

Rampion 2 Wind Farm Category 3: Development Consent Order

Schedule of Changes to the Draft Development Consent Order (tracked)

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Revision F**

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Document revisions

Revision	Date	Status/reason for issue	Author	Checked by	Approved by
A	16/01/2024	Procedural Deadline A	Eversheds Sutherland	RED	RED
B	20/03/2024	Deadline 2	Eversheds Sutherland	RED	RED
C	25/04/2024	Deadline 3	Eversheds Sutherland	RED	RED
D	03/06/2024	Deadline 4	Eversheds Sutherland	RED	RED
E	09/07/2024	Deadline 5	Eversheds Sutherland	RED	RED
F	01/08/2024	Deadline 6	Eversheds Sutherland	RED	RED

Table of Amendments to the draft Development Consent Order at Deadline 6

This document is submitted together with the updated draft DCO on 1 August 2024 (Document 3.1G) and identifies the latest changes that have been made to the draft DCO submitted on 9 July 2024 (Document 3.1F, REP5-005).

The changes that were made to the version submitted on 3 June 2024 (Document 3.1E, REP4-004) in the version submitted on 9 July 2024 (Document 3.1F, REP5-005) are included at Appendix 1 of this document.

The changes that were made to the version submitted on 25 April 2024 (Document 3.1D, REP3-003) in the version submitted on 3 June 2024 (Document 3.1E, REP4-004) are included at Appendix 2 of this document.

The changes that were made to the version submitted on 20 March 2024 (Document 3.1C, REP2-002) in the version submitted on 25 April 2024 (Document 3.1D, REP3-003) are included at Appendix 3 of this document.

The changes that were made to the version submitted on 16 January 2024 (Document 3.1B, PEPD-009) in the version submitted on 20 March 2024 (Document 3.1C, REP2-002) are included at Appendix 4 of this document.

The changes that were made to the original application submission draft DCO (Document 3.1, APP-019) in the version submitted on 16 January 2024 (Document 3.1B, PEPD-009) are included at Appendix 5 of this document

Article/Requirement/Schedule	Amendment	Reason
Changes made throughout the DCO		
Corrections	Minor typographical amendments and changes.	For clarity and consistency of drafting
Articles		
Article 2 - Interpretation	To insert a new definition of "Horsham District mitigation and enhancement principles document" as follows: "Horsham District mitigation and enhancement principles document" means the document certified as the Horsham District mitigation and enhancement principles document by the Secretary of State for the purposes of this Order under article 51;"	To reflect the amendments made to Requirement 41
Article 2 - Interpretation	To delete the definition of "landscape enhancement scheme principles document"	To reflect the amendments made to Requirement 41

Article 2 - Interpretation	To insert a new definition of "National Park enhancement and furtherance principles document" as follows: "National Park enhancement and furtherance principles document" means the document certified as the National Park enhancement and furtherance principles document by the Secretary of State for the purposes of this Order under article 51;"	The definition is required as a result of new Requirement 43
Article 2 - Interpretation	To insert a new definition of "outline air quality management plan" as follows: "outline air quality management plan" means the document certified as the outline air quality management plan by the Secretary of State for the purposes of this Order under article 51;"	To enable the document to be certified in its own right despite it forming an appendix to the outline code of construction practice [REP5-065]
Article 2 - Interpretation	To insert a new definition of "outline noise and vibration management plan" as follows: "outline noise and vibration management plan" means the document certified as the outline noise and vibration management plan by the Secretary of State for the purposes of this Order under article 51;"	To enable the document to be certified in its own right despite it forming an appendix to the outline code of construction practice [REP5-065]
Article 2 - Interpretation	To rename the "public rights of way enhancement scheme principles document" the "public rights of way and landscape enhancement principles document" and to update the definition accordingly.	For clarity and consistency of drafting
Article 13(1)(a)	To insert "approximate" in front of "locations" as follows: "form, lay out and maintain a means of access, or improve or maintain an existing means of access, in the approximate locations specified in columns (1) and (2) of Schedule 5 (access to works); and"	For clarity as the locations shown for accesses on the Access and Rights of Way Plan are necessarily in approximate locations due to the scale of the plan

Schedules		
Schedule 1, Part 3, Requirement 5(2)	To amend "cables" to "cable circuits" as follows: "The total length of the cables circuits comprising Work No. 2 must be no more than 250 kilometres."	For clarity and consistency of drafting
Schedule 1, Part 3, Requirement 8(3)	To amend Requirement 8(3) as follows: "(3) The details submitted pursuant to sub-paragraph (2) must demonstrate how the operation of -works to construct and operate Work No. 16 will secure water neutrality."	Natural England have confirmed that there is no justification for requiring water neutrality from the construction of the substation
Schedule 1, Part 3, Requirement 8(4)(f)	To amend Requirement 8(4)(f) as follows: "the maximum height of any fire walls must be no more than 10 26.25 metres above ordnance datum ."	For completeness and consistency with other heights at the onshore substation
Schedule 1, Part 3, Requirement 19(5)	To amend Requirement 19(5) as follows: "In the event of the discovery of previously unknown high significance archaeological remains within the onshore Order limits, their significance and suitability for preservation in situ must be assessed by field evaluation, in accordance with the outline onshore written scheme of investigation. Any archaeological remains which are demonstrably of national significance will be preserved in situ unless following an application made to it by the undertaker, it is agreed by the relevant planning authority following consultation with West Sussex County Council, that either they are not suitable for preservation in situ or that preservation in situ cannot be achieved acceptably (including obtaining all necessary consents) – through acceptable engineering or design solutions having regard to technical and environmental constraints . Should archaeological remains be left in situ on any site, a site-specific archaeological management plan must be submitted to and approved in writing by the relevant planning authority following consultation with West Sussex County Council. Any further works, including removal and reinstatement, must be carried out in accordance with the approved site-specific archaeological management plan, unless otherwise approved by the relevant planning authority."	To reflect the wording which has been agreed with WSCC, in response to a discussion between WSCC and the Applicant, so as to address WSCC's concerns.
Schedule 1, Part 3, Requirement 23(2)	To move "as appropriate to the relevant stage" from underneath Requirement 23(2)(h) to the end of Requirement 23(2) as follows:	For clarity and consistency of drafting

	"(2) The onshore construction method statements referred to in paragraph (1) must, as appropriate to the relevant stage -"	
Schedule 1, Part 3, Requirement 23(2)(b)	To amend Requirement 23(2)(b) as follows: "restrict access within ecologically sensitive sites including Climping Beach Site of Special Scientific Interest, Littlehampton Golf Course and Atherington Beach Local Wildlife Site, Sullington Hill Local Wildlife Site and ancient woodland at Michelgrove Park and Calcot Wood ;"	For completeness and consistency of drafting because not all of Michelgrove Park and Calcot Wood comprise ancient woodland
Schedule 1, Part 3, Requirement 39(2)	To amend Requirement 39(2) as follows: "Within 21 days of providing the information specified in sub-paragraph (1) above, (or such other period as may be agreed in writing between the undertaker and the Secretary of State Airport Operator), the undertaker Airport Operator must, with any written confirmation from the Airport Operator received within that 21 day period , provide written confirmation to the undertaker Secretary of State that—"	To reflect the wording proposed by the ExA in its regulation 17 request [PD-017], save that clarification is provided as to when written confirmation from the Airport Operator is to be provided to the Secretary of State
Schedule 1, Part 3, Requirement 39(3)	To amend Requirement 39(3) as follows: " the Secretary of State has confirmed and agreed in writing the Company have received written confirmation under paragraph 2(a); or "	To reflect the wording proposed by the ExA in its regulation 17 request [PD-017]
Schedule 1, Part 3, Requirement 39(4)	To amend Requirement 39(4) as follows: "If an IFP Scheme is required, no wind turbine generator or turbine blade that has been identified as having an impact on instrument flight procedures may be erected or fitted unless and until such time as the Secretary of State receives written confirmation and evidence from the undertaker Airport Operator in writing that—"	To reflect the wording proposed by the ExA in its regulation 17 request [PD-017]
Schedule 1, Part 3, Requirement 41	To amend Requirement 41 as follows:	To reflect that the Horsham District

	<p>"Horsham District Landscape mitigation and enhancement</p> <p>—(1) The authorised project must not be commenced, save in respect of onshore site preparation works, until a Horsham District landscape mitigation and enhancement scheme in accordance with the Horsham District landscape mitigation and enhancement principles document has been submitted to and approved by the South Downs National Park Authority and Horsham District Council.</p> <p>(2) The Horsham District landscape mitigation and enhancement scheme must shall set out appropriate measures to compensate for the impact of the authorised development on the protected landscape of the South Downs National Park, the landscape character in which the onshore substation is located.</p> <p>(3) The Horsham District landscape mitigation and enhancement scheme must shall be implemented as approved.</p> <p>(4) In this requirement "Horsham District mitigation and landscape enhancement principles document" means the document certified as such by the Secretary of State under article 51."</p>	<p>mitigation and enhancement principles are concerned solely with payments due to HDC and payments in respect of effects within the SDNP are dealt with in a separate principles document. It also reflects that the s106 agreement will include a payment in respect of air quality mitigation.</p>
Schedule 1, Part 3, Requirement 42	<p>To amend Requirement 42 as follows:</p> <p>"Public rights of way and landscape enhancement</p> <p>—(1) The authorised project must not be commenced, save in respect of onshore site preparation works until a public rights of way and landscape enhancement scheme in accordance with the public rights of way and landscape enhancement principles document has been submitted to and approved by West Sussex County Council.</p> <p>(2) The public rights of way and landscape enhancement scheme must shall set out appropriate measures to compensate for</p> <p>(a) the impact of the loss of hedgerows and trees during the construction of the authorised development on the use and enjoyment of the public rights of way network in West Sussex; and</p> <p>(b) towards improvements to the public rights of way network affected by the construction of the authorised development within a 5km buffer zone of the onshore Order limits.</p> <p>(3)The public rights of way and landscape enhancement scheme must shall be implemented as approved.</p> <p>(4) In this requirement "public rights of way and landscape enhancement principles document" means the document certified as such by the Secretary of State under article 51."</p>	<p>For clarity and consistency of drafting to reflect the purpose of the compensation payment to WSCC</p>
Schedule 1, Part 3, New Requirement 43	To insert a new Requirement 43 as follows:	To reflect that the compensation

	<p>"National Park enhancement and furtherance —(1) The authorised project must not be commenced, save in respect of onshore site preparation works, until a National Park enhancement and furtherance scheme in accordance with the National Park enhancement and furtherance principles document has been submitted to and approved by South Downs National Park Authority. (2) The National Park enhancement and furtherance scheme must set out appropriate measures to compensate for the impact of the authorised development on the South Downs National Park and seek to further the statutory purposes of the South Downs National Park as set out in section 5 of the National Parks and Access to the Countryside Act 1949. (3) The National Park enhancement and furtherance scheme must be implemented as approved. (4) In this requirement "National Park enhancement and furtherance principles document" means the document certified as such by the Secretary of State under article 51."</p>	<p>arrangements with the SDNPA are to be dealt with independently of HDC, and the scheme to be approved will both compensate for effects within the SDNP and seek to further the statutory purposes of the National Park</p>
Schedule 1, Part 3, Existing Requirement 43	To renumber existing Requirement 43 and Requirement 44.	To reflect the insertion of new Requirement 43
Schedule 4, Part 1	<p>To delete the final row from the table in Part 1 of Schedule 4:</p> <p>Horsham District Bridleway 1730 From 50a to 50b shown on sheet 32</p>	To reflect that Bridleway 1730 is being temporarily diverted
Schedule 4, Part 2	<p>To insert a new row from the table in Part 2 of Schedule 4:</p> <p>Horsham District Bridleway 1730 50a to 50b</p>	To reflect that Bridleway 1730 is being temporarily diverted
Schedule 7 – Cable Rights	In row 5, line 28 of column (1) of the table to delete "34/31"	<p>A narrowed extent of Work No. 19 is proposed in the area to the west of the existing substation, which means that Plot 34/31 is now required for Work no. 13</p>

		(construction access) and requires temporary possession powers only.
Schedule 7 - Cable Restrictive Covenants	In row 6, line 28 of column (1) of the table to delete "34/31"	A narrowed extent of Work No. 19 is proposed in the area to the west of the existing substation, which means that Plot 34/31 is now required for Work no. 13 (construction access) and requires temporary possession powers only.
Schedule 7 - Cable Restrictive Covenants	In row 6, line 29 of column (1) of the table to adjust the placement of "34/21" to follow a numerical order	This is to correct the numerical order of the plots within this package.
Schedule 7 - Cable Restrictive Covenants	In row 6, line 29 of column (1) of the table to delete "34/31"	This was a drafting error which duplicated Plot 34/31 by mistake.
Schedule 7 - Cable Restrictive Covenants	In row 6, line 29 of column (1) of the table to insert "34/23".	This is to correct a drafting error. The duplicated plot 34/31 entry

		should have been a reference to plot 34/23, which is shown coloured blue on the Land Plans and over which Cable Rights and Cable Restrictive Covenants are required.
Schedule 7 – Operational Access Rights	In row 7, line 20 of column (1) of the table to insert “34/40”.	A reduced package of permanent rights for an operational access are required on Plot 34/40, which was previously part of Plot 34/25 and subject to the more extensive Cable Rights and Cable Restrictive Covenants packages.
Schedule 7 – Construction and Operational Access Rights	In row 8, line 3 of column (1) of the table to insert “7/36”.	This parcel originally formed part of Plot 7/1 over which Cable Rights and Cable Restrictive Covenants are sought. The newly re-numbered parcel is now required only for work no. 14 for which

		<p>Construction and Operational Access Rights are sought. These amendments are made to minimise environmental impacts and in response to the ExA's Second Written Questions TE-2.21e.</p>
<p>Schedule 7</p>	<p>To add a new row 12 at the end of the table and insert "34/28" in column (1) and the following in column (2):</p> <p>"Unlicensed Works Rights</p> <p><i>All rights necessary for the purposes of the construction, installation, retention, operation, maintenance and decommissioning of the authorised development comprising Work No. 20 (which work is defined for these purposes as "the Unlicensed Works"), including to—</i></p> <ul style="list-style-type: none"> <i>(a) lay down, install, adjust, alter, construct, create, operate, erect, use, maintain, repair, renew, upgrade, inspect, test, remove and replace electrical equipment comprising the Unlicensed Works;</i> <i>(b) enter and be on the land and remain with or without plant, vehicles, machinery, apparatus and equipment, and break up the surface of the land for the purposes of the Unlicensed Works;</i> <i>(c) pass and re-pass with or without vehicles, plant, machinery, apparatus, equipment and materials for the purposes of the Unlicensed Works;</i> <i>(d) place and use plant, machinery, structures and temporary structures, including foundations, within the land for the purposes of the Unlicensed Works;</i> <i>(e) erect, create and remove fencing and secure working areas for the purposes of the Unlicensed Works;</i> <i>(f) make such investigations in or on the land as required for the purposes of the Unlicensed Works;</i> <i>(g) install and maintain cable marker posts to identify the location of the cabling comprising the Unlicensed Works (subject to an obligation to minimise interference with future use and operations within the land);</i> <i>(h) fell, lop or cut, coppice wood, uproot trees or hedges or shrubs which now or hereafter may be standing on the land which would if not felled, lopped, cut or removed obstruct or interfere with the Unlicensed Works;</i> 	<p>This parcel was previously subject to powers of permanent freehold acquisition.</p> <p>In response to discussions with National Grid permanent new rights and restrictive covenants are considered sufficient for the Applicant's works and the retention of its permanent equipment.</p>

	<p>(i) <i>install, alter, re-lay, maintain, protect, adjust or remove pipes, cables or conduits or apparatus (including the pipes, cables or conduits or apparatus of statutory undertakers) for the purposes of the Unlicensed Works; and</i></p> <p>(j) <i>such other rights as may be necessary to facilitate any onshore Further Works as defined in Schedule 1 to the Order, that may be required."</i></p>	
Schedule 9 – Horsham District, Work No. 12	In row 6 of the table, line 1, to insert "19/12" in column (2).	A reduced works package (Work 12, temporary duct stringing) is proposed over this newly numbered area which was formerly part of Plot 19/2 and subject to permanent rights. Temporary possession only powers are now sought.
Schedule 9 – Mid-Sussex District, Work No. 13	In row 9 of the table, line 2, to insert "34/31" in column (2).	Temporary possession only powers are now sought over Plot 34/31, which was originally subject to permanent Cable Rights and Cable Restrictive Covenants.
Schedule 9 – Mid-Sussex District, Work No. 13	In row 9 of the table, line 4, to insert, "34/38" in column (2)	Temporary possession only powers are now sought over Plot 34/38 which was originally part of Plot 34/27 and

		subject to permanent rights
Schedule 9 – Mid-Sussex District, Work No. 13	In row 9 of the table, line 5, to insert “34/39” and “34/41” in column (2)	Temporary possession only powers are now sought over these parcels which were originally part of Plot 34/25 and subject to permanent rights
Schedule 10	Various amendments to the Protective Provisions.	To reflect the agreed position with the relevant undertaker.
Schedule 11, Part 2, Condition 3(2)	To add “unless otherwise agreed in writing between the undertaker and the MMO” to the end of Condition 3(2).	As requested by the MMO as part of its DL5 submission [REP5-146]
Schedule 11, Part 2, Condition 9(3)	To add “The undertaker must inform the MMO of the location and quantities of material disposed of each month under the Order by reference to the disposal site identifier agreed with the MMO, by submission of a disposal return by 15 February each year for the months August to January inclusive, and by 15 August each year for the months February to July inclusive.” to the end of Condition 9(3).	As requested by the MMO in correspondence prior to DL6
Schedule 11, Part 2, Condition 11(1)(f)	To amend Condition 11(1)(f) as follows: “a vessel management plan including a code of conduct for vessel operators incorporating the Working in Proximity to Wildlife in the Marine Environment Protocol which shall apply during both the construction and the operational lifetime of the authorised scheme;”	Condition 11(1)(f) has been amended in response to the ExA’s question MM2.6 which reflected Natural England’s request for assurance that the Vessel Management Plan

		<p>would be in place throughout the development construction operation maintenance and decommissioning of the Proposed Development.</p> <p>The revised wording reflects that the VMP will be in place during construction and operation of the Proposed Development with the operational phase incorporating maintenance activities. The condition does not refer to the decommissioning of the Proposed Development as the deemed marine licences do not cover decommissioning and this would be the subject of a subsequent marine licence.</p>
Schedule 12, Part 2, Condition 3(2)	To add "unless otherwise agreed in writing between the undertaker and the MMO" to the end of Condition 3(2).	As requested by the MMO as part of its DL5 submission [REP5-146]

Schedule 12, Part 2, Condition 9(3)	To add "The undertaker must inform the MMO of the location and quantities of material disposed of each month under the Order by reference to the disposal site identifier agreed with the MMO, by submission of a disposal return by 15 February each year for the months August to January inclusive, and by 15 August each year for the months February to July inclusive." to the end of Condition 9(3).	As requested by the MMO in correspondence prior to DL6
Schedule 12, Part 2, Condition 11(1)(f)	To amend Condition 12(1)(f) as follows: "a vessel management plan including a code of conduct for vessel operators incorporating the Working in Proximity to Wildlife in the Marine Environment Protocol which shall apply during both the construction and the operational lifetime of the authorised scheme;"	Condition 11(1)(f) has been amended in response to the ExA's question MM2.6 which reflected Natural England's request for assurance that the Vessel Management Plan would be in place throughout the development construction operation maintenance and decommissioning of the Proposed Development. The revised wording reflects that the VMP will be in place during construction and operation of the Proposed Development with the operational phase incorporating maintenance activities. The condition does not refer to the

		decommissioning of the Proposed Development as the deemed marine licences do not cover decommissioning and this would be the subject of a subsequent marine licence.
Schedule 13	Amendments to move 7 hedgerows from Part 1 to Part 2 of the Schedule	To reflect that these hedgerows fall under the historic classification in The Hedgerows Regulations 1997 and are therefore important hedgerows.
Schedule 16 (Certification of Plans and Documents)	Amendments to document and plan references and numbers.	The list of certified plans and documents has been updated to reflect the latest versions of the plans and documents being submitted at DL6.

Appendix 1: Table of Amendments to the draft Development Consent Order at Deadline 5

This document is submitted together with the updated draft DCO on 9 July 2024 (Document 3.1F) and identifies the latest changes that have been made to the draft DCO submitted on 3 June 2024 (Document 3.1E, REP4-004).

The changes that were made to the version submitted on 25 April 2024 (Document 3.1D, REP3-003) in the version submitted on 3 June 2024 (Document 3.1E, REP4-004) are included at Appendix 2 of this document.

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Article/Requirement/Schedule	Amendment	Reason
Changes made throughout the DCO		
Corrections	Minor typographical amendments and changes.	For clarity and consistency of drafting
Articles		
Article 2 - Interpretation	To insert a new definition of "landscape enhancement scheme principles document" as follows: " <i>landscape enhancement scheme principles document</i> " means the document certified as the landscape enhancement scheme principles document by the Secretary of State for the purposes of this Order under article 51;"	Definition required as a result of new Requirement 41.
Article 2 - Interpretation	To insert a new definition of "National Highways" as follows: " <i>National Highways</i> " 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;"	To reflect the comments made by the ExA in the Examining Authority's schedule of proposed changes to the DCO [PD-013] following a request by National Highways

Article 2 - Interpretation	To insert a new definition of "outline cable burial risk assessment" as follows: <i>"outline cable burial risk assessment" means the document certified as the outline cable burial risk assessment by the Secretary of State for the purposes of this Order under article 51;"</i>	To reflect the request made by the ExA at ISH2 for this document to be provided.
Article 2 - Interpretation	To insert a new definition of "outline cable specification and installation plan" as follows: <i>"outline cable specification and installation plan" means the document certified as the outline cable specification and installation plan by the Secretary of State for the purposes of this Order under article 51;"</i>	To reflect the request made by the ExA at ISH2 for this document to be provided.
Article 2 - Interpretation	To insert a new definition of "public rights of way enhancement scheme principles document" as follows: <i>"public rights of way scheme principles document" means the document certified as the landscape enhancement scheme principles document by the Secretary of State for the purposes of this Order under article 51;"</i>	Definition required as a result of new Requirement 42.
Article 2 - Interpretation	To insert a new definition of "Strategic road network" as follows: <i>"Strategic road network" means any part of the highway network including trunk roads, special roads or streets for which National Highways is the highway authority;"</i>	To reflect the comments made by the ExA in the Examining Authority's schedule of proposed changes to the DCO [PD-013] following a request by National Highways, save that the word "road" has been amended to "highway" for clarity and consistency of drafting.
Article 5(2)	To insert "(excluding the deemed marine licences)" into Article 5(2)(a) and (b) as follows: <i>"(a) transfer to another person ("the transferee") any or all of the benefit of the provisions of this Order (excluding the deemed marine licences) and such related statutory rights as may be agreed between the undertaker and the transferee; and (b) 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 the</i>	To reflect the comments made by the ExA in the Examining Authority's schedule of proposed changes to the DCO [PD-013] following a request made by the MMO at ISH2. The proposed amendment to replace "grant" with "transfer" has not been

	Order (excluding the deemed marine licences) and such related statutory rights as may be so agreed,"	accepted for the reasons set out in The Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO (Document 8.83).
Article 5(3)	<p>To insert "granted under Schedules 11 or 12 of this Order" into Article 5(3)(a) and (b) as follows:</p> <p>"(a) where an agreement has been made in accordance with paragraph (2)(a), transfer to the transferee the whole of any of the deemed marine licences granted under Schedules 11 or 12 of this Order and such related statutory rights as may be agreed between the undertaker and the transferee; or</p> <p>(b) where an agreement has been made in accordance with paragraph (2)(b), grant to the lessee, for the duration of the period mentioned in paragraph (2)(b), the whole of any of the deemed marine licences granted under Schedules 11 or 12 of this Order and such related statutory rights as may be so agreed,"</p>	To reflect the comments made by the ExA in the Examining Authority's schedule of proposed changes to the DCO [PD-013] following a request made by the MMO at ISH2. The proposed amendment to replace "grant" with "transfer" has not been accepted for the reasons set out in The Applicant's Comments on the Examining Authority's Schedule of Changes to the DCO (Document 8.83) and "and" has been changed to "or" as the dMLs may not be transferred/granted together.
Article 5(6)	<p>To amend Article 5(6) as follows:</p> <p>"(6) On receipt of a request under paragraph (3) The the Secretary of State must consult the MMO, and must have regard to any response received from the MMO within 28 days of notification before giving consent to the transfer or grant to another person of the benefit of the provisions of the deemed marine licences."</p>	To reflect the comments made by the ExA in the Examining Authority's schedule of proposed changes to the DCO [PD-013] following a request by the MMO. The proposed amendment to replace "grant" with "transfer" has not been accepted for the reasons set out in The Applicant's Comments on the Examining Authority's

		Schedule of Changes to the DCO (Document 8.83).
Article 5(8)	To delete Article 5(8)(b) and to renumber existing Article 5(8)(c) as Article 5(8)(b)	Following consideration of the comments made by the ExA in the Examining Authority's schedule of proposed changes to the DCO [PD-013, the Applicant has deleted limb (b) of Article 5(8). This revised wording has precedent in numerous DCOs for offshore wind farms including those for the East Anglia One North and Two, Hornsea Four and Sheringham and Dudgeon projects.
Article 16	To retitle Article 16 as "Temporary Speed Limits" and to amend Article 16(3) and Article 16(4) as follows: "(3) The temporary speed limits imposed by this Order are deemed to have been imposed by an order under the 1984 Act and (4) No temporary speed limit imposed by this Order applies to vehicles falling within regulation 3(4) (regulations in relation to orders and notices under the 1984 Act) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011(a) when used in accordance with regulation 3(5) of those Regulations."	For clarity and consistency of drafting and as requested by WSCC at Deadline 4 [REP4-086].
Schedules		
Schedule 1, Part 3, Requirement 8	To insert a new Requirement 8(5) as follows: " <i>(5) For the purposes of paragraph (3) the term 'water neutrality' means that the use of water in the supply area before the development of Work No, 8 is the same or lower after the development is in place in order to meet the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017.</i> " To renumber existing Requirement 8(5) as Requirement 8(6).	To reflect a request by HDC to clarify the interpretation of Requirement 8 and the need to secure water neutrality.

