



FIVE ESTUARIES OFFSHORE WIND FARM

SCHEDULE OF CHANGES TO THE DRAFT
DEVELOPMENT CONSENT ORDER
(TO REVISION B, DEADLINE 1)

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| Application Reference | N/A |
| Application Document Number | N/A |
| Revision | N/A |
| APFP Regulation: | N/A |
| Date | 03 October 2024 |

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| Project | Five Estuaries Offshore Wind Farm |
| Sub-Project or Package | Draft Development Consent Order |
| Document Title | Schedule of changes to the Draft Development Consent Order |
| Application Document Number | N/A |
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| Revision | Date | Status/Reason for Issue | Originator | Checked | Approved |
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| | October 2024 | Deadline 1 | Burges Salmon | VE OWFL | VE OWFL |

Table of Amendments to the Draft Development Consent Order – Deadline 1

| Reference | Amendment | Reason |
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| Articles | | |
| Preamble | The Secretary of State, in exercise of the powers conferred by sections [114, 115, 120 and , 132, 140 and 149A and schedule 5] to the 2008 Act, makes the following Order: | To properly reflect the contents of the dDCO. |
| Article 2, interpretations | “address” includes any number or address used for the purposes of electronic transmission; | Change made at the request of the ExA |

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| | <p>New definition inserted:</p> <p>“2016 regulations” means the Environmental Permitting (England and Wales) Regulations 2016;</p> <p>(1) S.I. 2016/1154.</p> | <p>Change made at the request of the ExA</p> |
| | <p>“cable protection” means physical measures to protectfor the protection of cables from physical damage including but not limited to concrete mattresses, with or without frond devicessplit pipe system, and/or rock placement, the use of bagged solutions filled with grout or other materials,and protective aprons or coverings, mattresses, flow energy dissipation devices and rock and gravel burial (including material used for cable crossings);</p> | <p>To more precisely reflect the project description</p> |
| | <p>“foundation” means any of a monopile, multi-leg pin-piled jacket, mono suction caisson, multi-leg suction caisson jacket, mono gravity based system or multi-leg gravity based system jacket;</p> <p>“gravity base foundation” means a structure principally of steel, concrete, or steel and concrete with a base which rests on the seabed either due to its own weight with or without added ballast or additional skirts and associated equipment including scour protection, J-tubes, corrosion protection systems and access platforms and equipment;</p> | <p>To reflect the removal of gravity base foundation types as an option</p> |
| | <p>“HVAC” means high voltage alternating current;</p> <p>“HVDC” means high voltage direct current;</p> | <p>Deletion of definitions not used in the dDCO</p> |
| | <p>“m” means metres, “m²” means square metres and m³ means cubic metres;</p> | <p>Change made at the request of the ExA</p> |

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| | <p>“mean low water springs” or “MLWS” means the lowest level which spring tides reach on average height of all low waters above Chart Datum over a period of time;</p> | To improve accuracy |
| | <p>New definition inserted: “National Highways” means National Highways Limited (company number 09346363) whose registered office is Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ or any such successor or replacement body that may from time to time be primarily responsible for the functions, duties and responsibilities currently exercised by that statutory body;</p> | Definition added following a request for it from National Highways |
| | <p>“requirements” means, or a reference to a numbered requirement is a reference to, those matters set out in Schedule 2 (requirements) to this Order;</p> | To better align with the draft North Falls DCO |
| | <p>New definition inserted: “stage” for the purposes of the requirements means the phase of Works, being the Works to be carried out at the same time as set out in the order in which all of the Works are planned to be undertaken;</p> | Change made at the request of the ExA |
| Article 7, Benefit of the Order | <p>In paragraph (2) (b)</p> <p>(a) grant to another person (the “lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order (excluding the deemed marine licences referred to in paragraph (3) below) and such related statutory rights as may be so agreed;</p> | Change made in response to the MMO relevant representation requesting amendment |
| | <p>In paragraph (3)(b)</p> | Change made in response to the MMO relevant |

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| | <p>(b) Where an agreement has been made in accordance with paragraph (2)(b), granttransfer to the lessee for the duration of the period mentioned in paragraph (2)(b), the whole of any of the deemed marine licences and such related statutory rights as may be so agreed.</p> | <p>representation requesting amendment</p> |
| | <p>New sub- paragraphs (9) and (10) inserted</p> <p>(9) Prior to any transfer or grant under this article taking effect, whether or not the consent of the Secretary of State is required, the undertaker must give notice in writing to the Secretary of State, and if such transfer or grant relates to the exercise of powers in their area, to the MMO and the relevant planning authority.</p> <p>(10) The notices required under paragraphs (5) and (9) must—</p> <p>(a) state—</p> <p>(i) the name and contact details of the person to whom the benefit of the provisions will be transferred or granted;</p> <p>(ii) subject to paragraph (11), the date on which the transfer will take effect;</p> <p>(iii) the provisions to be transferred or granted; and</p> <p>(iv) the restrictions, liabilities and obligations that, in accordance with paragraph (7)(c), will apply to the person exercising the powers transferred or granted.</p> <p>(b) be accompanied by where relevant, a plan showing the works or areas to which the transfer or grant relates.</p> <p>(c)</p> | <p>Change made in response to the MMO relevant representation requesting amendment</p> |

