

# Hornsea Offshore Wind Farm

---

Project Two

---

## Schedule of Changes to Version 3 of the draft Development Consent Order

**Appendix D to the Response submitted for Deadline I**

**Application Reference: EN010053**

15 July 2015

---

[smartwind.co.uk](http://smartwind.co.uk)

**Hornsea Offshore Wind Farm: Project Two**  
**Schedule of changes to Version 3 of the draft DCO (July 2015)**

Changes made in Version 2		Changes made in Version 3	
---------------------------	--	---------------------------	--

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
<b>Article 2, definition of “main river”</b>	Environment Agency	In light of the new paragraph inserted into Requirement 2 to restrict the installation methods that may be used to install the cables comprised in Work Nos. 7A and 7B when crossing a main river, the Applicant has inserted a definition of “main river” which is consistent with the definition of “main river” in Part 1 of Schedule L.	<u>“main river” has the meaning given by the Water Resources Act 1991.</u>	Agreed
<b>Schedule A, Part 3, Requirement 2(6)(g), (h), (k), (l)</b>	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> <del>1,960,000</del> 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> <del>140,000</del> 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> <del>1,120,000</del> m3.</p> <p>(l) The total volume of cable protection for the electrical circuits comprising Work Nos. 4A and 4B</p>	N/A

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
			located within the Humber Estuary Special Area of Conservation must not exceed <del>25,600</del> <del>80,000</del> m <sup>3</sup> .	
<b>Schedule A, Part 3, Requirement 2(8)</b>	Environment Agency	During discussions with the Applicant in relation to its Relevant Representation, the Environment Agency requested a restriction in the DCO requiring cables to be installed using trenchless techniques when the cables are crossing under the existing sea wall. The Applicant has agreed to include such a requirement within the draft DCO.	(8) The electrical circuits comprised in Work No. 5A and 5B must be installed by use of, or combination of, a trenchless technique, ploughing, trenching and jetting <u>with the exception that where the electrical circuits comprised in Work No. 5A and 5B cross under the existing sea wall they must be installed using a trenchless technique.</u>	Agreed
<b>Schedule A, Part 3, Requirement 2(9)</b>	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 <del>joint bays pits</del> comprised in Work Nos. 6A and 6B may be contained must not exceed 2,000 square metres and none of the eight transition <del>joint bays pits</del> within that area must individually exceed 25 m by 10 m.	N/A
<b>Schedule A, Part 3, Requirement 2(11)</b>	N/A Errata	When cross checking figures in the DCO against figures in the ES, the Applicant detected an error in the area of the site of Work Nos. 8A and 8B. The Applicant therefore seeks to amend this error.	(11) The main buildings comprised in Work Nos. 8A and 8B (electrical transmission stations) must not: (a) exceed 40 metres in height; (b) exceed 69.5 metres in width; (c) exceed 135 metres in length; and the site of Work Nos. 8A and 8B must not cover more than <del>35,672</del> <del>60,000</del> square metres in area, excluding any area of land required for landscaping and mitigation.	N/A
<b>Schedule A, Part 3, Requirement 2(13)</b>	Environment Agency	In its Relevant Representation the Environment Agency made the following comment in relation to Works No. 7A and	<u>(13) The electrical circuits comprised in Work Nos. 7A and 7B must be installed by use of a trenchless technique where crossing under a main river".</u>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
Requirement 2(13)		<p>7B:</p> <p>“we request the inclusion of additional text (for consistency with entries for 5A and 5B) to secure ‘including crossings under Main Rivers using a trenchless technique’.”</p> <p>The Applicant has agreed to include a new paragraph in Requirement 2 to limit the installation methods that may be used to install the cables comprised in Work Nos. 7A and 7B when crossing a main river.</p>		
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 accommodation platforms in Requirement 5(8). The Applicant therefore seeks to amend this error.	(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 <del>4,761,555</del> <del>4,754,015</del> m <sup>3</sup>	N/A
Schedule A, Part 3, Requirement 8	NE	<p>Natural England requested that a separate document covering a method statement for the landfall aspects of the cabling works (only) should be included in the Development Consent Order regarding the method of installation and access at the landfall.</p> <p>The Applicant notes that such details will be included in the CoCP and this approach has been accepted by NE.</p> <p>The Applicant advised that Condition 10(2)(b) of the DMLs requires a</p>	<p>(2) The code of construction practice must include—</p> <p>...</p> <p><u>(m) details of the access route to the intertidal, the expected number of vehicles that will be accessing the intertidal and the expected number of vehicle trips to the intertidal.</u></p>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
		<p>construction method statement including details of circuit installation, up to MHWS, to be submitted to and approved by the MMO and Condition 10(2)(f) requires a cable specification and installation plan to be submitted to and approved by the MMO and that Natural England will be consulted by the MMO in respect of both of these plans. The Applicant therefore does not feel that it is necessary to include a DCO Requirement for a method statement for the landfall aspects of the cabling works only as this will duplicate the documents already required to be submitted under the DCO.</p> <p>With regards to access, whilst this will also be included within the CoCP, the Applicant notes that no specific reference to intertidal access is made in Requirement 8 and therefore the Applicant has agreed to include a new sub-paragraph in Requirement 8 of the draft DCO which requires the CoCP to include details of the access route to intertidal, the expected number of vehicles that will be accessing the intertidal and the expected number of trips to the intertidal. This approach has been agreed with NE.</p>		
<b>Schedule A, Part 3, Requirement 11</b>	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):  <i>“waters regulated under this Chapter”</i></p>	<p>11. No part of the authorised development seaward of <b>MLWS MHWS</b> 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</p>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
		<p><i>means—(a) waters in or adjacent to Great Britain which are between the mean low water mark 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>	submitted to the Secretary of State for approval in relation to that part.	
<b>Schedule A, Part 3, Requirement 14</b>	Environment Agency	During a call with the Environment Agency it was advised that the Environment Agency should be removed as a consultee to the surface water drainage scheme under Requirement 14. The Applicant therefore seeks to make this change.	14.—(1) No part of the electrical transmission station is to commence until a detailed surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the electrical transmission station have been submitted to and approved in writing by the local planning authority, in consultation with the <del>Environment Agency</del> and the drainage board within the meaning of section 25 of the Land Drainage Act 1991.	Agreed
<b>Schedule A, Part 3, Requirement 16</b>	Environment Agency	<p>In its Relevant Representation the Environment Agency requested that the time period for the Environment Agency to provide approval under Requirement 16 be amended from 28 days to 2 months.</p> <p>The Applicant has discussed this further with the Environment Agency and has agreed to amend the timescale for approval under Requirement 16 to 2 months.</p>	(3) If the Environment Agency fails to notify the undertaker of its decision on whether to give approval within <del>2 months</del> <del>28 days</del> of receiving the scheme for approval the Environment Agency is deemed to have given approval.	Agreed
<b>Schedule A, Part 3, Requirement 25</b>	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	<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</u>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status																		
		requirement in the DCO, the drafting of which has been agreed with North Lincolnshire Council.	<u>assessment shall be carried out in accordance with BS 4142:2014 "Methods for rating and assessing industrial and commercial sound".</u>																			
<b>Schedule C, Streets to be temporarily stopped up</b>	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.	<table border="1"> <thead> <tr> <th data-bbox="1088 411 1245 639">(1) Area</th> <th data-bbox="1252 411 1379 639">(2) Street to be temporarily stopped up</th> <th data-bbox="1386 411 1794 639">(3) Extent of temporary stopping up</th> </tr> </thead> <tbody> <tr> <td data-bbox="1088 644 1245 751"><del>North-East Lincolnshire</del></td> <td data-bbox="1252 644 1379 751"><del>Bradley Road</del></td> <td data-bbox="1386 644 1794 751"><del>Between points 125 and 126 as shown hatched on sheet 11 of the onshore works plans.</del></td> </tr> <tr> <td data-bbox="1088 804 1245 943"><del>North-East Lincolnshire</del></td> <td data-bbox="1252 804 1379 943">A180</td> <td data-bbox="1386 804 1794 943"><del>Between points 84 and 85 as shown hatched on sheet 21 of the onshore works plans.</del></td> </tr> <tr> <td data-bbox="1088 963 1245 1086"><del>North-East Lincolnshire</del></td> <td data-bbox="1252 963 1379 1086">A180</td> <td data-bbox="1386 963 1794 1086"><del>Between points 86 and 87 as shown hatched on sheet 21 of the onshore works plans</del></td> </tr> <tr> <td data-bbox="1088 1107 1245 1230"><del>North-East Lincolnshire</del></td> <td data-bbox="1252 1107 1379 1230">A180</td> <td data-bbox="1386 1107 1794 1230"><del>Between points 88 and 89 as shown hatched on sheet 21 of the onshore works plans</del></td> </tr> <tr> <td data-bbox="1088 1251 1245 1374"><del>North-East Lincolnshire</del></td> <td data-bbox="1252 1251 1379 1374">A180</td> <td data-bbox="1386 1251 1794 1374"><del>Between points 90 and 91 as shown hatched on sheet 21 of the onshore works plans</del></td> </tr> </tbody> </table>	(1) Area	(2) Street to be temporarily stopped up	(3) Extent of temporary stopping up	<del>North-East Lincolnshire</del>	<del>Bradley Road</del>	<del>Between points 125 and 126 as shown hatched on sheet 11 of the onshore works plans.</del>	<del>North-East Lincolnshire</del>	A180	<del>Between points 84 and 85 as shown hatched on sheet 21 of the onshore works plans.</del>	<del>North-East Lincolnshire</del>	A180	<del>Between points 86 and 87 as shown hatched on sheet 21 of the onshore works plans</del>	<del>North-East Lincolnshire</del>	A180	<del>Between points 88 and 89 as shown hatched on sheet 21 of the onshore works plans</del>	<del>North-East Lincolnshire</del>	A180	<del>Between points 90 and 91 as shown hatched on sheet 21 of the onshore works plans</del>	N/A
(1) Area	(2) Street to be temporarily stopped up	(3) Extent of temporary stopping up																				
<del>North-East Lincolnshire</del>	<del>Bradley Road</del>	<del>Between points 125 and 126 as shown hatched on sheet 11 of the onshore works plans.</del>																				
<del>North-East Lincolnshire</del>	A180	<del>Between points 84 and 85 as shown hatched on sheet 21 of the onshore works plans.</del>																				
<del>North-East Lincolnshire</del>	A180	<del>Between points 86 and 87 as shown hatched on sheet 21 of the onshore works plans</del>																				
<del>North-East Lincolnshire</del>	A180	<del>Between points 88 and 89 as shown hatched on sheet 21 of the onshore works plans</del>																				
<del>North-East Lincolnshire</del>	A180	<del>Between points 90 and 91 as shown hatched on sheet 21 of the onshore works plans</del>																				

