

Morecambe Offshore Windfarm: Generation Assets Procedural Deadline A

Volume 3

Schedule of Changes to the Draft Development Consent Order

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1 Introduction

- 1. As requested by the Examining Authority in its Rule 6 letter dated 23 September 2024 (PD-007), this document is a schedule of changes listing all changes to the draft DCO since the application version (APP-012), when such changes were made (including the version number) and for what purpose each change was introduced.
- 2. The following versions of the draft DCO are presented in **Table** 1.1.

Version Number	Examination Library Reference	Deadline
01	APP-012	DCO Submission
02	[tbc]	Procedural Deadline A

Table 1.1 Versions of the draft DCO submitted



2 Changes made to the draft DCO (Rev 02) – Procedural Deadline A

Article / Paragraph / Schedule Number	Amendment	Reason
Changes made throughout the DCO	Various minor amendments have been made to the dDCO to correct formatting, numbering and grammar errors	For clarity and consistency
Articles		
Article 2 (Interpretation)	The definition of "business day" has been deleted and replaced with a new definition of "working day" as follows: " business day" means a day other than a Saturday or Sunday or a bank holiday in England and Wales; <u>"working day" means a day other than a Saturday or Sunday, a bank</u> <u>holiday or other public holiday in England and Wales.</u>	In response to Matter 1 raised by the ExA in Appendix F(i) to the Rule 6 Letter issued on 23 September 2024 (PD-007). A similar change has been made to the definition of "Marine Management Organisation" in Schedule 6, Part 1, paragraph 1.
Article 2 (Interpretation)	The following definition has been amended: "electronic transmission" <u>or "electronically"</u> means a communication transmitted— (a) by means of an electronic communications network; or (b) by other means but while in electronic form;	To ensure that uses of "electronically" in the draft Order are directly linked to the proposed definition.
Article 2 (Interpretation)	The following definition has been added: <u>"km" means kilometres and "km²" means square kilometres:</u>	In response to Matter 2 raised by the ExA in Appendix F(i) to

Table 2.1 Changes made to the draft DCO (Rev 02) submitted at Procedural Deadline A



Article / Paragraph / Schedule Number	Amendment	Reason
		the Rule 6 Letter issued on 23 September 2024 (PD-007).
Article 2 (Interpretation)	 The following definition has been amended: "m" means metres, and "m²" means metres squared square metres and "m³" means cubic metres; (Noting that the '2' and '3' have been reformatted to be in superscript when used in this definition and throughout the Order) 	In response to Matter 2 raised by the ExA in Appendix F(i) to the Rule 6 Letter issued on 23 September 2024 (PD-007).
Article 2 (Interpretation)	The following definition has been amended: "Marine Management Organisation" <u>or "MMO"</u> means the Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH which is the body created under the 2009 Act which is responsible for the regulation of this licence or any successor of that function and "MMO" must be construed accordingly ;	In response to Matter 3 raised by the ExA in Appendix F(i) to the Rule 6 Letter issued on 23 September 2024 (PD-007). A similar change has been made to the definition of "Marine Management Organisation" in Schedule 6, Part 1, paragraph 1.
Article 2 (Interpretation)	The following definition has been amended: "offshore substation platform" <u>or "OSP</u> " means a structure above LAT and attached to the seabed by means of one or more foundations, with one or more decks and open with modular equipment or fully clad, containing— []	In response to Matter 4 raised by the ExA in Appendix F(i) to the Rule 6 Letter issued on 23 September 2024 (PD-007). A similar change has been made to the definition of "Marine Management



