

SCHEDULE 1

Authorised project

PART 3

Requirements

Interpretation

1. In this Part—

“HAT” (highest astronomical tide) means the highest tide that can be predicted to occur under average meteorological conditions;

“offshore works” means Work Nos. 1A, 1B, 2A, 2B, and 2T and any related associated development;

“onshore works” means Work Nos. 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7, 7L, 8A, 8B, 8S, 9 and 10A to 10K and any related associated development;

“stages” means each of the following stages of the onshore works which may be constructed in sequential order or otherwise—

Stage 1 - Work Nos. 3A, 4A and 5A;

Stage 2 - Work Nos. 3B, 4B and 5B;

Stage 3 - Work Nos. 6A, 8A, 10A, 10B, 10C, 10D, 10E, 10F, 10G, 10H, 10I and 10K;

Stage 4 - Work Nos. 6B, 8B, 10A, 10B, 10C, 10D, 10E, 10F, 10G, 10H, 10I and 10K;

Stage 5 - Work Nos. 7, 7L, 10H and 10I;

Stage 6 - Work Nos. 8S, 8A, 10H, 10I, 10J and 10K;

Stage 7 - Work Nos. 8S, 8B, 10H, 10I, 10J and 10K;

Stage 8 - Work Nos. 9, 10H, 10I, 10J and 10K.

Time limits

2.—(1) Project A must be commenced on or before 25th August 2022.

(2) Project B must be commenced on or before 25th August 2022.

(3) The shared works must be commenced on or before 25th August 2022.

Detailed offshore design parameters

3.—(1) No wind turbine generator may—

(a) exceed a height of 315 metres when measured from HAT to the tip of the vertical blade;

(b) have a rotor diameter exceeding 215 metres;

(c) be less than a multiple of 6 times the rotor diameter from the nearest wind turbine generator in any direction being not less than 750 metres measured between wind turbine generators;

(d) have a distance of less than 26 metres between the lowest point of the rotating blade of the wind turbine generator and HAT.

(2) The total rotor-swept area within Work No. 1A must not exceed 4.35 square kilometres.

(3) The total rotor-swept area within Work No. 1B must not exceed 4.35 square kilometres.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) References to the location of a wind turbine generator are references to the centroid point at the base of the wind turbine generator.

4.—(1) No meteorological station lattice tower may exceed a height of 315 metres above HAT.

(2) Meteorological mast foundation structures must be of 1 or more of the following foundation options: monopole, multi-leg, gravity base or floating structure secured by chain and anchor.

(3) No meteorological mast foundation structure employing a footing of driven piles may—

- (a) have more than 4 driven piles;
- (b) in the case of single-pile structures, have a pile diameter exceeding 10 metres or employ a hammer energy during installation exceeding 2,300 kilojoules;
- (c) in the case of structures with 2 or more piles, have a pile diameter exceeding 3.5 metres or employ a hammer energy during installation exceeding 1,900 kilojoules.

(4) No meteorological mast foundation may have—

- (a) a seabed footprint (excluding subsea scour protection) exceeding 1,735 square metres;
- (b) a seabed footprint (including subsea scour protection) exceeding 4,657 square metres;
- (c) a main supporting structure exceeding 51.5 metres in width.

5.—(1) The total number of offshore platforms within Work No. 1A must not exceed 7, comprising—

- (a) up to 4 offshore collector platforms;
- (b) 1 offshore converter platform; and
- (c) up to 2 offshore accommodation or helicopter platforms,

provided that any of the platforms referred to in paragraphs (a) to (c) may be co-joined to create a combined platform fixed to the seabed by multi-leg or gravity base type foundations.

(2) The total number of offshore platforms within Work No. 1B must not exceed 7, comprising—

- (a) up to 4 offshore collector platforms;
- (b) 1 offshore converter platform; and
- (c) up to 2 offshore accommodation or helicopter platforms,

provided that any of the platforms referred to in paragraphs (a) to (c) may be co-joined to create a combined platform fixed to the seabed by multi-leg or gravity base type foundations.