<p>Schedule 1, Part 3, Requirement 14</p>	<p>To amend Requirement 14 as follows:</p> <p>“(1) No stage of the authorised project within the onshore Order limits (excluding any onshore site preparation works) is to commence until a biodiversity net gain strategy for the stage which accords with the outline biodiversity net gain information comprising appendix 22.15 of the environmental statement has been submitted to and approved by the relevant planning authority following consultation with the statutory nature conservation body.</p> <p>(a) a biodiversity net gain strategy for that stage which accords with the outline biodiversity net gain information comprising Appendix 22.15 of the Environmental Statement has been approved in writing by the relevant planning authority</p> <p>(b) at least 70% of the total number of biodiversity units as required for that stage of the development have been secured and where appropriate proof of purchase provided in accordance with the approved biodiversity net gain strategy and to the satisfaction of the relevant planning authority</p> <p>(2) The location for delivery of biodiversity units is to follow a prioritisation exercise, as described in Appendix 22.15 of the Environmental Statement, with priority given to areas inside or within close proximity to the proposed DCO limits.</p> <p>(3) The biodiversity net gain strategy for each relevant stage must be implemented as approved.</p> <p>(4) Any remaining shortfall in biodiversity units identified following detailed design will be secured prior to construction works being completed.</p> <p>(25) Any biodiversity net gain strategy under sub-paragraph (1) may cover one or more stages of the onshore works.</p> <p>(3) The biodiversity net gain strategy for each relevant stage must be implemented as approved.</p>	<p>Amendments made in response to the comments made by the ExA in the Examining Authority’s schedule of proposed changes to the DCO [PD-013]. Please see the reasons set out in The Applicant’s Comments on the Examining Authority’s Schedule of Changes to the DCO (Document 8.83) as to why this does not follow the Examining Authority’s proposed drafting in its entirety.</p>
<p>Schedule 1, Part 3, Requirement 19</p>	<p>To insert “following consultation with West Sussex County Council” at the end of Requirement 19(1) as follows:</p> <p>“(1) No stage of the authorised project within the onshore Order limits are to commence until a site-specific written scheme of archaeological investigation for that stage which must accord with the outline onshore written scheme of investigation has been submitted to and approved by the relevant planning authority following consultation with West Sussex County Council.”</p>	<p>To reflect the comments made by the ExA in the Examining Authority’s schedule of proposed changes to the DCO [PD-013]. The Applicant has confirmed with WSCC that this is agreed by WSCC.</p>

Schedule 1, Part 3, Requirement 19	<p>To replace Requirement 19(5) as follows:</p> <p>“(5) In the event of the discovery of previously unknown high significance archaeological remains within the onshore Order limits, their significance and suitability for preservation in situ must be assessed by field evaluation, in accordance with the outline onshore written scheme of investigation. Any archaeological remains which are demonstrably of national significance will be preserved in situ unless, following an application made to it by the undertaker, it is agreed by the relevant planning authority following consultation with West Sussex County Council, that either they are not suitable for preservation in situ or that preservation in situ cannot be achieved through acceptable engineering or design solutions having regard to technical and environmental constraints. Should archaeological remains be left in situ on any site, a site-specific archaeological management plan must be submitted to and approved in writing by the relevant planning authority following consultation with West Sussex County Council. Any further works, including removal and reinstatement, must be carried out in accordance with the approved site-specific archaeological management plan, unless otherwise approved by the relevant planning authority.”</p>	<p>To reflect the comments made by the ExA in the Examining Authority’s schedule of proposed changes to the DCO [PD-013] save that amendments have been made following discussions with WSCC in relation to both this Requirement and the related Commitment. The Applicant awaits confirmation from WSCC that this wording is agreed.</p>
Schedule 1, Part 3, Requirement 22	<p>To delete Requirement 22(4)(b).</p>	<p>A combined vegetation retention and removal plan is secured through Requirement 40 and so this is not required.</p>
Schedule 1, Part 3, Requirement 23	<p>To amend requirement 23(2)(b) to read</p> <p>(b) restrict access within ecologically sensitive sites including Climping Beach Site of Special Scientific Interest, Littlehampton Golf Course and Atherington Beach Local Wildlife Site, Sullington Hill Local Wildlife Site and Michelgrove Park to pedestrian access only with no ground-breaking activity save where remedial action is required;</p>	<p>Following evolution of commitments the access restrictions at the environmentally sensitive sites now differ, and are set out in the outline construction method statement</p>
Schedule 1, Part 3, Requirement 33	<p>To replace “onshore works” with “works comprising the authorised development” in Requirement 33(1) as follows:</p> <p>“No onshore works comprising the authorised development are to commence, excluding onshore site preparation works, until a skills and employment strategy, in accordance with the outline skills and employment strategy has been submitted to and approved by West Sussex County Council following consultation with the relevant planning authorities for all stages of the authorised development.”</p>	<p>To clarify that the skills and employment plan will take account of offshore works.</p>

Schedule 1, Part 3, Requirement 38	<p>To replace Requirement 38 as follows:</p> <p>“(1) No part of any wind turbine generator (excluding foundations) shall be erected as part of the authorised development until a primary radar mitigation scheme agreed in advance with the operator has been submitted to and approved in writing by the Secretary of State in order to mitigate the impact of the authorised development on the primary radar of the operator located at Pease Pottage and associated air traffic management operations.</p> <p>(2) No part of any wind turbine generator (excluding foundation) shall be erected until the approved primary radar mitigation scheme has been implemented and the authorised development shall thereafter be operated fully in accordance with the approved scheme.</p> <p>(3) For the purpose of paragraphs (1) and (2) above: “operator” means NATS (En Route) plc, incorporated under the Companies Act (Company Number 4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hampshire PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of the Transport Act). “primary radar mitigation scheme” or “scheme” means a detailed scheme agreed with the operator which sets out the measures to be taken to mitigate the impact of the development on the primary radar located at Pease Pottage and air traffic management operations of the Operator.”</p>	To reflect the preferred wording of this Requirement as requested by NATS.
Schedule 1, Part 3, New Requirement 41	<p>To insert a new Requirement 41 as follows:</p> <p>“Landscape enhancement</p> <p><i>41(1) The authorised project must not be commenced, save in respect of onshore site preparation works, until a landscape enhancement scheme in accordance with the landscape enhancement principles document has been submitted to and approved by the South Downs National Park Authority and Horsham District Council</i></p> <p><i>(2) The landscape enhancement scheme shall set out appropriate measures to compensate for the impact of the authorised development on the protected landscape of the South Downs National Park, the landscape character in which the onshore substation is located</i></p> <p><i>(3) The enhancement scheme shall be implemented as approved</i></p> <p><i>In this requirement “landscape enhancement principles document” means the document certified as such by the Secretary of State under article 51.”</i></p>	To reflect that the compensation payments in respect of landscape enhancement to both SDNPA and HDC will be secured through a s106 agreement, however this agreement may not be concluded within the Examination period. The approach to securing compensation in this manner has precedent in the Awel y Mor Order.
Schedule 1, Part 3, New Requirement 42	To insert a new Requirement 42 as follows:	To reflect that the compensation payments in

	<p>"Public rights of way enhancement</p> <p>(1) <i>The authorised project must not be commenced, save in respect of onshore site preparation works until a public rights of way enhancement scheme in accordance with the public rights of way enhancement principles document has been submitted to and approved by West Sussex County Council</i></p> <p>(2) <i>The public rights of way enhancement scheme shall set out appropriate measures to compensate for the impact of the authorised development on the use and enjoyment of the public rights of way network in West Sussex</i></p> <p>(3) <i>The public rights of way enhancement scheme shall be implemented as approved</i></p> <p>(4) <i>In this requirement "public rights of way enhancement principles document" means the document certified as such by the Secretary of State under article 51."</i></p>	<p>respect of public rights of way enhancements to WSCC will be secured through a s106 agreement, however this agreement may not be concluded within the Examination period. The approach to securing compensation in this manner has precedent in the Awel y Mor Order.</p>
Schedule 1, Part 3, New Requirement 43	<p>To insert a new Requirement 43 as follows:</p> <p>"European protected species licence</p> <p>41(1) <i>No phase of the onshore works may commence until final pre-construction survey work has been carried out to establish whether a European protected species is present on any of the land affected, or likely to be affected, by that phase of the onshore works or in any of the trees to be lopped or felled as part of that phase of the onshore works.</i></p> <p>(2) <i>Where a European protected species is shown to be present, the relevant phase of the onshore works must not commence until, after consultation with Natural England and the relevant planning authority, a scheme of protection and mitigation measures has been submitted to and approved by the relevant planning authority or a European protected species licence granted by Natural England.</i></p> <p>(3) <i>The onshore works must be carried out in accordance with the approved scheme.</i></p> <p>(4) <i>In this requirement "European protected species" has the same meaning as in regulations 42 and 46 of the 2017 Regulations."</i></p>	<p>To reflect the comments made by the ExA in the Examining Authority's schedule of proposed changes to the DCO [PD-013].</p>
Schedule 10, Part 4 and Part 5	<p>Various amendments to the Protective Provisions.</p>	<p>To reflect the agreed position with the relevant undertaker.</p>
Schedule 11, Part 1, Paragraph 1	<p>To insert a new definition of "outline cable burial risk assessment" as follows:</p>	<p>To reflect the request made by the ExA at ISH2 for this</p>

	<i>“outline cable burial risk assessment” means the document certified as the outline cable burial risk assessment by the Secretary of State for the purposes of this Order under article 51;”</i>	document to be provided and that this document was submitted at Deadline 5.
Schedule 11, Part 1, Paragraph 1	To insert a new definition of “outline cable specification and installation plan” as follows: <i>“outline cable specification and installation plan” means the document certified as the outline cable specification and installation plan by the Secretary of State for the purposes of this Order under article 51;”</i>	To reflect the request made by the ExA at ISH2 for this document to be provided and that this document was submitted at Deadline 5.
Schedule 11, Part 1, Paragraph 1	To insert a new definition of “wind farm separation zones” as follows: <i>“wind farm separation zones” means those parts of the array area within which Work No 1. and Work No. 3(a) as permitted pursuant to licence 2 (generation) may not be constructed as shown on the offshore works plan;”</i>	Required as a result of the amendment to Condition 11(1)(a).
Schedule 11, Part 2, Condition 3	To amend Condition 3 as follows: “(1) Not more No less than three four months prior to the completion of construction of the authorised scheme the undertaker must provide submit to the MMO with for approval an operations and maintenance plan which accords with the outline operations and maintenance plan. (2) The undertaker may at any time maintain the authorised scheme, except to the extent that this licence or an agreement made under this licence provides otherwise. All operation and maintenance activities shall be carried out in accordance with the approved submitted operations and maintenance plan. (3)...”	To reflect the request from the MMO for the submission of the plan four months prior to completion of construction of the authorised scheme, and to reflect the request that it be approved by the MMO as per the comments made by the ExA in the Examining Authority’s schedule of proposed changes to the DCO [PD-013].
Schedule 11, Part 2, Condition 7	To replace “the wind turbine generators” with “the remainder of the structures” in Condition 7(2): <i>“Subject to sub-paragraph (1) above, unless the MMO otherwise directs, the undertaker must ensure that the remainder of the structures the wind turbine generators are painted light grey (colour code RAL 7035).”</i>	For clarification and to allow the condition to be the same in each dML following discussion with Trinity House. Previously Condition 7 in Schedule 11 referred to Wind Turbine Generators and in Schedule 12 referred to Offshore Substations as the relevant structures.

Schedule 11, Part 2, Condition 8	To insert "the Civil Aviation Authority, NATS (En Route) plc" into Condition 8(2) as follows: "The undertaker must notify the Defence Infrastructure Organisation Safeguarding, the Civil Aviation Authority, NATS (En Route) plc and the MMO, at least 14 days prior to the commencement of the authorised scheme, in writing of the following information"	Following a request by the ExA in the Examining Authority's schedule of proposed changes to the DCO [PD-013].
Schedule 11, Part 2, Condition 9	To insert "and in any event within 24 hours" into Condition 9(8) as follows: "All dropped objects must be reported to the MMO using the dropped object procedure form as soon as reasonably practicable and in any event within 24 hours following 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 on receipt of such surveys the MMO may require obstructions which are hazardous to other marine users to be removed from the seabed at the undertaker's expense if reasonable to do so."	To reflect the request from the MMO for dropped object notifications to be made as soon as reasonably practicable and in any event within 24 hours.
Schedule 11, Part 2, Condition 11	To insert a new Condition 11(1)(a)(vi) as follows: "that the details set out in relation to (i) to (v) above do not prevent that part of the wind farm separation zone oriented north to south being open and navigable for all vessels and compliant with Marine Guidance Note (MGN) 654"	In response to the request made by the ExA in its questions on shipping for this to be secured. This has been secured in the dML rather than through a commitment.
Schedule 11, Part 2, Condition 11	To insert "during construction and the operational lifetime of the authorised scheme" into Condition 11(1)(f): "a vessel management plan including a code of conduct for vessel operators incorporating the Working in Proximity to Wildlife in the Marine Environment Protocol during construction and the operational lifetime of the authorised scheme; "	For clarification and in response to the ExA's question on marine mammals MM2.6.
Schedule 11, Part 2, Condition 11	To amend Condition 11(1)(n) as follows: "a cable specification and installation plan which accords with the outline cable specification and installation plan , to include—"	To reflect the request made by the ExA at ISH2 for this document to be provided and that this document was submitted at Deadline 5.
Schedule 11, Part 2, Condition 11	To replace "array cables" with "cable circuits" in Condition 11(1)(n)(i)	For clarity and consistency of drafting
Schedule 11, Part 2, Condition 11	To amend Condition 11(1)(n)(iii) as follows:	To reflect the request made by the ExA at ISH2 for this

	<p>"a detailed cable laying plan for the Order limits, incorporating a burial risk assessment which accords with the outline cable burial risk assessment, encompassing the identification of any cable protection that exceeds 5% of navigable depth referenced to Chart Datum and, in the event that any area of cable protection exceeding 5% of navigable depth is identified, details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised or similar such assessment to ascertain suitable burial depths and cable laying techniques, including cable protection"</p>	document to be provided and that this document was submitted at Deadline 5.
Schedule 11, Part 2, Condition 11	<p>To insert "following consultation with the statutory historic body" into Condition 11(2):</p> <p><i>"The authorised scheme must not commence unless no later than six months prior to the commencement a written scheme of investigation has been submitted to and approved by the MMO, following consultation with the statutory historic body, in accordance with the outline marine written scheme of investigation, and in accordance with industry good practice, following consultation with the statutory historic body to include—"</i></p>	To reflect the comments made by the ExA in the Examining Authority's schedule of proposed changes to the DCO [PD-013] and as suggested by Historic England in its written submission at Deadline 4 [REP4-087]. WSCC are not referred to as the dML in Schedule 11 relates only to generation assets which are not located landwards to mean low water springs.
Schedule 12, Part 1, Paragraph 1	<p>To insert a new definition of "outline cable burial risk assessment" as follows:</p> <p><i>"outline cable burial risk assessment" means the document certified as the outline cable burial risk assessment by the Secretary of State for the purposes of this Order under article 51;"</i></p>	To reflect the request made by the ExA at ISH2 for this document to be provided.
Schedule 12, Part 1, Paragraph 1	<p>To insert a new definition of "outline cable specification and installation plan" as follows:</p> <p><i>"outline cable specification and installation plan" means the document certified as the outline cable specification and installation plan by the Secretary of State for the purposes of this Order under article 51;"</i></p>	To reflect the request made by the ExA at ISH2 for this document to be provided.
Schedule 12, Part 1, Paragraph 1	<p>To insert a new definition of "wind farm separation zones" as follows:</p> <p><i>"wind farm separation zones" means those parts of the array area within which Work No 1. and Work No. 3(a) as permitted pursuant to licence 2 (generation) may not be constructed as shown on the offshore works plan;"</i></p>	Required as a result of the amendment to Condition 11(1)(a).

Schedule 12, Part 2, Condition 3	<p>To amend Condition 3 as follows:</p> <p>“(1) Not more No less than three four months prior to the completion of construction of the authorised scheme the undertaker must provide submit to the MMO with for approval an operations and maintenance plan which accords with the outline operations and maintenance plan.</p> <p>(2) The undertaker may at any time maintain the authorised scheme, except to the extent that this licence or an agreement made under this licence provides otherwise. All operation and maintenance activities shall be carried out in accordance with the approved submitted operations and maintenance plan.</p> <p>(3)...”</p>	To reflect the request from the MMO for the submission of the plan four months prior to completion of construction of the authorised scheme and to reflect the request that it be approved by the MMO as per the comments made by the ExA in the Examining Authority’s schedule of proposed changes to the DCO [PD-013].
Schedule 12, Part 2, Condition 7	<p>To replace “the wind turbine generators” with “the remainder of the structures” in Condition 7(2):</p> <p><i>“Subject to sub-paragraph (1) above, unless the MMO otherwise directs, the undertaker must ensure that the remainder of the structures the wind turbine generators are painted light grey (colour code RAL 7035).”</i></p>	<p>For clarification and to allow the condition to be the same in each dML following discussion with Trinity House.</p> <p>Previously Condition 7 in Schedule 11 referred to Wind Turbine Generators and in Schedule 12 referred to Offshore Substations as the relevant structures.</p>
Schedule 12, Part 2, Condition 8	<p>To insert “the Civil Aviation Authority, NATS (En Route) plc” into Condition 8(2) as follows:</p> <p>“The undertaker must notify the Defence Infrastructure Organisation Safeguarding, the Civil Aviation Authority, NATS (En Route) plc and the MMO, at least 14 days prior to the commencement of the authorised scheme, in writing of the following information”</p>	Following a request by the ExA in the Examining Authority’s schedule of proposed changes to the DCO [PD-013].
Schedule 12, Part 2, Condition 9	<p>To insert “and in any event within 24 hours” into Condition 9(8) as follows:</p> <p>“All dropped objects must be reported to the MMO using the dropped object procedure form as soon as reasonably practicable and in any event within 24 hours following 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 on receipt of such surveys the MMO may require obstructions which</p>	To reflect the request from the MMO for dropped object notifications to be made as soon as reasonably practicable and in any event within 24 hours.

	are hazardous to other marine users to be removed from the seabed at the undertaker's expense if reasonable to do so."	
Schedule 12, Part 2, Condition 11	To insert a new Condition 11(1)(a)(vi) as follows: "that the details set out in relation to (i) to (v) above do not prevent that part of the wind farm separation zone oriented north to south being open and navigable for all vessels and compliant with Marine Guidance Note (MGN) 654"	
Schedule 12, Part 2, Condition 11	To insert "during construction and the operational lifetime of the authorised scheme" into Condition 11(1)(f): "a vessel management plan including a code of conduct for vessel operators incorporating the Working in Proximity to Wildlife in the Marine Environment Protocol during construction and the operational lifetime of the authorised scheme; "	In response to Natural England and as set out in ExA Q MM2.6
Schedule 12, Part 2, Condition 11	To amend Condition 11(1)(n) as follows: "a cable specification and installation plan which accords with the outline cable specification and installation plan, to include—"	
Schedule 12, Part 2, Condition 11	To amend Condition 11(1)(n)(iii) as follows: "a detailed cable laying plan for the Order limits, incorporating a burial risk assessment which accords with the outline cable burial risk assessment, encompassing the identification of any cable protection that exceeds 5% of navigable depth referenced to Chart Datum and, in the event that any area of cable protection exceeding 5% of navigable depth is identified, details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised or similar such assessment to ascertain suitable burial depths and cable laying techniques, including cable protection"	
Schedule 12, Part 2, Condition 11	To insert "following consultation with West Sussex County Council and the statutory historic body" into Condition 11(2): " <i>The authorised scheme must not commence unless no later than six months prior to the commencement a written scheme of investigation has been submitted to and approved by the MMO, following consultation with West Sussex County Council (in relation to those part of the offshore Order limits landwards of mean low water springs) and the statutory historic body, in accordance with the outline marine written scheme of investigation,</i>	To reflect the comments made by the ExA in the Examining Authority's schedule of proposed changes to the DCO [PD-013] and as suggested by Historic England in its written submission at Deadline 4 [REP4-087]. WSCC are included as the dML in

	<i>and in accordance with industry good practice, following consultation with the statutory historic body to include—</i>	Schedule 12 relates to transmission assets some of which will be located landwards to mean low water springs.
Schedule 13	Amendments to the hedgerows which may be removed as part of the Authorised Development	To reflect the changes to the vegetation retention and removal plan to be secured under Requirement 40.
Schedule 16 (Certification of Plans and Documents)	Amendments to document and plan references and numbers.	The list of certified plans and documents has been updated to reflect the latest versions of the plans and documents.

Appendix 2: Table of Amendments to the draft Development Consent Order at Deadline 4

This document is submitted together with the updated draft DCO on 3 June 2024 (Document 3.1E, REP4-004) and identifies the latest changes that have been made to the draft DCO (Document 3.1D, REP3-003) submitted on 25 April 2024.

The changes that were made to the version submitted on 20 March 2024 (Document 3.1C, REP2-002) in the version submitted on 25 April 2024 (Document 3.1D, REP3-003) are included at Appendix 3 of this document.

The changes that were made to the version submitted on 16 January 2024 (Document 3.1B, PEPD-009) in the version submitted on 20 March 2024 (Document 3.1C, REP2-002) are included at Appendix 4 of this document.

The changes that were made to the original application submission draft DCO (Document 3.1, APP-019) in the version submitted on 16 January 2024 (Document 3.1B, PEPD-009) are included at Appendix 5 of this document

Article/Requirement/Schedule	Amendment	Reason
Articles		
Article 2 - Interpretation	To insert a new definition of "outline construction communication plan" as follows: "outline construction communication plan" means the document certified as the outline construction communication plan by the Secretary of State for the purposes of this Order under article 51;"	To reflect the comments made by the ExA at Issue Specific Hearing 2. The outline construction communication plan will be submitted at Deadline 5.
Article 2 - Interpretation	To insert a new definition of "outline vegetation retention and removal plan" as follows: ""outline vegetation retention and removal plan" means the document certified as the outline vegetation retention and removal plan by the Secretary of State for the purposes of this Order under article 51;"	To reflect the comments made by the ExA at Issue Specific Hearing 2. The outline vegetation retention and removal plan will be submitted at Deadline 5.
Article 2 - Interpretation	To amend the definition of "trenchless technology" as follows: "trenchless technology" means a cable installation method to install the cable circuits underground by means other than open cut, which including es horizontal directional drilling;	For clarity and consistency of drafting and in response to comments made by SDNPA at Deadline 3 [REP3-071].

