

**APPENDIX A: RECOMMENDED DEVELOPMENT CONSENT
ORDERS**

APPLICATION DCO

2015 No.

INFRASTRUCTURE PLANNING

The Navitus Bay Wind Park Order 201X

<i>Made</i>	201*
<i>Laid before Parliament</i>	201*
<i>Coming into force</i> - - -	***

CONTENTS

1. Citation and commencement
2. Interpretation
3. Development consent etc. granted by the Order
4. Power to maintain authorised project
5. Operation of electricity generating station
6. Procedure in relation to certain approvals etc.
7. Benefit of the Order
8. Application and modification of legislative provisions
9. Public rights of navigation
10. Abatement of works abandoned or decayed
11. Deemed marine licences under the Marine and Coastal Access Act 2009
12. Saving for Trinity House
13. Crown Rights
14. Street works
15. Public rights of way
16. Temporary stopping up of streets
17. Access to works
18. Agreements with street authorities
19. Discharge of water
20. Authority to survey and investigate the land
21. Temporary suspension of public access to Access Land
22. Compulsory acquisition of land
23. Compulsory acquisition of land – incorporation of the minerals code
24. Time limit for exercise of authority to acquire land compulsorily
25. Compulsory acquisition of rights
26. Private rights
27. Application of the Compulsory Purchase (Vesting Declarations) Act 1981
28. Acquisition of subsoil only
29. Acquisition of part of certain properties
30. Rights under or over streets

31. Temporary use of land for carrying out the authorised project
32. Temporary use of land for maintaining the authorised project
33. Statutory undertakers
34. Recovery of costs of new connections
35. Application of landlord and tenant law
36. Operational land for purposes of the 1990 Act
37. Felling or lopping of trees and removal of hedgerows
38. Trees subject to tree preservation orders
39. Certification of plans etc
40. Protective provisions
41. Arbitration
42. Special category land
43. Guarantees in respect of payment of compensation
44. Development consent obligation – enforcement

SCHEDULES

- SCHEDULE 1 — AUTHORISED PROJECT
 - PART 1 — Authorised Development
 - PART 2 — Ancillary Works
 - PART 3 — Requirements
- SCHEDULE 2 — STREETS SUBJECT TO STREET WORKS
- SCHEDULE 3 — STREETS TO BE TEMPORARILY STOPPED UP
- SCHEDULE 4 — PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP
- SCHEDULE 5 — ACCESS TO WORKS
- SCHEDULE 6 — TEMPORARY SUSPENSION OF PUBLIC ACCESS TO ACCESS LAND
- SCHEDULE 7 — LAND IN WHICH ONLY NEW RIGHTS ETC, MAY BE ACQUIRED
- SCHEDULE 8 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS AND RESTRICTIVE COVENANTS
- SCHEDULE 9 — LAND OVER WHICH TEMPORARY POSSESSION MAY BE TAKEN
 - PART 1 — In the County of Hampshire, in the District of New Forest
 - PART 2 — In the County of Dorset, in the Borough of Christchurch
 - PART 3 — In the County of Dorset, in the District of East Dorset
 - PART 4 — In the County of Hampshire, District of New Forest:
 - PART 5 — In the County of Dorset, Borough of Christchurch
 - PART 6 — In the County of Dorset, District of East Dorset
- SCHEDULE 10 — IMPORTANT HEDGEROWS
- SCHEDULE 11 — TREES SUBJECT TO TREE PRESERVATION ORDERS
- SCHEDULE 12 — PROTECTIVE PROVISIONS
 - PART 1 — Protection for Network Rail Infrastructure Limited
- SCHEDULE 13 — DEEMED LICENCE UNDER MARINE AND COASTAL ACCESS ACT 2009 – GENERATION ASSETS

PART 1 — Licensed Marine Activities
PART 2 — Conditions
SCHEDULE 14 — DEEMED LICENCE UNDER MARINE AND COASTAL
ACCESS ACT 2009 – TRANSMISSION ASSETS
PART 1 — Licensed Marine Activities
PART 2 — Conditions

An application has been made to the Secretary of State in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009^(a) for an Order under sections 37, 114, 115, 120 and 149A of the Planning Act 2008 (“the 2008 Act”)^(b);

And whereas the application was examined by a Panel appointed as an examining authority by the Secretary of State pursuant to Chapter 4 of the 2008 Act and the Infrastructure Planning (Examination Procedure) Rules 2010^(c);

The examining authority, having considered the application together with the documents that accompanied it, and the representations made and not withdrawn, has, in accordance with section 74 of the 2008 Act made a report and recommendation to the Secretary of State;

The Secretary of State, having considered the report and recommendation of the Panel, and decided the application, has determined to make an Order giving effect to the proposals comprised in the application with modifications which in its opinion do not make any substantial change to the proposals;

The Secretary of State, in exercise of the powers conferred by sections 114, 115, 120 and 149A of the 2008 Act the Secretary of State makes the following Order—

Citation and commencement

1. This Order may be cited as the Navitus Bay Wind Park Order and shall come into force on [●] 201[●].

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961^(d);

“the 1965 Act” means the Compulsory Purchase Act 1965^(e);

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- (a) S.I. 2009/2264 as amended by the Localism Act (Infrastructure Planning) (Consequential Amendments) Regulations 2012 (S.I. 2012/635) and the Infrastructure Planning (Prescribed Consultees and Interested Parties etc) (Amendment) Regulations 2013 (S.I. 2013/522)
- (b) 2008 c.29. Parts 1 to 7 were amended by Chapter 6 of Part 6 of the Localism Act 2011 (c.20)
- (c) S.I. 2010/103, amended by S.I. 2012/635
- (d) 1961 c.33. Section 2(2) was amended by section 193 of, and paragraph 5 of Schedule 33 to, the Local Government, Planning and Land Act 1980 (c.65). There are other amendments to the 1961 Act which are not relevant to this Order.
- (e) 1965 c.56. Section 3 was amended by section 70 of, and paragraph 3 of Schedule 15 to, the Planning and Compensation Act 1991 (c.34). Section 4 was amended by section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c.71). Section 5 was amended by sections 67 and 80 of, and Part 2 of Schedule 18 to, the Planning and Compensation Act 1991 (c.34). Subsection (1) of section 11 and sections 3, 31 and 32 were amended by section 34(1) of, and Schedule 4, to, the Acquisition of Land Act 1981 (c.67) and by section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No.1). Section 12 was amended by section 56(2) of, and Part 1 to Schedule 9 to, the Courts Act 1971 (c.23). Section 13 was amended by section 139 of the Tribunals, Courts and Enforcement Act 2007 (c.150). Section 20 was amended by section 70 of, and paragraph 14 of Schedule 15 to, the Planning and Compensation Act 1991 (c.34). Sections 9, 25 and 29 were amended by the Statute Law (Repeals) Act 1973 (c.39). Section 31 was also amended by section 70 of, and paragraph 19 of Schedule 15 to the Planning and Compensation Act 1991 (c.34) and by section 14 of, and paragraph 12(2) of Schedule 5 to, the Church of England

“the 1980 Act” means the Highways Act 1980(a);

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(b);

“the 1990 Act” means the Town and Country Planning Act 1990(c);

“the 1991 Act” means the New Roads and Street Works Act 1991(d);

“the 2004 Act” means the Energy Act 2004(e);

“the 2008 Act” means the Planning Act 2008(f);

“the 2009 Act” means the Marine and Coastal Access Act 2009(g);

“access land” means the land described in **Schedule 6** (temporary suspension of public access to access land) that is access land for the purposes of the Countryside and Rights of Way Act 2000(h);

“access to works plan” means the plan certified as the access to works plan by the Secretary of State for the purposes of this Order;

“ancillary works” means the ancillary works described in Part 2 of **Schedule 1** (ancillary works) and which are not development within the meaning of section 32 of the 2008 Act;

“AOD” means above ordnance datum;

“authorised development” means the development and associated development described in Part 1 of **Schedule 1** (authorised development), which is development within the meaning of section 32 of the 2008 Act;

“authorised project” means the authorised development and the ancillary works authorised by this Order;

“book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;

“building” includes any structure or erection or any part of a building, structure or erection;

“CAA” means the Civil Aviation Authority constituted by the Civil Aviation Act 1982(i);

(Miscellaneous Provisions) Measure 2006 (2006 No.1). There are other amendments to the 1965 Act which are not relevant to this Order.

- (a) 1980 c.66. Section 1(1) was amended by section 21(2) of the New Roads and Street Works Act 1991 (c.22); sections 1(2), 1(3) and 1(4) were amended by section 8 of, and paragraph (1) of Schedule 4 to, the Local Government Act 1985 (c.51); section 1(2A) was inserted, and section 1(3) was amended, by section 259(1), (2) and (3) of the Greater London Authority Act 1999 (c.29); sections 1(3A) and 1(5) were inserted by section 22(1) of, and paragraph 1 of Schedule 7 to, the Local Government (Wales) Act 1994 (c.19). Section 36(2) was amended by section 4(1) of, and paragraphs 47(a) and (b) of Schedule 2 to, the Housing (Consequential Provisions) Act 1985 (c.71), by S.I.2006/1177, by section 4 of, and paragraph 45(3) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c.11), by section 64(1), (2) and (3) of the Transport and Works Act 1992 (c.42) and by section 57 of, and paragraph 5 of Part 1 of Schedule 6 to, the Countryside and Rights of Way Act 2000 (c.37); section 36(3A) was inserted by section 65(5) of the Transport and Works Act 1992 and was amended by S.I.2006/1177; section 36(6) was amended by section 8 of, and paragraph 7 of Schedule 4 to, the Local Government Act 1985 (c.51); and section 36(7) was inserted by section 22(1) of, and paragraph 4 of Schedule 7 to, the Local Government (Wales) Act 1994 (c.19). Section 329 was amended by section 112(4) of, and Schedule 18 to, the Electricity Act 1989 (c.29) and by section 190(3) of, and Part 1 of Schedule 27 to, the Water Act 1989 (c.15). There are other amendments to the 1980 Act which are not relevant to this Order.
- (b) 1981 c. 66. Sections 2(3), 6(2) and 11(6) were amended by section 4 of, and paragraph 52 of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11). Section 15 was amended by sections 56 and 321(1) of, and Schedules 8 and 16 to, the Housing and Regeneration Act 2008 (c. 17). Paragraph 1 of Schedule 2 was amended by section 76 of, and Part 2 of Schedule 9 to, the Housing Act 1988 (c 50); section 161(4) of, and Schedule 19 to, the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28); and sections 56 and 321(1) of, and Schedule 8 to, the Housing and Regeneration Act 2008. Paragraph 3 of Schedule 2 was amended by section 76 of, and Schedule 9 to, the Housing Act 1988 and section 56 of, and Schedule 8 to, the Housing and Regeneration Act 2008. Paragraph 2 of Schedule 3 was repealed by section 277 of and Schedule 9 to, the Inheritance Tax Act 1984 (c. 51). There are amendments to the 1981 Act which are not relevant to this Order.
- (c) 1990 c.8. Section 206(1) was amended by section 192(8) of, and paragraphs 7 and 11 of Schedule 8 to, the Planning Act 2008 (c.29) (date in force in relation to England) 6 April 2012: S.I. 2012/601). There are other amendments to the 1990 Act which are not relevant to this Order.
- (d) 1991 c.22. Section 48(3A) was inserted by section 124 of the Local Transport Act 2008 (c.26). Sections 78(4), 80(4), and 83(4) were amended by section 40 of, and Schedule 1 to, the Traffic Management Act 2004 (c.18).
- (e) 2004 c.20
- (f) 2008 c.29
- (g) 2009 c. 23
- (h) 2000 c.37
- (i) 1982 c.16

“cable circuit” means up to three separately insulated conductors which can comprise a single cable with three conductor cores or separate cables grouped together in a trefoil arrangement or laid in a flat formation and which may include telecommunications and fibre optic cables;

“cable ducts” means conduits for the installation of cable circuits;

“carriageway” has the same meaning as in the 1980 Act;

“code of construction practice” means the document certified as the code of construction practice by the Secretary of State for the purposes of this Order;

“commence” means, in relation to works seaward of MHWS, beginning to carry out any licensed marine activities referred to in the deemed marine licences other than pre-construction surveys or monitoring and, in respect of any other works comprised in the authorised project, any material operation (as defined in Section 155 of the 2008 Act) forming part of the authorised project other than operations consisting of archaeological investigations, environmental surveys, investigations for the purpose of assessing ground conditions, erection of any temporary means of enclosure required as part of measures for the protection of any European protected species, the temporary display of site notices or advertisements and the words “commencement” and “commenced” shall be construed accordingly;

“compulsory acquisition notice” means a notice served in accordance with section 134 of the 2008 Act;

“connection works” means Work Nos. 3B to 75 and any related further associated development;

“construction compound” means a secure construction site associated with the construction of the connection works including hard standings, lay down and storage areas for construction materials and equipment, areas for spoil, areas for vehicle parking, bunded storage areas, areas for welfare facilities including offices and canteen and washroom facilities, workshop facilities and temporary fencing or other means of enclosure and areas for other facilities used for construction purposes;

“deemed generation assets marine licence” means the licence set out in **Schedule 13** (deemed licence under the Marine and Coastal Access Act 2009 – generation assets) and deemed by **article 11** (deemed marine licences under the Marine and Coastal Access Act 2009) to have been granted under Part 4 of the 2009 Act, by virtue of section 149A of the 2008 Act;

“deemed marine licence(s)” means the deemed generation assets marine licence and/or the deemed transmission assets marine licence;

“deemed transmission assets marine licence” means the licence set out in **Schedule 14** (deemed licence under the Marine and Coastal Access Act 2009 – transmission assets) and deemed by **article 11** (deemed marine licence under the Marine and Coastal Access Act 2009) to have been granted under Part 4 of the 2009 Act, by virtue of section 149A of the 2008 Act;

“design and access statement” means the document certified as the design and access statement by the Secretary of State for the purposes of this Order;

“environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of this Order and submitted with the application on 2014;

“European protected species” has the same meaning as in regulations 40 and 44 of the Conservation of Habitats and Species Regulations 2010 (a);

“Forestry Commissioners” means the relevant authority for all woodland in England and Wales dedicated under the Countryside and Rights of Way Act 2000 for public access;

“gravity base foundation” means a structure principally of concrete or steel and concrete which rests on the seabed due to its own weight with or without added ballast or skirts, including associated sea bed preparation, scour protection, J-tubes, corrosion protection

(a) S.I. 2010/490.

systems, boat landings comprising an access ladder with vertical boat fenders fitted either side and work platforms and equipment;

“gross electrical output capacity” means the maximum power delivered to the offshore transmission equipment;

“highway” and “highway authority” have the same meaning as in the 1980 Act;

“important hedgerows plan” means the plan certified as the important hedgerows plan by the Secretary of State for the purposes of this Order;

“in-principle monitoring plan” means the document certified as the in-principle monitoring plan by the Secretary of State for the purposes of this Order;

“land plan” means the plan certified as the land plan by the Secretary of State for the purposes of this Order;

“LAT” means lowest astronomical tide;

“lead local flood authority” means the county council or unitary authority for the area in which the land to which the relevant provision of this Order applies is situated, in accordance with the Flood and Water Management Act 2010(a);

“maintain” includes inspect, repair, adjust and alter, remove, reconstruct and replace and further includes remove, reconstruct and replace any of the ancillary works and any component part of any wind turbine generator, offshore substation platforms or meteorological mast described in Part 1 of **Schedule 1** (authorised development), to the extent assessed in the environmental statement; and “maintenance” shall be construed accordingly;

“MCA” means the Maritime and Coastguard Agency;

“meteorological mast” means a lattice tower housing or incorporating equipment to measure wind speed and other wind characteristics, including a service platform housing electrical and communication equipment and associated equipment, oceanographic equipment and connecting cable, and marking and lighting;

“mean low water “ or “MLW” means the lowest level which spring tides reach on average over a period of time;

“mean high water springs” or “MHWS” means the highest level which spring tides reach on average over a period of time;

“MMO” means the Marine Management Organisation;

“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;

“offshore substation platform” means an offshore platform constructed of steel or concrete or steel and concrete with single or multiple decks housing major electrical equipment including high voltage transformers, switchgear, control rooms, cabling and busbars, lightning protection masts, communications masts, cable management, back-up generators, fuel storage, emergency accommodation, workshops and stores, helidecks or helihoist facilities, cranes and other associated electrical and ancillary equipment;

“onshore substation” means an onshore substation facility accommodated within a compound containing electrical equipment including power transformers, switchgear, reactive compensation equipment, harmonic filters, cables, lightning protection masts, control buildings, communications masts, back-up generators, fuel storage, access roads, car parking and hard standing, fencing and other associated equipment and structures;

“open access land plan” means the plan certified as the open access land plan by the Secretary of State for the purposes of this Order;

“Order land” means the land shown on the land plan coloured orange, blue, pink or purple within the Order limits and described in the book of reference;

(a) 2010 c.29

“Order limits” means the limits shown on the works plan within which the authorised project may be carried out, whose grid coordinates seaward of MHWS are set out in paragraph 2 of Part 1 of **Schedule 1** (authorised development) of this Order;

“owner”, in relation to land, has the same meaning as in Section 7 of the Acquisition of Land Act 1981(a);

“outline diver management plan” means the document certified as the outline diver management plan by the Secretary of State for the purposes of this Order;

“outline marine traffic and navigational monitoring strategy” means the document certified as the outline marine traffic and navigational monitoring strategy by the Secretary of State for the purposes of this Order;

“outline noise communication and monitoring protocol” means the document certified as the outline noise communication and monitoring protocol by the Secretary of State for the purposes of this Order;

“open access land plan” means the plan certified as the open access land plan by the Secretary of State for the purposes of this Order;

“parameters for the noise propagation report” means the document certified as the parameters for the noise propagation report by the Secretary of State for the purposes of this Order;

“public rights of way strategy” means the document certified as the public rights of way strategy by the Secretary of State for the purposes of this Order;

“public rights of way to be temporarily stopped up plan” means the plan certified as the public rights of way to be temporarily stopped up plan by the Secretary of State for the purposes of this Order;

“relevant highway authority” means the highway authority, being Hampshire County Council or Dorset County Council, for the area in which the relevant highway to which the relevant provision of this Order applies is situated, save in the case of trunk roads where the relevant highway authority is the Secretary of State for Transport;

“relevant planning authority” means the district planning authority or the National Park Authority for the area in which the land to which the relevant provision of this Order applies is situated;

“requirements” means those matters set out in Part 3 of **Schedule 1** (requirements) to this Order;

“space frame foundation” means a jacket lattice type structure constructed of concrete, steel or steel and concrete which is fixed to the seabed at three or more points with driven or pre-installed piles or suction caissons, including associated scour protection, J-tubes, corrosion protection systems, boat landings comprising an access ladder with vertical boat fenders fitted either side, access and work platforms and equipment;

“statutory undertaker” means any person falling within the meaning set out in section 127(8) of the 2008 Act;

“steel monopile foundation” means a steel, concrete, or steel and concrete large diameter pile, typically cylindrical, driven and/or drilled into the seabed or fixed to the seabed with suction caissons, including associated scour protection, transition piece, J-tubes, corrosion protection systems, boat landings comprising an access ladder with vertical boat fenders fitted either side, access and work platforms and equipment;

“street” means a street within the meaning of section 48 of the 1991 Act, together with land on the verge of a street or between two carriageways (subject to confirmation from the relevant highway authority), and includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

(a) 1981 c.67. Section 7 was amended by section 70 of, and paragraph 9 of Schedule 15 to, the Planning and Compensation Act 1991 (c.34). There are other amendments to the 1981 Act which are not relevant to this Order.

“streets subject to street works plan” means the plan certified as the streets subject to street works plan by the Secretary of State for the purposes of this Order;

“streets to be temporarily stopped up plan” means the plan certified as the streets to be temporarily stopped up plan by the Secretary of State for the purposes of this Order;

“suction caisson” means a steel cylindrical structure which is fixed to the base of the foundation and partially or completely penetrates the seabed and remains in place using its own weight and hydrostatic pressure differential;

“transition joint bay” means an underground pit where the offshore export cables comprised in Work No. 3A are jointed to the connection works;

“tree preservation order plan” means the plan certified as the tree preservation order plan by the Secretary of State for the purposes of this Order;

“trenchless crossings plan” means the plan certified as the trenchless crossings plan by the Secretary of State for the purposes of this Order;

“trenchless installation working area” means a working area associated with the connection works where trenchless installation techniques are proposed including hard standings, lay down and storage areas for construction materials and equipment, areas for spoil, areas for vehicular parking, bunded storage areas, areas for welfare facilities including offices and canteen and washroom facilities, wheel washing facilities, workshop facilities and temporary fencing or other means of enclosure and areas for other facilities required for construction purposes;

“trenchless installation techniques” means the use of specialist techniques such as horizontal directional drilling, auger boring, microtunneling, pipe ramming or any other technique which falls within the assessments set out in the environmental statement that enables the installation of electrical cable circuits or cable ducting without the requirement to excavate a trench for the length of the installation, comprising associated equipment to install the electrical cable circuit or ducting to a suitable depth below ground;

“tribunal” means the Lands Chamber of the Upper Tribunal;

“Trinity House” means The Corporation of Trinity House of Deptford Strond;

“turbine area design principles” means the document certified as the turbine area design principles by the Secretary of State for the purposes of this Order;

“UK Hydrographic Office” means the UK Hydrographic Office of Admiralty Way, Taunton, Somerset, TA1 2DN;

“undertaker” means Navitus Bay Development Limited (company number 7104972);

“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in, on or over water and which is at the time in, on or over water;

“watercourse” includes all rivers, streams, ditches, drains, creeks, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

“wind turbine generator” or “WTG” means a structure comprising a tower, rotor with three horizontal axis blades connected at the hub, nacelle containing mechanical and electrical equipment, ancillary equipment including access ladders and platforms, lifts, cables, corrosion protection systems, maintenance equipment, helihoist facilities and other associated equipment, fixed to a foundation;

“works plan” means the plan certified as the works plan by the Secretary of State for the purposes of the Order;

(2) References in this Order to rights over land include references to rights to do or restrain or to place and maintain, anything in, on or under land or in the air-space above its surface and references in this Order to the imposition of restrictive covenants are references to the creation of rights over the land which interfere with the interests or rights of another and are for the benefit of

land which is acquired under this Order or which is an interest otherwise comprised in the Order land.

(3) All distances, directions and lengths referred to in this Order are approximate, save in respect of the parameters referred to requirements 2 to 6 and 10 in Part 3, **Schedule 1** (requirements), conditions 1 to 4 in Part 2, **Schedule 13** (deemed licence under the Marine and Coastal Access Act 2009 – generation assets) and conditions 1 to 4 in Part 2, **Schedule 14** (deemed licence under the Marine and Coastal Access Act 2009 – transmission assets).

(4) Any reference in this Order to a work identified by the number of the work is to be construed as a reference to the work of that number authorised by this Order.

(5) Unless otherwise stated, references in this Order to points identified by letters are to be construed as references to the points so lettered on the works plan.

(6) The expression “includes” shall be construed without limitation.

Development consent etc. granted by the Order

3.—(1) Subject to the provisions of this Order and to the requirements the undertaker is granted—

- (a) development consent for the authorised development; and
- (b) consent for the ancillary works,

to be carried out within the Order limits.

(2) Subject to the requirements and conditions in the deemed marine licences, Work Nos. 1 to 3A must be constructed anywhere within the Order limits seaward of MHWS and Work Nos. 3B to 75 must be constructed anywhere within the Order limits landward of MLW.

Power to maintain authorised project

4. The undertaker may, at any time maintain the authorised project, except to the extent that this Order or an agreement made under this Order provides otherwise.

Operation of electricity generating station

5.—(1) The undertaker is hereby authorised to operate the generating station comprised in the authorised development.

(2) This article does not relieve the undertaker of any requirement to obtain any permit or licence under any other legislation that may be required from time to time to authorise the operation of an electricity generating station.

Procedure in relation to certain approvals etc.

6.—(1) Where an application is made to or request is made of the relevant planning authority, a highway authority, a street authority or the owner of a watercourse, sewer or drain for any agreement or approval required or contemplated by any of the provisions of the Order, such agreement or approval must, if given, be given in writing and may not be unreasonably withheld.

(2) Where an application is made to the relevant planning authority for any consent, agreement or approval required by Requirements 10 to 36, the following provisions apply in respect of that application as they would if the consent, agreement or approval so required was required by a condition imposed on a grant of planning permission—

- (a) sections 78 and 79 of the 1990 Act(a) (right of appeal in relation to planning decisions);
- (b) any orders, rules or regulations that make provision in relation to a consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission, insofar as the orders, rules or regulations are not inconsistent with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 and any orders, rules or other regulations made under the 2008 Act.

(3) For the purposes of the application of section 262 of the 1990 Act (meaning of “statutory undertaker”) to appeals pursuant to this article, the undertaker is deemed to be a holder of a licence under section 6 of the Electricity Act 1989(a).

Benefit of the Order

7.—(1) Subject to paragraph (2), the undertaker may with the written consent of the Secretary of State—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order (excluding the deemed marine licences referred to in paragraph (2) below) and such related statutory rights as may be agreed between the undertaker and the transferee; or
- (b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order (excluding the deemed marine licences referred to in paragraph (2) below) and such related statutory rights as may be so agreed.

(2) Subject to paragraph (3), the undertaker may with the written consent of the Secretary of State—

- (a) where an agreement has been made in accordance with paragraph (1)(a), transfer to the transferee the whole of the deemed generation assets marine licence and/or the whole of the deemed transmission assets marine licence and such related statutory rights as may be agreed between the undertaker and the transferee; or
- (b) where an agreement has been made in accordance with paragraph (1)(b), grant to the lessee, for the duration of the period mentioned in paragraph (1)(b), the whole of the deemed generation assets marine licence and/or the whole of the deemed transmission assets marine licence and such related statutory rights as may be so agreed.

(3) The Secretary of State shall consult the MMO before giving consent to the transfer or grant to another person of the whole of the benefit of the provisions of the deemed marine licences.

(4) Where paragraph (8) applies no consent of the Secretary of State shall be required under paragraph (1) or (2).

(5) Where an agreement has been made in accordance with paragraphs (1) and (2) references in this Order to the undertaker, except in paragraph (8), shall include references to the transferee or lessee.

(6) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraphs (1) and (2) shall be subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.

(7) Where an agreement has been made in accordance with paragraph (1) or (2)—

- (a) the benefit (“the transferred benefit”) shall include any rights that are conferred, and any obligations that are imposed by virtue of the provisions to which the benefit relates;
- (b) the transferred benefit shall reside exclusively with the transferee or, as the case may be, the lessee and the transferred benefit shall not be enforceable against the undertaker save in the case of a deemed marine licence transferred or granted in respect of any breach of an obligation by the undertaker which occurs prior to such transfer or grant or which occurs as a result of any activity carried out by the undertaker on behalf of the transferee.

(8) This paragraph applies where—

- (a) the transferee or lessee is a person who holds a licence under the Electricity Act 1989; or
- (b) the time limits for claims for compensation in respect of the acquisition of land or effects upon land under this Order have elapsed and—

(a) 1989 c. 29. Section 6 was amended by section 30 of the Utilities Act 2000 (c.27), section 136 and 145 of, and Schedule 23 to, the Energy Act 2004, regulation 5 of S.I. 2011/2704 and article 6 of S.I. 2012/2400.

- (i) no such claims have been made;
- (ii) any such claim has been made and has been compromised or withdrawn;
- (iii) compensation has been paid in final settlement of any such claim;
- (iv) payment of compensation into court has taken place in lieu of settlement of any such claim; or
- (v) it has been determined by a tribunal or court of competent jurisdiction in respect of any such claim that no compensation shall be payable.

(9) The provisions of **article 22** (compulsory acquisition of land), **article 25** (compulsory acquisition of rights), **article 28** (acquisition of subsoil only) and **article 33** (statutory undertakers) shall have effect only for the benefit of the named undertaker and a person who is a transferee or lessee as referred to in paragraphs (1) and (2) and is also a person who holds a licence under the Electricity Act 1989.

(10) Where paragraph (8) applies, the undertaker shall provide written notification to the Secretary of State and the MMO prior to transferring and/or granting any benefit under paragraphs (1) and (2).

Application and modification of legislative provisions

8. Regulation 6 of the Hedgerows Regulations 1997^(a) shall be modified so as to read for the purposes of this Order only as if there were inserted after Regulation 6(1)(j) the following—

“(k) or for carrying out development which has been authorised by an order granting development consent pursuant to the Planning Act 2008.”

Public rights of navigation

9.—(1) Subject to paragraph (2), the rights of navigation over the places in the sea where any of the wind turbine generators, meteorological mast or offshore substation platforms, including their foundations, are located within territorial waters shall be extinguished.

(2) The extinguishment of the rights of navigation over the places identified in paragraph (1) shall take effect 14 days after the undertaker has submitted a plan to the Secretary of State showing the precise locations of the foundations of each of any relevant wind turbine generators, meteorological mast and offshore substation platforms to be constructed as part of the authorised project within territorial waters.

(3) In respect of the location of any individual wind turbine generator, meteorological mast or offshore substation platform, paragraph (1) shall cease to have effect as soon as that wind turbine generator, meteorological mast or offshore substation platform has been decommissioned and permanently removed, and the relevant rights of navigation shall resume.

(4) The plan submitted in accordance with paragraph (2) shall be published by the undertaker as required by the Secretary of State.

Abatement of works abandoned or decayed

10.—(1) Where the offshore works or any part of them are abandoned or allowed to fall into decay, the Secretary of State may, following consultation with the undertaker, issue a written notice requiring the undertaker at its own expense—

- (a) to repair and restore or remove the offshore works or any relevant part of it; and
- (b) to restore the site of the offshore works or any relevant part to a safe and appropriate condition, having regard to any requirement that appears to the Secretary of State to be relevant, within an area and to such an extent as may be specified in the notice.

(a) S.I. 1997/1160

(2) Where the offshore works or any part of them are removed (other than in accordance with paragraph (1)), the Secretary of State may, following consultation with the undertaker and the relevant statutory nature conservation body, issue a written notice requiring the undertaker at its own expense to restore the site of the offshore works or any relevant part to a safe and appropriate condition, having regard to any requirement that appears to the Secretary of State to be relevant, within an area and to such an extent as may be specified in the notice

(3) Nothing in this article limits the Secretary of State's power under Chapter 3 of Part 2 of the 2004 Act (decommissioning of offshore installations).

Deemed marine licences under the Marine and Coastal Access Act 2009

11. The undertaker is granted deemed licences under Part 4 Chapter 1 of the 2009 Act to carry out the works and make the deposits specified in Part 1 of **Schedule 13** (deemed licence under Marine and Coastal Access Act 2009 – generation assets) and **Schedule 14** (deemed licence under Marine and Coastal Access Act 2009 – transmission assets), subject to the conditions set out in Part 2 of those Schedules.

Saving for Trinity House

12. Nothing in this Order prejudices or derogates from any of the rights, duties or privileges of Trinity House.

Crown Rights

13.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker or any licensee—

- (a) to take, use, enter upon or in any manner interfere with any land or rights of any description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)—
 - (i) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate without the consent in writing of the Crown Estate Commissioners;
 - (ii) belonging to Her Majesty in right of the Crown and not forming part of the Crown Estate without the consent in writing of the government department having the management of that land; or
 - (iii) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department; or
- (b) to exercise any right under this Order compulsorily to acquire an interest in any land which is Crown land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown without the consent in writing of the appropriate Crown authority (as defined in the 2008 Act).

(2) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically.

Street works

14.—(1) The undertaker may, for the purposes of the authorised project, enter on so much of any of the streets specified in **Schedule 2** (streets subject to street works) and may—

- (a) break up or open the street, or any sewer, drain or tunnel under it;
- (b) tunnel or bore under the street;
- (c) place apparatus under the street;
- (d) maintain apparatus under the street or change its position; and

- (e) execute any works required for or incidental to any works referred to in sub-paragraphs (a), (b), (c) and (d).

(2) The authority given by paragraph (1) is a statutory right for the purposes of sections 48(3) (streets, street works and undertakers) and 51(1) (prohibition of unauthorised street works) of the 1991 Act.

(3) The provisions of sections 54 to 106 of the 1991 Act apply to any street works carried out under paragraph (1) and, in relation to the A31 trunk road, reasonable conditions may be imposed by the Secretary of State for Transport pursuant to Schedule 3 of that Act.

(4) In this article “apparatus” has the same meaning as in Part 3 of the 1991 Act.

Public rights of way

15. The undertaker may, in connection with the carrying out of the authorised project, temporarily stop up each of the public rights of way specified in columns (2) of **Schedule 4** (public rights of way to be temporarily stopped up) to the extent specified in column (3), by reference to the letters shown on the public rights of way to be temporarily stopped up plan.

Temporary stopping up of streets

16.—(1) The undertaker, during and for the purposes of carrying out the authorised project, may temporarily stop up, alter or divert any street within the Order limits and may for any reasonable time—

- (a) divert the traffic from the street; and
- (b) subject to paragraph (2), prevent all persons from passing along the street.

(2) The undertaker must provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary stopping up, alteration or diversion of a street under this article if there would otherwise be no such access.

(3) Without prejudice to the generality of paragraph (1), the undertaker may temporarily stop up, alter or divert the streets specified in columns (1) and (2) of **Schedule 3** (streets to be temporarily stopped up) to the extent specified, by reference to the letters and numbers shown on the streets to be temporarily stopped up plan, in column (3) of that Schedule.

(4) The undertaker may not temporarily stop up, alter or divert—

- (a) any street specified as mentioned in paragraph (3) without first consulting the street authority, which may attach reasonable conditions on the temporary stopping up, alteration or diversion in relation to the placing of street notices and/or traffic signs; and
- (b) any other street without the consent of the street authority which may attach reasonable conditions to any consent in relation to the placing of street notices and/or traffic signs.

(5) Any person who suffers loss by the suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

Access to works

17.—(1) Subject to sub-paragraph (2), the undertaker may, for the purposes of the authorised project—

- (a) form and lay out means of access, or improve existing means of access, in the location specified in columns (1) and (2) of **Schedule 5** (access to works); and
- (b) with the approval of the relevant highway authority, form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised project.

(2) Works on land owned by the Secretary of State for Transport must be carried out by or on behalf of the Secretary of State for Transport.

Agreements with street authorities

- 18.**—(1) A street authority and the undertaker may enter into agreements with respect to—
- (a) any temporary stopping up, alteration or diversion of a street authorised by this Order; or
 - (b) the carrying out in the street of any of the works referred to in **article 14(1)** (street works).
- (2) Such an agreement may, without prejudice to the generality of paragraph (1)—
- (a) make provision for the street authority to carry out any function under this Order which relates to the street in question;
 - (b) include an agreement between the undertaker and street authority specifying a reasonable time for the completion of the works; and
 - (c) contain such terms as to payment and otherwise as the parties consider appropriate.

Discharge of water

19.—(1) The undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out or maintenance of the authorised project and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain.

(2) Any dispute arising from the making of connections to or the use of a public sewer or drain by the undertaker pursuant to paragraph (1) shall be determined as if it were a dispute under section 106 of the Water Industry Act 1991(a) (right to communicate with public sewers).

(3) The undertaker must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but shall not be unreasonably withheld.

- (4) The undertaker must not make any opening into any public sewer or drain except—
- (a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval shall not be unreasonably withheld; and
 - (b) where that person has been given the opportunity to supervise the making of the opening.

(5) The undertaker must not, in carrying out or maintaining works pursuant to this article, damage or interfere with the bed or banks of, or construct any works under or over or within 8 metres of, any watercourse forming part of a main river without the prior written consent of the Environment Agency.

(6) The undertaker must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain pursuant to this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

(7) This article does not authorise the entry into controlled waters of any matter whose entry or discharge into controlled waters is prohibited by regulation 12 of the Environmental Permitting (England and Wales) Regulations 2010(b).

- (8) In this article—
- (a) “public sewer or drain” means a sewer or drain which belongs to a sewerage undertaker, the Environment Agency, an internal drainage board or a local authority; and
 - (b) other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991 have the same meaning as in that Act.

(a) 1991 c.56. Section 106 was amended by sections 36(2) and 99 of the Water Act 2003 (c.37). There are other amendments to this section which are not relevant to this Order.

(b) S.I. 2010/675, as amended by the Environmental Permitting (England and Wales) (Amendment) Regulations 2011 (SI 2011/2043), the Environmental Permitting (England and Wales) (Amendment No. 2) Regulations 2011 (SI 2011/2933), the Environmental Permitting (England and Wales) (Amendment) Regulations 2012 (SI 2012/630), the Controlled Waste (England and Wales) Regulations 2012 (S.I. 2012/811)

Authority to survey and investigate the land

20.—(1) The undertaker may for the purposes of this Order enter on any land shown within the Order limits or which may be affected by the authorised project and—

- (a) survey or investigate the land;
- (b) without prejudice to the generality of sub-paragraph (a), make trial holes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and subsoil and remove soil samples;
- (c) without prejudice to the generality of sub-paragraph (a), carry out ecological or archaeological investigations on such land; and
- (d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes.

(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 14 days' notice has been served on every owner and occupier of the land.

(3) Any person entering land under this article on behalf of the undertaker—

- (a) must, if so required on entering the land, produce written evidence of their authority to do so; and
- (b) may take with them such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.

(4) No trial holes shall be made under this article—

- (a) in land located within the highway boundary without the consent of the highway authority; or
- (b) in a private street without the consent of the street authority.

but such consent shall not be unreasonably withheld

(5) As soon as practicable following the exercise of any powers under paragraph (1), any apparatus or equipment must be removed and the land shall be restored to the reasonable satisfaction of the owners of the land.

(6) The undertaker must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the authority conferred by this article, such compensation to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

Temporary suspension of public access to Access Land

21.—(1) The undertaker may, in connection with the authorised project temporarily—

- (a) interfere with such parts of the access land as are affected by the authorised project by constructing or maintaining the connection works as the undertaker considers necessary or expedient; and
- (b) close to the public the relevant parts of the access land as are affected by the authorised project during construction or maintenance of the connection works.

(2) No fewer than 28 days before exercising any power under paragraph (1), the undertaker must notify the Forestry Commissioners of its intention to exercise such powers.

(3) During the period of any closure referred to in paragraph (1)(b), all rights of access to the public shall be suspended.

(4) The power conferred by paragraph (1) must be exercised in a way which secures—

- (a) that no more of the relevant part of the access land is closed to the public at any time than is necessary in the circumstances; and
- (b) that all reasonable steps are taken to secure that the period of closure is kept to a minimum and that the minimum obstruction or interference is caused to the public which may be intending to use the part so closed.

(5) As soon as practicable following the exercise of any powers under paragraph (1), any temporary works plant, machinery and fencing must be removed and access to the access land must be restored.

Compulsory acquisition of land

22.—(1) The undertaker may acquire compulsorily so much of the Order land as is required for the authorised project or to facilitate, or is incidental to, it.

(2) This article is subject to paragraph (2) of **article 25** (compulsory acquisition of rights) and paragraph (8) of **article 31** (temporary use of land for carrying out the authorised project).

Compulsory acquisition of land – incorporation of the minerals code

23.—(1) Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 (minerals) are incorporated in this Order subject to the modifications that—

- (a) paragraph 8(3) is not incorporated; and
- (b) for “the acquiring authority” substitute “the undertaker”.

Time limit for exercise of authority to acquire land compulsorily

24.—(1) After the end of the period of 5 years beginning on the day on which this Order is made—

- (a) no notice to treat is to be served under Part 1 of the 1965 Act; and
- (b) no declaration is to be executed under section 4 of the 1981 Act as applied by **article 27** (application of the Compulsory Purchase (Vesting Declarations) Act 1981),

(2) The authority conferred by **article 31** (temporary use of land for carrying out the authorised project) will cease at the end of the period referred to in paragraph (1), save that nothing in this paragraph prevents the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

Compulsory acquisition of rights

25.—(1) The undertaker may acquire compulsorily—

- (a) such rights over the Order land; and
- (b) where expressly provided for in the book of reference, impose new restrictive covenants, affecting the land as may be required for any purpose for which that land may be acquired under **article 22** (compulsory acquisition of land), by creating them as well as by acquiring rights already in existence.

(2) Subject to the provisions of this article, **article 26** (private rights), **article 31** (temporary use of land for carrying out the authorised project), **article 32** (temporary use of land for maintaining the authorised project) and **article 33** (statutory undertakers), in the case of the Order land specified in column (1) of **Schedule 7** (land in which only new rights etc may be acquired) the undertaker’s powers of compulsory acquisition are limited to the acquisition of such new rights or the imposition of restrictive covenants affecting the land for the purpose specified in relation to that land in column (2) of that Schedule and as are described in the book of reference.

(3) Subject to section 8 of the 1965 Act, as substituted by paragraph 5 of **Schedule 8** (modification of compensation and compulsory purchase enactments for creation of new rights and restrictive covenants), where the undertaker acquires an existing right or restrictive covenant over land under paragraph (2), the undertaker cannot be required to acquire a greater interest in that land.

(4) **Schedule 8** (modification of compensation and compulsory purchase enactments for creation of new rights and restrictive covenants) has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the

compulsory acquisition under this article of a right over land by the creation of a new right or the imposition of restrictive covenants.

(5) In any case where the acquisition of new rights under paragraph (2) is required for the purpose of diverting, replacing or protecting apparatus of a statutory undertaker, the undertaker may, with the consent of the Secretary of State, transfer the power to acquire such rights to the statutory undertaker in question.

(6) The exercise by a statutory undertaker of any power in accordance with a transfer under paragraph (5) is subject to the same restrictions, liabilities and obligations as would apply under this Order if that power were exercised by the undertaker.

(7) Where the exercise of any rights acquired under this Order would cause what would otherwise be an obstruction to the public highway the undertaker shall not exercise that right without having first obtained the approval of the relevant highway authority.

Private rights

26.—(1) Subject to the provisions of this article, all private rights over land subject to compulsory acquisition under this Order are extinguished—

- (a) as from the date of acquisition of the land by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act (power of entry),
- (c) whichever is the earliest.

(2) Subject to the provisions of this article, all private rights over land subject to the compulsory acquisition of rights under this article (and including those lands included in column (1) of **Schedule 7** (land in which only new rights etc. may be acquired)) are extinguished in so far as their continuance would be inconsistent with the exercise of the right—

- (a) as from the date of the acquisition of the right by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act (power of entry),

whichever is the earliest.

(3) Subject to the provisions of this article, all private rights over land of which the undertaker takes temporary possession under this Order are suspended and unenforceable for as long as the undertaker remains in lawful possession of the land.

(4) Any person who suffers loss by the extinguishment or suspension of any private right under this article is entitled to compensation in accordance with the terms of section 152 of the 2008 Act to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) This article does not apply in relation to any right to which section 138 of the 2008 Act (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) or **article 33** (statutory undertakers) applies.

(6) Paragraphs (1) to (3) have effect subject to—

- (a) any notice given by the undertaker before—
 - (i) the completion of the acquisition of the land or the acquisition of rights or the imposition of restrictive covenants over or affecting the land;
 - (ii) the undertaker's entry onto it; or
 - (iii) the undertaker's taking temporary possession of it,
 - (iv) that any or all of those paragraphs do not apply to any right specified in the notice; and
- (b) any agreement made at any time between the undertaker and the person in or to whom the right in question is vested or belongs.

- (7) If any such agreement as is referred to in paragraph (6)(b)—
- (a) is made with a person in or to whom the right is vested or belongs; and
 - (b) is expressed to have effect also for the benefit of those deriving title from or under that person, it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.
- (8) Reference in this article to private rights over land includes reference to any trusts or incidents to which the land is subject.

Application of the Compulsory Purchase (Vesting Declarations) Act 1981

- 27.**—(1) The 1981 Act applies as if this Order were a compulsory purchase order.
- (2) The 1981 Act, as so applied, has effect with the following modifications.
- (3) In section 3 (preliminary notices), for subsection (1) there is substituted—
- “(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order, the acquiring authority shall include the particulars specified in subsection (3) in a notice which is—
- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession); and
 - (b) published in a local newspaper circulating in the area in which the land is situated.
- ”
- (4) In that section, in subsection (2), for “(1)(b)” there is substituted “(1)” and after “given” there is inserted “and published”.
- (5) In that section, for subsections (5) and (6) there is substituted—
- “(5) For the purposes of this section, a person has a relevant interest in land if—
- (a) that person is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion; or
 - (b) that person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”
- (6) In section 5 (earliest date for execution of declaration)—
- (a) in subsection (1), after “publication” there is inserted “in a local newspaper circulating in the area in which the land is situated”; and
 - (b) subsection (2) is omitted.
- (7) In section 7 (constructive notice to treat), in subsection (1)(a), the words “(as modified by section 4 of the Acquisition of Land Act 1981)” shall be omitted.
- (8) References to the 1965 Act in the 1981 Act must be construed as references to that Act as applied by section 125 of the 2008 Act to the compulsory acquisition of land under this Order.

Acquisition of subsoil only

- 28.**—(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of the land referred to in paragraph (1) of **article 22** (compulsory acquisition of land) or **article 25** (compulsory acquisition of rights) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.
- (2) Where the undertaker acquires any part of, or rights in, the subsoil of the land under paragraph (1), the undertaker is not required to acquire an interest in any other part of the land.
- (3) Paragraph (2) does not prevent **article 29** (acquisition of part of certain properties) from applying where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.

Acquisition of part of certain properties

29.—(1) This article applies instead of section 8(1) of the 1965 Act (other provisions as to divided land) (as applied by section 125 of the 2008 Act) where—

- (a) a notice to treat is served on a person (“the owner”) under the 1965 Act (as so applied) in respect of land forming only part of a house, building or manufactory or of land consisting of a house with a park or garden (“the land subject to the notice to treat”); and
- (b) a copy of this article is served on the owner with the notice to treat.

(2) In such a case, the owner may, within the period 21 days beginning with the day on which the notice was served, serve on the undertaker a counter-notice objecting to the sale of the land subject to the notice to treat which states that the owner is willing and able to sell the whole (“the land subject to the counter-notice”).

(3) If no such counter-notice is served within that period, the owner must sell the land subject to the notice to treat.

(4) If such a counter-notice is served within that period, the question whether the owner is required to sell only the land subject to the notice to treat will, unless the undertaker agrees to take the land subject to the counter-notice, be referred to the tribunal.

(5) If on such a reference the tribunal determines that the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) where the land subject to the notice to treat consists of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the owner must sell the land subject to the notice to treat.

(6) If on such a reference the tribunal determines that only part of the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) where the land subject to the notice to treat consists of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the notice to treat is deemed to be a notice to treat for that part.

(7) If on such a reference the tribunal determines that—

- (a) the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice; but
- (b) the material detriment is confined to a part of the land subject to the counter-notice,

the notice to treat is deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the undertaker is authorised to acquire compulsorily under this Order.

(8) If the undertaker agrees to take the land subject to the counter-notice, or if the tribunal determines that—

- (a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and
- (b) the material detriment is not confined to a part of the land subject to the counter-notice,

the notice to treat shall be deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which the undertaker is authorised to acquire compulsorily under this Order.

(9) Where, by reason of a determination by the tribunal under this article, a notice to treat is deemed to be a notice to treat for less land or more land than that specified in the notice, the

undertaker may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice to treat; and, in that event, must pay the owner compensation for any loss or expense occasioned to the owner by the giving and withdrawal of the notice, to be determined in case of dispute by the tribunal.

(10) Where the owner is required under this article to sell only part of a house, building or manufactory or of land consisting of a house with a park or garden, the undertaker must pay the owner compensation for any loss sustained by the owner due to the severance of that part in addition to the value of the interest acquired.

Rights under or over streets

30.—(1) The undertaker may enter on and appropriate so much of the subsoil of any street within the Order limits as may be required for the purposes of the authorised project and may use the subsoil for those purposes or any other purpose ancillary to the authorised project.

(2) Subject to paragraph (3), the undertaker may exercise any power conferred by paragraph (1) in relation to a street without being required to acquire any part of the street or any easement or right in the street.

(3) Paragraph (2) does not apply in relation to—

- (a) any subway or underground building; or
- (b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street.

(4) Subject to paragraph (5), any person who is an owner or occupier of land appropriated under paragraph (1) without the undertaker acquiring any part of that person's interest in the land, and who suffers loss as a result, is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) Compensation is not payable under paragraph (4) to any person who is an undertaker to whom section 85 of the 1991 Act (sharing cost of necessary measures) applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

Temporary use of land for carrying out the authorised project

31.—(1) The undertaker may, in connection with the carrying out of the authorised project—

- (a) enter on and take temporary possession of—
 - (i) the land specified in column (1) of Parts 1 to 3 of **Schedule 9** (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (2) of that Schedule relating to the part of the authorised project specified in column (3) of that Schedule; and
 - (ii) any other Order land in respect of which no notice of entry has been served under section 11 of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 of the 1981 Act;
- (b) remove any buildings and vegetation from that land;
- (c) construct temporary works (including the provision of means of access) haul roads, security fencing, bridges, structures and buildings on that land;
- (d) use the land for the purposes of a working site with access to the working site in connection with the authorised project; and
- (e) construct or carry out any works for the purposes of the authorised project, or to use the land, or carry out any mitigation works or operations.

(2) The undertaker may, for the purpose of obtaining access to construct the authorised project—

- (a) make temporary use, in common with other persons enjoying rights over that land, of access routes over the land specified in Part 4, 5 and 6 of **Schedule 9** (land over which temporary possession may be taken); and

(b) carry out any necessary works to improve those access routes (and for that purpose only take temporary possession of the area in which the work is to be carried out for the duration of that work).

(3) Not less than 14 days before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land.

(4) The undertaker may not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of one year beginning with the date of completion of the part of the authorised project specified in relation to that land in column (3) of **Schedule 9** (land of which temporary possession may be taken) unless the undertaker has, before the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act in relation to that land.

(5) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker shall not be required to—

- (a) replace a building removed under this article; or
- (b) remove from the land any works which have been constructed under paragraph 1(e) or 2(b).

(6) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of any power conferred by this article.

(7) Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, must be determined under Part 1 of the 1961 Act.

(8) Nothing in this article affects any liability to pay compensation under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance) or under any other enactment in respect of loss or damage arising from the carrying out of the authorised project, other than loss or damage for which compensation is payable under paragraph (6).

(9) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that the undertaker is not precluded from—

- (a) acquiring new rights or imposing restrictive covenants over any part of that land under **article 25** (compulsory acquisition of rights); or
- (b) acquiring any part of the subsoil (or rights in the subsoil) of that land under **article 28** (acquisition of subsoil only).

(10) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.

(11) Section 13 of the 1965 Act (refusal to give possession to acquiring authority) shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (application of compulsory acquisition provisions).

Temporary use of land for maintaining the authorised project

32.—(1) Subject to paragraph (2), at any time during the maintenance period relating to any part of the authorised project, the undertaker may—

- (a) enter on and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised project; and
- (b) construct such temporary works (including the provision of means of access, surveys and ecological mitigation and enhancement works) and buildings on the land as may be reasonably necessary for that purpose.

(2) Paragraph (1) does not authorise the undertaker to take temporary possession of—

- (a) any house or garden belonging to a house; or

(b) any building (other than a house) if it is for the time being occupied.

(3) Not less than 28 days before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land.

(4) The undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised project for which possession of the land was taken.

(5) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

(6) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of this article.

(7) Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, must be determined under Part 1 of the 1961 Act.

(8) Nothing in this article affects any liability to pay compensation under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance) or under any other enactment in respect of loss or damage arising from the maintenance of the authorised project, other than loss or damage for which compensation is payable under paragraph (6).

(9) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.

(10) Section 13 of the 1965 Act (refusal to give possession to acquiring authority) applies to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (application of compulsory acquisition provisions).

(11) In this article "the maintenance period", in relation to any part of the authorised project, means the period of 10 years beginning with the date on which that part of the authorised project first exports electricity to the national electricity transmission network.

Statutory undertakers

33. Subject to the provisions of **Schedule 12** (protective provisions) the undertaker may—

- (a) acquire compulsorily, or acquire new rights or impose restrictive covenants over, the land belonging to statutory undertakers shown on the land plans within the limits of the land to be acquired and described in the book of reference;
- (b) extinguish or relocate the rights of, or remove or reposition the apparatus belonging to statutory undertakers over or within the Order land.

Recovery of costs of new connections

34.—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under **article 33** (statutory undertakers) any person who is the owner or occupier of premises to which a supply was given from that apparatus is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(2) Paragraph (1) does not apply in the case of the removal of a public sewer but where such a sewer is removed under **article 33** (statutory undertakers), any person who is—

- (a) the owner or occupier of premises the drains of which communicated with that sewer; or
- (b) the owner of a private sewer which communicated with that sewer,

is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the drain or

sewer belonging to that person communicate with any other public sewer or with a private sewerage disposal plant.

(3) This article does not have effect in relation to apparatus to which Part 3 of the 1991 Act applies.

(4) In this paragraph—

“public communications provider” has the same meaning as in section 151(1) of the Communications Act 2003; and

“public utility undertaker” has the same meaning as in the 1980 Act.

Application of landlord and tenant law

35.—(1) This article applies to—

- (a) any agreement for leasing to any person the whole or any part of the authorised project or the right to operate the same; and
- (b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised project, or any part of it,

so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person’s use.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants shall prejudice the operation of any agreement to which this article applies.

(3) Accordingly, no such enactment or rule of law shall apply in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any part to the lease of any obligation of any other party under the lease.

Operational land for purposes of the 1990 Act

36. Development consent granted by this Order shall be treated as specific planning permission for the purposes of section 264(3)(a) of the 1990 Act (cases in which land is to be treated as operational land for the purposes of that Act).

Felling or lopping of trees and removal of hedgerows

37.—(1) Save for any trees subject to tree preservation orders which are dealt with pursuant to **article 38** (trees subject to tree preservation orders), the undertaker may fell or lop any tree or shrub within the Order limits, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project.

(2) In carrying out any activity authorised by paragraph (1), the undertaker must do no unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity.

(3) Any dispute as to a person’s entitlement to compensation under paragraph (2), or as to the amount of compensation, shall be determined under Part 1 of the 1961 Act.

(4) The undertaker may, for the purposes of the authorised project—

- (a) subject to paragraph (2) above, remove any hedgerows within the Order limits that may be required for the purposes of carrying out the authorised project; and
- (b) remove the important hedgerows as are within the Order limits and specified in **Schedule 10** (important hedgerows).

(5) In this article “hedgerow” and “important hedgerow” have the same meaning as in the Hedgerow Regulations 1997.

