



Triton Knoll Offshore Wind Farm Limited Triton Knoll Electrical System



Appendix 18: Schedule of DCO Amendments

Date: 5th January 2016

Appendix 18 of the Applicant's
Response to Deadline 4

Schedule of DCO Amendments for Deadline IV



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>“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, 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, pre-construction, archaeological investigations, environmental surveys, removals of hedgerows, investigations for the purpose of assessing ground conditions, diversion and laying of services, erection of any temporary means of enclosure related to the pre-construction archaeological investigations and environmental surveys, the temporary display of site notices or advertisements and the words "commence" and "commenced" shall be construed accordingly;”</p>
<p>Article 2 - Interpretation</p> <p>Insertion of definition of main river</p>	<p>Definition of main river inserted as follows:-</p> <p>“main river” has the meaning given by the Water Resources Act 1991;”</p>
<p>Article 2 – Interpretation</p> <p>Definition of maintain</p>	<p>Definition of maintain amended:-</p> <p>“maintain” includes inspect, repair, upkeep, repair, adjust and alter, and further includes remove, reconstruct and replace any of the ancillary works in Part 2 of Schedule 1 (Ancillary Works) to the extent assessed in the environmental statement; and “maintained”, “maintaining” and maintenance shall be construed accordingly;</p>
<p>Article 2 – Interpretation</p> <p>Definition of outline onshore written scheme of investigation</p>	<p>Definition of outline onshore written scheme of investigation amended:-</p> <p>“ outline onshore written scheme of investigation” means the document certified as the outline onshore written scheme of investigation by the Secretary of State for the purposes of this Order;”</p>
<p>Article 2 – Interpretation</p> <p>Definition of unlicensed works</p>	<p>Definition of unlicensed works amended:-</p> <p>“unlicensed works” means works needed to connect the authorised project to the National Grid substation at Bicker Fen that National Grid is not required, pursuant to its transmission licence to carry out itself, including but not limited to cabling, cable sealing ends, circuit breakers, surge arrestors, dis-connectors, transformers,</p>

	busbars and busbar clamp measuring equipment, relay marshalling rooms, and electrical earthing works;”
Article 5(1) Transfer of benefit of Order	Sub-paragraph 5(1) amended to update paragraph referencing:- “The undertaker, with the consent of the Secretary of State (except where paragraph (6) (4) applies, in which case no such consent is required), may-“
Article 5(5) Transfer of benefit of Order	Sub-paragraph 5(5) amended to update paragraph referencing:- “Despite anything contained in part 4 of the 2009 Act (marine licensing), but subject to paragraph (6) (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).”
Article 5(6) Transfer of benefit of Order	Sub-paragraph 5(6) amended:- “The consent of the Secretary of State is not required for a transfer or grant of the benefits of any of the provisions (and any statutory rights) where- (a) the transfer or grant is to another body licenced under Section 6 of the 1989 Act; or (b) the time limit for claims for compensation in respect of the acquisition of land or effects on land under this Order have elapsed and either no such claim has been made or, if such a claim has been made- (i) the claim has been compromised or withdrawn; (ii) compensation has been paid in final settlement of the claim; (iii) payment of compensation into court has taken place in lieu of settlement of the claim; or (iv) a tribunal or court of competent jurisdiction has determined that no compensation is payable in respect of the claim save that, at least 28 days prior to any partial transfer or grant of the deemed marine licence under this paragraph, the undertaker must consult the MMO on the restrictions, liabilities and obligations that will apply to the person exercising the powers transferred or granted.”
Article 5(7) Transfer of benefit of Order	Sub-paragraph 5(7) amended to update paragraph referencing:- “(a) Prior to a transfer or grant under paragraph (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 rates to the exercise

	<p>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) (5), the restriction, 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) a 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(7)(a)(ii) 5(6)(b)(ii) must not be earlier than the expiry of ten days from the receipt of the notice.</p> <p>(c) The notice given under sub-paragraph (a) must be signed by the undertaker and the person to whom the benefit of the powers will be transferred or granted as specified in that notice.”</p>
<p>Article 6(2)</p> <p>Application and modification of legislative provisions</p>	<p>Sub-paragraph 6(2) amended: -</p> <p>“The following provisions do not apply in relation to the construction of the works carried out for the purpose of or in connection with, the construction or maintenance of the authorised project-</p> <ul style="list-style-type: none"> (a) section 109 (structures in, over or under a main river) of the Water Resources Act 1991 (b); (b) the provision of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of schedule 25 to the Water Resources Act 1991, which requires consent or approval for the carrying out of works; (c) section 23 (prohibition of obstructions etc. in watercourses) of the Land Drainage Act 1991 (c); and (d) the provisions of any byelaws made under section 66 (powers to make byelaws) of the Land Drainage Act which require consent or approval for the carrying out of works; and (e) the provisions of the Lindsey County Council (Sandhills) Act 1932(d).” <p>Consequential addition to footnote also made as follows:-</p> <p>(d) 22 and 23 GEO.5.</p>
<p>Article 9(3)</p> <p>Temporary stopping up of streets</p>	<p>Sub-paragraph 9(3) moved to 9(4)(c): -</p> <p>“Without prejudice to the generality of paragraph (1) the undertaker may –</p>

