maximum WTG Number” means the number of wind turbine generators specified in the Approval Notice;

“the Minimum Clearance Level” means the minimum distance, measured in metres, between the lowest point of the rotating blade of a wind turbine generator and MHWS specified in the Approval Notice;

“Natural England” means the body established by section 1 of the Natural Environment and Rural Communities Act 2006(19) and includes any successor to its statutory functions;

“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;

“onshore works” means the connection works and the transmission works above MLWST together;

“the Percentage Reduction” means the reduction of 15.2% in the predicted mortality of lesser black-backed gulls, by restricting the number of predicted mortalities attributable to the authorised development to a maximum of 18;

“Radar” means radio detection and ranging;

“relevant works” means the connection works or the transmission works as the case may be, to the intent that the approval of details, commencement and/or completion of the works, and/or the commencement of commercial operation of the works, in relation to the connection works is not dependent on any such matter in relation to the transmission works and vice versa;

(18) 1982 c. 16.

(19) 2006 c. 16. Section 1 was amended by section 311(2) and (3) of the Marine and Coastal Access Act 2009 (c. 23).

“transmission works” means Work Nos. 8A to 11 and any further associated development as described in paragraph 2 of Part 1 of this Schedule;

“TSS” means traffic separation scheme;

“UK Hydrographic Office” means the UK Hydrographic Office of Admiralty Way, Taunton, Somerset TA1 2DN or any replacement body or successor to its functions;

“Work No” means that part of the authorised development with the corresponding number specified in Part 1 of this Schedule;

“the WTG Specification” means the manufacturer and model of wind turbine generators specified in the Approval Notice.

Time limits

2. The authorised development shall commence no later than the expiration of five years beginning with the date this Order comes into force or such longer period as the Secretary of State may hereafter direct in writing.

Design parameters for wind turbines

- 3.—(1) No wind turbine generator forming part of the authorised development shall—
- (a) exceed a height of 195 metres when measured from LAT to the tip of the vertical blade;
 - (b) exceed a height of 120 metres to the height of the centreline of the generator shaft forming part of the hub when measured from LAT;
 - (c) exceed a rotor diameter of 164 metres, or have a rotor diameter of less than 107 metres;
 - (d) be less than 642 metres from the nearest WTG in either direction perpendicular to the approximate prevailing wind direction or be less than 856 metres from the nearest WTG in either direction which is in line with the approximate prevailing wind direction;
 - (e) have a distance of less than 22 metres between the lowest point of the rotating blade of the wind turbine and MHWS.

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

Approval of detailed wind turbine design parameters by the Secretary of State

4.—(1) The authorised development shall not commence until the Secretary of State has received the Approval Application and issued the Approval Notice.

- (2) An Approval Application shall include—
- (a) the proposed Maximum WTG Number;
 - (b) the proposed WTG Specification;
 - (c) the proposed Minimum Clearance Level; and
 - (d) an explanation of how the proposed Maximum WTG Number, the proposed WTG Specification and the proposed Minimum Clearance Level, in combination, achieve the Percentage Reduction.
- (3) The Approval Notice shall specify—
- (a) the Maximum WTG Number;
 - (b) the WTG Specification, which shall comply with the requirements of paragraphs (a) to (c) of Requirement 3(1); and

- (c) the Minimum Clearance Level, which shall comply with the requirements of paragraph (e) of Requirement 3(1).
- (4) The Secretary of State shall not issue the Approval Notice unless he is satisfied, following consultation with Natural England, that the Maximum WTG Number, the WTG Specification and the Minimum Clearance Level, in combination, achieve the Percentage Reduction.
- (5) The Approval Notice shall include a statement of—
- (a) the reasons why the Secretary of State is satisfied that the Percentage Reduction is achieved; and
 - (b) where the Maximum WTG Number, the WTG Specification, or the Minimum Clearance Level is different from that proposed in the Approval Application, the reasons for the difference.
- (6) The number of wind turbine generators forming part of the authorised development shall not exceed the Maximum WTG Number specified in the Approval Notice.
- (7) Each wind turbine generator forming part of the authorised development shall conform to the WTG Specification specified in the Approval Notice.
- (8) For each wind turbine generator constructed as part of the authorised development, the minimum distance between the lowest point of its rotating blade and the MHWS shall be at least equal to the Minimum Clearance Level.

Further offshore design requirements

5. No wind turbine generator, offshore substation platform, collection platform, accommodation platform or meteorological mast forming part of the authorised development shall be erected within the area hatched black on the Order limits plan, whose coordinates are specified below—

Coordinates for restricted build area

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	51° 59' 16.526" N	2° 02' 34.375" E	2	51° 59' 06.310" N	2° 03' 24.837" E
3	51° 55' 13.411" N	2° 02' 25.515" E	4	51° 55' 27.574" N	2° 01' 36.127" E

6.—(1) The total number of offshore substation platforms, accommodation platforms and collection platforms forming part of the authorised development shall not exceed four.

(2) The dimensions of any offshore substation platform, accommodation platform or collection platform forming part of the authorised development (excluding any masts) shall not exceed 75 metres in height when measured from LAT, 65 metres in length and 50 metres in width. Any such platform shall have no more than one supporting foundation.

(3) No meteorological mast shall exceed a height of 120 metres when measured from LAT, nor shall it have more than one supporting foundation.

7.—(1) The number of cables forming part of the authorised development laid in each of the corridors forming part of the Order limits between reference point AA and reference point BB and reference point CC and reference point DD and the area marked by reference point EE on the works plan shall not exceed three.

(2) The total length of the cables comprising Work No. 3A shall not exceed 190 kilometres.

(3) The total length of the cables comprising Work No. 1(e) shall not exceed 300 kilometres.

8.—(1) Each monopile foundation forming part of the authorised development shall not have a diameter greater than 7 metres.

(2) Each monopile foundation forming part of the authorised development shall not be constructed in water with a depth greater than 45 metres between LAT and the seabed.

(3) Each gravity base foundation forming part of the authorised development shall not have—

- (a) a diameter at the level of the seabed which is greater than 45 metres;
- (b) a base height, where there is a flat base, which is greater than 7.5 metres above the level of the seabed;
- (c) a column diameter, where there is a flat or conical base, of greater than 10 metres;
- (d) a cone/column intersect which is higher than 20 metres above the top of the base;
- (e) a cone diameter at its base which is greater than 35 metres.

(4) In the event that any WTG uses a gravity base foundation of more than 35 metres diameter at the level of the seabed, the authorised development shall not comprise more than 101 WTG in total.

(5) Each space frame foundation forming part of the authorised development shall not have—

- (a) for use with any WTG or meteorological mast, a spacing between each leg at the level of the seabed which is greater than 40 metres and at the level of LAT which is greater than 25 metres;
- (b) for use with any offshore substation platform, accommodation platform or collection platform, a spacing between each leg at the level of the seabed which is greater than 55 metres in one direction and 40 metres in a perpendicular direction, and at the level of LAT which is greater than 40 metres in one direction and 30 metres in a perpendicular direction;
- (c) more than two piles per leg or more than one suction can per leg;
- (d) a pile diameter which is more than 3 metres each;
- (e) for use with any WTG or meteorological mast, a suction can diameter greater than 11.5 metres each, where the total number of suction cans per structure is 3 or fewer;
- (f) for use with any WTG or meteorological mast, a suction can diameter of greater than 10 metres each, where the total number of suction cans is more than 3;
- (g) for use with any offshore substation platform, accommodation platform or collection platform, a suction can diameter of greater than 17 metres each, where the total number of suction cans is 4 or fewer;
- (h) for use with any offshore substation platform, accommodation platform or collection platform, a suction can diameter of greater than 10 metres each, where the total number of suction cans is more than 4;
- (i) more than 4 legs for a WTG or meteorological mast, or more than 6 legs for an offshore substation platform, accommodation platform or collection platform.

(6) Each suction monopod foundation forming part of the authorised development shall not have

- (a) a diameter at the level of the seabed which is greater than 25 metres;
- (b) a base height, where there is a flat base, which is greater than 7.5 metres above the level of the seabed;
- (c) a column diameter which is greater than 9 metres.

Offshore safety management

9.—(1) No authorised development seaward of MHWS shall commence until the Secretary of State, in consultation with the MCA, has confirmed in writing that the undertaker has taken into

account and adequately addressed all MCA recommendations contained within MGN371, “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” and its annexes including full details of the Emergency Co-operation Plans (ERCoP) for the construction, operation and decommissioning phases as appropriate to the authorised development.

(2) The undertaker shall prepare and implement a project specific Active Safety Management System, taking account of safety and mitigation measures as identified within the Navigation Risk Assessment.

(3) The undertaker shall at its cost, provide and deliver to the MCA Hydrographic data (to IHO order 1a standard) of the extended SUNK East Traffic Separation Scheme.

(4) The undertaker shall at its cost, as soon as technically feasible following the commencement of construction works seaward of MHWS, remotely gather and provide to the MCA: Radar, AIS and VHF radio telephony information in relation to the extended SUNK East Traffic Separation Scheme to assist in managing shipping movements as a result of the authorised development. The information must be—

- (a) gathered to adequately extend the marine traffic monitoring (VTS) range to effectively cover the Eastern extremity of the SUNK East Traffic Separation Scheme extension unless otherwise agreed by the MCA;
- (b) delivered, in a format and within a timescale agreed by the MCA, so that it may be incorporated into the MCA’s systems for seamless display at CNIS; and
- (c) provided by the undertaker to the MCA until the authorised development has been fully decommissioned in accordance with an approved programme under the 2004 Act.

Aids to navigation

10. The undertaker shall at or near the authorised development during the whole period of the construction, operation, alteration, replacement or completion of decommissioning of the authorised development exhibit such lights, marks, sounds, signals and other aids to navigation as Trinity House may from time to time direct in writing.