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| <p>Article 8, Application and modification of legislative provisions</p> | <p>(d) regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016 regulations in respect of a flood risk activity only;</p> <p>(e) the provisions of the Neighbourhood Planning Act 2017() in so far as they relate to the temporary possession of land under articles 30 (temporary use of land for carrying out the authorised development) and 31 (temporary use of land for carrying out the authorised development) and 32 (temporary use of land for maintaining the authorised development) of this Order;</p> | <p>Consequential to other changes made</p> |
| | <p>Insert new item (i)</p> <p>sections 28E (duties in relation to sites of special scientific interest) and 28H (Statutory undertakers, etc.: duty in relation to carrying out operations) of the Wildlife and Countryside Act 1981 (1).</p> <p>(1) 1981 c.69.</p> | <p>To allow for operations to be undertaken in the SSSI should hydraulic fracture break out of drilling materials occur</p> |
| <p>Article 9, Defence to proceedings in respect of statutory nuisance</p> | <p>In paragraph (2)</p> <p>(a) relates to premises used by the undertaker for the purposes of or in connection with the construction, maintenance or decommissioning of the authorised development that the nuisance and is attributable to the carrying out of the authorised development in accordance with a notice served under section 60 (control of noise on construction sites), or a consent given under section 61 (prior consent for work on construction sites), of the Control of Pollution Act 1974(); or</p> <p>(b) is a consequence of the construction or maintenance or decommissioning of the authorised development and cannot reasonably be avoided; or</p> | <p>To include decommissioning activities</p> |

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| | <p>In paragraph (3)</p> <p>(5)<u>(11)</u> Section 61(9) (consent for work on construction site) of the Control of Pollution Act 1974() does not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction—or, maintenance <u>or decommissioning</u> of the authorised development.</p> | |
| <p>Article 16, Traffic regulation</p> | <p>26. The traffic regulation orders listed in column 3 of Part 3 (traffic regulation orders not applicable to the undertaker) of Schedule 4 (traffic regulation) will not apply to any vehicle being used for<u>Subject to the provisions of this article, the undertaker may, in so far as may be expedient or necessary for the purposes of or in connection with, or in consequence of, the construction or maintenance of the authorised development. temporarily—</u></p> <p><u>(2) permit, prohibit or restrict the stopping, parking, waiting, loading or unloading of vehicles on any road;</u></p> <p><u>(3) make provision as to the direction or priority of vehicular traffic on any road;</u></p> <p><u>(4) permit, prohibit or restrict the use of any road;</u></p> <p><u>(5) permit, prohibit or restrict vehicular access to any road;</u></p> <p><u>(6) place traffic signs and signals in the extents of the road specified in column (2) of Part 1 (streets to be temporarily closed or restricted) , column (2) of Part 2 (public rights of way to be temporarily close or restricted) and column (3) of Part 3 (speed limits) of Schedule 4 (traffic regulation), and the placing of those traffic signs and signals is deemed to have been permitted by the traffic authority for</u></p> | <p>To more precisely set out the power and to better align with the draft North Falls DCO</p> |

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| | <p>the purposes of section 65 of the 1984 Act and the Traffic Signs Regulations and General Directions 2016⁽²⁾.</p> <p>(20) No speed limit imposed by or under this Order applies to vehicles falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011(b) when in accordance with regulation 3(5) of those regulations.</p> | |
| <p>Article 17, Power to alter layout etc. of streets</p> | <p>New article inserted:</p> <p>17.—(1) Subject to paragraphs (2) and (3), the undertaker may, in so far as may be expedient or necessary for the purposes of or in connection with constructing, operating or maintaining the authorised development alter the layout of any street and, without limitation on the scope of this paragraph, the undertaker may—</p> <p>(2) alter the level or increase the width of the street including any kerb, footway, cycle track or verge; and</p> <p>(3) make and maintain passing place(s).</p> <p>(4) The undertaker must restore any street that has been temporarily altered under this article to the reasonable satisfaction of the street authority.</p> <p>(5) The powers conferred by paragraph (1) must not be exercised without the consent of the street authority. Paragraphs (2) and (3) do not apply where the undertaker is the street authority for a street in which the works are being carried out.</p> | <p>To better align with the draft North Falls DCO</p> |