	<p>(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</p> <p>(b) in relation to any footpath specified in Columns (1) and (2) of Schedule 3 temporarily stop up, later or divert the footpath to the extent of the diversion zone for that footpath shown on the public rights of way plans</p> <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>Temporary stopping up of streets</p>	<p>Sub-paragraph 9(4) amended: -</p> <p>“The undertaker shall not temporarily stop up, alter or divert –</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> <p>save as agreed in advance by the relevant planning authority, any notification under this paragraph must be made at least 14 days prior to the temporary stopping up, alteration or diversion taking place.</p>
<p>Article 11(1)(b)</p>	<p>Sub-paragraph 11(1)(b) is amended by deletion of ‘works’ to accord with the title of Article 8:-</p> <p>(b) the carrying out in the street of any of the works referred to in article 8(1) (streets works).</p>
<p>Article 12(4)</p>	<p>Paragraph 4 amended to delete incorrect reference to article 13(1). The correct reference is to paragraph (1).</p>
<p>Article 12(9)(b)</p> <p>Discharge of water</p>	<p>Sub-paragraph 12(9)(b) is amended:-</p> <p>“save as provided in article 2 other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991, as amended by the Environmental Permitting (England and Wales) Regulations 2010 have the same meaning as in that Act.</p>
<p>Article 13(7)(a) and (b)</p>	<p>Sub-paragraphs (7)(a) and (b) are amended to correct the incorrect reference to sub-paragraphs (4)(a) and 4(b). The correct reference is to sub-paragraphs (5)(a) and (5)(b).</p>
<p>Article 18(7)</p>	<p>Paragraph 7 is amended to include reference to paragraph 4.</p> <p>(7) Paragraphs (1) to (3)(4) shall have effect subject to-</p>

Article 37(1)	Paragraph 1 amended to correct references to articles: (1) The undertaker must not begin to exercise the powers in articles 14 to 25, 27 and 28 28
Schedule 1, Part 3 – Requirement 5(4)	Paragraph 4 is amended to correct the references to sub-paragraphs:- (4) Any details provided by the undertaker pursuant to sub-paragraphs (1) and (2) and (3) must where relevant be in accordance with the design principles document and be within the Order limits.
Schedule 1, Part 3 – Requirement 5(8)(b)(ii)	Subparagraph 5(8)(b)(ii) amended to correct the height of external lightning rods:- (ii) The highest part of any external electrical equipment, excluding lightning rods, shall not exceed 45m 13.5m AOD.
Schedule 1, Part 3 – Requirement 5(11)	New Requirement 5(11) inserted: - “(a) At least three months prior to the commencement of the onshore cable works the undertaker must: (i) submit a cable route sequencing plan to the relevant planning authority including details of the indicative sequencing of the onshore cable works; and (ii) notify the public and landowners of the sequencing of the onshore cable works in accordance with the Communications Plan agreed as part of the Code of Construction Practice (b) any cable route sequencing plan submitted in accordance with paragraph (a) may be updated, as required, from time to time, and communicated to landowners and the public in accordance with the Code of Construction Practice;”
Schedule 1, Part 3 Requirement 5(12)	New Requirement 5(12) inserted: - “For the purposes of paragraph (11) “onshore cable works” means works Nos 3, 5, 8, 11, 14, 17, 19, 21, 22, 24, 26, 29, 31, 33, 37, 39, 42, 44, 46 and 52.”
Schedule 1, Part 3 – Requirement 8	Paragraph 2 amended:- (2) The highway accesses for that stage must, where relevant, be constructed or altered, and the works described in sub-paragraph (1) in relation to access management measures must be carried out, in accordance with the approved details before the relevant highway accesses are brought into use for the purposes of the authorised development.
Schedule 1, Part 3 Requirement 9	Requirement 9 amended: - “(1) No stage of the onshore works shall commence until for that stage written details of all proposed temporary fences, walls or other means of enclosure have been submitted to and approved by the relevant planning

