

Hornsea Offshore Wind Farm

Project Two

Schedule of Changes to Version 4 of the draft Development Consent Order

Appendix D to the Response submitted for Deadline IIA

Application Reference: EN010053

25 August 2015

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Hornsea Offshore Wind Farm: Project Two
Schedule of changes to Version 4 of the draft DCO (August 2015)

Changes made in Version 2	Changes made in Version 3	Changes made in Version 4
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Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
Article 2, definition of “main river”	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
Article 4(1), Guarantees in respect of payment of compensation	Ex. A/ Applicant	During the Issue Specific DCO Hearing held on 30 July 2015 the Examining Authority referenced the minor amendments which the Secretary of State made to the equivalent of Article 4(1) of the Hornsea One Offshore Wind Farm Order 2014 and queried whether similar amendments should be made to the Project Two DCO. The Applicant has had the opportunity to consider this internally and agrees with the changes made by the Secretary of State to the Hornsea One Offshore Wind Farm Order and has amended Article 4(1) to reflect these changes in the Project Two DCO.	4.—(1) The undertaker must not begin to exercise the powers of articles 18 to 28 of this Order in relation to any land unless <u>it has first put in place</u> either— <u>(a)</u> a guarantee in respect of the liabilities of the undertaker to pay compensation under this Order in respect of the exercise of the relevant power in relation to that land; or <u>(b)</u> an alternative form of security for that purpose is in place which has been approved by the Secretary of State.	N/A
Article 26(10),	N/A. Errata.	In reviewing the DCO post submission, the Applicant discovered an error in that	(10) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph s (1)(a)(i). or	N/A

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
Temporary use of land for carrying out the authorised project		Article 26(10) should have also provided that the undertaker may not compulsorily acquire the Order land specified in Part 2 of Schedule G in addition to the Order land specified in Part 1 of Schedule G. The Applicant therefore seeks to correct this error.	paragraph (1)(a)(ii), (2)(a) or (3)(a) except that the undertaker is not precluded from— (a) acquiring new rights or imposing restrictive covenants over any part of that land under article 19 (compulsory acquisition of rights); or (b) acquiring any part of the subsoil (or rights in the subsoil) of that land under article 23 (acquisition of subsoil or airspace only).	
Article 30(4), Felling or lopping of trees and the removal of hedgerows	Ex.A/ Applicant	During the Issue Specific DCO Hearing held on 30 July 2015 the Examining Authority asked why Regulations 5 and 7 of the Hedgerows Regulations 1997 had been disapplied and queried whether amending Regulation 6 of the Regulations would suffice. The Applicant has had the opportunity to consider this internally and is happy to amend Article 30(4) of the draft DCO to amend Regulation 6 of the Hedgerows Regulations rather than disapply Regulations 5 and 7.	(4) The undertaker is not required to comply with the requirements of regulation 5 of the Hedgerow Regulations 1997 in exercising the powers of paragraph (3) and it is not guilty of an offence under regulation 7(1) of these regulations if it does so <u>Regulation 6 of the Hedgerows Regulations 1997 shall be modified so as to read for the purposes of this Order only as if there were inserted after paragraph (1)(j)—</u> <u>“(k) or for carrying out development which has been authorised by a development consent pursuant to the Planning Act 2008.”.</u>	N/A
Article 36, Deemed marine licences under the Marine and Coastal Access Act 2009	N/A. Errata.	In reviewing the DCO post submission, the Applicant discovered a small typographical error in that the reference to “that Schedule” in Article 36 should be to “those Schedules”. The Applicant therefore seeks to correct this error.	36. The undertaker is granted deemed marine licences under Chapter 1 of Part 4 of the 2009 Act to carry out the works and make the deposits described in Schedules H, I, J and K, subject to the licence conditions set out in those that <u>Schedules</u> .	N/A
Schedule	N/A.	When cross checking figures in the DCO	(g) The combined total area of cable protection for the	N/A

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A, Part 3, Requirement 2(6)(g), (h), (k), (l)	Errata.	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>electrical circuits comprising Work Nos. 4A and 4B located outwith the Humber Estuary Special Area of Conservation must not exceed 1,960,000 <u>2,055,200</u> 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 140,000 <u>44,800</u> 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 1,120,000 <u>1,174,400</u> m³.</p> <p>(l) The total volume of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located within the Humber Estuary Special Area of Conservation must not exceed 80,000 <u>25,600</u> m³.</p>	
Schedule A, Part 3, Requirement 2(8)	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
Schedule A, Part 3, Requirement 2(9)	N/A. Errata.	When checking the detailed design parameters in the DCO, the Applicant detected an error in the terminology used in Requirement 2(9) which should read "transition joint bays" in accordance with the description of Work Nos. 6A and 6B,	(9) The total area in which the eight underground transition joint bays pits <u>joint bays</u> comprised in Work Nos. 6A and 6B may be contained must not exceed 2,000 square metres and none of the eight transition joint bays pits <u>joint bays</u> within that area must individually exceed 25 m by 10 m.	N/A

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
		rather than “transition pits”. The Applicant therefore seeks to amend this error.		
Schedule A, Part 3, Requirement 2(11)	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 <u>35,672</u> 60,000 square metres in area, excluding any area of land required for landscaping and mitigation.	N/A
Schedule A, Part 3, Requirement 2(11)	Ex. A/ Applicant	During the Issue Specific DCO Hearing held on 30 July 2015 the Examining Authority queried whether further detail could be provided in respect of the onshore detailed design parameters in Requirement 2 of the draft DCO. The Applicant has had the opportunity to consider this internally and has amended Requirement 2(11) to also include the maximum parameters of the main buildings comprised in Work Nos. 8A and 8B in the event that the mode of transmission is HVAC.	11) The main buildings comprised in Work Nos. 8A and 8B (electrical transmission stations) must not – <u>(a) where the mode of transmission is HVDC –</u> (i) exceed 40 metres in height; (ii) exceed 69.5 metres in width; (iii) exceed 135 metres in length; and <u>(b) where the mode of transmission is HVAC –</u> (i) <u>exceed 15 metres in height;</u> (ii) <u>exceed 18.5 metres in width;</u> (iii) <u>exceed 82.5 metres in length; and</u> the site of Work Nos. 8A and 8B must not cover more than 35,672 square metres in area, excluding any area of land required for landscaping and mitigation.	N/A
Schedule	Environme	In its Relevant Representation the	<u>(13) The electrical circuits comprised in Work Nos. 7A</u>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
A, Part 3, Requirement 2(13)	Environment Agency	<p>Environment Agency made the following comment in relation to Works No. 7A and 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>	<u>and 7B must be installed by use of a trenchless technique where crossing under a main river”.</u>	
Schedule A, Part 3, Requirement 2(14)	Ex. A/ Applicant	<p>During the Issue Specific DCO Hearing held on 30 July 2015 the Examining Authority queried whether further detail could be provided in respect of the onshore detailed design parameters in Requirement 2 of the draft DCO. The Applicant has had the opportunity to consider this internally and has included a new paragraph in Requirement 2 setting out the maximum width of the permanent onshore cable corridor.</p>	<u>(14) The total width of the corridor occupied by the connection comprised in Work Nos. 7A and 7B following completion of construction of those works must not exceed 30 metres except where those works overlap with Work Nos. 5A, 5B, 6A or 6B in which case the width of the corridor occupied by the connection comprising Work Nos. 7A and 7B must not exceed 150 metres.</u>	N/A
Schedule A, Part 3, Requirement 5(8)	N/A. Errata.	<p>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.</p>	(8) The combined total volume of scour protection for the wind turbine generators and the offshore accommodation platforms forming part of the authorised development must not exceed <u>4,761,555 4,754,015</u> m ³	N/A