Article / Paragraph / Schedule Number	Amendment	Reason
		Organisation" in Schedule 6, Part 1, paragraph 1.
Article 2 (Interpretation)	The following definition has been added: <u>"outline underwater sound management strategy" means the document</u> <u>certified as the outline underwater sound management strategy by the</u> <u>Secretary of State under article 12 (certification of documents and plans,</u> <u>etc.) of the Order;</u>	In response to the MMO's relevant representation (RR- 047) Natural England's relevant representation (RR-061) and Natural England's relevant representation (RR-061).
Article 2 (Interpretation)	The following definition has been amended: "statutory nature conservation body" means-an organisation charged by the government with advising on nature conservation matters; a statutory nature conservation body, being the appropriate nature conservation body as defined in Regulation 5 of the Conservation of Habitats and Species Regulations 2017(a) or its equivalent in the Conservation of Offshore Marine Habitats and Species Regulations 2017(b);	In response to Natural England's relevant representation (RR-061). A similar change has been made to the definition of "statutory nature conservation body" in Schedule 6, Part 1, paragraph 1.
Article 2 (Interpretation)	The following definition has been amended: "wind turbine generator" <u>or "WTG"</u> means a structure comprising a tower, rotor with three blades connected at the hub, nacelle and ancillary electrical and other equipment which may include J-tube(s), transition piece, access and rest platforms, access ladders, boat access systems, corrosion protection systems, fenders and maintenance equipment, helicopter hoisting facilities and other associated equipment including communications equipment, fixed to a foundation or transition piece.	In response to Matter 5 raised by the ExA in Appendix F(i) to the Rule 6 Letter issued on 23 September 2024 (PD-007). This definition now corresponds with that used in Schedule 6, Part 1, paragraph 1.



Article / Paragraph / Schedule Number	Amendment		Reason	
Article 2 (Interpretation)	A new sub-paragraph (5) has been added: (5) A reference to any statute, order, regulation or similar instrument in this Order is construed as a reference to a statute, order, regulation or instrument as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re–enactment.		In response to Matter 17 raised by the ExA in Appendix F(i) to the Rule 6 Letter issued on 23 September 2024 (PD-007).	
Schedules				
Schedule 1 (Authorised Project), Part 1, Paragraph 1	 The definition of Work No. 2 has been amended as follows: (a) up to one or two offshore substation platforms each fixed to the seabed by a foundation; and (b) a network of subsea platform link cables including cable crossings and cable protection; 		In response to Matter 7 raised by the ExA in Appendix F(i) to the Rule 6 Letter issued on 23 September 2024 (PD-007). A similar change has been made to the definition of Work No. 2 in Schedule 6, Part 1, Paragraph 3	
Schedule 2 (Requirements),	Two additional parameters have been added to Table	2:	In response to Natural	
Paragraph 2 (Design Parameters)	Maximum hammer energy (kilojoules or kJ) employed during installation of pin piles	<u>2,500</u>	England's relevant representation (RR-061).	
	Maximum hammer energy (kilojoules or kJ) employed during installation of monopile foundations	<u>6,600</u>		
Schedule 2 (Requirements), Paragraph 3 (Aviation safety)	Sub-paragraph (3) has been amended as follows: (3) The lights installed in accordance with paragraph (operated at the lowest permissible lighting intensity lev		In response to Matter 9 raised by the ExA in Appendix F(i) to the Rule 6 Letter issued on 23 September 2024 (PD-007).	



