

Norfolk Boreas Offshore Wind Farm Applicant's Updated draft DCO Schedule of Changes

(Version 2)

Applicant: Norfolk Boreas Limited
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Deadline 1

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Photo: Ormonde Offshore Wind Farm

Norfolk Boreas Limited
Norfolk Boreas Offshore Wind Farm

Schedule of Changes to the draft DCO

Deadline 1

(25 November 2019)

Date	Issue No.	Reason for Issue	Author	Checked	Approved
15/11/19	01.	Draft for review	JT	VR/JL	JL
25/11/19	02	Final draft for submission	JT	VR/JL	JL

Schedule of changes to the draft Norfolk Boreas Offshore Wind Farm DCO

Ref.	DCO Ref.	Consultee	Comments from consultee (Rationale for the change)	Change made	DCO Version
Deadline 0 (4 November 2019)					
1.	Article 2 (Interpretations) Schedule 9-13 (Interpretations)	MMO	The MMO, in their relevant representation, questioned whether "scour protection" should be referred to as "equipment" in the definitions of "gravity base", "jacket foundation", "monopile foundation" and "tetrabase foundation". Accordingly, the Applicant has updated the definition to refer to materials and equipment.	<i>"gravity base" means a structure principally of steel, concrete, or steel and concrete which rests on the seabed either due to its own weight with or without added ballast or additional skirts and associated materials and equipment including scour protection, J-tubes, transition piece, corrosion protection systems, fenders and maintenance equipment, boat access systems, access ladders and access and rest platform(s) and equipment;</i> [The same change has been made to the respective definitions of "jacket foundation", "monopile foundation" and "tetrabase foundation".]	2
2.	Article 6(11)(c)	N/A	To correct an error as this drafting was previously placed beneath the wrong sub-paragraph at paragraph (10) rather than paragraph (11).	<i>(c) the transferee or lessee is a person within the same group as Vattenfall AB (publ) (a company incorporated in Sweden with Reg No. 556036-2138, whose registered office is SE-169 92 Stockholm, Sweden) under Section 1261 of the Companies Act 2006.</i>	2

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3.	Article 6(14)	N/A	The Applicant would not be in a position to provide a copy of the document effecting the transfer at the stage of consulting the Secretary of State under Article 6(3) given that, at this stage, the Applicant is consulting the Secretary of State prior to making an application for consent to the transfer of benefit. This change makes it clear that a copy of the transfer agreement will only be required where relevant.	(b) <i>where relevant, be accompanied by—</i> (i) where relevant , <i>a plan showing the works or areas to which the transfer or grant relates; and</i> (ii) <i>a copy of the document effecting the transfer or grant signed by the undertaker and the person to whom the benefit of the powers will be transferred or granted.</i>	
4.	Schedule 1, Part 3, 2(1)(d) Schedule 9, Part 4, 1(1)(d) Schedule 10, Part 4, 1(1)(d)	Various including NFFO, Natural England, and internal design	Updating of turbine spacing to align with commitments made by Norfolk Vanguard and to simplify the worst case scenario position in relation to ornithology and commercial fisheries.	(d) <i>be less than 7260 metres from the nearest wind turbine generator in either direction perpendicular to the approximate prevailing wind direction (crosswind) or be less than 7620 metres from the nearest wind turbine generator in either direction which is in line with the approximate prevailing wind direction (downwind);</i>	2
5.	Schedule 1, Requirement 5 Schedule 11-12, Condition 2 and 3(1)(f)	NE	To reflect commitment to reduce cable protection to 5% in the SAC.	5.— (1) <i>The total length of cables must not exceed 1,190 kilometres and the total length of cable trench within which the cables will be placed must not exceed 910 kilometres;</i> (2) <i>The total volume of cable protection must not exceed 321,436m³</i> (3) <i>The total area occupied by cable protection must not exceed 606,086m² ; and</i> (4) <i>The length of cables and volume and area of cable protection must not exceed</i>	

