



Triton Knoll Offshore Wind Farm Limited Triton Knoll Electrical System

Appendix 23: Schedule of DCO Amendments

Date: October 2015

**Appendix 23 of the Applicant's
response to Deadline 2**

Triton Knoll Offshore Wind Farm Limited

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Schedule of DCO Amendments for Deadline II



DCO ARTICLE/SCHEDULE	PROPOSED AMENDMENT	REFERENCE IN CONSULTEE RESPONSE TABLE FOR DEADLINE II
Contents	Consequential amendments to page numbers	N/A
Article 2 – Interpretation Definition of Commencement	Definition of commencement amended:- <i>“Commencement” means [...] any material operation (as defined in section 56(4) 155 of the 1990 Planning Act 2008) forming part of the authorised project other than operations consisting of site clearance, [...];</i>	9.2
Article 2 – Interpretation Definition of construction compound	Definition of construction compound amended:- <i>Means a temporary construction site associated with the electrical onshore works, including ...</i>	9.3 and 9.4
Article 2 – Interpretation Definition of electrical circuit	Definition of electrical circuit amended:- <i>“electrical circuit” means a number of electrical conductors necessary to transmit electricity between two points within the authorised development; in respect of any (onshore electrical circuit this) and shall take the form of three separate cables laid in cable ducts and shall include fibre optic cables and earthing cables either within the electrical circuit or laid alongside;</i>	9.5
Article 2 – Interpretation Definition of hedgerow plans	Definition of hedgerow plans inserted as follows:- <i>“hedgerow plans” means the plans certified as the hedgerow plans by the Secretary of State for the purposes of this order;</i>	9.10
Article 2 – Interpretation Definition of LAT	Definition of LAT removed	9.6

Article 5(6)(b)	Sub-paragraph 5(6)(b) has been amended as follows:- “ <i>The date specified under (6)(a)(ii) must not be earlier than the expiry of five 10 days from the date of the receipt of the notice.</i> ”	6.2
Article 13(2)	New sub-paragraph 13 (2) added and consequential numbering changes:- <i>(2) Paragraph (1) shall not authorise the undertaker to carry out any of the actions listed in subparagraphs (a) to (d) on any land seaward of MHWS.</i>	6.3
Article 14(2)	‘and’ deleted from Article 14 () and cross reference to Article 41 (Crown Rights) added:- <i>(1) This article is subject to article 16 (time limit for exercise of authority to acquire land compulsorily) article 17(2) (compulsory acquisition of rights), and article 25(9) (temporary use of land for carrying out the authorised project) and article 41 (crown rights).</i>	N/A
Article 16(1)(b)	Correction of Article reference, reference to the 1981 Act amended and related footnote amended:- <i>(1)(b)...as applied by article 19 20 (application of the 1981 Act Compulsory Purchase (Vesting Declarations) Act 1981.</i>	N/A
Article 17(3)	Paragraph 17(3) has been amended as follows:- (3) Subject to section 8 of the 1965 Act as substituted by paragraph 5 of Schedule 6 (modification of compensation and compulsory purchase enactments for creation of new rights and restrictive covenants) (other provisions as to divided land) where the undertaker acquires an existing right rights ...	N/A
Article 23	Article 23 has been deleted. Relevant to permanently stopped up streets only and TKES is temporarily stopping up streets only.	N/A
Article 24	Sub-paragraphs 24(5)(b) and 6(b) have been amended as follows:- (b) where the land subject to the notice to treat consists in the case of part of land consisting	N/A
Article 25(2)	Text amended at 25(2):-	N/A