Trees subject to tree preservation orders

38.—(1) The undertaker may fell or lop any tree described in **Schedule 11** (trees subject to tree preservation orders) and identified on the tree preservation order plan, or cut back its roots if it reasonably believes it to be necessary in order to do so to prevent the tree or shrub from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project.

(2) In carrying out any activity authorised by paragraph (1)—

- (a) the undertaker must do no unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity; and
- (b) the duty contained in section 206(1) of the 1990 Act (replacement of trees) shall not apply.

(3) The authority given by paragraph (1) shall constitute a deemed consent under the relevant tree preservation order.

(4) Any dispute as to a person’s entitlement to compensation under paragraph (2), or as to the amount of compensation, shall be determined under Part 1 of the 1961 Act.

Certification of plans etc

39.—(1) The undertaker must, as soon as practicable after the making of this Order, submit to the Secretary of State copies of—

- (a) the works plan (document reference 2.4 dated 10 April 2014);
- (b) the land plan (document reference 2.2 dated 10 April 2014);
- (c) the streets subject to street works plan (document reference 2.7 dated 10 April 2014);
- (d) the streets to be temporarily stopped up plan (document reference 2.8 dated 10 April 2014);
- (e) the public rights of way to be temporarily stopped up plan (document reference 2.9 dated 10 April 2014);
- (f) the access to works plan (document reference 2.6 dated 10 April 2014);
- (g) the open access land plan (document reference 2.14 dated 10 April 2014);
- (h) the important hedgerows plan (document reference 2.15 dated 10 April 2014);
- (i) the tree preservation order plan (document reference 2.16 dated 10 April 2014);
- (j) the trenchless crossings plan (document reference 2.5v2 dated 14 October 2014);
- (k) the book of reference (March 2015);
- (l) the environmental statement (April 2014);
- (m) the design and access statement (March 2015);
- (n) the code of construction practice (January 2015);
- (o) the public rights of way strategy (April 2014);
- (p) the outline marine traffic and navigational monitoring strategy (April 2014);
- (q) the outline diver management plan (March 2015);
- (r) the in-principle monitoring plan (March 2015);
- (s) the turbine area design principles (March 2015);

- (t) the outline noise communication and monitoring protocol (March 2015);
- (u) the parameters for the noise propagation report (March 2015);

for certification that they are true copies of the documents referred to in this Order.

(2) A plan or document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

(3) Where a plan or document certified under paragraph (1)—

- (a) refers to a provision of this Order (including any specified requirement) when it was in draft form; and
- (b) identifies that provision by a number, or combination of numbers and letters, which is different from the number, or combination of numbers and letters by which the corresponding provision of this Order is identified in the Order as made,

the reference in the plan or document concerned shall be construed for the purposes of this Order as referring to the provision (if any) corresponding to that provision in the Order as made.

Protective provisions

40. Schedule 12 (protective provisions) shall have effect.

Arbitration

41. Any difference under any provision of this Order, unless otherwise provided for, shall be referred to and settled by a single arbitrator to be agreed between the parties, or failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the Secretary of State.

Special category land

42.—(1) In accordance with section 132(3) of the 2008 Act, the Secretary of State is satisfied that the special category land when burdened with the order rights will be no less advantageous to affected persons than it was before the imposition of the order rights on the special category land.

(2) In this article—

“affected persons” means—

- (a) the persons in whom the special category land is vested;
- (b) other persons, if any, entitled to rights of common or other rights over the special category land; and
- (c) the public;

“order rights” means rights exercisable over the special category land by the undertaker under **article 25** (compulsory acquisition of rights);

“the special category land” means the land identified as—

- (a) forming open space and numbered 1 and 2 in the book of reference and the land plan, being part of the beach at Taddiford Gap, in the County of Hampshire; and
- (b) forming open space and numbered 29, 31 and 35 in the book of reference and the land plan, being part of Golden Hill, Hordle, in the County of Hampshire.

Guarantees in respect of payment of compensation

43.—(1) The undertaker must not begin to exercise the powers of articles 22 to 33 of this Order in relation to any land unless either a guarantee in respect of the liabilities of the undertaker to pay compensation under this Order in respect of the exercise of the relevant power in relation to that land or an alternative form of security for that purpose is in place which has been approved by the Secretary of State.

(2) A guarantee or alternative form of security given in respect of any liability of the undertaker to pay compensation under the Order is to be treated as enforceable against the guarantor in default of payment of compensation by the undertaker by any person to whom such compensation is payable and must be in such a form as to be capable of enforcement by such a person.

(3) The guarantee or alternative form of security is to be in place for a maximum of 20 years from the date on which relevant power is exercised.

Development consent obligation – enforcement

44.—(1) This article applies to—

- (a) any obligation for the payment of a sum relating to the authorised project given by the undertaker under section 106 of the 1990 Act in respect of any land within the Order limits prior to this Order being made; or
- (b) any obligation for the payment of a sum relating to the authorised project given by the undertaker under section 106 of the 1990 Act in respect of any land within the Order limits in which it is stated that this article applies.

(2) An obligation to which paragraph (1) applies will in the relevant circumstances be capable of being enforced by a relevant planning authority to whom section 106 (9) of the 1990 Act applies in relation to that obligation against the relevant person, as if the relevant person was a person against whom the obligation could be enforced under section 106(3) of the 1990 Act by the relevant planning authority.

(3) A payment of a sum that becomes due to be paid by the relevant person shall include any interest that has accrued and is due to be paid in addition to that sum.

(4) Nothing in this article shall require the payment of a sum by the relevant person where a payment of that sum has been made to the relevant planning authority by another person.

(5) A payment made to a relevant planning authority by the relevant person for the whole of the amount then due under an obligation to which paragraph (1) applies shall be a sufficient discharge of that obligation for the purposes of section 106 of the 1990 Act.

(6) In this article—

- (a) “relevant circumstances” means a sum due to be paid to the relevant planning authority remains unpaid in whole or in part at the relevant time;
- (b) “relevant person” means person having the benefit at the relevant time of the authority provided by **article 5** of this Order;
- (c) “relevant time” means the day that is twenty working days following the date on which the payment became due and remains in whole or in part unpaid.

Signed by authority of the Secretary of State for Energy and Climate Change

[Address]

Date

[Name]

Head of [Unit]

Department for Energy and Climate Change

SCHEDULES

SCHEDULE 1

Article 3

AUTHORISED PROJECT

PART 1

Authorised Development

1. A nationally significant infrastructure project as defined in sections 14 and 15 of the 2008 Act on the bed of the English Channel approximately 17.3 km off Scratchell's Bay (south of the Needles on the Isle of Wight) and 14.4 km from Durlston Head (on the Isle of Purbeck), comprising—

Work No. 1

- (a) an offshore wind turbine generating station with a gross electrical output capacity of up to 970 MW comprising up to 194 wind turbine generators each fixed to the seabed by one of three foundation types (namely, gravity base foundation, steel monopile foundation, space frame foundation), fitted with rotating blades and situated within the area hatched yellow on the works plan and further comprising (b) to (c) below;
- (b) up to one meteorological mast fixed to the seabed by one of three foundation types (namely, gravity base foundation, steel monopile foundation, space frame foundation) situated within the area hatched yellow on the works plan;
- (c) a network of cables laid underground within the area hatched yellow on the works plan between the WTGs and the meteorological mast and Work No. 2, for the transmission of electricity and electronic communications between these different structures and including one or more cable crossings;

and associated development within the meaning of section 115(2) of the 2008 Act comprising—

Work No. 2 – Up to three offshore substation platforms fixed to the seabed by gravity base foundations or space frame foundations within the Order limits seaward of MHWS;

Work No. 3A – A connection or connections between the offshore substation platforms comprising Work No. 2 and between Work No. 2 and Work No. 3B consisting of up to six cables laid underground along routes within the Order limits seaward of MHWS including one or more cable crossings;

In the County of Hampshire, District of New Forest

Work No. 3B – Onshore connection works consisting of up to 6 cable circuits laid underground from mean low water at Taddiford Gap, between Barton-on-Sea and Milford-on-Sea and crossing under the Highcliffe to Milford Cliffs Site of Special Scientific Interest to Work No. 4;

Work No. 4 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 3B to Work No. 5, together with up to 6 transition joint bays and a new temporary construction compound;

Work No. 5 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 4 to Work No. 7 running in a north-easterly then north westerly direction and crossing under the B3058 Milford Road and A337 Christchurch Road;

Work No. 6 – A new temporary construction compound and temporary widening and upgrade of an existing vehicular access track from the southern side of the B3058 Milford Road, together with modifications to the junction of the existing vehicular access track and the B3058 Milford Road;

Work No. 7 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 5 to Work No. 11 running in a north-westerly direction and crossing under Hare Lane, Golden Hill and Ashley Lane;

Work No. 8 – Temporary widening and upgrade of an existing vehicular access from the western side of Hare Lane towards Work No. 7 and a new temporary vehicular access track from the existing access track to Work No. 7, together with modifications to the junction of the existing temporary vehicular access and Hare Lane;

Work No. 9 – Temporary widening and upgrade of an existing vehicular access track from the northern side of Ashley Lane towards Work No. 7 and Work No. 10 and a new temporary vehicular access track from the existing access track to Work No. 7 and Work No. 10, together with modifications to the junction of the existing temporary vehicular access track and Ashley Lane;

Work No. 10 – A new temporary trenchless installation working area;

Work No. 11 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 7 to Work No. 12 running in a north-westerly direction;

Work No. 12 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 11 to Work No. 14 running in a north-westerly direction and crossing under the railway (the South Western Main Line);

Work No. 13a – Temporary widening and upgrade of an existing vehicular access track running in a south-westerly direction from the south side of Vaggs Lane towards Work No. 12 and a new temporary vehicular access track from the existing access track to Work No. 12, together with modifications to the junction of the existing temporary vehicular access track and Vaggs Lane;

Work No. 13b – A new temporary vehicular access track running in a south-westerly direction from the south side of Vaggs Lane to Work No. 13a and Work No. 12, together with modifications to the junction of the new temporary vehicular access and Vaggs Lane;

Work No. 14 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 12 to Work No. 16 running in a north-easterly then north-westerly direction and crossing under the B3055 Sway Road;

Work No. 15 – Temporary widening and upgrade of an existing vehicular access track running in a south-westerly direction from the south side of Vaggs Lane towards Work No. 14 and a new temporary vehicular access track from the existing access track to Work No. 14, together with modifications to the junction of the existing vehicular access track and Vaggs Lane;

Work No. 16 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 14 to Work No. 20 running in an easterly direction and crossing under Danes Stream Coppice Ancient Woodland;

Work No. 17 – Temporary widening and upgrade of an existing vehicular access track running in a north-westerly direction from the north side of the B3055 Sway Road towards Work No. 16 and a new temporary vehicular access track from the existing access track to Work No. 16, together with modifications to the junction of the existing vehicular access track and B3055 Sway Road;

Work No. 18 – A new temporary construction compound;

Work No. 19 – Temporary widening and upgrade of an existing vehicular access track running in a north-westerly, then north-easterly direction from the north side of the B3055 Sway Road to Work No. 16, Work No. 18 and Work No. 20, together with modifications to the junction of the existing temporary vehicular access track and the B3055 Sway Road;

Work No. 20 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 16 to Work No. 22 running in a south-easterly then southerly direction and crossing under Bashley Drive, Mark's Lane, B3058 Bashley Road and B3055 Bashley Cross Road;

Work No. 21 – Temporary widening and upgrade of an existing vehicular access track running in a north-westerly direction from the north side of the B3055 Sway Road to Work No. 20, together with modifications to the junction of the existing vehicular access track and the B3055 Sway Road;

Work No. 22 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 20 to Work No. 24 running in a north-westerly direction and crossing under Great Woar Copse Ancient Woodland;

Work No. 23 – A new temporary trenchless installation working area;

Work No. 24 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 22 to Work No. 25 running in a south-westerly direction and crossing under Stem Lane (old alignment) and Stem Lane;

Work No. 25 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 24 to Work No. 26 running in a westerly direction and crossing under Beckley Moor Copse Ancient Woodland;

Work No. 26 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 25 to Work No. 29 running in a south-westerly direction and crossing under the B3055 Bashley Cross Road;

Work No. 27 – Temporary widening and upgrade of an existing vehicular access track running in a south-easterly direction from the south side of the B3055 Bashley Cross Road to Work No. 26, together with modifications to the junction of the existing vehicular access track and the B3055 Bashley Cross Road;

Work No. 28 – Temporary widening and upgrade of an existing vehicular access track running in a north westerly direction from the north side of the B3055 Bashley Cross Road and a new temporary vehicular access track running in a south-westerly direction from the existing access track to Work No. 26, together with modifications to the junction of the existing temporary vehicular access track and the B3055 Bashley Cross Road;

Work No. 29 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 26 to Work No. 30 running in a westerly direction and crossing under the B3055 Bashley Cross Road;

Work No. 30 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 29 to Work No. 35 running in a south-westerly direction;

Work No. 31 – A new temporary construction compound;

Work No. 32 – A new temporary trenchless installation working area;

Work No. 33 – Temporary widening and upgrade of an existing vehicular access from the north side of Dark Lane to Work No. 31 and Work No. 32, together with modifications to the junction of the existing temporary vehicular access and Dark Lane;

Work No. 34 – Temporary widening and upgrade of an existing vehicular access track from the south side of the A35 Lyndhurst Road and a new temporary vehicular access track to Work No.

30, Work No. 31, Work No. 32 and Work No. 35 together with modifications to the junction of the existing vehicular access track and the A35 Lyndhurst Road;

Work No. 35 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 30 to Work No. 36 running in a westerly direction and crossing under A35 Lyndhurst Road;

Work No. 36 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 35 to Work No. 39 running in a westerly direction and crossing under Ringwood Road then running in a north-westerly and then westerly direction and crossing under Waterditch Road;

Work No. 37 – A new temporary vehicular access track running in a south-westerly direction from the south side of Ringwood Road to Work No. 36, together with modifications to the junction of the new temporary vehicular access track and Ringwood Road;

Work No. 38 – Temporary widening and upgrade for vehicular access of an existing vehicular access and bridleway running in a south-westerly direction from the south side of Ringwood Road to Work No. 36, together with modifications to the junction of the existing vehicular access and bridleway and Ringwood Road;

In the County of Dorset, Borough of Christchurch

Work No. 39 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 36 to Work No. 41 running in a south-westerly then north-westerly direction and crossing under Lyndhurst Road, Hawthorn Road, Bockhampton Road and Burley Road;

Work No. 40 – A new temporary vehicular access track running in a north-easterly direction from the north side of Burley Road to Work No. 39, together with modifications to the junction of the new temporary vehicular access track and Burley Road;

In the County of Hampshire, District of New Forest

Work No. 41 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 39 to Work No. 44 running in a generally north-westerly direction and crossing under Derritt Lane, Harpway Lane, Court Lane, Fish Street and the B3347 Ringwood Road;

Work No. 42 – Temporary widening and upgrade of an existing vehicular access track running in an easterly direction from the south side of the B3347 Ringwood Road to Work No. 41, together with modifications to the junction of the existing vehicular access track and the B3347 Ringwood Road;

Work No. 43 – A new temporary construction compound;

In the County of Hampshire, District of New Forest and in the County of Dorset, Borough of Christchurch

Work No. 44 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 41 to Work No. 46 running in a westerly direction and crossing under the River Avon;

In the County of Dorset, Borough of Christchurch

Work No. 45 – A new temporary trenchless installation working area;

Work No. 46 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 44 to Work No. 48 running in a south-westerly direction and crossing under the A338 and the Avon Common Plantation SNCI;

Work No. 47 – Temporary widening and upgrade of an existing vehicular access track running in a north-westerly direction from the north side of Pitthouse Lane to Work No. 46, together with modifications to the junction of the existing vehicular access track and Pitthouse Lane;

Work No. 48 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 46 to Work No. 53 running in a south-westerly then north-westerly direction and crossing under Matchams Lane and part of the St Leonards and St Ives Heaths SSSI;

Work No. 49 – Temporary widening and upgrade of an existing vehicular access track running in an easterly direction from the east side of Matchams Lane to Work No. 48, together with modifications to the junction of the existing temporary vehicular access track and Matchams Lane;

Work No. 50 – A new temporary laydown and storage area;

Work No. 51 – Temporary widening and upgrade of an existing vehicular access track running from the existing Forestry Commission track in a north-easterly direction and a south-easterly direction to Work No. 48;

In the County of Dorset, Borough of Christchurch and District of East Dorset

Work No. 52 – Temporary widening and upgrade of an existing vehicular access track;

Work No. 53 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 48 to Work No. 54 running in a northerly direction;

In the County of Dorset, District of East Dorset

Work No. 54 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 53 to Work No. 57 running in a north-westerly direction;

Work No. 55 – A new temporary construction compound;

Work No. 56 – Temporary widening and upgrade of an existing vehicular access track running in a southerly direction from the south side of Boundary Lane to Work No. 54, Work No. 55 and Work No. 57, together with modifications to the junction of the existing vehicular access track and Boundary Lane;

Work No. 57 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 54 to Work No. 60 running in a north-westerly direction and crossing under the A31 Ringwood Road and Moors River;

Work No. 58 – Temporary widening and upgrade of an existing vehicular access track running in a northerly then south-westerly direction from the north side of the A31 Ringwood Road and a new temporary vehicular access track from the existing access track to Work No. 57, together with modifications to the junction of the existing vehicular access track and the A31 Ringwood Road;

Work No. 59 – A new temporary trenchless installation working area;

Work No. 60 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 57 to Work No. 62 running in a north-westerly direction;

Work No. 61 – Temporary widening and upgrade of an existing vehicular access track running in a northerly direction from the north of Elmhurst Road to Work No. 60, together with modifications to the junction of the existing vehicular access track and Elmhurst Road;

Work No. 62 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 60 to Work No. 63 running in a north-westerly direction and crossing under the Dorset Heathlands SPA;

Work No. 63 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 62 to Work No. 67 running in a north-westerly direction;

Work No. 64 – A new temporary laydown and storage area;

Work No. 65 – Temporary widening and upgrade of an existing vehicular access track running in a northerly direction from the south side of the B3072 Three Cross Road to Work No. 60, Work No. 63 and Work No. 64 together with modifications to the junction of the existing vehicular access track and the B3072 Three Cross Road;

Work No. 66 – A new temporary laydown and storage area;

Work No. 67– Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 63 to Work No. 74 running in a westerly then northerly direction and crossing under the B3072 West Moors Road and Newman’s Lane;

Work No. 68 – Temporary widening and upgrade of an existing vehicular access from the north side of the B3072 Three Cross Road to Work No. 67, together with modifications to the junction of the existing temporary vehicular access and the B3072 Three Cross Road;

Work No. 69 – Onshore connection works consisting of up to 6 cable circuits laid underground from Work No. 67 to Work No. 73 running in an easterly direction and crossing under the B3072 West Moors Road and Mill Nursery Plantation and up to 2 cable circuits laid underground from Work No. 73 to Work No. 74 running in a westerly direction and crossing under the Mill Nursery Plantation and the B3072 West Moors Road;

Work No. 70 – A new permanent vehicular access road running in a north-easterly direction from the east side of B3072 West Moors Road to Work No. 71 and Work No. 73, together with modifications to the junction of the new permanent vehicular access road and B3072 West Moors Road;

Work No. 71 – Landscaping works, including planting, drainage and utilities connections;

Work No. 72 – A new temporary construction compound;

Work No.73 – A new onshore substation;

Work No. 74 – Onshore connection works consisting of up to 2 cable circuits laid underground from Work No. 69 to the existing National Grid substation at Mannington running in a north-westerly direction;

Work No. 75 – Temporary widening and upgrade of an existing vehicular access track running in a southerly direction from the south side of Holt Road to Work No. 74, together with modifications to the junction of the existing vehicular access track and Holt Road;

and in connection with such Work Nos. 1 to 3A and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project and which fall within the scope of the work assessed by the environmental statement and the deemed marine licences;

and in connection with such Works 3B to 75 and to the extent that they do not otherwise form part of any such work–

- (a) ramps, means of access and footpaths;
- (b) bunds, embankments, swales, landscaping and boundary treatments;
- (c) habitat creation;
- (d) jointing bays, cross bonding leads, cross bonding pits, covers for pits, link boxes and inspection chambers, marker posts and other works associated with cable laying;
- (e) water supply works, foul drainage provision, surface water management systems, culverting and temporary structures to facilitate accesses over watercourses;
- (f) temporary haul roads, construction lay down areas and compounds and their restoration;

- (g) such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project,

and which fall within the scope of the works assessed by the environmental statement.

2. The grid coordinates for that part of the authorised development which is seaward of MHWS are specified below—

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	50°24'52.877"N	1° 40'16.604"W	26	50° 33' 58.813"N	1° 38'21.348"W
2	50° 23'46.628"N	1° 48'59.195"W	27	50° 32' 40.262"N	1° 40' 7.953"W
3	50° 25'2.478"N	1°50'38.455"W	28	50° 27' 3.292"N	1° 39' 46.733"W
4	50° 28'1.441"N	1°51'16.576"W	29	50° 27' 2.323"N	1° 40' 24.719"W
5	50° 30'34.543"N	1° 48'4.040"W	30	50° 33' 22.790"N	1° 41' 31.984"W
6	50° 33'47.987"N	1° 46'12.201"W	31	50° 34' 27.591"N	1° 40' 23.301"W
7	50° 35'57.622"N	1° 47'49.095"W	32	50° 35' 52.985"N	1° 40' 7.725"W
8	50° 36'31.547"N	1° 47'38.892"W	33	50° 36' 0.177"N	1° 40' 2.951"W
9	50° 37'2.662"N	1° 47'35.035"W	34	50° 37' 49.346"N	1° 40' 3.807"W
10	50° 37'32.252"N	1° 46'6.983"W	35	50° 37' 15.732"N	1° 43' 20.134"W
11	50° 38'36.328"N	1° 45'54.798"W	36	50° 36'41.808"N	1° 45' 25.615"W
12	50° 39'36.996"N	1° 45'14.751"W	37	50° 36' 8.349"N	1° 45' 31.811"W
13	50° 39'48.210"N	1° 45'0.751"W	38	50° 35' 16.402"N	1° 45' 20.965"W
14	50° 40'0.427"N	1° 44'31.746"W	39	50° 33' 53.835"N	1° 43' 51.811"W
15	50° 41'20.634"N	1° 41'11.872"W	40	50° 33' 52.919"N	1° 42' 29.039"W
16	50° 41'55.888"N	1° 40'18.875"W	41	50° 37' 45.729"N	1° 45' 13.772"W
17	50° 43'48.014"N	1° 38'43.048"W	42	50° 38' 30.856"N	1° 41' 57.783"W
18	50° 43'49.635"N	1° 38'4.376"W	43	50° 38' 43.420"N	1° 41' 4.031"W
19	50° 43'46.441"N	1° 37'53.575"W	44	50° 38' 57.508"N	1° 40' 48.234"W
20	50° 43'35.785"N	1° 37'55.701"W	45	50° 39' 22.709"N	1° 40' 44.085"W
21	50° 42'11.844"N	1° 38'40.647"W	46	50° 40' 8.429"N	1° 40' 51.453"W
22	50° 41'26.076"N	1° 39'15.869"W	47	50° 40' 46.329"N	1° 41' 2.169"W
23	50° 39'44.848"N	1° 38'16.515"W	48	50° 39' 33.373"N	1° 44' 11.891"W
24	50° 38'18.944"N	1° 37'34.632"W	49	50° 39' 28.657"N	1° 44' 24.904"W
25	50° 37'18.854"N	1° 38'11.513"W	50	50° 38' 35.048"N	1° 45' 4.627"W

PART 2

Ancillary Works

Works within the Order limits which have been subject to an environmental impact assessment recorded in the environmental statement comprising—

- (a) temporary landing places or other means of accommodating vessels in the construction and/or maintenance of the authorised development;
- (b) buoys, beacons, fenders and other navigational warning or ship impact protection works; and
- (c) temporary works for the benefit or protection of land or structures affected by the authorised development.

PART 3

Requirements

Time limits

1. The authorised development must not commence later than the expiration of five years beginning with the date this Order comes into force.

Detailed offshore design parameters

2.—(1) Subject to paragraph (2), no wind turbine generator forming part of the authorised development may—

- (a) exceed a height of 200 metres when measured from LAT to the tip of the vertical blade;
- (b) exceed a height of 112 metres when measured from LAT to the height of the centreline of the generator shaft forming part of the hub;
- (c) exceed a rotor diameter of 176 metres;
- (d) be less than 756 metres from the nearest WTG in either direction perpendicular to the approximate prevailing wind direction (crosswind) or be less than 1,008 metres from the nearest WTG in either direction which is in line with the approximate prevailing wind direction (downwind);
- (e) have a distance of less than 22 metres between the lowest point of the rotating blade of the wind turbine and MHWS.

(2) References to the location of a wind turbine generator are references to the centre point of the tower of that WTG.

(3) In all layouts, WTGs along the northwest edge of the Order limits must be positioned in a straight line (excluding the micrositing of WTGs).

3. No offshore substation platform forming part of the authorised development may be erected within the areas hatched purple on the works plan, whose coordinates are specified below—

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	50°24'52.877"N	1° 40'16.604"W	55	50° 30' 24.796"N	1° 41' 53.639"W
2	50° 23'46.628"N	1° 48'59.195"W	56	50° 31' 17.168"N	1° 44' 53.891"W
3	50° 25'2.477"N	1°50'38.454"W	57	50° 31' 17.581"N	1° 45' 32.121"W
4	50° 28'1.441"N	1°51'16.576"W	58	50° 27' 47.325"N	1° 49' 56.791"W
51	50° 32' 6.533"N	1° 46' 8.133"W	59	50° 25' 22.891"N	1° 49' 26.090"W
52	50° 32' 5.547"N	1° 44'36.746"W	60	50° 24' 39.886"N	1° 48' 29.822"W
53	50° 30'56.581"N	1° 40'39.431"W	61	50° 23' 51.505"N	1° 48' 20.913"W
54	50° 24'43.355"N	1° 41'32.060"W			

4.—(1) The total number of offshore substation platforms forming part of the authorised development must not exceed 3.

(2) The dimensions of any offshore substation platform forming part of the authorised development (excluding helipads, towers, masts and cranes) must not exceed 50 metres in height when measured from LAT, 45 metres in length and 45 metres in width.

(3) Each offshore substation platform may have no more than one supporting foundation.

(4) No lattice tower forming part of a meteorological mast may exceed a height of 120 metres above LAT.

(5) Each meteorological mast must have no more than one supporting foundation.

5.—(1) The total length of the cables comprising Work No. 3A must not exceed 280 kilometres (comprising a maximum of 210 km for the export cables and 70 km for the inter-substation cables).

(2) The total length of the cables comprising Work No. 1(c) must not exceed 296 kilometres.

(3) The total amount of cable protection for the inter-substation cables within Work No. 3A must not exceed 36,800m³.

(4) The total amount of cable protection for the cables comprising Work No. 1(c) must not exceed 155,700m³.

6.—(1) Each steel monopile foundation forming part of the authorised development may be attached to the seabed using piles or suction caisson and—

- (a) each piled steel monopile foundation must not have a diameter of more than 8 metres, save for the piled steel monopile foundation for the meteorological mast which must not have a diameter of more than 4 metres;
- (b) each suction caisson steel monopile foundation must not have—
 - (i) a diameter at the level of the seabed which is more than 20 metres;
 - (ii) a base height, where there is a flat base, which is more than 20 metres;
 - (iii) more than one suction caisson per foundation.

(2) No piled steel monopile foundation forming part of the authorised development may be erected within the areas hatched black on the works plan whose coordinates are specified below—

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	50° 24' 52.877"N	1° 40' 16.604"W	62	50° 26' 47.344"N	1° 51' 0.782"W
2	50° 23' 46.628"N	1° 48' 59.195"W	63	50° 29' 22.581"N	1° 40' 33.524"W
3	50° 25' 2.477"N	1° 50' 38.454"W			

(3) Each gravity base foundation forming part of the authorised development must not have—

- (a) a diameter at the level of the seabed which is greater than 45 metres;
- (b) a column diameter which is greater than 8 metres;
- (c) a cone/column intersect which is higher than 32 metres above the top of the seabed;
- (d) a cone diameter at its base which is greater than 45 metres.

(4) Each space frame foundation forming part of the authorised development must not have—

- (a) a width spacing between each leg at the level of the seabed which is greater than 35 metres;
- (b) more than 4 legs.

(5) Each space frame foundation forming part of the authorised development may be attached to the seabed using piles or suction caisson and—

- (a) each piled space frame foundation must not have—
 - (i) a pile diameter which is more than 3.5 metres;
 - (ii) more than one pile per leg.
- (b) each suction caisson steel space frame foundation must not have—
 - (i) a diameter at the level of the seabed which is more than 15 metres;
 - (ii) a base height, where there is a flat base, which is more than 20 metres;
 - (iii) more than one suction caisson per leg.

(6) The total amount of scour protection for the WTGs and meteorological mast must not exceed 310,764 m³ and the total amount of scour protection for the offshore substation platforms must not exceed 5,330 m³.

Offshore decommissioning

7. No authorised development may commence until a written decommissioning programme in compliance with [any notice served upon the undertaker by the Secretary of State/the notice dated [•] pursuant to section 105(2) of the 2004 Act] has been submitted to the Secretary of State for approval.

Offshore lighting

8. The undertaker must retain and exhibit such lights for the life of the authorised development with such shape colour and character as are required by the Air Navigation Order 2009 or as directed by the CAA.

Air traffic services at Bournemouth Airport

9.—(1) No operation of any wind turbine generator forming part of the authorised development shall commence until the Secretary of State having consulted with the Operator and the CAA is satisfied that appropriate mitigation will be implemented and maintained for the life of the authorised development and that arrangements have been put in place with the Operator to ensure that such appropriate mitigation is implemented.

(2) For the purposes of this requirement—

“appropriate mitigation” means measures which meet the requirements of the Operator’s safety management system to prevent or remove any adverse impacts which the operation of the authorised development will have on the Operator’s ability to provide safe and efficient air traffic services for Bournemouth International Airport during the operation of the authorised development;

“Operator” means Bournemouth International Airport Limited incorporated under the Companies Act (02078270) whose registered office is Bournemouth Airport, Christchurch, Dorset BH23 6SE or such other organisation as is licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services for Bournemouth Airport.

(3) The undertaker shall thereafter comply with all other obligations contained within the approved mitigation for the duration of the operation of the authorised development.

Port travel plan

10.—(1) Save for any horizontal directional drilling works, Work Nos. 1, 2 or 3A shall not be commenced until a travel plan for the onshore port-related traffic to and from the selected base port or ports and relating to the authorised project has been submitted to and approved in writing by the relevant planning authority in consultation with the relevant highway authority.

(2) The travel plan must be implemented as approved at all times specified within the travel plan during the construction of the authorised development.

(3) For the purposes of this requirement—

“relevant planning authority” and “relevant highway authority” mean the planning or highway authority or authorities in whose area the relevant port is located;

“selected base port” or “ports” means a port or ports situated in England and/or Wales and used by management personnel for construction of the authorised development.

Stages of authorised development onshore

11.—(1) The connection works may not be commenced until a written scheme setting out the stages of the connection works has been submitted to and approved by the relevant planning authority.

(2) The scheme must be implemented as approved.

Detailed design approval onshore

12.—(1) No part of Work No. 73 may commence until details of its layout, design, scale and external appearance have been submitted to and approved in writing by the relevant planning authority. The works comprising Work No. 73 must be carried out in accordance with the approved details.

(2) Any details submitted by the undertaker under paragraph (1) must accord with a statement of design principles submitted to and approved by the relevant local planning authority. The statement of design principles should demonstrate;

- (a) The account taken in the design, scale and layout of Work No 73 of the Green Belt location of the site
- (b) Whether the built form associated with the development is the minimum necessary to deliver the facilities required
- (c) The measures to be provided to reduce impact on openness and on the character and appearance of the area.

(3) No building comprised in Work No. 73 may exceed 14 metres in height above existing ground level.

(4) No external equipment (excluding any lightning protection mast) comprised in Work No. 73 may exceed 11 metres in height above existing ground level and no lightning protection mast comprised in Work No. 73 may exceed 19 metres in height above existing ground level.

(5) For the purposes of this requirement, “existing ground level” means the pre-construction ground level.

(6) Work Nos. 3B, 4, 7, 12, 16, 22, 25, 29, 35, 44, 46, 48, 57, 62 and 69 must comprise trenchless installation techniques for cable installation for the purposes of passing under the relevant obstructions shown on the trenchless crossings plan.

Highway accesses

13.—(1) No stage of the connection works may commence until for that stage, written details of the siting, design and layout of any new permanent or temporary means of access to a highway to be used by vehicular traffic, or any alteration to an existing means of access to a highway used by vehicular traffic, has been submitted to and approved by the relevant highway authority.

(2) The highway accesses must be constructed in accordance with the approved details.

Public rights of way

14.—(1) No stage of the connection works may commence until a public rights of way diversion and closure scheme (which accords with the public rights of way strategy), which must include a programme for the temporary closure and re-opening of the public rights of way specified at **Schedule 4** (public rights of way to be temporarily stopped up), has been consulted upon and approved by the relevant highway authority.

(2) The public rights of way diversion and closure scheme must contain details of—

- (a) a plan for the sequencing of construction of the connection works;
- (b) any alternative routes available during the temporary closure;
- (c) the re-opening of the public rights of way upon the cessation of that part of the authorised development requiring the temporary closure of those rights of way;
- (d) management measures for open access land; and
- (e) publicity to be given to any temporary diversion or closure.

(3) The connection works must thereafter be carried out in accordance with the approved scheme or any agreed variation thereto.

Construction environmental management plan

15.—(1) No stage of the connection works may commence until a construction environmental management plan (CEMP), drafted in accordance with the principles set out in the code of construction practice, has for that stage been consulted upon and approved by the relevant planning authority in consultation with the Environment Agency and Natural England.

(2) The CEMP must contain details of—

- (a) relevant health, safety and environmental legislation and compliance;
- (b) local community liaison responsibilities;
- (c) screening, fencing and site security;
- (d) biosecurity measures;
- (e) flood risk management; and
- (f) waste management.

(3) The CEMP must contain in particular the following subject-specific management plans—

- (a) a soils and land use management plan;
- (b) an environmental incident control plan;
- (c) a construction traffic management plan;
- (d) a landscape and ecological management plan;
- (e) a noise and vibration management plan;
- (f) an air quality management plan;
- (g) a landscape management plan;
- (h) a water and sediment management plan;
- (i) an archaeological written scheme of investigation;
- (j) a contaminated land management plan; and
- (k) a scheme and programme for the crossing, diversion and subsequent reinstatement of any designated main river or ordinary watercourse.

(4) All remediation, construction and commissioning works must be undertaken in accordance with the code of construction practice and the approved CEMP.

Fencing and other means of enclosure

16.—(1) No stage of the connection 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. The fencing and other means of enclosure must be installed as approved.

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

(3) Any temporary fencing must be removed on completion of the relevant stage of the connection works.

(4) Any approved permanent fencing in relation to Work No. 73 must be completed before the relevant work is brought into use.

Soils and land use management plan

17.—(1) No stage of the connection works may commence until a soils and land use management plan, pursuant to **requirement 15**, has for that stage been submitted to and approved by the relevant planning authority in consultation with Natural England.

(2) The soils and land use management plan must include measures for the handling, placing, compaction and management of soil.

- (3) The soils and land use management plan must be implemented as approved.

Environmental incident control plan

18.—(1) No stage of the connection works may commence until an environmental incident control plan, pursuant to **requirement 15**, has for that stage been submitted to and approved by the relevant planning authority in consultation with the Environment Agency.

- (2) The environmental incident control plan must set out the particulars of—
- (a) relevant sensitive environmental receptors;
 - (b) risks posed to the identified sensitive receptors by the construction works; and
 - (c) control measures to manage environmental incidents.
- (3) The environmental incident and control plan must be implemented as approved.

Construction traffic management plan

19.—(1) No stage of the connection works may commence until a construction traffic management plan, pursuant to **requirement 15** and in accordance with the provisions set out in the draft construction traffic management plan annexed to the code of construction practice, has for that stage been submitted to and approved by the relevant highway authority.

- (2) The construction traffic management plan must set out the particulars of—
- (a) scheduling and timing of movements, in particular abnormal load movements;
 - (b) temporary warning signs and traffic control; and
 - (c) construction vehicle routeing.
- (3) The construction traffic management plan must be implemented as approved.

Landscape and ecological management plan

20.—(1) No stage of the connection works may commence until a landscape and ecological management plan pursuant to **requirement 15** and in accordance with the provisions set out in the draft landscape and ecological management plan annexed to the code of construction practice, reflecting the survey results and ecological mitigation and enhancement measures included in the environmental statement, has for that stage been submitted to and approved by the relevant planning authority, in consultation with Natural England and the Environment Agency.

(2) The landscape and ecological management plan must include details of measures for the restoration of land used temporarily for construction.

- (3) The landscape and ecological management plan must be implemented as approved.

(4) Any tree described in **Schedule 11** (trees subject to tree preservation orders) that is felled in carrying out the construction, maintenance or operation of the connection works must be replaced by, a tree of a size and species to be approved in writing by the local planning authority, as soon as reasonably practicable, at a location to be notified to the relevant planning authority.

Noise and vibration management plan

21.—(1) No stage of the connection works may commence until a noise and vibration management plan, pursuant to **requirement 15**, has for that stage been submitted to and approved by the relevant planning authority.

- (2) The noise and vibration management plan must set out the particulars of—
- (a) the works, and the method by which they are to be carried out;
 - (b) the noise attenuation measures to be taken to minimise noise resulting from the connection works, including any noise limits;

- (c) in the case of Work No. 73 and any trenchless installation works, a scheme for monitoring the noise during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures; and
 - (d) noise limits to be achieved.
- (3) The noise and vibration management plan must be implemented as approved.

Air quality management plan

22.—(1) No stage of the connection works may commence until an air quality management plan, pursuant to **requirement 15**, has for that stage been submitted to and approved by the relevant planning authority.

- (2) The air quality management plan must set out the particulars of—
- (a) site management, including measures for dust suppression, materials storage and barriers around dust generating activities; and
 - (b) the operation of construction vehicles and machinery, including site speed limits, the use of wheel washing facilities and road sweepers.
- (3) The air quality management plan must be implemented as approved.

Landscaping design and management plan

23.—(1) Construction of Work No. 73 must not commence until a landscaping design and management plan for that Work, pursuant to **requirement 15**, has been submitted to and approved in writing by the relevant planning authority and, in relation to the surface water management scheme referred to in paragraph (2)(h) below, the Environment Agency and the lead local flood authority.

(2) The landscaping design and management plan for Work No. 73 must include details of all proposed hard and soft landscaping works, including—

- (i) location, number, species, size and planning density of any proposed planting, including any trees;
- (ii) cultivation, importing of materials and other operations to ensure plant establishment;
- (iii) proposed finished ground levels;
- (iv) vehicular and pedestrian access, parking and circulation areas;
- (v) minor structures, such as furniture, refuse or other storage units, signs and lighting;
- (vi) proposed and existing functional services above and below, ground, including drainage, power and communications cables and pipelines, manholes and supports;
- (vii) details of existing trees to be retained with measures for their protection during the construction period;
- (viii) flood attenuation measures and a surface water management scheme; and
- (ix) implementation timetables for all landscaping works.

(3) All landscaping works must be carried out in accordance with the landscaping design and management plan approved under paragraph (1) and in accordance with the relevant recommendations of appropriate British Standards.

(4) Any tree or shrub planted as part of the approved landscaping design and management plan that, within a period of five 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 first available planting season with a specimen of the same species and size as that originally planted.

Water and sediment management plan

24.—(1) No stage of the connection works may commence until a water and sediment management plan, pursuant to **requirement 15**, has for that stage been submitted to and approved by the relevant planning authority in consultation with the Environment Agency.

- (2) The water and sediment management plan must set out the particulars of—
- (i) storage of oil, fuel and chemicals;
 - (ii) storage, handling and disposal of waste;
 - (iii) site drainage;
 - (iv) siting of oil-containing plant and equipment;
 - (v) uncontrolled emissions to ground and/or atmosphere;
 - (vi) controls relating to bentonite leakage from horizontal directional drilling;
 - (vii) spill kits; and
 - (viii) discharge into watercourses.
- (3) The water and sediment management plan must be implemented as approved.

Archaeological written scheme of investigation

25.—(1) No stage of the connection works may commence until in relation to that stage an archaeological written scheme of investigation, pursuant to **requirement 15** and in accordance with the provisions set out in the draft archaeological written scheme of investigation annexed to the code of construction practice has, after consultation with the Historic Buildings and Monuments Commission for England, been submitted to and approved in writing by the relevant planning authority.

(2) The archaeological written scheme of investigation must 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 scheme must be by a suitably qualified person or body approved by the relevant planning authority.

(4) Any archaeological works or watching brief must be carried out in accordance with the approved scheme.

Contaminated land management plan

26.—(1) No stage of the connection works may commence until a contaminated land management plan, pursuant to **requirement 15**, has for that stage been submitted to and, after consultation with the Environment Agency, approved by the relevant planning authority.

- (2) The contaminated land management plan must include the following—
- (a) provisions to deal with the contamination of any land, including groundwater, within the Order limits which is likely to cause significant harm to persons or pollution of controlled waters or the environment; and
 - (b) an investigation and assessment report, prepared by a specialist consultant approved by the relevant planning authority, to identify the extent of any contamination within the Order limits and mitigation measures to be undertaken to limit impacts arising from the potential release of contaminants.
- (3) The contaminated land management plan must be implemented as approved.

Watercourse crossings

27.—(1) No stage of the connection works involving the crossing, diversion and subsequent reinstatement of any designated main river or ordinary watercourse may commence until a scheme and programme for that crossing, diversion and reinstatement, pursuant to **requirements 15** and

20, has been submitted to and, after consultation with the Environment Agency and the lead local flood authority as appropriate, approved in writing by the relevant planning authority.

(2) The scheme referred to in paragraph (1) must include details of monitoring of any environmental impacts on watercourse crossings during construction.

(3) The designated main river or ordinary watercourse must be crossed, diverted and subsequently reinstated in accordance with the approved scheme and programme.

(4) Unless otherwise permitted under sub-paragraph (1) above, throughout the period of construction of the connection works, all ditches, watercourses, field drainage systems and culverts must be maintained such that the flow of water is not impaired or the drainage onto and from adjoining land rendered less effective.

Construction hours

28.—(1) Construction work for the connection works must not take place other than between 0800 hours and 1800 hours Monday to Friday and between 0800 hours and 1300 hours on Saturday, with no activity on Sundays or public holidays, save—

- (a) where continuous periods of construction work are required, such as concrete pouring or directional drilling;
- (b) for the delivery of abnormal loads to the connection works, which may cause congestion on the local road network;
- (c) as otherwise agreed in writing with the relevant planning authority.

(2) All construction operations which are to be undertaken outside the hours specified in paragraph (1) must be agreed with the relevant planning authority in writing in advance, and must be carried out within the agreed times.

(3) Activities excluded from the working hours restrictions specified in paragraph (1) comprise nonintrusive and internal activities, such as start-up and shut-down, electrical installation, building fit-out and non-destructive testing. Noise limits to be achieved during these activities must be agreed with the relevant planning authority in writing in advance.

External lighting and control of artificial light emissions

29.—(1) No stage of the connection works where artificial lighting is required may commence until written details of any external lighting to be installed in connection with that stage, including measures to prevent light spillage, have been submitted to and approved by the relevant planning authority in consultation with Natural England. Any approved means of lighting must subsequently be installed as approved.

(2) Work No. 73 may not be commenced until a written scheme for the management and mitigation of artificial light emissions during the operation of Work No. 73 has been submitted to and approved in writing by the relevant planning authority.

(3) The approved scheme for the management and mitigation of artificial light emissions must be implemented before and maintained during the operation of Work No. 73.

Control of noise during operational phase

30.—(1) Work No. 73 must not commence operation until an operational noise management plan including monitoring, attenuation and any applicable noise limits for the use of Work No. 73 has been submitted to and approved by the relevant planning authority.

(2) The operational noise management plan must be implemented as approved and maintained for the duration of use of the authorised development.

European protected species onshore

31.—(1) No stage of the connection 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 that stage of the connection works or in any of the trees to be lopped or felled as part of that stage of the connection works.

(2) Where a European protected species is shown to be present, the relevant part(s) of the connection works must not begin until, after consultation with Natural England, a scheme of protection and mitigation measures has been submitted to and approved in writing by the relevant planning authority. The connection works must be carried out in accordance with the approved scheme.

Restoration of land used temporarily for construction

32.—(1) Any land landward of mean low water within the Order limits which is used temporarily for construction of the connection works and not ultimately incorporated in permanent works or approved landscaping must be reinstated within twelve months of completion of commissioning of the connection works in accordance with the landscape and ecological management plan approved under **requirement 20** (landscape and ecological management plan).

(2) For the purposes of this requirement, “completion of commissioning” means the date when the cable circuits have been fully tested and verified that they are able to transmit their rated power capacity to the grid connection point.

Interference with telecommunications

33.—(1) In the event that the operation of Work No. 1 results in interference with telecommunications or television equipment, a scheme to rectify the situation where the interference is demonstrably attributable to the operation of Work No. 1 must be submitted to the relevant planning authority for approval.

(2) The scheme must be carried out in accordance with the approved details.

Onshore decommissioning

34.—(1) Upon the cessation of commercial operation of the connection works, an onshore decommissioning plan must be submitted to and approved in writing by the relevant planning authority.

(2) The decommissioning plan must be implemented as approved.

Requirement for written approval

35. Where under any of the above requirements the approval or agreement of the Secretary of State, the relevant planning authority or another person is required, that approval or agreement must be given in writing.

Amendments to approved details

36.—(1) With respect to any requirement which requires the authorised development or any part of it to be carried out in accordance with the details, plans or schemes approved under this Schedule, the approved details, plans or schemes are taken to include any amendments that may subsequently be approved in writing by the Secretary of State in consultation with any other consultee specified in the requirement in question, or approved in writing by the relevant planning authority or another approval authority.

(2) Any amendments to or variations from the approved detail, plans or schemes must be minor or immaterial where it has been demonstrated that the subject-matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

SCHEDULE 2

Article 14

STREETS SUBJECT TO STREET WORKS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
In the County of Hampshire, District of New Forest	B3058 Milford Road at reference point A – A on the streets subject to the street works plan
In the County of Hampshire, District of New Forest	A337 Christchurch Road at reference point B – B on the streets subject to street works plan
In the County of Hampshire, District of New Forest	Hare Lane at reference point C – C on the streets subject to street works plan
In the County of Hampshire, District of New Forest	Ashley Lane at reference point D – D on the streets subject to street works plan
In the County of Hampshire, District of New Forest	B3055 Sway Road at reference point E – E on the streets subject to street works plan
In the County of Hampshire, District of New Forest	Bashley Drive at reference point F – F on the streets subject to street works plan
In the County of Hampshire, District of New Forest	Mark’s Lane at reference point G – G on the streets subject to street works plan
In the County of Hampshire, District of New Forest	B3058 Bashley Road at reference point H – H on the streets subject to street works plan
In the County of Hampshire, District of New Forest	B3055 Bashley Cross Road at reference point I – I on the streets subject to street works plan
In the County of Hampshire, District of New Forest	Stem Lane (old alignment) at reference point J – J on the streets subject to street works plan
In the County of Hampshire, District of New Forest	Stem Lane at reference point K – K on the streets subject to street works plan
In the County of Hampshire, District of New Forest	A3055 Bashley Cross Road at reference point L – L on the streets subject to street works plan
In the County of Hampshire, District of New Forest	A3055 Bashley Cross Road at reference point M – M on the streets subject to street works plan
In the County of Hampshire, District of New Forest	A35 Lyndhurst Road at reference point N – N on the streets subject to street works plan
In the County of Hampshire, District of New Forest	Ringwood Road at reference point O – O on the streets subject to street works plan
In the County of Hampshire, District of New Forest	Waterditch Road at reference point P – P on the streets subject to street works plan
In the County of Dorset, Borough of Christchurch	Lyndhurst Road at reference point Q – Q on the streets subject to street works plan
In the County of Dorset, Borough of Christchurch	Hawthorn Road at reference point R – R on the streets subject to street works plan
In the County of Dorset, Borough of Christchurch	Bockhampton Road at reference point S – S on the streets subject to street works plan
In the County of Dorset, Borough of Christchurch	Burley Road at reference point T – T on the streets subject to street works plan
In the County of Hampshire, District of New Forest	Derritt Lane at reference point U – U on the streets subject to street works plan
In the County of Hampshire, District of New Forest	Harpway Lane at reference point V – V on the streets subject to street works plan

In the County of Hampshire, District of New Forest	Court Lane at reference point W – W on the streets subject to street works plan
In the County of Hampshire, District of New Forest	Fish Street at reference point X – X on the streets subject to street works plan
In the County of Hampshire, District of New Forest	B3347 Ringwood Road at reference point Y – Y on the streets subject to street works plan
In the County of Dorset, Borough of Christchurch	A338 at reference point Z – Z on the streets subject to street works plan
In the County of Dorset, Borough of Christchurch	Matchams Lane at reference point A1 – A1 on the streets subject to street works plan
In the County of Dorset, District of East Dorset	A31 Ringwood Road at reference point B1 – B1 on the streets subject to street works plan
In the County of Dorset, District of East Dorset	B3072 West Moors Road at reference point C1 – C1 on the streets subject to street works plan
In the County of Dorset, District of East Dorset	Newman’s Lane at reference point D1 – D1 on the streets subject to street works plan
In the County of Dorset, District of East Dorset	B3072 West Moors Road at reference point E1– E1 on the streets subject to street works plan

SCHEDULE 3

Article 16

STREETS TO BE TEMPORARILY STOPPED UP

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>
In the County of Hampshire, District of New Forest	B3058 Milford Road	Approximately 40 metres of the B3058 Milford Road between reference points A – A on the streets to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	Mark’s Lane	Approximately 48 metres of Mark’s Lane between reference points G – G on the streets to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	Waterditch Road	Approximately 42 metres of Waterditch Road between reference points P – P on the streets to be temporarily stopped up plan
In the County of Dorset, Borough of Christchurch	Lyndhurst Road	Approximately 57 metres of Lyndhurst Road between reference points Q – Q on the streets to be temporarily stopped up plan
In the County of Dorset, Borough of Christchurch	Hawthorn Road	Approximately 64 metres of Hawthorn Road between reference points R – R on the streets to be temporarily stopped up plan
In the County of Dorset, Borough of Christchurch	Bockhampton Road	Approximately 40 metres of Bockhampton Road between reference points S – S on the streets to be temporarily stopped up plan
In the County of Dorset, Borough of Christchurch	Burley Road	Approximately 54 metres of Burley Road between reference points T – T on the streets to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	Derritt Lane	Approximately 40 metres of Derritt Lane between reference points U – U on the streets to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	Harpway Lane	Approximately 45 metres of Harpway Lane between reference points V – V on the streets to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	Court Lane	Approximately 49 metres of Court Lane between reference

In the County of Hampshire,
District of New Forest

Fish Street

points W – W on the streets to
be temporarily stopped up plan
Approximately 40 metres of
Fish Street between reference
points X – X on the streets to
be temporarily stopped up plan

SCHEDULE 4

Article 15

PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Pubic rights of way to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>
In the County of Hampshire, District of New Forest	No 716, Footpath	Approximately 225 metres of footpath 716 shown in orange between points marked A - A on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 717, Footpath	Approximately 45 metres of footpath 717 shown in orange between points marked B - B on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 718, Footpath	Approximately 50 metres of footpath 718 shown in orange between points marked C - C on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 735, Footpath	Approximately 50 metres of footpath 735 shown in orange between points marked D - D on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 737, Footpath	Approximately 45 metres of footpath 737 shown in orange between points marked E - E on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 730, Footpath	Approximately 100 metres of footpath 730 shown in orange between points marked F - F on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 730, Footpath	Approximately 30 metres of footpath 730 shown in orange between points marked G - G on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 723, Footpath	Approximately 45 metres of footpath 723 shown in orange between points marked H - H on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 735, Bridleway	Approximately 450 metres of bridleway 735 shown in green between points marked I - I on the public rights of way to be temporarily stopped up plan
In the County of Hampshire,	No 730, Footpath	Approximately 130 metres of

District of New Forest		footpath 730 shown in orange between points marked J - J on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 14, Footpath	Approximately 45 metres of footpath 14 shown in orange between points marked K - K on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 20, Footpath	Approximately 45 metres of footpath 20 shown in orange between points marked L - L on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 24, Footpath	Approximately 45 metres of footpath 24 shown in orange between points marked M - M on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 3, Footpath	Approximately 200 metres of footpath 3 shown in orange between points marked N - N on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 3, Footpath	Approximately 25 metres of footpath 3 shown in orange between points marked O - O on the public rights of way to be temporarily stopped up plan
In the County of Dorset, District of East Dorset	No 9, Footpath	Approximately 3 metres of footpath 9 shown in orange between points marked P - P on the public rights of way to be temporarily stopped up plan
In the County of Dorset, District of East Dorset	No 1, Footpath & No 2, Footpath	Approximately 5 metres of footpath 1 and footpath 2 shown in orange between points marked Q - Q on the public rights of way to be temporarily stopped up plan
In the County of Dorset, District of East Dorset	No 15, Footpath	Approximately 45 metres of footpath 15 shown in orange between points marked R - R on the public rights of way to be temporarily stopped up plan

SCHEDULE 5

Article 17

ACCESS TO WORKS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Description of access</i>
In the County of Hampshire, District of New Forest	Vehicular access from the B3058 Milford Road to the south west for construction traffic at the point marked AC 1 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3058 Milford Road to the north east for construction traffic at the point marked AC 2 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the A337 Christchurch Road to the south for construction traffic at the point marked AC 3 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the A337 Christchurch Road to the north for construction traffic at the point marked AC 4 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Hare Lane to the south for construction traffic at the point marked AC 5 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Ashley Lane to the north for construction traffic at the point marked AC 6 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Vaggs Lane to the south west for construction traffic at the point marked AC 7 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Vaggs Lane to the south west for construction traffic at the point marked AC 8 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Vaggs Lane to the south west for construction traffic at the point marked AC 9 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3055 Sway Road to the south for construction traffic at the point marked AC 10 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3055 Sway Road to the north for construction traffic at the point marked AC 11 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3055 Sway Road to the north for construction traffic at the point marked AC 12 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3055 Sway Road to the north for construction traffic at the point marked AC 13 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3055 Sway Road to the north for construction traffic at the point marked AC 14 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Bashley Drive to the north east for construction traffic at the point marked AC 15 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Bashley Drive to the

