

Norfolk Boreas Offshore Wind Farm Schedule of Changes to the draft Development Consent Order (Version 5) (Clean)

Applicant: Norfolk Boreas Limited
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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 7

(31 March 2020)

Date	Issue No.	Reason for Issue	Author	Checked	Approved
25/03/2020	01.	Draft for review	JT	VR	JL
31/03/2020	02.	Final for submission	JT	VR	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

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 the following parameters in respect of the corresponding Work Nos.—</i> ...	

				<p>2. <i>Work No. 4A and 4B (export cable) 500 kilometres 76,436 m3 132,086 m2</i></p> <p>...</p> <p>3(1) <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.	<p>Schedule 1, Requirement 9</p> <p>Schedule 11-12, Condition 6</p>	MMO	<p>As a result of comments from the MMO's relevant representation.</p>	<p>9.—(1) <i>In relation to any offshore service platform, each foundation using piles must not have—</i></p> <p><i>(a) more than six driven piles;</i></p> <p><i>(b) in the case of two or more pile structures, have a pile diameter which is more than three metres.</i></p> <p><i>(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.</i></p> <p>6.—(1) <i>In relation to an offshore service platform, the each foundation using piles must not have—</i></p> <p><i>(a) more than six driven piles;</i></p> <p><i>(b) a pile diameter which is more than three metres.</i></p> <p><i>(2) In relation to an offshore service platform, the each foundation must not</i></p>	2

				have a seabed footprint area (excluding scour protection) of greater than 7,500 m2.	
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.	(13) <i>In the event of scenario 2, trenchless installation techniques must be used for the purposes of passing under—</i> ... <i>(s) A1067 Road (Work No. 7)</i>	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.	(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, and relevant statutory nature conservation body.</i>	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.	(4) <i>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 ecological management plan.</i>	2
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.	(5) <i>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.</i>	2
11.	Schedules 9 – 13, Part 1	MMO / NE	This definition has been replicated from Article 2 of the DCOs into each	<i>"statutory nature conservation body" means an organisation charged by</i>	2

	(Interpretations)		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>government with advising on nature conservation matters;</u>	
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 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)	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</i>	2

	Schedule 13 Condition 3(8)			<i>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>	
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 <u>and its annexes</u>), accommodation platforms and meteorological masts including any exclusion zones identified under sub-paragraph (1)(h)(iv);</i>	2
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 <u>approved</u> plans, protocols, statements, schemes and details approved under condition 14 or <u>deemed to be</u> 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.	<p><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 guidance and requirements must be implemented as approved, unless otherwise agreed in writing by the MMO in consultation with the MCA.</i></p>	2
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.	<p>Post-construction plans and documents</p> <p><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></p>	2

20.	Schedule 10, Condition 20(4)	MMO	Correction of a typographical error.	<p><i>(4) Following installation of cables (including fibre optic cables), the cable monitoring plan required und 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></p>	2
21.	Schedule 11, Condition 12	N/A	To correct an error and ensure consistency with the other DMLs.	<p><i>12. (1) The undertaker must provide the following information to the MMO—</i></p> <p><i>(a) the name and function of any agent or contractor appointed to engage in the licensed activities within seven days of appointment; and</i></p> <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.	<u>19. Restriction on cable installation construction works</u> <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>	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.	<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>	3
24.	Article 6	MMO	To correct a typographical error.	<i>(15) 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. (16) 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>	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.	<i>“39. (1) 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</i>	3

				<i>must, if given, be given in writing and may not be unreasonably withheld."</i>	
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.	<i>(2) 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, 32, 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, 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.	<u>Associated Development</u> <u>And</u> <i>Associated development within the meaning of section 115(2) of the 2008 Act comprising—</i>	3
28.				<u>Further Associated Development</u> <u>And</u> <i>In 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—</i> ... <u>and in</u> <i>connection with such Work Nos. 4C to 12B...</i> <u>and in</u> <i>the event of scenario 2, in connection with Work No. 11A and Work No. 11B...</i>	

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.	<i>(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.;</i>	3				
30.	Schedule 1, Part 3, Requirement 15	ExA	At the request of the ExA, the Applicant has updated the title of this Requirement.	Scenarios, <i>and</i> stages, and <i>phases</i> 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.	<i>(3) The onshore project substation must be carried-out constructed in accordance with the approved details approved by the relevant planning authority.</i> <i>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;</i>	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.	<i>(15) The footprint of temporary works areas must not exceed the following parameters:</i> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: left;"><i>Temporary Work Area</i></th> <th style="text-align: left;"><i>Maximum footprint (m²)</i></th> </tr> </thead> <tbody> <tr> <td><i>Mobilisation areas</i></td> <td><i>10,000 m² for each</i></td> </tr> </tbody> </table>	<i>Temporary Work Area</i>	<i>Maximum footprint (m²)</i>	<i>Mobilisation areas</i>	<i>10,000 m² for each</i>	3
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				<p><i>mobilisation area</i></p> <p><i>Trenchless crossing compounds (Scenario 2 only)</i></p> <p><i>7,500m² at each drill entry site and 5,000m² at each drill exit site</i></p> <p><i>Temporary landfall compounds at Work No. 4C (up to two)</i></p> <p><i>3,000 m² for each compound</i></p> <p><i>Temporary construction compound associated with Work No. 8A and 8B.</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 <i>must not</i> 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.	<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>	3