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status								
<b>Schedule D, Access to works</b>	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.	<table border="1"> <thead> <tr> <th data-bbox="1090 308 1375 379">(1) Area</th> <th data-bbox="1382 308 1794 379">(2) Description of Access</th> </tr> </thead> <tbody> <tr> <td data-bbox="1090 384 1375 555"><del>North ————— East Lincolnshire</del></td> <td data-bbox="1382 384 1794 555"><del>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.</del></td> </tr> <tr> <td data-bbox="1090 608 1375 778"><del>North ————— East Lincolnshire</del></td> <td data-bbox="1382 608 1794 778"><del>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.</del></td> </tr> <tr> <td data-bbox="1090 799 1375 962"><del>North ————— East Lincolnshire</del></td> <td data-bbox="1382 799 1794 962"><del>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.</del></td> </tr> </tbody> </table>	(1) Area	(2) Description of Access	<del>North ————— East Lincolnshire</del>	<del>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.</del>	<del>North ————— East Lincolnshire</del>	<del>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.</del>	<del>North ————— East Lincolnshire</del>	<del>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.</del>	N/A
(1) Area	(2) Description of Access											
<del>North ————— East Lincolnshire</del>	<del>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.</del>											
<del>North ————— East Lincolnshire</del>	<del>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.</del>											
<del>North ————— East Lincolnshire</del>	<del>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.</del>											
<b>Schedule G, Land in which temporary possession may be taken, Part 1(a),</b>	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 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	Reference to plots 227, 382 and 383 have been removed from Part 1(a) of Schedule G.	N/A								

