



**Vattenfall Wind Power Ltd**

**Thanet Extension Offshore Wind Farm**

Annex A to Appendix 34 to Deadline 3 Submission: Log of Changes to the Draft  
Development Consent Order

Relevant Examination Deadline: 3

Submitted by Vattenfall Wind Power Ltd

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Revision C

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**Schedule of changes to the draft Thanet Extension DCO – as at March 2019**

Ref	DCO Ref.	Rationale for change	Change made	DCO Version
1.	Schedule 2	In their Section 51 advice issued to the Applicant, the Planning Inspectorate noted that:  “In relation to the dDCO Schedule 2, the dDCO refers to the works plans. This should be the onshore street works plans.”	The wording has been amended throughout Schedule 2, for example –  <i>SANDWICH ROAD at reference point A-B on the <u>onshore street</u> works plan</i>	2
2.	Schedule 1, Part 3 (3)	In their relevant representation, the MMO noted that:  “The requirement states that the maximum number of Floating Lidar Devices (FLD) must not exceed one. The ES project description states one FLD and one wave buoy. The wave buoy should also be included within the requirement.”	<i>The total number of offshore substations forming part of the authorised project must not exceed one, and the total number of meteorological masts must not exceed one and the total number of Floating Lidar Devices must not exceed one, <u>and the total number of wave buoys must not exceed one.</u></i>	2
3.	Schedule 11, Part 4 (22)  Schedule 12, Part 4 (22)	In their relevant representation, the MMO recommended the inclusion of decommissioning condition;  “some suggested wording is provided for consideration; a) No decommissioning activities may commence until a plan for the carrying out of the activities has been submitted to and approved in writing by the MMO b) The plan must be submitted for approval at least six months before the intended start of the decommissioning activities, except where otherwise stated or unless otherwise agreed in writing by the MMO. c) The plan must be implemented as approved.”	<b><u>Decommissioning</u></b>  <i><u>—(1) No decommissioning activities may commence until a plan for the carrying out of the activities has been submitted to and approved in writing by the MMO.</u></i>  <i><u>The plan must be submitted for approval at least six months before the intended start of the decommissioning activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.</u></i>  <i><u>The plan must be implemented as approved.</u></i>	2

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4.	Schedule 11, Part 1 (1)  Schedule 12, Part (1)	In their relevant representation, the MMO noted that:  ““2007 Regulations”, “European Offshore Marine Site and “European Site” This requires updating to the Conservation of Offshore Marine Habitats and Species Regulations 2017.”	“2017 Regulations” means the Conservation of Offshore Marine Habitats and Species Regulations 2017;  “European offshore marine site” has the meaning given in regulation 15 of the 2017 Regulations;  “European site” has the meaning given in regulation 24 of the 2017 Regulations	2
5.	Schedule 11, Part 1 (1)  Schedule 12, Part (1)	In their relevant representation, the MMO noted that:  “This should say “authorised deposits” means the substances and articles specified in Part 2, paragraph 2(3) of this licence.”	“authorised deposits” means the substances and articles specified in <u>Part 2</u> , paragraph 2(3) of this licence.	2
6.	Schedule 11, Part 1 (1)  Schedule 12, Part (1)	In their relevant representation, the MMO noted that:  “This should read: “condition” means a condition in Part 4 of this licence.”	“condition” means a condition in <u>Part 4</u> of this licence;	2
7.	Schedule 11, Part 1 (1)  Schedule 12, Part (1)	In their relevant representation, the MMO noted that:  ““Licensed activities” This should read: activities specified in Part 2 of this licence.”	“licensed activities” means the activities specified in <u>Part 2</u> of this licence	2
8.	Schedule 11, Part 2 (2)	In their relevant representation, the MMO noted that:  “This refers to benefit of the Order and cross references to article 6, this should be corrected to article 5.”	<b>Licensed Marine Activities – General</b>  (2) The provisions of section 72 of the 2009 Act apply to this licence except that the provisions of section 72(7) relating to the transfer of the licence only apply to a transfer not falling within article <u>5</u> (benefit of the Order).	2

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9.	Schedule 11, Part 3 (1) (a)  Schedule 12, Part 3 (1) (a)	In their relevant representation, the MMO noted that:  “1(a) refers to “the deposit at sea of the substances and articles specified in sub-paragraph (3) below.” The MMO queries whether this is the correct reference.”	<i>1. Subject to the licence conditions, this licence authorises the undertaker (and any agent or contractor acting on their behalf) to carry out the following licensable marine activities under section 66(1) of the 2009 Act—</i>  <i>(a) the deposit at sea of the substances and articles specified in <u>paragraph 5 of Part 2 of this licence</u>;</i>	2
10.	Schedule 11, Part 3 (2)(2)(b)	In their relevant representation, the MMO noted that:  “The condition should state “up to one meteorological mast fixed to the seabed within the area shown on the works plan by an associated foundation (namely one or more of the following: monopoles, three legged jackets on either pin piles or suction caisson anchoring; four legged jackets on pin piles or suction caisson anchoring and their associated foundations)”	<b><i>Details of Licensed Marine Activities</i></b>  <i>(b) up to one meteorological <u>mast</u> fixed to the seabed within the area shown on the works plan by an associated foundation (namely one or more of the following: <u>monopoles, three legged jackets on either pin piles or suction caisson anchoring; four legged jackets on pin piles or suction caisson anchoring and their associated foundations</u>)</i>	2
11.	Schedule 11, Part 4 (6) (6), (6) (8), (7)(1), (7)(3)	In their relevant representation, the MMO noted that:  “The MMO recommends the condition wording is amended from “authorised project” to “licensed activities”, as “authorised project” in DCO interpretation in the DCO includes onshore activities.”	<b><i>Notifications and Inspections</i></b>  <i>(6) The undertaker must inform the MMO Coastal Office in writing at least five days prior to the commencement of the <u>licensed activities</u> or any part of them, and within five days of completion of the licensed activities</i>	2
12.	Schedule 11, Part 4 (6)(7)(a)	In their relevant representation, the MMO noted that:  “The MMO recommends “two weeks” is changed to “10 days” for consistency with Schedule 12 condition 5(7)(a).”	<b><i>Notifications and Inspections</i></b>  <i>(7) The Kingfisher Information Service of Seafish, must be informed of details of the vessel routes, timings and locations relating to the construction of the authorised project or any part thereof by email to <u>kingfisher@seafish.co.uk</u>: —</i>	2

