

**Norfolk Vanguard Offshore Wind Farm**

# **Schedule of Changes to the draft DCO**

Applicant: Norfolk Vanguard Limited  
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*Photo: Kentish Flats Offshore Wind Farm*



Norfolk Vanguard Limited

Norfolk Vanguard Offshore Wind Farm

Schedule of changes to the draft DCO  
(28 February 2020)

Date	Issue No.	Remarks / Reason for Issue	Author	Checked	Approved
27/02/20	04	Changes in response to Secretary of State letter dated 6 December 2019	JT	VR	RS

**Schedule of changes to the draft Norfolk Vanguard DCO**

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
<b>Deadline 2</b>					
1.	Schedule 6	PINS (s51)	The following plots identified in the Land Plans, sheets 40 – 42 (Doc 2.02); 40/13, 40/15, 40/17, 40/18, 40/19, 40/21, 40/22, 40/24, 40/25, 40/29, 40/30, 41/02, 41/04, 41/06, 41/19, 41/20, 41/21, 41/26, 41/29, 41/31, 41/34, 41/35, 41/36, 41/37, 41/38 and 42/01) are also listed on page 24 of the Explanatory Memorandum (doc 3.2) as 'freehold plots'. Aside from plot 41/26 which is identified as being required for Work No. 10b, none of these plots appear in the draft DCO in relation to a work number. Please can the Applicant provide clarification on this?	The Applicant responded to this question in the Response to Section 51 Advice (document reference: PB4476-008-001).  Schedule 6 of the draft DCO has been updated to remove Plot 41/26 as this was included in Schedule 6 in error.	2
2.	Schedule 3	PINS (s51)	Schedule 3 of the draft DCO	Sheet numbers have been added to Schedule 3 of the	2

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			does not identify the corresponding sheet (there are 42) that illustrates the location of the stopped up PRow, it just refers to 'the public rights of way to be temporarily stopped up plan'.	draft DCO to account for this.	
3.	Schedule 3	PINS (s51)	Schedule 3 of the draft DCO identifies that all bridleways and long distance trails, subject to be temporarily stopped up, are shown in orange on the corresponding plan. However on the plans they are shown in either green or brown.	Schedule 3 of the draft DCO has been amended in accordance with the Response to Section 51 Advice (document reference: PB4476-008-001).	2
4.	Schedule 3	PINS (s51)	There appears to be a discrepancy between information on Sheet 22 of 42 of the PRow plan (Doc 2.6) and what appears in Schedule 3 of the draft DCO with regard to the stopping up points on footpath 24 - Reepham FP8.	There are two listings for footpath 24 in Schedule 3 of the draft DCO. The first description of footpath 24 is incorrect and has been amended in Schedule 3 to read 'AX & AU' instead of 'AU to AV'.  The second description of footpath 24 has been relabelled 24a and has been amended in Schedule 3 of the draft DCO to read 'approximately 6m' instead of 'approximately 50m', and 'AV & AW' instead of 'AW to AX'.	2
5.	Schedule 4	PINS (s51)	Sheet 20 of 42 of the plan showing streets to be temporarily stopped up (Doc 2.07) illustrates the stopping up of an unidentified private	Schedule 4 of the draft DCO has been amended to refer to 'Approximately 60 meters of Private track as is within Work No.6 as shown on sheet 21a and 21b on sheet 21 of the streets to be stopped up plan' within the District of Broadland.	2

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			road 59.52m in length between '20a and 20b'. However, Schedule 4 of the draft DCO does not have a listing for this description.		
6.	Schedule 2 & 4	PINS (s51)	There is a duplicate listing for the stopping up of Oulton Street for approximately 70m between "20a and 20b", which is not illustrated on sheet 20 of 42 of the plan (Doc 2.07).	Schedules 2 & 4 of the draft DCO have been updated to remove the duplicate entry of 'approximately 70m of Oulton Street between points 20a and 20a' from Schedule 2 & 4 of the draft DCO.	2
7.	Schedule 4	PINS (s51)	Schedule 4 of the draft DCO lists the stopping up of 'Dereham Road' on page 71 as being between "31c and 31c". However, on the corresponding plan, sheet 31 of 42, (Doc 2.07) the stopping up is illustrated as being between '31c and 31d'.	Schedule 4 of the draft DCO has been amended to read as shown between ' <b>points 31c and 31d</b> ' instead of '31c and 31c'.	2
8.	Schedule 4	PINS (s51)	Schedule 4 of the DCO also lists an additional stopping up for 'Dereham Road' between "31d and 31d" which is not illustrated on the corresponding plan.	Schedule 4 of the DCO has been updated to delete duplicate listing of 'Dereham Road' between '31d and 31d' from Schedule 4 of the draft DCO.	2
9.	Schedule 4	PINS (s51)	Schedule 4 of the draft DCO lists the stopping up of 'Dereham Road' as being between "37d and 37e".	Schedule 4 of the draft DCO has been amended to state as shown on ' <b>points 37c to 37d</b> ' for Dereham Road.	2

