




**F I V E**   
**ESTUARIES**  
OFFSHORE WIND FARM

**FIVE ESTUARIES OFFSHORE  
WIND FARM**

**SCHEDULE OF CHANGES TO THE DRAFT  
DEVELOPMENT CONSENT ORDER  
(TO REVISION E, DEADLINE 4)**

Application Reference	N/A
Application Document Number	N/A
Revision	N/A
APFP Regulation:	N/A
Date	December 2024



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
Revision	N/A
APFP Regulation	N/A
Document Reference	

Revision	Date	Status/Reason for Issue	Originator	Checked	Approved
	October 2024	Deadline 1	Burges Salmon	VE OWFL	VE OWFL
	October 2024	Change Request	Burges Salmon	VE OWFL	VE OWFL
	November 2024	Deadline 3	Burges Salmon	VE OWFL	VE OWFL
	December 2024	Deadline 4	Burges Salmon		

**Table of Amendments to the Draft Development Consent Order – Revision E, Deadline 4**

Reference	Amendment	Reason
<b>Articles</b>		
Article 2, Interpretation	New item: <a href="#">“outline sediment disposal management plan” means the document certified as such by the Secretary of State under article 44 (certification of plans, etc) for the purposes of this Order;</a>	Added as this plan is now referred to in the DMLs and the certified document list
	Amend to paragraph 2(3)(a): (a) requirements 2 (offshore design parameters) and <del>56</del> (onshore <a href="#">substation works, design and landscaping</a> <del>detailed design parameters onshore</del> ) in Part Schedule 2 (requirements);	To align with changes to the requirements
Article 9, Defence to proceedings in respect of statutory nuisance	(b) relates to premises used by the undertaker for the purposes of or in connection with the construction, maintenance or decommissioning of the authorised development <del>and that the nuisance and</del> 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(a); or	In response to IP comments
<b>Schedules</b>		

Schedule 2, Requirements, Part 1, requirement 7	No stage of the onshore works may commence until for that stage the following plans have been submitted to and approved by the <del>relevant planning</del> <u>local highway</u> authority;	In response to a request from Essex County Council
Schedule 9, new Part 9	<p style="text-align: center;"><u>PART 1</u></p> <p style="text-align: center;"><u>For the protection of Port of London Authority (onshore)</u></p> <p><u>Application</u></p> <p><u>1. The provisions of this Part of this Schedule apply for the protection of the PLA and have effect unless otherwise agreed in writing between the undertaker and PLA.</u></p> <p><u>Interpretation</u></p> <p><u>2. (1) Where the terms defined in article 2 (interpretation) of this Order are inconsistent with subparagraph (2) the latter prevail.</u></p> <p><u>(2) In this Part of the Schedule –</u></p> <p><u>(a) "apparatus" means all towers, apparatus and equipment situated on the PLA Property ;</u></p> <p><u>(b) "immediate" means as soon as reasonably practicable to allow access by completing any vehicle movements in progress, removing staff and barriers from the carriageway except as required to maintain health and safety and taking any other action necessary to allow passage within a target response time of no more than [5 minutes];</u></p> <p><u>(c) "physical measures" means any measure carried out by the undertaker which will restrict any part of the access to the PLA Property particularly anything that involves closure or narrowing of the access. For the</u></p>	Part 9 has been added following agreement of the drafting with the PLA

avoidance of doubt it will not include measures carried out for safe movement of vehicles such as banksmen used to manage the flow of traffic;

(d) "PLA" means the Port of London Authority;

(e) "PLA Property" means the radar site at Manor Way, Holland Haven in the vicinity of Plots 01-001, 01-002, 01-003; and

(f) "utilities and services" means all existing functional services above and below ground including drainage, surface water drainage, power and communications cables and pipelines, manholes and supports serving the apparatus.

### **Access**

3. (1) Access for the PLA or any person acting under its instruction, including access for vehicles and plant, to the PLA Property over plots 01-001 and 01-002 and to any apparatus utilities and services will not be extinguished or prevented and must not be unreasonably restricted or delayed by the undertaker during the construction, operation, maintenance or decommissioning of the authorised development.

(2) Unreasonable delay or restriction in subparagraph (1) will not prevent the temporary restriction of access for other users (including access by the public) or the control or marshalling of access to facilitate the safe movement of large vehicles or plant or the carrying out of works to the access route by the undertaker, subject to the provisions of sub-paragraph (3) and (4) of this paragraph 3.

(3) Where any part of the access to the PLA Property is restricted or controlled by the undertaker, any physical measures shall be agreed by the PLA (acting reasonably) prior to the implementation. The undertaker must provide access

to the PLA Property on request by the PLA (which may be verbal) or any person acting under its instruction and take immediate steps to allow access to and from the PLA Property through or around that restriction or physical measure.

(4) The undertaker may not temporarily close, alter or divert the access route to the PLA Property over plots 01-001 and 01-002 under article 14 (temporary restriction of use of streets) or article 17 (powers to alter layout etc of streets) of this Order or any other power in this Order in so far as any such works create or result in physical measures impeding access unless the closure, alteration or diversion and the means of maintaining access for the PLA during such closure, alteration or diversion has been agreed between the undertaker and the PLA (such agreement must not be unreasonably withheld or delayed).

#### **Extinguishment of rights**

4. Regardless of any provision in this Order, the undertaker may not extinguish any interest or right vested in or benefitting the PLA unless the consent of the PLA in writing has been given to such extinguishment.

#### **Installation of structures**

5. (1) Without prejudice to paragraph 6 and the generality of any other protection afforded to the PLA the undertaker may not erect, install, move, store or use within plots 01-002 and 01-003 any structure or plant, including any assembled crane, which would have a maximum height at any point in excess of 25m from ground level unless and until the consent of the PLA in writing has been given to the erection or installation of that structure.

