

East Anglia THREE  
Offshore Windfarm

East Anglia THREE

# Draft DCO/ EATHREE DCO Schedule of Changes

Document Reference – Deadline 8/ Draft DCO/  
EATHREE DCO Schedule of Changes

Schedule of changes to the draft EATHREE DCO (as at 15 December 2016)

|                                  |                                      |                                      |                                      |
|----------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|
| Changes made in Version 2 of DCO | Changes made in Version 3 of the DCO | Changes made in Version 4 of the DCO | Changes made in Version 5 of the DCO |
|----------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|

| Reference       | Consultee | When comment made                  | Comments from consultee  | Change made  |
|-----------------|-----------|------------------------------------|--|--|
| <b>Articles</b> |           |                                    |  |  |
| All Articles    | ExA       | Rule 6 Letter & Schedule of Issues | Update drafting to reflect current practice.   | <i>The use of "shall" has been removed in favour of "must" or "is" save for instances where context requires the amendment not be made. Other terms referred to in the Rule 6 Letter and Schedule of Issues have also been considered.</i>                       |
|                 |           |                                    | <p><b>"deemed generation assets marine licences"...</b></p> <p>The reference to 'Marine and Coastal Access Act 2009' is to 'the Marine and Coastal Access Act 2009'. However, given that this legislation is already proposed to be defined as "the 2009 Act" in this article, a better response would be to ensure that this and all further references to the 2009 Act in the Order use the proposed defined term.</p> | <i>This amendment has been made.</i>   |
|                 |           |                                    | <p><b>"East Anglia ONE Order"...</b></p> <p>The definition needs to include a reference to the 2014 made Order as amended by the East Anglia ONE Offshore Wind Farm (Corrections and Amendments) Order 2016 (SI No 447).</p>   | <i>Definition amended to refer to the East Anglia ONE Offshore Wind Farm (Corrections and Amendments) Order 2016.</i>  |
|                 |           |                                    | <p><b>"jointing bay" and "jointing works"</b></p> <p>Is there a need for the inclusion of a definition of "jointing bay" or "jointing works", or of any other technical terms widely employed in the Order and particularly Schedule 1, Part 1 (Authorised Development)?</p>   | <p><i>Jointing bay and jointing works are now defined terms.</i></p> <p><i>"jointing bay" means an excavation formed to enable the jointing of high voltage power cables;</i></p> <p><i>"jointing works" means a process by which two or more cables are</i></p> |

| Reference | Consultee | When comment made  | Comments from consultee  | Change made   |
|-----------|-----------|--|--|---|
|           | SCC       | Applicant Comments on Relevant Representations Deadline II | "Jointing Bay" would be a useful addition here   | <i>connected to each other by means of cable joints within a jointing bay;</i>  |
|           | ExA       | September DCO ISH  | Consider whether definition in line with recent drafting practice  | <i>Definition of Commence amended to refer to material operations as defined in s.155 of the 2008 Act.</i>  |
|           | NA        | Applicant in October DCO ISH                               | Applicant confirmed that change to commence in relation to archaeological works and clearance works would be made. | <p><i>The definition of Commence as amended is as follows:</i></p> <p><i>"commence" means, (a) in relation to works seaward of MHWS, the first carrying out of any licensed marine activities authorised by the deemed marine licences, save for pre-construction surveys and monitoring and, (b) in respect of any other works comprised in the authorised project, beginning to carry out any material operation (as defined in section 155 of the 2008 Act) forming part of the authorised project other than operations consisting of site clearance, demolition work, archaeological investigations, environmental surveys, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements save that site clearance works landward of MHWS and archaeological works within Work Number 67 must first have been notified to the relevant planning authority for confirmation that the works do not constitute commencement and either:</i></p> <p><i>(i) the relevant planning authority has confirmed that the works do not constitute commencement;</i></p> <p><i>(ii) no response has been received by the undertaker within 5 working days of notification (the initial period); or</i></p> <p><i>(iii) within the initial period the relevant planning authority requests in writing an additional period of 10 working days to make such a determination and no response is received by the undertaker within that additional period of 10 working days</i></p> <p><i>then the works shall be construed not to constitute commencement and the words "commencement" and "commenced" are construed accordingly;"</i></p> |

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|--------------|-----------|--|---|---|
|              |           |  |   |   |
|              |           | Applicant in October DCO ISH                                 | Applicant was required to create a definition of draught height.  | <i>"draught height" means the distance between the lowest point of the rotating blade of the wind turbine generator and MHWS;</i>   |
|              | ExA       | September DCO ISH  | Correction of error   | <i>Definition of Connection Works amended from "4B to 69", to "5B to 69 inclusive".</i>   |
|              |           | October DCO ISH  | Removal of double reference to 'remove, reconstruct and replace'  | <i>"maintain" includes inspect, maintain, repair, adjust, and alter, <del>remove, reconstruct and replace</del>, and further includes remove, reconstruct and replace...</i>  |
|              |           |  | The ExA commented on the double use of maintain and its circular drafting.  | <i>The use of 'maintain' within the definition of maintain is replaced with 'upkeep'.</i>   |
| All Articles | ExA       | Rule 6 Letter & Schedule of Issues                           | <p><b>"Marine and Coastal Access Act"</b></p> <p><b>"pin piles"...</b><br/>What is the intended meaning of the drafting 'for fixity of' used in this definition? A clearer definition would be beneficial.</p> <p><b>"statutory undertaker"</b></p> <p><b>"wind turbine generator" or "WTG"...</b> This definition applies the same meaning to two terms. It is best practice for a single term to be employed.</p>                 | <p><i>Defined term of the 2009 Act now used consistently.</i></p> <p><i>The term "for fixity of" is now replaced with "to secure".</i></p> <p><i>Addition of public communications providers to the definition.</i></p> <p><i>Double definition now removed, "WTG" deleted.</i></p> |
| All Articles | SWT       | Applicant Comments on Relevant Representations (Deadline II) | We note that two construction approaches are described in the Environmental Statement (ES), a One Phase approach and a Two Phase approach. Whilst the Environmental Impact Assessment (EIA) set out in the ES concludes that the magnitude of negative impacts from either approach is the same, the One Phase approach would take approximately half as long as the Two Phase and therefore any temporal impacts would be lessened | <p><i>The definition of "two onshore phases" is amended as follows:</i></p> <p><i>" means carrying out Work No. 67 as two separate construction operations linked to two offshore phases;"</i></p>  |

| Reference    | Consultee | When comment made              | Comments from consultee  | Change made  |
|--------------|-----------|--------------------------------|--|--|
|              |           |                                | <p>using this approach. We would favour the use of any approach which reduces the likely ecological impact of a scheme, irrespective of whether the reduction is significant in EIA terms.</p> <p>EATL comments: Following detailed design work for East Anglia ONE (which will be installing the ducts for East Anglia THREE) a single duct is now proposed for East Anglia THREE. Therefore for East Anglia THREE there will now be a single onshore cable laying operation. It is proposed to update the DCO accordingly. Note that the option for phasing will be retained at the substation and at the wind farm.</p>   |  |
|              | SWT       | SoCG                           | <p>Results of the assessment of impacts on Terrestrial Ecology (excluding ornithology) from East Anglia THREE</p> <p>EATL comments: The ES accurately assesses the potential impacts upon Terrestrial Ecology (excluding ornithology) Following detailed design work for East Anglia ONE (which will be installing the ducts for East Anglia THREE) a single trench is now proposed for East Anglia THREE. Therefore for East Anglia THREE there will now be a single onshore cable laying operation. It is proposed to update the DCO accordingly. Note that the option for phasing will be retained at the substation and at the wind farm. Both long and short duct options are still under consideration at the time of writing. The decision on which will be used will be made by East Anglia ONE as they will be installing the ducts for East Anglia THREE.</p> <p>Consultee comments: Agreed We note that construction will now involve a single trench and that therefore there is no requirement for phasing, with the possible exception of at the substation and wind farm. We agree that the use of a single duct with no requirement for phased working is the approach likely to result in the fewest temporal impacts. We note that the decision on the use of long or short landfall ducts is to be made by East Anglia ONE and not East Anglia THREE and is therefore outside of the scope of this DCO.</p> |  |
| All Articles | SCC       | Applicant Comments on Relevant | Note that the page numbering in the DCO goes awry in this Schedule, the first page of which is p50, but this follows p62.  | <i>The formatting of the draft DCO will be updated during the course of the examination.</i> |

