



Triton Knoll Offshore Wind Farm Limited Triton Knoll Electrical System

Appendix 10: DCO Schedule of amendments

Date: 30th November 2015

Appendix 10 of the Applicant's
Response to Deadline 3

Schedule of DCO Amendments for Deadline III



DCO ARTICLE/SCHEDULE	PROPOSED AMENDMENT
Contents	Consequential amendments to page numbers
<p>Article 2 – Interpretation</p> <p>Definition of Commencement</p>	<p>Definition of commencement amended:-</p> <p><i>“Commencement” means beginning to carry out the activities authorities by the deemed marine licence at Schedule 9 (deemed licence under the Marine and Coastal Access Act 2009) other than pre-construction surveys and monitoring, exit for HDD and related works, and in respect of any other works comprised in the authorised project save as provided otherwise within this Order, any material operation (as defined in section 155 of the Planning Act 2008) forming part of the authorised project other than operations consisting of site clearance, demolition work, archaeological investigations, environmental surveys, removals of hedgerows, investigations for the purpose of assessing ground conditions, remedial work in response of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and the words "commence" and "commenced" shall be construed accordingly;</i></p>
<p>Article 2 - Interpretation</p> <p>Definition of deemed marine licence</p>	<p>Reference to Article 28 revised to 31 to account for revisions to article numbers and previous amendments to DCO.</p>
<p>Article 2 – Interpretation</p> <p>Definition of electrical circuit</p>	<p>Definition of electrical circuit amended:-</p> <p><i>“electrical circuit” means a number of electrical conductors necessary to transmit electricity between two points within the authorised development (onshore) 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></p>
<p>Article 2 – Interpretation</p> <p>Definition of limits of deviation</p>	<p>Definition of limits of deviation inserted as follows:-</p> <p><i>“limits of deviation” means the Order limits as shown on the Order limits plans;</i></p>
<p>Article 5(1)</p>	<p>Sub-paragraph 5(1) amended:-</p> <p><i>“The undertaker, with the consent of the Secretary of State (except where paragraph (5 4) applies, in which case no such consent is required), may-</i></p>
<p>Article 5 (5)</p>	<p>New sub-paragraph 5(5) added (and consequential renumbering of remaining sub sections and updated</p>

	<p>references within Article 5) including 5(4), 5(5), 5(6) and 5(7);-</p> <p><i>Despite anything contained in Part 4 of the 2009 Act (marine licencing), but subject to paragraph (4), the undertaker may transfer or grant relevant provisions to another person under paragraph (1) (and sections 72(7) and (8) shall not apply to such transfer or grant).</i></p>
<p>Article 5 (7) (a) and (b)</p>	<p>Sub-paragraph 5 (7) amended following updates to sub paragraph numbering:-</p> <p>(7) (a) Prior to a transfer or grant under paragraph 9(1) or (6) taking effect the undertaker must give notice to the Secretary of State and to the MMO and/or relevant planning authority if such transfer or grant relates to the exercise of powers in the area of their jurisdiction. The notice must be in writing and must include the following—</p> <ul style="list-style-type: none"> (i) the name and contact details of the person to whom the benefit of the powers will be transferred or granted; (ii) subject to sub-paragraph (b), the date on which the transfer will take effect; (iii) the powers to be transferred or granted; (iv) pursuant to paragraph (4), the restrictions, liabilities and obligations that will apply to the person exercising the powers transferred or granted; (v) where relevant, a plan showing the works or areas to which the transfer or grant relates; and (vi) copy of the document effecting the transfer or grant signed by the undertaker and the person to whom the benefit of the powers will be transferred or granted. <p>(b) the date specified under 5(6)(b)(ii) 5 (6) (b) (ii) must not be earlier than the expiry of ten days from the date of receipt of the notice.</p>
<p>Article 9 (3)</p>	<p>Sub-paragraph 9 (3) amended:-</p> <p>(3) Without prejudice to the generality of paragraph (1) the undertaker may—</p> <ul style="list-style-type: none"> (a) temporarily stop up, alter or divert the streets specified in Columns (1) and (2) of Schedule 3 (streets to be temporarily stopped up); and (b) in relation to any footpath specified in Columns (1) and (2) of Schedule 3 temporarily stop up, alter or divert the footpath to the extent of the diversion zone for that footpath shown on the public rights of way plans <p>save as agreed in advance by the relevant planning authority, any notification under this paragraph must be made at least [] days prior to the temporary stopping up, alteration or diversion taking place.</p>
<p>Article 9 (4)</p>	<p>Sub-paragraph 9 (4) numbering amended:-</p> <p><i>The undertaker shall not temporarily stop up, alter or divert-</i></p>

