



Triton Knoll Offshore Wind Farm Limited Triton Knoll Electrical System

Appendix 25: Development Consent Order Schedule of Amendments

Date: 1st February 2016

**Appendix 25 of the Applicant's
Response to Deadline 5**

Schedule of DCO Amendments for Deadline V



DCO ARTICLE/SCHEDULE	PROPOSED AMENDMENT
Contents	Consequential amendments to page numbers
Article 2 – Interpretation Definition of “commencement”	Definition of commencement amended to remove comma from 8 th line after ‘diversion’.
Article 2 – Interpretation Definition of “external electrical equipment”	Definition of external electrical equipment inserted as follows:- “external electrical equipment” means any electrical equipment in relation to Work No 9 and/or Work No 50 that is not housed within a building and has been assessed in the environmental statement and is otherwise referred to as “external transmission components” in the environmental statement and “additional electrical infrastructure” in the design principles document;
Article 2 – Interpretation Definition of “limits of deviation”	Definition of limits of deviation amended:- “limits of deviation” means the situations Order limits as shown on the works Order limits plans;
Article 3(3) Development consent etc. granted by the Order	Sub-paragraph 3(3) deleted: - “In carrying out any of the scheduled works the undertaker may deviate from the situations shown on the works plans and described in Schedule 1 to the extent of the limits of deviation”
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 benefit 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 limits 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elapsed and either no such claim has been made or, if such a claim has been made— (i) the claim has been comprised or withdrawn; (ii) compensation has been paid in final settlement of the claim; (iii) payment of compensation into court has taken place in lieu of settlement of the claim;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

	<p>(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. – ”</p>
<p>Article 5(7) Transfer of benefit of Order</p>	<p>Sub – paragraph 5(7) amended:- “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 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) 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>Article 6(2) Application and modification of legislative provisions</p>	<p>Sub-paragraph 6(2) amended to remove reference to the Sandhills Act:- “6(2)[...] the provisions of the Lindsey County Council (Sandhills) Act 1932 (d);”</p>
<p>Article 6(3) Application and modification of legislative provisions</p>	<p>A new Article 6(3) has been included to dis-apply the Lindsey County Council (Sandhills) Act 1932, as follows: “(3)The following provisions do not apply in relation to the exercise of any power conferred by this Order- (a) the provisions of the Lindsey County Council (Sandhills) Act 1932 (d)” The proposed citation (a) has been updated to include the calendar year and chapter number- “1932 c.lxxxvi”.</p>

<p>Article 9</p> <p>Temporary stopping up of streets</p>	<p>Article 9(3) onwards is amended with consequential renumbering of paragraphs:-</p> <p>“(3) 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, alter or divert the footpath to the extent of the diversion zone for that footpath shown on the public rights of way plans or in respect of any diverted footpath to the extent of the diversion zone agreed with the highway authority.</p> <p>(4) 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 the highway authority; and</p> <p>(b) any other street without notifying the relevant planning authority the consent of the highway authority which may attach reasonable conditions to any consent and such consent not to be unreasonably withheld or delayed.</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>(5) Save as agreed in advance by the relevant planning authority any notification under paragraph (4)(a) must be made at least 14 days prior to the temporary stopping up, alteration or diversion taking place.</p> <p>(6) Any person who suffers loss by the suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.</p> <p>(5)(7) In this article “diverted footpath” means a footpath identified in Columns (1) and (2) of Schedule 3 that has been diverted by the highway authority prior to commencement of the onshore works”</p>
<p>Article 14</p> <p>Removal of human remains</p>	<p>New Article 14 is inserted as follows, with consequential amendments to article numbers and update to contents:-</p> <p>“(1) In this article “the specified land” means the land within the limits of deviation.</p> <p>(2) Before the undertaker carries out any development or works which will or may disturb any human remains in the specified land it shall remove those human remains from the specified land, or cause them to be removed, in accordance with the following provisions of this article.</p>

(3) Before any such remains are removed from the specified land the undertaker shall give notice of the intended removal, describing the specified land and stating the general effect of the following provisions of this article, by—

(a) Publishing a notice once in each of two successive weeks in a newspaper circulating in the area of the authorised project; and

(b) Displaying a notice in a conspicuous place on or near to the specified land.

(4) As soon as reasonably practicable after the first publication of a notice under paragraph (3) the undertaker shall send a copy of the notice to the relevant planning authority.