11. The undertaker shall ensure that timely and efficient notices to mariners and other navigational warnings of the position and nature of the authorised development seaward of MHWS, are issued during and after the period of construction, alteration, replacement or decommissioning of the authorised development, such information to be promulgated to mariners in the shipping and fishing industry as well as to recreational mariners.

12. The undertaker shall notify Trinity House, in writing, as soon as reasonably practicable of both the progress and completion of the authorised development seaward of MHWS and any aids for navigation established from time to time.

13. The undertaker shall provide reports on the availability of aids to navigation as requested by Trinity House in writing.

14. The undertaker shall notify the UK Hydrographic Office, in writing, of the commencement and completion of the authorised development seaward of MHWS.

15.—(1) The undertaker shall colour all structures yellow starting at highest astronomical tide to a height directed by Trinity House, in writing, or as otherwise directed by Trinity House from time to time.

(2) Subject to sub-paragraph (1), unless the Secretary of State otherwise directs, in writing, the undertaker shall ensure that the wind turbine generators shall be painted submarine grey (colour code RAL 7035).

16.—(1) The undertaker shall exhibit such lights, with such shape, colour and character as are required in writing by Air Navigation Order 2009(20) and determined necessary for aviation safety in consultation with the Defence Infrastructure Organisation and as directed by the CAA.

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

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

and Defence Infrastructure Organisation shall be notified of any changes to the information supplied under this paragraph and of the completion of the construction of the authorised development.

Provision against danger to navigation

17. In case of injury to, or destruction or decay of, the authorised development seaward of MHWS or any part thereof the undertaker shall as soon as reasonably practicable notify Trinity House, in writing, and shall 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 in writing.

Offshore decommissioning

18. No authorised development seaward of mean low water spring tides shall commence until a written decommissioning programme in compliance with any notice served upon the undertaker by the Secretary of State pursuant to section 105(2) of the 2004 Act has been submitted to the Secretary of State for approval.

Stages of authorised development onshore

19. Neither the connection works nor the transmission works shall be commenced until a written scheme setting out all the stages of the relevant works has been submitted to and approved by the relevant planning authority.

Detailed design approval onshore

20.—(1) Except where the connection works or the transmission works, as the case may be, are carried out in accordance with the plans (or relevant parts of the plans) listed in Requirement 21, no part of the relevant works shall commence until details of the layout, scale, levels and external appearance of the same, so far as they do not accord with the authorised plans, have been submitted to and approved by the relevant planning authority. The relevant works must be carried out in accordance with the approved details, unless agreed otherwise by the relevant planning authority.

(2) Any works approved by the relevant planning authority under sub-paragraph (1) shall accord with the principles of the design and access statement submitted with the application for this Order and be within the Order limits.

(3) No building forming part of Work Nos. 6, 8A, 8B or 10, shall exceed the relevant height limit for its proposed location specified on the height restriction plan above the approved floor level for that location.

(4) The floor level of Work Nos. 6 and 10 shall not be higher than 9 metres AOD.

(5) Work No. 6 shall not be brought into commercial operation (excluding commissioning) until Work No. 7 has been constructed.

(6) The height of the relocated communications mast shall not exceed 15 metres AOD, and its supporting pole shall not exceed 16 metres AOD.

(7) The width of the corridor occupied by the grid connection comprising Work Nos. 3B and 5, and any related associated development, once constructed, shall not exceed 23 metres, save for any part of the works where drilling is proposed, which part(s) shall not exceed 33 metres.

(8) No works shall be carried out in relation to the laying of cables or other works under Sizewell Gap until the detail of those works and their proposed methodology has been approved by the relevant planning authority, after consultation with the highway authority and EDF Energy (which shall not unreasonably delay its response to that consultation). The relevant works shall be carried out in accordance with the approved details, unless agreed otherwise by the relevant planning authority, after consultation with the highway authority and EDF Energy (which shall not unreasonably delay its response to that consultation).

21.—(1) The connection works and the transmission works shall be carried out in accordance with the approved plans submitted with the application, or subsequently in connection with the examination of the application of this Order, save in respect of any part of such plans which expressly states that they do not show details for express approval (unless otherwise agreed by the relevant planning authority and the altered development accords with the principles of the design and access statement submitted with the application for this Order, is within the scope of the works assessed in the environmental statement and falls within the Order limits)—

- (a) Order limits plan (onshore) (application document reference 2.1);
- (b) Works plan (onshore) (document reference 2.3 Rev 1, which superseded application documents reference 2.3a/2.3b);
- (c) General arrangement (onshore) (document reference 2.7 Rev 40, which superseded application document reference 2.7 Rev 39);
- (d) Height restriction plan (application document reference 2.8);
- (e) Onshore Connection and Transmission Works (document reference 2.9 Rev 1, which superseded application documents reference 2.9a/2.9b);
- (f) Transmission compound – general arrangement and elevations (document reference 2.10 Rev 2 which superseded application document reference 2.10 Rev 1).

(2) Where any alternative details are approved pursuant to this Requirement and Requirement 20 or 38, those details are deemed to be substituted for the corresponding approved details set out in this Requirement.

Provision of landscaping

22. Neither the connection works nor the transmission works shall commence until a written landscaping scheme and associated work programme (which accords with the landscape strategy comprising Appendix 4 of application document 5.4.5, unless otherwise agreed by the relevant planning authority) in relation to the relevant works has been submitted to and approved by the relevant planning authority, in consultation with Suffolk County Council and Natural England (and in the case of sub-paragraph (k) with the owner of the water main). Each landscaping scheme must include details of all proposed hard and soft landscaping works, including—

- (a) location, number, species, size and planting density of any proposed planting, including any trees;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;

- (c) proposed finished ground levels;
- (d) hard surfacing materials;
- (e) vehicular and pedestrian access, parking and circulation areas;
- (f) minor structures, such as furniture, refuse or other storage units, signs and lighting;
- (g) proposed and existing functional services above and below, ground, including drainage, power and communications cables and pipelines, manholes and supports;
- (h) details of existing trees to be retained, with measures for their protection during the construction period;
- (i) retained historic landscape features and proposals for restoration, where relevant;
- (j) implementation timetables for all landscaping works; and
- (k) proposals to prevent adverse impact from root spread on the water main to the east of Sandy Lane beneath Pillbox Field.

Implementation and maintenance of landscaping

23.—(1) All landscaping works must be carried out in accordance with a landscaping scheme approved under Requirement 22, unless otherwise agreed by the relevant planning authority, in consultation with Natural England, and to a good standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.

(2) Any tree or shrub planted as part of an approved landscaping scheme 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 otherwise agreed by the relevant planning authority.

Fencing and other means of enclosure

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

(2) All permanent and temporary fences, walls or other means of enclosure must be constructed in accordance with the approved details, unless otherwise agreed by the relevant planning authority.

(3) All construction sites must remain securely fenced at all times during construction of the relevant works.

(4) Any temporary fencing must be removed on completion of the relevant works.

(5) Any approved permanent fencing in relation to Work No. 6 or Work No. 10 or the sealing end compound must be completed before the relevant work or compound is brought into use.

Surface and foul water drainage

25.—(1) Neither the connection works nor the transmission works shall commence until in relation to the relevant works written details of the surface and (if any) foul water drainage system (including means of pollution control) have, after consultation with the relevant sewerage and drainage authorities, been submitted to and approved by the relevant planning authority.

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

Archaeology

26.—(1) Neither the connection works nor the transmission works (including in each case site clearance and preliminary earthworks) shall commence until in relation to the relevant works a written scheme of archaeological investigation has been submitted to and approved by the relevant planning authority, in consultation with Suffolk County Council.

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

(3) Neither the connection works nor the transmission works shall commence until in relation to the relevant works the relevant site investigation has been completed in accordance with the programme and methodology included in the approved scheme, and such completion has been approved by the relevant planning authority.

(4) Neither the connection works nor the transmission works shall be brought into commercial operation (excluding commissioning) until in relation to the relevant works the site investigation and post investigation assessment have been completed in accordance with the programme in the approved scheme and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

(5) The written scheme in relation to the relevant works shall be carried out as approved, unless otherwise agreed with the relevant planning authority.

Ecological management plan

27.—(1) Neither the connection works nor the transmission works (including in each case site clearance and preliminary earthworks) shall commence until a written ecological management plan (which shall include landscape management and include proposals for management throughout the operational life of Work Nos. 3B, 4, 5, 6, 7, 9A, 9B, 10 and 11) for the relevant works reflecting the survey results and ecological mitigation and enhancement measures included in the environmental statement has been submitted to and approved by the relevant planning authority, in consultation with Natural England.

(2) The ecological management plan shall include an implementation timetable and must be carried out as approved, unless otherwise agreed by the relevant planning authority.

Construction code of practice

28. No part of the connection works or the transmission works shall be commenced until a construction code of practice relating to the relevant part of the relevant works has been submitted to and, after consultation with the highway authority and Natural England, approved by the relevant planning authority in relation to the relevant part of the relevant works. The code shall cover all the subject areas set out in the final draft code submitted as part of the examination and as certified by the Secretary of State and any other matters the relevant planning authority reasonably requires. The code approved in relation to the relevant part of the relevant works shall be followed in relation to those works, unless otherwise agreed by the relevant planning authority.

Construction hours

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

- (a) where continuous periods of operation are required, such as concrete pouring and drilling;
- (b) for the delivery of abnormal loads to the relevant works, which may cause congestion on the local road network;
- (c) where works are being carried out on the foreshore;
- (d) where connection works to the overhead power lines are being carried out;
- (e) as otherwise agreed in writing with the relevant planning authority.

(2) All construction operations which are to be undertaken outside the hours specified in subparagraph (1) shall be agreed with the relevant planning authority in advance, and shall be carried out within the agreed times, unless otherwise agreed with the relevant planning authority.