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
		references to these plots from Schedule G of the DCO.		
<b>Schedule G, Land in which temporary possession may be taken, Part 2(a),</b>	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 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.	Reference to plots 384, 385, 386, 387, 389, 390 and 391 have been removed from Part 2(a) of Schedule G.	N/A
<b>Schedules H, I, J, K</b>	MMO	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.	disposal site reference <del>HU209 {2A}</del> disposal site reference <del>HU210 {2B}</del> disposal site reference <del>HU211 {Subzone-2}</del>	Agreed
<b>Schedules H, I, J, K</b>	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA. One such change was to amend “phase” to “part” in accordance with the standard conditions and for consistency throughout the DMLs	any <del>part phase</del> of	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
		(where appropriate in the context).		
<b>Schedule s H and J, DMLs A1 and B1, Part 1, Paragraph h 1(1)</b>	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 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.	“undertaker” means <del>for the purposes of constructing, maintaining and operating Work No. [1A/1B] and any associated development or ancillary works within the Wind Farm Area relating to that work,</del> 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/1B] and such associated development or ancillary works has been transferred under article <del>35</del> <b>36</b> of the Order to another person, that other person;	N/A
<b>Schedule s H and J, DMLs A1 and B1, Part 1, Paragraph h 1(4)</b>	NE	In its Relevant Representation NE advised the Applicant that NE’s head office at Foundry House has closed and therefore the contact details in paragraph 1 of the DMLs require to be updated.	(g) Natural England <del>Foss House</del> <del>Kings Pool</del> <del>1-2 Peasholme Green</del> <del>York</del> <del>North Yorkshire</del> <del>YO1 7PX</del> <del>Foundry House</del> <del>3 Millsands</del> <del>Riverside Exchange</del> <del>Sheffield</del>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
			<del>S3-8NH</del> Tel: 0300 060 <del>14911</del>	
<b>Schedule s H and J, DMLs A1 and B1, Part 1, Paragraph h 1(4)</b>	MMO	The Applicant has deleted the contact details for JNCC since Natural England is now the relevant statutory nature conservation body in respect of the DCO and DMLs.	<del>(h) — Joint Nature Conservation Committee Inverdee House Baxter Street Aberdeen AB11 9QA Tel: 01224 266 550</del>	Agreed
<b>Schedule s H and J, DMLs A1 and B1, Part 1, Paragraph h 1(4)</b>	Historic England	The Applicant has been advised that references in the DCO to English Heritage should be amended to Historic Buildings and Monuments Commission for England. The Applicant has therefore made the necessary change to Paragraph 1(4) of the DMLs with knock on changes to Conditions 10(6) and 11.	(i) <del>Historic Buildings and Monuments Commission for England English Heritage (referred to as "Historic England")</del> Eastgate Court 195-205 High Street Guildford GU1 3EH Tel: 01483 252 057	Agreed
<b>Schedule s H and J, DMLs A1 and B1, Part 1, Paragraph h 2(1)(c)</b>	MMO	In its Relevant Representation, the MMO noted that paragraph 2(1) lists the licensable activities permitted under each DML and that dredging is listed but it does not specify the type or purpose of this activity. The MMO noted that it assumed that this refers to dredging in preparation of the seabed prior to the installation of turbine foundations or cables but requested that additional text should be added for clarity. The Applicant has agreed to provide some	(c) <del>dredging for the purposes of seabed preparation for foundation works and/or electrical circuit works;</del>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
		additional text within the DMLs to address this point.		
<b>Schedule s H and J, DMLs A1 and B1, Part 1, Paragraph h 2(1)(e), (f)</b>	MMO	During a call on 16 <sup>th</sup> 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 [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/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 [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/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	Agreed
<b>Schedule s H and J, DMLs A1 and B1, Part 1, Paragraph h 2(5)</b>	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 <del>35</del> 36 of the Order.	N/A

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
Schedule s H and J, DMLs A1 and B1, 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/1B] must not exceed <del>4,754,015</del> <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 <del>4,754,015</del> <u>4,761,555</u> m3.	N/A
Schedule s H and J, DMLs A1 and B1, Part 2, Condition 4	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.	<p>4.—(1) No part of the authorised scheme seaward of MHWS is to commence until the <del>MMO Secretary of State</del>, in consultation with the MCA, has given written approval for an Emergency Response <del>and</del> Co-operation Plan which includes full details of the emergency co-operation plans for the construction, operation and decommissioning phases of that part of the authorised scheme in accordance with the MCA recommendations contained within MGN 371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues”.</p> <p>(2) No <del>part of the</del> authorised scheme seaward of MHWS is to commence until the <del>MMO Secretary of State</del>, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the development, adequately addressed all MCA recommendations as appropriate to the authorised scheme contained within MGN 371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” (including its annexes).</p> <p>(3) The Emergency Response <del>and</del> Co-operation Plan must be implemented as approved, unless otherwise agreed in writing by the <del>MMO Secretary of State</del>, in</p>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
			<p>consultation with the MCA.</p> <p><del>(4) The undertaker must during the whole period from the start of construction of the authorised scheme seaward of MHWS to the completion of decommissioning provide relevant information to the MCA to assist in the timely and efficient issuing of notices to mariners and other navigational warnings of the position and nature of the works, such information to be provided to mariners in the shipping and fishing industry as well as to recreational mariners.</del></p>	
<p><b>Schedule s H and J, DMLs A1 and B1, Part 2, Condition 5(c)</b></p>	<p>MMO/ TH/ MCA</p>	<p>During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.</p>	<p><del>(c) keep Trinity House and the MMO informed of progress of the authorised scheme seaward of MWHS including—</del></p> <p><del>(i) notice of commencement of construction of the authorised scheme within 24 hours of commencement having occurred;</del></p> <p><del>(ii) notice within 24 hours of any aids to navigation being established by the undertaker; and</del></p> <p><del>(iii) notice within five working days of completion of construction of the authorised scheme.</del></p> <p><del>(c) notify Trinity House as soon as reasonably practicable of both the progress and completion of the authorised scheme (or any part of it) and any aids to navigation established from time to time</del></p>	<p>Agreed</p>
<p><b>Schedule s H and J, DMLs A1 and B1, Part 2, Condition 5(d)</b></p>	<p>MMO/ TH/ MCA</p>	<p>During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.</p>	<p><del>(d) submit reports to Trinity House detailing provide reports on the working condition of aids to navigation quarterly, or periodically as requested by Trinity House.</del></p>	<p>Agreed</p>