(3) The dimensions of any offshore collector platform (excluding towers, helicopter landing pads, masts and cranes) must not exceed—

- (a) 75 metres in length;
- (b) 75 metres in width;
- (c) 85 metres in height above HAT.

(4) The dimensions of any offshore converter platform (excluding towers, helicopter landing pads, masts and cranes) must not exceed—

- (a) 125 metres in length;
- (b) 100 metres in width;
- (c) 105 metres in height above HAT.

(5) The dimensions of any offshore accommodation or helicopter platform (excluding towers, helicopter landing pads, masts and cranes) must not exceed—

- (a) 125 metres in length;

- (b) 100 metres in width;
 - (c) 105 metres in height above HAT.
- (6) The dimensions of any combined platform (excluding towers, helicopter landing pads, masts and cranes) must not exceed the total seabed footprint of the individual platforms incorporated within it.
- (7) Offshore platform foundation structures must be of 1 or more of the following foundation options: gravity base or multi-leg.
- (8) No offshore platform foundation structure employing a footing of driven piles may—
- (a) have more than 24 driven piles;
 - (b) have a pile diameter exceeding 2.75 metres or employ a hammer energy during installation exceeding 1,900 kilojoules.
- (9) Within Work No. 1A, the seabed footprint per offshore foundation (excluding subsea scour protection) must not exceed—
- (a) in the case of an offshore collector platform, 5,625 square metres;
 - (b) in the case of an offshore converter platform, 12,500 square metres;
 - (c) in the case of an offshore accommodation or helicopter platform, 12,500 square metres.
- (10) Within Work No. 1B, the seabed footprint per offshore foundation (excluding subsea scour protection) must not exceed—
- (a) in the case of an offshore collector platform, 5,625 square metres;
 - (b) in the case of an offshore converter platform, 12,500 square metres;
 - (c) in the case of an offshore accommodation or helicopter platform, 12,500 square metres.
- (11) No offshore collector platform foundation may have a seabed footprint (including subsea scour protection) exceeding 9,025 square metres.
- (12) No offshore converter platform foundation may have a seabed footprint (including subsea scour protection) exceeding 17,400 square metres.
- (13) No offshore accommodation or helicopter platform foundation may have a seabed footprint (including subsea scour protection) exceeding 17,400 square metres.
- (14) The number of vessels actively carrying out impact piling as part of the installation of driven pile foundations must at no time exceed 2 within Work No. 1A.
- (15) The number of vessels actively carrying out impact piling as part of the installation of driven pile foundations must at no time exceed 2 within Work No. 1B.

6.—(1) Wind turbine generator foundation structures must be of 1 or more of the following foundation options: monopole, multi-leg or gravity base.

- (2) No wind turbine generator foundation structure employing a footing of driven piles may—
 - (a) have more than 6 driven piles;
 - (b) in the case of single-pile structures, have a pile diameter exceeding 12 metres or employ a hammer energy during installation exceeding 3,000 kilojoules;
 - (c) in the case of structures with 2 or more piles, have a pile diameter exceeding 3.5 metres or employ a hammer energy during installation exceeding 2,300 kilojoules.
- (3) No wind turbine generator foundation may have—
 - (a) a main supporting structure exceeding 61 metres in width;
 - (b) a seabed footprint (excluding subsea scour protection) exceeding 2,376 square metres;
 - (c) a seabed footprint (including subsea scour protection) exceeding 5,675 square metres.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) The foundations for wind turbine generators must be in accordance with the wave reflection co-efficient values set out in Table 3.6 in Chapter 5, Appendix B (foundation characterisation study) of the environmental statement.