	...shall serve notice of the intended entry on the owners and occupiers of the land for the purposes of the authorised project	
Article 25(9)	Text amended at Article 25 (9) and consequential changes to numbering as follows:- <i>(9) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) except that the undertaker shall not be precluded from</i> <i>(a) acquiring new rights or imposing restrictive covenants over any part of that land under Article 17 (compulsory acquisition of rights); or</i> <i>(b) acquiring any part of the subsoil (or rights in the subsoil) of that land under Article 21 (acquisition of subsoil only); or</i> <i>(e) carrying out a survey of that land under article 13 (authority to survey and investigate the land).</i>	N/A
Article 28(2)	Correction of Article reference.	N/A
Article 31(1)	Typing error correction- " <i>consistent</i> " replaced with " <i>inconsistent</i> ".	N/A
Article 38(1)(a)	Sub-paragraph 38(1)(a) amended to read:- <i>"a guarantee in respect of the liabilities of the undertaker to pay compensation under this Order in respect of the exercise of the relevant power in relation to that land, which has been approved by the Secretary of State";</i>	9.19
Schedule 1, Part 1 - Work No. 3	Work No. 3 amended as follows:- <i>Work No 3 – up to 6 cables connecting up to 6 electrical circuits for the transmission of high voltage alternating current electricity laid on or beneath the seabed and/or underground including in cable ducts connecting Work No 2 and Work No5; Work No 3A; access to Work No 2, including the construction of haul roads; and Work No 3B;</i>	9.7
Schedule 1, Part 1 -- Work No. 47B	Work No. 47B removed.	9.11

Schedule 1, Part 2	Ancillary works amended as follows:- <i>1. Works and operations within the Order limits and which fall within the scope of the work assessed by the environmental statement comprising...</i>	9.1
Schedule 1, Part 3 Requirements Interpretation	Paragraph 1 (w) and (x) amended to reflect the deletion of Work No 47B:- <i>(w) Work No 46 (using either the temporary construction compound at Work No 47A or Work No 47B or Work No 51 and access at Work No 48);</i> <i>(x) Work Nos 48 and 49 (using either the temporary construction compound at Work No 47A or Work No 47B);</i>	9.11
Schedule 1, Part 3 Requirement 5(7)(c)	Paragraph 5 (7) (c) inserted (and consequential renumbering of subsequent sections):- <i>"the total number of lightning rods within the fenced compound shall not exceed 4 and the height of any lightning rod shall not exceed 21m AOD"</i>	9.12
Schedule 1, Part 3 Requirement 5(8)(b)	Paragraph 5(8)(b) (was 5(9)) revised as follows:- <i>(b) if GIS is installed</i> <i>(i) The highest part of any building shall not exceed 14.5 16 metres AOD;</i>	9.20
Schedule 1, Part 3 Requirement 5(8)	Requirement 5(8) removed in accordance with deletion of Work 47.	9.11
Schedule 1, Part 3 Requirement 5(8)(c)	New 5(8)(c) inserted:- <i>"the total number of lightning rods within the fenced compound shall not exceed 22 and the height of any lightning rod shall not exceed 21.54m AOD"</i>	9.12
Schedule 1, Part 3 Requirement 10	Reference to Environment Agency deleted.	3.2
Schedule 1, Part 3 Requirement 14(2)	Requirement 14(2) amended as follows:- <i>(2) The code of construction practice must include-</i> <i>(a) construction method statements, including methods (including both trenchless and non-trenchless techniques) for the crossing of watercourses; main river crossings shall</i>	3.4 and 9.13

	<p><i>be undertaken using trenchless methods only; [...]</i></p> <p>New sub-paragraph (4) inserted:-</p> <p><i>(4) For the purposes of paragraph (2) “main river” has the meaning given by the Water Resources Act 1991.</i></p>					
Schedule 1, Part 3 Requirement 23	Typing error - Reference to Article 35 amended to Article 36.	9.14				
Schedule 7 -- Land of which temporary possession may be taken	<p>Reference to Plot 39/05 omitted in error. New row inserted as follows:-</p> <table border="1" data-bbox="622 598 1541 1133"> <tr> <td>Boston Borough Council</td> <td>39/05</td> <td> (a) access with or without vehicles, plant, machinery, apparatus, equipment and materials for construction and carrying out of the authorised project; (b) laying and use of temporary vehicular access tracks and improvement to access tracks and roads, and erection of associated temporary structures including fencing and signage </td> <td>Work No 38</td> </tr> </table>	Boston Borough Council	39/05	(a) access with or without vehicles, plant, machinery, apparatus, equipment and materials for construction and carrying out of the authorised project; (b) laying and use of temporary vehicular access tracks and improvement to access tracks and roads, and erection of associated temporary structures including fencing and signage	Work No 38	N/A
Boston Borough Council	39/05	(a) access with or without vehicles, plant, machinery, apparatus, equipment and materials for construction and carrying out of the authorised project; (b) laying and use of temporary vehicular access tracks and improvement to access tracks and roads, and erection of associated temporary structures including fencing and signage	Work No 38			
Schedule 7 -- Land of which temporary possession may be taken	Clarification that plot 40/05 is required in connection with Work No 40 and plots 41/05-41/07 are required in connection with Work No 41.	N/A				
Schedule 9 - Part 1	Definition of commence amended:-	6.6				
Definition of commence	<i>“commence” means beginning to carry out the activities authorised by the deemed marine licence (deemed licence under the Marine and Coastal Access Act 2009) other than pre-</i>					