(2) As part of an application for consent under this paragraph 5 the undertaker must submit to the PLA a plan, section and description of the structure or plant

and the works to be executed in connection with the erection, installation, movement, storage or use of the structure and plant.

(3) Any structure or plant to which this paragraph 5 applies may only be erected, installed, moved, stored or used in the location(s), to the maximum height and in accordance with the plan, section and description submitted under sub-paragraph (2) and approved by the PLA (such approval not to be unreasonably withheld or delayed) and in accordance with such reasonable requirements as may be requested in accordance with sub-paragraph (4) by the PLA for the protection of the apparatus, or for securing access to it, and the PLA is entitled to watch and inspect the structure or plant and the execution of those works associated with the erection, installation, movement, storage or use of the structure and plant (acting reasonably).

(4) Any requirements requested by the PLA under sub-paragraph (3) must be made within a period of 28 days beginning with the date on which a plan under sub-paragraph (2) is submitted to it.

(5) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 28 days or as agreed between the undertaker and the PLA in writing, before commencing the erection, installation, movement, storage or use of any structure or plant to which this paragraph 5 relates, a new plan instead of the plan, section and description previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan, section and description.

### Services

6. Without prejudice to the generality of any other protection afforded to the PLA elsewhere in the Order, the undertaker must not decommission or remove any utilities and services and any right of the owner of the utilities and services to access and maintain the utilities and services must not be extinguished until

	<u>alternative utilities and services have been constructed and are in operation serving the apparatus to the PLA's reasonable satisfaction</u>	
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Schedule 10, Part 1, paragraph 1	<p>New item:</p> <p><u>“outline sediment disposal management plan” means the document certified as such by the Secretary of State under article 44 (certification of plans, etc) for the purposes of this Order;</u></p>	Added as this plan is now referred to in the DML
Schedule 10, Part 2, condition 12	<p>(j) <u>a sediment disposal management plan for the relevant stage which accords with the principles set out in the outline sediment disposal management plan.</u> <del>a southern north sea special area of conservation site integrity plan which accords with the principles set out in the outline southern north sea special area of conservation site integrity plan.</del></p>	To secure the submission and approval of a final sediment disposal management plan in accordance with the certified outline. The deleted plan is replaced by new condition 14.

Schedule 10, Part 2,  
new condition 14

**Site Integrity Plan**

14. (1) No piling activities can take place until a southern north sea special area of conservation site integrity plan (“SIP”), which accords with the principles set out in the outline southern north sea special area of conservation site integrity plan which accords with the principles set out in the, has been submitted to, and approved in writing, by the MMO in consultation with the relevant statutory nature conservation body.

(2) The SIP submitted for approval must contain a description of the conservation objectives for the Southern North Sea Special Area of Conservation (“SNS SAC”) as well as any relevant management measures and it must set out the key statutory nature conservation body advice on activities within the SNS SAC relating to piling as set out within the JNCC Guidance and how this has been considered in the context of the authorised scheme.

(3) The SIP must be submitted in writing to the MMO no later than six months prior to the commencement of piling activities.

(4) In approving the SIP the MMO must be satisfied that the authorised scheme at the preconstruction stage, in-combination with other plans and projects, is in line with the JNCC Guidance.

(5) The approved SIP may be amended with the prior written approval of the MMO, in consultation with the relevant statutory nature conservation body, where the MMO remains satisfied that the Project, in-combination with other plans or projects at the pre-construction stage, is in line with the JNCC Guidance.

Requested by the MMO.

Addition results in consequential cross reference updates throughout this Part

Schedule 10, Part 2,  
new condition 19

Marine mammal condition

19. (1) In the event that piled foundations are proposed, the monitoring plan submitted under condition 18(2)(b) must include measurements of noise generated by the installation of the first four piled foundations of each piled foundation type to be installed unless the MMO otherwise agrees in writing.

(2) The results of the initial noise measurements monitored in accordance with subparagraph 18(2)(b) must be provided in writing to the MMO within nine weeks of the installation (unless otherwise agreed) of four of the first 12 piled foundations of each piled foundation type. The assessment of this report by the MMO will determine whether any further noise monitoring is required. If, in the reasonable opinion of the MMO in consultation with the statutory nature conservation body, the assessment shows impacts significantly in excess to those assessed in the environmental statement and there has been a failure of the mitigations set out in the marine mammal mitigation protocol, all piling activity must cease until either contingency measures approved within the marine management mitigation protocol have been implemented or an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed.

To secure reporting of the noise generated from the initial piling. Requested by the MMO.

Addition results in consequential cross reference updates throughout this Part

<p>Schedule 11, Part 1, paragraph 1</p>	<p>New items:</p> <p><u>“outline sediment disposal management plan” means the document certified as such by the Secretary of State under article 44 (certification of plans, etc) for the purposes of this Order;</u></p> <p><u>“outline southern north sea special area of conservation site integrity plan” means the document certified as such by the Secretary of State for the purposes of this Order under article 44 (certification of plans etc.);</u></p>	<p>Added as now referred to in this DML.</p>
<p>Schedule 11, Part 2, condition 13 (1)</p>	<p><u>New item (l)</u></p> <p><u>(k) a fisheries liaison and co-existence plan for the relevant stage which accords with the principles set out in the outline fisheries liaison and co-existence plan;</u> <u>and</u></p> <p><u>(l) a sediment disposal management plan for the relevant stage which accords with the principles set out in the outline sediment disposal management plan.</u></p>	<p>To secure the submission and approval of a final sediment disposal management plan in accordance with the certified outline</p>

Schedule 11, Part 2,  
new condition 15

**Site Integrity Plan**

15 (1) No piling activities can take place until a southern north sea special area of conservation site integrity plan (“SIP”), which accords with the principles set out in the outline southern north sea special area of conservation site integrity plan which accords with the principles set out in the, has been submitted to, and approved in writing, by the MMO in consultation with the relevant statutory nature conservation body.