- 7.—(1) Within Work No. 1A, the wind turbine generator foundations must not have—
- (a) a total seabed footprint exceeding 1,005,300 square metres;
 - (b) subsea scour protection exceeding 1,084,850 cubic metres in total volume of material;
 - (c) subsea scour protection exceeding 755,400 square metres in total seabed footprint.
- (2) Within Work No. 1B, the wind turbine generator foundations must not have—
- (a) a total seabed footprint exceeding 1,005,300 square metres;
 - (b) subsea scour protection exceeding 1,084,850 cubic metres in total volume of material;
 - (c) subsea scour protection exceeding 755,400 square metres in total seabed footprint.

8.—(1) The total seabed footprint of foundation structures (excluding mooring buoys) within Work No. 1A (including subsea scour protection and drill arising deposits) must not exceed 1,116,850 square metres.

(2) The total seabed footprint of offshore platform foundation structures within Work No. 1A (including seabed scour protection and drill arising deposits) must not exceed 88,300 square metres.

(3) The total seabed footprint of foundation structures (excluding mooring buoys) within Work No. 1B (including subsea scour protection and drill arising deposits) must not exceed 1,116,850 square metres.

(4) The total seabed footprint of offshore platform foundation structures within Work No. 1B (including seabed scour protection and drill arising deposits) must not exceed 88,300 square metres.

- 9.—(1) Within Work Nos. 1A, 2A and 3A, the HVDC cables must not, in total, exceed—
- (a) 2 in number;
 - (b) 1 fibre-optic cable;
 - (c) 573.2 kilometres in length.
- (2) Within Work Nos. 1A and 2A, the HVDC cables must not, in total, have cable protection (excluding cable crossings) exceeding—
- (a) 2.57 square kilometres in area;
 - (b) 2,496,785 cubic metres in volume.
- (3) Within Work Nos. 1B, 2B and 3B, the HVDC cables must not, in total, exceed—
- (a) 2 in number;
 - (b) 1 fibre-optic cable;
 - (c) 484.4 kilometres in length.
- (4) Within Work Nos. 1B and 2B, the HVDC cables must not, in total, have cable protection (excluding cable crossings) exceeding—
- (a) 2.31 square kilometres in area;
 - (b) 2,242,473 cubic metres in volume.

- 10.—(1) Within Work No. 1A, the HVAC cables must not, in total,—
- (a) exceed 1,270 kilometres in length;

- (b) have cable protection (excluding cable crossings) exceeding 660,000 square metres in area;
 - (c) have cable protection (excluding cable crossings) exceeding 413,000 cubic metres in volume.
- (2) Within Work No. 1B, the HVAC cables must not, in total,—
- (a) exceed 1,270 kilometres in length;
 - (b) have cable protection (excluding cable crossings) exceeding 890,000 square metres in area;
 - (c) have cable protection (excluding cable crossings) exceeding 572,000 cubic metres in volume.
- 11.**—(1) Within Work No. 1A, the HVAC cable crossings must not, in total, exceed—
- (a) 24 in number;
 - (b) 132,700 cubic metres in volume of cable crossing material;
 - (c) 147,100 square metres in seabed footprint.
- (2) Within Work No. 1B the HVAC cable crossings must not, in total, exceed—
- (a) 24 in number;
 - (b) 132,700 cubic metres in volume of cable crossing material;
 - (c) 147,100 square metres in seabed footprint.
- 12.**—(1) Within Work Nos. 1A and 2A, the HVDC cable crossings must not, in total, exceed—
- (a) 16 in number;
 - (b) 88,450 cubic metres in volume of cable crossing material;
 - (c) 98,100 square metres in seabed footprint.
- (2) Within Work Nos. 1B and 2B, the HVDC cable crossings must not, in total, exceed—
- (a) 16 in number;
 - (b) 88,450 cubic metres in volume of cable crossing material;
 - (c) 98,100 square metres in seabed footprint.

Layout rules

13.—(1) The positions of wind turbine generators and offshore platforms must be arrayed in accordance with the parameters applicable to Work Nos. 1A and 1B specified in the Requirements and the principles in section 5.2 of Chapter 5 of the environmental statement.

(2) The construction of wind turbine generators or offshore platforms forming part of the Project A offshore works must not commence until the array location and layout plan has been agreed.