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			<i>(a) at least <b>ten</b> days prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data;</i>	
13.	Schedule 11, Part 4 (7) (2) Schedule 12, Part 4 (6) (2)	In their relevant representation, the MMO noted that: “This states ‘start of construction’. The MMO requires a definition for the start of construction.”	In order to ensure consistency, the wording of Schedule 11, Part 4, Condition 7(2) has been amended to "commencement of construction", as used throughout the draft order.  <i>The undertaker must during the period from the <b>commencement of construction</b> of the authorised scheme to completion of decommissioning seaward of MHWS keep Trinity House and the MMO informed of progress of the authorised scheme seaward of MHWS including the following—</i>	2
14.	Schedule 11, Part 4 (7) (3)	In their relevant representation, the MMO noted that: “The MMO queries whether the cross reference to the aids to navigation plan should be 12(1)(j), not 12(1)(i) as stated.”	<b>Aids to Navigation</b>  <i>(3) The undertaker must provide reports to Trinity House on the availability of aids to navigation in accordance with the frequencies set out in the aids to navigation management plan agreed pursuant to condition 12(1)(j) using the reporting system provided by Trinity House.</i>	2
15.	Schedule 11, Part 4 (10)(2) Schedule 12, Part (8)(2)	In their relevant representation, the MMO noted that: “The MMO believes the Environment Agency Pollution Prevention Control Guidelines have been withdrawn and reference should be removed from the condition.”	The reference to the Environment Agency Pollution Prevention Control Guidelines has been removed in Schedule 11 and Schedule 12.	2
16.	Schedule 11, Part 4 (12)(1)(a) and (j)	In their relevant representation, the MMO noted that: “The MMO requires “agreed in writing” to be changed to “approved	<b>Pre-construction plans and documentation</b>  <i>(a) A design plan at a scale of between 1:25,000 and 1:50,000, including detailed</i>	2

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	Schedule 12, Part 4 (10)(1)(a) and (k)	in writing by”	<p>representation on the most suitably scaled admiralty chart, to be <b>approved</b> in writing <b>by</b> the MMO in consultation with Trinity House and the MCA which shows-</p> <p>(j) An aids to navigation management plan to be <b>approved</b> in writing <b>by</b> the MMO following consultation with Trinity House, to include details of how the undertaker will comply with the provisions of condition 7 for the lifetime of the authorised scheme.</p>	
17.	Schedule 11, Part 4 (12)(1)(b)(iv) Schedule 12, Part 4 (10)(1)(c)(iv)	In their relevant representation, the MMO noted that: “The MMO queries the cross reference to paragraph 3(1) of Part 1 (Licensed marine activities) and believes this should be Part 3 paragraph 1. In addition “(licenced marine activities” should read “licensed activities”.”	<p>At Schedule 11 –</p> <p>(iv) an indicative written construction programme for all wind turbine generators, offshore substation, meteorological mast, buoys and cables comprised in the works at <b>paragraph 1 of Part 3</b> (licenced <b>marine</b> activities) of this Schedule (insofar as not shown in paragraph (ii) above);</p> <p>At Schedule 12 –</p> <p>(iv)an indicative written construction programme for the offshore substations and cables comprised in the works at <b>paragraph 3(1) to (3) of Part 3</b> (licensed <b>marine</b> activities) of this Schedule (insofar as not shown in paragraph (ii) above);</p>	2
18.	Schedule 11, Part 4 (12)(10)(j)	In their relevant representation, the MMO noted that: “The MMO queries whether the cross reference to Aids to Navigation condition 8 should be condition 7.”	<p><b>Pre-construction plans and documentation</b></p> <p>(j) An aids to navigation management plan to be approved in writing by the MMO following consultation with Trinity House, to include details of how the undertaker will comply with the provisions of condition <b>7</b> for the lifetime of the authorised scheme.</p>	2

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19.	Schedule 11, Part 4 (14)	In their relevant representation, the MMO noted that: “14(2) and 14(3) cross reference to condition 13, the MMO considers condition 12 should also be cross referenced.”	<i>(2) 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 conditions <u>12 and 13</u>.</i>  <i>(3) The licensed activities must be carried out in accordance with the approved plans, protocols, statements, schemes and details approved under conditions <u>12 and 13</u>, unless otherwise agreed in writing by the MMO.</i>	2
20.	Schedule 11, Part 4 (15)(2)(a) Schedule 12, Part 4 (13)(2)(a)	In their relevant representation, the MMO noted that: “The wording “agreed with the MMO” should be amended to “agreed by MMO”. The MMO also considers the word "habitat" should be deleted.”	<b>Pre-construction monitoring and surveys</b> <i>(2) The pre-construction surveys referred to in sub-paragraph (1) to be undertaken, unless otherwise agreed <u>by</u> the MMO, are—</i>  <i>(a) appropriate surveys to determine the location and extent of any <del>habitat</del> biogenic reef features (Sabellaria spinulosa) inside the area(s) within the Order limits in which it is proposed to carry out construction works, as provided for in the biogenic reef mitigation plan;</i>	2
21.	Schedule 11, Part 4 (15)(3)	In their relevant representation, the MMO noted that: “The condition states: “The undertaker must carry out the surveys agreed under sub- paragraph (2) and provide the baseline report to the MMO in the agreed format in accordance with the agreed timetable”. The wording of the equivalent condition in Schedule 12 (13(3) - page 118) cross references to sub-paragraph (1). The MMO recommends both DMLs include reference to sub-paragraph (1).”	<b>Pre-construction monitoring and surveys</b> <i>(3) The undertaker must carry out the surveys agreed under sub-paragraph <u>(1)</u> and provide the baseline report to the MMO in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing by the MMO in consultation with the relevant statutory nature conservation bodies.</i>	2
22.	Schedule 12, Part 1 (1)	In their relevant representation, the MMO noted that: “Definition of “wind turbine generator” Any reference to generating	All references to generating assets have been removed from Schedule 12 where relevant.	2



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		assets not licensed under the export cable DML should be removed from Schedule 12.”		
23.	Schedule 12, Part 1 (4)(b)	In their relevant representation, the MMO noted that: “The contact details for the MMO (local office) is: Marine Management Organisation Fish Market Rock-a-Nore Road Hastings East Sussex TN34 3DW Tel: 01424 424 10”	<i>(b) Marine Management Organisation (local office)</i>  <i><u>Fish Market</u></i> <i><u>Rock-a-Nore Road</u></i> <i><u>Hastings</u></i> <i><u>East Sussex</u></i> <i><u>TN34 3DW</u></i> <i><u>Tel: 0142442410</u></i>	2
24.	Schedule 12, Part 3 (1)(a)	In their relevant representation, the MMO noted that: “1(a) refers to “the deposit at sea of the substances and articles specified in sub-paragraph(7) below.” The MMO queries whether this is the correct reference to sub-paragraph (7).”	<b><i>Details of licensed marine activities</i></b>  <i>1. Subject to the licence conditions, this licence authorises the undertaker (and any agent or contractor acting on their behalf) to carry out the following licensable marine activities under section 66(1) of the 2009 Act—</i>  <i>(a) the deposit at sea of the substances and articles specified in <u>paragraph 5 of Part 2 of this licence</u>;</i>	2
25.	Schedule 12, Part 3 (2)(6)(d)	In their relevant representation, the MMO noted that: “Typographical error “bouys” should read “buoys”.”	<b><i>Details of licensed marine activities</i></b>  <i>(d) marking <u>buoys</u>, beacons, fenders and other navigational warning or ship impact protection works</i>	2
26.	Schedule 12,	In their relevant representation, the MMO noted that:	The MMO’s interpretation is correct. The wording of Schedule 12, Part 3 (6)(e) has	2

