

Hornsea Project Three
Offshore Wind Farm



Hornsea Project Three Offshore Wind Farm

Response to the Secretary of State's Consultation Appendix 11: Draft Development Consent Order Schedule of Changes

Date: February 2020

Hornsea 3
Offshore Wind Farm

Orsted

Response to the Secretary of State's Consultation

Appendix 11: Draft Development Consent Order Schedule of Changes

Document Control			
Document Properties			
Organisation	Ørsted Hornsea Project Three		
Author	Pinsent Masons		
Checked by	Ørsted		
Approved by	Andrew Guyton		
Title	Appendix 11: Draft Development Consent Order Schedule of Changes		
Version History			
Date	Version	Status	Description / Changes
14/02/2020	A	Final	Final for submission

Ørsted

5 Howick Place,

London, SW1P 1WG

© Orsted Power (UK) Ltd, 2020. All rights reserved

Front cover picture: Kite surfer near a UK offshore wind farm © Orsted Hornsea Project Three (UK) Ltd., 2020.

Schedule of Changes to the Draft Development Consent Order

(Between draft DCO at the end of Examination (REP10-041) and Applicant's Response to SoS Consultation (14.02.2020))

Article Schedule (Application Version) / Stakeholder concerned	Comments from stakeholder	Amendment
Draft DCO		
Whole DCO	Applicant	References in the dDCO to the order's date, if granted, have been updated throughout. 201 202[]
Preamble		
Preamble	Applicant	Amendments due to review of minor errors in the dDCO text. The examining authority Examining Authority , having considered the application together with the documents that accompanied it,

PART 1 Preliminary			
Article 2 Interpretation	- Secretary of State	<p>Secretary of State's letter dated 27 September 2019 stated:</p> <p><i>"The Secretary of State notes that the Southern North Sea Site of Community Importance Site Integrity Plan submitted at Deadline 4 [REP4-066] is out of date in that it refers to the former designation both in the title and in the body of the text. The Applicant is therefore also requested to submit, in consultation with the Marine Management Organisation, an updated In Principle Southern North Sea Special Area of Conservation Site Integrity Plan."</i></p>	<p>"in principle Hornsea Three Southern North Sea Site of Community Importance Special Area of Conservation Site Integrity Plan" means the document certified as the in principle Hornsea Three Southern North Sea Site of Community Importance Special Area of Conservation Site Integrity Plan by the Secretary of State for the purposes of this Order under article 36 (certification of plans and documents etc);</p>
Article 2 Interpretation	- Applicant	<p>As part of amendments made to include possible compensation measures in line with regulations 64 and 68 of the Conservation of Habitats and Species Regulations 2017, and regulations 29 and 36 of the Conservation of Offshore Marine Habitats and Species Regulations 2017.</p>	<p><i>"in principle MEEB plan" means the document certified as the in principle MEEB plan by the Secretary of State for the purposes of this Order under article 36 (certification of plans and documents etc);</i></p>
Article 2 Interpretation	- Applicant	<p>As part of amendments made to include possible compensation measures in line with regulations 64 and 68 of the Conservation of Habitats and Species Regulations 2017, and regulations 29 and 36 of the Conservation of Offshore Marine Habitats and Species Regulations 2017.</p>	<p><i>"kittiwake compensation strategy" means the document certified as the kittiwake compensation strategy by the Secretary of State for the purposes of this Order under article 36 (certification of plans and documents etc);</i></p>

Article 2 Interpretation	Applicant	Included to provide clarity on the area which forms part of Markham's Triangle exclusion zone.	<i>"the Markham's Triangle exclusion zone plan" means the plan certified by the Secretary of State as the Markham's Triangle exclusion zone plan for the purposes of the Order under article 36 (certification of plans and documents etc);</i>
Article 2 Interpretation	Applicant	As part of amendments made to include possible compensation measures in line with regulations 64 and 68 of the Conservation of Habitats and Species Regulations 2017, and regulations 29 and 36 of the Conservation of Offshore Marine Habitats and Species Regulations 2017.	<i>"sandbanks compensation strategy" means the document certified as the sandbanks compensation strategy by the Secretary of State for the purposes of this Order under article 36 (certification of plans and documents etc);</i>
PART 7 Miscellaneous and General			
Article 36. - Certification of plans and documents, etc.	Applicant	Amended to add in new plans (see above and below) and reordered to alphabetical order, for clarity and ease of reference.	See dDCO.
Article 44. - Compensation and MEEB measures	Applicant	Added to give effect to new Schedule 14 (Compensation and MEEB measures).	<i>Compensation and MEEB measures</i> <i>44. Schedule 14 (Compensation and MEEB Measures) has effect.</i>
SCHEDULE 1 — Authorised project			
PART 1 - Authorised Development			
Work No.1	Applicant	Amendments to reflect post-examination design and mitigation review	an offshore wind turbine generating station with a gross electrical output of over 100 megawatts comprising up to 300 231 wind turbine generators each fixed to the seabed by either monopile foundation, mono suction bucket foundation, jacket foundation or gravity base foundation;
Requirement 2 - Detailed offshore design parameters	Applicant	Amendments to reflect post-examination design and mitigation review	2.—(1) The total number of wind turbine generators comprised in the authorised project must not exceed 300 231 and a total rotor swept area of 9 8.8 square kilometres.