(3) The construction of wind turbine generators or offshore platforms forming part of the Project B offshore works must not commence until the array location and layout plan has been agreed.

(4) The construction of the wind turbine generators and offshore platforms must be carried out in accordance with the relevant array location and layout plan.

(5) The array location and layout plans must ensure compliance with sub-paragraph (1).

(6) In this Requirement, “array location and layout plan” means—

- (a) in relation to the Project A offshore works, the array location and layout plan referred to in Marine Licence 1 (see Condition 16(a)).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) in relation to the Project B offshore works, the array location and layout plan referred to in Marine Licence 2 (see Condition 16(a)).

Aviation lighting

14. Except as otherwise required by Trinity House under Condition 25 of Marine Licence 1 or 2 or Condition 22 of Marine Licence 3 or 4, the undertaker must exhibit such lights, with such shape, colour and character, as required by the Air Navigation Order 2009⁽¹⁾ or as directed by the Civil Aviation Authority or the Ministry of Defence.

Offshore decommissioning

15.—(1) No offshore works may commence until a decommissioning programme in compliance with any notice served on the undertaker by the Secretary of State under section 105(2) of the 2004 Act⁽²⁾ has been submitted to the Secretary of State for approval.

(2) The programme submitted must accord with the principles set out in the outline decommissioning statement.

Offshore safety management

16.—(1) Offshore works must not commence until the MMO, in consultation with the MCA,—

- (a) has given approval for an emergency response and co-operation plan (“ERCoP”) that includes full details of the emergency response procedures for the construction, operation and decommissioning phases of the authorised development in accordance with the MCA recommendations contained in the OREI guidance; and
- (b) has confirmed that the undertaker has taken into account and adequately addressed all MCA recommendations contained in the OREI guidance that are appropriate to the authorised development.

(2) The ERCoP must identify a point of contact for emergency response.

(3) The ERCoP must be implemented as approved.

(4) In this Requirement, “OREI guidance” means MCA document MGN371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues”⁽³⁾.

Restricted work area

17. No wind turbine generator or offshore platform may be constructed within 300 metres of the international boundary. (This area is hatched black and identified as a restricted work area on the offshore works plans.)

Stages of authorised development onshore

18.—(1) The onshore works must not commence until a written scheme setting out the phasing of construction of each stage of the onshore works has been submitted to and approved by the relevant planning authority.

(2) The scheme must be implemented as approved.

(1) S.I. 2009/3015.

(2) Section 105(2) was substituted by section 69(3) of the Energy Act 2008 (c.32).

(3) See https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/441130/371.pdf.

Detailed design approval onshore

19. The onshore works must be carried out in accordance with the following plans, except where part of such a plan is indicative or expressly states that it does not show details for approval—

- (a) the onshore order limits and grid co-ordinates plan;
- (b) the onshore works plans.

20.—(1) Except where the onshore works are carried out in accordance with the plans referred to in Requirement 19, no stage of the onshore works may commence until details of their layout, scale, levels and external appearance (in so far as those details are not shown on those plans) have been submitted to and approved by the relevant planning authority. This must include a section showing cable depths for Work Nos. 4A, 5A, 4B and 5B.

(2) No building forming part of Work No. 7 may exceed 20 metres in height above the floor level for that location, excluding lightning protection.

Provision of landscaping

21. No stage of the onshore works may commence until a written landscaping scheme and associated work programme in relation to each stage of the onshore works has been submitted to, and approved by, the relevant planning authority. 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) minor structures, such as furniture, refuse or other storage units, signs and lighting;
- (e) proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports;
- (f) details of existing trees to be retained, with measures for their protection during the construction period;
- (g) retained historic landscape features and proposals for restoration, where relevant; and
- (h) implementation timetables for all landscaping works.

Implementation and maintenance of landscaping

22.—(1) All landscaping works must be carried out in accordance with the landscaping scheme approved under Requirement 21 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 5 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 next planting season with a specimen of the same species and size as that originally planted, unless otherwise agreed by the relevant planning authority.

