



Galloper Wind Farm Project
Draft Development Consent Order (including deemed Marine
Licence)
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Galloper Wind Farm Limited



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STATUTORY INSTRUMENTS

201X No.

INFRASTRUCTURE PLANNING

The Galloper Wind Farm Order 201X

<i>Made</i> - - - -	[***] 201X
<i>Laid before Parliament</i>	[***] 201X
<i>Coming into force</i> - -	[***] 201X

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Whereas an application has been made to the Infrastructure Planning Commission in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 made under sections 37, 42, 48, 51, 56, 58, 59 and 232 of the Planning Act 2008 ("the 2008 Act")^(a) for an Order under sections 37, 55, 115, 120, 121, 122, 140 and 149A of the 2008 Act;

And whereas the application was examined by an examining authority appointed by the Infrastructure Planning Commission pursuant to Chapter 4 of the 2008 Act;

And whereas the examining authority, having considered the national policy statements relevant to the application and concluded that the application accords with these statements as set out in section 104(3) of the 2008 Act;

And whereas the examining authority, having considered the objections made and not withdrawn and the application with the documents that accompanied the application, has [determined/recommended the decision-maker] to make an Order giving effect to the proposals comprised in the application with modifications which in its opinion do not make any substantial change in the proposals;

And whereas notice of the decision-maker's determination was published [●];

Now, therefore, as the decision-maker in exercise of the powers conferred by sections 114, 115, 120, 121, 122 and 149A of the 2008 Act [the Secretary of State/Commission] makes the following Order:

Citation and commencement

1. This Order may be cited as the Galloper Wind Farm Order and shall come into force on [●] 201X.

(a) 2008 c.29.

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961^(a);

“the 1965 Act” means the Compulsory Purchase Act 1965^(b);

“the 1980 Act” means the Highways Act 1980^(c);

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

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

“the 2004 Act” means the Energy Act 2004^(f);

“the 2008 Act” means the Planning Act 2008^(g);

“accommodation platform” means a platform housing or incorporating temporary accommodation, 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 A (authorised project) and which are not development within the meaning of section 32 of the 2008 Act;

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

“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 decision-maker 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;

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- (a) 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.
- (b) 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.
- (c) 1980 c.66. Section 1(1) was amended by section 21(2) of the New Roads and Street Works Act 1991 (c.22); sections 1(2), 1(3) and 1(4) were amended by section 8 of, and paragraph (1) of Schedule 4 to, the Local Government Act 1985 (c.51); section 1(2A) was inserted, and section 1(3) was amended, by section 259 (1), (2) and (3) of the Greater London Authority Act 1999 (c.29); sections 1(3A) and 1(5) were inserted by section 22(1) of, and paragraph 1 of Schedule 7 to, the Local Government (Wales) Act 1994 (c.19). Section 36(2) was amended by section 4(1) of, and paragraphs 47(a) and (b) of Schedule 2 to, the Housing (Consequential Provisions) Act 1985 (c.71), by S.I. 2006/1177, by section 4 of, and paragraph 45(3) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c.11), by section 64(1) (2) and (3) of the Transport and Works Act (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.
- (d) 1990 c.8. Section 206(1) was amended by section 192(8) of, and paragraphs 7 and 11 of Schedule 8 to, the Planning Act 2008 (c.29) (date in force to be appointed see section 241(3), (4)(a), (c) of the 2008 Act). There are other amendments to the 1990 Act which are not relevant to this Order.
- (e) 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).
- (f) 2004 c.20.
- (g) 2008 c.29.

“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;

“commence” means beginning to carry out any material operation (as defined in Section 56(4) of the 1990 Act) forming part of the authorised project, landward of mean low water, other than operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure and the temporary display of site notices or advertisements and “commencement” shall be construed accordingly;

“the Commission” means the Infrastructure Planning Commission

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

“the decision-maker” has the same meaning as in section 103 of the 2008 Act;

“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;

“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 platform(s) 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 decision-maker for the purposes of this Order;

“maintain” includes maintain, inspect, repair, adjust, alter, remove, clear, refurbish, reconstruct and replace and improve and “maintenance” shall be construed accordingly;

“MCA” means the Maritime and Coastguard Agency;

“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, 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;

“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 decision-maker 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^(a);

“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^(b)

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

“rights plan” means the plan certified as the rights plan by the decision maker for the purposes of this Order;

“scheduled works” means the numbered works specified in 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 platform(s) and equipment;

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

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

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

“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;

“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-tube(s), transition piece, access and rest platforms, access ladders, boat access systems, corrosion protection systems, fenders and maintenance equipment, helicopter landing facilities and other associated equipment, fixed to a foundation; and

“the works plan” means the plans certified as the works plan by the decision-maker 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) 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.

(a) 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.

(b) S.I. 2668/2004.

(4) 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.

(5) 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.

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

Development consent etc. granted by the Order

3.— Subject to the provisions of this Order and the requirements 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.

Maintenance of authorised project

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

Operation of electricity generating station and keeping of overhead lines

5.—(1) The undertaker is hereby authorised to operate the 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 electricity generating station or the keeping of an electric line above ground.

Requirements, Appeals, etc

6.—(1) The provisions of section 72 of the 1990 Act shall apply so that the requirements 18 to 36 inclusive (requirements which relate to land which is landward of mean low water) shall be deemed to be imposed as and as if they were conditions imposed upon the grant of planning permission pursuant to section 72 of the 1990 Act and the development consent granted by this Order for works landward of mean low water was a planning permission granted under the 1990 Act.

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

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

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

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

(5) Nothing in this article shall alter the effect of section 161 of the 2008 Act.

Benefit of the Order

7.—(1) Subject to paragraph (2), this Order shall have effect solely for the benefit of Galloper Wind Farm Limited.

