



# Triton Knoll Offshore Wind Farm Limited Triton Knoll Electrical System

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**Appendix 11: DCO Schedule of  
Amendments Explanatory  
document**

**Date: 30<sup>th</sup> November 2015**

**Appendix 11 of the Applicant's  
Response to Deadline 3**

# Schedule of Amendments for Deadline III

## Explanatory Document

### Representations

1 <b>CONSULTEE: ENVIRONMENT AGENCY</b>					
	<b>Date of Response</b>	<b>Section/Paragraph</b>	<b>Comment</b>	<b>Consultee Proposed Revision</b>	<b>Applicant's response</b>
1.1	On-going discussions between the Applicant and the Environment Agency	Additional Requirements requested by the EA	The Environment Agency requested the inclusion of Bathing Water Requirement.		<p>The condition relating to bathing water quality has now been agreed by the MMO and is included as a new condition 14 of the dML:</p> <p><b><i>Bathing Water Quality</i></b>  <b><i>14. 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:</i></b></p> <p><i>(a) an assessment of the impact of any works in the intertidal area (with a particular focus on the potential bacti issues that may</i></p>

					<p><i>be caused by disturbed sediment) which will be undertaken during the bathing water season of 15 May to 30 September; and</i></p> <p><i>(b) identification of measures to be implemented to mitigate any identified risks to ensure the Bathing Water Directive status is not impacted.</i></p>
1.2	On-going discussions between the Applicant and the Environment Agency	Additional Requirements requested by the EA	The Environment Agency requested the inclusion of an additional requirement for the control of unexpected contamination.		The Applicant and the Environment Agency remain in discussions regarding the appropriate means of controlling unexpected contamination within the draft DCO.
<b>2 CONSULTEE: HISTORIC ENGLAND</b>					
	<b>Date of Response</b>	<b>Section/Paragraph</b>	<b>Comment</b>	<b>Consultee Proposed Revision</b>	<b>Applicant's Response</b>
2.1	Submission at the DCO issue specific hearing on 12 November 2015.	Schedule 9 - Condition 8(2)	Requested additional wording in Condition 8 regarding timescales for provisions of reports to OASIS and notification to the Council	8(2) "The undertaker must ensure that a copy of any agreed archaeological report is deposited with the National Record of the Historic Environment, by submitting a Historic England OASIS form with a digital copy of the report within 6 months of completion of construction of the authorised scheme. The undertaker must notify the MMO and, where the report relates to the intertidal area, Lincolnshire County	Accepted. dML revised accordingly.

				Council, that the OASIS report has been submitted to the National Record of the Historic Environment within two weeks of the submission.”	
<b>3 CONSULTEE: MMO</b>					
	<b>Date of Response</b>	<b>Section/Paragraph</b>	<b>Comment</b>	<b>Consultee Proposed Revision</b>	<b>Applicant’s Response</b>
3.1	Letter dated 25 November 2015	Article 2 and dML –  Definition of commence  and  Schedule 9 – Condition 9	Our concern relates to the exclusion of HDD works within the definition and the inclusion of “commence” within condition 9. The MMO consider that the HDD punch out is a licensable activity under Part 4 of The Marine and Coastal Access Act 2009 and should be included within the definition of commence. However, we understand that the applicant does not wish the HDD works to trigger all other “commence” notifications/monitoring requirements within the DML.  While the MMO agrees in principle that the HDD works do not require all of the pre-construction documents to be discharged under the DML	<i>“including exit for HDD”</i> to be removed from the definition of commence.  Condition 7 (1) could be amended to state <i>“The licensed activities or any part of those activities (except for HDD works within works No 2) shall not commence....”</i>	Accepted. dML amended accordingly.