(5) At any time within 56 days after the first publication of a notice under paragraph (3) any person who is a personal representative or relative of any deceased person whose remains are interred in the specified land may give notice in writing to the undertaker of that person's intention to undertake the removal of the remains.

(6) Where a person has given notice under paragraph (5), and the remains in question can be identified, that person may cause such remains to be—

(a) removed and re-interred in any burial ground or cemetery in which burials may legally take place; or

(b) removed to, and cremated in, any crematorium,

and that person shall, as soon as reasonably practicable after such re-internment or cremation, provide to the undertaker a certificate for the purpose of enabling compliance with paragraph (11).

(7) If the undertaker is not satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be, or that the remains in question can be identified, the question shall be determined on the application of either party in a summary manner by the county court, and the court may make an order specifying who shall remove the remains and as to the payment of the costs of the application.

(8) The undertaker shall pay the reasonable expenses of removing and re-interring or cremating the remains of any deceased person under this article.

(9) If—

(a) within the period of 56 days referred to in paragraph (5) no notice under that paragraph has been

given to the undertaker in respect of any remains in the specified land; or

(b) such notice is given and no application is made under paragraph (7) within 56 days after the giving of the notice but the person who gave the notice fails to remove the remains within a further period of 56 days; or

(c) within 56 days after any Order is made by the county court under paragraph (7) any person, other than the undertaker, specified in the Order fails to remove the remains; or

(d) it is determined that the remains to which any such notice relates cannot be identified,

subject to paragraph (10) the undertaker shall remove the remains and cause them to be re-interred in such burial ground or cemetery in which burials may legally take place as the undertaker thinks suitable for the purpose; and, so far as possible, remains from individual graves shall be re-interred in individual containers which shall be identifiable by a record prepared with reference to the original position of burial of the remains that they contain.

(10) If the undertaker is satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be and that the remains in question can be identified, but that person does not remove the remains, the undertaker shall comply with any reasonable request that person may make in relation to the removal and re-interment or cremation of the remains.

(11) On the re-interment or cremation of any remains under the article—

(a) a certificate of re-interment or cremation shall be sent by the undertaker to the Registrar General giving the date of re-interment or cremation and identifying the place from which the remains were removed and the place in which they were re-interred or cremated; and

(b) a copy of the certificate of re-interment or cremation and the record mentioned in paragraph (9) shall be sent by the undertaker to the relevant planning authority mentioned in paragraph (4).

(12) The removal of the remains of any deceased person under this article shall be carried out in accordance with any directions which may be given by the Secretary of State.

(13) Any jurisdiction or function conferred on the county court by this article may be exercised by the district judge of the court.

(14) Section 25 of the Burial Act 1857(a) (bodies not to be removed from burial grounds, save under faculty, without licence of Secretary of State) shall not apply to a removal carried out in accordance with

	this article.”
Article 14 Removal of human remains	Footnote (a) is added to sub-paragraph 14(14):- “1857 c.81 there are amendments to this Act which are not relevant to this Order.”
Article 15 (previously Article 14) Compulsory acquisition of land	Sub paragraph 15 (2) is amended to correct the references to sub-paragraphs:- “This article is subject to article 1746 (time limit for exercise of authority to acquire land compulsorily) article 18(2)17(2) (compulsory acquisition of rights), article 25(9)24(9) (temporary use of land for carrying out the authorised project) and article 4140 (crown rights).”
Article 17 (previously Article 16) Time limit for exercise of authority to acquire land compulsorily	Article 17 is amended to correct paragraph references:- “ (1) After the end of the period of 5 years beginning on the day on which this Order is made– (a) no notice to treat shall be served under Part 1 of the 1965 Act; and (b) no declaration shall be executed under section 4 of the 1981 Act as applied by article 21 20 (application of the Compulsory Purchase (Vesting Declarations) Act 1981(b). (2) The authority conferred by article 25 24 (temporary use of land for carrying out the authorised project) shall cease at the end of the period referred to in paragraph (1), except that nothing in this paragraph shall prevent the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.”
Article 18 (previously Article 17) Compulsory acquisition of rights	Sub paragraph 18(1) is amended to correct paragraph references:- “Subject to paragraph (2) the undertaker may acquire compulsorily such rights or impose restrictive covenants over the Order land as may be required for any purpose for which that land may be acquired under article 1544 (compulsory acquisition of land), by creating them as well as by acquiring rights already in existence.”
Article 19 (previously Article 18) Private rights	Sub paragraph 19 (6) is amended to correct paragraph references:- “This article does not apply in relation to any right to which section 138 of the 2008 Act (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) or article 2827 (statutory undertakers) applies.”