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|---------------|-----------|-------------------------------------|--|---|
|               |           | Representations Deadline II         |  |   |
| Article 4     | ExA       | Rule 6 Letter & Schedule of Issues  |  | <p>Article 4(2) is inserted to confirm that a marine licence is necessary as per other offshore wind farm development consent orders:</p> <p>(2) The power to maintain conferred under paragraph (1) does not relieve the undertaker of any requirement to obtain a licence under Part 4 of the 2009 Act (marine licensing).</p>  |
| Article 5     | LPAs      | Post submission discussions         | Request for notification.  | Article 5 (10) has been amended to include notification being given to the relevant planning authority in relation to transfer of the benefit of the Order.   |
| Article 10    |           |                                     | NONE – this Article has been amended by the Applicant after consideration of other made offshore wind farm development consent orders.   | Article 10(5) inserted in relation to temporary stopping up of streets to provide deemed consent of the street authority as provided for in the other offshore wind farm development consent orders.  |
| Article 11    |           |                                     | NONE – this Article has been amended by the Applicant after consideration of other made offshore wind farm development consent orders.   | Article 11(2) inserted in relation to access to works to provide deemed consent of the relevant planning authority as provided for in the other offshore wind farm development consent orders.  |
| Article 12    |           |                                     | NONE – this Article has been amended by the Applicant after consideration of other made offshore wind farm development consent orders.   | Article 13(9) inserted in relation to discharge of water to provide deemed consent of the relevant body as provided for in the other offshore wind farm development consent orders.   |
| Article 13(5) | ExA       | Comments on Written Representations | <p>There are no concerns with the inclusion of this section, but they recommend a minor wording change to paragraph (5) to reflect the current Flood Risk Activity Permitting requirements. We suggest the following:</p> <p><i>‘The undertaker must not, in carrying out or maintaining works pursuant to this article, damage or interfere with the bed or banks of, or construct any works in under or over or within 8 metres of, any watercourse forming part of a main river, or 16m for a tidally influenced main river without the prior written consent of the Environment Agency.’</i></p> | <p>Article 13(5) has been amended to the following:</p> <p><i>‘The undertaker must not, in carrying out or maintaining works pursuant to this article, damage or interfere with the bed or banks of, or construct any works in under or over or within 8 metres of, any watercourse forming part of a main river, or 16metres for a tidally influenced main river without the prior written consent of the Environment Agency.’</i></p> |
| Article 14    |           |                                     | NONE – this Article has been amended by the Applicant after consideration of other made offshore wind farm development consent orders.   | Article 14(7) inserted in relation to authority to survey and investigate the land onshore to provide deemed consent of the highway or street authority as provided for in the other offshore wind farm development consent   |

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|            |           |                                    |   | <i>orders.</i>   |
| Article 18 | ExA       | September DCO ISH                  | Consider whether in line with other recent drafting practice  | <i>Article 18 has been amended to clarify that the private rights only cease to have effect in so far as their continuance would be inconsistent with the exercise of powers under Article 15 – previously the drafting referred to rights under the Order being extinguished. The Article now also includes reference to the imposition of restrictive covenants.</i> |
| Article 22 |           |                                    | NONE – this Article has been amended by the Applicant after consideration of other made offshore wind farm development consent orders.          | <i>Article 22(1) inserted to include rights to enter on and appropriate air-space as provided for in the other offshore wind farm development consent orders.</i>  |
| Article 23 | ExA       | September DCO ISH                  | To clarify intentions for acquisition of rights and powers of temporary possession  | <i>Article 23(8)(a) is added to clarify that new rights can be created and restrictive covenants imposed under article 17, to the extent that land is listed in column 1 of Schedule 5.</i>  |
|            |           | October CA ISH                     | To clarify that certain plots are identified for Freehold acquisition.  | <i>Article 23(1)(a)(ii) is amended to add:<br/><br/>(apart from land specified in plots 449A, 450, 453, 454, 454A, 454B, 454C, 457, 458, 459, 460, 461, 462 and 463 of the book of reference which are identified for freehold acquisition);</i>   |
| Article 31 | ExA       | Rule 6 Letter & Schedule of Issues | It is necessary to clarify whether powers are sought in relation to all hedgerows within the Order Limits, and if so to identify all hedgerows. | <i>Addition of reference to Schedule 9, Part 1 (removal of hedgerows) and to Part 2.</i>   |
| Article 32 |           |                                    | NONE – this follows the decision to undertake a single cable laying operation.  | <i>Removal of the outline temporary works reinstatement plan as a Certified Document</i>   |
|            | Applicant |                                    | As a consequence of submission of the Site Integrity Plan   | <i>Inclusion of the In principle East Anglia Three Project Southern North Sea pSAC Site Integrity Plan,</i>  |
| Article 34 | ExA       | Rule 6 Letter & Schedule of Issues |   | <i>Correction of cross-referencing.</i>  |
| Article 37 | N/A       | N/A                                | This wording has yet to be agreed with TCE, but the Applicant anticipates that agreement will be reached with                                   | <i>Article 37(2) is amended as follow:</i>   |

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|  |           |                                    | TCE prior to the close of the examination.   | <p>(i) "</p> <p><del>(2) (b) to Paragraph (1) does not apply to the</del> exercise of any right under this Order <del>compulsorily to acquire for the compulsory acquisition of</del> an interest in any <del>land which is</del> Crown land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown <del>without the consent in writing of the appropriate Crown authority (as defined in the 2008 Act).</del></p> <p><del>(3) (2)</del>-A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically.</p> <p>P</p> |
| Article 39                               |           |                                    | NONE – this Article has been amended by the Applicant for the reasons set out in the Schedule of Issues (Applicant's Response), namely that whilst it is considered possible to amend the East Anglia ONE Order, it is not considered necessary to do so in this instance.   | <i>Deletion of Article 39, variation to the East Anglia ONE Order</i>  |
| <b>Schedule 1 (Authorised project)</b>   |           |                                    |  |  |
| Work No. 65                              | LPAs      | Post submission discussions        | Follows discussions between relevant LPAs and the Applicant in relation to additional landscaping mitigation.  | <i>Inclusion of "and landscaping works including planting".</i>  |
| Work No. 24                              |           |                                    | Applicant's clarification.   | <i>Clarifies that a new temporary access track rather than temporary widening and upgrading of an existing access track.</i>   |
| <b>Schedule 1, Part 3 (Requirements)</b> |           |                                    |  |  |
| Requirement 2                            | ExA       | Rule 6 Letter & Schedule of Issues | <p><b>Requirement 2</b></p> <p>References in the ES, the explanatory memorandum and the Order to the height of turbines or their components above sea level do not refer to the same terms. Requirement 2 uses lowest astronomical tide (LAT) and mean high water springs (MHWS) as references for turbine height, generator shaft or hub height and blade separation from sea level respectively. It sets the</p> | <p><i>The use of differing technical terminology reflects the choice of different organisations that the Applicant has interacted with in drafting the requirements.</i></p> <p><i>The use of "WTG" has been deleted in favour of "wind turbine generator".</i></p>  |



| Reference     | Consultee | When comment made                                  | Comments from consultee   | Change made  |
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|               |           |  | <p>maximum hub height at 150.6m above LAT. MHWS is used as the reference point for minimum blade separation from sea level. Article 2(1) defines, and the explanatory memorandum additionally refers to, mean low water springs (MLWS), although this term is not used in the requirement. The explanatory memorandum describes 150.6m from LAT as being equivalent to 150m from MLWS 'as assessed in the ES'. However, the ES describes turbine height above sea level with reference to a third measure – mean sea level (MSL). MSL is not defined in Article 2(1) or employed in this requirement. Nor does the ES show or reference MLWS.</p> <p>Due to the inconsistent use of these terms between these documents, it is not clear that the proposed design parameters accurately reflect and secure the worst case scenario assessed in the ES. The applicant and MMO are invited to comment on the need for amendments to the requirement to ensure that development is delivered within the Rochdale envelope.</p> |  |
|               | Applicant |  |   | <i>Correction of typographical error.</i>  |
|               |           | October Hearings                                   |   | <p><i>May amended to must.</i></p> <p><i>Confirms that the draught height of 70% of turbines must be not less than 24 metres from MHWS.</i></p> <p><i>Other textual amendments to drafting for clarity.</i></p>  |
|               |           | In discussions with consultees during Examination. | Design parameters securing the reduction in draught height (both in the Requirements and DML conditions) are amended to provide greater certainty as to the measures proposed. The revised wording has been agreed with the MMO, Natural England and RSPB.  | <p><i>Previous drafting superseded:</i></p> <p><i>(2) The number of turbines with a draught height of less than 24m from MHWS comprised in the authorised project must not exceed 52 turbines [The draught height of at least seventy percent of the total number of wind turbine generators comprised in the authorised project must not be less than 24 metres from MHWS.]</i></p> |
| Requirement 3 | ExA       | Rule 6 Letter & Schedule of Issues                 | Requirement 3<br>Should requirement 3(1) limit the total number of  | <i>This amendment has been made. See the Applicant's Response to the Schedule of Issues.</i>   |

