

# Norfolk Vanguard Offshore Wind Farm

# Schedule of changes

# to the draft DCO

Applicant: Norfolk Vanguard Limited Document  
Reference: ExA;DCOSchedule;10.D2.6

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*Photo: Kentish Flats Offshore Wind Farm*



Norfolk Vanguard Limited

Norfolk Vanguard Offshore Wind Farm

Schedule of changes to the draft DCO  
(For Deadline 2)

Date	Issue No.	Remarks / Reason for Issue	Author	Checked	Approved
29/01/19	01D	First draft for Norfolk Vanguard Ltd review	JT	VR	
30/01/19	02D	Final draft	JT	VR	RS

**Schedule of changes to the draft Norfolk Vanguard DCO submitted at Deadline 2**

<b>Ref.</b>	<b>DCO Ref.</b>	<b>Consultee/ Stakeholder</b>	<b>Comments from stakeholder (rationale for the change)</b>	<b>Change made</b>	<b>DCO Version</b>
1.	Schedule 6	PINS (s51)	The following plots identified in the Land Plans, sheets 40 – 42 (Doc 2.02); 40/13, 40/15, 40/17, 40/18, 40/19, 40/21, 40/22, 40/24, 40/25, 40/29, 40/30, 41/02, 41/04, 41/06, 41/19, 41/20, 41/21, 41/26, 41/29, 41/31, 41/34, 41/35, 41/36, 41/37, 41/38 and 42/01) are also listed on page 24 of the Explanatory Memorandum (doc 3.2) as 'freehold plots'. Aside from plot 41/26 which is identified as being required for Work No. 10b, none of these plots appear in the draft DCO in relation to a work number. Please can the Applicant provide clarification on this?	The Applicant responded to this question in the Response to Section 51 Advice (document reference: PB4476-008-001).  Schedule 6 of the draft DCO has been updated to remove Plot 41/26 as this was included in Schedule 6 in error.	2
2.	Schedule 3	PINS (s51)	Schedule 3 of the draft DCO does not identify the corresponding sheet (there are 42) that illustrates the location of the stopped up PRow, it just refers to 'the public rights of way to be temporarily stopped up plan'.	Sheet numbers have been added to Schedule 3 of the draft DCO to account for this.	2
3.	Schedule 3	PINS (s51)	Schedule 3 of the draft DCO identifies that all bridleways and long distance trails, subject to be temporarily stopped up, are shown in orange on the corresponding plan. However on the plans they are shown in either green or brown.	Schedule 3 of the draft DCO has been amended in accordance with the Response to Section 51 Advice (document reference: PB4476-008-001).	2
4.	Schedule 3	PINS (s51)	There appears to be a discrepancy between information on Sheet 22 of 42 of the PRow plan (Doc 2.6) and what appears in Schedule 3 of the draft DCO with regard to the stopping up points on footpath 24 - Reepham FP8.	There are two listings for footpath 24 in Schedule 3 of the draft DCO. The first description of footpath 24 is incorrect and has been amended in Schedule 3 to read ' <b>AX &amp; AU</b> ' instead of 'AU to AV'.	2