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
Schedule A, Part 3, Requirement 8	Applicant	The Applicant notes that in light of recent legislative changes references in the DCO to the Highways Agency should be amended to Highways England. The Applicant has therefore made the necessary change to Requirement 8 of the DCO.	8.—(1) No part of the authorised development landward of MLWS is to commence within the area of a local planning authority until a code of construction practice relating to the works authorised landward of MLWS, and based on the outline code of construction practice has been submitted to and approved by the local planning authority such approval to be provided in the case of any construction traffic management plan submitted pursuant to paragraph (2)(e), and any travel plan submitted pursuant to sub-paragraph (2)(l) in consultation with the relevant highway authority and the Highways <u>England Agency</u> .	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 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</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>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>		
Schedule A, Part 3, Requirement 11	MMO	<p>During a call with the MMO it was flagged that Requirement 11 refers to MHWS however Section 105 of the Energy Act 2004 states (emphasis added):</p> <p><i>“waters regulated under this Chapter” means—(a) waters in or adjacent to Great Britain which are between the <u>mean low water mark</u> and the seaward limits of the territorial sea;</i></p> <p>The Applicant therefore seeks to amend the reference to MHWS to MLWS so that it accurately reflects the 2004 Act.</p>	<p>11. No part of the authorised development seaward of MHWS MLWS is to commence until a written decommissioning programme in compliance with any notice served upon the undertaker by the Secretary of State pursuant to section 105(2) of the 2004 Act has been submitted to the Secretary of State for approval in relation to that part.</p>	Agreed

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Schedule A, Part 3, Requirement 14	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 Environment Agency and the drainage board within the meaning of section 25 of the Land Drainage Act 1991.	Agreed
Schedule A, Part 3, Requirement 16	Environment Agency	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. 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.	(3) If the Environment Agency fails to notify the undertaker of its decision on whether to give approval within 2 months <u>28 days</u> of receiving the scheme for approval the Environment Agency is deemed to have given approval.	Agreed
Schedule A, Part 3, Requirement 25	North Lincolnshire Council	During a meeting with the Applicant, North Lincolnshire Council requested the inclusion of an operational noise requirement in the DCO. The Applicant therefore seeks to include such a requirement in the DCO, the drafting of which has been agreed with North Lincolnshire Council.	<u>25. The combined rating level, LAr,Tr, of the noise emitted during normal operation from the electrical transmission station, converter and associated plant, shall not exceed 35 dB at any residential property that has planning permission on 1st December 2014. The assessment shall be carried out in accordance with BS 4142:2014 "Methods for rating and assessing industrial and commercial sound".</u>	Agreed
Schedule A, Part 3, Requirement 26	Ex. A/ Applicant	During the Issue Specific DCO Hearing held on 30 July 2015 the Examining Authority queried whether the mechanism for co-operation between undertakers in relation to the submission of pre-	<u>26.—(1) Prior to the submission of any plan or document required to be submitted for approval under the requirements, the undertaker in respect of the works to which the plan or document relates must provide a copy of the plan or document to the other undertaker under this</u>	N/A

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status												
		<p>construction plans could be extended onshore. The Applicant has had the opportunity to consider this internally and has included a new Requirement in the DCO extending the mechanism for co-operation between undertakers in relation to the submission of pre-construction plans onshore.</p>	<p><u>Order.</u></p> <p><u>(2) The other undertaker must provide any comments on the plan or document to the first undertaker within 14 days of receipt of the plan or document.</u></p> <p><u>(3) On submission of any plan or document referred to in paragraph (1) for approval, the undertaker in respect of the works to which the plan or document relates must also submit any comments received from the other undertaker under paragraph (2), or a statement confirming that no such comments were received.</u></p>													
<p>Schedule C, Streets to be temporarily stopped up</p>	<p>Applicant</p>	<p>Following submission of the application the Applicant continued to engage with those persons having an interest in the Order Land. As a result of these discussions, and in an effort to minimise the impact of the Project on the affected persons, the Applicant has agreed to make minor reductions to the Order Land by the removal of certain plots. The 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.</p>	<table border="1"> <thead> <tr> <th data-bbox="1093 671 1245 746">(1) Area</th> <th data-bbox="1252 671 1379 895">(2) Street to be temporarily stopped up</th> <th data-bbox="1386 671 1912 746">(3) Extent of temporary stopping up</th> </tr> </thead> <tbody> <tr> <td data-bbox="1093 900 1245 1007">North-East Lincolnshire</td> <td data-bbox="1252 900 1379 1007">Bradley Road</td> <td data-bbox="1386 900 1912 1007">Between points 125 and 126 as shown hatched on sheet 11 of the onshore works plans.</td> </tr> <tr> <td data-bbox="1093 1059 1245 1198">North-East Lincolnshire</td> <td data-bbox="1252 1059 1379 1198">A180</td> <td data-bbox="1386 1059 1912 1198">Between points 84 and 85 as shown hatched on sheet 21 of the onshore works plans.</td> </tr> <tr> <td data-bbox="1093 1203 1245 1342">North-East Lincolnshire</td> <td data-bbox="1252 1203 1379 1342">A180</td> <td data-bbox="1386 1203 1912 1342">Between points 86 and 87 as shown hatched on sheet 21 of the onshore works plans</td> </tr> </tbody> </table>	(1) Area	(2) Street to be temporarily stopped up	(3) Extent of temporary stopping up	North-East Lincolnshire	Bradley Road	Between points 125 and 126 as shown hatched on sheet 11 of the onshore works plans.	North-East Lincolnshire	A180	Between points 84 and 85 as shown hatched on sheet 21 of the onshore works plans.	North-East Lincolnshire	A180	Between points 86 and 87 as shown hatched on sheet 21 of the onshore works plans	<p>N/A</p>
(1) Area	(2) Street to be temporarily stopped up	(3) Extent of temporary stopping up														
North-East Lincolnshire	Bradley Road	Between points 125 and 126 as shown hatched on sheet 11 of the onshore works plans.														
North-East Lincolnshire	A180	Between points 84 and 85 as shown hatched on sheet 21 of the onshore works plans.														
North-East Lincolnshire	A180	Between points 86 and 87 as shown hatched on sheet 21 of the onshore works plans														