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	Part 3 (3)(6)(e)	“The MMO seeks confirmation whether “temporary works for the benefit or protection of land or structures affected” is referring to works only below MHWS i.e. cofferdams.”	been amended to make this clearer: <i>(e) temporary works <u>below MHWS</u> for the benefit or protection of land or structures affected by the authorised development;</i>	
27.	Schedule 12, Part 4 (18)	In their relevant representation, the MMO noted that: “The MMO recommends that a condition is included to secure the cable exclusion zone restriction.”	<b>Cable exclusion zone</b> <i>18. (1) No cable installation or cable protection works may take place within the cable exclusion zone as demarcated on the offshore works plan.  (2) The grid coordinates for cable exclusion zone are specified below—</i>	2
28.			At Deadline 2, the grid references for the cable exclusion zone were added to this condition.	3
29.	Schedule 12, Part 4 (8)(8)	In their relevant representation, the MMO noted that: “This condition cross references to the survey agreed under condition 10(j). The MMO seeks clarity on the correct reference as 10(j) relates to the offshore operations and maintenance plan.”	<b>Chemicals, drilling and debris</b> <i>(8) The undertaker must undertake the survey agreed under <b>condition 10(i)(iii)</b> following the swath-bathymetry survey referred to in <b>condition 13(2)(c)</b>. Should any such obstructions resulting from burial of Work No. 3 (export cables) be identified which, in the reasonable opinion of the MMO, may be considered to interfere with fishing, the undertaker must take such steps to remove them as the MMO in its reasonable opinion may require.</i>	2
30.	Schedule 12, Part 4	In their relevant representation, the MMO noted that: “The MMO queries whether the cross reference should be to 1(i)(iv)	<b>Pre-construction plans and documentation</b> <i>(v) the proposed layout of the offshore</i>	2

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	(10)(1)(b)(v)	as there is no 1(j)(iv) as currently worded.”	<i>substations including any exclusion zones identified under sub-paragraph (1)(l)(iv);</i>	
31.	Schedule 12, Part 4 (10)(10)(c)(iii)	In their relevant representation, the MMO noted that: “The MMO queries what the cross reference should be as there is no condition 9(1)(i).”	<b>Pre-construction plans and documentation</b> <i>(iii) proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction monitoring and related reporting in accordance with sub-paragraph 9(1)(i) and conditions 13, 14 and 15;</i>	2
32.	Schedule 12, Part 4 (10)(1)(c)(iv)	In their relevant representation, the MMO noted that: “The MMO believes the condition should cross reference to ‘Part 3 (licensed marine activities)’, not ‘Part 1’.”	<b>Pre-construction plans and documentation</b> <i>(iv) an indicative written construction programme for the offshore substations and cables comprised in the works at paragraph 3(1) to (3) of Part 3 (licensed activities) of this Schedule (insofar as not shown in paragraph (ii) above);</i>	2
33.	Schedule 12, Part 4 (12)	In their relevant representation, the MMO noted that: “This condition cross references to condition 10 and should include condition 10 and 11.”	<b>Pre-construction plans and documentation</b> <i>12. (1) Each programme, statement, plan, protocol or scheme required to be approved under conditions <u>10 and 11</u> must be submitted for approval at least four months prior to the intended commencement of licensed activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.  (2) 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 conditions <u>10 and 11</u>.</i>	2

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34.	Schedule 11, Part 4 (21) Schedule 12, Part 4 (21)	In their relevant representation, the MMO noted that: “The MMO recommends the inclusion of the following conditions in relation to disposal activities: - ‘The licence holder must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site (reference to be provided).’ To ensure that the disposal sites are closed in line with OSPAR recording requirements. - ‘Any man-made material must be separated from the dredged material and disposed of on land.’ to ensure that no man-made material is disposed to sea.”	<b><u>Dredge disposal</u></b>  <b><u>—(2) The licence holder must notify the MMO within 48 hours of the completion of the final authorised disposal at disposal site (reference to be provided).</u></b>  <b><u>Any man-made material must be separated from the dredged material and disposed of on land, where reasonably practical.</u></b>  The disposal site reference will be inserted when it has been provided to the Applicant by the MMO.	2
35.	Schedule 11, Part 1 (1)	In their relevant representation, the MMO noted that: “[Schedule 11, Part 1] should say “authorised scheme” means Work No. 1 and 2 described in Part 2, paragraph 3 of this licence or any part of that work; In addition “authorised scheme” includes Works No. 2 which is for Offshore Substation.”	<b><i>“authorised scheme” means Works No. 1 and 2 described in Part 2, paragraph 3 of this licence or any part of that work</i></b>	2
36.	Schedule 11, Part 4 (3) (3)	In their relevant representation, the MMO noted that: “The total length of cable protection includes Work No. 1 (inter-array) and Work No. 1 (export cable). The export cables are listed as Work No. 3, No 3A and No. 4A and should be removed from Schedule 11.”	The reference to export cables has been removed from Schedule 11.	2
37.	Schedule 11, Part 4 (3) (1)	In their relevant representation, the MMO noted that: “The maximum diameter should also include the Met Mast.	<b><i>(3) In relation to a wind turbine generator or a <u>meteorological mast</u> each monopile foundation forming part of the authorised development must not have a diameter which is more than 10 metres.</i></b>	2
38.	Schedule 12,	In their relevant representation, the MMO noted that:	<b><i>(i) A written scheme of archaeological investigation in relation to the offshore Order</i></b>	2

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	Part 4 (10)(1)(i)	“The MMO suggests the deletion of “mean low water” as the Written Scheme of Investigation (WSI) will also need to cover the intertidal area for licensable activities undertaken under work number 3A.”	<i>limits <del>seaward of mean low water</del>, which must be submitted prior to commencement of the licensed activities and must accord with the offshore archaeological written scheme of investigation and industry good practice, in consultation with the statutory historic body to include -</i>	
39.	Schedule 12, Part 4 (7)	In their relevant representation, the MMO noted that:  “The MMO requests the insertion of the following new paragraph: “(2) Subject to sub-paragraph (1) above, unless the MMO otherwise directs, the undertaker must paint the remainder of the structures submarine grey (colour code RAL 7035).”	<b><i>Aids to Navigation</i></b>  <i><u>(2) Subject to sub-paragraph (1) above, unless the MMO otherwise directs, the undertaker must paint the remainder of the structures (not painted yellow in accordance with condition 7) submarine grey (colour code RAL 7035).</u></i>	2
40.	Schedule 12, Part 4	In their relevant representation, the MMO noted that:  “The MMO queries whether condition 9 (Aviation Safety) on Schedule 11 should also be included in Schedule 12, to the extent that it applies to the construction of the OSS.”	<b><i>Aviation safety</i></b>  <i><u>The undertaker must notify the Defence Infrastructure Organisation Safeguarding, at least 14 days prior to the commencement of the authorised scheme, in writing of the following information—</u></i>  <i><u>the date of the commencement of construction of the authorised scheme;</u></i>  <i><u>the date any wind turbine generators are brought into use;</u></i>  <i><u>the maximum height of any construction equipment to be used;</u></i>  <i><u>the maximum heights of any wind turbine generator, mast and platform to be constructed;</u></i>  <i><u>the latitude and longitude of each wind turbine</u></i>	2