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				<p><i>the following parameters in respect of the corresponding Work Nos.—</i></p> <p>...</p> <p>2.</p> <p><i>Work No. 4A and 4B (export cable) 500 kilometres 76,436 m3 132,086 m2</i></p> <p>...</p> <p>3(1)</p> <p><i>(f) in the Haisborough, Hammond and Winterton Special Area of Conservation, the total area of cable protection must not exceed 532,000m2 and the total volume of cable protection must not exceed 320,800m3.</i></p>	
6.	Schedule 1, Requirement 9 Schedule 11-12, Condition 6	MMO	As a result of comments from the MMO's relevant representation.	<p>9.—(1) In relation to any offshore service platform, each foundation using piles must not have—</p> <p>(a) <i>more than six driven piles;</i></p> <p>(b) <i>in the case of two or more pile structures, have a pile diameter which is more than three metres.</i></p> <p>(2) In relation to an offshore service platform, the each foundation must not have a seabed footprint area (excluding scour protection) of greater than 7,500 m2.</p> <p>6.—(1) In relation to an offshore service platform, the each foundation using piles</p>	2

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				<p><i>must not have—</i></p> <p>(a) <i>more than six driven piles;</i></p> <p>(b) <i>a pile diameter which is more than three metres.</i></p> <p>(2) <i>In relation to an offshore service platform, the each foundation must not have a seabed footprint area (excluding scour protection) of greater than 7,500 m2.</i></p>	
7.	Schedule 1, Part 3 (16)	NCC	This requirement has been updated to require trenchless installation techniques under the A1067 in order to reflect traffic assessments and as a result of consultation with NCC.	<p>(13) <i>In the event of scenario 2, trenchless installation techniques must be used for the purposes of passing under—</i></p> <p>...</p> <p><u>(s) A1067 Road (Work No. 7)</u></p>	2
8.	Schedule 1, Part 3 (20)	Natural England	Updated as a result of consultation with Natural England and following Natural England's Relevant Representation.	<p>(1) <i>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, <u>and relevant statutory nature conservation body.</u></i></p>	2
9.	Schedule 1, Part 3 (24)	Natural England	This wording has been inserted to reflect discussions with Natural England and to signpost the mitigation measures required within the SPA.	<p><u>(4) Construction works within 5km of the Broadland Special Protection Area and Ramsar site must be carried out in accordance with the mitigation relating to onshore ornithology contained in section 10.3.1 to 10.3.2 of the outline landscape and ecological management strategy, which must be incorporated into the</u></p>	2

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				<u>ecological management plan.</u>	
10.	Schedule 1, Part 3 (26)	Examining Authority	This wording reflects changes from the Norfolk Vanguard dDCO submitted at Deadline 8 as a result of the Examining Authority's suggestions in the Schedule of Changes.	<u>(5) No crushing or screening works must take place at any time on any of the mobilisation areas, without the prior written consent of the relevant planning authority.</u>	2
11.	Schedules 9 – 13, Part 1 (Interpretations)	MMO / NE	This definition has been replicated from Article 2 of the DCOs into each DML following relevant representations from Natural England and the MMO. References to Natural England within the dDCO have also been updated to refer to the relevant statutory nature conservation body.	<u>"statutory nature conservation body" means an organisation charged by government with advising on nature conservation matters;</u>	2
12.	Schedule 9 – 10, Part 3, 1(d) and 2(2)(c) Schedule 11-13 Part 3, 1(d)	MMO	As a result of comments contained in the MMO's relevant representation.	<i>(d) the disposal of up to a total of [relevant figure for each Schedule]m³ of inert material of natural origin within the offshore Order limits produced during construction drilling or seabed preparation for foundation works and cable (including fibre optic cable) sandwave preparation works at disposal site references [XX] [XX] within the extent of the Order limits seaward of MHWS.</i>	2
13.	Schedule 9, Condition 9(9)	MMO	To ensure consistency across all DMLs and to reflect comments from the MMO's relevant representation.	<i>(9) The notices to mariners must be updated and reissued at weekly intervals during construction activities and at least five days before any planned operations and maintenance works and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction and monitoring</i>	

