

Norfolk Vanguard Offshore Wind Farm

Schedule of changes

to the draft DCO

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Photo: Kentish Flats Offshore Wind Farm



Norfolk Vanguard Limited

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Schedule of changes to the draft DCO
(For Deadline 4)

Date	Issue No.	Remarks / Reason for Issue	Author	Checked	Approved
7/03/19	01D	First draft for Norfolk Vanguard Ltd review	JT	VR	
13/03/19	02	Final draft for submission	JT	VR	RS

Schedule of changes to the draft Norfolk Vanguard DCO

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
Deadline 2					
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?	<p>The Applicant responded to this question in the Response to Section 51 Advice (document reference: PB4476-008-001).</p> <p>Schedule 6 of the draft DCO has been updated to remove Plot 41/26 as this was included in Schedule 6 in error.</p>	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

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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 ' AX & AU ' instead of 'AU to AV'. 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'.	2
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,	Schedule 4 of the draft DCO has been amended to read as shown between ' points 31c and 31d '	2

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			on the corresponding plan, sheet 31 of 42, (Doc 2.07) the stopping up is illustrated as being between '31c and 31d'.	instead of '31c and 31c'.	
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 42 (Doc 2.07) it is illustrated as being between '37e and 37f'.	Schedule 4 of the draft DCO has been amended to state between 'points 37e and 37f' instead of '37f and 37g'.	2
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: '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.'	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 schedules have been updated. Where the entry is no longer required the Applicant has inserted " NOT USED " in the schedule to the draft DCO. This is to avoid any confusion around the	2

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			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)).	reference points on the plans now not being sequentially numbered.	
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 (Relevant Rep (RR))	MMO relevant representation comment 1.11; NE relevant representation, Appendix 5, comment 6.	This figure has been updated to include the total offshore disposal volume (' 51,207,566m³ '), which combines the transmission and generation DML values.	2
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 ³ Transmission (Schedules 11-12) DML Total: 14,137m ³ DCO Schedule 1 Total: 414,761m ³	2
16.	Schedule 9 and 10	N/A	The wording relates to the Haisborough,	The draft DCO has been updated to remove the	2

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	Part 4 condition 14(c)(iii)		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.	HH&W SAC text in relation to the Construction Method Statement in the Generation DMLs (Schedules 9 and 10): 'cable (including fibre optic cable) installation, in particular, proposals for the Haisborough, Hammond and Winterton Special Area of Conservation;'	
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): '(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 landfall and cable protection measures and, in particular, proposals for the Haisborough, Hammond and Winterton Special Area of Conservation; '	2
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	MMO	It is problematic to provide a disposal return by 31 January for a period August	The draft DCO has been updated to include this wording within the DMLs.	2

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	12(4) Schedules 11 and 12 Part 4, Condition 7(4)	(RR)	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>		
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 198.5m, in accordance with the parameter assessed in the ES.	2
21.	Schedule 1, Part 3, Requirement 5; Schedule 9 & 10, Part 4, condition 3; and Schedule 11 & 12, Part 4, condition 2.	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 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 ²) of cable protection.	2
22.	Schedule 1, Part 3, 11; Schedule 9 & 10, Part 4, 8(1)(g); and Schedule 11 & 12, Part	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	The draft DCO has been updated to include the total area (in m ²) of scour protection.	2

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	4, 3(1)(b).		protection.		
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 ²) as well as the area (in m ²) 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 incorrectly stated compared to the maximum parameter assessed in the ES.	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 to a maximum for the overall offshore electrical platform(s) as follows: " In relation to an the offshore electrical platform(s), each the foundations must not have a combined seabed footprint area (excluding scour protection) of greater than 15,000 7,500 m2. "	2
25.	Schedule 15, 2.4.	ExA	There appears to be a typographical error	The wording has been amended to read as	2

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		Written Questions (WQs) 20.111	in the wording "is not thereafter be entitled". Please clarify.	follows: "...(4) If the discharging authority does not give such notification as specified in sub-paragraph (2) or (3) it is deemed to have sufficient information to consider the application and is not thereafter be entitled to request further information without the prior agreement of the undertaker."	
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: " <i>"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"</i> ."	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 " <i>onshore transmission works</i> ".	2
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.	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 in the Order, as follows: " <i>"maintain" includes inspect, upkeep, repair,</i>	2

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				<p><i>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 (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</p>	

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				Explanatory Memorandum (document 3.2 (version 2)) submitted at Deadline 2.	
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 to 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: " two four additional cable ducts for the Norfolk Boreas offshore wind farm..."	2
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	The wording within the Code of Construction Practice requirement (20) in the draft DCO has been updated as follows: '(1) No stage of the onshore transmission works may commence until for that stage a code of	2