| Reference      | Consultee | When comment made  | Comments from consultee   | Change made  |
|----------------|-----------|--|---|--|
|                |           |  | meteorological masts to two?  |  |
| Requirement 8  | ExA       | Rule 6 Letter & Schedule of Issues                         | Requirement 8<br>Should “an” in both requirement 8(1) and 8(2) be changed to “the” because there can only be one accommodation platform?  | <i>This has been amended to “any”. See the Applicant’s Response to the Schedule of Issues.</i>   |
| Requirement 9  | ExA       | First Written Questions (Applicant’s Response) Deadline II | In ES Chapter 5 [APP-113] Table 5.18, the total estimated scour protection required for East Anglia THREE Offshore Wind Farm is given as 2,673,260m <sup>2</sup> . However, Requirement 9 of Schedule 1 Part 3 of the draft DCO [APP-025] states that the total amount of scour protection must not exceed 2,6726km <sup>2</sup> . Can the Applicant explain the apparent discrepancy and confirm that the worst case scenario has been considered in the ES?   | <i>This is a typographical error and has been amended to 2,673,260 m<sup>2</sup> to align with Chapter 5. The correct value has been assessed as the worst case within the ES.</i>   |
| Requirement 11 |           |  | NONE – this follows the decision to undertake a single cable laying operation.  | <i>Work No. 67 cannot commence until a scheme setting out whether it is to be carried out in a single phase or two phases has been approved by the relevant planning authority.</i>  |
|                | LPAs      | Post submission discussions                                | Notification of commencement of second onshore phase requested by LPAs.   | <i>If Work No. 67 is to be carried out in two onshore phases then 14 days prior notice of onshore commencement for the second phase must be given to the relevant planning authority</i>   |
| Requirement 12 | ExA       | Rule 6 Letter & Schedule of Issues / in discussion         | With reference to requirement 12(8)(a) it should be noted that the EA1 Offshore Wind Farm (Corrections and Amendments) Order 2016 amended the equivalent requirement 10(10)(a) in the made EA1 Order to delete a reference to the ‘number, location, scale and appearance’ of kiosks to be located in the onshore cable corridor and to replace this with a reference to ‘details of the scale and appearance’ of the kiosks. Can the applicant please explain the rationale for this change and whether it is sought here? Relevant local planning authorities’ views on the need to approve the number and location of kiosks are sought. | <i>Existing ground level now means 54 and not 57 metres above ordnance datum. See the Applicant’s Response to the Schedule of Issues.<br/><br/>Change has been made in relation to kiosks as per the EA ONE Order. See the Applicant’s Response to the Schedule of Issues.</i> |

| Reference      | Consultee | When comment made  | Comments from consultee   | Change made  |
|----------------|-----------|--|---|--|
|                |           |  |   |  |
|                |           | Applicant in October DCO ISH                                       | Applicant clarification on drafting.  | <p><i>Requirement 12 (2) is amended to clarify that construction works for buildings must not commence, rather than buildings must not commence.</i></p> <p><i>12 (8) In relation to the kiosks to be located within the onshore cable corridor—</i></p> <p><i>(a) <del>each</del> No stage of the connection works <del>must not</del> may commence until for that stage details of the scale and appearance of the kiosks have been submitted to and approved in writing by the relevant planning authority;</i></p> |
|                |           |  | NONE - Requirement 12(10) amended following the decision to undertake a single cable laying operation.  | <i>Requirement 12(10) is amended to confirm that if Work No. 67 is to be carried out in two onshore phases each must comprise no more than one onshore substation and "two circuits and two transition bays" is deleted.</i>   |
|                | LPAs      | Post submission discussions  | Requirement 12(11) and 12(12) requested by LPAs.  | <i>Requirement 12(11) is added meaning that the footprint of each jointing bay compound must not exceed 3,740 m2.</i>  |
|                | SCC/ LPAs | Applicant Comments on Relevant Representations (Deadline II)/ SoCG | There is no provision to control the extent of haul road built as part of the East Anglia THREE project, which has been assessed as 18.05km (Document 6.1, paragraph 368). Note that the Design and Access Statement (Document 8.3) refers to 17.8Km (paragraph 70) | <i>Requirement 12(12) is added meaning that the total length of the haul road must not exceed 18.05km.</i>   |
|                | ExA       | September DCO ISH  | Drafting conventions  | <i>Amendment of "may" to "must".</i>   |
| Requirement 13 | ExA       | September DCO ISH  | To secure ongoing inspection and maintenance of works at landfall   | <i>Landfall method statement to now include proposals for ongoing inspection and maintenance of works during operation of the authorised development.</i>  |
| Requirement 14 | LPAs      | Post submission discussions  | Ensure that the landscaping requirement applies to the cable corridor as well as at the substation.   | <i>Addition of "no stage of connection works" and deletion of "forming part of Works Nos 64, 68 and/or 69 may commence until for "that stage" a written</i>  |

| Reference         | Consultee                    | When comment made  | Comments from consultee   | Change made   |
|-------------------|------------------------------|--|---|---|
|                   | SCC/ LPAs                    | Applicant Comments on Relevant Representations (Deadline II)/ SOCG                                     | <p>This requirement suggests that landscaping management schemes are only relevant to the substation works, whereas they are also relevant to all the cable corridor works. The DCO provides for the land to be reinstated post-construction so it is important that this is in accordance with a set of landscaping plans that cover all the works.</p> <p>This requirement should therefore mirror that in the East Anglia ONE Order and as currently written does not reflect the provisions of the Outline Landscape and Ecological Management Plan (Document 8.6).</p> | <p><i>landscaping management scheme... has been submitted.</i></p> <p><i>To 14(2)(l)Maintenance of landscaping, including irrigation arrangements in relation to Work No. 65 is now added.</i></p>  |
|                   | ExA                          | September DCO ISH  | To secure provisions for soil management  | <i>Landscape management scheme to now include soil retention, handling and protection.</i>  |
| Requirement 15    | SCC/ LPAs                    | Applicant Comments on Relevant Representations (Deadline II)/ SOCG                                     | This requirement should also mirror that for East Anglia ONE. In particular 15(2) should differentiate between the care and maintenance period for the cable corridor (5 years) and the substation (10 years).  | <p><i>Article 15(2) amended as follows:</i></p> <p><i>"Any tree or shrub planted as part of an approved landscaping management scheme that, within a period of five years (save in relation to Work Nos. 64, 65, 68 and 69, for which the relevant period is ten years) after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same species and size as that originally planted."</i></p> |
| Requirement 19(2) | NA                           | NA   | East Anglia ONE Limited has recently undertaken geo-environmental studies and prepared a report which identifies the extent of contamination (and proposes appropriate mitigation) at the location of Work No. 41. Therefore the report required at requirement 19(2) has already been prepared. Accordingly, requirement 19(2) is no longer needed and can be deleted. This has been agreed with the LPAs and the Environment Agency.  | <i>The Applicant has deleted Requirement 19(2) to the draft DCO.</i>  |
| Requirement 21    | ExA and Natural England (NE) | <p>Rule 6 Letter &amp; Schedule of Issues / in discussion</p> <p>Discussed with NE the DCO hearing</p> | The timing restriction does not appear to be secured in the DCO. It may be that requirement 21 will deliver all of the ecological aspects of the OLEMS, including the timing restriction in relation to Brent geese; however, at present it is not clear that this fully secures the restrictions so as to avoid impacts on the geese and the SPA/Ramsar. Comments are invited from the applicant and SNCBs.  | <p><i>New Article 21(3) inserted:</i></p> <p><i>"Construction works between Ferry Road and the River Deben must be carried out in accordance with the embedded mitigation relating to onshore ornithology contained in Table 2 of the outline landscape and ecological management strategy, which must be incorporated into the ecological management plan".</i></p>  |