Article 5(2)	<p>To remove "(including the deemed marine licences)" from Article 5(2) as follows:</p> <p>"(2) Subject to sub-paragraph (5), the undertaker may with the written consent of the Secretary of State—</p> <p>(a) transfer to another person ("the transferee") any or all of the benefit of the provisions of this Order (including the deemed marine licences) and such related statutory rights as may be agreed between the undertaker and the transferee; and</p> <p>(b) 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 the Order (including the deemed marine licences) and such related statutory rights as may be so agreed,"</p>	In response to Action Point 14 arising from Issue Specific Hearing 2.
Article 33(1)(d)	<p>To amend Article 33(1)(d) as follows:</p> <p>"use the land for the purposes of a working site or construction compound (including for the purposes of duct and cable preparation and stringing out) with and for the passage of persons of vehicles (with or without materials, plant and machinery) in connection with the use of the working site or construction compound in connection with the authorised project;"</p>	This change has been made in response to points raised by the ExA at Compulsory Acquisition Hearing 1.
Article 33(11)	<p>To delete "except that the undertaker is not precluded from acquiring new rights or imposing restrictive covenants the Order land shown numbered 2/28, 33/14 and 33/16 on the land plans and specified in column (1) of Schedule 7 (acquisition of new rights and imposition of restrictive covenants only) for the purposes specified in relation to that land in column (2) of that Schedule" from the end of Article 33(11) as follows:</p> <p>"The undertaker may not compulsorily acquire under this Order the land referred to in sub-paragraph (1)(a)(i) except that the undertaker is not precluded from acquiring new rights or imposing restrictive covenants the Order land shown numbered 2/28, 33/14 and 33/16 on the land plans and specified in column (1) of Schedule 7 (acquisition of new rights and imposition of restrictive covenants only) for the purposes specified in relation to that land in column (2) of that Schedule."</p>	This change has been made in response to points raised by the ExA at Compulsory Acquisition Hearing 1.
Article 58	<p>To insert "to" into Article 58(1) as follows:</p> <p>"58(1) As from the date on which the authorised project is commenced any conditions of a planning permission granted pursuant to Part 3 (Control over Development) of the 1990 Act (whether express or otherwise) which relate to</p>	To correct a typographical error

	land within the Order limits or land adjacent to the Order limits cease to have effect to the extent they are inconsistent with the authorised project or with anything done or approved under the requirements in Part 3 of Schedule 1 (requirements)."	
Article 58	<p>To amend Article 58(2) as follows:</p> <p>"(2) As from the date of this Order where planning permission (whether express or otherwise) is granted (whether prior to the date of this Order or after) pursuant to Part 3 of the 1990 Act in respect of land within the Order limits for—</p> <p>(a) development which is consistent with the authorised development save that its impact has not been assessed in the environmental statement and assessment has been carried out in accordance with the 2017 Regulations or the Town and Country Planning (Environmental Impact Assessment) Regulations 2017⁽¹⁾ prior to the grant of the planning permission;</p> <p>(b) for development which is consistent with the authorised development; or</p> <p>(b)(c) for development unrelated to the authorised project.</p> <p>the carrying out of development pursuant to such planning permission is not to operate to prevent the undertaker from carrying out further works for the development of the authorised project pursuant to the terms of this Order and provided that the requirements set out Part 3 of Schedule 1 (requirements) shall not apply to development carried out pursuant to such planning permission."</p>	The change has been made in response to the National Grid's response to the Examining Authority's First Written Questions [REP3-077]
Schedules		
Schedule 1, Part 1, Work No. 20	<p>To amend the description of Work No. 20 as follows:</p> <p>"an extension to the existing National Grid substation at Bolney for the connection of the cable circuits from the onshore substation to the National Grid substation including (but not limited to) cabling, cable sealing ends, circuit breakers, surge arrestors, dis-connectors, instrumentation-transformers, busbars and busbar clamp measuring equipment, other instrumentation and control equipment, relay marshalling rooms and electrical earthing works including associated connection works within the existing National Grid substation."</p>	For clarity and consistency of drafting so as to clarify the difference between Work Nos. 16 and 20 and why the noise generated by the infrastructure comprising Work No.20 will be negligible.

⁽¹⁾ S.I. 2017/571.

Schedule 1, Part 3, Requirement 8	To replace "comprise" with "secure in Requirement 8(3): "The details submitted pursuant to sub-paragraph (2) must demonstrate how the works to construct and operate Work No. 16 will comprise secure water neutrality."	For clarity and consistency of drafting following a request made by Horsham District Council.
Schedule 1, Part 3, Requirement 20	To insert "Authority" after "South Downs National Park" in Requirement 20(2): "No stage of the authorised project within the onshore Order limits which includes the National Trail in the South Downs National Park is to commence until a public rights of way management plan for the relevant stage has been submitted to and approved in writing by the South Downs National Park Authority a programme for the temporary closure and re-opening of the National Trail within that stage, comprising—"	For clarity and consistency of drafting and in response to comments made by SDNPA at Deadline 3 [REP3-071].
Schedule 1, Part 3, Requirement 21	To amend Requirement 21(2) to insert "open" in front of "access land management plan" and to insert a new Requirement 21(3): "(2) Any open access land management plan submitted under sub-paragraph (1) may cover one or more area of open access land. (3) Each open access land management plan submitted in accordance with sub-paragraph (1) must be implemented as approved."	To reflect the comments made by the ExA at Issue Specific Hearing 2.
Schedule 1, Part 3, Requirement 23	To amend the references to "method Statements" in Requirements 23(2) and (4) to "onshore construction method statements": "(2) The onshore construction method statements referred to in paragraph ... (4) Each onshore construction method statement submitted in accordance with sub-paragraph (1) must be implemented as approved."	For clarity and consistency of drafting. Requirement 23(4) was previously Requirement 23(3).

Schedule 1, Part 3, Requirement 23	To amend Requirement 23(2)(b) as follows: “(b) restrict access within ecologically sensitive sites including Clim bing Beach Site of Special Scientific Interest, Littlehampton Golf Course and Atherington Beach Local Wildlife Site, and Sullington Hill Local Wildlife Site, and Michelgrove Park to pedestrian access only with no ground breaking activity save where remedial action is required;”	To correct a typographical error and in response to comments made by SDNPA at Deadline 3 [REP3-071].
Schedule 1, Part 3, Requirement 23	To amend Requirement 23(2)(f) as follows: “(f) confirm the cable construction corridor location and its width through the relevant stage including that the width through treelines and areas of woodland is narrowed to no more than 30 metres;”	To clarify that the Construction Method Statement must identify the corridor within the Order limits where the construction works will be undertaken and therefore where temporary rights will be required to be exercised.
Schedule 1, Part 3, Requirement 23	To insert a new Requirement 23(3) as follows: “Any construction method statement submitted under sub-paragraph (1) may cover one or more stage of the works landward of MLWS” To renumber existing Requirement 23(3) and Requirement 23(4)	For clarity of drafting and consistency with other control documents to be submitted for approval on a staged basis.
Schedule 1, Part 3, Requirement 23	To insert “landwards of MLWS” into Requirement 24(2) as follows: “No stage of the authorised project within the onshore Order limits landwards of MLWS is to commence until written details of”	For clarity of drafting to ensure that the Construction Traffic Management Plan will be effective for works in the intertidal area.
Schedule 1, Part 3, Requirement 33	To amend Requirement 33 as follows: “(1) No stage of the authorised development onshore works are to commence , excluding onshore site preparation works, is to commence until a skills and employment strategy, in accordance with the outline skills and employment strategy, substantially has been provided to submitted to and approved by West Sussex County Council following consultation with the relevant planning authority. (2) The stage-specific skills and employment strategy must be implemented as approved throughout the construction of the relevant stage. ”	For clarity and consistency of drafting following a request made by Horsham District Council at Deadline 3 [REP3-069]. It is proposed that a single Skills and Employment Strategy is prepared to cover the West Sussex county area and therefore approval by the County Council, following consultation with the affected

		local planning authorities, is considered appropriate
Schedule 1, Part 3, Requirement 34	<p>To insert "in accordance with the outline construction communication plan" into Requirement 34(1) and to delete Requirement 34(2) and renumber existing Requirement 34(3) and Requirement 34(2):</p> <p>"(1) No stage of the authorised project landward of MLWS, excluding any onshore site preparation works, is to commence until a construction communications plan in accordance with the outline construction communications plan has been provided to and approved by the relevant planning authorities.</p> <p>(2) The construction communications plan provide pursuant to sub-paragraph (1) will include the following—</p> <p>(a) A range of communication methods and materials designed to reach communities local to the construction works in an open, regular and transparent way</p> <p>(b) An accessible enquiry and complaints procedure</p> <p>(2)(3) The construction communications plan must be implemented as approved throughout the construction of the authorised project within the onshore order limits."</p>	To reflect the discussions at Issue Specific Hearing 2 so as to delete the reference to the content of the plan as this will be contained in the outline construction communications plan to be submitted at Deadline 5.
Schedule 1, Part 3, Requirement 38	<p>To insert a new Requirement 38 as follows:</p> <p>"Primary Surveillance Radar Mitigation</p> <p>38. (1) No wind turbine generator blades forming part of the authorised development may be installed until the Secretary of State, having consulted with NATS, has confirmed satisfaction that appropriate mitigation will be implemented and maintained for the required period and that arrangements have been put in place with NATS to ensure that the approved mitigation is implemented and in operation prior to installation of the wind turbine blades.</p> <p>(2) The undertaker must thereafter comply with the obligations contained within the approved mitigation for the required period.</p> <p>(3) For the purposes of this requirement-</p> <p>"appropriate mitigation" means measures to mitigate any adverse effects which the operation of the authorised development will have on the primary surveillance radar at Pease Pottage and NATS' associated air traffic (surveillance and control) services/operations during the required period;</p> <p>"approved mitigation" means the detailed primary radar mitigation scheme setting out the appropriate mitigation approved by the Secretary of State and confirmed in accordance with sub-paragraph (1);</p> <p>"NATS" means NATS (En-Route) Plc (company number 04219273) or any successor body;</p>	To reflect the discussions at Issue Specific Hearing 2, and to be discussed further with NATS

	<p>"the required period" means the shorter of-</p> <p>(a) the operational life of the authorised development; and</p> <p>(b) the period ending on the date notified to the Secretary of State by the undertaker and confirmed by NATS being the date on which NATS no longer requires the appropriate mitigation to be in place"</p>	
<p>Schedule 1, Part 3, Requirement 39</p>	<p>To insert a new Requirement 39 as follows:</p> <p>"Instrument Flight Procedures</p> <p>39. (1) Prior to commencement of the authorised development seaward of MHWS the undertaker must provide details of the number, specification (including lightning protection) and dimensions of each wind turbine generator and its location to the Airport Operator and provide confirmation of the same to the Secretary of State.</p> <p>(2) Within 21 days of providing the information specified in sub-paragraph (1) above, or such other period as may be agreed in writing between the undertaker and the Airport Operator, the Airport Operator must provide written confirmation to the undertaker that:</p> <p>(a) none of the turbines to be installed in accordance with the information submitted pursuant to sub-paragraph (1) above would have an impact on the instrument flight procedures of Shoreham Airport; or</p> <p>(b) a turbine or turbines to be installed in accordance with the details submitted pursuant to sub-paragraph (1) above or their turbine blades would have an impact on the instrument flight procedures of Shoreham Airport and that an IFP Scheme is required.</p> <p>(3) There shall be no commencement of the authorised development seaward of MHWS unless and until such time as:</p> <p>(a) the Company have received written confirmation under paragraph 2(a); or</p> <p>(b) in the event that written notification under paragraph 2(b) is received, the Secretary of State has confirmed in writing that they are satisfied that the undertaker has put in place a binding undertaking to pay the Airport Operator such sums as are demonstrably and reasonably required by the Airport Operator for producing and securing the implementation of the IFP Scheme.</p> <p>(4) If an IFP Scheme is required, no wind turbine generator or turbine blade that has been identified as having an impact on instrument flight procedures may be erected or fitted unless and until such time as the Secretary of State receives confirmation from the Airport Operator in writing that:</p> <p>(a) an IFP Scheme has been approved by the Airport Operator; and</p> <p>(b) the Civil Aviation Authority has evidenced its approval to the Airport Operator of the IFP Scheme (if such approval is required).</p> <p>(5) For the purposes of this requirement</p>	<p>To reflect the discussions at Issue Specific Hearing 2 and to be discussed further with Brighton City Airport Limited</p>

	<p>"Airport Operator" means the operator of Shoreham Airport being Brighton City Airport Limited of The Terminal Building, Cecil Pashley Way, Shoreham-by-sea, West Sussex, BN43 5F For any successor as holder of a licence under the Commission Regulation (EU) No. 139/2014 (or any successor regulation) from the Civil Aviation Authority to operate Shoreham Airport</p> <p>"IFP Scheme" means a scheme to address the identified potential impact of certain wind turbine generators or turbine blades to be constructed on the instrument flight procedures of Shoreham Airport"</p>	
Schedule 1, Part 3, Requirement 40	<p>To insert a new Requirement 40 as follows:</p> <p>"Vegetation Retention and Removal</p> <p>40. (1) No stage of works landward of MLWS is to commence until a vegetation retention and removal plan for the stage (which accords with the outline vegetation retention and removal plan) has been submitted to and approved by the relevant planning authority</p> <p>(2) Any vegetation retention and removal plan submitted under paragraph (1) may cover one or more stage of the onshore works</p> <p>(3) The vegetation retention and removal plan for each stage must be implemented as approved"</p>	To reflect the comments made by the ExA at Issue Specific Hearing 2. The Requirement has been included in anticipation of the submission of the vegetation retention and removal plan at Deadline 5.
Schedule 9	In row 3 of column 2 of the table to delete "33/14, 33/16" and in row 5 of column 2 of the table to delete "2/28".	This change has been made in response to points raised by the ExA at Compulsory Acquisition Hearing 1.
Schedule 11, Part 1	To remove "146" from the forth line of paragraph 1(4)(e)	To correct a typographical error
Schedule 11, Part 1	To remove ";" from the end of paragraph 2(b)	To correct a typographical error
Schedule 11, Part 2, Condition 5	<p>To amend Condition 5(9) as follows:</p> <p>"Local notifications to mariners The notices to mariners must be updated and reissued at weekly intervals during construction activities and at least five days before any planned operations and maintenance works (unless otherwise agreed in writing) and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme approved under condition 11(1)(b). Copies of all notices must be provided to the MMO, MCA and UKHO within five days."</p>	In response to comments made by the Maritime and Coastguard Agency to the Applicant.

Schedule 11, Part 2, Condition 5	To amend Condition 5(12) as follows: "In case of a cable circuit exposure on or above the seabed, the undertaker must within three days following identification by the undertaker becoming aware of it notify mariners by issuing a notice to mariners, regional fisheries contacts and notify the Kingfisher Information Service of Seafish of the location of the exposure and copies of all such notices must be provided to the MMO, MCA, Trinity House and UKHO within five days."	In response to comments made by the Maritime and Coastguard Agency to the Applicant
Schedule 11, Part 2, Condition 6	To amend Condition 6(2) as follows: "The undertaker must during the period from the start of construction of the authorised scheme to completion of decommissioning of the authorised scheme keep Trinity House and the MMO, MCA and UKHO informed of progress of the authorised scheme including the following."	In response to comments made by the Maritime and Coastguard Agency to the Applicant.
Schedule 11, Part 2, Condition 9	To amend Condition 9(5) as follows: "In the event that any rock material used in the construction of the authorised scheme is misplaced or lost below MHWS, the undertaker must report the loss to the MMO Local Marine Office within 48 hours and if the MMO reasonably considers, following consultation with the MCA and Trinity House, such material to constitute a navigation or environmental hazard (dependent on the size and nature of the material) the undertaker must endeavour to locate the material and recover it."	In response to comments made by the Maritime and Coastguard Agency to the Applicant.
Schedule 11, Part 2, Condition 9	To amend Condition 9(8) as follows: "All dropped objects must be reported to the MMO using the dropped object procedure form Dropped Object Procedure Form as soon as reasonably practicable following the undertaker becoming aware of an incident. On receipt of the dropped object procedure form 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 on receipt of such surveys the MMO may require obstructions which are hazardous to other marine users to be removed from the seabed at the undertaker's expense if reasonable to do so."	In response to comments made by MMO at Deadline 3 [REP3-076]. Further change not accepted by the Applicant in terms of broadening MMOs scope for requiring removal beyond obstructions which are hazardous to marine users
Schedule 11, Part 2, Condition 11	To amend Condition 11(1)(a)(iii) and (v) as follows:	For clarity and to improve the drafting to align with wording used in recently made Orders

	<p>“(iii) the proposed length location and arrangement of the array cables comprising Work No. 2 and any associated micro-siting to avoid marine heritage receptors unless alternative mitigation is agreed in writing with the MMO and the statutory historic body and sensitive features as far as is practicable;</p> <p>...</p> <p>(v) any exclusion zones/environmental micrositing requirements due to marine heritage constraints, environmental constraints or difficult ground conditions discovered post approval under this condition 11 (pre-construction plans and documentation) and condition 16 (pre-construction surveys),”</p>	including Sheringham Shoals and Dudgeon Extensions, and Hornsea Four Offshore Wind Farm Orders
Schedule 11, Part 2, Condition 11	<p>To insert “including maximum proposed hammer energy” into Condition 11(1)(c)(i) as follows:</p> <p>“foundation installation methodology, including a dredging protocol, piling methods including maximum proposed hammer energy, drilling methods and disposal of drill arisings and material extracted to include seabed preparation for foundation where relevant;”</p>	To reflect the comments made by the ExA at Issue Specific Hearing 2 and in response to Action Point 10 to demonstrate how maximum design scenario for piling is secured
Schedule 11, Part 2, Condition 11	<p>To delete existing Condition 11(2)(h) and replace as follows:</p> <p>“a timetable for further site investigations, which must allow sufficient opportunity to establish a full understanding of the historic environment within the relevant parts of the offshore Order limits and the approval of any necessary mitigation required as a result of the further site investigations prior to commencement of licensed activities.”</p>	In response to the request made by Historic England at Deadline 3 [REP3-075]
Schedule 11, Part 2, Condition 16	<p>To amend Condition 16(3) as follows:</p> <p>“The undertaker must carry out the surveys agreed under sub-paragraph (1) and provide the baseline report to the MMO in the agreed format and in accordance with the agreed timetable, unless otherwise agreed in writing by the MMO and submitted to the MCA and submitted to the MCA in a form approved pursuant to MGN 654 as Geographical Information System data referenced to WGS84 datum.”</p>	In response to comments made by the Maritime and Coastguard Agency to the Applicant
Schedule 12, Part 2, Condition 5	<p>To amend Condition 5(9) as follows:</p> <p>“Local notifications to mariners The notices to mariners must be updated and reissued at weekly intervals during construction activities and at least five</p>	In response to comments made by the Maritime and Coastguard Agency to the Applicant

	days before any planned operations and maintenance works (unless otherwise agreed in writing) and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme approved under condition 11(1)(b). Copies of all notices must be provided to the MMO, MCA and UKHO within five days.”	
Schedule 12, Part 2, Condition 5	To amend Condition 5(12) as follows: “In case of a cable circuit exposure on or above the seabed, the undertaker must within three days following identification by the undertaker becoming aware of it notify mariners by issuing a notice to mariners, regional fisheries contacts and notify the Kingfisher Information Service of Seafish of the location of the exposure and copies of all such notices must be provided to the MMO, MCA, Trinity House and UKHO within five days..”	In response to comments made by the Maritime and Coastguard Agency to the Applicant
Schedule 12, Part 2, Condition 6	To amend Condition 6(2) as follows: “The undertaker must during the period from the start of construction of the authorised scheme to completion of decommissioning of the authorised scheme keep Trinity House and the MMO, MCA and UKHO informed of progress of the authorised scheme including the following.”	In response to comments made by the Maritime and Coastguard Agency to the Applicant
Schedule 12, Part 2, Condition 9	To amend Condition 9(5) as follows: “In the event that any rock material used in the construction of the authorised scheme is misplaced or lost below MHWS, the undertaker must report the loss to the MMO Local Marine Office within 48 hours and if the MMO reasonably considers, following consultation with the MCA and Trinity House, such material to constitute a navigation or environmental hazard (dependent on the size and nature of the material) the undertaker must endeavour to locate the material and recover it.”	In response to comments made by the Maritime and Coastguard Agency to the Applicant
Schedule 12, Part 2, Condition 9	To amend Condition 9(8) as follows: “All dropped objects must be reported to the MMO using the dropped object procedure form Dropped Object Procedure Form as soon as reasonably practicable following the undertaker becoming aware of an incident. On receipt of the dropped object procedure form 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 on receipt of such surveys the MMO may require obstructions which are hazardous to other	In response to comments made by MMO at Deadline 3 [REP3-076]. Further change not accepted by the Applicant in terms of broadening MMOs scope for requiring removal beyond obstructions which are hazardous to marine users

	marine users to be removed from the seabed at the undertaker's expense if reasonable to do so."	
Schedule 12, Part 2, Condition 11	To amend Condition 11(1)(a)(iii) and (v) as follows: "(iii) the proposed length location and arrangement of the array cables comprising Work Nos. 3 to 6 targeting areas of seabed that maximise cable burial and any associated micro-siting to avoid marine heritage receptors unless alternative mitigation is agreed in writing with the MMO and the statutory historic body and sensitive features as far as is practicable; ... (v) any exclusion zones/environmental micrositing requirements due to marine heritage constraints, environmental constraints or difficult ground conditions discovered post approval under this condition 11 (pre-construction plans and documentation) and condition 16 (pre-construction surveys),"	For clarity and to improve the drafting to align with wording used in recently made Orders including Sheringham Shoals and Dudgeon Extensions, and Hornsea Four Offshore Wind Farm Orders
Schedule 12, Part 2, Condition 11	To insert "including maximum proposed hammer energy" into Condition 11(1)(c)(i) as follows: "foundation installation methodology, including whether or not gravel bags will be used, a dredging protocol, piling methods including maximum proposed hammer energy, drilling methods and disposal of drill arisings and material extracted to include seabed preparation for foundation where relevant;"	To reflect the comments made by the ExA at Issue Specific Hearing 2 and in response to Action Point 10 to demonstrate how maximum design scenario for piling is secured, and to ensure that confirmation is given as to whether gravel bags will be used
Schedule 12, Part 2, Condition 11	To delete existing Condition 11(2)(h) and replace as follows: "a timetable for further site investigations, which must allow sufficient opportunity to establish a full understanding of the historic environment within the relevant parts of the offshore Order limits and the approval of any necessary mitigation required as a result of the further site investigations prior to commencement of licensed activities."	In response to the request made by Historic England at Deadline 3 [REP3-075]
Schedule 12, Part 2, Condition 16	To amend Condition 16(3) as follows: "The undertaker must carry out the surveys agreed under sub-paragraph (1) and provide the baseline report to the MMO in the agreed format and in accordance with the agreed timetable, unless otherwise agreed in writing by	In response to comments made by the Maritime and Coastguard Agency to the Applicant

	the MMO and submitted to the MCA and submitted to the MCA in a form approved pursuant to MGN 654 as Geographical Information System data referenced to WGS84 datum. "	
Schedule 13	Amendments to the hedgerows which may be removed as part of the Authorised Development	To reflect the changes to the vegetation retention plan comprising part of the Outline Code of Construction Practice insofar as it relates to the removal of hedgerows
Schedule 14	To amend paragraph 2(2) as follows: "If the discharging authority considers such further information to be necessary it must, as soon as reasonably practicable and in any event (a) where the requirement requires the discharging authority to consult with a third party in discharging the requirement, within 20 business days of receipt of the application, and (b) in all other cases within 15 business days of receipt of the application, notify the undertaker in writing specifying the further information required."	For clarity and consistency of drafting and in response to comments made by SDNPA at Deadline 3 [REP3-071].
Schedule 16 (Certification of Plans and Documents)	Amendments to document and plan references and numbers. To split the Schedule into Environmental Statement documents and supporting documents.	The list of certified plans and documents has been updated to reflect the latest versions of the plans and documents.

Appendix 3: Table of Amendments to the draft Development Consent Order at Deadline 3

This document is submitted together with the updated draft DCO (Document 3.1D, REP3-003) on 25 April 2024 and identifies the latest changes that have been made to the draft DCO (Document 3.1C, REP2-002) submitted on 20 March 2024.

