

## SCHEDULE 1

### Authorised project

## PART 3

### Requirements

#### Interpretation

1. In this Part—

“above-ground infrastructure” means the buildings, busbars, capacitors, reactors, reactive power compensation equipment, filters, cooling equipment, control and welfare buildings, lightning rods, security fencing and other associated equipment, structures and buildings including noise-attenuation panels required for the intermediate electrical compound and the substation compound (Work No. 50A);

“AIS” means air-insulated switchgear;

“AOD” means above ordnance datum;

“GIS” means gas-insulated switchgear;

“stage” means one of the following 28 stages of the onshore works—

- (a) the IEC enabling works (using the temporary construction compound at Work No. 10);
- (b) the substation enabling works (using the temporary construction compound at Work No. 51);
- (c) Work Nos. 3 and 4 including Work Nos. 3A and 3B (using the temporary construction compound at Work No. 3B);
- (d) Work No. 5 (using the temporary construction compound at Work No. 6);
- (e) Work No. 8 (using the temporary construction compound at Work No. 7);
- (f) Work No. 9 excluding the IEC enabling works and Work No. 9A (using the temporary construction compound at Work No. 10);
- (g) Work No. 9A (using the temporary construction compound at Work No. 10);
- (h) Work No. 11 (using the temporary construction compound at Work No. 12);
- (i) Work No. 14 (using the temporary construction compounds at Work Nos. 13 and 15);
- (j) Work No. 17 (using the access at Work No. 16);
- (k) Work No. 19 (using the temporary construction compound at Work No. 18);
- (l) Work No. 21 (using the temporary construction compound at Work No. 20);
- (m) Work No. 22 (using the temporary construction compound at Work No. 23);
- (n) Work No. 24 (using the temporary construction compound at Work No. 25);
- (o) Work No. 26 (using the temporary construction compounds at Work Nos. 27 and 28);
- (p) Work No. 29 (using the temporary construction compound at Work No. 30);
- (q) Work No. 31 (using the temporary construction compound at Work No. 32);
- (r) Work No. 33 (using the temporary construction compounds at Work Nos. 34, 35 and 36);
- (s) Work No. 37 (using the temporary construction compound at Work No. 38);
- (t) Work No. 39 (using the temporary construction compounds at Work Nos. 40 and 41);

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- (u) Work No. 42 (using the temporary construction compound at Work No. 43);
- (v) Work No. 44 (using the temporary construction compound at Work No. 45);
- (w) Work No. 46 (using the temporary construction compound at Work No. 47A or 51 and access at Work No. 48);
- (x) Work Nos. 48 and 49 (using the temporary construction compound at Work No. 47A);
- (y) Work No. 50 excluding the substation enabling works and Work No. 50A (using the temporary construction compound at Work No. 51);
- (z) Work No. 50A (using the temporary construction compound at Work No. 51);
- (aa) Work No. 52 (using the temporary construction compound at Work No. 53);
- (ab) Work No. 55 (using the temporary construction compound at Work No. 53),

or such other stage of the onshore works agreed in writing with the relevant planning authority.

### **Time limit for commencing authorised development**

2. The authorised development must be commenced on or before 26th September 2021.

### **Detailed offshore design parameters**

- 3.—(1) The total number of cables comprising Work No. 1 must not exceed 6.
- (2) The total length of the cables comprising Work No. 1 must not exceed 396 kilometres.
- (3) The total amount of cable protection for the cables comprising Work No. 1 must not exceed 367,200 square metres and 320,760 cubic metres.
- (4) The finished height of any cable protection must not exceed 10% of the navigable water depth existing before works commence unless otherwise agreed in writing in advance with the MMO and the MCA.

### **Offshore decommissioning**

4. No part of the development seaward of MHWS may be commenced until a written decommissioning programme in compliance with any notice served on the undertaker by the Secretary of State under section 105(2) of the Energy Act 2004<sup>(1)</sup> has been submitted to the Secretary of State for approval.