(2) The undertaker may, with the 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

except where paragraph (5) applies in which case no such consent shall be required.

(3) Where an agreement has been made in accordance with paragraph (2) references in this Order to the undertaker, except in paragraph (4), shall include references to the transferee or lessee.

(4) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (2) 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.

(5) This paragraph applies where the proposed transferee or lessee under paragraph (2) is the holder of a licence under section 6 of the Electricity Act 1989^(a).

Public rights of navigation

8.—(1) Subject to paragraph (2), the rights of navigation over the places in the sea where any of the wind turbine generators, meteorological masts, offshore substation platforms, accommodation platforms and collection platforms, including their foundations, are located within territorial waters shall be extinguished.

(2) The extinguishment of the rights of navigation over the places identified in paragraph (1) shall take effect 14 days after the undertaker has submitted a plan to the Secretary of State showing the precise locations of the foundations of each of any relevant wind turbine generators, meteorological masts, offshore substation platforms, accommodation platforms and collection platforms to be constructed as part of the authorised development within territorial waters.

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

[Survey of works

9.—(1) If the Secretary of State considers it expedient to do so, the Secretary of State may at any time order a survey and examination of Work No.1 or of the site on which it is proposed to

(a) 1989 c.29.

construct Work No.1, and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the undertaker.

(2) Subject to paragraph (3), such surveys shall not be ordered more frequently than once a year, and before ordering such a survey the Secretary of State shall —

- (a) consult the undertaker in order to establish what relevant survey information is already available; and
- (b) give the undertaker an opportunity to carry out the survey itself.

(3) Paragraph (2) shall not apply in an emergency.]

Abatement of works abandoned or decayed

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

Deemed licence under the Marine and Coastal Access Act 2009

11. 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 6, subject to the conditions set out in Part 2 of that Schedule.

Saving for Trinity House

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

Crown Rights

13.—(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 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 her 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

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

- (a) tunnel 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

15.—(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 14(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

16.—(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

17.—(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 19 (compulsory acquisition of rights) and article 24 (temporary use of land for carrying out the authorised project).

Time limit for exercise of authority to acquire land compulsorily

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

- (a) no notice to treat shall be served under Part 1 of the 1965 Act; and
- (b) no declaration shall be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 as applied by article 21 (application of the Compulsory Purchase (Vesting Declarations) Act 1981)^(a).

(2) The authority conferred by article 24 (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

19.—(1) Subject to paragraph (2) the undertaker may acquire compulsorily such rights over the Order land, or impose restrictive covenants affecting the land, as may be required for any purpose for which that land may be acquired under article 17 (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 3 (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.

(3) Subject to section 8 of the 1965 Act where the undertaker acquires a right over land or the benefit of a restrictive covenant 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 or the imposition of restrictive covenants 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 or impose such covenants 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

20.—(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),

(a) 1981 c.66. Sections 2 and 116 were amended by section 4 of, and paragraph 52 of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c.11). There are other amendments to the 1981 Act which are not relevant to this Order.

whichever is the earliest.

(2) Subject to the provisions of this article, all private rights over land subject to the compulsory acquisition of rights or the imposition of rights or the imposition of restrictive covenants under this Order shall be extinguished—

- (a) as from the date of the acquisition of the right or the benefit of the restrictive covenant 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 earliest.

(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, is 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 27 (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

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

(a) 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

(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

22.—(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 17 (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

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

(2) Subject to paragraph (3), the 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

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.

(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

24.—(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 19 (compulsory acquisition of rights); or
- (b) acquiring any part of the subsoil (or rights in the subsoil) of that land under article 22 (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

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

(2) Paragraph (1) shall not authorise the 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

26. Schedule 4 to this Order has effect.

Statutory undertakers

27. Subject to the provisions of Schedule 4 (for the protection of specified undertakers), the undertaker may—

- (a) acquire compulsorily or acquire new rights or impose restrictive covenants 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

28.—(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 paragraph—

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

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

Application of landlord and tenant law

29.—(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;

(a) 2003 c.21. There are amendments to this Act which are not relevant to this Order.

- (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

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

Felling or lopping of trees

31.—(1) The undertaker may fell or lop any tree or shrub near any part of the authorised project, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

- (a) from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project; or
- (b) from constituting a danger to passengers or other persons using the authorised project.

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

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

Certification of plans etc

32.—(1) The undertaker shall, as soon as practicable after the making of this Order, submit to the decision-maker copies of—

- (a) the Order limits plan;
- (b) the book of reference;
- (c) the land plan;
- (d) the rights plan;
- (e) the works plan; and
- (f) any other plans or documents referred to in 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

33. 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 decision-maker.

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

[Address]
[Date] 201[X]

[Name]
Head of [Unit]
Department for Energy and Climate Change

SCHEDULES

SCHEDULE 1

Article 3

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 27km 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 504MW 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