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| <p>Article 19, Authority to survey and investigate the land</p> | <p>19. The undertaker may for the purposes of this Order enter on any land above MLWS shown within the Order limits or which may be affected by the authorised development and—</p> <ul style="list-style-type: none"> (b) survey or investigate the land; (c) without prejudice to the generality of sub-paragraph (a), make trial holes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and, subsoil and groundwater, and remove soil and groundwater samples; (d) without prejudice to the generality of sub-paragraph (a), carry out ecological or archaeological investigations on such land; and (e) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes, bore holes or trenches. <p>(4) No trial holes, bore holes or trenches are to be made under this article—</p> | <p>To define that the power only applies above MHWS and not in the intertidal or offshore areas</p> <p>To better align with the draft North Falls DCO</p> |
| <p>Article 29, Modification of Part 1 of the 1965 Act</p> | <p>In (5)(b):</p> <p>30. In this Schedule, references to entering on and taking possession of land do not include doing so under article 19 (authority to survey and investigate the land), article 20 (protective work to buildings), article 3031 (temporary use of land for carrying out the authorised development) or article 3132 (temporary use of land for maintaining the authorised development) of the Five Estuaries Offshore Wind Farm Order 202[●] .</p> | <p>To improve accuracy</p> |
| <p>Article 32, Temporary use of land for maintaining the authorised</p> | <p>(11) In this article “the maintenance period”, in relation to any part of the authorised development means the period during which the authorised development exports electricity to the national electricity transmission networkis in operation after construction and commissioning is complete.</p> | <p>To improve accuracy</p> |

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| Schedule 1, Authorised development | 20. Work No. 4A — not used | | Change made at the request of the ExA |
| | Work No. 4B 4A — Construction of a temporary construction compound and laydown area (Beach Works TCC), improvement and use of existing access routes including creation of construction access to Work Nos. 3, 4, and 5, works to junctions and visibility splays, temporary construction working areas and laydown area. | | |
| | Work No. 13A — Works to permanently widen and improve the junction at Bentley Road and the A120, including removal of street furniture, central reservation barriers and provision of merger lane taper, drainage works including creation of new highway drainage and works of improvement to drainage, creation and improvement of connections to existing drains and watercourses; creation and use of a temporary construction compound and working areas. | | To remove the central reservation barriers as it has been agreed with National Highways that these will not be altered as part of the Work |
| Schedule 2, Requirements | Work No 15B — Construction of electrical substation infrastructure including: (a) (b) creation of a platform or foundations ; | | Foundation is defined as the wind turbine foundation so the term has been deleted here |
| | <u>PART 1</u> <u>Requirements</u> | | To secure the reduction in the maximum tip height agreed with the Ministry of Defence as necessary to prevent an adverse radar impact; |
| | <i>Parameter</i> | <i>Value</i> | |
| | Maximum number of wind turbine generators | 79 | |

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| Maximum total rotor swept area (metres squared) | 4,194,340 | and to secure the removal of gravity base foundation types as an option with resultant reduction in seabed footprints. |
| Maximum height of wind turbine generators when measured from LAT to the tip of the vertical blade (metres) | 399 <u>370</u> | |
| Maximum rotor diameter of each wind turbine generator (metres) | 360 <u>340</u> | |
| Minimum distance from MHWS to the lowest point of the rotating blade for each wind turbine generator (metres) | 28 | |
| Minimum distance between wind turbine generators (in all directions measured from the centre point of each wind turbine generator) (metres) | 830 | |
| Maximum pile diameter of single pile structures (metres) | 15 | |
| Maximum pile diameter of three pile structures (metres) | 4 | |
| Maximum pile diameter of four pile structures (metres) | 3.5 | |
| Maximum total seabed footprint for wind turbine generators (excluding scour protection) (metres squared) | 298,400 <u>992,274</u> | |
| Maximum total seabed footprint for wind turbine generators (including scour protection) (metres squared) | 1,313,537 <u>834,896</u> | |
| Maximum total scour volume for wind turbine generator foundations (metres cubed) | 2,109,300 <u>1,248,850</u> | |
| Maximum total length of inter-array cables (kilometres) | 200 | |

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| Maximum inter-array cable protection area (metres squared) | 321,600 | |
| Maximum inter-array cable protection volume (metres cubed) | 187,600 | |
| Maximum number of offshore substations | 2 | |
| Maximum dimensions of offshore substations: Height when measured from LAT (excluding towers, helipads, mast and cranes) (metres) Length (metres) Topside area (metres squared) | 105 125 100 | |
| Maximum total seabed footprint for offshore substation platforms (excluding scour protection) (metres squared) | 14,000 <u>33,700</u> | |
| Maximum total seabed footprint for offshore substation platform foundations (including scour protection) (metres squared) | 81,656 <u>72,985</u> | |
| Maximum total scour volume for offshore substation platforms foundations (metres cubed) | 148,100 <u>125,450</u> | |
| Maximum total length of export cables (kilometres) | 196 | |
| Maximum export cable protection area (metres squared) | 178,304 | |
| Maximum export cable protection volume (metres cubed) | 129,691 | |
| In paragraph 5 Substation <u>Onshore substation</u> works | | Changes made at the request of the ExA and to improve accuracy |

Construction of Work No. 15B (the [onshore](#) electrical substation) must not commence until details of—

~~Detailed design parameters onshore~~

~~The onshore works must not exceed the parameters set out in sub paragraph (2).~~

- (4) In relation to Work No. 15B ([the onshore electrical substation](#)) —
- (b) the highest part of any building, any external electrical equipment or enclosure, excluding lightning rods, must not exceed ~~15m~~ [15metres](#) above;
 - (c) the total area of the fenced compound (excluding its accesses) must not exceed [58,800 metres squared](#)~~58,800m2~~; and
 - (d) the lightning rods within the fenced compound area must not exceed a height of [18 metres](#) ~~18m~~ above Ordnance Datum;

~~Provision of landscaping~~

(5) Work No. 15B must not be commenced until a written landscaping scheme and associated work programme in accordance with the outline landscape and ecology management plan for Work No. 15 has been submitted to and approved by the relevant planning authority.