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
<b>Schedule s H and J, DMLs A1 and B1, Part 2, Condition 5(e)</b>	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.	(e) notify Trinity House and the MMO of any failure of the aids to navigation and the timescales <u>and plans for remedying in which</u> such failures <del>will be remedied</del> , as soon as possible and no later than 24 hours following the undertaker becoming aware of any such failure	Agreed
<b>Schedule s H and J, DMLs A1 and B1, Part 2, Condition 5(2)</b>	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.	(2) Except as otherwise required by Trinity House under paragraph (1), the undertaker must colour all structures comprised in Work No. [1A/1B] <u>yellow (colour code RAL 1023) from at least HAT to a height as directed by Trinity House. Unless the MMO otherwise directs, the undertaker must paint the remainder of the structures</u> submarine grey (colour code RAL 7035).	Agreed
<b>Schedule s H and J, DMLs A1 and B1, Part 2, Condition 6</b>	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.  One such change was to move the notification aspect of Condition 6 into Condition 7 (Notifications and inspections).  It was agreed that the remainder of Condition 6 could be deleted from the DMLs since Condition 5(1)(a) provides TH with the necessary powers to direct the undertaker to exhibit such lights, marks, sounds, signals and other aids to navigation and take such other steps for	<del>6. In case of injury to, or destruction or decay of, the authorised scheme or any part of it seaward of MHWS the undertaker must as soon as reasonably practicable, and no later than 24 hours following the undertaker becoming aware of any such injury, destruction or decay, notify Trinity House and must lay down such buoys, exhibit such lights and take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.</del>  New Condition 7(11):  <u>In case of damage to, or destruction or decay of, the authorised scheme or any part of it seaward of MHWS the undertaker must as soon as reasonably practicable, and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify the MMO, Trinity House, MCA and the UK Hydrographic Office.</u>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
		the prevention of danger to navigation as TH sees fit.		
<b>Schedule s H and J, DMLs A1 and B1, Part 2, Condition 7(6)</b>	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.	(6) The undertaker must inform the MMO <u>Coastal Office</u> in writing at least five working days prior to the commencement of the licensed activities or any <u>part phase</u> of them.	Agreed
<b>Schedule s H and J, DMLs A1 and B1, Part 2, Condition 7(7)</b>	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.	(7) <u>The Kingfisher Information Service of Seafish, must be informed by email of details of the vessel routes, timings and locations relating to the construction of the authorised scheme or relevant part to kingfisher@seafish.co.uk—</u> <u>(a) at least two weeks prior to the construction of the authorised scheme or relevant part, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data; and</u> <u>(b) on completion of the construction of the authorised scheme or relevant part.</u> <u>Confirmation of notification must be provided to the MMO</u> <u>Prior to the commencement of the licensed activities the undertaker must publish in the Kingfisher Fortnightly Bulletin details of the vessel routes, timings and locations relating to the construction of the authorised scheme</u>	Agreed
<b>Schedule s H and J, DMLs A1 and B1, Part 2, Condition 7(8)</b>	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	(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 turbine locations.</u>	N/A

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
		other works under the DML are captured.		
<b>Schedule s H and J, DMLs A1 and B1, Part 2, Condition 7(8)</b>	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.	(8) The undertaker must ensure that a Notice to Mariners is issued at least ten <u>working</u> 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 location of the works comprised within the authorised scheme	Agreed
<b>Schedule s H and J, DMLs A1 and B1, Part 2, Condition 7(9)</b>	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.	(9) <u>The undertaker must ensure that t</u> <del>The n</del> otices to <del>m</del> ariners <u>are must be</u> updated and reissued <del>not less frequently than at</del> <u>weekly intervals during construction activities and at least five days before any planned operation and maintenance works</u> and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction and monitoring programme approved under licence condition 10(2)(a). Copies of all notices <del>must shall</del> be provided to the MMO	Agreed
<b>Schedule s H and J, DMLs A1 and B1, Part 2, Condition 7(10)</b>	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.	(10) The undertaker must notify— (a) the UK Hydrographic Office of commencement (within two weeks), progress and completion (within two weeks) of the authorised scheme in order that all necessary amendments to nautical charts are made; and <u>the undertaker must send a copy of such notifications to the MMO; and</u> <del>(b) the MMO once the authorised scheme is completed and any required lighting or marking has been established.</del>	Agreed
<b>Schedule s H and J, DMLs A1 and B1, Part 2,</b>	CAA	The CAA have requested that a condition be inserted into the DCO to require the undertaker to inform the Defence Geographic Centre prior to the installation of structures above 300 ft in order that	(10) The undertaker must notify— <u>(b) the Defence Geographic Centre at least four weeks prior to the commencement of the authorised scheme, and of the progress and completion (within two</u>	Agreement on specific wording to be confirmed.

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
<b>Condition 7(10)</b>		necessary amendments to aviation charts can be made. The Applicant has agreed to include a condition in the DMLs to require the Defence Geographic Centre to be notified prior to the commencement of the authorised scheme in order to address this comment.	<u>weeks) of the authorised scheme, in order that all necessary amendments to aviation charts are made.</u>	
<b>Schedules H and J, DMLs A1 and B1, Part 2, Condition 7(11)</b>	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.  One such change was to move the notification aspect of Condition 6 into Condition 7 (Notifications and inspections).	<u>(11) In case of damage to, or destruction or decay of, the authorised scheme or any part of it seaward of MHWS the undertaker must as soon as reasonably practicable, and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify the MMO, Trinity House, MCA and the UK Hydrographic Office.</u>	Agreed
<b>Schedules H and J, DMLs A1 and B1, Part 2, Condition 8(5)</b>	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 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.	(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>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
<b>Schedule s H and J, DMLs A1 and B1, Part 2, Condition 8(8)</b>	MMO	In its Relevant Representation the MMO noted that Condition 8(8) currently states 'In the event that the MMO becomes aware that any of the materials on the audit sheet cannot be accounted for...'. It is the opinion of the MMO that the onus should be on the undertaker to inform the MMO of any missing items on the audit sheet, where known. The Applicant has agreed to amend the condition in order to address the MMO's concern.	(8) In the event that the <u>undertaker MMO</u> becomes aware that any of the materials on the audit sheet cannot be accounted for it <del>shall</del> <u>must notify the MMO within five days of becoming aware and the MMO may</u> require the undertaker to carry out a side scan sonar survey to plot all obstructions across the Wind Farm Area where construction works and related activities have been carried out under this licence. Local fishermen shall be invited to send a representative to be present during the survey. Any new obstructions that the MMO believes to be associated with the authorised scheme shall be removed at the undertaker's expense, where practicable.	Agreed
<b>Schedule s H and J, DMLs A1 and B1, Part 2, Condition 8(13)</b>	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</i></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>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
		<p><i>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 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.</p>		
<b>Schedule s H and J, DMLs A1 and B1, Part 2, Condition 10(1)(a)</b>	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.	<u>(a) A plan to be agreed in writing with the MMO following appropriate consultation with Trinity House and the MCA setting out proposed details of the authorised scheme, including the—</u> <u>(i) number, dimensions, specification, foundation type(s) and depth for each wind turbine generator and offshore accommodation platform;</u> <u>(ii) grid coordinates of the centre point of the proposed location for each wind turbine generator and offshore accommodation platform, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions;</u> <u>(iii) proposed layout of all cables, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions;</u>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
			<p><u>and</u></p> <p><u>(iv) location and specification of all other aspects of the authorised scheme, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions.</u></p> <p><del>(a) — To ensure conformity with the description of Work No 1A and compliance with licence conditions 1 to 3 above, a plan, to be agreed in writing with the MMO in consultation with Trinity House and the MCA, which shows—</del></p> <p><del>(i) — the proposed location and choice of foundation of all wind turbine generators and offshore accommodation platforms, subject to any micro-siting required due to anthropological constraints, environmental constraints, difficult ground conditions or to give adequate spacing between other infrastructure;</del></p> <p><del>(ii) — the proposed location and height of bridge links;</del></p> <p><del>(iii) — 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 wind turbine generators;</del></p> <p><del>(iv) — the height, length and width of all offshore accommodation platforms;</del></p> <p><del>(v) — the length and arrangement of all electrical circuits comprising Work No 1A subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions;</del></p> <p><del>(vi) — the proposed dimensions of all monopile foundations;</del></p> <p><del>(vii) — the proposed dimensions of all gravity base</del></p>	