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				The second description of footpath 24 has been relabelled 24a and has been amended in Schedule 3 of the draft DCO to read 'approximately 6m' instead of 'approximately 50m', and 'AV & AW' instead of 'AW to AX'.	
5.	Schedule 4	PINS (s51)	Sheet 20 of 42 of the plan showing streets to be temporarily stopped up (Doc 2.07) illustrates the stopping up of an unidentified private road 59.52m in length between '20a and 20b'. However, Schedule 4 of the draft DCO does not have a listing for this description.	Schedule 4 of the draft DCO has been amended to refer to 'Approximately 60 meters of Private track as is within Work No.6 as shown on sheet 21a and 21b on sheet 21 of the streets to be stopped up plan' within the District of Broadland.	2
6.	Schedule 2 & 4	PINS (s51)	There is a duplicate listing for the stopping up of Oulton Street for approximately 70m between "20a and 20b", which is not illustrated on sheet 20 of 42 of the plan (Doc 2.07).	Schedules 2 & 4 of the draft DCO have been updated to remove the duplicate entry of 'approximately 70m of Oulton Street between points 20a and 20a' from Schedule 2 & 4 of the draft DCO.	2
7.	Schedule 4	PINS (s51)	Schedule 4 of the draft DCO lists the stopping up of 'Dereham Road' on page 71 as being between "31c and 31c". However, on the corresponding plan, sheet 31 of 42, (Doc 2.07) the stopping up is illustrated as being between '31c and 31d'.	Schedule 4 of the draft DCO has been amended to read as shown between 'points 31c and 31d' instead of '31c and 31c'.	2
8.	Schedule 4	PINS (s51)	Schedule 4 of the DCO also lists an additional stopping up for 'Dereham Road' between "31d and 31d" which is not illustrated on the corresponding plan.	Schedule 4 of the DCO has been updated to delete duplicate listing of 'Dereham Road' between '31d and 31d' from Schedule 4 of the draft DCO.	2
9.	Schedule 4	PINS (s51)	Schedule 4 of the draft DCO lists the stopping up of 'Dereham Road' as being between "37d and 37e". However, on the corresponding plan - sheet 37 of 42 (Doc 2.7) it is illustrated as being between '37g and 37d'.	Schedule 4 of the draft DCO has been amended to state as shown on 'points 37c to 37d' for Dereham Road.	2
10.	Schedule 4	PINS (s51)	Schedule 4 of the draft DCO lists the stopping up of 'Dale Road' as being between "37f and 37g". On the corresponding plan - sheet 37 of	Schedule 4 of the draft DCO has been amended to state between 'points 37e and 37f' instead of '37f and 37g'.	2

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			42 (Doc 2.07) it is illustrated as being between '37e and 37f'.		
11.	Schedule 4	PINS (s51)	Sheet 41 of 42 of the Plan (Doc 2.07) illustrates three areas of the A47 that are to be stopped up. The third, an area 124.33m long between '41q and 41r' appears to be not listed in Schedule 4 of the DCO.	A new entry to Schedule 4 of the draft DCO has been added to reflect this as follows: <b>'Approximately 125 meters of the A47 (located within National Grid overhead line temporary works area and overhead line modification corridor (Work No 11 and Work No 11A) between point 41q and 41r as shown on sheet 41 of the streets to be stopped up plan.'</b>	2
12.	Schedules 2, 4, 5, 13	PINS and Landowners	As part of updates from the PINS Section 51 Advice and the Change Report (document reference: Pre-ExA; Change Report; 9.3) the Applicant has updated the associated DCO schedules (Schedule 2 (Streets subject to Street Works), Schedule 4 (Streets to be Stopped Up), Schedule 5 (Access to Works) and Schedule 13 (Hedgerows)).	The schedules have been updated. Where the entry is no longer required the Applicant has inserted <b>"NOT USED"</b> in the schedule to the draft DCO. This is to avoid any confusion around the reference points on the plans now not being sequentially numbered.	2
13.	Article 35 and Schedule 13	N/A	As part of ongoing review the Applicant has noticed that some of the hedgerows on the Important Hedgerows Plan (document reference 2.11) and Schedule 13 of the dDCO were incorrectly marked as 'important hedgerows' and should, instead, have been classed as potentially important hedgerows given that the assessments for these hedgerows will take place prior to commencement of development. It is therefore not yet clear whether these hedgerows will be "important hedgerows".	Article 35 and Schedule 13 of the draft DCO has been updated to include 3 categories of hedgerow: (1) potentially important hedgerows; (2) important hedgerows; and (3) hedgerows.	2
14.	Schedule 1, Part 1	MMO & NE	MMO relevant representation comment 1.11;	This figure has been updated to include the total offshore disposal volume	2