Forest	south west for construction traffic at the point marked AC 16 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Mark's Lane to the east for construction traffic at the point marked AC 17 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Mark's Lane to the west for construction traffic at the point marked AC 18 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3058 Bashley Road to the east for construction traffic at the point marked AC 19 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3058 Bashley Road to the west for construction traffic at the point marked AC 20 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3055 Bashley Cross Road to the north for construction traffic at the point marked AC 21 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3055 Bashley Cross Road to the south for construction traffic at the point marked AC 22 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Stem Lane (old alignment) to the north east for construction traffic at the point marked AC 23 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Stem Lane (old alignment) to the south west for construction traffic at the point marked AC 24 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Stem Lane to the north east for construction traffic at the point marked AC 25 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Stem Lane to the south west for construction traffic at the point marked AC 26 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3055 Bashley Cross Road to the east for construction traffic at the point marked AC 27 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3055 Bashley Cross Road to the north west for construction traffic at the point marked AC 28 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3055 Bashley Cross Road to the east for construction traffic at the point marked AC 29 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3055 Bashley Cross Road to the west for construction traffic at the point marked AC 30 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Dark Lane to the north for construction traffic at the point marked AC 31 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the A35 Lyndhurst Road

Forest	to the south east for construction traffic at the point marked AC 32 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the A35 Lyndhurst Road to the west for construction traffic at the point marked AC 33 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Ringwood Road to the east for construction traffic at the point marked AC 34 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Ringwood Road to the south west for construction traffic at the point marked AC 35 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Ringwood Road to the south west for construction traffic at the point marked AC 36 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Waterditch Road to the east for construction traffic at the point marked AC 37 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Waterditch Road to the west for construction traffic at the point marked AC 38 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Lyndhurst Road to the south for construction traffic at the point marked AC 39 on the access to works plan
In the County of Dorset, Borough of Christchurch	Vehicular access from Lyndhurst Road to the east for construction traffic at the point marked AC 40 on the access to works plan
In the County of Dorset, Borough of Christchurch	Vehicular access from Lyndhurst Road to the north west for construction traffic at the point marked AC 41 on the access to works plan
In the County of Dorset, Borough of Christchurch	Vehicular access from Hawthorn Road to the south east for construction traffic at the point marked AC42 on the access to works plan
In the County of Dorset, Borough of Christchurch	Vehicular access from Hawthorn Road to the north west for construction traffic at the point marked AC 43 on the access to works plan
In the County of Dorset, Borough of Christchurch	Vehicular access from Bockhampton Road to the south for construction traffic at the point marked AC 44 on the access to works plan
In the County of Dorset, Borough of Christchurch	Vehicular access from Bockhampton Road to the north for construction traffic at the point marked AC 45 on the access to works plan
In the County of Dorset, Borough of Christchurch	Vehicular access from Burley Road to the south for construction traffic at the point marked AC 46 on the access to works plan
In the County of Dorset, Borough of Christchurch	Vehicular access from Burley Road to the north for construction traffic at the point marked AC 47 on the access to works plan
In the County of Dorset, Borough of Christchurch	Vehicular access from Burley Road to the north for construction traffic at the point marked AC 48 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Derritt Lane to the south east for construction traffic at the point marked AC 49 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Derritt Lane to the north west for construction traffic at the point marked

In the County of Hampshire, District of New Forest	AC 50 on the access to works plan Vehicular access from Harpway Lane to the east for construction traffic at the point marked AC 51 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Harpway Lane to the west for construction traffic at the point marked AC 52 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Court Lane to the south east for construction traffic at the point marked AC 53 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Court Lane to the north for construction traffic at the point marked AC 54 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Fish Street to the south for construction traffic at the point marked AC 55 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Fish Street to the north for construction traffic at the point marked AC 56 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3347 Ringwood Road to the south east for construction traffic at the point marked AC 57 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3347 Ringwood Road to the north west for construction traffic at the point marked AC 58 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from Pitthouse Lane to the north for construction traffic at the point marked AC 59 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from Matchams Lane to the east for construction traffic at the point marked AC 60 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from Matchams Lane to the west for construction traffic at the point marked AC 61 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from Boundary Lane to the south for construction traffic at the point marked AC 62 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from the A31 Ringwood Road to the north west for construction traffic at the point marked AC 63 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from Elmhurst Road to the north for construction traffic at the point marked AC 64 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from the B3072 Three Cross Road to the south east for construction traffic at the point marked AC 65 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from the B3072 West Moors Road to the east for construction traffic at the point marked AC 66 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from the B3072 West Moors Road to the west for construction traffic at the

	point marked AC 67 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from Newman's Lane to the south west for construction traffic at the point marked AC 68 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from Newman's Lane to the north east for construction traffic at the point marked AC 69 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from the B3072 Three Cross Road to the north for construction traffic at the point marked AC 70 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from the B3072 West Moors Road to the west for construction traffic at the point marked AC 71 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from the B3072 West Moors Road to the east for construction traffic at the point marked AC 72 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from Holt Road to the south for construction traffic at the point marked AC 73 on the access to works plan

SCHEDULE 6

Article 21

TEMPORARY SUSPENSION OF PUBLIC ACCESS TO ACCESS LAND

<i>(1)</i>	<i>(2)</i>
<i>Area</i>	<i>Area subject to temporary suspension of public rights</i>
In the County of Dorset, Borough of Christchurch and District of East Dorset	The area of land shown in purple and marked OAL 1 on the open access land plan
In the County of Dorset, District of East Dorset	The area of land shown in purple and marked OAL 2 on the open access land plan

SCHEDULE 7

Article 25

LAND IN WHICH ONLY NEW RIGHTS ETC, MAY BE ACQUIRED

<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which rights may be acquired</i>
1,2	To enter, use, pass and re-pass with or without vehicles plant and machinery and remain upon and within the land for the purposes of construction, installation, use, operation, maintenance and decommissioning of the authorised project; to retain and use cable circuits and associated works for the purpose of the transmission of electricity within an up to 150 metre corridor.
3	To enter, use, pass and re-pass with or without vehicles plant and machinery and remain upon and within the land for the purposes of construction, installation, use, operation, maintenance and decommissioning of the authorised project; to retain and use cable circuits and associated works for the purpose of the transmission of electricity within an up to 150 metre corridor and to impose requirements for their protection.
4	To enter, use, pass and re-pass with or without vehicles plant and machinery and remain upon and within the land for the purposes of construction, installation, use, operation, maintenance and decommissioning of the authorised project; to retain and use cable circuits, transition joint bays and associated works for the purpose of the transmission of electricity within an up to 150 metre corridor and to impose requirements for their protection.
5, 6, 12, 14, 15, 16, 17, 19, 20, 21, 22, 23, 32, 36, 39, 40, 41, 42, 43, 51, 58, 59, 61, 63, 64, 65, 68, 69, 80, 81, 82, 83, 86, 87, 94, 95, 96, 99, 100, 111, 114, 117, 118, 121, 122, 123, 124, 125, 126, 129, 131, 132, 133, 134, 135, 143, 149, 150, 152, 157, 159, 160, 163, 164, 165, 173, 174, 175, 176, 177, 178, 179, 182, 183, 185, 187, 190, 192, 193, 196, 197, 198, 199, 202, 205, 206, 207, 208, 209, 210, 212, 213, 215, 216, 219, 221, 223, 226, 227, 237, 243, 244, 245, 255, 256, 257, 263, 268, 269, 273, 291, 292, 294, 297, 298, 300, 301, 303, 304, 308, 310, 311, 314, , 318, 319, 323, 325, 326, 13, 18, 28, 30, 50, 66, 67, 112, 113, 115, 116, 119, 120, 128, 130, 142, 151, 156, 158, 180, 181, 184, 186, 188, 189, 191, 200, 201, 203, 204, 211, 214, 220, 224, 225, 236, 240, 241, 264, 265, 266, 267, 312, 313, 315, 316, 317	To enter, use, pass and re-pass with or without vehicles plant and machinery and remain upon and within the land for the purposes of construction, installation, use, operation, maintenance and decommissioning of the authorised project; to retain and use cable circuits and associated works for the purpose of the transmission of electricity within an up to 30 metre corridor; and to impose requirements for their protection.
	To enter, use, pass and re-pass with or without vehicles plant and machinery and remain upon and within the land for the purposes of construction, installation, use, operation, maintenance and decommissioning of the

29, 31, 35	authorised project; and retain and use cable circuits and associated works for the purpose of the transmission of electricity within an up to 30 metre corridor .
302	To enter, use, pass and re-pass with or without plant and machinery and remain within the land for the purposes of construction, installation, use, operation, maintenance and decommissioning of the authorised project; to retain and use cable circuits and associated works for the purpose of the transmission of electricity within an up to 30 metre corridor. To enter, use, pass and re-pass with or without vehicles plant and machinery and remain upon and within the land for the purposes of construction, installation, use, operation maintenance and decommissioning of the authorised project; to retain and use cable circuits and associated works for the purpose of the transmission of electricity within a corridor or corridors, and to impose requirements for their protection .
327, 328, 329, 330	To enter, use, pass and re-pass with or without vehicles plant and machinery and remain upon and within the land for the purposes of construction, installation, use, operation maintenance and decommissioning of the authorised project; retain and use cable circuits and associated works for the purpose of the transmission of electricity within a corridor or corridors, with a total aggregate of 20 metres in width, and to impose requirements for their protection .
324, 333, 334, 337	To enter, use, pass and re-pass with or without vehicles plant and machinery and remain upon and within the land for the purposes of construction, installation, use, operation maintenance and decommissioning of the authorised project; to retain and use cable circuits and associated works for the purpose of the transmission of electricity and to impose requirements for their protection.
335, 336	To enter, use, pass and re-pass with or without vehicles plant and machinery and remain upon and within the land for the purposes of construction, installation, use, operation, maintenance and decommissioning of the authorised project; to retain and use cable circuits and associated works for the purpose of the transmission of electricity.
270, 271, 275, 278, 281, 282, 285, 288, 331 332	To install, maintain, use, improve, repair and remove access tracks and to obtain access for such purposes and to use the land for the purposes for and associated with access to the authorised project.

**MODIFICATION OF COMPENSATION AND COMPULSORY
PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS AND
RESTRICTIVE COVENANTS**

Compensation enactments

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land shall apply, with the necessary modifications as respects compensation, in the case of a compulsory acquisition under this Order of a right by the creation of a new right or the imposition of a restrictive covenant as they apply as respects compensation on the compulsory purchase of land and interests in land.

2.—(1) Without prejudice to the generality of paragraph 1, the Land Compensation Act 1973(a) shall have effect subject to the modifications set out in sub-paragraphs (2) and (3).

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 of the 1965 Act as substituted by paragraph 4—

- (a) for the words “land is acquired or taken” there shall be substituted the words “a right or restrictive covenant over land is purchased from or imposed on”; and
- (b) for the words “acquired or taken from him” there shall be substituted the words “over which the right is exercisable or the restrictive covenant enforceable”.

(3) In section 58(1) (determination of material detriment where part of house etc. proposed for compulsory acquisition), as it applies to determinations under section 8 of the 1965 Act as substituted by paragraph 5—

- (a) for the word “part” in paragraphs (a) and (b) there shall be substituted the words “a right over or restrictive covenant affecting land consisting”;
- (b) for the word “severance” there shall be substituted the words “right or restrictive covenant over or affecting the whole of the house, building or manufactory or of the house and the park or garden”;
- (c) for the words “part proposed” there shall be substituted the words “right or restrictive covenant proposed”; and
- (d) for the words “part is” there shall be substituted the words “right or restrictive covenant is”.

Application of the 1965 Act

3.—(1) The 1965 Act shall have effect with the modifications necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right, or to the imposition under this Order of a restrictive covenant, as it applies to the compulsory acquisition under this Order of land, so that, in appropriate contexts, references in that Act to land are read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired; or
- (b) the land over which the right is or is to be exercisable.

(2) Without prejudice to the generality of sub-paragraph (1), Part 1 of the 1965 Act shall apply in relation to the compulsory acquisition under this Order of a right by the creation of a new right with the modifications specified in the following provisions of this Schedule.

(a) 1973 c. 26

4. For section 7 of the 1965 Act (measure of compensation in case of severance) there shall be substituted the following section—

“7. In assessing the compensation to be paid by the acquiring authority under this Act, regard shall be had not only to the extent (if any) to which the value of the land over which the right is to be acquired or the restrictive covenant is to be imposed is depreciated by the acquisition of the right or the imposition of the covenant but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”

5. For section 8 of the 1965 Act (other provisions as to divided land) there shall be substituted the following section—

“8.—(1) Where in consequence of the service on a person under section 5 of this Act of a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (“the relevant land”)—

- (a) a question of disputed compensation in respect of the purchase of the right or the imposition of the restrictive covenant would apart from this section fall to be determined by the Upper Tribunal (“the tribunal”); and
- (b) before the tribunal has determined that question the tribunal is satisfied that the person has an interest in the whole of the relevant land and is able and willing to sell that land and—
 - (i) where that land consists of a house, building or manufactory, that the right cannot be purchased or the restrictive covenant imposed without material detriment to that land; or
 - (ii) where that land consists of such a park or garden, that the right cannot be purchased or the restrictive covenant imposed without seriously affecting the amenity or convenience of the house to which that land belongs, the Navitus Bay Wind Farm Order 201[](a) (“the Order”) shall, in relation to that person, cease to authorise the purchase of the right and be deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice shall be deemed to have been served in respect of that interest on such date as the tribunal directs.

(2) Any question as to the extent of the land in which the Order is deemed to authorise the purchase of an interest by virtue of subsection (1) of this section shall be determined by the tribunal.

(3) Where in consequence of a determination of the tribunal that it is satisfied as mentioned in subsection (1) of this section the Order is deemed by virtue of that subsection to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of 6 weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the authority to withdraw the notice.”

6. The following provisions of the 1965 Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say—

- (a) section 9(4) (failure by owners to convey);
- (b) paragraph 10(3) of Schedule 1 (owners under incapacity);
- (c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and
- (d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired or the restrictive covenant which is to be imposed is vested absolutely in the acquiring authority.

7. Section 11 of the 1965 Act (powers of entry) shall be so modified as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right it has power, exercisable in equivalent circumstances and subject to equivalent conditions, to enter for the purpose of exercising that right or enforcing that restrictive covenant (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (unauthorised entry) and 13 (refusal to give possession to acquiring authority) of the 1965 Act shall be modified correspondingly.

8. Section 20 of the 1965 Act (tenants at will, etc.) shall apply with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right or the enforcement of the restrictive covenant in question.

9. Section 22 of the 1965 Act (interests omitted from purchase) shall be so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

SCHEDULE 9

Article 31

LAND OVER WHICH TEMPORARY POSSESSION MAY BE TAKEN

PART 1

In the County of Hampshire, in the District of New Forest

<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised project</i>
1, 2, 3, 4, 5, 6, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 28, 29, 30, 31, 32, 35, 36, 39, 40, 41, 42, 43, 50, 51, 58, 59, 61, 63, 64, 65, 66, 67, 68, 69, 80, 81, 82, 83, 86, 87, 94, 95, 96, 99, 100, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 129, 130, 131, 132, 133, 134, 135, 142, 143, 149, 150, 151, 152, 156, 157, 158, 159, 160, 163, 164, 165, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 219, 220, 221, 223, 224	Construction and carrying out of the authorised project; worksites for construction and the carrying out of the authorised project; access for carrying out the authorised project	Work Nos.: 3b, 4, 5, 6, 7, 11, 12, 14, 16, 19, 20, 22, 24, 25, 26, 29, 30, 35, 36, 41, 43, 44
7,8,9,11, 37, 84, 127, 153, 222	Construction and storage compound; access for carrying out the authorised project	Work Nos.: 6, 9, 10, 18, 23, 31, 32, 43

10, 24, 34, 44, 46, 48, 49, 52, 54, 55, 57, 60, 62, 70, 71, 73, 74, 76, 77, 79, 89, 90, 91, 92, 97, 101, 102, 104, 105, 107, 108, 110, 136, 138, 139, 141, 144, 148, 154, 161, 162, 166, 167, 169, 170, 172	Laying of temporary haul roads and improvements to tracks; access for carrying out the authorised project	Work Nos.: 6, 8, 9, 13a, 13b, 15, 17, 19, 21, 27, 28, 33, 37, 38
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PART 2

In the County of Dorset, in the Borough of Christchurch

<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised project</i>
183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 196, 197, 198, 225, 226, 227, 236, 237, 240, 241, 243, 244, 245	Construction and carrying out of the authorised project; worksites for construction and the carrying out of the authorised project; access for carrying out the authorised project	Work Nos.: 39, 44, 46, 48, 50, 53
228, 229, 242	Construction and storage compound; access for carrying out the authorised project	Work Nos.: 45, 50
194, 195, 235, 247, 248, 249, 250, 252	Laying of temporary haul roads and improvements to tracks; access for carrying out the authorised project	Work Nos.: 40, 47, 51, 52

PART 3

In the County of Dorset, in the District of East Dorset

<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised project</i>
255, 256, 257, 263, 264, 265, 266, 267, 268, 269, 270, 271, 273, 275, 278, 281, 282, 285, 288, 291, 292, 294, 297, 298, 300, 301, 302, 303, 304, 308, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340	Construction and carrying out of the authorised project; worksites for construction and the carrying out of the authorised project; access for carrying out the authorised project	Work Nos.: 53, 54, 56, 57, 60, 62, 63, 64, 67, 69, 70, 71, 72, 73
259, 293, 299	Construction and storage compound; access for carrying out the authorised project	Work Nos.: 55, 56, 59, 62, 64, 66
253, 261, 262, 272, 274, 276, 277, 279, 280, 283, 284, 286,	Laying of temporary haul roads and improvements to	Work Nos.: 52, 56, 58, 68

287, 289, 290, 320, 322

tracks; access for carrying out
the authorised project

LAND OVER WHICH TEMPORARY ACCESS MAY BE TAKEN

PART 4

In the County of Hampshire, District of New Forest:

<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised project</i>
25, 26, 27, 33, 38, 45, 47, 53, 56, 72, 75, 78, 85, 88, 93, 98, 103, 106, 109, 137, 140, 145, 146, 147, 155, 168, 171, 217, 218	Laying of temporary haul roads and improvements to tracks; access for carrying out the authorised project	Work Nos.: 8, 9, 13a, 15, 17, 18, 19, 21, 27, 28, 34, 38, 42

PART 5

In the County of Dorset, Borough of Christchurch

<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised project</i>
230, 231, 232, 233, 234, 238, 239, 246, 251	Laying of temporary haul roads and improvements to tracks; access for carrying out the authorised project	Work Nos.: 47, 49, 51, 52

PART 6

In the County of Dorset, District of East Dorset

<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised project</i>
254, 258, 260, 295, 296, 305, 306, 307, 309, 321	Laying of temporary haul roads and improvements to tracks; access for carrying out the authorised project	Work Nos.: 52, 56, 58, 61, 65, 68

SCHEDULE 10

Article 37

IMPORTANT HEDGEROWS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Reference of important hedgerow</i>
In the County of Hampshire, District of New Forest	The important hedgerow marked H2 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H3 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H4 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H5 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H7 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H8 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H9 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H11 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H13 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H14 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H24 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H25 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H28 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H29 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H30 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H31 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H32 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H34 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H35 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H37 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H38 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H41 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H50 on the important hedgerows plan

In the County of Hampshire, District of New Forest	The important hedgerow marked H72 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H73 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H74 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H79 on the important hedgerows plan
In the County of Dorset, District of East Dorset	The important hedgerow marked H81 on the important hedgerows plan
In the County of Dorset, District of East Dorset	The important hedgerow marked H82 on the important hedgerows plan
In the County of Dorset, District of East Dorset	The important hedgerow marked H83 on the important hedgerows plan
In the County of Dorset, District of East Dorset	The important hedgerow marked H84 on the important hedgerows plan
In the County of Dorset, District of East Dorset	The important hedgerow marked H85 on the important hedgerows plan
In the County of Dorset, District of East Dorset	The important hedgerow marked H86 on the important hedgerows plan
In the County of Dorset, District of East Dorset	The important hedgerow marked H88 on the important hedgerows plan
In the County of Dorset, District of East Dorset	The important hedgerow marked H89 on the important hedgerows plan
In the County of Dorset, District of East Dorset	The important hedgerow marked H90 on the important hedgerows plan
In the County of Dorset, District of East Dorset	The important hedgerow marked H91 on the important hedgerows plan

SCHEDULE 11

Article 38

TREES SUBJECT TO TREE PRESERVATION ORDERS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Type of tree and reference</i>	<i>(3)</i> <i>Work to be carried out</i>
In the County of Hampshire, District of New Forest [Tree Preservation Order No. 118/03, Land of Bashley Park, New Milton in Hampshire]	Mixed woodland mainly consisting of Oak, Ash, Beech and Pine marked on the tree preservation order plan	Felling or lopping or cutting back roots
In the County of Dorset, District of East Dorset [East Dorset District (West Moors No. 13) Tree Preservation Order 1995]	Woodland consisting of English Oak, Silver Birch, Ash, Yew and Willow with an understorey including Hazel and Holly marked on the tree preservation order plan	Felling or lopping or cutting back roots

PROTECTIVE PROVISIONS

PART 1

Protection for Network Rail Infrastructure Limited

1. The following provisions of this part of this Schedule have effect unless otherwise agreed in writing between the undertaker and Network Rail and, in the case of paragraph 15, any other person on whom rights or obligations are conferred by that paragraph.

2. In this part of this Schedule—

“construction” includes execution, placing, alteration and reconstruction and “construct” and “constructed” have corresponding meanings;

“the engineer” means an engineer appointed by Network Rail for the purposes of this Order;

“network licence” means the network licence, as the same is amended from time to time, granted to Network Rail Infrastructure Limited by the Secretary of State in exercise of his powers under section 8 of the Railways Act 1993;

“Network Rail” means Network Rail Infrastructure Limited and any associated company of Network Rail Infrastructure Limited which holds property for railway purposes, and for the purpose of this definition “associated company” means any company which is (within the meaning of section 1159 of the Companies Act 2006) the holding company of Network Rail Infrastructure Limited, a subsidiary of Network Rail Infrastructure Limited or another subsidiary of the holding company of Network Rail Infrastructure Limited;

“plans” includes sections, designs, design data, software, drawings, specifications, soil reports, calculations, descriptions (including descriptions of methods of construction), staging proposals, programmes and details of the extent, timing and duration of any proposed occupation of railway property;

“railway operational procedures” means procedures specified under any access agreement (as defined in the Railways Act 1993) or station lease;

“railway property” means any railway belonging to Network Rail Infrastructure Limited and—

(a) any station, land, works, apparatus and equipment belonging to Network Rail Infrastructure Limited or connected with any such railway; and

(b) any easement or other property interest held or used by Network Rail Infrastructure Limited for the purposes of such railway or works, apparatus or equipment; and

“specified work” means so much of any of the authorised development as is situated upon, across, under, over or within 15 metres of, or may in any way adversely affect, railway property.

3.—(1) Where under this part of this Schedule Network Rail is required to give its consent, agreement or approval in respect of any matter, that consent, agreement or approval is subject to the condition that Network Rail complies with any relevant railway operational procedures and any obligations under its network licence or under statute.

(2) In so far as any specified work or the acquisition or use of railway property is or may be subject to railway operational procedures, Network Rail must—

- (a) co-operate with the undertaker with a view to avoiding undue delay and securing conformity as between any plans approved by the engineer and requirements emanating from those procedures; and
- (b) use their reasonable endeavours to avoid any conflict arising between the application of those procedures and the proper implementation of the authorised development pursuant to this Order.

4.—(1) The undertaker must not exercise the powers conferred by **article 20** (authority to survey and investigate the land) or the powers conferred by section 11(3) of the 1965 Act (powers of entry) in respect of any railway property unless the exercise of such powers is with the consent of Network Rail.

(2) The undertaker must not in the exercise of the powers conferred by this Order prevent pedestrian or vehicular access to any railway property, unless preventing such access is with the consent of Network Rail.

(3) The undertaker must not exercise the powers conferred by sections 271 or 272 of the 1990 Act (extinguishment of rights of statutory undertakers and electronic code communications operators: preliminary notices), or **article 33** (statutory undertakers), in relation to any right of access of Network Rail to railway property, but such right of access may be diverted with the consent of Network Rail.

(4) The undertaker must not under the powers of this Order acquire or use or acquire new rights over any railway property except with the consent of Network Rail.

(5) Where Network Rail is asked to give its consent or agreement pursuant to this paragraph, such consent or agreement must not be unreasonably withheld but may be given subject to reasonable conditions.

5.—(1) The undertaker must before commencing construction of any specified work supply to Network Rail proper and sufficient plans of that work for the reasonable approval of the engineer and the specified work must not be commenced except in accordance with such plans as have been approved in writing by the engineer or settled by arbitration.

(2) The approval of the engineer under sub-paragraph (1) must not be unreasonably withheld, and if by the end of the period of 28 days beginning with the date on which such plans have been supplied to Network Rail the engineer has not intimated disapproval of those plans and the grounds of disapproval the undertaker may serve upon the engineer written notice requiring the engineer to intimate approval or disapproval within a further period of 28 days beginning with the date upon which the engineer receives written notice from the undertaker. If by the expiry of the further 28 days the engineer has not intimated approval or disapproval, the engineer is deemed to have approved the plans as submitted.

(3) If by the end of the period of 28 days beginning with the date on which written notice was served upon the engineer under sub-paragraph (2), Network Rail gives notice to the undertaker that Network Rail desires itself to construct any part of a specified work which in the opinion of the engineer will or may affect the stability of railway property or the safe operation of traffic on the railways of Network Rail then, if the undertaker desires such part of the specified work to be constructed, Network Rail must construct it with all reasonable dispatch on behalf of and to the reasonable satisfaction of the undertaker in accordance with the plans approved or deemed to be approved or settled under this paragraph, and under the supervision (where appropriate and if given) of the undertaker.

(4) When signifying approval of the plans the engineer may specify any protective works (whether temporary or permanent) which in the engineer's opinion should be carried out before the commencement of the construction of a specified work to ensure the safety or stability of railway property or the continuation of safe and efficient operation of the railways of Network Rail or the services of operators using the same (including any relocation de-commissioning and removal of works, apparatus and equipment necessitated by a specified work and the comfort and safety of passengers who may be affected by the specified works), and such protective works as may be reasonably necessary for those purposes must be constructed by Network Rail or by the undertaker, if Network Rail so desires, and such protective works must be carried out at the

expense of the undertaker in either case with all reasonable dispatch and the undertaker must not commence the construction of the specified works until the engineer has notified the undertaker that the protective works have been completed to his reasonable satisfaction.

6.—(1) Any specified work and any protective works to be constructed by virtue of paragraph 5(4) must, when commenced, be constructed—

- (a) with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled under paragraph 5;
- (b) under the supervision (where appropriate and if given) and to the reasonable satisfaction of the engineer;
- (c) in such manner as to cause as little damage as is possible to railway property; and
- (d) so far as is reasonably practicable, so as not to interfere with or obstruct the free, uninterrupted and safe use of any railway of Network Rail or the traffic thereon and the use by passengers of railway property.

(2) If any damage to railway property or any such interference or obstruction is caused by the carrying out of, or in consequence of the construction of a specified work, the undertaker must, notwithstanding any such approval, make good such damage and must pay to Network Rail all reasonable and properly incurred expenses to which Network Rail may be put and compensation for any loss which it may properly sustain by reason of any such damage, interference or obstruction.

(3) Nothing in this part of this Schedule imposes any liability on the undertaker with respect to any damage, costs, expenses or loss attributable to the negligence of Network Rail or its servants, contractors or agents or any liability on Network Rail with respect of any damage, costs, expenses or loss attributable to the negligence of the undertaker or its servants, contractors or agents.

7. The undertaker must—

- (a) at all times afford reasonable facilities to the engineer for access to a specified work during its construction; and
- (b) supply the engineer with all such information as the engineer may reasonably require with regard to a specified work or the method of constructing it.

8. Network Rail must at all times afford reasonable facilities to the undertaker and its agents for access to any works carried out by Network Rail under this part of this Schedule during their construction and must supply the undertaker with all such information as it may reasonably require with regard to such works or the method of constructing them.

9.—(1) If any permanent or temporary alterations or additions to railway property are reasonably necessary in consequence of the construction of a specified work, or during a period of 24 months after the completion of that work in order to ensure the safety of railway property or the continued safe operation of the railway of Network Rail, such alterations and additions may be carried out by Network Rail and if Network Rail gives to the undertaker reasonable notice of its intention to carry out such alterations or additions (which must be specified in the notice), the undertaker must pay to Network Rail the reasonable and proper cost of those alterations or additions including, in respect of any such alterations and additions as are to be permanent, a capitalised sum representing the increase of the costs which may be expected to be reasonably and properly incurred by Network Rail in maintaining, working and, when necessary, renewing any such alterations or additions.

(2) If during the construction of a specified work by the undertaker, Network Rail gives notice to the undertaker that Network Rail desires itself to construct that part of the specified work which in the opinion of the engineer is endangering the stability of railway property or the safe operation of traffic on the railways of Network Rail then, if the undertaker decides that part of the specified work is to be constructed, Network Rail may assume construction of that part of the specified work and the undertaker must, notwithstanding any such approval of a specified work under paragraph 5(3), pay to Network Rail all reasonable and properly incurred expenses to which Network Rail may be put and compensation for any loss which it may suffer by reason of the execution by Network Rail of that specified work.

(3) The engineer must, in respect of the capitalised sums referred to in this paragraph and paragraph 20(a) provide such details of the formula by which those sums have been calculated as the undertaker may reasonably require.

(4) If the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions a capitalised sum representing such saving must be set off against any sum payable by the undertaker to Network Rail under this paragraph.

10. The undertaker must repay to Network Rail all reasonable fees, costs, charges and expenses reasonably and properly incurred by Network Rail—

- (a) in constructing any part of a specified work on behalf of the undertaker as provided by paragraph 5(3) or in constructing any protective works under the provisions of paragraph 5(4) including, in respect of any permanent protective works, a capitalised sum representing the cost of maintaining and renewing those;
- (b) in respect of the approval by the engineer of plans submitted by the undertaker and the supervision by the engineer of the construction of a specified work;
- (c) in respect of the employment or procurement of the services of any inspectors, signalmen, watchmen and other persons whom it may be reasonably necessary to appoint for inspecting, signalling, watching and lighting railway property and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of a specified work;
- (d) in respect of any special traffic working resulting from any speed restrictions which may in the opinion of the engineer, require to be imposed by reason or in consequence of the construction or failure of a specified work or from the substitution or diversion of services which may be reasonably necessary for the same reason; and
- (e) in respect of any additional temporary lighting of railway property in the vicinity of the specified works, being lighting made reasonably necessary by reason or in consequence of the construction or failure of a specified work.

11.—(1) In this paragraph—

“EMI” means, subject to sub-paragraph (2), electromagnetic interference with Network Rail apparatus generated by the operation of the authorised development where such interference is of a level which adversely affects the safe operation of Network Rail’s apparatus; and

“Network Rail’s apparatus” means any lines, circuits, wires, apparatus or equipment (whether or not modified or installed as part of the authorised development) which are owned or used by Network Rail for the purpose of transmitting or receiving electrical energy or of radio, telegraphic, telephonic, electric, electronic or other like means of signalling or other communications.

(2) This paragraph applies to EMI only to the extent that such EMI is not attributable to any change to Network Rail’s apparatus carried out after approval of plans under paragraph 5(1) for the relevant part of the authorised development giving rise to EMI (unless the undertaker has been given notice in writing before the approval of those plans of the intention to make such change).

(3) Subject to sub-paragraph (5), the undertaker must in the design and construction of the authorised development take all measures necessary to prevent EMI and establish with Network Rail (both parties acting reasonably) appropriate arrangements to verify their effectiveness.

(4) In order to facilitate the undertaker’s compliance with sub-paragraph (3)—

- (a) the undertaker must consult with Network Rail as early as reasonably practicable to identify all Network Rail’s apparatus which may be at risk of EMI, and thereafter must continue to consult with Network Rail (both before and after formal submission of plans under paragraph 5(1)) in order to identify all potential causes of EMI and the measures required to eliminate them;
- (b) Network Rail must make available to the undertaker all information in the possession of Network Rail reasonably requested by the undertaker in respect of Network Rail’s apparatus identified pursuant to sub-paragraph (a); and

(c) Network Rail must allow the undertaker reasonable facilities for the inspection of Network Rail's apparatus identified pursuant to sub-paragraph (a).

(5) In any case where it is established that EMI can only reasonably be prevented by modifications to Network Rail's apparatus, Network Rail must not withhold its consent unreasonably to modifications of Network Rail's apparatus, but the means of prevention and the method of their execution selected in the reasonable discretion of Network Rail, and in relation to such modifications paragraph 5(1) has effect subject to this sub-paragraph.

(6) If at any time prior to the commencement of commercial operation of the authorised development and notwithstanding any measures adopted pursuant to sub-paragraph (3), the testing or commissioning of the authorised development causes EMI then the undertaker must immediately upon receipt of notification by Network Rail of such EMI either in writing or communicated orally (such oral communication to be confirmed in writing as soon as reasonably practicable after it has been issued) forthwith cease to use (or procure the cessation of use of) the undertaker's apparatus causing such EMI until all measures necessary have been taken to remedy such EMI by way of modification to the source of such EMI or (in the circumstances, and subject to the consent, specified in sub-paragraph (5)) to Network Rail's apparatus.

(7) In the event of EMI having occurred—

- (a) the undertaker must afford reasonable facilities to Network Rail for access to the undertaker's apparatus in the investigation of such EMI;
- (b) Network Rail must afford reasonable facilities to the undertaker for access to Network Rail's apparatus in the investigation of such EMI; and
- (c) Network Rail must make available to the undertaker any additional material information in its possession reasonably requested by the undertaker in respect of Network Rail's apparatus or such EMI.

(8) Where Network Rail approves modifications to Network Rail's apparatus pursuant to sub-paragraphs (5) or (6)—

- (a) Network Rail must allow the undertaker reasonable facilities for the inspection of the relevant part of Network Rail's apparatus;
- (b) any modifications to Network Rail's apparatus approved pursuant to those sub-paragraphs must be carried out and completed by the undertaker in accordance with paragraph 6.

(9) To the extent that it would not otherwise do so, the indemnity in paragraph 15(1) applies to the costs and expenses reasonably and properly incurred or losses properly suffered by Network Rail through the implementation of the provisions of this paragraph (including costs incurred in connection with the consideration of proposals, approval of plans, supervision and inspection of works and facilitating access to Network Rail's apparatus) or in consequence of any EMI to which sub-paragraph (6) applies.

(10) For the purpose of paragraph 10(a) any modifications to Network Rail's apparatus under this paragraph is deemed to be protective works referred to in that paragraph.

(11) In relation to any dispute arising under this paragraph the reference in **article 41** (arbitration) to an arbitrator to be agreed is to be read as a reference to an arbitrator being a member of the Institution of Electrical Engineers to be agreed.

12. If at any time after the completion of a specified work, not being a work vested in Network Rail, Network Rail gives notice to the undertaker informing it that the state of maintenance of any part of the specified work appears to be such as adversely affects the operation of railway property, the undertaker must, on receipt of such notice, take such steps as may be reasonably necessary to put that specified work in such state of maintenance as not adversely to affect railway property.

13. The undertaker must not provide any illumination or illuminated sign or signal on or in connection with a specified work in the vicinity of any railway belonging to Network Rail unless it has first consulted Network Rail and it must comply with Network Rail's reasonable requirements for preventing confusion between such illumination or illuminated sign or signal and

any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway.

14. Any additional expenses which Network Rail may reasonably and properly incur in altering, reconstructing or maintaining railway property under any powers existing at the making of this Order by reason of the existence of a specified work must, provided that 56 days' previous notice of the commencement of such alteration, reconstruction or maintenance has been given to the undertaker, be repaid by the undertaker to Network Rail.

15.—(1) The undertaker must pay to Network Rail all reasonable costs, charges, damages and expenses not otherwise provided for in this part of this Schedule which may be occasioned to or reasonably and properly incurred by Network Rail—

- (a) by reason of the construction or maintenance of a specified work or the failure of them; or
- (b) by reason of any act or omission of the undertaker or of any person in its employ or of its contractors or others whilst engaged upon a specified work,

and the undertaker must indemnify and keep indemnified Network Rail from and against all claims and demands arising out of or in connection with a specified work or any such failure, act or omission: and the fact that any act or thing may have been done by Network Rail on behalf of the undertaker or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under his supervision must not (if it was done without negligence on the part of Network Rail or of any person in its employ or of its contractors or agents) excuse the undertaker from any liability under the provisions of this sub-paragraph.

(2) Network Rail must give the undertaker notice of any such claim or demand as soon as is reasonably practicable and no settlement or compromise of such a claim or demand may be made without the prior consent of the undertaker.

(3) The sums payable by the undertaker under sub-paragraph (1) must include a sum equivalent to the relevant costs.

(4) Subject to the terms of any agreement between Network Rail and a train operator regarding the timing or method of payment of the relevant costs in respect of that train operator, Network Rail must promptly pay to each train operator the amount of any sums which Network Rail receives under sub-paragraph (3) which relates to the relevant costs of that train operator.

(5) The obligation under sub-paragraph (3) to pay Network Rail the relevant costs may, in the event of default, be enforceable directly by any train operator concerned to the extent that such sums would be payable to that operator pursuant to sub-paragraph (4).

(6) In this paragraph—

“the relevant costs” means the costs, direct losses and expenses (including loss of revenue) reasonably and properly incurred by each train operator as a consequence of any restriction of the use of Network Rail’s railway network as a result of the construction, maintenance or failure of a specified work or any such act or omission as mentioned in sub-paragraph (1); and

“train operator” means any person who is authorised to act as the operator of a train by a licence under section 8 of the Railways Act 1993.

16. Network Rail must, on receipt of a request from the undertaker, from time to time provide the undertaker free of charge with written estimates of the costs, charges, expenses and other liabilities for which the undertaker is or will become liable under this part of this Schedule (including the amount of the relevant costs mentioned in paragraph 15) and with such information as may reasonably enable the undertaker to assess the reasonableness of any such estimate or claim made or to be made pursuant to this part of this Schedule (including any claim relating to those relevant costs).

17. In the assessment of any sums payable to Network Rail under this part of this Schedule there must not be taken into account any increase in the sums claimed that is attributable to any action taken by or any agreement entered into by Network Rail if that action or agreement was not reasonably necessary and was taken or entered into with a view to obtaining the payment of those sums by the undertaker under this part of this Schedule or increasing the sums so payable.

18. Nothing in this Order, or in any enactment incorporated with or applied by this Order, prejudices or affects the operation of Part I of the Railways Act 1993.

19. The undertaker must give written notice to Network Rail where any application is proposed to be made by the undertaker for the Secretary of State's consent under **article 7** (benefit of the Order) of this Order and any such notice must be given no later than 28 days before any such application is made and must describe or give (as appropriate)—

- (a) the nature of the application to be made;
- (b) the extent of the geographical area to which the application relates; and
- (c) the name and address of the person acting for the Secretary of State to whom the application is to be made.

20. The undertaker must no later than 28 days from the date that the plans submitted to and certified by the Secretary of State in accordance with **article 39** (certification of plans etc.), provide a set of those plans to Network Rail in the form of a computer disc with read only memory.

DEEMED LICENCE UNDER MARINE AND COASTAL ACCESS
ACT 2009 – GENERATION ASSETS

PART 1

Licensed Marine Activities

1.—(1) In this licence—

“the 2008 Act” means the Planning Act 2008;

“the 2009 Act” means the Marine and Coastal Access Act 2009;

“authorised deposits” means the substances and articles specified in paragraph 2(3) of this licence;

“authorised scheme” means Work No. 1 described in paragraph 2 of this licence or any part of that work;

“Cefas” means the Centre for Environment, Fisheries and Aquaculture Science;

“commence” means the first carrying out of any part of the licensed activities, save for pre-construction surveys and monitoring, and the words “commenced” and “commencement” shall be construed accordingly;

“condition” means a condition in Part 2 of this licence;

“enforcement officer” means a person authorised to carry out enforcement duties under Chapter 3 of the 2009 Act;

“environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of this Order and submitted with the application on 10 April 2014;

“gravity base foundation” means a structure principally of concrete or steel and concrete which rests on the seabed due to its own weight with or without added ballast or skirts, including associated sea bed preparation, scour protection, J-tubes, corrosion protection systems, boat landings comprising an access ladder with vertical boat fenders fitted either side and work platforms and equipment;

“in-principle monitoring plan” means the document certified as the in-principle monitoring plan by the Secretary of State for the purposes of this Order;

“Kingfisher Fortnightly Bulletin” means the bulletin published by the Humber Seafood Institute or such other alternative publication approved in writing by the MMO;

“LAT” means lowest astronomical tide;

“licensed activities” means the activities specified in Part 1 of this licence;

“maintain” includes inspect, repair, adjust and alter, remove, reconstruct and replace and further includes remove, reconstruct and replace any of the ancillary works and any component part of any wind turbine generator, offshore substation platform or meteorological mast described in Part 1 of Schedule 1 (authorised development), to the extent assessed in the environmental statement; and “maintenance” shall be construed accordingly;

“Marine Management Organisation” or “MMO” means the body created under the Marine and Coastal Access Act 2009 which is responsible for the monitoring and enforcement of this licence;

“MCA” means the Maritime and Coastguard Agency;

“meteorological mast” means a lattice tower housing or incorporating equipment to measure wind speed and other wind characteristics, including a service platform housing electrical and communication equipment and associated equipment, oceanographic equipment and connecting cable, and marking and lighting;

“mean high water springs” or “MHWS” means the highest level which spring tides reach on average over a period of time;

“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;

“Order limits” means the limits shown on the works plan within which the authorised scheme may be carried out, whose grid coordinates are set out in paragraph 3 of this licence;

“Order” means the Navitus Bay Wind Farm Order 201X;

“outline diver management plan” means the document certified as the outline diver management plan by the Secretary of State for the purposes of this Order;

“outline marine traffic and navigational monitoring strategy” means the document certified as the outline marine traffic and navigational monitoring strategy by the Secretary of State for the purposes of this Order;

“outline noise communication and monitoring protocol” means the document certified as the outline noise communication and monitoring protocol by the Secretary of State for the purposes of this Order;

“parameters for the noise propagation report” means the document certified as the parameters for the noise propagation report by the Secretary of State for the purposes of this Order;

“space frame foundation” means a jacket lattice type structure constructed of concrete, steel or steel and concrete which is fixed to the seabed at three or more points with driven or pre-installed piles or suction caissons, including associated scour protection, J-tubes, corrosion protection systems, boat landings comprising an access ladder with vertical boat fenders fitted either side, access and work platforms and equipment;

“steel monopile foundation” means a steel, concrete, or steel and concrete large diameter pile, typically cylindrical, driven and/or drilled into the seabed or fixed to the seabed with suction caissons, including associated scour protection, transition piece, J-tubes, corrosion protection systems, boat landings comprising an access ladder with vertical boat fenders fitted either side, access and work platforms and equipment;

“suction caisson” means a steel cylindrical structure which is fixed to the base of the foundation and partially or completely penetrates the seabed and remains in place using its own weight and hydrostatic pressure differential;

“Trinity House” means The Corporation of Trinity House of Deptford Strond;

“turbine area design principles” means the document certified as the turbine area design principles by the Secretary of State for the purposes of this Order;

“undertaker” means Navitus Bay Development Limited;

“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in, on or over water and which is at the time in, on or over water;

“wind turbine generator” or “WTG” means a structure comprising a tower, rotor with three horizontal axis blades connected at the hub, nacelle containing mechanical and electrical equipment, ancillary equipment including access ladders and platforms, lifts, cables, corrosion protection systems, maintenance equipment, helihoist facilities and other associated equipment, fixed to a foundation;

“Work No. 2” means up to three offshore substation platforms;

“works plan” means the plan certified as the works plan by the Secretary of State for the purposes of the Order;

(2) A reference to any statute, order, regulation or similar instrument shall be construed as a reference to a statute, order, regulation or instrument as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.

(3) Unless otherwise indicated—

- (a) all times shall be taken to be Greenwich Mean Time (GMT);
- (b) all co-ordinates shall be taken to be latitude and longitude degrees and minutes to two decimal places.

(4) Except where otherwise notified in writing by the relevant organisation, the primary point of contact with the organisations listed below and the address for returns and correspondence shall be—

- (a) Marine Management Organisation
 - Offshore Licensing Team
 - Lancaster House
 - Hampshire Court
 - Newcastle Business Park
 - Newcastle upon Tyne
 - NE4 7YH
 - Tel: 0300 123 1032
- (b) Marine Management Organisation (Coastal Office)
 - Fish Market
 - Rock-A-Nore Road
 - Hastings
 - East Sussex
 - TN34 3DW
 - Tel: 01424 424109
 - Fax: 01424 444642
 - Email: hastings@marinemanagement.org.uk
- (c) MMO Marine Pollution Emergency Response Team
 - Tel: 0300 200 2024
 - Fax: 0191 376 2682
 - Email: dispersants@marinemanagement.org.uk
- (d) Trinity House
 - Tower Hill
 - London
 - EC3N 4DH
 - Tel: 020 7481 6900
- (e) The United Kingdom Hydrographic Office
 - Admiralty Way
 - Taunton
 - Somerset
 - TA1 2DN
 - Tel: 01823 337 900
- (f) Marine and Coastguard Agency

Navigation Safety Branch
 Bay 2/04
 Spring Place
 105 Commercial Road
 Southampton
 SO15 1EG
 Tel: 023 8032 9191

(g) Centre for Environment, Fisheries and Aquaculture Science
 Pakefield Road
 Lowestoft
 Suffolk
 NR33 0HT
 Tel: 01502 562 244

(h) Natural England
 Area 1C, Nobel House
 17 Smith Square
 London
 SW1P 2AL
 Tel: 0300 060 4911

(i) Historic Buildings and Monuments Commission for England
 Eastgate Court
 195-205 High Street
 Guildford
 GU1 3EH
 Tel: 01483 252 057.

Details of licensed marine activities

2. This licence authorises the undertaker (and any agent or contractor acting on their behalf) to carry out the following licensable marine activities under section 66(1) of the 2009 Act, subject to the conditions—

- (a) the deposit at sea of the substances and articles specified in paragraph 4 below;
- (b) the construction of works in or over the sea and/or on or under the sea bed;
- (c) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation; and
- (d) the disposal of 543,200m³ of inert material of natural origin produced during the drilling installation of or seabed preparation for foundations within site disposal reference WI093, whose grid coordinates are specified below—

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	50° 24'52.877"N	1° 40'16.604"W	51	50° 32'6.533"N	1° 46'8.133"W
2	50° 23'46.628"N	1° 48'59.195"W	52	50° 32'5.547"N	1° 44'36.746"W
3	50° 25'2.478"N	1° 50'38.455"W	53	50° 30'56.581"N	1° 40'39.431"W
4	50° 28'1.441"N	1° 51'16.576"W			

3. The works referred to in paragraph (2)(b) comprise—

(1) Work No. 1

- (a) an offshore wind turbine generating station with a gross electrical output capacity of up to 970 MW comprising up to 194 wind turbine generators each fixed to the seabed by one of three foundation types (namely, gravity base foundation, steel monopile foundation, space frame foundation), fitted with rotating blades and situated within the area hatched yellow on the works plan and further comprising (b) to (c) below;
- (b) up to one meteorological mast fixed to the seabed by one of three foundation types (namely, gravity base foundation, steel monopile foundation, space frame foundation) situated within the area hatched yellow on the works plan;
- (c) a network of cables laid underground within the area hatched yellow on the works plan between the WTGs and the meteorological mast and Work No. 2, for the transmission of electricity and electronic communications between these different structures and including one or more cable crossings.

(2) In connection with such Work No. 1 and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project and which fall within the scope of the work assessed by the environmental statement and the provisions of this licence.

(3) In connection with such Work No. 1, ancillary works comprising—

- (a) temporary landing places or other means of accommodating vessels in the construction and/or maintenance of the authorised scheme; and
- (b) buoys, beacons, fenders and other navigational warning or ship impact protection works.

4. The substances or articles authorised for deposit at sea are—

- (a) iron and steel, copper and aluminium;
- (b) stone and rock;
- (c) concrete;
- (d) sand and gravel;
- (e) plastic and synthetic;
- (f) material extracted from within the Order limits seaward of MHWS during construction drilling or seabed preparation for foundation works; and
- (g) marine coatings, other chemicals and timber.

5. The grid coordinates for the authorised scheme are specified below—

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	50° 24' 52.877" N	1° 40' 16.604" W	51	50° 32' 6.533" N	1° 46' 8.133" W
2	50° 23' 46.628" N	1° 48' 59.195" W	52	50° 32' 5.547" N	1° 44' 36.746" W
3	50° 25' 2.478" N	1° 50' 38.455" W	53	50° 30' 56.581" N	1° 40' 39.431" W
4	50° 28' 1.441" N	1° 51' 16.576" W			

6. This licence shall remain in force until the authorised scheme has been decommissioned in accordance with a programme approved by the Secretary of State under section 106 of the 2004 Act, including any modification to the programme under section 108, and the completion of such programme has been confirmed by the Secretary of State in writing.

7. The provisions of Section 72 of the 2009 Act shall apply to this licence save that the provisions of Section 72(7) relating to the transfer of the licence shall only apply to a transfer not falling within **article 7** (benefit of the Order).

8. With respect to any condition which requires the licensed activities be carried out in accordance with the plans, protocols or statements approved under this Schedule, the approved

details, plan or scheme are taken to include any amendments that may subsequently be approved in writing by the MMO.

9. Any amendments to or variations from the approved plans, protocols or statements must be minor or immaterial where it has been demonstrated that the subject-matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

PART 2

Conditions

Design parameters

1.—(1) Subject to paragraph (2), no wind turbine generator forming part of the authorised scheme may—

- (a) exceed a height of 200 metres when measured from LAT to the tip of the vertical blade;
- (b) exceed a height of 112 metres when measured from LAT to the height of the centreline of the generator shaft forming part of the hub;
- (c) exceed a rotor diameter of 176 metres;
- (d) be less than 756 metres from the nearest WTG in either direction perpendicular to the approximate prevailing wind direction (crosswind) or be less than 1,008 metres from the nearest WTG in either direction which is in line with the approximate prevailing wind direction (downwind);
- (e) have a distance of less than 22 metres between the lowest point of the rotating blade of the wind turbine and MHWS.

(2) References to the location of a wind turbine generator are references to the centre point of the tower of that WTG.

(3) In all layouts, WTGs along the northwest edge of the Order limits must be positioned in a straight line (excluding the micrositing of WTGs).

2.—(1) No lattice tower forming part of a meteorological mast may exceed a height of 120 metres above LAT.

(2) Each meteorological mast must have no more than one supporting foundation.

3.—(1) The total length of the cables comprising Work No. 1(c) must not exceed 296 kilometres.

(2) The total amount of cable protection for the cables comprising Work No. 1(c) must not exceed 155,700m³.

4.—(1) Each steel monopile foundation forming part of the authorised scheme may be attached to the seabed using piles or suction caisson and—

- (a) each piled steel monopile foundation must not have a diameter of more than 8 metres, save for the piled steel monopile foundation for the meteorological mast which must not have a diameter of more than 4 metres;
- (b) each suction caisson steel monopile foundation must not have—
 - (i) a diameter at the level of the seabed which is more than 20 metres;
 - (ii) a base height, where there is a flat base, which is more than 20 metres;
 - (iii) more than one suction caisson per foundation.

(2) No piled steel monopile foundation forming part of the authorised scheme may be erected within the areas hatched black on the works plan (the “monopile exclusion zone”), whose coordinates are specified below—

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	50° 24'52.877"N	1° 40'16.604"W	62	50° 26'47.344"N	1° 51' 0.782"W
3	50° 23'46.628"N	1° 48'59.195"W	63	50° 29'22.581"N	1° 40'33.524"W
5	50° 25'2.477"N	1° 50'38.454"W			

- (3) Each gravity base foundation forming part of the authorised scheme must not have—
- (a) a diameter at the level of the seabed which is greater than 45 metres;
 - (b) a column diameter which is greater than 8 metres;
 - (c) a cone/column intersect which is higher than 32 metres above the top of the seabed;
 - (d) a cone diameter at its base which is greater than 45 metres.
- (4) Each space frame foundation forming part of the authorised scheme must not have—
- (a) a width spacing between each leg at the level of the seabed which is greater than 35 metres;
 - (b) more than 4 legs.
- (5) Each space frame foundation forming part of the authorised scheme may be attached to the seabed using piles or suction caisson and—
- (a) each piled space frame foundation must not have—
 - (i) a pile diameter which is more than 3.5 metres;
 - (ii) more than one pile per leg.
 - (b) each suction caisson steel space frame foundation must not have—
 - (i) a diameter at the level of the seabed which is more than 15 metres;
 - (ii) a base height, where there is a flat base, which is more than 20 metres;
 - (iii) more than one suction caisson per leg.
- (6) The total amount of scour protection for the WTGs and meteorological mast must not exceed 310,764 m³.

Notifications and inspections

- 5.—(1) The undertaker must ensure that—
- (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 13**; and
 - (ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with **condition 13**;
 - (b) within 28 days of receipt of a copy of this licence those persons referred to in paragraph (a) above must provide a completed confirmation form to the MMO confirming that they have read and will comply with the terms of the conditions of this licence.
- (2) Only those persons and vessels notified to the MMO in accordance with **condition 13** 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 undertaker’s registered address;
 - (b) any site office located at or adjacent to the construction site and used by the undertaker or its agents and contractors responsible for the loading, transportation or deposit of the authorised deposits; and

(c) on board each vessel or at the office of any transport manager with responsibility for vessels from which authorised deposits or removals are to be made.

(4) The documents referred to in paragraph (1)(a) must be available for inspection by an authorised enforcement officer at the locations set out in paragraph (3)(b) above.

(5) The undertaker 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 undertaker must inform the MMO Coastal Office in writing at least five working days prior to the commencement of the licensed activities or any part of them.

(7) The undertaker must inform the Kingfisher Information Service of Seafish by email to kingfisher@seafish.co.uk of details regarding the vessel routes, timings and locations relating to the construction of the authorised scheme or relevant part—

(a) at least two weeks prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data; and

(b) on completion of construction of all offshore activities.