				<i>(j) guidance on the use of materials and colours relating to the design of the onshore project substation (Work No. 8A).</i>	
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.	<i>(4) Pre-commencement screening, fencing and site security works must only take place in accordance with a specific plan for such pre-commencement works which must accord with the relevant details for screening, fencing and site security set out in the outline code of construction practice, and which has been submitted to and approved by the relevant local planning authority</i>	3
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 planning 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 planning local authority. The plan for site clearance works must be informed by post consent ecological surveying of previously un-</i>	3

				surveyed areas for the relevant stage referred to in the plan.	
38.	Schedule 16(1)	ExA and NNDC	The list of Requirements in Schedule 16 has been updated to reflect an earlier omission.	(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.	3
Deadline 4 (30 January 2020)					
39.	Article 2, Interpretation	ExA	At the hearing into onshore matters held on 21 January 2020, the ExA asked for clarity on the buildings connected to the onshore project substation. The Applicant has therefore inserted a new definition for converter building at Article 2 and referred to converter building in Requirement 16.	<i>"converter building means the building housing the principal electrical equipment comprised in Work No.8A"</i>	4
40.	Article 2, Interpretation Schedules 9 – 12, Part 1	N/A	To correct a typographical error and make alphabetical.	<i><u>"HAT" means highest astronomical tide;</u></i>	4
41.	Article 2	N/A	To reflect an update requested by the Secretary of State to the Norfolk Vanguard application and to link with the amendment made to Requirement 21.	<i>"Hornsea Project 3" means the project authorised pursuant to the Hornsea Three Offshore Wind Farm Order 20[X];</i>	4
42.	Article 2, Interpretation Schedule 17, Part 7	Environment Agency	To address a request from the Environment Agency.	<i><u>"main river" has the same meaning as in is the Water Resources Act 1991(b)</u></i> <i>[Footnote]</i>	4

				<u>(b) "main river" is defined in section 113</u>	
43.	Article 2, Interpretation	N/A	To address a question raised through the agenda issued on 14 January 2020 and reflect the definition in the ES.	<u>"noise sensitive location" means the location of the relevant Receptor Identifier SSR1–SSR11 from Table 25.27, Chapter 25 of the environmental statement;</u>	4
44.	Article 6(16)	N/A	To correct a cross-referencing error.	<i>(16) The notice given under paragraph (14 13) 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>	4
45.	Article 7	Environment Agency	The Applicant has updated this Article and the relevant footnote in accordance with the most up to date statutory regime and following further consultation with the Environment Agency.	<i>(a) the Environmental Permitting (England and Wales) Regulations 2016 (c), to the extent that they require a permit for anything that would have required consent made under section 109 of the Water Resources Act 1991 immediately before the repeal of that section;</i>	4
46.	Article 15	EA	Made in response to further consultation with the Environment Agency and following their response to the ExA's first written questions.	<u>(6) This article does not authorise the entry into controlled waters of any matter whose entry or discharge into controlled waters is prohibited by regulation 12 of the 2016 Regulations Nothing in this article overrides the requirement for an environmental permit under Regulation 12(1)(b) of the 2016 Regulations insofar as the discharge activity comes within the definition contained within the 2016 Regulations.</u>	4
47.	Requirement 5	MMO	This condition has been updated following correspondence with the MMO and the equivalent changes	<i>The total length of the cables and the area and volume of their cable protection <u>must not exceed the individual distributions set out in Table 2 of the outline scour</u></i>	4

	Schedules 9 - 10, Part 4, Condition 3 Schedule 11 - 12, Part 4, Condition 2 Schedule 13, Part 4, Condition 2		have been made in the appropriate conditions of the DMLs.	<u>protection and cable protection plan and must not exceed the following—</u>	
48.	Requirement 11 Schedules 9 - 10, Part 4, Condition 8 Schedule 11 - 12, Part 4, Condition 3	MMO	This condition has been updated following correspondence with the MMO, and the equivalent changes have been made in the appropriate conditions of the DMLs.	<i>The total amount of scour protection for the wind turbine generators, offshore service platform, meteorological masts, offshore electrical platforms and LIDAR measurement buoys forming part of the authorised project must not exceed 27,369,513m3 or 5,473,903m2 <u>and must not exceed the distributed quantities of scour protection set out in Table 1 of the outline scour protection and cable protection plan;</u></i>	4
49.	Requirement 16	ExA	At the hearing into onshore matters held on 21 January 2020, the ExA asked for clarity on the buildings housing the principal electrical equipment. The Applicant has therefore inserted a new definition for converter building at Article 2 and referred to converter building(s) in Requirement 16.	16.—(1) <i>The total number of converter buildings housing the principal electrical equipment for the onshore project substation comprised in Work No. 8A must not exceed two.</i> (2) <i>Construction works for the onshore project substation buildings 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.</i> ... (5) <i>Buildings (including the converter buildings) comprised in Work No. 8A must</i>	4

				<p>not exceed a height of 19 metres above existing ground level and external electrical equipment comprised in Work No. 8A must not exceed a height of 25 metres above existing ground level.</p> <p>(6) The total footprint of each <i>converter building housing the principal electrical equipment for the onshore project substation comprised in Work No. 8A</i> must not exceed 110 metres by 70 metres.</p>	
50.	Requirement 21	Secretary of State	As a result of a suggested addition from the Secretary of State for the Norfolk Vanguard applicant within a letter dated 6 December 2019.	<p><i>(4) In circumstances where the Hornsea Project 3 Development Consent Order is made and development of Hornsea Project 3 commences, and notwithstanding the requirement of subparagraph (a) of paragraph (1) above, the traffic management plan shall include, in respect of Link 34 as referred to in Chapter 24 of the environmental statement, revised details of a scheme of traffic mitigation which shall be submitted to, and approved in writing by, the relevant planning authority, in consultation with the highway authority.</i></p>	4
51.	Requirement 26	Secretary of State	As a result of a suggested addition from the Secretary of State for the Norfolk Vanguard applicant within a letter dated 6 December 2019, and to reflect the intention of the Applicant.	<p><i>(4) Save for emergency works, the timing and duration full details, including but not limited to type of activity, vehicle movements and type, timing and duration and any proposed mitigation, of all essential construction activities under paragraph (2) and undertaken outside of the hours specified in paragraph (1) must be agreed with the relevant planning authority in writing in advance, and must be carried out within the agreed time.</i></p>	4