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			<p><u>generator, mast and platform to be constructed,</u></p> <p><u>and the Defence Infrastructure Organisation Safeguarding must be notified of any changes to the information supplied under this paragraph and of the completion of the construction of the authorised scheme. Copies of notifications must be provided to the MMO.</u></p>	
41.	Article 38	In their relevant representation, the MMO noted that: “The MMO requests that Works no 2 is also included in this article.”	<p><b>Abatement of works abandoned or decayed</b></p> <p>38. Where Work No. 1(a) to (d) <u>and Work No. 2</u> or any part of those works is abandoned or allowed to fall into decay the Secretary of State may, following consultation with the undertaker, issue a written notice requiring the undertaker at its own expense to repair and restore or remove Work No. 1(a) to (d) <u>and Work No. 2</u> or any relevant part of those works, without prejudice to any notice served under section 105(2) of the 2004 Act. The notice may also require the restoration of the site of the relevant part(s) of Work No. 1(a) to (d) <u>and Work No. 2</u> to a safe and proper condition within an area and to such an extent as may be specified in the notice.</p>	2
42.	Schedule 12, Part 1 (1)	In their relevant representation, the MMO noted that: ““ <i>restricted area</i> ” means the area hatched black on the works plan being 250 metres from site 30”. The works plan document reference 2.5 Thanet Extension Offshore Wind Farm Works Plan (Offshore) does not appear to contain an area hatched black or reference to site 30. The MMO seeks clarification on this.”	'Restricted area' is a superfluous defined term which has now been removed from Schedule 12.	2

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43.	Schedule 11, Part 4 (3)(1)	In their relevant representation, Natural England noted that: “The export cables are licenced under Schedule 12 and should not be included here.”	Reference to the export cables has been removed from this condition.	2
44.	Schedule 12, Part 4 (18)	In their relevant representation, Natural England noted that: “The cable exclusion zone detailed in the ES project description figure 1.2 should be captured with a condition within Schedule 12 the transmission DML. This exclusion zone is an important mitigation for both ecological and navigational concerns and should be appropriately secured within any consent given.”	<p><b>Cable exclusion zone</b></p> <p><i>18. (1) No cable installation or cable protection works may take place within the cable exclusion zone as identified in the offshore works plan.</i></p> <p><i>(2) The grid coordinates for cable exclusion zone are specified below—</i></p>	2
45.		In their relevant representation, Natural England noted that: “Figure 1.1 and 1.2 of the ES project description demonstrate a Cable exclusion zone within the export cable corridor. This exclusion is due to both environmental and navigational concerns. In order to ensure this key mitigation occurs it should be secured through condition in this schedule.”		
46.		In their relevant representation, Natural England noted that: “Figure 1.1 and 1.2 of the ES project description demonstrate a Cable exclusion zone within the export cable corridor. This exclusion is due to both environmental and navigational concerns. In order to ensure this key mitigation occurs it should be secured through condition in this schedule.”		
47.	Schedule 11, Part 4 (10)(7)	In their relevant representation, Natural England noted that: “While Natural England acknowledges that this is standard wording we would like to request a change to add in the additional wording: ‘where reasonably practicable any rock material used will be similar to material naturally present in the location’. Natural England acknowledges that it is not always possible to use material that would naturally occur in the location of any deposited hard substrate. However, the use of similar materials minimises the impact on the environment and should be undertaken where reasonably practicable.”	<p><b>Chemicals, drilling and debris</b></p> <p><i>(7) In the event that any rock material used in the construction of the authorised scheme is misplaced or lost below MHWS, the undertaker must report the loss to the District Marine Office within 48 hours and if the MMO reasonably considers such material to constitute a navigation or environmental hazard (dependent on the size and nature of the material) the undertaker must endeavour to locate the material and recover it. <u>Where reasonably practicable any rock material used will be similar to material naturally present in the location.</u></i></p>	2

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48.	Schedule 11, Part 4 (13)	In their relevant representation, Natural England noted that: “This condition requires all archaeological reports to be agreed with the statutory historic body. Could a similar condition be added under condition 12 (1) (b) requiring all ecological reports to be agreed with the statutory nature conservation body?”	The Applicant has noted this inconsistency and has amended Schedule 11, Part 4, Condition 13(2) and Schedule 12, Part 4, Condition 11(2) to require archaeological reports to be agreed by the MMO in consultation with all relevant statutory bodies:  <i>Any archaeological reports produced in accordance with <b>condition 12</b> are to be agreed with <u>the MMO, in consultation with the relevant statutory historic bodies.</u></i>  This is more consistent with the standard practice that the MMO will consult with the relevant statutory bodies when reviewing archaeological and ecological reports. Ultimately the MMO must sign off on such plans.	2
49.	Schedule 12, Part 4 (10)(1)(b)(v)	In their relevant representation, Natural England noted that: “Condition 10 (1) (b) (v) cross references to 1 (j) (iv) however there is no 1 (j) (iv). Natural England assumes this should have been 1 (i) (iv).”	<b><i>Pre-construction plan and documentation</i></b>  <i>(v) the proposed layout of the offshore substations including any exclusion zones identified under sub-paragraph (1)(i)(iv);</i>	2
50.	Throughout	In their relevant representation, MMO noted that: “...the total figures for cable protection, scour protection and disposal volumes do not match across the ES, the DMLs and Schedule 1 of the DCO. The MMO requests that these volumes and figures for maximum parameters are provided in a clear table to allow for accurate consideration of the potential impacts of these elements of the proposed development, and requests that this level of clarity is reflected in the maximum parameters set out in the DMLs.”	The figures for cable protection, scour protection and disposal volumes have been updated throughout the DCO and the DMLs to align with <u>Annex B to Appendix 1: Clarification Note – Project Description Transcription into the Application</u> , submitted at Deadline 1.	2
51.	Schedule 11, Part 4 (12)(1)(a)	In their relevant representation, Natural England noted that: “Natural England would also like to be named as a consultee on this	<b><i>Pre-construction plan and documentation</i></b>  <i>(a) A design plan at a scale of between</i>	2



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	Schedule 12, Part 4 (10)(1)(b)	design plan. This is especially important noting that this plan outlines the exclusion zone for biogenic reef.”	<i>1:25,000 and 1:50,000, including detailed representation on the most suitably scaled admiralty chart, to be approved in writing by the MMO in consultation with Trinity House, <del>and</del> the MCA <del>and Natural England</del> which shows—</i>	
52.	Part 1, Interpretation Schedule 11, Part 1, Interpretation Schedule 12, Part 1, Interpretation	In their relevant representation, Natural England noted that: “The definition of commence in both the DCO and DMLs is not acceptable. The works detailed include seabed preparation and clearance as not part of commencement. Works such as seabed preparation and clearance could have significant impacts and need to be incorporated in pre-construction plans and documentation. This is to ensure appropriate mitigation is included and that monitoring efforts are not impacted by works outside of the sign off process. Until the pre-construction documents are signed off and all pre-construction monitoring has been conducted these works should not be allowed to be conducted. Therefore, Natural England, requests the definition of commence must be changed to ensure seabed preparation and clearance are part of offshore commencement.”	The definition of "pre-commencement works" has been updated in the revised draft Order and both DMLs:  <i>“pre-commencement works” means archaeological investigations, remedial work in respect of any contamination or other adverse ground conditions, the erection of any temporary fencing or temporary means of enclosure <del>and seabed preparation and clearance;</del></i>  The following condition has been added to both DMLs:  <b><i><u>Seabed preparation and clearance</u></i></b>	2
53.		In their relevant representation, the MMO noted that: “The interpretation of ‘commence’ for both the DCO and DMLs excludes offshore site preparation works. The definition for ‘Offshore Site Preparation Works’ specifically includes surveys and monitoring but also sandwave levelling and boulder clearance. Such a definition also has the potential to include Unexploded Ordnance (UXO) clearance and other works. The DML will need to define UXO works if being consented (see comment 1.73) The MMO considers that offshore preparation works must be included in the interpretation of ‘commence’. This would allow for appropriate consultation and formal consideration of such works and their potential impacts on marine protected areas and habitats. Exclusion of these works from	<b><i><u>20. Pre-commencement works relating to seabed preparation and clearance must only take place in accordance with a method statement submitted to and approved by the MMO, which has regard to the Biogenic Reef Mitigation Plan and the offshore archaeological draft written scheme of investigation (which are the plans as certified in accordance with <b>article 35</b>).</u></i></b>	2