The changes that were made to the version submitted on 16 January 2024 (Document 3.1B, PEPD-009) in the version submitted on 20 March 2024 (Document 3.1C, REP2-002) are included at Appendix 4 of this document.

The changes that were made to the original application submission draft DCO (Document 3.1, APP-019) in the version submitted on 16 January 2024 (Document 3.1B, PEPD-009) are included at Appendix 5 of this document

Article/Requirement/Schedule	Amendment	Reason
Changes made throughout the DCO		
Footnotes	Amendments to the footnotes throughout	The Applicant has amended the dDCO to include footnotes required due to the insertion of a new Article 16.
Cross referencing	Cross referencing has been updated throughout	The changes are required due to the insertion of a new Article 16
Articles		
Article 2 - Interpretation	To insert a new definition of "the 1984 Act" as follows: ""the 1984 Act" means the Road Traffic Regulation Act 1984;"	The changes are required due to the insertion of a new Article 16
Article 2 - Interpretation	To insert a new definition of "relevant traffic authority" as follows: ""relevant traffic authority" means in any provision of this Order the traffic authority for any area of land to which that provision relates;"	The changes are required due to the insertion of a new Article 16
Article 2 - Interpretation	To insert a new definition of "traffic authority" as follows: ""traffic authority" has the same meaning as in section 121A (traffic authorities) of the 1984 Act;"	The changes are required due to the insertion of a new Article 16
Article 5(3)	To insert a new Article 5(3) as follows: "Subject to paragraph (5), the undertaker may with the written consent of the Secretary of State—	The changes have been made in response to comments made by the MMO, and for consistency with the approach adopted in The

	<p>(a) where an agreement has been made in accordance with paragraph (2)(a), transfer to the transferee the whole of any of the deemed marine licences and such related statutory rights as may be agreed between the undertaker and the transferee; or</p> <p>(b) where an agreement has been made in accordance with paragraph (2)(b), grant 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, except where paragraph (8) applies, in which case no consent of the Secretary of State is required”</p> <p>To renumber existing Article 5(3) as 5(4); To renumber existing Article 5(4) as 5(5); To renumber existing Article 5(5) as 5(6); To renumber existing Article 5(6) as 5(7); To renumber existing Article 5(7) as 5(8); To renumber existing Article 5(8) as 5(9); To renumber existing Article 5(9) as 5(10); To renumber existing Article 5(10) as 5(11); To renumber existing Article 5(11) as 5(12); To renumber existing Article 5(12) as 5(13); To update the cross referencing to reflect the changed Article numbering</p>	<p>Hornsea Four Offshore Wind Farm Order 2023/800.</p>
<p>Article 5(7)</p>	<p>To add “and (3)” after “sub-paragraph (2)” in Article 5(7) and 5(7)(c) as follows:</p> <p>“(7) Where the undertaker has transferred any benefit, or for the duration of any period during which the undertaker has granted any benefit, under sub-paragraph (2) and (3)—</p> <p>(a) the benefit transferred or granted (“the transferred benefit”) is to include any rights that are conferred, and any obligations that are imposed, by virtue of the provisions to which the benefit relates;</p> <p>(b) the transferred benefit is to reside exclusively with the transferee or, as the case may be, the lessee and the transferred benefit is not enforceable against the undertaker; and</p> <p>(c) the exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under sub-paragraph (2) and (3) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.”</p>	<p>The change is required as a result of the insertion of Article 5(3)</p>

Article 5(8)	<p>To amend "paragraph (2)" to "sub-paragraph (2) and (3)" as follows:</p> <p>"The consent of the Secretary of State is required for the exercise of powers under sub-paragraph (2) and (3) except where—"</p>	The change is required as a result of the insertion of Article 5(3)
Article 6(3)	<p>To amend Article 6(3) as follows:</p> <p>"(3) This Order does not constitute a planning permission for the purposes of Part 10A of the 2008 Act (Infrastructure Levy: England) (or any statutory instrument to be made pursuant to that Part) or Part 11 of the 2008 Act (Community Infrastructure Levy) notwithstanding the definition of development in section 204E of the 2008 Act or planning permission contained within article 5 (meaning of planning permission) of the Community Infrastructure Levy Regulations 2010 (c)."</p>	The changes have been made in order to take account of the new Infrastructure Levy regime introduced by the Levelling-Up and Regeneration Act 2023.
Article 16	<p>To insert a new Article 16 as follows:</p> <p>"Speed limits</p> <p>16(1) Subject to the provisions of this article and the consent (such consent not to be unreasonably withheld) of the relevant traffic authority, which consent may be subject to reasonable conditions, the undertaker may, in so far as may be expedient or necessary for the purposes of or in connection with the construction, operation or maintenance of the authorised project, impose a temporary speed limit either at all times or at times, on days or during such periods, and on such highways as may be specified by the undertaker.</p> <p>(2) The undertaker must not exercise the powers in paragraph (1) unless it has given not less than 4 weeks' notice in writing of its intention so to do to the chief officer of police and to the relevant traffic authority.</p> <p>(3) The speed limits imposed by this Order are deemed to have been imposed by an order under the 1984 Act and—</p> <p>(a) have the same effect; and</p> <p>(b) may be varied by the relevant traffic authority in the same manner, as any other speed limit imposed by an order under that Act.</p> <p>(4) No speed limit imposed by this Order applies to vehicles falling within regulation 3(4) (regulations in relation to orders and notices under the 1984 Act) of the Road Traffic Exemptions (Special Forces) (Variation and</p>	The Article is required to enable the Applicant to change the speed limit on the road outside the Oakendene substation during the construction phase.

	Amendment) Regulations 2011(a) when used in accordance with regulation 3(5) of those Regulations.”	
Article 32(11) (now article 33(11))	To amend article 32(11) (now article 33(11)) as follows: “(11) The undertaker may not compulsorily acquire under this Order the land referred to in sub-paragraph (1)(a)(i) except that the undertaker is not precluded from acquiring new rights or imposing restrictive covenants over the Order land shown numbered 2/28, 33/14 and 33/16 on the land plans and specified any part of that land under article 24 (compulsory acquisition of rights and imposition of restrictive covenants) to the extent that such land is listed in column (1) of Schedule 7 (acquisition of new rights and imposition of restrictive covenants only) for the purposes specified in relation to that land in column (2) of that Schedule; or ”	The changes have been made in response to ExAQ1 DCO 1.8 to expressly refer to those plots which appear in both Schedules 7 and 9
Schedules		
Schedule 1, Part 3, Requirement 8(4)	To replace Requirement 8(4)(b) as follows: “the height of the main operational building and other infrastructure must be no more than 28.75 metres above ordnance datum;” To replace Requirement 8(4)(e) as follows: “lightning protection masts must be no more than a height of 34.25 metres above ordnance datum; and”	The changes have been made in response to ExAQ1 DCO 1.17 to include reference to building height AOD and to clarify the parameters
Schedule 1, Part 3, Requirement 8(5)	To replace existing Requirement 8(5) as follows: “For the purposes of paragraph (4) the term ‘building’ excludes electrical infrastructure installations.”	The changes have been made in response to ExAQ1 DCO 1.17 to include reference to building height AOD and to clarify the parameters
Schedule 1, Part 3, Requirement 9(4)	To replace existing Requirement 9(4) as follows: “For the purposes of paragraph (3) the term ‘building’ excludes electrical infrastructure installations.”	For clarity and consistency of drafting
Schedule 1, Part 3, Requirement 22(4)(h)	To add “which accords with the outline noise and vibration management plan” to the end of Requirement 22(4)(h) as follows:	The change has been made in response to a request made

	<p>“noise and vibration management plan (construction) which accords with the outline noise and vibration management plan;”</p>	<p>in the Examining Authority’s Written Questions and requests for information NV 1.1 for submission of an outline Noise and Vibration Management Plan, which has been provided at Deadline 3</p>
<p>Schedule 1, Part 3, Requirement 22(4)(i)</p>	<p>To replace existing Requirement 22(4)(h) as follows:</p> <p>“air quality management plan which accords with the outline air quality management plan;”</p>	<p>The change has been made in response to a request made in the Examining Authority’s Written Questions and requests for information outline AQ 1.1 for submission of an air quality management plan, which has been provided at Deadline 3.</p>
<p>Schedule 1, Part 3, Requirement 23(2)(a)</p>	<p>To add “depth” to the horizontal directional drilling details to be provided as part of Requirement 23(2)(a).</p>	<p>The change has been made for clarity and to improve the drafting because the depth of the horizontal directional drilling at the landfall location will be confirmed through the stage specific construction management scheme.</p>
<p>Schedule 1, Part 3, Requirement 23(2)(h)</p>	<p>To add “as appropriate to the relevant stage” to the end of Requirement 23(2)(h).</p>	<p>The change has been made for clarity and to improve the drafting because not all stages will require all of the information.</p>
<p>Schedule 1, Part 3, Requirement 34</p>	<p>To add a new Requirement 34 as follows:</p> <p>“Construction Communication Plan</p> <p>34. (1) No stage of the authorised project, excluding any onshore site preparation works, is to commence until a construction communications plan has been provided to and approved by the relevant planning authorities.</p> <p>(2) The construction communications plan provide pursuant to subparagraph (1) will include the following</p>	<p>The change has been made for clarity and to enable a single Construction Communication Plan to be implemented across the onshore elements of the authorised project, rather than stage specific plans submitted as part of the Code of Construction Practice.</p>

	<p>(a) A range of communication methods and materials designed to reach communities local to the construction works in an open, regular and transparent way</p> <p>(b) An accessible enquiry and complaints procedure</p> <p>(3) The construction communications plan must be implemented as approved throughout the construction of the authorised project within the onshore order limits.</p> <p>To update the numbering of the following two requirements to reflect the insertion of the new requirement.</p>	
Schedule 11, Part 2, Condition 5(7)(b)	<p>To amend "14 days" to "5 days" as follows:</p> <p>"(b) completion of construction of all offshore activities within fourteen five days thereof,</p> <p>And confirmation of notification must be provided to the MMO within fourteen five days thereof."</p>	The change has been made in response to a request made by Trinity House
Schedule 11, Part 2, Condition 5(11)	<p>To add "as appropriate to the relevant stage" to the end of Condition 1(4) as follows:</p> <p>"(11) In case of damage to, or destruction or decay of, the authorised scheme or any part thereof excluding the exposure of cables the undertaker must as soon as possible and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify the MMO, MCA, Trinity House, the Kingfisher Information Service of Seafish and the UK Hydrographic Office and issue a notice to mariners and regional fisheries contacts."</p>	The change has been made for consistency with the change that was made to condition 5(12) at Deadline 2.
Schedule 11, Part 2, Condition 6(2)(c)	<p>To amend "14 days" to "5 days" as follows:</p> <p>"(c) notice within fourteen five days of completion of construction of the authorised scheme"</p>	The change has been made in response to a request made by Trinity House for this to be shortened to 24 hours. The Applicant has considered the request but is unable to agree to this.
Schedule 11, Part 2, Condition 7	Add a new heading of "Colour of structures"	The change has been made in response to a request made

		by the Marine Management Organisation
Schedule 11, Part 2, Condition 11(1)	<p>To add "which shall be submitted to the MMO at least six months prior to commencement of the authorised scheme or the relevant part thereof," to Condition 11(d) and Condition 11(k) as follows:</p> <p>"(d) a project environment management plan which accords with the outline project environment management plan, which shall be submitted to the MMO at least six months prior to commencement of the authorised scheme or the relevant part thereof, to include details of-</p> <p>...</p> <p>(k) a sensitive features mitigation plan which accords with the in principle sensitive features mitigation plan which shall be submitted to the MMO at least six months prior to commencement of the authorised scheme or the relevant part thereof and is to include spatial and temporal restrictions on piling activities;</p> <p>"</p>	<p>The change has been made in response to a request made by the Marine Management Organisation [REP2-035]. The Marine Management had requested 6 months for all however, the Applicant has considered the request and can agree to amend these specific plans.</p>
Schedule 11, Part 2, Condition 12(2)	<p>To amend "four months" to "six months" in Condition 12(2) as follows:</p> <p>"(2) The monitoring plan required under condition 11(1)(j) must be submitted in accordance with the following, unless otherwise agreed in writing with the MMO—</p> <ul style="list-style-type: none"> (a) at least four-six months prior to the first survey, detail of any pre-construction surveys and an outline of all proposed monitoring; (b) at least four-six months prior to construction, detail on construction monitoring; and (c) at least four-six months prior to commissioning, detail of post-construction (and operational) monitoring." 	<p>The change has been made in response to a request made by the Marine Management Organisation to increase the period in which it must give its approval [REP2-035].</p>
Schedule 11, Part 2, Condition 12(3)	<p>To amend Condition 12(3) as follows:</p> <p>"(3) The MMO must determine an application for approval made under condition 11 within a period of four months commencing on the date the application is received by the MMO, except where an application is required to be made no less than six months prior to the intended commencement of the authorised scheme or relevant activity in which case the MMO must determine the application for approval within the period of six months</p>	<p>The change is required due to the increased time period which the Marine Management Organisation has to approved specified plans.</p>

	commencing on the date the application is received by the MMO, unless otherwise agreed in writing with the undertaker."	
Schedule 11, Part 2, Condition 17	To amend the reference to the "in-principle monitoring plan" to the "offshore in-principle monitoring plan"	The change has been made to correct a minor typographical error
Schedule 11, Part 2, Condition 5(7)(b)	To amend "14 days" to "5 days" as follows: "(b) completion of construction of all offshore activities within fourteen five days thereof, And confirmation of notification must be provided to the MMO within fourteen five days thereof."	The change has been made in response to a request made by Trinity House
Schedule 12, Part 2, Condition 5(11)	To add "as appropriate to the relevant stage" to the end of Condition 1(4) as follows: "(11) In case of damage to, or destruction or decay of, the authorised scheme or any part thereof excluding the exposure of cables the undertaker must as soon as possible and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify the MMO, MCA, Trinity House, the Kingfisher Information Service of Seafish and the UK Hydrographic Office and issue a notice to mariners and regional fisheries contacts. "	The change has been made for consistency with the change that was made to condition 5(12) at Deadline 2.
Schedule 12, Part 2, Condition 6(2)(c)	To amend "14 days" to "5 days" as follows: "(c) notice within fourteen five days of completion of construction of the authorised scheme"	The change has been made in response to a request made by Trinity House for this to be shortened to 24 hours. The Applicant has considered the request but is unable to agree to this.
Schedule 12, Part 2, Condition 7	Add a new heading of "Colour of structures"	The change has been made in response to a request made by the Marine Management Organisation
Schedule 12, Part 2, Condition 11(1)	To add "which shall be submitted to the MMO at least six months prior to commencement of the authorised scheme or the relevant part thereof," to Condition 11(d) and Condition 11(k) as follows:	The change has been made in response to a request made by the Marine Management Organisation [REP2-035]. The Marine Management had

	<p>“(d) a project environment management plan which accords with the outline project environment management plan, which shall be submitted to the MMO at least six months prior to commencement of the authorised scheme or the relevant part thereof, to include details of-</p> <p>...</p> <p>(k) a sensitive features mitigation plan which accords with the in principle sensitive features mitigation plan which shall be submitted to the MMO at least six months prior to commencement of the authorised scheme or the relevant part thereof and is to include spatial and temporal restrictions on piling activities;</p> <p>”</p>	<p>requested 6 months for all however, the Applicant has considered the request and can agree to amend these specific plans.</p>
Schedule 12, Part 2, Condition 12(2)	<p>To amend “four months” to “six months” in Condition 12(2) as follows:</p> <p>“(2) The monitoring plan required under condition 11(1)(j) must be submitted in accordance with the following, unless otherwise agreed in writing with the MMO—</p> <ul style="list-style-type: none"> (d) at least four-six months prior to the first survey, detail of any pre-construction surveys and an outline of all proposed monitoring; (e) at least four-six months prior to construction, detail on construction monitoring; and (f) at least four-six months prior to commissioning, detail of post-construction (and operational) monitoring.” 	<p>The change has been made in response to a request made by the Marine Management Organisation to increase the period in which it must give its approval [REP2-035].</p>
Schedule 12, Part 2, Condition 12(3)	<p>To amend Condition 12(3) as follows:</p> <p>“(3) The MMO must determine an application for approval made under condition 11 within a period of four months commencing on the date the application is received by the MMO, except where an application is required to be made no less than six months prior to the intended commencement of the authorised scheme or relevant activity in which case the MMO must determine the application for approval within the period of six months commencing on the date the application is received by the MMO, unless otherwise agreed in writing with the undertaker.”</p>	<p>The change is required due to the increased time period which the Marine Management Organisation has to approved specified plans.</p>
Schedule 16 (Certification of Plans and Documents)	<p>Amendments to document and plan references and numbers.</p>	<p>The list of certified plans and documents has been updated</p>

	To split the Schedule into Environmental Statement documents and supporting documents.	to reflect the latest versions of the plans and documents.
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Appendix 4 Table of Amendments to the draft Development Consent Order at Deadline 2

This document is submitted together with the updated draft DCO (Document 3.1C, REP2-002) on 20 March 2024 and identifies the latest changes that have been made to the draft DCO (Document 3.1B, PEPD-009) submitted on 16 January 2024.

The changes that were made to the original application submission draft DCO (Document 3.1, APP-019) in the version submitted on 16 January 2024 (Document 3.1B, PEPD-009) are included at Appendix 5 of this document

Article/Requirement/Schedule	Amendment	Reason
Changes made throughout the DCO		
Footnotes	Amendments to the footnotes throughout	The Applicant has amended the dDCO to include footnotes to amending legislation where not previously included and to make any necessary updates.
Articles		
Preamble	<p>Insertion of "or the imposition of a restrictive covenant" in paragraph 4:</p> <p>In accordance with section 132(3) of the 2008 Act, the Secretary of State is satisfied having considered the report of the Examining Authority, that the parcels of common and open space land comprised within the Order land as identified in the book of reference, when burdened with a new right or the imposition of a restrictive covenant created under this Order, will be no less advantageous than they were before the making of this Order, to the following persons: (a) the persons in whom they are vested, (b) other persons, if any, entitled to rights of common or other rights, and (c) the public.</p>	Amended as this wording was omitted in error in the previous draft.
Article 2 - Interpretation	<p>Add "to comprise direct lay cable circuits and/or cable circuits pulled through cable ducts or under protective covers" to the end of the definition of "cable circuits":</p> <p>"cable circuits" means a number of electrical conductors necessary to transmit electricity between two points within the authorised project comprising three conductors which may be bundled as one transmission cable or take the form of three separate transmission cables, and the circuit may include one or more auxiliary cables (normally fibre optic cables) for purposes including control, monitoring, protection or general communications to comprise direct lay</p>	General amendments to drafting to improve and clarify the drafting

	cable circuits and/or cable circuits pulled through cable ducts or under protective covers;	
Article 2 - Interpretation	Replace "transmission cable and fibre optic cables" with "cable circuits" in the definition of "cable ducts"	General amendments to drafting to improve and clarify the drafting
Article 2 - Interpretation	Replace "transmission cable and auxiliary cables" with "cable circuits" in the definition of "cable protection"	General amendments to drafting to improve and clarify the drafting
Article 2 - Interpretation	<p>In paragraph (b) of the definition of "commence", to delete "other than operations consisting of onshore site preparation works, ecological mitigation, temporary hardstanding, or the erection of welfare facilities" to the end of that paragraph:</p> <p>"(b) in respect of any other works comprised in the authorised project, the first carrying out of any material operation (as defined in section 155 of the 2008 Act) forming part of the authorised project other than operations consisting of onshore site preparation works, ecological mitigation, temporary hardstanding, or the erection of welfare facilities;"</p>	<p>Following review of the definition of Commence in response to the request made at Issue Specific Hearing 1 (ISH1), the Applicant has revised this definition in the draft DCO and it no longer carves out onshore site preparation works for the onshore works.</p> <p>Consequential amends have been made to various requirements to ensure that any onshore site preparation works to be carried out as part of the onshore works will be subject to submission of information pursuant to those requirements, in order to ensure that the works carried out are within the scope of works assessed in the Environmental Assessment and subject to the necessary embedded environmental measures.</p>
Article 2 - Interpretation	To rename the defined term "draft piling marine mammal mitigation plan" as "draft piling marine mammal mitigation protocol"	General amendments to drafting to improve and clarify the drafting

Article 2 - Interpretation	To rename the defined term "draft UXO marine mammal mitigation plan" as "draft UXO marine mammal mitigation protocol"	General amendments to drafting to improve and clarify the drafting
Article 2 - Interpretation	To insert a new defined term: "electrical infrastructure installation" means equipment installed for the transmission of electricity at the onshore substation or the extension to the National Grid substation at Bolney which is not contained within a building;	General amendments to drafting to improve and clarify the drafting, in consequence of amendments made to the Requirements.
Article 2 - Interpretation	To replace "transmission cables" with "cable circuits" in the definition of "joint bay"	General amendments to drafting to improve and clarify the drafting
Article 2 - Interpretation	To replace "transmission cables" with "cable circuits" in the definition of "landfall"	General amendments to drafting to improve and clarify the drafting
Article 2 - Interpretation	To replace "transmission cable" with "cable circuit" in the definition of "link box"	General amendments to drafting to improve and clarify the drafting
Article 2 - Interpretation	Add in definition of 'offshore in-principle monitoring plan': "offshore in-principle monitoring plan" means the document certified as the offshore in-principle offshore monitoring plan by the Secretary of State for the purposes of this Order under article 50;	General amendments to drafting to improve and clarify the drafting and to reflect the changes made to the Deemed Marine Licences at Schedules 11 and 12.
Article 2 - Interpretation	To amend the definition of "onshore site preparation works" as follows: "onshore site preparation works" means operations consisting of site clearance, demolition, pre-planting of landscaping works, archaeological investigations, environmental surveys, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, creation of site accesses, and the temporary display of site notices or advertisements, and temporary hardstanding or the erection of welfare facilities associated with such works;	General amendments to drafting to reflect the changes to the definition of commencement and ensure that works which may be required to be undertaken in connection with onshore site preparation works will be subject to the appropriate discharge requirements.
Article 2 - Interpretation	Add in definition of 'outline operations and maintenance plan': "outline operations and maintenance plan" means the document certified as the outline operations and maintenance plan by the Secretary of State for the purposes of this Order under article 50;	Amendment required because the document will be submitted for certification under article 50.

Article 2 - Interpretation	<p>Add "comprising a stage" to paragraph (a) of the definition of "relevant planning authority":</p> <p>"relevant planning authority" means in relation to any given provision of this Order (including the requirements) the local planning authority for the land in question:</p> <p>(a) for the area of land comprising a stage to which the provision relates is situated; and</p> <p>(b) with the relevant legislative competence under the 1990 Act for the matter to which the provision relates;</p>	For clarification and to respond to the request made by the SDNPA in its Local Impact Report [REP1-049]. Requirements will be discharged on a staged basis and this is intended to make clear who the discharging authority will be.
Article 2 - Interpretation	<p>Add "identified in the written scheme approved under requirement 10" to the end of the definition of "stage":</p> <p>"stage" means a part of the onshore works within the onshore Order limits identified in the written scheme approved under requirement 10;</p>	Required as a result of amendments made to Requirement 10 and to provide clarity as to the provision pursuant to which stages will be defined
Article 2 - Interpretation	<p>To amend the definition of "transmission cable" as follows:</p> <p>"transmission cable" means any onshore or offshore cable-circuitscables for the transmission of electricity and communications and includes direct lay cables and/or cables pulled through cable ducts or under protective covers as part of a cable circuit;</p>	General amendments to drafting to improve and clarify the drafting
Article 2 - Interpretation	<p>To rename the defined term of "trenchless technologies" as "trenchless technology" and to amend the definition as follows:</p> <p>"trenchless technologiestechnology" means a cable installation methods which method to install the cable circuits underground by means other than open cut which includes horizontal directional drilling;</p>	General amendments to drafting to improve and clarify the drafting and in response to comments made by the ExA at ISH1 and in response to a request made by the SDNPA.
Article 2 - Interpretation	Delete "and" from the end of the definition of "watercourse" and add "and" to the end of the definition of "wind turbine generator"	Amendment required as a result of including further definitions in Article 2.

