

SCHEDULE 11

Deemed licence under the Marine and Coastal Access Act 2009 – transmission assets

PART 2

Conditions

Design parameters

1. No HVDC offshore converter station forming part of the authorised scheme shall be erected within the areas hatched black on the works plan, whose coordinates are specified below and more particularly shown on the Order limits boundary coordinates plan—

Coordinates for restricted build area

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
i	52° 17' 29.501"	2° 21' 18.183"
ii	52° 19' 32.953"	2° 29' 16.557"
iii	52° 19' 47.657"	2° 34' 8.460"
iv	52° 20' 36.356"	2° 34' 8.509"
v	52° 23' 17.520"	2° 31' 41.224"
vi	52° 21' 52.244"	2° 34' 8.586"
vii	52° 18' 15.948"	2° 34' 8.368"
viii	52° 20' 36.356"	2° 32' 52.848"
ix	52° 20' 18.296"	2° 28' 48.188"
x	52° 4' 49.734"	2° 30' 59.349"
xi	52° 4' 48.985"	2° 28' 5.706"

2.—(1) The total number of HVDC offshore converter stations forming part of the authorised scheme must not exceed 2.

(2) The dimensions of any HVDC offshore converter stations forming part of the authorised scheme (excluding towers, helipads, masts and cranes) must not exceed 60 metres in height when measured from LAT, 75 metres in length and 120 metres in width.

3.—(1) The total length of the cables comprising Work No. 3A must not exceed 400 kilometres.

(2) The total amount of cable protection for the cables comprising Work No. 3A must not exceed 24,000 metres³.

4. The total amount of scour protection for the HVAC offshore collector stations forming part of the authorised scheme must not exceed 0.029 kilometres².

Notifications and inspections

5.—(1) The undertakers must ensure that—

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- (a) a copy of this licence (issued as part of the grant of the Order) and any subsequent amendments or revisions to it is provided to—
 - (i) all agents and contractors notified to the MMO in accordance with condition 15; and
 - (ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with condition 15;
 - (b) within 28 days of receipt of a copy of this licence those persons referred to at paragraph (a) must provide a completed form to the MMO confirming their understanding of the terms of conditions of this licence.
- (2) Only those persons and vessels notified to the MMO in accordance with condition 15 are permitted to carry out the licensed activities.
- (3) Copies of this licence must also be available for inspection at the following locations—
- (a) the undertakers’s registered address;
 - (b) any site office located at or adjacent to the construction site and used by the undertakers or its agents and contractors responsible for the loading, transportation or deposit of the authorised deposits; and
 - (c) on board each vessel and at the office of any transport manager with responsibility for vessels from which authorised deposits or removals are to be made.
- (4) The document referred to in sub-paragraph (1)(a) must be available for inspection by an authorised enforcement officer at all times at the locations set out in sub-paragraph (3).
- (5) The undertakers must provide access, and if necessary appropriate transportation, to the offshore construction site or any other associated works or vessels to facilitate any inspection that the MMO considers necessary to inspect the works during construction and operation of the authorised scheme.
- (6) The undertakers must inform the local MMO office in writing at least ten working days prior to the commencement of the licensed activities or any part of them and within ten working days of completion of any works comprised in the licensed activities.
- (7) Prior to the commencement of the licensed activities the undertakers must publish in the Kingfisher Fortnightly Bulletin details of the vessel routes (if appropriate), timings and locations relating to the construction of the authorised scheme.
- (8) The undertakers must ensure that—
- (a) a notice to mariners is issued at least 10 working days prior to the commencement of the licensed activities or any part of them advising of the start date of Work No. 2 and the expected vessel routes from the local construction ports to the relevant location; and
 - (b) a second notice to mariners is issued at least 10 working days prior to the commencement of Work No. 3A (subsea export cables to MHWS) and the route of the subsea export cables.
- (9) The undertakers must ensure that the notices to mariners are updated and reissued at regular intervals, and at least fortnightly, and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme approved under condition 11(a). Copies of all notices must be provided to the MMO.
- (10) The undertakers must notify—
- (a) the Hydrographic Office of both the commencement (within two weeks), progress and completion (within two weeks) of the authorised scheme in order that all necessary amendments to nautical charts are made; and
 - (b) the MMO, MCA and Trinity House once the authorised scheme is completed and any required lighting or marking has been established.

Offshore safety management

6.—(1) The authorised scheme shall not commence until the Secretary of State, in consultation with the MCA, has confirmed in writing that the undertakers has taken into account and adequately addressed all MCA recommendations contained within MGN 371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” and its annexes including full details of the Emergency Co-operation Plans (ERCoP) for the construction, operation and decommissioning as appropriate to the authorised scheme.