| Reference      | Consultee | When comment made               | Comments from consultee  | Change made  |
|----------------|-----------|---------------------------------|--|--|
| Requirement 21 | NE        | SoCG                            | <p>Adequate mitigation can be secured for Schedule 1 breeding birds and waterbirds (including brent goose) of the Deben Estuary SSSI, Ramsar and SPA through the implementation of the proposals in the Outline Landscape and Ecological Management Strategy (OLEMS). This will be secured via the DCO.</p> <p>Requirement 21 of the draft DCO will be amended to include a signpost to this particular element of the OLEMS</p> <p>It is agreed by both parties that the OLEMS provide adequate mitigation for Schedule 1 breeding birds and waterbirds of the Deben Estuary. The draft DCO will be amended to secure this restriction.</p> | <p><i>Requirement 21(3) inserted:</i></p> <p><i>"Construction works between Ferry Road and the River Deben must be carried out in accordance with the embedded mitigation relating to onshore ornithology contained in Table 2 of the outline landscape and ecological management strategy, which must be incorporated into the ecological management plan."</i></p>   |
| Requirement 22 | LPAs      | SoCG                            | <p>There is some duplication between this requirement and others, for example 22 2(a) replicates 18(1) and 22 2(d) replicates 24 (1). It might be argued that 23 (1) and (2) sit better under Requirement 22 as the matters it seeks to control are construction effects.</p>  | <p><i>EATL are considering whether amendments can be made to the Requirements to avoid duplication.</i></p>  |
|                | ExA/LPA   | ExA's draft DCO and LPA Comment | <p>Should a Project Environmental Management Plan (PEMP) (as referred to in the Outline Code of Construction Practice (OCocP)) be secured by inclusion in the list of plans in this provision? Views are sought from the Applicant, the MMO and LPAs.</p>  | <p><i>The Applicant has included reference to a Project Environmental Management Plan in Requirement 22(1)(k).</i></p>   |
| Requirement 30 |           |                                 | <p>NONE - This follows the decision to undertake a single cable laying operation, whilst retaining the option to phase the substation works</p>  | <p><i>Addition to Article 30 to provide that if approved by the relevant local planning authority Work No. 65 may be retained between any phasing of construction for Work No. 67.</i></p>   |
| Requirement 31 | ExA       | Schedule of Issues              | <p>This relates to "cessation of the connection works or work 5B and 7" but the connection works are defined as works 4B-66, which includes works 5B and 7. Can the applicant please explain the difference and propose any necessary revisions to drafting?</p>   | <p><i>The drafting is revised to delete "or of Work No. 5B and Work No. 7,"</i></p>  |
| Requirement 32 | ExA       | Schedule of Issues              | <p><b>Missing requirements or plans</b></p> <p>Should there be a requirement to provide for the provision of aviation lighting to meet CAA requirements and the maximum illumination provided by this and by other offshore lighting?</p>  | <p><i>The previous requirement 32 (dealing with decommissioning of ducts) has been deleted as this will now be dealt with through the transfer provisions of the East Anglia ONE Order.</i></p> <p><i>A new requirement for aviation lighting has been incorporated:</i></p> <p><i>32(1) The undertaker must exhibit such lights, with such shape, colour and character as are required in writing by Air Navigation Order 2009(x) and determined necessary for aviation safety in consultation with the Defence</i></p> |

| Reference      | Consultee | When comment made  | Comments from consultee   | Change made   |
|----------------|-----------|--------------------|---|---|
|                |           |                    |   | <p><i>Infrastructure Organisation Safeguarding and as directed by the CAA.</i></p> <p><i>(2) The undertaker must notify the Defence Infrastructure Organisation, at least 14 days prior to the commencement of the authorised development, in writing of the following information</i></p> <p><i>(a) the date of the commencement of construction of the authorised development;</i></p> <p><i>(b) the date any wind turbine generators are brought into use;</i></p> <p><i>(c) the maximum height of any construction equipment to be used;</i></p> <p><i>(d) the maximum heights of any wind turbine generator, mast and platform to be constructed;</i></p> <p><i>(e) the latitude and longitude of each wind turbine generator, mast and platform to be constructed,</i></p> <p><i>and the Defence Infrastructure Organisation Safeguarding must be notified of any changes to the information supplied under this paragraph and of the completion of the construction of the authorised development.</i></p> |
| Requirement 33 | ExA       | Schedule of Issues |   | <p><i>Replacement of wording "confirms in writing that he is satisfied" with "confirms satisfaction in writing"</i></p>   |
| Requirement 36 |           |                    | <p>NONE - This follows the decision to undertake a single cable laying operation, whilst retaining the option to phase the substation works.</p> <p>The previous article dealing with retention of temporary works between phases of onshore connection works has been deleted, because this will now be limited to the lay down area at the substation.</p> <p>A new article has been inserted to cover matters to be addressed by East Anglia THREE in the event that EA ONE temporary works are retained (under Requirement 28 of the EA ONE Order) and are proposed to be re-used by East Anglia THREE.</p> | <p><i>Article 36 Reuse of temporary works is now worded as follows:</i></p> <p><i>36.—(1) In the event that any temporary works which have been constructed pursuant to the East Anglia ONE Order are proposed to be reused by the undertaker in connection with the authorised project, such reuse may not commence until a scheme which accords with paragraph (2) has been submitted to and approved by the relevant planning authority.</i></p> <p><i>(2) The scheme to be submitted for approval under paragraph (1) must include:</i></p> <p><i>(a) details of the temporary works to be reused which must accord with the parameters for temporary works contained at requirement 12;</i></p> <p><i>(b) a timetable and details for the removal of such part of the temporary works which do not accord with the parameters for temporary works contained at requirement 12;</i></p>   |

| Reference      | Consultee | When comment made | Comments from consultee  | Change made   |
|----------------|-----------|-------------------|--|---|
|                |           |                   |  | <p>(c) details of any transferee to whom the temporary works have been transferred pursuant to Article 5 of the East Anglia ONE Order; and</p> <p>(d) proposals to notify the relevant planning authority of any subsequent transfers pursuant to Article 5 of the East Anglia ONE Order pending reinstatement of the reused temporary works in accordance with requirement 28 of the East Anglia ONE Order.</p> <p>(3)The scheme must be implemented as approved.</p>  |
| Requirement 37 | ExA       | DCO ISH           | <p>In summary, it was considered that the scope of pre-commencement works within the definition of commencement required some form of notification and confirmation that the site clearance or archaeological works at the substation would not constitute a material operation.</p> | <p>The Applicant has included a new Requirement to deal with the operational aspects of the prior notification process previously included in the definition of 'commence':</p> <p>37.-(1) For the purposes of any works landward of MHWS "commence" means beginning to carry out any material operation (as defined in section 155 of the 2008 Act) forming part of the authorised project other than operations consisting of site clearance, demolition work, archaeological investigations, environmental surveys, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, and the temporary display of site notices or advertisements, save that site clearance works landward of MHWS and archaeological works within Work Number 67 must first have been notified to the relevant planning authority for confirmation that the works do not constitute commencement and either:</p> <p>(i) the relevant planning authority has confirmed that the works do not constitute commencement;</p> <p>(ii) no response has been received by the undertaker within 5 working days of notification (the "initial period"); or</p> <p>(iii) within the initial period the relevant planning authority requests in writing an additional period of 10 working days to make such a determination and no response is received by the undertaker within that additional period of 10 working days</p> <p>in which case the works shall be construed not to constitute commencement, , and the words "commencement" and "commenced" are construed accordingly.</p> |

| Reference  | Consultee | When comment made                  | Comments from consultee  | Change made  |
|------------|-----------|------------------------------------|--|--|
|            |           |                                    |  |  |
|            | LPA       | September DCO ISH                  | Date of transfers to be notified   | <i>36(2)(c) has been amended: details of any transferee to whom the temporary works have been transferred pursuant to Article 5 of the East Anglia ONE Order as well as the date of such transfer;</i> |
| General    | ExA       | Rule 6 Letter & Schedule of Issues | From the commencement of this schedule [3], page numbering in the draft Order appears to be incorrect. The applicant is requested to review and correct the pagination in the reminder of the Order. | <i>Drafting has been reviewed accordingly.</i>   |
| Schedule 5 | ExA       | Rule 6 Letter & Schedule of Issues | Amend drafting in line with modern conventions.  | <i>Drafting has been reviewed accordingly.</i>   |
|            |           | Applicant's clarification          | Applicant's clarification.   | <i>Insertion of cable ducts and jointing works in the purpose for which rights may be acquired.</i>  |
| Schedule 6 | ExA       | Schedule of Issues                 | The paragraph numbering in this schedule appears to be incorrect (it starts at paragraph 37). The applicant is requested to review and correct this.   | <i>Drafting has been reviewed accordingly.</i>   |