Area A

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	51 ⁰ 59' 59.611" N	1 ⁰ 59' 30.896" E	2	51 ⁰ 59' 30.066" N	2 ⁰ 05' 35.129" E
3	51 ⁰ 59' 28.672" N	2 ⁰ 05' 37.951" E	4	51 ⁰ 59' 25.641" N	2 ⁰ 05' 44.985" E
5	51 ⁰ 59' 22.901" N	2 ⁰ 05' 52.323" E	6	51 ⁰ 59' 20.463" N	2 ⁰ 05' 59.937" E
7	51 ⁰ 59' 18.338" N	2 ⁰ 06' 07.792" E	8	51 ⁰ 59' 16.534" N	2 ⁰ 06' 15.855" E
9	51 ⁰ 59' 15.059" N	2 ⁰ 06' 24.092" E	10	51 ⁰ 59' 13.920" N	2 ⁰ 06' 32.467" E
11	51 ⁰ 59' 13.122" N	2 ⁰ 06' 40.945" E	12	51 ⁰ 59' 12.682" N	2 ⁰ 06' 49.050" E
13	51 ⁰ 59' 12.329" N	2 ⁰ 06' 59.141" E	14	51 ⁰ 58' 56.293" N	2 ⁰ 07' 50.888" E
15	51 ⁰ 58' 33.766" N	2 ⁰ 08' 44.666" E	16	51 ⁰ 57' 13.719" N	2 ⁰ 08' 44. 383" E
17	51 ⁰ 55' 37.835" N	2 ⁰ 08' 14.508" E	18	51 ⁰ 53' 42.962" N	2 ⁰ 01' 36.868" E
19	51 ⁰ 53' 27.719" N	2 ⁰ 00' 44.242" E	20	51 ⁰ 53' 15.002" N	2 ⁰ 00' 00.138" E
21	51 ⁰ 58' 42.600" N	2 ⁰ 00' 00.138" E	22	51 ⁰ 58' 42.600" N	1 ⁰ 56' 02.667" E

Area B

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	51 ⁰ 49'	2 ⁰ 01' 29.385"	2	51 ⁰ 50'	2 ⁰ 06' 34.867"

3	01.731" N 51 ⁰ 45' 40.117" N	E 2 ⁰ 05' 09.101" E	4	17.180" N 51 ⁰ 43' 22.529" N	E 1 ⁰ 57' 54.170" E
5	51 ⁰ 43' 58.800" N	1 ⁰ 56' 18.600" E	6	51 ⁰ 45' 14.400" N	2 ⁰ 00' 00.000" E
7	51 ⁰ 46' 28.672" N	2 ⁰ 00' 00.000" E	8	51 ⁰ 48' 39.346" N	2 ⁰ 00' 00.000" E
9	51 ⁰ 48' 48.664" N	2 ⁰ 00' 36.597" E			

Area C

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	51 ⁰ 47' 45.600" N	1 ⁰ 56' 02.400" E	2	51 ⁰ 45' 58.800" N	1 ⁰ 54' 59.040" E
3	51 ⁰ 43' 58.800" N	1 ⁰ 56' 18.600" E	4	51 ⁰ 45' 31.800" N	1 ⁰ 52' 27.415" E
5	51 ⁰ 46' 51.579" N	1 ⁰ 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, 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 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.11 with an underground electrical connection to Work No. 11;

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

Work No. 8 – A screening landform adjacent to all or part of the northern, western and southern boundaries of Work No. 6, which extends over a larger area than Work No. 7;

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 8 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 of the 2008 Act comprising:

In the county of Suffolk, district of Suffolk Coastal

Work No. 9A – 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. 9B – 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. 10A – A grid connection consisting of one or more cables laid underground from Work No. 9A in an approximately northerly then westerly direction to Work No. 11;

Work No. 10B – A grid connection consisting of one or more cables laid underground from Work No. 9B in a north westerly direction to Work No. 11;

Work No.11 – An electrical substation compound at Sizewell Wents to the west of the existing Greater Gabbard substation;

Work No. 12 – A grid connection consisting of one or more cables laid underground from Work No. 11 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. 11 to the existing Greater Gabbard substation approximately at reference point G;

and in connection with such Work Nos. 9A to 12 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
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' 19.698" N	1° 40' 19.698" E	86	52° 12' 19.092" N	1° 40' 19.092" E