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			However, on the corresponding plan - sheet 37 of 42 (Doc 2.7) it is illustrated as being between '37g and 37d'.		
10.	Schedule 4	PINS (s51)	Schedule 4 of the draft DCO lists the stopping up of 'Dale Road' as being between "37f and 37g". On the corresponding plan - sheet 37 of 42 (Doc 2.07) it is illustrated as being between '37e and 37f'.	Schedule 4 of the draft DCO has been amended to state between ' <b>points 37e and 37f</b> ' instead of '37f and 37g'.	2
11.	Schedule 4	PINS (s51)	Sheet 41 of 42 of the Plan (Doc 2.07) illustrates three areas of the A47 that are to be stopped up. The third, an area 124.33m long between '41q and 41r' appears to be not listed in Schedule 4 of the DCO.	A new entry to Schedule 4 of the draft DCO has been added to reflect this as follows: ' <b>Approximately 125 meters of the A47 (located within National Grid overhead line temporary works area and overhead line modification corridor (Work No 11 and Work No 11A) between point 41q and 41r as shown on sheet 41 of the streets to be stopped up plan.</b> '	2
12.	Schedules 2, 4, 5, 13	PINS and Landowners	As part of updates from the PINS Section 51 Advice and the Change Report (document reference: Pre-ExA; Change Report; 9.3) the Applicant has updated the associated DCO schedules (Schedule 2 (Streets subject to Street	The schedules have been updated. Where the entry is no longer required the Applicant has inserted " <b>NOT USED</b> " in the schedule to the draft DCO. This is to avoid any confusion around the reference points on the plans now not being sequentially numbered.	2

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			Works), Schedule 4 (Streets to be Stopped Up), Schedule 5 (Access to Works) and Schedule 13 (Hedgerows)).		
13.	Article 35 and Schedule 13	N/A	As part of ongoing review the Applicant has noticed that some of the hedgerows on the Important Hedgerows Plan (document reference 2.11) and Schedule 13 of the dDCO were incorrectly marked as 'important hedgerows' and should, instead, have been classed as potentially important hedgerows given that the assessments for these hedgerows will take place prior to commencement of development. It is therefore not yet clear whether these hedgerows will be "important hedgerows".	Article 35 and Schedule 13 of the draft DCO has been updated to include 3 categories of hedgerow: (1) potentially important hedgerows; (2) important hedgerows; and (3) hedgerows.	2
14.	Schedule 1, Part 1	MMO & NE (Relevant Rep (RR))	MMO relevant representation comment 1.11; NE relevant representation, Appendix 5, comment 6.	This figure has been updated to include the total offshore disposal volume (' <b>51,207,566m<sup>3</sup></b> '), which combines the transmission and generation DML values.	2

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15.	Schedule 1, Part 1 & Schedules 9-12 Part 3 1(f)	MMO & NE	MMO RR comment 1.11 NE RR, Appendix 5, comment 6	The DCO has been updated to include a total volume for drill arisings as follows:  Generation (Schedules 9-10) DML Total: 400,624m <sup>3</sup>  Transmission (Schedules 11-12) DML Total: 14,137m <sup>3</sup>  DCO Schedule 1 Total: 414,761m <sup>3</sup>	2
16.	Schedule 9 and 10 Part 4 condition 14(c)(iii)	N/A	The wording relates to the Haisborough, Hammond and Winterton Special Area of Conservation (HH&W SAC); only the transmission cables go through this area and so the wording is not required in the Generation DMLs.	The draft DCO has been updated to remove the HH&W SAC text in relation to the Construction Method Statement in the Generation DMLs (Schedules 9 and 10):  <i>'cable (including fibre optic cable) installation, <del>in particular, proposals for the Haisborough, Hammond and Winterton Special Area of Conservation;</del>'</i>	2
17.	Schedule 11 and 12 Part 4 condition 9(c)(iv) and 9(1)(g)(ii)	N/A	The wording has been amended to incorporate the previous text from Schedule 9 and 10 in relation to the Haisborough, Hammond and Winterton Special Area of Conservation (entry 14. above). The Applicant considers that the revised wording is better placed beneath the Cable Specification, Installation and Monitoring Plan (hence its removal	The following text has been inserted into the Condition on the Cable Specification, Installation and Monitoring Plan in Schedule 11 and 12, Part 4, 9(1)(g):  <i>'(ii) a detailed cable (including fibre optic cable) laying plan for the Order limits, incorporating a burial risk assessment to ascertain suitable burial depths and cable laying techniques, including cable <del>landfall and cable protection measures and, in particular, proposals for the Haisborough, Hammond and Winterton Special Area of Conservation;</del>'</i>	2



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			from the Construction Method Statement condition).		
18.	Schedule 9 and 10 Part 4 condition 14(1)(n); Schedule 11 and 12 Part 4 condition 9(1)(m).	MMO (RR)	The MMO recommends that a condition is included to restrict the maximum hammer energy to the worst case scenario (5,000kJ) assessed in the ES. The MMO recommends the following condition wording: <i>In the event that driven or part-driven pile foundations are proposed to be used, the hammer energy used to drive or part-drive the pile foundations must not exceed 5,000kJ.</i>	The draft DCO has been updated to include this wording within the DMLs.	2
19.	Schedules 9 and 10 Part 4, Condition 12(4) Schedules 11 and 12 Part 4, Condition 7(4)	MMO (RR)	It is problematic to provide a disposal return by 31 January for a period August to January inclusive. The deadline should be amended to the 15th of the month following the disposal period. Please see the correct wording below: <i>The undertaker must inform the MMO of the location and quantities of material disposed of each</i>	The draft DCO has been updated to include this wording within the DMLs.	2