(2) The undertakers will prepare and implement a project-specific Active Safety Management System, taking account of safety and mitigation measures as referred to in the navigation risk assessment in the environmental statement.

Aids to navigation

7.—(1) The undertakers must at or near the authorised scheme during the whole period of the construction, operation, alteration, replacement or decommissioning of the authorised scheme exhibit such lights, marks, sounds, signals and other aids to navigation and take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.

(2) The undertakers must ensure that timely and efficient notices to mariners and other navigational warnings of the position and nature of the authorised scheme seaward of MHWS, are issued during and after the period of construction, alteration, replacement or decommissioning of the authorised scheme, such information to be promulgated to mariners in the shipping and fishing industry as well as to recreational mariners, in accordance with condition 6(8) and (9).

(3) The undertakers must notify Trinity House as soon as reasonably practicable of both the progress and completion of the authorised scheme seaward of MHWS and any aids for navigation established from time to time.

(4) The undertakers must provide reports on the availability of aids to navigation periodically as requested by Trinity House.

(5) The undertakers must colour all structures yellow from at least highest astronomical tide to a height directed by Trinity House, or must colour the structure as directed by Trinity House from time to time.

(6) In case of injury to, or destruction or decay of, the authorised scheme or any part thereof the undertakers must as soon as reasonably practicable notify Trinity House and must 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.

Chemicals, drilling and debris

8.—(1) Unless otherwise agreed in writing by the MMO all chemicals used in the construction of the authorised scheme must 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).

(2) All protective coatings and paints must be suitable for use in the marine environment and, where necessary, approved by the Health and Safety Executive. The use of such coatings must accord with best environmental practice.

(3) The storage, handling, transport and use of fuels, lubricants, chemicals and other substances must 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 must be obtained before the drilling commences, which may also require a marine licence.

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(5) The undertakers must ensure that no waste concrete slurry or wash water from concrete or cement works are discharged into the marine environment. Concrete and cement mixing and washing areas should be contained to prevent run off entering the water through the freeing ports.

(6) The undertakers must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO, Marine Pollution Response Team.

(7) The undertakers must ensure that any waste and/or debris arising from the construction of the authorised scheme or from equipment or temporary works placed below MHWS are removed on completion of the authorised scheme.

(8) At least 10 days prior to the commencement of the licensed activities the undertakers must submit and obtain the MMO's approval of an audit sheet covering all aspects of the construction of the authorised scheme. The audit sheet must 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.

(9) The audit sheet must be maintained throughout the construction of the authorised scheme and any changes notified immediately in writing to the MMO.

(10) 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 undertakers 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. In the event that the missing material is not located, the survey area may be extended at the discretion of the MMO. 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 must be removed at the undertakers's expense.

(11) The undertakers must inform the MMO of the location and quantities of inert material disposed of each month under this licence, by submission of a disposal return by 31 January each year for the months August to January inclusive, and by 31 July each year for the months February to July inclusive.

(12) The undertakers must ensure that only inert material of natural origin, produced during construction drilling and seabed preparation for foundation works and cable sandwave preparation works shall be disposed of within the offshore Order limits (disposal site reference TH23 East Anglia ONE).

(13) The undertakers must ensure that any rock material used in the construction of the authorised scheme is from a recognised source, free from contaminants and containing minimal fines.

(14) In the event that any rock material used in the construction of the authorised scheme is misplaced or lost below MHWS, the undertakers must report the loss to the District Marine Office within 48 hours and if the MMO shall reasonably consider such material to constitute a navigation or environmental hazard (dependent on the size and nature of the material) the undertakers must endeavour to locate the material and recover it.

(15) The undertakers must undertake the survey agreed under condition 11(g)(iii) following the high resolution swath bathymetric survey referred to in condition 19(2)(d). Should any such obstructions be identified which may reasonably be considered to interfere with fishing the undertakers must take reasonable steps to remove them.

Force majeure

9. If, due to stress of weather or any other cause the master of a vessel determines that it is necessary to deposit the authorised deposits outside of the Order limits because the safety of human life and/or of the vessel is threatened, within 48 hours full details of the circumstances of the deposit must be notified to the MMO.