Confirmation of notification must be provided to the MMO.

(8) The undertaker must ensure that 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. 1 (wind turbine generators or other offshore construction activities including array cables) and the expected vessel routes from the local construction ports to the relevant location.

(9) The undertaker must ensure that the notices to mariners are updated and reissued at weekly intervals during construction activities and within five days of any planned operations and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme approved under **condition 11(b)**. Copies of all notices must be provided to the MMO.

(10) The undertaker must notify the Hydrographic Office of both the commencement (within two weeks), progress and completion of construction (within two weeks) of the authorised scheme in order that all necessary amendments to nautical charts are made and the undertaker must send a copy of such notifications to the MMO.

(11) In case of damage to, or destruction or decay of, the authorised scheme seaward of MHWS or any part thereof the undertaker shall as soon as possible and no later than 24 hours following the identification of damage, destruction or decay, notify MMO, MCA Trinity House and the Hydrographic Office.

Aids to navigation

6.—(1) The undertaker shall during the whole period of the construction, operation, alteration, replacement or decommissioning of the authorised scheme seaward of MHWS exhibit such lights, marks, sounds, signals and other aids to navigation, and to take such other steps for the prevention of danger to navigation as directed by Trinity House.

(2) The undertaker must keep Trinity House and the MMO informed of progress of the authorised scheme seaward of MWHS including the following—

(a) notice of commencement of construction of the authorised scheme within 24 hours of commencement having occurred;

(b) notice within 24 hours of any aids to navigation being established by the undertaker; and

(c) notice within 5 working days of completion of construction of the authorised scheme.

(3) The undertaker must submit reports quarterly to Trinity House detailing the working condition of aids to navigation. Reports may be submitted more frequently as specified by Trinity House.

(4) The undertaker must notify Trinity House and the MMO of any failure of the aids to navigation including timescales and plans for remedying such failures, as soon as possible and no later than 24 hours following the detection of any such failure.

(5) In the event that the provisions of **condition 5(11)** are invoked, the undertaker must lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as directed by Trinity House.

7.—(1) The undertaker must colour all structures yellow (colour code RAL 1023) 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.

(2) Subject to paragraph (1) above, unless the MMO otherwise directs, the undertaker must ensure that the wind turbine generators shall be painted light grey (colour code RAL 7035).

Aviation safety

8. The undertaker must notify the Defence Infrastructure Organisation and Bournemouth Airport in writing of the following information, at least 14 days prior to the commencement of the authorised scheme—

- (a) the date of the commencement of construction of the authorised scheme;
- (b) details of construction methods for the authorised scheme;
- (c) the date any wind turbine generators are to be brought into use;
- (d) the maximum height of any construction equipment to be used;
- (e) the maximum heights of any wind turbine generator, mast and platform to be constructed;
- (f) the latitude and longitude of each wind turbine generator, mast and platform to be constructed,

and the Defence Infrastructure Organisation Safeguarding and Bournemouth Airport must be notified of any changes to the information supplied under this paragraph and of the completion of the construction of the authorised scheme. Copies of notifications must be provided to the MMO.

Chemicals, drilling and debris

9.—(1) Unless otherwise agreed in writing by the MMO all chemicals used in the construction of the authorised scheme, including any chemical agents placed within any monopile void, 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) The undertaker must ensure that any coatings/treatments are suitable for use in the marine environment and are used in accordance with guidelines approved by Health and Safety Executive and the Environment Agency Pollution Prevention Control Guidelines.

(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) The undertaker must inform the MMO of the location and quantities of material disposed of each month under the Order, 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.

(5) The undertaker must ensure that only inert material of natural origin, produced during the drilling installation of or seabed preparation for foundations, and drilling mud is disposed of within site disposal reference WI093. Any other materials must be screened out before disposal at this site.

(6) The undertaker 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.

(7) In the event that any rock material used in the construction of the authorised scheme is misplaced or lost below MHWS, the undertaker 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 undertaker must endeavour to locate the material and recover it.

(8) The undertaker 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.

(9) The undertaker must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO, Marine Pollution Response Team in accordance with the marine pollution contingency plan agreed under **condition 11(d)(i)**.

(10) All dropped objects must be reported to the MMO using the Dropped Object Procedure Form as soon as reasonably practicable and in any event within 24 hours of the undertaker becoming aware of an incident. On receipt of the Dropped Object Procedure Form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the seabed at the undertaker's expense if reasonable to do so.

Force majeure

10.—(1) 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 within or 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.

(2) The unauthorised deposits must be removed at the expense of the undertaker unless written approval is obtained from the MMO.

Pre-construction plans and documentation

11. No part of the works at paragraph 2(2) of Part 1 (licensed marine activities) of this Schedule may 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 layout and location and choice of foundation of all WTGs and the meteorological mast;
 - (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 WTGs;
 - (iii) the height of all lattice towers forming part of the meteorological mast;
 - (iv) the length and arrangement and location of all cables comprising Work No 1(c);
 - (v) the dimensions of all steel monopile foundations;
 - (vi) the dimensions of all gravity base foundations;
 - (vii) the dimensions of all space frame foundations;
 - (viii) any archaeological exclusion zones identified under **condition 11(h)(iv)**;
 - (ix) any exclusion zones or micrositing requirements identified in any mitigation scheme pursuant to **condition 11(i)**; and
 - (x) in plan form, the indicative programming of particular works as set out in the indicative written construction programme to be provided under **condition 11(b)(iv)**, to ensure conformity with the description of Works Nos. 1 to 3 and compliance with **conditions 1-4** above.
- (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), 15, 16 and 17**; and
 - (iv) an indicative written construction programme for all wind turbine generators, meteorological mast and cables comprised in the works at paragraph 2(2) of Part 1 (licensed marine activities) of this Schedule (insofar as not shown in (ii) above);
- with details pursuant to paragraph (iii) to be submitted to the MMO in accordance with the following—
- (aa) at least four months prior to the first survey, detail of the pre-construction surveys and an outline of all proposed monitoring;
 - (bb) at least four months prior to construction, detail on construction monitoring;
 - (cc) at least four months prior to commissioning, detail of post-construction (and operational) monitoring;
- unless otherwise agreed in writing with the MMO;
- (c) A construction method statement to be agreed in writing with the MMO in consultation with Natural England in accordance with the construction methods assessed in the environmental statement and including details of—
 - (i) foundation installation methodology, including drilling methods and disposal of drill arisings and material extracted during seabed preparation for foundation works and having regard to any mitigation scheme pursuant to **condition 11(i)**;
 - (ii) cable installation;
 - (iii) contractors;
 - (iv) vessels and vessels transit corridors;
 - (v) a protocol for routeing vessels to and from the wind farm during construction and operation to minimise impacts on marine users;
 - (vi) associated and ancillary works; and
 - (vii) 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 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 plan and disposal arrangements;
 - (iv) the appointment and responsibilities of an environmental liaison officer;
 - (v) the appointment and responsibilities of a fisheries liaison officer; and
 - (vi) a communications protocol, to include a fisheries engagement plan 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 to be agreed in writing with the MMO in consultation with Natural England providing details of the need, type, sources, quantity and installation methods for scour protection, to be submitted to the MMO at least four months prior to the relevant activity.

- (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 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, to include—
 - (i) technical specification of offshore cables, including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with industry good practice; and
 - (ii) a detailed cable laying plan for the Order limits, incorporating a burial risk assessment to ascertain suitable burial depths and cable laying techniques.
- (h) A written scheme of archaeological investigation (WSI) in relation to the Order limits seaward of mean low water in accordance with industry good practice and after consultation with the Historic Buildings and Monuments Commission for England to include—
 - (i) details of responsibilities of the undertaker, 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) 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 pre-construction, during construction 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 WSI 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; and
 - (vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme or submission of a null report.
- (i) A mitigation scheme for any features of ecological, biological and economic importance identified by the survey referred to in **condition 15(2)(a)**.
- (j) A diver mitigation plan, in accordance with the outline diver management plan, to include details of—
 - (i) an appropriate soft start procedure;
 - (ii) appointment of a diver liaison officer;

- (iii) a diver communication plan, to include notification of the timing and duration of piling activities; and
 - (iv) patrolled minimum 2km safety zones around each piling location;
- and the undertaker must provide details to the MMO of the bodies to be consulted on the contents of the plan.
- (k) An aids to navigation management plan to be agreed in writing by the MMO following consultation with Trinity House and the MCA, to include details of how the undertaker will comply with the provisions of condition 7 for the lifetime of the authorised scheme.
 - (l) A coastal monitoring plan to be provided in the event that gravity base foundations are selected for the authorised scheme, to monitor potential wave reduction impacts on the south west coast of the Isle of Wight.
 - (m) An Emergency Response and Co-operation Plan (ERCoP) to be agreed in writing by the MMO following consultation with the MCA which includes full details of the ERCoP for the construction, operation and decommissioning phases of that part of the authorised scheme in accordance with the MCA recommendations contained within MGN371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues”.
 - (n) A noise propagation report, to accord with the parameters for the noise propagation report, both reports to be agreed in writing with the MMO in consultation with New Forest District Council, Bournemouth Borough Council, Isle of Wight Council, Purbeck District Council, Poole Borough Council, New Forest National Park Authority, Christchurch Borough Council and East Dorset District Council, setting out how the design details of the wind turbine generators to be employed for the authorised scheme will comply with the guidance in ETSU-R-97 and the IOA Good Practice Guide and its Supplementary Guidance Notes including SGN6.
 - (o) A noise communication and monitoring protocol in relation to potential noise impacts on onshore receptors during construction and operation of the authorised scheme, to be in accordance with the outline noise communication and monitoring protocol, both protocol to be agreed in writing with the MMO in consultation with New Forest District Council, Bournemouth Borough Council, Isle of Wight Council, Purbeck District Council, Poole Borough Council, New Forest National Park Authority, Christchurch Borough Council and East Dorset District Council, in accordance with the outline noise communication and monitoring protocol, to be agreed in writing with the MMO in consultation with New Forest District Council, Bournemouth Borough Council, Isle of Wight Council, Purbeck District Council, Poole Borough Council, New Forest National Park Authority, Christchurch Borough Council and East Dorset District Council and to include details of—
 - (i) the procedure for achieving noise limits at residential properties during the operation of the wind turbine generators of 35dB LA 90,10mins or the background noise level +5dB LA90,10mins, whichever is the greater according to BS4142:2014 and including penalties for tonal content
 - (ii) procedures for the investigation of noise complaints; and
 - (iii) The provision of an independent noise consultant, the choice of consultant to be agreed in writing with the MMO in consultation with New Forest District Council Bournemouth Borough Council, Isle of Wight Council, Purbeck District Council, Poole Borough Council, New Forest National Park Authority, Christchurch Borough Council and East Dorset District Council for the construction period and up to one year from commencement of commercial operation of the authorised scheme, or of each completed part of the authorised scheme, should it be built out in more than one part, unless otherwise agreed with the MMO in consultation with the relevant local authorities

12.—(1) Any archaeological reports produced in accordance with **condition 11(h)(iii)** must be agreed with the Historic Buildings and Monuments Commission for England.

(2) 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.

(3) 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.

(4) No part of the authorised scheme may commence until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that part of the authorised scheme, adequately addressed all MCA recommendations as appropriate contained within MGN371 and its annexes.

(5) The design plan required to be approved under **condition 11(a)** must be prepared having regard to the turbine area design principles.

Reporting of engaged agents, contractors and vessels

13.—(1) The undertaker must provide the following information to the MMO—

- (a) the name and function of any agent or contractor appointed to engage in the licensed activities within seven days of appointment; 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

14.—(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 paragraphs (2) to (6) below.

(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 may 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 communication on VHF working frequencies must be in English.

(6) No vessel may engage in the licensed activities until all the equipment specified in paragraph (2) is fully operational.

Pre-construction monitoring and surveys

15.—(1) The undertaker must, in discharging **condition 11(b)**, submit details (in accordance with the principles set out in the in-principle monitoring plan) for written approval by the MMO in consultation with Natural England 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 **condition 15(1)** must have due regard to, but not be limited to, the need to undertake—
- (a) a survey(s) to determine the location, extent and composition of any benthic features of conservation, ecological and or economic importance in whole or in part inside the area(s) within the Order limits in which it is proposed to carry out construction works;
 - (b) a high resolution swath-bathymetric survey(s) to include a 100% coverage and side scan sonar survey of the area(s) within the Order limits in which it is proposed to carry out construction works, including a 500m buffer around the site of each works and inclusive of seabed anomalies or sites of historical or archaeological interest that lie within that 500m buffer.
- (3) The undertaker must carry out the surveys agreed under paragraph (1) and provide the baseline report to the MMO in the agreed format in accordance with the agreed timetable.

Construction monitoring

16.—(1) The undertaker must, in discharging **condition 11(b)**, submit details (in accordance with the principles set out in the in-principle monitoring plan) for approval by the MMO in consultation with Natural England of any proposed surveys or monitoring, including location, methodologies and timings, to be carried out during the construction of the authorised scheme. The survey proposals must specify each survey’s objectives. In any event, such monitoring must, where driven or part-driven pile foundations are proposed to be used, include monitored background noise measurements (during periods when piling is not being undertaken) and measurements of noise generated by the installation of the first four foundations of each discrete driven or part-driven foundation type to be installed.

(2) The undertaker must carry out the surveys approved under paragraph (1) and provide the agreed reports in the agreed format in accordance with the agreed timetable.

(3) The results of the initial noise measurements must be provided to the MMO within four weeks of the installation of the last of the four foundations of each discrete driven or part-driven foundation type. The assessment of this report by the MMO shall determine whether any further noise monitoring is required.

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

Post construction surveys

17.—(1) The undertaker must, in discharging **condition 11(b)**, submit details (in accordance with the principles set out in the in-principle monitoring plan) for written approval by the MMO in consultation with Natural England (save with regard to the monitoring in paragraph (2)(c)) of proposed post-construction surveys, including methodologies and timings, and a proposed format, content and timings for providing reports on the results at least four months prior to the commencement of any survey works detailed within. 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 paragraph (1) must have due regard to but not be limited to the need to undertake—

- (a) one high resolution swath bathymetric survey across a representative sample area to be agreed with the MMO to assess any changes in bedform topography and such further monitoring as may be agreed to ensure that cables have been buried or protected;

- (b) a survey(s) to determine the location, extent and composition of any benthic features of conservation, ecological and or economic importance of the area(s) within the Order limits in which construction works were carried out to validate predictions made in the environmental statement; and
- (c) monitoring of movements of Northern gannet from the Alderney West Coast and Burhou Islands Ramsar site colony using appropriate tracking technology, in conjunction with the established monitoring programmes carried out by the States of Alderney (via the Alderney Wildlife Trust) or, in the event that such programmes are discontinued, in accordance with a monitoring strategy to be approved by the MMO in consultation with the States of Alderney. The results will be analysed in comparison to tracking data collected from the colony since 2011, with the aim of establishing the usage patterns of gannet of the turbine area in order to validate predictions made in the environmental statement.

(3) The undertaker must carry out the surveys agreed under paragraph (1) for 3 years post-construction, which could be non-consecutive years, and provide the agreed reports in the agreed format in accordance with the agreed timetable.

(4) The undertaker must carry out post-construction traffic monitoring in accordance with the outline marine traffic and navigational monitoring strategy, including the provision of reports on the results of that monitoring periodically as requested by the MCA.

Salmon smolt migration

18.—(1) No pile driving works for monopile or pin pile foundations may be carried out by or on behalf of the undertaker as part of or in relation to the authorised scheme between 7 April and 15 May (inclusive) each year, unless the MMO provides written confirmation to the undertaker beforehand that such works can take place in all or in a specified part of the Order limits, or during this period or part of this period.

(2) In considering whether to provide the confirmation referred to in paragraph (1) above, the MMO must have regard to any report or reports provided to the MMO by or on behalf of the undertaker relating to such matters as additional baseline information, piling management measures, installation techniques or noise propagation modelling.

Adult salmon migration

19.—(1) The maximum number of piling hours that pile driving works for monopile foundations which can be carried out during the period 16 May to 15 August (inclusive) each year is 204 hours per piling period unless the MMO, in consultation with Natural England and the Environment Agency, provides written confirmation to the undertaker beforehand that such works can take place in all or in a specified part of the Order limits, or during this period or part of this period.

(2) The maximum number of piling hours that pile driving works for pin pile foundations may be carried out during the period 16 May to 15 August (inclusive) each year is as follows;

adult salmon piling restriction zone – north	309 hours per piling period
adult salmon piling restriction zone – south	392 hours per piling period

unless the MMO, in consultation with Natural England and the Environment Agency, provides written confirmation to the undertaker beforehand that such works can exceed that maximum number in all or in a specified part of the Order limits, or during all or a specified part of that period.

(3) Only one piling rig may carry out pile driving works at any one time.

(4) Commencing on or before 9 May and during the period 16 May to 15 August (inclusive) each year the undertaker must supply the MMO, Natural England and the Environment Agency with weekly piling logs, confirming the number of piling hours and location each week and the estimated number of piling hours and location for the following week.

(5) In considering whether to provide the confirmation referred to in paragraph (1) or (2) above, the MMO must have regard to any report or reports provided to the MMO by or on behalf of the undertaker relating to such matters as additional baseline information, piling management measures, installation techniques or noise propagation modelling.

(6) For the purposes of this condition,—

- (a) “piling hours” means the amount of time that pile driving works for monopile and pin pile foundations takes place, plus the appropriate number of non-piling hours should those non-piling hours not be equal to or exceed the relevant transit time
- (b) “transit time” means the appropriate number of hours for monopile or pin pile driving works that is the minimum for salmon to cross the area which are as follows-

Monopile	16 hours
Pin pile	10 hours

- (c) “adult salmon piling restriction zone – north” means the area shaded blue on the piling restrictions plan;
- (d) adult salmon piling restriction zone – south” means the area outlined in red on the piling restrictions plan;
- (e) “piling period” means one of the following-
 - (i) 16 May to 15 June (inclusive);
 - (ii) 16 June to 15 July (inclusive); or
 - (iii) 16 July to 15 August (inclusive).

(7) If foundations are installed in both the north and the south zones within the same piling period, then the applicant must not exceed a maximum of 309 piling hours in total for that piling period.

Ministry of Defence restriction period

20.—(1) No pile driving works for monopile or pin pile foundations, or other similar construction methods that involve offshore pile driving, shall be carried out by or on behalf of the undertaker as part of or in relation to the authorised scheme during any Ministry of Defence restriction period.

(2) In this condition “Ministry of Defence restriction period” means—

- (a) any period or periods of up to 8 hours between 22.00 and 06.00; or
- (b) any other period where the Ministry of Defence requires emergency use of the facility,

which shall have been notified by the Ministry of Defence in writing to the undertaker and to the MMO during which the Ministry of Defence intends to operate electronic warfare calibration facilities at Portland Bill in such a manner as the Ministry of Defence considers may be affected by any such pile driving works or similar construction methods.

(3) The Ministry of Defence must provide such notification under paragraph (2)(a) no less than 14 days in advance of such restriction period coming into force, and shall provide such

notification under paragraph (2)(b) as far in advance of such restriction period coming into force as is reasonably practicable having regard to the nature of such proposed emergency use.

As built plans

21. The undertaker must, within six months of completion of construction of the authorised scheme, submit to the MMO a plan identifying the location of all infrastructure below MHWS in order to verify conformity with the plans agreed under **condition 11(a)**.

Decommissioning

22. This licence does not permit the decommissioning of the authorised scheme. No authorised decommissioning activity may commence until a decommissioning programme in accordance with a programme under section 105(2) of the 2004 Act has been submitted to and approved in writing by the Secretary of State. Furthermore, at least four months prior to carrying out such works the undertaker must notify the MMO of the proposed decommissioning activity to establish whether a marine licence is required for such works.

DEEMED LICENCE UNDER MARINE AND COASTAL ACCESS
ACT 2009 – TRANSMISSION ASSETS

PART 1

Licensed Marine Activities

1.—(1) In this licence—

“the 2008 Act” means the Planning Act 2008;

“the 2009 Act” means the Marine and Coastal Access Act 2009;

“authorised deposits” means the substances and articles specified in paragraph 2(3) of this licence;

“authorised scheme” means Work Nos. 2 and 3A described in paragraph 2 of this licence or any part of those works;

“Cefas” means the Centre for Environment, Fisheries and Aquaculture Science;

“commence” means the first carrying out of any part of the licensed activities, save for pre-construction surveys and monitoring, and the words “commenced” and “commencement” shall be construed accordingly;

“condition” means a condition in Part 2 of this licence;

“enforcement officer” means a person authorised to carry out enforcement duties under Chapter 3 of the 2009 Act;

“environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of this Order and submitted with the application on 10 April 2014;

“gravity base foundation” means a structure principally of concrete or steel and concrete which rests on the seabed due to its own weight with or without added ballast or skirts, including associated sea bed preparation, scour protection, J-tubes, corrosion protection systems, boat landings comprising an access ladder with vertical boat fenders fitted either side and work platforms and equipment;

“in-principle monitoring plan” means the document certified as the in-principle monitoring plan by the Secretary of State for the purposes of this Order;

“Kingfisher Fortnightly Bulletin” means the bulletin published by the Humber Seafood Institute or such other alternative publication approved in writing by the MMO;

“LAT” means lowest astronomical tide;

“licensed activities” means the activities specified in Part 1 of this licence;

“maintain” includes inspect, repair, adjust and alter, remove, reconstruct and replace and further includes remove, reconstruct and replace any of the ancillary works and any component part of any wind turbine generator, offshore substation platform or meteorological mast described in Part 1 of Schedule 1 (authorised development), to the extent assessed in the environmental statement; and “maintenance” shall be construed accordingly;

“Marine Management Organisation” or “MMO” means the body created under the Marine and Coastal Access Act 2009 which is responsible for the monitoring and enforcement of this licence;

“MCA” means the Maritime and Coastguard Agency;

“mean high water springs” or “MHWS” means the highest level which spring tides reach on average over a period of time;

“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;

“offshore substation platform” means an offshore platform constructed of steel or concrete or steel and concrete with single or multiple decks housing major electrical equipment including high voltage transformers, switchgear, control rooms, cabling and busbars, lightning protection masts, communications masts, cable management, back-up generators, fuel storage, emergency accommodation, workshops and stores, helidecks or helihoist facilities, cranes and other associated electrical and ancillary equipment;

“Order limits” means the limits shown on the works plan within which the authorised scheme may be carried out, whose grid coordinates are set out in paragraph 3 of this licence;

“Order” means the Navitus Bay Wind Farm Order 201X;

“outline diver management plan” means the document certified as the outline diver management plan by the Secretary of State for the purposes of this Order;

“outline marine traffic and navigational monitoring strategy “ means the document certified as the outline marine traffic and navigational monitoring strategy by the Secretary of State for the purposes of this Order;

“space frame foundation” means a jacket lattice type structure constructed of concrete, steel or steel and concrete which is fixed to the seabed at three or more points with driven or pre-installed piles or suction caissons, including associated scour protection, J-tubes, corrosion protection systems, boat landings comprising an access ladder with vertical boat fenders fitted either side, access and work platforms and equipment;

“suction caisson” means a steel cylindrical structure which is fixed to the base of the foundation and partially or completely penetrates the seabed and remains in place using its own weight and hydrostatic pressure differential;

“Trinity House” means The Corporation of Trinity House of Deptford Strond;

“undertaker” means Navitus Bay Development Limited;

“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in, on or over water and which is at the time in, on or over water;

“Work No. 1” means the an offshore wind generating station, meteorological mast and inter-array cables;

“works plan” means the plan certified as the works plan by the Secretary of State for the purposes of the Order;

(2) A reference to any statute, order, regulation or similar instrument shall be construed as a reference to a statute, order, regulation or instrument as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.

(3) Unless otherwise indicated—

- (a) all times shall be taken to be Greenwich Mean Time (GMT);
- (b) all co-ordinates shall be taken to be latitude and longitude degrees and minutes to two decimal places.

(4) Except where otherwise notified in writing by the relevant organisation, the primary point of contact with the organisations listed below and the address for returns and correspondence shall be—

- (a) Marine Management Organisation
Offshore Licensing Team

- Lancaster House
Hampshire Court
Newcastle Business Park
Newcastle upon Tyne
NE4 7YH
Tel: 0300 123 1032
- (b) Marine Management Organisation (Coastal Office)
Fish Market
Rock-A-Nore Road
Hastings
East Sussex
TN34 3DW
Tel: 01424 424109
Fax: 01424 444642
Email: hastings@marinemanagement.org.uk
- (c) MMO Marine Pollution Emergency Response Team
Tel: 0300 200 2024
Fax: 0191 376 2682
Email: dispersants@marinemanagement.org.uk
- (d) Trinity House
Tower Hill
London
EC3N 4DH
Tel: 020 7481 6900
- (e) The United Kingdom Hydrographic Office
Admiralty Way
Taunton
Somerset
TA1 2DN
Tel: 01823 337 900
- (f) Marine and Coastguard Agency
Navigation Safety Branch
Bay 2/04
Spring Place
105 Commercial Road
Southampton
SO15 1EG
Tel: 023 8032 9191
- (g) Centre for Environment, Fisheries and Aquaculture Science
Pakefield Road
Lowestoft
Suffolk
NR33 0HT

Tel: 01502 562 244

(h) Natural England
Area 1C, Nobel House
17 Smith Square
London
SW1P 2AL
Tel: 0300 060 4911

(i) Historic Buildings and Monuments Commission for England
Eastgate Court
195-205 High Street
Guildford
GU1 3EH
Tel: 01483 252 057.

Details of licensed marine activities

2. This licence authorises the undertaker (and any agent or contractor acting on their behalf) to carry out the following licensable marine activities under section 66(1) of the 2009 Act, subject to the conditions—

- (a) the deposit at sea of the substances and articles specified in paragraph 4 below;
- (b) the construction of works in or over the sea and/or on or under the sea bed;
- (c) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation; and
- (d) the disposal of 12,000m³ of inert material of natural origin produced during the drilling installation of or seabed preparation for foundations within site disposal reference WI093, whose grid coordinates are specified below—

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	50° 24'52.877" N	1° 40'16.604" W	51	50° 32'6.533" N	1° 46'8.133" W
2	50° 23'46.628" N	1° 48'59.195" W	52	50° 32'5.547" N	1° 44'36.746" W
3	50° 25'2.478" N	1° 50'38.455" W	53	50° 30'56.581" N	1° 40'39.431" W
4	50° 28'1.441" N	1° 51'16.576" W			

3. The works referred to in paragraph (2)(b) comprise—

(1) *Work No. 2* – Up to three offshore substation platforms fixed to the seabed by space frame foundation or gravity base foundation within the array area.

(2) *Work No. 3A* – A connection or connections between the offshore substation platforms comprising *Work No. 2* and between *Work No. 2* and MHWS consisting of cables laid underground along routes within the Order limits seaward of MHWS and including one or more cable crossings.

(3) In connection with such *Work Nos. 2* to *3A* and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project and which fall within the scope of the work assessed by the environmental statement and the provisions of this licence.

(4) In connection with such *Work Nos. 2* to *3A*, ancillary works comprising—

- (a) temporary landing places or other means of accommodating vessels in the construction and/or maintenance of the authorised scheme; and
- (b) buoys, beacons, fenders and other navigational warning or ship impact protection works.

4. The substances or articles authorised for deposit at sea are—

- (a) iron and steel, copper and aluminium;
- (b) stone and rock;
- (c) concrete;
- (d) sand and gravel;
- (e) plastic and synthetic;
- (f) material extracted from within the Order limits seaward of MHWS during construction drilling or seabed preparation for foundation works; and
- (g) marine coatings, other chemicals and timber.

5. The grid coordinates for the authorised scheme are specified below—

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	50°24'52.877"N	1° 40'16.604"W	26	50° 33' 58.813"N	1° 38'21.348"W
2	50° 23'46.628"N	1° 48'59.195"W	27	50° 32' 40.262"N	1° 40' 7.953"W
3	50° 25'2.478"N	1°50'38.455"W	28	50° 27' 3.292"N	1° 39' 46.733"W
4	50° 28'1.441"N	1°51'16.576"W	29	50° 27' 2.323"N	1° 40' 24.719"W
5	50° 30'34.543"N	1° 48'4.040"W	30	50° 33' 22.790"N	1° 41' 31.984"W
6	50° 33'47.987"N	1° 46'12.201"W	31	50° 34' 27.591"N	1° 40' 23.301"W
7	50° 35'57.622"N	1° 47'49.095"W	32	50° 35' 52.985"N	1° 40' 7.725"W
8	50° 36'31.547"N	1° 47'38.892"W	33	50° 36' 0.177"N	1° 40' 2.951"W
9	50° 37'2.662"N	1° 47'35.035"W	34	50° 37' 49.346"N	1° 40' 3.807"W
10	50° 37'32.252"N	1° 46'6.983"W	35	50° 37' 15.732"N	1° 43' 20.134"W
11	50° 38'36.328"N	1° 45'54.798"W	36	50° 36'41.808"N	1° 45' 25.615"W
12	50° 39'36.996"N	1° 45'14.751"W	37	50° 36' 8.349"N	1° 45' 31.811"W
13	50° 39'48.210"N	1° 45'0.751"W	38	50° 35' 16.402"N	1° 45' 20.965"W
14	50° 40'0.427"N	1° 44'31.746"W	39	50° 33' 53.835"N	1° 43' 51.811"W
15	50° 41'20.634"N	1° 41'11.872"W	40	50° 33' 52.919"N	1° 42' 29.039"W
16	50° 41'55.888"N	1° 40'18.875"W	41	50° 37' 45.729"N	1° 45' 13.772"W
17	50° 43'48.014"N	1° 38'43.048"W	42	50° 38' 30.856"N	1° 41' 57.783"W
18	50° 43'49.635"N	1° 38'4.376"W	43	50° 38' 43.420"N	1° 41' 4.031"W
19	50° 43'46.441"N	1° 37'53.575"W	44	50° 38' 57.508"N	1° 40' 48.234"W
20	50° 43'35.785"N	1° 37'55.701"W	45	50° 39' 22.709"N	1° 40' 44.085"W
21	50° 42'11.844"N	1° 38'40.647"W	46	50° 40' 8.429"N	1° 40' 51.453"W
22	50° 41'26.076"N	1° 39'15.869"W	47	50° 40' 46.329"N	1° 41' 2.169"W
23	50° 39'44.848"N	1° 38'16.515"W	48	50° 39' 33.373"N	1° 44' 11.891"W
24	50° 38'18.944"N	1° 37'34.632"W	49	50° 39' 28.657"N	1° 44' 24.904"W
25	50° 37'18.854"N	1° 38'11.513"W	50	50° 38' 35.048"N	1° 45' 4.627"W

6. This licence shall remain in force until the authorised scheme has been decommissioned in accordance with a programme approved by the Secretary of State under section 106 of the 2004 Act, including any modification to the programme under section 108, and the completion of such programme has been confirmed by the Secretary of State in writing.

7. The provisions of Section 72 of the 2009 Act shall apply to this licence save that the provisions of Section 72(7) relating to the transfer of the licence shall only apply to a transfer not falling within **article 7** (benefit of the Order).

8. With respect to any condition which requires the licensed activities be carried out in accordance with the plans, protocols or statements approved under this Schedule, the approved details, plan or scheme are taken to include any amendments that may subsequently be approved in writing by the MMO.

9. Any amendments to or variations from the approved plans, protocols or statements must be minor or immaterial where it has been demonstrated that the subject-matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

PART 2

Conditions

Design parameters

1. No offshore substation platform forming part of the authorised scheme may be erected within the areas hatched purple on the works plan, whose coordinates are specified below—

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	50°24'52.877"N	1° 40'16.604"W	55	50° 30' 24.796"N	1° 41' 53.639"W
2	50° 23'46.628"N	1° 48'59.195"W	56	50° 31' 17.168"N	1° 44' 53.891"W
3	50° 25'2.477"N	1°50'38.454"W	57	50° 31' 17.581"N	1° 45' 32.121"W
4	50° 28'1.441"N	1°51'16.576"W	58	50° 27' 47.325"N	1° 49' 56.791"W
51	50° 32' 6.533"N	1° 46' 8.133"W	59	50° 25' 22.891"N	1° 49' 26.090"W
52	50° 32' 5.547"N	1° 44'36.746"W	60	50° 24' 39.886"N	1° 48' 29.822"W
53	50° 30'56.581"N	1° 40'39.431"W	61	50° 23' 51.505"N	1° 48' 20.913"W
54	50° 24'43.355"N	1° 41'32.060"W			

2.—(1) The total number of offshore substation platforms forming part of the authorised scheme must not exceed 3.

(2) The dimensions of any offshore substation platform forming part of the authorised scheme (excluding helipads, towers, masts and cranes) must not exceed 50 metres in height when measured from LAT, 45 metres in length and 45 metres in width.

(3) Each offshore substation platform may have no more than one supporting foundation.

3.—(1) The total length of the cables comprising Work No.3A must not exceed 280 kilometres (comprising a maximum of 210 km for the export cables and 70 km for the inter-substation cables).

(2) The total amount of cable protection for the inter-substation cables within Work No. 3A must not exceed 36,800m³.

4.—(1) Each gravity base foundation forming part of the authorised scheme must not have—

- (a) a diameter at the level of the seabed which is greater than 45 metres;
- (b) a column diameter which is greater than 8 metres;
- (c) a cone/column intersect which is higher than 32 metres above the top of the seabed;
- (d) a cone diameter at its base which is greater than 45 metres.

(2) Each space frame foundation forming part of the authorised scheme must not have—

- (a) a width spacing between each leg at the level of the seabed which is greater than 35 metres;
- (b) more than 4 legs.

(3) Each space frame foundation forming part of the authorised scheme may be attached to the seabed using piles or suction caisson and—

- (a) each piled space frame foundation must not have—
 - (i) a pile diameter which is more than 3.5 metres;
 - (ii) more than one pile per leg.
- (b) each suction caisson steel space frame foundation must not have—
 - (i) a diameter at the level of the seabed which is more than 15 metres;
 - (ii) a base height, where there is a flat base, which is more than 20 metres;
 - (iii) more than one suction caisson per leg.

(4) The total amount of scour protection for the offshore substation platforms must not exceed 5,330 m³.

Notifications and inspections

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

- (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 13**; and
 - (ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with **condition 13**;
- (b) within 28 days of receipt of a copy of this licence those persons referred to in paragraph (a) above must provide a completed confirmation form to the MMO confirming that they have read and will comply with the terms of the conditions of this licence.

(2) Only those persons and vessels notified to the MMO in accordance with **condition 13** 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 undertaker's registered address;
- (b) any site office located at or adjacent to the construction site and used by the undertaker or its agents and contractors responsible for the loading, transportation or deposit of the authorised deposits; and
- (c) on board each vessel or at the office of any transport manager with responsibility for vessels from which authorised deposits or removals are to be made.

(4) The documents referred to in paragraph (1)(a) must be available for inspection by an authorised enforcement officer at the locations set out in paragraph (3)(b) above.

(5) The undertaker 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 undertaker must inform the MMO Coastal Office in writing at least five working days prior to the commencement of the licensed activities or any part of them.

(7) The undertaker must inform the Kingfisher Information Service of Seafish by email to kingfisher@seafish.co.uk of details regarding the vessel routes, timings and locations relating to the construction of the authorised scheme or relevant part—

- (a) at least two weeks prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data; and
- (b) on completion of construction of all offshore activities.

Confirmation of notification must be provided to the MMO.

(8) The undertaker 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 advising of the start date of Work No. 3A and the route of the subsea export cables.

(9) The undertaker must ensure that the notices to mariners are updated and reissued at weekly intervals during construction activities and within five days of any planned operations and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme approved under **condition 11(b)**. Copies of all notices must be provided to the MMO.

(10) The undertaker must notify the Hydrographic Office of both the commencement (within two weeks), progress and completion of construction (within two weeks) of the authorised scheme in order that all necessary amendments to nautical charts are made and the undertaker must send a copy of such notifications to the MMO.

(11) In case of damage to, or destruction or decay of, the authorised scheme seaward of MHWS or any part thereof the undertaker shall as soon as possible and no later than 24 hours following the identification of damage, destruction or decay, notify MMO, MCA Trinity House and the Hydrographic Office.

Aids to navigation

6.—(1) The undertaker shall during the whole period of the construction, operation, alteration, replacement or decommissioning of the authorised scheme seaward of MHWS exhibit such lights, marks, sounds, signals and other aids to navigation, and to take such other steps for the prevention of danger to navigation as directed by Trinity House.

(2) The undertaker must keep Trinity House and the MMO informed of progress of the authorised scheme seaward of MWHS including the following—

- (a) notice of commencement of construction of the authorised scheme within 24 hours of commencement having occurred;
- (b) notice within 24 hours of any aids to navigation being established by the undertaker; and
- (c) notice within 5 working days of completion of construction of the authorised scheme.

(3) The undertaker must submit reports quarterly to Trinity House detailing the working condition of aids to navigation. Reports may be submitted more frequently as specified by Trinity House.

(4) The undertaker must notify Trinity House and the MMO of any failure of the aids to navigation including timescales and plans for remedying such failures, as soon as possible and no later than 24 hours following the detection of any such failure.

(5) In the event that the provisions of **condition 5(11)** are invoked, the undertaker must lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as directed by Trinity House.

7. The undertaker must colour all structures yellow (colour code RAL 1023) 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.

Aviation safety

8. The undertaker must notify the Defence Infrastructure Organisation and Bournemouth Airport in writing of the following information, at least 14 days prior to the commencement of the authorised scheme—

- (a) the date of the commencement of construction of the authorised scheme;
- (b) details of construction methods for the authorised scheme;
- (c) the date any wind turbine generators are to be brought into use;

- (d) the maximum height of any construction equipment to be used;
- (e) the maximum heights of any wind turbine generator, mast and platform to be constructed;
- (f) the latitude and longitude of each wind turbine generator, mast and platform to be constructed,

and the Defence Infrastructure Organisation Safeguarding and Bournemouth Airport must be notified of any changes to the information supplied under this paragraph and of the completion of the construction of the authorised scheme. Copies of notifications must be provided to the MMO.

Chemicals, drilling and debris

9.—(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) The undertaker must ensure that any coatings/treatments are suitable for use in the marine environment and are used in accordance with guidelines approved by Health and Safety Executive and the Environment Agency Pollution Prevention Control Guidelines.

(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) The undertaker must inform the MMO of the location and quantities of material disposed of each month under the Order, 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.

(5) The undertaker must ensure that only inert material of natural origin, produced during the drilling installation of or seabed preparation for foundations, and drilling mud is disposed of within site disposal reference WI093. Any other materials must be screened out before disposal at this site.

(6) The undertaker 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.

(7) In the event that any rock material used in the construction of the authorised scheme is misplaced or lost below MHWS, the undertaker 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 undertaker must endeavour to locate the material and recover it.

(8) The undertaker must undertake the survey agreed under **condition 11(g)(iii)** following the high resolution swath bathymetric survey referred to in **condition 17(2)(a)**. Should any such obstructions resulting from burial of the export cables be identified which, in the reasonable opinion of the MMO, may be considered to interfere with fishing, the undertaker must take such steps to remove them as the MMO in its reasonable opinion shall require.

(9) The undertaker 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.

(10) The undertaker must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO, Marine Pollution Response Team in accordance with the marine pollution contingency plan agreed under **condition 11(d)(i)**.

(11) All dropped objects must be reported to the MMO using the Dropped Object Procedure Form as soon as reasonably practicable and in any event within 24 hours of the undertaker becoming aware of an incident. On receipt of the Dropped Object Procedure Form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the seabed at the undertaker's expense if reasonable to do so.

Force majeure

10.—(1) 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 within or 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.

(2) The unauthorised deposits must be removed at the expense of the undertaker unless written approval is obtained from the MMO.

Pre-construction plans and documentation

11. No part of the works at paragraph 2(2) of Part 1 (licensed marine activities) of this Schedule may commence until the following (as relevant to that part) have been submitted to and approved in writing by the MMO and copies provided to New Forest District Council, Bournemouth Borough Council, Isle of Wight Council, Purbeck District Council, Poole Borough Council, New Forest National Park Authority, Christchurch Borough Council and East Dorset District Council:

- (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 layout and location and choice of foundation of the offshore substation platforms;
 - (ii) the height, length and width of all offshore substation platforms;
 - (iii) the length and arrangement and location of all cables comprising and Work No. 3A;
 - (iv) the dimensions of all gravity base foundations;
 - (v) the dimensions of all space frame foundations;
 - (vi) any archaeological exclusion zones identified under **condition 11(h)(iv)**;
 - (vii) any exclusion zones or micro-siting requirements identified in any mitigation scheme pursuant to **condition 11(i)**; and
 - (viii) in plan form, the indicative programming of particular works as set out in the indicative written construction programme to be provided under **condition 11(b)(iv)**, to ensure conformity with the description of Works Nos. 2 to 3A, and compliance with **conditions 1-4** above.
- (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), 15, 16 and 17**; and
 - (iv) an indicative written construction programme for the offshore substation platforms and cables comprised in the works at paragraph 2(2) of Part 1 (licensed marine activities) of this Schedule (insofar as not shown in (ii) above);with details pursuant to paragraph (iii) to be submitted to the MMO in accordance with the following—
 - (aa) at least four months prior to the first survey, detail of the pre-construction surveys and an outline of all proposed monitoring;
 - (bb) at least four months prior to construction, detail on construction monitoring;
 - (cc) at least four months prior to commissioning, detail of post-construction (and operational) monitoring;

unless otherwise agreed in writing with the MMO.

- (c) A construction method statement to be agreed in writing with the MMO in consultation with Natural England 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 having regard to any mitigation scheme pursuant to **condition 11(i)**;
 - (ii) offshore substation platforms location and installation, including scour protection;
 - (iii) cable installation, including cable landfall;
 - (iv) contractors;
 - (v) vessels and vessels transit corridors;
 - (vi) a protocol for routeing vessels to and from the wind farm during construction and operation to minimise impacts on marine users;
 - (vii) associated and ancillary works; and
 - (viii) 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 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 plan and disposal arrangements;
 - (iv) the appointment and responsibilities of an environmental liaison officer;
 - (v) the appointment and responsibilities of a fisheries liaison officer; and
 - (vi) a communications protocol, to include a fisheries engagement plan 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 to be agreed in writing with the MMO in consultation with Natural England providing details of the need, type, sources, quantity and installation methods for scour protection, to be submitted to the MMO at least four months prior to the relevant activity.
- (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 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, 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 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 export cables between Work No. 1 and mean low water mark, following the survey referred to in **condition 17(2)(a)**, to assess any seabed obstructions resulting from burial of the export cables.
- (h) A written scheme of archaeological investigation (WSI) in relation to the Order limits seaward of mean low water in accordance with industry good practice and after consultation with the Historic Buildings and Monuments Commission for England to include—
 - (i) details of responsibilities of the undertaker, 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) 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 pre- construction, during construction 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 WSI which are to be deposited by the undertaker within a public archive in accordance with the OASIS (Online Access to the Index of archaeological investigation) system; and
 - (vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme or submission of a null report.
- (i) A mitigation scheme for any features of ecological, biological and economic importance identified by the survey referred to in **condition 15(2)(a)**.
- (j) A diver mitigation plan, in accordance with the outline diver management plan, to include details of—
 - (i) an appropriate soft start procedure;
 - (ii) appointment of a diver liaison officer;
 - (iii) a diver communication plan, to include notification of the timing and duration of piling activities; and
 - (iv) patrolled minimum 2km safety zones around each piling location;
 and the undertaker must provide details to the MMO of the bodies to be consulted on the contents of the plan.
- (k) An aids to navigation management plan to be agreed in writing by the MMO following consultation with Trinity House and the MCA, to include details of how the undertaker will comply with the provisions of condition 7 for the lifetime of the authorised scheme.
- (l) A coastal monitoring plan to be provided in the event that gravity base foundations are selected for the authorised scheme, to monitor potential wave reduction impacts on the south west coast of the Isle of Wight.
- (m) An Emergency Response and Co-operation Plan (ERCoP) to be agreed in writing by the MMO following consultation with the MCA which includes full details of the ERCoP for

the construction, operation and decommissioning phases of that part of the authorised scheme in accordance with the MCA recommendations contained within MGN371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues”.

- (n) A noise communication and monitoring protocol in relation to potential noise impacts on onshore receptors during construction of the authorised scheme, to be in accordance with the outline noise communication and monitoring protocol, both protocols to be agreed in writing with the MMO in consultation with New Forest District Council, Bournemouth Borough Council, Isle of Wight Council, Purbeck District Council, Borough of Poole, New Forest National Park Authority, Christchurch Borough Council and East Dorset District Council and to include details of—
 - (i) procedures for the investigation of noise complaints; and
 - (ii) the provision of an independent noise consultant, the choice of consultant to be agreed in writing with the MMO in consultation with New Forest District Council Bournemouth Borough Council, Isle of Wight Council, Purbeck District Council, Borough of Poole, New Forest National Park Authority, Christchurch Borough Council and East Dorset District Council, for the construction period, unless otherwise agreed with the MMO in consultation with the relevant local authorities

12.—(1) Any archaeological reports produced in accordance with **condition 11(h)(iii)** must be agreed with the Historic Buildings and Monuments Commission for England.

(2) 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.

(3) 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.

(4) No part of the authorised scheme may commence until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that part of the authorised scheme, adequately addressed all MCA recommendations as appropriate contained within MGN371 and its annexes.

Reporting of engaged agents, contractors and vessels

13.—(1) The undertaker must provide the following information to the MMO—

- (a) the name and function of any agent or contractor appointed to engage in the licensed activities within seven days of appointment; 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

14.—(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 paragraphs (2) to (6) below.

(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 may 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 communication on VHF working frequencies must be in English.

(6) No vessel may engage in the licensed activities until all the equipment specified in paragraph (2) is fully operational.

Pre-construction monitoring and surveys

15.—(1) The undertaker must, in discharging **condition 11(b)**, submit details (in accordance with the principles set out in the in-principle monitoring plan) for written approval by the MMO in consultation with Natural England 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 paragraph (1) must have due regard to, but not be limited to, the need to undertake—

(a) a survey(s) to determine the location, extent and composition of any benthic features of conservation, ecological and or economic importance in whole or in part inside the area(s) within the Order limits in which it is proposed to carry out construction works;

(b) a high resolution swath-bathymetric survey(s) to include a 100% coverage and side scan sonar survey of the area(s) within the Order limits in which it is proposed to carry out construction works, including a 500m buffer around the site of each works and inclusive of seabed anomalies or sites of historical or archaeological interest that lie within that 500m buffer.

(3) The undertaker must carry out the surveys agreed under paragraph (1) and provide the baseline report to the MMO in the agreed format in accordance with the agreed timetable.

Construction monitoring

16.—(1) The undertaker must, in discharging **condition 11(b)**, submit details (in accordance with the principles set out in the in-principle monitoring plan) for approval by the MMO in consultation with Natural England of any proposed surveys or monitoring, including location, methodologies and timings, to be carried out during the construction of the authorised scheme. The survey proposals must specify each survey's objectives. In any event, such monitoring must, where driven or part-driven pile foundations are proposed to be used, include monitored background noise measurements (during periods when piling is not being undertaken) and measurements of noise generated by the installation of the first four foundations of each discrete driven or part-driven foundation type to be installed.

(2) The undertaker must carry out the surveys approved under paragraph (1) and provide the agreed reports in the agreed format in accordance with the agreed timetable.

(3) The results of the initial noise measurements must be provided to the MMO within four weeks of the installation of the last of the four foundations of each discrete driven or part-driven foundation type. The assessment of this report by the MMO shall determine whether any further noise monitoring is required.

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

Post construction surveys

17.—(1) The undertaker must, in discharging **condition 11(b)**, submit details (in accordance with the principles set out in the in-principle monitoring plan) for written approval by the MMO in consultation with Natural England of proposed post-construction surveys, including methodologies and timings, and a proposed format, content and timings for providing reports on the results at least four months prior to the commencement of any survey works detailed within. 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 paragraph (1) must have due regard to but not be limited to the need to undertake—

- (a) one high resolution swath bathymetric survey across a representative sample area to be agreed with the MMO to assess any changes in bedform topography and such further monitoring as may be agreed to ensure that cables have been buried or protected;
- (b) a survey(s) to determine the location, extent and composition of any benthic features of conservation, ecological and or economic importance of the area(s) within the Order limits in which construction works were carried out to validate predictions made in the environmental statement.

(3) The undertaker must carry out the surveys agreed under paragraph (1) for 3 years post-construction, which could be non-consecutive years, and provide the agreed reports in the agreed format in accordance with the agreed timetable.

(4) The undertaker must carry out post-construction traffic monitoring in accordance with the outline marine traffic and navigational monitoring strategy, including the provision of reports on the results of that monitoring periodically as requested by the MCA.

Salmon smolt migration

18.—(1) No pile driving works for pin pile foundations may be carried out by or on behalf of the undertaker as part of or in relation to the authorised scheme between 7 April and 15 May (inclusive) each year, unless the MMO provides written confirmation to the undertaker beforehand that such works can take place in all or in a specified part of the Order limits, or during this period or part of this period.

(2) In considering whether to provide the confirmation referred to in paragraph (1) above, the MMO must have regard to any report or reports provided to the MMO by or on behalf of the undertaker relating to such matters as additional baseline information, piling management measures, installation techniques or noise propagation modelling.

Adult salmon migration

19.—(1) The maximum number of piling hours that pile driving works for pin pile foundations may be carried out during 16 May to 15 August (inclusive) each year is as follows:

Adult salmon piling restriction zone - north	309 hours per piling period
Adult salmon piling restriction zone – south	392 hours per piling period

Unless the MMO, in consultation with Natural England and the Environment Agency, provides written confirmation to the undertaker beforehand that such works can take place in excess of those hours in all or in specified part of the Order limits, or during this period or part of this period.

(2) Only one piling rig may carry out pile driving works at any one time.

(3) Commencing on or before 9 May and during the period 16 May to 15 August (inclusive) each year the undertaker must supply the MMO, Natural England and the Environment Agency with weekly piling logs, confirming the number of foundations installed and their location each week and the estimated number of foundations to be installed and their location for the following week.

(4) In considering whether to provide the confirmation referred to in paragraph (1) above, the MMO must have regard to any report or reports provided to the MMO by or on behalf of the undertaker relating to such matters as additional baseline information, piling management measures, installation techniques or noise propagation modelling.

(5) For the purposes of this condition –

- (a) “piling hours” means the amount of time that pile driving works for pin pile foundations takes place, plus the appropriate number of non-piling hours should those non-piling hours not be equal to or exceed the relevant transit time;
- (b) “transit time” means the appropriate number of hours for pin pile driving works that is the minimum for salmon to cross the area which is 10 hours;
- (c) “adult salmon piling restriction zone – north” means the area shaded blue on the piling restrictions plan;
- (d) “adult salmon piling restriction zone – south” means the area outlined in red on the piling restrictions plan;
- (e) “piling period “ means one of the following;
 - (i) 16 May to 15 June (inclusive);
 - (ii) 16 June to 15 July (inclusive); or
 - (iii) 16 July to August (inclusive).

(6) If foundations are installed in both the north and south zones within the same piling period, then the applicant must not exceed a maximum of 309 piling hours in total for that piling period.

Ministry of Defence restriction period

20.—(1) No pile driving works for pin pile foundations, or other similar construction methods that involve offshore pile driving, shall be carried out by or on behalf of the undertaker as part of or in relation to the authorised scheme during any Ministry of Defence restriction period.

(2) In this condition “Ministry of Defence restriction period” means—

- (a) any period or periods of up to 8 hours between 22.00 and 06.00; or
- (b) any other period where the Ministry of Defence requires emergency use of the facility,

which shall have been notified by the Ministry of Defence in writing to the undertaker and to the MMO during which the Ministry of Defence intends to operate electronic warfare calibration facilities at Portland Bill in such a manner as the Ministry of Defence considers may be affected by any such pile driving works or similar construction methods.

(3) The Ministry of Defence must provide such notification under paragraph (2)(a) no less than 14 days in advance of such restriction period coming into force, and shall provide such notification under paragraph (2)(b) as far in advance of such restriction period coming into force as is reasonably practicable having regard to the nature of such proposed emergency use.

As built plans

21. The undertaker must, within six months of completion of construction of the authorised scheme, submit to the MMO a plan identifying the location of all infrastructure below MHWS in order to verify conformity with the plans agreed under **condition 11(a)**.

Decommissioning

22. This licence does not permit the decommissioning of the authorised scheme. No authorised decommissioning activity may commence until a decommissioning programme in accordance with a programme under section 105(2) of the 2004 Act has been submitted to and approved in writing by the Secretary of State. Furthermore, at least four months prior to carrying out such works the undertaker must notify the MMO of the proposed decommissioning activity to establish whether a marine licence is required for such works.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants development consent for, and authorises Navitus Bay Development Limited to construct, operate and maintain a generating station on the bed of the English Channel approximately 17.3 km off Scratchell's Bay (south of the Needles on the Isle of Wight) and 14.4 km from Durlston Head (on the Isle of Purbeck), together with all necessary and associated development. For the purposes of the development that it authorises, Navitus Bay Development Limited is authorised by the Order compulsorily or by agreement to purchase land and rights in land to use land, as well as to override easements and other rights. The Order also provides a defence in proceedings in respect of statutory nuisance and to discharge water. The Order imposes requirements in connection with the development for which it grants development consent.

The Order also grants two deemed marine licences for the marine licensable activities, being the deposit of substances and articles and the carrying out of works, involved in the construction of the generating station and associated development. The deemed marine licences impose conditions in connection with the deposits and works for which they grant consent.

A copy of the plans and book of reference referred to in this Order and certified in accordance with **article 40** (certification of plans, etc) of this Order may be inspected free of charge at the offices of Christchurch Borough Council at Civic Offices, Bridge Street, Christchurch, Dorset, BH23 1AZ; East Dorset District Council at Council Offices, Furzehill, Wimborne, Dorset, BH21 4HN; New Forest District Council at Appletree Court, Beaulieu Road, Lyndhurst, SO43 7PA; and New Forest National Park Authority at Lymington Town Hall, Avenue Road, Lymington, SO41 9ZG.