Control of noise during operational phase

30.—(1) Considered distinctly from each other, the noise emanating from the operation of Work No. 6 and Work No. 10 (including transformers, cooling fans, switch gear and power lines) shall each not exceed the following levels by reference to the specified points marked on the works plan—

- (a) 40 dB(A) when measured at Point X (Rosery Cottage);
- (b) 33 dB(A) when measured at Point Y (Home Farm);
- (c) 33 dB(A) at Point Z (Halfway Cottages).

(2) Noise measurements shall be expressed as 5 minute L(A)eq values.

(3) Considered distinctly from each other, in the event that the noise emanating from Work No. 6 or 10 has a distinguishable tone, is impulsive or is otherwise irregular in character so as to attract attention, then the 5 minute L(A)eq value from the relevant Work at the points marked on the works plan shall not exceed—

- (a) 35 dB(A) when measured at Point X (Rosery Cottage);
- (b) 28 dB(A) when measured at Point Y (Home Farm);
- (c) 28 dB(A) at Point Z (Halfway Cottages).

(4) All standby generator testing in relation to the connection works or the transmission works shall be undertaken during the hours of 0900 to 1700 on Mondays to Saturdays, and not at all on Sundays or bank holidays, unless otherwise agreed with the relevant planning authority.

Control of artificial light emissions

31.—(1) Neither the connection nor the transmission works shall commence commercial operation (including commissioning) until a written scheme for the management and mitigation of artificial light emissions during the operation of the relevant works has been submitted to and approved by the relevant planning authority, in consultation with Natural England.

(2) The approved scheme for the management and mitigation of artificial light emissions must be implemented before and maintained during the operation of the relevant works, unless otherwise agreed by the relevant planning authority.

Detailed emergency response plan

32.—(1) No part of the connection works or the transmission works shall commence until an emergency response plan relating to the construction and operation of that part of the relevant works has been submitted for approval by the relevant planning authority after consultation with the Emergency Planning Consultative Committee (of which the relevant planning authority is a member) for the nuclear site licences at Sizewell A and B.

(2) The emergency plan shall be carried out as approved in relation to the relevant part of the relevant works, unless otherwise agreed by the relevant planning authority after consultation with the Emergency Planning Consultative Committee.

European protected species

33.—(1) Neither the connection works nor the transmission works shall commence until final pre-construction survey work has been carried out to establish whether a European protected species is present on any of the land affected, or likely to be affected, by any part of the relevant works or in any of the trees and shrubs to be lopped or felled as part of the relevant works.

(2) Where a European protected species is shown to be present, the relevant part(s) of the relevant works shall not begin until, after consultation with Natural England and the Secretary of State for the Environment, Food and Rural Affairs, a scheme of protection and mitigation measures has been submitted to and approved by the relevant planning authority. The relevant works shall be carried out in accordance with the approved scheme, unless otherwise agreed by the relevant planning authority, after consultation with Natural England.

(3) “European protected species” has the same meaning as in regulations 40 and 44 of the Conservation of Habitats and Species Regulations 2010 (as amended)(**21**).

Restoration of land used temporarily for construction

34. Any land landward of mean low water spring tides within the Order limits which is used temporarily for construction of the connection works or the transmission works, and not ultimately forming part of connection works or the transmission works or approved landscaping, must be reinstated to its former condition, or such condition as the relevant planning authority may approve, within six months of completion of the onshore works, or such other period as the relevant planning authority may approve.

Interference with telecommunications

35. In the event that the operation of the connection works or the transmission works gives rise to interference with telecommunications or television equipment at nearby residential properties, a scheme to rectify the situation in relation to the relevant works shall be submitted to the relevant planning authority for approval. The scheme shall be carried out in accordance with the approved details, unless otherwise agreed by the relevant planning authority.

Onshore decommissioning

36. Upon the cessation of commercial operation of the connection works or the transmission works, a scheme for the demolition and removal of the relevant works (in whole or in part), and the final proposed condition of the relevant land, including a proposed timetable, shall be submitted to and approved by the relevant planning authority, in consultation with Natural England. The proposed scheme shall be based on the onshore decommissioning statement submitted with the application.

(21) [S.I. 2010/490](#).

The scheme shall be carried out in accordance with the approved details, unless otherwise agreed by the relevant planning authority.

Requirement for written approval

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

Amendments to approved details

38. With respect to any Requirement which requires the authorised development to be carried out in accordance with the details approved by the relevant planning authority or another person, the approved details shall be taken to include any amendments that may subsequently be approved in writing by the relevant planning authority or that other person.

SCHEDULE 2

Article 10

Deemed licence under the Marine and Coastal Access Act 2009

PART 1

Licensed marine activities

Interpretation

1.—(1) In this licence—

“the 2008 Act” means the Planning Act 2008(**22**);

“the 2009 Act” means the Marine and Coastal Access Act 2009(**23**);

“accommodation platform” means a platform housing or incorporating temporary accommodation including mess facilities, landing points for vessels and helicopters, standby electricity generation equipment, marking and lighting and other equipment and facilities to assist in the coordination of emergency marine activities related to the authorised scheme;

“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;

“the Approval Application” means the application made by the undertaker to the Secretary of State under condition 2;

“the Approval Notice” means the notice issued by the Secretary of State under condition 2;

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

“authorised scheme” means Work Nos. 1, 2 and 3 described in paragraph 2 of Part 1 of this Schedule;

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

(22) 1990 c. 8.

(23) 2009 c. 23.

“collection platform” means a platform housing or incorporating electrical switchgear and/or electrical transformers, J-tubes, marking and lighting and other equipment and facilities to enable the electrical connection of electrical cables from multiple WTGs to be collected at, and exported from, the platform in one or more cables;

“commence” means the first carrying out of any part of the licensed activities and “commencement” shall be construed accordingly;

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

“EDF Energy” means EDF Energy (UK) Limited (company number 02622406) and any group company of EDF Energy (UK) Limited which holds property and is a licensed holder for any of the purposes under section 6 of the Electricity Act 1989 at Sizewell, and for the purposes of this definition “group company” means any company which is a company within the meaning of section 42 of the Landlord and Tenant Act 1954 including EDF Energy Nuclear Generation Limited (company number 03076445) and NNB Generation Company Limited (company number 06937084);

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

“the 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 on 21 November 2011 and the environmental information contained in the clarifications, corrections and omissions document accepted by the Examining authority as a late submission, together with the table of environmental mitigation measures in relation to protected species dated 16 July 2012 and the two tables of offshore and onshore environmental mitigation measures dated 16 July 2012 submitted to the Examining authority as part of the examination of the application for this Order;

“gravity base foundation” means a structure principally of concrete which rests on the seabed due to its own weight and that of added ballast, with or without additional drilled pins or other additional fixings, which may include an integrated transition piece, and associated equipment including J-tube and access platforms and equipment;

“JNCC” means the Joint Nature Conservation Committee;

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

“LAT” means lowest astronomical tide;

“licence conditions” means the conditions set out in Part 2 of this Schedule;

“licensed activities” means the activities specified in paragraph 2 of Part 1 of this Schedule;

“major storm event” means a greater than 1 in 10 year wave event within the Order limits seaward of MHWS in terms of a wave height measured from the Sizewell Waverider buoy (WMO ID: 62294);

“the Marine Management Organisation” or “MMO” means the body of that name created under the Marine and Coastal Access Act 2009 or any successor to its functions;

“the Maximum WTG Number” means the number of wind turbine generators specified in the Approval Notice;

“MCA” means the Maritime and Coastguard Agency;

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

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

“the Minimum Clearance Level” means the minimum distance, measured in metres, between the lowest point of the rotating blade of a wind turbine generator and MHWS specified in the Approval Notice;

“monopile foundation” means a metal pile, typically cylindrical, driven and/or drilled into the seabed and associated equipment including J-tube and access-related equipment;

“Natural England” means the body established by section 1 of the Natural Environment and Rural Communities Act 2006(24) and includes any successor to its statutory functions;

“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;

“the offshore Order limits” means the limits shown on the offshore Order limits plan within which the authorised scheme may be carried out, whose grid coordinates are set out in paragraph 2(3) of Part 1 of this Schedule;

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

“offshore substation platform” means a platform with one or more decks, whether open or fully clad, accommodating medium to high voltage electrical power transformers, medium and/or high voltage switch gear, helicopter landing facilities, re-fuelling facilities, potable water storage, black water separation equipment, instrumentation, metering equipment, control systems, standby electrical generation equipment, auxiliary and uninterruptible power supply systems, emergency accommodation including mess facilities, craneage, control hub, drainage facilities, access equipment, marking and lighting and other associated equipment and facilities;

“the Order” means the Galloper Wind Farm Order 2013;

“the Percentage Reduction” means the reduction of 15.2% in the predicted mortality of lesser black-backed gulls, by restricting the number of predicted mortalities attributable to the authorised scheme to a maximum of 18;

“space frame foundation” means a metal jacket/lattice-type structure, including between three and six legs, which is fixed to the seabed with driven piles and/or drilled pins and/or weights and/or suction cans or additional fixings, which may include an integrated transition piece, and associated equipment including J-tube and access platforms and equipment;

“suction can” means a steel open-based cylinder, which is fixed to the base of the foundation and is installed until the lid is flush with the seabed;

“suction monopod” means a tubular metal structure founded on a steel open based cylinder akin to an up-turned bucket which partially penetrates the seabed, which may include an integrated transition piece, and associated equipment, including J-tube and access platform(s) and equipment;

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

“UK Hydrographic Office” means the Hydrographic Office of the Ministry of Defence, Taunton, Somerset TA1 2DN or any replacement body or successor to its functions;

“undertaker” means Galloper Wind Farm Limited;

“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil

(24) 2006 c. 16. Section 1 was amended by section 311(2) and (3) of the Marine and Coastal Access Act 2009 (c. 23).