Ref	DCO Ref.	Rationale for change	Change made	DCO Version
		the definition of 'commence' would allow the developer to undertake sandwave levelling, boulder relocation and other activities prior to the agreement of any required mitigation, sufficient consideration and consultation upon construction methods and monitoring plans and prior to the requirement to perform any necessary pre-construction monitoring surveys."		
54.		In their relevant representation, the MMO noted that: "The MMO recommends the wording of 'principal contractors' is changed to 'agents and contractors' for consistency with Schedule 11."	The Applicant has included the following definition of 'principal contractor' in Schedule 11 and Schedule 12 of the revised Order:  <i><u>"principal contractors" has the same meaning as in section 2 of the Construction (Design and Management) Regulation 2015;</u></i>	2
55.	Schedule 12, Part 4(19)	Whilst conducting further reviews of the Order, it was noticed that the 'Fisheries liaison and coexistence plan' condition in Schedule 12 included an incorrect cross reference.	<i>19. The undertaker must comply with the fisheries liaison and coexistence plan to ensure relevant fishing fleets are notified of commencement of licensed activities pursuant to <b>condition 6-5</b> and to address the interaction of the licensed activities with fishing activities.</i>	2
56.	Schedule 10, Part 2 (3)	At a meeting on Wednesday 9 <sup>th</sup> January 2019, Dover District Council asked that Schedule 10 (Procedure for Discharge of Requirements), Part 2 (3) be amended to allow for additional time for the discharging authority to issue a consultation to the requirement consultee.	<i>(3) If the requirement specifies that consultation with a requirement consultee is required, the discharging authority must issue the consultation to the requirement consultee within <del>43</del> business days of receipt of the application, and must notify the undertaker in writing specifying any further information requested by the requirement consultee within <del>43</del> business days of receipt of such a request and in any event within <del>248</del> days of</i>	2

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			<i>receipt of the application.</i>	
57.	Schedule 4	At a meeting on Wednesday 9 <sup>th</sup> January 2019, Dover District Council asked that Schedule 4 (Access to Works) be updated to reflect the fact that four of the access included are in the District of Dover, rather than the District of Thanet.	<p><i>District of <del>Thanet</del> Dover</i>      Vehicular access from SANDWICH ROAD to the south marked at point D on the access to works plan</p> <p><i>District of <del>Thanet</del> Dover</i>      Vehicular access from the A256 to the east marked at point E on the access to works plan</p> <p><i>District of <del>Thanet</del> Dover</i>      Vehicular access from the A256 to the east marked at point F on the access to works plan</p> <p><i>District of <del>Thanet</del> Dover</i>      Vehicular access from the A256 to the west marked at point G on the access to works plan</p>	2
58.	Article 35  Schedule 1, Part 3, Requirement 22	An onshore archaeological draft written scheme of investigation was submitted by the Applicant as Appendix 4 to the submission for Deadline 1.	<p><b>Article 35 (Certification of plans etc.)</b> has been updated to include the onshore archaeological draft written scheme of investigation as a certified plan.</p> <p><b>Archaeological written scheme of investigation</b></p> <p>22.—(1) No stage of the connection works may commence until for that stage a written scheme of archaeological investigation (<i>which accords with the onshore archaeological draft written scheme of investigation</i>) has, after consultation with Historic England and Kent County Council, been submitted to and</p>	2

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			<i>approved by the relevant planning authority.</i>	
<b>Deadline 2 Changes</b>				
59.	Schedule 1, Part 1, Authorised Development	The decision was taken at Deadline 2 to remove landfall Option 2 from the Project envelope. Subsequently, the optionality within Work Nos. 3B, 4 and 4B has been reduced and, as there will be no above ground infrastructure, reference to the dimensions of a berm have been removed throughout the draft Order.	<p><b>Work No. 3B</b></p> <p>(a) <i>In the event that the <del>transition joint bays are located below ground within Pegwell Bay County Park (Work No. 4A)</del> and export cables are required to cross the seawall by horizontal directional drilling, onshore connection works, including up to four export cables and fibre optic cables to export electricity and transmit electronic communications from the offshore substation or wind farm array to the shore; and</i></p> <p><del>(b) In the event that the transition joint bays are surface laid at Pegwell Bay County Park (Work No. 4A), and cross the seawall by trenching, onshore connection works consisting of:</del></p> <p><del>up to 4 export cables and fibre optic cables to export electricity and transmit electronic communications from the offshore substation or wind farm array to the shore;</del></p> <p><del>a temporary cofferdam to facilitate the extension of the sea wall and installation of cables through the sea wall; and</del></p> <p><del>following the undertaking of the work listed at Work No. 3B(b)(i), an extension of the sea wall of up to 18.5</del></p>	3

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			<p><del>metres seaward from the existing alignment and up to 155 metres long and subsequent reinstatement of the sea wall.</del></p> <p>(b) In the event that <del>the transition joint bays are located below ground at Pegwell Bay Country Park (Work No. 4A), and the export cables</del> cross the seawall by trenching, onshore connection works consisting of:</p> <p>up to four export cables and fibre optic cables to export electricity and transmit electronic communications from the offshore substation or wind farm array to the shore;</p> <p>a temporary cofferdam to facilitate the installation of cables through the sea wall; and</p> <p>partial demolition of the sea wall and subsequent reinstatement of the sea wall on its existing alignment.</p> <p><b>Work No. 4</b> – Onshore connection works within Pegwell Bay Country Park consisting of up to four cable circuits and communications cables laid <del>either</del> underground <del>or surface laid within an artificial berm</del> from Work No. 3A to Work No. 5 running in a south westerly direction including a temporary works area.</p> <p><b>Work No. 4A</b> – Four subsea export cables and fibre optic cables connecting to up to four transition joint bays <del>(above or below ground)</del> <u>located below ground</u> to facilitate onshore connection works within Pegwell Bay Country</p>	