	<p>authority.</p> <p>(2) All temporary construction compounds must remain securely fenced in accordance with the approved details at all times during construction of the onshore works.</p> <p>(3) Save in relation to the beach works, Any temporary fencing must be removed on completion of the relevant stage of the onshore works. Temporary fencing for the beach works must be removed on completion of construction of those works excluding testing.</p> <p>(4) Any approved permanent fencing in relation to Work Nos 9A and 50A must be completed before the relevant work is brought into use and maintained for the operational lifetime of Work Nos 9A and 50A.</p> <p>(5) For the purposes of this requirement “beach works” means Work No 2 and works related to the installation of cable ducts and cable circuits within Work No 3 but excluding Work Nos 3a and 3b.</p>
Schedule 1, Part 3 Requirement 12	<p>Requirement 12 amended: -</p> <p>(1) No stage of the onshore works shall commence until, for that stage, a stage specific written scheme of investigation in accordance with the outline onshore written scheme of investigation has been submitted to and approved by the relevant planning authority.</p> <p>(2) The approved written stage specific scheme must identify areas where archaeological work is required, and the measures to be taken to protect, record or preserve any significant archaeological remains, as defined in the outline onshore written scheme of investigation, that may be found.</p> <p>(3) Any archaeological works must be carried out by a suitably qualified and competent person or body previously notified to the relevant planning authority.</p> <p>(4) Pre-construction archaeological surveys must be carried out in accordance with the details set out in the outline onshore written scheme of investigation.”</p>
Schedule 1, Part 3 Requirement 13, title	<p>Title of Requirement 13 amended:-</p> <p>“Ecological management plan and removal of hedgerows”</p>
Schedule 1, Part 3 Requirement 13	<p>Requirement 13 amended: -</p> <p>“(1) No stage of the onshore works shall commence until for that stage a written ecological management plan (which accords with the outline landscape strategy and ecological management plan) reflecting the survey results and ecological mitigation and enhancement measures included in the environmental statement has after</p>

	<p>consultation with the appropriate statutory nature conservation body been submitted to and approved by the relevant planning authority.</p> <p>(2) The ecological management plan must include an implementation timetable and measures to be taken to reinstate hedgerows on completion of the relevant stage of the onshore works.</p> <p>(3) Any hedgerow removal must be carried out in accordance with the details set out in the outline landscape strategy and ecological management plan.”</p>
Schedule 1, Part 3 Requirement 14, title	<p>Title of requirement 14 amended:-</p> <p>“Code of construction practice (onshore) and construction environmental management plan”</p>
Schedule 1, Part 3 Requirement 14	<p>Requirement 14 amended by deletion of text:-</p> <p>“(1) No stage of the onshore works shall commence until for that stage a code of construction practice in accordance with the outline code of construction practice (onshore) has, after consultation with the Environment Agency, been submitted to and approved by the relevant planning authority. The code of construction practice must, where relevant, cover all the matters set out in the outline code of construction practice.</p> <p>(2) The code of construction practice must include—</p> <ul style="list-style-type: none"> (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; (b) a health and safety plan; (c) a scheme for noise and vibration management during construction; (d) an air quality management plan; (e) a soil management plan; (f) an artificial light emissions plan; (g) a site waste management plan; (h) a pollution prevention and emergency incident response plan; (i) a construction environment management plan; and (j) a communications plan. <p>(3) The code of construction practice approved in relation to the relevant stage of the onshore works must be followed in relation to that stage of the onshore works.</p> <p>For the purposes of paragraph (2) “main river” has the meaning given by the Water Resources Act 1991.”</p>

<p>Schedule 1, Part 3 Requirement 15</p> <p>Insertion of new requirement – Unexpected contamination</p>	<p>New Requirement 15:-</p> <p>“Unexpected contamination</p> <p>15.—(1) If, during any stage of the authorised development, contamination not previously identified, or addressed within the relevant code of construction practice, is found to be present within the Order limits then no further development in the vicinity of the contamination shall be carried out until, following consultation with the Environment Agency, a written scheme to deal with the associated risks has been submitted to, and approved by, the relevant planning authority.</p> <p>(2) The scheme must include an investigation and assessment report, prepared by a specialist consultant notified in advance to the relevant planning authority, to identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose, together with a management plan which sets out long-term measures with respect to any contaminants remaining on site.</p> <p>(3) No remedial work identified in accordance with paragraph (2) is to be carried out until the scheme has been approved.”</p>
<p>Schedule 1, Part 3 Requirements 15 to 23 become 16 to 24</p>	<p>Consequential renumbering of requirements 15 to 23 to become 16 to 24 following insertion of new requirement 15.</p>
<p>Schedule 1, Part 3 Requirement 18(3)</p>	<p>Paragraph 3 amended to replace sub-paragraph references with ‘paragraph’ references.</p>
<p>Schedule 1, Part 3 Requirement 19</p>	<p>Requirement 19 (previously 18) amended: -</p> <p>“(1) No stage of the onshore works shall commence until for that stage, after consultation with the highway authority, a construction traffic management plan in accordance with the outline traffic management plan and including a contractor travel plan has been submitted to and approved by the relevant planning authority.</p> <p>(2) Save as otherwise agreed in the relevant construction traffic management plan construction and contractor traffic related to the authorised development shall only use Work No 48 or 49 to access work Nos 50 to 55 inclusive.”</p>
<p>Schedule 1, Part 3 Requirement 22</p>	<p>Requirement 22 (previously 21) amended: -</p> <p>“Within six months of the cessation of commercial operation of the onshore works, and after consultation with landowners in relation to their landholding, an onshore decommissioning plan shall be submitted to the relevant planning authority for approval.”</p>