Section	Consultee	Comment from Consultee/ Justification	Change Made		Status	
			North-East-Lincolnshire	A180	Between points 88 and 89 as shown hatched on sheet 21 of the onshore works plans	
			North-East-Lincolnshire	A180	Between points 90 and 91 as shown hatched on sheet 21 of the onshore works plans	
Schedule D, Access to works	Applicant	Following submission of the application the Applicant continued to engage with those persons having an interest in the Order Land. As a result of these discussions, and in an effort to minimise the impact of the Project on the affected persons, the Applicant has agreed to make minor reductions to the Order Land by the removal of certain plots. The Applicant therefore seeks to remove references to these plots and associated side accesses and streets to be temporarily stopped up from the Schedules of the DCO.			N/A	
			(1) Area	(2) Description of Access		
			North-East-Lincolnshire	Between point A19 (west side of Bradley Road north of Waltham) shown on sheet 11 of the onshore works plans and Work Nos. 7A and 7B.		
			North-East-Lincolnshire	Between point A37 (boundary to service area to the south of A180) shown on sheet 21 of the onshore works plans and Work Nos. 7A and 7B.		
			North-East-Lincolnshire	Between point A38 (boundary to service area to the north of A180) shown on sheet 21 of the onshore works plans and Work Nos. 7A and 7B.		
Schedule G, Land in which temporar	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	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
y possessi on may be taken, Part 1(a),		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.		
Schedule G, Land in which temporar y possessi on may be taken, Part 2(a),	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
Schedule s H, I, J, K	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 HU209 {2A} disposal site reference HU210 {2B} disposal site reference HU211 {Subzone 2}	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
Schedule s H, I, J, K	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 (where appropriate in the context).	any <u>part</u> phase of	Agreed
Schedule s H and J, DMLs A1 and B1, Part 1, Paragraph h 1(1)	N/A. Errata	In reviewing the DCO post submission, the Applicant discovered a cross-referencing error in the definition of “undertaker” in the DMLs. The definition cross refers to Article 36 but this should be to Article 35 (Transfer of benefit of Order). The Applicant 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 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, 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 <u>35 36</u> of the Order to another person, that other person;	N/A
Schedule s H and J, DMLs A1 and B1, Part 1, Paragraph	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>	Agreed

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h 1(4)			<u>York</u> <u>North Yorkshire</u> <u>YO1 7PX</u> Foundry House 3 Millsands Riverside Exchange Sheffield S3 8NH Tel: 0300 060 14911	
Schedule s H and J, DMLs A1 and B1, Part 1, Paragraph h 1(4)	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.	(h) — Joint Nature Conservation Committee Inverdee House Baxter Street Aberdeen AB11 9QA Tel: 01224 266 550	Agreed
Schedule s H and J, DMLs A1 and B1, Part 1, Paragraph h 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) <u>Historic Buildings and Monuments Commission for England</u> English Heritage (referred to as “ <u>Historic England</u> ”) Eastgate Court 195-205 High Street Guildford GU1 3EH Tel: 01483 252 057	Agreed
Schedule	MMO	It its Relevant Representation, the MMO	(c) dredging <u>for the purposes of seabed preparation</u>	Agreed

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s H and J, DMLs A1 and B1, Part 1, Paragraph 2(1)(c)		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.	<u>for foundation works and/or electrical circuit works;</u>	
Schedule s H and J, DMLs A1 and B1, Part 1, Paragraph 2(1)(e), (f)	MMO	During a call on 16 th April 2015 between the Applicant and the MMO, the MMO mentioned that DMLs A1 and B1 both permit the maximum disposal allowance for their respective works in paragraph 1 and there is no restriction stopping the full allowance being used under DML A1 and under DML B1. Similar restrictions appear in the DMLs for the other infrastructure. The Applicant acknowledges that this is an omission and seeks to amend the DMLs accordingly.	(e) the disposal at disposal site reference <u>HU211 [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</u>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
			<u>disposed of at disposal site reference HU211 does not exceed 400,852 m3</u> ; and	
Schedule s H and J, DMLs A1 and B1, Part 1, Paragraph h 2(5)	N/A. Errata	In reviewing the DCO post submission, the Applicant discovered a cross-referencing error in paragraph 2(5) of Part 1 of the DMLs. The paragraph cross refers to Article 36 but this should be to Article 35 (Transfer of benefit of Order). The Applicant therefore seeks to correct this error.	(5) The provisions of section 72 of the 2009 Act shall apply to this licence, save that the provisions of section 72(7) and 72(8) relating to the transfer of the licence shall only apply to a transfer not falling within article 35 36 of the Order.	N/A
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 4,754,015 <u>4,761,555</u> m3 provided that the combined total volume of scour protection for the wind turbine generators and the offshore accommodation platforms forming part of Work Nos. 1A and 1B does not exceed 4,754,015 <u>4,761,555</u> m3.	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.	4.—(1) No part of the authorised scheme seaward of MHWS is to commence until the MMO Secretary of State , in consultation with the MCA, has given written approval for an Emergency Response and 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”. (2) No <u>part of the</u> authorised scheme seaward of MHWS is to commence until the MMO Secretary of State , in consultation with the MCA, has confirmed in writing that	Agreed

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			<p>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 and Co-operation Plan must be implemented as approved, unless otherwise agreed in writing by the MMO Secretary of State, in consultation with the MCA.</p> <p>(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.</p>	
<p>Schedule s H and J, DMLs A1 and B1, Part 2, Condition 5(c)</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>(c) keep Trinity House and the MMO informed of progress of the authorised scheme seaward of MWHS including—</p> <p>(i) notice of commencement of construction of the authorised scheme within 24 hours of commencement having occurred;</p> <p>(ii) notice within 24 hours of any aids to navigation being established by the undertaker; and</p> <p>(iii) notice within five working days of completion of construction of the authorised scheme.</p> <p>(c) notify Trinity House as soon as reasonably practicable of both the progress and completion of the</p>	<p>Agreed</p>

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			authorised scheme (or any part of it) and any aids to navigation established from time to time	
Schedule s H and J, DMLs A1 and B1, Part 2, Condition 5(d)	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.	(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.	Agreed
Schedule s H and J, DMLs A1 and B1, 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 will be remedied , as soon as possible and no later than 24 hours following the undertaker becoming aware of any such failure	Agreed
Schedule s H and J, DMLs A1 and B1, 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 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
Schedule s H and J, DMLs A1 and B1, 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	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	Agreed

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		<p>Condition 7 (Notifications and inspections).</p> <p>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 the prevention of danger to navigation as TH sees fit.</p>	<p>time direct.</p> <p>New Condition 7(11):</p> <p><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></p>	
Schedule s H and J, DMLs A1 and B1, Part 2, Condition 7(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.	(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 part <u>phase</u> of them.	Agreed
Schedule s H and J, DMLs A1 and B1, Part 2, Condition 7(7)	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>(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></p> <p><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></p> <p><u>(b) on completion of the construction of the authorised scheme or relevant part.</u></p> <p><u>Confirmation of notification must be provided to the MMO</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</p>	Agreed