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			<i>month under this licence. This information must be submitted to the MMO by 15 February each year for the months August to January inclusive, and by 15 August each year for the months February to July inclusive.</i>		
20.	Schedule 1, Part 3, Requirement 2(b)  Schedules 9 and 10, Part 4, Condition2(1)(b)	MMO & NE (RRs)	As a result of continuing engagement with the MMO and Natural England and as highlighted through relevant representations.	The maximum height of a wind turbine generator to the centreline of the generator shaft (when measured from HAT) has been revised in the draft DCO from 200m to <b>198.5m, in accordance with the parameter assessed in the ES.</b>	2
21.	Schedule 1, Part 3, Requirement 5;  Schedule 9 & 10, Part 4, condition 3; and  Schedule 11 & 12, Part 4, condition 2.	MMO (RR)	With regard to cable protection, the area of impact should be stated within the draft DCO/DML as well as the volume. At present this section only refers to the volumes. This also applies for scour protection.	The draft DCO has been updated to include the total area (in m <sup>2</sup> ) of cable protection.	2
22.	Schedule 1, Part 3, 11;  Schedule 9 & 10, Part 4, 8(1)(g); and  Schedule 11 & 12, Part 4, 3(1)(b).	MMO (RR)	With regard to cable protection, the area of impact should be stated within the DCO/DML as well as the volume. At present this section only refers to the volumes. This also applies for scour	The draft DCO has been updated to include the total area (in m <sup>2</sup> ) of scour protection.	2

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			protection.		
23.	Schedule 9 & 10, Part 4, condition 8; and  Schedule 11 & 12, Part 4, condition 3.	N/A	Linked to the updates to scour protection and cable protection areas (in m <sup>2</sup> ) as well as the area (in m <sup>2</sup> ) for drill arisings, the Applicant has updated the DMLs to include these maximum figures. The figure is the same for both Generation DMLs (Schedule 9-10), and a separate figure is also included and replicated across both Transmission DMLs (Schedule 11-12). However, the Applicant has included these maximum parameters within the list of figures that must be read together with the other licence for that respective class of asset. This is to make clear that the other licence does not have a new maximum parameter (i.e. the amount will have been reduced by the other phase for that class of asset).	The draft DCO has been updated accordingly.	2
24.	Schedule 1, Part 3, 8(2);  Schedule 11-12, Part 4	N/A	As a result of continuing updates to the draft DCO the Applicant has noticed	The maximum combined parameter for the foundations connected to the offshore electrical platform(s) has been updated from referring to a	2

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	1(2)(c)		that the maximum parameter for the foundations connected to the offshore electrical platform is incorrectly stated compared to the maximum parameter assessed in the ES.	maximum for each foundation to a maximum for the overall offshore electrical platform(s) as follows:  " <i>In relation to <del>an</del> the offshore electrical platform(s), <del>each</del> the foundations must not have a combined seabed footprint area (excluding scour protection) of greater than 15,000 <del>7,500</del> m2.</i> "	
25.	Schedule 15, 2.4.	ExA Written Questions (WQs) 20.111	There appears to be a typographical error in the wording "is not thereafter be entitled". Please clarify.	The wording has been amended to read as follows:  " <i>...(4) If the discharging authority does not give such notification as specified in sub-paragraph (2) or (3) it is deemed to have sufficient information to consider the application and is not thereafter <del>be</del> entitled to request further information without the prior agreement of the undertaker.</i> "	2
26.	Article 2, Interpretation; Part 1 Interpretation' section of each of the DMLs (Schedules 9-12).	ExA WQs 20.116	Please explain why a definition of 'scour protection' has not been provided within the 'Part 1 Interpretation' section of each of the DMLs?	A definition has been included which reads as follows:  " <i>"scour protection" means measures to prevent loss of seabed sediment around any marine structure placed in or on the seabed by use of protective aprons, mattresses with or without frond devices, or rock and gravel placement</i> ".	2
27.	Article 2, Interpretation	ExA WQs 20.7	There appears to be no definition of "onshore transmission works". Please comment. Is it intended that they comprise those onshore transmission works identified in Works Nos 5, 6, 7, 7A, 7B, 7C, and 7D?	Article 2 of the draft DCO defines "transmission works" as "Work Nos. 4C to 12 and any related further associated development in connection with those works. In the interests of clarity, the definition (and relevant cross-reference) in the draft DCO has been changed to " <i>onshore transmission works</i> ".	2

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28.	Article 2, Interpretation	ExA WQs 20.8	In the Interpretations section (p7) there is a different definition of 'maintain' than in the Model Order. Explain and justify the different text.	<p>The Applicant responded to this question to explain the approach and the Applicant has also updated the definition in the draft DCO which now reads</p> <p>in the Order, as follows:</p> <p><i>" "maintain" includes inspect, upkeep, repair, adjust, and alter and further includes remove, reconstruct and replace (but only in relation to any of the ancillary works in Part 2 of Schedule 1 (ancillary works), any cable, any component part of any wind turbine generator, offshore electrical substation, accommodation platform, meteorological mast, and the onshore transmission works described in Part 1 of Schedule 1 (authorised development) not including the removal, reconstruction or replacement of foundations and buildings associated with the onshore project substation), to the extent assessed in the environmental statement; and "maintenance" is construed accordingly."</i></p> <p>in the DMLs, as follows:</p> <p><i>" "maintain" includes inspect, upkeep, repair, adjust, and alter and further includes remove, reconstruct and replace (but only in relation to any of the ancillary works in Part 2 of Schedule 1 (ancillary works), any cable, and any component part of any wind turbine generator, offshore electrical substation,</i></p>	2