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, nacelle and ancillary electrical and other equipment which may include J-tubes, transition piece, access and rest platforms, access ladders, boat access systems, corrosion protection systems, fenders and maintenance equipment, helicopter landing facilities and other associated equipment, fixed to a foundation; and

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

“the WTG Specification” means the manufacturer and model of wind turbine generators specified in the Approval Notice.

(2) Unless otherwise indicated, in this Schedule or any approval under it—

- (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.

(3) 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

Marine Licensing Team
Lancaster House Hampshire Court
Newcastle upon Tyne
NE4 7YH
Tel: 0191 376 2525;

(b) Trinity House

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

(c) The United Kingdom Hydrographic Office

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

(d) Maritime and Coastguard Agency

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

- (e) Centre for Environment, Fisheries and Aquaculture Science
Pakefield Road
Lowestoft
Suffolk
NR33 0HT
Tel: 01502 562 244;
- (f) Natural England
Foundry House
3 Millsands
Riverside Exchange
Sheffield
S3 8NH
Tel: 0300 060 2745;
- (g) JNCC
Inverdee House
Baxter Street
Aberdeen
AB11 9QA
Tel: 01224 266 550;
- (h) English Heritage
Eastgate Court
195-205 High Street
Guildford
GU1 3EH
Tel: 01483 252 057.

For information only, the details of the local MMO office to the authorised scheme are—

Marine Management Organisation
Pakefield Road
Lowestoft
Suffolk
NR33 0HT.

Details of licensed marine activities

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

- (a) the deposit at sea of the substances and articles specified in sub-paragraph (4);
- (b) the construction of works in or over the sea and/or on or under the sea bed; and
- (c) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation.

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

Work No. 1—

- (a) an offshore wind turbine generating station with a gross electrical output capacity of up to 504 MW comprising up to 140 wind turbine generators each fixed to the seabed by one of four foundation types (namely, monopile foundation, space frame foundation, suction monopod foundation or gravity base foundation), fitted with rotating blades and situated within one or more of array areas A to C, whose coordinates are specified below, and further comprising (b) to (e) below;

Coordinates for the array areas

Point	Latitude (DMS)	Longitude (DMS)	Point	Latitude (DMS)	Longitude (DMS)
Area A					
1	51° 59' 59.611" N	1° 59' 30.896" E	2	51° 59' 30.066" N	2° 05' 35.129" E
3	51° 59' 28.672" N	2° 05' 37.951" E	4	51° 59' 25.641" N	2° 05' 44.985" E
5	51° 59' 22.901" N	2° 05' 52.323" E	6	51° 59' 20.463" N	2° 05' 59.937" E
7	51° 59' 18.338" N	2° 06' 07.792" E	8	51° 59' 16.534" N	2° 06' 15.855" E
9	51° 59' 15.059" N	2° 06' 24.092" E	10	51° 59' 13.920" N	2° 06' 32.467" E
11	51° 59' 13.122" N	2° 06' 40.945" E	12	51° 59' 12.682" N	2° 06' 49.050" E
13	51° 59' 12.329" N	2° 06' 59.141" E	14	51° 58' 56.293" N	2° 07' 50.888" E
15	51° 58' 33.766" N	2° 08' 44.666" E	16	51° 57' 13.719" N	2° 08' 44.383" E
17	51° 55' 37.835" N	2° 08' 14.508" E	18	51° 53' 42.962" N	2° 01' 36.868" E
19	51° 53' 27.719" N	2° 00' 44.242" E	20	51° 53' 15.002" N	2° 00' 00.138" E
21	51° 58' 42.600" N	2° 00' 00.138" E	22	51° 58' 42.600" N	1° 56' 02.667" E
Area B					
1	51° 49' 01.731" N	2° 01' 29.385" E	2	51° 50' 17.180" N	2° 06' 34.867" E
3	51° 45' 40.117" N	2° 05' 09.101" E	4	51° 43' 22.529" N	1° 57' 54.170" E
5	51° 43' 58.800" N	1° 56' 18.600" E	6	51° 45' 14.400" N	2° 00' 00.000" E
7	51° 46' 28.672" N	2° 00' 00.000" E	8	51° 48' 39.346" N	2° 00' 00.000" E
9	51° 48' 48.664" N	2° 00' 36.597" E			
Area C					
1	51° 47' 45.600" N	1° 56' 02.400" E	2	51° 45' 58.800" N	1° 54' 59.040" E
3	51° 43' 58.800" N	1° 56' 18.600" E	4	51° 45' 31.800" N	1° 52' 27.415" E
5	51° 46' 51.579" N	1° 52' 55.728" E			

- (b) up to one accommodation platform fixed to the seabed by a monopile or space frame foundation within the array areas;

- (c) up to one collection platform fixed to the seabed by a monopile or space frame foundation within the array areas;
- (d) up to three meteorology masts fixed to the seabed by a monopile, space frame, gravity base or suction monopod foundation within the array areas;
- (e) a network of cables laid within the array areas between the WTGs, the meteorology masts, any collection platform, any accommodation platform and Work No. 2, for the transmission of electricity and electronic communications between these different structures, including one or more cable crossings;

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

Work No. 2 — up to three offshore substation platforms fixed to the seabed by monopile or space frame foundations within the array areas;

Work No. 3 — a connection or connections between Work No. 2 and the line of MHWS south of Sizewell, consisting of up to three cables laid along routes within the offshore Order limits, including one or more cable crossings;

and in connection with such Work Nos. 1 to 3, works comprising—

- (a) temporary 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.

(3) The grid coordinates for the offshore Order limits are specified below—

Coordinates for the offshore Order limits

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	52° 12' 21.695" N	1° 37' 21.969" E	2	52° 12' 21.770" N	1° 37' 22.834" E
3	52° 12' 38.547" N	1° 37' 31.559" E	4	52° 13' 06.787" N	1° 39' 31.266" E
5	52° 12' 41.875" N	1° 41' 19.072" E	6	52° 08' 53.641" N	1° 43' 50.558" E
7	52° 07' 19.811" N	1° 46' 13.310" E	8	52° 06' 47.705" N	1° 46' 22.155" E
9	52° 05' 45.119" N	1° 47' 48.934" E	10	52° 04' 21.240" N	1° 47' 50.697" E
11	52° 03' 00.375" N	1° 49' 47.154" E	12	52° 02' 59.277" N	1° 50' 58.902" E
13	52° 02' 32.852" N	1° 51' 36.901" E	14	52° 01' 50.815" N	1° 52' 18.710" E
15	52° 01' 30.601" N	1° 54' 02.808" E	16	52° 01' 22.163" N	1° 54' 18.345" E
17	52° 01' 09.327" N	1° 54' 17.298" E	18	52° 01' 05.147" N	1° 54' 18.294" E
19	52° 00' 59.527" N	1° 54' 22.958" E	20	52° 00' 55.981" N	1° 54' 29.281" E
21	52° 00' 54.528" N	1° 54' 33.851" E	22	52° 00' 53.496" N	1° 54' 40.490" E
23	52° 00' 52.133" N	1° 55' 24.154" E	24	51° 59' 40.210" N	1° 58' 21.019" E
25	51° 59' 34.074" N	1° 58' 21.796" E	26	51° 59' 59.611" N	1° 59' 30.896" E

Status: This is the original version (as it was originally made). UK
Statutory Instruments are not carried in their revised form on this site.

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
27	51° 59' 30.066" N	2° 05' 35.129" E	28	51° 59' 28.672" N	2° 05' 37.951" E
29	51° 59' 25.641" N	2° 05' 44.985" E	30	51° 59' 22.901" N	2° 05' 52.323" E
31	51° 59' 20.463" N	2° 05' 59.937" E	32	51° 59' 18.338" N	2° 06' 07.792" E
33	51° 59' 16.534" N	2° 06' 15.855" E	34	51° 59' 15.059" N	2° 06' 24.092" E
35	51° 59' 13.920" N	2° 06' 32.467" E	36	51° 59' 13.122" N	2° 06' 40.945" E
37	51° 59' 12.682" N	2° 06' 49.050" E	38	51° 59' 12.329" N	2° 06' 59.141" E
39	51° 58' 56.293" N	2° 07' 50.888" E	40	51° 58' 33.766" N	2° 08' 44.666" E
41	51° 57' 13.719" N	2° 08' 44.383" E	42	51° 55' 37.835" N	2° 08' 14.508" E
43	51° 53' 42.962" N	2° 01' 36.868" E	44	51° 49' 01.731" N	2° 01' 29.385" E
45	51° 50' 17.180" N	2° 06' 34.867" E	46	51° 45' 40.117" N	2° 05' 09.101" E
47	51° 43' 22.529" N	1° 57' 54.170" E	48	51° 43' 58.800" N	1° 56' 18.600" E
49	51° 45' 31.800" N	1° 52' 27.415" E	50	51° 46' 51.579" N	1° 52' 55.728" E
51	51° 47' 45.600" N	1° 56' 02.400" E	52	51° 45' 57.600" N	1° 54' 59.040" E
53	51° 44' 12.004" N	1° 56' 09.764" E	54	51° 44' 03.295" N	1° 56' 31.748" E
55	51° 45' 14.400" N	2° 00' 00.000" E	56	51° 46' 28.672" N	2° 00' 00.000" E
57	51° 48' 39.346" N	2° 00' 00.000" E	58	51° 48' 48.664" N	2° 00' 36.597" E
59	51° 53' 27.719" N	2° 00' 44.242" E	60	51° 53' 15.002" N	2° 00' 00.138" E
61	51° 58' 42.600" N	2° 00' 00.138" E	62	51° 58' 42.616" N	1° 58' 28.302" E
63	51° 58' 42.616" N	1° 57' 34.138" E	64	51° 58' 42.600" N	1° 56' 02.667" E
65	51° 59' 15.255" N	1° 57' 30.906" E	66	51° 59' 22.686" N	1° 57' 30.170" E
67	52° 01' 01.179" N	1° 53' 39.506" E	68	52° 01' 28.919" N	1° 51' 16.683" E
69	52° 01' 36.462" N	1° 50' 37.798" E	70	52° 02' 03.097" N	1° 49' 59.472" E
71	52° 04' 08.838" N	1° 46' 58.300" E	72	52° 05' 32.520" N	1° 46' 56.527" E
73	52° 06' 33.520" N	1° 45' 32.604" E	74	52° 07' 04.673" N	1° 45' 24.158" E
75	52° 08' 35.786" N	1° 43' 05.562" E	76	52° 12' 06.924" N	1° 40' 45.328" E
77	52° 12' 08.338" N	1° 40' 38.374" E	78	52° 12' 09.091" N	1° 40' 34.668" E
79	52° 12' 10.453" N	1° 40' 29.362" E	80	52° 12' 10.658" N	1° 40' 28.945" E
81	52° 12' 10.947" N	1° 40' 27.617" E	82	52° 12' 11.334" N	1° 40' 24.014" E
83	52° 12' 11.585" N	1° 40' 24.163" E	84	52° 12' 12.420" N	1° 40' 20.735" E

