

SCHEDULE 1

Article 2(1)

Authorised project

PART 1

Authorised development

1. A nationally significant infrastructure project as defined in sections 14(1)(a) and 15 of the 2008 Act comprising an offshore wind turbine generating station with an installed capacity of up to 51 MW being an extension to the existing Kentish Flats offshore wind farm located on the bed of the sea approximately 7.8 kilometres off the coast of Kent and on land within the administrative area of Canterbury City Council and consisting of the following—

- (a) within the offshore development area—
 - (i) Work No. 1a—

between 10 and 17 (inclusive) wind turbine generators fixed to the seabed by monopile foundations; and
 - (ii) Work No. 1b—

a network of subsea inter-array cables connecting the wind turbine generators to each other.

Co-ordinates for offshore development area

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
A1	51°27'58.960"	01°01'57.889"
A2	51°28'06.600"	01°03'13.800"
A3	51°26'49.200"	01°04'51.000"
A4	51°27'08.400"	01°08'02.400"
A5	51°26'48.536"	01°08'27.326"
A6	51°26'21.713"	01°04'00.060"

Commencement Information

II Sch. 1 Pt. 1 para. 1 in force at 20.2.2013, see [art. 1](#)

Associated development

- 2. Within the export cable area—
 - (a) Work No. 2a—

a connection consisting of subsea cables from one or more of the wind turbine generators comprised within Work No. 1a to shore, including cable crossing works, and terminating at the cable transition pit; and
 - (b) Work No. 2b—

a cable transition pit, including cables.

Co-ordinates for export cable area

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<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
B1	51°26'49.516"	01°03'25.151"
B2	51°26'57.154"	01°04'41.017"
B3	51°26'49.200"	01°04'51.000"
B4	51°27'08.400"	01°08'02.400"
B5	51°26'44.304"	01°08'32.636"
B6	51°26'30.954"	01°06'19.501"
B7	51°22'34.716"	01°06'13.284"
B8	51°22'20.604"	01°05'58.812"
B9	51°22'19.812"	01°05'58.812"
B10	51°22'19.92"	01°05'56.256"
B11	51°22'33.685"	01°05'26.707"
B12	51°26'26.282"	01°05'32.847"
B13	51°26'17.484"	01°04'05.369"

Commencement Information

I2 Sch. 1 Pt. 1 para. 2 in force at 20.2.2013, see [art. 1](#)

PART 2

Ancillary works

1.—(1) Temporary landing places, moorings or other means of accommodating vessels in the construction and/or maintenance of the authorised development.

(2) Buoys, beacons, fenders and other navigational warning or ship impact protection works.

(3) Temporary works for the benefit or protection of land or structures affected by the authorised development.

Commencement Information

I3 Sch. 1 Pt. 2 para. 1 in force at 20.2.2013, see [art. 1](#)

PART 3

Requirements

Interpretation

1.—(1) In this Part of this Schedule—

“the CAA” means the Civil Aviation Authority constituted by the Civil Aviation Act 1982(1) or any successor to its statutory functions;

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

“English Heritage” means the Historic Buildings and Monuments Commission for England or any successor to its statutory functions;

“Natural England” means the body established by section 1 of the Natural Environment and Rural Communities Act 2006(2) and includes any successor to its statutory functions;

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

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

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

(2) In this Schedule references to the locations of a wind turbine are references to the centre point of that turbine.

Commencement Information

I4 Sch. 1 Pt. 3 para. 1 in force at 20.2.2013, see [art. 1](#)

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 the expiration of such longer period as the Secretary of State may direct in writing.

Commencement Information

I5 Sch. 1 Pt. 3 para. 2 in force at 20.2.2013, see [art. 1](#)

Detailed design approval

3.—(1) No authorised development shall commence until the location and detailed specifications for Work Nos. 2a and 2b above mean low water level have been submitted to and approved in writing by the local planning authority.

(2) The detailed specifications for Work Nos. 2a and 2b above mean low water level shall accord with the principles of the project design statement and shall only take place within the limits of deviation.

(1) 1982 c. 16.

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

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(3) Work Nos. 2a and 2b must be carried out in accordance with the details approved under sub-paragraph (1).

(4) Subject to sub-paragraphs (1) and (2), the authorised development must be carried out in accordance with—

- (a) the Order limits plan; and
- (b) the works plan.

Commencement Information

I6 Sch. 1 para. 3 in force at 20.2.2013, see [art. 1](#)

Detailed design parameters

4. The wind turbine generators forming part of the authorised development shall be located within the Order limits and within 160 metres of the grid co-ordinates listed below.