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				<i>programme approved under condition 14(1)(b). Copies of all notices must be provided to the MMO, MCA and UKHO within five days.</i>	
14.	Schedule 10 Condition 9(8) Schedule 11 Condition 4(8) Schedule 13 Condition 3(8)	MMO	To ensure consistency across all DMLs and to reflect comments from the MMO's relevant representation.	<i>(8) A notice to mariners must be issued at least ten days prior to the commencement of the licensed activities or any part of them advising of the start date of Work No. 1 (wind turbine generators or other offshore construction activities including array cables and fibre optic cables) and the expected vessel routes from the construction ports to the relevant location. Copies of all notices must be provided to the MMO, MCA and UKHO within five days.</i>	2
15.	Schedule 9-10, Condition 12(4) Schedule 11-12, Condition 7(4) Schedule 13, Condition 5(4).	MMO	As a result of comments from the MMO's relevant representation.	<i>(4) 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. In the event that no activity has taken place during the reporting period the undertaker must provide a null (0) return to the MMO.</i>	2
16.	Schedules 9 - 10, Part 4 (14)	MCA	This wording was agreed with the MCA during the Norfolk Vanguard examination and makes clear for the avoidance of doubt that MGN543 includes all its annexes.	<i>(ix) the proposed layout of all wind turbine generators (in accordance with the recommendations for layout contained in MGN543 and its annexes), accommodation platforms and</i>	2

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				<i>meteorological masts including any exclusion zones identified under sub-paragraph (1)(h)(iv);</i>	
17.	Schedule 9, Condition 15(7)	MMO	To address an inconsistency with the other DML schedules and to reflect a comment from the MMO in their relevant representation.	<i>(7) 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 following an appeal under sub-paragraph (6) above, unless otherwise agreed in writing by the MMO.</i>	2
18.	Schedules 9 - 10, Part 4 Condition 15(8) Schedules 11 - 12, Part 4 Condition 10(8)	MCA	This wording has been updated to reflect discussions with the MCA whilst maintaining consistency with the dDCO for Norfolk Vanguard.	<i>(8) No part of the authorised scheme may commence until the MMO, in consultation with the MCA, has given written approval of an Emergency Response Co-operation Plan (ERCoP) which includes details of the plan for emergency, response and co-operation for the authorised scheme in accordance with the MCA recommendations contained within MGN543 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” and has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the project, adequately addressed MCA recommendations as appropriate to the authorised scheme contained within MGN543 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” and its annexes. The ERCoP and associated</i>	2

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				guidance and requirements must be implemented as approved, unless otherwise agreed in writing by the MMO in consultation with the MCA.	
19.	Schedule 9-10, Condition 16 Schedule 11-12, Condition 11 Schedule 13, Condition 9	MMO	To reflect a request in the MMO's relevant representation.	Post-construction plans and documents <i>The undertaker must conduct a swath bathymetric survey to IHO S44ed5 Order 1a across the area(s) within the Order limits in which construction works were carried out and provide the data and survey report(s) to the MMO, MCA and UKHO.</i>	2
20.	Schedule 10, Condition 20(4)	MMO	Correction of a typographical error.	<i>(4) Following installation of cables (including fibre optic cables), the cable monitoring plan required and within 12 weeks of completion of impact pile driving, information on the locations under condition 14(1)(g)(iii) must be updated with the results of the post installation surveys. The plan must be implemented during the operational lifetime of the authorised scheme and reviewed as specified within the plan, following cable burial surveys, or as instructed by the MMO.</i>	2
21.	Schedule 11, Condition 12	N/A	To correct an error and ensure consistency with the other DMLs.	12. (1) The undertaker must provide the following information to the MMO— (a) the name and function of any agent or contractor appointed to engage in the licensed activities within seven days of appointment; and	