Article / Paragraph / Schedule Number	Amendment	Reason
Schedule 2 (Requirements), Paragraph 12 (Amendments to approved details)	Sub-paragraph (2) has been amended as follows: (2) Any amendments to or variations from the approved details must be in accordance with the principles and assessments set out in the environmental statement. Such agreement may only be given where it has been demonstrated to the satisfaction of the Secretary of State that the amendment to the approved detail is unlikely to give rise to any materially greater-new or materially different environmental effects from those assessed in the environmental statement.	For consistency with the remainder of the draft Order which uses "materially new or materially different".
Schedule 5 (Arbitration rules), Part 1 Paragraph 1 (Primary objective)	Sub-paragraph (2) has been amended as follows: (2) The parties will first use their reasonable endeavours to settle a dispute amicably through negotiations undertaken in good faith by the senior management of the parties. Any dispute which is not resolved amicably by the senior management of the parties within twenty business working days of the dispute arising, or such longer period as agreed in writing by the parties, will be subject to arbitration in accordance with the terms of this Schedule.	As a consequential change to the deletion of "business days" and replacement with "working days" pursuant to Matter 1 raised by the ExA in Appendix F(i) to the Rule 6 Letter issued on 23 September 2024 (PD- 007).
Schedule 5 (Arbitration rules), Part 1 Paragraph 2 (Time periods)	Sub-paragraph (1) has been amended as follows: (1) All time periods in these arbitration rules will be measured in business working days and this will exclude weekends and bank holidays.	As a consequential change to the deletion of "business days" and replacement with "working days" pursuant to Matter 1 raised by the ExA in Appendix F(i) to the Rule 6 Letter issued on 23 September 2024 (PD- 007).



Article / Paragraph / Schedule Number	Amendment	Reason
Schedule 6 (Deemed Marine Licence under the 2009 Act: Morecambe Offshore Windfarm Generation Assets), Part 1 Paragraph 1	The definition of "business day" has been deleted and replaced with a new definition of "working day" as follows: "business day" means a day other than a Saturday or Sunday or a bank holiday in England and Wales; <u>"working day" means a day other than a Saturday or Sunday, a bank holiday or other public holiday in England and Wales.</u>	In response to Matter 1 raised by the ExA in Appendix F(i) to the Rule 6 Letter issued on 23 September 2024 (PD-007). A similar change has been made to the definitions used in Article 1 (Interpretation).
Schedule 6 (Deemed Marine Licence under the 2009 Act: Morecambe Offshore Windfarm Generation Assets), Part 1 Paragraph 1	The following definition has been amended: "electronic transmission" <u>or "electronically"</u> means a communication transmitted— (a) by means of an electronic communications network; or (b) by other means but while in electronic form;	To ensure that uses of "electronically" in the draft Order are directly linked to the proposed definition.
Schedule 6 (Deemed Marine Licence under the 2009 Act: Morecambe Offshore Windfarm Generation Assets), Part 1 Paragraph 1	The following definition has been added: <u>"km" means kilometres and "km²" means square kilometres;</u>	In response to Matter 2 raised by the ExA in Appendix F(i) to the Rule 6 Letter issued on 23 September 2024 (PD-007).
Schedule 6 (Deemed Marine Licence under the 2009 Act: Morecambe Offshore Windfarm Generation Assets), Part 1 Paragraph 1	The following definition has been amended: "m" means metres, "m ² " means metres squared <u>square metres</u> and "m ³ " means metres cubed <u>cubic metres</u> ; (Noting that the '2' and '3' have been reformatted to be in superscript when used in this definition and throughout the Order)	In response to Matter 2 raised by the ExA in Appendix F(i) to the Rule 6 Letter issued on 23 September 2024 (PD-007).