MITIGATION DCO

2015 No.

INFRASTRUCTURE PLANNING

The Navitus Bay Wind Park Order 201X

<i>Made</i>	201*
<i>Laid before Parliament</i>	201*
<i>Coming into force</i> - - -	***

CONTENTS

1. Citation and commencement
2. Interpretation
3. Development consent etc. granted by the Order
4. Power to maintain authorised project
5. Operation of electricity generating station
6. Procedure in relation to certain approvals etc
7. Benefit of the Order
8. Application and modification of legislative provisions
9. Public rights of navigation
10. Abatement of works abandoned or decayed
11. Deemed marine licences under the Marine and Coastal Access Act 2009
12. Saving for Trinity House
13. Crown Rights
14. Street works
15. Public rights of way
16. Temporary stopping up of streets
17. Access to works
18. Agreements with street authorities
19. Discharge of water
20. Authority to survey and investigate the land
21. Temporary suspension of public access to Access Land
22. Compulsory acquisition of land
23. Compulsory acquisition of land – incorporation of the minerals code
24. Time limit for exercise of authority to acquire land compulsorily
25. Compulsory acquisition of rights
26. Private rights
27. Application of the Compulsory Purchase (Vesting Declarations) Act 1981
28. Acquisition of subsoil only
29. Acquisition of part of certain properties
30. Rights under or over streets

31. Temporary use of land for carrying out the authorised project
32. Temporary use of land for maintaining authorised project
33. Statutory undertakers
34. Recovery of costs of new connections
35. Application of landlord and tenant law
36. Operational land for purposes of the 1990 Act
37. Felling or lopping of trees and removal of hedgerows
38. Trees subject to tree preservation orders
39. Certification of plans etc
40. Protective provisions
41. Arbitration
42. Special category land
43. Guarantees in respect of payment of compensation
44. Development consent obligation – enforcement

SCHEDULES

- SCHEDULE 1 — AUTHORISED PROJECT
 - PART 1 — Authorised Development
 - PART 2 — Ancillary Works
 - PART 3 — Requirements
- SCHEDULE 2 — STREETS SUBJECT TO STREET WORKS
- SCHEDULE 3 — STREETS TO BE TEMPORARILY STOPPED UP
- SCHEDULE 4 — PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP
- SCHEDULE 5 — ACCESS TO WORKS
- SCHEDULE 6 — TEMPORARY SUSPENSION OF PUBLIC ACCESS TO ACCESS LAND
- SCHEDULE 7 — LAND IN WHICH ONLY NEW RIGHTS ETC, MAY BE ACQUIRED
- SCHEDULE 8 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS AND RESTRICTIVE COVENANTS
- SCHEDULE 9 — LAND OVER WHICH TEMPORARY POSSESSION MAY BE TAKEN
 - PART 1 — In the County of Hampshire, in the District of New Forest
 - PART 2 — In the County of Dorset, in the Borough of Christchurch
 - PART 3 — In the County of Dorset, in the District of East Dorset
 - PART 4 — In the County of Hampshire, District of New Forest:
 - PART 5 — In the County of Dorset, Borough of Christchurch
 - PART 6 — In the County of Dorset, District of East Dorset
- SCHEDULE 10 — IMPORTANT HEDGEROWS
- SCHEDULE 11 — TREES SUBJECT TO TREE PRESERVATION ORDERS
- SCHEDULE 12 — PROTECTIVE PROVISIONS
 - PART 1 — Protection for Network Rail Infrastructure Limited
- SCHEDULE 13 — DEEMED LICENCE UNDER MARINE AND COASTAL ACCESS ACT 2009 – GENERATION ASSETS

PART 1 — Licensed Marine Activities
PART 2 — Conditions
SCHEDULE 14 — DEEMED LICENCE UNDER MARINE AND COASTAL
ACCESS ACT 2009 – TRANSMISSION ASSETS
PART 1 — Licensed Marine Activities
PART 2 — Conditions

An application has been made to the Secretary of State in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009^(a) for an Order under sections 37, 114, 115, 120 and 149A of the Planning Act 2008 (“the 2008 Act”)^(b);

And whereas the application was examined by a Panel appointed as an examining authority by the Secretary of State pursuant to Chapter 4 of the 2008 Act and the Infrastructure Planning (Examination Procedure) Rules 2010^(c);

The examining authority, having considered the application together with the documents that accompanied it, and the representations made and not withdrawn, has, in accordance with section 74 of the 2008 Act made a report and recommendation to the Secretary of State;

The Secretary of State, having considered the report and recommendation of the Panel, and decided the application, has determined to make an Order giving effect to the proposals comprised in the application with modifications which in its opinion do not make any substantial change to the proposals;

The Secretary of State, in exercise of the powers conferred by sections 114, 115, 120 and 149A of the 2008 Act the Secretary of State makes the following Order—

Citation and commencement

1. This Order may be cited as the Navitus Bay Wind Park Order and shall come into force on [●] 201[●].

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961^(d);

“the 1965 Act” means the Compulsory Purchase Act 1965^(e);

-
- (a) S.I. 2009/2264 as amended by the Localism Act (Infrastructure Planning) (Consequential Amendments) Regulations 2012 (S.I. 2012/635) and the Infrastructure Planning (Prescribed Consultees and Interested Parties etc) (Amendment) Regulations 2013 (S.I. 2013/522)
- (b) 2008 c.29. Parts 1 to 7 were amended by Chapter 6 of Part 6 of the Localism Act 2011 (c.20)
- (c) S.I. 2010/103, amended by S.I. 2012/635
- (d) 1961 c.33. Section 2(2) was amended by section 193 of, and paragraph 5 of Schedule 33 to, the Local Government, Planning and Land Act 1980 (c.65). There are other amendments to the 1961 Act which are not relevant to this Order.
- (e) 1965 c.56. Section 3 was amended by section 70 of, and paragraph 3 of Schedule 15 to, the Planning and Compensation Act 1991 (c.34). Section 4 was amended by section 3 of of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c.71). Section 5 was amended by sections 67 and 80 of, and Part 2 of Schedule 18 to, the Planning and Compensation Act 1991 (c.34). Subsection (1) of section 11 and sections 3, 31 and 32 were amended by section 34(1) of, and Schedule 4, to, the Acquisition of Land Act 1981 (c.67) and by section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No.1). Section 12 was amended by section 56(2) of, and Part 1 to Schedule 9 to, the Courts Act 1971 (c.23). Section 13 was amended by section 139 of the Tribunals, Courts and Enforcement Act 2007 (c.150). Section 20 was amended by section 70 of, and paragraph 14 of Schedule 15 to, the Planning and Compensation Act 1991 (c.34). Sections 9, 25 and 29 were amended by the Statute Law (Repeals) Act 1973 (c.39). Section 31 was also amended by section 70 of, and paragraph 19 of Schedule 15 to the Planning and Compensation Act 1991 (c.34) and by section 14 of, and paragraph 12(2) of Schedule 5 to, the Church of England

“the 1980 Act” means the Highways Act 1980(a);

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(b);

“the 1990 Act” means the Town and Country Planning Act 1990(c);

“the 1991 Act” means the New Roads and Street Works Act 1991(d);

“the 2004 Act” means the Energy Act 2004(e);

“the 2008 Act” means the Planning Act 2008(f);

“the 2009 Act” means the Marine and Coastal Access Act 2009(g);

“access land” means the land described in **Schedule 6** (temporary suspension of public access to access land) that is access land for the purposes of the Countryside and Rights of Way Act 2000(h);

“access to works plan” means the plan certified as the access to works plan by the Secretary of State for the purposes of this Order;

“ancillary works” means the ancillary works described in Part 2 of **Schedule 1** (ancillary works) and which are not development within the meaning of section 32 of the 2008 Act;

“AOD” means above ordnance datum;

“authorised development” means the development and associated development described in Part 1 of **Schedule 1** (authorised development), which is development within the meaning of section 32 of the 2008 Act;

“authorised project” means the authorised development and the ancillary works authorised by this Order;

“book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;

“building” includes any structure or erection or any part of a building, structure or erection;

“CAA” means the Civil Aviation Authority constituted by the Civil Aviation Act 1982(i);

(Miscellaneous Provisions) Measure 2006 (2006 No.1). There are other amendments to the 1965 Act which are not relevant to this Order.

- (a) 1980 c.66. Section 1(1) was amended by section 21(2) of the New Roads and Street Works Act 1991 (c.22); sections 1(2), 1(3) and 1(4) were amended by section 8 of, and paragraph (1) of Schedule 4 to, the Local Government Act 1985 (c.51); section 1(2A) was inserted, and section 1(3) was amended, by section 259(1), (2) and (3) of the Greater London Authority Act 1999 (c.29); sections 1(3A) and 1(5) were inserted by section 22(1) of, and paragraph 1 of Schedule 7 to, the Local Government (Wales) Act 1994 (c.19). Section 36(2) was amended by section 4(1) of, and paragraphs 47(a) and (b) of Schedule 2 to, the Housing (Consequential Provisions) Act 1985 (c.71), by S.I.2006/1177, by section 4 of, and paragraph 45(3) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c.11), by section 64(1), (2) and (3) of the Transport and Works Act 1992 (c.42) and by section 57 of, and paragraph 5 of Part 1 of Schedule 6 to, the Countryside and Rights of Way Act 2000 (c.37); section 36(3A) was inserted by section 65(5) of the Transport and Works Act 1992 and was amended by S.I.2006/1177; section 36(6) was amended by section 8 of, and paragraph 7 of Schedule 4 to, the Local Government Act 1985 (c.51); and section 36(7) was inserted by section 22(1) of, and paragraph 4 of Schedule 7 to, the Local Government (Wales) Act 1994 (c.19). Section 329 was amended by section 112(4) of, and Schedule 18 to, the Electricity Act 1989 (c.29) and by section 190(3) of, and Part 1 of Schedule 27 to, the Water Act 1989 (c.15). There are other amendments to the 1980 Act which are not relevant to this Order.
- (b) 1981 c. 66. Sections 2(3), 6(2) and 11(6) were amended by section 4 of, and paragraph 52 of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11). Section 15 was amended by sections 56 and 321(1) of, and Schedules 8 and 16 to, the Housing and Regeneration Act 2008 (c. 17). Paragraph 1 of Schedule 2 was amended by section 76 of, and Part 2 of Schedule 9 to, the Housing Act 1988 (c 50); section 161(4) of, and Schedule 19 to, the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28); and sections 56 and 321(1) of, and Schedule 8 to, the Housing and Regeneration Act 2008. Paragraph 3 of Schedule 2 was amended by section 76 of, and Schedule 9 to, the Housing Act 1988 and section 56 of, and Schedule 8 to, the Housing and Regeneration Act 2008. Paragraph 2 of Schedule 3 was repealed by section 277 of and Schedule 9 to, the Inheritance Tax Act 1984 (c. 51). There are amendments to the 1981 Act which are not relevant to this Order.
- (c) 1990 c.8. Section 206(1) was amended by section 192(8) of, and paragraphs 7 and 11 of Schedule 8 to, the Planning Act 2008 (c.29) (date in force in relation to England) 6 April 2012: S.I. 2012/601). There are other amendments to the 1990 Act which are not relevant to this Order.
- (d) 1991 c.22. Section 48(3A) was inserted by section 124 of the Local Transport Act 2008 (c.26). Sections 78(4), 80(4), and 83(4) were amended by section 40 of, and Schedule 1 to, the Traffic Management Act 2004 (c.18).
- (e) 2004 c.20
- (f) 2008 c.29
- (g) 2009 c. 23
- (h) 2000 c.37
- (i) 1982 c.16

“cable circuit” means up to three separately insulated conductors which can comprise a single cable with three conductor cores or separate cables grouped together in a trefoil arrangement or laid in a flat formation and which may include telecommunications and fibre optic cables;

“cable ducts” means conduits for the installation of cable circuits;

“carriageway” has the same meaning as in the 1980 Act;

“code of construction practice” means the document certified as the code of construction practice by the Secretary of State for the purposes of this Order;

“commence” means, in relation to works seaward of MHWS, beginning to carry out any licensed marine activities referred to in the deemed marine licences other than pre-construction surveys or monitoring and, in respect of any other works comprised in the authorised project, any material operation (as defined in Section 155 of the 2008 Act) forming part of the authorised project other than operations consisting of archaeological investigations, environmental surveys, investigations for the purpose of assessing ground conditions, erection of any temporary means of enclosure required as part of measures for the protection of any European protected species, the temporary display of site notices or advertisements and the words “commencement” and “commenced” shall be construed accordingly;

“compulsory acquisition notice” means a notice served in accordance with section 134 of the 2008 Act;

“connection works” means Work Nos. 3B to 75 and any related further associated development;

“construction compound” means a secure construction site associated with the construction of the connection works including hard standings, lay down and storage areas for construction materials and equipment, areas for spoil, areas for vehicle parking, bunded storage areas, areas for welfare facilities including offices and canteen and washroom facilities, workshop facilities and temporary fencing or other means of enclosure and areas for other facilities used for construction purposes;

“deemed generation assets marine licence” means the licence set out in **Schedule 13** (deemed licence under the Marine and Coastal Access Act 2009 – generation assets) and deemed by **article 11** (deemed marine licences under the Marine and Coastal Access Act 2009) to have been granted under Part 4 of the 2009 Act, by virtue of section 149A of the 2008 Act;

“deemed marine licence(s)” means the deemed generation assets marine licence and/or the deemed transmission assets marine licence;

“deemed transmission assets marine licence” means the licence set out in **Schedule 14** (deemed licence under the Marine and Coastal Access Act 2009 – transmission assets) and deemed by **article 11** (deemed marine licence under the Marine and Coastal Access Act 2009) to have been granted under Part 4 of the 2009 Act, by virtue of section 149A of the 2008 Act;

“design and access statement” means the document certified as the design and access statement by the Secretary of State for the purposes of this Order;

“environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of this Order and submitted with the application on 2014;

“European protected species” has the same meaning as in regulations 40 and 44 of the Conservation of Habitats and Species Regulations 2010(a);

“Forestry Commissioners” means the relevant authority for all woodland in England and Wales dedicated under the Countryside and Rights of Way Act 2000 for public access;

“gravity base foundation” means a structure principally of concrete or steel and concrete which rests on the seabed due to its own weight with or without added ballast or skirts, including associated sea bed preparation, scour protection, J-tubes, corrosion protection

(a) S.I. 2010/490.

systems, boat landings comprising an access ladder with vertical boat fenders fitted either side and work platforms and equipment;

“gross electrical output capacity” means the maximum power delivered to the offshore transmission equipment;

“highway” and “highway authority” have the same meaning as in the 1980 Act;

“important hedgerows plan” means the plan certified as the important hedgerows plan by the Secretary of State for the purposes of this Order;

“in-principle monitoring plan” means the document certified as the in-principle monitoring plan by the Secretary of State for the purposes of this Order;

“land plan” means the plan certified as the land plan by the Secretary of State for the purposes of this Order;

“LAT” means lowest astronomical tide;

“lead local flood authority” means the county council or unitary authority for the area in which the land to which the relevant provision of this Order applies is situated, in accordance with the Flood and Water Management Act 2010(a);

“maintain” includes inspect, repair, adjust and alter, remove, reconstruct and replace and further includes remove, reconstruct and replace any of the ancillary works and any component part of any wind turbine generator, offshore substation platforms or meteorological mast described in Part 1 of **Schedule 1** (authorised development), to the extent assessed in the environmental statement; and “maintenance” shall be construed accordingly;

“MCA” means the Maritime and Coastguard Agency;

“meteorological mast” means a lattice tower housing or incorporating equipment to measure wind speed and other wind characteristics, including a service platform housing electrical and communication equipment and associated equipment, oceanographic equipment and connecting cable, and marking and lighting;

“mean low water “ or “MLW” means the lowest level which spring tides reach on average over a period of time;

“mean high water springs” or “MHWS” means the highest level which spring tides reach on average over a period of time;

“MMO” means the Marine Management Organisation;

“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;

“offshore substation platform” means an offshore platform constructed of steel or concrete or steel and concrete with single or multiple decks housing major electrical equipment including high voltage transformers, switchgear, control rooms, cabling and busbars, lightning protection masts, communications masts, cable management, back-up generators, fuel storage, emergency accommodation, workshops and stores, helidecks or helihoist facilities, cranes and other associated electrical and ancillary equipment;

“onshore substation” means an onshore substation facility accommodated within a compound containing electrical equipment including power transformers, switchgear, reactive compensation equipment, harmonic filters, cables, lightning protection masts, control buildings, communications masts, back-up generators, fuel storage, access roads, car parking and hard standing, fencing and other associated equipment and structures;

“open access land plan” means the plan certified as the open access land plan by the Secretary of State for the purposes of this Order;

“Order land” means the land shown on the land plan coloured orange, blue, pink or purple within the Order limits and described in the book of reference;

(a) 2010 c.29

“Order limits” means the limits shown on the works plan within which the authorised project may be carried out, whose grid coordinates seaward of MHWS are set out in paragraph 2 of Part 1 of **Schedule 1** (authorised development) of this Order;

“owner”, in relation to land, has the same meaning as in Section 7 of the Acquisition of Land Act 1981(a);

“outline diver management plan” means the document certified as the outline diver management plan by the Secretary of State for the purposes of this Order;

“outline marine traffic and navigational monitoring strategy” means the document certified as the outline marine traffic and navigational monitoring strategy by the Secretary of State for the purposes of this Order;

“outline noise communication and monitoring protocol” means the document certified as the outline noise communication and monitoring protocol by the Secretary of State for the purposes of this Order;

“open access land plan” means the plan certified as the open access land plan by the Secretary of State for the purposes of this Order;

“parameters for the noise propagation report” means the document certified as the parameters for the noise propagation report by the Secretary of State for the purposes of this Order;

“public rights of way strategy” means the document certified as the public rights of way strategy by the Secretary of State for the purposes of this Order;

“public rights of way to be temporarily stopped up plan” means the plan certified as the public rights of way to be temporarily stopped up plan by the Secretary of State for the purposes of this Order;

“relevant highway authority” means the highway authority, being Hampshire County Council or Dorset County Council, for the area in which the relevant highway to which the relevant provision of this Order applies is situated, save in the case of trunk roads where the relevant highway authority is the Secretary of State for Transport;

“relevant planning authority” means the district planning authority or the National Park Authority for the area in which the land to which the relevant provision of this Order applies is situated;

“requirements” means those matters set out in Part 3 of **Schedule 1** (requirements) to this Order;

“space frame foundation” means a jacket lattice type structure constructed of concrete, steel or steel and concrete which is fixed to the seabed at three or more points with driven or pre-installed piles or suction caissons, including associated scour protection, J-tubes, corrosion protection systems, boat landings comprising an access ladder with vertical boat fenders fitted either side, access and work platforms and equipment;

“statutory undertaker” means any person falling within the meaning set out in section 127(8) of the 2008 Act;

“steel monopile foundation” means a steel, concrete, or steel and concrete large diameter pile, typically cylindrical, driven and/or drilled into the seabed or fixed to the seabed with suction caissons, including associated scour protection, transition piece, J-tubes, corrosion protection systems, boat landings comprising an access ladder with vertical boat fenders fitted either side, access and work platforms and equipment;

“street” means a street within the meaning of section 48 of the 1991 Act, together with land on the verge of a street or between two carriageways (subject to confirmation from the relevant highway authority), and includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

(a) 1981 c.67. Section 7 was amended by section 70 of, and paragraph 9 of Schedule 15 to, the Planning and Compensation Act 1991 (c.34). There are other amendments to the 1981 Act which are not relevant to this Order.

“streets subject to street works plan” means the plan certified as the streets subject to street works plan by the Secretary of State for the purposes of this Order;

“streets to be temporarily stopped up plan” means the plan certified as the streets to be temporarily stopped up plan by the Secretary of State for the purposes of this Order;

“suction caisson” means a steel cylindrical structure which is fixed to the base of the foundation and partially or completely penetrates the seabed and remains in place using its own weight and hydrostatic pressure differential;

“transition joint bay” means an underground pit where the offshore export cables comprised in Work No. 3A are jointed to the connection works;

“tree preservation order plan” means the plan certified as the tree preservation order plan by the Secretary of State for the purposes of this Order;

“trenchless crossings plan” means the plan certified as the trenchless crossings plan by the Secretary of State for the purposes of this Order;

“trenchless installation working area” means a working area associated with the connection works where trenchless installation techniques are proposed including hard standings, lay down and storage areas for construction materials and equipment, areas for spoil, areas for vehicular parking, bunded storage areas, areas for welfare facilities including offices and canteen and washroom facilities, wheel washing facilities, workshop facilities and temporary fencing or other means of enclosure and areas for other facilities required for construction purposes;

“trenchless installation techniques” means the use of specialist techniques such as horizontal directional drilling, auger boring, microtunneling, pipe ramming or any other technique which falls within the assessments set out in the environmental statement that enables the installation of electrical cable circuits or cable ducting without the requirement to excavate a trench for the length of the installation, comprising associated equipment to install the electrical cable circuit or ducting to a suitable depth below ground;

“tribunal” means the Lands Chamber of the Upper Tribunal;

“Trinity House” means The Corporation of Trinity House of Deptford Strond;

“turbine area design principles” means the document certified as the turbine area design principles by the Secretary of State for the purposes of this Order;

“UK Hydrographic Office” means the UK Hydrographic Office of Admiralty Way, Taunton, Somerset, TA1 2DN;

“undertaker” means Navitus Bay Development Limited (company number 7104972);

“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in, on or over water and which is at the time in, on or over water;

“watercourse” includes all rivers, streams, ditches, drains, creeks, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

“wind turbine generator” or “WTG” means a structure comprising a tower, rotor with three horizontal axis blades connected at the hub, nacelle containing mechanical and electrical equipment, ancillary equipment including access ladders and platforms, lifts, cables, corrosion protection systems, maintenance equipment, helihoist facilities and other associated equipment, fixed to a foundation;

“works plan” means the plan certified as the works plan by the Secretary of State for the purposes of the Order;

(2) References in this Order to rights over land include references to rights to do or restrain or to place and maintain, anything in, on or under land or in the air-space above its surface and references in this Order to the imposition of restrictive covenants are references to the creation of rights over the land which interfere with the interests or rights of another and are for the benefit of

land which is acquired under this Order or which is an interest otherwise comprised in the Order land.

(3) All distances, directions and lengths referred to in this Order are approximate, save in respect of the parameters referred to requirements 2 to 6 and 10 in Part 3, **Schedule 1** (requirements), conditions 1 to 4 in Part 2, **Schedule 13** (deemed licence under the Marine and Coastal Access Act 2009 – generation assets) and conditions 1 to 4 in Part 2, **Schedule 14** (deemed licence under the Marine and Coastal Access Act 2009 – transmission assets).

(4) Any reference in this Order to a work identified by the number of the work is to be construed as a reference to the work of that number authorised by this Order.

(5) Unless otherwise stated, references in this Order to points identified by letters are to be construed as references to the points so lettered on the works plan.

(6) The expression “includes” shall be construed without limitation.

Development consent etc. granted by the Order

3.—(1) Subject to the provisions of this Order and to the requirements the undertaker is granted—

- (a) development consent for the authorised development; and
- (b) consent for the ancillary works,

to be carried out within the Order limits.

(2) Subject to the requirements and conditions in the deemed marine licences, Work Nos. 1 to 3A must be constructed anywhere within the Order limits seaward of MHWS and Work Nos. 3B to 75 must be constructed anywhere within the Order limits landward of MLW.

Power to maintain authorised project

4. The undertaker may, at any time maintain the authorised project, except to the extent that this Order or an agreement made under this Order provides otherwise.

Operation of electricity generating station

5.—(1) The undertaker is hereby authorised to operate the generating station comprised in the authorised development.

(2) This article does not relieve the undertaker of any requirement to obtain any permit or licence under any other legislation that may be required from time to time to authorise the operation of an electricity generating station.

Procedure in relation to certain approvals etc.

6.—(1) Where an application is made to or request is made of the relevant planning authority, a highway authority, a street authority or the owner of a watercourse, sewer or drain for any agreement or approval required or contemplated by any of the provisions of the Order, such agreement or approval must, if given, be given in writing and may not be unreasonably withheld.

(2) Where an application is made to the relevant planning authority for any consent, agreement or approval required by Requirements 10 to 36, the following provisions apply in respect of that application as they would if the consent, agreement or approval so required was required by a condition imposed on a grant of planning permission—

- (a) sections 78 and 79 of the 1990 Act(a) (right of appeal in relation to planning decisions);
- (b) any orders, rules or regulations that make provision in relation to a consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission, insofar as the orders, rules or regulations are not inconsistent with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 and any orders, rules or other regulations made under the 2008 Act.

(3) For the purposes of the application of section 262 of the 1990 Act (meaning of “statutory undertaker”) to appeals pursuant to this article, the undertaker is deemed to be a holder of a licence under section 6 of the Electricity Act 1989(a).

Benefit of the Order

7.—(1) Subject to paragraph (2), the undertaker may with the written consent of the Secretary of State—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order (excluding the deemed marine licences referred to in paragraph (2) below) and such related statutory rights as may be agreed between the undertaker and the transferee; or
- (b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order (excluding the deemed marine licences referred to in paragraph (2) below) and such related statutory rights as may be so agreed.

(2) Subject to paragraph (3), the undertaker may with the written consent of the Secretary of State—

- (a) where an agreement has been made in accordance with paragraph (1)(a), transfer to the transferee the whole of the deemed generation assets marine licence and/or the whole of the deemed transmission assets marine licence and such related statutory rights as may be agreed between the undertaker and the transferee; or
- (b) where an agreement has been made in accordance with paragraph (1)(b), grant to the lessee, for the duration of the period mentioned in paragraph (1)(b), the whole of the deemed generation assets marine licence and/or the whole of the deemed transmission assets marine licence and such related statutory rights as may be so agreed.

(3) The Secretary of State shall consult the MMO before giving consent to the transfer or grant to another person of the whole of the benefit of the provisions of the deemed marine licences.

(4) Where paragraph (8) applies no consent of the Secretary of State shall be required under paragraph (1) or (2).

(5) Where an agreement has been made in accordance with paragraphs (1) and (2) references in this Order to the undertaker, except in paragraph (8), shall include references to the transferee or lessee.

(6) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraphs (1) and (2) shall be subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.

(7) Where an agreement has been made in accordance with paragraph (1) or (2)—

- (a) the benefit (“the transferred benefit”) shall include any rights that are conferred, and any obligations that are imposed by virtue of the provisions to which the benefit relates;
- (b) the transferred benefit shall reside exclusively with the transferee or, as the case may be, the lessee and the transferred benefit shall not be enforceable against the undertaker save in the case of a deemed marine licence transferred or granted in respect of any breach of an obligation by the undertaker which occurs prior to such transfer or grant or which occurs as a result of any activity carried out by the undertaker on behalf of the transferee.

(8) This paragraph applies where—

- (a) the transferee or lessee is a person who holds a licence under the Electricity Act 1989; or
- (b) the time limits for claims for compensation in respect of the acquisition of land or effects upon land under this Order have elapsed and—

(a) 1989 c. 29. Section 6 was amended by section 30 of the Utilities Act 2000 (c.27), section 136 and 145 of, and Schedule 23 to, the Energy Act 2004, regulation 5 of S.I. 2011/2704 and article 6 of S.I. 2012/2400.

- (i) no such claims have been made;
- (ii) any such claim has been made and has been compromised or withdrawn;
- (iii) compensation has been paid in final settlement of any such claim;
- (iv) payment of compensation into court has taken place in lieu of settlement of any such claim; or
- (v) it has been determined by a tribunal or court of competent jurisdiction in respect of any such claim that no compensation shall be payable.

(9) The provisions of **article 22** (compulsory acquisition of land), **article 25** (compulsory acquisition of rights), **article 28** (acquisition of subsoil only) and **article 33** (statutory undertakers) shall have effect only for the benefit of the named undertaker and a person who is a transferee or lessee as referred to in paragraphs (1) and (2) and is also a person who holds a licence under the Electricity Act 1989.

(10) Where paragraph (8) applies, the undertaker shall provide written notification to the Secretary of State and the MMO prior to transferring and/or granting any benefit under paragraphs (1) and (2).

Application and modification of legislative provisions

8. Regulation 6 of the Hedgerows Regulations 1997(a) shall be modified so as to read for the purposes of this Order only as if there were inserted after Regulation 6(1)(j) the following—

“(k) or for carrying out development which has been authorised by an order granting development consent pursuant to the Planning Act 2008.”

Public rights of navigation

9.—(1) Subject to paragraph (2), the rights of navigation over the places in the sea where any of the wind turbine generators, meteorological mast or offshore substation platforms, including their foundations, are located within territorial waters shall be extinguished.

(2) The extinguishment of the rights of navigation over the places identified in paragraph (1) shall take effect 14 days after the undertaker has submitted a plan to the Secretary of State showing the precise locations of the foundations of each of any relevant wind turbine generators, meteorological mast and offshore substation platforms to be constructed as part of the authorised project within territorial waters.

(3) In respect of the location of any individual wind turbine generator, meteorological mast or offshore substation platform, paragraph (1) shall cease to have effect as soon as that wind turbine generator, meteorological mast or offshore substation platform has been decommissioned and permanently removed, and the relevant rights of navigation shall resume.

(4) The plan submitted in accordance with paragraph (2) shall be published by the undertaker as required by the Secretary of State.

Abatement of works abandoned or decayed

10.—(1) Where the offshore works or any part of them are abandoned or allowed to fall into decay, the Secretary of State may, following consultation with the undertaker, issue a written notice requiring the undertaker at its own expense—

- (a) to repair and restore or remove the offshore works or any relevant part of it; and
- (b) to restore the site of the offshore works or any relevant part to a safe and appropriate condition, having regard to any requirement that appears to the Secretary of State to be relevant, within an area and to such an extent as may be specified in the notice.

(a) S.I. 1997/1160

(2) Where the offshore works or any part of them are removed (other than in accordance with paragraph (1)), the Secretary of State may, following consultation with the undertaker and the relevant statutory nature conservation body, issue a written notice requiring the undertaker at its own expense to restore the site of the offshore works or any relevant part to a safe and appropriate condition, having regard to any requirement that appears to the Secretary of State to be relevant, within an area and to such an extent as may be specified in the notice

(3) Nothing in this article limits the Secretary of State's power under Chapter 3 of Part 2 of the 2004 Act (decommissioning of offshore installations).

Deemed marine licences under the Marine and Coastal Access Act 2009

11. The undertaker is granted deemed licences under Part 4 Chapter 1 of the 2009 Act to carry out the works and make the deposits specified in Part 1 of **Schedule 13** (deemed licence under Marine and Coastal Access Act 2009 – generation assets) and **Schedule 14** (deemed licence under Marine and Coastal Access Act 2009 – transmission assets), subject to the conditions set out in Part 2 of those Schedules.

Saving for Trinity House

12. Nothing in this Order prejudices or derogates from any of the rights, duties or privileges of Trinity House.

Crown Rights

13.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker or any licensee—

- (a) to take, use, enter upon or in any manner interfere with any land or rights of any description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)—
 - (i) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate without the consent in writing of the Crown Estate Commissioners;
 - (ii) belonging to Her Majesty in right of the Crown and not forming part of the Crown Estate without the consent in writing of the government department having the management of that land; or
 - (iii) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department; or
- (b) to exercise any right under this Order compulsorily to acquire an interest in any land which is Crown land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown without the consent in writing of the appropriate Crown authority (as defined in the 2008 Act).

(2) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically.

Street works

14.—(1) The undertaker may, for the purposes of the authorised project, enter on so much of any of the streets specified in **Schedule 2** (streets subject to street works) and may—

- (a) break up or open the street, or any sewer, drain or tunnel under it;
- (b) tunnel or bore under the street;
- (c) place apparatus under the street;
- (d) maintain apparatus under the street or change its position; and

- (e) execute any works required for or incidental to any works referred to in sub-paragraphs (a), (b), (c) and (d).

(2) The authority given by paragraph (1) is a statutory right for the purposes of sections 48(3) (streets, street works and undertakers) and 51(1) (prohibition of unauthorised street works) of the 1991 Act.

(3) The provisions of sections 54 to 106 of the 1991 Act apply to any street works carried out under paragraph (1) and, in relation to the A31 trunk road, reasonable conditions may be imposed by the Secretary of State for Transport pursuant to Schedule 3 of that Act.

(4) In this article “apparatus” has the same meaning as in Part 3 of the 1991 Act.

Public rights of way

15. The undertaker may, in connection with the carrying out of the authorised project, temporarily stop up each of the public rights of way specified in columns (2) of **Schedule 4** (public rights of way to be temporarily stopped up) to the extent specified in column (3), by reference to the letters shown on the public rights of way to be temporarily stopped up plan.

Temporary stopping up of streets

16.—(1) The undertaker, during and for the purposes of carrying out the authorised project, may temporarily stop up, alter or divert any street within the Order limits and may for any reasonable time—

- (a) divert the traffic from the street; and
- (b) subject to paragraph (2), prevent all persons from passing along the street.

(2) The undertaker must provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary stopping up, alteration or diversion of a street under this article if there would otherwise be no such access.

(3) Without prejudice to the generality of paragraph (1), the undertaker may temporarily stop up, alter or divert the streets specified in columns (1) and (2) of **Schedule 3** (streets to be temporarily stopped up) to the extent specified, by reference to the letters and numbers shown on the streets to be temporarily stopped up plan, in column (3) of that Schedule.

(4) The undertaker may not temporarily stop up, alter or divert—

- (a) any street specified as mentioned in paragraph (3) without first consulting the street authority, which may attach reasonable conditions on the temporary stopping up, alteration or diversion in relation to the placing of street notices and/or traffic signs; and
- (b) any other street without the consent of the street authority which may attach reasonable conditions to any consent in relation to the placing of street notices and/or traffic signs.

(5) Any person who suffers loss by the suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

Access to works

17.—(1) Subject to sub-paragraph (2), the undertaker may, for the purposes of the authorised project—

- (a) form and lay out means of access, or improve existing means of access, in the location specified in columns (1) and (2) of **Schedule 5** (access to works); and
- (b) with the approval of the relevant highway authority, form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised project.

(2) Works on land owned by the Secretary of State for Transport must be carried out by or on behalf of the Secretary of State for Transport.

Agreements with street authorities

- 18.**—(1) A street authority and the undertaker may enter into agreements with respect to—
- (a) any temporary stopping up, alteration or diversion of a street authorised by this Order; or
 - (b) the carrying out in the street of any of the works referred to in **article 14(1)** (street works).
- (2) Such an agreement may, without prejudice to the generality of paragraph (1)—
- (a) make provision for the street authority to carry out any function under this Order which relates to the street in question;
 - (b) include an agreement between the undertaker and street authority specifying a reasonable time for the completion of the works; and
 - (c) contain such terms as to payment and otherwise as the parties consider appropriate.

Discharge of water

19.—(1) The undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out or maintenance of the authorised project and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain.

(2) Any dispute arising from the making of connections to or the use of a public sewer or drain by the undertaker pursuant to paragraph (1) shall be determined as if it were a dispute under section 106 of the Water Industry Act 1991(a) (right to communicate with public sewers).

(3) The undertaker must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but shall not be unreasonably withheld.

- (4) The undertaker must not make any opening into any public sewer or drain except—
- (a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval shall not be unreasonably withheld; and
 - (b) where that person has been given the opportunity to supervise the making of the opening.

(5) The undertaker must not, in carrying out or maintaining works pursuant to this article, damage or interfere with the bed or banks of, or construct any works under or over or within 8 metres of, any watercourse forming part of a main river without the prior written consent of the Environment Agency.

(6) The undertaker must take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain pursuant to this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

(7) This article does not authorise the entry into controlled waters of any matter whose entry or discharge into controlled waters is prohibited by regulation 12 of the Environmental Permitting (England and Wales) Regulations 2010(b).

- (8) In this article—
- (a) “public sewer or drain” means a sewer or drain which belongs to a sewerage undertaker, the Environment Agency, an internal drainage board or a local authority; and
 - (b) other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991 have the same meaning as in that Act.

(a) 1991 c.56. Section 106 was amended by sections 36(2) and 99 of the Water Act 2003 (c.37). There are other amendments to this section which are not relevant to this Order.

(b) S.I. 2010/675, as amended by the Environmental Permitting (England and Wales) (Amendment) Regulations 2011 (SI 2011/2043), the Environmental Permitting (England and Wales) (Amendment No. 2) Regulations 2011 (SI 2011/2933), the Environmental Permitting (England and Wales) (Amendment) Regulations 2012 (SI 2012/630), the Controlled Waste (England and Wales) Regulations 2012 (S.I. 2012/811)

Authority to survey and investigate the land

20.—(1) The undertaker may for the purposes of this Order enter on any land shown within the Order limits or which may be affected by the authorised project and—

- (a) survey or investigate the land;
- (b) without prejudice to the generality of sub-paragraph (a), make trial holes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and subsoil and remove soil samples;
- (c) without prejudice to the generality of sub-paragraph (a), carry out ecological or archaeological investigations on such land; and
- (d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes.

(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 14 days' notice has been served on every owner and occupier of the land.

(3) Any person entering land under this article on behalf of the undertaker—

- (a) must, if so required on entering the land, produce written evidence of their authority to do so; and
- (b) may take with them such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.

(4) No trial holes shall be made under this article—

- (a) in land located within the highway boundary without the consent of the highway authority; or
- (b) in a private street without the consent of the street authority.

but such consent shall not be unreasonably withheld

(5) As soon as practicable following the exercise of any powers under paragraph (1), any apparatus or equipment must be removed and the land shall be restored to the reasonable satisfaction of the owners of the land.

(6) The undertaker must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the authority conferred by this article, such compensation to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

Temporary suspension of public access to Access Land

21.—(1) The undertaker may, in connection with the authorised project temporarily—

- (a) interfere with such parts of the access land as are affected by the authorised project by constructing or maintaining the connection works as the undertaker considers necessary or expedient; and
- (b) close to the public the relevant parts of the access land as are affected by the authorised project during construction or maintenance of the connection works.

(2) No fewer than 28 days before exercising any power under paragraph (1), the undertaker must notify the Forestry Commissioners of its intention to exercise such powers.

(3) During the period of any closure referred to in paragraph (1)(b), all rights of access to the public shall be suspended.

(4) The power conferred by paragraph (1) must be exercised in a way which secures—

- (a) that no more of the relevant part of the access land is closed to the public at any time than is necessary in the circumstances; and
- (b) that all reasonable steps are taken to secure that the period of closure is kept to a minimum and that the minimum obstruction or interference is caused to the public which may be intending to use the part so closed.

(5) As soon as practicable following the exercise of any powers under paragraph (1), any temporary works plant, machinery and fencing must be removed and access to the access land must be restored.

Compulsory acquisition of land

22.—(1) The undertaker may acquire compulsorily so much of the Order land as is required for the authorised project or to facilitate, or is incidental to, it.

(2) This article is subject to paragraph (2) of **article 25** (compulsory acquisition of rights) and paragraph (8) of **article 31** (temporary use of land for carrying out the authorised project).

Compulsory acquisition of land – incorporation of the minerals code

23.—(1) Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 (minerals) are incorporated in this Order subject to the modifications that—

- (a) paragraph 8(3) is not incorporated; and
- (b) for “the acquiring authority” substitute “the undertaker”.

Time limit for exercise of authority to acquire land compulsorily

24.—(1) After the end of the period of 5 years beginning on the day on which this Order is made—

- (a) no notice to treat is to be served under Part 1 of the 1965 Act; and
- (b) no declaration is to be executed under section 4 of the 1981 Act as applied by **article 27** (application of the Compulsory Purchase (Vesting Declarations) Act 1981),

(2) The authority conferred by **article 31** (temporary use of land for carrying out the authorised project) will cease at the end of the period referred to in paragraph (1), save that nothing in this paragraph prevents the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

Compulsory acquisition of rights

25.—(1) The undertaker may acquire compulsorily—

- (a) such rights over the Order land; and
- (b) where expressly provided for in the book of reference, impose new restrictive covenants, affecting the land as may be required for any purpose for which that land may be acquired under **article 22** (compulsory acquisition of land), by creating them as well as by acquiring rights already in existence.

(2) Subject to the provisions of this article, **article 26** (private rights), **article 31** (temporary use of land for carrying out the authorised project), **article 32** (temporary use of land for maintaining the authorised project) and **article 33** (statutory undertakers), in the case of the Order land specified in column (1) of **Schedule 7** (land in which only new rights etc may be acquired) the undertaker’s powers of compulsory acquisition are limited to the acquisition of such new rights or the imposition of restrictive covenants affecting the land for the purpose specified in relation to that land in column (2) of that Schedule and as are described in the book of reference.

(3) Subject to section 8 of the 1965 Act, as substituted by paragraph 5 of **Schedule 8** (modification of compensation and compulsory purchase enactments for creation of new rights and restrictive covenants), where the undertaker acquires an existing right or restrictive covenant over land under paragraph (2), the undertaker cannot be required to acquire a greater interest in that land.

(4) **Schedule 8** (modification of compensation and compulsory purchase enactments for creation of new rights and restrictive covenants) has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the

compulsory acquisition under this article of a right over land by the creation of a new right or the imposition of restrictive covenants.

(5) In any case where the acquisition of new rights under paragraph (2) is required for the purpose of diverting, replacing or protecting apparatus of a statutory undertaker, the undertaker may, with the consent of the Secretary of State, transfer the power to acquire such rights to the statutory undertaker in question.

(6) The exercise by a statutory undertaker of any power in accordance with a transfer under paragraph (5) is subject to the same restrictions, liabilities and obligations as would apply under this Order if that power were exercised by the undertaker.

(7) Where the exercise of any rights acquired under this Order would cause what would otherwise be an obstruction to the public highway the undertaker shall not exercise that right without having first obtained the approval of the relevant highway authority.

Private rights

26.—(1) Subject to the provisions of this article, all private rights over land subject to compulsory acquisition under this Order are extinguished—

- (a) as from the date of acquisition of the land by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act (power of entry),
- (c) whichever is the earliest.

(2) Subject to the provisions of this article, all private rights over land subject to the compulsory acquisition of rights under this article (and including those lands included in column (1) of **Schedule 7** (land in which only new rights etc. may be acquired)) are extinguished in so far as their continuance would be inconsistent with the exercise of the right—

- (a) as from the date of the acquisition of the right by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act (power of entry),

whichever is the earliest.

(3) Subject to the provisions of this article, all private rights over land of which the undertaker takes temporary possession under this Order are suspended and unenforceable for as long as the undertaker remains in lawful possession of the land.

(4) Any person who suffers loss by the extinguishment or suspension of any private right under this article is entitled to compensation in accordance with the terms of section 152 of the 2008 Act to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) This article does not apply in relation to any right to which section 138 of the 2008 Act (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) or **article 33**(statutory undertakers) applies.

(6) Paragraphs (1) to (3) have effect subject to—

- (a) any notice given by the undertaker before—
 - (i) the completion of the acquisition of the land or the acquisition of rights or the imposition of restrictive covenants over or affecting the land;
 - (ii) the undertaker's entry onto it; or
 - (iii) the undertaker's taking temporary possession of it,
 - (iv) that any or all of those paragraphs do not apply to any right specified in the notice; and
- (b) any agreement made at any time between the undertaker and the person in or to whom the right in question is vested or belongs.

- (7) If any such agreement as is referred to in paragraph (6)(b)—
- (a) is made with a person in or to whom the right is vested or belongs; and
 - (b) is expressed to have effect also for the benefit of those deriving title from or under that person, it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

(8) Reference in this article to private rights over land includes reference to any trusts or incidents to which the land is subject.

Application of the Compulsory Purchase (Vesting Declarations) Act 1981

27.—(1) The 1981 Act applies as if this Order were a compulsory purchase order.

(2) The 1981 Act, as so applied, has effect with the following modifications.

(3) In section 3 (preliminary notices), for subsection (1) there is substituted—

“(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order, the acquiring authority shall include the particulars specified in subsection (3) in a notice which is—

- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession); and
- (b) published in a local newspaper circulating in the area in which the land is situated.

(4) In that section, in subsection (2), for “(1)(b)” there is substituted “(1)” and after “given” there is inserted “and published”.

(5) In that section, for subsections (5) and (6) there is substituted—

“(5) For the purposes of this section, a person has a relevant interest in land if—

- (a) that person is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion; or
- (b) that person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”

(6) In section 5 (earliest date for execution of declaration)—

- (a) in subsection (1), after “publication” there is inserted “in a local newspaper circulating in the area in which the land is situated”; and
- (b) subsection (2) is omitted.

(7) In section 7 (constructive notice to treat), in subsection (1)(a), the words “(as modified by section 4 of the Acquisition of Land Act 1981)” shall be omitted.

(8) References to the 1965 Act in the 1981 Act must be construed as references to that Act as applied by section 125 of the 2008 Act to the compulsory acquisition of land under this Order.

Acquisition of subsoil only

28.—(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of the land referred to in paragraph (1) of **article 22** (compulsory acquisition of land) or **article 25** (compulsory acquisition of rights) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.

(2) Where the undertaker acquires any part of, or rights in, the subsoil of the land under paragraph (1), the undertaker is not required to acquire an interest in any other part of the land.

(3) Paragraph (2) does not prevent **article 29** (acquisition of part of certain properties) from applying where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.

Acquisition of part of certain properties

29.—(1) This article applies instead of section 8(1) of the 1965 Act (other provisions as to divided land) (as applied by section 125 of the 2008 Act) where—

- (a) a notice to treat is served on a person (“the owner”) under the 1965 Act (as so applied) in respect of land forming only part of a house, building or manufactory or of land consisting of a house with a park or garden (“the land subject to the notice to treat”); and
- (b) a copy of this article is served on the owner with the notice to treat.

(2) In such a case, the owner may, within the period 21 days beginning with the day on which the notice was served, serve on the undertaker a counter-notice objecting to the sale of the land subject to the notice to treat which states that the owner is willing and able to sell the whole (“the land subject to the counter-notice”).

(3) If no such counter-notice is served within that period, the owner must sell the land subject to the notice to treat.

(4) If such a counter-notice is served within that period, the question whether the owner is required to sell only the land subject to the notice to treat will, unless the undertaker agrees to take the land subject to the counter-notice, be referred to the tribunal.

(5) If on such a reference the tribunal determines that the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) where the land subject to the notice to treat consists of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the owner must sell the land subject to the notice to treat.

(6) If on such a reference the tribunal determines that only part of the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) where the land subject to the notice to treat consists of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the notice to treat is deemed to be a notice to treat for that part.

(7) If on such a reference the tribunal determines that—

- (a) the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice; but
- (b) the material detriment is confined to a part of the land subject to the counter-notice,

the notice to treat is deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the undertaker is authorised to acquire compulsorily under this Order.

(8) If the undertaker agrees to take the land subject to the counter-notice, or if the tribunal determines that—

- (a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and
- (b) the material detriment is not confined to a part of the land subject to the counter-notice,

the notice to treat shall be deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which the undertaker is authorised to acquire compulsorily under this Order.

(9) Where, by reason of a determination by the tribunal under this article, a notice to treat is deemed to be a notice to treat for less land or more land than that specified in the notice, the

undertaker may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice to treat; and, in that event, must pay the owner compensation for any loss or expense occasioned to the owner by the giving and withdrawal of the notice, to be determined in case of dispute by the tribunal.

(10) Where the owner is required under this article to sell only part of a house, building or manufactory or of land consisting of a house with a park or garden, the undertaker must pay the owner compensation for any loss sustained by the owner due to the severance of that part in addition to the value of the interest acquired.

Rights under or over streets

30.—(1) The undertaker may enter on and appropriate so much of the subsoil of any street within the Order limits as may be required for the purposes of the authorised project and may use the subsoil for those purposes or any other purpose ancillary to the authorised project.

(2) Subject to paragraph (3), the undertaker may exercise any power conferred by paragraph (1) in relation to a street without being required to acquire any part of the street or any easement or right in the street.

(3) Paragraph (2) does not apply in relation to—

- (a) any subway or underground building; or
- (b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street.

(4) Subject to paragraph (5), any person who is an owner or occupier of land appropriated under paragraph (1) without the undertaker acquiring any part of that person's interest in the land, and who suffers loss as a result, is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) Compensation is not payable under paragraph (4) to any person who is an undertaker to whom section 85 of the 1991 Act (sharing cost of necessary measures) applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

Temporary use of land for carrying out the authorised project

31.—(1) The undertaker may, in connection with the carrying out of the authorised project—

- (a) enter on and take temporary possession of—
 - (i) the land specified in column (1) of Parts 1 to 3 of **Schedule 9** (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (2) of that Schedule relating to the part of the authorised project specified in column (3) of that Schedule; and
 - (ii) any other Order land in respect of which no notice of entry has been served under section 11 of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 of the 1981 Act;
- (b) remove any buildings and vegetation from that land;
- (c) construct temporary works (including the provision of means of access) haul roads, security fencing, bridges, structures and buildings on that land;
- (d) use the land for the purposes of a working site with access to the working site in connection with the authorised project; and
- (e) construct or carry out any works for the purposes of the authorised project, or to use the land, or carry out any mitigation works or operations.

(2) The undertaker may, for the purpose of obtaining access to construct the authorised project—

- (a) make temporary use, in common with other persons enjoying rights over that land, of access routes over the land specified in Part 4, 5 and 6 of **Schedule 9** (land over which temporary possession may be taken); and

(b) carry out any necessary works to improve those access routes (and for that purpose only take temporary possession of the area in which the work is to be carried out for the duration of that work).

(3) Not less than 14 days before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land.

(4) The undertaker may not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of one year beginning with the date of completion of the part of the authorised project specified in relation to that land in column (3) of **Schedule 9** (land of which temporary possession may be taken) unless the undertaker has, before the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act in relation to that land.

(5) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker shall not be required to—

- (a) replace a building removed under this article; or
- (b) remove from the land any works which have been constructed under paragraph 1(e) or 2(b).

(6) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of any power conferred by this article.

(7) Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, must be determined under Part 1 of the 1961 Act.

(8) Nothing in this article affects any liability to pay compensation under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance) or under any other enactment in respect of loss or damage arising from the carrying out of the authorised project, other than loss or damage for which compensation is payable under paragraph (6).

(9) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that the undertaker is not precluded from—

- (a) acquiring new rights or imposing restrictive covenants over any part of that land under **article 25** (compulsory acquisition of rights); or
- (b) acquiring any part of the subsoil (or rights in the subsoil) of that land under **article 28** (acquisition of subsoil only).

(10) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.

(11) Section 13 of the 1965 Act (refusal to give possession to acquiring authority) shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (application of compulsory acquisition provisions).

Temporary use of land for maintaining the authorised project

32.—(1) Subject to paragraph (2), at any time during the maintenance period relating to any part of the authorised project, the undertaker may—

- (a) enter on and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised project; and
- (b) construct such temporary works (including the provision of means of access, surveys and ecological mitigation and enhancement works) and buildings on the land as may be reasonably necessary for that purpose.

(2) Paragraph (1) does not authorise the undertaker to take temporary possession of—

- (a) any house or garden belonging to a house; or

(b) any building (other than a house) if it is for the time being occupied.

(3) Not less than 28 days before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land.

(4) The undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised project for which possession of the land was taken.

(5) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

(6) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of this article.

(7) Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, must be determined under Part 1 of the 1961 Act.

(8) Nothing in this article affects any liability to pay compensation under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance) or under any other enactment in respect of loss or damage arising from the maintenance of the authorised project, other than loss or damage for which compensation is payable under paragraph (6).

(9) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.

(10) Section 13 of the 1965 Act (refusal to give possession to acquiring authority) applies to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (application of compulsory acquisition provisions).

(11) In this article "the maintenance period", in relation to any part of the authorised project, means the period of 10 years beginning with the date on which that part of the authorised project first exports electricity to the national electricity transmission network.

Statutory undertakers

33. Subject to the provisions of **Schedule 12** (protective provisions) the undertaker may—

- (a) acquire compulsorily, or acquire new rights or impose restrictive covenants over, the land belonging to statutory undertakers shown on the land plans within the limits of the land to be acquired and described in the book of reference;
- (b) extinguish or relocate the rights of, or remove or reposition the apparatus belonging to statutory undertakers over or within the Order land.

Recovery of costs of new connections

34.—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under **article 33** (statutory undertakers) any person who is the owner or occupier of premises to which a supply was given from that apparatus is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(2) Paragraph (1) does not apply in the case of the removal of a public sewer but where such a sewer is removed under **article 33** (statutory undertakers), any person who is—

- (a) the owner or occupier of premises the drains of which communicated with that sewer; or
- (b) the owner of a private sewer which communicated with that sewer,

is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the drain or

sewer belonging to that person communicate with any other public sewer or with a private sewerage disposal plant.

(3) This article does not have effect in relation to apparatus to which Part 3 of the 1991 Act applies.

(4) In this paragraph—

“public communications provider” has the same meaning as in section 151(1) of the Communications Act 2003; and

“public utility undertaker” has the same meaning as in the 1980 Act.

Application of landlord and tenant law

35.—(1) This article applies to—

- (a) any agreement for leasing to any person the whole or any part of the authorised project or the right to operate the same; and
- (b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised project, or any part of it,

so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person’s use.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants shall prejudice the operation of any agreement to which this article applies.

(3) Accordingly, no such enactment or rule of law shall apply in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any part to the lease of any obligation of any other party under the lease.

Operational land for purposes of the 1990 Act

36. Development consent granted by this Order shall be treated as specific planning permission for the purposes of section 264(3)(a) of the 1990 Act (cases in which land is to be treated as operational land for the purposes of that Act).

Felling or lopping of trees and removal of hedgerows

37.—(1) Save for any trees subject to tree preservation orders which are dealt with pursuant to **article 38** (trees subject to tree preservation orders), the undertaker may fell or lop any tree or shrub within the Order limits, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project.

(2) In carrying out any activity authorised by paragraph (1), the undertaker must do no unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity.

(3) Any dispute as to a person’s entitlement to compensation under paragraph (2), or as to the amount of compensation, shall be determined under Part 1 of the 1961 Act.

(4) The undertaker may, for the purposes of the authorised project—

- (a) subject to paragraph (2) above, remove any hedgerows within the Order limits that may be required for the purposes of carrying out the authorised project; and
- (b) remove the important hedgerows as are within the Order limits and specified in **Schedule 10** (important hedgerows).

(5) In this article “hedgerow” and “important hedgerow” have the same meaning as in the Hedgerow Regulations 1997.

Trees subject to tree preservation orders

38.—(1) The undertaker may fell or lop any tree described in **Schedule 11** (trees subject to tree preservation orders) and identified on the tree preservation order plan, or cut back its roots if it reasonably believes it to be necessary in order to do so to prevent the tree or shrub from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project.

(2) In carrying out any activity authorised by paragraph (1)—

- (a) the undertaker must do no unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity; and
- (b) the duty contained in section 206(1) of the 1990 Act (replacement of trees) shall not apply.