52.	Requirement 27	Secretary of State	As a result of a suggested addition from the Secretary of State for the Norfolk Vanguard applicant within a letter dated 6 December 2019.	<p>Control of noise during operational phase and during maintenance</p> <p>27—(1) <i>The noise rating level for the use of Work No. 8A and during maintenance must not exceed 35dB L_{Aeq} (5 minutes) at any time at a free field location immediately adjacent to any noise sensitive location.</i></p> <p>(2) <i>The noise rating level for the use of Work No. 8A and during maintenance must not exceed 32 dB L_{Leq} (15 minutes) in the 100Hz third octave band at any time at a free field location immediately adjacent to any noise sensitive location.</i></p> <p>(3) <i>Work No. 8A must not commence operation until a scheme for monitoring compliance with the noise rating levels set out in paragraphs (1) and (2) above has been submitted to and approved by the relevant planning authority. The scheme must include identification of suitable monitoring locations (and alternative surrogate locations if appropriate) and times when the monitoring is to take place to demonstrate that the noise levels have been achieved after both initial commencement of operations and six months after Work No. 8A is at full operational capacity. Such measurements must be submitted to the relevant planning authority no later than 28 days following completion to confirm the rating level of operational noise emissions do not exceed the levels specified in subparagraphs (1) and (2), including details of any remedial works and a programme of implementation should the emissions exceed the stated levels.</i></p>	4
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				<i>(4) The monitoring scheme must be implemented as approved.</i>	
53.	Schedules 9-10, Condition 9(12), Schedules 11-12, Condition 4(12) Schedules 13, Condition 3(12)	Secretary of State	As a result of a suggested addition from the Secretary of State for the Norfolk Vanguard applicant within a letter dated 6 December 2019, and following representations from the MMO and MCA.	<i>(12) In case of exposure of cables on or above the seabed, the undertaker must within five three days following the receipt by the undertaker of the final survey report from the periodic burial survey, notify mariners by issuing a notice to mariners and by informing Kingfisher Information Service of the location and extent of exposure. Copies of all notices must be provided to the MMO and MCA within five three days.</i>	4
54.	Schedules 9 – 10, Part 4, Condition 14(1)(h) Schedules 11-12, Part 4, Condition 9(1)(h) Schedule 13, Part 4, Condition 7(1)(h)	ExA, MMO, Historic England	This amendment was proposed by Applicant and agreed with the MMO and Historic England to address any WSI investigations in the intertidal area.	<i>(h) An archaeological written scheme of investigation in relation to the offshore Order limits seaward of mean low high water , which must accord with the outline written scheme of investigation (offshore) and industry good practice, in consultation with the statutory historic body to include—</i>	4
55.	Schedules 9 - 10, Part 4, Condition 14(3) Schedule 11-12, Part 4, Condition 9(3)	MMO	This condition has been updated for clarity following correspondence with the MMO.	<i>(3) In the event that driven or part-driven pile foundations are proposed to be used, the hammer energy used to drive or part-drive the pile foundations must not exceed <u>(a) 5,000kJ in respect of monopole foundations; and</u> <u>(b) 2,700kJ in respect of pin piles.</u></i>	4

56.	<p>Schedule 9-10, Condition 20(2)(a)</p> <p>Schedule 11-12, Condition 15(2)(a)</p> <p>Schedule 13, Condition 13(2)(a)</p>	NE	<p>To reflect comments from Natural England although noting that Natural England requested "appropriate surveys" but the Applicant needs to cover the eventuality whereby it is only necessary or 'appropriate' to carry out one survey. The wording however requires at least ("but not limited to") a survey and is not limited to one survey.</p>	<p>(2) <i>The post-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed with the MMO, have due regard to, but not be limited to, the need to undertake—</i></p> <p>(a) <i>an appropriate survey to determine any change in the location, extent and composition of any benthic habitats of conservation, ecological and/or economic importance constituting Annex 1 reef habitats identified in the pre-construction survey in the parts of the Order limits in which construction works were carried out. The survey design must be informed by the results of the pre-construction benthic survey</i></p>	4
57.	<p>Schedule 9 – 10, Part 4, Condition 22</p> <p>Schedule 11 - 12, Part 4, Condition 17</p>	MMO	<p>This condition has been updated to include scour protection reporting following representations and correspondence with the MMO.</p>	<p><i>Reporting of <u>scour and</u> cable protection 22.—(1) Not more than 4 months following completion of the construction phase of the authorised scheme, the undertaker must provide the MMO and the relevant statutory nature conservation bodies with a report setting out details of the cable protection <u>and scour protection</u> used for the authorised scheme.</i></p> <p><i>(2) The report must include the following information—</i></p> <p>(a) <i>location of the cable protection <u>and scour protection</u>;</i></p> <p>(b) <i>volume of cable protection <u>and scour protection</u>; and</i></p> <p>(c) <i>any other information relating to the cable protection as agreed between the MMO and the undertaker.</i></p>	4

58.	Schedules 9 – 13, Part 5 (1)	N/A	The Applicant has reviewed reference to the word "shall" and, where appropriate, has removed or replaced reference to shall.	1. Where the MMO refuses an application for approval under condition 14 and notifies the undertaker accordingly, or fails to determine the application for approval in accordance with condition 15 the undertaker may by notice appeal against such a refusal or non-determination and the 2011 Regulations shall apply subject to the modifications set out in paragraph 2 below.	4
59.	Schedule 11-12, Part 1	N/A	To correct a typographical error and make alphabetical.	<p><i>“offshore electrical platform” means a platform attached to the seabed by means of a foundation, with one or more decks, whether open or fully clad, accommodating electrical power transformers, switchgear, instrumentation, protection and control systems and other associated equipment and facilities to enable the transmission of electronic communications and for electricity to be collected at, and exported from, the platform;</i></p> <p><i>“offshore in principle monitoring plan ” means the document certified as the offshore in principle monitoring plan by the Secretary of State for the purposes of this Order;</i></p> <p><i>“offshore Order limits” means the limits shown on the works plan within which the authorised scheme may be carried out, whose grid coordinates are set out in Part 2 of this licence;</i></p>	4
60.	Schedule 17, Part 7	Environment Agency	Reference to 'relevant' has been included within the Protective Provisions to reflect that the definition of "drainage authority" covers both	<i>the relevant drainage authority</i>	4