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			<i>Park.</i>	
60.	Schedule 1, Part 3(9)		<p><b>9. Detailed design parameters onshore</b></p> <p>—(1) <i>The total number of buildings housing the principal electrical equipment for the onshore substation comprised in Work No. 13 must not exceed one.</i></p> <p>(2) <i>Any details provided by the undertaker pursuant to paragraph (2) must accord with the design and access statement and be within the Order limits.</i></p> <p>(3) <i>Buildings comprised in Work No. 13 must not exceed a height of 14 metres above existing ground level and external electrical equipment comprised in Work No. 13 must not exceed a height of 12.5 metres above existing ground level.</i></p> <p><del>(4) The artificial berm associated with the Pegwell Bay connection works comprised in Work No. 4 must not exceed—</del></p> <p><del>(a) A height of 1.2 metres above existing ground level for the cables.</del></p> <p><del>(b) A height of 2.3 metres for the TJBs.</del></p>	3
61.	Schedule 1, Part 3(10)		<p><b>10. Landfall works notification</b></p> <p><i>No part of Work No. 3B may commence until written notification is provided to the relevant planning authority confirming which one option of Work No. 3B(a), <del>or 3B(b) or 3B(c)</del> will be constructed. The method statement must include the anticipated timing of the</i></p>	

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			<i>proposed works being undertaken.</i>	
62.	Schedule 5, Land in which only New Rights etc., may be acquired		All rights relating to the construction of the berm have been removed from Schedule 5.	3
63.			<u><i>Right I – Sea wall installation – Plots 01/10 and 01/11</i></u> has been added to Schedule 5 to specify the new rights required over these plots, as they are no longer sought to be taken freehold.	3
64.	Schedule 7, Land of which Temporary Possession may be taken		Plots have been added to the first row of Schedule 7 to reflect the addition of Plots 01/10 and 01/11 to Schedule 5. Now that these plots are not sought to be taken freehold, they are included for temporary possession in line with the strategy set out in the Statement of Reasons.  Some additional minor amendments have been made to Schedule 7 to reflect changes made at Deadlines 1 and 2.	3
65.	Schedule 11, Part 4 (12)(k)  Schedule 12, Part 4 (10)(l)	In their written representation at Deadline 1, Natural England noted that following the BEIS Review of Consent, it was their position that a site integrity plan should be included within all DCOs (in relation to HRA and in combination impacts on the Southern North Sea SCI for harbour porpoise).	<b><i>Pre-construction plans and documentation</i></b>  <u><i>A site integrity plan, which must be approved in writing by the MMO prior to the commencement of operation of the licensed activities and which must accord with the outline site integrity plan (as certified in accordance with article 35).</i></u>	3
66.	Throughout	In their written representation at Deadline 1, Historic England noted that:  " All references to the Outline Written Scheme of Investigation (WSI)	Wording has been added throughout the revised draft Order to clarify whether reference is being made to an onshore or	3

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		should define whether they are in reference to onshore or offshore WSI."	offshore WSI.	
67.	Schedule 11, Part 1, Interpretation Schedule 12, Part 1, Interpretation	In their written representation at Deadline 1, Historic England noted that: "The definition of "statutory historic body" as listed within Schedule 11, Part 1, Section 1, paragraph 1 and Schedule 12, Part 1, Section 1, paragraph 1 is given as 'Historic England or its successor in function'. This should be amended to the 'Historic Building and Monuments Commission for England' to avoid confusion."	"statutory historic body" means <u>Historic England or its successor in function the Historic Building and Monuments Commission for England;</u>	3
68.	Schedule 11, Part 1 (4)(h) Schedule 12, Part 1 (4)(h)	In their written representation at Deadline 1, Historic England noted that: "As of the 1st April 2019 the Historic England office to contact will be: 4th Floor, Cannon Bridge House, 25 Dowgate Hill, London, EC4R 2YA, 020 7973 3700."	The contact address for Historic England has been updated.	3
69.	Schedule 11, Part 4 (12)(g)(ix) Schedule 12, Part 4 (10)(i)(x)	In their written representation at Deadline 1, Historic England noted that: Additionally to form a consistent approach to the onshore and offshore WSI's function we request that the following is included within Section 10(1)(i) of Part 2 of Schedules 11 and 12: "In the event that site investigation is required, the scheme must include details of an assessment of significance and research questions".	<b>Pre-construction plans and documentation</b> <i>(i) An <u>offshore</u> written scheme of archaeological investigation in relation to the offshore Order limits, which must be submitted prior to commencement of the licensed activities and must accord with the offshore archaeological written scheme of investigation and industry good practice, in consultation with the statutory historic body to include—</i>  <i><u>(x) in the event that site investigation is required, details of an assessment of the significance and research questions.</u></i>	3



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70.	Schedule 10 (3)(2)(d)	<p>In their Local Impact Report submitted at Deadline 1, Dover District Council noted that:</p> <p>"...in respect of Appeals, 3, (2), (d) – a requirement to submit written representations to an appointed person within 10 business days of the date on which the appeal parties are notified is a very limited period to coordinate a response. The standard appeal process would normally be six weeks."</p> <p>The Applicant acknowledged the concern raised by DDC and has extended the period to 20 business days. It is important to note that prior to the appointment of any expert the discharging authority will be sent the appeal papers in advance of that 10 day appointment period. By allowing a further 10 business days on receipt the discharging authority will be afforded the six weeks request.</p>	<p><b>Appeals</b></p> <p><i>(d) the discharging authority and the requirement consultee (if applicable) must submit written representations to the appointed person in respect of the appeal within <del>4</del>20 business days of the date on which the appeal parties are notified of the appointment of a person under paragraph (c) and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person; and</i></p>	3
71.	Part 4 (16) (2)	<p>In their written representation, Trinity House noted that:</p> <p>"...the Article does not appear to define as to what stage of the development process the undertaker is required / able to submit such a plan."</p>	<p><b>Public rights of navigation</b></p> <p>—(1) <i>Subject to paragraph (2), the rights of navigation over the places in the sea where any of the permanent structures (wind turbine generators, meteorological mast or offshore substations, including their foundations) are located within territorial waters will be extinguished.</i></p> <p>(2) <i>The extinguishment of the rights of navigation over the places identified in paragraph (1) will take effect 14 days after the undertaker has submitted a plan to the Secretary of State, Trinity House, the MCA and the MMO showing the precise locations of the foundations of each of any relevant wind turbine generators, meteorological mast, and offshore substations to be constructed as part of the authorised project within territorial waters.</i></p> <p><i>(3) The plan submitted in accordance with</i></p>	3