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
			<del>foundations;</del> <del>(viii) the proposed dimensions of all jacket foundations;</del> <del>and</del> <del>(ix) the proposed layout of all wind turbine generators and offshore accommodation platforms including all exclusion zones comprised in the licensed activities and showing the indicative programming of particular works as set out in the indicative programme to be provided under paragraph (2)(a).</del>	
<b>Schedule s H and J, DMLs A1 and B1, Part 2, Condition 10(2)(c)(i)</b>	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>	Agreed
<b>Schedule s H and J, DMLs A1 and B1,</b>	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	(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,	Agreed with Natural England

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
<b>Part 2, Condition 10(2)(e)</b>		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.	<del>which may</del> include, but <u>is</u> not <del>be</del> limited to— (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.	
<b>Schedule s H and J, DMLs A1 and B1, Part 2, Condition 10(2)(e)</b>	N/A. Errata	In reviewing the DCO post submission, the Applicant discovered a small typographical error in that the reference to “Marine Mammal Monitoring Zone” in Condition 10(2)(e) of the DMLs should be to “Marine Mammal <u>Mitigation</u> Zone”. The Applicant therefore seeks to correct this error.	(i) identification of a Marine Mammal <u>Mitigation Monitoring</u> Zone (MMMZ);	N/A
<b>Schedule s H and J, DMLs A1</b>	NE	NE requested that the Applicant include some text in Condition 10(2)(e) to make reference to the consideration of noise	(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	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
<b>and B1, Part 2, Condition 10(2)(e)</b>		reduction at source technologies. The Applicant has agreed to include such wording.	<p>advised by the statutory nature conservation agencies, which may include, but is not limited to—</p> <ul style="list-style-type: none"> <li>(i) identification of a Marine Mammal Monitoring Zone (MMMZ);</li> <li>(ii) appointment of an appropriate number of suitably qualified marine mammal observer(s);</li> <li>(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;</li> <li>(iv) a reporting methodology to enable efficient communication between the marine mammal observer(s) and the person responsible for approving commencement of piling;</li> <li>(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; <del>and</del></li> <li>(vi) where appropriate, methods for the application of acoustic deterrent devices; <del>and</del></li> <li><u>(vii) where appropriate, consideration of the use of noise reduction at source technologies.</u></li> </ul>	
<b>Schedule s H and J, DMLs A1 and B1, Part 2, Condition</b>	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.	<u>(i) An aids to navigation management plan specifying how the undertaker will ensure compliance with Condition 5 from the start of construction of the authorised scheme seaward of MHWS to the completion of decommissioning.</u>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
10(2)(j)				
<b>Schedule s H and J, DMLs A1 and B1, Part 2, Condition 10(6)</b>	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.	(6) Prior to giving its approval under paragraph (2), the MMO must—  (a) in relation to any programme, statement, plan or protocol submitted under sub-paragraphs (a) to (f), (h) or (i), consult with the relevant statutory nature conservation body; <del>and</del>  (b) in relation to a scheme submitted under sub-paragraph (g), consult with English Heritage; <u>and</u>  <u>(c) in relation to a plan submitted under sub-paragraph (j), consult with Trinity House.</u>	Agreed
<b>Schedule s H and J, DMLs A1 and B1, Part 2, Condition 15(1)</b>	MMO	In its Relevant Representation the MMO noted that Conditions 15 and 17 state that surveys will be undertaken in the parts of the wind farm area where construction is proposed or has been undertaken stating that it should be acknowledged that in order to inform an effective environmental monitoring survey design, the use of buffers or reference areas may also be required. The Applicant has therefore agreed to include reference to “appropriate buffers” in the condition to address this point.	15.—(1) The undertaker must, in discharging condition 10(2)(a), submit details for written approval by the MMO of proposed pre-construction surveys, including methodologies <u>(including appropriate buffers, where relevant)</u> and timings, and a proposed format and content for a pre-construction baseline report; and	Agreed
<b>Schedule s H and J, DMLs A1 and B1, Part 2, Condition 17(1)</b>	MMO	In its Relevant Representation the MMO noted that Conditions 15 and 17 state that surveys will be undertaken in the parts of the wind farm area where construction is proposed or has been undertaken stating that it should be acknowledged that in order to inform an effective environmental monitoring survey design, the use of	17.—(1) The undertaker must, in discharging condition 10(2)(a), submit details for written approval by the MMO in consultation with the relevant statutory nature conservation body of proposed post-construction surveys, including methodologies <u>(including appropriate buffers, where relevant)</u> and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals shall specify each survey's	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
		buffers or reference areas may also be required. The Applicant has therefore agreed to include reference to “appropriate buffers” in the condition to address this point.	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.	
<b>Schedule s I and K, DMLs A2 and B2, Part 1, Paragraph h 1(1)</b>	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 <del>35</del> <del>36</del> of the Order to another person, that other person;	N/A
<b>Schedule s I and K, DMLs A2 and B2, Part 1, Paragraph h 1(4)</b>	NE	In its Relevant Representation NE advised the Applicant that NE’s head office at Foundry House has closed and therefore the contact details in paragraph 1 of the DMLs require to be updated.	(g) Natural England <u>Foss House</u> <u>Kings Pool</u> <u>1-2 Peasholme Green</u> <u>York</u> <u>North Yorkshire</u> <u>YO1 7PX</u> Foundry House 3-Millsands Riverside Exchange Sheffield S3 8NH Tel: 0300 060 <u>14911</u>	Agreed
<b>Schedule</b>	MMO	The Applicant has deleted the contact	<del>(h) — Joint Nature Conservation Committee</del>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
s I and K, DMLs A2 and B2, Part 1, Paragraph 1(4)		details for JNCC since Natural England is now the relevant statutory nature conservation body in respect of the DCO and DMLs.	<a href="#">Inverdee House</a> <a href="#">Baxter Street</a> <a href="#">Aberdeen</a> <a href="#">AB11 9QA</a> <a href="#">Tel: 01224 266 550</a>	
Schedule s I and K, DMLs A2 and B2, Part 1, Paragraph 1(4)	Historic England	The Applicant has been advised that references in the DCO to English Heritage should be amended to Historic Buildings and Monuments Commission for England. The Applicant has therefore made the necessary change to Paragraph 1(4) of the DMLs with knock on changes to Conditions 10(6) and 11.	(i) <a href="#">Historic Buildings and Monuments Commission for England English Heritage (referred to as "Historic England")</a> Eastgate Court 195-205 High Street Guildford GU1 3EH Tel: 01483 252 057	Agreed
Schedule s I and K, DMLs A2 and B2, Part 1, Paragraph 2(1)(c)	MMO	It its Relevant Representation, the MMO noted that paragraph 2(1) lists the licensable activities permitted under each DML and that dredging is listed but it does not specify the type or purpose of this activity. The MMO noted that it assumed that this refers to dredging in preparation of the seabed prior to the installation of turbine foundations or cables but requested that additional text should be added for clarity. The Applicant has agreed to provide some additional text within the DMLs to address this point.	(c) <a href="#">dredging for the purposes of seabed preparation for foundation works and/or electrical circuit works;</a>	Agreed
Schedule s I and K,	MMO	During a call on 16 <sup>th</sup> April 2015 between the Applicant and the MMO, the MMO	(e) the disposal at disposal site reference <a href="#">HU211</a> <del>[Subzone-2]</del> of up to 324,454 m3 comprising inert	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
<p><b>DMLs A2 and B2, Part 1, Paragraph 2(1)(e), (f), (g), (h), (i)</b></p>		<p>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.</p>	<p>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/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></p> <p>(f) the disposal at disposal site reference <u>HU211 [Subzone 2]</u> 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. [2A/2B] and [4A/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></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/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>	

