

SCHEDULE 19

Compensation to protect the coherence of the national site network

PART 3

Haisborough, Hammond and Winterton Special Area of Conservation: Delivery of measures to compensate for cable installation and protection

23. In this Part—

“BIMP” means the benthic implementation and monitoring plan for the delivery of measures to compensate for the cable installation and protection in the HHW SAC as a result of the authorised development;

“BSG” means the benthic steering group who will shape and inform the scope and delivery of the BIMP;

“HHW SAC” means the Haisborough, Hammond and Winterton Special Area of Conservation; and

“HHW SAC compensation plan” means the document certified as the In principle Habitats Regulations Derogation, Provision of Evidence, Appendix 3 Haisborough, Hammond and Winterton SAC In Principle Compensation by the Secretary of State for the purposes of this Order under article 37 (Certification of plans etc).

24. The authorised development may not be commenced until a plan for the work of the BSG has been submitted to and approved by the Secretary of State. Such plan must include:

- (a) terms of reference of the BSG;
- (b) the membership of the BSG;
- (c) details of the schedule of meetings, timetable for preparation of the BIMP and reporting and review periods; and
- (d) the dispute resolution mechanism.

25. The BSG must be consulted on the proposed BIMP prior to the submission to the Secretary of State and must be consulted further as required during the approval process.

26. The undertaker will meet with and report to the BSG at least annually throughout the establishment and implementation phases of the BIMP and document the conclusions of the meetings.

27. The BIMP must be submitted to and approved by the Secretary of State, in consultation with the MMO and the relevant statutory nature conservation body.

28. The BIMP must accord with the relevant principles contained in the HHW SAC compensation plan, must contain the relevant matters identified in paragraph 141 of the HHW SAC compensation plan and must include provision for:

- (a) the identification and retrieval of marine debris; and
- (b) education, awareness and facilities to limit further marine debris,

which are described as Strand 2 and Strand 3 respectively in section 4.3.4 of the HHW SAC compensation plan.

29. The BIMP must include in particular:

- (a) details of any further survey work required to confirm the presence and condition of marine debris;

Status: This is the original version (as it was originally made).

- (b) details of the location, nature and size of material to be removed from the HHW SAC, which should equate to no less than 8.3 hectares to compensate for the predicted effects of cable installation and protection;
- (c) a method statement for its removal, to include the vessel type, tools used and mitigation for how impacts on the surrounding habitat will be minimised;
- (d) a programme of works for removal which must ensure that 8.3 hectares of marine debris has been removed prior to commencement of any cable installation works in the HHW SAC;
- (e) proposals for monitoring in accordance with the principles set out in the HHW SAC compensation plan as well as proposals for reporting of monitoring;
- (f) success criteria, adaptive management measures, details of alternative search areas outside the HHW SAC to remove the required quantum of marine debris if 8.3 hectares cannot be recovered from the HHW SAC itself and details of further marine debris removal work that might be carried out if the actual effects of cable installation and protection on the HHW SAC are greater than anticipated;
- (g) programme of delivery for education, awareness and provision of facilities to reduce further marine debris from affecting the HHW SAC;
- (h) details of how all impacts to protected reef habitats within designated sites will be avoided; and
- (i) details of the locations for the disposal of dredged material, and evidence that the disposal mechanism will allow sediment to be retained within the sandbank system and avoid impacts to other features, particularly reef habitats.

30. The BIMP must be carried out as approved, unless otherwise agreed in writing by the Secretary of State in consultation with the MMO and the relevant statutory nature conservation body. In particular, no cable installation works in the HHW SAC may be commenced unless at least 8.3 hectares of marine debris has been removed in accordance with the programme referred to in paragraph 29(d).

31. Unless otherwise agreed in writing with the Secretary of State, prior to the commencement of any cable installation works in the HHW SAC, the undertaker must—

- (a) provide a reasonable estimate of the cost of delivery of the compensation measures; and
- (b) put in place either—
 - (i) a guarantee in respect of the reasonable estimate of costs associated with the delivery of the compensation measures; or
 - (ii) an alternative form of security for that purpose,that has been approved by the Secretary of State.

32. Results from the monitoring scheme must be submitted at least annually to the Secretary of State, the MMO and the relevant statutory nature conservation body. This must include details of any finding that the measures have been ineffective in securing an improvement in the condition of the HHW SAC and, in such case, proposals to address this. Any proposals to address effectiveness must thereafter be implemented by the undertaker as approved in writing by the Secretary of State in consultation with the MMO and the relevant statutory nature conservation body.

33. A report which demonstrates completion of the activities required by the BIMP must be submitted to the Secretary of State within 12 months of completion of such activities and following approval of the report by the Secretary of State, in consultation with the MMO and the statutory nature conservation body, the undertaker will be discharged from any further obligations under this Part.

34. The approved BIMP includes any amendments that may subsequently be agreed in writing by the Secretary of State, in consultation with the MMO and the relevant statutory nature conservation body. Any amendments to or variations of the BIMP must be in accordance with the principles set out in the HHW SAC compensation plan and may only be approved where it has been demonstrated to the satisfaction of the Secretary of State that it is unlikely to give rise to any new or materially different environmental effects from those considered in the HHW SAC compensation plan.

35. In the event of any conflict or inconsistency between the terms of the HHW SAC compensation plan and the provisions of this Order, the provisions of this Order shall prevail.