Fencing and other means of enclosure

23.—(1) No stage of the onshore works may commence until written details of all proposed permanent and temporary fences, walls or other means of enclosure for that stage have been submitted to and approved by the relevant planning authority.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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

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

(4) Any approved permanent fencing in relation to Work No. 7 must be completed before the relevant work is brought into use.

(5) Fencing, walls and other means of enclosure must be provided in accordance with the approved details.

Highway accesses

24.—(1) No stage of the onshore works may commence until, for that stage, written details of the siting, design, layout and any access management measures for any new permanent or temporary means of access to or from a public highway to be used by vehicular traffic, or any alteration to an existing means of access to or from a public highway used by vehicular traffic, has, after consultation with the highway authority, been submitted to and approved by the relevant planning authority.

(2) No stage of the onshore works may commence until, for that stage, written details identifying the routes and accesses for operational maintenance has, following consultation with the highway authority, been submitted to and approved by the relevant planning authority.

(3) All highway accesses must be constructed, maintained and removed in accordance with the approved details.

Surface and foul water drainage

25.—(1) No stage of the onshore works may commence until written details of the surface and (if any) foul water drainage system (including means of pollution control) for that stage have, following consultation with the relevant sewerage and drainage authorities and the Environment Agency, been submitted to and approved by the relevant planning authority.

(2) The surface water drainage system works must restrict surface water discharge to no more than the greenfield run-off rate (1.62 litres per second) in line with the recommendations of the flood risk assessment (Appendix B to Chapter 24 of the environmental statement).

(3) The submitted details must—

- (a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site (surface water drainage scheme);
- (b) include a timetable for implementation (foul and surface water schemes); and
- (c) provide a management and maintenance plan for the lifetime of the proposed schemes (foul and surface water management).

(4) The surface and foul water drainage systems must be constructed, managed and maintained in accordance with the approved details.

Archaeology

26.—(1) No stage of the onshore works may commence until the implementation of a programme of archaeological work has been secured in relation to that stage in accordance with a written scheme of archaeological investigation that has been submitted to and approved by the relevant planning authority.

(2) The scheme must—

- (a) set out a pre-construction programme of archaeological evaluation that defines the extent, character and significant archaeological sites and the extent of areas that do not require

detailed excavation. The results of the evaluation are to inform subsequent mitigation strategies;

- (b) set out the programme and methodology for site investigation and recording;
- (c) set out provision for the monitoring of geotechnical test pits in areas of significance as defined by the archaeological evaluation;
- (d) set out the programme for post-investigation assessment, the results of which may inform the scope of analysis;
- (e) provide for analysis of the site investigation and recording;
- (f) provide for publication and dissemination of the analysis and records of the site investigation; and
- (g) nominate a competent person or organisation to undertake the works set out in the written scheme of investigation.

(3) No stage of the onshore works may commence until, in relation to the stage, the relevant site investigation has been completed as approved, and such completion has been approved by the relevant planning authority.

(4) No stage of the onshore works may be brought into commercial operation (excluding commissioning) until the site investigation and post-investigation assessment have been completed in accordance with the programme in the approved scheme and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

(5) The written scheme in relation to the stage must be carried out as approved.

Code of construction practice

27.—(1) No stage of the onshore works may commence until a code of construction practice (“CoCP”) in accordance with the outline code of construction practice has been submitted to and approved by the relevant planning authority and as appropriate Highways England, following consultation with the relevant statutory nature conservation body.