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		(Relevant Rep (RR))	NE relevant representation, Appendix 5, comment 6.	('51,207,566m <sup>3</sup> '), which combines the transmission and generation DML values.	
15.	Schedule 1, Part 1 & Schedules 9-12 Part 3 1(f)	MMO & NE	MMO RR comment 1.11 NE RR, Appendix 5, comment 6	The DCO has been updated to include a total volume for drill arisings as follows:  Generation (Schedules 9-10) DML Total: 400,624m <sup>3</sup>  Transmission (Schedules 11-12) DML Total: 14,137m <sup>3</sup>  DCO Schedule 1 Total: 414,761m <sup>3</sup>	2
16.	Schedule 9 and 10  Part 4 condition 14(c)(iii)	N/A	The wording relates to the Haisborough, Hammond and Winterton Special Area of Conservation (HH&W SAC); only the transmission cables go through this area and so the wording is not required in the Generation DMLs.	The draft DCO has been updated to remove the HH&W SAC text in relation to the Construction Method Statement in the Generation DMLs (Schedules 9 and 10):  <i>'cable (including fibre optic cable) installation, <del>in particular, proposals for the Haisborough, Hammond and Winterton Special Area of Conservation;</del>'</i>	2
17.	Schedule 11 and 12  Part 4 condition 9(c)(iv) and 9(1)(g)(ii)	N/A	The wording has been amended to incorporate the previous text from Schedule 9 and 10 in relation to the Haisborough, Hammond and Winterton Special Area of Conservation (entry 14. above). The Applicant considers that the revised wording is better placed beneath the Cable Specification, Installation and Monitoring Plan (hence its removal from the Construction Method Statement condition).	The following text has been inserted into the Condition on the Cable Specification, Installation and Monitoring Plan in Schedule 11 and 12, Part 4, 9(1)(g):  <i>'(ii) a detailed cable (including fibre optic cable) laying plan for the Order limits, incorporating a burial risk assessment to ascertain suitable burial depths and cable laying techniques, including cable <b>landfall</b> and cable protection measures and, in particular, proposals for the Haisborough, Hammond and Winterton Special Area of Conservation;'</i>	2



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18.	Schedule 9 and 10 Part 4 condition 14(1)(n); Schedule 11 and 12 Part 4 condition 9(1)(m).	MMO (RR)	The MMO recommends that a condition is included to restrict the maximum hammer energy to the worst case scenario (5,000kJ) assessed in the ES. The MMO recommends the following condition wording: <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 5,000kJ.</i>	The draft DCO has been updated to include this wording within the DMLs.	2
19.	Schedules 9 and 10 Part 4, Condition 12(4) Schedules 11 and 12 Part 4, Condition 7(4)	MMO (RR)	It is problematic to provide a disposal return by 31 January for a period August to January inclusive. The deadline should be amended to the 15th of the month following the disposal period. Please see the correct wording below: <i>The undertaker must inform the MMO of the location and quantities of material disposed of each month under this licence. This information must be submitted to the MMO by 15 February each year for the months August to January inclusive, and by 15 August each year for the months February to July inclusive.</i>	The draft DCO has been updated to include this wording within the DMLs.	2
20.	Schedule 1, Part 3, Requirement 2(b) Schedules 9 and 10, Part 4, Condition 2(1)(b)	MMO & NE (RRs)	As a result of continuing engagement with the MMO and Natural England and as highlighted through relevant representations.	The maximum height of a wind turbine generator to the centreline of the generator shaft (when measured from HAT) has been revised in the draft DCO from 200m to <b>198.5m, in accordance with the parameter assessed in the ES.</b>	2
21.	Schedule 1, Part 3, Requirement 5; Schedule 9 & 10, Part 4, condition	MMO (RR)	With regard to cable protection, the area of impact should be stated within the draft DCO/DML as well as the volume. At present this	The draft DCO has been updated to include the total area (in m <sup>2</sup> ) of cable protection.	2

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	3; and Schedule 11 & 12, Part 4, condition 2.		section only refers to the volumes. This also applies for scour protection.		
22.	Schedule 1, Part 3, 11; Schedule 9 & 10, Part 4, 8(1)(g); and Schedule 11 & 12, Part 4, 3(1)(b).	MMO (RR)	With regard to cable protection, the area of impact should be stated within the DCO/DML as well as the volume. At present this section only refers to the volumes. This also applies for scour protection.	The draft DCO has been updated to include the total area (in m <sup>2</sup> ) of scour protection.	2
23.	Schedule 9 & 10, Part 4, condition 8; and Schedule 11 & 12, Part 4, condition 3.	N/A	Linked to the updates to scour protection and cable protection areas (in m <sup>2</sup> ) as well as the area (in m <sup>2</sup> ) for drill arisings, the Applicant has updated the DMLs to include these maximum figures. The figure is the same for both Generation DMLs (Schedule 9-10), and a separate figure is also included and replicated across both Transmission DMLs (Schedule 11-12). However, the Applicant has included these maximum parameters within the list of figures that must be read together with the other licence for that respective class of asset. This is to make clear that the other licence does not have a new maximum parameter (i.e. the amount will have been reduced by the other phase for that class of asset).	The draft DCO has been updated accordingly.	2
24.	Schedule 1, Part 3, 8(2); Schedule 11-12, Part 4 1(2)(c)	N/A	As a result of continuing updates to the draft DCO the Applicant has noticed that the maximum parameter for the foundations connected to the offshore electrical platform is	The maximum combined parameter for the foundations connected to the offshore electrical platform(s) has been updated from referring to a maximum for each foundation	2