	<i>construction surveys or monitoring, and horizontal directional drilling works, including exit for HDD and related works;</i>	
Schedule 9 - Part 1 Definition of LAT	Removal of the definition of LAT.	9.6
Schedule 9 - Part 1	The address of Natural England has been amended to Foss House, Kings Pool, 1-2 Peasholme Green, York.	7.4
Schedule 9 - Part 1	English Heritage amended to Historic England	6.7
Schedule 9 - Part 1	(j) JNCC amended to (i) JNCC to correct typo.	N/A
Schedule 9 - Part 1 – Paragraph 2(3)(d)	Sub-paragraph 2(3)(d) amended as follows:- (d) <i>“the removal, reconstruction or alteration of the position of subsea cables existing at the date of commencement of the licensed activities;”</i>	6.4
Schedule 9 - Part 1 – Paragraph 4	Paragraph 4 has been deleted and replaced with the following text:- <i>4. The licence does not permit the decommissioning of the authorised scheme. No decommissioning activity may commence until a decommissioning programme has been approved by the Secretary of State under section 106 of the Energy Act 2004. Furthermore, at least 4 months before carrying out any decommissioning activity, the undertaker must notify the MMO of the proposed activity to establish whether a marine</i>	6.19

	<i>licence is required for the activity</i>	
Schedule 9 - Part 2, Condition 2(8)	Condition 2(8) amended to add reference to Work No 2 as follows:- <i>“The undertaker must ensure that a notice to mariners is issued at least 10 working days prior to the commencement of the licensed activities or any part of them advising of the start date of Work No 1 and Work No 2 and the expected vessel routes from the local construction ports to the relevant locations.”</i>	6.8
Schedule 9 -- Part 2, Condition 2 (11)	Condition 2(11) as follows:- <i>“The undertaker must notify Trinity House and the MMO of any failure of the aids to navigation including timescales and plans for remedying such failures. In case of damage to, or destruction or decay of, the authorised scheme seaward of MHWS or any part thereof the undertaker shall</i> as soon as possible and no later than 24 hours following the <i>detection of any such failure</i> identification of damage, destruction or decay, notify Trinity House, MMO, MCA and the UKHO.”	5.1
Schedule 9 -- Part 2, Condition 4(2)	Condition 4(2) - MWHS amended to MHWS.	9.18
Schedule 9 -- Part 2, Condition 4(4)	Condition 4(4) amended to adopt the wording agreed by trinity house and the MMO as follows:- <i>“In case of damage to, or destruction or decay of, the authorised scheme seaward of MHWS or any part thereof the undertaker shall</i> The undertaker must notify Trinity House and the MMO of any failure of the aids to navigation including timescales and plans for remedying such failures as soon as possible and no later than 24 hours following the <i>identification of damage, destruction or decay</i> notify Trinity House, MMO, MCA and the UKHO detection of such failure.	5.1
Schedule 9 -- Part 2, Condition 5	Text amended and consequential amendments to numbering:- <i>(6) The undertaker must ensure than any waste and/or debris arising from the construction of the authorised scheme or from equipment or temporary works placed below MHSW are removed within 4 weeks of completion of the authorised scheme unless otherwise agreed with the MMO.</i> <i>(7) AtSubject to sub-paragraph (10), at least 10 days prior to the commencement of the licensed activities the undertaker must submit and obtain to the MMO’s approval of an audit sheet covering all aspects of the construction of the authorised scheme licensed</i>	6.11