(6) The written landscaping scheme [to be submitted under sub-paragraph \(5\)](#) must include details of all proposed hard and soft landscaping works including—

- (a) location, number, species, size and planting density of any proposed planting including any trees; and
- (b) implementation timetables for all landscaping works within Work No.15.

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| | <p>(7) The landscaping of Work No.15 must be carried out in accordance with the details approved details under sub-paragraph (5).</p> <p><u>Detailed design parameters onshore</u></p> <p><u>6. The onshore works must not exceed the parameters set out in sub-paragraph 1(1).</u></p> | |
| | <p>Paragraph 10(2)</p> <p>(2) The onshore works must be carried out in accordance with the approved detailsarchaeological written scheme(s) of investigation.</p> | To improve accuracy |
| | <p>European protectedProtected species onshore</p> <p>In paragraph 14 sub-paragraph (2)</p> <p>(2) The scheme approved under sub-paragraph (1) must be implemented as approved.</p> | Change made at the request of the ExA |
| | <p>In paragraph 15</p> <p>Any land landward of MLWS within the Order limits which is used temporarily for construction of the onshore works and not ultimately incorporated in</p> | The requirement is already limited to the 'onshore works' |

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| | permanent works or approved landscaping must be reinstated within twelve months of completion of the relevant stage of the onshore works. | |
| | In paragraph 16 The noise rating level for the standard operation of Work No. 15B (the onshore electrical substation) must not exceed; | Change made at the request of the ExA |
| | In paragraph 18 Subject to paragraph (2), the undertaker may commence, or exercise powers of compulsory acquisition under Part 5 of this Order in relation to only: (a) build option 1; or (b) build option 2. | Change made as the LPA has not role in controlling use of compulsory powers |
| Schedule 2 | New Part 2 created with content of former schedule 13 | Change made at the request of the ExA |
| | In paragraph 5(4) (4) In relation to Work No. 15B (the onshore electrical substation) — (a) the highest part of any building, any external electrical equipment or enclosure, excluding lightning rods, must not exceed 15metres 15 metres above finished ground level (50.775 metres Ordnance Datum) ; (b) the total area of the fenced compound (excluding its accesses) must not exceed 58,800 metres squared; and (c) the lightning rods within the fenced compound area must not exceed a height of 18 metres above finished ground level (53.775 metres Ordnance Datum) ; | |
| Schedule 7 | SCHEDULE 1 Article 23 24 | To better align with the draft North Falls DCO |

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| | <p>(a) lay down, install, retain, adjust, alter, construct, operate, erect, use, maintain, repair, renew, upgrade, inspect, remove and replace the electricity cables (including the removal of materials including spoil) in, under, over and/or on the Land, together with such telemetry and fibre-optic lines, ducting, jointing bays and other apparatus, protection measures, cable marker posts, chambers and manholes, manhole covers and other equipment which is ancillary to the purposes of transmitting electricity along such electricity cables (all collectively referred to as the “cables”), and in doing so, to use or resort to trenchless installation techniques including (but not limited to) directional drilling beneath sea defences, watercourses, roads<u>existing infrastructure, highways</u> and railways;</p> <p>(b) lay down, install, retain, adjust, alter, construct, operate, erect, use, maintain, repair, renew, upgrade, inspect, remove and replace the additional ducts for electricity cables (including the removal of materials including spoil) in, under, over and/or on the Land, allow the installation and use of electrical cables in the additional ducts, together with such telemetry and fibre-optic lines, ducting, jointing bays and other apparatus, protection measures, cable marker posts, chambers and manholes, manhole covers and other equipment which is ancillary to the purposes of transmitting electricity along such electricity cables (all collectively referred to as the “cables”), and in doing so, to use or resort to trenchless installation techniques including (but not limited to) directional drilling beneath sea defences, watercourses, roads<u>existing infrastructure, highways</u> and railways;</p> <p>(d) pass and re-pass with or without vehicles, plant, machinery, apparatus, equipment and materials for the purposes of laying down, installing, adjusting, altering, constructing, using, maintaining, repairing, renewing,</p> | |
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| | <p><u>upgrading, inspecting, removing and replacing the electrical infrastructure and cables; including the right to use, maintain, renew improve and alter existing accesses, roads, streets, tracks or ways over the land, providing that such use is not exclusive and exercise of this right must not prevent or unreasonably inhibit use by other parties;</u></p> <p>(k) effect access and egress to <u>and from</u> the highway;</p> <p>(l) alter, fell, lop or cut, coppice wood, uproot, <u>replant</u> trees or, hedges or, shrubs <u>or other vegetation</u> which now or hereafter may be standing on the Land or other land which would if not felled, lopped, cut or removed would obstruct or interfere with the operation of the cables and ancillary equipment including ducting;</p> <p>(m) to take and use, remove and discharge water from the Land, and to <u>lay down,</u> install, retain, use, maintain, inspect, <u>adjust,</u> alter, remove, refurbish, reconstruct, <u>upgrade,</u> replace, protect and improve sewers, drains, pipes, ducts, mains, conduits, flues and to drain into and manage waterflows in any drains, watercourses and culverts, install, <u>retain,</u> use, inspect, maintain, adjust, alter, renew, repair, test or cleanse drainage schemes on the Land or reinstate the any existing drainage scheme on the Land;</p> <p><u>(v) lay out and maintain temporary paths and bridleways for public use as temporary diversions for public rights of way which are interfered with during any period in which construction, maintenance, repair or renewal decommissioning is being carried out; and</u></p> | |
| | <p>(a) prevent anything to be done in or upon the Land or any part thereof for the purpose of the erection of any buildings or construction erection or works</p> | <p>To better align with the draft North Falls DCO</p> |