<i>Turbine</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
T1	51°27'56.719"	01°02'11.603"
T2	51°28'00.579"	01°02'47.537"
T3	51°27'38.990"	01°02'33.993"
T4	51°27'42.632"	01°03'10.491"
T5	51°27'21.259"	01°02'56.378"
T6	51°27'24.677"	01°03'32.602"
T7	51°27'03.300"	01°03'19.206"
T8	51°27'06.943"	01°03'54.979"
T9	51°26'45.416"	01°03'42.001"
T10	51°26'48.994"	01°04'17.918"
T11	51°26'27.428"	01°04'04.186"
T12	51°26'31.046"	01°04'39.957"
T13	51°26'34.817"	01°05'15.662"
T14	51°26'42.074"	01°06'27.237"
T15	51°26'45.659"	01°07'03.019"
T16	51°26'49.262"	01°07'38.798"
T17	51°26'52.861"	01°08'14.578"

Commencement Information

I7 Sch. 1 para. 4 in force at 20.2.2013, see [art. 1](#)

5. Except with the prior written approval of the Secretary of State all wind turbine generators forming part of the authorised development shall be of the same make, model and size, have three blades and shall not—

- (a) exceed a height of 145 metres or be less than 115 metres high when measured from mean sea level to the tip of the vertical blade;
- (b) exceed a height of 85 metres or be less than 70 metres high to the hub when measured from mean sea level;
- (c) exceed a rotor diameter of 120 metres or have a rotor diameter of less than 90 metres;
- (d) have a distance of less than 22 metres between the lowest point of the rotating blade of the wind turbine and mean high water level;
- (e) subject to Requirement 9 be lit unless the lighting used is of a shape, colour and character as required by the Air Navigation Order 2009(3) or as directed by the CAA; and
- (f) subject to Requirement 9, be painted in any colour other than submarine grey RA7035.

Commencement Information

18 Sch. 1 para. 5 in force at 20.2.2013, see [art. 1](#)

- 6.—(1) The total length of the cables comprising Work No. 1b shall not exceed 12 kilometres.
- (2) The total length of the cables comprising Work No. 2a shall not exceed 18 kilometres.
- (3) The number of cables forming part of Work No. 2a and installed within the export cable area shall not exceed two.

Commencement Information

19 Sch. 1 para. 6 in force at 20.2.2013, see [art. 1](#)

7. Each monopile foundation forming part of the authorised development shall not have a diameter greater than 6 metres.

Commencement Information

110 Sch. 1 para. 7 in force at 20.2.2013, see [art. 1](#)

Commencement Information

17 Sch. 1 para. 4 in force at 20.2.2013, see [art. 1](#)

18 Sch. 1 para. 5 in force at 20.2.2013, see [art. 1](#)

19 Sch. 1 para. 6 in force at 20.2.2013, see [art. 1](#)

110 Sch. 1 para. 7 in force at 20.2.2013, see [art. 1](#)

Safety management

8.—(1) No authorised development shall commence until the Secretary of State, in consultation with the MCA, has given written approval of a plan for an active safety management system in

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

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accordance with the MCA recommendations in Annex 4 of the document MGN 371 Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues.

(2) No authorised development shall commence until the Secretary of State, in consultation with the MCA, has given written approval of a plan providing full details of the emergency co-operation plans for the construction, operation and decommissioning phases of the authorised development which satisfies the MCA recommendations in Annex 5 of the document MGN 371 Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues.

(3) The active safety management system and emergency response and co-operation plans must be implemented as approved unless otherwise agreed in writing by the Secretary of State.

Commencement Information

I11 Sch. 1 para. 8 in force at 20.2.2013, see [art. 1](#)

Lighting

9. The undertaker shall during the whole period from the start of construction of the authorised development to the completion of decommissioning—

- (a) exhibit such lights, marks, sounds, signals and other aids to navigation as Trinity House, may from time to time direct;
- (b) colour all structures in the authorised development as directed by Trinity House;
- (c) provide such relevant information as the MCA may request to assist in the timely and efficient issuing of notices to mariners and other navigational warnings of the position and nature of the works, such information to be provided to mariners in the shipping and fishing industry as well as to recreational mariners;
- (d) notify Trinity House as soon as reasonably practicable of both the progress and completion of the authorised development and any aids to navigation established from time to time; and
- (e) provide reports on the working condition of aids to navigation periodically as requested by Trinity House.