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			relating to the construction of the authorised scheme	
Schedule s H and J, DMLs A1 and B1, Part 2, Condition 7(8)	N/A. Errata.	In reviewing the DCO post submission, the Applicant noted that Condition 7(8) refers to “turbine locations” and felt that this condition should not be restricted to turbines only since the authorised scheme includes other large items of infrastructure. The Applicant therefore seeks to amend this condition so that other works under the DML are captured.	(8) The undertaker must ensure that a Notice to Mariners is issued at least ten days prior to the commencement of the licensed activities advising of the commencement of licensed activities within the Wind Farm Area and the expected vessel routes from the local service ports to the <u>location of the works comprised within the authorised scheme turbine locations.</u>	N/A
Schedule s H and J, DMLs A1 and B1, 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 H and J, DMLs A1 and B1, 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> The n Notices to m Mariners <u>are must be</u> updated and reissued not less frequently than at 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 <u>must shall</u> be provided to the MMO	Agreed
Schedule s H and J, DMLs A1 and B1, 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</u>	Agreed

Section	Consultee	Comment from Consultee/ Justification	Change Made	Status
			the MMO; and (b) the MMO once the authorised scheme is completed and any required lighting or marking has been established.	
Schedule s H and J, DMLs A1 and B1, Part 2, Condition 7(10)	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 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.	(10) The undertaker must notify— (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 weeks) of the authorised scheme, in order that all necessary amendments to aviation charts are made.	Agreement on specific wording to be confirmed.
Schedule s H and J, DMLs A1 and B1, Part 2, Condition 7(11)	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).	(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.	Agreed
Schedule s H and J, DMLs A1 and B1, Part 2,	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	(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	Agreed

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Condition 8(5)		<p>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.</p> <p>The Applicant therefore seeks to include some additional text in Condition 8(5) of the DMLs to include a timescale for such notifications. This drafting has been verbally agreed with the MMO.</p>	<p>completion of the authorised scheme (or by such later date as may be agreed in writing by the MMO). In the event that such debris cannot practicably be removed, the undertaker must notify the MMO, Trinity House and the MCA <u>within seven days of becoming aware that the debris cannot practicably be removed.</u></p>	
Schedule s H and J, DMLs A1 and B1, Part 2, Condition 8(8)	MMO	<p>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.</p>	<p>(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 shall <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.</p>	Agreed
Schedule s H and J, DMLs A1 and B1, Part 2, Condition 8(13)	MMO	<p>In its Response to Section 42 Consultation the MMO made the following comment:</p> <p><i>"The expected volumes of disposed material should be provided. These volumes should reflect the worst case scenario, based on the maximum envelope capacity, for both dredged material and drill arisings.</i></p> <p><i>Should disposal be included in the DMLs, additional conditions will be required for</i></p>	<p><u>(13) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU211.</u></p>	Agreed

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		<p><i>reporting and notification of disposal activities. Examples of such conditions are:</i></p> <p><i>The licence holder must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site XX.</i></p> <p><i>The Undertaker shall ensure that only dredged material and inert material of natural origin produced during construction, seabed preparation and drilling for foundation works comprised in Work No XX, and drilling mud shall be disposed of at disposal site reference XX."</i></p> <p>Following further discussions with the MMO in relation to this request the MMO confirmed that they were comfortable that most of the conditions requested are already covered off within the DMLs but noted that there is no condition requiring notification in relation to the final disposal 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>		
Schedule s H and J, DMLs A1 and B1, 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 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</u>	Agreed

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10(1)(a)			<p><u>offshore accommodation platform;</u></p> <p><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></p> <p><u>(iii) proposed layout of all cables, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions;</u> <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>(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 MGA, which shows—</p> <p>(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;</p> <p>(ii) the proposed location and height of bridge links;</p> <p>(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;</p> <p>(iv) the height, length and width of all offshore</p>	

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			<p>accommodation platforms;</p> <p>(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;</p> <p>(vi) the proposed dimensions of all monopile foundations;</p> <p>(vii) the proposed dimensions of all gravity base foundations;</p> <p>(viii) the proposed dimensions of all jacket foundations; and</p> <p>(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).</p>	
<p>Schedule s H and J, DMLs A1 and B1, Part 2, Condition 10(2)(c)(i)</p>	<p>MMO</p>	<p>In its Response to Section 42 Consultation the MMO made the following comment:</p> <p><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</p>	<p>(c) A project environmental management and monitoring plan to include details of—</p> <p>(i) a marine pollution contingency plan to address the risks, methods and procedures to deal with any spills and collision incidents during construction and operation of the authorised scheme in relation to all activities carried out seaward of MHWS. <u>The plan must include a mechanism for reporting oil, fuel and chemical spills to the MMO Marine Pollution Response Team;</u></p>	<p>Agreed</p>

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		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.		
Schedule s H and J, DMLs A1 and B1, Part 2, Condition 10(2)(e)	Applicant	In light of changing mitigation protocols in relation to marine mammals the Applicant has made a small change to Condition 10(2)(e) in relation to the marine mammal mitigation protocol (MMMP) to allow for the circumstances where the measures specifically listed in paragraphs (i) to (vi) have been superseded or are no longer best practice. This means the most up to date measures following best practice can be agreed at the time of submission and approval of the MMMP. The overarching requirement for the MMMP to follow best practice remains unaltered.	<p>(e) In the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol following current best practice as advised by the statutory nature conservation agencies, which may <u>is</u> not be limited to—</p> <p>(i) identification of a Marine Mammal Monitoring Zone (MMMZ);</p> <p>(ii) appointment of an appropriate number of suitably qualified marine mammal observer(s);</p> <p>(iii) methods for the detection of marine mammals within the MMMZ whether visually (by the marine mammal observer(s)) or acoustically using Passive Acoustic Monitoring equipment or other means of detection;</p> <p>(iv) a reporting methodology to enable efficient communication between the marine mammal observer(s) and the person responsible for approving commencement of piling;</p> <p>(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</p> <p>(vi) where appropriate, methods for the application of acoustic deterrent devices.</p>	Agreed with Natural England
Schedule s H and J, DMLs A1	N/A. Errata	In reviewing the DCO post submission, the Applicant discovered a small typographical error in that the reference	(i) identification of a Marine Mammal <u>Mitigation Monitoring</u> Zone (MMMZ);	N/A