			<p>(a) ...</p> <p>(b) be less than 34.97 41.8 metres from LAT to the lowest point of the rotating blade; and...</p>
Requirement 8 - Provision of Landscaping	Applicant	Drafting clarification.	(2) The term “commence” as used in requirement 8(1) shall include any onshore site preparation works.
Requirement 16 - Onshore Archaeology	Applicant	Drafting clarification.	(2) The term “commence” as used in requirement 16(1) only shall include any onshore site preparation works.
Requirement 17 - Code of Construction Practice	Applicant	Drafting clarification.	(2) The term “commence” as used in requirement 17(1) shall include any onshore site preparation works.
Requirement 18 - Construction traffic management plan	Applicant	Drafting clarification.	(2) The term “commence” as used in requirement 18(1) shall include any onshore site preparation works.
Requirement 19 - European protected species onshore	Applicant	Drafting correction.	(4) In this Requirement, “European Protected Species <i>protected species</i> ” has the same meaning as in regulations 42 and 46 of the Conservation of Habitats and Species Regulations 2017.

SCHEDULE 11 — Deemed Marine Licence under 2009 Act - Generation Assets

PART 1 — Licensed Marine Activities

<p>Article 1 Interpretation - Secretary of State</p>	<p>Secretary of State's letter dated 27 September 2019 stated:</p> <p><i>“The Secretary of State notes that the Southern North Sea Site of Community Importance Site Integrity Plan submitted at Deadline 4 [REP4-066] is out of date in that it refers to the former designation both in the title and in the body of the text. The Applicant is therefore also requested to submit, in consultation with the Marine Management Organisation, an updated In Principle Southern North Sea Special Area of Conservation Site Integrity Plan.”</i></p>	<p>“in principle Hornsea Three Southern North Sea Site of Community Importance Special Area of Conservation Site Integrity Plan” means the document certified as the in principle Hornsea Three Southern North Sea Site of Community Importance Special Area of Conservation Site Integrity Plan by the Secretary of State for the purposes of this Order under article 36 (certification of plans and documents etc);</p>
<p>Article 1 Interpretation - Applicant</p>	<p>Amended to refer to Markham’s Triangle following designation as an MCZ, and to introduce exclusion zone plan to assist defining this area.</p>	<p>“Markham’s Triangle rMCZ” means the recommended MCZ shown on Figure 3.1 of Volume 5, Annex 2.3 of the environmental statement;</p> <p>“Markham’s Triangle MCZ” means the MCZ designated by the Secretary of State under the Markham’s Triangle Marine Conservation Zone Designation Order 2019;</p> <p>“Markham’s Triangle MCZ exclusion zone” means the area comprising Markham’s Triangle MCZ as shown on the Markham’s Triangle exclusion zone plan;</p> <p>“Markham’s Triangle exclusion zone plan” means the document certified as the Markham’s Triangle exclusion zone plan by the Secretary of State for the purposes of this Order under article 36 (certification of plans and documents etc);</p>

Article 2 - Details of licensed marine activities	Applicant	To reflect change to Work No. 1.	<p>Work No. 1—</p> <p>(a) an offshore wind turbine generating station with a gross electrical output of over 100 megawatts comprising up to 300231 wind turbine generators each fixed to the seabed by either monopile foundation, mono suction bucket foundation, jacket foundation or gravity base foundation;</p>
PART 2 — Conditions			
Condition 1 - Design parameters	Applicant	Amendments to reflect post-examination design and mitigation review	<p>2.—(2) The total number of wind turbine generators comprised in the authorised project must not exceed 300231 and a total rotor swept area of 9-8.8 square kilometres.</p> <p>(a) ...</p> <p>(b) be less than 34.9741.8 metres from LAT to the lowest point of the rotating blade; and...</p>
Condition 2 - Design parameters	Applicant	Amended to reflect that Markham's Triangle is now a designated MCZ, and to include a restriction on development in that area. Amendments to reflect post-examination design and mitigation review.	<p>(9) In the event that Markham's Triangle rMCZ is designated as an MCZ, no more than—</p> <p>(a) 32 wind turbine generators;</p> <p>(b) one offshore accommodation platform;</p> <p>(c) 263,855 cubic metres of scour protection;</p> <p>(d) 87.3 kilometres of array cables;</p> <p>(e) 87,150 cubic metres of cable protection; and</p> <p>(f) 126,768 square metres of scour protection</p> <p>may be locatedNo works permitted under this licence may be undertaken within the boundaries of the Markham's Triangle rMCZMCZ exclusion zone.</p>