Article 2 - Interpretation	<p>Add in definition of 'working in proximity to wildlife in the marine environment protocol':</p> <p>“Working in Proximity to Wildlife in the Marine Environment Protocol” means the document certified as the Working in Proximity to Wildlife in the Marine Environment Protocol by the Secretary of State for the purpose of the Order under article 50.”</p>	<p>General amendments to drafting to improve and clarify the drafting and to reflect the changes made to the Deemed Marine Licences at Schedules 11 and 12.</p>
Article 12 – Public rights of way	<p>To amend Article 12 as follows:</p> <p>“(1) The undertaker may, in connection with the carrying out of the authorised project—</p> <p>(a) temporarily close the public rights of way specified in columns (1) and (2) of Part 1 of Schedule 4 (public rights of way to be temporarily closed) to the extent specified in column (3) of that Part of that Schedule by reference to the numbers and letters shown on the access rights of way and streets plan; and</p> <p>(b) temporarily close each of the public rights of way specified in columns (1) and (2) of Part 2 of Schedule 4 (public rights of way to be temporarily closed and a temporary substitute provided) to the extent specified, in column (3) of that Part of that Schedule and provide the temporary substitute public right of way described in column (4) of that Part of that Schedule between the specified terminus points at the stage of the authorised development identified in column (4) of that Part of that Schedule;</p> <p>(c) temporarily close each of the public rights of way specified in columns (1) and (2) of Part 3 of Schedule 4 (public rights of way to be temporarily closed and a temporary substitute provided to be agreed) to the extent agreed with the relevant highway authority and in respect of the National Trail to the extent agreed with the South Downs National Park Authority and provide substitute temporary public rights of way on an alignment to be agreed with the highway authority or South Downs National Park Authority as applicable prior to the temporary closure of the public right of way concerned; and</p> <p>(d) temporarily close or divert any other public right of way to the extent agreed with the relevant highway authority.</p> <p>(2) The public rights of way specified in columns (1) and (2) of Parts 2 and 3 of Schedule 4 may not be wholly or partly closed under this article unless the temporary part of the substitute public right of way referred to in column (4) of Part 2 or an alternative temporary substitute public right of way agreed by</p>	<p>To respond to the request made by the SDNPA in its Local Impact Report [REP1-049] to reflect their responsibility for the National Trail.</p>

	<p>the highway authority or South Downs National Park Authority in respect of the National Trail has first been provided by the undertaker.</p> <p>(3) If the highway authority or South Downs National Park Authority fails to notify the undertaker of its decision within 28 days of receiving an application for agreement under sub-paragraph (1)(c) or (1)(d) that highway authority is deemed to have granted consent.</p>	
Article 13 - Access to works	To amend "after" to "following" in Article 13(1)(b)	General amendments to drafting to improve and clarify the drafting
Article 13 - Access to works	To amend "28 days" to "45 days" in Article 13(2)	To provide for a longer period to account for the requirement to consult a consultee before granting approval or the deeming provision applying.
Article 22 – Compulsory acquisition of land	<p>Add in new Article 22(3) as follows:</p> <p>"(3) The power to compulsorily acquire land conferred under paragraph (1) does not apply to the Order land shown numbered 34/29 and 34/30 on the land plans."</p>	As per paragraph 9.9.5.7 of the Statement of Reasons, while plots 34/29 and 34/30 are within the Order land as works need to be carried out to the existing National Grid Bolney substation to enable the extension to be connected to it (Work Number 20), Plots 34/29 and 34/30 will not be subject to compulsory acquisition powers in the Order.
Article 24 - Compulsory acquisition of rights and imposition of restrictive covenants	<p>Amend Articles 24, (2), (3) and (5) as follows:</p> <p>"(2) In the case of the Order land specified in column (1) of Schedule 7 (acquisition of new rights and imposition of restrictive covenants only) the undertaker's powers of compulsory acquisition under article 22(1) are limited to the compulsory acquisition of such new rights and the imposition of restrictive or other covenants over land as may be required for the purpose specified in relation to that land in column (2) of that Schedule.</p>	General amendments to drafting to improve and clarify the drafting and in response to comments made by the ExA at ISH1.

	<p>(3) Subject to Schedule 2A (counter-notice requiring purchase of land not in notice to treat) of the 1965 Act (as substituted by paragraph 5(8) of Schedule 8 (modification of compensation and compulsory purchase enactments for the creation of new rights and imposition of restrictive covenants), where the undertaker acquires a right over land or the benefit of a restrictive covenant or acquires an existing right over land or the benefit or restrictions of a restrictive covenant already in existence under paragraph (1) or under paragraph (2), the undertaker is not required to acquire a greater interest in that land.</p> <p>...</p> <p>(5) In any case where the acquisition of new rights or the imposition of a restriction restrictive covenant under sub-paragraph (1) or (2) is required for the purpose of diverting, replacing or protecting apparatus of a statutory undertaker, the undertaker may, with the consent of the Secretary of State, transfer the power to acquire such rights or impose such restrictions to the relevant statutory undertaker."</p>	
Article 25 – Private rights over land	<p>Amend Article 25(2) as follows:</p> <p>"(2) Subject to the provisions of this article, all private rights or restrictive covenants over land subject to the compulsory acquisition of rights or the imposition of restrictive or other covenants under this Order are extinguished in so far as their continuance would be inconsistent with the exercise of the right or the burden of the restrictive or other covenant—</p> <p>(a) as from the date of the acquisition of the right or the imposition of the restrictive or other covenant by the undertaker (whether the right is acquired or the restrictive or other covenant is imposed compulsorily, by agreement or through the grant of lease of the land by agreement); or</p> <p>(b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act in pursuance of the right or enforcement of the restrictive or other covenant,</p> <p>whichever is the earlier."</p>	General amendments to drafting to improve and clarify the drafting and in response to comments made by the ExA at ISH1.

<p>Article 32 – Temporary use of land for carrying out the authorised project</p>	<p>Add in new Article 32(2) as follows:</p> <p>“(2) The power conferred under sub-paragraph (1)(a)(ii) does not apply to the Order land shown numbered 34/29 and 34/30 on the land plans.”</p>	<p>As per paragraph 9.9.5.7 of the Statement of Reasons, while plots 34/29 and 34/30 are within the Order land as works need to be carried out to the existing National Grid Bolney substation to enable the extension to be connected to it (Work Number 20), Plots 34/29 and 34/30 will not be subject to temporary possession powers in the Order.</p>
<p>Article 32 – Temporary use of land for carrying out the authorised project</p>	<p>The previous Article 32(2) is now numbered Article 32(3).</p> <p>The previous Article 32(3) is now numbered Article 32(4) and amended as follows:</p> <p>“The undertaker is not required to serve notice under sub-paragraph (34) where the undertaker has identified a potential risk to the safety of any of—</p> <p>(a) the authorised development or any of its parts; (b) the public; or (c) the surrounding environment,</p> <p>and in such circumstances, the undertaker may enter the land under sub-paragraph (1) subject to giving such period of notice as is reasonably practical in the circumstances.”</p> <p>The previous Article 32(4) is now numbered Article 32(5).</p> <p>The previous Article 32(5) is now numbered Article 32(6).</p> <p>The previous Article 32(6) is now numbered Article 32(7).</p> <p>The previous Article 32(7) is now numbered Article 32(8) and amended as follows:</p> <p>“Any dispute as to a person’s entitlement to compensation under sub-paragraph (67), or as to the amount of the compensation, is to be</p>	<p>Consequential amendments have been made to the numbering as a result of the insertion of a new Article 32(2).</p>

	<p>determined under Part 1 (determination of questions of disputed compensation) of the 1961 Act.”</p> <p>The previous Article 32(8) is now numbered Article 32(9) and amended as follows:</p> <p>“Any dispute as to the satisfactory removal of temporary works and restoration of land under sub-paragraph (56) does not prevent the undertaker from giving up possession of the land.”</p> <p>The previous Article 32(9) is now numbered Article 32(10) and amended as follows:</p> <p>“(9) Subject to article 53 (no double recovery) nothing in this article affects any liability to pay compensation under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance) or under any other enactment in respect of loss or damage arising from the carrying out of the authorised project, other than loss or damage for which compensation is payable under sub-paragraph (67).”</p> <p>The previous Article 32(10) is now numbered Article 32(11).</p> <p>The previous Article 32(11) is now numbered Article 32(12).</p> <p>The previous Article 32(12) is now numbered Article 32(13).</p> <p>The previous Article 32(13) is now numbered Article 32(14).</p>	
<p>Article 32 – Temporary use of land for carrying out the authorised project</p>	<p>Article 32(11) (previously Article 32(10)) is amended as follows:</p> <p>“The undertaker may not compulsorily acquire under this Order the land referred to in sub-paragraph (1)(a)(i) except that the undertaker is not precluded from (a) acquiring new rights or imposing restrictive covenants over any part of that land under article 24 (compulsory acquisition of rights and imposition of restrictive covenants) to the extent that such land is listed in column (1) of Schedule 7 (acquisition of new rights and imposition of restrictive covenants only). (b) ; or acquiring any part of the subsoil (or rights in the subsoil) of that land under article 30 (acquisition of subsoil or airspace only).”</p>	<p>Deletion made as the power referred to in Article 32(11)(b) is not sought over the land listed in columns (1) and (2) of Schedule 9.</p>

Article 35 - Statutory undertakers	<p>Replace "impositions" with "imposition":</p> <p>"Subject to the provisions of Schedule 10 (protective provisions) article 24 (compulsory acquisition of rights and imposition impositions of restrictive covenants) the undertaker may:"</p>	<p>General amendments to drafting to improve and clarify the drafting and in response to comments made by the ExA at ISH1.</p>
Article 38 - Special Category Land	<p>Amend Article 38(1) as follows:</p> <p>"On the exercise by the undertaker of the relevant Order powers to acquire rights or impose restrictive covenants over the special category land so much of the special category land as is required for the purposes of the exercise by the undertaker of those rights or enforcement of those restrictive covenants is discharged from all rights, trusts and incidents to which it was previously subject so far as their continuance would be inconsistent with the exercise of the relevant Order powers."</p>	<p>Amended as this wording was omitted in error in the previous draft.</p>
Schedules		
Schedule 1, Part 1	<p>To replace references to "transmission cables" with "cable circuits" in the description of Work No. 1:</p> <p>"an offshore wind turbine generating station which is to have a gross electrical output of over 100 megawatts and must comprise no more than 90 wind turbine generators, with each wind turbine fixed to the seabed by either monopile foundation or multileg foundation and including a connection to the subsea transmission-cablecable circuits comprising Work No. 2(a) or 2(b);"</p>	<p>General amendments to drafting to improve and clarify the drafting</p>
Schedule 1, Part 1	<p>To replace references to "transmission cables" with "cable circuits" in the description of Work No. 2:</p> <p>"(a) a network of subsea transmission-cablecable circuits between the wind turbine generators comprising Work No. 1; and (b) a network of subsea transmission-cablecable circuits between the wind turbine generators comprising Work No. 1 and the offshore substations comprising Work No. 3(a) including one or more cable crossings; (c) connections into the offshore substations comprising Work No. 3(a)."</p>	<p>General amendments to drafting to improve and clarify the drafting</p>

Schedule 1, Part 1	<p>To replace references to "transmission cables" with "cable circuits" in the description of Work No. 3:</p> <p>"(a) up to three offshore substations each fixed to the seabed by monopile foundation, or multileg foundation and including connection to the transmission cables cable circuits comprising Work No. 2(b), transmission cables cable circuits comprising Work No. 3(b) and transmission cables cable circuits comprising Work No. 4; and</p> <p>(b) up to two offshore subsea transmission cables cable circuits in total each connecting one offshore substation to another;"</p>	General amendments to drafting to improve and clarify the drafting
Schedule 1, Part 1	<p>To replace references to "transmission cables" with "cable circuits" in the description of Work No. 4:</p> <p>"up to four transmission cables cable circuits in total between and connecting one or more of the offshore substations comprising Work No. 3(a) and the transmission cables cable circuits comprising Work No. 5 laid on or beneath the seabed within the offshore Order limits seaward of MLWS;"</p>	General amendments to drafting to improve and clarify the drafting
Schedule 1, Part 1	<p>To replace references to "transmission cables" with "cable circuits" in the description of Work No. 5:</p> <p>"(a) up to four temporary horizontal directional drilling exit pits located seaward of MLWS; and</p> <p>(b) up to four transmission cables cable circuits and associated ducts connecting the transmission cables cable circuits comprising Work No. 4 and the transmission cables cable circuits comprising Work No. 6 laid on or beneath the seabed or in ducts laid on or beneath the seabed within the offshore Order limits."</p>	General amendments to drafting to improve and clarify the drafting
Schedule 1, Part 1	<p>To replace references to "transmission cables" with "cable circuits" in the description of Work No. 6:</p> <p>"landfall connection works comprising up to four transmission cables cable circuits and associated ducts laid underground by horizontal directional drilling within the Order limits seaward of MHWS and landward of MLWS connecting Work No. 5 and Work No. 7."</p>	General amendments to drafting to improve and clarify the drafting

Schedule 1, Part 1	To replace references to "transmission cables" with "cable circuits" in the description of Work No. 7: "onshore connection works consisting of up to four transmission cables cable circuits and associated cable ducts laid underground by horizontal directional drilling between and connecting Work No. 6 and Work No. 8."	General amendments to drafting to improve and clarify the drafting
Schedule 1, Part 1	To replace references to "transmission cables" with "cable circuits" in the description of Work No. 8 and to insert "at landfall" after "onshore connection works": "onshore connection works at landfall consisting of— (a) up to 4 horizontal directional drilling launch and exit pits and associated cable ducts; (b) up to 4 transition joint bays; and (c) up to four transmission cables cable circuits and associated cable ducts laid underground by open cut trenching, horizontal directional drilling, or other trenchless technology connecting Work No. 7 to Work No. 9."	General amendments to drafting to improve and clarify the drafting
Schedule 1, Part 1	To replace references to "transmission cables" with "cable circuits" in the description of Work No. 9(a): "up to four transmission cables cable circuits and associated ducts laid underground either by open cut trenching, horizontal directional drilling or other trenchless technology;"	General amendments to drafting to improve and clarify the drafting
Schedule 1, Part 1	Amend Work No. 19(a) as follows: "(a) up to two transmission cables cable circuits and associated cable ducts laid underground either by open cut trenching, horizontal directional drilling or other trenchless technology the effects of which are within those assessed in the environmental statement ; and"	General amendments to drafting to improve and clarify the drafting
Schedule 1, Part 3, Requirement 2	Amend Requirement 2(2) as follows: "Subject to sub-paragraph (3), each wind turbine generator forming part of the authorised project must have— (a) a height of no more than 325 metres when measured from LAT to the tip of the vertical blade;	Amendment to improve and clarify the drafting and in response to comments made by the ExA at ISH1.

	<p>(b) a rotor diameter of no more than 295 metres;</p> <p>(c) a distance of no less than 22 metres from MHS to the lowest point of the rotating blade; or</p> <p>(d) a distance of no less than 830m from the nearest wind turbine generator in all directions</p> <p>and the authorised project will comprise turbines of a uniform type height and rotor diameter there must be no material differences in the size of the wind turbine generators."</p>	
Schedule 1, Part 3, Requirement 3	Add "and" to the end of Requirement 3(5)(a)(iii);	Amendment to improve and clarify the drafting
Schedule 1, Part 3, Requirement 5	To replace references to "transmission cables" with "cable circuits" in Requirements 5(7) and 5(9);	Amendment to improve and clarify the drafting
Schedule 1, Part 3, Requirement 6	<p>To insert a new heading of "Cable parameters" and to amend Requirement 6 as follows:</p> <p>"(1) Transmission cables Cable circuits comprising Works Nos. 6 and 7 must be installed by means of horizontal directional drilling (HDD).</p> <p>(2) There must be no more than 4 HDD drills used completed for Work Nos. 6 and 7.</p> <p>(3) All cables circuits and joint bays comprising Work Nos. 8, 9 and 19 must be installed in ducting underground and the land above reinstated to pre-construction ground level save for manholes and link box chambers and once constructed all joint boxes and link box chambers must be resilient to flooding.</p> <p>(4) Trenchless installation techniques technology must be used to install the transmission cables where cable circuits in the locations identified in the crossings schedule (comprising part of the code of construction practice approved pursuant to requirement 22) for the purpose of passing under a relevant obstruction unless otherwise agreed by the relevant planning authority, following consultation with the lead local flood authority, Natural England, the highway authority or Network Rail as relevant;</p> <p>(5) There are to be no more than 66 joint bay locations each comprising up to four joint bays.</p> <p>(6) There are to be no more than 264 link boxes and no more than 264 fibre optic cable joint boxes."</p>	General amendments to drafting to improve and clarify the drafting by grouping appropriate parameters under the new heading.
Schedule 1, Part 3, Requirement 7	To insert a new heading of "Onshore substation parameters" and to amend Requirement 7 as follows:	General amendments to drafting to improve and clarify the drafting

	<p>"(1) The total fenced area for the substation compound (excluding access) comprising Work No. 16 must not exceed be no more than 60,000 square metres.</p> <p>(1) The total area for the substation extension comprising Work No. 20 to be incorporated into the existing National Grid substation at Bolney must not exceed be no more than 6,300 square metres.</p> <p>(2) There are to be no more than 66 joint bay locations each comprising up to four joint bays.</p> <p>(3) There are to be no more than 264 link boxes and no more than 264 fibre optic cable joint boxes."</p>	
Schedule 1, Part 3, Requirement 8	<p>To insert "(excluding any onshore site preparation works)" into Requirement 8(1):</p> <p>"Works comprising Work No. 16 (excluding any onshore site preparation works) must not commence until details of—"</p> <p>To replace "in consultation" with "following consultation".</p>	Following the amendment to the definition of commencement as detailed above, to clarify when the detailed design information for Work No. 16 is required to be submitted.
Schedule 1, Part 3, Requirement 8	<p>To delete "or any other measures necessary to ensure water neutrality," from Requirement 8(2) as follows:</p> <p>"Any details provided by the undertaker pursuant to sub-paragraph (1) must accord with the principles set out in the relevant part of the design and access statement including taking account of climate change allowances, relationship to and effect on heritage assets, must accord with the drainage arrangements approved pursuant to requirement 17, include details of any water harvesting and recycling measures or any other measures necessary to ensure water neutrality, and be within the Order limits."</p>	General amendments to drafting to improve and clarify the drafting by providing for the requirement for demonstrating water neutrality to be a separate limb of the requirement
Schedule 1, Part 3, Requirement 8	<p>To insert a new Requirement 8(3) as follows:</p> <p>"(3) The details submitted pursuant to sub-paragraph (2) must demonstrate how the works to construct and operate Work No. 16 will comprise water neutrality."</p> <p>The previous Requirement 8(3) is now numbered Requirement 8(4).</p> <p>The previous Requirement 8(4) is now numbered Requirement 8(5).</p>	General amendments to drafting to improve and clarify the drafting by providing for the requirement for demonstrating water neutrality to be a separate limb of the requirement

Schedule 1, Part 3, Requirement 8	To amend Requirement 8(5) as follows: "For the purposes of paragraph 5 (34)— (a) 'finished ground level' will be defined in accordance with the design and access statement; and (b) the term 'building' excludes electrical infrastructure installations."	General amendments to drafting to improve and clarify the drafting
Schedule 1, Part 3, Requirement 9	To insert "(excluding any onshore site preparation works)" into Requirement 9(1): "Works comprising Work No. 20 (excluding any onshore site preparation works) must not commence until details of—"	Following the amendment to the definition of commencement as detailed above, to clarify when the detailed design information for Work No. 20 is required to be submitted.
Schedule 1, Part 3, Requirement 9	To amend Requirement 9(4) as follows: "For the purposes of paragraph 5 (3)— (a) 'finished ground level' will be defined in accordance with the design and access statement; and (b) the term 'building' excludes electrical infrastructure installations."	General amendments to drafting to improve and clarify the drafting
Schedule 1, Part 3, Requirement 10	To amend Requirement 10 as follows: "Stages of onshore works —(1) No part of the authorised project within the Order limits landward of MLWS excluding onshore site preparation works is to commence until a written programme identifying the stages of those works has been submitted to and approved by the relevant planning authorities and to the extent that it relates to works seaward of mean high water springs comprising Work No. 6 in following consultation with the MMO. (2) No onshore site preparation works are to commence until a written programme identifying the stages of those onshore site preparation works has been submitted to and approved by the relevant planning authorities and to the extent that it relates to works seaward of mean high water springs comprising Work No. 6 following consultation with the MMO. (3) The authorised project must be implemented in stages as approved and each reference to a stage in these requirements is a reference to a stage in the programme as so approved."	Following the amendment to the definition of commencement, this requirement has been amended to allow for stages to be identified for parts of the onshore site preparation works and for other works comprising the authorised project landward of MLWS separately. This then allows other requirements to be discharged on the basis of either onshore site preparation works or other construction works as necessary, and ensures that the required mitigation for

		the identified stages is secured.
Schedule 1, Part 3, Requirement 12	<p>To amend Requirement 12 as follows:</p> <p>“(1) No stage of the authorised project within the onshore Order limits are to commence until for that stage a written landscape and ecology management plan and associated work programme (which accords with the relevant provisions of the outline landscape and ecology management plan and outline code of construction practice) has been submitted to and approved by the relevant planning authority in following consultation with the statutory nature conservation body and Historic England (where relevant).</p> <p>(2) Any landscape and ecology management plan submitted under subparagraph (1)—</p> <p>(a) may cover one or more stages of the connection onshore works; and</p> <p>(b) may provide for the phased provision or planting within a stage.</p> <p>The landscape and ecology management plan for a stage which includes Work No. 16 and/or Work No. 20 (excluding for a stage comprising onshore site preparation works) is to include the relevant part of Work No. 17 and must accord with the relevant part of the design and access statement unless otherwise agreed by the relevant planning authority.</p> <p>Each stage specific landscape and ecology management plan must be implemented as approved.</p>	General amendments to drafting to improve and clarify the drafting and to reflect the change to the definition of commence, and the ability to discharge the requirement in respect of a stage of onshore site preparation works and/or for other construction works
Schedule 1, Part 3, Requirement 13	<p>To replace “after planting” with “after completion of planting for the relevant stage” in Requirement 13(2):</p> <p>“Any tree or shrub planted as part of an approved landscape and ecology management plan that, within a period of ten years after completion of planting for the relevant stage, is removed by the undertaker, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless otherwise approved in writing by the relevant planning authority.”</p>	General amendments to drafting to improve and clarify the drafting and in response to comments made by Interested Parties.
Schedule 1, Part 3, Requirement 14	<p>To amend Requirement 14 as follows:</p> <p>“(1) No stage of the authorised project within the onshore Order limits (excluding any onshore site preparation works) is to commence until a biodiversity net gain strategy for the stage which accords with the outline biodiversity net gain information comprising appendix 22.15 of the environmental statement has been submitted to and approved by the relevant</p>	General amendments to drafting to improve and clarify the drafting and to reflect the change to the definition of commence, and the ability to discharge the requirement in respect of a

	<p>planning authority in following consultation with the statutory nature conservation body.</p> <p>(2) Any biodiversity net gain strategy under sub-paragraph (1) may cover one or more stages of the connection onshore works.</p> <p>(3) The biodiversity net gain strategy for each relevant stage must be implemented as approved."</p>	<p>stage of onshore site preparation works and/or for other construction works</p>
Schedule 1, Part 3, Requirement 15	<p>To amend Requirement 15 as follows:</p> <p>"(1) Construction of any—</p> <p>(a) new operational means of access to a highway to be used by vehicular traffic;</p> <p>(b) new temporary means of access to a highway to be used by vehicular traffic; or</p> <p>(c) alteration, or use of an existing means of access to a highway to be used by vehicular traffic,</p> <p>outside the South Downs National Park is must not to commence until an access plan for the relevant access has been submitted to and approved by West Sussex County Council as the highway authority or, where such access is directly to or from a trunk road, National Highways for the relevant highway.</p> <p>(2) The access plans submitted pursuant to sub-paragraph (1) must include details of the siting, design, layout, visibility splays, access management measures and a maintenance programme relevant to the access it relates to and secure that all temporary and permanent accesses are provided to Department for Transport Design Manual for Roads and Bridges design standards or as otherwise agreed with the highway authority.</p> <p>(3) The highway accesses (including visibility splays) must be constructed and maintained for the period required in accordance with the details approved pursuant to sub-paragraph (1)."</p>	<p>Amendments to respond to the request made by the WSCC in its Local Impact Report [REP1-054] and a general clarification to reflect the definition of highway authority.</p>
Schedule 1, Part 3, Requirement 16	<p>To amend Requirement 16 as follows:</p> <p>"(1) Construction of any -</p> <p>(a) new temporary means of access to a highway to be used by vehicular traffic;</p> <p>or</p> <p>(b) alteration, or us of an existing means of access to a highway to be used by vehicular traffic,</p> <p>within the South Downs National Park is not to commence until written details of the siting, design, layout, visibility splays, access management (which shall</p>	<p>Amendments to respond to the request made by the WSCC in its Local Impact Report [REP1-054].</p>