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and B1, Part 2, Condition 10(2)(e)		to “Marine Mammal Monitoring Zone” in Condition 10(2)(e) of the DMLs should be to “Marine Mammal <i>Mitigation</i> Zone”. The Applicant therefore seeks to correct this error.		
Schedule s H and J, DMLs A1 and B1, Part 2, Condition 10(2)(e)	NE	NE requested that the Applicant include some text in Condition 10(2)(e) to make reference to the consideration of noise reduction at source technologies. The Applicant has agreed to include such wording.	<p>(e) In the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol following current best practice as advised by the statutory nature conservation agencies, which may include, but is not limited to—</p> <p>(i) identification of a Marine Mammal Monitoring Zone (MMMZ);</p> <p>(ii) appointment of an appropriate number of suitably qualified marine mammal observer(s);</p> <p>(iii) methods for the detection of marine mammals within the MMMZ whether visually (by the marine mammal observer(s)) or acoustically using Passive Acoustic Monitoring equipment or other means of detection;</p> <p>(iv) a reporting methodology to enable efficient communication between the marine mammal observer(s) and the person responsible for approving commencement of piling;</p> <p>(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</p> <p>(vi) where appropriate, methods for the application of acoustic deterrent devices; and</p> <p><u>(vii) where appropriate, consideration of the use of noise reduction at source technologies.</u></p>	Agreed

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Schedule s H and J, DMLs A1 and B1, Part 2, Condition 10(2)(j)	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>(j) 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
Schedule s H and J, DMLs A1 and B1, Part 2, Condition 10(2)(k)	NE	The Applicant acknowledges the concerns raised by Natural England in paragraphs 6.6.43 and 6.6.44 of its Written Representation in relation to monitoring of ornithological features and notes that the advice from Natural England will be dependent upon outputs from work that has yet to be undertaken. As such it is the Applicant's position that the wording in the DMLs is not altered as suggested by Natural England to enable both standard monitoring and/or input to strategic bird monitoring, but instead that Conditions 15(2)(b) and 17(2)(a) of DMLs A1 and B1 are reworded to state " <i>any ornithological monitoring required by the ornithological monitoring plan submitted in accordance with Condition 10(2)(k)</i> ". The Applicant would then include a commitment in Condition 10(2)(k) of DMLs A1 and B1 for an " <i>ornithological monitoring plan setting out the circumstances in which ornithological monitoring will be required and the monitoring to be carried out in such circumstances</i> " to be submitted to and	<u>(k) An ornithological monitoring plan setting out the circumstances in which ornithological monitoring will be required and the monitoring to be carried out in such circumstances.</u>	Discussion ongoing with NE and MMO

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		<p>approved by the MMO in consultation with the relevant SNCB. The Applicant has therefore sought to include this wording in the draft DCO.</p> <p>This approach is in line with the approach to marine mammal monitoring. The Applicant is of the opinion that adapting the Conditions as set out above still retains the commitment to ornithological monitoring, but recognises the need to retain flexibility for the most appropriate monitoring strategy (be it site specific, colony specific or strategic) to be agreed at the appropriate time. This has been proposed to the MMO and Natural England during consultation on the IPMP and, whilst agreed in principle, confirmation of approval of this approach has not yet been received.</p>		
Schedule s H and J, DMLs A1 and B1, Part 2, Condition 10(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.	<p>(6) Prior to giving its approval under paragraph (2), the MMO must—</p> <p>(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; and</p> <p>(b) in relation to a scheme submitted under sub-paragraph (g), consult with English Heritage; and</p> <p><u>(c) in relation to a plan submitted under sub-paragraph (j), consult with Trinity House.</u></p>	Agreed
Schedule s H and J, DMLs A1	MMO	In its Relevant Representation the MMO noted that Conditions 15 and 17 state that surveys will be undertaken in the parts of	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	Agreed

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and B1, Part 2, Condition 15(1)		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.	methodologies <u>(including appropriate buffers, where relevant)</u> and timings, and a proposed format and content for a pre-construction baseline report; and	
Schedule s H and J, DMLs A1 and B1, Part 2, Condition 15(2)(a)	MMO	In light of the amendment made to Condition 15(1) in Version 3 of the draft DCO to include reference to “appropriate buffers”, reference to specific buffers in Condition 15(2) should have been deleted since this will now be covered under Condition 15(1). The Applicant has therefore deleted reference to the specific buffer referred to in Condition 15(2)(a).	(a) a high resolution swath bathymetric survey to include a 100% coverage and a side scan sonar survey of the part(s) of the Wind Farm Area in which it is proposed to carry out construction works and disposal activities under this licence, including a 500m buffer around the site of each works;	Agreed
Schedule s H and J, DMLs A1 and B1, Part 2, Condition 15(2)(b)	NE	The Applicant acknowledges the concerns raised by Natural England in paragraphs 6.6.43 and 6.6.44 of its Written Representation in relation to monitoring of ornithological features and notes that the advice from Natural England will be dependent upon outputs from work that has yet to be undertaken. As such it is the Applicant’s position that the wording in the DMLs is not altered as suggested by Natural England to enable both standard monitoring and/or input to strategic bird monitoring, but instead that Conditions 15(2)(b) and 17(2)(a) of DMLs A1 and B1 are reworded to state “any	(b) <u>any ornithological monitoring required by the ornithological monitoring plan submitted in accordance with Condition 10(2)(k) a survey of existing ornithological activity covering the part(s) of the Wind Farm Area within which it is proposed to carry out construction works under this licence, and any wider area(s) where appropriate, which is required to test predictions in the Environmental Statement concerning key ornithological interests of relevance to the authorised scheme;</u>	Discussion ongoing with NE and MMO

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		<p><i>ornithological monitoring required by the ornithological monitoring plan submitted in accordance with Condition 10(2)(k)</i>". The Applicant would then include a commitment in Condition 10(2)(k) of DMLs A1 and B1 for an "<i>ornithological monitoring plan setting out the circumstances in which ornithological monitoring will be required and the monitoring to be carried out in such circumstances</i>" to be submitted to and approved by the MMO in consultation with the relevant SNCB. The Applicant has therefore sought to include this wording in the draft DCO.</p> <p>This approach is in line with the approach to marine mammal monitoring. The Applicant is of the opinion that adapting the Conditions as set out above still retains the commitment to ornithological monitoring, but recognises the need to retain flexibility for the most appropriate monitoring strategy (be it site specific, colony specific or strategic) to be agreed at the appropriate time. This has been proposed to the MMO and Natural England during consultation on the IPMP and, whilst agreed in principle, confirmation of approval of this approach has not yet been received.</p>		
Schedule H and J, DMLs A1 and B1,	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 of proposed post-construction surveys,	Agreed

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Part 2, Condition 17(1)		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.	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.	
Schedule s H and J, DMLs A1 and B1, Part 2, Condition 17(2)(a)	NE	The Applicant acknowledges the concerns raised by Natural England in paragraphs 6.6.43 and 6.6.44 of its Written Representation in relation to monitoring of ornithological features and notes that the advice from Natural England will be dependent upon outputs from work that has yet to be undertaken. As such it is the Applicant’s position that the wording in the DMLs is not altered as suggested by Natural England to enable both standard monitoring and/or input to strategic bird monitoring, but instead that Conditions 15(2)(b) and 17(2)(a) of DMLs A1 and B1 are reworded to state “ <i>any ornithological monitoring required by the ornithological monitoring plan submitted in accordance with Condition 10(2)(k)</i> ”. The Applicant would then include a commitment in Condition 10(2)(k) of DMLs A1 and B1 for an “ <i>ornithological monitoring plan setting out the circumstances in which ornithological monitoring will be required and the monitoring to be carried out in such circumstances</i> ” to be submitted to and	(a) <u>any ornithological monitoring required by the ornithological monitoring plan submitted in accordance with Condition 10(2)(k) an ornithological survey covering the part(s) of the Wind Farm Area within which construction works were carried out under this licence, and any wider area(s) where appropriate, which is required to test predictions in the Environmental Statement concerning key ornithological interests of relevance to the authorised scheme;</u>	Discussion ongoing with NE and MMO