87	12.713" N	E	88	12.978" N	E
	52 ⁰ 12'	1 ⁰ 40' 14.764"		52 ⁰ 12'	1 ⁰ 40' 11.316"
	13.722" N	E		14.592" N	E
89	52 ⁰ 12'	1 ⁰ 40' 09.601"	90	52 ⁰ 12'	1 ⁰ 40' 00.995"
	14.726" N	E		16.655" N	E
91	52 ⁰ 12'	1 ⁰ 39' 52.398"	92	52 ⁰ 12'	1 ⁰ 39' 47.867"
	18.548" N	E		19.617" N	E
93	52 ⁰ 12'	1 ⁰ 39' 44.145"	94	52 ⁰ 12'	1 ⁰ 39' 40.715"
	20.133" N	E		21.264" N	E
95	52 ⁰ 12'	1 ⁰ 39' 35.162"	96	52 ⁰ 12'	1 ⁰ 39' 34.805"
	22.455" N	E		22.647" N	E
97	52 ⁰ 12'	1 ⁰ 39' 30.442"	98	52 ⁰ 12'	1 ⁰ 39' 27.238"
	23.511" N	E		24.413" N	E
99	52 ⁰ 12'	1 ⁰ 39' 25.209"	100	52 ⁰ 12'	1 ⁰ 39' 21.684"
	24.629" N	E		25.271" N	E
101	52 ⁰ 12'	1 ⁰ 39' 20.525"	102	52 ⁰ 12'	1 ⁰ 39' 15.364"
	25.717" N	E		26.377" N	E
103	52 ⁰ 12'	1 ⁰ 39' 14.852"	104	52 ⁰ 12'	1 ⁰ 39' 13.000"
	26.479" N	E		26.591" N	E
105	52 ⁰ 12'	1 ⁰ 39' 09.534"	106	52 ⁰ 12'	1 ⁰ 39' 04.787"
	26.726" N	E		27.156" N	E
107	52 ⁰ 12'	1 ⁰ 39' 03.952"	108	52 ⁰ 12'	1 ⁰ 39' 02.849"
	27.336" N	E		27.378" N	E
109	52 ⁰ 12'	1 ⁰ 39' 01.729"	110	52 ⁰ 12'	1 ⁰ 38' 59.184"
	27.503" N	E		27.672" N	E
111	52 ⁰ 12'	1 ⁰ 38' 56.895"	112	52 ⁰ 12'	1 ⁰ 38' 54.459"
	27.936" N	E		27.980" N	E
113	52 ⁰ 12'	1 ⁰ 38' 52.855"	114	52 ⁰ 12'	1 ⁰ 38' 51.642"
	28.226" N	E		28.252" N	E
115	52 ⁰ 12'	1 ⁰ 38' 51.228"	116	52 ⁰ 12'	1 ⁰ 38' 49.416"
	28.372" N	E		28.438" N	E
117	52 ⁰ 12'	1 ⁰ 38' 46.905"	118	52 ⁰ 12'	1 ⁰ 38' 44.288"
	28.801" N	E		28.941" N	E
119	52 ⁰ 12'	1 ⁰ 38' 39.122"	120	52 ⁰ 12'	1 ⁰ 38' 38.526"
	28.845" N	E		28.858" N	E
121	52 ⁰ 12'	1 ⁰ 38' 35.768"	122	52 ⁰ 12'	1 ⁰ 38' 34.235"
	28.608" N	E		28.426" N	E
123	52 ⁰ 12'	1 ⁰ 38' 33.195"	124	52 ⁰ 12'	1 ⁰ 38' 28.902"
	28.155" N	E		27.765" N	E
125	52 ⁰ 12'	1 ⁰ 38' 27.740"	126	52 ⁰ 12'	1 ⁰ 38' 23.551"
	27.466" N	E		26.843" N	E
127	52 ⁰ 12'	1 ⁰ 38' 18.752"	128	52 ⁰ 12'	1 ⁰ 38' 13.007"
	26.282" N	E		25.310" N	E
129	52 ⁰ 12'	1 ⁰ 38' 11.139"	130	52 ⁰ 12'	1 ⁰ 38' 08.881"
	25.249" N	E		24.835" N	E
131	52 ⁰ 12'	1 ⁰ 38' 08.123"	132	52 ⁰ 12'	1 ⁰ 38' 06.910"
	24.783" N	E		24.514" N	E
133	52 ⁰ 12'	1 ⁰ 38' 03.616"	134	52 ⁰ 12'	1 ⁰ 38' 01.335"
	24.191" N	E		23.841" N	E
135	52 ⁰ 12'	1 ⁰ 37' 57.957"	136	52 ⁰ 12'	1 ⁰ 37' 54.034"
	23.181" N	E		22.595" N	E
137	52 ⁰ 12'	1 ⁰ 37' 52.624"	138	52 ⁰ 12'	1 ⁰ 37' 47.365"
	22.177" N	E		21.193" N	E
139	52 ⁰ 12'	1 ⁰ 37' 42.850"	140	52 ⁰ 12'	1 ⁰ 37' 37.741"
	20.325" N	E		19.615" N	E
141	52 ⁰ 12'	1 ⁰ 37' 32.227"	142	52 ⁰ 12'	1 ⁰ 37' 28.535"
	19.710" N	E		19.863" N	E

143	52° 12' 20.547" N	1° 37' 22.637" E	144	52° 12' 20.572" N	1° 37' 21.805" E
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PART 2

Ancillary Works

Seaward of mean low water, works comprising:

- (a) temporary landing places, moorings or other means of accommodating vessels in the construction and/or maintenance of the authorised development;
- (b) buoys, beacons, fenders and other navigational warning or ship impact protection works; and
- (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—

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

“connection works” means Work Nos. 3B to 8 and any related further associated development;

“the environmental statement” means the document certified as the environmental statement by the decision-maker for the purposes of this Order and submitted with the application on [●];

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

“LAT” means lowest astronomical tide;

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

“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 together;

“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 the any such matter in relation to transmission works and vice versa;

“transmission works” means Work Nos. 9A to 12 and any related further associated development;

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

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.

Detailed offshore design parameters

3.—(1) Subject to paragraph (2), 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) References to the location of a wind turbine generator are references to the centre point of that turbine.

4. 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 areas 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 ⁰ 59' 16.526" N	2 ⁰ 02' 34.375" E	2	51 ⁰ 59' 06.310" N	2 ⁰ 03' 24.837" E
3	51 ⁰ 55' 13.411" N	2 ⁰ 02' 25.515" E	4	51 ⁰ 55' 27.574" N	2 ⁰ 01' 36.127" E

5.—(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.

6.—(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.

7.—(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 meteorology 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 meteorology mast, a suction can diameter greater than 11.5m each, where the total number of suction cans per structure is 3 or less;
- (f) for use with any WTG or meteorology mast, a suction can diameter of greater than 10m 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 less;
- (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 meteorology 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

8.—(1) No authorised development seaward of MHWS shall commence until the Secretary of State, in consultation with the MCA, has given written approval for a plan for an Active Safety Management System which includes full details of the Emergency Co-operation Plans for the construction, operation and decommissioning phases of the authorised development in accordance

with the MCA recommendations contained within MGN371 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues".

(2) 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 as appropriate to the authorised development contained within MGN37 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes.

(3) The Active Safety Management System and Emergency Co-operation Plans must be implemented as approved, unless otherwise agreed in writing by the Secretary of State in consultation with the MCA.

Aids to navigation

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

10. 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.

11. The undertaker shall notify Trinity House 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.

12. The undertaker shall provide reports on the availability of aids to navigation periodically as requested by Trinity House.

13. The undertaker shall notify the UK Hydrographic Office of the progress and completion of the authorised development seaward of MHWS.

14. The undertaker shall colour all structures yellow from at least highest astronomical tide to a height directed by Trinity House. Unless the Secretary of State otherwise directs, the undertaker shall ensure that the remainder of the structures shall be painted submarine grey (colour code RAL 7035).