Commencement Information

I12 Sch. 1 para. 9 in force at 20.2.2013, see [art. 1](#)

Aviation safety

10.—(1) Prior to the commencement of the authorised development the following information shall be provided in writing to the UK Hydrographic Office and Defence Infrastructure Organisation Safeguarding—

- (a) the date of the commencement and completion of construction of the authorised development;
- (b) the maximum height of any construction equipment to be used;
- (c) the latitude, longitude and height of each wind turbine generator installed; and
- (d) which wind turbine generators are to be fitted with aviation obstruction lighting,

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

(2) No wind turbine generator forming part of the authorised development shall begin to be constructed until the Secretary of State, having consulted the CAA and all relevant Air Navigation Services Providers, is satisfied that mitigation to address the impact of the authorised development on civil aviation will be implemented and maintained for the life of the authorised project and that arrangements have been put in place to ensure that such mitigation is implemented before the development gives rise to any adverse impact on air traffic services for civil aviation.

(3) For the purposes of this Requirement—

- (a) “wind turbine generator” does not include the installation of turbine foundations and transition pieces;
- (b) “Defence Infrastructure Organisation Safeguarding” means Ministry of Defence Safeguarding, Defence Infrastructure Organisation, Kingston Road, Sutton Coldfield, West Midlands B75 7RL and any successor body to its functions; and
- (c) “Air Navigation Service Provider” means any person or organisation certified and designated by the CAA for the provision of air traffic services to civil aviation.

Commencement Information

I13 Sch. 1 para. 10 in force at 20.2.2013, see [art. 1](#)

Provision against danger to navigation

11. In case of damage to, or destruction or decay of, the authorised development or any part of it 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.

Commencement Information

I14 Sch. 1 para. 11 in force at 20.2.2013, see [art. 1](#)

Archaeology above mean low water level

12.—(1) No part of the authorised development above mean low water level shall commence until a written scheme for the investigation of areas of archaeological interest above MLW has, after consultation with English Heritage, been submitted to and approved by the local planning authority.

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

(3) Any archaeological works or watching brief carried out under the approved scheme must be undertaken by a suitably qualified person or body approved by the local planning authority.

(4) Any archaeological works or watching brief must be undertaken in accordance with the approved scheme unless otherwise agreed in writing by the local planning authority.

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Commencement Information

I15 Sch. 1 para. 12 in force at 20.2.2013, see [art. 1](#)

Ecological management plan above mean low water level

13.—(1) No part of the authorised development above mean low water level shall commence until a written ecological management plan relating to the land above MLW and reflecting the survey results and ecological mitigation measures included in the environmental statement has been submitted to and approved by the local planning authority after consultation with Natural England.

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

Commencement Information

I16 Sch. 1 para. 13 in force at 20.2.2013, see [art. 1](#)

Code of construction practice

14.—(1) No part of the authorised development above mean low water level shall commence until a code of construction practice relating to the works authorised above MLW has been submitted to and approved by the local planning authority.

(2) All construction works shall be undertaken in accordance with the approved code unless otherwise agreed in writing by the local planning authority.

Commencement Information

I17 Sch. 1 para. 14 in force at 20.2.2013, see [art. 1](#)

Construction hours

15.—(1) Construction work above mean low water level shall only take place between 0800 and 1800 hours on weekdays and 0800 and 1300 hours on Saturdays, and not on Sundays or public holidays, unless otherwise agreed in writing by the local planning authority.

(2) Nothing in sub-paragraph (1) precludes a start-up period from 0730 to 0800 on weekdays and Saturdays and a shut-down period from 1800 to 1830 on weekdays and from 1300 to 1330 on Saturdays.

Commencement Information

I18 Sch. 1 para. 15 in force at 20.2.2013, see [art. 1](#)

Decommissioning

16.—(1) No part of the authorised development shall commence until a written decommissioning programme in compliance with any notice served upon the undertaker by the Secretary of State pursuant to section 105(2) of the 2004 Act has been submitted to the Secretary of State for approval.

(2) The written decommissioning programme shall satisfy the requirements of section 105(8) of the 2004 Act.

(3) The decommissioning of the authorised development shall be undertaken in accordance with the approved decommissioning programme or any subsequent decommissioning programme approved in writing by the Secretary of State.

(4) For the avoidance of doubt decommissioning measures are not authorised by this Order. Decommissioning measures will be set out in the decommissioning programme required under subparagraph (1).

Commencement Information

I19 Sch. 1 para. 16 in force at 20.2.2013, see [art. 1](#)

Requirement for written approval

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

Commencement Information

I20 Sch. 1 para. 17 in force at 20.2.2013, see [art. 1](#)

Amendments to approved details

18. With respect to any Requirement which requires the authorised development to be carried out in accordance with a detailed specification, plan, scheme or code approved by the local planning authority or any other person or body, the approved details, plan, scheme or code shall be taken to include any amendments that may subsequently be approved in writing by the local planning authority or that other person or body.

Commencement Information

I21 Sch. 1 para. 18 in force at 20.2.2013, see [art. 1](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 1 Pt. 3 para. 5(e) words substituted by [S.I. 2016/765 Sch. 14 Pt. 2 para. 5\(a\)](#)