

Hornsea Offshore Wind Farm

Project Two

Appendix C to the Applicant's Submission of 27 April 2015

Schedule of Changes to Version 2 of the draft DCO

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Hornsea Offshore Wind Farm: Project Two
Schedule of changes to Version 2 of the draft DCO (April 2015)

Section	Consultee	Comment from Consultee/ Justification	Change Made
Schedule A, Part 3, Requirement 2(6)(g), (h), (k), (l)	N/A. Errata.	When cross checking figures in the DCO against figures in the ES, the Applicant detected an error in the area and volume of cable protection specified in paragraphs (g), (h), (k) and (l) of Requirement 2(6). This error relates to the proportions of cable protection predicted within the Humber Estuary SAC and outwith the SAC and does not affect the total area or volume of cable protection predicted for Work Nos. 4A and 4B. The Applicant therefore seeks to amend this error.	<p>(g) The combined total area of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located outwith the Humber Estuary Special Area of Conservation must not exceed <u>2,055,200</u> 1,960,000 square metres.</p> <p>(h) The combined total area of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located within the Humber Estuary Special Area of Conservation must not exceed <u>44,800</u> 140,000 square metres.</p> <p>(k) The total volume of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located outwith the Humber Estuary Special Area of Conservation must not exceed <u>1,174,400</u> 1,120,000 m3.</p> <p>(l) The total volume of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located within the Humber Estuary Special Area of Conservation must not exceed <u>25,600</u> 80,000 m3.</p>
Schedule A, Part 3, Requirement 2(9)	N/A. Errata.	When checking the detailed design parameters in the DCO, the Applicant detected an error in the terminology used in Requirement 2(9) which should read “transition joint bays” in accordance with the description of Work Nos. 6A and 6B, rather than “transition pits”. The Applicant therefore seeks to amend this error.	(9) The total area in which the eight underground transition joint bays pits comprised in Work Nos. 6A and 6B may be contained must not exceed 2,000 square metres and none of the eight transition joint bays pits within that area must individually exceed 25 m by 10 m.
Schedule A, Part 3, Requirement 5(8)	N/A. Errata.	When cross checking figures in the DCO against figures in the ES, the Applicant detected an error in the combined total volume of scour protection for the wind turbine generators and the offshore	(8) The combined total volume of scour protection for the wind turbine generators and the offshore accommodation platforms forming part of the authorised development must not exceed <u>4,761,555</u> 4,754,015 m3

		accommodation platforms in Requirement 5(8). The Applicant therefore seeks to amend this error.										
Schedule A, Part 3, Requirement 11	MMO	<p>During a call with the MMO it was flagged that Requirement 11 refers to MHWS however Section 105 of the Energy Act 2004 states (emphasis added):</p> <p><i>“waters regulated under this Chapter” means—(a) waters in or adjacent to Great Britain which are between the <u>mean low water mark</u> and the seaward limits of the territorial sea;</i></p> <p>The Applicant therefore seeks to amend the reference to MHWS to MLWS so that it accurately reflects the 2004 Act.</p>	11. No part of the authorised development seaward of MLWS MHWS is to commence until a written decommissioning programme in compliance with any notice served upon the undertaker by the Secretary of State pursuant to section 105(2) of the 2004 Act has been submitted to the Secretary of State for approval in relation to that part.									
Schedule A, Part 3, Requirement 25	North Lincolnshire Council	During a meeting with the Applicant, North Lincolnshire Council requested the inclusion of an operational noise requirement in the DCO. The Applicant therefore seeks to include such a requirement in the DCO, the drafting of which has been agreed with North Lincolnshire Council.	<u>25. The combined rating level, LAr,Tr, of the noise emitted during normal operation from the electrical transmission station, converter and associated plant, shall not exceed 35 dB at any residential property that has planning permission on 1st December 2014. The assessment shall be carried out in accordance with BS 4142:2014 "Methods for rating and assessing industrial and commercial sound".</u>									
Schedule C, Streets to be temporarily stopped up	Applicant	Following submission of the application the Applicant continued to engage with those persons having an interest in the Order Land. As a result of these discussions, and in an effort to minimise the impact of the Project on the affected persons, the Applicant has agreed to make minor reductions to the Order Land by the removal of certain plots. The Applicant therefore seeks to remove references to these plots and associated side accesses and streets to be	<table border="1"> <thead> <tr> <th>(1) Area</th> <th>(2) Street to be temporarily stopped up</th> <th>(3) Extent of temporary stopping up</th> </tr> </thead> <tbody> <tr> <td>North—East Lincolnshire</td> <td>Bradley Road</td> <td>Between points 125 and 126 as shown hatched on sheet 11 of the onshore works plans.</td> </tr> <tr> <td>North—East</td> <td>A180</td> <td>Between points 84 and 85 as</td> </tr> </tbody> </table>	(1) Area	(2) Street to be temporarily stopped up	(3) Extent of temporary stopping up	North—East Lincolnshire	Bradley Road	Between points 125 and 126 as shown hatched on sheet 11 of the onshore works plans.	North—East	A180	Between points 84 and 85 as
(1) Area	(2) Street to be temporarily stopped up	(3) Extent of temporary stopping up										
North—East Lincolnshire	Bradley Road	Between points 125 and 126 as shown hatched on sheet 11 of the onshore works plans.										
North—East	A180	Between points 84 and 85 as										