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
85	52° 12' 12.713" N	1° 40' 19.698" E	86	52° 12' 12.978" N	1° 40' 19.092" E
87	52° 12' 13.722" N	1° 40' 14.764" E	88	52° 12' 14.592" N	1° 40' 11.316" E
89	52° 12' 14.726" N	1° 40' 09.601" E	90	52° 12' 16.655" N	1° 40' 00.995" E
91	52° 12' 18.548" N	1° 39' 52.398" E	92	52° 12' 19.617" N	1° 39' 47.867" E
93	52° 12' 20.133" N	1° 39' 44.145" E	94	52° 12' 21.264" N	1° 39' 40.715" E
95	52° 12' 22.455" N	1° 39' 35.162" E	96	52° 12' 22.647" N	1° 39' 34.805" E
97	52° 12' 23.511" N	1° 39' 30.442" E	98	52° 12' 24.413" N	1° 39' 27.238" E
99	52° 12' 24.629" N	1° 39' 25.209" E	100	52° 12' 25.271" N	1° 39' 21.684" E
101	52° 12' 25.717" N	1° 39' 20.525" E	102	52° 12' 26.377" N	1° 39' 15.364" E
103	52° 12' 26.479" N	1° 39' 14.852" E	104	52° 12' 26.591" N	1° 39' 13.000" E
105	52° 12' 26.726" N	1° 39' 09.534" E	106	52° 12' 27.156" N	1° 39' 04.787" E
107	52° 12' 27.336" N	1° 39' 03.952" E	108	52° 12' 27.378" N	1° 39' 02.849" E
109	52° 12' 27.503" N	1° 39' 01.729" E	110	52° 12' 27.672" N	1° 38' 59.184" E
111	52° 12' 27.936" N	1° 38' 56.895" E	112	52° 12' 27.980" N	1° 38' 54.459" E
113	52° 12' 28.226" N	1° 38' 52.855" E	114	52° 12' 28.252" N	1° 38' 51.642" E
115	52° 12' 28.372" N	1° 38' 51.228" E	116	52° 12' 28.438" N	1° 38' 49.416" E
117	52° 12' 28.801" N	1° 38' 46.905" E	118	52° 12' 28.941" N	1° 38' 44.288" E
119	52° 12' 28.845" N	1° 38' 39.122" E	120	52° 12' 28.858" N	1° 38' 38.526" E
121	52° 12' 28.608" N	1° 38' 35.768" E	122	52° 12' 28.426" N	1° 38' 34.235" E
123	52° 12' 28.155" N	1° 38' 33.195" E	124	52° 12' 27.765" N	1° 38' 28.902" E
125	52° 12' 27.466" N	1° 38' 27.740" E	126	52° 12' 26.843" N	1° 38' 23.551" E
127	52° 12' 26.282" N	1° 38' 18.752" E	128	52° 12' 25.310" N	1° 38' 13.007" E
129	52° 12' 25.249" N	1° 38' 11.139" E	130	52° 12' 24.835" N	1° 38' 08.881" E
131	52° 12' 24.783" N	1° 38' 08.123" E	132	52° 12' 24.514" N	1° 38' 06.910" E
133	52° 12' 24.191" N	1° 38' 03.616" E	134	52° 12' 23.841" N	1° 38' 01.335" E
135	52° 12' 23.181" N	1° 37' 57.957" E	136	52° 12' 22.595" N	1° 37' 54.034" E
137	52° 12' 22.177" N	1° 37' 52.624" E	138	52° 12' 21.193" N	1° 37' 47.365" E
139	52° 12' 20.325" N	1° 37' 42.850" E	140	52° 12' 19.615" N	1° 37' 37.741" E
141	52° 12' 19.710" N	1° 37' 32.227" E	142	52° 12' 19.863" N	1° 37' 28.535" E

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
143	52° 12' 20.547" N	1° 37' 22.637" E	144	52° 12' 20.572" N	1° 37' 21.805" E

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

- (a) iron/steel;
- (b) stone and rock;
- (c) concrete;
- (d) sand;
- (e) plastic/synthetic; and
- (f) material extracted from within the offshore Order limits during construction drilling.

3. 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⁽²⁵⁾, 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.

PART 2

Conditions

Design parameters for wind turbines

1.—(1) No wind turbine generator forming part of the authorised scheme shall—

- (a) exceed a height of 195 metres when measured from LAT to the tip of the vertical blade;
- (b) exceed a height of 120 metres to the height of the centreline of the generator shaft forming part of the hub when measured from LAT;
- (c) exceed a rotor diameter of 164 metres, or have a rotor diameter of less than 107 metres;
- (d) be less than 642 metres from the nearest WTG in either direction perpendicular to the approximate prevailing wind direction or be less than 856 metres from the nearest WTG in either direction which is in line with the approximate prevailing wind direction;
- (e) have a distance of less than 22 metres between the lowest point of the rotating blade of the wind turbine and MHWS.

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

Approval of detailed wind turbine design parameters by the Secretary of State

2.—(1) The authorised scheme shall not commence until the Secretary of State has received the Approval Application and issued the Approval Notice.

(2) An Approval Application shall include—

- (a) the proposed Maximum WTG Number;
- (b) the proposed WTG Specification;
- (c) the proposed Minimum Clearance Level; and

(25) 2004 c. 20.

- (d) an explanation of how the proposed Maximum WTG Number, the proposed WTG Specification and the proposed Minimum Clearance Level, in combination, achieve the Percentage Reduction.
- (3) The Approval Notice shall specify—
- (a) the Maximum WTG Number;
 - (b) the WTG Specification, which shall comply with the requirements of paragraphs (a) to (c) of condition 1(1); and
 - (c) the Minimum Clearance Level, which shall comply with the requirements of paragraph (e) of condition 1(1).
- (4) The Secretary of State shall not issue the Approval Notice unless he is satisfied, following consultation with Natural England, that the Maximum WTG Number, the WTG Specification and the Minimum Clearance Level, in combination, achieve the Percentage Reduction.
- (5) The Approval Notice shall include a statement of—
- (a) the reasons why the Secretary of State is satisfied that the Percentage Reduction is achieved; and
 - (b) where the Maximum WTG Number, the WTG Specification, or the Minimum Clearance Level is different from that proposed in the Approval Application, the reasons for the difference.
- (6) The number of wind turbine generators forming part of the authorised scheme shall not exceed the Maximum WTG Number specified in the Approval Notice.
- (7) Each wind turbine generator forming part of the authorised scheme shall conform to the WTG Specification specified in the Approval Notice.
- (8) For each wind turbine generator constructed as part of the authorised scheme, the minimum distance between the lowest point of its rotating blade and the MHWS shall be at least equal to the Minimum Clearance Level.

Further offshore design requirements

3. No wind turbine generator, offshore substation platform, collection platform, accommodation platform or meteorological mast forming part of the authorised scheme shall be erected within the area hatched black on the offshore Order limits plan, whose coordinates are specified below—

Coordinates for restricted build area

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	51° 59' 16.526" N	2° 02' 34.375" E	2	51° 59' 06.310" N	2° 03' 24.837" E
3	51° 55' 13.411" N	2° 02' 25.515" E	4	51° 55' 27.574" N	2° 01' 36.127" E

4.—(1) The total number of offshore substation platforms, accommodation platforms and collection platforms forming part of the authorised scheme shall not exceed four.

(2) The dimensions of any offshore substation platform, accommodation platform or collection platform forming part of the authorised scheme (excluding any masts) shall not exceed 75 metres in height when measured from LAT, 65 metres in length and 50 metres in width. Any such platform shall have no more than one supporting foundation.

(3) No meteorological mast shall exceed a height of 120 metres when measured from LAT, nor shall it have more than one supporting foundation.

5.—(1) The number of cables forming part of the authorised scheme laid in each of the corridors forming part of the Order limits between reference point AA and reference point BB and reference point CC and reference point DD and the area marked by reference point EE on the offshore Order limits plan shall not exceed three.

(2) The total length of the cables comprising Work No. 3 shall not exceed 190 kilometres.

(3) The total length of the cables comprising Work No. 1(e) shall not exceed 300 kilometres.

6.—(1) Each monopile foundation forming part of the authorised scheme shall not have a diameter greater than 7 metres.

(2) Each monopile foundation forming part of the authorised scheme shall not be constructed in water with a depth greater than 45 metres between LAT and the seabed.

(3) Each gravity base foundation forming part of the authorised scheme shall not have—

- (a) a diameter at the level of the seabed which is greater than 45 metres;
- (b) a base height, where there is a flat base, which is greater than 7.5 metres above the level of the seabed;
- (c) a column diameter, where there is a flat or conical base, of greater than 10 metres;
- (d) a cone/column intersect which is higher than 20 metres above the top of the base;
- (e) a cone diameter at its base which is greater than 35 metres.