<p>Schedule 1, Part 3 Requirement 24(2)</p>	<p>Requirement 24(2) (previously 23(2)) amended to correct article reference: -</p> <p>“Any amendments to or variations from the approved details must be in accordance with the principles and assessments set out in the environmental statement and other documents listed in Article 36 35. Such agreement may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the relevant planning authority that the subject matter of the agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.”</p>
<p>Schedule 5 Plots 48/17B, 48/19</p>	<p>Description of rights amended to:</p> <ul style="list-style-type: none"> (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 including but not limited to cable ducts and cabling (including the removal of materials including spoil), connection bays housing circuit breakers, cable sealing ends, dis-connectors, surge arrestors, transformers, busbars and busbar clamps, measuring equipment and relay/marshalling rooms, in under over and or upon the land (which collectively shall be referred to as “the unlicensed connection works”); (b) enter and be upon the land and remain with or without plant, vehicles, machinery, apparatus and equipment, and to break up the surface of the land for the purposes of the unlicensed connection works; (c) pass and re-pass with or without vehicles, plant, machinery, apparatus, equipment and materials for the purposes of the unlicensed connection works; (d) place and use plant, machinery, structures and temporary structures within the land for the purposes of the unlicensed connection works; (e) erect, create and remove fencing and secure works compounds, including temporary drilling and tunnelling compounds and working areas for the purposes of the unlicensed connection works; (f) make such investigations in or on the land as required for the purposes of the unlicensed connection works; (g) install and maintain cable marker posts to identify the location of the cabling comprising the unlicensed connection works (subject to an obligation to minimise interference with future use and operations within the land); (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 connection works; (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 connection works;

	<ul style="list-style-type: none"> (j) remove fences within the land during any period during which construction, maintenance, repair or renewal are being carried out (subject to erection of any temporary stock proof fencing as is reasonably required and the re-instating of the original fences following the exercise of the rights); (k) store and stockpile materials (including excavated material) required for the purposes of the unlicensed connection works; (l) use or resort to trenchless construction techniques including but not limited to directional drilling in connection with the unlicensed connection works; (m) locate, install and inspect chambers or manholes within or on the land for the purposes of the unlicensed connection works; and (n) carry out such works (together with associated fencing) required by a planning permission and/or consent now or to be granted over the land in accordance with any necessary licences relating to the exercise of protected species and or wildlife (which for the avoidance of doubt includes newts).
Schedule 9 - Deemed licence under the Marine and Coastal Access Act 2009, paragraph 1	Definition of HMBCE amended:-
Definition of HBMCE	““HBMCE” means the Historic Buildings and Monuments Commission for England, being Historic Heritage England or any replacement body;”
Schedule 9 - Deemed licence under the Marine and Coastal Access Act 2009, Condition 7(b)(iii)	Sub-paragraph 7(b)(iii) is amended:-
	(iii) proposed pre-construction surveys, baseline report format and content, post-construction monitoring and related reporting in accordance with conditions 7(hg), 12 and 13; and
Schedule 9 - Deemed licence under the Marine and Coastal Access Act 2009, Condition 7(b)(iii)	Paragraph 7(b) is amended:-
	With details pursuant to sub -paragraph (iii) to the MMO at least four months prior to the first survey unless otherwise agreed in writing with the MMO.
Schedule 11 – Discharge of Requirements, sub-paragraph 4(1)(c)	Sub-paragraph 4(1)(c) is amended:-
	(c) the relevant planning authority and the requirement consultee (if any) must submit written representations to the appointed person in respect of the appeal within 10 business days of the date on which the appeal parties are notified of the appointed person under sub -paragraph (b) and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;
Schedule 11 – Discharge of Requirements, sub-paragraph 4(9)	Sub-paragraph 4(9) amended to correct Schedule reference:-
	(9) If an approval is given by the appointed person pursuant to this Schedule, it is deemed to be an approval for the purpose of Schedule 12 to this Order as if it had been given by the relevant planning authority.

Schedule 11 – Discharge of Requirements, paragraph 5(1)	Schedule 11, paragraph 5(1) amended:- “(1) Where an application is made to the relevant planning authority for agreement or approval in respect of a requirement or any defined stage within that requirement , a fee of £97.00 is to be paid to it.”