		temporarily stopped up from the Schedules of the DCO.	Lincolnshire		shown hatched on sheet 21 of the onshore works plans.
			North East Lincolnshire	A180	Between points 86 and 87 as shown hatched on sheet 21 of the onshore works plans
			North East Lincolnshire	A180	Between points 88 and 89 as shown hatched on sheet 21 of the onshore works plans
			North East Lincolnshire	A180	Between points 90 and 91 as shown hatched on sheet 21 of the onshore works plans
Schedule D, Access to works	Applicant	Following submission of the application the Applicant continued to engage with those persons having an interest in the Order Land. As a result of these discussions, and in an effort to minimise the impact of the Project on the affected persons, the Applicant has agreed to make minor reductions to the Order Land by the removal of certain plots. The Applicant therefore seeks to remove references to these plots and associated side accesses and streets to be temporarily stopped up from the Schedules of the DCO.			
			(1) Area	(2) Description of Access	
			North East Lincolnshire		Between point A19 (west side of Bradley Road north of Waltham) shown on sheet 11 of the onshore works plans and Work Nos. 7A and 7B.
			North East Lincolnshire		Between point A37 (boundary to service area to the south of A180) shown on sheet 21 of the onshore works plans and Work Nos. 7A and 7B.
			North East Lincolnshire		Between point A38 (boundary to service area to the north of A180) shown on sheet 21 of the onshore works plans and Work Nos. 7A and 7B.
Schedule G, Land in which	Applicant	Following submission of the application the Applicant continued to engage with	Reference to plots 227, 382 and 383 have been removed from Part 1(a) of Schedule G.		

<p>temporary possession may be taken, Part 1(a),</p>		<p>those persons having an interest in the Order Land. As a result of these discussions, and in an effort to minimise the impact of the Project on the affected persons, the Applicant has agreed to make minor reductions to the Order Land by the removal of certain plots. The plots proposed to be removed from the Land Plans are plots 227, 382 to 387 (inclusive) and 389 to 391 (inclusive). The Applicant therefore seeks to remove references to these plots from Schedule G of the DCO.</p>	
<p>Schedule G, Land in which temporary possession may be taken, Part 2(a),</p>	<p>Applicant</p>	<p>Following submission of the application the Applicant continued to engage with those persons having an interest in the Order Land. As a result of these discussions, and in an effort to minimise the impact of the Project on the affected persons, the Applicant has agreed to make minor reductions to the Order Land by the removal of certain plots. The plots proposed to be removed from the Land Plans are plots 227, 382 to 387 (inclusive) and 389 to 391 (inclusive). The Applicant therefore seeks to remove references to these plots from Schedule G of the DCO.</p>	<p>Reference to plots 384, 385, 386, 387, 389, 390 and 391 have been removed from Part 2(a) of Schedule G.</p>
<p>Schedules H, I, J, K</p>	<p>MMO</p>	<p>Following submission of the application the MMO/Cefas confirmed that disposal sites HU209, HU210 and HU211 have been designated for Hornsea Project Two and so references within the DCO to the disposal sites have been updated to include these references.</p>	<p>disposal site reference HU209 [2A] disposal site reference HU210 [2B] disposal site reference HU211 [Subzone 2]</p>
<p>Schedule H, DML A1, Part 1, Paragraph 1</p>	<p>N/A. Errata</p>	<p>In reviewing the DCO post submission, the Applicant discovered a cross-referencing error in the definition of</p>	<p>“undertaker” means for the purposes of constructing, maintaining and operating Work No. 1A and any associated development or ancillary works within the Wind Farm Area</p>

		<p>“undertaker” in the DMLs. The definition cross refers to Article 36 but this should be to Article 35 (Transfer of benefit of Order). The Applicant also spotted an inconsistency between DMLs A1 and B1 and DMLs A2 and B2 whereby additional text was included in the definition of undertaker in DMLs A1 and B1 which in the Applicant’s view is not necessary in the DMLs since the works covered by each DML are clearly set out in paragraph 2 of Part 1 of the DML. The Applicant therefore seeks to correct these errors/inconsistencies.</p>	<p>relating to that work, Optimus Wind Limited or, to the extent that the benefit of the provisions of the Order and related statutory rights in relation to Work No. 1A and such associated development or ancillary works has been transferred under article 35 36 of the Order to another person, that other person;</p>
<p>Schedule H, DML A1, Part 1, Paragraph 2(e), (f)</p>	<p>MMO</p>	<p>During a call on 16th April 2015 between the Applicant and the MMO, the MMO mentioned that DMLs A1 and B1 both permit the maximum disposal allowance for their respective works in paragraph 1 and there is no restriction stopping the full allowance being used under DML A1 and under DML B1. Similar restrictions appear in the DMLs for the other infrastructure. The Applicant acknowledges that this is an omission and seeks to amend the DMLs accordingly.</p>	<p>(e) the disposal at disposal site reference <u>HU211 [Subzone 2]</u> of up to 2,427,666 m3 comprising inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work No. 1A <u>provided that the combined total volume of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work Nos. 1A and 1B disposed of at disposal site reference HU211 does not exceed 2,427,666 m3;</u></p> <p>(f) the disposal at disposal site reference <u>HU211 [Subzone 2]</u> of up to 400,852 m3 comprising inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work No. 1A <u>provided that the combined total volume of inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 1A and 1B disposed of at disposal site reference HU211 does not exceed 400,852 m3;</u> and</p>
<p>Schedule H,</p>	<p>N/A. Errata</p>	<p>In reviewing the DCO post submission,</p>	<p>(5) The provisions of section 72 of the 2009 Act shall apply to</p>