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| | <p>of any kind (including the foundations<u>base, substructure</u> or footings thereto);</p> <p>(g) to prevent any activity which would in the reasonable opinion of the undertaker result in the disturbance of ecological mitigation areas or areas of habitat creation <u>or reinstatement</u> including any ploughing or grazing without the prior written consent of the undertaker.</p> | |
| | <p>(h) lay down, install, retain, adjust, alter, construct, operate, erect, use, maintain, repair, renew, upgrade, inspect, remove and replace the electricity cables (including the removal of materials including spoil) in, under, over and/or on the Land, together with such telemetry and fibre-optic lines, ducting, jointing bays and other apparatus, protection measures, cable marker posts, chambers and manholes, manhole covers and other equipment which is ancillary to the purposes of transmitting electricity along such electricity cables (all collectively referred to as the "cables"), and in doing so, to use or resort to trenchless installation techniques including (but not limited to) directional drilling beneath sea defences, <u>existing infrastructure,</u> watercourses, roads<u>highways</u> and railways;</p> <p>(e) pass and re-pass with or without vehicles, plant, machinery, apparatus, equipment and materials for the purposes of laying down, installing, adjusting, altering, constructing, using, maintaining, repairing, renewing, <u>upgrading,</u> inspecting, removing and replacing ducting, electrical infrastructure and the cables; <u>including the right to use, maintain, renew improve and alter existing accesses, roads, streets, tracks or ways over the land, providing that such use is not exclusive and exercise of this right must not prevent or unreasonably inhibit use by other parties;</u></p> | |

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| | <p>(v) <u>lay out and maintain temporary paths and bridleways for public use as temporary diversions for public rights of way which are interfered with during any period in which construction, maintenance, repair or renewal decommissioning is being carried out; and</u></p> | |
| | <p>(a) prevent anything to be done in or upon the Land or any part thereof for the purpose of the erection of any buildings or construction erection or works of any kind (including the foundations<u>bases, substructures</u> or footings thereto);</p> <p>(e) to prevent any activity which would in the reasonable opinion of the undertaker result in the disturbance of ecological mitigation areas or areas of habitat creation <u>or reinstatement</u>, including any ploughing or grazing without the prior written consent of the undertaker.</p> | <p>Foundation is defined as the wind turbine foundation so the term has been deleted here</p> |
| | <p>(a) pass and re-pass with or without vehicles, plant, machinery, apparatus, equipment and materials for the purposes of the Works<u>Authorised Development</u>, the inspection, testing, maintenance, renewal, upgrading, replacement and removal of the cables and connection into any adjacent cables and associated works, to take plant and equipment on to adjoining land and make such investigations in or on the Land which is ancillary for the purposes of exercise of the rights;</p> <p>(h) repair, improve, renew, remove, relocate and plant trees, woodland, shrubs, hedgerows, seeding, <u>other vegetation</u> and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs and landscaping;</p> <p>(j) lay out <u>and maintain</u> temporary paths and bridleways for public use as temporary diversions for public rights of way which are interfered with</p> | <p>To better align with the draft North Falls DCO</p> |

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| | during any period in which construction, maintenance, repair or renewal decommissioning is being carried out. | |
| | (a) prevent anything to be done in or upon the Land or any part thereof for the purpose of the erection of any buildings or construction erection or works of any kind (including the foundations <u>substructures</u> or footings thereto) without the prior written consent of the undertaker; | To better align with the draft North Falls DCO |
| | (b) remove and discharge water from the Land and to <u>lay down</u> , install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, <u>upgrade</u> , replace, protect and improve sewers, drains, pipes, ducts, mains, conduits, flues and to drain into and manage waterflows in any drains, watercourses and culverts, to lay down, install, adjust, alter, construct, create, use, maintain, repair, renew, upgrade, inspect, remove and replace a drainage scheme on the Land (the “drainage works”); (k) effect access <u>and egress</u> to <u>and from</u> the highway; | To better align with the draft North Falls DCO |
| | (b) construction erection or works of any kind (including the foundations <u>substructures</u> or footings thereto); and | Foundation is defined as the wind turbine foundation so the term has been deleted here |
| | (a) prevent anything to be done in or upon the Land or any part thereof for the purpose of the erection of any buildings or construction erection or works of any kind (including the foundations <u>substructures</u> or footings thereto); | |