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
			<p>(h) the disposal at disposal site reference <u>HU209</u> <del>[2A]</del> of up to 1,269,000 m<sup>3</sup> comprising inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work No. [4A/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 m<sup>3</sup>;</u></p> <p>(i) the disposal at disposal site reference <u>HU210</u> <del>[2B]</del> of up to 131,000 m<sup>3</sup> comprising inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work No. [4A/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 m<sup>3</sup>;</u></p>	
<b>Schedule s I and K, DMLs A2 and B2, Part 1, Paragraph h 2(7)</b>	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 <del>35</del> <u>36</u> of the Order.	N/A
<b>Schedule s I and K, DMLs A2 and B2, Part 2, Condition 1(7), (8),</b>	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 (7), (8), (10) and (11) of Condition 1 of DML A2 and DML B2. This error relates to the proportions of	<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 <u>2,055,200</u> <del>1,960,000</del> square metres.</p> <p>(8) The combined total area of cable protection for the electrical circuits comprising Work Nos. 4A and 4B</p>	N/A

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
(10), (11)		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>located within the Humber Estuary Special Area of Conservation must not exceed <del>140,000</del> <u>44,800</u> 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 <del>1,120,000</del> <u>1,174,400</u> 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 <del>80,000</del> <u>25,600</u> m3.</p>	
Schedule s I and K, DMLs A2 and B2, Part 2, Condition 4	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.	<p>4.—(1) No part of the authorised scheme seaward of MHWS is to commence until the <del>MMO Secretary of State</del>, in consultation with the MCA, has given written approval for an Emergency Response <del>and</del> Co-operation Plan which includes full details of the emergency co-operation plans for the construction, operation and decommissioning phases of that part of the authorised scheme in accordance with the MCA recommendations contained within MGN 371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues”.</p> <p>(2) No <del>part of the</del> authorised scheme seaward of MHWS is to commence until the <del>MMO Secretary of State</del>, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the development, adequately addressed all MCA recommendations as appropriate to the authorised scheme contained within MGN 371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” (including its annexes).</p> <p>(3) The Emergency Response <del>and</del> Co-operation Plan</p>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
			<p>must be implemented as approved, unless otherwise agreed in writing by the <del>MMO Secretary of State</del>, in consultation with the MCA.</p> <p><del>(4) The undertaker must during the whole period from the start of construction of the authorised scheme seaward of MHWS to the completion of decommissioning provide relevant information to the MCA to assist in the timely and efficient issuing of notices to mariners and other navigational warnings of the position and nature of the works, such information to be provided to mariners in the shipping and fishing industry as well as to recreational mariners.</del></p>	
<b>Schedule s I and K, DMLs A2 and B2, Part 2, Condition 5(c)</b>	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.	<p><del>(c) keep Trinity House and the MMO informed of progress of the authorised scheme seaward of MWHS including—</del></p> <p><del>(i) notice of commencement of construction of the authorised scheme within 24 hours of commencement having occurred;</del></p> <p><del>(ii) notice within 24 hours of any aids to navigation being established by the undertaker; and</del></p> <p><del>(iii) notice within five working days of completion of construction of the authorised scheme.</del></p> <p><del>(c) notify Trinity House as soon as reasonably practicable of both the progress and completion of the authorised scheme (or any part of it) and any aids to navigation established from time to time</del></p>	Agreed
<b>Schedule s I and K, DMLs A2 and B2, Part 2,</b>	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the	<p><del>(d) submit reports to Trinity House detailing provide reports on the working condition of aids to navigation quarterly, or periodically</del> as requested by Trinity House</p>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
Condition 5(d)		MMO, TH and MCA.		
Schedule s I and K, DMLs A2 and B2, Part 2, Condition 5(e)	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.	(e) notify Trinity House and the MMO of any failure of the aids to navigation and the timescales <u>and plans for remedying in which</u> such failures <del>will be remedied</del> , as soon as possible and no later than 24 hours following the undertaker becoming aware of any such failure	Agreed
Schedule s I and K, DMLs A2 and B2, Part 2, Condition 5(2)	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.	(2) Except as otherwise required by Trinity House under paragraph (1), the undertaker must colour all structures comprised in Work Nos. [2A/2B] and [3A/3B] <u>yellow (colour code RAL 1023) from at least HAT to a height as directed by Trinity House. Unless the MMO otherwise directs, the undertaker must paint the remainder of the structures</u> submarine grey (colour code RAL 7035).	Agreed
Schedule s I and K, DMLs A2 and B2, Part 2, Condition 6	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.  One such change was to move the notification aspect of Condition 6 into Condition 7 (Notifications and inspections).  It was agreed that the remainder of Condition 6 could be deleted from the DMLs since Condition 5(1)(a) provides TH with the necessary powers to direct the undertaker to exhibit such lights,	<del>6. In case of injury to, or destruction or decay of, the authorised scheme or any part of it seaward of MHWS the undertaker must as soon as reasonably practicable, and no later than 24 hours following the undertaker becoming aware of any such injury, destruction or decay, notify Trinity House and must lay down such buoys, exhibit such lights and take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.</del>  New Condition 7(11):  <u>In case of damage to, or destruction or decay of, the authorised scheme or any part of it seaward of MHWS the undertaker must as soon as reasonably practicable, and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify</u>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
		marks, sounds, signals and other aids to navigation and take such other steps for the prevention of danger to navigation as TH sees fit.	<a href="#">the MMO, Trinity House, MCA and the UK Hydrographic Office.</a>	
<b>Schedule s I and K, DMLs A2 and B2, Part 2, Condition 7(6)</b>	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.	(6) The undertaker must inform the MMO <a href="#">Coastal Office</a> in writing at least five working days prior to the commencement of the licensed activities or any <a href="#">part phase</a> of them.	Agreed
<b>Schedule s I and K, DMLs A2 and B2, Part 2, Condition 7(7)</b>	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.	(7) <a href="#">The Kingfisher Information Service of Seafish, must be informed by email of details of the vessel routes, timings and locations relating to the construction of the authorised scheme or relevant part to kingfisher@seafish.co.uk—</a> <a href="#">(a) at least two weeks prior to the construction of the authorised scheme or relevant part, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data; and</a> <a href="#">(b) on completion of the construction of the authorised scheme or relevant part.</a> <del>Confirmation of notification must be provided to the MMO Prior to the commencement of the licensed activities the undertaker must publish in the Kingfisher Fortnightly Bulletin details of the vessel routes, timings and locations relating to the construction of the authorised scheme</del>	Agreed
<b>Schedule s I and K, DMLs A2 and B2, Part 2, Condition</b>	N/A. Errata.	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	(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 <a href="#">location of the works comprised within the authorised</a>	N/A