DML A1, Part 1, Paragraph 2(5)		the Applicant discovered a cross-referencing error in paragraph 2(5) of Part 1 of the DMLs. The paragraph cross refers to Article 36 but this should be to Article 35 (Transfer of benefit of Order). The Applicant therefore seeks to correct this error.	this licence, save that the provisions of section 72(7) and 72(8) relating to the transfer of the licence shall only apply to a transfer not falling within article 35 <u>36</u> of the Order.
Schedule H, DML A1, Part 2, Condition 3(4)	N/A. Errata.	When cross checking figures in the DCO against figures in the ES, the Applicant detected an error in the combined total volume of scour protection for the wind turbine generators and the offshore accommodation platforms in Condition 3(4) of DML A1 and DML B1. The Applicant therefore seeks to amend this error.	(4) The total volume of scour protection for the wind turbine generators and the offshore accommodation platforms forming part of Work No. 1A must not exceed 4,754,015 <u>4,761,555</u> m3 provided that the combined total volume of scour protection for the wind turbine generators and the offshore accommodation platforms forming part of Work Nos. 1A and 1B does not exceed 4,754,015 <u>4,761,555</u> m3.
Schedule H, DML A1, Part 2, Condition 7(8)	N/A. Errata.	In reviewing the DCO post submission, the Applicant noted that Condition 7(8) refers to “turbine locations” and felt that this condition should not be restricted to turbines only since the authorised scheme includes other large items of infrastructure. The Applicant therefore seeks to amend this condition so that other works under the DML are captured.	(8) The undertaker must ensure that a Notice to Mariners is issued at least ten days prior to the commencement of the licensed activities advising of the commencement of licensed activities within the Wind Farm Area and the expected vessel routes from the local service ports to the <u>location of the works comprised within the authorised scheme</u> turbine locations .
Schedule H, DML A1, Part 2, Condition 8(5)	MMO	In its Response to Section 42 Consultation the MMO requested some changes to Condition 8(5). These were included within the submitted DCO however subsequently the MMO noted that Condition 8(5) did not include a timescale for notification to Trinity House and the MMO in the event that debris cannot be removed. The Applicant therefore seeks to include	(5) The undertaker must ensure that, where practicable, any debris arising from the construction of the authorised scheme or temporary works placed seaward of MHWS are removed by a date no later than 28 days following the undertaker becoming aware of the debris after the completion of the authorised scheme (or by such later date as may be agreed in writing by the MMO). In the event that such debris cannot practicably be removed, the undertaker must notify the MMO, Trinity House and the MCA <u>within seven days of becoming aware that the debris cannot practicably be removed</u> .

		some additional text in Condition 8(5) of the DMLs to include a timescale for such notifications. This drafting has been verbally agreed with the MMO.	
Schedule H, DML A1, Part 2, Condition 8(13)	MMO	<p>In its Response to Section 42 Consultation the MMO made the following comment:</p> <p><i>“The expected volumes of disposed material should be provided. These volumes should reflect the worst case scenario, based on the maximum envelope capacity, for both dredged material and drill arisings.</i></p> <p><i>Should disposal be included in the DMLs, additional conditions will be required for reporting and notification of disposal activities. Examples of such conditions are:</i></p> <p><i>The licence holder must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site XX.</i></p> <p><i>The Undertaker shall ensure that only dredged material and inert material of natural origin produced during construction, seabed preparation and drilling for foundation works comprised in Work No XX, and drilling mud shall be disposed of at disposal site reference XX.”</i></p> <p>Following further discussions with the MMO in relation to this request the MMO confirmed that they were comfortable that most of the conditions requested are already covered off within the DMLs but noted that there is no condition requiring</p>	<u>(13) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU211.</u>

		notification in relation to the final disposal at a particular site. The Applicant therefore seeks to include such a condition within the DMLs, the drafting of which has been verbally agreed with the MMO.	
Schedule H, DML A1, Part 2, Condition 10(2)(c)(i)	MMO	<p>In its Response to Section 42 Consultation the MMO made the following comment:</p> <p><i>“Condition 8: Chemicals, drilling and debris should also include the following licence condition:</i></p> <p><i>The Undertaker shall ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO’s Marine Pollution Response Team.”</i></p> <p>Following further discussions with the MMO it was agreed that text could be added to Condition 10(2) to secure this within the marine pollution contingency plan. The Applicant therefore seeks to amend Condition 10(2)(c)(i) to include additional wording to this effect and this has been verbally agreed with the MMO.</p>	<p>(c) A project environmental management and monitoring plan to include details of—</p> <p>(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 seaward of MHWS. <u>The plan must include a mechanism for reporting oil, fuel and chemical spills to the MMO Marine Pollution Response Team;</u></p>
Schedule H, DML A1, Part 2, Condition 10(2)(e)	Applicant	In light of changing mitigation protocols in relation to marine mammals the Applicant has made a small change to Condition 10(2)(e) in relation to the marine mammal mitigation protocol (MMMP) to allow for the circumstances where the measures specifically listed in paragraphs (i) to (vi) have been superseded or are no longer best practice. This means the most up to date measures following best practice can be agreed at the time of submission and	<p>(e) In the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol following current best practice as advised by the statutory nature conservation agencies, <u>which may</u> to include, but <u>is</u> not be limited to—</p> <p>(i) identification of a Marine Mammal Monitoring Zone (MMMZ);</p> <p>(ii) appointment of an appropriate number of suitably qualified marine mammal observer(s);</p> <p>(iii) methods for the detection of marine mammals within</p>