			drainage boards and the Environment Agency.		
Deadline 5 (26 February 2020)					
61.	Part 1, Article 2(1)	ExA	Wording removed to reflect the amends to Requirement 21, as explained further in response to the ExA's Written Question 14.1.5.	"Hornsea Project 3" means the project authorised pursuant to the Hornsea Three Offshore Wind Farm Order 20[X]; "Hornsea Project 3 Development Consent Order" means the Hornsea Three Offshore Wind Farm Order 20[X];	5
62.	Part 1, Article 2(1)	ExA	In response to the ExA's Written Question 2.5.1.4, the Applicant has amended the definition of 'onshore decommissioning plan' as Work No. 4B is the intertidal area.	"onshore decommissioning plan means a plan to decommission Work No. 4B-4C to Work No. 12B which includes a programme within which any works of decommissioning must be undertaken"	5
63.	Part 1, Article 2(1)	ExA	To reflect comments from the ExA pursuant to Written Question 2.5.1.5.	"stage" means a defined stage of the authorised development, as described in a scheme submitted to the relevant planning authority pursuant to Requirement 15;	5
64.	Article 37	ExA	To reflect comments from the ExA and to provide a mechanism to secure the versions of each control document and environmental statement document at the end of the examination, as explained further in response to WQ 2.5.1.1.	(1) The undertaker must, as soon as practicable after the making of this Order, submit to the Secretary of State copies of the documents listed in Schedule 18 (Documents to be certified) following for certification that they are true copies of the documents referred to in this Order	5
65.	Schedule 1, Part 1, paragraph 1(a) Schedule 1, Part 3, Requirement 3(1)	Various including NE and RSPB	As a further mitigation measure, the Applicant has reduced the maximum number of wind turbine generators forming part of the authorised project from 180 to 158.	Schedules 1, 9 and 10 have been amended to refer to 'up to 180 158 wind turbine generators'. All provisions in Schedules 1, 9 and 10 stating that the total number of wind turbine	5

	Schedule 9 -10 Part 3, Paragraph 2(1)(a) Schedule 9 -10 Part 4, Condition 8(1)(b)			generators 'must not exceed 180' have been updated to 'must not exceed 180 158.'	
66.	Schedule 1, Part 1 (Further Associated Development)	Natural England and various stakeholders	As a result of ongoing discussions with the MMO and Natural England, the Applicant has amended the Project envelope and 11.55MW turbines are now the smallest in the envelope. The Applicant has updated the relevant figures in the DCO and DMLs accordingly.	(c) <i>the removal of material from the seabed required for the construction of Work Nos. 1 to 4B and the disposal of up to a total of 48,692,242 48,573,890m³ in the event of scenario 1, or 45,092,242 44,973,890m³ in the event of scenario 2, 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>	5
67.	Schedule 1, Requirement 2(1)(d) Condition 1(1)(d), Schedules 9 and 10.	Natural England and various stakeholders	As a result of ongoing discussions with the MMO and Natural England, the Applicant has amended the Project envelope and 11.55MW turbines are now the smallest in the envelope. The Applicant has updated the relevant spacing in the DCO and DMLs accordingly.	(1) <i>Subject to paragraph (2), any wind turbine generator forming part of the authorised project must not— ...</i> (d) <i>be less than 769 800 metres from the nearest wind turbine generator in either direction perpendicular to the approximate prevailing wind direction (crosswind) or be less than 769 800 metres from the nearest wind turbine generator in either direction which is in line with the approximate prevailing wind direction (downwind);</i>	5

68.	Schedule 1, Requirement 2(1)(e) Condition 1(1)(e), Schedule 9-10.	Natural England and various stakeholders	As a result of ongoing discussions with Natural England, and in order to provide further mitigation, the Applicant has agreed to further increase the minimum draught height.	<p>(e) have a draught height of less than 227 metres from MHWS which is less than the minimum draught height specified for the relevant wind turbine generator capacity in the table below—</p> <table border="1" data-bbox="1189 363 1688 719"> <thead> <tr> <th data-bbox="1189 363 1451 507">Wind Turbine Generator Capacity</th> <th data-bbox="1451 363 1688 507">Minimum draught height</th> </tr> </thead> <tbody> <tr> <td data-bbox="1189 507 1451 632">Up to and including 14.6MW</td> <td data-bbox="1451 507 1688 632">35m from MHWS</td> </tr> <tr> <td data-bbox="1189 632 1451 719">14.7 MW and above</td> <td data-bbox="1451 632 1688 719">30m from MHWS</td> </tr> </tbody> </table>	Wind Turbine Generator Capacity	Minimum draught height	Up to and including 14.6MW	35m from MHWS	14.7 MW and above	30m from MHWS	5
Wind Turbine Generator Capacity	Minimum draught height										
Up to and including 14.6MW	35m from MHWS										
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69.	Schedule 1, Requirement 5 Schedules 9 and 10, Part 4, Condition 3 Schedules 11 and 12, Part 4, Condition 2	Natural England and various stakeholders	As a result of ongoing discussions with the MMO and Natural England, the Applicant has amended the Project envelope and 11.55MW turbines are now the smallest in the envelope. The Applicant has updated the relevant figures in the DCO and DMLs accordingly.	<p>5.—(1) 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;</p> <p>(2) The total volume of cable protection must not exceed 321,436 315,436m³</p> <p>(3) The total area occupied by cable protection must not exceed 606,086 594,086m²; and</p> <p>(4) The length of cables and volume and area of cable protection must not exceed the individual distributions set out in Table 2 of the outline scour protection and cable protection plan and must not exceed the following parameters in respect of the corresponding Work Nos.—</p>	5						

				Work	Cable Protection (m3)	Cable Protection (m2)	
				Work No. 1	204,000 198,500 m3	400,000 389,000 m2	
70.	Schedule 1, Requirement 11	Natural England and various stakeholders	As a result of ongoing discussions with the MMO and Natural England, the Applicant has amended the Project envelope and 11.55MW turbines are now the smallest in the envelope. The Applicant has updated the relevant figures in the DCO and DMLs accordingly.	11. The total amount of scour protection for the wind turbine generators, offshore service platform, meteorological masts, offshore electrical platforms and LIDAR measurement buoys forming part of the authorised project must not exceed 27,369,513 25,934,269 m ³ or 5,473,903 5,186,854 m ² and must not exceed the distributed quantities of scour protection set out in Table 1 of the outline scour protection and cable protection plan.		5	
71.	Schedule 1, Requirement 19	ExA	The Applicant has amended its description of the approval process for selecting replacement trees of a different species, to reflect comments from the ExA in response to Written Question 2.5.3.7.	(2) Any tree or shrub planted as part of an approved landscaping management scheme that, within a period of five years after planting is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless a different species is otherwise agreed in writing approved by with the relevant planning authority.		5	
72.	Schedule 1, Requirement 21	ExA	In response to the ExA's Written Question 2.14.1.5.	(4) The traffic management plan referred to at sub-paragraph (1)(a) must include the final detailed scheme of traffic mitigation for impacts of the authorised		5	