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			incorrectly stated compared to the maximum parameter assessed in the ES.	to a maximum for the overall offshore electrical platform(s) as follows:  " In relation to <del>an</del> the offshore electrical platform(s), <del>each</del> the foundations must not have a <b>combined</b> seabed footprint area (excluding scour protection) of greater than <b>15,000 7,500</b> m2. "	
25.	Schedule 15, 2.4.	ExA Written Questions (WQs) 20.111	There appears to be a typographical error in the wording "is not thereafter be entitled". Please clarify.	The wording has been amended to read as follows: "...(4) If the discharging authority does not give such notification as specified in subparagraph (2) or (3) it is deemed to have sufficient information to consider the application and is not thereafter <del>be</del> entitled to request further information without the prior agreement of the undertaker."	2
26.	Article 2, Interpretation; Part 1 Interpretation' section of each of the DMLs (Schedules 9-12).	ExA WQs 20.116	Please explain why a definition of 'scour protection' has not been provided within the 'Part 1 Interpretation' section of each of the DMLs?	A definition has been included which reads as follows: " <b>"scour protection" means measures to prevent loss of seabed sediment around any marine structure placed in or on the seabed by use of protective aprons, mattresses with or without frond devices, or rock and gravel placement"</b> .	2
27.	Article 2, Interpretation	ExA WQs 20.7	There appears to be no definition of "onshore transmission works". Please comment. Is it intended that they comprise those onshore transmission works identified in Works Nos 5, 6, 7, 7A, 7B, 7C, and 7D?	Article 2 of the draft DCO defines "transmission works" as "Work Nos. 4C to 12 and any related further associated development in connection with those works. In the interests of clarity, the definition (and relevant cross-reference) in the draft DCO has been changed to <b>"onshore transmission works"</b> .	2

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28.	Article 2, Interpretation	ExA WQs 20.8	In the Interpretations section (p7) there is a different definition of 'maintain' than in the Model Order. Explain and justify the different text.	<p>The Applicant responded to this question to explain the approach and the Applicant has also updated the definition in the draft DCO which now reads</p> <p>in the Order, as follows:</p> <p><i>" "maintain" includes inspect, upkeep, repair, adjust, and alter and further includes remove, reconstruct and replace (but only in relation to any of the ancillary works in Part 2 of Schedule 1 (ancillary works), any cable, any component part of any wind turbine generator, offshore electrical substation, accommodation platform, meteorological mast, and the onshore transmission works described in Part 1 of Schedule 1 (authorised development) not including the removal, reconstruction or replacement of foundations and buildings associated with the onshore project substation), to the extent assessed in the environmental statement; and "maintenance" is construed accordingly."</i></p> <p>in the DMLs, as follows:</p> <p><i>" "maintain" includes inspect, upkeep, repair, adjust, and alter and further includes remove, reconstruct and replace (but only in relation to any of the ancillary works in Part 2 of Schedule 1 (ancillary works), any cable, and any component part of any wind turbine generator, offshore electrical substation, accommodation platform or meteorological mast described in Part 1 of Schedule 1</i></p>	2