		approval of the MMMP. The overarching requirement for the MMMP to follow best practice remains unaltered.	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; and (vi) where appropriate, methods for the application of acoustic deterrent devices.
Schedule I, DML A2, Part 1, Paragraph 1	N/A. Errata	In reviewing the DCO post submission, the Applicant discovered a cross-referencing error in the definition of “undertaker” in the DMLs. The definition cross refers to Article 36 but this should be to Article 35 (Transfer of benefit of Order). The Applicant therefore seeks to correct this error.	“undertaker” means Optimus Wind Limited or, to the extent that the benefit of the provisions of the Order and related statutory rights in relation to Works Nos. 2A, 3A, 4A or 5A and such associated development or ancillary works has been transferred under article 35 36 of the Order to another person, that other person;
Schedule I, DML A2, Part 1, Paragraph 2(e), (f), (g), (h), (i)	MMO	During a call on 16 th April 2015 between the Applicant and the MMO, the MMO mentioned that DMLs A2 and B2 both permit the maximum disposal allowance for their respective works in paragraph 1 and there is no restriction stopping the full allowance being used under DML A2 and under DML B2. Similar restrictions appear in the DMLs for the other infrastructure. The Applicant acknowledges that this is an omission and seeks to amend the DMLs accordingly.	(e) the disposal at disposal site reference <u>HU211 [Subzone-2]</u> of up to 324,454 m3 comprising inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work No. 2A <u>provided that the combined total volume of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work Nos. 2A and 2B disposed of at disposal site reference HU211 does not exceed 324,454 m3;</u> (f) the disposal at disposal site reference <u>HU211 [Subzone-2]</u> of up to 92,048 m3 comprising inert material of

			<p>natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 2A and 4A <u>provided that the combined total volume of inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 2A, 2B, 4A and 4B disposed of at disposal site reference HU211 does not exceed 92,048 m3;</u></p> <p>(g) the disposal at disposal site reference <u>HU209 [2A]</u> of up to 38,485 m3 comprising inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work No. 3A <u>provided that the combined total volume of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work Nos. 3A and 3B disposed of at disposal site reference HU209 does not exceed 38,485 m3;</u></p> <p>(h) the disposal at disposal site reference <u>HU209 [2A]</u> of up to 1,269,000 m3 comprising inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work No. 4A <u>provided that the combined total volume of inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 4A and 4B disposed of at disposal site reference HU209 does not exceed 1,269,000 m3;</u></p> <p>(i) the disposal at disposal site reference <u>HU210 [2B]</u> of up to 131,000 m3 comprising inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work No. 4A <u>provided that the combined total volume of inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 4A and 4B disposed of at disposal site reference HU210 does not exceed 131,000 m3;</u></p>
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<p>Schedule I, DML A2, Part 1, Paragraph 2(7)</p>	<p>N/A. Errata</p>	<p>In reviewing the DCO post submission, the Applicant discovered a cross-referencing error in paragraph 2(7) of Part 1 of the DMLs. The paragraph cross refers to Article 36 but this should be to Article 35 (Transfer of benefit of Order). The Applicant therefore seeks to correct this error.</p>	<p>(7) The provisions of section 72 of the 2009 Act shall apply to this licence, save that the provisions of section 72(7) and 72(8) relating to the transfer of the licence shall only apply to a transfer not falling within article 35 36 of the Order.</p>
<p>Schedule I, DML A2, Part 2, Condition 1(7), (8), (10), (11)</p>	<p>N/A. Errata.</p>	<p>When cross checking figures in the DCO against figures in the ES, the Applicant detected an error in the area and volume of cable protection specified in paragraphs (7), (8), (10) and (11) of Condition 1 of DML A2 and DML B2. This error relates to the proportions of cable protection predicted within the Humber Estuary SAC and outwith the SAC and does not affect the total area or volume of cable protection predicted for Work Nos. 4A and 4B. The Applicant therefore seeks to amend this error.</p>	<p>(7) The combined total area of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located outwith the Humber Estuary Special Area of Conservation must not exceed 2,055,200 1,960,000 square metres.</p> <p>(8) The combined total area of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located within the Humber Estuary Special Area of Conservation must not exceed 44,800 140,000 square metres.</p> <p>(10) The total volume of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located outwith the Humber Estuary Special Area of Conservation must not exceed 1,174,400 1,120,000 m3.</p> <p>(11) The total volume of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located within the Humber Estuary Special Area of Conservation must not exceed 25,600 80,000 m3.</p>
<p>Schedule I, DML A2, Part 2, Condition 7(8)</p>	<p>N/A. Errata.</p>	<p>In reviewing the DCO post submission, the Applicant noted that Condition 7(8) refers to “turbine locations” which is not relevant for DML A2 and DML B2 since those DMLs do not make provision for the construction of turbines. The Applicant therefore seeks to amend this condition so that the condition is relevant to DML A2 and DML B2.</p>	<p>(8) The undertaker must ensure that a Notice to Mariners is issued at least ten days prior to the commencement of the licensed activities advising of the commencement of licensed activities within the offshore Order limits and the expected vessel routes from the local service ports to the <u>location of the works comprised within the authorised scheme turbine locations</u>.</p>
<p>Schedule I,</p>	<p>MMO</p>	<p>In its Response to Section 42</p>	<p>(5) The undertaker must ensure that, where practicable, any</p>