				<p><i>development alone, and any relevant cumulative impacts identified, in respect of Link 34 as referred to in Chapter 24 of the environmental statement (Link 34). The final scheme must be approved in writing by the relevant planning authority in consultation with the highway authority.</i></p> <p><i>(4) In circumstances where the Hornsea Project 3 Development Consent Order is granted and development of Hornsea Project 3 commences, and notwithstanding the requirement of subparagraph (a) of paragraph (1) above, the traffic management plan shall include, in respect of Link 34 as referred to in Chapter 24 of the environmental statement, revised details of a scheme of traffic mitigation which shall be submitted to, and approved in writing by, the relevant planning authority, in consultation with the highway authority.</i></p>	
73.	Schedule 1, Requirement 25	ExA	This requirement has been updated for clarity, to address a further written question raised by the ExA (WQ 2.5.3.2).	<p><i>(3) Unless otherwise permitted under paragraph (1), throughout the period of construction of the onshore transmission works, all ditches, watercourses, field drainage systems and culverts must be maintained such that the flow of water is not impaired or the drainage onto and from adjoining land is not rendered less effective.</i></p>	5
74.	Schedule 1, Requirement 30	ExA	As per the response to the ExA's Written Question 2.5.3.7, the Applicant has amended 'another person' to 'any other relevant discharging authority' for reasons of clarity.	<p><i>30. Where under any of the above requirements the approval or agreement of the Secretary of State, the relevant planning authority or any other relevant discharging authority another person is required, that approval or agreement must be given in writing.</i></p>	5

75.	Schedule 1, Requirement 31	ExA	As per the response to the ExA's Written Question 2.5.3.7, the Applicant has amended 'another person' to 'any other relevant discharging authority' for reasons of clarity.	<p>31. (1) <i>With respect to any requirement which requires the authorised project to be carried out in accordance with the details approved by the relevant planning authority or any other relevant discharging authority another person, the approved details must be carried out as approved unless an amendment or variation is previously agreed in writing by the relevant planning authority or any other relevant discharging authority that other person in accordance with paragraph (2).</i></p> <p>(2) <i>Any amendments to or variations from the approved details must be in accordance with the principles and assessments set out in the environmental statement. Such agreement may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the relevant planning authority or that other person relevant discharging authority that the subject matter of the agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.</i></p> <p>(3) <i>The approved details must be taken to include any amendments that may subsequently be approved in writing by the relevant planning authority or that other relevant discharging authority person.</i></p>	5
76.	Schedules 9 and 10, Part 3, Paragraph	Natural England and	As a result of ongoing discussions with the MMO and Natural England, the Applicant has amended the	... the disposal of up to a total of 37,817,212 37,698,890 m3 of inert	5

	1(1)(d) and 2(2)(c) Schedules 9 and 10, Part 4, Condition 8(1)(h)	various stakeholders	Project envelope and 11.55MW turbines are now the smallest in the envelope. The Applicant has updated the relevant figures in the DCO and DMLs accordingly.	<i>material of natural origin within the offshore Order limits</i>	
77.	Schedule 9 -10, Part 3, Paragraph 1(d)(ii)	Natural England and various stakeholders	As a result of ongoing discussions with the MMO and Natural England, the Applicant has amended the Project envelope and 11.55MW turbines are now the smallest in the envelope. The Applicant has updated the relevant figures in the DCO and DMLs accordingly.	1,767,146 1,648,824 m ³ for the wind turbine generators	5
78.	Schedules 9 and 10, Part 3, Condition 8(1)(g)	Natural England and various stakeholders	As a result of ongoing discussions with the MMO and Natural England, the Applicant has amended the Project envelope and 11.55MW turbines are now the smallest in the envelope. The Applicant has updated the relevant figures in the DCO and DMLs accordingly.	(g) the total amount of scour protection for the wind turbine generators, offshore service platform, meteorological masts and measurement buoys forming part of the authorised scheme must not exceed 27,269,513 25,834,269 m ³ and 5,166,854 5,453,903 m ² and must not exceed the distributed quantities of scour protection set out in Table 1 of the outline scour protection and cable protection plan;	5
79.	Schedules 9 and 10, Part 3, Condition 9(12) Schedules 11 and 12, Part 4, Condition 4(12)	MCA	Following the SoS letter on Norfolk Vanguard and following discussion and agreement with the MCA	(12) In case of exposure of cables on or above the seabed, the undertaker must within three days following identification of a potential cable exposure, the receipt by the undertaker of the final survey report from the periodic burial survey, notify mariners by issuing a notice to mariners and by informing Kingfisher Information Service of the location and extent of exposure. Copies of all notices must be	5

	Schedule 13, Part 4, Condition 3(12)			<i>provided to the MMO and MCA within three five days.</i>	
80.	Schedules 9 and 10, Part 4, Condition 14(1)(d)(vi)	N/A	This wording reflects changes from the Norfolk Vanguard dDCO submitted at Deadline 9, and as requested by Natural England.	<i>(vi) procedures to be adopted followed within vessels transit corridors to minimise disturbance to red-throated diver during operation and maintenance activities.</i>	5
81.	Schedules 9 and 10, Part 4, Condition 14(1)(l)	Natural England	This wording reflects discussions with Natural England and agreement in relation to the timing for submission of ornithological monitoring.	<i>(l) An ornithological monitoring plan setting out the aims, objectives and methods for ornithological monitoring as agreed in consultation with the MMO and relevant statutory nature conservation bodies and in accordance with the offshore in principle monitoring plan. In relation to ornithological monitoring— (i) an outline plan setting out the aims, objectives and timing for ornithological monitoring which must be submitted to the MMO (in consultation with the relevant statutory nature conservation body) at least four months prior to the first pre-construction survey (as referred to in Condition 14(1)(b)(aa)), and (ii) an ornithological monitoring plan setting out the methods for ornithological monitoring which must be submitted to the MMO (in consultation with the relevant statutory nature conservation body) in accordance with the details and timescales approved pursuant to the outline plan referred to in sub-paragraph (i).</i>	5