(2) The SIP submitted for approval must contain a description of the conservation objectives for the Southern North Sea Special Area of Conservation (“SNS SAC”) as well as any relevant management measures and it must set out the key statutory nature conservation body advice on activities within the SNS SAC relating to piling as set out within the JNCC Guidance and how this has been considered in the context of the authorised scheme.

(3) The SIP must be submitted in writing to the MMO no later than six months prior to the commencement of piling activities.

(4) In approving the SIP the MMO must be satisfied that the authorised scheme at the preconstruction stage, in-combination with other plans and projects, is in line with the JNCC Guidance.

The approved SIP may be amended with the prior written approval of the MMO, in consultation with the relevant statutory nature conservation body, where the MMO remains satisfied that the Project, in-combination with other plans or projects at the pre-construction stage, is in line with the JNCC Guidance

Requested by the MMO.

Addition results in consequential cross reference updates throughout this Part

<p>Schedule 11, Part 2, new condition 20</p>	<p><b><u>Marine mammal condition</u></b></p> <p><u>15. (1) In the event that piled foundations are proposed, the monitoring plan submitted under condition 19(1) must include measurements of noise generated by the installation of the first four piled foundations of each piled foundation type to be installed unless the MMO otherwise agrees in writing. The results of the initial noise measurements monitored in accordance with subparagraph 19(1) must be provided in writing to the MMO within nine weeks of the installation (unless otherwise agreed) of four of the first 12 piled foundations of each piled foundation type. The assessment of this report by the MMO will determine whether any further noise monitoring is required. If, in the reasonable opinion of the MMO in consultation with the statutory nature conservation body, the assessment shows impacts significantly in excess to those assessed in the environmental statement and there has been a failure of the mitigations set out in the marine mammal mitigation protocol, all piling activity must cease until either contingency measures approved within the marine management mitigation protocol have been implemented or an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed.</u></p>			<p>To secure reporting of the noise generated from the initial piling. Requested by the MMO.</p> <p>Addition results in consequential cross reference updates throughout this Part</p>
<p>Schedule 15, Table 1</p>	<p><u>10.30</u></p>	<p><u>Outline Sediment Disposal Management Plan</u></p>	<p><u>Revision A</u> <u>December 2024</u></p>	<p>Added as this plan is now referred to in the DMLS and the certified document list</p>

**Table of Amendments to the Draft Development Consent Order – Revision D, Deadline 3**

Reference	Amendment	Reason
<b>Articles</b>		
Article 8, Application and modification of legislative provisions	Paragraph (1) (f): (f) Sections 6 (grass verges etc) and 30 (unauthorised structures on seashore) of the Essex <del>County Council</del> Act 1987(e)	To correct the name as requested by Essex County Council

Article 14, Temporary restriction of use of streets	Paragraph (6) (6) If a street authority fails to notify the undertaker of its decision within 56 <del>28</del> days of receiving an application for consent under paragraph (4), that street authority is deemed to have granted consent.	To extend the period as requested by Essex County Council
Article 16, Traffic regulation	<del>(3)</del> <u>(4)</u> The undertaker must notify the chief officer of police and the traffic authority in whose area the road is situated of the intended date of commencement of development under this Order and the intended date of commencement of any maintenance works where the <del>exception-provision</del> set out in paragraph (1) will apply not less than 14 days before such work are commenced.  <del>(4)</del> <u>(5)</u> On and after the date notified by the undertaker in accordance with <u>this</u> paragraph <del>(4)</del> no person is to drive any motor vehicle at a speed exceeding the limit specified in column (3) of Part 4 (speed limits) of Schedule 4 (traffic regulation) along the lengths of road identified in the corresponding row of column (2) of that Part for the period stated in the notice, which period may not <del>not</del> exceed 18 months from the date notified.	Minor amends for clarity
	(16) Save for any application made to National Highways, if the traffic authority fails to notify the undertaker of its decision within 56 <del>28</del> days of receiving an application for consent under this article, the traffic authority is deemed to have granted consent.	To extend the period as requested by Essex County Council
Article 17, Power to alter layout etc. of streets	(5) The powers conferred by paragraph (1) must not be exercised without the consent of the street authority. <del>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.</del>	Deleted at the request of the ExA
Schedules		
	New paragraph (6)	Added in response to a query from Essex County



	<a href="#">(6) If a street authority fails to notify the undertaker of its decision within 56 days of receiving an application for consent under paragraph (5), that street authority is deemed to have granted consent.</a>			Council
Schedule 2, part 1, table 1	Maximum total seabed footprint for wind turbine generators (excluding scour protection) (metres squared)	992,274		To correct typographical errors
	Maximum total seabed footprint for offshore substation platforms (excluding scour protection) (metres squared)	33,700		
	Maximum total scour <a href="#">protection</a> volume for offshore substation platforms foundations (metres cubed)	125,450		
Schedule 2, part 1, requirement 5	Title amended to: Onshore substation works, <a href="#">design and landscaping</a>			Amended at the request of the ExA
	Item 5(1)(f) (f) security fencing, <a href="#">colour and materials</a> ;			As requested by Essex County Council
	(2) The details submitted under sub-paragraph (1) of this requirement must be in accordance with <del>requirement 6 (detailed design parameters onshore)</del> <a href="#">sub-paragraph (3)</a> and substantially in accordance with the onshore substation design principles document.  <del>(3) Work No. 15B must be carried out in accordance with the approved details.</del> ... <a href="#">(4) Work No. 15B must be carried out in accordance with the details approved under sub-paragraph (2).</a>			To better reflect the merging of the requirements
	New sub-paragraph (8):			As requested by Essex County Council