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		<p>approved by the MMO in consultation with the relevant SNCB. The Applicant has therefore sought to include this wording in the draft DCO.</p> <p>This approach is in line with the approach to marine mammal monitoring. The Applicant is of the opinion that adapting the Conditions as set out above still retains the commitment to ornithological monitoring, but recognises the need to retain flexibility for the most appropriate monitoring strategy (be it site specific, colony specific or strategic) to be agreed at the appropriate time. This has been proposed to the MMO and Natural England during consultation on the IPMP and, whilst agreed in principle, confirmation of approval of this approach has not yet been received.</p>		
Schedule s H and J, DMLs A1 and B1, Part 2, Condition 19	Environment Agency/ MMO	<p>In reviewing this Condition during discussions with the Environment Agency the Applicant noticed a typographical error in that the Condition requires the plan to be submitted and approved prior to construction. The intention of the condition however, has always been that this plan would be submitted prior to decommissioning and as such, the Applicant seeks to amend the wording regarding the timing of the submission and approval of the plan to reflect this intention. This amendment has been agreed with the MMO.</p>	<p>19. No decommissioning activities shall commence until plans for the carrying out of such activities have been submitted to and approved in writing by the MMO. The plans shall be submitted for approval at least four months prior to the intended start of <u>the decommissioning activities construction</u>, except where otherwise stated or unless otherwise agreed in writing by the MMO.</p>	Agreed

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Schedule s I and K, DMLs A2 and B2, Part 1, Paragraph h 1(1)	N/A. Errata	In reviewing the DCO post submission, the Applicant discovered a cross-referencing error in the definition of “undertaker” in the DMLs. The definition cross refers to Article 36 but this should be to Article 35 (Transfer of benefit of Order). The Applicant therefore seeks to correct this error.	“undertaker” means Optimus Wind Limited or, to the extent that the benefit of the provisions of the Order and related statutory rights in relation to Works Nos. 2A, 3A, 4A or 5A and such associated development or ancillary works has been transferred under article 35 36 of the Order to another person, that other person;	N/A
Schedule s I and K, DMLs A2 and B2, Part 1, Paragraph h 1(4)	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 Foss House Kings Pool 1-2 Peasholme Green York North Yorkshire YO1 7PX Foundry House 3 Millsands Riverside Exchange Sheffield S3 8NH Tel: 0300 060 14911	Agreed
Schedule s I and K, DMLs A2 and B2, Part 1, Paragraph	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.	(h) — Joint Nature Conservation Committee Inverdee House Baxter Street Aberdeen	Agreed

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h 1(4)			AB11-9QA Tel: 01224 266 550	
Schedule s I and K, DMLs A2 and B2, Part 1, Paragraph h 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) <u>Historic Buildings and Monuments Commission for England English Heritage (referred to as "Historic England")</u> 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 h 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) <u>dredging for the purposes of seabed preparation for foundation works and/or electrical circuit works;</u>	Agreed
Schedule s I and K, DMLs A2 and B2, Part 1, Paragraph	MMO	During a call on 16 th April 2015 between the Applicant and the MMO, the MMO mentioned that DMLs A2 and B2 both permit the maximum disposal allowance for their respective works in paragraph 1 and there is no restriction stopping the full	(e) the disposal at disposal site reference <u>HU211 [Subzone-2]</u> of up to 324,454 m3 comprising inert material of natural origin produced during construction drilling and seabed preparation for foundation works and/or dredged material produced during seabed preparation for foundation works comprised in Work No.	Agreed

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h 2(1)(e), (f), (g), (h), (i)		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>[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</u> [Subzone 2] of up to 92,048 m3 comprising inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. [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</u> [2A] 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> <p>(h) the disposal at disposal site reference <u>HU209</u> [2A] of up to 1,269,000 m3 comprising inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work No. [4A/4B]</p>	

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			<p><u>provided that the combined total volume of inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 4A and 4B disposed of at disposal site reference HU209 does not exceed 1,269,000 m3;</u></p> <p>(i) the disposal at disposal site reference <u>HU210</u> [2B] of up to 131,000 m3 comprising inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work No. [4A/4B] <u>provided that the combined total volume of inert material of natural origin and/or dredged material produced during cable laying preparation works comprised in Work Nos. 4A and 4B disposed of at disposal site reference HU210 does not exceed 131,000 m3;</u></p>	
Schedule s I and K, DMLs A2 and B2, Part 1, Paragraph 2(7)	N/A. Errata	In reviewing the DCO post submission, the Applicant discovered a cross-referencing error in paragraph 2(7) of Part 1 of the DMLs. The paragraph cross refers to Article 36 but this should be to Article 35 (Transfer of benefit of Order). The Applicant therefore seeks to correct this error.	(7) The provisions of section 72 of the 2009 Act shall apply to this licence, save that the provisions of section 72(7) and 72(8) relating to the transfer of the licence shall only apply to a transfer not falling within article 35 36 of the Order.	N/A
Schedule s I and K, DMLs A2 and B2, Part 2, Condition 1(7), (8), (10), (11)	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 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	<p>(7) The combined total area of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located outwith the Humber Estuary Special Area of Conservation must not exceed 2,055,200 1,960,000 square metres.</p> <p>(8) The combined total area of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located within the Humber Estuary Special Area of Conservation must not exceed 44,800 140,000 square metres.</p>	N/A

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		Work Nos. 4A and 4B. The Applicant therefore seeks to amend this error.	<p>(10) The total volume of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located outwith the Humber Estuary Special Area of Conservation must not exceed 1,174,400 1,120,000 m3.</p> <p>(11) The total volume of cable protection for the electrical circuits comprising Work Nos. 4A and 4B located within the Humber Estuary Special Area of Conservation must not exceed 25,600 80,000 m3.</p>	
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 MMO Secretary of State, in consultation with the MCA, has given written approval for an Emergency Response and 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 part of the authorised scheme seaward of MHWS is to commence until the MMO Secretary of State, 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 and Co-operation Plan must be implemented as approved, unless otherwise agreed in writing by the MMO Secretary of State, in consultation with the MCA.</p>	Agreed