15. The undertaker shall exhibit such lights, with such shape, colour and character as are required by Air Navigation Order 2005, or as directed by the CAA.

Provision against danger to navigation

16. In case of injury to, or destruction or decay of, the authorised development seaward of MWHS or any part thereof the undertaker shall as soon as reasonably practicable notify Trinity House 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.

Offshore decommissioning

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

Stages of authorised development onshore

18. 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 the relevant planning authority.

Detailed design approval onshore

19.—(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 20, 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 in writing by the relevant planning authority. The relevant works must be carried out in accordance with the approved details, unless agreed otherwise in writing by the relevant planning authority.

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

(3) No building forming part of Work Nos. 6, 9A, 9B or 11, 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 11 shall not be higher than 9 metres AOD.

(5) Work No. 6 shall not be brought into commercial operation (excluding commissioning) until either Work No. 7 or Work No. 8 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 Works No. 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.

20.—(1) The connection works and the transmission works shall be carried out in accordance with the approved plans submitted with the application and bearing references 2.1, 2.3a or 2.3b, 2.7, 2.8, 2.9a or 2.9b, and 2.10, save in respect of any part of such plans which expressly states that they do not show details for express approval (unless otherwise agreed in writing by the relevant planning authority and the altered development accords with the principles of the design and access statement, is within the scope of the works assessed in the environmental statement and falls within the Order limits):

Order limits plan (onshore) (application document reference 2.1)

Works plan (onshore) (application document reference 2.3a/2.3b)

General arrangement (onshore) (application document reference 2.7)

Height restriction plan (application document reference 2.8)

Onshore Connection and Transmission Works (application document reference 2.9a/2.9b)

Transmission compound – general arrangement and elevations (application document reference 2.10).

(2) Where any alternative details are approved pursuant to this requirement and requirement 19 or 36, those details are deemed to be substituted for the corresponding approved details set out in this requirement.

Provision of landscaping

21. 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 submitted with the application, unless otherwise agreed in writing by the relevant planning authority) in relation to the relevant works has been submitted to and approved in writing by the relevant planning authority, in consultation with Suffolk County Council. 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; and
- (j) implementation timetables for all landscaping works.

Implementation and maintenance of landscaping

22.—(1) All landscaping works must be carried out in accordance with a landscaping scheme approved under requirement 21, unless otherwise agreed in writing by the relevant planning authority, and to a reasonable 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 in writing by the relevant planning authority.

Fencing and other means of enclosure

23.—(1) Neither the connection works nor the transmission works shall commence until written details of all proposed permanent and temporary fences, walls or other means of enclosure for the relevant works have been submitted to and approved by the relevant planning authority.

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

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

(4) Any approved permanent fencing in relation to Work No.6 or Work No. 11 must be completed before the relevant work is brought into use.

Surface and foul water drainage

24.—(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 in writing by the relevant planning authority.

Archaeology

25.—(1) Neither the connection works nor the transmission works shall commence until in relation to the relevant works a written scheme of archaeological investigation has been submitted to and approved in writing 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;
- (f) nomination of a competent person or organisation to undertake the works set out within the written scheme of investigation.

(2) Neither the connection works nor the transmission works shall commence until in relation to the relevant works the relevant site investigation has been completed as approved, and such completion has been approved in writing by the relevant planning authority.

(3) 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.

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

Ecological management plan

26.—(1) Neither the connection works nor the transmission works shall commence until a written ecological management plan 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 in writing by the relevant planning authority.

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

Construction code of practice

27.— Neither the connection works nor the transmission works shall be commenced until a construction code of practice has been submitted to and, after consultation with the highway authority, approved in writing by the relevant planning authority in relation to the relevant works. The code shall cover all the subject areas set out in the draft code submitted with the application and any other matters the relevant planning authority reasonably requires. The code approved in relation to the relevant works shall be followed in relation to those works, unless otherwise agreed in writing by the relevant planning authority.

Construction hours

28.—(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 paragraph (1) shall be agreed with the relevant planning authority in writing in advance, and shall be carried out within the agreed times, unless otherwise agreed in writing with the relevant planning authority.

Control of noise during operational phase

29.—(1) Considered distinctly from each other, the noise emanating from the operation of Work No. 6 and Work No. 11 (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 11 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 in writing with the relevant planning authority.

Control of artificial light emissions

30.—(1) Neither the connection nor the transmission works shall commence until a written scheme for the management and mitigation of artificial light emissions during the operation of the relevant works been submitted to and approved in writing by the relevant planning authority.

(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 in writing by the relevant planning authority.

European protected species

31.—(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 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 in writing by the relevant planning authority. The relevant works shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the relevant planning authority.

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

Restoration of land used temporarily for construction

32. Any land landward of mean low water within the Order limits which is used temporarily for construction of the connection works or the transmission works, and not ultimately incorporated in permanent 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

33. 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 in writing by the relevant planning authority.

Onshore decommissioning

34. 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 the relevant planning authority for approval. The proposed scheme shall be based on the onshore decommissioning statement submitted with the application. The scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the relevant planning authority.

Requirement for written approval

35. 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

36. 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 14

Streets Subject to Street Works

<i>(1)</i>	<i>(2)</i>
<i>Area</i>	<i>Street subject to street works</i>

(a) S.I. 2010/490.

SCHEDULE 3

Article 19

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

<i>(1)</i> <i>Number of land shown on land plans</i>	<i>(2)</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 4

Article 26

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^(a)) 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^(b);

(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,

(a) 1989 c.29.

(b) 1991 c.56.

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

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

“functions” includes powers and duties;

“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—

- (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^(a);
- (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 authorised works, 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 1991 Act.