	<a href="#">The landscaping of Work No.15 must be maintained throughout the operation of Work No.15B.</a>	
Requirement 12, Protected species onshore	<a href="#">Deletion of sub-paragraph (6):</a>  <del>(5) In this paragraph, “nationally protected species” means any species protected under the Wildlife and Countryside Act 1981.</del>  (6)	This is already provided for in the foregoing sub-paragraphs
Requirement 13, Ground water monitoring	(1) The undertaker must prepare and submit to the relevant planning authority for approval a scheme of investigation of hydraulic connectivity of groundwater supplying private water supplies. <del>The undertaker shall implement the approved scheme.</del>	Duplication with sub-paragraph (2)
Requirement 14, Restoration of land used temporarily for construction	<a href="#">Subject to requirement 19(4), Any</a> land which is used temporarily for construction of the onshore works and not ultimately incorporated in permanent works or approved landscaping, must be reinstated within twelve months of completion of the relevant stage of the onshore works <a href="#">or such other time period as may be agreed in writing with the relevant planning authority.</a>	To increase clarity and to reflect part of working suggested by Essex County Council

Requirement 16, Skills and employment strategy	16 (1) <del>No stage of t</del> The onshore works <del>or</del> and offshore works may not commence until <del>a</del> n skills and employment strategy, substantially in accordance with the outline skills and employment strategy has been submitted to and approved by the relevant planning authority.	To increase clarity that this is a single plan.
Requirement 17, Onshore build options	The onshore works must not commence, <del>nor powers of compulsory acquisition under Part 5 of this Order be exercised</del> until notification has been submitted to the relevant planning authority as to whether the undertaker intends to commence <del>onshore</del> -build option 1 or <del>onshore</del> -build option 2	In response to submissions by the Applicant.
Requirement 20, Biodiversity net gain	<del>No stage of the onshore works may</del> Work No. 15 may not commence until a net gain strategy <del>in relation to that stage</del> has been submitted to and approved by the relevant planning authority.	To try and resolve any confusion as to the approach to BNG by prevent building of the permanent elements at the OnSS rather than stages.
Requirement 22, Onshore decommissioning	22.—(1) A written scheme of decommissioning for the onshore works must be submitted to and approved by the relevant planning authority <del>at least</del> not less than six months prior to any decommissioning works commencing.	To increase clarity
Schedule 2, part 2, sub-paragraph 5(2)	All of sub-paragraph (2) has been deleted.	As requested by Essex County Council
Schedule 2, part 2, sub-paragraph 6(11)	(11) If an approval is given by the appointed person pursuant to this paragraph, it is to be deemed to be an approval for the purpose of Part 1 of Schedule 2 (requirements) as if it had been given by the relevant planning authority. <del>The relevant planning authority may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) is not to be taken to affect or invalidate the effect of the appointed person's determination.</del>	Deleted at the request of the ExA

Schedule 3, Streets subject to street works	Access track between Manor <a href="#">Farm</a> and Short Lane	Between points labelled AI and AJ on sheets 3 and 4	To correct an omission
Schedule 10, part 2, condition 19	Any monitoring report compiled in accordance with the monitoring plans provided under conditions 16, 17 and 18 must be provided to the <del>relevant body</del> <a href="#">MMO</a> no later than four months following receipt by the undertaker of the results of monitoring to which it relates, unless otherwise agreed with the <del>relevant body</del> <a href="#">MMO</a> in writing		In response to a request by the MMO
Schedule 11, part 2, condition 20	Any monitoring report compiled in accordance with the monitoring plans provided under conditions 17, 18 and 19 must be provided to the <del>relevant body</del> <a href="#">MMO</a> no later than four months following receipt by the undertaker of the results of monitoring to which it relates, unless otherwise agreed with the <del>relevant body</del> <a href="#">MMO</a> in writing.		In response to a request by the MMO

**Table of Amendments to the Draft Development Consent Order – Change Request**

Reference	Amendment	Reason	
<b>Articles</b>			
Article 38, Trees subject to tree preservation orders	<p>Subject to paragraph (2), the undertaker must not fell, lop, prune, or cut back the roots of any tree which is the subject of a tree preservation order <a href="#">except as provided in Schedule 12 Part 1 (trees subject to tree preservation orders)</a>.</p> <p>The undertaker may fell or lop any tree within or encroaching upon the Order limits that is subject to a tree preservation order <a href="#">is not listed in Schedule 12 Part 1 (trees subject to tree preservation orders)</a> and which tree preservation order which was made after 12 March 2024, or cut back its roots, if it reasonably believes it to be necessary in order to do so in order to prevent the tree—</p>	As TPO'd trees which may need to be lopped have been identified	
Schedule 4, Traffic regulation	Part 2, Rights of way to be temporarily closed or restricted	This Prow has always been in 2 parts but was inaccurately shown on previous versions, this change corrects that	
	<table border="1"> <tr> <td>FP8 179</td> <td>Between points <a href="#">Mw to Mx</a> and <a href="#">My to Mz</a> as shown on sheets 10 and 11 of the temporary closure of public rights of way plan</td> </tr> </table>		FP8 179
FP8 179	Between points <a href="#">Mw to Mx</a> and <a href="#">My to Mz</a> as shown on sheets 10 and 11 of the temporary closure of public rights of way plan		
	Part 4, Speed limits	To add the additional speed limits forming part of the change request and to correct a typographic error	
	<table> <tr> <td><i>(1) Area</i></td> <td><i>(2) Road name, number</i></td> <td><i>(3) Speed Limit and length</i></td> </tr> </table>		<i>(1) Area</i>
<i>(1) Area</i>	<i>(2) Road name, number</i>	<i>(3) Speed Limit and length</i>	