| Reference         | Consultee     | When comment made                  | Comments from consultee   | Change made  |
|-------------------|---------------|------------------------------------|---|--|
|                   | ExA           | September DCO ISH                  | Not used plots to be removed.   | <i>Land over which temporary possession may be taken corrected to include plots 207-209, 211 and exclude 242 and 282, 70-73, 186,205,210,212,214,259 and 268</i> |
| Schedule 7        | N/A           | N/A                                |   | <i>Insertion of Plot 440</i>   |
| Schedule 8        | ExA           | Rule 6 Letter & Schedule of Issues | Amend drafting in line with modern conventions.   | <i>Drafting has been reviewed accordingly.</i>   |
| Schedule 8 Part 1 |               | N/A                                | Applicant's drafting amendment.   | <i>Clarification to put beyond doubt that powers does not include undertakers specified.</i>   |
| Schedule 8 Part 3 |               | N/A                                | Applicant's drafting amendment.   | <i>Amendment to part 3 in relation to cross referencing of numbering.</i>  |
| Schedule 8 Part 5 | National Grid | N/A                                | Agreement has been reached with National Grid on the form of protective provisions to be included in the draft DCO. | <i>Protective Provisions for National Grid amended as agreed.</i>  |

| Reference         | Consultee               | When comment made                  | Comments from consultee   | Change made   |
|-------------------|-------------------------|------------------------------------|---|---|
| Schedule 8 Part 6 |                         | N/A                                | Agreement has been reached with Eni on the form of protective provisions to be included in the draft DCO.   | <i>Protective Provisions for Eni UK Ltd inserted in agreed form.</i>  |
| Schedule 9        | ExA                     | Rule 6 Letter & Schedule of Issues | It is necessary to clarify whether powers are sought in relation to all hedgerows within the Order Limits, and if so to identify all hedgerows.   | <i>Insertion of new Part 1 "Removal of Hedgerows"</i>   |
| ALL DML           | ExA                     | Rule 6 Letter & Schedule of Issues | <b>Definitions</b><br>All of the DMLs refer at paragraphs 6 to 'section 106 of the 2004 Act'. This appears to be a reference to the Energy Act 2004, but this legislation is not defined under Part 1 1(1) in any of the DMLs. If a reference of this nature is to be used, the applicant is required to include a definition of "the 2004 Act" ... in PART 1 1(1) of each DML. | <i>Insertion of Energy Act 2004 and defined term "the 2004 Act"</i><br><br><i>Reference to the "Marine and Coastal Access Act " is amended to "the 2009 Act".</i>   |
| All DML           | MCA, Trinity House, MMO | July to Sept 2016                  | Drafting corrections and updates to navigational conditions.  | <i>Definition of CAA deleted.</i><br><br><i>"Notice to mariners" amended to refer to issues affecting safety navigation and issued by the undertaker.</i><br><br><i>Definition of offshore cables inserted.</i><br><br><i>Definition of cable armouring changed to "cable protection"</i><br><br><i>Maritime and Coastguard Agency details amended.</i> |

| Reference       | Consultee               | When comment made                                  | Comments from consultee  | Change made   |
|-----------------|-------------------------|--|--|---|
| All DML         |                         | Applicant in October DCO ISH                       | Comments from ExA and from MMO in relation to HU212.   | <p><i>Definition of "maintain" amended to remove "remove, reconstruct and replace" which were duplicated.</i></p> <p><i>Reference for Disposal Site HU212 inserted.</i></p> <p><i>Amended numbering as a result of loss of [not used] references.</i></p>   |
| ALL DML         | ExA                     | Rule 6 Letter & Schedule of Issues                 | Drafting corrections and updates.  | <p><i>Replacement of "shall" where not required in line with current drafting practices.</i></p> <p><i>Deletion of "WTG" and replacement with "wind turbine generator"</i></p>  |
| All DML, Part 2 |                         | In discussions with consultees during Examination. | Design parameters securing the reduction in draught height (both in the Requirements and DML conditions) are amended to provide greater certainty as to the measures proposed. The revised wording has been agreed with the MMO, Natural England and RSPB. | <p><i>Addition to drafting:</i></p> <p><i>(2) The number of turbines with a draught height of less than 24m from MHWS comprised in the authorised scheme and the authorised scheme in licence 2 (generation) taken together must not exceed 52 turbines [The draught height of at least seventy percent of the total number of wind turbine generators comprised in the authorised scheme and the authorised scheme in licence 2 (generation) taken together must not be less than 24 metres from MHWS]</i></p> |
| All DML, Part 2 | Trinity House, MMO, MCA | July to Sept 2016                                  | <i>Amendments to navigational conditions</i>   | <i>Condition 7(6) is amended to refer to days rather than working days and 7(6) to (11) have notification deadlines amended.</i>  |
| All DML, Part 2 | Trinity House, MMO, MCA | July to Sept 2016                                  | <i>Amendments to navigational conditions</i>   | <i>Condition 8 is amended to set out requirements for provision of reports on availability of aids to navigation.</i>   |

| Reference                             | Consultee               | When comment made  | Comments from consultee   | Change made   |
|---------------------------------------|-------------------------|--|---|---|
| All DML, Part 2                       | Trinity House, MMO, MCA | July to Sept 2016  | <i>Condition 8 is modified to cover the period from commencement of licensed activities to completion of decommissioning.</i>   | <p><i>The following has been inserted:</i></p> <p><i>"a timetable for all further site investigations, which must allow sufficient opportunity to establish a full understanding of the historic environment within the offshore Order Limits and the approval of any necessary mitigation required as a result of the further site investigations prior to commencement of licensed activities."</i></p> |
|                                       | HE/ HBMCE               | Comments on Written Representations/ SoCG/   | <p>Updated to include the following:</p> <p>"A timetable for further site investigations which, prior to commencement of licensed activities, must:</p> <ul style="list-style-type: none"> <li>allow sufficient opportunity to establish a full understanding of the historic environment within the offshore Order Limits; and</li> <li>allow for the approval of any necessary mitigation required as a result of the further site investigations".</li> </ul>  |   |
|                                       | HE                      | Applicant's Comments on the Responses of the Other Parties to First Written Questions (Deadline III) | Comments have been included as part of our Written Representation, dated 26 July 2016 to Planning Inspectorate, for Deadline 2. Subject to the application being consented, we have also requested the inclusion within the draft Development Consent Order of a condition for a timetable for further site investigations. This will allow sufficient opportunity to establish a full understanding of the historic environment within the offshore Order Limits, and allow the approval of any necessary mitigation required as a result of the further site investigations, in good time prior to commencement of licensed activities. |   |
| All DML Part 2                        | HE/ HBMCE               | Comments on Written Representations/ SoCG  | Change the Historic England telephone number to: 01483 252059.  | <i>Change the Historic England telephone number to: 01483 252059.</i>   |
| All DML Part 2, paragraph 13 1 (c)(v) | ExA/NE/MMO              | ExA's draft DCO and comments   | Could NE and the Applicant also comment on whether any amendments are required to the Development Consent Order (DCO) or Deemed Marine Licences (DMLs) to ensure that these measures can be relied upon for a conclusion of no adverse effects on the integrity of the Outer Thames Estuary SPA and its red-throated diver qualifying feature.  | <p><i>New 13 1 (c)(v) added in agreement with NE/MMO:</i></p> <p><i>(c) A construction method statement in accordance with the construction methods assessed in the environmental statement and including details of—</i></p> <p><i>....</i></p> <p><i>(v)vessels and vessels transit corridors, which minimises disturbance to red throated diver;</i></p>   |
| All DML Part 2, paragraph             | ExA/NE/MMO              | ExA's draft DCO  | The MMO advises that best practice vessel operations could be captured within the Construction Method Statement and, if required, this can be carried through into  | <p><i>New 13 1 (d)(vi) added in agreement with NE/MMO:</i></p> <p><i>(d)A project environmental management plan covering the period of</i></p>  |