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				<p><i>(b) each week during the construction of the authorised scheme a completed Hydrographic Note H102 listing the vessels currently and to be used in relation to the licensed activities.</i></p> <p><i>(2) Any changes to the supplied details must be notified to the MMO in writing prior to the agent, contractor or vessel engaging in the licensed activities.</i></p> <p><i>12. The undertaker must conduct a swath bathymetric survey to IHO S44ed5 Order 1a across the area(s) within the Order limits in which construction works were carried out and provide the data and survey report(s) to the MCA and activities.</i></p>	
22.	Schedule 11-12, Part 4, Condition 19	Natural England	This wording has been inserted to reflect discussions with Natural England and to mitigate impact on red throated diver during cable installation. This is also consistent with the dDCO submitted for Norfolk Vanguard.	<p><u>19. Restriction on cable installation construction works</u></p> <p><i><u>During the months of January to March inclusive, construction activities consisting of cable installation for Work No. 4A and Work No. 4B must only take place with one main cable laying vessel.</u></i></p>	2
Deadline 1					
23.	Article 2 Schedule 17	ExA	Reference to 'Part' has been capitalised throughout where appropriate in response to comments from the ExA at ISH 1.	<p><i>“onshore transmission works” means Work Nos. 4C to 12B and any related further associated development in connection with those works and ancillary works described in Schedule 1 pPart 1 and Schedule 1 Ppart 2 respectively;</i></p>	3

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24.	Article 6	MMO	To correct a typographical error.	<p>(15) <i>The date specified under paragraph (1314)(a)(ii) must not be earlier than the expiry of five days from the date of the receipt of the notice.</i></p> <p>(16) <i>The notice given under paragraph (1314) must be signed by the undertaker and the person to whom the benefit of the powers will be transferred or granted as specified in that notice</i></p>	3
25.	Article 39	ExA	At ISH1 into the draft DCO, the ExA questioned whether the list of organisations in Article 39(1) should also include government departments and other organisations specified in the Requirements. The Applicant has amended the Article in order to cover any potential discharging bodies that are not covered by the list.	"39. (1) <i>Where an application is made to or request is made of the relevant planning authority, a highway authority, a street authority or the owner of a watercourse, sewer or drain, <u>or any other relevant discharging authority</u>, for any agreement or approval required or contemplated by any of the provisions of the Order, such agreement or approval must, if given, be given in writing and may not be unreasonably withheld."</i>	3
26.	Article 39(2) Schedule 16(4)	N/A	This Article has been updated to reflect an earlier omission. Schedule 16 paragraph 4 has also been updated in a similar manner.	(2) <i>Schedule 16 (procedure for discharge of requirements) has effect in relation to all agreements or approvals granted, refused or withheld in relation to requirements 13, 14, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, <u>32</u>, 33, 34 and 35 in Part 3 of Schedule 1 (requirements).</i>	3
27.	Schedule 1, Part 1 Authorised Development	ExA	In the Hearing Action Points from ISH1, published by the Planning Inspectorate on 14 November 2019,	<u>Associated Development</u> <u>And</u> <i>Associated development within the meaning of section 115(2) of the 2008 Act</i>	3

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28.			the ExA asked the Applicant to review the layout of the dDCO with a view to separating out Associated Development more clearly. The Applicant has introduced headings to clarify this Part accordingly.	<p>comprising—</p> <p><u>Further Associated Development</u></p> <p><u>And in</u> connection with Work Nos. 1 to 4B and 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 which fall within the scope of the work assessed by the environmental statement including—</p> <p>...</p> <p><u>and in</u> connection with such Work Nos. 4C to 12B...</p> <p><u>and in</u> the event of scenario 2, in connection with Work No. 11A and Work No. 11B...</p>	
29.		ExA	At ISH1 into the draft DCO, the ExA questioned whether the wording 'necessary or expedient' was required here. The Applicant considers that the wording in the preamble sets out the qualifying criteria for activities to be authorised and duplication at (p) is not therefore necessary. It is clear from the preamble text that any further associated development must fall within the scope of the work assessed by the Environmental Statement.	<p>(p) such other works, apparatus, plant and machinery of whatever nature as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised project.;</p>	3