(3) The authority given by paragraph (1) shall constitute a deemed consent under the relevant tree preservation order.

(4) Any dispute as to a person’s entitlement to compensation under paragraph (2), or as to the amount of compensation, shall be determined under Part 1 of the 1961 Act.

Certification of plans etc

39.—(1) The undertaker must, as soon as practicable after the making of this Order, submit to the Secretary of State copies of—

- (a) the works plan (document reference 2.4 dated 13 November 2014);
- (b) the land plan (document reference 2.2 dated 10 April 2014);
- (c) the streets subject to street works plan (document reference 2.7 dated 10 April 2014);
- (d) the streets to be temporarily stopped up plan (document reference 2.8 dated 10 April 2014);
- (e) the public rights of way to be temporarily stopped up plan (document reference 2.9 dated 10 April 2014);
- (f) the access to works plan (document reference 2.6 dated 10 April 2014);
- (g) the open access land plan (document reference 2.14 dated 10 April 2014);
- (h) the important hedgerows plan (document reference 2.15 dated 10 April 2014);
- (i) the tree preservation order plan (document reference 2.16 dated 10 April 2014);
- (j) the trenchless crossings plan (document reference 2.5v2 dated 14 October 2014);
- (k) the book of reference (March 2015);
- (l) the environmental statement (April 2014);
- (m) the design and access statement (March 2015);
- (n) the code of construction practice (January 2015);
- (o) the public rights of way strategy (April 2014);
- (p) the outline marine traffic and navigational monitoring strategy (April 2014);
- (q) the outline diver management plan (March 2015);
- (r) the in-principle monitoring plan (March 2015);
- (s) the turbine area design principles (March 2015);

- (t) the outline noise communication and monitoring protocol (March 2015);
- (u) the parameters for the noise propagation report (March 2015);

for certification that they are true copies of the documents referred to in this Order.

(2) A plan or document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

(3) Where a plan or document certified under paragraph (1)—

- (a) refers to a provision of this Order (including any specified requirement) when it was in draft form; and
- (b) identifies that provision by a number, or combination of numbers and letters, which is different from the number, or combination of numbers and letters by which the corresponding provision of this Order is identified in the Order as made,

the reference in the plan or document concerned shall be construed for the purposes of this Order as referring to the provision (if any) corresponding to that provision in the Order as made.

Protective provisions

40. Schedule 12 (protective provisions) shall have effect.

Arbitration

41. Any difference under any provision of this Order, unless otherwise provided for, shall be referred to and settled by a single arbitrator to be agreed between the parties, or failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the Secretary of State.

Special category land

42.—(1) In accordance with section 132(3) of the 2008 Act, the Secretary of State is satisfied that the special category land when burdened with the order rights will be no less advantageous to affected persons than it was before the imposition of the order rights on the special category land.

(2) In this article—

“affected persons” means—

- (a) the persons in whom the special category land is vested;
- (b) other persons, if any, entitled to rights of common or other rights over the special category land; and
- (c) the public;

“order rights” means rights exercisable over the special category land by the undertaker under **article 25** (compulsory acquisition of rights);

“the special category land” means the land identified as—

- (a) forming open space and numbered 1 and 2 in the book of reference and the land plan, being part of the beach at Taddiford Gap, in the County of Hampshire; and
- (b) forming open space and numbered 29, 31 and 35 in the book of reference and the land plan, being part of Golden Hill, Hordle, in the County of Hampshire.

Guarantees in respect of payment of compensation

43.—(1) The undertaker must not begin to exercise the powers of articles 22 to 33 of this Order in relation to any land unless either a guarantee in respect of the liabilities of the undertaker to pay compensation under this Order in respect of the exercise of the relevant power in relation to that land or an alternative form of security for that purpose is in place which has been approved by the Secretary of State.

(2) A guarantee or alternative form of security given in respect of any liability of the undertaker to pay compensation under the Order is to be treated as enforceable against the guarantor in default of payment of compensation by the undertaker by any person to whom such compensation is payable and must be in such a form as to be capable of enforcement by such a person.

(3) The guarantee or alternative form of security is to be in place for a maximum of 20 years from the date on which relevant power is exercised.

Development consent obligation – enforcement

44.—(1) This article applies to—

- (a) any obligation for the payment of a sum relating to the authorised project given by the undertaker under section 106 of the 1990 Act in respect of any land within the Order limits prior to this Order being made; or
- (b) any obligation for the payment of a sum relating to the authorised project given by the undertaker under section 106 of the 1990 Act in respect of any land within the Order limits in which it is stated that this article applies.

(2) An obligation to which paragraph (1) applies will in the relevant circumstances be capable of being enforced by a relevant planning authority to whom section 106 (9) of the 1990 Act applies in relation to that obligation against the relevant person, as if the relevant person was a person against whom the obligation could be enforced under section 106(3) of the 1990 Act by the relevant planning authority.

(3) A payment of a sum that becomes due to be paid by the relevant person shall include any interest that has accrued and is due to be paid in addition to that sum.

(4) Nothing in this article shall require the payment of a sum by the relevant person where a payment of that sum has been made to the relevant planning authority by another person.

(5) A payment made to a relevant planning authority by the relevant person for the whole of the amount then due under an obligation to which paragraph (1) applies shall be a sufficient discharge of that obligation for the purposes of section 106 of the 1990 Act.

(6) In this article—

- (a) “relevant circumstances” means a sum due to be paid to the relevant planning authority remains unpaid in whole or in part at the relevant time;
- (b) “relevant person” means person having the benefit at the relevant time of the authority provided by **article 5** of this Order;
- (c) “relevant time” means the day that is twenty working days following the date on which the payment became due and remains in whole or in part unpaid.

Signed by authority of the Secretary of State for Energy and Climate Change

[Address]

Date

[Name]

Head of [Unit]

Department for Energy and Climate Change

SCHEDULES

SCHEDULE 1

Article 3

AUTHORISED PROJECT

PART 1

Authorised Development

1. A nationally significant infrastructure project as defined in sections 14 and 15 of the 2008 Act on the bed of the English Channel approximately 17.3 km off Scratchell's Bay (south of the Needles on the Isle of Wight) and 14.4 km from Durlston Head (on the Isle of Purbeck), comprising—

Work No. 1

- (a) an offshore wind turbine generating station with a gross electrical output capacity of up to 630 MW comprising up to 105 wind turbine generators each fixed to the seabed by one of three foundation types (namely, gravity base foundation, suction caisson steel monopile foundation, space frame foundation), fitted with rotating blades and situated within the area hatched yellow on the works plan and further comprising (b) to (c) below;
- (b) up to one meteorological mast fixed to the seabed by one of three foundation types (namely, gravity base foundation, steel monopile foundation, space frame foundation) situated within the area hatched yellow on the works plan;
- (c) a network of cables laid underground within the area hatched yellow on the works plan between the WTGs and the meteorological mast and Work No. 2, for the transmission of electricity and electronic communications between these different structures and including one or more cable crossings;

and associated development within the meaning of section 115(2) of the 2008 Act comprising—

Work No. 2 – Up to two offshore substation platforms fixed to the seabed by gravity base foundations or space frame foundations within the Order limits seaward of MHWS;

Work No. 3A – A connection or connections between the offshore substation platforms comprising Work No. 2 and between Work No. 2 and Work No. 3B consisting of up to four cables laid underground along routes within the Order limits seaward of MHWS including one or more cable crossings;

In the County of Hampshire, District of New Forest

Work No. 3B – Onshore connection works consisting of up to four cable circuits laid underground from mean low water at Taddiford Gap, between Barton-on-Sea and Milford-on-Sea and crossing under the Highcliffe to Milford Cliffs Site of Special Scientific Interest to Work No. 4;

Work No. 4 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 3B to Work No. 5, together with up to 6 transition joint bays and a new temporary construction compound;

Work No. 5 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 4 to Work No. 7 running in a north-easterly then north westerly direction and crossing under the B3058 Milford Road and A337 Christchurch Road;

Work No. 6 – A new temporary construction compound and temporary widening and upgrade of an existing vehicular access track from the southern side of the B3058 Milford Road, together with modifications to the junction of the existing vehicular access track and the B3058 Milford Road;

Work No. 7 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 5 to Work No. 11 running in a north-westerly direction and crossing under Hare Lane, Golden Hill and Ashley Lane;

Work No. 8 – Temporary widening and upgrade of an existing vehicular access from the western side of Hare Lane towards Work No. 7 and a new temporary vehicular access track from the existing access track to Work No. 7, together with modifications to the junction of the existing temporary vehicular access and Hare Lane;

Work No. 9 – Temporary widening and upgrade of an existing vehicular access track from the northern side of Ashley Lane towards Work No. 7 and Work No. 10 and a new temporary vehicular access track from the existing access track to Work No. 7 and Work No. 10, together with modifications to the junction of the existing temporary vehicular access track and Ashley Lane;

Work No. 10 – A new temporary trenchless installation working area;

Work No. 11 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 7 to Work No. 12 running in a north-westerly direction;

Work No. 12 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 11 to Work No. 14 running in a north-westerly direction and crossing under the railway (the South Western Main Line);

Work No. 13a – Temporary widening and upgrade of an existing vehicular access track running in a south-westerly direction from the south side of Vaggs Lane towards Work No. 12 and a new temporary vehicular access track from the existing access track to Work No. 12, together with modifications to the junction of the existing temporary vehicular access track and Vaggs Lane;

Work No. 13b – A new temporary vehicular access track running in a south-westerly direction from the south side of Vaggs Lane to Work No. 13a and Work No. 12, together with modifications to the junction of the new temporary vehicular access and Vaggs Lane;

Work No. 14 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 12 to Work No. 16 running in a north-easterly then north-westerly direction and crossing under the B3055 Sway Road;

Work No. 15 – Temporary widening and upgrade of an existing vehicular access track running in a south-westerly direction from the south side of Vaggs Lane towards Work No. 14 and a new temporary vehicular access track from the existing access track to Work No. 14, together with modifications to the junction of the existing vehicular access track and Vaggs Lane;

Work No. 16 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 14 to Work No. 20 running in an easterly direction and crossing under Danes Stream Coppice Ancient Woodland;

Work No. 17 – Temporary widening and upgrade of an existing vehicular access track running in a north-westerly direction from the north side of the B3055 Sway Road towards Work No. 16 and a new temporary vehicular access track from the existing access track to Work No. 16, together with modifications to the junction of the existing vehicular access track and B3055 Sway Road;

Work No. 18 – A new temporary construction compound;

Work No. 19 – Temporary widening and upgrade of an existing vehicular access track running in a north-westerly, then north-easterly direction from the north side of the B3055 Sway Road to Work No. 16, Work No. 18 and Work No. 20, together with modifications to the junction of the existing temporary vehicular access track and the B3055 Sway Road;

Work No. 20 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 16 to Work No. 22 running in a south-easterly then southerly direction and crossing under Bashley Drive, Mark's Lane, B3058 Bashley Road and B3055 Bashley Cross Road;

Work No. 21 – Temporary widening and upgrade of an existing vehicular access track running in a north-westerly direction from the north side of the B3055 Sway Road to Work No. 20, together with modifications to the junction of the existing vehicular access track and the B3055 Sway Road;

Work No. 22 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 20 to Work No. 24 running in a north-westerly direction and crossing under Great Woar Copse Ancient Woodland;

Work No. 23 – A new temporary trenchless installation working area;

Work No. 24 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 22 to Work No. 25 running in a south-westerly direction and crossing under Stem Lane (old alignment) and Stem Lane;

Work No. 25 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 24 to Work No. 26 running in a westerly direction and crossing under Beckley Moor Copse Ancient Woodland;

Work No. 26 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 25 to Work No. 29 running in a south-westerly direction and crossing under the B3055 Bashley Cross Road;

Work No. 27 – Temporary widening and upgrade of an existing vehicular access track running in a south-easterly direction from the south side of the B3055 Bashley Cross Road to Work No. 26, together with modifications to the junction of the existing vehicular access track and the B3055 Bashley Cross Road;

Work No. 28 – Temporary widening and upgrade of an existing vehicular access track running in a north westerly direction from the north side of the B3055 Bashley Cross Road and a new temporary vehicular access track running in a south-westerly direction from the existing access track to Work No. 26, together with modifications to the junction of the existing temporary vehicular access track and the B3055 Bashley Cross Road;

Work No. 29 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 26 to Work No. 30 running in a westerly direction and crossing under the B3055 Bashley Cross Road;

Work No. 30 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 29 to Work No. 35 running in a south-westerly direction;

Work No. 31 – A new temporary construction compound;

Work No. 32 – A new temporary trenchless installation working area;

Work No. 33 – Temporary widening and upgrade of an existing vehicular access from the north side of Dark Lane to Work No. 31 and Work No. 32, together with modifications to the junction of the existing temporary vehicular access and Dark Lane;

Work No. 34 – Temporary widening and upgrade of an existing vehicular access track from the south side of the A35 Lyndhurst Road and a new temporary vehicular access track to Work No.

30, Work No. 31, Work No. 32 and Work No. 35 together with modifications to the junction of the existing vehicular access track and the A35 Lyndhurst Road;

Work No. 35 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 30 to Work No. 36 running in a westerly direction and crossing under A35 Lyndhurst Road;

Work No. 36 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 35 to Work No. 39 running in a westerly direction and crossing under Ringwood Road then running in a north-westerly and then westerly direction and crossing under Waterditch Road;

Work No. 37 – A new temporary vehicular access track running in a south-westerly direction from the south side of Ringwood Road to Work No. 36, together with modifications to the junction of the new temporary vehicular access track and Ringwood Road;

Work No. 38 – Temporary widening and upgrade for vehicular access of an existing vehicular access and bridleway running in a south-westerly direction from the south side of Ringwood Road to Work No. 36, together with modifications to the junction of the existing vehicular access and bridleway and Ringwood Road;

In the County of Dorset, Borough of Christchurch

Work No. 39 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 36 to Work No. 41 running in a south-westerly then north-westerly direction and crossing under Lyndhurst Road, Hawthorn Road, Bockhampton Road and Burley Road;

Work No. 40 – A new temporary vehicular access track running in a north-easterly direction from the north side of Burley Road to Work No. 39, together with modifications to the junction of the new temporary vehicular access track and Burley Road;

In the County of Hampshire, District of New Forest

Work No. 41 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 39 to Work No. 44 running in a generally north-westerly direction and crossing under Derritt Lane, Harpway Lane, Court Lane, Fish Street and the B3347 Ringwood Road;

Work No. 42 – Temporary widening and upgrade of an existing vehicular access track running in an easterly direction from the south side of the B3347 Ringwood Road to Work No. 41, together with modifications to the junction of the existing vehicular access track and the B3347 Ringwood Road;

Work No. 43 – A new temporary construction compound;

In the County of Hampshire, District of New Forest and in the County of Dorset, Borough of Christchurch

Work No. 44 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 41 to Work No. 46 running in a westerly direction and crossing under the River Avon;

In the County of Dorset, Borough of Christchurch

Work No. 45 – A new temporary trenchless installation working area;

Work No. 46 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 44 to Work No. 48 running in a south-westerly direction and crossing under the A338 and the Avon Common Plantation SNCI;

Work No. 47 – Temporary widening and upgrade of an existing vehicular access track running in a north-westerly direction from the north side of Pitthouse Lane to Work No. 46, together with modifications to the junction of the existing vehicular access track and Pitthouse Lane;

Work No. 48 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 46 to Work No. 53 running in a south-westerly then north-westerly direction and crossing under Matchams Lane and part of the St Leonards and St Ives Heaths SSSI;

Work No. 49 – Temporary widening and upgrade of an existing vehicular access track running in an easterly direction from the east side of Matchams Lane to Work No. 48, together with modifications to the junction of the existing temporary vehicular access track and Matchams Lane;

Work No. 50 – A new temporary laydown and storage area;

Work No. 51 – Temporary widening and upgrade of an existing vehicular access track running from the existing Forestry Commission track in a north-easterly direction and a south-easterly direction to Work No. 48;

In the County of Dorset, Borough of Christchurch and District of East Dorset

Work No. 52 – Temporary widening and upgrade of an existing vehicular access track;

Work No. 53 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 48 to Work No. 54 running in a northerly direction;

In the County of Dorset, District of East Dorset

Work No. 54 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 53 to Work No. 57 running in a north-westerly direction;

Work No. 55 – A new temporary construction compound;

Work No. 56 – Temporary widening and upgrade of an existing vehicular access track running in a southerly direction from the south side of Boundary Lane to Work No. 54, Work No. 55 and Work No. 57, together with modifications to the junction of the existing vehicular access track and Boundary Lane;

Work No. 57 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 54 to Work No. 60 running in a north-westerly direction and crossing under the A31 Ringwood Road and Moors River;

Work No. 58 – Temporary widening and upgrade of an existing vehicular access track running in a northerly then south-westerly direction from the north side of the A31 Ringwood Road and a new temporary vehicular access track from the existing access track to Work No. 57, together with modifications to the junction of the existing vehicular access track and the A31 Ringwood Road;

Work No. 59 – A new temporary trenchless installation working area;

Work No. 60 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 57 to Work No. 62 running in a north-westerly direction;

Work No. 61 – Temporary widening and upgrade of an existing vehicular access track running in a northerly direction from the north of Elmhurst Road to Work No. 60, together with modifications to the junction of the existing vehicular access track and Elmhurst Road;

Work No. 62 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 60 to Work No. 63 running in a north-westerly direction and crossing under the Dorset Heathlands SPA;

Work No. 63 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 62 to Work No. 67 running in a north-westerly direction;

Work No. 64 – A new temporary laydown and storage area;

Work No. 65 – Temporary widening and upgrade of an existing vehicular access track running in a northerly direction from the south side of the B3072 Three Cross Road to Work No. 60, Work No. 63 and Work No. 64 together with modifications to the junction of the existing vehicular access track and the B3072 Three Cross Road;

Work No. 66 – A new temporary laydown and storage area;

Work No. 67– Onshore connection works consisting of up to four cable circuits laid underground from Work No. 63 to Work No. 74 running in a westerly then northerly direction and crossing under the B3072 West Moors Road and Newman’s Lane;

Work No. 68 – Temporary widening and upgrade of an existing vehicular access from the north side of the B3072 Three Cross Road to Work No. 67, together with modifications to the junction of the existing temporary vehicular access and the B3072 Three Cross Road;

Work No. 69 – Onshore connection works consisting of up to four cable circuits laid underground from Work No. 67 to Work No. 73 running in an easterly direction and crossing under the B3072 West Moors Road and Mill Nursery Plantation and up to 2 cable circuits laid underground from Work No. 73 to Work No. 74 running in a westerly direction and crossing under the Mill Nursery Plantation and the B3072 West Moors Road;

Work No. 70 – A new permanent vehicular access road running in a north-easterly direction from the east side of B3072 West Moors Road to Work No. 71 and Work No. 73, together with modifications to the junction of the new permanent vehicular access road and B3072 West Moors Road;

Work No. 71 – Landscaping works, including planting, drainage and utilities connections;

Work No. 72 – A new temporary construction compound;

Work No.73 – A new onshore substation;

Work No. 74 – Onshore connection works consisting of up to two cable circuits laid underground from Work No. 69 to the existing National Grid substation at Mannington running in a north-westerly direction;

Work No. 75 – Temporary widening and upgrade of an existing vehicular access track running in a southerly direction from the south side of Holt Road to Work No. 74, together with modifications to the junction of the existing vehicular access track and Holt Road;

and in connection with such Work Nos. 1 to 3A and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project and which fall within the scope of the work assessed by the environmental statement and the deemed marine licences;

and in connection with such Works 3B to 75 and to the extent that they do not otherwise form part of any such work–

- (a) ramps, means of access and footpaths;
- (b) bunds, embankments, swales, landscaping and boundary treatments;
- (c) habitat creation;
- (d) jointing bays, cross bonding leads, cross bonding pits, covers for pits, link boxes and inspection chambers, marker posts and other works associated with cable laying;
- (e) water supply works, foul drainage provision, surface water management systems, culverting and temporary structures to facilitate accesses over watercourses;
- (f) temporary haul roads, construction lay down areas and compounds and their restoration;

- (g) such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project,

and which fall within the scope of the works assessed by the environmental statement.

2. The grid coordinates for that part of the authorised development which is seaward of MHWS are specified below—

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	50°24'52.877"N	1° 40'16.604"W	26	50° 33' 58.813"N	1° 38'21.348"W
2	50° 23'46.628"N	1° 48'59.195"W	27	50° 32' 40.262"N	1° 40' 7.953"W
3	50° 25'2.478"N	1°50'38.455"W	28	50° 27' 3.292"N	1° 39' 46.733"W
4	50° 28'1.441"N	1°51'16.576"W	29	50° 27' 2.323"N	1° 40' 24.719"W
5	50° 30'34.543"N	1° 48'4.040"W	30	50° 33' 22.790"N	1° 41' 31.984"W
6	50° 33'47.987"N	1° 46'12.201"W	31	50° 34' 27.591"N	1° 40' 23.301"W
7	50° 35'57.622"N	1° 47'49.095"W	32	50° 35' 52.985"N	1° 40' 7.725"W
8	50° 36'31.547"N	1° 47'38.892"W	33	50° 36' 0.177"N	1° 40' 2.951"W
9	50° 37'2.662"N	1° 47'35.035"W	34	50° 37' 49.346"N	1° 40' 3.807"W
10	50° 37'32.252"N	1° 46'6.983"W	35	50° 37' 15.732"N	1° 43' 20.134"W
11	50° 38'36.328"N	1° 45'54.798"W	36	50° 36'41.808"N	1° 45' 25.615"W
12	50° 39'36.996"N	1° 45'14.751"W	37	50° 36' 8.349"N	1° 45' 31.811"W
13	50° 39'48.210"N	1° 45'0.751"W	38	50° 35' 16.402"N	1° 45' 20.965"W
14	50° 40'0.427"N	1° 44'31.746"W	39	50° 33' 53.835"N	1° 43' 51.811"W
15	50° 41'20.634"N	1° 41'11.872"W	40	50° 33' 52.919"N	1° 42' 29.039"W
16	50° 41'55.888"N	1° 40'18.875"W	41	50° 37' 45.729"N	1° 45' 13.772"W
17	50° 43'48.014"N	1° 38'43.048"W	42	50° 38' 30.856"N	1° 41' 57.783"W
18	50° 43'49.635"N	1° 38'4.376"W	43	50° 38' 43.420"N	1° 41' 4.031"W
19	50° 43'46.441"N	1° 37'53.575"W	44	50° 38' 57.508"N	1° 40' 48.234"W
20	50° 43'35.785"N	1° 37'55.701"W	45	50° 39' 22.709"N	1° 40' 44.085"W
21	50° 42'11.844"N	1° 38'40.647"W	46	50° 40' 8.429"N	1° 40' 51.453"W
22	50° 41'26.076"N	1° 39'15.869"W	47	50° 40' 46.329"N	1° 41' 2.169"W
23	50° 39'44.848"N	1° 38'16.515"W	48	50° 39' 33.373"N	1° 44' 11.891"W
24	50° 38'18.944"N	1° 37'34.632"W	49	50° 39' 28.657"N	1° 44' 24.904"W
25	50° 37'18.854"N	1° 38'11.513"W	50	50° 38' 35.048"N	1° 45' 4.627"W

PART 2

Ancillary Works

Works within the Order limits which have been subject to an environmental impact assessment recorded in the environmental statement comprising—

- (a) temporary landing places or other means of accommodating vessels in the construction and/or maintenance of the authorised development;
- (b) buoys, beacons, fenders and other navigational warning or ship impact protection works; and
- (c) temporary works for the benefit or protection of land or structures affected by the authorised development.

PART 3

Requirements

Time limits

1. The authorised development must not commence later than the expiration of five years beginning with the date this Order comes into force.

Detailed offshore design parameters

2.—(1) Subject to paragraph (2), no wind turbine generator forming part of the authorised development may—

- (a) exceed a height of 200 metres when measured from LAT to the tip of the vertical blade;
- (b) exceed a height of 112 metres when measured from LAT to the height of the centreline of the generator shaft forming part of the hub;
- (c) exceed a rotor diameter of 176 metres;
- (d) be less than 756 metres from the nearest WTG in either direction perpendicular to the approximate prevailing wind direction (crosswind) or be less than 1,008 metres from the nearest WTG in either direction which is in line with the approximate prevailing wind direction (downwind);
- (e) have a distance of less than 22 metres between the lowest point of the rotating blade of the wind turbine and MHWS.

(2) References to the location of a wind turbine generator are references to the centre point of the tower of that WTG.

(3) In all layouts, WTGs along the northwest edge of the Order limits must be positioned in a straight line (excluding the micrositing of WTGs).

(4) No wind turbine generator, offshore substation platform or meteorological mast forming part of the authorised development shall be erected within the area hatched blue on the works plan (the “structures exclusion zone”), whose coordinates are specified below—

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
3	50° 25' 2.478" N	1° 50' 38.455" W	53	50° 30' 56.581" N	1° 40' 39.431" W
4	50° 28' 1.441" N	1° 51' 16.576" W	61	50° 29' 4.248" N	1° 45' 5.005" W
51	50° 32' 6.533" N	1° 46' 8.133" W	62	50° 29' 4.817" N	1° 42' 51.356" W
52	50° 32' 5.547" N	1° 44' 36.746" W	63	50° 27' 57.777" N	1° 40' 28.199" W

3. No offshore substation platform forming part of the authorised development may be erected within the areas hatched purple on the works plan, whose coordinates are specified below—

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	50° 24' 52.877" N	1° 40' 16.604" W	55	50° 24' 39.886" N	1° 48' 29.822" W
2	50° 23' 46.628" N	1° 48' 59.195" W	56	50° 23' 51.505" N	1° 48' 20.913" W
3	50° 25' 2.478" N	1° 50' 38.455" W	57	50° 29' 4.248" N	1° 45' 5.005" W
4	50° 24' 43.355" N	1° 41' 32.060" W	58	50° 29' 4.817" N	1° 42' 51.356" W
51	50° 27' 32.466" N	1° 41' 42.739" W	59	50° 27' 57.777" N	1° 40' 28.199" W

	N	W			
52	50° 28' 16.155"	1° 43' 16.048"	60	50° 24' 39.886" N	1° 48' 29.822" W
	N	W			
53	50° 28' 15.839"	1° 44' 30.444"	61	50° 23' 51.505" N	1° 48' 20.913" W
	N	W			
54	50° 25' 1.677" N	1° 48' 58.329"			
		W			

4.—(1) The total number of offshore substation platforms forming part of the authorised development must not exceed two.

(2) The dimensions of any offshore substation platform forming part of the authorised development (excluding helipads, towers, masts and cranes) must not exceed 50 metres in height when measured from LAT, 45 metres in length and 45 metres in width.

(3) Each offshore substation platform may have no more than one supporting foundation.

(4) No lattice tower forming part of a meteorological mast may exceed a height of 120 metres above LAT.

(5) Each meteorological mast must have no more than one supporting foundation.

5.—(1) The total length of the cables comprising Work No. 3A must not exceed 199 kilometres (comprising a maximum of 164 km for the export cables and 35 km for the inter-substation cables).

(2) The total length of the cables comprising Work No. 1(c) must not exceed 211 kilometres.

(3) The total amount of cable protection for the inter-substation cables within Work No. 3A must not exceed 36,800m³.

(4) The total amount of cable protection for the cables comprising Work No. 1(c) must not exceed 155,700m³.

6.—(1) Each steel monopile foundation forming part of the authorised development may be attached to the seabed using piles (for the meteorological mast only) or suction caisson and—

(a) the piled steel monopile foundation for the meteorological mast must not have a diameter of more than 4 metres;

(b) each suction caisson steel monopile foundation must not have—

(i) a diameter at the level of the seabed which is more than 20 metres;

(ii) a base height, where there is a flat base, which is more than 20 metres;

(iii) more than one suction caisson per foundation.

(2) Each gravity base foundation forming part of the authorised development must not have—

(a) a diameter at the level of the seabed which is greater than 45 metres;

(b) a column diameter which is greater than 8 metres;

(c) a cone/column intersect which is higher than 32 metres above the top of the seabed;

(d) a cone diameter at its base which is greater than 45 metres.

(3) Each space frame foundation forming part of the authorised development must not have—

(a) a width spacing between each leg at the level of the seabed which is greater than 35 metres;

(b) more than 4 legs.

(4) Each space frame foundation forming part of the authorised development may be attached to the seabed using piles or suction caisson and—

(a) each piled space frame foundation must not have—

(i) a pile diameter which is more than 3.5 metres;

(ii) more than one pile per leg.

- (b) each suction caisson steel space frame foundation must not have—
 - (i) a diameter at the level of the seabed which is more than 15 metres;
 - (ii) a base height, where there is a flat base, which is more than 20 metres;
 - (iii) more than one suction caisson per leg.

(5) The total amount of scour protection for the WTGs and meteorological mast must not exceed 218,016 m³ and the total amount of scour protection for the offshore substation platforms must not exceed 9,872 m³.

Offshore decommissioning

7. No authorised development may commence until a written decommissioning programme in compliance with [any notice served upon the undertaker by the Secretary of State/the notice dated [•] pursuant to section 105(2) of the 2004 Act] has been submitted to the Secretary of State for approval.

Offshore lighting

8. The undertaker must retain and exhibit such lights for the life of the authorised development with such shape colour and character as are required by the Air Navigation Order 2009 or as directed by the CAA.

Air traffic services at Bournemouth Airport

9.—(1) No operation of any wind turbine generator forming part of the authorised development shall commence until the Secretary of State having consulted with the Operator and the CAA is satisfied that appropriate mitigation will be implemented and maintained for the life of the authorised development and that arrangements have been put in place with the Operator to ensure that such appropriate mitigation is implemented.

(2) For the purposes of this requirement—

“appropriate mitigation” means measures which meet the requirements of the Operator’s safety management system to prevent or remove any adverse impacts which the operation of the authorised development will have on the Operator’s ability to provide safe and efficient air traffic services for Bournemouth International Airport during the operation of the authorised development;

“Operator” means Bournemouth International Airport Limited incorporated under the Companies Act (02078270) whose registered office is Bournemouth Airport, Christchurch, Dorset BH23 6SE or such other organisation as is licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services for Bournemouth Airport.

(3) The undertaker shall thereafter comply with all other obligations contained within the approved mitigation for the duration of the operation of the authorised development.

Port travel plan

10.—(1) Save for any horizontal directional drilling works, Work Nos. 1, 2 or 3A shall not be commenced until a travel plan for the onshore port-related traffic to and from the selected base port or ports and relating to the authorised project has been submitted to and approved in writing by the relevant planning authority in consultation with the relevant highway authority.

(2) The travel plan must be implemented as approved at all times specified within the travel plan during the construction of the authorised development.

(3) For the purposes of this requirement—

“relevant planning authority” and “relevant highway authority” mean the planning or highway authority or authorities in whose area the relevant port is located;

“selected base port” or “ports” means a port or ports situated in England and/or Wales and used by management personnel for construction of the authorised development.

Stages of authorised development onshore

11.—(1) The connection works may not be commenced until a written scheme setting out the stages of the connection works has been submitted to and approved by the relevant planning authority.

(2) The scheme must be implemented as approved.

Detailed design approval onshore

12.—(1) No part of Work No. 73 may commence until details of its layout, design, scale and external appearance have been submitted to and approved in writing by the relevant planning authority. The works comprising Work No. 73 must be carried out in accordance with the approved details.

(2) Any details submitted by the undertaker under paragraph (1) must accord with a statement of design principles submitted to and approved by the relevant local planning authority. The statement of design principles should demonstrate;

- (a) The account taken in the design, scale and layout of Work No 73 of the Green Belt location of the site
- (b) Whether the built form associated with the development is the minimum necessary to deliver the facilities required
- (c) The measures to be provided to reduce impact on openness and on the character and appearance of the area.

(3) No building comprised in Work No. 73 may exceed 14 metres in height above existing ground level.

(4) No external equipment (excluding any lightning protection mast) comprised in Work No. 73 may exceed 11 metres in height above existing ground level and no lightning protection mast comprised in Work No. 73 may exceed 19 metres in height above existing ground level.

(5) For the purposes of this requirement, “existing ground level” means the pre-construction ground level.

(6) Work Nos. 3B, 4, 7, 12, 16, 22, 25, 29, 35, 44, 46, 48, 57, 62 and 69 must comprise trenchless installation techniques for cable installation for the purposes of passing under the relevant obstructions shown on the trenchless crossings plan.

(7) The working width of the onshore cable corridor must not exceed 34 metres, save for in the following instances—

- (a) where trenchless crossing installation is proposed;
- (b) for the construction of visibility splays and turning space at highways crossings;
- (c) for habitat surveys, mitigation and impact avoidance;
- (d) for the installation of temporary land drainage; and
- (e) for the avoidance of obstructions, other buried infrastructure or archaeological remains,

in accordance with the principles set out in the code of construction practice and the landscape and ecological management plan pursuant to requirement 18.

Highway accesses

13.—(1) No stage of the connection works may commence until for that stage, written details of the siting, design and layout of any new permanent or temporary means of access to a highway to be used by vehicular traffic, or any alteration to an existing means of access to a highway used by vehicular traffic, has been submitted to and approved by the relevant highway authority.

(2) The highway accesses must be constructed in accordance with the approved details.

Public rights of way

14.—(1) No stage of the connection works may commence until a public rights of way diversion and closure scheme (which accords with the public rights of way strategy), which must include a programme for the temporary closure and re-opening of the public rights of way specified at **Schedule 4** (public rights of way to be temporarily stopped up), has been consulted upon and approved by the relevant highway authority.

(2) The public rights of way diversion and closure scheme must contain details of—

- (a) a plan for the sequencing of construction of the connection works;
- (b) any alternative routes available during the temporary closure;
- (c) the re-opening of the public rights of way upon the cessation of that part of the authorised development requiring the temporary closure of those rights of way;
- (d) management measures for open access land; and
- (e) publicity to be given to any temporary diversion or closure.

(3) The connection works must thereafter be carried out in accordance with the approved scheme or any agreed variation thereto.

Construction environmental management plan

15.—(1) No stage of the connection works may commence until a construction environmental management plan (CEMP), drafted in accordance with the principles set out in the code of construction practice, has for that stage been consulted upon and approved by the relevant planning authority in consultation with the Environment Agency and Natural England.

(2) The CEMP must contain details of—

- (a) relevant health, safety and environmental legislation and compliance;
- (b) local community liaison responsibilities;
- (c) screening, fencing and site security;
- (d) biosecurity measures;
- (e) flood risk management; and
- (f) waste management.

(3) The CEMP must contain in particular the following subject-specific management plans—

- (a) a soils and land use management plan;
- (b) an environmental incident control plan;
- (c) a construction traffic management plan;
- (d) a landscape and ecological management plan;
- (e) a noise and vibration management plan;
- (f) an air quality management plan;
- (g) a landscape management plan;
- (h) a water and sediment management plan;
- (i) an archaeological written scheme of investigation;
- (j) a contaminated land management plan; and
- (k) a scheme and programme for the crossing, diversion and subsequent reinstatement of any designated main river or ordinary watercourse.

(4) All remediation, construction and commissioning works must be undertaken in accordance with the code of construction practice and the approved CEMP.

Fencing and other means of enclosure

16.—(1) No stage of the connection 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. The fencing and other means of enclosure must be installed as approved.

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

(3) Any temporary fencing must be removed on completion of the relevant stage of the connection works.

(4) Any approved permanent fencing in relation to Work No. 73 must be completed before the relevant work is brought into use.

Soils and land use management plan

17.—(1) No stage of the connection works may commence until a soils and land use management plan, pursuant to **requirement 15**, has for that stage been submitted to and approved by the relevant planning authority in consultation with Natural England.

(2) The soils and land use management plan must include measures for the handling, placing, compaction and management of soil.

(3) The soils and land use management plan must be implemented as approved.

Environmental incident control plan

18.—(1) No stage of the connection works may commence until an environmental incident control plan, pursuant to **requirement 15**, has for that stage been submitted to and approved by the relevant planning authority in consultation with the Environment Agency.

(2) The environmental incident control plan must set out the particulars of—

- (a) relevant sensitive environmental receptors;
- (b) risks posed to the identified sensitive receptors by the construction works; and
- (c) control measures to manage environmental incidents.

(3) The environmental incident and control plan must be implemented as approved.

Construction traffic management plan

19.—(1) No stage of the connection works may commence until a construction traffic management plan, pursuant to **requirement 15** and in accordance with the provisions set out in the draft construction traffic management plan annexed to the code of construction practice, has for that stage been submitted to and approved by the relevant highway authority.

(2) The construction traffic management plan must set out the particulars of—

- (a) scheduling and timing of movements, in particular abnormal load movements;
- (b) temporary warning signs and traffic control; and
- (c) construction vehicle routeing.

(3) The construction traffic management plan must be implemented as approved.

Landscape and ecological management plan

20.—(1) No stage of the connection works may commence until a landscape and ecological management plan pursuant to **requirement 15** and in accordance with the provisions set out in the draft landscape and ecological management plan annexed to the code of construction practice, reflecting the survey results and ecological mitigation and enhancement measures included in the environmental statement, has for that stage been submitted to and approved by the relevant planning authority, in consultation with Natural England and the Environment Agency.

(2) The landscape and ecological management plan must include details of measures for the restoration of land used temporarily for construction.

(3) The landscape and ecological management plan must be implemented as approved.

(4) Any tree described in Schedule 11 (trees subject to tree preservation orders) that is felled in carrying out the construction, maintenance or operation of the connection works must be replaced by, a tree of a size and species to be approved in writing by the local planning authority, as soon as reasonably practicable, at a location to be notified to the relevant planning authority.

Noise and vibration management plan

21.—(1) No stage of the connection works may commence until a noise and vibration management plan, pursuant to **requirement 15**, has for that stage been submitted to and approved by the relevant planning authority.

(2) The noise and vibration management plan must set out the particulars of—

- (a) the works, and the method by which they are to be carried out;
- (b) the noise attenuation measures to be taken to minimise noise resulting from the connection works, including any noise limits;
- (c) in the case of Work No. 73 and any trenchless installation works, a scheme for monitoring the noise during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures; and
- (d) noise limits to be achieved.

(3) The noise and vibration management plan must be implemented as approved.

Air quality management plan

22.—(1) No stage of the connection works may commence until an air quality management plan, pursuant to **requirement 15**, has for that stage been submitted to and approved by the relevant planning authority.

(2) The air quality management plan must set out the particulars of—

- (a) site management, including measures for dust suppression, materials storage and barriers around dust generating activities; and
- (b) the operation of construction vehicles and machinery, including site speed limits, the use of wheel washing facilities and road sweepers.

(3) The air quality management plan must be implemented as approved.

Landscaping design and management plan

23.—(1) Construction of Work No. 73 must not commence until a landscaping design and management plan for that Work, pursuant to **requirement 15**, has been submitted to and approved in writing by the relevant planning authority and, in relation to the surface water management scheme referred to in paragraph (2)(h) below, the Environment Agency and the lead local flood authority.

(2) The landscaping design and management plan for Work No. 73 must include details of all proposed hard and soft landscaping works, including—

- (i) location, number, species, size and planning density of any proposed planting, including any trees;
- (ii) cultivation, importing of materials and other operations to ensure plant establishment;
- (iii) proposed finished ground levels;
- (iv) vehicular and pedestrian access, parking and circulation areas;
- (v) minor structures, such as furniture, refuse or other storage units, signs and lighting;

- (vi) proposed and existing functional services above and below, ground, including drainage, power and communications cables and pipelines, manholes and supports;
- (vii) details of existing trees to be retained with measures for their protection during the construction period;
- (viii) flood attenuation measures and a surface water management scheme; and
- (ix) implementation timetables for all landscaping works.

(3) All landscaping works must be carried out in accordance with the landscaping design and management plan approved under paragraph (1) and in accordance with the relevant recommendations of appropriate British Standards.

(4) Any tree or shrub planted as part of the approved landscaping design and management plan that, within a period of five 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 first available planting season with a specimen of the same species and size as that originally planted.

Water and sediment management plan

24.—(1) No stage of the connection works may commence until a water and sediment management plan, pursuant to **requirement 15**, has for that stage been submitted to and approved by the relevant planning authority in consultation with the Environment Agency.

(2) The water and sediment management plan must set out the particulars of—

- (i) storage of oil, fuel and chemicals;
- (ii) storage, handling and disposal of waste;
- (iii) site drainage;
- (iv) siting of oil-containing plant and equipment;
- (v) uncontrolled emissions to ground and/or atmosphere;
- (vi) controls relating to bentonite leakage from horizontal directional drilling;
- (vii) spill kits; and
- (viii) discharge into watercourses.

(3) The water and sediment management plan must be implemented as approved.

Archaeological written scheme of investigation

25.—(1) No stage of the connection works may commence until in relation to that stage an archaeological written scheme of investigation, pursuant to **requirement 15** and in accordance with the provisions set out in the draft archaeological written scheme of investigation annexed to the code of construction practice has, after consultation with the Historic Buildings and Monuments Commission for England, been submitted to and approved in writing by the relevant planning authority.

(2) The archaeological written scheme of investigation must 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 scheme must be by a suitably qualified person or body approved by the relevant planning authority.

(4) Any archaeological works or watching brief must be carried out in accordance with the approved scheme.

Contaminated land management plan

26.—(1) No stage of the connection works may commence until a contaminated land management plan, pursuant to **requirement 15**, has for that stage been submitted to and, after consultation with the Environment Agency, approved by the relevant planning authority.

- (2) The contaminated land management plan must include the following—
- (a) provisions to deal with the contamination of any land, including groundwater, within the Order limits which is likely to cause significant harm to persons or pollution of controlled waters or the environment; and
 - (b) an investigation and assessment report, prepared by a specialist consultant approved by the relevant planning authority, to identify the extent of any contamination within the Order limits and mitigation measures to be undertaken to limit impacts arising from the potential release of contaminants.
- (3) The contaminated land management plan must be implemented as approved.

Watercourse crossings

27.—(1) No stage of the connection works involving the crossing, diversion and subsequent reinstatement of any designated main river or ordinary watercourse may commence until a scheme and programme for that crossing, diversion and reinstatement, pursuant to **requirements 15** and **20**, has been submitted to and, after consultation with the Environment Agency and the lead local flood authority as appropriate, approved in writing by the relevant planning authority.

(2) The scheme referred to in paragraph (1) must include details of monitoring of any environmental impacts on watercourse crossings during construction.

(3) The designated main river or ordinary watercourse must be crossed, diverted and subsequently reinstated in accordance with the approved scheme and programme.

(4) Unless otherwise permitted under sub-paragraph (1) above, throughout the period of construction of the connection works, all ditches, watercourses, field drainage systems and culverts must be maintained such that the flow of water is not impaired or the drainage onto and from adjoining land rendered less effective.

Construction hours

28.—(1) Construction work for the connection works must not take place other than between 0800 hours and 1800 hours Monday to Friday and between 0800 hours and 1300 hours on Saturday, with no activity on Sundays or public holidays, save—

- (a) where continuous periods of construction work are required, such as concrete pouring or directional drilling;
- (b) for the delivery of abnormal loads to the connection works, which may cause congestion on the local road network;
- (c) as otherwise agreed in writing with the relevant planning authority.

(2) All construction operations which are to be undertaken outside the hours specified in paragraph (1) must be agreed with the relevant planning authority in writing in advance, and must be carried out within the agreed times.

(3) Activities excluded from the working hours restrictions specified in paragraph (1) comprise nonintrusive and internal activities, such as start-up and shut-down, electrical installation, building fit-out and non-destructive testing. Noise limits to be achieved during these activities must be agreed with the relevant planning authority in writing in advance.

External lighting and control of artificial light emissions

29.—(1) No stage of the connection works where artificial lighting is required may commence until written details of any external lighting to be installed in connection with that stage, including measures to prevent light spillage, have been submitted to and approved by the relevant planning authority in consultation with Natural England. Any approved means of lighting must subsequently be installed as approved.

(2) Work No. 73 may not be commenced until a written scheme for the management and mitigation of artificial light emissions during the operation of Work No. 73 has been submitted to and approved in writing by the relevant planning authority.

(3) The approved scheme for the management and mitigation of artificial light emissions must be implemented before and maintained during the operation of Work No. 73.

Control of noise during operational phase

30.—(1) Work No. 73 must not commence operation until an operational noise management plan including monitoring, attenuation and any applicable noise limits for the use of Work No. 73 has been submitted to and approved by the relevant planning authority.

(2) The operational noise management plan must be implemented as approved and maintained for the duration of use of the authorised development.

European protected species onshore

31.—(1) No stage of the connection 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 that stage of the connection works or in any of the trees to be lopped or felled as part of that stage of the connection works.

(2) Where a European protected species is shown to be present, the relevant part(s) of the connection works must not begin until, after consultation with Natural England, a scheme of protection and mitigation measures has been submitted to and approved in writing by the relevant planning authority. The connection works must be carried out in accordance with the approved scheme.

Restoration of land used temporarily for construction

32.—(1) Any land landward of mean low water within the Order limits which is used temporarily for construction of the connection works and not ultimately incorporated in permanent works or approved landscaping must be reinstated within twelve months of completion of commissioning of the connection works in accordance with the landscape and ecological management plan approved under **requirement 20** (landscape and ecological management plan).

(2) For the purposes of this requirement, “completion of commissioning” means the date when the cable circuits have been fully tested and verified that they are able to transmit their rated power capacity to the grid connection point.

Interference with telecommunications

33.—(1) In the event that the operation of Work No. 1 results in interference with telecommunications or television equipment, a scheme to rectify the situation where the interference is demonstrably attributable to the operation of Work No. 1 must be submitted to the relevant planning authority for approval.

(2) The scheme must be carried out in accordance with the approved details.

Onshore decommissioning

34.—(1) Upon the cessation of commercial operation of the connection works, an onshore decommissioning plan must be submitted to and approved in writing by the relevant planning authority.

(2) The decommissioning plan must be implemented as approved.

Requirement for written approval

35. Where under any of the above requirements the approval or agreement of the Secretary of State, the relevant planning authority or another person is required, that approval or agreement must be given in writing.

Amendments to approved details

36.—(1) With respect to any requirement which requires the authorised development or any part of it to be carried out in accordance with the details, plans or schemes approved under this Schedule, the approved details, plans or schemes are taken to include any amendments that may subsequently be approved in writing by the Secretary of State in consultation with any other consultee specified in the requirement in question, or approved in writing by the relevant planning authority or another approval authority.