82.	Schedule 16, Part 7, 71(3)	The Environment Agency	This wording has been updated for clarity, as requested by the Environment Agency.	<i>(c) may be given subject to such reasonable requirements as the relevant drainage authority may make for the protection of any drainage work or, where the drainage authority is the Environment Agency also, for the protection of water resources for the prevention of pollution or in the discharge of its environmental duties.</i>	5
83.	Schedule 18	N/A	To reflect comments from the ExA and to provide a mechanism to secure the versions of each control document and environmental statement document at the end of the examination.	Whole schedule inserted to list out documents from Article 37 to be certified.	5
Deadline 7 (31 March 2020)					
84.	Article 2(1) Schedule 11-12, Part 1, Paragraph 1(1)	Natural England and the MMO	To reflect optionality introduced following discussions with Natural England and the MMO to align with Condition 9(1)(m) of the Transmission DMLs (Schedule 11-12). This is in square brackets and one of the options will need to be removed from the final Order subject to the Secretary of State's decision.	<i>["outline Norfolk Boreas Haisborough, Hammond and Winterton Special Area of Conservation site integrity plan" means the document certified as the outline Norfolk Boreas Haisborough, Hammond and Winterton Special Area of Conservation Site Integrity plan by the Secretary of State for the purposes of this Order]; [OR] ["outline Norfolk Boreas, Haisborough, Hammond and Winterton Special Area of Conservation Cable Specification Installation and Monitoring Plan" means the document certified as the outline Norfolk Boreas Haisborough, Hammond and Winterton Special Area of Conservation Cable Specification, Installation and Monitoring Plan by the Secretary of State for the purposes of this Order];</i>	6

85.	Article 27(12)	NNDC	To reflect an agreed position with NNDC to secure temporary rights (to avoid the undertaker using permanent rights unnecessarily) for maintenance of trees, hedges, and shrubs for 10 years in the district of North Norfolk.	(12) In this article “the maintenance period” means— (a) for the district of North Norfolk, the period referred to in requirement 19(2) in relation to the maintenance of landscaping; (b) in relation to any other part of the authorised project, means the period of 5 years beginning with the date on which the authorised project first exports electricity to the national electricity transmission network.	6
86.	Article 44	ExA	The Applicant maintains that there will be no AEol on any European site, particularly in light of the commitment to additional mitigation measures. However, without prejudice to the Applicant’s position regarding no AEol, the Applicant has provided the assessment of alternative solutions and IROPI in the HRA Derogation Provision of Evidence (document reference ExA.Dero.D7.V1). This drafting is in square brackets and will need to be removed from the final Order in the event the Secretary of State does not consider compensation to be necessary.	[Compensation to protect the coherence of the Natura 2000 network 44. Schedule 19 (compensation to protect the coherence of the Natura 2000 network) has effect.]	6
87.	Schedule 1, Requirement 15	ExA	In response to the ExA's third written questions Q3.5.3.1 in order to provide flexibility for sequential post-consent approvals for stages.	(3) The onshore transmission works may not be must commenced until notification has been submitted to the relevant planning authority:	6

				<p>(a) as to whether the undertaker intends to commence scenario 1 or scenario 2; and</p> <p>(b) detailing whether the onshore transmission works will be constructed in a single onshore phase or in two onshore phases.</p> <p>(4) The onshore transmission works must may not be commenced until a written scheme setting out the stages of the onshore transmission works for the relevant onshore phase has been submitted to the relevant planning authority, which scheme may subsequently be amended from time to time as notified to the relevant planning authority.</p>	
88.	Schedule 1, Part 3 Requirement 19	NNDC	To reflect an agreed position with NNDC in relation to the maintenance period for trees, shrubs, and hedges in the district of North Norfolk in view of the challenging soil conditions.	<p>19.—(1) All landscaping works must be carried out in accordance with the landscaping management schemes approved under requirement 18 (provision of landscaping), and in accordance with the relevant recommendations of appropriate British Standards.</p> <p>(2) Any tree, hedge, or shrub planted within the district of North Norfolk as part of an approved landscaping management scheme that, within a period of ten years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless a different species is otherwise approved by the relevant planning authority.</p>	6

				<i>(3) Any other tree, hedge or shrub planted as part of an approved landscaping management scheme that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless a different species is otherwise approved by the relevant planning authority</i>	
89.	Schedule 1, Part 3 Requirement 21	ExA	In response to third round of written questions Q3.14.1.7.	<i>(4) The traffic management plan referred to at sub-paragraph (1)(a) must include the final detailed scheme of traffic mitigation for impacts of the authorised development alone, and any relevant cumulative impacts identified, in respect of Link 34 as referred to in Chapter 24 of the environmental statement (Link 34). The final scheme must be approved in writing by the relevant planning authority in consultation with the highway authority.</i>	6
90.	Schedule 9-10, Part 3, Paragraph 1(d)	The MMO	Updating of disposal site reference following confirmation from the MMO.	<i>(d) the disposal of up to a total of 37,698,890 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 reference HU217 within the extent of the Order limits seaward of MHWS, comprising</i>	6
91.	Schedule 9-10, Part 4, Condition 12(5)	The MMO	Updating of disposal site reference following confirmation from the MMO.	<i>(5) The undertaker must ensure that only inert material of natural origin, produced during the drilling installation of or seabed preparation for foundations, and drilling</i>	6