			<p>prior to commencement, as per the drafting of condition 9, the HDD works are a licensable activity, and the MMO believes should be part of commence</p> <p>The MMO would note that the current drafting of condition 9 references commence, but the definition of commence excludes the works relevant to condition 9. The amendments suggested would resolve this issue.</p>		
3.2	Letter dated 25 November 2015	Schedule 9 – Condition 3(3)	<p>The MMO believes that this is a duplication of the requirement of 3 (1) and is unnecessary. In addition, we query the need for an Emergency Response Co-operation Plan (ERCoP)/MGN371 to be included within the DML. Such conditioning is usually applied to the generation assets (e.g. wind turbines) and this application is for an export cable. However the MMO is content to leave this to the applicant and the MCA to determine and if no agreement is reached then the ExA/Secretary of State may need to make the conclusive</p>		Noted.

			decision		
3.3	Letter dated 25 November 2015	Schedule 9 – Condition 5(13)	The applicant should note that the notifications should also be communicated to Trinity House (TH), Maritime and Coastguard Agency (MCA) and the United Kingdom Hydrographic Office (UKHO). These parties, along with the MMO are all in agreement that the adoption of the Dropped Object Procedure is the correct format for these notifications to be received. We re-iterate our opinion that this would reduce the monitoring and reporting obligations of any developer and the MMO significantly. It is also important that legitimate users of the sea are notified of dropped objects to ensure that navigational safety is not undermined as a result of an object being “lost” within the marine environment		Accepted. dML amended accordingly. Wording relating to dropped object procedure retained as drafted.
3.4	Letter dated 25 November 2015	Schedule 9 – Condition 7(1)(b)(iii)	Condition 7(1)(b)(iii) refers to conditions 12 and 13. This should be corrected to 13 and 14 as condition 12 is currently related to equipment of vessels and not monitoring.		Noted. Explained that Condition 12 of the dML has now been deleted and therefore no amendment is required.
3.5	Letter dated 25 November 2015	Schedule 9 – Condition 9	Marine Contingency Plan – Should read Marine Pollution		Accepted. dML amended accordingly.

			Contingency Plan		
3.6	Letter dated 25 November 2015	Schedule 9 – Condition 12	Equipment and Operation of Vessels – The MMO are content for this section to be removed. The topics detailed here are covered within other legislation and are no longer necessary. However should the applicant wish to retain this requirement then the MMO has no objection		Accepted. Condition 12 deleted.
3.7	Letter dated 25 November 2015	Schedule 9 – Condition 12	Submission of details of pre and post construction surveys – condition 7 (1) (b) (iii). The MMO have requested the insertion of timeframes for the submission of pre-construction survey methodology and monitoring timetable (i.e. plans for pre-construction monitoring to be submitted 4 months prior to the condition of the first survey). The MMO notes the current linking of this requirement to 4 months prior to construction would mean the plans would have to be reviewed, approved, surveys conducted, results reviewed and approved all in the 4 months prior to construction. This does not seem an appropriate period and would be very restrictive for the		Discussions are on-going with the MMO.

			undertaker.		
3.8	Letter dated 25 November 2015	Schedule 9 – Condition 13	<p>The MMO have provided an alternative to the current drafting for the applicants.</p> <p>This change to the wording ensures that the burial of the export cable is managed appropriately over the lifetime of the project.</p>	<p><i>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. The results of the post cable lay surveys must be submitted to the MMO as part of a cable burial risk assessment which shall include detail of cable burial management including surveys and reporting of burial depths over the lifetime of the project</i></p>	Discussions are on-going with the MMO.
3.9	Letter dated 25 November 2015	Article 5	Disagreement between the Applicant and the MMO on the transfer of benefit of the Order.		The Applicant and the MMO have agreed to provide further clarification to the ExA on the matters of disagreement in relation to the transfer of benefit and expect to be able to provide this for Deadline 4.
<b>4 ACTIONS IDENTIFIED BY THE ExA AT THE ISH ON 12 DECEMBER 2015</b>					
	<b>Date of Response</b>	<b>Section/Paragraph</b>	<b>Comment</b>	<b>Consultee Proposed Revision</b>	<b>Applicant's Response</b>
4.1	12 December 2015	Article 2 – Definition of "commencement"	There was discussion about the drafting of the definition of "commencement" and the scope of the listed activities		Deleted reference to "demolition work" and "remedial work in respect of any contamination or other adverse ground