Article / Paragraph / Schedule Number	Amendment	Reason
Schedule 6 (Deemed Marine Licence under the 2009 Act: Morecambe Offshore Windfarm Generation Assets), Part 1 Paragraph 1	The following definition has been amended: "Marine Management Organisation" <u>or "MMO"</u> means the Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH which is the body created under the 2009 Act which is responsible for the regulation of this licence or any successor of that function and "MMO" must be construed accordingly ;	In response to Matter 3 raised by the ExA in Appendix F(i) to the Rule 6 Letter issued on 23 September 2024 (PD-007). A similar change has been made to the definition of "Marine Management Organisation" in Article 1 (Interpretation).
Schedule 6 (Deemed Marine Licence under the 2009 Act: Morecambe Offshore Windfarm Generation Assets), Part 1 Paragraph 1	A new definition has been added as follows: <u>"MGN654" means MGN654 "Offshore Renewable Energy Installations</u> <u>(OREIs) – Guidance on UK Navigational Practice, Safety and</u> <u>Emergency Response Issues" (or any equivalent guidance that replaces</u> <u>or supersedes it) and its annexes;</u>	In response to Matter 19 raised by the ExA in Appendix F(i) to the Rule 6 Letter issued on 23 September 2024 (PD-007). As this definition is only used in the Deemed Marine Licence (Schedule 6 to the draft DCO), it has not been added to the definitions set out in Article 1 (Interpretation)
Schedule 6 (Deemed Marine Licence under the 2009 Act: Morecambe Offshore Windfarm Generation Assets), Part 1 Paragraph 1	The following definition has been amended: "offshore substation platform" <u>or "OSP"</u> means a structure above LAT and attached to the seabed by means of one or more foundations, with one or more decks and open with modular equipment or fully clad, containing— []	In response to Matter 4 raised by the ExA in Appendix F(i) to the Rule 6 Letter issued on 23 September 2024 (PD-007). A similar change has been made to the definition of



Article / Paragraph / Schedule Number	Amendment	Reason
		"Marine Management Organisation" in Article 1 (Interpretation).
Schedule 6 (Deemed Marine Licence under the 2009 Act: Morecambe Offshore Windfarm Generation Assets), Part 1 Paragraph 1	The following definition has been added: <u>"outline underwater sound management strategy" means the document</u> <u>certified as the outline underwater sound management strategy by the</u> <u>Secretary of State under article 12 (certification of documents and plans,</u> <u>etc.) of the Order;</u>	In response to the MMO's relevant representation (RR- 047) and Natural England's relevant representation (RR- 061).
Schedule 6 (Deemed Marine Licence under the 2009 Act: Morecambe Offshore Windfarm Generation Assets), Part 1 Paragraph 1	The following definition has been amended: "statutory nature conservation body" means an organisation charged by the government with advising on nature conservation matters; a statutory nature conservation body, being the appropriate nature conservation body as defined in Regulation 5 of the Conservation of Habitats and Species Regulations 2017(a) or its equivalent in the Conservation of Offshore Marine Habitats and Species Regulations 2017(b);	In response to Natural England's relevant representation (RR-061). A similar change has been made to the definition of "statutory nature conservation body" in Article 1 (Interpretation)
Schedule 6 (Deemed Marine Licence under the 2009 Act: Morecambe Offshore Windfarm Generation Assets), Part 1, Paragraph 2	Sub-paragraph (d) has been deleted as the removal of sediment samples is not intended to be a licensable marine activity.	This is a correction and is also in response to the MMO's relevant representation (RR- 047).
Schedule 6 (Deemed Marine Licence under the 2009 Act: Morecambe Offshore Windfarm	The definition of Work No. 2 has been amended as follows:	In response to Matter 7 raised by the ExA in Appendix F(i) to



Article / Paragraph / Schedule Number	Amendment	:			Reason
Generation Assets), Part 1, Paragraph 3	 (a) up to one or two offshore substation platforms each fixed to the seabed by a foundation; and (b) a network of subsea platform link cables including cable crossings and cable protection; 			the Rule 6 Letter issued on 23 September 2024 (PD-007). A similar change has been made to the definition of Work No. 2 in Schedule 1 Part 1.	
Schedule 6 (Deemed Marine Licence under the 2009 Act: Morecambe Offshore Windfarm Generation Assets), Part 1, Paragraph 5	This paragraph has been amended as follows: 5. The activities set out in paragraph 3 are to be located within the area delineated on the offshore works plan by the coordinates shown on the offshore order limits and grid coordinates plan and listed in Table 2.2 below— <u>Table 2.2</u>			In response to the MMO's relevant representation (RR-047).	
	Point	<u>Latitude</u> 53° 50′ 11.03673656″ N	Longitude	2 31.65915051″ W	
	2	<u>53° 49' 41.72634557" N</u>		15.69323747" W	
	3	<u>53° 49' 45.14948499" N</u>	<u>003° 29′ 4</u>	48.00160838″ W	
	<u>4</u>	<u>53° 45′ 16.81576507″ N</u>	<u>003° 29′ ;</u>	38.45882862" W	
	<u>5</u>	<u>53° 45′ 00.78002400″ N</u>	<u>003° 36′ (</u>	04.79995593" W	
	<u>6</u>	<u>53° 46′ 45.95836718″ N</u>	<u>003° 40′ </u>	53.89383116″ W	
Schedule 6 (Deemed Marine	Two additional parameters have been added to Table 4:			In response to Natural	
Licence under the 2009 Act: Morecambe Offshore Windfarm Generation Assets), Part 2,		ammer energy (kilojoules or k uring installation of pin piles	<u>J)</u>	<u>2,500</u>	England's relevant representation (RR-061).