<p>Article 22 (previously Article 21)</p> <p>Acquisition of subsoil only</p>	<p>Article 22 is amended to correct paragraph references:-</p> <p>“(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of the land referred to in paragraph (1) of article 1514 (compulsory acquisition of land) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.</p> <p>(2) Where the undertaker acquires any part of, or rights in, the subsoil of land under paragraph (1), the undertaker shall not be required to acquire an interest in any other part of the land.</p> <p>(3) Paragraph (2) shall not prevent article 2423 (acquisition of part of certain properties) from applying where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.”</p>
<p>Article 28 (previously Article 27)</p> <p>Statutory undertakers</p>	<p>Sub paragraph 28 (2) is amended to correct paragraph references:-</p> <p>“ In this article, a reference to a statutory undertaker includes a reference to a public communications provider (as defined in article 3029(4) (recovery of costs of new connections))”</p>
<p>Article 30 (previously Article 29)</p> <p>Recovery of costs of new connections</p>	<p>Article 30 is amended to correct paragraph references:-</p> <p>“(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 2827 (statutory undertakers) any person who is the owner or occupier of premises to which a supply was given from that apparatus shall be entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.</p> <p>(2) Paragraph (1) does not apply in the case of the removal of a public sewer but where such a sewer is removed under article 2827, any person who is–</p> <p>(a) the owner or occupier of premises the drains of which communicated with that sewer; or</p> <p>(b) the owner of a private sewer which communicated with that sewer,</p> <p>shall be entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the drain or sewer belonging to that person communicate with any other public sewer or with a private sewerage disposal plant.</p> <p>(3) This article shall not have effect in relation to apparatus to which Part 3 of the 1991 Act applies.</p> <p>(4) In this paragraph–</p>

	<p>“public communications provider” has the same meaning as in section 151(1) of the Communications Act 2003(); and</p> <p>“public utility undertaker” has the same meaning as in the 1980 Act.”</p>
<p>Article 36 (previously Article 35)</p> <p>Certification of plans etc.</p>	<p>Sub paragraph 36(1) is amended to update the revision number:-</p> <p>“ The undertaker shall, as soon as practicable after the making of this Order, submit to the Secretary of State copies of–</p> <ul style="list-style-type: none"> (a) the works plans [Rev. No. X]; (b) the Order limits plans [Rev. No. X]; (c) the land plans [Rev. No. X]; (d) the book of reference [Rev. No. X]; (e) the environmental statement [Rev. No. X]; (f) the access to works and streets plans [Rev. No. X]; (g) the hedgerow plans [Rev. No. X]; (h) the public rights of way plans [Rev. No. X]; (i) the crossings schedule [Rev. No. X]; (j) the design principles document [Rev. No. X]; (k) the outline code of construction practice (onshore) [Rev. No. X]; (l) the outline landscape strategy and ecological management plan [Rev. No. X]; (m) the outline traffic management plan [Rev. No. X]; (n) the outline onshore written scheme of investigation [Rev. No. X];

	<p>(o) the outline offshore written scheme of investigation [Rev. No. X];</p> <p>(p) the outline access management plan [Rev. No. X] and</p> <p>(q) the outline offshore operations and maintenance plan [Rev. No. X],</p> <p>for certification that they are true copies of the documents referred to in this Order.”</p>
<p>Article 38 (previously Article 37)</p> <p>Guarantees in respect of payment of compensation</p>	<p>Sub paragraph 38(1) is amended to correct paragraph references:-</p> <p>“The undertaker must not begin to exercise the powers in articles 4415 to 2525, and 2827 and 28 of this Order in relation to any land unless it has first put in place either—”</p>
<p>Schedule 1 Part 3 – Interpretation 1(f)</p>	<p>Sub paragraph 1 (f) is amended:-</p> <p>“ (Work No 9, (excluding the IEC enabling works and Work No 9A using the temporary construction compound at Work No 10);”</p>
<p>Schedule 1 Part 3 – Interpretation 1(y)</p>	<p>Sub paragraph 1 (y) is amended:-</p> <p>“Work No 50 (excluding the substation enabling works and Work No 50A using the temporary construction compound at Work No 51);”</p>
<p>Schedule 1 Part 3- Requirement 5(11)(b)</p>	<p>Sub paragraph 5(11)(b) is amended:-</p> <p>“any cable route sequencing plan submitted in accordance with sub-paragraph (i) may be updated, as required, from time to time, and must be communicated to landowners and the public in accordance with the Code of Construction Practice.”</p>
<p>Schedule 1 Part 3- Requirement 12</p>	<p>Requirement 12 is 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</p>