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				<p><i>(authorised development) not including the alteration, removal or replacement of foundations), to the extent assessed in the environmental statement; and "maintenance" is construed accordingly;"</i></p> <p>This drafting is explained further in the Explanatory Memorandum (document 3.2 (version 2)) submitted at Deadline 2.</p>	
29.	Article 7 (2)	ExA WQs 20.15	Article 7(2) refers to the temporary use of land for carrying out the authorised project and for maintaining the authorised project: should the articles referred to read, respectively, Article 26 and Article 27?	Article 7(2) of the draft DCO has been updated to refer to 'Article 26' and 'Article 27' respectively.	2
30.	Articles 11(2) and 11(5)	ExA WQs 20.18	Are Articles 11(2) and 11(5) effective to secure that sufficient notice will be given and consultation will take place with the relevant street works authority of any area proposed to be used as a mobilisation area not already identified within the Order? In relation to all mobilisation areas, please explain how the order would ensure that adequate details of the plant and equipment proposed to be installed in that location and the activities undertaken and duration of use would be controlled.	The references in Article 11(2) and 11(5) have been amended from 'mobilisation area' to 'temporary working site'	2
31.	Article 29(a)	ExA WQs 20.31	Should Article 29(a) read "limits of the land" instead of "limits to the land"?	The draft DCO has been amended to state "limits <del>to</del> of the land".	2
32.	Schedule 1, Part 1 (Work No.5)	ExA WQs 20.38	Please clarify the discrepancy in the number of ducts stated between Work No.5 and the other onshore transmission works	Work No. 5 of the draft DCO has been updated to refer to: " <del>two</del> four additional cable ducts for the Norfolk Boreas offshore wind farm..."	2

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33.	Schedule 1, Part 3, 20(1)	Environment Agency RR WQs 20.50	Please comment on how the CoCP should be structured and managed and whether Requirement 20 should provide that, for each phase a CoCP and associated pollution control plans are submitted to and approved by the Environment Agency prior to works on that phase commencing?	The wording within the Code of Construction Practice requirement (20) in the draft DCO has been updated as follows: <i>'(1) No stage of the onshore transmission works may commence until for that stage a code of construction practice has been submitted to and approved by the relevant <del>local</del> planning authority, in consultation with the Environment Agency.'</i>	2
34.	Article 2, Interpretations	National Grid	As a result of changes to the overhead line search area and connected to the changes to the National Grid overhead line search area in the Change Report	The definition of overhead line modification has been changed as follows: <i>" "overhead line modification" means alteration and repositioning of the overhead line, including removal of <del>part of the overhead line, and replacement of existing structures and installation of new structures</del> in respect of the existing Walpole to Norwich Main 400kV overhead line between pylons 4VV123 and 4VV127 on land south east of Necton, Norfolk to allow connection into the National Grid substation extension including connecting into the National Grid sealing end compound; "</i>	2
35.	Article 4	National Grid & WQs 20.11	National Grid require lateral limits of deviation for overhead lines	Article 4 has been amended to read as follows: <i>" 4.—(1) In carrying out the <del>overhead line modification replacement of circuits</del> as part of <del>Work No. 11 and</del> Work No.11A for which it is granted development consent by article 3(1) (development consent etc. granted by the Order) the undertaker may— (a) deviate vertically from the levels of the existing 400kV overhead line from Walpole to Norwich Main to be modified as part of Work No.11A— (i) to any extent not exceeding 4 metres</i>	2

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				<p>upwards; or  (ii) to any extent downwards as may be found to be necessary or convenient.  (b) deviate laterally from the lines or situations of the existing 400kV overhead line from Walpole to Norwich Main to be modified as part of Work No.11A -  (i) to any extent not exceeding 25 metres either side of the existing overhead line as shown by the limits of deviation relating to that work on the works plan. "</p>	
36.	Article 6	National Grid	National Grid require comfort that any assignee that takes the benefit of the order must have financial covenant strength and have requested that the Secretary of State consults with them prior to transfer of the benefit of any of the onshore infrastructure	<p>Article 6(5) has been updated to include the following new sub-paragraph:  " (5) The Secretary of State must consult National Grid before giving consent to the transfer or grant to a person of any or all of the benefit of the provisions of this Order (excluding the deemed marine licences referred to in paragraph (2) above). "</p>	2
37.	Article 28	National Grid	<p>Previously, Article 28 provided that, if the Applicant took possession of land under temporary powers and removed redundant apparatus owned by National Grid, the private rights and restrictive covenants supporting that apparatus would be automatically extinguished, unless the Applicant served a notice before vacating the land stating otherwise.</p> <p>The Article also excluded the Applicant's liability to remove foundations from the land below 1.5m in depth.</p> <p>The purpose of the changes to Article 28 is to make the extinguishment of any private rights and restrictive covenants supporting apparatus that is removed from the land dependent on a positive exercise of a power – namely, serving</p>	<p>Article 28 of has been updated to read as follows:  " 28.—(1) This article applies to any <del>Order land specified in Article 286(1)(a)(i) and any other</del> Order land of which the undertaker takes temporary possession under article 26 (Temporary use of land for carrying out the authorised project).  (2) <i>Subject to paragraph (3), all private rights or restrictive covenants in relation to apparatus belonging to National Grid removed from any land to which this article applies are extinguished will remain intact from the date on which the undertaker gives up temporary possession of that land,</i><del> under article 28(3).</del></p>	2