				<i>mud is disposed of within disposal site references HU217 within the extent of the Order limits seaward of MHWS. Any other materials must be screened out before disposal of the inert material at this site.</i>	
92.	Schedule 9-10, Condition 14(1)(l)	The MMO	Following discussions with the MMO, the Applicant has agreed to update this wording for clarity.	<p><i>(l) In relation to ornithological monitoring—</i></p> <p><i>(i) an outline plan setting out the aims, objectives and timing for ornithological monitoring which must be submitted to the MMO (in consultation with the relevant statutory nature conservation body) at least four months prior to the first pre-construction survey (as referred to in Condition 14(1)(b)(aa)), and</i></p> <p><i>(ii) an ornithological monitoring plan setting out the methods for ornithological monitoring which must be submitted to the MMO (in consultation with the relevant statutory nature conservation body) in accordance with the details and timescales approved pursuant to the outline plan referred to in sub-paragraph (i).</i></p>	6
93.	Schedule 9-10, Condition 15(8) Schedule 11-12, Condition 10(8)	Trinity House	To address comments from TH on the need for transparency and security that 5% cable protection navigable depth would be complied with (as referred to in MGN543 and secured by compliance with MGN543).	<i>(8) No part of the authorised scheme may commence until the MMO, in consultation with the MCA and Trinity House, 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</i>	6

				<i>Emergency Response Issues” and its annexes.</i>	
94.	Schedule 11-12, Part 3, Paragraph 1(d)	The MMO	Updating of disposal site reference following confirmation from the MMO.	<i>(d) the disposal of up to a total of 7,275,000 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 HU213, HU214, and HU217 within the extent of the Order limits seaward of MHWS, comprising—</i>	6
95.	Schedule 11-12, Part 4, Condition 3(1)(b)	The MMO	Following discussions with the MMO, the Applicant has agreed to update this wording accordingly.	<i>(b) the total amount of scour protection for the offshore electrical platforms forming part of the authorised scheme must not exceed 20,000m2 and 100,000 m3 and must not exceed the distributed quantities of scour protection set out in Table 1 of the outline scour protection and cable protection plan; and</i>	6
96.	Schedule 11-12, Part 4, Condition 7(5)	The MMO	Updating of disposal site reference following confirmation from the MMO.	<i>(5) The undertaker must ensure that only inert material of natural origin, produced during the drilling installation of or seabed preparation for foundations, and drilling mud is disposed of within disposal site references HU213, HU214, and HU217 within the extent of the Order limits seaward of MHWS. Any other materials must be screened out before disposal of the inert material at this site.</i>	6
97.	Schedule 11, Part 4, Condition 9(1)(g)	Secretary of State and Natural England	To reflect the optionality introduced as a result of the alternative plan at document 8.20/condition 9(1)(m)). In the event that the Secretary of State decides a CSIMP is the appropriate	<i>(g) A cable specification, installation and monitoring plan, [for the installation and protection of cables outside of the Haisborough, Hammond and Winterton</i>	6

	Schedule 12, Part 4, Condition 9(1)(g)		<p>control document 8.20, this text is needed to clarify that there will be a cable specification installation and monitoring plan outside of the HHW SAC area and also, secured separately, a cable specification installation and monitoring plan for the HHW SAC area.</p> <p>This text will need to be removed in the event that the Secretary of State considers that the HHW SAC SIP (document 8.20) is still required, hence the square brackets.</p>	<i>Special Area of Conservation,] to include—</i>	
98.	<p>Schedule 11, Part 4, Condition 9(1)(m)</p> <p>Schedule 12, Part 4, Condition 9(1)(m)</p>	Secretary of State and Natural England	<p>To reflect discussions with Natural England and the MMO and to insert optionality for the SoS to secure either the HHW SIP or the HHW CSIMP.</p> <p>This text is in square brackets and only one option can be taken forward in the final DCO.</p>	<p><i>(m) The licensed activities, or any phase of those activities must not commence until a Site Integrity plan which accords with the principles set out in the outline Norfolk Boreas Haisborough, Hammond and Winterton Special Area of Conservation Site Integrity Plan has been submitted to the MMO and the MMO (in consultation with the relevant statutory nature conservation body) is satisfied that the plan provides such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2017 Regulations) of a relevant site, to the extent that sandbanks and sabellaria spinulosa reefs are a protected feature of that site.</i></p> <p><i>[OR]</i></p> <p><i>[A cable specification, installation and monitoring plan for the installation and protection of cables within the Haisborough, Hammond and Winterton Special Area of Conservation which accords with the principles set out in the</i></p>	6

				<i>outline Norfolk Boreas Haisborough, Hammond and Winterton Special Area of Conservation Cable Specification, Installation and Monitoring Plan such plan to be submitted to the MMO (in consultation with the relevant statutory nature conservation body) at least six months prior to commencement of licensed activities].</i>	
99.	Schedule 13, Part 3, Paragraph 1(d)	The MMO	Updating of disposal site reference following confirmation from the MMO.	<i>(d) the disposal of up to a total of 7,200,000 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 HU214, HU215, HU216, and HU217 within the extent of the Order limits seaward of MHWS.</i>	6
100.	Schedule 13, Part 4, Condition 5(5)	The MMO	Updating of disposal site reference following confirmation from the MMO.	<i>(5) The undertaker must ensure that only inert material of natural origin, produced during the drilling installation of or seabed preparation for foundations, and drilling mud is disposed of within site disposal site references HU214, HU215, HU216, and HU217 within the extent of the Order limits seaward of MHWS. Any other materials must be screened out before disposal of the inert material at this site.</i>	6
101.	Schedule 17, Part 7	Water Management Alliance (WMA)	To reflect discussions and an agreed position with the WMA.	<i>“specified work” means so much of any work or operation authorised by this Order as is in, on, under, over or within 16 metres of a drainage work or is otherwise likely to— (c) affect any drainage work or the total volume or volumetric rate of flow of</i>	6