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				<p><i>accommodation platform or meteorological mast described in Part 1 of Schedule 1 (authorised development) not including the alteration, removal or replacement of foundations), to the extent assessed in the environmental statement; and "maintenance" is construed accordingly;"</i></p> <p>This drafting is explained further in the Explanatory Memorandum (document 3.2 (version 2)) submitted at Deadline 2.</p>	
29.	Article 7 (2)	ExA WQs 20.15	Article 7(2) refers to the temporary use of land for carrying out the authorised project and for maintaining the authorised project: should the articles referred to read, respectively, Article 26 and Article 27?	Article 7(2) of the draft DCO has been updated to refer to ' <b>Article 26</b> ' and ' <b>Article 27</b> ' respectively.	2
30.	Articles 11(2) and 11(5)	ExA WQs 20.18	Are Articles 11(2) and 11(5) effective to secure that sufficient notice will be given and consultation will take place with the relevant street works authority of any area proposed to be used as a mobilisation area not already identified within the Order? In relation to all mobilisation areas, please explain how the order would ensure that	The references in Article 11(2) and 11(5) have been amended from 'mobilisation area' to ' <b>temporary working site</b> '	2

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			adequate details of the plant and equipment proposed to be installed in that location and the activities undertaken and duration of use would be controlled.		
31.	Article 29(a)	ExA WQs 20.31	Should Article 29(a) read "limits of the land" instead of "limits to the land"?	The draft DCO has been amended to state "limits <del>to</del> of the land".	2
32.	Schedule 1, Part 1 (Work No.5)	ExA WQs 20.38	Please clarify the discrepancy in the number of ducts stated between Work No.5 and the other onshore transmission works	Work No. 5 of the draft DCO has been updated to refer to: " <del>two</del> four additional cable ducts for the Norfolk Boreas offshore wind farm..."	2
33.	Schedule 1, Part 3, 20(1)	Environment Agency RR WQs 20.50	Please comment on how the CoCP should be structured and managed and whether Requirement 20 should provide that, for each phase a CoCP and associated pollution control plans are submitted to and approved by the Environment Agency prior to works on that phase commencing?	The wording within the Code of Construction Practice requirement (20) in the draft DCO has been updated as follows:  '(1) No stage of the onshore transmission works may commence until for that stage a code of construction practice has been submitted to and approved by the relevant <del>local</del> planning authority, in consultation with the Environment Agency.'	2
34.	Article 2, Interpretations	National Grid	As a result of changes to the overhead line search area and connected to the	The definition of overhead line modification has been changed as follows:  " "overhead line modification" means alteration and	2

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			changes to the National Grid overhead line search area in the Change Report	<i>repositioning of the overhead line, including removal of <del>part of the overhead line, and replacement of existing structures and installation of new structures</del> in respect of the existing Walpole to Norwich Main 400kV overhead line between pylons 4VV123 and 4VV127 on land south east of Necton, Norfolk to allow connection into the National Grid substation extension including connecting into the National Grid sealing end compound; "</i>	
35.	Article 4	National Grid & WQs 20.11	National Grid require lateral limits of deviation for overhead lines	<p>Article 4 has been amended to read as follows:</p> <p>" 4.—(1) In carrying out the <i>overhead line modification replacement of circuits</i> as part of <del>Work No. 11 and</del> Work No. 11A for which it is granted development consent by article 3(1) (development consent etc. granted by the Order) the undertaker may—</p> <p>(a) deviate vertically from the levels of the existing 400kV overhead line from Walpole to Norwich Main to be modified as part of Work No. 11A—</p> <p>(i) to any extent not exceeding 4 metres upwards; or</p> <p>(ii) to any extent downwards as may be found to be necessary or convenient.</p> <p><i>(b) deviate laterally from the lines or situations of the existing 400kV overhead line from Walpole to Norwich Main to be modified as part of Work No. 11A</i></p> <p>-</p> <p><i>(i) to any extent not exceeding 25 metres either side of the existing overhead line as shown by the limits of deviation relating to that work on the works</i></p>	2



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				<i>plan. "</i>	
36.	Article 6	National Grid	National Grid require comfort that any assignee that takes the benefit of the order must have financial covenant strength and have requested that the Secretary of State consults with them prior to transfer of the benefit of any of the onshore infrastructure	Article 6(5) has been updated to include the following new sub-paragraph:  <i>" (5) The Secretary of State must consult National Grid before giving consent to the transfer or grant to a person of any or all of the benefit of the provisions of this Order (excluding the deemed marine licences referred to in paragraph (2) above). "</i>	2
37.	Article 28	National Grid	Previously, Article 28 provided that, if the Applicant took possession of land under temporary powers and removed redundant apparatus owned by National Grid, the private rights and restrictive covenants supporting that apparatus would be automatically extinguished, unless the Applicant served a notice before vacating the land stating otherwise.  The Article also excluded the Applicant's liability to remove foundations from the land below 1.5m in depth.  The purpose of the	Article 28 of has been updated to read as follows:  <i>" 28.—(1) This article applies to any <del>Order land specified in Article 286(1)(a)(i) and any other</del> Order land of which the undertaker takes temporary possession under article 26 (Temporary use of land for carrying out the authorised project).  (2) <del>Subject to paragraph (3), all private rights or restrictive covenants in relation to apparatus belonging to National Grid removed from any land to which this article applies are extinguished will remain intact</del> from the date on which the undertaker gives up temporary possession of that land, <del>.. under article 28(3)</del>.  (3) <del>The extinguishment of rights by paragraph (2) does not give rise to any cause of action relating to the presence on or in the land of any foundations (save for those which lie less than 1.5 metres underground) and the undertaker is not required to</del></i>	2