	<p>be provided to Department for Transport Design Manual for Roads and Bridges design standards or as otherwise agreed with the highway authority) and a maintenance programme relevant to the access has been submitted to and approved by West Sussex County Council as the highway authority for the relevant highway in for the relevant highway following consultation with South Downs National Park Authority.</p> <p>(2) The highway accesses within the South Downs National Park must be constructed and maintained for the period required in accordance with the details approved pursuant to sub-paragraph (1).</p>	
Schedule 1, Part 3, Requirement 17	<p>To replace the heading of "Surface and foul water drainage" with "Operational drainage management" and to insert "(excluding any onshore site preparation works)" into Requirement 17(1):</p> <p>"No works to construct the onshore substation comprising Work No. 16 (excluding any onshore site preparation works) are to commence until an operational drainage plan including written details of the surface and (if any) foul water drainage system (including means of pollution control) and its management during the operational life of the authorised development, in accordance with the outline operational drainage plan has after been submitted to and approved by the lead local flood authority following consultation with the relevant sewerage and drainage authorities and the Environment Agency, been submitted to and approved by the lead local flood authority."</p>	<p>General amendments to drafting to improve and clarify the drafting and to reflect the change to the definition of commence, and the ability to discharge the requirement in respect of a stage of onshore site preparation works and/or for other construction works</p>
Schedule 1, Part 3, Requirement 18	<p>To insert "(excluding any onshore site preparation works)" into Requirement 18(1):</p> <p>"No works to construct the extension of the National Grid substation comprising Work No. 20 (excluding any onshore site preparation works) are to commence until an operational drainage plan including written details of the surface and (if any) foul water drainage system (including means of pollution control) and its management during the operational life of the authorised development, in accordance with the outline operational drainage plan has after been submitted to and approved by the lead local flood authority following consultation with the relevant sewerage and drainage authorities and the Environment Agency, been submitted to and approved by the lead local flood authority."</p>	<p>General amendments to drafting to improve and clarify the drafting and to reflect the change to the definition of commence, and the ability to discharge the requirement in respect of a stage of onshore site preparation works and/or for other construction works</p>
Schedule 1, Part 3, Requirement 19	To amend Requirement 19 as follows:	General amendments to drafting to improve and

	<p>“(1) No stage of the authorised project within the onshore Order limits are to commence until a site-specific written scheme of archaeological investigation for that stage which must accord with the outline onshore written scheme of investigation has been submitted to and approved by the relevant planning authority in consultation with West Sussex County Council.</p> <p>(2) All archaeological investigations including those carried out as part of onshore site preparation works must be carried out in accordance with the relevant written scheme of archaeological investigation approved under subparagraph (1).</p> <p>(3) The archaeological site investigations and post investigation assessment must be completed in accordance with the programme set out in the written scheme of archaeological investigation and provision made for analysis, publication and dissemination of results and archive deposition.</p> <p>(4) Any written scheme or archaeological investigation submitted under subparagraph (1) may cover one or more stage of the connection onshore works.</p> <p>(5) The term “commence” as used in paragraph (1) above includes any intrusive onshore site preparation works including trial trenching.</p> <p>(56) Should archaeological remains be left in situ on any site, a site-specific archaeological management plan must be submitted to and approved in writing by the relevant planning authority in consultation with West Sussex County Council. Any further works, including removal and reinstatement, must be carried out in accordance with the approved site-specific archaeological management plan, unless otherwise approved by the relevant planning authority in consultation with West Sussex County Council.</p>	<p>clarify the drafting and to reflect the change to the definition of commence, and the ability to discharge the requirement in respect of a stage of onshore site preparation works and/or for other construction works</p>
<p>Schedule 1, Part 3, Requirement 20</p>	<p>To amend Requirement 20 as follows:</p> <p>“(1) No stage of the authorised project within the onshore Order limits is to commence until a public rights of way management plan for the management of public rights of way (excluding the National Trail in the South Downs National Park) located within that stage and which accords with the outline public rights of way management plan has been submitted to and approved in writing by the highway authority in following consultation with the relevant planning authority which is to include (where relevant for the stage) a programme for the temporary closure and re-opening of the public rights of way specified at Schedule 4 (public rights of way), save for the National Trail in the South Downs National Park, comprising—</p> <p>(a) a plan for the sequencing of construction of the connection onshore works;</p>	<p>Amendments to drafting in response to comments made by the SDNPA in its Local Impact Report [REP1-049] to reflect their responsibility for the National Trail and to reflect the change to the definition of commence, and the ability to discharge the requirement in respect of a stage of onshore site preparation works and/or for other construction works</p>

	<p>(b) the management of any alternative routes during the temporary closure; and</p> <p>(c) the re-opening of the public rights of way upon the cessation of that part of the authorised project requiring the temporary closure of those rights of way;</p> <p>(2) in respect of No stage of the authorised project within the onshore Order limits which includes the National Trail in the South Downs National Park a diversion and closure scheme which is to include commence until a public rights of way management plan for the relevant stage has been submitted to and approved in writing by the South Downs National Park a programme for the temporary closure and re-opening of the National Trail within that stage, comprising—</p> <p>(a) a plan for the sequencing of construction of the connection onshore works;</p> <p>(b) the management of any alternative routes during the temporary closure; and</p> <p>(c) the re-opening of the National Trail upon the cessation of that part of the authorised development requiring the temporary closure of the National Trail.</p> <p>(2) The term “commence” as used in sub-paragraph (1) is to include any onshore site preparation works.</p> <p>(3) Any public rights of way management plan submitted under sub-paragraph (1) may cover one or more stage of the connection onshore works.</p> <p>(4) The public rights of way management plan for each stage must be implemented as approved.</p> <p>(5) No stage of the connection onshore works are to commence unless the undertaker has provided to the highway authority in consultation with and the South Downs National Park Authority a rights of way and access land communication management plan, which is to include—</p> <p>(a) proposals for informing the public of the start and duration of the connection works where public rights of way or the access land described in Schedule 6 (temporary suspension of public access to access land) are affected, including signage; and</p> <p>(b) details of the proposed diversions and temporary closures to minimise impacts on public rights of way during construction of the connection works and the details provided in accordance with this sub-paragraph (5) must be implemented during the construction of the relevant stages of the connection onshore works to which they relate.”</p>	
Schedule 1, Part 3, Requirement 21	<p>To replace “in consultation” with “following consultation” in Requirement 21(1).</p> <p>To delete Requirement 21(2).</p>	<p>General amendments to drafting to improve and clarify the drafting</p>

	To renumber existing Requirement 21(3) as Requirement 21(2).	
Schedule 1, Part 3, Requirement 22	<p>To replace “in consultation” with “following consultation” in Requirement 22(1).</p> <p>To delete Requirement 22(2).</p> <p>To renumber existing Requirement 22(3) as Requirement 22(2).</p> <p>To renumber existing Requirement 22(4) as Requirement 22(3).</p> <p>To renumber existing Requirement 22(5) as Requirement 22(4).</p>	General amendments to drafting to improve and clarify the drafting
Schedule 1, Part 3, Requirement 23	<p>To amend Requirement 23 as follows:</p> <p>“(1) No stage of the authorised project within the Order limits landward of MLWS is to commence until an onshore construction method statement for the construction of the relevant stage of the works which accords with the outline construction method statement has been submitted to and approved in writing by the relevant planning authority in following consultation with the statutory nature conservation body and to the extent that it relates to works seaward of mean high water springs comprising Work No. 6, the MMO.</p> <p>(2) The method statements referred to in paragraph (1) must—</p> <p>(a) include details for the location, method and process for horizontal directional drilling for the transmission cable circuit installation works comprising Work Nos. 6 and 7 including restrictions on works above ground;</p> <p>(b) restrict access within ecologically sensitive sites including Climbing Beach Site of Special Scientific Interest, Littlehampton Golf Course and Atherington Beach Local Wildlife Site and Sullington Hill Local Wildlife Site to pedestrian access only with no ground breaking activity save where remedial action is required;</p> <p>(c) secure that the landfall construction compound comprising Work No. 8 do not exceed 120 metres x 100 metres;</p> <p>(d) secure that compounds associated with horizontal directional drilling do not exceed 50 metres x 75 metres;</p> <p>(e) secure appropriate burial depth for the onshore transmission cable circuits comprising Work Nos. 9 and 19 within the relevant stage including under watercourses crossed by trenchless techniques technology;</p> <p>(f) confirm the cable corridor location and its width through the relevant stage including that the width through treelines and areas of woodland is narrowed to no more than 30 metres;</p>	General amendments to drafting to improve and clarify the drafting

	<p>(g) include planned methods and processes for all crossings identified by the stage specific code of construction practice to be installed by trenchless crossings technology; and</p> <p>(h) include a protocol for restoration and reinstatement of land used temporarily for construction including provisions to secure that the construction corridor through areas of woodland, across tree lines and important hedgerows (as defined pursuant to the Hedgerow Regulations 1997) are to be reinstated and which must accord with the stage specific landscape and ecological management plan approved pursuant to requirement 12 above.</p> <p>(3) Each method statement submitted in accordance with sub-paragraph (1) must be implemented as approved."</p>	
Schedule 1, Part 3, Requirement 24	<p>To replace "in consultation" with "following consultation" in Requirement 24(1)(b).</p> <p>To replace "transmission cables" with "cable circuits" in Requirement 24(1)(c).</p>	General amendments to drafting to improve and clarify the drafting
Schedule 1, Part 3, Requirement 24	<p>To delete Requirement 24(2).</p> <p>To renumber existing Requirement 24(3) as Requirement 24(2).</p> <p>To renumber existing Requirement 24(4) as Requirement 24(3).</p> <p>To renumber existing Requirement 24(5) as Requirement 24(4).</p> <p>To renumber existing Requirement 24(6) as Requirement 24(5).</p>	General amendments to drafting to improve and clarify the drafting and in response to comments made by the ExA at ISH1.
Schedule 1, Part 3, Requirement 24	To replace "connection works" with "onshore works" in Requirement 24(3)	General amendments to drafting to improve and clarify the drafting
Schedule 1, Part 3, Requirement 25	<p>To insert "works excluding onshore site preparation" into Requirement 25(1):</p> <p>"No construction works excluding onshore site preparation works are to commence within the onshore Order limits in the localised areas identified within the preliminary risk assessment (desk study) included in chapter 25 of the environmental statement as being at risk from contamination until land contamination assessments have been undertaken for that localised area of the onshore Order limits and has been submitted to and approved by the relevant planning authority."</p>	General amendments to drafting to improve and clarify the drafting and to reflect the change to the definition of commence, and the ability to discharge the requirement in respect of a stage of onshore site preparation works and/or for other construction works
Schedule 1, Part 3, Requirement 30	To insert "excluding onshore site preparation works" into Requirement 30(1):	General amendments to drafting to improve and

	<p>“Work No. 16 must not commence excluding onshore site preparation works until an operational light emissions management plan providing details of artificial light emissions during the operation of Work No. 16, including measures to minimise lighting pollution and the hours of lighting, in accordance with the design principles in the design and access statement, has been submitted to and approved by the relevant planning authority.”</p>	<p>clarify the drafting and to reflect the change to the definition of commence, and the ability to discharge the requirement in respect of a stage of onshore site preparation works and/or for other construction works</p>
Schedule 1, Part 3, Requirement 31	<p>To insert “excluding onshore site preparation works” into Requirement 31(1):</p> <p>“Work No. 20 must not commence excluding onshore site preparation works until an operational light emissions management plan providing details of artificial light emissions during the operation of Work No. 20, including measures to minimise lighting pollution and the hours of lighting design principles in the design and access statement has been submitted to and approved by the relevant planning authority.”</p>	<p>General amendments to drafting to improve and clarify the drafting and to reflect the change to the definition of commence, and the ability to discharge the requirement in respect of a stage of onshore site preparation works and/or for other construction works.</p>
Schedule 1, Part 3, Requirement 32	<p>To insert “in consultation with West Sussex County Council as highway authority” into Requirement 31(1):</p> <p>“Prior to the commencement of the operation of the authorised development an operation travel plan which must accord with the outline operational travel plan must be submitted to the relevant planning authority for approval following consultation with West Sussex County Council as highway authority.”</p>	<p>To respond to the request made by the WSCC in its Local Impact Report [REP1-054].</p>
Schedule 1, Part 3, Requirement 33	<p>To insert “excluding onshore site preparation works” into Requirement 33(1):</p> <p>“No stage of the authorised development excluding onshore site preparation works is to commence until a skills and employment strategy, substantially in accordance with the outline skills and employment strategy has been provided to the relevant planning authority.”</p>	<p>General amendments to drafting to improve and clarify the drafting and to reflect the change to the definition of commence, and the ability to discharge the requirement in respect of a stage of onshore site preparation works and/or for other construction works</p>
Schedule 1, Part 3, Requirement 33	<p>To replace “during” with “throughout” in Requirement 33(2)</p>	<p>General amendments to drafting to improve and clarify the drafting</p>
Schedule 2	<p>In column 1 of the table:</p> <p>In row 5 to replace “Arun District” with “South Downs National Park”;</p>	<p>To reflect the relevant local planning authority for the submission of details.</p>

	<p>In row 6 to replace "Horsham District" with "Horsham District and South Downs National Park";</p> <p>In row 7 to replace "Horsham District" with "South Downs National Park";</p> <p>In row 8 to replace "Horsham District" with "Horsham District and South Downs National Park";</p> <p>In row 9 to replace "Horsham District" with "Horsham District and South Downs National Park";</p> <p>In row 10 to replace "Horsham District" with "Horsham District and South Downs National Park";</p> <p>In row 11 to replace "Horsham District" with "Horsham District and South Downs National Park".</p>	
Schedule 4, Part 1	<p>In column 1 of the table:</p> <p>In row 10 to replace "Arun District" with "South Downs National Park";</p> <p>In row 11 to replace "Arun District" with "South Downs National Park";</p> <p>In row 12 to replace "Arun District" with "South Downs National Park";</p> <p>In row 13 to replace "Arun District" with "South Downs National Park";</p> <p>In row 14 to replace "Arun District" with "South Downs National Park";</p> <p>In row 15 to replace "Horsham District" with "South Downs National Park";</p> <p>In row 16 to replace "Horsham District" with "South Downs National Park";</p> <p>In row 17 to replace "Horsham District" with "South Downs National Park";</p> <p>In row 18 to replace "Horsham District" with "South Downs National Park";</p> <p>In row 19 to replace "Horsham District" with "South Downs National Park".</p>	To reflect the relevant local planning authority for the submission of details.
Schedule 4, Part 2	<p>In column 1 of the table:</p> <p>In row 4 to replace "Arun District" with "South Downs National Park";</p> <p>In row 5 to replace "Arun District" with "Horsham District and South Downs National Park";</p> <p>In row 6 to replace "Arun District" with "South Downs National Park";</p> <p>In row 7 to replace "Horsham District" with "South Downs National Park";</p> <p>In row 8 to replace "Horsham District" with "Horsham District and South Downs National Park";</p> <p>In row 9 to replace "Horsham District" with "South Downs National Park";</p> <p>In row 10 to replace "Horsham District" with "South Downs National Park";</p> <p>In row 11 to replace "Horsham District" with "South Downs National Park";</p> <p>In row 12 to replace "Horsham District" with "South Downs National Park";</p> <p>In row 14 to replace "Horsham District" with "South Downs National Park".</p>	To reflect the relevant local planning authority for the submission of details.

Schedule 4, Part 3	<p>In column 1 of the table:</p> <p>In row 1 to replace "Arun District" with "Arun District and South Downs National Park".</p>	To reflect the relevant local planning authority for the submission of details.
Schedule 5	<p>In column 1 of the table:</p> <p>In row 19 to replace "Arun District" with "South Downs National Park";</p> <p>In row 20 to replace "Arun District" with "Horsham District and South Downs National Park";</p> <p>In row 21 to replace "Arun District" with "South Downs National Park";</p> <p>In row 22 to replace "Arun District" with "South Downs National Park";</p> <p>In row 23 to replace "Arun District" with "Horsham District and South Downs National Park";</p> <p>In row 24 to replace "Arun District" with "South Downs National Park";</p> <p>In row 25 to replace "Arun District" with "South Downs National Park";</p> <p>In row 26 to replace "Arun District" with "Horsham District and South Downs National Park";</p> <p>In row 27 to replace "Arun District" with "South Downs National Park";</p> <p>In row 28 to replace "Horsham District" with "South Downs National Park";</p> <p>In row 29 to replace "Horsham District" with "South Downs National Park";</p> <p>In row 30 to replace "Horsham District" with "Horsham District and South Downs National Park";</p> <p>In row 31 to replace "Horsham District" with "Horsham District and South Downs National Park";</p> <p>In row 32 to replace "Horsham District" with "Horsham District and South Downs National Park";</p> <p>In row 33 to replace "Horsham District" with "Horsham District and South Downs National Park";</p> <p>In row 34 to replace "Horsham District" with "South Downs National Park";</p> <p>In row 35 to replace "Horsham District" with "South Downs National Park";</p> <p>In row 36 to replace "Horsham District" with "South Downs National Park";</p> <p>In row 38 to replace "Horsham District" with "Horsham District and South Downs National Park";</p> <p>In row 39 to replace "Horsham District" with "Horsham District and South Downs National Park".</p>	To reflect the relevant local planning authority for the submission of details.
Schedule 7	<p>Amend heading of Column 2 as follows:</p> <p>"(2) Purpose for which rights may be acquired and restrictive or other covenants may be imposed"</p>	General amendments to drafting to improve and clarify the drafting and in

		response to comments made by the ExA at ISH1.
Schedule 8	Replace "restriction" with "restrictive covenant" in paragraph 5(2)(a): "(a) the right acquired or to be acquired, or the restriction-restrictive covenant imposed or to be imposed ; or"	General amendments to drafting to improve and clarify the drafting and in response to comments made by the ExA at ISH1.
Schedule 8	Add "restriction" in paragraph 5(3): "7. In assessing the compensation to be paid by the acquiring authority under this Act, regard must be had not only to the extent (if any) to which the value of the land over which the right is to be acquired or the restrictive covenant is to be imposed is depreciated by the acquisition of the right or the imposition of the restrictive covenant but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act."	General amendments to drafting to improve and clarify the drafting and in response to comments made by the ExA at ISH1.
Schedule 10, Part 1 – Application	To retitle Part 1 as: "PROTECTION FOR ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS" To insert ",Part 4 and Part 5" in paragraph 2.	Amendment made to correct a typographical error and to reflect the addition of Part 4 and Part 5.
Schedule 10, Part 2 - Protection for Operators of Electronic Communications Code Networks	Various amendments made to the protective provisions	Amendments made for consistency across the protective provisions.
Schedule 10, Part 3 – For the protection of Railway Interests	Various amendments made to the protective provisions and to renumber Part 3 as Part 6	Amendments have been made to the protective provisions which reflect latest negotiations / position with Network Rail.
Schedule 10, Part 4 – For the protection of National Grid Electricity Transmission as electricity undertaker	Protective Provisions have been added from the benefit of National Grid Electricity Transmission as an electricity undertaker affected by the DCO	The protective provisions reflect latest negotiations / position with National Grid Electricity Transmission.

Schedule 10, Part 4 – For the protection of Southern Electric Power Distribution Networks PLC as electricity undertaker	Protective Provisions have been added from the benefit of Southern Electric Power Distribution Networks PLC as an electricity undertaker affected by the DCO	The protective provisions reflect latest negotiations / position with Southern Electric Power Distribution Networks PLC.
Schedule 10, Part 5 – For the protection of Southern Gas Networks PLC	Protective Provisions have been added from the benefit of Southern Gas Networks PLC as a gas undertaker affected by the DCO	The protective provisions reflect latest negotiations / position with Southern Gas Networks PLC.
Schedule 10, Part 7 – For the protection of National Highways	Protective Provisions have been added from the benefit of National Highways as a highways authority affected by the DCO	The protective provisions reflect latest negotiations / position with National Highways.
Schedule 11, Part 1, Condition 1(1)	Replace “transmission cables” with “cable circuits” in the definition of “array cable”.	General amendments to drafting to improve and clarify the drafting
Schedule 11, Part 1, Condition 1(1)	Replace “transmission cables and auxiliary cables” with “cable circuits” in the definition of “cable protection”.	General amendments to drafting to improve and clarify the drafting
Schedule 11, Part 1, Condition 1(1)	Add in definition of ‘outline operations and maintenance plan’: “outline operations and maintenance plan” means the document certified as the outline operations and maintenance plan by the Secretary of State for the purposes of this Order under article 50;	Amendment required because the document will be submitted for certification under article 50.
Schedule 11, Part 1, Condition 1(1)	Add in definition of ‘working in proximity to wildlife in the marine environment protocol’: “Working in Proximity to Wildlife in the Marine Environment Protocol” means the document certified as the Working in Proximity to Wildlife in the Marine Environment Protocol by the Secretary of State for the purpose of the Order under article 50.”	General amendments to drafting to improve and clarify the drafting and in response to comments made by the Applicant at ISH1.
Schedule 11, Part 1, Condition 1(4)	To amend the contact details of the Maritime and Coastguard Agency as follows: Maritime and Coastguard Agency UK Technical Services Navigation Spring Place 146 105 Commercial Road Southampton	To respond to the request made by the MCA in its Responses to the Rule 6 Letter [PEPD-056].

	SO15 1EG Tel: 020 3817 2554;	
Schedule 11, Part 1, Condition 1(4)	To amend the contact details of Historic England as follows: Historic England 4 th Floor, Cannon Bridge House 25 Dowgate Hill London EC4R 2YA	To respond to the request made by the Historic England in its Written Representation [REP1-055].
Schedule 11, Part 1, Condition 2	To insert "array" into condition 2(b) as follows: "the disposal of up to 2,568,500 cubic metres of inert material of natural origin and/or dredged material produced during construction drilling or seabed preparation for foundation works comprising Work No. 1, other seabed and preparation and array cable installation works comprising Work No. 2 and the maintenance of such works within the part of the offshore Order limits comprising the array area and provided that such quantity of material permitted to be disposed must take account of and include material disposed of in the array area during the carrying out and maintenance of Work No. 3 as permitted pursuant to licence 2 (transmission);"	General amendments to drafting to improve and clarify the drafting
Schedule 11, Part 1, Condition 3	To replace references to "transmission cables" with "cable circuits" in Condition 3(1)	General amendments to drafting to improve and clarify the drafting
Schedule 11, Part 1, Condition 3	To insert "array" into condition 3(d) as follows: "the removal of material from the seabed and the disposal of inert material of natural origin within the Order limits produced during construction drilling, seabed preparation for foundation works, array cable installation preparation such as sandwave clearance, boulder clearance, and pre-trenching;"	General amendments to drafting to improve and clarify the drafting
Schedule 11, Part 2, Condition 1	Amend Condition 1(2) as follows: "Subject to sub-paragraph (3), each wind turbine generator forming part of the authorised project must have— (a) a height of no more than 325 metres when measured from LAT to the tip of the vertical blade; (b) a rotor diameter of no more than 295 metres;	Amendment to improve and clarify the drafting and in response to comments made by the ExA at ISH1.