<p>DML A2, Part 2, Condition 8(5)</p>		<p>Consultation the MMO requested some changes to Condition 8(5). These were included within the submitted DCO however subsequently the MMO noted that Condition 8(5) did not include a timescale for notification to Trinity House and the MMO in the event that debris that cannot be removed.</p> <p>The Applicant therefore seeks to include some additional text in Condition 8(5) of the DMLs to include a timescale for such notifications. This drafting has been verbally agreed with the MMO.</p>	<p>debris arising from the construction of the authorised scheme or temporary works placed seaward of MHWS are removed by a date no later than 28 days following the undertaker becoming aware of the debris after the completion of the authorised scheme (or by such later date as may be agreed in writing by the MMO). In the event that such debris cannot practicably be removed, the undertaker must notify the MMO, Trinity House and the MCA <u>within seven days of becoming aware that the debris cannot practicably be removed.</u></p>
<p>Schedule I, DML A2, Part 2, Condition 8(15), (16), (17)</p>	<p>MMO</p>	<p>In its Response to Section 42 Consultation the MMO made the following comment:</p> <p><i>“The expected volumes of disposed material should be provided. These volumes should reflect the worst case scenario, based on the maximum envelope capacity, for both dredged material and drill arisings.</i></p> <p><i>Should disposal be included in the DMLs, additional conditions will be required for reporting and notification of disposal activities. Examples of such conditions are:</i></p> <p><i>The licence holder must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site XX.</i></p> <p><i>The Undertaker shall ensure that only dredged material and inert material of natural origin produced during construction, seabed preparation and</i></p>	<p><u>(15) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU211.</u></p> <p><u>(16) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU209.</u></p> <p><u>(17) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU210.</u></p>

		<p><i>drilling for foundation works comprised in Work No XX, and drilling mud shall be disposed of at disposal site reference XX.”</i></p> <p>Following further discussions with the MMO in relation to this request the MMO confirmed that they were comfortable that most of the conditions requested are already covered off within the DMLs but noted that there is no condition requiring notification in relation to the final disposal at a particular site. The Applicant therefore seeks to include such a condition within the DMLs which has been verbally agreed with the MMO.</p>	
<p>Schedule I, DML A2, Part 2, Condition 10(2)(c)(i)</p>	MMO	<p>In its Response to Section 42 Consultation the MMO made the following comment:</p> <p><i>“Condition 8: Chemicals, drilling and debris should also include the following licence condition:</i></p> <p><i>The Undertaker shall ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO’s Marine Pollution Response Team.”</i></p> <p>Following further discussions with the MMO it was agreed that text could be added to Condition 10(2) to secure this within the marine pollution contingency plan. The Applicant therefore seeks to amend Condition 10(2)(c)(i) to include additional wording to this effect that has been verbally agreed with the MMO.</p>	<p>(c) A project environmental management and monitoring plan to include details of—</p> <p>(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 seaward of MHWS. <u>The plan must include a mechanism for reporting oil, fuel and chemical spills to the MMO Marine Pollution Response Team;</u></p>
<p>Schedule I, DML A2, Part 2, Condition</p>	Applicant	<p>In light of changing mitigation protocols in relation to marine mammals the Applicant has made a small change to Condition</p>	<p>(e) In the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol following current best practice as advised by the</p>

<p>10(2)(e)</p>		<p>10(2)(e) in relation to the marine mammal mitigation protocol (MMMP) to allow for the circumstances where the measures specifically listed in paragraphs (i) to (vi) have been superseded or are no longer best practice. This means the most up to date measures following best practice can be agreed at the time of submission and approval of the MMMP. The overarching requirement for the MMMP to follow best practice remains unaltered.</p>	<p>statutory nature conservation agencies, which may <u>te</u> include, but <u>is</u> not be limited to—</p> <ul style="list-style-type: none"> (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; and (vi) where appropriate, methods for the application of acoustic deterrent devices.
<p>Schedule J, DML B1, Part 1, Paragraph 1</p>	<p>N/A. Errata</p>	<p>In reviewing the DCO post submission, the Applicant discovered a cross-referencing error in the definition of “undertaker” in the DMLs. The definition cross refers to Article 36 but this should be to Article 35 (Transfer of benefit of Order). The Applicant also spotted an inconsistency between DMLs A1 and B1 and DMLs A2 and B2 whereby additional text was included in the definition of undertaker in DMLs A1 and B1 which in the Applicant’s view is not necessary in the DMLs since the works covered by each DML are clearly set out in paragraph</p>	<p>“undertaker” means for the purposes of constructing, maintaining and operating Work No. 1B and any associated development or ancillary works within the Wind Farm Area relating to that work, Breesea Limited or, to the extent that the benefit of the provisions of the Order and related statutory rights in relation to Work No. 1B and such associated development or ancillary works has been transferred under article 35 <u>36</u> of the Order to another person, that other person;</p>