	<p>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> <p>(4) Pre-construction archaeological investigations and pre-commencement material operations which involve intrusive ground works shall only take place in accordance with a specific written scheme of investigation which is itself in accordance with the details set out in the outline onshore written scheme of investigation, and which has been submitted to and approved by the relevant planning authority.</p>
Schedule 1 Part 3 – Requirement 15(1)	<p>Requirement 15(1) is amended:-</p> <p>“If, during any stage of the authorised development, contamination not 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 following consultation with the Environment Agency.”</p>
Schedule 1 Part 3 – Requirement 19(2)	<p>Requirement 19(2) is amended:-</p> <p>“Save as otherwise agreed in the relevant construction traffic management plan eConstruction and contractor traffic related to the authorised development shall only use Work No 48 or 49 to access wWork Nos 50 to 55 inclusive and the timings for the construction of Work Nos 48 and 49 shall be included within the Construction Method Statement approved as part of the relevant Code of Construction Practice.</p>
Schedule 5 Land in which only new rights etc. may be acquired	<p>Paragraph reference in header is corrected:</p> <p>Article 1817(2)</p>
Schedule 5 plots, East Lindsey District Council: 01/01, 01/02, 01/06, 01/08, 02/01, 02/03, 02/05, 02/06, 02/07, 02/10, 02/12, 02/14, 02/15, 02/17, 02/18, 03/01, 03/03, 03/04, 04/01, 04/05, 04/09, 04/10, 04/11, 04/13, 04/16, 04/17, 04/18, 05/01, 05/03, 05/06, 05/08, 05/09, 05/10, 05/16, 05/21, 05/30, 05/33, 06/01, 06/02, 06/03, 06/05, 06/07, 06/08, 06/10, 06/11, 06/12, 06/13, 06/14, 07/01, 07/02, 07/05, 07/06, 07/08, 07/11, 07/12, 07/13, 07/14, 07/18, 08/01, 08/03, 08/05, 09/01, 09/02, 09/04, 09/05, 10/01, 10/04, 10/11, 10/12, 10/13, 11/01, 11/02,	<p>The proposed form of restrictive covenant has been amended to address concerns raised by interested parties. The text has been replaced with the following:</p> <p>A restrictive covenant over the land for the benefit of the remainder of the Order land to-</p> <p>(a) prevent anything being done in or upon the land or any part thereof for the purpose of:</p> <p>(i) the erection of any buildings; or</p> <p>(ii) the construction, erection or works of any kind requiring foundations, footings or other supporting structures;</p> <p>without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed if the proposed building, erection, construction or works would not cause damage to the</p>

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relevant part of the authorised project nor make it materially more difficult to access or maintain the authorised project);

(b) prevent anything to be done by way of hard surfacing of the land with concrete of any kind or with any other material or surface whatsoever without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed if the proposed surfacing would not cause damage to the relevant part of the authorised project nor make it materially more difficult to access or maintain the authorised project) provided that the undertaker acknowledges that:

(i) the laying of new hard core access tracks will not require the consent of the undertaker where no manhole(s), access chamber(s) or other access points serving the authorised project are located on the surface of the land; and

(ii) the maintenance or repair of pre-existing hard surfacing, hard core surfaces or tracks with the same or equivalent surface or material will not require the consent of the undertaker where no manhole(s), access chamber(s) or other access points serving the authorised project are located on the surface of the land;

(c) prevent:

(i) mole draining or the mudding out of dykes (i.e. the removal of silt sediment); or

(ii) anything to be done by way of excavation of any kind or agricultural practices exceeding 0.6 metres in depth from:

(aa) the surface of the land,;

(bb) the bed of the open drain, ditch, watercourse or river; or

(iii) any activities which increase or decrease ground cover or soil levels or change the composition of the land in any manner whatsoever,

without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed if the proposed activity would not cause damage to the relevant part of the authorised project nor make it materially more difficult to access or maintain the authorised project, with such consent being subject to such reasonable conditions as the undertaker may require) PROVIDED THAT:

(iv) the preceding restrictions in this paragraph (c) shall not apply to National Grid or any other body exercising statutory functions or statutory rights within the land;