	<p>(c) a distance of no less than 22 metres from MHSW to the lowest point of the rotating blade; or</p> <p>(d) a distance of no less than 830m from the nearest wind turbine generator in all directions</p> <p>and the authorised project will comprise turbines of a uniform type height and rotor diameter there must be no material differences in the size of the wind turbine generators."</p>	
Schedule 11, Part 2, Condition 2	<p>To insert "array" into condition 2(1) and 2(7) as follows:</p> <p>"(2) The total length of the array cables comprising Work No. 2 must be no more than 250 kilometres."</p> <p>"(7) The array cables comprising Work Nos. 2 must be installed using one or more of the following installation methods: ploughing, trenching or jetting and are to be installed at a target burial depth of 1 metre below seabed surface."</p>	Amendment to improve and clarify the drafting and in response to comments made by the ExA at ISH1.
Schedule 11, Part 2, Condition 3	<p>Amend Condition 3(1) and (2) as follows:</p> <p>"(1) Not more than 3 months following the completion of construction of the authorised scheme the undertaker must provide the MMO with an operations and maintenance plan which accords with the outline operations and maintenance plan.</p> <p>(2)The undertaker may at any time maintain the authorised scheme, except to the extent that this licence or an agreement made under this licence provides otherwise. All operation and maintenance activities shall be carried out in accordance with the submitted operations and maintenance plan."</p>	Amendment required because the document will be submitted for certification under article 50 and Interested Parties have requested a mechanism to secure compliance.
Schedule 11, Part 2, Condition 5	<p>To add "MCA" to Condition 5(9):</p> <p>"The notices to mariners must be updated and reissued at weekly intervals during construction activities and at least five days before any planned operations and maintenance works (unless otherwise agreed in writing) and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme approved under condition 11(1)(b). Copies of all notices must be provided to the MMO, MCA and UKHO within five days."</p>	Amendment made following request by the MCA in its Responses to the Rule 6 Letter [PEPD-056].
Schedule 11, Part 2, Condition 5	<p>To add ", regional fisheries contacts" to Condition 5(12):</p>	Amendment made following request by the MCA in its

	<p>"In case of cable exposure on or above the seabed, the undertaker must within three days following the undertaker becoming aware of it notify mariners by issuing a notice to mariners, regional fisheries contacts and notify the Kingfisher Information Service of Seafish of the location of the exposure and copies of all such notices must be provided to the MMO, MCA, Trinity House and UKHO within five days."</p>	<p>Responses to the Rule 6 Letter [PEPD-056] and the MMO in its Responses to the Rule 6 Letter [PEPD-055].</p>
Schedule 11, Part 2, Condition 8	To replace "in consultation" with "following consultation" in Condition 8(1).	General amendments to drafting to improve and clarify the drafting
Schedule 11, Part 2, Condition 9	<p>To add ", following consultation with the MCA and Trinity House," to Condition 9(5):</p> <p>"In the event that any rock material used in the construction of the authorised scheme is misplaced or lost below MHWS, the undertaker must report the loss to the Local Marine Office within 48 hours and if the MMO reasonably considers, following consultation with the MCA and Trinity House, such material to constitute a navigation or environmental hazard (dependent on the size and nature of the material) the undertaker must endeavour to locate the material and recover it."</p>	Amendment made following request by the MCA in its Responses to the Rule 6 Letter [PEPD-056].
Schedule 11, Part 2, Condition 11	To replace "in consultation" with "following consultation" in Condition 11(1).	General amendments to drafting to improve and clarify the drafting
Schedule 11, Part 2, Condition 11	<p>To add "array" in Conditions 11(1)(a)(iii), 11(1)(b)(iii), 11(1)(c)(iv), 11(1)(i), 11(1)(n)(i) and 11(1)(n)(v)</p> <p>(a) "(iii) the proposed length location and arrangement of the array cables comprising Work No. 2 and any associated micro-siting to avoid marine heritage receptors unless alternative mitigation is agreed in writing with the MMO and the statutory historic body and sensitive features as far as is practicable;"</p> <p>(b) "(iii) an indicative written construction programme for all wind turbine generators and array cable installation works comprised Work Nos. 1 and 2 at paragraph 3 of Part 1 (licenced marine activities) of this Schedule (insofar as not shown in paragraph (ii) above),"</p>	General amendments to drafting to improve and clarify the drafting

	<p>(c) "(iv) array cable installation method including a dredging protocol array cable installation works and minimisation of direct and indirect seabed disturbance footprint for the array cable;"</p> <p>"(i) a scour protection and cable protection plan which accords with the outline scour protection and cable protection plan providing details of the need, type, sources, quantity and installation methods for scour protection, which must be updated and resubmitted for approval if changes to it are proposed following array cable laying operations;"</p> <p>(n) "(i) technical specification of offshore array cables on or below the seabed, including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with industry good practice;"</p> <p>"(v) proposals for monitoring array cables including cable protection during the operational lifetime of the authorised scheme which includes a risk-based approach to the management of unburied or shallow buried cables; and"</p>	
Schedule 11, Part 2, Condition 11	<p>To insert "incorporating the Working in Proximity to Wildlife in the Marine Environment Protocol" into Condition 11(1)(f) as follows:</p> <p>"(f) a vessel management plan including a code of conduct for vessel operators incorporating the Working in Proximity to Wildlife in the Marine Environment Protocol;"</p>	General amendments to drafting to improve and clarify the drafting and in response to comments made by the Applicant at ISH1.
Schedule 11, Part 2, Condition 11	<p>To insert "(aids to navigation)" into Condition 11(1)(o) as follows:</p> <p>"(o) an aid 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 6 (aids to navigation) from the commencement of construction of the authorised scheme to the completion of decommissioning."</p>	General amendments to drafting to improve and clarify the drafting
Schedule 11, Part 2, Condition 11	<p>To replace "Pre-construction" with "Pre-commencement in Condition 11(3):</p> <p>"Pre-commencement construction archaeological investigations and pre-commencement material operations which involve intrusive activities must only take place in accordance with a specific written scheme of investigation (which must accord with the details set out in the outline marine written scheme of investigation) which has been submitted to and approved by the MMO."</p>	To respond to the request made by the Historic England in its Written Representation [REP1-055].

<p>Schedule 11, Part 2, Condition 11</p>	<p>To amend Condition 11(2) as follows:</p> <p>“The authorised scheme must not commence unless no later than 6 months prior to the commencement a written scheme of investigation has been submitted to and approved by the MMO, in accordance with the outline marine written scheme of investigation, and in accordance with industry good practice, in following consultation with the statutory historic body to include—</p> <p>(a) details of responsibilities of the undertaker, archaeological consultant and contractor;</p> <p>(b) a full review of high resolution geophysical survey data and arrangements to document the same with West Sussex County Council;</p> <p>(be)a methodology for further site investigation and surveys including any targets locations and specifications for geophysical geotechnical and diver or remotely operated vehicle investigations, removal of archaeological finds if required, and including for unexploded ordnance;</p> <p>(cd)archaeological analysis of survey data, and timetable for reporting, which is to be submitted to the MMO within six months of any survey being completed;</p> <p>(de) delivery of any mitigation including, where necessary, identification and modification of archaeological exclusion zones and/or micrositing prior to construction;</p> <p>(ef) monitoring of archaeological exclusion zones during and post construction including the identification of areas of high archaeological significance to be the subject of monitoring and methods for collection assessment and reporting on changes to marine heritage receptors, and provision of a report on such monitoring;</p> <p>(fg) a requirement for the undertaker to ensure that a copy of any agreed archaeological report is deposited with the National Record of the Historic Environment Archaeological Data Service, by submitting a Historic England an OASIS (‘Online Access to the Index of archaeological investigations’) form with a digital copy of the report within six months of completion of construction of the authorised scheme, and to notify the MMO and the statutory historic body that the OASIS form has been submitted to the National Record of the Historic Environment Archaeological Data Service within two weeks of submission;</p> <p>(gh) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme; and</p> <p>(hi) a timetable for any further site investigations.</p>	<p>To respond to the request made by the Historic England in its Written Representation [REP1-055].</p>
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Schedule 11, Part 2, Condition 11	To add "incorporating the Working in Proximity to Wildlife in the Marine Environment Protocol" to the end of Condition 11(1)(f): "(f) a vessel management plan including a code of conduct for vessel operators which shall incorporate the Working in Proximity to Wildlife in the Marine Environment Protocol; "	General amendments to drafting to improve and clarify the drafting and in response to comments made by the Applicant at ISH1.
Schedule 11, Part 2, Condition 14	To replace "in consultation" with "following consultation" in Condition 14.	General amendments to drafting to improve and clarify the drafting
Schedule 11, Part 2, Condition 16	To amend condition 16(2)(a) as follows: a full sea floor coverage swath-bathymetry survey undertaken to IHO Order 1a standard that meets the requirements of MGN654 and its annexes, and side scan sonar of those parts of the offshore Order limits in which it is proposed to carry out the authorised scheme and an appropriate buffer including proposed cable locations and an appropriate buffer. This should fulfil the requirements of MGN654 and its supporting 'Hydrographic Guidelines for Offshore Renewable Energy Developers', which includes the requirement for the full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications;	Amendment made following request by the MCA in its Responses to the Rule 6 Letter [PEPD-056].
Schedule 11, Part 2, Condition 16	To amend condition 16(3) as follows: The undertaker must carry out the surveys agreed under sub-paragraph (1) and provide the baseline report to the MMO in the agreed format and in accordance with the agreed timetable, unless otherwise agreed in writing by the MMO and submitted to the MCA as Geographical Information System data referenced to WGS84 datum.	Amendment made following request by the MCA in its Responses to the Rule 6 Letter [PEPD-056] and the MMO in its Responses to the Rule 6 Letter [PEPD-055].
Schedule 11, Part 2, Condition 18	To add in a new condition 18(2) as follows: "The surveys to be undertaken pursuant to sub-paragraph (1) above must include a swath bathymetric survey to IHO Order 1a of those parts of the offshore Order limits where the authorised scheme has been constructed and provide the data and survey report(s) to the MCA and UKHO. This should fulfil the requirements of MGN654 and its supporting 'Hydrographic Guidelines for Offshore Renewable Energy Developers', which includes the requirement for the full density data	Amendment made following request by the MCA in its Responses to the Rule 6 Letter [PEPD-056].

	<p>and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications."</p> <p>Existing condition 18(2) is renumbered as condition 18(3).</p> <p>Existing condition 18(3) is renumbered as condition 18(4).</p>	
Schedule 11, Part 2, Condition 18	<p>To amend condition 18(4) as follows:</p> <p>"Within 12 weeks of completion of any array cable repair or replacement works, the undertaker must undertake a post installation survey along the section of array cable that has undergone repair or replacement undertaken to IHO Order 1a standard, to demonstrate the successful burial of the array cable and submit a report to the MMO, the MCA and Trinity House on its findings."</p>	General amendments to drafting to improve and clarify the drafting
Schedule 11, Part 2, Condition 20	<p>To add "array" to condition 20:</p> <p>"Following installation of array cables, the cable monitoring plan required under condition 11(1)(n)(v) must be updated with the results of the post-installation surveys. The plan must be implemented during the operational lifetime of the project and reviewed as specified within the plan, following cable burial surveys, or as instructed in writing by the MMO."</p>	General amendments to drafting to improve and clarify the drafting
Schedule 11, Part 2, Condition 24	<p>To delete "and" from the end of condition 24(1)(c).</p> <p>To insert a new condition 24(1)(d) as follows:</p> <p>"latitude and longitude coordinates of the inter array cable routes provided as Geographical Information System data referenced to WGS84 datum; and"</p> <p>To renumber existing condition 24(1)(d) as 24(1)(e).</p>	Amendment made following request by the MCA in its Responses to the Rule 6 Letter [PEPD-056] and the MMO in its Responses to the Rule 6 Letter [PEPD-055].
Schedule 12, Part 1, Condition 1(1)	<p>Replace "transmission cables and auxiliary cables" with "cable circuits" in the definition of "cable protection".</p>	General amendments to drafting to improve and clarify the drafting
Schedule 12, Part 1, Condition 1(1)	<p>Replace "transmission" with "cable circuits" in the definition of "export cable" and add "comprising Work Nos. 4, 5 and 6":</p>	General amendments to drafting to improve and clarify the drafting

	<p>“export cable” means the transmission-cables cable circuits connecting the offshore substation(s) comprising Work No. 3(a) to those parts of the authorised scheme to be undertaken landward of mean high water springs comprising Work Nos. 4, 5 and 6;”</p>	
Schedule 12, Part 1, Condition 1(1)	Replace “transmission cables” with “cable circuits” in the definition of “interconnector cable”.	General amendments to drafting to improve and clarify the drafting
Schedule 12, Part 1, Condition 1(1)	Delete “and” from the end of the definition of “vessel” and add “and” to the end of the definition of “wind turbine generator” in condition 1	Amendment required as a result of including further definitions in Condition 1.
Schedule 12, Part 1, Condition 1(1)	<p>Add in definition of ‘working in proximity to wildlife in the marine environment protocol’ in Condition 1:</p> <p>“Working in Proximity to Wildlife in the Marine Environment Protocol” means the document certified as the Working in Proximity to Wildlife in the Marine Environment Protocol by the Secretary of State for the purpose of the Order under article 50.”</p>	General amendments to drafting to improve and clarify the drafting and in response to comments made by the Applicant at ISH1.
Schedule 12, Part 1, Condition 1(4)	<p>To amend the contact details of the Maritime and Coastguard Agency as follows:</p> <p>Maritime and Coastguard Agency UK Technical Services Navigation Spring Place 146 105 Commercial Road Southampton SO15 1EG Tel: 020 3817 2554;</p>	To respond to the request made by the MCA in its Responses to the Rule 6 Letter [PEPD-056].
Schedule 12, Part 1, Condition 1(4)	<p>To amend the contact details of Historic England as follows:</p> <p>Historic England 4th Floor, Cannon Bridge House 25 Dowgate Hill London EC4R 2YA</p>	To respond to the request made by the Historic England in its Written Representation [REP1-055].
Schedule 12, Part 1, Condition 2	To replace “cable” with “cable circuit” in condition 2(b), 2(c) and 2(e).	General amendments to drafting to improve and clarify the drafting

Schedule 12, Part 1, Condition 3	To replace "transmission cables" with "cable circuit" in condition 2(a)(i), 2(b), 2(c)(ii) and 2(d).	General amendments to drafting to improve and clarify the drafting
Schedule 12, Part 1, Condition 4	To insert "export" into condition 4(f): "material extracted from within the offshore Order limits during construction drilling and seabed preparation works for foundation works and seabed preparation works and export cable installation and from the construction of exit pits in connection with horizontal directional drilling comprising Work No.5 and Work No.6; and"	General amendments to drafting to improve and clarify the drafting
Schedule 12, Part 2, Condition 2	To replace "cables" with "cable circuits" in condition 2(4), 2(7), 2(8) and 2(9).	General amendments to drafting to improve and clarify the drafting
Schedule 12, Part 2, Condition 3	Amend Condition 3(1) and (2) as follows: "(1) Not more than 3 months following the completion of construction of the authorised scheme the undertaker must provide the MMO with an operations and maintenance plan which accords with the outline operations and maintenance plan. (2)The undertaker may at any time maintain the authorised scheme, except to the extent that this licence or an agreement made under this licence provides otherwise. All operation and maintenance activities shall be carried out in accordance with the submitted operations and maintenance plan."	Amendment required because the document will be submitted for certification under article 50. And Interested Parties have requested a mechanism to secure compliance.
Schedule 12, Part 2, Condition 5	To add "MCA" to Conditions 5(8) and (9): "(8) A notice to mariners must be issued at least fourteen days prior to the commencement of the authorised scheme or any part thereof advising of the relevant start date and the expected vessel routes from the construction ports to the relevant location. Copies of all notices must be provided to the MMO, MCA and UKHO within five days. (9) The notices to mariners must be updated and reissued at weekly intervals during construction activities and at least five days before any planned operations and maintenance works (unless otherwise agreed in writing) and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction programme approved under condition 11(1)(b). Copies of all notices must be provided to the MMO, MCA and UKHO within five days."	To respond to the request made by the MCA in its Responses to the Rule 6 Letter [PEPD-056].

Schedule 12, Part 2, Condition 5	Replace "cables" with "cable circuits" in condition 5(11).	General amendments to drafting to improve and clarify the drafting
Schedule 12, Part 2, Condition 5	To amend condition 5(12) as follows: "In case of a cable circuit exposure on or above the seabed, the undertaker must within three days following the undertaker becoming aware of it notify mariners by issuing a notice to mariners, regional fisheries contacts and notify the Kingfisher Information Service of Seafish of the location of the exposure and copies of all such notices must be provided to the MMO, MCA, Trinity House Housing and UKHO within five days."	General amendments to drafting to improve and clarify the drafting
Schedule 12, Part 2, Condition 8	To replace "in consultation" with "following consultation" in Condition 8(1).	General amendments to drafting to improve and clarify the drafting
Schedule 12, Part 2, Condition 9	To add ", following consultation with the MCA and Trinity House," to Condition 9(5): "In the event that any rock material used in the construction of the authorised scheme is misplaced or lost below MHWS, the undertaker must report the loss to the Local Marine Office within 48 hours and if the MMO reasonably considers, following consultation with the MCA and Trinity House , such material to constitute a navigation or environmental hazard (dependent on the size and nature of the material) the undertaker must endeavour to locate the material and recover it."	Amendment made following request by the MCA in its Responses to the Rule 6 Letter [PEPD-056].
Schedule 12, Part 2, Condition 11	To replace "in consultation" with "following consultation" in Condition 11(1).	General amendments to drafting to improve and clarify the drafting
Schedule 12, Part 2, Condition 11	To replace "cable installation works" with "cable circuit installation works" in Condition 11(1)(b)(iii).	General amendments to drafting to improve and clarify the drafting
Schedule 12, Part 2, Condition 11	To replace "cable routing" with "cable circuit routing" in Condition 11(1)(b)(iii).	General amendments to drafting to improve and clarify the drafting
Schedule 12, Part 2, Condition 11	To add "incorporating the Working in Proximity to Wildlife in the Marine Environment Protocol" to the end of Condition 11(1)(f): "(f) a vessel management plan including a code of conduct for vessel operators which shall incorporate the Working in Proximity to Wildlife in the Marine Environment Protocol; "	General amendments to drafting to improve and clarify the drafting and in response to comments made by the Applicant at ISH1.

Schedule 12, Part 2, Condition 11	To replace "cable" with "cable circuit" and "cables" with "cable circuits" in Condition 11(1)(n)(i) to (v).	General amendments to drafting to improve and clarify the drafting
Schedule 12, Part 2, Condition 11	To insert "(aids to navigation)" into Condition 11(1)(o) as follows: "(o) an aid 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 6 (aids to navigation) from the commencement of construction of the authorised scheme to the completion of decommissioning."	General amendments to drafting to improve and clarify the drafting
Schedule 12, Part 2, Condition 11	To replace "Pre-construction" with "Pre-commencement in Condition 11(3): "Pre- commencement construction archaeological investigations and pre-commencement material operations which involve intrusive activities must only take place in accordance with a specific written scheme of investigation (which must accord with the details set out in the outline marine written scheme of investigation) which has been submitted to and approved by the MMO."	To respond to the request made by the Historic England in its Written Representation [REP1-055].
Schedule 12, Part 2, Condition 11	To amend Condition 11(2) as follows: "The authorised scheme must not commence unless no later than 6 months prior to the commencement a written scheme of investigation has been submitted to and approved by the MMO, in accordance with the outline marine written scheme of investigation, and in accordance with industry good practice, in following consultation with the statutory historic body to include— (a) details of responsibilities of the undertaker, archaeological consultant and contractor; (b) a full review of high resolution geophysical survey data and arrangements to document the same with West Sussex County Council; (be) a methodology for further site investigation and surveys including any target locations and specifications for geophysical geotechnical and diver or remotely operated vehicle investigations, removal of archaeological finds if required, and including for unexploded ordnance; (cd) archaeological analysis of high resolution survey data, and timetable for reporting, which is to be submitted to the MMO within six months of any survey being completed; (de) delivery of any mitigation including, where necessary, identification and modification of archaeological exclusion zones prior to construction;	To respond to the request made by the Historic England in its Written Representation [REP1-055].

	<p>(ef) monitoring of archaeological exclusion zones during and post construction including the identification of areas of high archaeological significance to be the subject of monitoring and methods for collection assessment and reporting on changes to marine heritage receptors, and provision of a report on such monitoring;</p> <p>(fg) a requirement for the undertaker to ensure that a copy of any agreed archaeological report is deposited with the National Record of the Historic Environment Archaeological Data Service, by submitting a Historic England an OASIS ('Online Access to the Index of archaeological investigations') form with a digital copy of the report within six months of completion of construction of the authorised scheme, and to notify the MMO and the statutory historic body that the OASIS form has been submitted to the National Record of the Historic Environment Archaeological Data Service within two weeks of submission;</p> <p>(gh) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme; and</p> <p>(hi) a timetable for any further site investigations.</p>	
Schedule 12, Part 2, Condition 14	To replace "in consultation" with "following consultation" in Condition 14.	General amendments to drafting to improve and clarify the drafting
Schedule 12, Part 2, Condition 16	<p>To amend condition 16(2)(a) as follows:</p> <p>"a full sea floor coverage swath-bathymetry survey undertaken to IHO Order 1a standard that meets the requirements of MGN654 and its annexes, and side scan sonar of those parts of the offshore Order limits in which it is proposed to carry out the authorised scheme and an appropriate buffer including proposed cable locations and an appropriate buffer. This should fulfil the requirements of MGN654 and its supporting 'Hydrographic Guidelines for Offshore Renewable Energy Developers', which includes the requirement for the full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications;"</p>	Amendment made following request by the MCA in its Responses to the Rule 6 Letter [PEPD-056].
Schedule 12, Part 2, Condition 16	<p>To amend condition 16(3) as follows:</p> <p>"The undertaker must carry out the surveys agreed under sub-paragraph (1) and provide the baseline report to the MMO in the agreed format and in accordance with the agreed timetable, unless otherwise agreed in writing by the MMO and submitted to the MCA as Geographical Information System data referenced to WGS84 datum."</p>	Amendment made following request by the MCA in its Responses to the Rule 6 Letter [PEPD-056].

<p>Schedule 12, Part 2, Condition 18</p>	<p>To add in a new condition 18(2) as follows:</p> <p>“The surveys to be undertaken pursuant to sub-paragraph (1) above must include a swath bathymetric survey to IHO Order 1a of those parts of the offshore Order limits where the authorised scheme has been constructed and provide the data and survey report(s) to the MCA and UKHO. This should fulfil the requirements of MGN654 and its supporting ‘Hydrographic Guidelines for Offshore Renewable Energy Developers’, which includes the requirement for the full density data and reports to be delivered to the MCA and the UKHO for the update of nautical charts and publications.”</p> <p>Existing condition 18(2) is renumbered as condition 18(3).</p> <p>Existing condition 18(3) is renumbered as condition 18(4).</p>	<p>Amendment made following request by the MCA in its Responses to the Rule 6 Letter [PEPD-056].</p>
<p>Schedule 12, Part 2, Condition 24</p>	<p>To delete “and” from the end of condition 24(1)(c).</p> <p>To insert a new condition 24(1)(d) as follows:</p> <p>“latitude and longitude coordinates of the inter array cable routes provided as Geographical Information System data referenced to WGS84 datum; and”</p> <p>To renumber existing condition 24(1)(d) as 24(1)(e).</p>	<p>Amendment made following request by the MCA in its Responses to the Rule 6 Letter [PEPD-056] and the MMO in its Responses to the Rule 6 Letter [PEPD-055].</p>
<p>Schedule 13, Part 1</p>	<p>In column 1 of the table:</p> <p>In row 8 to replace “Arun District” with “South Downs National Park”;</p> <p>In row 9 to replace “Arun District” with “South Downs National Park”;</p> <p>In row 10 to replace “Arun District” with “South Downs National Park”;</p> <p>In row 11 to replace “Arun District” with “South Downs National Park”;</p> <p>In row 12 to replace “Arun District” with “South Downs National Park”;</p> <p>In row 13 to replace “Arun District” with “South Downs National Park”;</p> <p>In row 14 to replace “Arun District” with “South Downs National Park”;</p> <p>In row 15 to replace “Arun District” with “South Downs National Park”;</p> <p>In row 16 to replace “Arun District” with “South Downs National Park”;</p> <p>In row 17 to replace “Horsham District” with “South Downs National Park”;</p> <p>In row 18 to replace “Horsham District” with “South Downs National Park”;</p>	<p>To reflect the relevant local planning authority for the submission of details.</p>

	<p>In row 19 to replace "Horsham District" with "South Downs National Park"; In row 20 to replace "Horsham District" with "South Downs National Park"; In row 21 to replace "Horsham District" with "South Downs National Park". In row 22 to replace "Horsham District" with "South Downs National Park"; In row 23 to replace "Horsham District" with "South Downs National Park"; In row 24 to replace "Horsham District" with "South Downs National Park"; In row 25 to replace "Horsham District" with "South Downs National Park"; In row 26 to replace "Horsham District" with "South Downs National Park". In row 27 to replace "Horsham District" with "South Downs National Park"; In row 28 to replace "Horsham District" with "South Downs National Park".</p>	
Schedule 13, Part 2	<p>In column 1 of the table:</p> <p>In row 4 to replace "Arun District" with "South Downs National Park"; In row 5 to replace "Horsham District" with "South Downs National Park"; In row 6 to replace "Horsham District" with "South Downs National Park";</p>	To reflect the relevant local planning authority for the submission of details.
Schedule 14, Paragraph 2	<p>To amend paragraph 2(2) as follows:</p> <p>"(2) If the discharging authority considers such further information to be necessary it must, as soon as reasonably practicable and (a) where the requirement requires the discharging authority to consult with a third party in discharging the requirement, within 20 business days of receipt of the application; and (b) in all other cases within 15 business days of receipt of the application, notify the undertaker in writing specifying the further information required.</p>	To provide for a longer period to account for the requirement to consult a consultee before discharge and in response to comments made by the SDNPA in its Local Impact Report [REP1-049].
Schedule 16 (Certification of Plans and Documents)	Amendments to document and plan references and numbers	The list of certified plans and documents has been updated to reflect the latest versions of the plans and documents.