### **Detailed design onshore**

- 5.—(1) The IEC enabling works and the substation enabling works must not be commenced until details of the ground-raising and stoned site platform have been submitted to and approved by the relevant planning authority.
- (2) No part of Work No. 9A may be commenced until details of the layout, scale and external appearance of the above-ground infrastructure including permanent fencing relating to Work No. 9A have been submitted to and approved by the relevant planning authority.
- (3) No part of Work No. 50A may be commenced until—
  - (a) details of the layout, scale and external appearance of the above-ground infrastructure including permanent fencing relating to Work No. 50A have been submitted to and approved by the relevant planning authority; and

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

- (b) the undertaker has notified the relevant planning authority whether AIS or GIS is to be installed for Work No. 50A.
- (4) Any details provided by the undertaker under paragraphs (2) and (3) must, where relevant to that stage, be in accordance with the design principles document.
- (5) Finished floor levels for Work Nos. 9A and 50A must, after consultation with the Environment Agency, be based on the results of topographic surveys.
- (6) In relation to Work No. 3A—
  - (a) the total area in which the landfall transition joint bays may be contained must not exceed 20,288 square metres;
  - (b) the total area of land raising must not exceed 5,000 square metres; and
  - (c) the total number of landfall transition joint bays must not exceed 6.
- (7) In relation to Work No. 9A—
  - (a) the highest part of any building must not exceed 16.54 metres AOD;
  - (b) the highest part of any external electrical equipment, excluding lightning rods, must not exceed 14.04 metres AOD;
  - (c) the total number of lightning rods within the fenced compound must not exceed 4 and the height of any lightning rod must not exceed 21.54 metres AOD;
  - (d) the total area of the fenced compound (excluding its accesses) must not exceed 17,000 square metres; and
  - (e) any GIS building may be located only within the dotted area shown within Work No. 9A on the works plans.
- (8) In relation to Work No. 50A—
  - (a) if AIS is installed—
    - (i) the highest part of any building must not exceed 10 metres AOD;
    - (ii) the highest part of any external electrical equipment, excluding lightning rods, must not exceed 15 metres AOD; and
    - (iii) the total area of the fenced compound (excluding its accesses) must not exceed 86,000 square metres;
  - (b) if GIS is installed—
    - (i) the highest part of any building must not exceed 16 metres AOD;
    - (ii) the highest part of any external electrical equipment, excluding lightning rods, must not exceed 13.5 metres AOD; and
    - (iii) the total area of the fenced compound (excluding its accesses) must not exceed 69,000 square metres; and
  - (c) the total number of lightning rods within the fenced compound must not exceed 22 and the height of any lightning rod must not exceed 21 metres AOD.
- (9) In relation to Work No. 54—
  - (a) the total number of connection bays must not exceed 2;
  - (b) the connection bays may be located only within the hatched areas shown within Work Nos. 54A and 54B on the works plans; and
  - (c) if 2 connection bays are accommodated within Work No. 54A, Work Nos. 54B and 55 must not be constructed.
- (10) Unless otherwise agreed by the relevant planning authority, after consultation with the relevant drainage boards, the Environment Agency and the highways authority, where identified in

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the crossings schedule for the purpose of passing under a relevant obstruction, trenchless techniques must be used to install the cable ducts and electrical circuits within Work Nos. 2, 3, 5, 8, 11, 14, 17, 19, 21, 22, 24, 26, 29, 31, 33, 37, 39, 42, 44 and 46.

(11) The undertaker must—

(a) at least 3 months before the commencement of the onshore cable works—

(i) submit to the relevant planning authority a cable route sequencing plan including details of the indicative sequencing of the onshore cable works; and

(ii) notify the public and owners of land of the sequencing of the onshore cable works in accordance with the communications plan approved as part of the code of construction practice;

(b) before construction of any stage of the onshore cable works, submit to the relevant planning authority a copy of the cable installation plans provided to owners in accordance with the soil management plan approved as part of the code of construction practice; and

(c) within 3 months of the completion of the installation of the cable circuits for any stage of the onshore cable works, submit to the relevant planning authority as built plans for that stage showing the alignment of the cable circuits.

(12) Any plans submitted in accordance with paragraph (11)(a) and (b) may be updated from time to time and must be submitted to the relevant planning authority and communicated to owners and the public in accordance with the code of construction practice.

(13) In this Requirement, “onshore cable works” means Work Nos. 3, 5, 8, 11, 14, 17, 19, 21, 22, 24, 26, 29, 31, 33, 37, 39, 42, 44, 46 and 52.

### **Provision of landscaping**

6.—(1) Work Nos. 9A and 50A must not be commenced until a written landscaping scheme and associated work programme (in accordance with the outline landscape strategy and ecological management plan) for the relevant work has been submitted to and approved by the relevant planning authority.

(2) The written landscaping scheme must include details of all proposed hard and soft landscaping works including—

(a) location, number, species, size and planting density of any proposed planting including any trees; and

(b) implementation timetables for all landscaping works.