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			Environment Agency prior to works on that phase commencing?	<i>construction practice has been submitted to and approved by the relevant local planning authority, in consultation with the Environment Agency.'</i>	
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: " "overhead line modification" means alteration and repositioning of the overhead line, including removal of part of the overhead line, and replacement of existing structures and installation of new structures 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 <i>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: " 4.—(1) In carrying out the overhead line modification replacement of circuits as part of Work No. 11 and 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 upwards; or (ii) to any extent downwards as may be	2

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				<p><i>found to be necessary or convenient.</i></p> <p><i>(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></p> <p><i>(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. "</i></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:</p> <p><i>" (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). "</i></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</p>	<p>Article 28 of has been updated to read as follows:</p> <p><i>" 28.—(1) This article applies to any Order land specified in Article 286(1)(a)(i) and any other Order land of which the undertaker takes temporary possession under article 26 (Temporary use of land for carrying out the authorised project).</i></p> <p><i>(2) 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</i></p>	2

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			<p>supporting apparatus that is removed from the land dependent on a positive exercise of a power – namely, serving 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><i>which the undertaker gives up temporary possession of that land, under article 28(3).</i></p> <p><i>(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).</i></p> <p><i>(2) Paragraphs (21) to (3) have effect subject except that to</i></p> <p><i>(4) —</i></p> <p><i>(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</i></p> <p><i>(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). "</i></p>	
38.	Schedule 1 (Work No. 11 and Work No.	National Grid	As a result of continuing engagement and liaison with National Grid, the Applicant has updated the works descriptions to	Work No.11 has been updated as follows:	2

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	11A)		more clearly distinguish the pylon works (Work No. 11) and the overhead line modification works (Work No. 11A) – as reflected on the revised Works Plans (document reference 2.4).	<p>" <i>Work No. 11 – the overhead line modification including the removal of one existing pylon and construction of two new 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> "</p> <p>And a Work No. 11A has been introduced as follows:</p> <p>" <i>Work No. 11A – the overhead line modification</i> "</p>	
39.	Schedule 1 (Associated Development)	ExA WQ 20.11	Please provide a definition of "circuit" in Article (1) and include it within the dDCO.	<p>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:</p> <p>" ... (b) the temporary diversion of <i>the</i> overhead line circuits onto the temporary pylons. "</p>	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;	These parameters have been updated in the draft DCO.	2

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			WQApp6.1; 10.D1.3).		
41.	Schedule 1, Part 1 (Work No. 7A – 7D) Part 2, Requirement 15.	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 previously described by Work No.7A – 7D) is no longer relevant.	<p>Work No.7A – Work No.7D has been deleted.</p> <p>Requirement 15 has been updated as follows:</p> <p>"... (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.</p> <p>(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.</p> <p>(5)(3) The written scheme must be implemented as approved notified under paragraph 2. "</p>	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	<p>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:</p> <p>"(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>"</p>	2

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			transparency and accountability.		
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 number of plots have also been added to correct their unintentional omission in the application draft DCO.	The plots in Schedule 6 of the draft DCO have been amended accordingly.	2
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

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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
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

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
Deadline 4					
1.	Article 2, Interpretations	ExA	To address ExA Q20.134 in relation to timing of implementation of the decommissioning plan (and to include reference to the intertidal area).	"onshore decommissioning plan" means a plan to decommission Work No. 4B to Work No. 12 which includes a programme within which any works of decommissioning must be undertaken	3
2.	Article 2, Interpretations	ExA	To address comments from the ExA at ISH3, which the Applicant has responded to at Q.20.123.	"onshore transmission works" means Work Nos. 4C to 12 and any related further associated development in connection with those works and ancillary works described in Schedule 1 part 1 and Schedule 1 part 2 respectively	3
3.	Article 2, Interpretations	N/A	To correct a typographical error.	"overhead line modification" means alteration and repositioning of the overhead line, including removal of part of the overhead line, in respect of the existing Walpole to Norwich Main 400kV overhead line between pylons 4VV123 and 4VV127 on land south north east of Necton, Norfolk to allow connection into the National Grid substation extension including connecting into the National Grid sealing end compound;	3
4.	Article 2, Interpretations	NCC	To link with the changes to Requirement 25(1) (as requested by NCC) and in response to ExA WQ 20.129.	"relevant drainage authorities" means the drainage board for the area of land to which the relevant provision of this Order applies within the meaning of section 23 of the Land Drainage Act 1991	3