		2 of Part 1 of the DML. The Applicant therefore seeks to correct these errors/inconsistencies.	
Schedule J, DML B1, Part 1, Paragraph 2(e), (f)	MMO	During a call on 16 th April 2015 between the Applicant and the MMO, the MMO mentioned that DMLs A1 and B1 both permit the maximum disposal allowance for their respective works in paragraph 1 and there is no restriction stopping the full allowance being used under DML A1 and under DML B1. Similar restrictions appear in the DMLs for the other infrastructure. The Applicant acknowledges that this is an omission and seeks to amend the DMLs accordingly.	(e) the disposal at disposal site reference <u>HU211</u> [Subzone 2] of up to 2,427,666 m ³ comprising inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work No. 1B <u>provided that the combined total volume of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work Nos. 1A and 1B disposed of at disposal site reference HU211 does not exceed 2,427,666 m³;</u> (f) the disposal at disposal site reference <u>HU211</u> [Subzone 2] of up to 400,852 m ³ comprising inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work No. 1B <u>provided that the combined total volume of inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 1A and 1B disposed of at disposal site reference HU211 does not exceed 400,852 m³;</u> and
Schedule J, DML B1, Part 1, Paragraph 2(5)	N/A. Errata	In reviewing the DCO post submission, the Applicant discovered a cross-referencing error in paragraph 2(5) of Part 1 of the DMLs. The paragraph cross refers to Article 36 but this should be to Article 35 (Transfer of benefit of Order). The Applicant therefore seeks to correct this error.	(5) The provisions of section 72 of the 2009 Act shall apply to this licence, save that the provisions of section 72(7) and 72(8) relating to the transfer of the licence shall only apply to a transfer not falling within article 35 <u>36</u> of the Order.
Schedule J, DML B1, Part	N/A. Errata.	When cross checking figures in the DCO against figures in the ES, the Applicant	(4) The total volume of scour protection for the wind turbine generators and the offshore accommodation platforms

<p>2, Condition 3(4)</p>		<p>detected an error in the combined total volume of scour protection for the wind turbine generators and the offshore accommodation platforms in Condition 3(4) of DML A1 and DML B1. The Applicant therefore seeks to amend this error.</p>	<p>forming part of Work No. 1B must not exceed 4,754,015 <u>4,761,555</u> m3 provided that the combined total volume of scour protection for the wind turbine generators and the offshore accommodation platforms forming part of Work Nos. 1A and 1B does not exceed 4,754,015 <u>4,761,555</u> m3.</p>
<p>Schedule J, DML B1, Part 2, Condition 7(8)</p>	<p>N/A. Errata.</p>	<p>In reviewing the DCO post submission, the Applicant noted that Condition 7(8) refers to “turbine locations” and felt that this condition should not be restricted to turbines only since the authorised scheme includes other large items of infrastructure. The Applicant therefore seeks to amend this condition so that other works under the DML are captured.</p>	<p>(8) The undertaker must ensure that a Notice to Mariners is issued at least ten days prior to the commencement of the licensed activities advising of the commencement of licensed activities within the Wind Farm Area and the expected vessel routes from the local service ports to the <u>location of the works comprised within the authorised scheme</u> turbine locations.</p>
<p>Schedule J, DML B1, Part 2, Condition 8(5)</p>	<p>MMO</p>	<p>In its Response to Section 42 Consultation the MMO requested some changes to Condition 8(5). These were included within the submitted DCO however subsequently the MMO noted that Condition 8(5) did not include a timescale for notification to Trinity House and the MMO in the event that debris that cannot be removed.</p> <p>The Applicant therefore seeks to include some additional text in Condition 8(5) of the DMLs to include a timescale for such notifications. This drafting has been verbally agreed with the MMO.</p>	<p>(5) The undertaker must ensure that, where practicable, any debris arising from the construction of the authorised scheme or temporary works placed seaward of MHWS are removed by a date no later than 28 days following the undertaker becoming aware of the debris after the completion of the authorised scheme (or by such later date as may be agreed in writing by the MMO). In the event that such debris cannot practicably be removed, the undertaker must notify the MMO, Trinity House and the MCA <u>within seven days of becoming aware that the debris cannot practicably be removed</u>.</p>
<p>Schedule J, DML B1, Part 2, Condition 8(13)</p>	<p>MMO</p>	<p>In its Response to Section 42 Consultation the MMO made the following comment:</p> <p><i>“The expected volumes of disposed material should be provided. These</i></p>	<p><u>(13) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU211.</u></p>

		<p>volumes should reflect the worst case scenario, based on the maximum envelope capacity, for both dredged material and drill arisings.</p> <p>Should disposal be included in the DMLs, additional conditions will be required for reporting and notification of disposal activities. Examples of such conditions are:</p> <p>The licence holder must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site XX.</p> <p>The Undertaker shall ensure that only dredged material and inert material of natural origin produced during construction, seabed preparation and drilling for foundation works comprised in Work No XX, and drilling mud shall be disposed of at disposal site reference XX.”</p> <p>Following further discussions with the MMO in relation to this request the MMO confirmed that they were comfortable that most of the conditions requested are already covered off within the DMLs but noted that there is no condition requiring notification in relation to the final disposal at a particular site. The Applicant therefore seeks to include such a condition within the DMLs which has been verbally agreed with the MMO.</p>	
<p>Schedule J, DML B1, Part 2, Condition 10(2)(c)(i)</p>	<p>MMO</p>	<p>In its Response to Section 42 Consultation the MMO made the following comment:</p> <p>“Condition 8: Chemicals, drilling and</p>	<p>(c) A project environmental management and monitoring plan to include details of—</p> <p>(i) a marine pollution contingency plan to address the risks, methods and procedures to deal with any spills and</p>