Article / Paragraph / Schedule Number	Amendment		Reason
Paragraph 1 (Design Parameters)	Maximum hammer energy (kilojoules or kJ) employed during installation of monopile foundations	<u>6,600</u>	
Schedule 6 (Deemed Marine Licence under the 2009 Act: Morecambe Offshore Windfarm Generation Assets), Part 2, Paragraph 2 (Maintenance of the authorised project)	A new sub-paragraph (4) has been added as follows: (4) All maintenance works must be carried out in accordance with the approved offshore operation and maintenance plan unless otherwise agreed in writing by the MMO		In response to the MMO's relevant representation (RR-047).
Schedule 6 (Deemed Marine Licence under the 2009 Act: Morecambe Offshore Windfarm Generation Assets), Part 2, Paragraph 8 (Force majeure)	(2) The unauthorised deposits must be removed at the expense of the		In response to the MMO's relevant representation (RR-047).
Schedule 6 (Deemed Marine Licence under the 2009 Act: Morecambe Offshore Windfarm Generation Assets), Part 2, Paragraph 12 (Offshore safety management)	Paragraph 12 has been amended as follows: 12. No part of the authorised project may commence until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that part of the project, adequately addressed all MCA recommendations as appropriate to the authorised project contained within MGN654 <u>"Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" (or any equivalent guidance that replaces or supersedes it) and its annexes.</u>		In response to Matter 19 raised by the ExA in Appendix F(i) to the Rule 6 Letter issued on 23 September 2024 (PD-007)



Article / Paragraph / Schedule Number	Amendment	Reason	
Schedule 6 (Deemed Marine Licence under the 2009 Act: Morecambe Offshore Windfarm Generation Assets), Part 2, Paragraph 13 (Reporting of engaged agents, contractors and vessels)	Paragraph 13 has been amended as follows: 13. —(1) The undertaker must provide <u>the name, address and function of</u> <u>any agent, contractor or subcontractor that will carry out any of the</u> <u>licensed activities on behalf of the undertaker to the MMO in writing no</u> <u>less than 24 hours before that agent, contractor or subcontractor carries</u> <u>out any such licensed activities.</u> the following information in writing to the <u>MMO</u> —	In response to the MMO's relevant representation (RR-047).	
	 (a) the name, function, company number (if applicable), registered or head office address (as appropriate) of any agent or contractor appointed to engage in the licensed activities within seven days of appointment; and (b) 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. 		
	(2) The undertaker must notify the MMO in writing of any vessel being used to carry on any licensed activity listed in this licence on behalf of the undertaker. Such notification must be received by the MMO no less than 24 hours before the commencement of the licensed activity. Notification must include the master's name, vessel type, vessel IMO number and vessel owner or operating company.		
	 (3) Any changes to the supplied details provided under sub-paragraphs (1) and (2) must be notified to the MMO in writing at least 24 hours before the agent, contractor or vessel engages in the licensed activities. (4) The undertaker must ensure that a copy of this marine licence and any subsequent revisions or amendments has been provided to any 		