Pre-construction plans and documentation

10. The licensed activities or any part of those activities shall not commence until the following (as relevant to that part) have been submitted to and approved in writing by the MMO—

- (a) 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, to be agreed in writing with the MMO in consultation with Trinity House and the MCA which shows—
 - (i) the proposed location and choice of foundation of all offshore substations;
 - (ii) the height, length and width of all offshore substations;
 - (iii) the length and arrangement of all cables comprising Work No. 3A;
 - (iv) the dimensions of all gravity base foundations;
 - (v) the dimensions of all jacket foundations;
 - (vi) the proposed layout of all offshore substations including any exclusion zones under condition 2 and/or identified under condition 11(h)(iv);
 - (vii) a plan showing the indicative layout of all offshore substations including all exclusion zones (insofar as not shown in paragraph (vi)) and showing the indicative programming of particular works as set out in the indicative programme to be provided under sub-paragraph (b)(iv); and
 - (viii) any exclusion zones/micrositing requirements identified in any mitigation scheme pursuant to condition 11(j);to ensure conformity with the description of Works No. 2 and 3A and compliance with conditions 1 to 5;
- (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(h), 17, 18 and 19; and
 - (iv) an indicative written construction programme for all offshore substations and cables comprised in the works at paragraph 2(2) of Part 1 (licensed marine activities) of this Schedule (insofar as not shown in paragraph (ii));with details pursuant to paragraph (iii) to be submitted to the MMO at least six months prior to the first survey unless otherwise agreed in writing with the MMO;
- (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 and cable sandwave preparation works;
 - (ii) soft start procedures with specified duration periods;
 - (iii) offshore substation location and installation, including scour protection;

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- (iv) cable installation, including cable landfall and cable protection;
 - (v) contractors;
 - (vi) vessels and vessels transit corridors; and
 - (vii) associated and ancillary 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;
 - (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) the appointment and responsibilities of a fisheries liaison officer and an environmental liaison officer; and
 - (v) a fisheries liaison and coexistence plan to ensure relevant fishing fleets are notified of commencement of licensed activities pursuant to condition 6 and to address the interaction of the licensed activities with fishing activities;
- (e) a scour protection management and cable armouring plan providing details of the need, type, sources, quantity and installation methods for scour protection;
- (f) only when driven or part-driven pile foundations are proposed to be used as part of the foundation installation, a marine mammal mitigation protocol in line with JNCC guidelines for minimising acoustic disturbance to marine mammals;
- (g) a 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 laying plan for the Order limits, incorporating a burial risk assessment to ascertain suitable burial depths and cable laying techniques, including cable protection; and including contingency plans if burial is not achieved through preferred techniques; and
 - (iii) appropriate methods such as a trawl or drift net to be deployed along the offshore subsea export cables between Work No. 1 in Schedule 9 (deemed licence under the Marine and Coastal Access Act 2009 – generation assets) and mean low water mark, following the survey referred to in condition 19(2)(d) to assess any seabed obstructions resulting from burial of the export cables;
- (h) a written scheme of archaeological investigation in relation to the offshore Order limits seaward of mean low water in accordance with the draft written scheme of investigation: archaeology and cultural heritage (offshore), industry good practice and in consultation with English Heritage (and, if relevant, Suffolk Coastal District Council) to include—
- (i) details of responsibilities of the undertakers, archaeological consultant and contractor;
 - (ii) a methodology for any further site investigation including any specifications for geophysical, geotechnical and diver or remotely operated vehicle investigations;
 - (iii) archaeological 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, identification and modification of 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;
- (i) a bed level monitoring and remediation plan for that area of Work No. 3B below MHWS in accordance with the outline Bawdsey bed level monitoring and remediation strategy, to include—
 - (i) monitoring of bed levels of London clay for the operational lifetime of the authorised scheme; and
 - (ii) a methodology for any remedial works in that area identified as necessary by such monitoring;
 - (j) a mitigation scheme for any Annex 1 features identified by the survey referred to in condition 17(2)(b);
 - (k) an offshore operations and maintenance and monitoring plan, in accordance with the outline offshore operations and maintenance and monitoring plan, to be submitted to the MMO at least four months prior to commencement of operation of the licensed activities and to provide for review and resubmission every three years during the operational phase;
 - (l) a coexistence statement demonstrating how the scheme design and construction methods, including cable specification, installation and armouring, reasonably avoids or mitigates effects on other marine users, including fisheries.

11.—(1) Any archaeological reports produced in accordance with condition 11(h)(iii) are to be agreed with English Heritage (and, if relevant, Suffolk Coastal District Council).

(2) The undertakers must 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 undertakers must notify Suffolk County Council that the OASIS report has been submitted to the National Monuments Record.

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

(2) No licensed activities shall commence until the MMO has approved in writing each programme, statement, plan, protocol or scheme required to be approved under condition 11 and the licensed activities must be carried out in accordance with the approved plans, protocols, statements, schemes and details approved under condition 11, unless otherwise agreed in writing by the MMO.

Foundation restrictions

13. No gravity base foundations may be installed in any area of the seabed with mobile sand waves of 5 metres or more, as identified by the swath-bathymetry survey carried out under condition 17(2)(c), unless otherwise agreed in writing by the MMO.