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5.	Article 6(7)	N/A	The Applicant has considered submissions following ISH3 and proposes to remove the Secretary of State from the Arbitration provisions.	(7) Where the Secretary of State is minded to refuse an application for consent made under this article and notifies the undertaker accordingly, or the Secretary of State fails to determine the application for consent under this article within the period prescribed in paragraph (6), the undertaker may refer the matter for determination in accordance with article 38 (arbitration).	3
6.	Article 15 Schedule 16, Part 7	NCC	Changes to the discharge of water provisions (and the associated protective provisions) as a result of submissions by NCC at ISH3 and in post-hearing discussions; this now ties in with the new definition of "relevant drainage authority" and aligns the timeframes for discharge with that contained in the Land Drainage Act (and within the Schedule 16 Part 7 protective provisions).	<p>(7) Subject to sub-paragraph (8) below and requirements 16 and 25, the undertaker may in connection with the carrying out or maintenance of the authorised project, alter the bed or banks of, and construct works in, under, over or within any watercourse and may divert, alter, interrupt or obstruct the flow of any watercourse within the Order limits.</p> <p>(8) The undertaker must not:</p> <p>(a) undertake any works within 8 metres of, any watercourse forming part of a river, or within 16 metres of a tidally influenced main river without the consent of the Environment Agency, which must not be unreasonably withheld but may be subject to reasonable conditions; and</p> <p>(b) undertake any works to any ordinary watercourse without the consent of the relevant drainage authorities Internal Drainage Board or Norfolk County Council as the case may be, which must not be unreasonably withheld but may be subject to reasonable conditions.</p> <p>(9) In this article—</p> <p>(a) “public sewer or drain” means a sewer or</p>	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				<p>drain which belongs to a sewerage undertaker, the Environment Agency, an internal drainage board-relevant drainage authority or a local authority;</p> <p>(b) “ordinary watercourse” has the meaning given in the Land Drainage Act 1991;</p> <p>(c) other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991 have the same meaning as in that Act.</p> <p>(10) If a person who receives an application for consent or approval fails to notify the undertaker of a decision within the relevant period specified in Part 7 of Schedule 16 28 days of receiving an application for consent under paragraph (3) or paragraph (8) or approval under paragraph (4)(a) that person is deemed to have granted consent or given approval, as the case may be.</p>	
7.	Article 37(1)(x)	N/A	Added to ensure the plan is certified as referred to in condition 9(1)(n) of the Transmission DMLs (Schedule 11 and 12).	(x) the outline Norfolk Vanguard Haisborough, Hammond, and Winterton Special Area of Conservation site integrity plan (xx)	3