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			<p>changes to Article 28 is to make the extinguishment of any private rights and restrictive covenants supporting apparatus that is removed from the land dependent on a positive exercise of a power – namely, serving notice in agreement with National Grid that such rights will be extinguished before giving up possession of the land.</p> <p>In addition, the provision for liability in respect of foundations within 1.5m in depth has been amended, so that there is no liability or requirement to remove any foundations, whether within 1.5m of the surface of the land or otherwise.</p>	<p><del>remove foundations when giving up temporary possession).</del></p> <p><del>(2) Paragraphs (21) to (3) have effect subject except that to</del></p> <p><del>(4) —</del></p> <p><del>(3) any If the undertaker, in notice agreement between with National Grid, given by and the gives notice undertaker before the date that the undertaker gives up temporary possession of the land that any or the undertaker may extinguish all of the private rights or restrictive covenants in relation to apparatus belonging to National Grid removed from the land to which this article applies will be extinguished, such rights will be extinguished any or all of these paragraphs do not apply to any right specified in the notice; or</del></p> <p><del>(4) Any extinguishment of rights by paragraph (3) does not give rise to any cause of action relating to the presence on or in the land of any foundations and the undertaker is not required to remove foundations when giving up temporary possession). "</del></p>	
38.	Schedule 1 (Work No. 11 and Work No. 11A)	National Grid	As a result of continuing engagement and liaison with National Grid, the Applicant has updated the works descriptions to more clearly distinguish the pylon works (Work No. 11) and the overhead line modification works (Work No. 11A) – as reflected on the revised Works Plans	<p>Work No.11 has been updated as follows:</p> <p>" <del>Work No. 11 – the overhead line modification including</del> the removal of one existing pylon and construction of two new permanent pylons, as shown marked by (W) and (E) on the works plans, and the installation of conductors, insulators and fittings on to the pylons; "</p>	2

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			(document reference 2.4).	And a Work No. 11A has been introduced as follows:  " <i>Work No. 11A – the overhead line modification</i> "	
39.	Schedule 1 (Associated Development)	ExA WQ 20.11	Please provide a definition of "circuit" in Article (1) and include it within the dDCO.	The Applicant (as per the response to the Examining Authority's Written Questions (ExA; WQ; 10.D1.3) has amended Schedule 1, Part 1, to describe the works which can be carried out in connection with Work No. 11 as follows:  " ... (b) the temporary diversion of <i>the</i> overhead line <i>circuits</i> onto the temporary pylons. "	2
40.	Schedule 1, Requirement 8(1)(a)(b) Schedule 11 & 12, Part 4, 1(2).	N/A	Change Report and parameters – updates from six to twelve driven piles per offshore electrical platform; and updates from three to five metres for pile diameters in the case of two or more pile structures. This change is also explained in The Applicant's Responses to First Written Questions Appendix 6.1 - Relationship Between Design Parameters in Draft Development Consent Order and Environmental Statement (ExA; WQApp6.1; 10.D1.3).	These parameters have been updated in the draft DCO.	2

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41.	Schedule 1, Part 1 (Work No. 7A – 7D)  Part 2, Requirement 15.	Various Landowners	Change Report – as a result of discussions with landowners, a single route has been chosen in relation to the previous Work No. 7A – Work No. 7D. Accordingly, the route bifurcation (as previously described by Work No.7A – 7D) is no longer relevant.	Work No.7A – Work No.7D has been deleted.  Requirement 15 has been updated as follows:  " <del>... (3) The written scheme referred to in sub- paragraph 2 must include notification of whether the undertaker will proceed with Work No. 7A or Work No. 7B.</del>  <del>(4) The written scheme referred to in sub-paragraph 2 must include notification of whether the undertaker will proceed with Work No. 7C or Work No. 7D.</del>  <del>(5)(3) The written scheme must be implemented as approved notified under paragraph 2. "</del> "	2
42.	Schedule 14 (paragraph 7(2))	MMO (RR)	The arbitration schedule describes a private process requiring the agreement that all discussions and documentation will be confidential and not disclosed to third parties without written consent. The MMO would like to highlight that the regulatory decisions should be publically available and open to scrutiny. In many cases, members of the public and Non-Governmental Organisations may make	The Applicant has amended the confidentiality provisions at paragraph 7(2) of Schedule 14 to make it expressly clear that a party can disclose information in accordance with an obligation required by legislation, as follows:  "(2) The parties and Arbitrator agree that any matters, materials, documents, awards, expert reports and the like are confidential and must not be disclosed to any third party without prior written consent of the other party, save for any application to the Courts <i>and/or save for compliance with legislative rules, functions or obligations on either party.</i> "	2

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			representations in relation to post-consent matters. Ordinarily, their views would be considered by the MMO and would be able to follow and challenge the decision making. A private arbitration to resolve post consent disputes would reduce transparency and accountability.		
43.	Schedule 6	Landowners	Change Report - the Applicant has made a number of minor amendments to the plots in Schedule 6 to reflect the updated land plans (in particular, those changes reflecting the removal of plots that represented different options within the cable route where a single route has now been selected along Work No 7). A small number of plots have also been added to correct their unintentional omission in the application draft DCO.	The plots in Schedule 6 of the draft DCO have been amended accordingly.	2
44.	Schedule 6	National Grid	The wording comprising a new right, with associated restrictive covenant, at the end of Schedule 6 (named	A new row titled "overhead line alterations" has been added to Schedule 6 of the draft DCO.	2