Reporting of engaged agents, contractors and vessels

14.—(1) The undertakers must provide the following information to the MMO as soon as is reasonably practicable prior to the agent, contractor or vessel engaging in the licensed activities—

- (a) 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

15.—(1) All vessels employed to perform the licensed activities must be constructed and equipped to be capable of the proper performance of such activities in accordance with the conditions of this licence and (save in the case of remotely operated vehicles or vessels) must comply with sub-paragraphs (2) to (7).

(2) All motor powered vessels must be fitted with—

- (a) electronic positioning aid to provide navigational data;
- (b) radar;
- (c) echo sounder; and
- (d) multi-channel VHF.

(3) No radio beacon or radar beacon operating on the marine frequency bands must be installed or used without the prior written approval of the Secretary of State.

(4) All vessels' names or identification must be clearly marked on the hull or superstructure.

(5) All vessels must 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 must be in English.

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

Pre-construction monitoring and surveys

16.—(1) The undertakers must, in discharging condition 11(b), submit details for written approval by the MMO in consultation with Natural England and JNCC of proposed pre-construction surveys, including methodologies and timings, and a proposed format and content for a pre-construction baseline report; and—

- (a) the survey proposals must 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; and
- (b) the baseline report proposals must 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 must make clear what post-construction comparison is intended and the justification for this being required.

(2) The pre-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed with the MMO, have due regard to, but not be limited to, the need to undertake—

- (a) appropriate surveys to determine the location, extent and composition of any benthic habitats of conservation, ecological or economic importance;
 - (b) appropriate surveys to determine the location and extent of any benthic communities/benthos constituting Annex 1 Habitat in whole or in part inside the area(s) within the Order limits in which it is proposed to carry out construction works;
 - (c) high resolution swath-bathymetry survey(s), to include a 100% coverage and side scan sonar, of the area(s) within the Order limits in which it is proposed to carry out construction works;
 - (d) appropriate surveys of existing ornithological activity inside the area(s) within the 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;
 - (e) low intensity information gathering of elasmobranch populations within the Order limits in which it is proposed to carry out construction and any wider areas where appropriate, to test predictions made in the environmental statement concerning impacts to elasmobranchs from electromagnetic fields;
 - (f) appropriate surveys of existing marine mammal activity inside the area(s) within the 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 marine mammal interests of relevance to the authorised scheme.
- (3) The undertakers must carry out the surveys agreed under sub-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 in consultation with Natural England and JNCC.

Construction monitoring

17.—(1) The undertakers must, in discharging condition 11(b), submit details for approval by the MMO in consultation with Natural England and JNCC of any proposed monitoring, including methodologies and timings, to be carried out during the construction of the authorised scheme. The survey proposals must specify each survey's objectives.

(2) Construction monitoring must include traffic monitoring in accordance with the outline navigation monitoring strategy, including the provision of reports on the results of that monitoring periodically as requested by the MCA.

(3) The undertakers must carry out the surveys approved under sub-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 in consultation with Natural England and JNCC.

Post construction

18.—(1) The undertakers must, in discharging condition 11(b), submit details of approval by the MMO in consultation with Natural England and JNCC of proposed post-construction surveys, including methodologies and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals must 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) The post-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed with the MMO, have due regard to, but not be limited to, the need to undertake—

- (a) appropriate surveys of any benthic communities/benthos constituting Annex 1 Habitat in whole or in part inside the area(s) within the Order limits in which construction works were carried out;

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- (b) if existing data is not available, appropriate surveys to validate predictions made in the environmental statement in relation to habitat creation and the ability of structures to act as vectors for non-native species;
 - (c) appropriate ornithological surveys covering the area(s) within the Order limits in which construction works were carried out, and any wider area(s) where appropriate, as required to test predictions in the environmental statement concerning key ornithological interests of relevance to the authorised scheme;
 - (d) one high resolution swath bathymetric survey across the area(s) within the Order limits in which construction works were carried out to assess any changes in bedform topography and such further monitoring as may be agreed to ensure scour equilibrium has been reached and that the cables have been buried;
 - (e) side scan sonar and bathymetry survey(s) within the Order limits in which construction works were carried out after the first occurrence of a major storm event;
 - (f) appropriate marine mammal surveys covering the area(s) within the Order limits in which construction works were carried out and any wider area(s) where appropriate, as required to test predictions in the environmental statement concerning key marine mammal interests of relevance to the authorised scheme;
 - (g) low intensity information gathering (in conjunction with reports of fisheries catch data) within the Order limits in which construction works were carried out, to test predictions made in the environmental statement concerning impacts to elasmobranchs from electromagnetic fields;
 - (h) post-construction traffic monitoring in accordance with the outline navigation monitoring strategy, including the provision of reports on the results of that monitoring periodically as requested by the MCA.
- (3) The undertakers must carry out the surveys agreed under sub-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 in consultation with Natural England and JNCC.