(3) If Work No. 55 is constructed before the completion of the unlicensed works, a written landscaping scheme and associated work programme (in accordance with the outline landscape strategy and ecological management plan) must be submitted to and approved by the relevant planning authority after consultation with National Grid Electricity Transmission plc (company number 02366977).

### **Implementation and maintenance of landscaping**

7.—(1) All landscaping works must, where relevant, be carried out in accordance with the landscaping scheme approved under Requirement 6.

(2) Any tree or shrub planted as part of an approved landscaping scheme that, within 10 years after planting, is removed, dies or becomes, in the reasonable 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.

### **Highway accesses and improvements**

**8.**—(1) No stage of the onshore works may be commenced until for that stage written details (which accord with the outline access management plan) of the siting, design, layout, sequencing and timing and any access management measures for 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, have, after consultation with the highway authority, been submitted to and approved by the relevant planning authority.

(2) The highway accesses for that stage must be constructed or altered, and the works described in paragraph (1) in relation to access management measures carried out, in accordance with the approved details before the relevant highway accesses are brought into use for the purposes of the authorised development.

(3) No stage of the onshore works may be commenced until for that stage a scheme of temporary highways alterations within the highway boundary has, after consultation with the highway authority, been submitted to and approved by the relevant planning authority.

(4) The temporary highways alterations for that stage must be constructed in accordance with the approved scheme before they are brought into use for the purposes of the authorised development.

### **Fencing and other means of enclosure**

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

(2) All temporary construction compounds must remain securely fenced in accordance with the approved details at all times during construction of the onshore works.

(3) Temporary fencing, except temporary fencing for the beach works, must be removed on completion of the relevant stage of the onshore works.

(4) Temporary fencing for the beach works must be removed on completion of construction of those works excluding testing.

(5) Any approved permanent fencing in relation to Work Nos. 9A and 50A must be completed before the relevant Work is brought into use and maintained for the operational lifetime of Work Nos. 9A and 50A.

(6) In this Requirement, “beach works” means Work No. 2 and works related to the installation of cable ducts and cable circuits within Work No. 3 but excluding Work Nos. 3A and 3B.

### **Requirement for surface water drainage scheme**

**10.**—(1) Work Nos. 9, 50, 54A and 54B must not be commenced until a surface water drainage scheme for the Work, or part of the Work, in question has, after consultation with Lincolnshire County Council and the relevant drainage boards, been submitted to and approved by the relevant planning authority.

(2) The surface water drainage scheme submitted under paragraph (1) must be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the authorised development and must be in accordance with the surface water drainage strategy submitted as part of the flood risk assessment included within the environmental statement.

(3) Where relevant to the Work, or part of the Work, in question, the scheme must include—

- (a) provision for limiting the surface water run-off generated by all rainfall events up to the 1 in 100 year plus 20% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;

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- (b) provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rates and all rainfall events up to the 1 in 100 year plus 20% (for climate change) critical rain storm;
  - (c) detailed design (plans, cross-sections and calculations) in support of any surface water drainage scheme including details of any attenuation system and the outfall arrangements;
  - (d) details of how the scheme is to be maintained and managed after completion; and
  - (e) details of percolation testing (carried out in accordance with Building Research Establishment Digest 365 or Construction Industry Research and Information Association guidance R156) to demonstrate that the use of infiltration techniques are suitable.
- (4) The surface water drainage scheme must be implemented as approved.
- (5) In this Requirement, “relevant drainage boards” means the drainage boards within the meaning of section 25 of the Land Drainage Act 1991<sup>(2)</sup> for the area in which the Work is situated.

#### **Requirement for foul water drainage scheme**

**11.**—(1) Work Nos. 9 and 50 must not be commenced until a detailed foul water drainage scheme (including means of pollution control) for the Work, or part of the Work, in question has, after consultation with Anglian Water Services Limited (company number 02366656) and the Environment Agency, been submitted to and approved by the relevant planning authority.

- (2) The foul water drainage scheme must be implemented as approved.

#### **Archaeology**

**12.**—(1) No stage of the onshore works may be commenced until for that stage a written scheme of investigation in accordance with the outline onshore written scheme of investigation has been submitted to and approved by the relevant planning authority.

- (2) The approved scheme must—

- (a) identify areas where archaeological work is required; and
- (b) the measures to be taken to protect, record or preserve any significant archaeological remains (as defined in the outline onshore written scheme of investigation) that may be found.