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8.	Article 38	Trinity House TH) and ExA	To address TH concerns raised at ISH3 and in their Deadline 3 submission. The Applicant has also responded to this through Q.20.119.	38.—(1) Subject to Article 41 (saving provisions for Trinity House) , any difference under any provision of this Order, unless otherwise provided for, must be referred to and settled in arbitration in accordance with the rules at Schedule 14 of this Order, by a single arbitrator to be agreed upon by the parties, within 14 days of receipt of the notice of arbitration, or if the parties fail to agree within the time period stipulated, to be appointed on application of either party (after giving written notice to the other) by the Secretary of State...	3
9.	Article 38	MMO	To address comments and concerns raised by the MMO as to the relevance of arbitration to the MMO. The Applicant proposes the amendments subject to acceptance of a deemed discharge provision in the DMLs, included at Condition 15 of the Generation DMLs and Condition 10 of the Transmission DMLs. This is further explained through response to Q20.139.	(2) Where the referral to arbitration under paragraph (1) relates to a difference with the Secretary of State, in the event that the parties cannot agree upon a single arbitrator within the specified time period stipulated in paragraph (1) either party may refer to the Centre for Effective Dispute Resolution for appointment of an arbitrator. 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.	3
10.	Schedule 1, Part 1, Authorised Project, Schedule 9-10, Part 3, paragraph 2	Various including concerns from NFFO	Total number of WTGs updated due to removal of 9MW turbine option	Work No. 1 (a) an offshore wind turbine generating station with an electrical export capacity of up to 1,800 MW at the point of connection to the offshore electrical platform(s) referred to at Work No. 2 comprising up to 200 180 wind turbine generators each fixed to the seabed by one of the following foundation types: monopile (piled	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				or suction caisson), jacket (piled or suction caisson), or gravity base fitted with rotating blades and situated within the area shown on the works plan and further comprising (b) to (e) below;	
11.	Schedule 1, Part 3, requirement 2(3) Schedule 9-10, Part 4, condition 1(d)	Various including concerns from the NFFO	Wind Turbine Generator (WTG) spacing updated due to removal of 9MW turbine option	be less than 680 720 metres from the nearest wind turbine generator in either direction perpendicular to the approximate prevailing wind direction (crosswind) or be less than 680 720 metres from the nearest wind turbine generator in either direction which is in line with the approximate prevailing wind direction (downwind)	3
12.	Schedule 1, Part 3, requirement 3(1) Schedule 9-10, Part 4, condition 8(b)	Various including concerns from NFFO	Total number of WTGs updated due to removal of 9MW turbine option	The total number of wind turbine generators forming part of the authorised project must not exceed 200 180.	3
13.	Schedule 1, Part 3, requirement 10(2) Schedule 9-10, Part 4, condition 7(2)	NE	To correct an error identified by NE and in response to ExA WQ 20.144	In relation to any LIDAR measurement buoys, each foundation must not have a seabed footprint area (excluding scour protection) of greater than 457 79 m ² per buoy and 157m ² in total.	3
14.	Schedule 1, Part 3, requirement 11	NE	To correct an error identified by NE and to respond to ExA WQ20.151	The total amount of scour protection for the wind turbine generators, accommodation platform, meteorological masts, offshore electrical platforms and LIDAR measurement buoys forming part of the authorised project must not exceed 10,639,080m ² and 53,010 95,398 m ³	3
15.	Schedule 1, Part 3, requirement 12(1)	ExA	New wording added to address ExA's questions at ISH3 and in response to ExA	The undertaker must exhibit such lights, with such shape, colour and character and at such times as are required in writing by Air Navigation	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
			WQ 20.125	Order 2016....	
16.	Schedule 1, Part 3, requirement 12(1)	MoD	Agreed with Ministry of Defence (MoD) prior to ISH3	...and/or determined necessary for aviation safety in consultation with the Defence Infrastructure Organisation Safeguarding and as directed by the CAA. Lighting installed specifically to address Ministry of Defence aviation safety requirements will remain operational for the life of the authorised development unless otherwise agreed in writing with the Ministry of Defence.	3
17.	Schedule 1, Part 3, requirement 13(1) and 13(2)(a)-(b)	MoD	Agreed with MoD prior to ISH3 and in response to ExA WQ 20.126	<p>13 (1) No construction of any wind turbine generator forming part of the authorised development and within radar line of sight of the air defence radar at Remote Radar Head (RRH) Trimingham may commence is permitted to rotate its rotor blades on its horizontal axis until the Secretary of State having consulted with the Ministry of Defence confirms satisfaction in writing that appropriate mitigation will be implemented and maintained for the life of the authorised development and that arrangements have been put in place with the Ministry of Defence to ensure that such appropriate the approved mitigation is implemented.</p> <p>...</p> <p>(2)(a) "appropriate mitigation" means measures to prevent or remove any adverse effects which the operation of the authorised development will have on the air defence radar at Remote Radar Head (RRH) Trimingham and the Ministry of Defence's air surveillance and control operations;</p> <p>(b) "approved mitigation" means the detailed</p>	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				Radar Mitigation Scheme (RMS) that will set out the appropriate mitigation measures and timescales for implementation as agreed with the Ministry of Defence at the time the Secretary of State confirms satisfaction in writing in accordance with sub-paragraph (1);	
18.	Schedule 1, Part 3, requirement 13(2)(b)	ExA	Added to address the ExA's question at ISH3	“approved mitigation” means the detailed Radar Mitigation Scheme (RMS) that will set out the appropriate mitigation measures and timescales for implementation as agreed with the Ministry of Defence at the time the Secretary of State confirms satisfaction in writing in accordance with sub-paragraph (1);	3
19.	Schedule 1, Part 3, requirement 16(17)	N/A	To correct an error – Wendling Bure is an incorrect reference. There is no watercourse named Wendling Bure.	(17) Trenchless installation techniques must be used for the purposes of passing under— (a) the River Wensum (Work No. 7); (b) King's Beck (Work No. 5); (c) Wendling Beck (Work No. 7); (d) River Bure (Work No. 6); (e) Wendling Bure (Work No. 7); (f) North Walsham and Dilham Canal (Work ...	3
20.	Schedule 1, Part 3, requirement 18(2)(d)	North Norfolk District Council (NNDC) & ExA	Requested by NNDC and to respond to ExA Q20.121	(d) details of existing trees and hedgerows to be retained with measures for their protection during the construction period	3