(2) Any amendments to or variations from the approved detail, plans or schemes must be minor or immaterial where it has been demonstrated that the subject-matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

SCHEDULE 2

Article 14

STREETS SUBJECT TO STREET WORKS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
In the County of Hampshire, District of New Forest	B3058 Milford Road at reference point A – A on the streets subject to the street works plan
In the County of Hampshire, District of New Forest	A337 Christchurch Road at reference point B – B on the streets subject to street works plan
In the County of Hampshire, District of New Forest	Hare Lane at reference point C – C on the streets subject to street works plan
In the County of Hampshire, District of New Forest	Ashley Lane at reference point D – D on the streets subject to street works plan
In the County of Hampshire, District of New Forest	B3055 Sway Road at reference point E – E on the streets subject to street works plan
In the County of Hampshire, District of New Forest	Bashley Drive at reference point F – F on the streets subject to street works plan
In the County of Hampshire, District of New Forest	Mark’s Lane at reference point G – G on the streets subject to street works plan
In the County of Hampshire, District of New Forest	B3058 Bashley Road at reference point H – H on the streets subject to street works plan
In the County of Hampshire, District of New Forest	B3055 Bashley Cross Road at reference point I – I on the streets subject to street works plan
In the County of Hampshire, District of New Forest	Stem Lane (old alignment) at reference point J – J on the streets subject to street works plan
In the County of Hampshire, District of New Forest	Stem Lane at reference point K – K on the streets subject to street works plan
In the County of Hampshire, District of New Forest	A3055 Bashley Cross Road at reference point L – L on the streets subject to street works plan
In the County of Hampshire, District of New Forest	A3055 Bashley Cross Road at reference point M – M on the streets subject to street works plan
In the County of Hampshire, District of New Forest	A35 Lyndhurst Road at reference point N – N on the streets subject to street works plan
In the County of Hampshire, District of New Forest	Ringwood Road at reference point O – O on the streets subject to street works plan
In the County of Hampshire, District of New Forest	Waterditch Road at reference point P – P on the streets subject to street works plan
In the County of Dorset, Borough of Christchurch	Lyndhurst Road at reference point Q – Q on the streets subject to street works plan
In the County of Dorset, Borough of Christchurch	Hawthorn Road at reference point R – R on the streets subject to street works plan
In the County of Dorset, Borough of Christchurch	Bockhampton Road at reference point S – S on the streets subject to street works plan
In the County of Dorset, Borough of Christchurch	Burley Road at reference point T – T on the streets subject to street works plan
In the County of Hampshire, District of New Forest	Derritt Lane at reference point U – U on the streets subject to street works plan
In the County of Hampshire, District of New Forest	Harpway Lane at reference point V – V on the streets subject to street works plan

In the County of Hampshire, District of New Forest	Court Lane at reference point W – W on the streets subject to street works plan
In the County of Hampshire, District of New Forest	Fish Street at reference point X – X on the streets subject to street works plan
In the County of Hampshire, District of New Forest	B3347 Ringwood Road at reference point Y – Y on the streets subject to street works plan
In the County of Dorset, Borough of Christchurch	A338 at reference point Z – Z on the streets subject to street works plan
In the County of Dorset, Borough of Christchurch	Matchams Lane at reference point A1 – A1 on the streets subject to street works plan
In the County of Dorset, District of East Dorset	A31 Ringwood Road at reference point B1 – B1 on the streets subject to street works plan
In the County of Dorset, District of East Dorset	B3072 West Moors Road at reference point C1 – C1 on the streets subject to street works plan
In the County of Dorset, District of East Dorset	Newman’s Lane at reference point D1 – D1 on the streets subject to street works plan
In the County of Dorset, District of East Dorset	B3072 West Moors Road at reference point E1– E1 on the streets subject to street works plan

SCHEDULE 3

Article 16

STREETS TO BE TEMPORARILY STOPPED UP

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>
In the County of Hampshire, District of New Forest	B3058 Milford Road	Approximately 40 metres of the B3058 Milford Road between reference points A – A on the streets to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	Mark’s Lane	Approximately 48 metres of Mark’s Lane between reference points G – G on the streets to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	Waterditch Road	Approximately 42 metres of Waterditch Road between reference points P – P on the streets to be temporarily stopped up plan
In the County of Dorset, Borough of Christchurch	Lyndhurst Road	Approximately 57 metres of Lyndhurst Road between reference points Q – Q on the streets to be temporarily stopped up plan
In the County of Dorset, Borough of Christchurch	Hawthorn Road	Approximately 64 metres of Hawthorn Road between reference points R – R on the streets to be temporarily stopped up plan
In the County of Dorset, Borough of Christchurch	Bockhampton Road	Approximately 40 metres of Bockhampton Road between reference points S – S on the streets to be temporarily stopped up plan
In the County of Dorset, Borough of Christchurch	Burley Road	Approximately 54 metres of Burley Road between reference points T – T on the streets to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	Derritt Lane	Approximately 40 metres of Derritt Lane between reference points U – U on the streets to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	Harpway Lane	Approximately 45 metres of Harpway Lane between reference points V – V on the streets to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	Court Lane	Approximately 49 metres of Court Lane between reference

In the County of Hampshire, Fish Street
District of New Forest

points W – W on the streets to
be temporarily stopped up plan
Approximately 40 metres of
Fish Street between reference
points X – X on the streets to
be temporarily stopped up plan

SCHEDULE 4

Article 15

PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Public rights of way to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>
In the County of Hampshire, District of New Forest	No 716, Footpath	Approximately 225 metres of footpath 716 shown in orange between points marked A - A on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 717, Footpath	Approximately 45 metres of footpath 717 shown in orange between points marked B - B on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 718, Footpath	Approximately 50 metres of footpath 718 shown in orange between points marked C - C on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 735, Footpath	Approximately 50 metres of footpath 735 shown in orange between points marked D - D on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 737, Footpath	Approximately 45 metres of footpath 737 shown in orange between points marked E - E on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 730, Footpath	Approximately 100 metres of footpath 730 shown in orange between points marked F - F on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 730, Footpath	Approximately 30 metres of footpath 730 shown in orange between points marked G - G on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 723, Footpath	Approximately 45 metres of footpath 723 shown in orange between points marked H - H on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 735, Bridleway	Approximately 450 metres of bridleway 735 shown in green between points marked I - I on the public rights of way to be temporarily stopped up plan
In the County of Hampshire,	No 730, Footpath	Approximately 130 metres of

District of New Forest		footpath 730 shown in orange between points marked J - J on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 14, Footpath	Approximately 45 metres of footpath 14 shown in orange between points marked K - K on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 20, Footpath	Approximately 45 metres of footpath 20 shown in orange between points marked L - L on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 24, Footpath	Approximately 45 metres of footpath 24 shown in orange between points marked M - M on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 3, Footpath	Approximately 200 metres of footpath 3 shown in orange between points marked N - N on the public rights of way to be temporarily stopped up plan
In the County of Hampshire, District of New Forest	No 3, Footpath	Approximately 25 metres of footpath 3 shown in orange between points marked O - O on the public rights of way to be temporarily stopped up plan
In the County of Dorset, District of East Dorset	No 9, Footpath	Approximately 3 metres of footpath 9 shown in orange between points marked P - P on the public rights of way to be temporarily stopped up plan
In the County of Dorset, District of East Dorset	No 1, Footpath & No 2, Footpath	Approximately 5 metres of footpath 1 and footpath 2 shown in orange between points marked Q - Q on the public rights of way to be temporarily stopped up plan
In the County of Dorset, District of East Dorset	No 15, Footpath	Approximately 45 metres of footpath 15 shown in orange between points marked R - R on the public rights of way to be temporarily stopped up plan

SCHEDULE 5

Article 17

ACCESS TO WORKS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Description of access</i>
In the County of Hampshire, District of New Forest	Vehicular access from the B3058 Milford Road to the south west for construction traffic at the point marked AC 1 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3058 Milford Road to the north east for construction traffic at the point marked AC 2 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the A337 Christchurch Road to the south for construction traffic at the point marked AC 3 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the A337 Christchurch Road to the north for construction traffic at the point marked AC 4 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Hare Lane to the south for construction traffic at the point marked AC 5 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Ashley Lane to the north for construction traffic at the point marked AC 6 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Vaggs Lane to the south west for construction traffic at the point marked AC 7 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Vaggs Lane to the south west for construction traffic at the point marked AC 8 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Vaggs Lane to the south west for construction traffic at the point marked AC 9 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3055 Sway Road to the south for construction traffic at the point marked AC 10 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3055 Sway Road to the north for construction traffic at the point marked AC 11 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3055 Sway Road to the north for construction traffic at the point marked AC 12 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3055 Sway Road to the north for construction traffic at the point marked AC 13 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3055 Sway Road to the north for construction traffic at the point marked AC 14 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Bashley Drive to the north east for construction traffic at the point marked AC 15 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Bashley Drive to the

Forest	south west for construction traffic at the point marked AC 16 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Mark's Lane to the east for construction traffic at the point marked AC 17 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Mark's Lane to the west for construction traffic at the point marked AC 18 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3058 Bashley Road to the east for construction traffic at the point marked AC 19 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3058 Bashley Road to the west for construction traffic at the point marked AC 20 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3055 Bashley Cross Road to the north for construction traffic at the point marked AC 21 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3055 Bashley Cross Road to the south for construction traffic at the point marked AC 22 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Stem Lane (old alignment) to the north east for construction traffic at the point marked AC 23 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Stem Lane (old alignment) to the south west for construction traffic at the point marked AC 24 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Stem Lane to the north east for construction traffic at the point marked AC 25 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Stem Lane to the south west for construction traffic at the point marked AC 26 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3055 Bashley Cross Road to the east for construction traffic at the point marked AC 27 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3055 Bashley Cross Road to the north west for construction traffic at the point marked AC 28 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3055 Bashley Cross Road to the east for construction traffic at the point marked AC 29 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3055 Bashley Cross Road to the west for construction traffic at the point marked AC 30 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Dark Lane to the north for construction traffic at the point marked AC 31 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the A35 Lyndhurst Road

Forest	to the south east for construction traffic at the point marked AC 32 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the A35 Lyndhurst Road to the west for construction traffic at the point marked AC 33 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Ringwood Road to the east for construction traffic at the point marked AC 34 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Ringwood Road to the south west for construction traffic at the point marked AC 35 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Ringwood Road to the south west for construction traffic at the point marked AC 36 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Waterditch Road to the east for construction traffic at the point marked AC 37 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Waterditch Road to the west for construction traffic at the point marked AC 38 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Lyndhurst Road to the south for construction traffic at the point marked AC 39 on the access to works plan
In the County of Dorset, Borough of Christchurch	Vehicular access from Lyndhurst Road to the east for construction traffic at the point marked AC 40 on the access to works plan
In the County of Dorset, Borough of Christchurch	Vehicular access from Lyndhurst Road to the north west for construction traffic at the point marked AC 41 on the access to works plan
In the County of Dorset, Borough of Christchurch	Vehicular access from Hawthorn Road to the south east for construction traffic at the point marked AC42 on the access to works plan
In the County of Dorset, Borough of Christchurch	Vehicular access from Hawthorn Road to the north west for construction traffic at the point marked AC 43 on the access to works plan
In the County of Dorset, Borough of Christchurch	Vehicular access from Bockhampton Road to the south for construction traffic at the point marked AC 44 on the access to works plan
In the County of Dorset, Borough of Christchurch	Vehicular access from Bockhampton Road to the north for construction traffic at the point marked AC 45 on the access to works plan
In the County of Dorset, Borough of Christchurch	Vehicular access from Burley Road to the south for construction traffic at the point marked AC 46 on the access to works plan
In the County of Dorset, Borough of Christchurch	Vehicular access from Burley Road to the north for construction traffic at the point marked AC 47 on the access to works plan
In the County of Dorset, Borough of Christchurch	Vehicular access from Burley Road to the north for construction traffic at the point marked AC 48 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Derritt Lane to the south east for construction traffic at the point marked AC 49 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Derritt Lane to the north west for construction traffic at the point marked

In the County of Hampshire, District of New Forest	AC 50 on the access to works plan Vehicular access from Harpway Lane to the east for construction traffic at the point marked AC 51 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Harpway Lane to the west for construction traffic at the point marked AC 52 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Court Lane to the south east for construction traffic at the point marked AC 53 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Court Lane to the north for construction traffic at the point marked AC 54 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Fish Street to the south for construction traffic at the point marked AC 55 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from Fish Street to the north for construction traffic at the point marked AC 56 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3347 Ringwood Road to the south east for construction traffic at the point marked AC 57 on the access to works plan
In the County of Hampshire, District of New Forest	Vehicular access from the B3347 Ringwood Road to the north west for construction traffic at the point marked AC 58 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from Pitthouse Lane to the north for construction traffic at the point marked AC 59 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from Matchams Lane to the east for construction traffic at the point marked AC 60 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from Matchams Lane to the west for construction traffic at the point marked AC 61 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from Boundary Lane to the south for construction traffic at the point marked AC 62 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from the A31 Ringwood Road to the north west for construction traffic at the point marked AC 63 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from Elmhurst Road to the north for construction traffic at the point marked AC 64 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from the B3072 Three Cross Road to the south east for construction traffic at the point marked AC 65 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from the B3072 West Moors Road to the east for construction traffic at the point marked AC 66 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from the B3072 West Moors Road to the west for construction traffic at the

	point marked AC 67 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from Newman's Lane to the south west for construction traffic at the point marked AC 68 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from Newman's Lane to the north east for construction traffic at the point marked AC 69 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from the B3072 Three Cross Road to the north for construction traffic at the point marked AC 70 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from the B3072 West Moors Road to the west for construction traffic at the point marked AC 71 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from the B3072 West Moors Road to the east for construction traffic at the point marked AC 72 on the access to works plan
In the County of Dorset, District of East Dorset	Vehicular access from Holt Road to the south for construction traffic at the point marked AC 73 on the access to works plan

SCHEDULE 6

Article 21

TEMPORARY SUSPENSION OF PUBLIC ACCESS TO ACCESS LAND

<i>(1)</i>	<i>(2)</i>
<i>Area</i>	<i>Area subject to temporary suspension of public rights</i>
In the County of Dorset, Borough of Christchurch and District of East Dorset	The area of land shown in purple and marked OAL 1 on the open access land plan
In the County of Dorset, District of East Dorset	The area of land shown in purple and marked OAL 2 on the open access land plan

SCHEDULE 7

Article 25

LAND IN WHICH ONLY NEW RIGHTS ETC, MAY BE ACQUIRED

<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which rights may be acquired</i>
1,2	To enter, use, pass and re-pass with or without vehicles plant and machinery and remain upon and within the land for the purposes of construction, installation, use, operation, maintenance and decommissioning of the authorised project; to retain and use cable circuits and associated works for the purpose of the transmission of electricity within an up to 150 metre corridor.
3	To enter, use, pass and re-pass with or without vehicles plant and machinery and remain upon and within the land for the purposes of construction, installation, use, operation, maintenance and decommissioning of the authorised project; to retain and use cable circuits and associated works for the purpose of the transmission of electricity within an up to 150 metre corridor and to impose requirements for their protection.
4	To enter, use, pass and re-pass with or without vehicles plant and machinery and remain upon and within the land for the purposes of construction, installation, use, operation, maintenance and decommissioning of the authorised project; to retain and use cable circuits, transition joint bays and associated works for the purpose of the transmission of electricity within an up to 150 metre corridor and to impose requirements for their protection.
5, 6, 12, 14, 15, 16, 17, 19, 20, 21, 22, 23, 32, 36, 39, 40, 41, 42, 43, 51, 58, 59, 61, 63, 64, 65, 68, 69, 80, 81, 82, 83, 86, 87, 94, 95, 96, 99, 100, 111, 114, 117, 118, 121, 122, 123, 124, 125, 126, 129, 131, 132, 133, 134, 135, 143, 149, 150, 152, 157, 159, 160, 163, 164, 165, 173, 174, 175, 176, 177, 178, 179, 182, 183, 185, 187, 190, 192, 193, 196, 197, 198, 199, 202, 205, 206, 207, 208, 209, 210, 212, 213, 215, 216, 219, 221, 223, 226, 227, 237, 243, 244, 245, 255, 256, 257, 263, 268, 269, 273, 291, 292, 294, 297, 298, 300, 301, 303, 304, 308, 310, 311, 314, , 318, 319, 323, 325, 326, 13, 18, 28, 30, 50, 66, 67, 112, 113, 115, 116, 119, 120, 128, 130, 142, 151, 156, 158, 180, 181, 184, 186, 188, 189, 191, 200, 201, 203, 204, 211, 214, 220, 224, 225, 236, 240, 241, 264, 265, 266, 267, 312, 313, 315, 316, 317	To enter, use, pass and re-pass with or without vehicles plant and machinery and remain upon and within the land for the purposes of construction, installation, use, operation, maintenance and decommissioning of the authorised project; to retain and use cable circuits and associated works for the purpose of the transmission of electricity within an up to 30 metre corridor; and to impose requirements for their protection.
	To enter, use, pass and re-pass with or without vehicles plant and machinery and remain upon and within the land for the purposes of construction, installation, use, operation, maintenance and decommissioning of the

29, 31, 35	authorised project; and retain and use cable circuits and associated works for the purpose of the transmission of electricity within an up to 30 metre corridor .
302	To enter, use, pass and re-pass with or without plant and machinery and remain within the land for the purposes of construction, installation, use, operation, maintenance and decommissioning of the authorised project; to retain and use cable circuits and associated works for the purpose of the transmission of electricity within an up to 30 metre corridor. To enter, use, pass and re-pass with or without vehicles plant and machinery and remain upon and within the land for the purposes of construction, installation, use, operation maintenance and decommissioning of the authorised project; to retain and use cable circuits and associated works for the purpose of the transmission of electricity within a corridor or corridors, and to impose requirements for their protection .
327, 328, 329, 330	To enter, use, pass and re-pass with or without vehicles plant and machinery and remain upon and within the land for the purposes of construction, installation, use, operation maintenance and decommissioning of the authorised project; retain and use cable circuits and associated works for the purpose of the transmission of electricity within a corridor or corridors, with a total aggregate of 20 metres in width, and to impose requirements for their protection .
324, 333, 334, 337	To enter, use, pass and re-pass with or without vehicles plant and machinery and remain upon and within the land for the purposes of construction, installation, use, operation maintenance and decommissioning of the authorised project; to retain and use cable circuits and associated works for the purpose of the transmission of electricity and to impose requirements for their protection.
335, 336	To enter, use, pass and re-pass with or without vehicles plant and machinery and remain upon and within the land for the purposes of construction, installation, use, operation, maintenance and decommissioning of the authorised project; to retain and use cable circuits and associated works for the purpose of the transmission of electricity.
270, 271, 275, 278, 281, 282, 285, 288, 331 332	To install, maintain, use, improve, repair and remove access tracks and to obtain access for such purposes and to use the land for the purposes for and associated with access to the authorised project.

**MODIFICATION OF COMPENSATION AND COMPULSORY
PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS AND
RESTRICTIVE COVENANTS**

Compensation enactments

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land shall apply, with the necessary modifications as respects compensation, in the case of a compulsory acquisition under this Order of a right by the creation of a new right or the imposition of a restrictive covenant as they apply as respects compensation on the compulsory purchase of land and interests in land.

2.—(1) Without prejudice to the generality of paragraph 1, the Land Compensation Act 1973(a) shall have effect subject to the modifications set out in sub-paragraphs (2) and (3).

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 of the 1965 Act as substituted by paragraph 4—

- (a) for the words “land is acquired or taken” there shall be substituted the words “a right or restrictive covenant over land is purchased from or imposed on”; and
- (b) for the words “acquired or taken from him” there shall be substituted the words “over which the right is exercisable or the restrictive covenant enforceable”.

(3) In section 58(1) (determination of material detriment where part of house etc. proposed for compulsory acquisition), as it applies to determinations under section 8 of the 1965 Act as substituted by paragraph 5—

- (a) for the word “part” in paragraphs (a) and (b) there shall be substituted the words “a right over or restrictive covenant affecting land consisting”;
- (b) for the word “severance” there shall be substituted the words “right or restrictive covenant over or affecting the whole of the house, building or manufactory or of the house and the park or garden”;
- (c) for the words “part proposed” there shall be substituted the words “right or restrictive covenant proposed”; and
- (d) for the words “part is” there shall be substituted the words “right or restrictive covenant is”.

Application of the 1965 Act

3.—(1) The 1965 Act shall have effect with the modifications necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right, or to the imposition under this Order of a restrictive covenant, as it applies to the compulsory acquisition under this Order of land, so that, in appropriate contexts, references in that Act to land are read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired; or
- (b) the land over which the right is or is to be exercisable.

(2) Without prejudice to the generality of sub-paragraph (1), Part 1 of the 1965 Act shall apply in relation to the compulsory acquisition under this Order of a right by the creation of a new right with the modifications specified in the following provisions of this Schedule.

(a) 1973 c. 26

4. For section 7 of the 1965 Act (measure of compensation in case of severance) there shall be substituted the following section—

“7. In assessing the compensation to be paid by the acquiring authority under this Act, regard shall be had not only to the extent (if any) to which the value of the land over which the right is to be acquired or the restrictive covenant is to be imposed is depreciated by the acquisition of the right or the imposition of the covenant but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”

5. For section 8 of the 1965 Act (other provisions as to divided land) there shall be substituted the following section—

“8.—(1) Where in consequence of the service on a person under section 5 of this Act of a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (“the relevant land”)—

- (a) a question of disputed compensation in respect of the purchase of the right or the imposition of the restrictive covenant would apart from this section fall to be determined by the Upper Tribunal (“the tribunal”); and
- (b) before the tribunal has determined that question the tribunal is satisfied that the person has an interest in the whole of the relevant land and is able and willing to sell that land and—
 - (i) where that land consists of a house, building or manufactory, that the right cannot be purchased or the restrictive covenant imposed without material detriment to that land; or
 - (ii) where that land consists of such a park or garden, that the right cannot be purchased or the restrictive covenant imposed without seriously affecting the amenity or convenience of the house to which that land belongs, the Navitus Bay Wind Farm Order 201[](a) (“the Order”) shall, in relation to that person, cease to authorise the purchase of the right and be deemed to authorise the purchase of that person’s interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice shall be deemed to have been served in respect of that interest on such date as the tribunal directs.

(2) Any question as to the extent of the land in which the Order is deemed to authorise the purchase of an interest by virtue of subsection (1) of this section shall be determined by the tribunal.

(3) Where in consequence of a determination of the tribunal that it is satisfied as mentioned in subsection (1) of this section the Order is deemed by virtue of that subsection to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of 6 weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the authority to withdraw the notice.”

6. The following provisions of the 1965 Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say—

- (a) section 9(4) (failure by owners to convey);
- (b) paragraph 10(3) of Schedule 1 (owners under incapacity);
- (c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and
- (d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired or the restrictive covenant which is to be imposed is vested absolutely in the acquiring authority.

7. Section 11 of the 1965 Act (powers of entry) shall be so modified as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right it has power, exercisable in equivalent circumstances and subject to equivalent conditions, to enter for the purpose of exercising that right or enforcing that restrictive covenant (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (unauthorised entry) and 13 (refusal to give possession to acquiring authority) of the 1965 Act shall be modified correspondingly.

8. Section 20 of the 1965 Act (tenants at will, etc.) shall apply with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right or the enforcement of the restrictive covenant in question.

9. Section 22 of the 1965 Act (interests omitted from purchase) shall be so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

SCHEDULE 9

Article 31

LAND OVER WHICH TEMPORARY POSSESSION MAY BE TAKEN

PART 1

In the County of Hampshire, in the District of New Forest

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Number of land shown on land plan</i>	<i>Purpose for which temporary possession may be taken</i>	<i>Relevant part of the authorised project</i>
1, 2, 3, 4, 5, 6, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 28, 29, 30, 31, 32, 35, 36, 39, 40, 41, 42, 43, 50, 51, 58, 59, 61, 63, 64, 65, 66, 67, 68, 69, 80, 81, 82, 83, 86, 87, 94, 95, 96, 99, 100, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 129, 130, 131, 132, 133, 134, 135, 142, 143, 149, 150, 151, 152, 156, 157, 158, 159, 160, 163, 164, 165, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 219, 220, 221, 223, 224	Construction and carrying out of the authorised project; worksites for construction and the carrying out of the authorised project; access for carrying out the authorised project	Work Nos.: 3b, 4, 5, 6, 7, 11, 12, 14, 16, 19, 20, 22, 24, 25, 26, 29, 30, 35, 36, 41, 43, 44
7,8,9,11, 37, 84, 127, 153, 222	Construction and storage compound; access for carrying out the authorised project	Work Nos.: 6, 9, 10, 18, 23, 31, 32, 43

10, 24, 34, 44, 46, 48, 49, 52, 54, 55, 57, 60, 62, 70, 71, 73, 74, 76, 77, 79, 89, 90, 91, 92, 97, 101, 102, 104, 105, 107, 108, 110, 136, 138, 139, 141, 144, 148, 154, 161, 162, 166, 167, 169, 170, 172	Laying of temporary haul roads and improvements to tracks; access for carrying out the authorised project	Work Nos.: 6, 8, 9, 13a, 13b, 15, 17, 19, 21, 27, 28, 33, 37, 38
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PART 2

In the County of Dorset, in the Borough of Christchurch

<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised project</i>
183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 196, 197, 198, 225, 226, 227, 236, 237, 240, 241, 243, 244, 245	Construction and carrying out of the authorised project; worksites for construction and the carrying out of the authorised project; access for carrying out the authorised project	Work Nos.: 39, 44, 46, 48, 50, 53
228, 229, 242	Construction and storage compound; access for carrying out the authorised project	Work Nos.: 45, 50
194, 195, 235, 247, 248, 249, 250, 252	Laying of temporary haul roads and improvements to tracks; access for carrying out the authorised project	Work Nos.: 40, 47, 51, 52

PART 3

In the County of Dorset, in the District of East Dorset

<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised project</i>
255, 256, 257, 263, 264, 265, 266, 267, 268, 269, 270, 271, 273, 275, 278, 281, 282, 285, 288, 291, 292, 294, 297, 298, 300, 301, 302, 303, 304, 308, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340	Construction and carrying out of the authorised project; worksites for construction and the carrying out of the authorised project; access for carrying out the authorised project	Work Nos.: 53, 54, 56, 57, 60, 62, 63, 64, 67, 69, 70, 71, 72, 73
259, 293, 299	Construction and storage compound; access for carrying out the authorised project	Work Nos.: 55, 56, 59, 62, 64, 66
253, 261, 262, 272, 274, 276, 277, 279, 280, 283, 284, 286,	Laying of temporary haul roads and improvements to	Work Nos.: 52, 56, 58, 68

287, 289, 290, 320, 322

tracks; access for carrying out
the authorised project

LAND OVER WHICH TEMPORARY ACCESS MAY BE TAKEN

PART 4

In the County of Hampshire, District of New Forest:

<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised project</i>
25, 26, 27, 33, 38, 45, 47, 53, 56, 72, 75, 78, 85, 88, 93, 98, 103, 106, 109, 137, 140, 145, 146, 147, 155, 168, 171, 217, 218	Laying of temporary haul roads and improvements to tracks; access for carrying out the authorised project	Work Nos.: 8, 9, 13a, 15, 17, 18, 19, 21, 27, 28, 34, 38, 42

PART 5

In the County of Dorset, Borough of Christchurch

<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised project</i>
230, 231, 232, 233, 234, 238, 239, 246, 251	Laying of temporary haul roads and improvements to tracks; access for carrying out the authorised project	Work Nos.: 47, 49, 51, 52

PART 6

In the County of Dorset, District of East Dorset

<i>(1)</i> <i>Number of land shown on land plan</i>	<i>(2)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(3)</i> <i>Relevant part of the authorised project</i>
254, 258, 260, 295, 296, 305, 306, 307, 309, 321	Laying of temporary haul roads and improvements to tracks; access for carrying out the authorised project	Work Nos.: 52, 56, 58, 61, 65, 68

SCHEDULE 10

Article 37

IMPORTANT HEDGEROWS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Reference of important hedgerow</i>
In the County of Hampshire, District of New Forest	The important hedgerow marked H2 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H3 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H4 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H5 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H7 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H8 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H9 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H11 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H13 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H14 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H24 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H25 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H28 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H29 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H30 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H31 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H32 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H34 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H35 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H37 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H38 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H41 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H50 on the important hedgerows plan

In the County of Hampshire, District of New Forest	The important hedgerow marked H72 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H73 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H74 on the important hedgerows plan
In the County of Hampshire, District of New Forest	The important hedgerow marked H79 on the important hedgerows plan
In the County of Dorset, District of East Dorset	The important hedgerow marked H81 on the important hedgerows plan
In the County of Dorset, District of East Dorset	The important hedgerow marked H82 on the important hedgerows plan
In the County of Dorset, District of East Dorset	The important hedgerow marked H83 on the important hedgerows plan
In the County of Dorset, District of East Dorset	The important hedgerow marked H84 on the important hedgerows plan
In the County of Dorset, District of East Dorset	The important hedgerow marked H85 on the important hedgerows plan
In the County of Dorset, District of East Dorset	The important hedgerow marked H86 on the important hedgerows plan
In the County of Dorset, District of East Dorset	The important hedgerow marked H88 on the important hedgerows plan
In the County of Dorset, District of East Dorset	The important hedgerow marked H89 on the important hedgerows plan
In the County of Dorset, District of East Dorset	The important hedgerow marked H90 on the important hedgerows plan
In the County of Dorset, District of East Dorset	The important hedgerow marked H91 on the important hedgerows plan

SCHEDULE 11

Article 38

TREES SUBJECT TO TREE PRESERVATION ORDERS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Type of tree and reference</i>	<i>(3)</i> <i>Work to be carried out</i>
In the County of Hampshire, District of New Forest [Tree Preservation Order No. 118/03, Land of Bashley Park, New Milton in Hampshire]	Mixed woodland mainly consisting of Oak, Ash, Beech and Pine marked on the tree preservation order plan	Felling or lopping or cutting back roots
In the County of Dorset, District of East Dorset [East Dorset District (West Moors No. 13) Tree Preservation Order 1995]	Woodland consisting of English Oak, Silver Birch, Ash, Yew and Willow with an understorey including Hazel and Holly marked on the tree preservation order plan	Felling or lopping or cutting back roots

PROTECTIVE PROVISIONS

PART 1

Protection for Network Rail Infrastructure Limited

1. The following provisions of this part of this Schedule have effect unless otherwise agreed in writing between the undertaker and Network Rail and, in the case of paragraph 15, any other person on whom rights or obligations are conferred by that paragraph.

2. In this part of this Schedule—

“construction” includes execution, placing, alteration and reconstruction and “construct” and “constructed” have corresponding meanings;

“the engineer” means an engineer appointed by Network Rail for the purposes of this Order;

“network licence” means the network licence, as the same is amended from time to time, granted to Network Rail Infrastructure Limited by the Secretary of State in exercise of his powers under section 8 of the Railways Act 1993;

“Network Rail” means Network Rail Infrastructure Limited and any associated company of Network Rail Infrastructure Limited which holds property for railway purposes, and for the purpose of this definition “associated company” means any company which is (within the meaning of section 1159 of the Companies Act 2006) the holding company of Network Rail Infrastructure Limited, a subsidiary of Network Rail Infrastructure Limited or another subsidiary of the holding company of Network Rail Infrastructure Limited;

“plans” includes sections, designs, design data, software, drawings, specifications, soil reports, calculations, descriptions (including descriptions of methods of construction), staging proposals, programmes and details of the extent, timing and duration of any proposed occupation of railway property;

“railway operational procedures” means procedures specified under any access agreement (as defined in the Railways Act 1993) or station lease;

“railway property” means any railway belonging to Network Rail Infrastructure Limited and—

(a) any station, land, works, apparatus and equipment belonging to Network Rail Infrastructure Limited or connected with any such railway; and

(b) any easement or other property interest held or used by Network Rail Infrastructure Limited for the purposes of such railway or works, apparatus or equipment; and

“specified work” means so much of any of the authorised development as is situated upon, across, under, over or within 15 metres of, or may in any way adversely affect, railway property.

3.—(1) Where under this part of this Schedule Network Rail is required to give its consent, agreement or approval in respect of any matter, that consent, agreement or approval is subject to the condition that Network Rail complies with any relevant railway operational procedures and any obligations under its network licence or under statute.

(2) In so far as any specified work or the acquisition or use of railway property is or may be subject to railway operational procedures, Network Rail must—

- (a) co-operate with the undertaker with a view to avoiding undue delay and securing conformity as between any plans approved by the engineer and requirements emanating from those procedures; and
- (b) use their reasonable endeavours to avoid any conflict arising between the application of those procedures and the proper implementation of the authorised development pursuant to this Order.

4.—(1) The undertaker must not exercise the powers conferred by **article 21** (authority to survey and investigate the land) or the powers conferred by section 11(3) of the 1965 Act (powers of entry) in respect of any railway property unless the exercise of such powers is with the consent of Network Rail.

(2) The undertaker must not in the exercise of the powers conferred by this Order prevent pedestrian or vehicular access to any railway property, unless preventing such access is with the consent of Network Rail.

(3) The undertaker must not exercise the powers conferred by sections 271 or 272 of the 1990 Act (extinguishment of rights of statutory undertakers and electronic code communications operators: preliminary notices), or **article 34** (statutory undertakers), in relation to any right of access of Network Rail to railway property, but such right of access may be diverted with the consent of Network Rail.

(4) The undertaker must not under the powers of this Order acquire or use or acquire new rights over any railway property except with the consent of Network Rail.

(5) Where Network Rail is asked to give its consent or agreement pursuant to this paragraph, such consent or agreement must not be unreasonably withheld but may be given subject to reasonable conditions.

5.—(1) The undertaker must before commencing construction of any specified work supply to Network Rail proper and sufficient plans of that work for the reasonable approval of the engineer and the specified work must not be commenced except in accordance with such plans as have been approved in writing by the engineer or settled by arbitration.

(2) The approval of the engineer under sub-paragraph (1) must not be unreasonably withheld, and if by the end of the period of 28 days beginning with the date on which such plans have been supplied to Network Rail the engineer has not intimated disapproval of those plans and the grounds of disapproval the undertaker may serve upon the engineer written notice requiring the engineer to intimate approval or disapproval within a further period of 28 days beginning with the date upon which the engineer receives written notice from the undertaker. If by the expiry of the further 28 days the engineer has not intimated approval or disapproval, the engineer is deemed to have approved the plans as submitted.

(3) If by the end of the period of 28 days beginning with the date on which written notice was served upon the engineer under sub-paragraph (2), Network Rail gives notice to the undertaker that Network Rail desires itself to construct any part of a specified work which in the opinion of the engineer will or may affect the stability of railway property or the safe operation of traffic on the railways of Network Rail then, if the undertaker desires such part of the specified work to be constructed, Network Rail must construct it with all reasonable dispatch on behalf of and to the reasonable satisfaction of the undertaker in accordance with the plans approved or deemed to be approved or settled under this paragraph, and under the supervision (where appropriate and if given) of the undertaker.

(4) When signifying approval of the plans the engineer may specify any protective works (whether temporary or permanent) which in the engineer's opinion should be carried out before the commencement of the construction of a specified work to ensure the safety or stability of railway property or the continuation of safe and efficient operation of the railways of Network Rail or the services of operators using the same (including any relocation de-commissioning and removal of works, apparatus and equipment necessitated by a specified work and the comfort and safety of passengers who may be affected by the specified works), and such protective works as may be reasonably necessary for those purposes must be constructed by Network Rail or by the undertaker, if Network Rail so desires, and such protective works must be carried out at the

expense of the undertaker in either case with all reasonable dispatch and the undertaker must not commence the construction of the specified works until the engineer has notified the undertaker that the protective works have been completed to his reasonable satisfaction.

6.—(1) Any specified work and any protective works to be constructed by virtue of paragraph 5(4) must, when commenced, be constructed—

- (a) with all reasonable dispatch in accordance with the plans approved or deemed to have been approved or settled under paragraph 5;
- (b) under the supervision (where appropriate and if given) and to the reasonable satisfaction of the engineer;
- (c) in such manner as to cause as little damage as is possible to railway property; and
- (d) so far as is reasonably practicable, so as not to interfere with or obstruct the free, uninterrupted and safe use of any railway of Network Rail or the traffic thereon and the use by passengers of railway property.

(2) If any damage to railway property or any such interference or obstruction is caused by the carrying out of, or in consequence of the construction of a specified work, the undertaker must, notwithstanding any such approval, make good such damage and must pay to Network Rail all reasonable and properly incurred expenses to which Network Rail may be put and compensation for any loss which it may properly sustain by reason of any such damage, interference or obstruction.

(3) Nothing in this part of this Schedule imposes any liability on the undertaker with respect to any damage, costs, expenses or loss attributable to the negligence of Network Rail or its servants, contractors or agents or any liability on Network Rail with respect of any damage, costs, expenses or loss attributable to the negligence of the undertaker or its servants, contractors or agents.

7. The undertaker must—

- (a) at all times afford reasonable facilities to the engineer for access to a specified work during its construction; and
- (b) supply the engineer with all such information as the engineer may reasonably require with regard to a specified work or the method of constructing it.

8. Network Rail must at all times afford reasonable facilities to the undertaker and its agents for access to any works carried out by Network Rail under this part of this Schedule during their construction and must supply the undertaker with all such information as it may reasonably require with regard to such works or the method of constructing them.

9.—(1) If any permanent or temporary alterations or additions to railway property are reasonably necessary in consequence of the construction of a specified work, or during a period of 24 months after the completion of that work in order to ensure the safety of railway property or the continued safe operation of the railway of Network Rail, such alterations and additions may be carried out by Network Rail and if Network Rail gives to the undertaker reasonable notice of its intention to carry out such alterations or additions (which must be specified in the notice), the undertaker must pay to Network Rail the reasonable and proper cost of those alterations or additions including, in respect of any such alterations and additions as are to be permanent, a capitalised sum representing the increase of the costs which may be expected to be reasonably and properly incurred by Network Rail in maintaining, working and, when necessary, renewing any such alterations or additions.

(2) If during the construction of a specified work by the undertaker, Network Rail gives notice to the undertaker that Network Rail desires itself to construct that part of the specified work which in the opinion of the engineer is endangering the stability of railway property or the safe operation of traffic on the railways of Network Rail then, if the undertaker decides that part of the specified work is to be constructed, Network Rail may assume construction of that part of the specified work and the undertaker must, notwithstanding any such approval of a specified work under paragraph 5(3), pay to Network Rail all reasonable and properly incurred expenses to which Network Rail may be put and compensation for any loss which it may suffer by reason of the execution by Network Rail of that specified work.

(3) The engineer must, in respect of the capitalised sums referred to in this paragraph and paragraph 20(a) provide such details of the formula by which those sums have been calculated as the undertaker may reasonably require.

(4) If the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions a capitalised sum representing such saving must be set off against any sum payable by the undertaker to Network Rail under this paragraph.

10. The undertaker must repay to Network Rail all reasonable fees, costs, charges and expenses reasonably and properly incurred by Network Rail—

- (a) in constructing any part of a specified work on behalf of the undertaker as provided by paragraph 5(3) or in constructing any protective works under the provisions of paragraph 5(4) including, in respect of any permanent protective works, a capitalised sum representing the cost of maintaining and renewing those;
- (b) in respect of the approval by the engineer of plans submitted by the undertaker and the supervision by the engineer of the construction of a specified work;
- (c) in respect of the employment or procurement of the services of any inspectors, signalmen, watchmen and other persons whom it may be reasonably necessary to appoint for inspecting, signalling, watching and lighting railway property and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of a specified work;
- (d) in respect of any special traffic working resulting from any speed restrictions which may in the opinion of the engineer, require to be imposed by reason or in consequence of the construction or failure of a specified work or from the substitution or diversion of services which may be reasonably necessary for the same reason; and
- (e) in respect of any additional temporary lighting of railway property in the vicinity of the specified works, being lighting made reasonably necessary by reason or in consequence of the construction or failure of a specified work.

11.—(1) In this paragraph—

“EMI” means, subject to sub-paragraph (2), electromagnetic interference with Network Rail apparatus generated by the operation of the authorised development where such interference is of a level which adversely affects the safe operation of Network Rail’s apparatus; and

“Network Rail’s apparatus” means any lines, circuits, wires, apparatus or equipment (whether or not modified or installed as part of the authorised development) which are owned or used by Network Rail for the purpose of transmitting or receiving electrical energy or of radio, telegraphic, telephonic, electric, electronic or other like means of signalling or other communications.

(2) This paragraph applies to EMI only to the extent that such EMI is not attributable to any change to Network Rail’s apparatus carried out after approval of plans under paragraph 5(1) for the relevant part of the authorised development giving rise to EMI (unless the undertaker has been given notice in writing before the approval of those plans of the intention to make such change).

(3) Subject to sub-paragraph (5), the undertaker must in the design and construction of the authorised development take all measures necessary to prevent EMI and establish with Network Rail (both parties acting reasonably) appropriate arrangements to verify their effectiveness.

(4) In order to facilitate the undertaker’s compliance with sub-paragraph (3)—

- (a) the undertaker must consult with Network Rail as early as reasonably practicable to identify all Network Rail’s apparatus which may be at risk of EMI, and thereafter must continue to consult with Network Rail (both before and after formal submission of plans under paragraph 5(1)) in order to identify all potential causes of EMI and the measures required to eliminate them;
- (b) Network Rail must make available to the undertaker all information in the possession of Network Rail reasonably requested by the undertaker in respect of Network Rail’s apparatus identified pursuant to sub-paragraph (a); and

(c) Network Rail must allow the undertaker reasonable facilities for the inspection of Network Rail's apparatus identified pursuant to sub-paragraph (a).

(5) In any case where it is established that EMI can only reasonably be prevented by modifications to Network Rail's apparatus, Network Rail must not withhold its consent unreasonably to modifications of Network Rail's apparatus, but the means of prevention and the method of their execution selected in the reasonable discretion of Network Rail, and in relation to such modifications paragraph 5(1) has effect subject to this sub-paragraph.

(6) If at any time prior to the commencement of commercial operation of the authorised development and notwithstanding any measures adopted pursuant to sub-paragraph (3), the testing or commissioning of the authorised development causes EMI then the undertaker must immediately upon receipt of notification by Network Rail of such EMI either in writing or communicated orally (such oral communication to be confirmed in writing as soon as reasonably practicable after it has been issued) forthwith cease to use (or procure the cessation of use of) the undertaker's apparatus causing such EMI until all measures necessary have been taken to remedy such EMI by way of modification to the source of such EMI or (in the circumstances, and subject to the consent, specified in sub-paragraph (5)) to Network Rail's apparatus.

(7) In the event of EMI having occurred—

- (a) the undertaker must afford reasonable facilities to Network Rail for access to the undertaker's apparatus in the investigation of such EMI;
- (b) Network Rail must afford reasonable facilities to the undertaker for access to Network Rail's apparatus in the investigation of such EMI; and
- (c) Network Rail must make available to the undertaker any additional material information in its possession reasonably requested by the undertaker in respect of Network Rail's apparatus or such EMI.

(8) Where Network Rail approves modifications to Network Rail's apparatus pursuant to sub-paragraphs (5) or (6)—

- (a) Network Rail must allow the undertaker reasonable facilities for the inspection of the relevant part of Network Rail's apparatus;
- (b) any modifications to Network Rail's apparatus approved pursuant to those sub-paragraphs must be carried out and completed by the undertaker in accordance with paragraph 6.

(9) To the extent that it would not otherwise do so, the indemnity in paragraph 15(1) applies to the costs and expenses reasonably and properly incurred or losses properly suffered by Network Rail through the implementation of the provisions of this paragraph (including costs incurred in connection with the consideration of proposals, approval of plans, supervision and inspection of works and facilitating access to Network Rail's apparatus) or in consequence of any EMI to which sub-paragraph (6) applies.

(10) For the purpose of paragraph 10(a) any modifications to Network Rail's apparatus under this paragraph is deemed to be protective works referred to in that paragraph.

(11) In relation to any dispute arising under this paragraph the reference in **article 42** (arbitration) to an arbitrator to be agreed is to be read as a reference to an arbitrator being a member of the Institution of Electrical Engineers to be agreed.

12. If at any time after the completion of a specified work, not being a work vested in Network Rail, Network Rail gives notice to the undertaker informing it that the state of maintenance of any part of the specified work appears to be such as adversely affects the operation of railway property, the undertaker must, on receipt of such notice, take such steps as may be reasonably necessary to put that specified work in such state of maintenance as not adversely to affect railway property.

13. The undertaker must not provide any illumination or illuminated sign or signal on or in connection with a specified work in the vicinity of any railway belonging to Network Rail unless it has first consulted Network Rail and it must comply with Network Rail's reasonable requirements for preventing confusion between such illumination or illuminated sign or signal and

any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway.

14. Any additional expenses which Network Rail may reasonably and properly incur in altering, reconstructing or maintaining railway property under any powers existing at the making of this Order by reason of the existence of a specified work must, provided that 56 days' previous notice of the commencement of such alteration, reconstruction or maintenance has been given to the undertaker, be repaid by the undertaker to Network Rail.

15.—(1) The undertaker must pay to Network Rail all reasonable costs, charges, damages and expenses not otherwise provided for in this part of this Schedule which may be occasioned to or reasonably and properly incurred by Network Rail—

- (a) by reason of the construction or maintenance of a specified work or the failure of them; or
- (b) by reason of any act or omission of the undertaker or of any person in its employ or of its contractors or others whilst engaged upon a specified work,

and the undertaker must indemnify and keep indemnified Network Rail from and against all claims and demands arising out of or in connection with a specified work or any such failure, act or omission: and the fact that any act or thing may have been done by Network Rail on behalf of the undertaker or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under his supervision must not (if it was done without negligence on the part of Network Rail or of any person in its employ or of its contractors or agents) excuse the undertaker from any liability under the provisions of this sub-paragraph.

(2) Network Rail must give the undertaker notice of any such claim or demand as soon as is reasonably practicable and no settlement or compromise of such a claim or demand may be made without the prior consent of the undertaker.

(3) The sums payable by the undertaker under sub-paragraph (1) must include a sum equivalent to the relevant costs.

(4) Subject to the terms of any agreement between Network Rail and a train operator regarding the timing or method of payment of the relevant costs in respect of that train operator, Network Rail must promptly pay to each train operator the amount of any sums which Network Rail receives under sub-paragraph (3) which relates to the relevant costs of that train operator.

(5) The obligation under sub-paragraph (3) to pay Network Rail the relevant costs may, in the event of default, be enforceable directly by any train operator concerned to the extent that such sums would be payable to that operator pursuant to sub-paragraph (4).

(6) In this paragraph—

“the relevant costs” means the costs, direct losses and expenses (including loss of revenue) reasonably and properly incurred by each train operator as a consequence of any restriction of the use of Network Rail’s railway network as a result of the construction, maintenance or failure of a specified work or any such act or omission as mentioned in sub-paragraph (1); and

“train operator” means any person who is authorised to act as the operator of a train by a licence under section 8 of the Railways Act 1993.

16. Network Rail must, on receipt of a request from the undertaker, from time to time provide the undertaker free of charge with written estimates of the costs, charges, expenses and other liabilities for which the undertaker is or will become liable under this part of this Schedule (including the amount of the relevant costs mentioned in paragraph 15) and with such information as may reasonably enable the undertaker to assess the reasonableness of any such estimate or claim made or to be made pursuant to this part of this Schedule (including any claim relating to those relevant costs).

17. In the assessment of any sums payable to Network Rail under this part of this Schedule there must not be taken into account any increase in the sums claimed that is attributable to any action taken by or any agreement entered into by Network Rail if that action or agreement was not reasonably necessary and was taken or entered into with a view to obtaining the payment of those sums by the undertaker under this part of this Schedule or increasing the sums so payable.

18. Nothing in this Order, or in any enactment incorporated with or applied by this Order, prejudices or affects the operation of Part I of the Railways Act 1993.

19. The undertaker must give written notice to Network Rail where any application is proposed to be made by the undertaker for the Secretary of State's consent under **article 7** (benefit of the Order) of this Order and any such notice must be given no later than 28 days before any such application is made and must describe or give (as appropriate)—

- (a) the nature of the application to be made;
- (b) the extent of the geographical area to which the application relates; and
- (c) the name and address of the person acting for the Secretary of State to whom the application is to be made.

20. The undertaker must no later than 28 days from the date that the plans submitted to and certified by the Secretary of State in accordance with **article 39** (certification of plans etc.), provide a set of those plans to Network Rail in the form of a computer disc with read only memory.

DEEMED LICENCE UNDER MARINE AND COASTAL ACCESS
ACT 2009 – GENERATION ASSETS

PART 1

Licensed Marine Activities

1.—(1) In this licence—

“the 2008 Act” means the Planning Act 2008;

“the 2009 Act” means the Marine and Coastal Access Act 2009;

“authorised deposits” means the substances and articles specified in paragraph 2(3) of this licence;

“authorised scheme” means Work No. 1 described in paragraph 2 of this licence or any part of that work;

“Cefas” means the Centre for Environment, Fisheries and Aquaculture Science;

“commence” means the first carrying out of any part of the licensed activities, save for pre-construction surveys and monitoring, and the words “commenced” and “commencement” shall be construed accordingly;

“condition” means a condition in Part 2 of this licence;

“enforcement officer” means a person authorised to carry out enforcement duties under Chapter 3 of the 2009 Act;

“environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of this Order and submitted with the application on 10 April 2014;

“gravity base foundation” means a structure principally of concrete or steel and concrete which rests on the seabed due to its own weight with or without added ballast or skirts, including associated sea bed preparation, scour protection, J-tubes, corrosion protection systems, boat landings comprising an access ladder with vertical boat fenders fitted either side and work platforms and equipment;

“in-principle monitoring plan” means the document certified as the in-principle monitoring plan by the Secretary of State for the purposes of this Order;

“Kingfisher Fortnightly Bulletin” means the bulletin published by the Humber Seafood Institute or such other alternative publication approved in writing by the MMO;

“LAT” means lowest astronomical tide;

“licensed activities” means the activities specified in Part 1 of this licence;

“maintain” includes inspect, repair, adjust and alter, remove, reconstruct and replace and further includes remove, reconstruct and replace any of the ancillary works and any component part of any wind turbine generator, offshore substation platform or meteorological mast described in Part 1 of Schedule 1 (authorised development), to the extent assessed in the environmental statement; and “maintenance” shall be construed accordingly;

“Marine Management Organisation” or “MMO” means the body created under the Marine and Coastal Access Act 2009 which is responsible for the monitoring and enforcement of this licence;

“MCA” means the Maritime and Coastguard Agency;

“meteorological mast” means a lattice tower housing or incorporating equipment to measure wind speed and other wind characteristics, including a service platform housing electrical and communication equipment and associated equipment, oceanographic equipment and connecting cable, and marking and lighting;

“mean high water springs” or “MHWS” means the highest level which spring tides reach on average over a period of time;

“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;

“Order limits” means the limits shown on the works plan within which the authorised scheme may be carried out, whose grid coordinates are set out in paragraph 3 of this licence;

“Order” means the Navitus Bay Wind Farm Order 201X;

“outline diver management plan” means the document certified as the outline diver management plan by the Secretary of State for the purposes of this Order;

“outline marine traffic and navigational monitoring strategy” means the document certified as the outline marine traffic and navigational monitoring strategy by the Secretary of State for the purposes of this Order;

“outline noise communication and monitoring protocol” means the document certified as the outline noise communication and monitoring protocol by the Secretary of State for the purposes of this Order;

“parameters for the noise propagation report” means the document certified as the parameters for the noise propagation report by the Secretary of State for the purposes of this Order;

“space frame foundation” means a jacket lattice type structure constructed of concrete, steel or steel and concrete which is fixed to the seabed at three or more points with driven or pre-installed piles or suction caissons, including associated scour protection, J-tubes, corrosion protection systems, boat landings comprising an access ladder with vertical boat fenders fitted either side, access and work platforms and equipment;

“steel monopile foundation” means a steel, concrete, or steel and concrete large diameter pile, typically cylindrical, driven and/or drilled into the seabed or fixed to the seabed with suction caissons, including associated scour protection, transition piece, J-tubes, corrosion protection systems, boat landings comprising an access ladder with vertical boat fenders fitted either side, access and work platforms and equipment;

“suction caisson” means a steel cylindrical structure which is fixed to the base of the foundation and partially or completely penetrates the seabed and remains in place using its own weight and hydrostatic pressure differential;

“Trinity House” means The Corporation of Trinity House of Deptford Strond;

“turbine area design principles” means the document certified as the turbine area design principles by the Secretary of State for the purposes of this Order;

“undertaker” means Navitus Bay Development Limited;

“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in, on or over water and which is at the time in, on or over water;

“wind turbine generator” or “WTG” means a structure comprising a tower, rotor with three horizontal axis blades connected at the hub, nacelle containing mechanical and electrical equipment, ancillary equipment including access ladders and platforms, lifts, cables, corrosion protection systems, maintenance equipment, helihoist facilities and other associated equipment, fixed to a foundation;

“Work No. 2” means up to three offshore substation platforms;

“works plan” means the plan certified as the works plan by the Secretary of State for the purposes of the Order;

(2) A reference to any statute, order, regulation or similar instrument shall be construed as a reference to a statute, order, regulation or instrument as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.

(3) Unless otherwise indicated—

- (a) all times shall be taken to be Greenwich Mean Time (GMT);
- (b) all co-ordinates shall be taken to be latitude and longitude degrees and minutes to two decimal places.

(4) Except where otherwise notified in writing by the relevant organisation, the primary point of contact with the organisations listed below and the address for returns and correspondence shall be—

(a) Marine Management Organisation

Offshore Licensing Team

Lancaster House

Hampshire Court

Newcastle Business Park

Newcastle upon Tyne

NE4 7YH

Tel: 0300 123 1032

(b) Marine Management Organisation (Coastal Office)

Fish Market

Rock-A-Nore Road

Hastings

East Sussex

TN34 3DW

Tel: 01424 424109

Fax: 01424 444642

Email: hastings@marinemanagement.org.uk

(c) MMO Marine Pollution Emergency Response Team

Tel: 0300 200 2024

Fax: 0191 376 2682

Email: dispersants@marinemanagement.org.uk

(d) Trinity House

Tower Hill

London

EC3N 4DH

Tel: 020 7481 6900

(e) The United Kingdom Hydrographic Office

Admiralty Way

Taunton

Somerset

TA1 2DN

Tel: 01823 337 900

(f) Marine and Coastguard Agency

Navigation Safety Branch
 Bay 2/04
 Spring Place
 105 Commercial Road
 Southampton
 SO15 1EG
 Tel: 023 8032 9191

(g) Centre for Environment, Fisheries and Aquaculture Science
 Pakefield Road
 Lowestoft
 Suffolk
 NR33 0HT
 Tel: 01502 562 244

(h) Natural England
 Area 1C, Nobel House
 17 Smith Square
 London
 SW1P 2AL
 Tel: 0300 060 4911

(i) Historic Buildings and Monuments Commission for England
 Eastgate Court
 195-205 High Street
 Guildford
 GU1 3EH
 Tel: 01483 252 057.

Details of licensed marine activities

2. This licence authorises the undertaker (and any agent or contractor acting on their behalf) to carry out the following licensable marine activities under section 66(1) of the 2009 Act, subject to the conditions—

- (a) the deposit at sea of the substances and articles specified in paragraph 4 below;
- (b) the construction of works in or over the sea and/or on or under the sea bed;
- (c) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation; and
- (d) the disposal of 350,500 m³ of inert material of natural origin produced during the drilling installation of or seabed preparation for foundations within site disposal reference WI093, whose grid coordinates are specified below—

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	50° 24'52.877"N	1° 40'16.604"W	51	50° 32'6.533"N	1° 46'8.133"W
2	50° 23'46.628"N	1° 48'59.195"W	52	50° 32'5.547"N	1° 44'36.746"W
3	50° 25'2.478"N	1° 50'38.455"W	53	50° 30'56.581"N	1° 40'39.431"W
4	50° 28'1.441"N	1° 51'16.576"W			

3. The works referred to in paragraph (2)(b) comprise—

- (1) Work No. 1

- (a) an offshore wind turbine generating station with a gross electrical output capacity of up to 630 MW comprising up to 105 wind turbine generators each fixed to the seabed by one of three foundation types (namely, gravity base foundation, suction caisson steel monopile foundation, space frame foundation), fitted with rotating blades and situated within the area hatched yellow on the works plan and further comprising (b) to (c) below;
- (b) up to one meteorological mast fixed to the seabed by one of three foundation types (namely, gravity base foundation, steel monopile foundation, space frame foundation) situated within the area hatched yellow on the works plan;
- (c) a network of cables laid underground within the area hatched yellow on the works plan between the WTGs and the meteorological mast and Work No. 2, for the transmission of electricity and electronic communications between these different structures and including one or more cable crossings.

(2) In connection with such Work No. 1 and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project and which fall within the scope of the work assessed by the environmental statement and the provisions of this licence.

(3) In connection with such Work No. 1, ancillary works comprising—

- (a) temporary landing places or other means of accommodating vessels in the construction and/or maintenance of the authorised scheme; and
- (b) buoys, beacons, fenders and other navigational warning or ship impact protection works.

4. The substances or articles authorised for deposit at sea are—

- (a) iron and steel, copper and aluminium;
- (b) stone and rock;
- (c) concrete;
- (d) sand and gravel;
- (e) plastic and synthetic;
- (f) material extracted from within the Order limits seaward of MHWS during construction drilling or seabed preparation for foundation works; and
- (g) marine coatings, other chemicals and timber.

5. The grid coordinates for the authorised scheme are specified below—

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	50° 24'52.877"N	1° 40'16.604"W	51	50° 32'6.533"N	1° 46'8.133"W
2	50° 23'46.628"N	1° 48'59.195"W	52	50° 32'5.547"N	1° 44'36.746"W
3	50° 25'2.478"N	1° 50'38.455"W	53	50° 30'56.581"N	1° 40'39.431"W
4	50° 28'1.441"N	1° 51'16.576"W			

6. This licence shall remain in force until the authorised scheme has been decommissioned in accordance with a programme approved by the Secretary of State under section 106 of the 2004 Act, including any modification to the programme under section 108, and the completion of such programme has been confirmed by the Secretary of State in writing.

7. The provisions of Section 72 of the 2009 Act shall apply to this licence save that the provisions of Section 72(7) relating to the transfer of the licence shall only apply to a transfer not falling within **article 7** (benefit of the Order).

8. With respect to any condition which requires the licensed activities be carried out in accordance with the plans, protocols or statements approved under this Schedule, the approved details, plan or scheme are taken to include any amendments that may subsequently be approved in writing by the MMO.

9. Any amendments to or variations from the approved plans, protocols or statements must be minor or immaterial where it has been demonstrated that the subject-matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

PART 2

Conditions

Design parameters

1.—(1) Subject to paragraph (2), no wind turbine generator forming part of the authorised scheme may—

- (a) exceed a height of 200 metres when measured from LAT to the tip of the vertical blade;
- (b) exceed a height of 112 metres when measured from LAT to the height of the centreline of the generator shaft forming part of the hub;
- (c) exceed a rotor diameter of 176 metres;
- (d) be less than 756 metres from the nearest WTG in either direction perpendicular to the approximate prevailing wind direction (crosswind) or be less than 1,008 metres from the nearest WTG in either direction which is in line with the approximate prevailing wind direction (downwind);
- (e) have a distance of less than 22 metres between the lowest point of the rotating blade of the wind turbine and MHWS.

(2) References to the location of a wind turbine generator are references to the centre point of the tower of that WTG.

(3) In all layouts, WTGs along the northwest edge of the Order limits must be positioned in a straight line (excluding the micro-siting of WTGs).

(4) No wind turbine generator or meteorological mast forming part of the authorised scheme shall be erected within the area hatched blue on the works plan (the “structures exclusion zone”), whose coordinates are specified below—

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
3	50° 25' 2.478" N	1° 50' 38.455" W	53	50° 30' 56.581" N	1° 40' 39.431" W
4	50° 28' 1.441" N	1° 51' 16.576" W	61	50° 29' 4.248" N	1° 45' 5.005" W
51	50° 32' 6.533" N	1° 46' 8.133" W	62	50° 29' 4.817" N	1° 42' 51.356" W
52	50° 32' 5.547" N	1° 44' 36.746" W	63	50° 27' 57.777" N	1° 40' 28.199" W

2.—(1) No lattice tower forming part of a meteorological mast may exceed a height of 120 metres above LAT.

(2) Each meteorological mast must have no more than one supporting foundation.

3.—(1) The total length of the cables comprising Work No. 1(c) must not exceed 211 kilometres.

(2) The total amount of cable protection for the cables comprising Work No. 1(c) must not exceed 155,700m³.

4.—(1) Each steel monopile foundation forming part of the authorised scheme may be attached to the seabed using piles (for the meteorological mast only) or suction caisson and—

- (a) the piled steel monopile foundation for the meteorological mast which must not have a diameter of more than 4 metres;
 - (b) each suction caisson steel monopile foundation must not have—
 - (i) a diameter at the level of the seabed which is more than 20 metres;
 - (ii) a base height, where there is a flat base, which is more than 20 metres;
 - (iii) more than one suction caisson per foundation.
- (2) Each gravity base foundation forming part of the authorised scheme must not have—
- (a) a diameter at the level of the seabed which is greater than 45 metres;
 - (b) a column diameter which is greater than 8 metres;
 - (c) a cone/column intersect which is higher than 32 metres above the top of the seabed;
 - (d) a cone diameter at its base which is greater than 45 metres.
- (3) Each space frame foundation forming part of the authorised scheme must not have—
- (a) a width spacing between each leg at the level of the seabed which is greater than 35 metres;
 - (b) more than 4 legs.
- (4) Each space frame foundation forming part of the authorised scheme may be attached to the seabed using piles or suction caisson and—
- (a) each piled space frame foundation must not have—
 - (i) a pile diameter which is more than 3.5 metres;
 - (ii) more than one pile per leg.
 - (b) each suction caisson steel space frame foundation must not have—
 - (i) a diameter at the level of the seabed which is more than 15 metres;
 - (ii) a base height, where there is a flat base, which is more than 20 metres;
 - (iii) more than one suction caisson per leg.
- (5) The total amount of scour protection for the WTGs and meteorological mast must not exceed 218,016 m³.