Article / Paragraph / Schedule Number	Amendment	Reason
	agents, contractors, subcontractors or vessels that will carry on any licensed activities on behalf of the undertaker prior to them engaging in the licensed activities.	
Schedule 6 (Deemed Marine Licence under the 2009 Act: Morecambe Offshore Windfarm Generation Assets), Part 2, Paragraph 15 (Construction monitoring)	Sub-paragraph (4) has been amended as follows: (4) The results of the initial underwater sound measurements monitored in accordance with sub- paragraph (2) must be provided to the MMO within six weeks of the end of piling of the first four piled foundations. The assessment of this report by the MMO will determine whether any further underwater sound monitoring is required. If, in the reasonable opinion of the MMO in consultation with the relevant statutory nature conservation body, the assessment shows significantly different impacts to those assessed in the environmental statement or failures in mitigation, all piling activity must cease until an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed.	In response to Natural England's relevant representation (RR-061).
Schedule 6 (Deemed Marine Licence under the 2009 Act: Morecambe Offshore Windfarm Generation Assets), Part 2, Paragraph 19 (Marine Noise Registry)	A new condition 19 (Marine Noise Registry) has been added as follows: <u>Marine Noise Registry</u> <u>19.—(1) Where driven or part-driven pile foundations are proposed to be</u> <u>installed, the undertaker must at least 10 days prior to the</u> <u>commencement of those activities, submit details including the expected</u> <u>location of the activities and the start and end dates of the activities to</u> <u>the Marine Noise Registry to satisfy the forward look requirements and</u> <u>update that information as required if the expected location and start and</u> <u>end dates change.</u>	In response to the MMO's relevant representation (RR- 047).



Article / Paragraph / Schedule Number	Amendment	Reason
	 (2) Every six months following the commencement of pile driving, the undertaker must submit information on the locations and dates of those activities to the Marine Noise Registry to satisfy the close out requirements until completion of those activities. (3) Within 12 weeks of the completion of pile driving, the undertaker must submit information on the locations and dates of those activities to the Marine Noise Registry to satisfy the close out requirements. (4) The undertaker must notify MMO of the successful submission of forward look or close out information pursuant to sub-paragraphs (1) to (3) above within seven days of the submissions to the Marine Noise Registry. (5) For the purpose of this condition— (a) "Marine Noise Registry" means the database of impulsive noise generating activities in UK seas maintained by Joint Nature Conservation Committee or any successor database; and (b) "Forward look" and "close out" requirements are as set out in the 'UK Marine Noise Registry: Information Document, Version 1 (May 2016' or any updated information document. 	
Schedule 6 (Deemed Marine Licence under the 2009 Act: Morecambe Offshore Windfarm Generation Assets), Part 2, Paragraph 20 (Underwater sound management strategy)	A new condition 20 (Underwater sound management strategy) has been added as follows: <u>Underwater sound management strategy</u> 20.—(1) No piling activities shall commence until an underwater sound management strategy for those activities, which accords with the outline underwater sound management strategy, has been submitted to and	In response to the MMO's relevant representation (RR- 047) and Natural England's relevant representation (RR- 061).



Article / Paragraph / Schedule Number	Amendment	Reason
	approved in writing by the MMO in consultation with the relevant statutory nature conservation body.	
	 (2) The underwater sound management strategy must be submitted to the MMO no later than four months prior to the commencement of the relevant activities, unless otherwise agreed in writing by the MMO. (3) The piling activities must be carried out in accordance with the approved underwater sound management strategy, unless otherwise agreed in writing by the MMO. 	
Schedule 8 (Documents to be certified)	A new entry has been added to Table 5 to reflect the inclusion of the Outline Underwater Sound Management Strategy.	In response to the MMO's relevant representation (RR- 047) and Natural England's relevant representation (RR- 061).