| Reference                            | Consultee | When comment made                         | Comments from consultee  | Change made   |
|--------------------------------------|-----------|---|--|---|
| 13 1 (d)(vi)                         |           | and comments                              | the Environmental Monitoring Plan to cover the operational period of the project.  | <i>construction and operation to include details of—<br/>...<br/>(vi)procedures to be adopted within vessels transit corridors to minimise disturbance to red throated diver.</i>   |
| All DML Part 2, paragraph 13(h)      | HE        | Submissions at Deadline 7                 | Consequently we seek clarification from the Applicant and the MMO why a timeframe of six months has not been included within Schedule 10 and 11 (Generation Assets), Schedule 12 and 13 (Transmission Assets) and Schedule 14 and 15 (Interconnection), Part 2, paragraph condition 13(1)(h).  | <i>The DMLs have been amended to require the WSI to be submitted for the MMO's approval (in consultation with Historic England) at least 6 months prior to commencement of licensed activities.</i>   |
| All DML Part 2, paragraph 13(h)ii    | HE/ HBMCE | Comments on Written Representations/ SoCG | Amended to the following:<br><i>"A methodology for any further site investigation including any specifications for geophysical, geotechnical and diver or remotely operated vehicle investigations"</i>  | <i>Amended to the following:<br/>"A methodology for any further site investigation including any specifications for geophysical, geotechnical and diver or remotely operated vehicle investigations"</i>  |
| All DML Part 2, paragraph 13(h)iii   | HE/ HBMCE | Comments on Written Representations/ SoCG | Amended to the following:<br><i>"Archaeological analysis and reporting of survey data, and timetable for reporting, which is to be submitted to the MMO within four months of any survey being completed".</i>   | <i>Amended to the following:<br/>"Archaeological analysis and reporting of survey data, and timetable for reporting, which is to be submitted to the MMO within four months of any survey being completed".</i>   |
| All DML Part 2, paragraph 13(h)(v)   | HE/ HBMCE | Comments on Written Representations/ SoCG | Amended to the following:<br><i>"Monitoring of archaeological exclusion zones during and post construction", including a conservation programme for finds;.</i>  | <i>Amended to the following:<br/>"Monitoring of archaeological exclusion zones during and post construction", including a conservation programme for finds;.</i>  |
| All DMLs Part 2, paragraph 13(h)(vi) | HE/ HBMCE | Comments on Written Representations/ SoCG | Amended to the following:<br><i>"The undertaker must ensure that a copy of any agreed archaeological report is deposited with the National Record of the Historic Environment, by submitting a Historic England OASIS form with a digital copy of the report within 6 months of completion of construction of the authorised scheme. The undertaker must notify the MMO that the OASIS report has been submitted to the National Record of the Historic Environment within two weeks of the submission."</i> | <i>Amended to the following:<br/>"a requirement for the undertaker to ensure that a copy of any agreed archaeological report is deposited with the National Record of the Historic Environment, by submitting a Historic England OASIS (Online Access to the Index of archaeological investigationS) form with a digital copy of the report within six months of completion of construction of the authorised scheme, and to notify the MMO (and Suffolk Coastal District Council where the report relates to the intertidal area) that the OASIS form has been submitted to the National Record of the Historic Environment within two weeks of submission;"</i> |
| All DML Part 2 condition 13(g)       | NE        | Comments on Written Representations       | <i>In its relevant representation (paragraph 5.3.1) Natural England advised burial depths of greater than 1m wherever possible so as to avoid potential scour effects and future exposure of the export cable. Natural England also advised that the 1m minimum burial depth be secured</i>  | <i>Condition 13 (1)(g)(iii) inserted:<br/>"proposals for monitoring offshore cables including cable protection during the operational lifetime of the authorised scheme which includes a risk based approach to the management of unburied or shallow buried cables;"</i>   |

| Reference | Consultee | When comment made  | Comments from consultee   | Change made |
|-----------|-----------|--|---|-------------|
|           |           |  | <p><i>as a condition in the DCO (see paragraph 6.1. of our relevant representation). In their Relevant Representation reply letter of the 31st of May 2016 the Applicant has noted Natural England's concerns but to date has not suggested a change to a 1m minimum burial depth. Natural England considers this matter to be unresolved.</i></p>  |             |
|           | ExA       | First Written Questions (Applicant's Response) Deadline II | <p>Could the Applicant comment on the advice provided by the MMO in its RR [RR-031] to include the development and implementation of a cable burial risk agreement approach, to ensure the ongoing management of cable burial throughout the lifetime of the project, as secured through a DML condition to the appropriate schedules. Is the Applicant amenable to including such a condition in the draft DMLs? If not, please could the Applicant justify its position?</p> <p>The Applicant proposes to amend condition 13(g) of the draft Order so that the cable specification and installation plan must also contain details relating to appropriate management of buried cables.</p>   |             |
|           | MMO       | SoCG   | <p>The cable burial risk assessment should be carried through to post construction and this should be made clear in the DML and additional detail should also be provided in the In Principle Monitoring Plan (IPMP) . Examples on similar projects include:</p> <ul style="list-style-type: none"> <li>• <i>Cable Burial Strategy and Risk Assessment covering the operational lifetime of the project -must be submitted to and approved by the MMO. The risk assessment must be updated and resubmitted to the MMO for approval at least every 3 years as part of the agreed subsea cable strategy. The strategy must address the issues of shallow buried/unburied export and array cables at the OWF and present a risk based approach to their management. Once approved the strategy, and any approved updates, must be followed.</i></li> </ul> |             |

| Reference                | Consultee            | When comment made                     | Comments from consultee   | Change made   |
|--------------------------|----------------------|---------------------------------------|---|---|
| All DML, condition 13    | Historic England     | September DCO ISH                     | Condition required to ensure that a WSI is in place for any intrusive seabed works which take place pre-construction (i.e. are not licensed works). | <i>Pre-construction archaeological investigations and pre-commencement material operations which involve intrusive seabed works must only take place in accordance with a specific written scheme of investigation which is itself in accordance with the details set out in the outline offshore written scheme of investigation, and which has been submitted to and approved by the relevant planning authority.</i>   |
| All DML, condition 13(4) |                      |                                       | Applicant's amendment   | <i>Correction of reference to relevant planning authority, now MMO.</i>   |
| All DML condition 19     | MMO                  | Responses to Second Written Questions | MMO comment, FN11.  | <i>New Condition 19(4) inserted:<br/><br/>(3)(4) Following installation of cables, the cable monitoring plan required under condition 13(1)(g)(iii) must be updated with the results of the post installation surveys. The plan must be implemented during the operational lifetime of the project and reviewed as specified within the plan, following cable burial surveys, or as instructed by the MMO.</i>  |
| Schedule 10 & 11         | MMO, Natural England | September 2016                        | Updates to correspond with new pSAC condition   | <i>Insertion of "2007 Regulations" means the Offshore Marine Conservation (Natural Habitats, &amp;c.) Regulations 2007;<br/><br/>Insertion of: "European offshore marine site" has the meaning given in regulation 15 of the 2007 Regulations;<br/><br/>Insertion of: "European site" has the meaning given in regulation 24 of the 2007 Regulations;<br/><br/>Definition of "relevant site" and "Southern North Sea possible Special Area of Conservation" inserted.</i> |
|                          |                      | October ISH                           | Amendment as a result of discussions and Agenda Item: Proposed changes in turbine draught height.   | <i>Definition of "Draught height" inserted.</i>   |

| Reference        | Consultee | When comment made                  | Comments from consultee   | Change made  |
|------------------|-----------|------------------------------------|---|--|
| Schedule 10 & 11 | ExA       | Rule 6 Letter & Schedule of Issues | <p>Both Schedules permit the construction of an offshore wind turbine generating station (WTG station) with a capacity of 600mw comprising up to 86 WTGs (half of the amount permitted by the DCO) over the same area as the DCO, i.e. the DML limits are completely overlapping and both generating stations (phase 1 and phase 2) will be able to be constructed anywhere within the area identified in the works plans as Work No. 1. This means that there will need to be co-operation between each of the licence holders.</p> <p>Can the applicant explain how the licences will interact in practice, particularly if they are transferred to different undertakers? For example, how will co-ordination of both generating stations be secured and how will the MMO be made aware of what is being constructed under which licence and who it should enforce against? A co-operation requirement between licence holders and the MMO such as in the made Hornsea 1 DCO or in the EA1 interconnections licences (see condition 20) could be an appropriate way to secure this.</p> <p>Both DMLs authorise the construction of an accommodation platform, up to 2 masts and up to 12 buoys - the total permitted by the DCO. Condition 2(1) states that, within the authorised scheme, the maximum number of accommodation platforms must not exceed one; condition 2(3) limits the masts within the authorised scheme to a total of two; and condition 2(7) limits the total number of buoys within the authorised scheme to 12. However, the "authorised scheme" is defined as "the Work no 1 described in the licence". The work described in the licence is not the same as the work described in the DCO, but is half of Work No. 1 to which the specific licence applies. These conditions therefore do not appear to prevent one accommodation platform / two masts / 12 buoys being built under each DML in breach of the DCO.</p> | <p><i>Drafting amended as noted in the sections below.</i></p> |