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| | (a) prevent anything to be done in or upon the Land or any part thereof for the purpose of the erection of any buildings or construction erection or works of any kind (including the foundations <u>substructures</u> or footings thereto); | |
| Schedule Protective Provisions, throughout | 9, 'Shall' has been replaced throughout | To delete use of 'shall' |
| Schedule 10, Deemed marine licence – Generation Assets, Part 1, Licensed marine activities | <p>In paragraph 1, sub-paragraph (1)</p> <p><u>“aids to navigation management plan” means the aids to navigation management plan to be submitted to the MMO under condition 12 of this licence;</u></p> <p>“array area disposal site” means the site to be used for disposal of inert material of natural origin produced during construction, drilling and seabed preparation for works associated with foundations, cables or installation vessels (including sandwave clearance) to be located within the array area <u>as shown on [plan]</u>;</p> <p>“buoy” means any floating device used for navigational purposes or measurement purposes, including LIDAR<u>LiDAR</u> buoys, wave buoys and guard buoys;</p> <p><u>“cable” means cables for the transmission of electricity and includes fibre optic and other communications cables either within the cable or laid alongside;</u></p> <p>“Defence Infrastructure Organisation Safeguarding” means Ministry of Defence Safeguarding, Defence Infrastructure Organisation – Safeguarding, St George’s House, DIO Head Office, DMS Whittington, Lichfield, Staffordshire, WS14 9PY and any successor body to its functions;</p> | Changes made in response to relevant representations from Trinity House, the MMO and Natural England; |

~~“Defra” means the Department for Environment, Food and Rural Affairs;~~

JNCC Guidance” means the statutory nature conservation body ‘Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs’ Joint Nature Conservation Committee Report No.654, May 2020 published in June 2020 as amended, updated or superseded;

“Kingfisher Information Service” means the information service from non-departmental government body Seafish to be contacted at kingfisher@seafish.co.uk;

~~“lighting and marking plan” means the lighting and marking plan to be submitted to the MMO under condition 12 of this licence;~~

“Marine Management Organisation” or “MMO” means the Marine Management Organisation, ~~Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH who is~~ the body created under the 2009 Act and who is responsible for the monitoring and enforcement of this licence;

“MCMS” means the Marine Case Management System web portal provided and operated by the MMO;

~~“monopile gravity base structures” means a structure principally of steel, concrete, or steel and concrete with a base which tapers as it rises which rests on the seabed due to its own weight with or without added ballast or additional skirts and associated equipment including J-tubes (or equivalent structures), corrosion protection systems and access platform(s) and equipment;~~

~~“mono suction caisson foundation” means a steel cylindrical structure which partially or fully penetrates the seabed and remains in place using its own weight and hydrostatic pressure differential, and may include additional equipment such as J-tubes;~~

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| | <p>“multi-leg gravity base structure jacket” means a jacket type structure which rests on the seabed due to its own weight with or without added ballast or additional skirts which will have one or more bases to which the jacket structure is attached;</p> <p>(6) Unless otherwise advised in writing by the MMO, the Marine Case Management System (“MCMS”) must be used for all licence returns or applications to vary this licence. The MCMS address is: https://marinelicensing.marinemanagement.org.uk/.</p> | |
| | <p>Work No.1-</p> <p>(a) an offshore wind turbine generating station with a gross electrical output of over 100 megawatts comprising up to 79 wind turbine generators each fixed to the seabed by one of monopile foundations or mono suction caisson foundations, or pin-piled jacket foundations, <u>or</u> suction caisson jacket foundations, monopile gravity base structure foundations, multi-leg gravity base structure jacket foundations;</p> | |

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| <p>Schedule 10, Part 2, Conditions</p> | <p>In paragraph 1(2)</p> <p>(a) exceed a height of 399<u>370</u> metres when measured from LAT to the tip of the vertical blade;</p> <p>(b) exceed a rotor diameter of 360<u>340</u> metres;</p> <p>In paragraph (4)</p> <p>(a) monopile foundations;</p> <p>(b) mono suction caisson foundations;</p> <p>(c) monopile gravity base structure foundations;</p> <p>(d)<u>(c)</u> pin-piled jacket foundations;</p> <p>(e) suction caisson jacket foundations; or</p> <p>(f)<u>(d)</u> multi-leg gravity base structure jacket foundations.</p> <p>In paragraph (6) and (7)</p> <p>(6) The total seabed footprint area for wind turbine generator foundations must not exceed—</p> <p>(b) 284,400<u>99,274</u> square metres excluding scour protection; and</p> <p>(c) 1,313,537<u>834,896</u> square metres including scour protection.</p> <p>(7) The total volume of scour protection material for wind turbine generator foundations must not exceed 2,109,300<u>1,248,850</u> cubic metres.</p> | <p>To secure the reduction in the maximum tip height agreed with the Ministry of Defence as necessary to prevent an adverse radar impact;</p> <p>and</p> <p>to secure the removal of gravity base foundation types as an option.</p> |
| | <p>In paragraph 3, sub-paragraph (3)</p> | <p>To delete use of 'shall'</p> |