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30.	Schedule 1, Part 3, Requirement 15	ExA	At the request of the ExA, the Applicant has updated the title of this Requirement.	Scenarios, and stages, and phases of authorised development onshore	3								
31.	Schedule 1, Part 3, Requirement 16	ExA	The Applicant has added wording to this Requirement to clarify that the relevant planning authority will have approved the details for the onshore project substation and the overhead line pylon works, in accordance with which construction works must be carried out.	<p>(3) The onshore project substation must be carried out constructed in accordance with the approved details approved by the relevant planning authority.</p> <p>12(b) the permanent replacement overhead line pylon works comprised in Work No. 11A must be carried out constructed in accordance with the details approved details by the relevant planning authority;</p>	3								
32.	Schedule 1, Part 3, Requirement 16	ExA	In the Hearing Action Points from ISH 1, the ExA asked the Applicant to consider how further clarity could be provided around maximum area of the temporary compound(s). The Applicant has updated Requirement 16 (Detailed design parameters onshore) accordingly.	<p>(15) The footprint of temporary works areas must not exceed the following parameters:</p> <table border="1"> <thead> <tr> <th>Temporary Work Area</th> <th>Maximum footprint (m²)</th> </tr> </thead> <tbody> <tr> <td>Mobilisation areas</td> <td>10,000 m² for each mobilisation area</td> </tr> <tr> <td>Trenchless crossing compounds (Scenario 2 only)</td> <td>7,500m² at each drill entry site and 5,000m² at each drill exit site</td> </tr> <tr> <td>Temporary landfall</td> <td>3,000 m² for each</td> </tr> </tbody> </table>	Temporary Work Area	Maximum footprint (m ²)	Mobilisation areas	10,000 m ² for each mobilisation area	Trenchless crossing compounds (Scenario 2 only)	7,500m ² at each drill entry site and 5,000m ² at each drill exit site	Temporary landfall	3,000 m ² for each	3
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				<p><i>compounds at Work No. 4C (up to two)</i></p> <p><i>Temporary construction compound associated with Work No. 8A and 8B.</i></p> <p><i>compound</i></p> <p><i>20,000 m²</i></p>	
33.	Schedule 1, Part 3, Requirement 17	ExA	At ISH 1, the Applicant agreed that the use of the word 'part' in Requirement 17 could be considered superfluous, and the Applicant has deleted reference to 'part' accordingly.	17. (1) No part of Works No. 4A, 4B or 4C may must not commence until a method statement for the construction of Works No. 4A, 4B and 4C has been submitted to and approved in writing by North Norfolk District Council in consultation with the relevant statutory nature conservation body.	3
34.	Schedule 1, Part 3, Requirement 18	ExA	At ISH 1 the ExA asked the Applicant to consider updating this Requirement to reflect additional detail from the OLEMS. The Applicant has updated Requirement 18 to reflect the OLEMS accordingly.	<p><i>(i) sustainable drainage measures integrated into the details of hard and soft landscaping works at the onshore project substation (Work No. 8B); and</i></p> <p><i>(j) guidance on the use of materials and colours relating to the design of the onshore project substation (Work No. 8A).</i></p>	3
35.	Schedule 1, Part 3, Requirement 20	N/A	This Requirement has been updated to correct an error and to ensure consistency with the defined term.	(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	3

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				<i>submitted to and approved by the relevant local planning authority</i>	
36.	Schedule 1, Part 3, Requirement 23			<i>(4) 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 <u>planning</u> local authority.</i>	3
37.	Schedule 1, Part 3, Requirement 24			<i>(3) Pre-commencement site clearance works must only take place in accordance with a specific ecological management plan for site clearance works which is in accordance with the relevant details for site clearance works set out in the outline landscape and ecological management strategy, and which has been submitted to and approved by the relevant <u>planning</u> local authority. The plan for site clearance works must be informed by post consent ecological surveying of previously un-surveyed areas for the relevant stage referred to in the plan.</i>	3
38.	Schedule 16(1)	ExA and NNDC	The list of Requirements in Schedule 16 has been updated to reflect an earlier omission.	<i>(1) Where an application has been made to a discharging authority for any agreement or approval required pursuant to requirements 13, 14, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, <u>32</u>, 33, and 34 and 35 in Part 3 of Schedule 1 (requirements) of this Order.</i>	3