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			<i>paragraph (2) will be submitted to the Secretary of State, Trinity House, the MCA and the MMO prior to the commencement of construction of any individual wind turbine generator, meteorological mast or offshore substation.</i>	
<b>Deadline Three</b>				
72.	Schedule 11, Part 4 (6)(7)(a)  Schedule 12, Part 4 (5)(7)(a)	In their submission at Deadline 2, the MMO asked for the working of this sub condition to be amended to "ten working days" as the bulletin referred to is published fortnightly.	<i>(a) at least ten <b>working</b> days prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data; and</i>	4
73.	Schedule 11, Part 4 (12)(h)  Schedule 11, Part 4 (10)(i)	In their submission at Deadline 2, the MMO asked for clarity that this sub condition referred to offshore Order limits seaward of mean high water springs. The Applicant agreed with this representation in relation to the wording contained at Schedule 11, and has amended this accordingly to state MHWS. The Applicant considers that the wording within the same sub condition in Schedule 12 is correct and does not require any amendment, as it will need to include the intertidal area between mean high and mean low water springs.	<i>(h) An offshore written scheme of archaeological investigation in relation to the offshore Order limits seaward of mean <b>low water-high water springs</b>, which must be submitted prior to commencement of the licensed activities and must accord with the offshore archaeological written scheme of investigation and industry good practice, in consultation with the statutory historic body to include—</i>	4
74.	Schedule 1, Part 1 – Authorised Development (Further works)  Schedule 11 and Schedule 12 Part 3 – Details of licensed marine activities	At ISH7, a request was made on behalf of Ramac Holdings Ltd, which was supported by the Panel, that the wording at Schedule 1 Part 1 be amended to clarify that where 'further associated development' is to be authorised, it must not give rise to any materially new or materially different environmental effects from those assessed within the environmental statement. The Applicant has amended this wording here and where applicable throughout the DCO.	<i>and in connection with such Work Nos. 4A to 16 to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project and <b>which would not give rise to any materially new or materially different environmental effects from those which fall within the scope of the work assessed by the environmental statement.</b></i>	4

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			<i>including:</i>	
75.	Schedule 1, Part 1 – Authorised Development (Further works)(c)	In the "ISH7: Hearing Action Points" document published by the Planning Inspectorate on 25 February 2019, the Panel asked the Applicant to ensure all maximum design parameters are captured within a single location within the draft Order to avoid potential discrepancies. The Applicant has removed the specific reference to the parameters relating to disposal of inert material from Schedule 1, Part 1- Authorised Development and within the Order all parameters are now confined to Requirement 2 – Detailed offshore design parameters and Requirement 9 – Detailed design parameters onshore.	<i>(c) the removal of material from the seabed required for the construction of Work Nos. 1 to 3B and the disposal of up to 1,728,000 cubic metres of inert material of natural origin within the Order limits produced during construction drilling, seabed preparation for foundation works, cable installation preparation such as sandwave clearance, boulder clearance and pre-trenching and excavation of horizontal directional drilling exit pits;</i>	4
76.	Requirement 22	At ISH7, the MMO requested that the title of Requirement be made clearer to ensure those reading it knew it related to onshore archaeological mitigation.	<b><i>Onshore archaeological written scheme of investigation</i></b>	4
77.	Article 35 Schedule 13	In the "ISH7: Hearing Action Points" document published by the Planning Inspectorate on 25 February 2019, the Panel asked the Applicant to consider drafting a Schedule detailing the plans and documentation to be certified, rather than including this within a separate Article. The Applicant has done so at Schedule 13 and has amended Article 35 accordingly.	<i>35.—(1) The undertaker must, as soon as practicable after the making of this Order, submit to the Secretary of State copies of the following documents listed in Schedule 12 (Documents to be certified) for certification that they are true copies of the documents referred to in this Order. —</i>	4
78.	Article 16	In the "ISH7: Hearing Action Points" document published by the Planning Inspectorate on 25 February 2019, the Panel asked the Applicant to consider amending the wording of 16(3) to ensure that it not inadvertently give rise to multiple phases of the extinguishment if rights for each individual wind turbine.	<i>(3) The plan submitted in accordance with paragraph (2) will be submitted to the Secretary of State, Trinity House, the MCA and the MMO prior to the commencement of construction of the first individual wind turbine generator, meteorological mast or offshore substation.</i>	4
79.	Article 35	In their submission at Deadline 2, and at ISH7, the MMO asked that additional design parameters be included on the face of the DMLs. In order to achieve necessary control over the various parameters	The environmental statement is now listed in Schedule 13 and those documents listed in Schedule 13 must be certified in accordance	4

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	Schedule 13	within the draft DCO, the Applicant has made explicitly clear in Article 35 that the environmental statement is a certified document within Schedule 13, in addition to being in the DMLs. The environmental statement contains all relevant design parameters and the Applicant must comply with these.	with Article 35.	
80.	Requirement 9	In the "ISH7: Hearing Action Points" document published by the Planning Inspectorate on 25 February 2019, the Panel asked the Applicant to include wording to require the approval of detailed design of the substation (Work No.13) by the relevant planning authority.	<p><b>Detailed design parameters onshore</b></p> <p>—(1) <i>The total number of buildings housing the principal electrical equipment for the onshore substation comprised in Work No. 13 must not exceed one.</i></p> <p><u>(2) Construction works for the building referred to in paragraph (1) above must not commence until details of the layout, scale and external appearance of the same have been submitted to and approved by the relevant planning authority. The onshore substation must be carried out in accordance with the approved details.</u></p> <p>(3) <i>Any details provided by the undertaker pursuant to paragraph (2) must accord with the design and access statement and be within the Order limits.</i></p> <p>(4) <i>Buildings comprised in Work No. 13 must not exceed a height of 14 metres above existing ground level and external electrical equipment comprised in Work No. 13 must not exceed a height of 12.5 metres above existing ground level.</i></p>	4
81.	Schedule 9 (7)	At ISH7, the MMO asked the Applicant to amend the Confidentiality clause within the Arbitration Schedule to allow them to comply with their duty to disclose information under the Freedom of Information Act 2000. The Applicant has amended the wording accordingly.	(2) <i>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</i>	4

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			<i>party, save for any application to the Courts and for compliance with legislative rules, functions or obligations on either party.</i>	
82.	Schedule 11, Part 4 (12)(e)	In their submissions at Deadline 3, the MMO suggested additional wording to this sub condition to make absolutely clear that the scour and cable protection plan requires approval of the MMO before any activities proposed within it can commence, which the Applicant has accepted.	<i>(e) A scour and cable protection plan providing details of the need, type, sources, quantity and installation methods for scour protection and cable protection, which plan must be updated and resubmitted for approval if changes to it are proposed following cable laying operations. <u>No activities proposed in any updated scour and cable protection plan may be undertaken until the updated plan has been approved by MMO.</u></i>	4
83.	Schedule 11, Part 4 (18)(1)(b) Schedule 11, Part 4 (16)(1)(b)	In their submissions at Deadline 3, the MMO requested wording to update the notification procedures to the UK Marine Noise Registry within this sub condition, which the Applicant has amended accordingly.	<b>Reporting of impact pile driving</b> <i>18.—(1) Only when driven or part-driven pile foundations are proposed to be used as part of the foundation installation the undertaker must provide the following information to the UK Marine Noise Registry—</i>  <i><u>(b) every year by 25 March following the commencement of pile driving, information on the locations and dates of impact pile driving to satisfy the Marine Noise Registry's Close Out requirements for any pile driving activities undertaken in the previous calendar year at six month intervals following the commencement of pile driving, information on the locations and dates of impact pile driving to satisfy the Marine Noise Registry's Close Out requirements;</u></i>	4
84.	Schedule 12, Part 4 (15)(5)	In their submissions at Deadline 3, the MMO asked the Applicant to consider additional wording to secure the "the level of survey	<b>Post construction</b> <i><u>In the event that cable protection is installed</u></i>	4