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

(a) 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).

between the undertaker in question and the undertaker or in default of agreement settled by arbitration in accordance with article 33 (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 33, 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 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 undertaker in question or in default of agreement settled by arbitration in accordance with article 33 (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 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 33 (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.

SCHEDULE 5

Article 24

Land of which Temporary Possession may be Taken

(1)	(2)	(3)	(4)
<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	35, 36, 38, 47, 48, 118	Access	Work Nos. 6, 7, 9A, 9B, 10A, 10B, 11 and

Coastal				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 11

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;

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

“accommodation platform” means a platform housing or incorporating temporary accommodation, 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;

“authorised deposits” means the substances and articles specified in paragraph 2(4);

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

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

“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;

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

“commence” means the first carrying out of any part of the licensed activities;

“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 decision-maker for the purposes of this Order and submitted with the application on [●];

“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 platform(s) 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;

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

“MCA” means the Maritime and Coastguard Agency;

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

“major storm event” means a greater than 1 in 10 year wave event within the Order limits seaward of MHWS in terms of wave height;

“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;

“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;

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

“offshore 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 201X;

“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 this licence;

“the offshore Order limits plan” means the plan certified as the Order limits plan by the decision-maker for the purposes of the Order;

“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 platform(s) 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;

“undertaker” means, subject to article 7(2) of the Order, 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; and

“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-tube(s), transition piece, access and rest platforms, access ladders, boat access systems, corrosion protection systems, fenders and maintenance equipment, helicopter landing facilities and other associated equipment, fixed to a foundation.

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

(3) Unless otherwise indicated, in this licence 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.

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

- (a) Marine Management Organisation
Marine Environment Team
PO Box 1275
Newcastle upon Tyne
NE99 5BN

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
Hercules House
Hercules Road
Lambeth
London
SW1 7DU

Tel: 0300 060 4911;

- (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.

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

- (a) the deposit at sea of the substances and articles specified in paragraph (4) below;
- (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 and operation of:

Work No. 1

- (a) an offshore wind turbine generating station with a gross electrical output capacity of up to 504MW 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

Area A

<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' 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

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
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 ⁰ 48' 48.664" N	2 ⁰ 00' 36.597" E
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Area C

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	51 ⁰ 47' 45.600" N	1 ⁰ 56' 02.400" E	2	51 ⁰ 45' 58.800" N	1 ⁰ 54' 59.040" E
3	51 ⁰ 43' 58.800" N	1 ⁰ 56' 18.600" E	4	51 ⁰ 45' 31.800" N	1 ⁰ 52' 27.415" E
5	51 ⁰ 46' 51.579" N	1 ⁰ 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 Works No. 1 to 3, works comprising:

(a) temporary landing places, moorings or other means of accommodating vessels in the construction and/or maintenance of the authorised scheme;

(b) buoys, beacons, fenders and other navigational warning or ship impact protection works;

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

(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 ⁰ 12' 21.695" N	1 ⁰ 37' 21.969" E	2	52 ⁰ 12' 21.770" N	1 ⁰ 37' 22.834" E
3	52 ⁰ 12' 38.547" N	1 ⁰ 37' 31.559" E	4	52 ⁰ 13' 06.787" N	1 ⁰ 39' 31.266" E
5	52 ⁰ 12' 41.875" N	1 ⁰ 41' 19.072" E	6	52 ⁰ 08' 53.641" N	1 ⁰ 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
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' 1° 57' 34.138"	1° 57' 34.138" E	64	51° 58' 1° 56' 02.667"	1° 56' 02.667" E