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21.	Schedule 1, Part 3, requirement 20(1)	Norfolk County Council (NCC)	Requested by NCC at ISH3, and to align matters identified in the OCoCP, which the Applicant has responded to at ExA WQ 20.128.	(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 planning authority, in consultation with Norfolk County Council and the Environment Agency (2) ... (m) invasive species management; and (n) public rights of way.	3
22.	Schedule 1, Part 3, requirement 20(2)(e)	NNDC & ExA	Requested by NNDC at ISH3 and in response to ExA Q20.121	construction noise and vibration	3
23.	Schedule 1, Part 3, requirement 20(4)	ExA	Included to address ExA's questions at ISH3 that 2(k) was excluded from the definition of commencement and therefore was not secured by the CoCP. This is now included so that a separate plan will need to be submitted for prior approval for screening, fencing and site security works. The Applicant has also responded to this at ExA Q20.128.	(4) Pre-commencement screening, fencing and site security works must only take place in accordance with a specific plan for such pre- commencement works which must accord with the relevant details for screening, fencing and site security set out in the outline code of construction practice, and which has been submitted to and approved by the relevant local authority.	3
24.	Schedule 1, Part 3, requirement 21(3)	ExA	To address ExA's question at ISH3 as to whether pre-commencement works need to be subject to the traffic plans under Requirement 21. The Applicant has also responded to this at ExA Q20.130.	(3) If any of the accesses identified in the outline access management plan are required for pre- commencement archaeological investigations, a specific plan for such accesses which must accord with the relevant details set out in the outline access management plan must be submitted to and approved by the relevant planning authority, in consultation with the highway authority, prior to the construction and use of such accesses. The accesses identified must be constructed and used in accordance	3

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				with the details contained in the specific plan so approved.	
25.	Schedule 1, Part 3, requirement 23(3)-(4)	NCC & ExA	To address comments from NCC at Deadline 1 that requirement 23(3) might be superfluous and to respond to ExA's Q15.15.	<p>(3) Any archaeological site investigation, archaeological works or watching brief must be carried out in accordance with the approved scheme.</p> <p>(4) In the event that site investigation is required, the site investigation and post investigation assessment must be completed for that stage in accordance with the programme set out in the archaeological written scheme of investigation and provision made for analysis, publication and dissemination of results and archive deposition secured for that stage.</p>	3
26.	Schedule 1, Part 3, requirement 23(5)	HE	To address Historic England's late representation (dated 17 Jan 2019)	Pre-commencement surveys, site preparation works and archaeological investigations must only take place in accordance with a specific written scheme of investigation which is in accordance with the details set out in the outline written scheme of investigation (onshore), and which has been submitted to and approved by the relevant local authority.	3
27.	Schedule 1, Part 3, requirement 25(1)	NCC & ExA	Requested by NCC and in response to ExA WQ 20.129	No stage of the onshore transmission works involving the crossing, diversion and subsequent reinstatement of any designated main river or ordinary watercourse may commence until a scheme and programme for any such crossing, diversion and reinstatement in that stage has been submitted to and, approved by the relevant planning authority in consultation with Norfolk	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				County Council, the Environment Agency, relevant drainage authorities and Natural England.	
28.	Schedule 1, Part 3, requirement 26	NNDC & ExA	To clarify the intention of the drafting at Requirement 26 arising from discussions at ISH3 with NNDC, and to address ExA WQ.10.5 and WQ 20.132.	<p>The paragraph now reads:</p> <p>26.—(1) "Construction work for the onshore transmission works must only take place between 0700 hours and 1900 hours Monday to Friday, and 0700 hours to 1300 hours on Saturdays, with no activity on Sundays or bank holidays, except as specified in paragraphs (2) to (4).</p> <p>(2) Outside the hours specified in paragraph (1), construction work may be undertaken for essential or non-intrusive activities including but not limited to—</p> <ul style="list-style-type: none"> (a) continuous periods of operation that are required as assessed in the environmental statement, such as concrete pouring, drilling, and pulling cables (including fibre optic cables) through ducts; (b) delivery to the onshore transmission works of abnormal loads that may cause congestion on the local road network; (c) works required that may necessitate the temporary closure of roads; (d) onshore transmission works requiring trenchless installation techniques; (e) onshore transmission works at the landfall; (f) commissioning or outage works associated with the extension to the Necton National Grid substation comprised within Work No. 10A; 	3