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
			"Overhead line alterations") has been inserted at the request of National Grid. This wording closely follows National Grid's own standard wording for overhead line easements and will assist National Grid in maintaining consistent property interests across its apparatus in the area.		
45.	Schedule 8	Landowners	The Applicant has made a number of minor amendments to the plots in Schedule 8 to reflect the updated land plans (in particular, those changes reflecting the removal of plots that represented different options within the cable route where a single route has now been selected along Work No 7). A small number of plots have also been added to correct their unintentional omission in the application draft DCO.	The plots in Schedule 8 of the draft DCO have been amended accordingly.	2

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
46.	Article 2; Article 37; Schedules 9-10 (Condition 14(1)(d)) and Schedules 11-12 (Condition 9(1)(d)).	MMO and fisheries stakeholders	As a result of continued liaison and consultation with the MMO and fisheries stakeholders, the Applicant has produced an outline Fisheries Liaison and Co-Existence plan.	The Applicant has included this as an outline plan to be certified by the Secretary of State under Article 37. The plan is also referenced in the Interpretation section and is included beneath the Project Environmental Management Plan condition in the DMLs.	2
47.	Article 2 Schedule 1 (Work No.1 (a)), Part 3, Requirement 6(2); Schedule 9-10, Part 1, paragraph 1 and Part 4, condition 4(2).	N/A	Following the submission of the ES in June 2018, the design options for this Project have been further refined and the Applicant has advanced its foundations procurement process. Following this process, floating foundations have now been removed from the Project Design Envelope.	The Applicant has removed reference to floating foundation (and its associated parameters) in the draft DCO, together with the definition of "pin pile anchor point" "gravity anchor point" and "tension leg" as this was only required in the event that floating foundations were used.	2
48.	Article 2 Article 37 Schedule 9&10, Part 1 (Interpretations), and Condition 19(4) and 20(2)(d);	N/A	The Applicant noticed that the wording in the draft DCO did not match the wording of the associated plan.	"outline navigation monitoring strategy" has been changed to " <i>outline marine traffic monitoring strategy</i> " to reflect the name of the plan (document reference: 8.18).	2

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
49.	Schedules 9-12, Part 1 (Interpretations);	Historic England (WR, paragraph 2.3)	Historic England notified the Applicant of a change of address for service, and that "statutory historic body" should be defined as "Historic Buildings and Monuments Commission for England (Historic England)" (rather than 'Historic England').	The Applicant has updated the draft DCO accordingly.	2
<b>Deadline 4</b>					
1.	Article 2, Interpretations	ExA	To address ExA Q20.134 in relation to timing of implementation of the decommissioning plan (and to include reference to the intertidal area).	"onshore decommissioning plan" means a plan to decommission Work No. 4B to Work No. 12 which includes a programme within which any works of decommissioning must be undertaken	3
2.	Article 2, Interpretations	ExA	To address comments from the ExA at ISH3, which the Applicant has responded to at Q.20.123.	"onshore transmission works" means Work Nos. 4C to 12 and any related further associated development in connection with those works and ancillary works described in Schedule 1 part 1 and Schedule 1 part 2 respectively	3



Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
3.	Article 2, Interpretations	N/A	To correct a typographical error.	"overhead line modification" means alteration and repositioning of the overhead line, including removal of part of the overhead line, in respect of the existing Walpole to Norwich Main 400kV overhead line between pylons 4VV123 and 4VV127 on land <del>south</del> <del>north</del> east of Necton, Norfolk to allow connection into the National Grid substation extension including connecting into the National Grid sealing end compound;	3
4.	Article 2, Interpretations	NCC	To link with the changes to Requirement 25(1) (as requested by NCC) and in response to ExA WQ 20.129.	"relevant drainage authorities" means the drainage board for the area of land to which the relevant provision of this Order applies within the meaning of section 23 of the Land Drainage Act 1991	3
5.	Article 6(7)	N/A	The Applicant has considered submissions following ISH3 and proposes to remove the Secretary of State from the Arbitration provisions.	<del>(7) Where the Secretary of State is minded to refuse an application for consent made under this article and notifies the undertaker accordingly, or the Secretary of State fails to determine the application for consent under this article within the period prescribed in paragraph (6), the undertaker may refer the matter for determination in accordance with article 38 (arbitration).</del>	3
6.	Article 15 Schedule 16, Part 7	NCC	Changes to the discharge of water provisions (and the associated protective provisions) as a result of submissions by NCC at ISH3 and in post-hearing discussions; this now ties in with the new definition of "relevant drainage authority" and aligns the	(7) Subject to sub-paragraph (8) below <del>and requirements 16 and 25</del> , the undertaker may in connection with the carrying out or maintenance of the authorised project, alter the bed or banks of, and construct works in, under, over or within any watercourse and may divert, alter, interrupt or obstruct the flow of any watercourse within the Order limits.  (8) The undertaker must not:	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
			timeframes for discharge with that contained in the Land Drainage Act (and within the Schedule 16 Part 7 protective provisions).	<p>(a) undertake any works within 8 metres of, any watercourse forming part of a river, or within 16 metres of a tidally influenced main river without the consent of the Environment Agency, which must not be unreasonably withheld but may be subject to reasonable conditions; and</p> <p>(b) undertake any works to any ordinary watercourse without the consent of the relevant <del>drainage authorities Internal Drainage Board</del> or Norfolk County Council as the case may be, which must not be unreasonably withheld but may be subject to reasonable conditions.</p> <p>(9) In this article—</p> <p>(a) “public sewer or drain” means a sewer or drain which belongs to a sewerage undertaker, the Environment Agency, <del>an internal drainage board</del> <del>relevant drainage authority</del> or a local authority;</p> <p>(b) “ordinary watercourse” has the meaning given in the Land Drainage Act 1991;</p> <p>(c) other expressions, excluding watercourse, used both in this article and in the Water Resources Act 1991 have the same meaning as in that Act.</p> <p>(10) If a person who receives an application for consent or approval fails to notify the undertaker of a decision within <del>the relevant period specified in Part 7 of Schedule 16 28 days of receiving an application for consent under paragraph (3) or paragraph (8) or approval under paragraph (4)(a)</del> that person is deemed to have granted consent or given approval, as the case may be.</p>	