	District of Tendring	B1033 (Thorpe Road / Frinton Road) for a distance of 1.4 kilometres shown with a dashed line on sheet 1 on the Temporary Speed Reduction Plans	40 miles per hour	
	District of Tendring	Golden Lane for a distance of 0.9 kilometres shown with a dashed line on sheet 2 of the Temporary Speed Reduction Plans	40 miles per hour	
	District of Tendring	B1035 Thorpe Road/Tendring Road/Swan Road for a distance of 0.7 kilometres shown with a dashed line on sheet 1 of the Temporary Speed Reduction Plans	30 miles per hour	
	District of Tendring	B1035 (Clacton Road) for a distance of 0.5 kilometres as shown with a dashed line on sheet 4 on the Temporary Speed Reduction Plans	40 miles per hour	

	District of Tendring	Bentley Road, for a distance of 1.6 kilometres shown with a dashed line on sheets 6 of the Temporary Speed Reduction Plans	40 miles per hour	
	District of Tendring	Ardleigh Road, for a distance of 1.2 kilometres shown with a dashed line on sheet 7 of the Temporary Speed Reduction Plans	30 miles per hour	
<b>Schedule 5, access to works</b>	Insert new line:			To add the additional access forming part of the change request
	AC13	From and across the public highway Ardleigh Road, for access to works during construction and operation as shown on sheets 17 and 19 of the street works and access plan		
<b>Schedules 6 and 7</b>	Addition of plot 02-001A, deletion of plots 13-021, 13-024, 14-002, 09-021, 09-022, 20-002, 20-004			To reflect changes arising from the change request
<b>Schedule 12, new part 1</b>	Tree Preservation Orders			As TPO'd trees which may need to be lopped have been identified
	In the District of Tendring:			
	(1) Tree preservation Order reference	(2) Tree Preservation Order Location	(3) Trees which may be damaged, lopped or cut back, or the roots of	

						<i>which may be encroached upon, as listed in the Tree Preservation Order</i>	
	23/00005/TPO	Stones Green Lane, Tendring				T.1, T.2, T.3, T.4, T.5, T.6 and G.2 (comprising 2 oaks)	
	21/00009/TPO	Welhams Farm, Bentley Road, Little Bentley				G.1 (comprising 3 oaks and 2 ash)	
<b>Schedule 12, Part 2</b>	Grid coordinates have been updated as follows:						To reflect changes arising from the change request
	<i>(1) Grid coordinates</i>		<i>(2) Identifier as shown on the hedgerow and protected tree plan</i>	<i>(3) Grid coordinates</i>		<i>(4) Identifier as shown on the hedgerow and protected tree plan</i>	
	Easting	Northing		Easting	Northing		
	6113362.9537	22667341.5890	53a	611282.42	226578.51	53b	
<b>Schedule 1 Offshore co-ordinate</b>	Numerous changes to the co-ordinates listed in the table						To reflect changes arising from the change request



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

Reference	Amendment	Reason
<b>Articles</b>		
<b>Preamble</b>	The Secretary of State, in exercise of the powers conferred by sections [114, 115, 120 <del>and</del> , 132, <a href="#">140 and 149A</a> and schedule 5] to the 2008 Act, makes the following Order:	To properly reflect the contents of the dDCO.
<b>Article 2, interpretations</b>	<del>“address” includes any number or address used for the purposes of electronic transmission;</del>	Change made at the request of the ExA
	New definition inserted: <a href="#">“2016 regulations” means the Environmental Permitting (England and Wales) Regulations 2016;</a>  <a href="#">(1) S.I. 2016/1154.</a>	Change made at the request of the ExA

	<p>“cable protection” means <u>physical</u> measures <del>to protect</del><u>for the protection of</u> cables from physical damage including but not limited to concrete mattresses, <del>with or without frond devices</del><u>split pipe system</u>, and/or rock placement, <del>the use of bagged solutions filled with grout or other materials,</del><u>and</u> protective aprons or coverings, <del>mattresses, flow energy dissipation devices and rock and gravel burial</del> <u>(including material used for cable crossings)</u>;</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, <del>mono gravity based system or multi-leg gravity based system jacket</del>;</p> <p><del>“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;</del></p>	<p>To reflect the removal of gravity base foundation types as an option</p>
	<p><del>“HVAC” means high voltage alternating current;</del></p> <p><del>“HVDC” means high voltage direct current;</del></p>	<p>Deletion of definitions not used in the dDCO</p>
	<p><del>“m” means metres, “m<sup>2</sup>” means square metres and m<sup>3</sup> means cubic metres;</del></p>	<p>Change made at the request of the ExA</p>
	<p>“mean low water springs” or “MLWS” means the <u>lowest level which spring tides reach on</u> average height of all low waters above Chart Datum <u>over a period of time</u>;</p>	<p>To improve accuracy</p>