| Reference               | Consultee | When comment made                  | Comments from consultee   | Change made  |
|-------------------------|-----------|------------------------------------|---|--|
|                         |           |                                    | <p>The DMLs should not authorise activities that are outside of the works permitted by the DCO.</p> <p>The MMO and the applicant are asked to review and comment on this drafting and the applicant is asked to propose amendments to these DMLs.</p> |  |
| Schedule 10 & 11 Part 1 | ExA       | Rule 6 Letter & Schedule of Issues | Part 1 section 1 contains definitions of the generation and interconnection DMLs but no further reference is made to these in either DML. The definition appears to be superfluous.   | <i>This change has been made.</i>  |
| Schedule 10 & 11 Part 2 | ExA       | Rule 6 Letter & Schedule of Issues | As noted above regarding drafting.  | <p><i>Condition 2(1) is amended to refer to "wind turbine generator" instead of WTG.</i></p> <p><i>Condition 2(2) is amended so that the total number of accommodation platforms and total number of meteorological masts "and the authorised Scheme in licence 2 (generation) taken together" must not exceed 2.</i></p> <p><i>Condition 13(a)(x) insertion of "(in accordance with the recommendations for layout contained in MGN43)"</i></p> |

| Reference | Consultee               | When comment made | Comments from consultee   | Change made   |
|-----------|-------------------------|-------------------|---|---|
|           | MMO and Natural England | Sept 2016         | <p><i>Condition 13(1)(f) is amended to confirm the intent of the marine mammal mitigation protocol – prevention of injury.</i></p> <p><i>Condition 13(2) and (3) is added to secure mitigation which ensures that the project will not give rise to an adverse effect on the integrity of the Southern North Sea pSAC</i></p> | <p><i>Condition 13(1)(f) amended to:</i></p> <p><i>In the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol in accordance with the draft marine mammal mitigation protocol, the intention of which is to prevent injury to marine mammals, following current best practice as advised by the relevant statutory nature conservation bodies.</i></p> <p><i>Condition 13(2) amended to:</i></p> <p><i>(2) In the event that driven or part-driven pile foundations are proposed to be used, the licenced activities, or any phase of those activities must not commence until an East Anglia THREE Project Southern North Sea pSAC Site Integrity Plan which accords with the principles set out in the In Principle East Anglia THREE Project Southern North Sea pSAC Site Integrity Plan has been submitted to the MMO and the MMO is satisfied that the plan, provides such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2007 Regulations) of a relevant site, to the extent that harbour porpoise are a protected feature of that site.</i></p> <p><i>(3) For the purpose of paragraph (2) –</i></p> <p><i>(a) the Southern North Sea possible Special Area of Conservation must be treated as a European offshore marine site until:</i></p> <p><i>(i) that Area (or any part of it) becomes a European offshore marine site or a European site; or</i></p> <p><i>(ii) it is decided that no part of that Area should be a European offshore marine site or a European site; and</i></p> <p><i>(b) harbour porpoise must be treated as a protected feature of the Southern North Sea possible Special Area of Conservation.</i></p> |
|           | MMO                     | Sept 2016         |   | <p><i>Condition 14(2) correction of timing for submission of plans for approval</i></p>   |

| Reference                        | Consultee     | When comment made  | Comments from consultee   | Change made   |
|----------------------------------|---------------|--|---|---|
|                                  | Applicant     |  | Correction of reference.  | <p>Condition 14(5) correction of reference from MGN371 to MGN43.</p> <p>At Schedule 11, Condition 14(5) insertion of text to align with the same provision in Schedule 10, 14(5).</p>   |
|                                  | Trinity House | Sept 2016  | Correction of ERCoP reference for clarity   | <p>Correction 14(5) amended to:</p> <p>"No part of the authorised scheme may commence until the MMO, in consultation with the MCA, has given written approval of an Emergency Response Co-operation Plan (ERCoP) which includes full details of the <b>plan for emergency, response and co-operation</b> 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", and has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that part of the authorised scheme, adequately addressed all MCA recommendations contained within MGN543 and its annexes."</p> |
| Schedule 10 and 11, condition 16 | NE            | Relevant Representation                                    | NE requested that the Applicant include a commitment in the DCO to not place gravity based structures in areas where sandwaves are greater than 5m.   | <p>Condition 16, deletion of "not used" and insertion of:</p> <p>No gravity base foundations may be installed in any area of the seabed with mobile sand waves of 5 metres or more, as identified by the swath-bathymetry survey carried out under condition 17(2)(b), unless otherwise agreed in writing by the MMO.</p>   |
|                                  | ExA           | First Written Questions (Applicant's Response) Deadline II | <p>The Applicant includes the following as embedded mitigation in ES Chapter 10 [APP-118]: "sea bed disturbance would be minimised by not placing gravity base structures in areas where sandwaves are greater than 5m, therefore reducing the potential for increased suspended sediment, reducing the potential for habitat impact".</p> <p>Could the Applicant clarify how this embedded mitigation would be secured, through the draft DCO or DMLs, as appropriate? Have there been any further discussions with NE on this matter, in light of the point raised at paragraph 5.4.2 of its RR [RR-003]?</p> |   |

| Reference                   | Consultee            | When comment made  | Comments from consultee  | Change made  |
|-----------------------------|----------------------|--|--|--|
|                             | NE                   | First Written Questions (Applicant's Response) Deadline II | Gravity Based foundations: By committing to not placing gravity based structures in areas where sandwaves are greater than 5m, the applicant is reducing the potential for habitat impact. Natural England would welcome further discussion with the Applicant on how this commitment can be included within the draft DCO.        |  |
| Schedule 11 paragraph 13(h) | HE/ HBMCE            | Comments on Written Representations/ SoCG                  | Amended to the following:<br><i>"A written scheme of archaeological investigation in relation to the offshore Order limits seaward of mean low water in accordance with the draft outline written scheme of investigation (offshore), industry good practice and in consultation with the statutory historic body to include".</i> | <i>Amended to the following:<br/>"A written scheme of archaeological investigation in relation to the offshore Order limits seaward of mean low water in accordance with the draft outline written scheme of investigation (offshore), industry good practice and in consultation with the statutory historic body to include".</i>  |
| Schedule 12 & 13 Part 1     | ExA                  | Rule 6 Letter & Schedule of Issues                         | See ExA's first comment in relation to Schedule 10 and 11  | <i>Deletion of definition of "deemed generation assets marine licences".</i>   |
| Schedule 12 & 13 Part 1     | MMO, Natural England | September 2016   | Updates to correspond with new pSAC condition  | <i>Insertion of "2007 Regulations" means the Offshore Marine Conservation (Natural Habitats, &amp;c.) Regulations 2007;<br/>Insertion of: "European offshore marine site" has the meaning given in regulation 15 of the 2007 Regulations;<br/>Insertion of: "European site" has the meaning given in regulation 24 of the 2007 Regulations;<br/>Definition of "relevant site" and "Southern North Sea possible Special Area of Conservation" inserted.</i> |
| Schedule 12 & 13 Part 2     | ExA                  | Rule 6 Letter and Schedule of Issues                       | See ExA's first comment in relation to Schedule 10 and 11  | <i>Condition 14(5) correction of guidance reference from "MGN 371" to "MGN543"</i>   |