	<p>(a) any street specified in paragraph (3) without notifying the relevant planning authority; and</p> <p>(b) any other street without notifying the relevant planning authority which may attach reasonable conditions to any consent.</p>
Article 14(2)	<p>Article 14(2) referencing to other articles updated following previous amendments to DCO:</p> <p>(2) This article is subject to article 16 (time limit for exercise of authority to acquire land compulsorily). Article 17(2) (compulsory acquisition of rights) article 24 25(9) (temporary use of land for carrying out the authorised project) and article 44 40 (crown rights)</p>
Article 23	<p>Article 23 was deleted in the version submitted at Deadline II. A number of consequential amendments (article numbering and referencing) throughout the DCO have been subsequently made in this version.</p>
Article 24 (5)	<p>Sub-paragraph 24 (5) amended to update paragraph referencing:-</p> <p><i>(5) Before giving up possession of land of which temporary possession has been taken under paragraph (1)(a) (ii), unless otherwise agreed by the owners of the land, the undertaker shall either acquire the land in accordance with the provisions of paragraph 3(1)(b) 3(1)(b)2(b) 3(b) or shall remove all works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker shall not be required to replace a building removed under this article.</i></p>
Schedule 1, Part 1 - Work No. 47B	<p>Work No. 47B removed and consequential amendments made to references throughout DCO.</p>
Schedule 1, Part 3 Requirements - Interpretation	<p>Paragraph 1 (w) and (x) amended to reflect the deletion of Work No 47B:-</p> <p><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></p> <p><i>(x) Work Nos 48 and 49 (using either the temporary construction compound at Work No 47A or Work No 47B;</i></p>
Schedule 1, Part 3 – Requirement 5 (2)	<p>Paragraph 5(2) revised as follows:-</p> <p><i>No part of Work No. 9A shall commence until details of the layout, scale and external appearance of the above ground infrastructure including permanent fencing relating to Work No 9A have been submitted to and approved by the relevant planning authority.</i></p>
Schedule 1, Part 3 – Requirement 5(3)(a)	<p>Paragraph 5(3) (a) revised as follows:-</p> <p><i>No part of Work No 50A shall commence until:</i></p> <p><i>(a) details of the layout, scale and external appearance of the above ground infrastructure including permanent fencing relating to Work No 50A have been submitted to and approved by the relevant planning authority and;</i></p>
Schedule 1, Part 3 – Requirement 5(4)	<p>Paragraph 5(4) revised as follows:-</p>