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
7(8)		therefore seeks to amend this condition so that the condition is relevant to DML A2 and DML B2.	<u>scheme turbine locations.</u>	
Schedule s I and K, DMLs A2 and B2, Part 2, Condition 7(8)	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.	(8) The undertaker must ensure that a Notice to Mariners is issued at least ten <u>working</u> 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 location of the works comprised within the authorised scheme	Agreed
Schedule s I and K, DMLs A2 and B2, Part 2, Condition 7(9)	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.	(9) <u>The undertaker must ensure that t</u> <del>The n</del> otices to <del>m</del> ariners <u>are must be</u> updated and reissued <del>not less frequently than at</del> weekly <u>intervals during construction activities and at least five days before any planned operation and maintenance works</u> and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction and monitoring programme approved under licence condition 10(2)(a). Copies of all notices <del>must shall</del> be provided to the MMO	Agreed
Schedule s I and K, DMLs A2 and B2, Part 2, Condition 7(10)	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.	(10) The undertaker must notify— (a) the UK Hydrographic Office of commencement (within two weeks), progress and completion (within two weeks) of the authorised scheme in order that all necessary amendments to nautical charts are made; and <u>the undertaker must send a copy of such notifications to the MMO; and</u> <del>(b) the MMO once the authorised scheme is completed and any required lighting or marking has been established.</del>	Agreed
Schedule s I and K, DMLs A2	CAA	The CAA have requested that a condition be inserted into the DCO to require the undertaker to inform the Defence	(10) The undertaker must notify— <u>(b) the Defence Geographic Centre at least four</u>	Agreement on specific wording to

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
<b>and B2, Part 2, Condition 7(10)</b>		Geographic Centre prior to the installation of structures above 300 ft in order that necessary amendments to aviation charts can be made. The Applicant has agreed to include a condition in the DMLs to require the Defence Geographic Centre to be notified prior to the commencement of the authorised scheme in order to address this comment.	<u>weeks prior to the commencement of the authorised scheme, and of the progress and completion (within two weeks) of the authorised scheme, in order that all necessary amendments to aviation charts are made.</u>	be confirmed.
<b>Schedule s I and K, DMLs A2 and B2, Part 2, Condition 7(11)</b>	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.  One such change was to move the notification aspect of Condition 6 into Condition 7 (Notifications and inspections).	<u>(11) In case of damage to, or destruction or decay of, the authorised scheme or any part of it seaward of MHWS the undertaker must as soon as reasonably practicable, and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify the MMO, Trinity House, MCA and the UK Hydrographic Office.</u>	Agreed
<b>Schedule s I and K, DMLs A2 and B2, Part 2, Condition 8(5)</b>	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 that cannot be removed.  The Applicant therefore seeks to include some additional text in Condition 8(5) of the DMLs to include a timescale for such	(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>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
		notifications. This drafting has been verbally agreed with the MMO.		
<b>Schedule s I and K, DMLs A2 and B2, Part 2, Condition 8(8)</b>	MMO	In its Relevant Representation the MMO noted that Condition 8(8) currently states 'In the event that the MMO becomes aware that any of the materials on the audit sheet cannot be accounted for...'. It is the opinion of the MMO that the onus should be on the undertaker to inform the MMO of any missing items on the audit sheet, where known. The Applicant has agreed to amend the condition in order to address the MMO's concern.	(8) In the event that the <u>undertaker MMO</u> becomes aware that any of the materials on the audit sheet cannot be accounted for it <del>shall</del> <u>must notify the MMO within five days of becoming aware and the MMO may</u> require the undertaker to carry out a side scan sonar survey to plot all obstructions across the Wind Farm Area where construction works and related activities have been carried out under this licence. Local fishermen shall be invited to send a representative to be present during the survey. Any new obstructions that the MMO believes to be associated with the authorised scheme shall be removed at the undertaker's expense, where practicable.	Agreed
<b>Schedule s I and K, DMLs A2 and B2, Part 2, Condition 8(15), (16), (17)</b>	MMO	In its Response to Section 42 Consultation the MMO made the following comment:  <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>  <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>  <i>The licence holder must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site XX.</i>	<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>  <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>  <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>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
		<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 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>		
<b>Schedule s I and K, DMLs A2 and B2, Part 2, Condition 10(1)(a)</b>	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.	<p><u>(a) A plan to be agreed in writing with the MMO following appropriate consultation with Trinity House and the MCA setting out proposed details of the authorised scheme, including the—</u></p> <p><u>(i) number, dimensions, specification, foundation type(s) and depth for each offshore HVAC collector substation, offshore HVDC converter substation and offshore reactive compensation substation;</u></p> <p><u>(ii) grid coordinates of the centre point of the proposed location for each offshore HVAC collector substation, offshore HVDC converter substation and offshore reactive compensation substation, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions;</u></p>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
			<p><del>(iii) proposed layout of all cables, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions; and</del></p> <p><del>(iv) location and specification of all other aspects of the authorised scheme, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions.</del>(a) — To ensure conformity with the description of Work No 1A and compliance with licence conditions 1 to 3 above, a plan, to be agreed in writing with the MMO in consultation with Trinity House and the MCA, which shows—</p> <p><del>(i) the proposed location and choice of foundation of all wind turbine generators and offshore accommodation platforms, subject to any micro-siting required due to anthropological constraints, environmental constraints, difficult ground conditions or to give adequate spacing between other infrastructure;</del></p> <p><del>(ii) the proposed location and height of bridge links;</del></p> <p><del>(iii) 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 wind turbine generators;</del></p> <p><del>(iv) the height, length and width of all offshore accommodation platforms;</del></p> <p><del>(v) the length and arrangement of all electrical circuits comprising Work No 1A subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions;</del></p> <p><del>(vi) the proposed dimensions of all monopile foundations;</del></p>	