(3) Pre-construction archaeological investigations and pre-commencement material operations which involve intrusive ground works may take place only in accordance with a specific written scheme of investigation which—

- (a) is in accordance with the details set out in the outline onshore written scheme of investigation; and
- (b) has been submitted to and approved by the relevant planning authority.

(4) Any archaeological works must be carried out by a suitably qualified and competent person or body previously notified to the relevant planning authority.

- (5) The written scheme of investigation must be implemented as approved.

#### **Ecological management plan and removal of hedgerows**

**13.**—(1) No stage of the onshore works may be commenced until for that stage a written ecological management plan (which accords with the outline landscape strategy and ecological management plan) reflecting the survey results and ecological mitigation and enhancement measures

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(2) Section 25 was amended by paragraph 33 of Schedule 2 to the Flood and Water Management Act 2010.

included in the environmental statement has after consultation with the appropriate statutory nature conservation body been submitted to and approved by the relevant planning authority.

(2) The ecological management plan must include an implementation timetable and measures to be taken to reinstate hedgerows on completion of the relevant stage of the onshore works.

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

(4) Any hedgerow removal or replacement undertaken before approval of the written ecological management plan under paragraph (1) must be carried out in accordance with the details set out in the outline landscape strategy and ecological management plan.

### **Code of construction practice**

**14.**—(1) No stage of the onshore works may be commenced until for that stage a code of construction practice in accordance with the outline code of construction practice (onshore) has, after consultation with the Environment Agency, been submitted to and approved by the relevant planning authority.

(2) The code of construction practice must, where relevant to that stage, cover all the matters set out in the outline code of construction practice (onshore).

(3) The code of construction practice must include—

- (a) a construction method statement including details of the management of public rights of way and methods (including trenchless and non-trenchless techniques) for the crossing of watercourses (main river crossings to be undertaken using trenchless techniques only);
- (b) a health and safety plan;
- (c) a noise and vibration management plan;
- (d) an air quality management plan;
- (e) a soil management plan;
- (f) an artificial light emissions plan;
- (g) a site waste management plan;
- (h) a pollution prevention and emergency incident response plan;
- (i) a construction environment management plan; and
- (j) a communications plan.

(4) The soil management plan (which forms part of the code of construction practice) must, where relevant to a stage, secure that any link box located in a place where agricultural machinery may pass over it has a cover that is—

- (a) capable of bearing agricultural machinery loads; and
- (b) designed so as to allow the wheels or tracks of agricultural machinery to pass over the link box without damaging the wheels or tracks of the machinery or the link box.

(5) The code of construction practice must be implemented as approved.

### **Unexpected contamination**

**15.**—(1) If, during any stage of the authorised development, contamination not identified or addressed within the relevant code of construction practice is found to be present within the Order limits, no further development in the vicinity of the contamination may be carried out until a written scheme to deal with the associated risks has been submitted to and approved by the relevant planning authority after consultation with the Environment Agency.

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(2) The scheme must include an investigation and assessment report, prepared by a specialist consultant notified in advance to the relevant planning authority, the purpose of which is to identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose, together with a management plan which sets out long-term measures with respect to any contaminants remaining on site.

(3) No remedial work identified in accordance with paragraph (2) may be carried out until the scheme has been approved.

(4) The scheme and management plan must be implemented as approved.

### **Control of operational artificial light emissions**

**16.**—(1) Work Nos. 9A and 50A must not be brought into operation until a written scheme for the management and mitigation of artificial light emissions for the relevant Work has been submitted to and approved by the relevant planning authority.

(2) The approved schemes for the management and mitigation of artificial light emissions must be implemented and maintained during the lifetime of Work Nos. 9A and 50A.

### **Construction hours**

**17.**—(1) Except as otherwise agreed in the code of construction practice and subject to paragraphs (2) to (4), construction of the onshore works and construction-related traffic movements to or from the site of the relevant Work may take place only between 7 a.m. and 7 p.m. from Monday to Saturday, with no activity on Sundays or bank holidays.

(2) If agreed in advance with the relevant planning authority, construction of the onshore works and construction-related traffic movements to or from the site of the relevant Work may take place outside the hours specified in paragraph (1) for certain identified works including—

- (a) where continuous periods of construction are required, for works such as concrete pouring and finishing, electrical circuit pulling and jointing and testing;
- (b) for the delivery and unloading of abnormal loads;
- (c) for the landfall works; and
- (d) for any other time-critical element of the onshore works.