		<p><i>debris should also include the following licence condition:</i></p> <p><i>The Undertaker shall ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO's Marine Pollution Response Team."</i></p> <p>Following further discussions with the MMO it was agreed that text could be added to Condition 10(2) to secure this within the marine pollution contingency plan. The Applicant therefore seeks to amend Condition 10(2)(c)(i) to include additional wording to this effect that has been verbally agreed with the MMO.</p>	<p>collision incidents during construction and operation of the authorised scheme in relation to all activities carried out seaward of MHWS. <u>The plan must include a mechanism for reporting oil, fuel and chemical spills to the MMO Marine Pollution Response Team;</u></p>
<p>Schedule J, DML B1, Part 2, Condition 10(2)(e)</p>	<p>Applicant</p>	<p>In light of changing mitigation protocols in relation to marine mammals the Applicant has made a small change to Condition 10(2)(e) in relation to the marine mammal mitigation protocol (MMMP) to allow for the circumstances where the measures specifically listed in paragraphs (i) to (vi) have been superseded or are no longer best practice. This means the most up to date measures following best practice can be agreed at the time of submission and approval of the MMMP. The overarching requirement for the MMMP to follow best practice remains unaltered.</p>	<p>(e) In the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol following current best practice as advised by the statutory nature conservation agencies, <u>which may</u> to include, but <u>is</u> not be limited to—</p> <ul style="list-style-type: none"> (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; and (vi) where appropriate, methods for the application of acoustic deterrent devices.
Schedule K, DML B2, Part 1, Paragraph 1	N/A. Errata	In reviewing the DCO post submission, the Applicant discovered a cross-referencing error in the definition of “undertaker” in the DMLs. The definition cross refers to Article 36 but this should be to Article 35 (Transfer of benefit of Order). The Applicant therefore seeks to correct this error.	“undertaker” means Breesea Limited or, to the extent that the benefit of the provisions of the Order and related statutory rights in relation to Works Nos. 2B, 3B, 4B or 5B and such associated development or ancillary works has been transferred under article 35 36 of the Order to another person, that other person;
Schedule K, DML B2, Part 1, Paragraph 2(e), (f), (g), (h), (i)	MMO	During a call on 16 th April 2015 between the Applicant and the MMO, the MMO mentioned that DMLs A2 and B2 both permit the maximum disposal allowance for their respective works in paragraph 1 and there is no restriction stopping the full allowance being used under DML A2 and under DML B2. Similar restrictions appear in the DMLs for the other infrastructure. The Applicant acknowledges that this is an omission and seeks to amend the DMLs accordingly.	(e) the disposal at disposal site reference <u>HU211</u> [Subzone-2] of up to 324,454 m3 comprising inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work No. 2B <u>provided that the combined total volume of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work Nos. 2A and 2B disposed of at disposal site reference HU211 does not exceed 324,454 m3;</u> (f) the disposal at disposal site reference <u>HU211</u> [Subzone-2] of up to 92,048 m3 comprising inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 2B and 4B <u>provided that the combined total volume of inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 2A, 2B, 4A and 4B disposed of at disposal site reference HU211 does not exceed 92,048 m3;</u> (g) the disposal at disposal site reference <u>HU209</u> [2A] of up to 38,485 m3 comprising inert material of natural origin produced during construction drilling and seabed preparation

			<p>for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work No. 3B <u>provided that the combined total volume of inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work Nos. 3A and 3B disposed of at disposal site reference HU209 does not exceed 38,485 m3;</u></p> <p>(h) the disposal at disposal site reference <u>HU209 [2A]</u> of up to 1,269,000 m3 comprising inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work No. 4B <u>provided that the combined total volume of inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 4A and 4B disposed of at disposal site reference HU209 does not exceed 1,269,000 m3;</u></p> <p>(i) the disposal at disposal site reference <u>HU210 [2B]</u> of up to 131,000 m3 comprising inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work No. 4B <u>provided that the combined total volume of inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 4A and 4B disposed of at disposal site reference HU210 does not exceed 131,000 m3;</u> and</p>
Schedule K, DML B2, Part 1, Paragraph 2(7)	N/A. Errata	In reviewing the DCO post submission, the Applicant discovered a cross-referencing error in paragraph 2(7) of Part 1 of the DMLs. The paragraph cross refers to Article 36 but this should be to Article 35 (Transfer of benefit of Order). The Applicant therefore seeks to correct this error.	(7) The provisions of section 72 of the 2009 Act shall apply to this licence, save that the provisions of section 72(7) and 72(8) relating to the transfer of the licence shall only apply to a transfer not falling within article <u>35 36</u> of the Order.
Schedule K, DML B2, Part	N/A. Errata.	When cross checking figures in the DCO against figures in the ES, the Applicant	(7) The combined total area of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located