(4) In the event that any WTG uses a gravity base foundation of more than 35 metres diameter at the level of the seabed, the authorised scheme shall not comprise more than 101 WTG in total.

(5) Each space frame foundation forming part of the authorised scheme shall not have—

- (a) for use with any WTG or meteorological mast, a spacing between each leg at the level of the seabed which is greater than 40 metres and at the level of LAT which is greater than 25 metres;
- (b) for use with any offshore substation platform, accommodation platform or collection platform, a spacing between each leg at the level of the seabed which is greater than 55 metres in one direction and 40 metres in a perpendicular direction and at the level of LAT which is greater than 40 metres in one direction and 30 metres in a perpendicular direction;
- (c) more than two piles per leg or more than one suction can per leg;
- (d) a pile diameter which is more than 3 metres each;
- (e) for use with any WTG or meteorological mast, a suction can diameter greater than 11.5 metres each, where the total number of suction cans per structure is 3 or fewer;
- (f) for use with any WTG or meteorological mast, a suction can diameter of greater than 10 metres each, where the total number of suction cans is more than 3;
- (g) for use with any offshore substation platform, accommodation platform or collection platform, a suction can diameter of greater than 17 metres each, where the total number of suction cans is 4 or fewer;
- (h) for use with any offshore substation platform, accommodation platform or collection platform, a suction can diameter of greater than 10 metres each, where the total number of suction cans is more than 4;
- (i) more than 4 legs for a WTG or meteorological mast, or more than 6 legs for an offshore substation platform, accommodation platform or collection platform.

(6) Each suction monopod foundation forming part of the authorised scheme shall not have—

- (a) a diameter at the level of the seabed which is greater than 25 metres;

- (b) a base height, where there is a flat base, which is greater than 7.5 metres above the level of the seabed;
- (c) a column diameter which is greater than 9 metres.

Notifications and inspections

- 7.—(1) The undertaker shall ensure that—
- (a) a copy of this licence and any subsequent amendments or revisions to it is provided to—
 - (i) all agents and contractors notified to the MMO in accordance with condition 14; and
 - (ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with condition 14;
 - (b) within 28 days of receipt of a copy of this licence those persons referred to at paragraph (a) shall provide a completed vessel confirmation form to the MMO confirming their understanding of the terms of the conditions of this licence.
- (2) Only those persons and vessels notified to the MMO in accordance with condition 14 are permitted to carry out the licensed activities.
- (3) Copies of this licence shall 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 sub-paragraph (1)(a) shall be available for inspection by an enforcement officer at all reasonable times at the locations set out in sub-paragraph (3)(b).
- (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 or MCA considers necessary to meet any mandatory health and safety requirements or to inspect the works during construction and operation of the authorised scheme.
- (6) The undertaker must inform the MMO in writing at least five working days prior to the commencement of the licensed activities or any phase of them.
- (7) Prior to the commencement of the licensed activities the undertaker must publish in the Kingfisher Fortnightly Bulletin details of the vessel routes, timings and locations relating to the construction of the authorised scheme.
- (8) The undertaker shall ensure that—
- (a) a notice to mariners is issued at least ten days prior to the commencement of the licensed activities advising of the start date of Work Nos. 1 and 2 (wind turbine generation station and offshore platforms) and the expected vessel routes from the local service ports to the turbine locations; and
 - (b) a second notice to mariners is issued advising of the commencement of Work No. 3 (subsea export cables) and the route of the subsea export cables.
- (9) The undertaker shall ensure that the notices to mariners are updated and reissued at regular intervals agreed in advance with the MMO and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme approved under condition 10(2)(a). Copies of all notices shall be provided to the MMO.
- (10) The undertaker must promptly notify—

- (a) the UK Hydrographic Office of both the progress and completion of the authorised scheme in order that all necessary amendments to nautical charts are made; and
- (b) the MMO once the authorised scheme is completed and any required lighting or marking has been established.

Chemicals, drilling and debris

8.—(1) All chemicals used in the construction of the authorised scheme shall be selected from the List of Notified Chemicals approved for use by the offshore oil and gas industry under the Offshore Chemicals Regulations 2002(26), unless otherwise agreed in writing by the MMO.

(2) All protective coatings and paints shall be suitable for use in the marine environment. The use of such coatings shall accord with best environmental practice. Construction of the authorised scheme shall not commence until a document capturing the best environmental practice measures applicable to the authorised scheme has been approved by the MMO. The approved best practice measures shall apply unless otherwise agreed by the MMO. Any accidental spillages shall be reported to the MMO marine pollution response team.

(3) The storage, handling, transport and use of fuels, lubricants, chemicals and other substances shall 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 approval, in consultation with Natural England and JNCC, in relation to the proposed disposal of any arisings shall be obtained before the drilling commences, which disposal may also require a marine licence.

(5) The undertaker shall ensure that any debris arising from the construction of the authorised scheme or temporary works placed below MHWS are removed on completion of construction of the authorised scheme.

(6) At least two months prior to 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. The audit sheet shall 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) No licensed activities shall commence until the MMO has approved the audit sheet in writing.

(8) The audit sheet shall be maintained throughout the construction of the authorised scheme and any changes notified immediately to the MMO.

(9) In the event that the materials on the audit sheet cannot be accounted for the MMO will require the undertaker to carry out a side scan sonar survey to plot all obstructions across the offshore Order limits where construction works and related activities have been carried out.

(10) Local fishermen shall be invited to send a representative to be present during the survey. Any new obstructions that the MMO believes to be associated with the authorised scheme shall be removed, as directed by the MMO in writing, at the undertaker's expense.

(26) S.I. 2002/1355 as amended by S.I. 2011/982.

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 shall be notified in writing to the MMO.

Pre-construction plans and documentation

10.—(1) The licensed activities shall not commence until the documents specified in paragraphs (a) to (h) have been approved in writing by the MMO after consulting—

- (a) in the case of sub-paragraph (2)(a)(iii), (c), (d), (e), (f) and (g), Natural England and JNCC;
 - (b) in the case of sub-paragraph (2)(h), English Heritage and, in respect of the foreshore only, Suffolk Coastal District Council;
 - (c) in the case of sub-paragraph (2)(b) and (g), the MCA and Trinity House;
 - (d) in relation to the foreshore in sub-paragraph (2)(g)(ii), the Environment Agency; and
 - (e) in the event that the stated dimensions specified in sub-paragraph (2)(g)(iv) are exceeded, EDF Energy.
- (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/monitoring, baseline report format and content, construction surveys/monitoring, post-construction surveys/monitoring and related reporting in accordance with conditions 16, 17 and 18;
- (b) a scheme setting out proposed details of the authorised scheme, specifying the number, specifications and dimensions of all the proposed WTGs; the proposed foundation type for each WTG; the number, dimensions and foundation types for all proposed offshore platforms and meteorological masts and their expected foundation depth; the grid coordinates of the centre point of the proposed location for each WTG, offshore platform and meteorological mast; and the proposed layout of all cables;
- (c) a construction method statement in accordance with the construction methods assessed in the environmental statement, including details of how the construction-related mitigation steps proposed in the environmental statement are to be delivered, except where such steps are detailed in another document under this condition, and including details of—
- (i) drilling methods;
 - (ii) turbine, meteorological mast and substation installation, including scour protection;
 - (iii) cable installation, including cable landfall;
 - (iv) contractors;
 - (v) vessels and vessel transit corridors; and
 - (vi) associated works;
- (d) a project environmental management and monitoring plan to include details of—
- (i) a marine pollution contingency plan to address the risks, methods and procedures to deal with any spills and collision incidents during construction and operation of the authorised scheme in relation to all activities carried out below MHWS;

- (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) a method statement for the taking of sediment samples;
 - (v) the appointment and responsibilities of a fisheries liaison officer and an environmental liaison officer;
 - (vi) any seasonal restrictions on construction works; and
 - (vii) locations of any archaeological exclusion zones agreed as part of the written scheme of investigation approved under paragraph (h) of this licence condition;
- (e) a scour protection management plan providing details of the need, type, sources, quantity and installation methods for scour protection;
- (f) a marine mammal mitigation programme at least four months prior to commencement of offshore construction, to include—
- (i) a protocol for awareness raising of potential collision risk between vessels and marine mammals;
 - (ii) a protocol for avoiding collision events between vessels and marine mammals;
 - (iii) only where driven or part-driven pile foundations are proposed to be used, a protocol inclusive of a requirement for a soft start procedure to piling events;
- (g) cable specification and installation plan in accordance with the methodology assessed in the environmental statement, 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 offshore Order limits, including geotechnical data and cable laying techniques;
 - (iii) a cable burial risk assessment to inform cable burial depth;
 - (iv) a method of working for cable laying which results in a trench in the Coralline Crag with a width of no more than 1 metre and a depth of no more than 1.75 metres for each cable authorised to be installed across the Coralline Crag; and
 - (v) a relocation plan for Waverider Buoy and associated Trinity House Class 2 buoy (WMO ID: 62294) located at 52 12' 28.8" N, 001 41' 04.8" outside the offshore Order limits during cable installation, after consultation by the undertaker with Cefas and Trinity House;
- (h) a written scheme of archaeological investigation in relation to the offshore Order limits seaward of MHWS in accordance with industry guidance and after discussions with English Heritage and Suffolk Coastal District Council, to inform the detailed delivery of the authorised scheme and to include—
- (i) objectives and details of responsibilities of the undertaker, archaeological consultant, contractor and, where relevant, curator;
 - (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, 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, 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.

11. The undertaker shall ensure that a copy of any agreed archaeological report is deposited with the National Monuments Record, in accordance with the Online Access to the Index of archaeological investigations (OASIS) system. If the report relates to the foreshore, the undertaker shall notify Suffolk County Council that the OASIS report has been submitted to the National Monuments Record.

12.—(1) Except with the prior approval of the MMO, 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, or survey. Any variation to the approved surveys under condition 10(2)(a)(iii) shall only be made following consultation with Natural England and JNCC.