	<p>New definition inserted:</p> <p><u><a href="#">“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;</a></u></p>	<p>Definition added following a request for it from National Highways</p>
	<p>“requirements” means <u><a href="#">or a reference to a numbered requirement is a reference to,</a></u> those matters set out in Schedule 2 (requirements) to this Order;</p>	<p>To better align with the draft North Falls DCO</p>
	<p>New definition inserted:</p> <p><u><a href="#">“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;</a></u></p>	<p>Change made at the request of the ExA</p>
<b>Article 7, Benefit of the Order</b>	<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 <u><a href="#">(excluding the deemed marine licences referred to in paragraph (3) below)</a></u> and such related statutory rights as may be so agreed;</p>	<p>Change made in response to the MMO relevant representation requesting amendment</p>
	<p>In paragraph (3)(b)</p> <p>(b) Where an agreement has been made in accordance with paragraph (2)(b), <del>grant</del><u><a href="#">transfer</a></u> 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>Change made in response to the MMO relevant representation requesting amendment</p>

	<p>New sub- paragraphs (9) and (10 inserted</p> <p><u>(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.</u></p> <p><u>(10) The notices required under paragraphs (5) and (9) must—</u></p> <p><u>(a) state—</u></p> <p><u>(i) the name and contact details of the person to whom the benefit of the provisions will be transferred or granted;</u></p> <p><u>(ii) subject to paragraph (11), the date on which the transfer will take effect;</u></p> <p><u>(iii) the provisions to be transferred or granted; and</u></p> <p><u>(iv) the restrictions, liabilities and obligations that, in accordance with paragraph (7)(c), will apply to the person exercising the powers transferred or granted.</u></p> <p><u>(b) be accompanied by where relevant, a plan showing the works or areas to which the transfer or grant relates.</u></p> <p>(c)</p>	<p>Change made in response to the MMO relevant representation requesting amendment</p>
<p><b>Article 8, Application and modification of legislative provisions</b></p>	<p>(d) regulation 12 (requirement for environmental permit) of the <del>Environmental Permitting (England and Wales) Regulations 2016</del> <u>regulations</u> 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 <del>30 (temporary</del></p>	<p>Consequential to other changes made</p>

	<p><del>use of land for carrying out the authorised development) and 31 (temporary use of land for <u>carrying out the authorised development</u>) and 32 (temporary use of land for maintaining the authorised development) of this Order;</del></p>	
	<p>Insert new item (i)</p> <p><a href="#">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).</a></p> <p><sup>(1)</sup> 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><b>Article 9, Defence to proceedings in respect of statutory nuisance</b></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 <u>that the nuisance</u> 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 <del>or</del> maintenance <u>or decommissioning</u> of the authorised development and cannot reasonably be avoided; or</p> <p>In paragraph (3)</p> <p><del>(7)</del><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</p>	<p>To include decommissioning activities</p>

	<p>construction—<del>or</del>, maintenance <u>or decommissioning</u> of the authorised development.</p>	
<p><b>Article 16, Traffic regulation</b></p>	<p><del>26.16. 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</del> <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, <del>or in consequence of</del>, the construction <del>or maintenance</del> 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 the purposes of section 65 of the 1984 Act and the Traffic Signs Regulations and General Directions 2016<sup>(2)</sup>.</u></p> <p><u>(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.</u></p>	<p>To more precisely set out the power and to better align with the draft North Falls DCO</p>

<p><b>Article 17, Power to alter layout etc. of streets</b></p>	<p>New article inserted:</p> <p><u>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—</u></p> <p><u>(2) alter the level or increase the width of the street including any kerb, footway, cycle track or verge; and</u></p> <p><u>(3) make and maintain passing place(s).</u></p> <p><u>(4) The undertaker must restore any street that has been temporarily altered under this article to the reasonable satisfaction of the street authority.</u></p> <p><u>(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.</u></p>	<p>To better align with the draft North Falls DCO</p>
<p><b>Article 19, Authority to survey and investigate the land</b></p>	<p><b>19.</b>The undertaker may for the purposes of this Order enter on any land <u>above MLWS</u> shown within the Order limits or which may be affected by the authorised development and—</p> <p>(b) survey or investigate the land;</p> <p>(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 <del>and</del>, subsoil and <u>groundwater, and</u> remove soil <u>and groundwater</u> samples;</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>(d) without prejudice to the generality of sub-paragraph (a), carry out ecological or archaeological investigations on such land; and</p> <p>(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, <a href="#">bore holes or trenches</a>.</p> <p>(4) No trial holes, <a href="#">bore holes or trenches</a> are to be made under this article—</p>	
<b>Article 29, Modification of Part 1 of the 1965 Act</b>	<p>In (5)(b):</p> <p><b>30.</b> In this Schedule, references to entering on and taking possession of land do not include doing so under article 19 (<a href="#">authority to survey and investigate the land</a>), article 20 (protective work to buildings), article <del>30</del>31 (temporary use of land for carrying out the authorised development) or article <del>31</del>32 (temporary use of land for maintaining the authorised development) of the Five Estuaries Offshore Wind Farm Order 202[●] .</p>	To improve accuracy
<b>Article 32, Temporary use of land for maintaining the authorised</b>	<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 <del>electricity to the national electricity transmission network</del> <a href="#">is in operation after construction and commissioning is complete</a>.</p>	To improve accuracy
<b>Schedule 1, Authorised development</b>	<p><del>20. Work No. 4A — not used</del></p> <p>Work No. <del>4B</del>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</p>	Change made at the request of the ExA