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			(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.	
Schedule s I and K, DMLs A2 and B2, Part 2, Condition 5(c)	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.	(c) keep Trinity House and the MMO informed of progress of the authorised scheme seaward of MWHS including— <u>(i) notice of commencement of construction of the authorised scheme within 24 hours of commencement having occurred;</u> <u>(ii) notice within 24 hours of any aids to navigation being established by the undertaker; and</u> <u>(iii) notice within five working days of completion of construction of the authorised scheme.</u> (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	Agreed
Schedule s I and K, DMLs A2 and B2, Part 2, Condition 5(d)	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.	(d) submit reports to Trinity House detailing provide reports on the working condition of aids to navigation <u>quarterly, or periodically</u> as requested by Trinity House	Agreed
Schedule	MMO/ TH/	During discussions with the MMO, TH	(e) notify Trinity House and the MMO of any failure of	Agreed

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s I and K, DMLs A2 and B2, Part 2, Condition 5(e)	MCA	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.	the aids to navigation and the timescales <u>and plans for remedying in which</u> such failures will be remedied , as soon as possible and no later than 24 hours following the undertaker becoming aware of any such failure	
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, marks, sounds, signals and other aids to navigation and take such other steps for the prevention of danger to navigation as	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. 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

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		TH sees fit.		
Schedule s I and K, DMLs A2 and B2, Part 2, Condition 7(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.	(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
Schedule s I and K, DMLs A2 and B2, Part 2, Condition 7(7)	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
Schedule s I and K, DMLs A2 and B2, Part 2, Condition 7(8)	N/A. Errata.	In reviewing the DCO post submission, the Applicant noted that Condition 7(8) refers to “turbine locations” which is not relevant for DML A2 and DML B2 since those DMLs do not make provision for the construction of turbines. The Applicant therefore seeks to amend this condition so that the condition is relevant to DML A2 and DML B2.	(8) The undertaker must ensure that a Notice to Mariners is issued at least ten days prior to the commencement of the licensed activities advising of the commencement of licensed activities within the offshore Order limits and the expected vessel routes from the local service ports to the <u>location of the works comprised within the authorised scheme turbine locations.</u>	N/A

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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> The n otices to m ariners <u>are must be</u> updated and reissued not less frequently than at 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 <u>must shall</u> 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> (b) the MMO once the authorised scheme is completed and any required lighting or marking has been established.	Agreed
Schedule s I and K, DMLs A2 and B2, Part 2, Condition	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 necessary amendments to aviation charts	(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 weeks) of the authorised scheme, in order that all</u>	Agreement on specific wording to be confirmed.

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7(10)		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>necessary amendments to aviation charts are made.</u>	
Schedule s I and K, DMLs A2 and B2, Part 2, Condition 7(11)	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
Schedule s I and K, DMLs A2 and B2, Part 2, Condition 8(5)	MMO	In its Response to Section 42 Consultation the MMO requested some changes to Condition 8(5). These were included within the submitted DCO however subsequently the MMO noted that Condition 8(5) did not include a timescale for notification to Trinity House and the MMO in the event that debris 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 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
Schedule	MMO	In its Relevant Representation the MMO	(8) In the event that the <u>undertaker</u> MMO becomes aware	Agreed

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s I and K, DMLs A2 and B2, Part 2, Condition 8(8)		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.	that any of the materials on the audit sheet cannot be accounted for it <u>shall 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.	
Schedule s I and K, DMLs A2 and B2, Part 2, Condition 8(15), (16), (17)	MMO	<p>In its Response to Section 42 Consultation the MMO made the following comment:</p> <p><i>"The expected volumes of disposed material should be provided. These volumes should reflect the worst case scenario, based on the maximum envelope capacity, for both dredged material and drill arisings.</i></p> <p><i>Should disposal be included in the DMLs, additional conditions will be required for reporting and notification of disposal activities. Examples of such conditions are:</i></p> <p><i>The licence holder must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site XX.</i></p> <p><i>The Undertaker shall ensure that only dredged material and inert material of natural origin produced during construction, seabed preparation and</i></p>	<p><u>(15) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU211.</u></p> <p><u>(16) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU209.</u></p> <p><u>(17) The undertaker must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site reference HU210.</u></p>	Agreed

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		<p><i>drilling for foundation works comprised in Work No XX, and drilling mud shall be disposed of at disposal site reference XX."</i></p> <p>Following further discussions with the MMO in relation to this request the MMO confirmed that they were comfortable that most of the conditions requested are already covered off within the DMLs but noted that there is no condition requiring notification in relation to the final disposal at a particular site. The Applicant therefore seeks to include such a condition within the DMLs which has been verbally agreed with the MMO.</p>		
<p>Schedule s I and K, DMLs A2 and B2, Part 2, Condition 10(1)(a)</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><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> <p><u>(iii) proposed layout of all cables, subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions;</u></p>	<p>Agreed</p>

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			<p><u>and</u></p> <p>(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. (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>(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;</p> <p>(ii) the proposed location and height of bridge links;</p> <p>(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;</p> <p>(iv) the height, length and width of all offshore accommodation platforms;</p> <p>(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;</p> <p>(vi) the proposed dimensions of all monopile foundations;</p> <p>(vii) the proposed dimensions of all gravity base foundations;</p> <p>(viii) the proposed dimensions of all jacket foundations;</p>	

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			<p>and</p> <p>(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).</p>	
Schedule s I and K, DMLs A2 and B2, Part 2, Condition 10(2)(c)(i)	MMO	<p>In its Response to Section 42 Consultation the MMO made the following comment:</p> <p><i>“Condition 8: Chemicals, drilling and debris should also include the following licence condition:</i></p> <p><i>The Undertaker shall ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO’s Marine Pollution Response Team.”</i></p> <p>Following further discussions with the MMO it was agreed that text could be added to Condition 10(2) to secure this within the marine pollution contingency plan. The Applicant therefore seeks to amend Condition 10(2)(c)(i) to include additional wording to this effect that has been verbally agreed with the MMO.</p>	<p>(c) A project environmental management and monitoring plan to include details of—</p> <p>(i) a marine pollution contingency plan to address the risks, methods and procedures to deal with any spills and collision incidents during construction and operation of the authorised scheme in relation to all activities carried out seaward of MHWS. <u>The plan must include a mechanism for reporting oil, fuel and chemical spills to the MMO Marine Pollution Response Team;</u></p>	Agreed
Schedule s I and K, DMLs A2 and B2, Part 2, Condition 10(2)(e)	Applicant	<p>In light of changing mitigation protocols in relation to marine mammals the Applicant has made a small change to Condition 10(2)(e) in relation to the marine mammal mitigation protocol (MMMP) to allow for the circumstances where the measures specifically listed in paragraphs (i) to (vi)</p>	<p>(e) In the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol following current best practice as advised by the statutory nature conservation agencies, <u>which may</u> to include, but <u>is</u> not be limited to—</p> <p>(i) identification of a Marine Mammal Monitoring Zone</p>	Agreed with Natural England