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		needed to confidently demonstrate recovery".  The Applicant understands from ongoing discussions with the MMO that this concern is in relation to biogenic reefs and has included additional drafting accordingly in order to address this concern.	<u><i>within the Goodwin Sands rMCZ, the undertaker must conduct epifaunal monitoring and carry out ground-truthed geophysical surveys for a total period of three years, which is capable of being undertaken continuously or in one or more stages.</i></u>	
85.	Schedule 11 Part 3 (2)(5)(c)  Schedule 12 Part 3 (2)(6)(g)	In their submissions at Deadline 3, the MMO asked the Applicant to consider additional wording to clarify that "such other works" was not intended to include works relating to unexploded ordnances. The Applicant has amended the Schedule accordingly.	<i>(c) such other works as may be necessary or expedient (excluding any works relating to unexploded ordnances) for the purpose of or in connection with the construction or use of the authorised development and which would not give rise to any materially new or materially worse environmental effects from those environmental statement.</i>	4
86.	Schedule 11 Part 4 (13)(1) and (20)  Schedule 12 Part 4 (11)(1) and (20)	In the "ISH7: Hearing Action Points" document published by the Planning Inspectorate on 25 February 2019, in response to submissions raised by the MMO, the Applicant was asked to include wording within the pre-commencement conditions in the DMLs to clarify that all necessary surveys and required documentation will be in place prior obtaining approval from the MMO and in any event prior to the commencement of these works.	<b>Seabed preparation and clearance</b>  <i>Pre-commencement works relating to seabed preparation and clearance must only take place in accordance with a method statement which:</i>  <u><i>(a) has been properly informed by any necessary surveys as are required;</i></u>  <u><i>(b) has been submitted to and approved by the MMO accompanied by all relevant documentation that may be required; and</i></u>  <u><i>(c) which has regard to the Biogenic Reef Mitigation Plan and the offshore archaeological draft written scheme of investigation (which are the plans as certified in accordance with article 35).</i></u>	4
87.	Schedule 9	At ISH7, the Applicant agreed to have the Arbitration schedule	<b>Time periods</b>	4

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		<p>reviewed by an arbitration expert at Womble Bond Dickinson (UK) LLP. In light of this review, the Applicant has made some amendments to the Schedule to improve clarity.</p> <p>The Applicant has clarified that the arbitrator will either be agreed upon by the parties or by the Centre for Effective Dispute Resolution. The option to refer the appointment of the arbitrator to the Secretary of State has been removed. This is because the Secretary of State could be directly affected by, or in some way an interested party to, the difference which is being arbitrated. In this scenario, it would not be appropriate for the SoS to appoint an arbitrator.</p> <p>The Applicant has clarified that the time period will be calculated from the day after the Arbitrator notifies the parties in writing of their acceptance, whether they are appointed by agreement between the parties or by the Centre for Effective Dispute Resolution.</p>	<p>2.—(1) All time periods in these Arbitration Rules <del>must</del> <u>will</u> be measured in days and this will include weekends, but not bank or public holidays.</p> <p>Time periods will be calculated from the day after the Arbitrator <del>is appointed which must be either (a) the date the Arbitrator notifies the parties in writing of their acceptance of an appointment by agreement of the parties. ; or (b) the date the Arbitrator is appointed by the Secretary of State.</del></p>	
88.	Article 36		<p><b>Arbitration</b></p> <p>—(1) 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 9 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 <u>the Centre for Effective Dispute Resolution.</u></p> <p><del>(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.</del></p> <p><del>(3) Should the Secretary of State fail to make</del></p>	4



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			<del>an appointment under paragraph (1) within 14 days of a referral, the referring party may refer to the Centre for Effective Dispute Resolution for appointment of an arbitrator.</del>	
89.	Requirement 29	In the "ISH7: Hearing Action Points" document published by the Planning Inspectorate on 25 February 2019, the Panel asked the Applicant to consider the inclusion in the draft Order of an acceptable period for notification to the relevant planning authority of commencement of works.	<p><b>Stages of authorised development onshore</b></p> <p>8.—(1) <i>The connection works may not be commenced until a written scheme setting out the stages of the connection works has been submitted to the relevant planning authority.</i></p> <p><i>(2) The undertaker must notify the relevant planning authority that it is commencing work for a stage of the connection works in writing at least five days prior to that event taking place.</i></p>	4
90.	Article 5	In the "ISH7: Hearing Action Points" document published by the Planning Inspectorate on 25 February 2019, the Panel asked the Applicant to review article 5 in light of outcomes the potential for future transfer to a SPV.	<p><b>Benefit of the Order</b></p> <p><i>(4) If the undertaker transfers any of all of the benefit of the provisions of this Order pursuant to paragraph (1) and the transferee is a special purpose vehicle entity specifically created for the purpose of implementing and constructing the authorised development, then other than when the transferee is an offshore transmission operator, the transferee must not begin to exercise the powers provided within Parts 3, 4, 5 and 6 of this Order in relation to any land unless it has first put in place either:</i></p> <p><i>(a) a guarantee, which may be given by the transferring undertaker, in respect of the liabilities of the undertaker to pay compensation under this Order in respect of the exercise of the relevant power of</i></p>	4



Ref	DCO Ref.	Rationale for change	Change made	DCO Version
			<p><u>compulsory acquisition or temporary possession in relation to that land; or</u></p> <p><u>(b) an alternative form of security, including a funding agreement between the transferring undertaker and the transferee or the transferee and a third party, for that purpose which has been approved by the Secretary of State.</u></p> <p><u>(5) Such guarantee or alternative form of security given in respect of any liability of the undertaker to pay compensation under the Order is to be treated as enforceable against the guarantor by any person to whom such compensation is payable and must be in such form as to be capable of enforcement by such a person.</u></p> <p><u>(6) Such guarantee or alternative form of security will have a maximum liability cap of £8,500,000.</u></p> <p><u>(7) Such guarantee or alternative form of security is to be in place until no later than the date on which, if a referral is made to the Tribunal, it could be defended by the undertaker or transferee on the ground that the relevant period for such any claims has expired and the Limitation Act 1980 applies so as to time-bar such claims or such later date as when all such claims validly made have either been settled or determined by the Tribunal.</u></p>	
91.	Requirement 6	In the "ISH7: Hearing Action Points" document published by the Planning Inspectorate on 25 February 2019, the Panel asked the	<p><b>Aviation safety</b></p> <p>The undertaker must exhibit <b>and maintain</b></p>	4

Ref	DCO Ref.	Rationale for change	Change made	DCO Version
		Applicant to amend Requirement 6 to include a requirement to maintain the lighting.	<i>such lights, with such shape, colour and character as are required by the Air Navigation Order 2016 (1), and as otherwise directed as necessary for aviation safety by the Defence Infrastructure Organisation Safeguarding and the CAA.</i>	
92.	Article 16	In the "ISH7: Hearing Action Points" document published by the Planning Inspectorate on 25 February 2019, the Panel asked the Applicant to address concern raised direction in regard to article 16 (2) (extinguishment of rights of navigation) in respect of advance notice needed by THLS to prepare requirements for amended aids to navigation to be implemented by the Applicant under THLS.	<b>Public rights of Navigation</b> <b>16. (4) <i>Trinity House will be notified of any extinguishment of the rights of navigation over the places identified in paragraph (1) at least eight weeks prior to that extinguishment taking place.</i></b>	4

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