	to junctions and visibility splays, temporary construction working areas and laydown area.											
	<p><i>Work No. 13A</i> — Works to permanently widen and improve the junction at Bentley Road and the A120, including removal of street furniture, <del>central reservation barriers and</del> 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.</p>	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										
	<p><i>Work No 15B</i> — Construction of electrical substation infrastructure including:  <del>(a)</del>(b) creation of a platform <del>or foundations</del>;</p>	Foundation is defined as the wind turbine foundation so the term has been deleted here										
<p><b>Schedule 2, Requirements</b></p>	<p><a href="#">PART 1</a>  <a href="#">Requirements</a></p> <table border="1" data-bbox="546 970 1621 1289"> <thead> <tr> <th><i>Parameter</i></th> <th><i>Value</i></th> </tr> </thead> <tbody> <tr> <td>Maximum number of wind turbine generators</td> <td>79</td> </tr> <tr> <td>Maximum total rotor swept area (metres squared)</td> <td>4,194,340</td> </tr> <tr> <td>Maximum height of wind turbine generators when measured from LAT to the tip of the vertical blade (metres)</td> <td><del>399</del><a href="#">370</a></td> </tr> <tr> <td>Maximum rotor diameter of each wind turbine generator (metres)</td> <td><del>360</del><a href="#">340</a></td> </tr> </tbody> </table>	<i>Parameter</i>	<i>Value</i>	Maximum number of wind turbine generators	79	Maximum total rotor swept area (metres squared)	4,194,340	Maximum height of wind turbine generators when measured from LAT to the tip of the vertical blade (metres)	<del>399</del> <a href="#">370</a>	Maximum rotor diameter of each wind turbine generator (metres)	<del>360</del> <a href="#">340</a>	<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 with resultant reduction in seabed footprints.</p>
<i>Parameter</i>	<i>Value</i>											
Maximum number of wind turbine generators	79											
Maximum total rotor swept area (metres squared)	4,194,340											
Maximum height of wind turbine generators when measured from LAT to the tip of the vertical blade (metres)	<del>399</del> <a href="#">370</a>											
Maximum rotor diameter of each wind turbine generator (metres)	<del>360</del> <a href="#">340</a>											

Minimum distance from MHS 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)	<del>298,400</del> <u>992,274</u>	
Maximum total seabed footprint for wind turbine generators (including scour protection) (metres squared)	<del>1,313,537</del> <u>834,896</u>	
Maximum total scour volume for wind turbine generator foundations (metres cubed)	<del>2,109,300</del> <u>1,248,850</u>	
Maximum total length of inter-array cables (kilometres)	200	
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)	105 125	
Length (metres)	100	
Topside area (metres squared)		
Maximum total seabed footprint for offshore substation platforms (excluding scour protection) (metres squared)	<del>14,000</del> <u>33,700</u>	
Maximum total seabed footprint for offshore substation platform foundations (including scour protection) (metres squared)	<del>81,656</del> <u>72,985</u>	
Maximum total scour volume for offshore substation platforms foundations (metres cubed)	<del>148,100</del> <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  <b><del>Substation</del> <u>Onshore substation</u> works</b>  Construction of Work No. 15B (the <u>onshore</u> electrical substation) must not commence until details of—		Changes made at the request of the ExA and to improve accuracy

### ~~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.

(7) The landscaping of Work No.15 must be carried out in accordance with the details approved details under sub-paragraph (5).

	<p><b><u>Detailed design parameters onshore</u></b></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 <del>details</del> <u>archaeological written scheme(s) of investigation</u>.</p>	<p>To improve accuracy</p>
	<p><del>European protected</del> <u>Protected</u> species onshore</p> <p>In paragraph 14 sub-paragraph (2)</p> <p><u>(2) The scheme approved under sub-paragraph (1) must be implemented as approved.</u></p>	<p>Change made at the request of the ExA</p>
	<p>In paragraph 15</p> <p>Any land <del>landward of MLWS within the Order limits</del> which is used temporarily for construction of the onshore works and not ultimately incorporated in</p>	<p>The requirement is already limited to the 'onshore works'</p>

	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 ( <a href="#">the onshore electrical substation</a> ) must not exceed;	Change made at the request of the ExA
	In paragraph 18  Subject to paragraph (2), the undertaker may commence, <del>or exercise powers of compulsory acquisition under Part 5 of this Order</del> 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
<b>Schedule 2</b>	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 ( <a href="#">the onshore electrical substation</a> ) — (a) the highest part of any building, any external electrical equipment or enclosure, excluding lightning rods, must not exceed <del>15metres</del> <a href="#">15 metres</a> above <a href="#">finished ground level (50.775 metres Ordnance Datum)</a> ; (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 <a href="#">finished ground level (53.775 metres Ordnance Datum)</a> ;	
<b>Schedule 7</b>	SCHEDULE 1      Article <del>23</del> <a href="#">24</a>	To better align with the draft North Falls DCO

	<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, <del>roads</del><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, <del>roads</del><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 <del>or</del>, hedges <del>or</del>, 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>



	<p>of any kind (including the <del>foundations</del><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, <del>roads</del><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>	

	<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 <del>foundations</del><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 <del>Works</del><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>

	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 <del>foundations</del> <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 <del>foundations</del> <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 <del>foundations</del> <u>substructures</u> or footings thereto);	

	(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 <del>foundations</del> <u>substructures</u> or footings thereto);	
<b>Schedule Protective Provisions, throughout</b>	9, 'Shall' has been replaced throughout	To delete use of 'shall'
<b>Schedule 10, Deemed marine licence – Generation Assets, Part 1, Licensed marine activities</b>	<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 <del>LIDAR</del><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, <del>St George’s House, DIO Head Office, DMS Whittington, Lichfield, Staffordshire, WS14 9PY</del> 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](mailto: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;~~

	<p><del>“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;</del></p> <p>(6) Unless otherwise advised in writing by the MMO, the <del>Marine Case Management System (“MCMS”)</del> must be used for all licence returns or applications to vary this licence. The MCMS address is: <a href="https://marinelicensing.marinemanagement.org.uk/">https://marinelicensing.marinemanagement.org.uk/</a>.</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, <del>or</del> pin-piled jacket foundations, <u>or</u> suction caisson jacket foundations, <del>monopile gravity base structure foundations, multi-leg gravity base structure jacket foundations;</del></p>	