	<p>activities or any phase of them. The audit sheet must include details of-</p> <p>(a) loading facilities; (b) vessels; (c) equipment; (d) shipment routes; (e) transport; (f) (e) working schedules; and (g) (f) all components and materials to be used in the construction of the authorised scheme.</p> <p>(8) The audit sheet must be maintained throughout the construction of the authorised scheme and any changes notified immediately in writing to the MMO (or relevant phase) must be submitted to the MMO for review at fortnight intervals during periods of active offshore construction.</p> <p>(10) As an alternative to the completion of an audit sheet, with written approval from the MMO, the undertaker may introduce a dropped object procedure. If a dropped object procedure is introduced, any dropped objects must be reported to the MMO using the dropped object procedure form within 6 hours of the undertaker becoming aware of an incident. On receipt of the dropped object procedure form, the MMO may require relevant surveys to be carried out by the undertaker (such as side-scan sonar), and the MMO may require obstructions to be removed from the seabed at the undertaker's expense.</p> <p>(11) The undertaker must agree with the MMO, before commencement of works, whether the dropped object procedure or audit sheet is to be used.</p>	
Schedule 9 - Part 2, Condition 7(e)	Condition 7(e) amended to refer to cable protection plan:- A cable armouring protection plan...	7.5
Schedule 9 - Part 2, Condition 8(2)	Condition 8(2) amended as follows:- (2) The undertaker must ensure that a copy of any agreed archaeological report is deposited with the National Monuments Record of the Historic Environment (NRHE), of the Historic Environment (NRHE) , by submitting an English Heritage Historic England OASIS form with a digital copy of the report. If the report relates to the foreshore, the undertaker must notify Lincolnshire	4.2

	<i>County Council that the OASIS report has been submitted to the National Monuments RecordNRHE.</i>	
Schedule 9 - Part 2, Condition 9	<p>New condition 9 inserted as follows:-</p> <p><i>9. – (1)Horizontal Directional Drilling works within Work No 2, including exit for HDD shall not commence until the following have been submitted to and approved in writing by the MMO including as relevant to those works—</i></p> <p><i>(a) a construction method statement in accordance with the details assessed within the environmental statement including details of contractors, vessels and vessel transit corridors;</i></p> <p><i>(b) a written scheme of archaeological investigation; and</i></p> <p><i>(c) a marine contingency plan.</i></p> <p><i>(2) The undertaker shall also comply with conditions 2(6), 2(7), 2(8) and 2(9) prior to horizontal directional drilling works commencing.</i></p>	6.14
Schedule 9 - Part 2, Condition 10	<p>Consequential change to condition 10 as a result of insertion of new condition 9:-</p> <p><i>10. -- Each programme, statement, plan, protocol, or scheme to be approved under condition 7 and the plan to be approved under condition 9 ...</i></p>	6.14
Schedule 9 - Part 2, Condition 12(1)	<p>Condition 12(1) amended as follows:-</p> <p><i>The undertaker must submit details for written approval by the MMO...</i></p>	6.16
Schedule 9 - Part 2, Condition 12(2)(c)	<p>Condition 12(2)(c) amended as follows:-</p> <p><i>...This should include the identification of historic or archaeological interest in accordance with the outline offshore written scheme of investigation.</i></p>	4.1
Schedule 9 - Part 2, Condition 13(2)	<p>Condition 13(2)(b) amended as follows:-</p> <p><i>(b) a swath bathymetric survey to IHO Order 1a across the area(s) within the offshore Order limits ensure the cables have been buried and located within the Order limits and provide the data and survey report(s) to the UKHO.</i></p>	6.18

Schedule 11 – Paragraph 2(3)	<p>Paragraph 2(3) amended as follows:-</p> <p><i>(3) If the requirement indicates that consultation must take place with a requirement consultee the relevant planning authority wishes to consult with a body in relation a requirement it must issue the consultation to the requirement consultee identified body within 3 business days of receipt of such a request and in any event within 21 business days of receipt of the application.</i></p>	9.16
Schedule 11 – Paragraph 5(1)(b)	Sub-paragraph 5(1)(b) reference to sub paragraph (1) amended so that reference is instead made to paragraph 1.	9.17
General	Please note that a number of minor amendments have been made to the DCO to correct typographical errors, or to ensure consistency with drafting conventions.	N/A