(3) Except as provided in paragraph (4), all construction works which are to be undertaken outside the hours specified in paragraph (1) must be agreed in advance with the relevant planning authority.

(4) In respect of trenchless techniques—

- (a) where continuous 24-hour working is required, the undertaker must notify the relevant planning authority in advance of such works;
- (b) where a trenchless technique is to take place within 100 metres of an occupied dwelling, the works must take place within the hours specified in paragraph (1) unless otherwise agreed in advance with the resident of that dwelling and notified to the relevant planning authority.

### **Control of noise during operational phase**

**18.**—(1) The rating level of the overall operational noise immissions from Work No. 9A or 50A must not exceed 35 dB LAeq (5 min.) free-field (as defined in and measured in accordance with BS4142:2014 including any relevant penalties for tonal or impulsive character) at any residential property that lawfully exists on the date on which this Order is made.



(2) In the event of a complaint to the relevant planning authority relating to noise immissions from the operation of Work No. 9A or 50A which may reasonably be expected to result in levels above those allowed by paragraph (1)—

- (a) the undertaker must submit a proposed measurement and assessment procedure, based on the guidance and assessment methodology outlined in BS4142:2014, including a proposed measurement methodology and monitoring locations to the relevant planning authority for approval;
- (b) measurements must be undertaken in accordance with the approved procedure by an independent consultant appointed by the undertaker in order to determine compliance or otherwise with paragraph (1).

### **Construction traffic**

**19.**—(1) No stage of the onshore works may be commenced until for that stage, after consultation with the highway authority, a construction traffic management plan in accordance with the outline traffic management plan including a contractor travel plan has been submitted to and approved by the relevant planning authority.

(2) Construction and contractor traffic related to the authorised development must use only Work No. 48 or 49 to access Work Nos. 50 to 55.

(3) The timings for the construction of Work Nos. 48 and 49 must be included within the construction method statement approved as part of the relevant code of construction practice.

(4) The construction traffic management plan and contractor travel plan must be implemented as approved.

### **European protected species**

**20.**—(1) No stage of the onshore works may be commenced until for that stage 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 onshore works or in any of the trees to be lopped or felled as part of that stage of the onshore works.

(2) Where a European protected species is shown to be present, the relevant stage of the onshore works may not be commenced until, after consultation with the statutory nature conservation body and the relevant planning authority, a scheme of protection and mitigation measures has been submitted to and approved by the relevant planning authority.

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

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

### **Restoration of land used temporarily for construction**

**21.**—(1) Any land landward of MHWS which is used temporarily for construction of the onshore works and not ultimately incorporated in permanent works or approved landscaping must be reinstated within 6 months of completion of the relevant stage of the onshore works in accordance with details approved by the relevant planning authority.

(2) Any hedgerow reinstatement must be carried out on accordance with Requirement 13(3).

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(3) [S.I 2010/490](#). See regulations 40 and 44.

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### **Onshore decommissioning**

22. Within 6 months of the cessation of commercial operation of the onshore works, and after consultation with owners in relation to their landholding, an onshore decommissioning plan must be submitted to the relevant planning authority for approval.

### **Local employment**

23.—(1) No stage of the onshore works within a relevant planning authority’s area may be commenced until, after consultation with the relevant planning authority and the Greater Lincolnshire Local Enterprise Partnership, a plan detailing arrangements to promote local employment and skills development opportunities related to the onshore works has been notified to the relevant planning authority.

(2) The plan must include proposals for working with the Greater Lincolnshire Local Enterprise Partnership and the relevant planning authority to promote such opportunities.

(3) The employment and skills plan must be implemented and maintained for the duration of the construction of the onshore works.

### **Approval, etc. to be in writing**

24. Where the approval or agreement of the Secretary of State or the relevant planning authority is required under a Requirement, that approval or agreement must be given in writing.

### **Amendments to approved plans, etc.**

25.—(1) Where a Requirement requires the authorised development to be carried out in accordance with a plan, scheme, statement, strategy or details (the “plan”) approved by the relevant planning authority, the plan must be carried out as approved unless an amendment is previously agreed in writing by the relevant planning authority in accordance with paragraph (2).

(2) Any amendment to the approved plan must be in accordance with the principles and assessments set out in the environmental statement and the other documents set out in article 35; and the agreement of the relevant planning authority to an amendment may be given only where it has been demonstrated to the satisfaction of the relevant planning authority that the amendment is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

(3) The approved plan must be taken to include any amendment that may subsequently be approved in writing by the relevant planning authority.