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				<p>(g) commissioning or outage works associated with the overhead line modification works comprised within Work No. 11 and Work No. 11A;</p> <p>(h) electrical installation; and</p> <p>(i) emergency works.</p> <p>(3) Outside the hours specified in paragraph (1), construction work may be undertaken for non-intrusive activities including but not limited to—</p> <p>(a) fitting out works within the onshore project substation buildings comprised within Work No. 8A; and</p> <p>(b) daily start up or shut down;</p> <p>(4) Save for emergency works, the timing and duration of all essential construction activities under paragraph (2) and undertaken outside of the hours specified in paragraph (1) must be agreed with the relevant planning authority in writing in advance, and must be carried out within the agreed time."</p>	
29.	Schedule 1, Part 3, requirement 27(2)	N/A	Typing error corrected	<p>(2) The noise rating level for the use of Work No. 8A must not exceed 32 dB LAeq LLeq (15 minutes) in the 100Hz third octave band at any time at a free field location immediately adjacent to any noise sensitive location.</p>	3
30.	Schedule 1, Part 3, requirement 29	ExA	Arising from discussions at ISHs, and to address ExA Q.20.134.	<p>(1) Within six months of the permanent cessation of commercial operation of the onshore transmission works an onshore decommissioning plan must be submitted to the</p>	3

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				<p>relevant planning authority for approval.</p> <p>(2) The onshore decommissioning plan must be implemented as approved</p> <p>(3) The undertaker must notify the relevant planning authority in writing of the permanent cessation of commercial operation of the onshore transmission works within 28 days of such permanent cessation.</p>	
31.	Schedule 6	N/A	The Applicant has made a number of minor amendments to the plots in Schedule 6 to reflect the updated land plans and Book of Reference, in particular, as a result of the Minor Change Request (document reference: ExA; Change (land rights); 10.D4.9).	The plots in Schedule 6 of the draft DCO have been amended accordingly.	3
32.	Schedule 8	N/A	The Applicant has made a number of minor amendments to the plots in Schedule 6 to reflect the updated land plans and Book of Reference, in particular, as a result of the Minor Change Request (document reference: ExA; Change (land rights); 10.D4.9).	The plots in Schedule 8 of the draft DCO have been amended accordingly.	3
33.	Schedule 9-12 Part 1	N/A	Added for clarification that cable protection will also be required where cables are not buried because they are approaching turbines, offshore electrical stations and offshore accommodation platforms. This has been assessed in the ES.	“cable protection” means measures for offshore cable crossings and where cable burial is not possible due to ground conditions or approaching offshore structures , to protect cables and fibre optic cables and prevent loss of seabed sediment by use of grout bags, protective aprons, mattresses, flow energy	3