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
7.	Article 37(1)(x)	N/A	Added to ensure the plan is certified as referred to in condition 9(1)(n) of the Transmission DMLs (Schedule 11 and 12).	(x) the outline Norfolk Vanguard Haisborough, Hammond, and Winterton Special Area of Conservation site integrity plan (xx)	3
8.	Article 38	Trinity House TH) and ExA	To address TH concerns raised at ISH3 and in their Deadline 3 submission. The Applicant has also responded to this through Q.20.119.	38.—(1) Subject to Article 41 (saving provisions for Trinity House), any difference under any provision of this Order, unless otherwise provided for, must be referred to and settled in arbitration in accordance with the rules at Schedule 14 of this Order, by a single arbitrator to be agreed upon by the parties, within 14 days of receipt of the notice of arbitration, or if the parties fail to agree within the time period stipulated, to be appointed on application of either party (after giving written notice to the other) by the Secretary of State...	3
9.	Article 38	MMO	To address comments and concerns raised by the MMO as to the relevance of arbitration to the MMO. The Applicant proposes the amendments subject to acceptance of a deemed discharge provision in the DMLs, included at Condition 15 of the Generation DMLs and Condition 10 of the Transmission DMLs. This is further explained through response to Q20.139.	<del>(2) Where the referral to arbitration under paragraph (1) relates to a difference with the Secretary of State, in the event that the parties cannot agree upon a single arbitrator within the specified time period stipulated in paragraph (1) either party may refer to the Centre for Effective Dispute Resolution for appointment of an arbitrator. Any matter for which the consent or approval of the Secretary of State or the Marine Management Organisation is required under any provision of this Order shall not be subject to arbitration.</del>	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
10.	Schedule 1, Part 1, Authorised Project,  Schedule 9-10, Part 3, paragraph 2	Various including concerns from NFFO	Total number of WTGs updated due to removal of 9MW turbine option	Work No. 1  (a) an offshore wind turbine generating station with an electrical export capacity of up to 1,800 MW at the point of connection to the offshore electrical platform(s) referred to at Work No. 2 comprising up to <del>200</del> 180 wind turbine generators each fixed to the seabed by one of the following foundation types: monopile (piled or suction caisson), jacket (piled or suction caisson), or gravity base fitted with rotating blades and situated within the area shown on the works plan and further comprising (b) to (e) below;	3
11.	Schedule 1, Part 3, requirement 2(3)  Schedule 9-10, Part 4, condition 1(d)	Various including concerns from the NFFO	Wind Turbine Generator (WTG) spacing updated due to removal of 9MW turbine option	be less than <del>680</del> 720 metres from the nearest wind turbine generator in either direction perpendicular to the approximate prevailing wind direction (crosswind) or be less than <del>680</del> 720 metres from the nearest wind turbine generator in either direction which is in line with the approximate prevailing wind direction (downwind)	3
12.	Schedule 1, Part 3, requirement 3(1)  Schedule 9-10, Part 4, condition 8(b)	Various including concerns from NFFO	Total number of WTGs updated due to removal of 9MW turbine option	The total number of wind turbine generators forming part of the authorised project must not exceed <del>200</del> 180.	3
13.	Schedule 1, Part 3, requirement 10(2)  Schedule 9-10, Part 4, condition 7(2)	NE	To correct an error identified by NE and in response to ExA WQ 20.144	In relation to any LIDAR measurement buoys, each foundation must not have a seabed footprint area (excluding scour protection) of greater than <del>157</del> 79 m <sup>2</sup> per buoy and 157m <sup>2</sup> in total.	3
14.	Schedule 1, Part 3, requirement 11	NE	To correct an error identified by NE and to respond to ExA WQ20.151	The total amount of scour protection for the wind turbine generators, accommodation platform, meteorological masts, offshore electrical platforms	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				and LIDAR measurement buoys forming part of the authorised project must not exceed 10,639,080m2 and <del>53,01095,398</del> m3	
15.	Schedule 1, Part 3, requirement 12(1)	ExA	New wording added to address ExA's questions at ISH3 and in response to ExA WQ 20.125	The undertaker must exhibit such lights, with such shape, colour and character <del>and at such times</del> as are required in writing by Air Navigation Order 2016....	3
16.	Schedule 1, Part 3, requirement 12(1)	MoD	Agreed with Ministry of Defence (MoD) prior to ISH3	...and/or determined necessary for aviation safety in consultation with the Defence Infrastructure Organisation Safeguarding and as directed by the CAA. <del>Lighting installed specifically to address Ministry of Defence aviation safety requirements will remain operational for the life of the authorised development unless otherwise agreed in writing with the Ministry of Defence.</del>	3