(2) The CoCP must reflect and ensure delivery of the construction phase mitigation measures included in the environmental statement and must include consideration of the following matters, amongst others, during construction of the onshore works—

- (a) construction noise and vibration management;
- (b) air quality including dust management;
- (c) sustainable waste management during construction;
- (d) traffic management and materials storage on site;
- (e) water management (surface water and groundwater);
- (f) the mechanism for the public to communicate with the construction teams, including contact details;
- (g) land use and agriculture, including the management, excavation and removal of soils, land drainage, land quality and biosecurity;
- (h) a method statement for the crossing of watercourses;
- (i) method statements for horizontal directional drilling activities of highways, railways and apparatus in the Wilton Complex;
- (j) plans for public and private access across the Order limits, including details of the temporary re-routing of public rights of way during the construction of the authorised development including the provision of signage and other information alerting the public to the construction works and any re-routing;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (k) management and mitigation of artificial light emissions.

Construction environmental management plan

28.—(1) Before the commencement of each stage of the onshore works, a construction environmental management plan (“CEMP”) for that stage, drafted in accordance with the principles set out in the CoCP, must be submitted to and approved by the relevant planning authority.

(2) All remediation, construction and commissioning works must be undertaken in accordance with the CoCP and CEMP.

Construction hours

29.—(1) Construction work for the onshore works and any construction-related traffic movements to or from the site of the relevant work must take place only between 7 a.m. and 7 p.m. on Monday to Saturday, with no activity on Sundays, public or bank holidays, except—

- (a) where continuous periods of operation are required, such as concrete pouring and drilling;
- (b) for the delivery of abnormal loads to the onshore works, which may cause congestion on the local road network;
- (c) where works are being carried out on the foreshore;
- (d) where works are required to be carried out in an emergency; or
- (e) as otherwise agreed by the relevant planning authority as required outside of these hours pursuant to details submitted and approved under any other Requirement.

(2) All construction operations that are to be undertaken outside the hours referred to in sub-paragraph (1) must be agreed by the relevant planning authority in advance and must be carried out within the hours agreed by the relevant planning authority.

Control of noise during operational phase

30.—(1) The noise emanating from the operation of Work No. 7 (including transformers, cooling fans, switch gear and power lines) must not, separately or together, exceed operational noise levels of—

- (a) 42 decibels at the residential receptors referred to in sub-paragraph (2) and identified on the work plans; or
- (b) 46 decibels at the non-residential receptors referred to in sub-paragraph (3) and identified on the works plans.

(2) The residential receptors are—

- (a) 7 Grange Estate;
- (b) 10 Grange Estate;
- (c) 20 Grange Estate; and
- (d) Lazenby Grange Farmhouse.

(3) The non-residential receptors are—

- (a) Wilton Complex office building;
- (b) Wilton Golf Club; and
- (c) Wilton Primary School.

(4) Noise measurements must be expressed as free field 5 minute L(A)r values.

Control of artificial light emissions

31.—(1) Work No. 7 must not be brought into operation until a written scheme for the management and mitigation of artificial light emissions during the operation of Work No. 7 has been submitted to and approved by the relevant planning authority.

(2) The approved scheme for the management and mitigation of artificial light emissions must be implemented and maintained during the operation of the onshore works.

Construction traffic routing and management plans

32.—(1) No stage of the onshore works may commence until written details of a construction traffic management plan (“CTMP”) and a construction travel plan (“CTP”), to be used for the management of construction traffic, has been submitted to and approved by the relevant planning authority and Highways England.

(2) The CTMP and CTP must include details (including agreed routes) for abnormal indivisible loads (“AILs”) that may be delivered by road (or confirmation that no AILs are required for construction of the authorised development), and the approved details must be adhered to at all times when AILs are transported to or from the authorised development by road.

(3) Notices must be erected and maintained throughout the period of construction at construction site exits, in accordance with the CTMP, indicating to drivers the routes agreed by the relevant planning authority for traffic entering and leaving sites.

Drilling works under highways

33. Any drilling works that are to be undertaken under highways must be carried out in accordance with the Highways England’s Design Manual for Roads and Bridges⁽⁴⁾.

Port access and transport plans

34.—(1) No licensed activities or any phase of licensed activities seaward of MHWS may commence until (so far as relevant to the activities or phase of activities) a port access and transport plan (“PATP”) for the onshore port-related traffic to and from the selected base port has been submitted to and approved by the relevant planning authority after consultation with the relevant highway authority.