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| | <p>An operation and maintenance plan substantially in accordance with the outline offshore operations and maintenance plan shall<u>must</u> be submitted to the MMO for approval in consultation with the relevant SNCB at least six months prior to the commencement of the operation of the licensed activities. All operation and maintenance activities shall<u>must</u> be carried out in accordance with the approved plan.</p> | |
| | <p>(8) The undertaker must inform the Kingfisher Information Service of Seafish details regarding the vessel routes, timings and locations relating to the construction of the authorised development or relevant stage—</p> | <p>Changes made in response to relevant representations from the MMO</p> |
| | <p>In paragraph 6, sub-paragraph 8 and new sub-paragraph 16</p> <p>(8) The undertaker must inform the Kingfisher Information Service of Seafish details regarding the vessel routes, timings and locations relating to the construction of the authorised development or relevant stage—</p> <p>(b) at least fourteen days prior to the commencement of offshore activities, for inclusion in the Kingfisher Fortnightly Bulletin and offshore hazard awareness data; and</p> <p><u>(16) Should the undertaker become aware that any of the information on which the granting of this licence was based was materially false or misleading, the undertaker must notify the MMO of this fact in writing as soon as is reasonably practicable. The undertaker must explain in writing what information was material false or misleading and must provide to the MMO the correct information.</u></p> | <p>Changes made in response to relevant representations from the MMO</p> |
| | <p>In paragraph 7, sub-paragraph (3) and (4)</p> | <p>Changes made in response to relevant representations from</p> |

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| | <p>(3) The undertaker must provide reports to Trinity House on the availability of aids to navigation in accordance with the frequencies set out in the lighting and markingaid to navigation management plan agreed pursuant to condition 12(1)(i) using the reporting system provided by Trinity House.</p> <p>(4) In the event that the provisions of condition 76(12) or 6(13) are invoked, the undertaker must lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as directed by Trinity House.</p> | Trinity House |
| <p>Schedule 10, Deemed marine licence – generation assets, Part 2 Conditions</p> | <p>In paragraph 10, sub-paragraph (2), (3) and (9)</p> <p>The undertaker must ensure that any coatings and/or treatments are suitable for use in the marine environment and are used in accordance with relevant guidelines approved by Health and Safety Executive and, in so far as they are applicable, the Environment Agency Pollution Prevention Control Guidelines.</p> <p>(5) The undertaker must inform the MMO of the location and quantities of material disposed of each month under the Order, by submission of a disposal return by 31 January15 February each year for the months August to January inclusive, and by 31 July15 August each year for the months February to July inclusive.</p> <p>(9) All dropped objects within the Order limits must be reported to the MMO using the dropped object procedure form as soon as reasonably practicable followingand in any event within 96 hours of the undertaker becoming aware of an incident. On receipt of the dropped object procedure form, the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the seabed at the undertaker’s expense if reasonable to do so.</p> <p>In paragraph 12(1)</p> | <p>Changes made in response to relevant representations from the MMO and Trinity House</p> <p>Changes made in</p> |

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| | <p>(g) a lighting and markingan aids to navigation management plan to be agreed in writing by the MMO following consultation with Trinity House, to include details of how the undertaker will comply with the provisions of condition 7 relating to that stage for the lifetime of the authorised development;</p> | <p>response to relevant representations from Trinity House</p> |
| | <p>(6) No percussive piling associated with wind turbine generator foundations may take place between 25th November to 3rd January (inclusive) in any year for the protection of spawning herring unless otherwise agreed in writing with the MMO.</p> | <p>Paragraph inserted to secure the piling restriction for the protection of herring spawning</p> |
| <p>In paragraph 15(2)</p> | <p>(2) Any changes to the supplied details must be notified to the MMO in writing not less than 24 hours prior to the agent, contractor or vessel engaging in the licensed activities.</p> | <p>Changes made in response to relevant representations from the MMO</p> |
| <p>In paragraph 18 (5)</p> | <p>In the event that the reports provided to the MMO under sub-paragraph (4) identify a need for additional monitoring, the requirement for any additional monitoring will be agreed with the MMO in writing and implemented as agreed.</p> | <p>Changes made in response to relevant representations from the MMO</p> |
| <p>In paragraph 25</p> | <p>Reporting of scour and cable protection: (2) The report must include the following information— (b) the location of cable protection and scour protection;</p> | <p>Changes made in response to relevant representations from the MMO and Natural England</p> |

