

## SCHEDULE 13

### Deemed licence under Marine and Coastal Access Act 2009 – array

## PART 2

### Conditions

#### Pre-construction plans and documentation

**11.**—(1) No part of the works at paragraph 2(2) of Part 1 (licensed marine activities) of this licence shall commence until the following (as relevant to that part) have been submitted to and approved in writing by the MMO—

- (a) subject to the requirements set out in paragraphs (2) and (3), a design plan at a scale of between 1:25,000 and 1:50,000, including detailed representation on the most suitably scaled admiralty chart;
- (b) a construction and monitoring programme to include details of—
  - (i) the proposed construction start date;
  - (ii) proposed timings for mobilisation of plant, delivery of materials and installation works;
  - (iii) proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction monitoring and related reporting in accordance with conditions 11(1)(h), 15, 16 and 17; and
  - (iv) an indicative written construction programme for all wind turbine generators and cables comprised in the works at paragraph 2(2) of Part 1 (licensed marine activities) of this licence (insofar as not shown in (ii) above);
- (c) a construction method statement in accordance with the construction methods assessed in the environmental statement and including details of—
  - (i) drilling methods and disposal of drill arisings and material extracted during seabed preparation for foundation works;
  - (ii) WTG and offshore substations' location and installation, including scour protection;
  - (iii) cable installation;
  - (iv) contractors;
  - (v) vessels and vessels transit corridors;
  - (vi) proposals to reduce the impacts of noise and vibration from construction works;
  - (vii) a protocol for routeing vessels to and from the wind farm to minimise impacts on marine mammals and marine users;
  - (viii) associated works;
  - (ix) areas within the Order limits in which construction activity will take place; and
  - (x) a schedule of planned maintenance (to be updated every three years to reflect any revised maintenance schedules, technologies or techniques);
- (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;

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- (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 plan and disposal arrangements;
- (iv) the appointment and responsibilities of a fisheries liaison officer and an environmental liaison officer; and
- (v) a fisheries liaison plan (in accordance with the outline fisheries liaison strategy) to ensure relevant fishing fleets are notified of commencement of licensed activities pursuant to condition 5 and to address the interaction of the licensed activities with fishing activities during construction and operation;
- (e) a scour protection management and cable armouring plan, in accordance with the outline scour protection management and cable armouring plan, providing details of the need, type, sources, quantity and installation methods for scour protection;
- (f) in the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol to be agreed in writing with the MMO in consultation with Natural England and JNCC and following current best practice as advised by the statutory nature conservation agencies, to include—
  - (i) identification of a Marine Mammal Monitoring Zone (MMMZ);
  - (ii) appointment of an appropriate number of suitably qualified marine mammal observer(s);
  - (iii) methods for the detection of marine mammals within the MMMZ whether visually (by the marine mammal observer(s)) or acoustically using Passive Acoustic Monitoring equipment or other means of detection;
  - (iv) a reporting methodology to enable efficient communication between the marine mammal observer(s) and the person responsible for approving commencement of piling;
  - (v) an appropriate soft start procedure whereby piling activities do not commence until an agreed time has elapsed and during which marine mammals have not been detected within the MMMZ;
  - (vi) where appropriate, methods for the application of acoustic deterrent devices;
- (g) a cable specification and installation plan (in accordance with the outline cable specification and installation plan), to include—
  - (i) technical specification of offshore cables below MHWS, including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with industry good practice;
  - (ii) a detailed cable burial plan for the Order limits seaward of MHWS, incorporating a burial risk assessment to ascertain suitable burial depths and cable laying techniques; and
  - (iii) appropriate methods such as a trawl or drift net to be deployed along the offshore subsea cables between Work Nos. 1 and 2, following the survey referred to in condition 17(3)(f) to assess any seabed obstructions resulting from burial of the cables;
- (h) a written scheme of archaeological investigation in relation to the Order limits seaward of mean low water in accordance with the outline offshore written scheme of archaeological investigation, industry good practice and after consultation with English Heritage to include—
  - (i) details of responsibilities of the undertaker, archaeological consultant and contractor;

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- (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, inclusive of any completed and agreed archaeological reports produced through the written scheme of archaeological investigation which are to be deposited by the undertaker within a public archive in accordance with the OASIS (Online Access to the Index of archaeological investigationS') system;
  - (vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme; and
  - (viii) provision for a plan showing, in relation to the plan agreed pursuant to sub-paragraph (a), the indicative proposed location of installation vessels for construction of Work No. 1 and Work No. 2;
- (i) a diver mitigation plan, which accords with the outline diver mitigation plan, to include details of—
- (i) an appropriate soft start procedure;
  - (ii) appointment of a diver liaison officer; and
  - (iii) a diver communication plan, to include notification of the timing and duration of piling activities; and
- (j) a mitigation scheme for any Annex 1 Habitat identified by the survey referred to in condition 15(2)(a).
- (2) Before approving the design plan required to be submitted under paragraph (1)(a), the MMO must consult with Trinity House and the MCA.
- (3) The design plan required to be approved under paragraph (1)(a) must—
- (a) be prepared having regard to the need to—
    - (i) limit as far as possible the horizontal degree of view of wind turbine generators from the South Downs National Park and the Sussex Heritage Coast;
    - (ii) increase as far as possible the distance of the wind turbine generators from the South Downs National Park and the Sussex Heritage Coast;
    - (iii) locate the largest turbines, in any hybrid scheme, to the south-western portion of the Order limits; and
    - (iv) provide clear sight lines through the wind turbine layout in order that the regular geometric pattern of the array is apparent in views from the South Downs National Park and Sussex Heritage Coast; and
  - (b) to ensure conformity with the description of Work No. 1 and compliance with the principles set out in sub-paragraph (a) show—
    - (i) the proposed layout and location and choice of foundation of all WTGs together with a written statement of how, having regard to other constraints such as ecological effects, safety reasons or engineering and design parameters, those principles have been taken into account;

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- (ii) the height to the tip of the vertical blade, height to the centreline of the generator shaft forming part of the hub, rotor diameter and spacing of all wind turbine generators;
- (iii) the height, length and width of all offshore substations;
- (iv) the length and arrangement and location of all cables comprising Work No. 1(b);
- (v) the dimensions of all monopile foundations;
- (vi) the dimensions of all gravity base foundations;
- (vii) the dimensions of all jacket foundations;
- (viii) the dimensions of all tripod foundations;
- (ix) the dimensions of all suction caisson foundations;
- (x) the dimensions of all IBGS foundations;
- (xi) any archaeological exclusion zones identified under paragraph (1)(h)(iv);
- (xii) any exclusion zones or micro-siting requirements identified in any mitigation scheme pursuant to paragraph (1)(j); and
- (xiii) in plan form, the indicative programming of particular works as set out in the indicative written construction programme to be provided under paragraph (1)(b)(iv).

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**Commencement Information**

**II** Sch. 13 para. 11 in force at 6.8.2014, see [art. 1](#)

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 Pt. 3 para. 15(1) substituted by [S.I. 2021/535 art. 5\(a\)](#)
- Sch. 1 Pt. 3 para. 15(2) substituted by [S.I. 2021/535 art. 5\(b\)](#)