<p>2, Condition 1(7), (8), (10), (11)</p>		<p>detected an error in the area and volume of cable protection specified in paragraphs (7), (8), (10) and (11) of Condition 1 of DML A2 and DML B2. This error relates to the proportions of cable protection predicted within the Humber Estuary SAC and outwith the SAC and does not affect the total area or volume of cable protection predicted for Work Nos. 4A and 4B. The Applicant therefore seeks to amend this error.</p>	<p>outwith the Humber Estuary Special Area of Conservation must not exceed <u>2,055,200</u> 1,960,000 square metres.</p> <p>(8) The combined total area of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located within the Humber Estuary Special Area of Conservation must not exceed <u>44,800</u> 140,000 square metres.</p> <p>(10) The total volume of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located outwith the Humber Estuary Special Area of Conservation must not exceed <u>1,174,400</u> 1,120,000 m3.</p> <p>(11) The total volume of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located within the Humber Estuary Special Area of Conservation must not exceed <u>25,600</u> 80,000 m3.</p>
<p>Schedule K, DML B2, Part 2, Condition 7(8)</p>	<p>N/A. Errata.</p>	<p>In reviewing the DCO post submission, the Applicant noted that Condition 7(8) refers to “turbine locations” which is not relevant for DML A2 and DML B2 since those DMLs do not make provision for the construction of turbines. The Applicant therefore seeks to amend this condition so that the condition is relevant to DML A2 and DML B2.</p>	<p>(8) The undertaker must ensure that a Notice to Mariners is issued at least ten days prior to the commencement of the licensed activities advising of the commencement of licensed activities within the offshore Order limits and the expected vessel routes from the local service ports to the <u>location of the works comprised within the authorised scheme turbine locations</u>.</p>
<p>Schedule K, DML B2, Part 2, Condition 8(5)</p>	<p>MMO</p>	<p>In its Response to Section 42 Consultation the MMO requested some changes to Condition 8(5). These were included within the version of the DCO submitted with the DCO application however subsequently the MMO noted that Condition 8(5) did not include a timescale for notification to Trinity House and the MMO in the event that debris that cannot be removed.</p> <p>The Applicant therefore seeks to include some additional text in Condition 8(5) of</p>	<p>(5) The undertaker must ensure that, where practicable, any debris arising from the construction of the authorised scheme or temporary works placed seaward of MHWS are removed by a date no later than 28 days following the undertaker becoming aware of the debris after the completion of the authorised scheme (or by such later date as may be agreed in writing by the MMO). In the event that such debris cannot practicably be removed, the undertaker must notify the MMO, Trinity House and the MCA <u>within seven days of becoming aware that the debris cannot practicably be removed</u>.</p>

		the DMLs to include a timescale for such notifications. This drafting has been verbally agreed with the MMO.	
Schedule K, DML B2, Part 2, Condition 8(15), (16), (17)	MMO	<p>In its Response to Section 42 Consultation the MMO made the following comment:</p> <p><i>“The expected volumes of disposed material should be provided. These volumes should reflect the worst case scenario, based on the maximum envelope capacity, for both dredged material and drill arisings.</i></p> <p><i>Should disposal be included in the DMLs, additional conditions will be required for reporting and notification of disposal activities. Examples of such conditions are:</i></p> <p><i>The licence holder must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site XX.</i></p> <p><i>The Undertaker shall ensure that only dredged material and inert material of natural origin produced during construction, seabed preparation and drilling for foundation works comprised in Work No XX, and drilling mud shall be disposed of at disposal site reference XX.”</i></p> <p>Following further discussions with the MMO in relation to this request the MMO confirmed that they were comfortable that most of the conditions requested are already covered off within the DMLs but noted that there is no condition requiring notification in relation to the final disposal</p>	<p><u>(15) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU211.</u></p> <p><u>(16) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU209.</u></p> <p><u>(17) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU210.</u></p>

		at a particular site. The Applicant therefore seeks to include such a condition within the DMLs which has been verbally agreed with the MMO.	
Schedule K, DML B2, Part 2, Condition 10(2)(c)(i)	MMO	<p>In its Response to Section 42 Consultation the MMO made the following comment:</p> <p><i>“Condition 8: Chemicals, drilling and debris should also include the following licence condition:</i></p> <p><i>The Undertaker shall ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO’s Marine Pollution Response Team.”</i></p> <p>Following further discussions with the MMO it was agreed that text could be added to Condition 10(2) to secure this within the marine pollution contingency plan. The Applicant therefore seeks to amend Condition 10(2)(c)(i) to include additional wording to this effect that has been verbally agreed with the MMO.</p>	<p>(c) A project environmental management and monitoring plan to include details of—</p> <p>(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 seaward of MHWS. <u>The plan must include a mechanism for reporting oil, fuel and chemical spills to the MMO Marine Pollution Response Team;</u></p>
Schedule K, DML B2, Part 2, Condition 10(2)(e)	Applicant	In light of changing mitigation protocols in relation to marine mammals the Applicant has made a small change to Condition 10(2)(e) in relation to the marine mammal mitigation protocol (MMMP) to allow for the circumstances where the measures specifically listed in paragraphs (i) to (vi) have been superseded or are no longer best practice. This means the most up to date measures following best practice can be agreed at the time of submission and approval of the MMMP. The overarching requirement for the MMMP to follow best	<p>(e) In the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol following current best practice as advised by the statutory nature conservation agencies, <u>which may</u> to include, but <u>is</u> not be limited to—</p> <p>(i) identification of a Marine Mammal Monitoring Zone (MMMZ);</p> <p>(ii) appointment of an appropriate number of suitably qualified marine mammal observer(s);</p> <p>(iii) methods for the detection of marine mammals within the MMMZ whether visually (by the marine mammal observer(s)) or acoustically using Passive Acoustic</p>

		practice remains unaltered.	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; and (vi) where appropriate, methods for the application of acoustic deterrent devices.
Schedule L, Part 10, Heading	N/A. Errata.	The Applicant noticed a minor typo in the heading of Part 10 of Schedule L. The heading refers to Conocophillips (U.K.) Limited when it should be to ConocoPhillips (U.K.) Limited. The Applicant therefore seeks to amend this.	PART 10 For the protection of ConocoPhillips (U.K.) Limited