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| | <p><u>(c) the volume of cable protection and scour protection; and</u></p> <p><u>(d) any other information relating to the cable protection and scour protection as agreed between the MMO and the undertaker</u></p> | |
| <p>Schedule 11, Deemed marine licence – Transmission Assets, Part 1, Licenced Marine Activities</p> | <p><u>plan to be submitted to the MMO under the conditions of this licence</u>“<u>aids to navigation management plan</u>” means the aids to navigation and management;</p> <p>“buoy” means any floating device used for navigational purposes or measurement purposes, including LIDAR<u>LiDAR</u> buoys, wave buoys and guard buoys;</p> <p><u>“cable” means cables for the transmission of electricity and includes fibre optic and other communications cables either within the cable or laid alongside;</u></p> <p><u>“JNCC” means the Joint Nature Conservation Committee;</u></p> <p><u>“JNCC Guidance” means the statutory nature conservation body ‘Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise SACs’ Joint Nature Conservation Committee Report No.654, May 2020 published in June 2020 as amended, updated or superseded;</u></p> <p>“lighting and marking plan” means the lighting and marking plan to be submitted to the MMO under the conditions of this licence;</p> <p>“monopile gravity base structures” means a structure principally of steel, concrete, or steel and concrete with a base which tapers as it rises which rests on the seabed due to its own weight with or without added ballast or additional skirts and associated equipment including J-tubes (or equivalent structures), corrosion protection systems and access platform(s) and equipment;</p> | <p>Changes made in response to relevant representations from the MMO and Trinity House</p> |

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| Schedule 11, marine licence Transmission, Part 2, Conditions | <p>In paragraph 2(1) Offshore substation platform foundation structures forming part of the authorised scheme must be one of either monopile foundations, <u>or</u> jacket foundations or gravity base structures.</p> | <p>Changes made to reflect the removal of gravity base foundation options</p> |
| | <p>In paragraph 4, sub-paragraph (4) An operation and maintenance plan substantially in accordance with the outline offshore operations and maintenance plan shall<u>must</u> be submitted to the MMO for approval in consultation with the relevant SNCB at least six months prior to the commencement of the operation of the licensed activities. All operation and maintenance activities shall<u>must</u> be carried out in accordance with the approved plan.</p> | <p>To remove the word 'shall'</p> |
| | <p>In paragraph 8, sub-paragraph (3) and (5) (3) The undertaker must provide reports to Trinity House on the availability of aids to navigation in accordance with the frequencies set out in the lighting and marking<u>aids to navigation management</u> plan agreed pursuant to condition 13(1)(i) using the reporting system provided by Trinity House. (5) In the event that the provisions of condition 87(12) or 7(13) are invoked, the undertaker must lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as directed by Trinity House.</p> | <p>Changes made in response to relevant representations from Trinity House</p> |
| | <p>In paragraph 13, sub-paragraph (h) (h) a lighting and marking<u>an aids to navigation management</u> plan to be agreed in writing by the MMO following consultation with Trinity House, to include details of how the undertaker will comply with the provisions of condition 8 relating to that stage for the lifetime of the authorised development;</p> | |

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| | <p>sub-paragraph (6)</p> <p><u>(6) No percussive piling associated with offshore substation platform foundations may take place between 25th November to 3rd January (inclusive) in any year for the protection of spawning herring unless otherwise agreed in writing with the MMO.</u></p> | <p>Paragraph inserted to secure the piling restriction for the protection of herring spawning</p> |
| | <p><u>Reporting cable protection</u></p> <p><u>26.—(4) Not more than four months following completion of the construction of the authorised project, the undertaker must provide the MMO and the relevant statutory nature conservation bodies with a report setting out details of the cable protection used for the authorised project.</u></p> <p><u>(5) The report must include the following information—</u></p> <p><u>(a) the location of cable protection protection;</u></p> <p><u>(b) the volume of cable protection protection; and</u></p> <p><u>any other information relating to the cable protection as agreed between the MMO and the undertaker</u></p> | <p>Changes made in response to relevant representations from the MMO and Natural England</p> |
| Schedule 13 | | |
| Schedule Compensation | <p>13, In paragraph 2, sub-paragraph (b)</p> <p>(b) Natural England <u>the SCNB</u>;</p> <p>In paragraph 3</p> | <p>Changes made in response to relevant representations from</p> |

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| | <p>Unless the Secretary of State confirms in writing that the compensation measure has been delivered to his satisfaction, then the following details contained with the LIMP, which must be in accordance with the outline LIMP, must be submitted to the Secretary of State for approval in consultation with the Natural England SCNB and the relevant planning authority for the compensation measure prior to the commencement of the offshore works.</p> | <p>Natural England</p> |
| | <p>In paragraphs 4 and 5</p> <p>4. The undertaker must carry out the compensation measure as approved by the Secretary of State in consultation with Natural England the SCNB and the relevant planning authority.</p> <p>5. No wind turbine generator forming part of Work No. 1 may commence operation until the compensation measure has been implemented for three four breeding seasons, unless commencement of operation at an earlier date is approved in writing by the Secretary of State. For the purposes of this paragraph each breeding season is 1 March to 30 September of each year inclusive.</p> <p>In paragraph 9</p> <p>In the event of any conflict between the terms of this Order and the LIMP then the provisions of this Order shall will prevail.</p> | <p>To remove the word 'shall'</p> |
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