| Reference               | Consultee            | When comment made  | Comments from consultee   | Change made   |                 |                  |                       |                      |
|-------------------------|----------------------|--|---|---|-----------------|------------------|-----------------------|----------------------|
| Schedule 12 & 13 Part 2 | NE                   | Comments on Responses to First Questions / Applicant Comments on Relevant Representations (Deadline III) | <p>Natural England has requested that the maximum hammer energy is included in the draft Order, which the Applicant proposes to implement (see section 1.5, ECMM 2).</p> <p>Natural England does consider that maximum hammer energy should be a condition of the DCO. The Applicant has run worst case scenario assessments in their Environmental Statement using hammer energy of 3500kJ; we consider this to be an appropriate maximum as a condition of the DCO.</p>   | <p><i>Schedule 12 and 13 Part 2 paragraph 3 inserted:</i></p> <p><i>In the event that driven or part-driven pile foundations are proposed to be used, the hammer energy used to drive or part-drive the pile foundations must not exceed 3,500kJ.</i></p>   |                 |                  |                       |                      |
| Schedule 12 & 13 Part 2 | NE                   | Comments on Written Representations  | <p>Natural England notes in its relevant representation (paragraph 5.4.3.) that elevated levels of arsenic were found at sample station 30, within the offshore cable corridor. The Applicant has stated that if dredging is required at or around site 30, then they will undertake further survey work to determine the extent of any contamination and inform the appropriate disposal method. The Applicant will work with the MMO and Natural England, post consent, once detailed design information is available. Although the Applicant does not consider there to be a requirement for monitoring, Natural England reiterates its advice to the Applicant to undertake monitoring if required and include proposed monitoring methodology in the In Principle Monitoring Plan (IPMP).</p> <p>This matter was discussed at the Issue Specific Hearing for the DCO on the 29th June 2016 between the MMO and the Applicant. Both parties came to the agreement that should it be necessary to route the export cable through site 30, a mitigation plan will be developed by the Applicant to minimise impacts. The development of this mitigation plan will be a condition of the DML. Natural England agrees with this approach.</p> | <p><i>Paragraph 1, Part 2 has been inserted as follows:</i></p> <p><i>"No licenced activities may take place within the restricted area until the MMO has confirmed in writing that it is satisfied with the results of a sediment sample survey or that sufficient mitigation has been secured in the approved method statement secured under condition 13(g), to prevent impacts from contaminated sediment."</i></p> <p><i>Definitions amended as follows:</i></p> <p><i>"sediment sample survey" means a survey to be carried in the event that works are proposed in the restricted area which:</i></p> <ul style="list-style-type: none"> <li><i>• samples sediment for arsenic contamination in the area of those works; and</i></li> <li><i>• must be carried out in accordance with details which have first been approved by the MMO"</i> <p><i>"site 30" means site 30 shown on the works plan (offshore) which has the following grid coordinates:</i></p> <table border="0"> <tr> <td><i>Latitude</i></td> <td><i>Longitude</i></td> </tr> <tr> <td><i>52 27 32.889 N</i></td> <td><i>02 36 9.019 E</i></td> </tr> </table> </li></ul> | <i>Latitude</i> | <i>Longitude</i> | <i>52 27 32.889 N</i> | <i>02 36 9.019 E</i> |
| <i>Latitude</i>         | <i>Longitude</i>     |  |   |   |                 |                  |                       |                      |
| <i>52 27 32.889 N</i>   | <i>02 36 9.019 E</i> |  |   |   |                 |                  |                       |                      |
|                         | ExA                  | First Written Questions (Applicant's Response) Deadline II   | <p>The Applicant includes the following as embedded mitigation in ES Chapter 10 [APP-118]: <i>"Should dredging be required in the vicinity of station 30 (see Figure 8.1) where elevated levels of arsenic have been detected, EATL would collect further data to assess the extent of the affected area and if found to be extensive would agree with the MMO a strategy for the disposal of material from</i></p>   |   |                 |                  |                       |                      |

| Reference | Consultee | When comment made  | Comments from consultee  | Change made |
|-----------|-----------|--|--|-------------|
|           |           |  | <p><i>this area to minimise impacts”.</i></p> <p>Could the Applicant comment on whether it intends to secure this embedded mitigation through the draft DCO or DMLs, as appropriate?</p> <p>NE, in RR-003 paragraph 5.4.3, considers that a monitoring method for recording elevated levels of arsenic should be included in the IPMP. Could the Applicant confirm whether it intends to amend the IPMP to include for such monitoring?</p> <p>MMO, in its RR [RR-031], requests that this area (Site 30) be excluded from any dredge and disposal granted by this licence. It goes on to state that should dredge and sediment disposal become necessary in this area, additional marine licence applications will be required and onshore disposal considered.</p> <p>Could the MMO confirm whether the Applicant's ES sufficiently assesses the implications of dredge and disposal in this area, including the necessary mitigation measures to do so?</p> <p>Could the Applicant and the MMO provide an update with regard to any agreements reached in respect of Site 30, including any proposals to exclude this area from dredge and disposal consent? Could the Applicant and MMO also comment on how such restrictions would be secured through the DCO/DMLs?</p> |             |
|           | HE        | Applicant's Comments on the Responses of the Other Parties to First Written Questions (Deadline III) | Natural England's position on sample site 30 following further discussions with the Applicant is discussed in paragraph 6.6.9. of its Written Representations.   |             |

| Reference               | Consultee               | When comment made       | Comments from consultee   | Change made   |
|-------------------------|-------------------------|-------------------------|---|---|
| Schedule 12 & 13 Part 2 | MMO and Natural England | Sept 2016               | <p><i>Condition 13(1)(f) is amended to confirm the intent of the marine mammal mitigation protocol – prevention of injury.</i></p> <p><i>Condition 13(2) and (3) is added to secure mitigation which ensures that the project will not give rise to an adverse effect on the integrity of the Southern North Sea pSAC</i></p> | <p><i>Condition 13(1)(f) amended to:</i></p> <p><i>In the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol in accordance with the draft marine mammal mitigation protocol, the intention of which is to prevent injury to marine mammals, following current best practice as advised by the relevant statutory nature conservation bodies.</i></p> <p><i>Condition 13(2) amended to:</i></p> <p><i>(2) In the event that driven or part-driven pile foundations are proposed to be used, the licenced activities, or any phase of those activities must not commence until an East Anglia THREE Project Southern North Sea pSAC Site Integrity Plan which accords with the principles set out in the In Principle East Anglia THREE Project Southern North Sea pSAC Site Integrity Plan has been submitted to the MMO and the MMO is satisfied that the plan, provides such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2007 Regulations) of a relevant site, to the extent that harbour porpoise are a protected feature of that site.</i></p> <p><i>(3) For the purpose of paragraph (2) –</i></p> <p><i>(a) the Southern North Sea possible Special Area of Conservation must be treated as a European offshore marine site until:</i></p> <p><i>(i) that Area (or any part of it) becomes a European offshore marine site or a European site; or</i></p> <p><i>(ii) it is decided that no part of that Area should be a European offshore marine site or a European site; and</i></p> <p><i>(b) harbour porpoise must be treated as a protected feature of the Southern North Sea possible Special Area of Conservation.</i></p> |
| Schedule 12 & 13 Part 2 | NE                      | Relevant Representation | NE requested that the Applicant include a commitment in the DCO to not place gravity based structures in areas where sandwaves are greater than 5m.   | <p><i>Condition 16, deletion of "not used" and insertion of:</i></p> <p><i>No gravity base foundations may be installed in any area of the seabed with mobile sand waves of 5 metres or more, as identified by the swath-bathymetry survey carried out under condition 17(2)(b), unless otherwise</i></p>   |

| Reference               | Consultee | When comment made  | Comments from consultee  | Change made   |
|-------------------------|-----------|--|--|---|
|                         | ExA       | First Written Questions (Applicant's Response) Deadline II | <p>The Applicant includes the following as embedded mitigation in ES Chapter 10 [APP-118]: "<i>sea bed disturbance would be minimised by not placing gravity base structures in areas where sandwaves are greater than 5m, therefore reducing the potential for increased suspended sediment, reducing the potential for habitat impact</i>".</p> <p>Could the Applicant clarify how this embedded mitigation would be secured, through the draft DCO or DMLs, as appropriate? Have there been any further discussions with NE on this matter, in light of the point raised at paragraph 5.4.2 of its RR [RR-003]?</p> | agreed in writing by the MMO.   |
|                         | NE        | First Written Questions (Applicant's Response) Deadline II | Gravity Based foundations: By committing to not placing gravity based structures in areas where sandwaves are greater than 5m, the applicant is reducing the potential for habitat impact. Natural England would welcome further discussion with the Applicant on how this commitment can be included within the draft DCO.  |   |
| Schedule 14 & 15 Part 1 | ExA       | Rule 6 Letter & Schedule of Issues                         | See ExA's first comment in relation to Schedule 10 and 11  | Insertion of new defined term and associated definition for "East Anglia ONE Offshore Wind Farm" and "East Anglia ONE Order". |
| Schedule 14 & 15 Part 2 | ExA       | Rule 6 Letter & Schedule of Issues                         | See ExA's first comment in relation to Schedule 10 and 11  | Condition 14(5) correction of guidance reference from "MGN 371" to "MGN543"   |
|                         | N/A       | N/A  | Applicant's drafting amendment due to nature of DML being unlikely to affect Aviation Safety.  | Deletion of condition 10: Aviation Safety   |