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				dissipation (frond) devices or rock and gravel dumping	
34.	Schedule 9-12 Part 1	N/A	New definition as this is referred to in condition 14(1)(m) but without a definition	"relevant site" means a European offshore marine site and a European site;	3
35.	Schedule 9 and 10, Part 4, condition 7(3)	NE	Added to be consistent with the Requirements in Schedule 1 and to address comments from NE	In relation to any wave measurement buoys, each foundation must not have a seabed footprint area (excluding scour protection) of greater than 150m ² per buoy and 300 m2 in total	3
36.	Schedule 9 and 10, Part 4, condition 9(7)(b) Schedule 11 and 12, Part 4, condition 4(7)(b)	MMO	Updated in line with MMO request to align the Kingfisher notification with the MMO's standard wording.	as soon as reasonably practicable and no later than 24 hours of completion of construction of all offshore activities	3
37.	Schedule 9 and 10, Part 4, condition 9(10)		Insertion of a word rather than number for consistency with wording in the DMLs	The undertaker must notify the UK Hydrographic Office both of the commencement (within ten days), progress and completion of construction (within ten days) of the licensed activities in order that all necessary amendments to nautical charts are made and the undertaker must send a copy of such notifications to the MMO within five5 days.	3
38.	Schedule 9 and 10, Part 4, condition 9(11); Schedule 11-12, Part 4, condition 4(11)	NFFO	New wording to deal with comments from the NFFO regarding notice for exposure to cables and to address ExA WQ 20.157.	(11) In case of damage to, or destruction or decay of the authorised scheme seaward of MHWS or any part thereof, with the potential to cause an impediment to third parties, the undertaker must as soon as reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify MMO, MCA, Trinity House, and the UK Hydrographic	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				Office. In case of exposure of cables on or above the seabed, the undertaker must within five days following the receipt by the undertaker of the final survey report from the periodic burial survey, notify mariners by issuing a notice to mariners and by informing Kingfisher Information Service of the location and extent of exposure in case of damage to, or destruction or decay of, the authorised scheme seaward of MHWS or any part thereof the undertaker must as soon as possible reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify MMO, MCA, Trinity House and the UK Hydrographic Office.	
39.	Schedule 9 and 10, Part 4, condition 10(3) Schedule 11 and 12, Part 4, condition 5(3)	Trinity House	As requested by Trinity House at Deadline 1 (15 January 2019) submission	The undertaker must provide reports to Trinity House on the availability of aids to navigation daily in accordance with the frequencies as set out in the aids to navigation management plan agreed pursuant to condition 14(1)(k) using the reporting system provided by Trinity House	3
40.	Schedule 9 and 10, Part 4, condition 12(5) Schedule 11 and 12, Part 4, condition 7(5)	ExA	To clarify intentions in response to ExA Q20.154.	The undertaker must ensure that only inert material of natural origin, produced during the drilling installation of or seabed preparation for foundations, and drilling mud is disposed of within site disposal reference [XX] within the extent of the Order limits seaward of MHWS. Any other materials must be screened out before disposal of the inert material at this site.	3
41.	Schedule 9 and 10, Part 4, condition 14(1)(i)	N/A	Correction of typing error	A mitigation scheme for any habitats of principal importance identified by the survey referred to in condition 18(2)(a) and and in accordance with the	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				offshore in principle monitoring plan.	
42.	Schedule 9 and 10, Part 4, condition 14(1)(m) Schedule 11 and 12, Part 4, condition 9(1)(l)	N/A	Correction of typing error	In the event that driven or part-driven pile foundations are proposed to be used, the licensed activities, or any phase of those activities must not commence until a site integrity plan which accords with the principles set out in the in principle Norfolk Vanguard Southern North Sea candidate Special Area of Conservation 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 2017 Regulations) of a relevant site, to the extent that harbour porpoise are a protected feature of that site.	3
43.	Schedule 9 and 10, Part 4, condition 14(1)(h) Schedule 11 and 12, Part 4, condition 9(1)(h)	N/A	Wording deleted as it duplicates condition 15(2) of the Generation DMLs and condition 10(2) of the Transmission DMLs.	(h) An archaeological written scheme of investigation in relation to the offshore Order limits seaward of mean low water, which must be submitted at least four months prior to commencement of the licensed activities and must accord with the outline written scheme of investigation (offshore) and industry good practice, in consultation with the statutory historic body to include—	3
44.	Schedule 9 and 10, Part 4, condition 14(1)(j) Schedule 11 and 12, Part 4, condition 9(1)(j)	N/A	Wording deleted as it duplicates condition 15(2) of the Generation DMLs and condition 10(2) of the Transmission DMLs.	(j) An offshore operations and maintenance plan, in accordance with the outline offshore operations and maintenance plan, to be submitted to the MMO at least four months prior to commencement of operation of the licensed activities and to provide for review and resubmission every three years during the operational phase.	

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45.	Schedule 9 and 10, Part 4, condition 14(2)	Historic England	To address comments from Historic England at Deadline 1 and through the ISHs	Pre- commencement surveys and 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 (offshore), and which has been submitted to and approved by the MMO.	3
46.	Schedule 9 and 10, Part 4, condition 14(3) Schedule 11 and 12, Part 4, condition 9(3)	N/A	No change to text, but relocated to condition 14(3) as this is not a plan to be submitted and approved	(3) 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.	3
47.	Schedule 9 and 10, Part 4, condition 15(3)-(6) Schedule 11 and 12, Part 4, condition 10(3)-(6)	MMO, NE, and ExA	Added in view of removal of the MMO from arbitration and in order to provide an adequate and appropriate discharge mechanism under the DMLS. This also responds to ExA Q.20.139.	(3) No licensed activity may commence until for that licensed activity the MMO has approved in writing any relevant programme, statement, plan, protocol or scheme required to be approved under condition 14 or approval has been deemed in accordance with sub-paragraph (5). (4) Unless otherwise agreed in writing with the undertaker, the MMO must determine an application for approval made under condition 14 within a period of four months commencing on the date the application is received by the MMO or if the MMO reasonably requests further information to determine the application for approval, within a period of four months commencing on the date that the further	3