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
			<p><del>(vii) the proposed dimensions of all gravity base foundations;</del></p> <p><del>(viii) the proposed dimensions of all jacket foundations; and</del></p> <p><del>(ix) the proposed layout of all wind turbine generators and offshore accommodation platforms including all exclusion zones comprised in the licensed activities and showing the indicative programming of particular works as set out in the indicative programme to be provided under paragraph (2)(a).</del></p>	
<b>Schedule s I and K, DMLs A2 and B2, Part 2, Condition 10(2)(c)(i)</b>	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>	Agreed
<b>Schedule s I and K, DMLs A2</b>	Applicant	In light of changing mitigation protocols in relation to marine mammals the Applicant has made a small change to Condition	(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	Agreed with Natural

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
<b>and B2, Part 2, Condition 10(2)(e)</b>		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.	advised by the statutory nature conservation agencies, <del>which may</del> <u>is</u> not <del>be</del> limited to— (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.	England
<b>Schedule s I and K, DMLs A2 and B2, Part 2, Condition 10(2)(e)</b>	N/A. Errata	In reviewing the DCO post submission, the Applicant discovered a small typographical error in that the reference to “Marine Mammal Monitoring Zone” in Condition 10(2)(e) of the DMLs should be to “Marine Mammal <u>Mitigation</u> Zone”. The Applicant therefore seeks to correct this error.	(i) identification of a Marine Mammal <u>Mitigation</u> <u>Monitoring</u> Zone (MMMZ);	N/A
<b>Schedule s I and K,</b>	NE	NE requested that the Applicant include some text in Condition 10(2)(e) to make	(e) In the event that driven or part-driven pile foundations are proposed to be used, a marine mammal	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
DMLs A2 and B2, Part 2, Condition 10(2)(e)		reference to the consideration of noise reduction at source technologies.	<p>mitigation protocol following current best practice as advised by the statutory nature conservation agencies, which may include, but is not limited to—</p> <ul style="list-style-type: none"> <li>(i) identification of a Marine Mammal Monitoring Zone (MMMZ);</li> <li>(ii) appointment of an appropriate number of suitably qualified marine mammal observer(s);</li> <li>(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;</li> <li>(iv) a reporting methodology to enable efficient communication between the marine mammal observer(s) and the person responsible for approving commencement of piling;</li> <li>(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; <b>and</b></li> <li>(vi) where appropriate, methods for the application of acoustic deterrent devices; <b>and</b></li> <li><u>(vii) where appropriate, consideration of the use of noise reduction at source technologies.</u></li> </ul>	
Schedule s I and K, DMLs A2 and B2, Part 2, Condition	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the	<u>(i) An aids to navigation management plan specifying how the undertaker will ensure compliance with Condition 5 from the start of construction of the authorised scheme seaward of MHWS to the completion of decommissioning.</u>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
10(2)(j)		MMO, TH and MCA.		
<b>Schedule s I and K, DMLs A2 and B2, Part 2, Condition 10(6)</b>	MMO/ TH/ MCA	During discussions with the MMO, TH and MCA the Applicant agreed to make a number of changes to align the current DML conditions with the standard navigation conditions proposed by the MMO, TH and MCA.	(6) Prior to giving its approval under paragraph (2), the MMO must—  (a) in relation to any programme or plan submitted under sub-paragraphs (a), (c), (d), (f), (h) or (i), consult with the relevant statutory nature conservation body and the Environment Agency;  (b) in relation to any statement or protocol submitted under sub-paragraphs (b) or (e), consult with the relevant statutory nature conservation body; <del>and</del>  (c) in relation to a scheme submitted under sub-paragraph (g), consult with English Heritage; <u>and</u>  <u>(d) in relation to a plan submitted under sub-paragraph (j), consult with Trinity House.</u>	Agreed
<b>Schedule s I and K, DMLs A2 and B2, Part 2, Condition 15(1)</b>	MMO	In its Relevant Representation the MMO noted that Conditions 15 and 17 state that surveys will be undertaken in the parts of the wind farm area where construction is proposed or has been undertaken stating that it should be acknowledged that in order to inform an effective environmental monitoring survey design, the use of buffers or reference areas may also be required. The Applicant has therefore agreed to include reference to “appropriate buffers” in the condition to address this point.	15.—(1) The undertaker must, in discharging condition 10(2)(a), submit details for written approval by the MMO in consultation with the relevant statutory nature conservation body and, in respect of the surveys required under paragraph (2)(b) and (c), in consultation with the Environment Agency, of proposed pre-construction surveys, including methodologies <u>(including appropriate buffers, where relevant)</u> and timings, and a proposed format and content for a pre-construction baseline report; and	Agreed
<b>Schedule s I and K, DMLs A2 and B2,</b>	MMO	In its Relevant Representation the MMO noted that Conditions 15 and 17 state that surveys will be undertaken in the parts of the wind farm area where construction is	17.—(1) The undertaker must, in discharging condition 10(2)(a), submit details for written approval by the MMO in consultation with the relevant statutory nature conservation body and, in respect of the surveys required	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
<b>Part 2, Condition 17(1)</b>		proposed or has been undertaken stating that it should be acknowledged that in order to inform an effective environmental monitoring survey design, the use of buffers or reference areas may also be required. The Applicant has therefore agreed to include reference to “appropriate buffers” in the condition to address this point.	under paragraph (2)(a), (b) and (c), in consultation with the Environment Agency, of proposed post-construction surveys, including methodologies <u>(including appropriate buffers, where relevant)</u> and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals shall 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.	
<b>Schedule L, Part 7, Paragraph h 74</b>	N/A. Errata	The Applicant noticed a small typographical error in paragraph 74 of Part 7 of Schedule L. The reference to “the undertaker” should be a reference to “the relevant undertaker”. The Applicant therefore seeks to amend this.	74. Before extinguishing any existing rights for Centrica to keep, inspect, renew and maintain its apparatus on, over or in the Order land or to cross the Order land to access its apparatus, the <u>relevant</u> undertaker, with the agreement of Centrica, must create a new right, which is consistent with the existing right being extinguished, to keep, inspect, renew and maintain the apparatus in the same location or a new right of access that is reasonably convenient for Centrica, such agreement not to be unreasonably withheld or delayed.	N/A
<b>Schedule L, Part 10, Heading</b>	N/A. Errata.	The Applicant noticed a minor typographical error 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	N/A