65	42.616" N 51 ⁰ 59' 15.255" N	E 1 ⁰ 57' 30.906" E	66	42.600" N 51 ⁰ 59' 22.686" N	E 1 ⁰ 57' 30.170" E
67	52 ⁰ 01' 01.179" N	1 ⁰ 53' 39.506" E	68	52 ⁰ 01' 28.919" N	1 ⁰ 51' 16.683" E
69	52 ⁰ 01' 36.462" N	1 ⁰ 50' 37.798" E	70	52 ⁰ 02' 03.097" N	1 ⁰ 49' 59.472" E
71	52 ⁰ 04' 08.838" N	1 ⁰ 46' 58.300" E	72	52 ⁰ 05' 32.520" N	1 ⁰ 46' 56.527" E
73	52 ⁰ 06' 33.520" N	1 ⁰ 45' 32.604" E	74	52 ⁰ 07' 04.673" N	1 ⁰ 45' 24.158" E
75	52 ⁰ 08' 35.786" N	1 ⁰ 43' 05.562" E	76	52 ⁰ 12' 06.924" N	1 ⁰ 40' 45.328" E
77	52 ⁰ 12' 08.338" N	1 ⁰ 40' 38.374" E	78	52 ⁰ 12' 09.091" N	1 ⁰ 40' 34.668" E
79	52 ⁰ 12' 10.453" N	1 ⁰ 40' 29.362" E	80	52 ⁰ 12' 10.658" N	1 ⁰ 40' 28.945" E
81	52 ⁰ 12' 10.947" N	1 ⁰ 40' 27.617" E	82	52 ⁰ 12' 11.334" N	1 ⁰ 40' 24.014" E
83	52 ⁰ 12' 11.585" N	1 ⁰ 40' 24.163" E	84	52 ⁰ 12' 12.420" N	1 ⁰ 40' 20.735" E
85	52 ⁰ 12' 12.713" N	1 ⁰ 40' 19.698" E	86	52 ⁰ 12' 12.978" N	1 ⁰ 40' 19.092" E
87	52 ⁰ 12' 13.722" N	1 ⁰ 40' 14.764" E	88	52 ⁰ 12' 14.592" N	1 ⁰ 40' 11.316" E
89	52 ⁰ 12' 14.726" N	1 ⁰ 40' 09.601" E	90	52 ⁰ 12' 16.655" N	1 ⁰ 40' 00.995" E
91	52 ⁰ 12' 18.548" N	1 ⁰ 39' 52.398" E	92	52 ⁰ 12' 19.617" N	1 ⁰ 39' 47.867" E
93	52 ⁰ 12' 20.133" N	1 ⁰ 39' 44.145" E	94	52 ⁰ 12' 21.264" N	1 ⁰ 39' 40.715" E
95	52 ⁰ 12' 22.455" N	1 ⁰ 39' 35.162" E	96	52 ⁰ 12' 22.647" N	1 ⁰ 39' 34.805" E
97	52 ⁰ 12' 23.511" N	1 ⁰ 39' 30.442" E	98	52 ⁰ 12' 24.413" N	1 ⁰ 39' 27.238" E
99	52 ⁰ 12' 24.629" N	1 ⁰ 39' 25.209" E	100	52 ⁰ 12' 25.271" N	1 ⁰ 39' 21.684" E
101	52 ⁰ 12' 25.717" N	1 ⁰ 39' 20.525" E	102	52 ⁰ 12' 26.377" N	1 ⁰ 39' 15.364" E
103	52 ⁰ 12' 26.479" N	1 ⁰ 39' 14.852" E	104	52 ⁰ 12' 26.591" N	1 ⁰ 39' 13.000" E
105	52 ⁰ 12' 26.726" N	1 ⁰ 39' 09.534" E	106	52 ⁰ 12' 27.156" N	1 ⁰ 39' 04.787" E
107	52 ⁰ 12' 27.336" N	1 ⁰ 39' 03.952" E	108	52 ⁰ 12' 27.378" N	1 ⁰ 39' 02.849" E
109	52 ⁰ 12' 27.503" N	1 ⁰ 39' 01.729" E	110	52 ⁰ 12' 27.672" N	1 ⁰ 38' 59.184" E
111	52 ⁰ 12' 27.936" N	1 ⁰ 38' 56.895" E	112	52 ⁰ 12' 27.980" N	1 ⁰ 38' 54.459" E
113	52 ⁰ 12' 28.226" N	1 ⁰ 38' 52.855" E	114	52 ⁰ 12' 28.252" N	1 ⁰ 38' 51.642" E
115	52 ⁰ 12' 28.372" N	1 ⁰ 38' 51.228" E	116	52 ⁰ 12' 28.438" N	1 ⁰ 38' 49.416" E
117	52 ⁰ 12' 28.801" N	1 ⁰ 38' 46.905" E	118	52 ⁰ 12' 28.941" N	1 ⁰ 38' 44.288" E
119	52 ⁰ 12' 28.845" N	1 ⁰ 38' 39.122" E	120	52 ⁰ 12' 28.858" N	1 ⁰ 38' 38.526" E

121	52 ⁰ 12' 28.608" N	1 ⁰ 38' 35.768" E	122	52 ⁰ 12' 28.426" N	1 ⁰ 38' 34.235" E
123	52 ⁰ 12' 28.155" N	1 ⁰ 38' 33.195" E	124	52 ⁰ 12' 27.765" N	1 ⁰ 38' 28.902" E
125	52 ⁰ 12' 27.466" N	1 ⁰ 38' 27.740" E	126	52 ⁰ 12' 26.843" N	1 ⁰ 38' 23.551" E
127	52 ⁰ 12' 26.282" N	1 ⁰ 38' 18.752" E	128	52 ⁰ 12' 25.310" N	1 ⁰ 38' 13.007" E
129	52 ⁰ 12' 25.249" N	1 ⁰ 38' 11.139" E	130	52 ⁰ 12' 24.835" N	1 ⁰ 38' 08.881" E
131	52 ⁰ 12' 24.783" N	1 ⁰ 38' 08.123" E	132	52 ⁰ 12' 24.514" N	1 ⁰ 38' 06.910" E
133	52 ⁰ 12' 24.191" N	1 ⁰ 38' 03.616" E	134	52 ⁰ 12' 23.841" N	1 ⁰ 38' 01.335" E
135	52 ⁰ 12' 23.181" N	1 ⁰ 37' 57.957" E	136	52 ⁰ 12' 22.595" N	1 ⁰ 37' 54.034" E
137	52 ⁰ 12' 22.177" N	1 ⁰ 37' 52.624" E	138	52 ⁰ 12' 21.193" N	1 ⁰ 37' 47.365" E
139	52 ⁰ 12' 20.325" N	1 ⁰ 37' 42.850" E	140	52 ⁰ 12' 19.615" N	1 ⁰ 37' 37.741" E
141	52 ⁰ 12' 19.710" N	1 ⁰ 37' 32.227" E	142	52 ⁰ 12' 19.863" N	1 ⁰ 37' 28.535" E
143	52 ⁰ 12' 20.547" N	1 ⁰ 37' 22.637" E	144	52 ⁰ 12' 20.572" N	1 ⁰ 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, 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

1.—(1) Subject to paragraph (2), 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) References to the location of a wind turbine generator are references to the centre point of that turbine.

2. 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 areas hatched black on the Order limits plan, whose coordinates are specified below:

Coordinates for the 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 ⁰ 59' 16.526" N	2 ⁰ 02' 34.375" E	2	51 ⁰ 59' 06.310" N	2 ⁰ 03' 24.837" E
3	51 ⁰ 55' 13.411" N	2 ⁰ 02' 25.515" E	4	51 ⁰ 55' 27.574" N	2 ⁰ 01' 36.127" E

3.—(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.

4.—(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 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.