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			<p>notice in agreement with National Grid that such rights will be extinguished before giving up possession of the land.</p> <p>In addition, the provision for liability in respect of foundations within 1.5m in depth has been amended, so that there is no liability or requirement to remove any foundations, whether within 1.5m of the surface of the land or otherwise.</p>	<p><del>(3) The extinguishment of rights by paragraph (2) does not give rise to any cause of action relating to the presence on or in the land of any foundations (save for those which lie less than 1.5 metres underground) and the undertaker is not required to remove foundations when giving up temporary possession).</del></p> <p><del>(2) Paragraphs (21) to (3) have effect subject except that to</del></p> <p><del>(4) —</del></p> <p><del>(3) any If the undertaker, in notice agreement between with National Grid, given by and the gives notice undertaker before the date that the undertaker gives up temporary possession of the land that any or the undertaker may extinguish all of the private rights or restrictive covenants in relation to apparatus belonging to National Grid removed from the land to which this article applies will be extinguished, such rights will be extinguished any or all of those paragraphs do not apply to any right specified in the notice.; or</del></p> <p><del>(4) Any extinguishment of rights by paragraph (3) does not give rise to any cause of action relating to the presence on or in the land of any foundations and the undertaker is not required to remove foundations when giving up temporary possession). "</del></p>	
38.	Schedule 1 (Work No. 11 and Work No. 11A)	National Grid	As a result of continuing engagement and liaison with National Grid, the Applicant has updated the works descriptions to more clearly distinguish the pylon works (Work No. 11) and the overhead line modification works (Work No.	Work No.11 has been updated as follows:  " <del>Work No. 11 – the overhead line modification including</del> the removal of one existing pylon and construction of two new	2



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			11A) – as reflected on the revised Works Plans (document reference 2.4).	<i>permanent pylons, as shown marked by (W) and (E) on the works plans, and the installation of conductors, insulators and fittings on to the pylons;</i> "  And a Work No. 11A has been introduced as follows:  <i>" Work No. 11A – the overhead line modification "</i>	
39.	Schedule 1 (Associated Development)	ExA WQ 20.11	Please provide a definition of “circuit” in Article (1) and include it within the dDCO.	The Applicant (as per the response to the Examining Authority's Written Questions (ExA; WQ; 10.D1.3) has amended Schedule 1, Part 1, to describe the works which can be carried out in connection with Work No. 11 as follows:  <i>" ... (b) the temporary diversion of the overhead line <del>circuits</del> onto the temporary pylons. "</i>	2
40.	Schedule 1, Requirement 8(1)(a)(b) Schedule 11 & 12, Part 4, 1(2).	N/A	Change Report and parameters – updates from six to twelve driven piles per offshore electrical platform; and updates from three to five metres for pile diameters in the case of two or more pile structures. This change is also explained in The Applicant's Responses to First Written Questions Appendix 6.1 - Relationship Between Design Parameters in Draft Development Consent Order and Environmental Statement (ExA; WQApp6.1; 10.D1.3).	These parameters have been updated in the draft DCO.	2
41.	Schedule 1, Part 1 (Work No. 7A – 7D)	Various Landowners	Change Report – as a result of discussions with landowners, a single route has been chosen in relation to the previous Work No. 7A – Work No. 7D. Accordingly, the route bifurcation (as	Work No.7A – Work No.7D has been deleted.  Requirement 15 has been updated as follows:	2