(v) active cultivation including soil preparation, ploughing and sub-soiling not exceeding 0.6 metres in depth from the surface of the land shall not require the consent of the undertaker;

(vi) flushing of land drainage systems, maintenance of outfalls and culverts of land drainage systems, clearance of vegetation (by use of machinery or by hand), and the operation of existing land drainage systems shall not require the consent of the undertaker;

(d) prevent the planting or growing within the land of any trees, shrubs or underwood without the

	<p>consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed provided that the proposed trees, shrubs or underwood would not cause damage to the relevant part of the authorised project nor make it materially more difficult to maintain or to access the relevant part of the authorised project) provided that the growing within the land of any pre-existing trees, shrubs or underwood will not require the consent of the undertaker;</p> <p>prevent anything being done in or upon the land or any part thereof which shall or which the landowner can reasonably foresee may interfere with the exercise of the other rights set out in this Schedule 5 or the use of the authorised project or in any way render the authorised project or any part thereof in breach of any statute or regulation for the time being in force and applicable thereto.</p>
<p>Schedule 5 plots – Boston Borough Council:</p> <p>37/21, 37/22, 37/23, 38/01, 38/03, 38/06, 38/07, 38/08, 38/11, 39/01, 39/02, 39/06, 39/07, 39/09, 39/10, 39/11, 39/12, 39/14, 40/01, 40/02, 40/03, 40/04, 40/06, 40/09, 40/10, 40/11, 40/12, 40/15, 41/01, 41/02, 41/10, 42/01, 42/02, 42/03, 42/04, 42/05, 42/06, 42/07, 42/09, 42/10, 42/12, 42/15, 43/01, 43/04, 43/08, 43/11, 43/12, 43/13, 43/14, 43/15, 43/16, 45/02, 45/15, 45/16, 45/20, 45/21, 45/23, 45/25, 46/02, 46/05, 46/08, 47/01, 47/13, 47/14, 47/17, 47/18, 47/21, 47/22, 47/23, 48/01, 48/05, 48/07, 48/08, 48/09, 48/12, 48/13, 48/14, 48/16, 48/17A, 48/17B.</p>	<p>The proposed form of restrictive covenant has been amended and the text replaced as follows:</p> <p>A restrictive covenant over the land for the benefit of the remainder of the Order land to-</p> <p>(a) prevent anything being done in or upon the land or any part thereof for the purpose of:</p> <p>(i) the erection of any buildings; or</p> <p>(ii) the construction, erection or works of any kind requiring foundations, footings or other supporting structures;</p> <p>without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed if the proposed building, erection, construction or works would not cause damage to the relevant part of the authorised project nor make it materially more difficult to access or maintain the authorised project);</p> <p>(b) prevent anything to be done by way of hard surfacing of the land with concrete of any kind or with any other material or surface whatsoever without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed if the proposed surfacing would not cause damage to the relevant part of the authorised project nor make it materially more difficult to access or maintain the authorised project) provided that the undertaker acknowledges that:</p> <p>(i) the laying of new hard core access tracks will not require the consent of the undertaker where no manhole(s), access chamber(s) or other access points serving the authorised project are located on the surface of the land; and</p> <p>(ii) the maintenance or repair of pre-existing hard surfacing, hard core surfaces or tracks with the same or equivalent surface or material will not require the consent of the undertaker where no manhole(s), access chamber(s) or other access points serving the authorised project are located on the surface of the land;</p> <p>(c) prevent:</p> <p>(i) mole draining or the mudding out of dykes (i.e. the removal of silt sediment); or</p>