5.—(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 meteorology 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 meteorology mast, a suction can diameter greater than 11.5m each, where the total number of suction cans per structure is 3 or less;
- (f) for use with any WTG or meteorology mast, a suction can diameter of greater than 10m 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 less;
- (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 meteorology 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

6.—(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 13; and
 - (ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with the condition 13.
- (b) Within 28 days of receipt of a copy of this licence those persons referred to at paragraph (a) above 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 13 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 paragraph (1)(a) shall be available for inspection by an authorised enforcement officer at all reasonable times at the locations set out in paragraph 3(b) above.
- (5) The undertaker must provide access, and if necessary appropriate transportation, at reasonable notice 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 start date 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 Maritime and Coastguard Agency in accordance with the construction programme approved under condition 9(a). Copies of all notices shall be provided to the MMO.
- (10) The undertaker must notify:
 - (a) the 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

- 7.—(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 (as amended), 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.
 - (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 written approval 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 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) The audit sheet shall be maintained throughout the construction of the authorised scheme and any changes notified immediately in writing to the MMO.

(8) In the event that the MMO becomes aware that any of the materials on the audit sheet cannot be accounted for it shall require the undertaker to carry out a side scan sonar survey to plot all obstructions across the relevant area(s) within the offshore Order limits where construction works and related activities have been carried out. 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 at the undertaker's expense.

Force majeure

8. 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 to the MMO.

Pre-construction plans and documentation

9.—The licensed activities shall not commence until the following have been submitted to and approved in writing by the MMO after, in the case of paragraph (h), consultation with English Heritage generally and Suffolk Coastal District Council in relation to the foreshore:

- (a) A detailed 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 15, 16 and 17.
- (b) A scheme setting out proposed details of the authorised scheme, specifying the number, specification(s) and dimensions of all the proposed WTGs; the proposed foundation type for each WTG; the number, dimensions and foundation type(s) 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, and including details of how the construction-related mitigation

steps proposed in the environmental statement are to be delivered, save where such steps are detailed in another document under this condition 9, 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; and
 - (v) the appointment and responsibilities of a fisheries liaison officer and an environmental liaison officer.
- (e) A scour protection management plan providing details of the need, type, sources, quantity and installation methods for scour protection.
- (f) Only where driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol.
- (g) Cable specification and installation plan, to include:
- (i) technical specification of offshore cables below MHWS, including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with industry good practice; and
 - (ii) a detailed cable laying plan for the offshore Order limits, including geotechnical data and cable laying techniques.
- (h) A written scheme of archaeological investigation in relation to the offshore Order limits seaward of MHWS in accordance with relevant 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.

10.—(1) Any archaeological reports produced in accordance with condition 9(h)(iii) are to be agreed with English Heritage (and, if relevant, Suffolk Coastal District Council).

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

11.—(1) Each programme, statement, plan, protocol or scheme required to be approved under condition 9, shall be submitted for approval at least four months prior to the intended start of construction, or survey, unless otherwise agreed in writing by the MMO.

(2) The undertaker shall comply with the approved plans, protocols, statements, schemes and details approved under condition 9, unless otherwise agreed in writing by the MMO.

Seasonal restrictions

12.—(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 in writing with the MMO.

(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 in writing with the MMO.

Reporting of engaged agents, contractors and vessels

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

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

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

Equipment and operation of vessels engaged in licensed activities

14.—(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 paragraphs (2) to (7) below.

(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 written 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; and

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

Pre-construction monitoring

15.—(1) The undertaker shall, in discharging condition 9(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) Subject to receipt from the undertaker of specific proposals pursuant to this condition, it is expected that the pre-construction surveys will comprise, in outline:

- (a) a survey to determine the location, extent and composition of any benthic communities/benthos constituting Annex 1 Habitat in whole or in part inside the area(s) within the offshore Order limits in which it is proposed to carry out construction works;
- (b) a high resolution swath-bathymetry survey of the area(s) within the offshore Order limits in which it is proposed to carry out construction works, including a 500m buffer area;
- (c) an ornithological survey covering the area(s) within the offshore Order limits in which it is proposed to carry out construction works, and any wider area(s) where appropriate, which is required to test predictions in the environmental statement concerning key ornithological interests of relevance to the authorised scheme; and
- (d) a debris survey, including a side scan sonar survey, across the area(s) within the offshore Order limits in which it is proposed to carry out construction works.

(3) The undertaker shall carry out the surveys agreed under paragraph (1) and provide the baseline report to the MMO in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing by the MMO.

Construction monitoring

16.—(1) The undertaker shall, in discharging condition 9(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) Subject to receipt from the undertaker of specific proposals pursuant to this condition, it is expected that the construction surveys and monitoring will comprise, in outline, the noise monitoring referred to in paragraph (3) and an ornithological survey covering the area(s) within the offshore Order limits in which it is proposed to carry out construction works, and any wider area(s) where appropriate, which is required to test predictions in the environmental statement concerning key ornithological interests of relevance to the authorised scheme; and

(3) In any event, such monitoring shall also 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 surveys approved under paragraph (1), including any further noise monitoring required in writing by the MMO, and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO.

(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

17.—(1) The undertaker shall, in discharging condition 9(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 useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.

(2) Subject to receipt of specific proposals, it is expected that the post-construction surveys will comprise, in outline:

- (a) a survey of any benthic communities/benthos constituting Annex 1 Habitat in whole or in part inside the area(s) within the offshore Order limits in which construction works were carried out;
- (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) one high resolution swath-bathymetric survey across the area(s) within the offshore Order limits in which construction works were carried out to assess any changes to bedform morphology; and
- (d) a side scan sonar and bathymetry survey within the offshore Order limits in which construction works were carried out after the first occurrence of a major storm event.

(3) The undertaker shall carry out the surveys agreed under paragraph (1) and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO.

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, a generating station in the sea approximately 30km 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 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 32 (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.