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		<p>have been superseded or are no longer best practice. This means the most up to date measures following best practice can be agreed at the time of submission and approval of the MMMP. The overarching requirement for the MMMP to follow best practice remains unaltered.</p>	<p>(MMMZ);</p> <p>(ii) appointment of an appropriate number of suitably qualified marine mammal observer(s);</p> <p>(iii) methods for the detection of marine mammals within the MMMZ whether visually (by the marine mammal observer(s)) or acoustically using Passive Acoustic Monitoring equipment or other means of detection;</p> <p>(iv) a reporting methodology to enable efficient communication between the marine mammal observer(s) and the person responsible for approving commencement of piling;</p> <p>(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</p> <p>(vi) where appropriate, methods for the application of acoustic deterrent devices.</p>	
<p>Schedule s I and K, DMLs A2 and B2, Part 2, Condition 10(2)(e)</p>	<p>N/A. Errata</p>	<p>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.</p>	<p>(i) identification of a Marine Mammal <u>Mitigation Monitoring</u> Zone (MMMZ);</p>	<p>N/A</p>
<p>Schedule s I and K, DMLs A2 and B2, Part 2,</p>	<p>NE</p>	<p>NE requested that the Applicant include some text in Condition 10(2)(e) to make reference to the consideration of noise reduction at source technologies.</p>	<p>(e) In the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol following current best practice as advised by the statutory nature conservation agencies, which may include, but is not limited to—</p>	<p>Agreed</p>

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Condition 10(2)(e)			<p>(i) identification of a Marine Mammal Monitoring Zone (MMMZ);</p> <p>(ii) appointment of an appropriate number of suitably qualified marine mammal observer(s);</p> <p>(iii) methods for the detection of marine mammals within the MMMZ whether visually (by the marine mammal observer(s)) or acoustically using Passive Acoustic Monitoring equipment or other means of detection;</p> <p>(iv) a reporting methodology to enable efficient communication between the marine mammal observer(s) and the person responsible for approving commencement of piling;</p> <p>(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</p> <p>(vi) where appropriate, methods for the application of acoustic deterrent devices; <u>and</u></p> <p><u>(vii) where appropriate, consideration of the use of noise reduction at source technologies.</u></p>	
Schedules I and K, DMLs A2 and B2, Part 2, Condition 10(2)(j)	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>(j) 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
Schedule	MMO/ TH/	During discussions with the MMO, TH	(6) Prior to giving its approval under paragraph (2), the	Agreed

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s I and K, DMLs A2 and B2, Part 2, Condition 10(6)	MCA	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.	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; and (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>	
Schedule s I and K, DMLs A2 and B2, Part 2, Condition 15(1)	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
Schedule s I and K, DMLs A2 and B2, Part 2, Condition 15(2)(c)	MMO	In light of the amendment made to Condition 15(1) of Version 3 of the draft DCO to include reference to “appropriate buffers”, reference to specific buffers in Condition 15(2) should have been deleted since this will now be covered under Condition 15(1). The Applicant has	(c) a high resolution swath bathymetric survey to include a 100% coverage and a side scan sonar survey of the part(s) of the offshore Order limits within which it is proposed to carry out construction works and disposal activities under this licence; including a 500m buffer around the site of each works ; and	Agreed

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		therefore deleted reference to the specific buffer referred to in Condition 15(2)(c).		
Schedule s I and K, DMLs A2 and B2, Part 2, Condition 17(1)	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.	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 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.	Agreed
Schedule s I and K, DMLs A2 and B2, Part 2, Condition 19	Environment Agency/ MMO	During discussions with the Environment Agency in relation to cable landfall burial depth and related assessment the Environment Agency suggested securing a mechanism to enable the EA to advise future decision makers on the potential impacts of the decommissioning plan giving the EA future opportunity to provide further advice using the best available information at a time when the EA are likely to have a better understanding of the long-term impacts of climate change on marine processes and the flood defence assets. The Applicant has agreed to this approach which will be secured by amending Condition 19 of DMLs A2 and B2 to make the Environment Agency a consultee in	19. No decommissioning activities shall commence until plans for the carrying out of such activities have been submitted to and approved in writing by the MMO <u>and, where the plans relate to the decommissioning of Work Nos. [4A/4B] or [5A/5B], the MMO must consult with the Environment Agency prior to giving its approval.</u> The plans shall be submitted for approval at least four months prior to the intended start of <u>the decommissioning activities construction</u> , except where otherwise stated or unless otherwise agreed in writing by the MMO.	Agreed

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		<p>relation to the approval of the decommissioning plan. The wording of this amendment has been agreed with the Environment Agency and the MMO.</p> <p>In reviewing this Condition the Applicant noticed a typographical error in that the Condition requires the plan to be submitted and approved prior to construction. The intention of the condition however, has always been that this plan would be submitted prior to decommissioning and as such, the Applicant seeks to amend the wording regarding the timing of the submission and approval of the plan to reflect this intention. This amendment has been agreed with the Environment Agency and the MMO.</p>		
Schedule L, Part 7, Paragraph 74	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
Schedule L, Part 9, Heading	Phillips 66 Limited	Phillips 66 advised the Applicant that there was a minor error in the drafting of the protective provisions contained in Part 9 of Schedule L stating:	88. In this Part of this Schedule— “the pipeline” means the crude oil pipeline owned and operated by P66 used at various times for the passage of	Agreed

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		<p>“Whereas the definition refers to our ‘pipeline’ (singular, which is correct) subsequent paragraphs refer to ‘pipelines’ (plural which is not correct as there is only one line).”</p> <p>The Applicant therefore seeks to amend this in Part 9 of Schedule L.</p>	<p>multi-purpose hydrocarbon fuels and all ancillary apparatus including such works and apparatus properly appurtenant to the pipelines as are specified by section 65(2) of the Pipe-Lines Act 1962; and</p> <p>89. Before commencing any part of the authorised development or the operation of the authorised undertaking which would have an effect on the operation and maintenance of the pipelines and access to <u>it them</u>, the relevant undertaker must submit to P66 plans and sections of the proposed works and such further particulars as P66 may, within 28 days from the day on which plans and sections are submitted under this paragraph, reasonably require.</p> <p>90. No works comprising any part of the authorised development or the operation of the authorised undertaking which would have an effect in full or in part on the operation, maintenance, repair, replacement and abandonment of the pipelines and access to <u>it them</u> are to be commenced until plans and sections in respect of those works submitted under paragraph 89 have been approved by P66.</p> <p>91. Any approval of P66 required under paragraph 90 must not be unreasonably withheld or delayed but may be given subject to such reasonable requirements as P66 may require to be made for—</p> <p>(a) the continuing safety and operational viability of the pipelines; and</p> <p>(b) the requirement for P66 to have uninterrupted and unimpeded access to the pipelines at all times.</p>	
Schedule L, Part 10, Heading	N/A. Errata.	The Applicant noticed a minor typographical error in the heading of Part 10 of Schedule L. The heading refers to	PART 10 For the protection of ConocoPhillips (U.K.) Limited	N/A

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		Conocophillips (U.K.) Limited when it should be to ConocoPhillips (U.K.) Limited. The Applicant therefore seeks to amend this.		