Notifications and inspections

- 5.—(1) The undertaker must ensure that—
- (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 13**; and
 - (ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with **condition 13**;
 - (b) within 28 days of receipt of a copy of this licence those persons referred to in paragraph (a) above must provide a completed confirmation form to the MMO confirming that they have read and will comply with the terms of the conditions of this licence.
- (2) Only those persons and vessels notified to the MMO in accordance with **condition 13** 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 undertaker’s registered address;
 - (b) any site office located at or adjacent to the construction site and used by the undertaker or its agents and contractors responsible for the loading, transportation or deposit of the authorised deposits; and
 - (c) on board each vessel or at the office of any transport manager with responsibility for vessels from which authorised deposits or removals are to be made.

(4) The documents referred to in paragraph (1)(a) must be available for inspection by an authorised enforcement officer at the locations set out in paragraph (3)(b) above.

(5) The undertaker 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 undertaker must inform the MMO Coastal Office in writing at least five working days prior to the commencement of the licensed activities or any part of them.

(7) The undertaker must inform the Kingfisher Information Service of Seafish by email to kingfisher@seafish.co.uk of details regarding the vessel routes, timings and locations relating to the construction of the authorised scheme or relevant part—

- (a) at least two weeks prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data; and
- (b) on completion of construction of all offshore activities.

Confirmation of notification must be provided to the MMO.

(8) The undertaker must ensure that 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. 1 (wind turbine generators or other offshore construction activities including array cables) and the expected vessel routes from the local construction ports to the relevant location.

(9) The undertaker must ensure that the notices to mariners are updated and reissued at weekly intervals during construction activities and within five days of any planned operations and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme approved under **condition 11(b)**. Copies of all notices must be provided to the MMO.

(10) The undertaker must notify the Hydrographic Office of both the commencement (within two weeks), progress and completion of construction (within two weeks) of the authorised scheme in order that all necessary amendments to nautical charts are made and the undertaker must send a copy of such notifications to the MMO.

(11) In case of damage to, or destruction or decay of, the authorised scheme seaward of MHWS or any part thereof the undertaker shall as soon as possible and no later than 24 hours following the identification of damage, destruction or decay, notify MMO, MCA Trinity House and the Hydrographic Office.

Aids to navigation

6.—(1) The undertaker shall during the whole period of the construction, operation, alteration, replacement or decommissioning of the authorised scheme seaward of MHWS exhibit such lights, marks, sounds, signals and other aids to navigation, and to take such other steps for the prevention of danger to navigation as directed by Trinity House.

(2) The undertaker must keep Trinity House and the MMO informed of progress of the authorised scheme seaward of MWHS including the following—

- (a) notice of commencement of construction of the authorised scheme within 24 hours of commencement having occurred;
- (b) notice within 24 hours of any aids to navigation being established by the undertaker; and
- (c) notice within 5 working days of completion of construction of the authorised scheme.

(3) The undertaker must submit reports quarterly to Trinity House detailing the working condition of aids to navigation. Reports may be submitted more frequently as specified by Trinity House.

(4) The undertaker must notify Trinity House and the MMO of any failure of the aids to navigation including timescales and plans for remedying such failures, as soon as possible and no later than 24 hours following the detection of any such failure.

(5) In the event that the provisions of **condition 5(11)** are invoked, the undertaker must lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as directed by Trinity House.

7.—(1) The undertaker must colour all structures yellow (colour code RAL 1023) 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.

(2) Subject to paragraph (1) above, unless the MMO otherwise directs, the undertaker must ensure that the wind turbine generators shall be painted light grey (colour code RAL 7035).

Aviation safety

8. The undertaker must notify the Defence Infrastructure Organisation and Bournemouth Airport in writing of the following information, at least 14 days prior to the commencement of the authorised scheme—

- (a) the date of the commencement of construction of the authorised scheme;
- (b) details of construction methods for the authorised scheme;
- (c) the date any wind turbine generators are to be brought into use;
- (d) the maximum height of any construction equipment to be used;
- (e) the maximum heights of any wind turbine generator, mast and platform to be constructed;
- (f) the latitude and longitude of each wind turbine generator, mast and platform to be constructed,

and the Defence Infrastructure Organisation Safeguarding and Bournemouth Airport must be notified of any changes to the information supplied under this paragraph and of the completion of the construction of the authorised scheme. Copies of notifications must be provided to the MMO.

Chemicals, drilling and debris

9.—(1) Unless otherwise agreed in writing by the MMO all chemicals used in the construction of the authorised scheme, including any chemical agents placed within any monopile void, 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) The undertaker must ensure that any coatings/treatments are suitable for use in the marine environment and are used in accordance with guidelines approved by Health and Safety Executive and the Environment Agency Pollution Prevention Control Guidelines.

(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) The undertaker must inform the MMO of the location and quantities of material disposed of each month under the Order, 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.

(5) The undertaker must ensure that only inert material of natural origin, produced during the drilling installation of or seabed preparation for foundations, and drilling mud is disposed of within site disposal reference WI093. Any other materials must be screened out before disposal at this site.

(6) The undertaker 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.

(7) In the event that any rock material used in the construction of the authorised scheme is misplaced or lost below MHWS, the undertaker 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 undertaker must endeavour to locate the material and recover it.

(8) The undertaker 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.

(9) The undertaker must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO, Marine Pollution Response Team in accordance with the marine pollution contingency plan agreed under **condition 11(d)(i)**.

(10) All dropped objects must be reported to the MMO using the Dropped Object Procedure Form as soon as reasonably practicable and in any event within 24 hours of the undertaker becoming aware of an incident. On receipt of the Dropped Object Procedure Form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the seabed at the undertaker's expense if reasonable to do so.

Force majeure

10.—(1) 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 within or 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.

(2) The unauthorised deposits must be removed at the expense of the undertaker unless written approval is obtained from the MMO.

Pre-construction plans and documentation

11. No part of the works at paragraph 2(2) of Part 1 (licensed marine activities) of this Schedule may 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 layout and location and choice of foundation of all WTGs and the meteorological mast;
 - (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 WTGs;
 - (iii) the height of all lattice towers forming part of the meteorological mast;
 - (iv) the length and arrangement and location of all cables comprising Work No 1(c);
 - (v) the dimensions of all steel monopile foundations;
 - (vi) the dimensions of all gravity base foundations;
 - (vii) the dimensions of all space frame foundations;
 - (viii) any archaeological exclusion zones identified under **condition 11(h)(iv)**;
 - (ix) any exclusion zones or micrositing requirements identified in any mitigation scheme pursuant to **condition 11(i)**; and
 - (x) in plan form, the indicative programming of particular works as set out in the indicative written construction programme to be provided under **condition 11(b)(iv)**, to ensure conformity with the description of Works Nos. 1 to 3 and compliance with **conditions 1-4** above.
- (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), 15, 16 and 17**; and
 - (iv) an indicative written construction programme for all wind turbine generators, meteorological mast and cables comprised in the works at paragraph 2(2) of Part 1 (licensed marine activities) of this Schedule (insofar as not shown in (ii) above);
- with details pursuant to paragraph (iii) to be submitted to the MMO in accordance with the following—
- (aa) at least four months prior to the first survey, detail of the pre-construction surveys and an outline of all proposed monitoring;
 - (bb) at least four months prior to construction, detail on construction monitoring;
 - (cc) at least four months prior to commissioning, detail of post-construction (and operational) monitoring;
- unless otherwise agreed in writing with the MMO;
- (c) A construction method statement to be agreed in writing with the MMO in consultation with Natural England in accordance with the construction methods assessed in the environmental statement and including details of—
 - (i) foundation installation methodology, including drilling methods and disposal of drill arisings and material extracted during seabed preparation for foundation works and having regard to any mitigation scheme pursuant to **condition 11(i)**;
 - (ii) cable installation;
 - (iii) contractors;
 - (iv) vessels and vessels transit corridors;
 - (v) a protocol for routeing vessels to and from the wind farm during construction and operation to minimise impacts on marine users;
 - (vi) associated and ancillary works; and
 - (vii) 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 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 plan and disposal arrangements;
 - (iv) the appointment and responsibilities of an environmental liaison officer;
 - (v) the appointment and responsibilities of a fisheries liaison officer; and
 - (vi) a communications protocol, to include a fisheries engagement plan 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 to be agreed in writing with the MMO in consultation with Natural England providing details of the need, type, sources, quantity and installation methods for scour protection, to be submitted to the MMO at least four months prior to the relevant activity.
 - (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 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, to include—
- (i) technical specification of offshore cables, including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with industry good practice; and
 - (ii) a detailed cable laying plan for the Order limits, incorporating a burial risk assessment to ascertain suitable burial depths and cable laying techniques.
- (h) A written scheme of archaeological investigation (WSI) in relation to the Order limits seaward of mean low water in accordance with industry good practice and after consultation with the Historic Buildings and Monuments Commission for England to include—
- (i) details of responsibilities of the undertaker, 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) 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 pre-construction, during construction 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 WSI 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; and
 - (vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme or submission of a null report.
- (i) A mitigation scheme for any features of ecological, biological and economic importance identified by the survey referred to in **condition 15(2)(a)**.
- (j) A diver mitigation plan, in accordance with the outline diver management plan, to include details of—
- (i) an appropriate soft start procedure;
 - (ii) appointment of a diver liaison officer;
 - (iii) a diver communication plan, to include notification of the timing and duration of piling activities; and
 - (iv) patrolled minimum 2km safety zones around each piling location;
- and the undertaker must provide details to the MMO of the bodies to be consulted on the contents of the plan.

- (k) An aids to navigation management plan to be agreed in writing by the MMO following consultation with Trinity House and the MCA, to include details of how the undertaker will comply with the provisions of condition 7 for the lifetime of the authorised scheme.
- (l) A coastal monitoring plan to be provided in the event that gravity base foundations are selected for the authorised scheme, to monitor potential wave reduction impacts on the south west coast of the Isle of Wight.
- (m) An Emergency Response and Co-operation Plan (ERCoP) to be agreed in writing by the MMO following consultation with the MCA which includes full details of the ERCoP for the construction, operation and decommissioning phases of that part of the authorised scheme in accordance with the MCA recommendations contained within MGN371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues”.
- (n) A noise propagation report, to accord with the parameters for the noise propagation report, both reports to be agreed in writing with the MMO in consultation with New Forest District Council, Bournemouth Borough Council, Isle of Wight Council, Purbeck District Council, Borough of Poole, New Forest National Park Authority, Christchurch Borough Council and East Dorset District Council, setting out how the design details of the wind turbine generators to be employed for the authorised scheme will comply with the guidance in ETSU-R-97 and the IOA Good Practice Guide and its Supplementary Guidance Notes including SGN6.
- (o) A noise communication and monitoring protocol in relation to potential noise impacts on onshore receptors during construction and operation of the authorised scheme, to be in accordance with the outline noise communication and monitoring protocol, both protocols to be agreed in writing with the MMO in consultation with New Forest District Council, Bournemouth Borough Council, Isle of Wight Council, Purbeck District Council, Poole Borough Council, New Forest National Park Authority, Christchurch Borough Council and East Dorset District Council, in accordance with the outline noise communication and monitoring protocol, to be agreed in writing with the MMO in consultation with New Forest District Council, Bournemouth Borough Council, Isle of Wight Council, Purbeck District Council, Borough of Poole, New Forest National Park Authority, Christchurch Borough Council and East Dorset District Council and to include details of—
 - (i) the procedure for achieving noise limits at residential properties during the operation of the wind turbine generators of 35dB LA90,10mins or the background noise level +5dB LA90,10mins, whichever is the greater, according to BS4142:2014 and including penalties for tonal content
 - (ii) procedures for the investigation of noise complaints; and
 - (iii) the provision of an independent noise consultant, the choice of consultant to be agreed in writing with the MMO in consultation with New Forest District Council Bournemouth Borough Council, Isle of Wight Council, Purbeck District Council, Borough of Poole, New Forest National Park Authority, Christchurch Borough Council and East Dorset District Council, for the construction period and up to one year from commencement of commercial operation of the authorised scheme, or of each part of the authorised scheme should it be built in more than one part, unless otherwise agreed with the MMO in consultation with the relevant local authorities.

12.—(1) Any archaeological reports produced in accordance with **condition 11(h)(iii)** must be agreed with the Historic Buildings and Monuments Commission for England..

(2) 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.

(3) 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.

(4) No part of the authorised scheme may commence until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that part of the authorised scheme, adequately addressed all MCA recommendations as appropriate contained within MGN371 and its annexes.

(5) The design plan required to be approved under **condition 11(a)** must be prepared having regard to the turbine area design principles.

Reporting of engaged agents, contractors and vessels

13.—(1) The undertaker must provide the following information to the MMO—

- (a) the name and function of any agent or contractor appointed to engage in the licensed activities within seven days of appointment; 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

14.—(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 paragraphs (2) to (6) below.

(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 may 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 communication on VHF working frequencies must be in English.

(6) No vessel may engage in the licensed activities until all the equipment specified in paragraph (2) is fully operational.

Pre-construction monitoring and surveys

15.—(1) The undertaker must, in discharging **condition 11(b)**, submit details (in accordance with the principles set out in the in-principle monitoring plan) for written approval by the MMO in consultation with Natural England 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 **condition 15(1)** must have due regard to, but not be limited to, the need to undertake—

- (a) a survey(s) to determine the location, extent and composition of any benthic features of conservation, ecological and or economic importance in whole or in part inside the area(s) within the Order limits in which it is proposed to carry out construction works;
 - (b) a high resolution swath-bathymetric survey(s) to include a 100% coverage and side scan sonar survey of the area(s) within the Order limits in which it is proposed to carry out construction works, including a 500m buffer around the site of each works and inclusive of seabed anomalies or sites of historical or archaeological interest that lie within that 500m buffer.
- (3) The undertaker must carry out the surveys agreed under paragraph (1) and provide the baseline report to the MMO in the agreed format in accordance with the agreed timetable.

Construction monitoring

16.—(1) The undertaker must, in discharging **condition 11(b)**, submit details (in accordance with the principles set out in the in-principle monitoring plan) for approval by the MMO in consultation with Natural England of any proposed surveys or monitoring, including location, methodologies and timings, to be carried out during the construction of the authorised scheme. The survey proposals must specify each survey’s objectives. In any event, such monitoring must, where driven or part-driven pile foundations are proposed to be used, include monitored background noise measurements (during periods when piling is not being undertaken) and measurements of noise generated by the installation of the first four foundations of each discrete driven or part-driven foundation type to be installed.

(2) The undertaker must carry out the surveys approved under paragraph (1) and provide the agreed reports in the agreed format in accordance with the agreed timetable.

(3) The results of the initial noise measurements must be provided to the MMO within four weeks of the installation of the last of the four foundations of each discrete driven or part-driven foundation type. The assessment of this report by the MMO shall determine whether any further noise monitoring is required.

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

Post construction surveys

17.—(1) The undertaker must, in discharging **condition 11(b)**, submit details (in accordance with the principles set out in the in-principle monitoring plan) for written approval by the MMO in consultation with Natural England (save with regard to the monitoring in paragraph (2)(c)) of proposed post-construction surveys, including methodologies and timings, and a proposed format, content and timings for providing reports on the results at least four months prior to the commencement of any survey works detailed within. 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 paragraph (1) must have due regard to but not be limited to the need to undertake—

- (a) one high resolution swath bathymetric survey across a representative sample area to be agreed with the MMO to assess any changes in bedform topography and such further monitoring as may be agreed to ensure that cables have been buried or protected;
- (b) a survey(s) to determine the location, extent and composition of any benthic features of conservation, ecological and or economic importance of the area(s) within the Order limits in which construction works were carried out to validate predictions made in the environmental statement; and
- (c) monitoring of movements of Northern gannet from the Alderney West Coast and Burhou Islands Ramsar site colony using appropriate tracking technology, in conjunction with the

established monitoring programmes carried out by the States of Alderney (via the Alderney Wildlife Trust) or, in the event that such programmes are discontinued, in accordance with a monitoring strategy to be approved by the MMO in consultation with the States of Alderney. The results will be analysed in comparison to tracking data collected from the colony since 2011, with the aim of establishing the usage patterns of gannet of the turbine area in order to validate predictions made in the environmental statement.

(3) The undertaker must carry out the surveys agreed under paragraph (1) for 3 years post-construction, which could be non-consecutive years, and provide the agreed reports in the agreed format in accordance with the agreed timetable.

(4) The undertaker must carry out post-construction traffic monitoring in accordance with the outline marine traffic and navigational monitoring strategy, including the provision of reports on the results of that monitoring periodically as requested by the MCA.

Salmon smolt migration

18.—(1) No pile driving works for monopile or pin pile foundations may be carried out by or on behalf of the undertaker as part of or in relation to the authorised scheme between 7 April and 15 May (inclusive) each year, unless the MMO provides written confirmation to the undertaker beforehand that such works can take place in all or in a specified part of the Order limits, or during this period or part of this period.

(2) In considering whether to provide the confirmation referred to in paragraph (1) above, the MMO must have regard to any report or reports provided to the MMO by or on behalf of the undertaker relating to such matters as additional baseline information, piling management measures, installation techniques or noise propagation modelling.

Adult salmon migration

19.—(1) The maximum number of piling hours that pile driving works for pin pile foundations may be carried out during the period 16 May to 15 August (inclusive) each year is 392 hours per piling period unless the MMO, in consultation with Natural England and the Environment Agency, provides written confirmation to the undertaker beforehand that such works can exceed that maximum number in all or in a specified part of the Order limits, or during all or a specified part of that period.

(2) Only one piling rig may carry out pile driving works at any one time.

(3) Commencing on or before 9 May and during the period 16 May to 15 August (inclusive) each year the undertaker must supply the MMO, Natural England and the Environment Agency with weekly piling logs, confirming the number of piling hours and location each week and the estimated number of piling hours and location for the following week.

(4) In considering whether to provide the confirmation referred to in paragraph (1) above, the MMO must have regard to any report or reports provided to the MMO by or on behalf of the undertaker relating to such matters as additional baseline information, piling management measures, installation techniques or noise propagation modelling.

(5) For the purposes of this condition —

- (a) “piling hours” means the amount of time that pile driving works for pin pile foundations takes place, plus the appropriate number of non-piling hours should those non-piling hours not be equal to or exceed the relevant transit time.
- (b) “transit time” means the appropriate number of hours for pin pile driving works that is the minimum for salmon to cross the area which is 10 hours.
- (c) “piling period” means one of the following-
 - (i) 16 May to 15 June (inclusive);
 - (ii) 16 June to 15 July (inclusive); or
 - (iii) 16 July to 15 August (inclusive).

Ministry of Defence restriction period

20.—(1) No pile driving works for monopile or pin pile foundations, or other similar construction methods that involve offshore pile driving, shall be carried out by or on behalf of the undertaker as part of or in relation to the authorised scheme during any Ministry of Defence restriction period.

(2) In this condition “Ministry of Defence restriction period” means—

(a) any period or periods of up to 8 hours between 22.00 and 06.00; or

(b) any other period where the Ministry of Defence requires emergency use of the facility,

which shall have been notified by the Ministry of Defence in writing to the undertaker and to the MMO during which the Ministry of Defence intends to operate electronic warfare calibration facilities at Portland Bill in such a manner as the Ministry of Defence considers may be affected by any such pile driving works or similar construction methods.

(3) The Ministry of Defence must provide such notification under paragraph (2)(a) no less than 14 days in advance of such restriction period coming into force, and shall provide such notification under paragraph (2)(b) as far in advance of such restriction period coming into force as is reasonably practicable having regard to the nature of such proposed emergency use.

As built plans

21. The undertaker must, within six months of completion of construction of the authorised scheme, submit to the MMO a plan identifying the location of all infrastructure below MHWS in order to verify conformity with the plans agreed under **condition 11(a)**.

Decommissioning

22. This licence does not permit the decommissioning of the authorised scheme. No authorised decommissioning activity may commence until a decommissioning programme in accordance with a programme under section 105(2) of the 2004 Act has been submitted to and approved in writing by the Secretary of State. Furthermore, at least four months prior to carrying out such works the undertaker must notify the MMO of the proposed decommissioning activity to establish whether a marine licence is required for such works.

DEEMED LICENCE UNDER MARINE AND COASTAL ACCESS
ACT 2009 – TRANSMISSION ASSETS

PART 1

Licensed Marine Activities

1.—(1) In this licence—

“the 2008 Act” means the Planning Act 2008;

“the 2009 Act” means the Marine and Coastal Access Act 2009;

“authorised deposits” means the substances and articles specified in paragraph 2(3) of this licence;

“authorised scheme” means Work Nos. 2 and 3A described in paragraph 2 of this licence or any part of those works;

“Cefas” means the Centre for Environment, Fisheries and Aquaculture Science;

“commence” means the first carrying out of any part of the licensed activities, save for pre-construction surveys and monitoring, and the words “commenced” and “commencement” shall be construed accordingly;

“condition” means a condition in Part 2 of this licence;

“enforcement officer” means a person authorised to carry out enforcement duties under Chapter 3 of the 2009 Act;

“environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of this Order and submitted with the application on 10 April 2014;

“gravity base foundation” means a structure principally of concrete or steel and concrete which rests on the seabed due to its own weight with or without added ballast or skirts, including associated sea bed preparation, scour protection, J-tubes, corrosion protection systems, boat landings comprising an access ladder with vertical boat fenders fitted either side and work platforms and equipment;

“in-principle monitoring plan” means the document certified as the in-principle monitoring plan by the Secretary of State for the purposes of this Order;

“Kingfisher Fortnightly Bulletin” means the bulletin published by the Humber Seafood Institute or such other alternative publication approved in writing by the MMO;

“LAT” means lowest astronomical tide;

“licensed activities” means the activities specified in Part 1 of this licence;

“maintain” includes inspect, repair, adjust and alter, remove, reconstruct and replace and further includes remove, reconstruct and replace any of the ancillary works and any component part of any wind turbine generator, offshore substation platform or meteorological mast described in Part 1 of Schedule 1 (authorised development), to the extent assessed in the environmental statement; and “maintenance” shall be construed accordingly;

“Marine Management Organisation” or “MMO” means the body created under the Marine and Coastal Access Act 2009 which is responsible for the monitoring and enforcement of this licence;

“MCA” means the Maritime and Coastguard Agency;

“mean high water springs” or “MHWS” means the highest level which spring tides reach on average over a period of time;

“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;

“offshore substation platform” means an offshore platform constructed of steel or concrete or steel and concrete with single or multiple decks housing major electrical equipment including high voltage transformers, switchgear, control rooms, cabling and busbars, lightning protection masts, communications masts, cable management, back-up generators, fuel storage, emergency accommodation, workshops and stores, helidecks or helihoist facilities, cranes and other associated electrical and ancillary equipment;

“Order limits” means the limits shown on the works plan within which the authorised scheme may be carried out, whose grid coordinates are set out in paragraph 3 of this licence;

“Order” means the Navitus Bay Wind Farm Order 201X;

“outline diver management plan” means the document certified as the outline diver management plan by the Secretary of State for the purposes of this Order;

“outline marine traffic and navigational monitoring strategy “ means the document certified as the outline marine traffic and navigational monitoring strategy by the Secretary of State for the purposes of this Order;

“space frame foundation” means a jacket lattice type structure constructed of concrete, steel or steel and concrete which is fixed to the seabed at three or more points with driven or pre-installed piles or suction caissons, including associated scour protection, J-tubes, corrosion protection systems, boat landings comprising an access ladder with vertical boat fenders fitted either side, access and work platforms and equipment;

“suction caisson” means a steel cylindrical structure which is fixed to the base of the foundation and partially or completely penetrates the seabed and remains in place using its own weight and hydrostatic pressure differential;

“Trinity House” means The Corporation of Trinity House of Deptford Strond;

“undertaker” means Navitus Bay Development Limited;

“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in, on or over water and which is at the time in, on or over water;

“Work No. 1” means the an offshore wind generating station, meteorological mast and inter-array cables;

“works plan” means the plan certified as the works plan by the Secretary of State for the purposes of the Order;

(2) A reference to any statute, order, regulation or similar instrument shall be construed as a reference to a statute, order, regulation or instrument as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.

(3) Unless otherwise indicated—

- (a) all times shall be taken to be Greenwich Mean Time (GMT);
- (b) all co-ordinates shall be taken to be latitude and longitude degrees and minutes to two decimal places.

(4) Except where otherwise notified in writing by the relevant organisation, the primary point of contact with the organisations listed below and the address for returns and correspondence shall be—

- (a) Marine Management Organisation
Offshore Licensing Team

- Lancaster House
Hampshire Court
Newcastle Business Park
Newcastle upon Tyne
NE4 7YH
Tel: 0300 123 1032
- (b) Marine Management Organisation (Coastal Office)
Fish Market
Rock-A-Nore Road
Hastings
East Sussex
TN34 3DW
Tel: 01424 424109
Fax: 01424 444642
Email: hastings@marinemanagement.org.uk
- (c) MMO Marine Pollution Emergency Response Team
Tel: 0300 200 2024
Fax: 0191 376 2682
Email: dispersants@marinemanagement.org.uk
- (d) Trinity House
Tower Hill
London
EC3N 4DH
Tel: 020 7481 6900
- (e) The United Kingdom Hydrographic Office
Admiralty Way
Taunton
Somerset
TA1 2DN
Tel: 01823 337 900
- (f) Marine and Coastguard Agency
Navigation Safety Branch
Bay 2/04
Spring Place
105 Commercial Road
Southampton
SO15 1EG
Tel: 023 8032 9191
- (g) Centre for Environment, Fisheries and Aquaculture Science
Pakefield Road
Lowestoft
Suffolk
NR33 0HT

Tel: 01502 562 244

(h) Natural England
Area 1C, Nobel House
17 Smith Square
London
SW1P 2AL
Tel: 0300 060 4911

(i) English Heritage
Eastgate Court
195-205 High Street
Guildford
GU1 3EH
Tel: 01483 252 057.

Details of licensed marine activities

2. This licence authorises the undertaker (and any agent or contractor acting on their behalf) to carry out the following licensable marine activities under section 66(1) of the 2009 Act, subject to the conditions—

- (a) the deposit at sea of the substances and articles specified in paragraph 4 below;
- (b) the construction of works in or over the sea and/or on or under the sea bed;
- (c) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation; and
- (d) the disposal of 11,000 m³ of inert material of natural origin produced during the drilling installation of or seabed preparation for foundations within site disposal reference WI093, whose grid coordinates are specified below—

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	50° 24'52.877"N	1° 40'16.604"W	51	50° 32'6.533"N	1° 46'8.133"W
2	50° 23'46.628"N	1° 48'59.195"W	52	50° 32'5.547"N	1° 44'36.746"W
3	50° 25'2.478"N	1° 50'38.455"W	53	50° 30'56.581"N	1° 40'39.431"W
4	50° 28'1.441"N	1° 51'16.576"W			

3. The works referred to in paragraph (2)(b) comprise—

(1) *Work No. 2* – Up to two offshore substation platforms fixed to the seabed by space frame foundation or gravity base foundation within the array area.

(2) *Work No. 3A* – A connection or connections between the offshore substation platforms comprising *Work No. 2* and between *Work No. 2* and MHWS consisting of cables laid underground along routes within the Order limits seaward of MHWS and including one or more cable crossings.

(3) In connection with such *Work Nos. 2* to *3A* and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project and which fall within the scope of the work assessed by the environmental statement and the provisions of this licence.

(4) In connection with such *Work Nos. 2* to *3A*, ancillary works comprising—

- (a) temporary landing places or other means of accommodating vessels in the construction and/or maintenance of the authorised scheme; and
- (b) buoys, beacons, fenders and other navigational warning or ship impact protection works.

4. The substances or articles authorised for deposit at sea are—

- (a) iron and steel, copper and aluminium;
- (b) stone and rock;
- (c) concrete;
- (d) sand and gravel;
- (e) plastic and synthetic;
- (f) material extracted from within the Order limits seaward of MHWS during construction drilling or seabed preparation for foundation works; and
- (g) marine coatings, other chemicals and timber.

5. The grid coordinates for the authorised scheme are specified below—

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	50°24'52.877"N	1° 40'16.604"W	26	50° 33' 58.813"N	1° 38'21.348"W
2	50° 23'46.628"N	1° 48'59.195"W	27	50° 32' 40.262"N	1° 40' 7.953"W
3	50° 25'2.478"N	1°50'38.455"W	28	50° 27' 3.292"N	1° 39' 46.733"W
4	50° 28'1.441"N	1°51'16.576"W	29	50° 27' 2.323"N	1° 40' 24.719"W
5	50° 30'34.543"N	1° 48'4.040"W	30	50° 33' 22.790"N	1° 41' 31.984"W
6	50° 33'47.987"N	1° 46'12.201"W	31	50° 34' 27.591"N	1° 40' 23.301"W
7	50° 35'57.622"N	1° 47'49.095"W	32	50° 35' 52.985"N	1° 40' 7.725"W
8	50° 36'31.547"N	1° 47'38.892"W	33	50° 36' 0.177"N	1° 40' 2.951"W
9	50° 37'2.662"N	1° 47'35.035"W	34	50° 37' 49.346"N	1° 40' 3.807"W
10	50° 37'32.252"N	1° 46'6.983"W	35	50° 37' 15.732"N	1° 43' 20.134"W
11	50° 38'36.328"N	1° 45'54.798"W	36	50° 36'41.808"N	1° 45' 25.615"W
12	50° 39'36.996"N	1° 45'14.751"W	37	50° 36' 8.349"N	1° 45' 31.811"W
13	50° 39'48.210"N	1° 45'0.751"W	38	50° 35' 16.402"N	1° 45' 20.965"W
14	50° 40'0.427"N	1° 44'31.746"W	39	50° 33' 53.835"N	1° 43' 51.811"W
15	50° 41'20.634"N	1° 41'11.872"W	40	50° 33' 52.919"N	1° 42' 29.039"W
16	50° 41'55.888"N	1° 40'18.875"W	41	50° 37' 45.729"N	1° 45' 13.772"W
17	50° 43'48.014"N	1° 38'43.048"W	42	50° 38' 30.856"N	1° 41' 57.783"W
18	50° 43'49.635"N	1° 38'4.376"W	43	50° 38' 43.420"N	1° 41' 4.031"W
19	50° 43'46.441"N	1° 37'53.575"W	44	50° 38' 57.508"N	1° 40' 48.234"W
20	50° 43'35.785"N	1° 37'55.701"W	45	50° 39' 22.709"N	1° 40' 44.085"W
21	50° 42'11.844"N	1° 38'40.647"W	46	50° 40' 8.429"N	1° 40' 51.453"W
22	50° 41'26.076"N	1° 39'15.869"W	47	50° 40' 46.329"N	1° 41' 2.169"W
23	50° 39'44.848"N	1° 38'16.515"W	48	50° 39' 33.373"N	1° 44' 11.891"W
24	50° 38'18.944"N	1° 37'34.632"W	49	50° 39' 28.657"N	1° 44' 24.904"W
25	50° 37'18.854"N	1° 38'11.513"W	50	50° 38' 35.048"N	1° 45' 4.627"W

6. This licence shall remain in force until the authorised scheme has been decommissioned in accordance with a programme approved by the Secretary of State under section 106 of the 2004 Act, including any modification to the programme under section 108, and the completion of such programme has been confirmed by the Secretary of State in writing.

7. The provisions of Section 72 of the 2009 Act shall apply to this licence save that the provisions of Section 72(7) relating to the transfer of the licence shall only apply to a transfer not falling within **article 7** (benefit of the Order).

8. With respect to any condition which requires the licensed activities be carried out in accordance with the plans, protocols or statements approved under this Schedule, the approved details, plan or scheme are taken to include any amendments that may subsequently be approved in writing by the MMO.

9. Any amendments to or variations from the approved plans, protocols or statements must be minor or immaterial where it has been demonstrated that the subject-matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

PART 2

Conditions

Design parameters

1.—(1) No offshore substation platform forming part of the authorised scheme may be erected within the areas hatched purple on the works plan, whose coordinates are specified below—

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	50° 24' 52.877" N	1° 40' 16.604" W	55	1° 48' 29.822" W	50° 24' 39.886" N
2	50° 23' 46.628" N	1° 48' 59.195" W	56	1° 48' 20.913" W	50° 23' 51.505" N
3	50° 25' 2.478" N	1° 50' 38.455" W	57	50° 29' 4.248" N	1° 45' 5.005" W
4	1° 41' 32.060" W	50° 24' 43.355" N	58	50° 29' 4.817" N	1° 42' 51.356" W
51	1° 41' 42.739" W	50° 27' 32.466" N	59	50° 27' 57.777" N	1° 40' 28.199" W
52	1° 43' 16.048" W	50° 28' 16.155" N	60	1° 48' 29.822" W	50° 24' 39.886" N
53	1° 44' 30.444" W	50° 28' 15.839" N	61	1° 48' 20.913" W	50° 23' 51.505" N
54	1° 48' 58.329" W	50° 25' 1.677" N			

(2) No offshore substation platform forming part of the authorised scheme shall be erected within the area hatched blue on the works plan (the “structures exclusion zone”), whose coordinates are specified below—

<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
3	50° 25' 2.478" N	1° 50' 38.455" W	53	50° 30' 56.581" N	1° 40' 39.431" W
4	50° 28' 1.441" N	1° 51' 16.576" W	61	50° 29' 4.248" N	1° 45' 5.005" W
51	50° 32' 6.533" N	1° 46' 8.133" W	62	50° 29' 4.817" N	1° 42' 51.356" W
52	50° 32' 5.547" N	1° 44' 36.746" W	63	50° 27' 57.777" N	1° 40' 28.199" W

2.—(1) The total number of offshore substation platforms forming part of the authorised scheme must not exceed two.

(2) The dimensions of any offshore substation platform forming part of the authorised scheme (excluding helipads, towers, masts and cranes) must not exceed 50 metres in height when measured from LAT, 45 metres in length and 45 metres in width.

(3) Each offshore substation platform may have no more than one supporting foundation.

3.—(1) The total length of the cables comprising Work No.3A must not exceed 199 kilometres (comprising a maximum of 164 km for the export cables and 35 km for the inter-substation cables).

(2) The total amount of cable protection for the inter-substation cables within Work No. 3A must not exceed 36,800m³.

4.—(1) Each gravity base foundation forming part of the authorised scheme must not have—

- (a) a diameter at the level of the seabed which is greater than 45 metres;
- (b) a column diameter which is greater than 8 metres;
- (c) a cone/column intersect which is higher than 32 metres above the top of the seabed;
- (d) a cone diameter at its base which is greater than 45 metres.

(2) Each space frame foundation forming part of the authorised scheme must not have—

- (a) a width spacing between each leg at the level of the seabed which is greater than 35 metres;
- (b) more than 4 legs.

(3) Each space frame foundation forming part of the authorised scheme may be attached to the seabed using piles or suction caisson and—

- (a) each piled space frame foundation must not have—
 - (i) a pile diameter which is more than 3.5 metres;
 - (ii) more than one pile per leg.
- (b) each suction caisson steel space frame foundation must not have—
 - (i) a diameter at the level of the seabed which is more than 15 metres;
 - (ii) a base height, where there is a flat base, which is more than 20 metres;
 - (iii) more than one suction caisson per leg.

(4) The total amount of scour protection for the offshore substation platforms must not exceed 9,872 m³.

Notifications and inspections

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

- (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 13**; and
 - (ii) the masters and transport managers responsible for the vessels notified to the MMO in accordance with **condition 13**;
- (b) within 28 days of receipt of a copy of this licence those persons referred to in paragraph (a) above must provide a completed confirmation form to the MMO confirming that they have read and will comply with the terms of the conditions of this licence.

(2) Only those persons and vessels notified to the MMO in accordance with **condition 13** 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 undertaker's registered address;
- (b) any site office located at or adjacent to the construction site and used by the undertaker or its agents and contractors responsible for the loading, transportation or deposit of the authorised deposits; and
- (c) on board each vessel or at the office of any transport manager with responsibility for vessels from which authorised deposits or removals are to be made.

(4) The documents referred to in paragraph (1)(a) must be available for inspection by an authorised enforcement officer at the locations set out in paragraph (3)(b) above.

(5) The undertaker 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 undertaker must inform the MMO Coastal Office in writing at least five working days prior to the commencement of the licensed activities or any part of them.

(7) The undertaker must inform the Kingfisher Information Service of Seafish by email to kingfisher@seafish.co.uk of details regarding the vessel routes, timings and locations relating to the construction of the authorised scheme or relevant part—

- (a) at least two weeks prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data; and
- (b) on completion of construction of all offshore activities.

Confirmation of notification must be provided to the MMO.

(8) The undertaker 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 advising of the start date of Work No. 3A and the route of the subsea export cables.

(9) The undertaker must ensure that the notices to mariners are updated and reissued at weekly intervals during construction activities and within five days of any planned operations and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme approved under **condition 11(b)**. Copies of all notices must be provided to the MMO.

(10) The undertaker must notify the Hydrographic Office of both the commencement (within two weeks), progress and completion of construction (within two weeks) of the authorised scheme in order that all necessary amendments to nautical charts are made and the undertaker must send a copy of such notifications to the MMO.

(11) In case of damage to, or destruction or decay of, the authorised scheme seaward of MHWS or any part thereof the undertaker shall as soon as possible and no later than 24 hours following the identification of damage, destruction or decay, notify MMO, MCA Trinity House and the Hydrographic Office.

Aids to navigation

6.—(1) The undertaker shall during the whole period of the construction, operation, alteration, replacement or decommissioning of the authorised scheme seaward of MHWS exhibit such lights, marks, sounds, signals and other aids to navigation, and to take such other steps for the prevention of danger to navigation as directed by Trinity House.

(2) The undertaker must keep Trinity House and the MMO informed of progress of the authorised scheme seaward of MWHS including the following—

- (a) notice of commencement of construction of the authorised scheme within 24 hours of commencement having occurred;
- (b) notice within 24 hours of any aids to navigation being established by the undertaker; and
- (c) notice within 5 working days of completion of construction of the authorised scheme.

(3) The undertaker must submit reports quarterly to Trinity House detailing the working condition of aids to navigation. Reports may be submitted more frequently as specified by Trinity House.

(4) The undertaker must notify Trinity House and the MMO of any failure of the aids to navigation including timescales and plans for remedying such failures, as soon as possible and no later than 24 hours following the detection of any such failure.

(5) In the event that the provisions of **condition 5(11)** are invoked, the undertaker must lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as directed by Trinity House.

7. The undertaker must colour all structures yellow (colour code RAL 1023) 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.

Aviation safety

8. The undertaker must notify the Defence Infrastructure Organisation and Bournemouth Airport in writing of the following information, at least 14 days prior to the commencement of the authorised scheme—

- (a) the date of the commencement of construction of the authorised scheme;
- (b) details of construction methods for the authorised scheme;
- (c) the date any wind turbine generators are to be brought into use;
- (d) the maximum height of any construction equipment to be used;
- (e) the maximum heights of any wind turbine generator, mast and platform to be constructed;
- (f) the latitude and longitude of each wind turbine generator, mast and platform to be constructed,

and the Defence Infrastructure Organisation Safeguarding and Bournemouth Airport must be notified of any changes to the information supplied under this paragraph and of the completion of the construction of the authorised scheme. Copies of notifications must be provided to the MMO.

Chemicals, drilling and debris

9.—(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) The undertaker must ensure that any coatings/treatments are suitable for use in the marine environment and are used in accordance with guidelines approved by Health and Safety Executive and the Environment Agency Pollution Prevention Control Guidelines.

(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) The undertaker must inform the MMO of the location and quantities of material disposed of each month under the Order, 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.

(5) The undertaker must ensure that only inert material of natural origin, produced during the drilling installation of or seabed preparation for foundations, and drilling mud is disposed of within site disposal reference WI093. Any other materials must be screened out before disposal at this site.

(6) The undertaker 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.

(7) In the event that any rock material used in the construction of the authorised scheme is misplaced or lost below MHWS, the undertaker 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 undertaker must endeavour to locate the material and recover it.

(8) The undertaker must undertake the survey agreed under **condition 11(g)(iii)** following the high resolution swath bathymetric survey referred to in **condition 17(2)(a)**. Should any such obstructions resulting from burial of the export cables be identified which, in the reasonable

opinion of the MMO, may be considered to interfere with fishing, the undertaker must take such steps to remove them as the MMO in its reasonable opinion shall require.

(9) The undertaker 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.

(10) The undertaker must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO, Marine Pollution Response Team in accordance with the marine pollution contingency plan agreed under **condition 11(d)(i)**.

(11) All dropped objects must be reported to the MMO using the Dropped Object Procedure Form as soon as reasonably practicable and in any event within 24 hours of the undertaker becoming aware of an incident. On receipt of the Dropped Object Procedure Form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the seabed at the undertaker's expense if reasonable to do so.

Force majeure

10.—(1) 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 within or 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.

(2) The unauthorised deposits must be removed at the expense of the undertaker unless written approval is obtained from the MMO.

Pre-construction plans and documentation

11. No part of the works at paragraph 2(2) of Part 1 (licensed marine activities) of this Schedule may commence until the following (as relevant to that part) have been submitted to and approved in writing by the MMO and copies provided to New Forest District Council, Bournemouth Borough Council, Isle of Wight Council, Purbeck District Council, Poole Borough Council, New Forest National Park Authority, Christchurch Borough Council and East Dorset District Council:

- (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 layout and location and choice of foundation of the offshore substation platforms;
 - (ii) the height, length and width of all offshore substation platforms;
 - (iii) the length and arrangement and location of all cables comprising and Work No. 3A;
 - (iv) the dimensions of all gravity base foundations;
 - (v) the dimensions of all space frame foundations;
 - (vi) any archaeological exclusion zones identified under **condition 11(h)(iv)**;
 - (vii) any exclusion zones or micrositing requirements identified in any mitigation scheme pursuant to **condition 11(i)**; and
 - (viii) in plan form, the indicative programming of particular works as set out in the indicative written construction programme to be provided under **condition 11(b)(iv)**, to ensure conformity with the description of Works Nos. 2 to 3A, and compliance with **conditions 1-4** above.
- (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), 15, 16 and 17**; and
 - (iv) an indicative written construction programme for the offshore substation platforms and cables comprised in the works at paragraph 2(2) of Part 1 (licensed marine activities) of this Schedule (insofar as not shown in (ii) above);
- with details pursuant to paragraph (iii) to be submitted to the MMO in accordance with the following—
- (aa) at least four months prior to the first survey, detail of the pre-construction surveys and an outline of all proposed monitoring;
 - (bb) at least four months prior to construction, detail on construction monitoring;
 - (cc) at least four months prior to commissioning, detail of post-construction (and operational) monitoring;
- unless otherwise agreed in writing with the MMO.
- (c) A construction method statement to be agreed in writing with the MMO in consultation with Natural England 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 having regard to any mitigation scheme pursuant to **condition 11(i)**;
 - (ii) offshore substation platforms location and installation, including scour protection;
 - (iii) cable installation, including cable landfall;
 - (iv) contractors;
 - (v) vessels and vessels transit corridors;
 - (vi) a protocol for routing vessels to and from the wind farm during construction and operation to minimise impacts on marine users;
 - (vii) associated and ancillary works; and
 - (viii) 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 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 plan and disposal arrangements;
 - (iv) the appointment and responsibilities of an environmental liaison officer;
 - (v) the appointment and responsibilities of a fisheries liaison officer; and
 - (vi) a communications protocol, to include a fisheries engagement plan 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 to be agreed in writing with the MMO in consultation with Natural England providing details of the need, type, sources, quantity and installation methods for scour protection, to be submitted to the MMO at least four months prior to the relevant activity.
 - (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 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, 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 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 export cables between Work No. 1 and mean low water mark, following the survey referred to in **condition 17(2)(a)**, to assess any seabed obstructions resulting from burial of the export cables.
- (h) A written scheme of archaeological investigation (WSI) in relation to the Order limits seaward of mean low water in accordance with industry good practice and after consultation with the Historic Buildings and Monuments Commission for England to include—
- (i) details of responsibilities of the undertaker, 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) 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 pre-construction, during construction 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 WSI which are to be deposited by the undertaker within a public archive in accordance with the OASIS (Online Access to the Index of archaeological investigation) system; and
 - (vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme or submission of a null report.
- (i) A mitigation scheme for any features of ecological, biological and economic importance identified by the survey referred to in **condition 15(2)(a)**.
- (j) A diver mitigation plan, in accordance with the outline diver management plan, to include details of—

- (i) an appropriate soft start procedure;
 - (ii) appointment of a diver liaison officer;
 - (iii) a diver communication plan, to include notification of the timing and duration of piling activities; and
 - (iv) patrolled minimum 2km safety zones around each piling location;
- and the undertaker must provide details to the MMO of the bodies to be consulted on the contents of the plan.
- (k) An aids to navigation management plan to be agreed in writing by the MMO following consultation with Trinity House and the MCA, to include details of how the undertaker will comply with the provisions of condition 7 for the lifetime of the authorised scheme.
 - (l) A coastal monitoring plan to be provided in the event that gravity base foundations are selected for the authorised scheme, to monitor potential wave reduction impacts on the south west coast of the Isle of Wight.
 - (m) An Emergency Response and Co-operation Plan (ERCoP) to be agreed in writing by the MMO following consultation with the MCA which includes full details of the ERCoP for the construction, operation and decommissioning phases of that part of the authorised scheme in accordance with the MCA recommendations contained within MGN371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues”.
 - (n) A noise communication and monitoring protocol in relation to potential noise impacts on onshore receptors during construction of the authorised scheme, to be in accordance with the outline noise communication and monitoring protocol, both protocols to be agreed in writing with the MMO in consultation with New Forest District Council, Bournemouth Borough Council, Isle of Wight Council, Purbeck District Council, Borough of Poole, New Forest National Park Authority, Christchurch Borough Council and East Dorset District Council and to include details of—
 - (i) procedures for the investigation of noise complaints; and
 - (ii) the provision of an independent noise consultant, the choice of consultant to be agreed in writing with the MMO in consultation with New Forest District Council Bournemouth Borough Council, Isle of Wight Council, Purbeck District Council, Borough of Poole, New Forest National Park Authority, Christchurch Borough Council and East Dorset District Council, for the construction period, unless otherwise agreed with the MMO in consultation with the relevant local authorities.

12.—(1) Any archaeological reports produced in accordance with **condition 11(h)(iii)** must be agreed with the Historic Buildings and Monuments Commission for England .

(2) 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.

(3) 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.

(4) No part of the authorised scheme may commence until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that part of the authorised scheme, adequately addressed all MCA recommendations as appropriate contained within MGN371 and its annexes.

Reporting of engaged agents, contractors and vessels

13.—(1) The undertaker must provide the following information to the MMO—

- (a) the name and function of any agent or contractor appointed to engage in the licensed activities within seven days of appointment; 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

14.—(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 paragraphs (2) to (6) below.

- (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 may 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 communication on VHF working frequencies must be in English.
- (6) No vessel may engage in the licensed activities until all the equipment specified in paragraph (2) is fully operational.

Pre-construction monitoring and surveys

15.—(1) The undertaker must, in discharging **condition 11(b)**, submit details (in accordance with the principles set out in the in-principle monitoring plan) for written approval by the MMO in consultation with Natural England 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 paragraph (1) must have due regard to, but not be limited to, the need to undertake—
- (a) a survey(s) to determine the location, extent and composition of any benthic features of conservation, ecological and or economic importance in whole or in part inside the area(s) within the Order limits in which it is proposed to carry out construction works;
 - (b) a high resolution swath-bathymetric survey(s) to include a 100% coverage and side scan sonar survey of the area(s) within the Order limits in which it is proposed to carry out construction works, including a 500m buffer around the site of each works and inclusive of seabed anomalies or sites of historical or archaeological interest that lie within that 500m buffer.
- (3) The undertaker must carry out the surveys agreed under paragraph (1) and provide the baseline report to the MMO in the agreed format in accordance with the agreed timetable.

Construction monitoring

16.—(1) The undertaker must, in discharging **condition 11(b)**, submit details (in accordance with the principles set out in the in-principle monitoring plan) for approval by the MMO in consultation with Natural England of any proposed surveys or monitoring, including location, methodologies and timings, to be carried out during the construction of the authorised scheme. The survey proposals must specify each survey’s objectives. In any event, such monitoring must, where driven or part-driven pile foundations are proposed to be used, include monitored background noise measurements (during periods when piling is not being undertaken) and measurements of noise generated by the installation of the first four foundations of each discrete driven or part-driven foundation type to be installed.

(2) The undertaker must carry out the surveys approved under paragraph (1) and provide the agreed reports in the agreed format in accordance with the agreed timetable.

(3) The results of the initial noise measurements must be provided to the MMO within four weeks of the installation of the last of the four foundations of each discrete driven or part-driven foundation type. The assessment of this report by the MMO shall determine whether any further noise monitoring is required.

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

Post construction surveys

17.—(1) The undertaker must, in discharging **condition 11(b)**, submit details (in accordance with the principles set out in the in-principle monitoring plan) for written approval by the MMO in consultation with Natural England of proposed post-construction surveys, including methodologies and timings, and a proposed format, content and timings for providing reports on the results at least four months prior to the commencement of any survey works detailed within. 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 paragraph (1) must have due regard to but not be limited to the need to undertake—

- (a) one high resolution swath bathymetric survey across a representative sample area to be agreed with the MMO to assess any changes in bedform topography and such further monitoring as may be agreed to ensure that cables have been buried or protected;
- (b) a survey(s) to determine the location, extent and composition of any benthic features of conservation, ecological and or economic importance of the area(s) within the Order limits in which construction works were carried out to validate predictions made in the environmental statement.

(3) The undertaker must carry out the surveys agreed under paragraph (1) for 3 years post-construction, which could be non-consecutive years, and provide the agreed reports in the agreed format in accordance with the agreed timetable.

(4) The undertaker must carry out post-construction traffic monitoring in accordance with the outline marine traffic and navigational monitoring strategy, including the provision of reports on the results of that monitoring periodically as requested by the MCA.

Salmon smolt migration

18.—(1) No pile driving works for pin pile foundations may be carried out by or on behalf of the undertaker as part of or in relation to the authorised scheme between 7 April and 15 May (inclusive) each year, unless the MMO provides written confirmation to the undertaker beforehand that such works can take place in all or in a specified part of the Order limits, or during this period or part of this period.

(2) In considering whether to provide the confirmation referred to in paragraph (1) above, the MMO must have regard to any report or reports provided to the MMO by or on behalf of the undertaker relating to such matters as additional baseline information, piling management measures, installation techniques or noise propagation modelling.

Adult salmon migration

19.—(1) The maximum number of piling hours that pile driving works for pin pile foundations may be carried out during 16 May to 15 August (inclusive) each year is 392 hours per piling period unless the MMO, in consultation with Natural England and the Environment Agency, provides written confirmation to the undertaker beforehand that such works can take place in excess of those hours in all or in a specified part of the Order limits, or during this period or part of this period

(2) Only one piling rig may carry out pile driving works at any one time.

(3) Commencing on or before 9 May and during the period 16 May to 15 August (inclusive) each year the undertaker must supply the MMO, Natural England and the Environment Agency with weekly piling logs, confirming the number of piling hours and location each week and the estimated number of piling hours and location for the following week.

(4) In considering whether to provide the confirmation referred to in paragraph (1) above, the MMO must have regard to any report or reports provided to the MMO by or on behalf of the undertaker relating to such matters as additional baseline information, piling management measures, installation techniques or noise propagation modelling.

(5) For the purposes of this condition –

- (a) “piling hours means the amount of time that pile driving works for pin pile foundations takes place, plus the appropriate number of non-piling hours should those non-piling hours not be equal to or exceed the relevant transit time.
- (b) “transit time” means the appropriate number of hours for pin pile driving works that is the minimum for salmon to cross the area which is 10 hours.
- (c) “piling period” means one of the following-
 - (i) 16 May to 15 June (inclusive);
 - (ii) 16 June to 15 July (inclusive)
 - (iii) 16 July to 15 August (inclusive).

Ministry of Defence restriction period

20.—(1) No pile driving works for pin pile foundations, or other similar construction methods that involve offshore pile driving, shall be carried out by or on behalf of the undertaker as part of or in relation to the authorised scheme during any Ministry of Defence restriction period.

(2) In this condition “Ministry of Defence restriction period” means—

- (a) any period or periods of up to 8 hours between 22.00 and 06.00; or
- (b) any other period where the Ministry of Defence requires emergency use of the facility,

which shall have been notified by the Ministry of Defence in writing to the undertaker and to the MMO during which the Ministry of Defence intends to operate electronic warfare calibration facilities at Portland Bill in such a manner as the Ministry of Defence considers may be affected by any such pile driving works or similar construction methods.

(3) The Ministry of Defence must provide such notification under paragraph (2)(a) no less than 14 days in advance of such restriction period coming into force, and shall provide such notification under paragraph (2)(b) as far in advance of such restriction period coming into force as is reasonably practicable having regard to the nature of such proposed emergency use.

As built plans

21. The undertaker must, within six months of completion of construction of the authorised scheme, submit to the MMO a plan identifying the location of all infrastructure below MHWS in order to verify conformity with the plans agreed under **condition 11(a)**.

Decommissioning

22. This licence does not permit the decommissioning of the authorised scheme. No authorised decommissioning activity may commence until a decommissioning programme in accordance with a programme under section 105(2) of the 2004 Act has been submitted to and approved in writing by the Secretary of State. Furthermore, at least four months prior to carrying out such works the undertaker must notify the MMO of the proposed decommissioning activity to establish whether a marine licence is required for such works.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants development consent for, and authorises Navitus Bay Development Limited to construct, operate and maintain a generating station on the bed of the English Channel approximately 17.3 km off Scratchell's Bay (south of the Needles on the Isle of Wight) and 14.4 km from Durlston Head (on the Isle of Purbeck), together with all necessary and associated development. For the purposes of the development that it authorises, Navitus Bay Development Limited is authorised by the Order compulsorily or by agreement to purchase land and rights in land to use land, as well as to override easements and other rights. The Order also provides a defence in proceedings in respect of statutory nuisance and to discharge water. The Order imposes requirements in connection with the development for which it grants development consent.

The Order also grants two deemed marine licences for the marine licensable activities, being the deposit of substances and articles and the carrying out of works, involved in the construction of the generating station and associated development. The deemed marine licences impose conditions in connection with the deposits and works for which they grant consent.

A copy of the plans and book of reference referred to in this Order and certified in accordance with **article 39** (certification of plans, etc) of this Order may be inspected free of charge at the offices of Christchurch Borough Council at Civic Offices, Bridge Street, Christchurch, Dorset, BH23 1AZ; East Dorset District Council at Council Offices, Furzehill, Wimborne, Dorset, BH21 4HN; New Forest District Council at Appletree Court, Beaulieu Road, Lyndhurst, SO43 7PA; and New Forest National Park Authority at Lymington Town Hall, Avenue Road, Lymington, SO41 9ZG.