Detailed design onshore	<i>Any details provided by the undertaker pursuant to sub-paragraphs (1) and (2) must where relevant accord be in accordance with the design principles document and be within Order limits.</i>
Schedule 1, Part 3 Requirement 5(7)(c)	Paragraph 5 (7) (c) amended:- <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 21.54m AOD"</i>
Schedule 1, Part 3 Requirement 5(8)(b)	Paragraph 5(8)(b) amended to add in (b) (ii) - with consequential renumbering of 5 (8) (b) (iii) (previously b (ii)):- <i>(b) if GIS is installed (i)The highest part of any building shall not exceed 16 metres AOD; (ii)The highest part of any external electrical equipment. Excluding lightning rods, shall not exceed 15m AOD; (iii) The total area of the fenced compound (excluding its accesses must not exceed 69,000 square metres; and</i>
Schedule 1, Part 3 Requirement 5(8)(c)	Paragraph 5(8)(c) amended:- the total number of lightning rods when the fenced compound shall not exceed 22 and the height of any lightning rod shall not exceed 21m.54m-AOD
Schedule 1, Part 3 Requirement 6(1)	Requirement 6(1) amended as follows:- <i>(1) Work Nos 9A and 50A shall not commence until a written landscaping scheme and associated work programme (which accords in accordance with the outline landscape strategy and ecological management plan) for the relevant work has been submitted to and approved by the relevant planning authority.</i>
Schedule 1, Part 3 Requirement 6(3)	Requirement 6 (3) amended as follows:- <i>(3) In the event the Work No 55 is constructed, prior to the completion of the unlicensed works and following consultation with National Grid, a written landscaping scheme and associated work programme (which accords in accordance with the outline landscape strategy and ecological management plan) must be submitted to and approved by the relevant planning authority.</i>
Schedule 1, Part 3 Requirement 9 (1)	Requirement 9(1) amended as follows:- <i>(1) No stage of the onshore works shall commence until for that stage written details of all proposed permanent or temporary fences, walls or other means of enclosure have been submitted to and approved by the relevant planning authority.</i>
Schedule 1, Part 3 Requirement 12 (1)	Requirement 12 (1) amended as follows:- <i>(1) No stage of the onshore works shall commence until, for that stage, a stage specific written scheme of investigation which accords in accordance with the outline onshore written scheme of investigation has been submitted to and approved by the relevant planning authority.</i>

Schedule 1, Part 3 Requirement 14(2) (a)	<p>Requirement 14(2) (a) amended as follows:-</p> <p><i>(2) The code of construction practice must include-</i> <i>(a) construction method statements, including the management of public rights of way and methods (including both trenchless and non-trenchless techniques) for the crossing of watercourses; main river crossings shall be undertaken using trenchless methods only;</i></p>			
Schedule 1, Part 3 Requirement 18	<p>Requirement 18 amended as follows:-</p> <p><i>No stage of the onshore works shall commence until that stage, after consultation with the highway authority, a construction traffic management plan which accords in accordance with the outline traffic management plan and includes a contractor travel plan has been submitted to and approved by the relevant planning authority.</i></p>			
Schedule 5 – land in which only new rights etc. may be acquired (East Lindsey District Council Row 1)	Reference to Order land amended to remove ‘Order’ from Row 1 of Schedule 5 (East Lindsey District Council)			
Schedule 5 – land in which only new rights etc. may be acquired (Boston Borough Council Row 1,2,4 and 6)	Reference to Order land amended to remove ‘Order’ from Row 1 of Schedule 5 (Boston Borough Council) and updates to number of land shown on land plans to include reference to plots 45/15, 48/17A and 48/17B where required.			
Schedule 7 – Land of which temporary possession may be taken	Schedule 7 amended so that references to Article 25 are changed to Article 24 to reflect amendments to article references.			
Schedule 7 – Land of which temporary possession may be taken (Row 39 and 40)	Boston Borough Council	44/03a or 44/03b Note: Plot Nos. 44/03a and 44/03b are alternatives. Temporary possession will only be taken over one of these plots for the purpose of creating a temporary construction and storage compound.	construction and storage compound	Work No 47A or 47B Note: Work No 47A and 47B are alternatives.