				<p><i>water in or flowing to or from any drainage work;</i></p> <p><i>(d) affect the flow, purity, or quality of water in any watercourse; or</i></p> <p><i>(e) affect the conservation, distribution or use of water resources.</i></p>	
102.	Schedule 18	N/A	To reflect comments from the ExA and to provide a mechanism to secure the versions of each control document and examination documents forming part of the environmental statement at the end of the examination.	Updated list with the latest versions of documents (which will be updated again at the end of the examination process).	6
103.	Schedule 19 Compensation to protect the coherence of the Natura 2000 network	ExA	<p>The Applicant maintains that there will be no AEoI on any European site particularly in light of the commitment to additional mitigation measures.</p> <p>However, without prejudice to the Applicant's position regarding no AEoI, the Applicant has provided the assessment of alternative solutions and IROPI in the HRA Derogation Provision of Evidence (document reference ExA.Dero.D7.V1).</p> <p>This drafting is in square brackets and will need to be removed from the final Order in the event the Secretary of State does not consider compensation to be necessary.</p>	<p>[SCHEDULE 19 Article 44</p> <p>Compensation to protect the coherence of the Natura 2000 network</p> <p>PART 1</p> <p>Flamborough and Filey Coast Special Protection Area: Construction of artificial nest sites</p> <p>1.—(1) No later than 12 months prior to the commencement of any offshore works, details of the design, location, and number of artificial kittiwake nest sites to be provided, an implementation timetable including timescales for delivery of the artificial kittiwake nest sites, and proposals for monitoring and reporting on their effectiveness, must be submitted to the Secretary of State for written approval, in consultation with the MMO and the relevant statutory nature conservation body.</p> <p>(2) The artificial kittiwake nest sites must be implemented as approved and suitable</p>	6

				<p><i>for use prior to first operation of any wind turbine generator comprised in Work No. 1, unless otherwise approved in writing by the Secretary of State.</i></p> <p><i>(3) Results from the monitoring scheme required under sub-paragraph (1) including any proposals to address the effectiveness of the artificial kittiwake nest sites must be submitted to the Secretary of State, the MMO and the relevant statutory nature conservation body, and any proposals to address effectiveness must thereafter be implemented by the undertaker as approved in writing by the Secretary of State.</i></p> <p><i>(4) The approved artificial kittiwake nest sites must be retained during the operation of the offshore generating station, unless otherwise approved in writing by the Secretary of State.</i></p> <p>PART 2</p> <p>Alde-Ore Estuary Special Protection Area: Delivery of measures to improve breeding success</p> <p><i>2.—(1) No later than 12 months prior to the commencement of any offshore works, a strategy for the delivery of measures to improve breeding success at the Alde-Ore Estuary Special Protection Area and proposals for monitoring and reporting on their effectiveness must be submitted to the Secretary of State for approval, in consultation with the relevant statutory nature conservation body.</i></p> <p><i>(2) The strategy must accord with the principles contained in Section 4 of the Alde-Ore Estuary Special Protection Area</i></p>	
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				<p><i>(SPA) - In principle Compensation Measures for lesser black-backed gull, and must be approved in writing by the Secretary of State prior to the commencement of any offshore works.</i></p> <p><i>(3) The strategy must include timescales for the measures to be delivered and must be carried out as approved, unless otherwise agreed in writing by the Secretary of State.</i></p> <p><i>(4) Results from the monitoring scheme required under sub-paragraph (1) including any proposals to address the effectiveness of the measures to improve breeding success at the Alde-Ore Estuary Special Protection Area must be submitted to the Secretary of State and the relevant statutory nature conservation body, and any proposals to address effectiveness must thereafter be implemented by the undertaker as approved in writing by the Secretary of State.</i></p> <p>PART 3</p> <p><i>Haisborough, Hammond and Winterton Special Area of Conservation: Promotion of an extension to the Haisborough, Hammond and Winterton Special Area of Conservation</i></p> <p><i>3.—(1) No later than 12 months prior to the commencement of any offshore works, a strategy to promote an extension to the Haisborough, Hammond and Winterton Special Area of Conservation must be submitted to the Secretary of State for approval, in consultation with the</i></p>	
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				<p><i>MMO and the relevant statutory nature conservation body.</i></p> <p><i>(2) The strategy must be approved in writing by the Secretary of State prior to the commencement of the offshore works and must:</i></p> <p><i>(a) accord with the principles contained in Section 4 of the Haisborough, Hammond and Winterton Special Area of Conservation (SAC) – In Principle Compensation Measures;</i></p> <p><i>(b) include proposals for monitoring and reporting on the effectiveness of the measures; and</i></p> <p><i>(c) include timescales for the measures to be delivered.</i></p> <p><i>(3) The strategy must be carried out as approved, unless otherwise agreed in writing by the Secretary of State.</i></p> <p><i>(4) Results from the monitoring scheme required under sub-paragraph (2)(b) including any proposals to address the effectiveness of the measures must be submitted to the Secretary of State and the relevant statutory nature conservation body, and any proposals to address effectiveness must thereafter be implemented by the undertaker as approved in writing by the Secretary of State.</i></p> <p><i>Interpretation of this Schedule</i></p> <p><i>4. In this Schedule —</i></p> <p><i>“Alde-Ore Estuary Special Protection Area (SPA) - In principle Compensation Measures” means the document certified</i></p>	
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				<p><i>as the Alde-Ore Estuary Special Protection Area (SPA) - In principle Compensation Measures by the Secretary of State for the purposes of this Order;</i></p> <p><i>“commence” means the first carrying out of any licensed marine activities authorised by the deemed marine licences in relation to works seaward of MHWS, save for pre-construction surveys and monitoring approved under the deemed marine licences and the words “commencement” and “commenced” must be construed accordingly;</i></p> <p><i>“deemed marine licences” means the marine licences set out in Schedules 9, 10, 11, 12 and 13 of the Norfolk Boreas Offshore Wind Farm Order 202[X];</i></p> <p><i>“Haisborough, Hammond and Winterton Special Area of Conservation (SAC) – In Principle Compensation Measures” means the document certified as the Haisborough, Hammond and Winterton Special Area of Conservation (SAC) – In Principle Compensation Measures by the Secretary of State for the purposes of this Order;</i></p> <p><i>“MMO” means the Marine Management Organisation;</i></p> <p><i>“offshore generating station” means Work No. 1 and any ancillary works in connection with those works;</i></p> <p><i>“offshore works” means Work Nos. 1 to 4A and any ancillary works in connection with those works;</i></p> <p><i>“statutory nature conservation body” means an organisation charged by</i></p>	
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				<i>government with advising on nature conservation matters.]</i>	
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