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				<p>information is received by the MMO. For the purposes of this paragraph (4), the MMO may only request further information from the undertaker within a period of one month from receipt of the application for approval.</p> <p>(5) Save in respect of any plan which secures mitigation to avoid adversely affecting the integrity of a relevant site, where the MMO fails to determine the application for approval under condition 14 within the period referred to in sub-paragraph (4), the programme, statement, plan, protocol or scheme is deemed to be approved by the MMO.</p> <p>(6) The licensed activities must be carried out in accordance with the approved plans, protocols, statements, schemes and details approved under condition 14 or deemed to be approved under sub-paragraph (5) above, unless otherwise agreed in writing by the MMO.</p>	
48.	Schedule 9 and 10, Part 4, condition 19(3)	MMO	Requested by the MMO at Deadline 3 and in response to ExA WQ 20.140.	<p>The results of the initial noise measurements monitored in accordance with sub-paragraph (1) must be provided to the MMO within six weeks of the installation of the first four piled foundations of each piled foundation type. The assessment of this report by the MMO will determine whether any further noise monitoring is required. If, in the opinion of the MMO in consultation with Natural England, the assessment shows significantly different impacts to those assessed in the environmental statement or failures in mitigation, all piling</p>	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				activity must cease until an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed.	
49.	Schedule 9 and 10, Part 4, condition 20(2)(a) Schedule 11 and 12, Part 4, condition 15(2)(a)	N/A	Amended for clarity and consistency with requirements under condition 18 of the Generation DML and condition 13 of the Transmission DML which refer to pre-construction surveys in the Order limits	(2) The post-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed with the MMO, have due regard to, but not be limited to, the need to undertake— (a) a survey to determine any change in the location, extent and composition of any benthic habitats of conservation, ecological and/or economic importance constituting Annex 1 reef habitats identified in the pre-construction survey in the parts of the wind farm area Order limits in which construction works were carried out. The survey design must be informed by the results of the pre-construction benthic survey;	3
50.	Schedule 11 and 12, Part 4, condition 9(1)(n)	NE, ExA	New wording to address comments from NE at Deadline 3 and in response to ExA questions (including Q.5.26). The Applicant acknowledges that as a European site, the Haisborough Hammond and Winterton (HHW) SAC has a special environmental status. For this reason, the Applicant agrees that there is benefit in securing the mitigation associated with the HHW SAC in a single plan and through a separate condition in the transmission asset DMLs. The Applicant is engaging with Natural England as to the precise wording of the condition (which is as proposed in the drafting for the Deadline 4 dDCO as shown in red) and content for the plan.	The licensed activities, or any phase of those activities must not commence until a site integrity plan which accords with the principles set out in the Outline Norfolk Vanguard Haisborough, Hammond and Winterton Special Area of Conservation Site Integrity Plan has been submitted to the MMO and the MMO (in consultation with the statutory nature conservation body) is satisfied that the plan, provides such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2017 Regulations) of a relevant site, to the extent that sandbanks and sabellaria spinulosa reefs are a protected feature of that site.	3

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51.	Schedule 11 and 12, Part 4, condition 14	MMO	To reflect the changes to Condition 19(3) of the Generation DMLs within the corresponding condition in the Transmission DMLs (as requested by the MMO at Deadline 3) and in response to ExA WQ 20.140.	<p>14.—(1) The undertaker must, in discharging condition 9(1)(b), submit details (which accord with the offshore in principle monitoring plan) for approval by the MMO in consultation with the relevant statutory nature conservation bodies of any proposed monitoring, including methodologies and timings, to be carried out during the construction of the authorised scheme. The survey proposals must specify each survey's objectives. In the event that driven or part-driven pile foundations are proposed, such monitoring must include measurements of noise generated by the installation of the first four piled foundations of each piled foundation type to be installed unless the MMO otherwise agrees in writing.</p> <p>(2) The undertaker must carry out the surveys approved under sub-paragraph (1), including any further noise monitoring required in writing by the MMO, and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with the relevant statutory nature conservation bodies.</p> <p>(3) The results of the initial noise measurements monitored in accordance with sub-paragraph (1) must be provided to the MMO within six weeks of the installation of the first four piled foundations of each piled foundation type. The assessment of this report by the MMO will determine whether any further noise monitoring is required. If, in the opinion of the MMO in consultation with Natural England, the assessment shows significantly different impacts to those assessed in the environmental</p>	3

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				statement or failures in mitigation, all piling activity must cease until an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed. ...	
52.	Schedule 15	NNDC	Amendments to the procedure for discharge as requested by NNDC with further minor amendments considered reasonable by the Applicant. Responded to by the Applicant at WQ 20.121.	The Applicant has revised Schedule 15 accordingly.	3
53.	Schedule 16	Hornsea Project Three	The Applicant is in discussions with Hornsea Project Three to finalise protective provisions and these will be inserted into Schedule 16 at Part 8 once agreed.	[PART 8 For the protection of Ørsted Hornsea Project Three (UK) Ltd]	3