	<p>(ii) anything to be done by way of excavation of any kind or agricultural practices exceeding 0.6 metres in depth from:</p> <p>(aa) the surface of the land,;</p> <p>(bb) the bed of the open drain, ditch, watercourse or river; or</p> <p>(iii) any activities which increase or decrease ground cover or soil levels or change the composition of the land in any manner whatsoever,</p> <p>without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed if the proposed activity would not cause damage to the relevant part of the authorised project nor make it materially more difficult to access or maintain the authorised project, with such consent being subject to such reasonable conditions as the undertaker may require) PROVIDED THAT:</p> <p>(iv) the preceding restrictions in this paragraph (c) shall not apply to National Grid or any other body exercising statutory functions or statutory rights within the land;</p> <p>(v) active cultivation including soil preparation, ploughing and sub-soiling not exceeding 0.6 metres in depth from the surface of the land shall not require the consent of the undertaker;</p> <p>(vi) flushing of land drainage systems, maintenance of outfalls and culverts of land drainage systems, clearance of vegetation (by use of machinery or by hand), and the operation of existing land drainage systems shall not require the consent of the undertaker;</p> <p>(d) prevent the planting or growing within the land of any trees, shrubs or underwood without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed provided that the proposed trees, shrubs or underwood would not cause damage to the relevant part of the authorised project nor make it materially more difficult to maintain or to access the relevant part of the authorised project) provided that the growing within the land of any pre-existing trees, shrubs or underwood will not require the consent of the undertaker;</p> <p>(e) prevent anything being done in or upon the land or any part thereof which shall or which the landowner can reasonably foresee may interfere with the exercise of the other rights set out in this Schedule 5 or the use of the authorised project or in any way render the authorised project or any part thereof in breach of any statute or regulation for the time being in force and applicable thereto.</p>
<p>Schedule 6</p> <p>Modification of compensation and compulsory purchase enactments for creation of new rights and restrictive covenants</p>	<p>Paragraph referencing in header is corrected:</p> <p>“SCHEDULE 6 Article 1817(4)</p> <p>Modification of compensation and compulsory purchase enactments for creation of new rights and restrictive covenants”</p>
<p>Schedule 7</p>	<p>Paragraph reference in header is corrected:</p>

Land of which temporary possession may be taken	<p>“ SCHEDULE 7 Article 2524</p> <p>Land of which temporary possession may be taken"</p>
Schedule 8 Protective provisions	<p>The protective provisions in Schedule 8 have been updated as agreed with the respective counterparts.</p> <p>Protective provisions for the protection of Western Power Distribution have been inserted at Part 8 with consequential amendments to the contents page and page numbering.</p>
Schedule 9 Deemed licence under the Marine and Coastal Access Act 2009	<p>Paragraph referencing in header is corrected:</p> <p>“SCHEDULE 9 Article 3231</p> <p>Deemed licence under the Marine and Coastal Access Act 2009”</p>
Schedule 9 Condition 5 Deemed licence under the Marine and Coastal Access Act 2009	<p>Condition 5(13) is amended:</p> <p>“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, MCA and UKHO as soon as possible and in any event within 648 hours and if the MMO 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 Condition 13 Deemed licence under the Marine and Coastal Access Act 2009	<p>Condition 13 is amended:</p> <p>“(1) The undertaker must submit details for approval by the MMO in consultation with the statutory nature conservation body of proposed post-construction surveys, including methodologies and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals must specify each survey’s objectives and explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.</p> <p>(2) The post-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed with the MMO, have due regard to, but not be limited to, the need to undertake–</p> <p>(a) dependent on the outcome of the survey undertaken in condition 12(2)(a) above, a survey to determine the effects of construction activity on the location, extent and composition of Annex I or Potential Annex I qualifying biogenic features in whole or in part inside the area(s) within the offshore Order limits in which construction works were carried out; and</p> <p>(b) a swath bathymetric survey to IHO Order 1a within 12 months of the completion of the licenced</p>

	<p>marine activities across the area(s) within the offshore Order limits within which licenced marine activities have to be carried out to—</p> <p>(i) ensure the cables have been buried and located within the Order limits; and</p> <p>(ii) provide information on bedform morphology</p> <p>and the data and survey report(s) are to be provided to the UKHO. The results of the post cable lay survey 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 notification of cable exposure over the lifetime of the project.</p> <p>(a)(c) a subsequent swath bathymetric survey, focused on agreed locations to demonstrate that any changes to bedforms or sediment movement are within the ranges predicted in the environmental statement.</p> <p>(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.</p> <p>(3) The undertaker must carry out the surveys agreed under sub-paragraph (1) and provide the agreed reports in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing with the MMO in consultation with the statutory nature conservation body.”</p>
<p>Schedule 9 Condition 14</p> <p>Deemed licence under the Marine and Coastal Access Act 2009</p>	<p>Condition 14 is amended:-</p> <p>“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 and East Lindsey District Council. 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 bacti 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>
<p>Schedule 10</p>	<p>Paragraph reference in header is corrected:</p>

Removal of hedgerows	“SCHEDULE 10 Article 3534 Removal of Hedgerows”
Schedule 11 Discharge of Requirements	Paragraph reference in header is corrected: “SCHEDULE 11 Article 3938 Discharge of Requirements”