<p><b>Schedule 10, Part 2, Conditions</b></p>	<p>In paragraph 1(2)</p> <p>(a) exceed a height of <del>399</del><u>370</u> metres when measured from LAT to the tip of the vertical blade;</p> <p>(b) exceed a rotor diameter of <del>360</del><u>340</u> metres;</p> <p>In paragraph (4)</p> <p>(a) monopile foundations;</p> <p>(b) mono suction caisson foundations;</p> <p><del>(c) monopile gravity base structure foundations;</del></p> <p><del>(d)</del><u>(c)</u> pin-piled jacket foundations;</p> <p><del>(e) suction caisson jacket foundations; or</del></p> <p><del>(f)</del><u>(d)</u> <del>multi-leg gravity base structure jacket foundations.</del></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) <del>284,400</del><u>99,274</u> square metres excluding scour protection; and</p> <p>(c) <del>1,313,537</del><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 <del>2,109,300</del><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>

	<p>An operation and maintenance plan substantially in accordance with the outline offshore operations and maintenance plan <del>shall</del><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 <del>shall</del><u>must</u> be carried out in accordance with the approved plan.</p>	
	<p>(8) The undertaker must inform the Kingfisher Information Service of <a href="#">Seafish</a> 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 <a href="#">Seafish</a> 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 <a href="#">Fortnightly</a> 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>(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 <del>lighting and</del></p>	<p>Changes made in response to relevant representations from</p>



	<p><del>marking</del> <a href="#">aid to navigation management</a> 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 <del>76(12)</del> <a href="#">or 6(13)</a> 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><b>Schedule 10, Deemed marine licence – generation assets, Part 2 Conditions</b></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 <a href="#">and, in so far as they are applicable, the Environment Agency Pollution Prevention Control Guidelines</a>.</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 <del>31 January</del> <a href="#">15 February</a> each year for the months August to January inclusive, and by <del>31 July</del> <a href="#">15 August</a> 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 <del>following</del> <a href="#">and in any event within 96 hours of</a> 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>	Changes made in response to relevant representations from the MMO and Trinity House
	<p>In paragraph 12(1)</p> <p>(g) <del>a lighting and marking</del> <a href="#">an aids to navigation management</a> 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</p>	Changes made in response to relevant representations from Trinity House

	<p>condition 7 relating to that stage for the lifetime of the authorised development;</p>	
	<p><a href="#">(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.</a></p>	<p>Paragraph inserted to secure the piling restriction for the protection of herring spawning</p>
	<p>In paragraph 15(2)  (2) Any changes to the supplied details must be notified to the MMO in writing <a href="#">not less than 24 hours</a> 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)  <a href="#">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.</a></p>	<p>Changes made in response to relevant representations from the MMO</p>
	<p>In paragraph 25  <b><a href="#">Reporting of scour and cable protection:</a></b>  <a href="#">(2) The report must include the following information—</a>  <a href="#">(b) the location of cable protection and scour protection;</a>  <a href="#">(c) the volume of cable protection and scour protection; and</a>  <a href="#">(d) any other information relating to the cable protection and scour protection as agreed between the MMO and the undertaker</a></p>	<p>Changes made in response to relevant representations from the MMO and Natural England</p>

<p><b>Schedule 11, Deemed marine licence – Transmission Assets, Part 1, Licenced Marine Activities</b></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 <del>LIDAR</del><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><del>“lighting and marking plan” means the lighting and marking plan to be submitted to the MMO under the conditions of this licence;</del></p> <p><del>“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;</del></p>	<p>Changes made in response to relevant representations from the MMO and Trinity House</p>
<p><b>Schedule 11, Deemed marine</b></p>	<p>In paragraph 2(1)</p>	<p>Changes made to reflect the removal of gravity</p>

<b>licence Transmission, Part 2, Conditions</b>	<p>– Offshore substation platform foundation structures forming part of the authorised scheme must be one of either monopile foundations, <u>or</u> jacket foundations <del>or gravity base structures</del>.</p>	<p>base foundation options</p>
	<p>In paragraph 4, sub-paragraph (4)</p> <p>An operation and maintenance plan substantially in accordance with the outline offshore operations and maintenance plan <del>shall</del><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 <del>shall</del><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)</p> <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 <del>lighting and marking</del><u>aids to navigation management</u> plan agreed pursuant to condition 13(1)(i) using the reporting system provided by Trinity House.</p> <p>(5) In the event that the provisions of condition <del>8</del><u>7(12) or 7(13)</u> 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)</p> <p>(h) <del>a lighting and marking</del><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> <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>	Paragraph inserted to secure the piling restriction for the protection of herring spawning
		<p><b><u>Reporting cable protection</u></b></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>	Changes made in response to relevant representations from the MMO and Natural England
<b>Schedule 13</b>			
<b>Schedule Compensation</b>	<b>13,</b>	<p>In paragraph 2, sub-paragraph (b)</p> <p>(b) <del>Natural England</del> <u>the SNCB</u>;</p> <p>In paragraph 3</p> <p>Unless the Secretary of State confirms in writing that the compensation measure has been delivered to his satisfaction, then the following details</p>	Changes made in response to relevant representations from Natural England

	<p>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 <del>Natural England</del><a href="#">SNCB</a> and the relevant planning authority for the compensation measure prior to the commencement of the offshore works.</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 <del>Natural England</del><a href="#">the SNCB</a> 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 <del>three</del><a href="#">four</a> 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 <del>shall</del><a href="#">will</a> prevail.</p>	<p>To remove the word 'shall'</p>