(2) Sub-paragraph (1) does not apply if the relevant planning authority confirms, after consultation with the relevant highway authority, that no PATP is required for the licenced activities or phase of licensed activities.

(3) All PATPs must be implemented as approved at all times specified in the PATP during the construction or operation (or both) of the authorised project.

(4) In this Requirement—

“licensed activities” has the meaning given in Marine Licences 1 to 4;

“relevant highway authority”, in relation to a selected base port, means the highway authority in whose area the port is located;

“relevant planning authority”, in relation to a selected base port, means the local planning authority in whose area the port is located;

“selected base port” means a port selected for the construction or ongoing operational management of the authorised project (or both).

(4) See <https://www.gov.uk/standards-for-highways-online-resources#the-design-manual-for-roads-and-bridges>.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

European protected species: onshore

35.—(1) No stage of the onshore works may 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 onshore works or in any of the trees to be lopped or felled as part of the onshore works.

(2) Where a European protected species is shown to be present, the stage of the onshore works likely to affect the species must not commence until, after consultation with the relevant statutory nature conservation body and the Secretary of State for the Environment, Food and Rural Affairs, a scheme of protection and mitigation measures has been submitted to and approved by the relevant planning authority.

(3) The onshore works must be carried out in accordance with the approved scheme.

(4) In this Requirement, “European protected species” is a European protected species of animal within the meaning of Part 3 (protection of species) of the Conservation of Habitats and Species Regulations 2010⁽⁵⁾.

Restoration of land used temporarily for construction

36. Subject to article 29 (temporary use of land for carrying out authorised project), any land landward of MLWS within the Order limits that is used temporarily for construction of the relevant stage of the onshore 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 6 months of completion of the onshore works, or such other period as the relevant planning authority may approve.

Interference with telecommunications

37.—(1) The undertaker must submit to the relevant planning authority for approval a scheme to rectify the situation in the event that the operation of the onshore works gives rise to interference with telecommunications or television equipment at nearby residential properties.

(2) The scheme must provide for the investigation by a qualified independent television engineer of any complaint of interference with television reception at a lawfully occupied dwelling (defined for the purposes of this Requirement as a building within use classes C3 and C4 of the Town and Country Planning (Uses Classes) Order 1987⁽⁶⁾ that lawfully exists or had planning permission at the date on which this Order is made, where such complaint is notified to the undertaker by the relevant planning authority within 12 months of commercial operation.

(3) Where impairment is determined by the qualified television engineer to be attributable to the authorised project, mitigation works must be carried out in accordance with the scheme.

Onshore decommissioning

38.—(1) On the cessation of commercial operation of the onshore works (in whole or in part), a scheme for the demolition and removal of the onshore works (in whole or in part), and the final proposed condition of the relevant land, including a proposed timetable, must be submitted to the relevant planning authority for approval. The proposed scheme must be based on the outline decommissioning statement.

(2) The scheme for decommissioning must be implemented as approved.

⁽⁵⁾ [S.I. 2010/490](#). See regulation 40 (European protected species of animal).

⁽⁶⁾ [S.I. 1987/764](#), amended by [S.I. 2010/653](#). There are other amendments to the Order that are not relevant to this Order.

Approval, etc. to be given in writing

39. Where under any Requirement the approval or agreement of the relevant planning authority or any other person is required, that approval or agreement must be given in writing.

Amendments to plans, etc.

40.—(1) Where any Requirement requires the authorised project to be carried out in accordance with any programme, statement, plan, protocol, scheme, details or arrangements approved by the relevant planning authority or any other person (the “approving authority”), the approved programme, statement, plan, protocol, scheme, details or arrangements must be taken to include any amendments that may subsequently be approved by the approving authority (after consulting any person that the discharging authority is required to consult under the relevant Requirement).

(2) The approving authority must not approve an amendment unless it is satisfied that the amendment is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.