	Boston Borough Council	44/03, 44/04	<p>(a) access with or without vehicles, plant, machinery, apparatus, equipment and materials for construction and carrying out of the authorised project;</p> <p>(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</p>	Work No 47A, 47B, 48, 49	
Schedule 9 - Deemed licence under the Marine and Coastal Access Act 2009	Schedule 9 amended to reflect changes to DCO article numbering so references to Article 32 are changed to Article 31				
Schedule 9 - Part 1 Definition of Commence	<p>Schedule 9 - Part 1 Definition of commence amended:-</p> <p><i>"commence" Means beginning to carry out the activities authorized by the deemed marine licence (deemed licence under the Marine and Coastal Access Act 2009) other than pre-construction surveys or monitoring; horizontal drilling works, including exist for HDD and related works;</i></p>				
Schedule 9 - Part 1	Schedule 9 - Part 1				

Definition of HDD works	<p>HDD works definition added:-</p> <p><i>“HDD works” means horizontal directional drilling works, including exit for HDD and related works;</i></p>
Schedule 9 - Part 2 – condition 5 (13)	<p>Condition 5 (13) amended as follows:-</p> <p>(13) 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, Trinity House, and MCA and UKHO within 48 hours and if the MMO Coastal Office, MMO Coastal Office, Trinity House, MCA and UKHO shall reasonably consider 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>
Schedule 9 - Part 2 – Condition 7	<p>Schedule 9, Part 2, Condition 7 amended as follows:-</p> <p><i>7. The licensed activities or any part of those activities except for HDD works within Work No 2 shall not commence until the following (as relevant to that part) have been submitted to and approved in writing by the MMO-</i></p> <p>(a)</p> <p>[...]</p> <p><i>(g) a written scheme of archaeological investigation (WSI) in relation to the offshore Order limits seaward of mean low water which accords in accordance with the outline offshore written scheme of investigation and industry good practice following consultation with the HBMCE to include-</i></p>
Schedule 9 - Part 2 – Condition 8 (2)	<p>Schedule 9, Part 2, Condition 8 (2) amended as follows:-</p> <p><i>(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), by submitting an English Heritage a Historic England OASIS form with a digital copy of the report within 6 months of the completion of construction of the authorised scheme. If the report relates to the intertidal area the undertaker must notify the MMO and if the report relates to the foreshore, the undertaker must notify Lincolnshire County Council that the OASIS report has been submitted to the NRHE within two weeks of the submission.</i></p>
Schedule 9 - Part 2, Condition 9 (1)	<p>Schedule 9 - Part 2 Condition 9 (1) amended as follows:-</p> <p><i>9. – (1)Horizontal Directional Drilling HDD works within Work No 2, including exit for HDD shall not commence until the following have ves 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>(b) a written scheme of archaeological investigation; and</p> <p>(c) a marine pollution contingency plan.</p>
Schedule 9 - Part 2, Condition 12	Schedule 9 - Part 2, Condition 12 deleted with consequential amendments to subsequent condition numbering and references throughout DCO.
Schedule 9 - Part 2, Condition 13 (2) and (3)	Schedule 9 - Part 2, Condition 13 (2) and (3) (was 14(2) and (3)) numbering corrected.
Schedule 9 - Part 2, Condition 14	<p>Schedule 9 - Part 2 Condition 14 added:-</p> <p>(1) Bathing Water Quality</p> <p>1. Work No 2 shall not be undertaken between 15 May and 30 September in any year unless a scheme to protect the Bathing Water Quality Directive status, as determined by a review of Environment Agency baseline data prior to construction, has been submitted to and approved in writing by the MMO, following consultation with the Environment Agency. The scheme must include:</p> <p>(a) an assessment of the impact of any works in the intertidal area (with a particular focus on the potential bacte issues that may be caused by disturbed sediment) which will be undertaken during the bathing water season of 15 May to 30 September; and</p> <p>(b) identification of measures to be implemented to mitigate any identified risks to ensure the Bathing Water Directive status is not impacted.</p>
Schedule 10 - Removal of Hedgerows	Schedule 10 amended so that references to Article 35 are changed to 34 to reflect amendment to DCO article numbering.
Schedule 11 – Discharge of Requirements	Schedule 11 amended so that references to Article 39 are changed to 38 to reflect amendments to DCO article numbering.
Explanatory Note	Explanatory note amended so that references to Article 32 are changed to Article 35 to reflect amendments to DCO article numbering.