

**SCOTTISHPOWER
RENEWABLES**

East Anglia ONE North and East Anglia TWO Offshore Windfarms

Applicants' Comments on Trinity House Deadline 4 Submissions

Applicant: East Anglia TWO and East Anglia ONE North Limited
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Applicable to East Anglia ONE North and East Anglia TWO



Revision Summary				
Rev	Date	Prepared by	Checked by	Approved by
01	03/02/2021	Paolo Pizzolla	Lesley Jamieson / Ian MacKay	Rich Morris

Description of Revisions			
Rev	Page	Section	Description
01	n/a	n/a	Final for submission

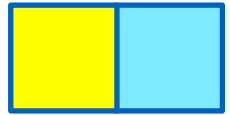
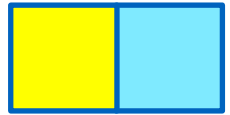


Table of Contents

1	Introduction	1
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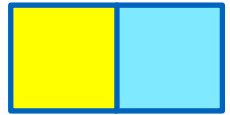
Glossary of Acronyms

CEFAS	Centre for Environment, Fisheries and Aquaculture Science
DCO	Development Consent Order
ExA	Examining Authority
DML	Deemed Marine Licence
MMO	Marine Management Organisation
TH	Trinity House
WTG	Wind Turbine Generator



Glossary of Terminology

Applicant	East Anglia ONE North Limited / East Anglia TWO Limited
East Anglia ONE North project	The proposed project consisting of up to 67 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
East Anglia TWO project	The proposed project consisting of up to 75 wind turbines, up to four offshore electrical platforms, up to one construction, operation and maintenance platform, inter-array cables, platform link cables, up to one operational meteorological mast, up to two offshore export cables, fibre optic cables, landfall infrastructure, onshore cables and ducts, onshore substation, and National Grid infrastructure.
Generation Deemed Marine Licence (DML)	The deemed marine licence in respect of the generation assets set out within Schedule 13 of the draft DCO.
Transmission DML	The deemed marine licence in respect of the transmission assets set out within Schedule 14 of the draft DCO.



1 Introduction

1. This document is applicable to both the East Anglia ONE North and East Anglia TWO applications, and therefore is endorsed with the yellow and blue icon used to identify materially identical documentation in accordance with the Examining Authority's (ExA) procedural decisions on document management of 23rd December 2019. Whilst for completeness of the record this document has been submitted to both Examinations, if it is read for one project submission there is no need to read it again for the other project.
2. This document presents the Applicants' comments on Trinity House's (TH) Deadline 4 submission (REP4-045).



Point	Trinity House Comment	Applicants' Response
Comments on Draft Development Consent Order		
001	<p>Article 37 - Arbitration</p> <p>TH notes that Article 37 of the draft DCO makes provision in respect of Arbitration. It provides that any difference under any provision of the DCO, unless otherwise provided for, must be referred to and settled in arbitration.</p> <p>TH is concerned that the exercise of its statutory functions to provide for safety of navigation, including the requiring of the marking and lighting of potential obstructions during the construction, operation, maintenance and possible decay of the works authorised by the proposed DCO, might be regarded as being subject to the Arbitration provisions in the DCO.</p> <p>The “saving” provision for TH typically included in Development Consent Orders of this nature (and which is included at Article 40 in respect of the draft DCO under consideration as part of this Examination process) is intended to preserve TH’s ability to exercise its statutory functions.</p> <p>Nothing in the DCO should, in our view, fetter the statutory powers of TH in respect of DCOs and DMLs, to give direction in terms of aids to navigation requirements and for the prevention of danger to navigation.</p> <p>In addition, any advisory and consultation function undertaken by TH on safety of navigation matters with the MMO pursuant to the Marine and Coastal Access Act 2009 should not be subject to the Arbitration provision of the DCO.</p> <p>Accordingly, we would confirm that TH therefore welcomes the Applicant’s proposed amendment to Article 37 (2) of the draft DCO.</p> <p>This provides for:-</p> <p><i>(2) Any matter for which the consent or approval of the Secretary of State or the Marine Management Organisation is required under any provision of this Order shall not be subject to arbitration.</i></p>	<p>The Applicants have agreed the requested change with TH. The revision has been made to the draft DCO submitted at Deadline 5.</p>



Point	Trinity House Comment	Applicants' Response
	<p>However, although the above referenced amendment addresses TH's concerns in part, TH considers that a further revision to the wording of Article 37 is necessary in order to make the position clear with regard to the primacy of the TH saving provision at Article 40.</p> <p>TH would, therefore, respectfully submit that Article 37(1) of the draft DCO should be amended to include the following additional provision:-</p> <p>Article 37: '(1) Subject to article 40 (saving provision for Trinity House).....'</p> <p>TH is otherwise content with the wording of Article 37.</p>	
002	<p>Schedule 14: Part 2: Section 13</p> <p>TH requests that Schedule 14 Part 2 Section 13(1) (d) (dd) is amended to omit the words 'Trinity House Class 2'. The alternative proposed text would be as follows:-</p> <p><i>'where necessary a relocation plan for Waverider Buoy and associated buoy (WMO ID:62294) located at 52° 12' 28.8"N 001° 41' 04.8"E during cable installation, after consultation by the undertaker with CEFAS and Trinity House'</i></p> <p>TH would respectfully highlight in this regard that it would not be correct to refer to a Trinity House Class 2 buoy specifically in this context.</p>	<p>The Applicants have agreed the requested change with TH. The revision has been made to the draft DCO submitted at Deadline 5.</p>