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	Part 2, Requirement 15.		previously described by Work No.7A – 7D) is no longer relevant.	"... <del>(3) The written scheme referred to in sub-paragraph 2 must include notification of whether the undertaker will proceed with Work No. 7A or Work No. 7B.</del> <del>(4) The written scheme referred to in sub-paragraph 2 must include notification of whether the undertaker will proceed with Work No. 7C or Work No. 7D.</del> <del>(5)</del> (3) The written scheme must be implemented as approved notified under paragraph 2. "	
42.	Schedule 14 (paragraph 7(2))	MMO (RR)	The arbitration schedule describes a private process requiring the agreement that all discussions and documentation will be confidential and not disclosed to third parties without written consent. The MMO would like to highlight that the regulatory decisions should be publically available and open to scrutiny. In many cases, members of the public and Non-Governmental Organisations may make representations in relation to post-consent matters. Ordinarily, their views would be considered by the MMO and would be able to follow and challenge the decision making. A private arbitration to resolve post consent disputes would reduce transparency and accountability.	The Applicant has amended the confidentiality provisions at paragraph 7(2) of Schedule 14 to make it expressly clear that a party can disclose information in accordance with an obligation required by legislation, as follows:  "(2) The parties and Arbitrator agree that any matters, materials, documents, awards, expert reports and the like are confidential and must not be disclosed to any third party without prior written consent of the other party, save for any application to the Courts <i>and/or save for compliance with legislative rules, functions or obligations on either party.</i> "	2
43.	Schedule 6	Landowners	Change Report - the Applicant has made a number of minor amendments to the plots in Schedule 6 to reflect the updated land plans (in particular, those changes reflecting the removal of plots that represented different options within the cable route where a single route has now been selected along Work No 7). A small	The plots in Schedule 6 of the draft DCO have been amended accordingly.	2

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			number of plots have also been added to correct their unintentional omission in the application draft DCO.		
44.	Schedule 6	National Grid	The wording comprising a new right, with associated restrictive covenant, at the end of Schedule 6 (named "Overhead line alterations") has been inserted at the request of National Grid. This wording closely follows National Grid's own standard wording for overhead line easements and will assist National Grid in maintaining consistent property interests across its apparatus in the area.	A new row titled "overhead line alterations" has been added to Schedule 6 of the draft DCO.	2
45.	Schedule 8	Landowners	The Applicant has made a number of minor amendments to the plots in Schedule 8 to reflect the updated land plans (in particular, those changes reflecting the removal of plots that represented different options within the cable route where a single route has now been selected along Work No 7). A small number of plots have also been added to correct their unintentional omission in the application draft DCO.	The plots in Schedule 8 of the draft DCO have been amended accordingly.	2
46.	Article 2; Article 37; Schedules 9-10 (Condition 14(1)(d)) and Schedules 11-12 (Condition 9(1)(d)).	MMO and fisheries stakeholders	As a result of continued liaison and consultation with the MMO and fisheries stakeholders, the Applicant has produced an outline Fisheries Liaison and Co-Existence plan.	The Applicant has included this as an outline plan to be certified by the Secretary of State under Article 37. The plan is also referenced in the Interpretation section and is included beneath the Project Environmental Management Plan condition in the DMLs.	2

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
47.	Article 2 Schedule 1 (Work No.1 (a)), Part 3, Requirement 6(2);  Schedule 9-10, Part 1, paragraph 1 and Part 4, condition 4(2).	N/A	Following the submission of the ES in June 2018, the design options for this Project have been further refined and the Applicant has advanced its foundations procurement process. Following this process, floating foundations have now been removed from the Project Design Envelope.	The Applicant has removed reference to floating foundation (and its associated parameters) in the draft DCO, together with the definition of "pin pile anchor point" "gravity anchor point" and "tension leg" as this was only required in the event that floating foundations were used.	2
48.	Article 2 Article 37 Schedule 9&10, Part 1 (Interpretations), and Condition 19(4) and 20(2)(d);	N/A	The Applicant noticed that the wording in the draft DCO did not match the wording of the associated plan.	"outline navigation monitoring strategy" has been changed to " <i>outline marine traffic monitoring strategy</i> " to reflect the name of the plan (document reference: 8.18).	2
49.	Schedules 9-12, Part 1 (Interpretations);	Historic England (WR, paragraph 2.3)	Historic England notified the Applicant of a change of address for service, and that "statutory historic body" should be defined as "Historic Buildings and Monuments Commission for England (Historic England)" (rather than 'Historic England').	The Applicant has updated the draft DCO accordingly.	2