Appendix 5 Table of Amendments to the draft Development Consent Order at Procedural Deadline A

This document was submitted together with the updated draft DCO (Document 3.1B, PEPD-009) on 16 January 2024 and identifies the changes that have been made to the original application submission draft DCO (Document 3.1, APP-019).

Article/Requirement/Schedule	Amendment	Reason
Changes made throughout the DCO		
Inconsistent language	Language changed from 'must not exceed' to 'no more than'	For consistency throughout the Order
Cross referencing	Correct definitions of to include complete and corrected names of documents submitted in support of the application and to be certified, and reference numbers	For consistency and clarity
Schedules		
Schedule 1, Part 1: The Authorised Development	<p>Work No. 8 – inclusion of the word 'landfall'</p> <p>Work No. 8— onshore connection works at <u>landfall</u> consisting of—</p> <ul style="list-style-type: none"> (a) up to 4 horizontal directional drilling launch and exit pits and associated cable ducts; <ul style="list-style-type: none"> i. up to 4 transition joint bays; and ii. up to four transmission cables and associated cable ducts laid underground by open cut trenching, horizontal directional drilling, or other trenchless technology connecting Work No. 7 to Work No. 9. 	To clarify the distinction between Work No. 8 and Work No. 9
Schedule 1, Part 1: The Authorised Development	<p>Work No. 16 – additional detail provided in respect of the project onshore substation</p> <p>Work No. 16— onshore substation and associated construction works including</p> <ul style="list-style-type: none"> (a) <u>Civil works to allow the installation of electrical equipment;</u> (b) <u>Installation and commissioning of high voltage switch gear;</u> 	To clarify what the work will comprise for consistency with Work No. 20 (extension to existing National Grid substation at Bolney)

	<p><u>(c) Installation and commissioning of high voltage transformers;</u></p> <p><u>(d) Installation and commissioning of reactive compensation equipment;</u></p> <p><u>(e) Installation and commissioning of high voltage cables and bus bars to connect electrical equipment;</u></p> <p><u>(f) Construction of associated control buildings for the operation of the substation;</u></p> <p><u>(g) accesses connecting to Work No.18;</u></p> <p><u>(h) surface water and drainage management measures;</u></p> <p><u>(i) boundary treatment works; and</u></p> <p>(a)(j) _____ landscaping accesses connecting to Work No. 18, surface water and drainage management measures, boundary treatment works, landscaping</p>	
Schedule 1, Part 3: Requirements	<p>Additional provision for the size of the wind turbine generators at requirement 2(2)</p> <p>b. Subject to sub-paragraph (3), each wind turbine generator forming part of the authorised project must have—</p> <p>i. a height of no more than 325 metres when measured from LAT to the tip of the vertical blade;</p> <p>ii. a rotor diameter of no more than 295 metres;</p> <p>iii. a distance of no more than 22 metres from MHWS to the lowest point of the rotating blade; or</p> <p>iv. a distance of no less than 830 metres from the nearest wind turbine generator in all directions</p> <p><u>and the dimensions of each wind turbine generator forming part of the authorised project</u></p>	Inclusion of provision at requirement 2(2) to ensure that, whilst the environmental statement assesses the potential for different sized turbines to be deployed, the authorised project will comprise turbines of a uniform size

	<u>in accordance with (a) to (c) above shall be the same.</u>	
Schedule 11, Part 2, condition 1(2)	<p>Additional provision for the size of the wind turbine generators at requirement 2(2)</p> <p>(4) Subject to sub-paragraph (3), each wind turbine generator forming part of the authorised project must have—</p> <ul style="list-style-type: none"> v. a height of no more than 325 metres when measured from LAT to the tip of the vertical blade; vi. a rotor diameter of no more than 295 metres; vii. a distance of no more than 22 metres from MHWS to the lowest point of the rotating blade; or viii. a distance of no less than 830 metres from the nearest wind turbine generator in all directions <p><u>and the dimensions of each wind turbine generator forming part of the authorised project in accordance with (a) to (c) above shall be the same</u></p>	Inclusion of provision at condition 1(2) in schedule 11 (for the generation assets) to ensure that, whilst the environmental statement assesses the potential for different sized turbines to be deployed, the authorised project will comprise turbines of a uniform size

Response to Relevant Representations

Article/Requirement/Schedule	Amendment	Reason
Articles		
Article 2- Interpretation	<p>Add in definition of 'statutory conservation body'</p> <p><u>“statutory nature conservation body” means the appropriate nature conservation body as defined in regulation 5 of the Conservation of Habitats and Species Regulations 2017;</u></p>	At the request of Natural England and MMO to reflect that there could be a change in the name of the body undertaking its function

	And substitution of this term where 'Natural England' occurs in the Order.	
Schedules		
Schedule 1, Part 3 – Requirement 2(6)	<p>Add in maximum area for scour protection comprising development associated with the wind turbine generators comprising Work No.1</p> <p>(6) The total volume of scour protection comprising development associated with the wind turbine generators comprising Work No.1 must be no more than 1,215,000 cubic metres with a maximum footprint of [] square metres.</p>	At the request of Natural England to control the area over which scour protection may be used in connection with Work No. 1
Schedule 1, Part 3 – Requirement 4	<p>Add in maximum area for scour protection comprising development associated with the offshore substations comprising Work No. 3</p> <p>4. The total volume of scour protection comprising development associated with the offshore substations comprising Work No. 3 must be no more than 65,700 cubic metres with a maximum footprint of [] square metres.</p>	At the request of Natural England to control the area over which scour protection may be used in connection with Work No. 3
Schedule 1, Part 3 – Requirement 8(1)	<p>Amend wording to require details of both existing and proposed floor levels for Work No. 16, the onshore substation, to be submitted for approval</p> <p>8.—(1) Works comprising Work No. 16 must not commence until details of—</p> <ul style="list-style-type: none"> ix. siting and layout; x. scale and quantum of development and its uses; xi. existing and proposed finished ground levels; 	At the request of Mid-Sussex District Council to ensure that details of existing floor levels are provided and for consistency between Work Nos. 16 and 20

	<ul style="list-style-type: none"> xii. landscaping; xiii. access; and xiv. external appearance, form and materials for any buildings structures and other infrastructure including boundary treatment, <p>for the onshore substation have been submitted to and approved in writing by the relevant planning authority and Work No. 16 must be carried out in accordance with the approved details.</p>	
<p>Schedule 1, Part 3 – Requirement 8(1)</p>	<p>Add in requirement for the West Sussex Fire and Rescue Service to be consulted in the approval of details for the onshore substation comprising Work No. 16</p> <p>8.—(1) Works comprising Work No. 16 must not commence until details of—</p> <ul style="list-style-type: none"> xv. siting and layout; xvi. scale and quantum of development and its uses; xvii. existing and proposed finished ground levels; xviii. landscaping; xix. access; and xx. external appearance, form and materials for any buildings structures and other infrastructure including boundary treatment, <p>for the onshore substation have been submitted to and approved in writing by the relevant planning authority <u>in consultation with the West Sussex Fire and Rescue Service</u> and Work No. 16 must be carried out in accordance with the approved details.</p>	<p>As requested by the West Sussex County Council</p>

<p>Schedule 1, Part 3 – Requirement 9(1)</p>	<p>Amend wording to require details of both existing and proposed floor levels for Work No. 20, the extension to the existing National Grid substation, to be submitted for approval</p> <p>Part II. —(2) Works comprising Work No. 20 must not commence until details of—</p> <ul style="list-style-type: none"> i. siting and layout; ii. scale and quantum of development and its uses; iii. <u>existing and</u> proposed finished ground levels; iv. landscaping; v. access; and vi. external appearance, form and materials for any buildings structures and other infrastructure including boundary treatment, <p>of the extension to the National Grid substation at Bolney have been submitted to and approved in writing by the relevant planning authority and Work No. 20 must be carried out in accordance with the approved details.</p>	<p>At the request of Mid-Sussex District Council to ensure that details of existing floor levels are provided and for consistency between Work Nos. 16 and 20</p>
<p>Schedule 1, Part 3 – Requirement 10</p>	<p>Add requirement to consult the MMO in connection with the programme of works insofar as it relates to Work No. 6 in the intertidal area</p> <p>Part III. —(3) No part of the authorised project within the Order limits landward of MLWS is to commence until a written programme identifying the stages of those works has been submitted to and approved by the relevant planning authorities <u>and to the extent that it relates to works seaward of mean high water</u></p>	<p>At the request of the MMO to ensure that it is consulted in respect of the programme insofar as it relates to the intertidal area (Work No. 6)</p>

	<u>springs comprising Work No. 6 in consultation with the MMO.</u>	
Schedule 1, Part 3 – Requirement 14(1)	<p>Amend to require approval of the relevant planning authority and add in requirement for consultation with the statutory nature conservation body</p> <p>14.—(1) No stage of the authorised project within the onshore Order limits is to commence until a biodiversity net gain strategy for the stage which accords with the outline biodiversity net gain information comprising appendix 22.15 of the environmental statement has been submitted to and approved by <u>the relevant planning authority in consultation with the statutory nature conservation body</u>West Sussex County Council and South Downs National Park.</p>	The inclusion of consultation with the statutory nature conservation body has been made at the request of Natural England. In addition, it is considered most appropriate for the relevant planning authority to be consulted on the provision of biodiversity net gain; this will include South Downs National Park in the area for which it is planning authority.
Schedule 1, Part 3 – Requirement 22	<p>Add in requirement to consult the MMO in connection with the construction method statement required for the stage including Work No. 6</p> <p>22.—(2) No stage of any works landward of MLWS is to commence until a detailed code of construction practice for the stage has been submitted to and approved by the relevant planning authority, in consultation with the Environment Agency, the statutory nature conservation body, the highway authority and the lead local flood authority <u>and to the extent that it relates to works seaward of mean high water springs comprising Work No. 6, the MMO.</u></p>	
Schedule 1, Part 3 – Requirement 29(4)	<p>Change the word 'during' to 'throughout'</p> <p>29.-(4) The approved NMP must be implemented during<u>throughout</u> the operational life of the authorised development</p>	At the request of Mid Sussex District Council to ensure that the requirement is ongoing rather than capable of being discharged once

Schedule 1, Part 3 – Requirement 30(2)	Change the word 'during' to 'throughout' (2) The approved lighting plan must be implemented during <u>throughout</u> the operational life of the authorised development.	At the request of Mid Sussex District Council to ensure that the requirement is ongoing rather than capable of being discharged once
Schedule 1, Part 3 – Requirement 31(2)	Change the word 'during' to 'throughout' (2) The approved lighting plan must be implemented during <u>throughout</u> the operational life of the authorised development.	At the request of Mid Sussex District Council to ensure that the requirement is ongoing rather than capable of being discharged once
Schedule 1, Part 3 – Requirement 32(2)	Change the word 'during' to 'throughout' (3) The approved operation travel plan must be implemented during <u>throughout</u> the operational life of the authorised development.	At the request of Mid Sussex District Council to ensure that the requirement is ongoing rather than capable of being discharged once
Schedule 1, Part 3 – Requirement 33(2)	Change the word 'during' to 'throughout' (4) The approved stage-specific skills and employment strategy must be implemented during <u>throughout</u> the operational life of the authorised development.	At the request of Mid Sussex District Council to ensure that the requirement is ongoing rather than capable of being discharged once
Schedules 11 and 12, Part 1 – paragraph 9	Amend 'it' to 'amendment or variation', and 'materially new' to 'material new' 9. Any amendments to or variations from the approved plans, protocols or statements must be in accordance with the principles and assessments set out in the environmental statement and approval for an amendment or variation may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the MMO that the amendment or variation <u>is unlikely to give rise to any material</u> ly new	Amended in response to comment made by the MMO to clarify that the amendment or variation requested must not give rise to any material new or materially different environmental effects

	or materially different environmental effects from those assessed in the environmental statement.	
Schedules 11 and 12, Part 2 – condition 1(6)	<p>Add in reference to the area to be used for scour protection</p> <p>Schedule 11</p> <p>(5) The total volume of scour protection for wind turbine generators (where necessary) must be no more than 1,215,000 cubic metres <u>with a maximum footprint of [] square metres.</u></p> <p>Schedule 12</p> <p>(1) The total volume of scour protection to be used as associated development for the offshore substations comprising Work No. 3(a) must be no more than 65,700 cubic metres <u>with a maximum footprint of [] square metres</u></p>	At the request of Natural England to ensure that the area in which scour protection is deployed is controlled
Schedules 11 and 12, Part 2 – condition 2(6)	<p>Amend the period during which cable protection can be deployed</p> <p>(6) Any cable protection authorised under this licence must be deployed within <u>10</u> years from the <u>commencement of licensed activities, date of the Order</u> unless otherwise agreed in writing with the MMO.</p>	At the request of Natural England to ensure that the cable protection is deployed within a maximum period of 10 years
Schedules 11 and 12, Part 2 – condition 3(5)	<p>Amend text to add in 'works for which' and change 'materially new' to 'material new'</p> <p>(5) Where the MMO's approval is required under paragraph (3), approval may be given only where it has been demonstrated to the satisfaction of the MMO that the <u>works for which</u> approval <u>is</u> sought <u>are</u> unlikely to give rise to any <u>materially</u> new or materially different</p>	In response to the request from the MMO to ensure that the subject matter of the request will not give rise to material new or materially different environmental effects

	environmental effects from those assessed in the environmental statement.	
Schedules 11 and 12, Part 2 – condition 4	Add in 'written' 4.-Any time period given in this licence given to either the undertaker or the MMO may be extended with the <u>written</u> agreement of the other party	At the request of the MMO to ensure all agreements to change details are documented in writing
Schedules 11 and 12, Part 2 – condition 5(6)	Amend notice requirement from five to 14 days (6) The undertaker must inform the MMO Coastal Office in writing at least five <u>14</u> days prior to the commencement of the licensed activities or any part of them and within five days of the completion of each licenced activity.	At the request of the MMO
Schedules 11 and 12, Part 2 – condition 6(1)	Amend text (1) The undertaker must during the whole period from commencement of the licensed activities to completion of decommissioning of the authorised project fit marine navigational lights at the platform level on significant structures on the array periphery <u>which must be</u> synchronised to display the International Association of Marine Aids to Navigation and Lighthouse Authorities' special mark characteristic, flashing yellow, with a range not less than five nautical miles and <u>the undertaker must</u> otherwise exhibit such lights, marks, sounds, signals and other aids to navigation, and take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.	The changes have been made in response to MMO's statement that the condition was long and could helpfully be clarified.
Schedules 11 and 12, Part 2 – condition 9(5)	Amend 'District Marine Office' to 'Local Marine Office' (5) In the event that any rock material used in the construction of the authorised project is misplaced or lost below MHWS, the undertaker must report the loss	At the request of the MMO

	to the District Local Marine Office within 48 hours and if the MMO reasonably considers such material to constitute a navigation or environmental hazard (dependent on the size and nature of the material) the undertaker must endeavour to locate the material and recover it.	
Schedules 11 and 12, Part 2 – condition 9(8)	<p>Change time for the notification of a dropped object from five days to 24 hours from the undertaker becoming aware of it</p> <p>(8) All dropped objects must be reported to the MMO using the Dropped Object Procedure Form as soon as reasonably practicable and in any event within <u>24 hours</u> five days 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 which are hazardous to other marine users to be removed from the seabed at the undertaker’s expense if reasonable to do so.</p>	The change to the timeframe for reporting has been amended at the request of the MMO, with the rest of the condition remaining as previously drafted
Schedules 11 and 12, Part 2 – condition 11(1)(a)	<p>Amend the specific micrositing requirements in 11(1)(a)(i) with a broader requirement to include any exclusion zones/environmental micrositing requirements</p> <p>Part IV. —(9) The licensed activities or any part of those activities must not commence until the following (insofar as relevant to that activity) has been submitted to and approved in writing by the MMO, in consultation with (where relevant) Trinity House and the MCA—</p> <p>i. A design plan at a scale of between 1:25,000 and 1:50,000, including detailed</p>	At the request of Natural England, to ensure that micrositing addresses the full range of sensitive receptors rather than just those previously specified

	<p>representation on the most suitably scaled admiralty chart, which shows—</p> <ol style="list-style-type: none">1. the proposed location, including grid co-ordinates of the centre point of the proposed location for each wind turbine generator, offshore substation permitted pursuant to licence 2 (transmission) and for the array periphery, subject to any micro siting required due to anthropological constraints, marine heritage receptors, environmental constraints including wind loading standards and projected changes in climate conditions during the operational life of the project and marine designated areas or difficult ground conditions and choice of foundation types for all wind turbine generators;	
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	<p>2. the number, specifications (including lighting protection) and dimensions of the wind turbine generators;</p> <p>3. the proposed length location and arrangement of the cables comprising Work No. 2 and any associated micro-siting to avoid marine heritage receptors unless alternative mitigation is agreed in writing with the MMO and the statutory historic body and sensitive features as far as is practicable; and</p> <p><u>4. the dimensions of all monopile foundations or multileg foundations; and</u></p> <p><u>4.5. any exclusion zones/environmental micro-siting requirements;</u></p> <p>to ensure conformity with the description of Work Nos. 1 and 2 and compliance with conditions 1 to 3 above;</p>	
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	Reference to the offshore substations and cables comprising Work No. 2 in Schedule 11 left as references to offshore wind turbine generators and Works 3(a) and 3(b) in Schedule 12	
Schedules 11 and 12, Part 2 – condition 15	<p>Amend to require advance notification of contractors</p> <p>15—(1) The undertaker must provide the following information to the MMO—</p> <ul style="list-style-type: none"> ii. the name and function of any agent or contractor appointed to engage in the licensed activities <u>no less than 24 hours before the agent, contractor or subcontractor carries out any licensed activity within seven days of appointment</u>; and iii. each week during the construction of the authorised project a completed Hydrographic Note H102 listing the vessels currently and to be used in relation to the licensed activities. <ul style="list-style-type: none"> <u>b. Any changes to the name and function of the specified agent, contractor or subcontractor that will carry out the specified licenced activities or vessel to be used must be notified to the MMO in writing prior to the agent, contractor, subcontractor or vessel carrying out or the licensed activity.</u> <u>c. The undertaker must ensure that a copy of this licence and any subsequent revisions or amendments has been provided to any agents, contractors or subcontractors that will carry out the licensed activity on</u> 	At the request of the MMO in respect of agents and contractors, but reference to vessels has been retained

	<p><u>behalf of the undertaker prior to them carrying out any licensed activity</u></p> <p>b. Any changes to the supplied details must be notified to the MMO in writing prior to the agent, contractor or vessel engaging in the licensed activities.</p>	
Schedules 11 and 12, Part 2 – condition 16(2)	<p>Add in requirement to carry out side scan sonar surveys</p> <p>(2)Subject to receipt from the undertaker of specific proposals pursuant to this condition, the pre-construction survey proposals must have due regard to the need to undertake—</p> <p>(a) a full sea floor coverage swath–bathymetry survey <u>and side scan sonar</u> of those parts of the offshore Order limits in which it is proposed to carry out the authorised scheme and an appropriate buffer;</p> <p>i. a survey to determine the location, extent and composition of chalk habitats, stony reef and potential Sabellaria spinulosa reef features and potential nesting sites for black seabream, as set out within the outline in-principle monitoring plan;</p> <p>ii. inform future navigation risk assessments as part of the cable specification and installation plan; and</p> <p>iii. inform the identification of any archaeological exclusion zone and post consent monitoring of any such archaeological exclusion zone.</p>	As requested by Natural England
Schedules 11 and 12, Part 2 – condition 19	Add in reference to agreement in writing	At the request of the MMO to ensure all agreements to change details are documented in writing

	<p>19. Any monitoring report compiled in accordance with the monitoring plans provided under condition 11 must be provided to the MMO no later than four months following completion of the monitoring to which it relates, unless otherwise agreed <u>in writing</u> with the MMO.</p>	
Schedules 11 and 12, Part 2 – condition 20	<p>Add in reference to agreement in writing</p> <p>Part V. Following installation of cables, the cable monitoring plan required under condition 11(1)(n)(v) must be updated with the results of the post-installation surveys. The plan must be implemented during the operational lifetime of the project and reviewed as specified within the plan, following cable burial surveys, or as instructed <u>in writing</u> by the MMO.</p>	At the request of the MMO to ensure all agreements to change details are documented in writing
Schedules 11 and 12, Part 2 – condition 24(1)	<p>Include additional details to be provided following completion of construction</p> <p>24.—(1) The undertaker must submit a close out report to the MMO and the statutory nature conservation body within three months of the date of completion of construction. The close out report must confirm the date of completion of construction and must include the following details—</p> <ul style="list-style-type: none"> <u>i.</u> the final number of installed wind turbine generators; <u>ii.</u> <u>a plan of the layout of installed wind turbine generators;</u> 	At the request of the MMO

	<p><u>i.iii. latitude and longitude coordinates of the centre point of the location of each wind turbine generator provided as Geographical Information System data referenced to WGS84 datum; and</u></p> <p><u>ii.iv. the installed wind turbine generator parameters relevant for seascape, landscape and visual impact.</u></p> <p>Reference to wind turbine generators amended to offshore substations in Schedule 12</p>	
Schedules 11 and 12, Part 2 – condition 25	<p>Add a new condition 25 to apply when pile driven foundations are to be used</p> <p><u>25.— (1) Only when driven or part-driven pile foundations are proposed to be used as part of the foundation installation the undertaker must provide the following information to the Marine Noise Registry—</u></p> <p><u>(a) prior to the commencement of each stage of construction of the licensed activities, information on the expected location, start and end dates of impact pile driving to satisfy the Marine Noise Registry’s Forward Look requirements;</u></p> <p><u>(b) at six month intervals following the commencement of pile driving, information on the locations and dates of impact pile driving to satisfy the Marine Noise Registry’s Close Out requirements; and</u></p> <p><u>(c) within 12 weeks of completion of impact pile driving, information on the locations and dates of impact pile driving to satisfy the Marine Noise Registry’s Close Out requirements.</u></p>	As requested by the MMO to report the impact of pile driving

	<p><u>(2) The undertaker must notify the MMO in writing of the successful submission of Forward Look or Close Out data pursuant to paragraph (1) above within seven days of the submission.</u></p> <p><u>(3) For the purpose of this condition, “Forward Look” and “Close Out” mean the requirements as set out in the UK Marine Noise Registry Information Document Version 1 (July 2015) as amended, updated, or superseded from time to time</u></p>	
Schedule 13 – Hedgerows	Amendments to reflect clarification of status of hedgerows which may be removed	Following a review of the hedgerow schedule after review of the relevant representations from local authorities
Schedule 14 – Procedure for discharge of approvals	<p>Provision included for payment of a fee on submission of details for discharge</p> <p><u>3. (1) Where an application is made to the discharging authority for consent, agreement or approval in respect of a requirement, the fee for the discharge of conditions as specified in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (or any regulations replacing the same) is to be paid by the undertaker to the relevant discharging authority.</u></p> <p><u>(2) Any fee paid under this Schedule must be refunded to the undertaker within 42 days of—</u></p> <p><u>(a) the application being rejected as invalidly made; or</u></p> <p><u>(b) the discharging authority failing to determine the application within the decision period as determined under paragraph 1, unless within that period the undertaker agrees, in writing, that the fee is to be</u></p>	As requested by West Sussex County Council provision for payment of a fee with an application for discharge of a requirement has been included

	<u>retained by the discharging authority and credited in respect of a future application.</u>	
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