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East Anglia Three Offshore Windfarm Project Team
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18 April 2016

Dear Sir/ Madam,

**Re: EN010056 – EAST ANGLIA THREE OFFSHORE WIND FARM – DRAFT DEVELOPMENT
CONSENT ORDER (DCO)**

We have reviewed the draft DCO (ref 3.1 November 2015) and wish to comment as set out in the table below. Trinity House, the MMO and the MCA have agreed standard navigation conditions to be used in Deemed Marine Licences (dML) for offshore renewable energy installations. Most of our comments seek to incorporate the most recent agreed standard wording into the six dMLs of this draft DCO.

Article	Schedule	Part	Paragraph	Comment/ Request
2 (1)				Trinity House (TH) correctly defined
36				Standard TH saving provision
	10	1	1 (1)	TH correctly defined
			1 (4) (c)	TH address correct
		2	7 (6)	Delete the word "working"
			7 (8)	Delete "working"
			7 (9)	Replace "within five days of" with "at least five days before"
			7(11)	Replace "following the identification of damage" with "following the undertaker becoming aware of any such damage"
			8 (1)	Replace "as directed by Trinity House" with "as Trinity House may from time to time direct"
			8 (2)	Insert between "must" and "keep", "during the whole period from the start of construction of the authorised scheme to seaward of MHWS to the completion of the decommissioning"
			8 (2) (c)	Delete "working"
			8 (3)	Replace with the words "the undertaker must report the availability of aids to navigation to Trinity House daily using the reporting system provided by Trinity House"
			8 (4)	Replace with "the undertaker must during the whole period from the start of construction of the authorised scheme to seaward of MHWS to the completion of decommissioning notify Trinity House and the MMO"

				<i>of any failure of the aids to navigation and the timescales and plans for remedying such failures, as soon as possible and no later than 24 hours following the undertaker becoming aware of any such failure"</i>
			13(k)	Delete the words "and the MCA".
			14(4)	Add at the end of the sentence " <i>in consultation with the MCA</i> "
			14(5)	Replace with " <i>No part of the authorised scheme may commence until the MMO, in consultation with the MCA, has given written approval for and Emergency Response Co-operation Plan (ERCoP) which includes full details of the emergency response 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 MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues. Any updates or amendments made to the ERCoP must be submitted, in writing, to the MMO for their written approval, in consultation with the MCA. The ERCoP must be regularly reviewed over the lifespan of the authorised scheme and must be kept up to date, in consultation with the MCA."</i>
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			13(k)	Delete the words "and the MCA".
			14(4)	Add at the end of the sentence "in consultation with the MCA"
			14(5)	The MCA may wish to comment on whether and ERCOP is required.
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Yours faithfully,

**T.L. Arculus LLB(Hons) MRICS
LEGAL ADVISOR**

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Cc Keith Morrison, Senior Project Manager, Scottish Power Renewables Ltd.