			<p>excluded from the definition ("operations including site clearance, demolition work, archaeological investigations, environmental surveys, removal of hedgerows, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination of other adverse ground conditions, diversion and laying of services, erection of temporary means of enclosure, the temporary display of site notices or advertisements...").</p>		<p>conditions".</p> <p>The Applicant considers that it is appropriate to exclude the removal of hedgerows from the definition of "commence" to ensure that these works do not trigger the discharge of the numerous Requirements set out in Part 3 Schedule 1 of the draft DCO. The Applicant does, however, accept that the removal of hedgerows should only take place in accordance with the mitigation measures set out in the Outline landscape and ecological management plan and the outline construction method statement.</p> <p>The Applicant is considering the drafting of this definition in the context of the plans and schemes secured by the Requirements and is discussing with the relevant consultees appropriate wording that would allow necessary surveys that will inform the discharge of those requirements to be undertaken with the appropriate controls in place.</p> <p>In response to comments from the MMO regarding the definition of commencement within the dML, the Applicant has checked</p>
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					the definitions and amended the definition in article 2 to reflect the change made to the dML at the request of the MMO.
4.2	12 December 2015	Article 2 – definition of “electrical circuit”	Definition missing “and”.		Accepted. DCO amended accordingly.
4.3	12 December 2015	Article 2 – Definition for limits of deviation	Include definition of "limits of deviation"		Accepted. The following definition has been inserted:-  <i>“limits of deviation” means the Order limits as shown on the Order limits plans;</i>
4.4	12 December 2015	Article 2 – Definition of temporary highways alterations	The ExA requested that the Applicant consider the scope of the “temporary highways alterations” as defined in article 2 of the draft DCO		No change required.
4.5	12 December 2015	Article 9	Provide a period of notification of temporary stopping up of streets.		The Applicant has proposed the following wording: -  “... 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”.  The Applicant noted the request by the relevant planning authorities for 28 days’ notice, and is discussing this separately

					with them.
4.6	12 December 2015	Articles 8-11	Request to consider whether relevant planning authority is the appropriate authority.		<p>No change required.</p> <p>The Applicant considers the relevant planning authorities to be the appropriate authorities in relation to articles 8-10. Recognising the County Council's role as highways authority, the Applicant has included provision for consultation with Lincolnshire County Council in relation to article 10 (b) and (c) which relate to the laying out or improvement of means of access, and the carrying out of temporary highways alterations.</p> <p>No consultation is considered necessary with the County Council in relation to matters covered by articles 8 and 9 as these are detailed and secured within the draft DCO and the relevant schedules.</p> <p>The Applicant would also highlight the provisions in Part 8 of the Planning Act 2008 relating to enforcement where, as set out in section 173, the relevant planning authority with power to enforce the DCO is the district planning authority (in this case either East Lindsay District</p>

					Council or Boston Borough Council).
4.7	12 December 2015	Requirement 14	The management of public rights of way during construction		<p>The detail regarding the management of public rights of way during construction is included within the outline construction method statement.</p> <p>In order to make this clearer a specific reference to the management of public rights of way has been included in requirement 14(2)(a) as follows:-</p> <p><i>14 (2) The code of construction practice must include–</i>  <i>(a) construction method statements, including the <u>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;</u></i></p>
4.8	12 December 2015	Schedule 7	Queries whether or not Plot 39/05 comprised part of the Order land or was new land to be included as Order land; and secondly, whether Plot 39/05 is owned by Lincolnshire County Council or Boston Borough Council.		Plot 39/05 was included in the Book of Reference and shown coloured blue on Sheet 39 of the Land Plans submitted as part of the Application. As disclosed in the Book of Reference, Plot 39/05 is owned by Lincolnshire County Council.

					<p>An entry should therefore have been included in the draft Development Consent Order.</p> <p>Schedule 7 has been amended accordingly.</p>
4.9	12 December 2015	Schedule 11, paragraph 5(1)	Confirmation that the fee payable is per requirement discharged and not per request.		<p>The Applicant can confirm that the fee payable in accordance with paragraph 5(1) of Schedule 11 is per requirement discharged, not per request.</p> <p>No change required.</p>