(2) Any proposed variation to condition 10(2)(g)(iv) which would exceed the stated dimensions in that condition, shall only be agreed by the MMO after consultation with EDF Energy.

Seasonal restrictions

13.—(1) No piling of monopile foundations or other foundation piling in the course of construction of the authorised scheme shall take place in array area C during the relevant peak sole spawning season (the maximum period being 1st April to 15th May), unless otherwise agreed with the MMO, following consultation with Natural England and JNCC.

(2) No piling of monopile foundations or other foundation piling in the course of construction of the authorised scheme shall take place in array area B during the relevant peak herring spawning season (the maximum period being 1st November to 31st December), unless otherwise agreed with the MMO, following consultation with Natural England and JNCC.

Reporting of engaged agents, contractors and vessels

14.—(1) The undertaker shall provide the following information to the MMO—

- (a) as soon as reasonably practicable in advance of their engagement in any licensed activities, 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. All agents, contractors and/or vessel operators will abide by the conditions set out in this licence.

Equipment and operation of vessels engaged in licensed activities

15.—(1) All vessels employed to perform the licensed activities shall be constructed and equipped to be capable of the proper performance of such activities in accordance with the conditions of this licence and shall 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 shall be installed or used without the prior approval of the Secretary of State.
- (4) All vessels' names or identification shall be clearly marked on the hull or superstructure.
- (5) All vessels shall 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 shall be in English.
- (7) No vessel shall engage in the licensed activities until all the equipment specified in subparagraph (2) is fully operational.

Pre-construction monitoring

16.—(1) The undertaker shall, in discharging condition 10(2)(a), submit details for approval by the MMO of proposed pre-construction surveys, including methodologies and timings, and a proposed format and content for a pre-construction baseline report. The survey proposals shall 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. The baseline report proposals shall 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 shall make clear what post-construction comparison is intended and the justification for this being required.

- (2) The pre-construction surveys shall comprise, in outline—
 - (a) a survey to determine the location, extent and composition of any benthic habitats of conservation and or economic importance (including Annex I habitats);
 - (b) a high resolution acoustic and debris survey of the areas within the offshore Order limits in which it is proposed to carry out construction works, including a 500 metre buffer area;
 - (c) an ornithological survey covering the areas within the offshore Order limits in which it is proposed to carry out construction works, and any wider areas where appropriate, which is required to test predictions in the environmental statement concerning key ornithological interests of relevance to the authorised scheme; and
 - (d) a fish resource survey covering the areas within the offshore Order limits in which it is proposed to carry out construction works, and any wider areas where appropriate, which is required to test predictions in the environmental statement concerning key fish resource interests of relevance to the authorised scheme.
- (3) The undertaker shall carry out the surveys approved under paragraph (1) and provide the baseline report to the MMO for approval four months prior to construction in the agreed format, unless otherwise agreed by the MMO, in consultation with Natural England and JNCC.

Construction monitoring

17.—(1) The undertaker shall, in discharging condition 10(2)(a), submit details for approval by the MMO of any proposed surveys or monitoring, including methodologies and timings, to be carried out during the construction of the authorised scheme. The survey proposals shall specify each survey's objectives.

(2) The construction surveys and monitoring shall comprise, in outline, the noise monitoring referred to in paragraph (3) and an ornithological survey covering the areas within the offshore Order limits in which it is proposed to carry out construction works, and any wider areas, where appropriate, which is required to test predictions in the environmental statement concerning key ornithological interests of relevance to the authorised scheme.

(3) Such monitoring shall include measurements of noise generated by the installation of the first four largest diameter monopile foundations (or other piles if monopile foundations are not used), following which the MMO will determine whether further noise monitoring is required.

(4) The undertaker shall carry out the construction surveys and reports approved under paragraph (1), including any further noise monitoring required in writing by the MMO, in the agreed format, unless otherwise agreed in writing with the MMO, in consultation with Natural England and JNCC.

(5) The results of the initial noise measurements provided in accordance with paragraph (4) shall be provided to the MMO within six weeks of the installation of the first relevant monopile foundation piece, or other pile if monopile foundations are not used. The assessment of this report by the MMO shall determine whether any further noise monitoring is required. In the event that the reported noise levels are significantly in excess of those predicted in the environmental statement and this conclusion is notified to the undertaker by the MMO in writing with a clear written instruction to stop pile installation as a consequence, then further pile installation shall only be carried out with the prior written approval of the MMO.

Post construction

18.—(1) The undertaker shall, in discharging condition 10(2)(a), submit details for approval by the MMO of proposed post-construction surveys, including methodologies and timings, and proposed format, content and timings for providing reports on the results. The survey proposals shall specify each survey's objectives and explain how it will assist in either informing a valid comparison with the pre-construction position and enable the validation or otherwise of key predictions in the environmental statement.

(2) The post-construction surveys shall comprise, in outline—

- (a) a survey to determine the location, extent and composition of any benthic habitats of conservation and/or economic importance (including Annex I habitats), to validate predictions made in the environmental statement;
- (b) an ornithological survey covering the area(s) within the offshore Order limits in which construction works were carried out, and any wider area(s) where appropriate, which is required to test predictions in the environmental statement concerning key ornithological interests of relevance to the authorised scheme;
- (c) a high resolution acoustic survey undertaken within the first six months following completion of construction and after any major storm event (a greater than 1 in 10 year wave event within the Order limits seaward of MHWS in terms of a wave height measured from the Sizewell Waverider buoy (WMO ID: 62294)) within the order limits in which construction works were carried out to assess any changes to bedform morphology; and
- (d) a fish resource survey covering the area(s) within the offshore Order limits in which construction works were carried out, and any wider area(s) where appropriate, which is required to test predictions in the environmental statement concerning key fish resource interests of relevance to the authorised scheme.

(3) The undertaker shall carry out the surveys approved under paragraph (1) and provide the agreed reports in the agreed format, unless otherwise agreed with the MMO, in consultation with Natural England and JNCC.

Offshore decommissioning

19. This licence does not permit the decommissioning of the authorised scheme. No authorised decommissioning activity shall commence until a written decommissioning programme in accordance with an approved programme under section 105(2) of the 2004 Act, has been submitted to the Secretary of State for approval. Furthermore, at least four months prior to carrying out any such works, the undertaker shall notify the MMO of the proposed decommissioning activity to establish whether a marine licence is required for such works.

Requirement for written approval

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

SCHEDULE 3

Article 13

Streets subject to street works

<i>(1)</i>	<i>(2)</i>
<i>Area</i>	<i>Street subject to street works</i>
District of Suffolk Coastal	Sizewell Gap at reference point C
District of Suffolk Coastal	Unnamed street at reference point B

SCHEDULE 4

Article 18

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

<i>(1)</i>	<i>(2)</i>
<i>Number of land shown on land plans</i>	<i>Purpose for which rights may be acquired</i>
26	Right of access for vehicles and pedestrians at all times.
119	Right to oversail with vehicles.
123, 144	Right of access for vehicles and pedestrians at all times.

SCHEDULE 5

Article 23

Land of which temporary possession may be taken

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
<i>Area</i>	<i>Number of land shown on land plan</i>	<i>Purpose for which temporary possession may be taken</i>	<i>Relevant part of the Authorised project</i>
County of Suffolk, district of Suffolk Coastal	14	Working site and access	Work No. 4
County of Suffolk, district of Suffolk Coastal	29	Working site	Work No. 5
County of Suffolk, district of Suffolk Coastal	35, 36, 38, 47, 48, 118	Access	Work Nos. 6, 7, 9A, 9B, 10A, 10B, 11 and 12
County of Suffolk, district of Suffolk Coastal	85	Working site and access	Work No. 7
County of Suffolk, district of Suffolk Coastal	42, 43, 46, 50, 51	Working site and access	Work No. 7
County of Suffolk, district of Suffolk Coastal	161, 163, 165, 167, 170, 171, 175	Crane jib oversail	Work No. 9A
County of Suffolk, district of Suffolk Coastal	141, 142, 143	Crane jib oversail	Work No. 9B
County of Suffolk, district of Suffolk Coastal	87	Working site and access	Work Nos. 10A and 10B
County of Suffolk, district of Suffolk Coastal	106	Working site and access	Work Nos. 6, 11 and 12
County of Suffolk, district of Suffolk Coastal	120	Habitat creation	Work Nos. 3B to 12

SCHEDULE 6

Article 25

PART 1

For the protection of specified undertakers

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

2. In this Schedule—

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

“apparatus” means—

- (a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989⁽²⁷⁾) belonging to or maintained by that undertaker;
- (b) in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by a gas transporter for the purposes of gas supply;
- (c) in the case of a water undertaker—
 - (i) mains, pipes or other apparatus belonging to, or maintained by, the 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⁽²⁸⁾;
- (d) in the case of a sewerage undertaker—
 - (i) any drain or works vested in the undertaker under the Water Industry Act 1991; and
 - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of that Act or an agreement to adopt made under section 104 of that Act,

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

and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“EDF Energy” means EDF Energy (UK) Limited (company number 02622406) and any group company of EDF Energy (UK) Limited which holds property and is a licensed holder for any of the purposes under section 6 of the Electricity Act 1989 at Sizewell, and for the purposes of this definition “group company” means any company which is a company within the meaning of section 42 of the Landlord and Tenant Act 1954 including EDF Energy Nuclear Generation Limited (company number 03076445) and NNB Generation Company Limited (company number 06937084);

“functions” includes powers and duties;

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

“utility undertaker” means—

⁽²⁷⁾ 1989 c. 29.

⁽²⁸⁾ 1991 c. 56. Section 51A to the 1991 Act was inserted by section 92(1) of the Water Act 2003(c. 37).