<p>Condition 3 – Design parameters</p>	<p>Applicant</p>	<p>Amendments to reflect post-examination design mitigation review</p>	<p>(3) No more than 106% of the length of the cables in Work No 1(c) falling within any European Site or MCZ shall be subject to cable protection, unless otherwise agreed with the MMO.</p> <p>(4) No more than 7% of the length of the cables in Work No 1(c) falling within any MCZ shall be subject to cable protection, unless otherwise agreed with the MMO.</p> <p>(4) Any cable protection authorised under this licence must be deployed within 15 years from the date of the grant of the Order unless otherwise agreed by the MMO.</p>
<p>Condition 13 - Pre-construction plans and documentation</p>	<p>Secretary of State</p>	<p>See above, Article 1.</p>	<p>(5) In the event that driven or part-driven pile foundations are proposed to be used, the licenced activities, or any phase of those activities must not commence until a site integrity plan which accords with the principles set out in the in principle Hornsea Three Southern North Sea Site of Community Importance 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.</p>
<p>SCHEDULE 12 — Deemed Marine Licence under the 2009 Act – Transmission Assets</p>			
<p>PART 1 — Licensed Marine Activities</p>			
<p>Article 1 - Interpretation</p>	<p>Secretary of State</p>	<p>Secretary of State’s letter dated 27 September 2019 stated:</p> <p><i>“The Secretary of State notes that the Southern North Sea Site of Community Importance Site Integrity Plan submitted at Deadline 4 [REP4-066] is out of date in that it refers to the former designation both in the title and in the body of the text. The Applicant is therefore also requested to submit, in consultation with the Marine Management Organisation, an updated In Principle Southern North Sea Special Area of Conservation Site Integrity Plan.”</i></p>	<p>“in principle Hornsea Three Southern North Sea Site of Community Importance Special Area of Conservation Site Integrity Plan” means the document certified as the in principle Hornsea Three Southern North Sea Site of Community Importance Special Area of Conservation Site Integrity Plan by the Secretary of State for the purposes of this Order under article 36 (certification of plans and documents etc);</p>

<p>Article 1 Interpretation</p>	<p>Applicant</p>	<p>Amended to refer to Markham's Triangle following designation as an MCZ, and to introduce plan to assist defining this area.</p>	<p>“Markham’s Triangle rMCZ” means the recommended MCZ shown on Figure 3.1 of Volume 5, Annex 2.3 of the environmental statement;</p> <p><i>“Markham’s Triangle MCZ” means the MCZ designated by the Secretary of State under the Markham’s Triangle Marine Conservation Zone Designation Order 2019;</i></p> <p><i>“Markham’s Triangle MCZ exclusion zone” means the area comprising Markham’s Triangle MCZ as shown on the Markham’s Triangle exclusion zone plan;</i></p> <p><i>“Markham’s Triangle exclusion zone plan” means the document certified as the Markham’s Triangle exclusion zone plan by the Secretary of State for the purposes of this Order under article 36 (certification of plans and documents etc);</i></p>
<p>PART 2 — Conditions</p>			
<p>Condition 2 - Design parameters</p>	<p>Applicant</p>	<p>Amended to reflect that Markham's Triangle is now a designated MCZ, and to include a restriction on development in that area. Amendments to reflect post-examination design and mitigation review.</p>	<p>(11) In the event that Markham’s Triangle rMCZ is designated as an MCZ, no more than—</p> <ul style="list-style-type: none"> (a) one substation; (b) 27,200 cubic metres of scour protection; (c) 41.2 kilometres of interconnector or offshore export cables; (d) 41,200 cubic metres of cable protection; and (e) 17,370 cubic metres of cable protection associated with cable crossings; <p>may be located <i>No works permitted under this licence may be undertaken within the boundaries of Markham’s Triangle rMCZMCZ exclusion zone.</i></p>
<p>Condition 3 - Design parameters</p>	<p>Applicant</p>	<p>Amendments to reflect post-examination design mitigation review</p>	<p>(3) No more than 106% of the length of the cables in Work Nos. 2, 3 and 5 falling within any European Site or MCZ shall be subject to cable protection.</p> <p><i>(4) No more than 7% of the length of the cables in Work Nos. 2, 3 and 5 falling within any MCZ shall be subject to cable protection.</i></p>

Condition 14 - Pre-construction plans and documentation	Secretary of State	See above, Article 1.	(5) In the event that driven or part-driven pile foundations are proposed to be used, the licenced activities, or any phase of those activities must not commence until a site integrity plan which accords with the principles set out in the in principle Hornsea Three Southern North Sea Site of Community Importance <i>Special Area of Conservation</i> 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.
SCHEDULE 13 — Arbitration Rules			
Rule 3	Applicant	Drafting error.	The timetable for the Arbitration <i>arbitration</i> will be that set out in subparagraphs (2) Error! Reference source not found. to (4) below unless amended in accordance with paragraph 5(3).
SCHEDULE 14 — Compensation and MEEB Measures			
All Schedule 14	Applicant	Schedule added following discussions between Applicant and the MMO on how to secure possible MEEB and compensation measures in line with regulations 64 and 68 of the Conservation of Habitats and Species Regulations 2017, and regulations 29 and 36 of the Conservation of Offshore Marine Habitats and Species Regulations 2017.	See Schedule 14.