- (a) any licence holder within the meaning of Part 1 of the Electricity Act 1989;
 - (b) a gas transporter within the meaning of Part 1 of the Gas Act 1986⁽²⁹⁾;
 - (c) a water undertaker within the meaning of the Water Industry Act 1991; and
 - (d) a sewerage undertaker within the meaning of Part 1 of the Water Industry Act 1991,
- for the area of the works authorised by the Order, and in relation to any apparatus, means the utility undertaker to whom it belongs or by whom it is maintained.

3. This Schedule does not apply to apparatus in respect of which the relations between the undertaker and the utility undertaker are regulated by the provisions of Part 3 of the Water Industry Act 1991.

4. Regardless of any provision in this Order or anything shown on the land plan the undertaker shall not acquire any apparatus other than by agreement.

5.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed, that apparatus shall not be removed under this Schedule and any right of a utility undertaker to maintain that apparatus in that land shall not be extinguished until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the 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 undertaker requires the removal of any apparatus placed in that land, it shall 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 undertaker shall, 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 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 undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2), in the land in which the alternative apparatus or part of such apparatus is to be constructed, the undertaker in question shall, on receipt of a written notice to that effect from the 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 undertaker under this Schedule shall be constructed in such manner and in such line or situation as may be agreed between the undertaker in question and the undertaker or in default of agreement settled by arbitration in accordance with article 31 (arbitration).

(5) The utility undertaker in question shall, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 31, 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 undertaker to be removed under the provisions of this Schedule.

(6) Regardless of anything in sub-paragraph (5), if the undertaker gives notice in writing to the utility undertaker in question that it desires itself to execute any work to which this sub-paragraph applies, that work, instead of being executed by the utility undertaker, shall be executed by the

⁽²⁹⁾ 1986 c. 44. A new section 7 was substituted by section 5 of the Gas Act 1995 (c. 45), and was further amended by section 76 of the Utilities Act 2000 (c. 27).

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 construction of alternative apparatus, or the removal of apparatus required to be removed, as will take place in any land of the undertaker.

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

6.—(1) Where, in accordance with the provisions of this Schedule, the undertaker affords to a utility undertaker facilities and rights for the construction and maintenance in land of the undertaker of alternative apparatus in substitution for apparatus to be removed, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the undertaker and the utility undertaker in question or in default of agreement settled by arbitration in accordance with article 31 (arbitration).

(2) In settling those terms and conditions in respect of the alternative apparatus to be constructed in or along any railway, the arbitrator shall—

- (a) give effect to all reasonable requirements of the undertaker for ensuring the safety and efficient operation of the railway and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any proposed works of the undertaker or the traffic on the railway; 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 in or along the railway for which the alternative apparatus is to be substituted.

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

7.—(1) Not less than 28 days before starting the execution of any works of the type referred to in paragraph 5(2) that are near to, or will or may affect, any apparatus the removal of which has not been required by the undertaker under paragraph 6(2), the undertaker shall submit to the utility undertaker in question a plan, section and description of the works to be executed.

(2) Those works shall be executed only in accordance with the plan, section and description submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) by the 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 shall be entitled to watch and inspect the execution of those works.

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

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

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

(6) The undertaker shall not be required to comply with sub-paragraph (1) in a case of emergency but in that case it shall 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 shall comply with sub-paragraph (2) in so far as is reasonably practicable in the circumstances.

8.—(1) If in consequence of the exercise of the powers conferred by this Order the access to any apparatus is materially obstructed the undertaker shall provide such alternative means of access to such apparatus as will enable the undertaker to maintain or use the apparatus no less effectively than was possible before such obstruction.

(2) Subject to the following provisions of this paragraph, the undertaker shall repay to a utility undertaker the reasonable expenses incurred by that utility undertaker in, or in connection with, the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to in paragraph 5(2).

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

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

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

and the placing of apparatus of that type or capacity or those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 31 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the undertaker in question by virtue of sub-paragraph (2), shall be reduced by the amount of that excess.

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

- (a) an extension of apparatus to a length greater than the length of existing apparatus shall 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 shall be treated as if it also had been agreed or had been so determined.

(6) An amount which apart from this sub-paragraph would be payable to an undertaker in respect of works by virtue of sub-paragraph (2) shall, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the 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.

9.—(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 6(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 undertaker shall—

- (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.

(2) Nothing in sub-paragraph (1) shall impose 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 a utility undertaker, its officers, servants, contractors or agents.

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

PART 2

For the protection of EDF Energy

1. The following provisions of Part 2 of this Schedule shall have effect for the protection of EDF Energy in addition to the provisions of Part 1 of this Schedule.

Sizewell C proposed intake infrastructure

2.—(1) Save for urgent reasons of vessel safety and subject to sub-paragraph (3), the undertaker shall not carry out any of the authorised project (including the placement temporary or otherwise of anchors or moorings) within the areas coloured red on Plan number GWF 888 R3 Rev 3 (BEEMS-MS0345) each being a radius of 250 metres from a central point of—

- (a) Intake I3B 650726E 264262N
DMS 52° 13' 10.045" N 1° 40' 9.404" E; and
- (b) Intake I4B 650526E 263361
DMS 52° 12' 41.271" N 1° 39' 56.487" E.

(2) Save for urgent reasons of vessel safety the undertaker shall not undertake any of the authorised project within the areas coloured orange on Plan number GWF 888 R3 Rev 3 (BEEMS-MS0345) each being a radius of 250 metres to 500 metres from a central point of—

- (a) Intake I3B 650726E 264262N
DMS 52° 13' 10.045" N 1° 40' 9.404" E; and
- (b) Intake I4B 650526E 263361
DMS 52° 12' 41.271" N 1° 39' 56.487" E

without having first submitted to and secured approval from EDF Energy details of the proposed method of working within these areas (such approval not to be unreasonably withheld or delayed) and thereafter the undertaker shall implement the authorised project in full accordance with such approved details.

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

Quality of Sizewell B cooling water intake

3. Save for urgent reasons of vessel safety which mean there is insufficient time to comply with sub-paragraph (a), in which case the undertaker shall use its reasonable endeavours to contact EDF Energy immediately, to inform of non-compliance, by a mechanism previously agreed in writing with EDF Energy—

- (a) all tug operations relating to anchor laying and barge manoeuvring carried out in water of depth less than twice the draft of the tugs being used by the undertaker west of 01° 38' 55.478" E, south of 52° 14' 12.332" N and north of 52° 11' 15.619" N as shown on drawing GWF 890 R3 Rev3 (BEEMS-MS0357A) will be restricted as follows—
 - (i) for the area south of a line starting at the Intersection Point and running to the shore through WGS84 lat/long 52° 12' 53.086" N, 01° 38' 00.049" E (the "Dividing Line"), operations shall only be undertaken within periods of flood tide and +/- 1 hour adjoining slack high and slack low water periods;
 - (ii) for the area north of the Dividing Line, operations shall only be undertaken within periods of ebb tide and +/- 1 hour adjoining slack high and slack low water periods;
- (b) this restriction in this paragraph applies unless EDF Energy otherwise agrees in writing either a modification of the procedure described above or an alternative protective measure relating to anchor laying and barge manoeuvring within the area west of 01° 38' 55.478" E, south of 52° 14' 12.332" N and north of 52° 11' 15.619" N shown on the plan and that alternative method is shown to be of no greater risk to the Sizewell B intake and its function (such agreement not to be unreasonably withheld or delayed);
- (c) the "Intersection Point" means the point where the line marked B to C on drawing GWF 890 R3 Rev3 (BEEMS-MS0357A) intersects with the northern boundary of the Order limits seaward of MHWS;
- (d) sub-paragraph (a) does not apply to vessels in transit.

Buffer zone for Sizewell B offshore infrastructure

4.—(1) No part of the works for the authorised project shall take place using vessels allied with those works within a buffer zone extending 300 metres from the Sizewell B cooling water intake and outfall and associated seabed culverts (as shown on drawing GWF 887 R3 Rev3 (BEEMS-MS0359A)) nor shall any anchor be placed within or chains or cables laid across that buffer zone during the course of such works unless the undertaker obtains the prior approval of EDF Energy (not to be unreasonably withheld or delayed) to the placement of such anchor or chains or cables within the buffer zone.

- (2) The relevant centre point positions for the 300 metre buffer zone are—
 - (a) SZB cooling water intake—
WGS84 lat long: 52° 12' 53.086" N, 01° 38' 00.049" E;
 - (b) the associated subseabed culvert runs from that position through MHWS at—
WGS84 lat long: 52° 12' 50.742" N, 01° 37' 24.643" E;
 - (c) SZB cooling water outfall—
WGS84 lat long: 52° 12' 54.965" N, 01° 37' 35.792" E;
 - (d) the associated subseabed culvert runs from that position through MHWS at—

Status: This is the original version (as it was originally made). UK
Statutory Instruments are not carried in their revised form on this site.

WGS84 lat long: 52° 12' 53.399" N, 01° 37' 24.647" E.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants development consent for, and authorises Galloper Wind Farm Limited to construct, operate and maintain, an offshore generating station in the sea approximately 30 kilometres off the coast of Suffolk and to erect and keep overhead lines near Sizewell Wents, Sizewell in Suffolk, together with all necessary and associated development.

For the purposes of the development that it authorises, Galloper Wind Farm Limited is authorised by the Order compulsorily or by agreement to acquire land and rights in land and to use land, as well as to override easements and other rights. The Order imposes requirements in connection with the development for which it grants development consent.

The Order also grants a deemed marine licence for the marine licensable activities, being the deposit of substances and articles and the carrying out of works, involved in the construction of the offshore generating station and associated development. The deemed marine licence imposes conditions in connection with the deposits and works for which it grants consent.

A copy of the plans and book of reference referred to in this Order and certified in accordance with article 30 (certification of plans, etc.) of this Order may be inspected free of charge at the offices of Suffolk Coastal District Council at Melton Hill, Woodbridge, Suffolk IP12 1AU.