17.	Schedule 1, Part 3, requirement 13(1) and 13(2)(a)-(b)	MoD	Agreed with MoD prior to ISH3 and in response to ExA WQ 20.126	13 (1) No <del>construction of any</del> wind turbine generator forming part of the authorised development <del>and within radar line of sight of the air defence radar at Remote Radar Head (RRH) Trimmingham may commence</del> is permitted to rotate its rotor blades on its horizontal axis until the Secretary of State having consulted with the Ministry of Defence confirms satisfaction in writing that appropriate mitigation will be implemented and maintained for the life of the authorised development and that arrangements have been put in place with the Ministry of Defence to ensure that <del>such appropriate</del> the approved mitigation is implemented.  ... (2)(a)“appropriate mitigation” means measures to prevent or remove any adverse effects which the	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				<p><del>operation of the</del> authorised development will have on the air defence radar at Remote Radar Head (RRH) Trimingham and the Ministry of Defence's air surveillance and control operations;</p> <p>(b) "approved mitigation" means the <del>detailed Radar Mitigation Scheme (RMS) that will set out the</del> appropriate <del>mitigation</del> measures <del>and timescales for implementation as</del> agreed with the Ministry of Defence at the time the Secretary of State confirms satisfaction in writing in accordance with sub-paragraph (1);</p>	
18.	Schedule 1, Part 3, requirement 13(2)(b)	ExA	Added to address the ExA's question at ISH3	"approved mitigation" means the detailed Radar Mitigation Scheme (RMS) that will set out the appropriate mitigation measures <del>and timescales for</del> implementation as agreed with the Ministry of Defence at the time the Secretary of State confirms satisfaction in writing in accordance with sub-paragraph (1);	3
19.	Schedule 1, Part 3, requirement 16(17)	N/A	To correct an error – Wendling Bure is an incorrect reference. There is no watercourse named Wendling Bure.	<p>(17) Trenchless installation techniques must be used for the purposes of passing under—</p> <p>(a) the River Wensum (Work No. 7);</p> <p>(b) King's Beck (Work No. 5);</p> <p>(c) Wendling Beck (Work No. 7);</p> <p>(d) River Bure (Work No. 6);</p> <p>(e) <del>Wendling Bure (Work No. 7);</del></p> <p>(f) North Walsham and Dilham Canal (Work ...</p>	3
20.	Schedule 1, Part 3,	North Norfolk	Requested by NNDC and	(d) details of existing trees <del>and hedgerows</del> to be	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
	requirement 18(2)(d)	District Council (NNDC)  & ExA	to respond to ExA Q20.121	retained with measures for their protection during the construction period	
21.	Schedule 1, Part 3, requirement 20(1)	Norfolk County Council (NCC)	Requested by NCC at ISH3, and to align matters identified in the OCoCP, which the Applicant has responded to at ExA WQ 20.128.	(1) No stage of the onshore transmission works may commence until for that stage a code of construction practice has been submitted to and approved by the relevant planning authority, in consultation with <b>Norfolk County Council and</b> the Environment Agency (2) ... (m) <b>invasive species management; and</b> (n) <b>public rights of way.</b>	3
22.	Schedule 1, Part 3, requirement 20(2)(e)	NNDC & ExA	Requested by NNDC at ISH3 and in response to ExA Q20.121	construction noise <b>and vibration</b>	3
23.	Schedule 1, Part 3, requirement 20(4)	ExA	Included to address ExA's questions at ISH3 that 2(k) was excluded from the definition of commencement and therefore was not secured by the CoCP. This is now included so that a separate plan will need to be submitted for prior approval for screening, fencing and site security works. The Applicant has also responded to this at	<b>(4) Pre-commencement screening, fencing and site security works must only take place in accordance with a specific plan for such pre-commencement works which must accord with the relevant details for screening, fencing and site security set out in the outline code of construction practice, and which has been submitted to and approved by the relevant local authority.</b>	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
			ExA Q20.128.		
24.	Schedule 1, Part 3, requirement 21(3)	ExA	To address ExA's question at ISH3 as to whether pre-commencement works need to be subject to the traffic plans under Requirement 21. The Applicant has also responded to this at ExA Q20.130.	(3) If any of the accesses identified in the outline access management plan are required for pre-commencement archaeological investigations, a specific plan for such accesses which must accord with the relevant details set out in the outline access management plan must be submitted to and approved by the relevant planning authority, in consultation with the highway authority, prior to the construction and use of such accesses. The accesses identified must be constructed and used in accordance with the details contained in the specific plan so approved.	3
25.	Schedule 1, Part 3, requirement 23(3)-(4)	NCC & ExA	To address comments from NCC at Deadline 1 that requirement 23(3) might be superfluous and to respond to ExA's Q15.15.	(3) Any archaeological site investigation, archaeological works or watching brief must be carried out in accordance with the approved scheme.  <del>(4) In the event that site investigation is required, the site investigation and post investigation assessment must be completed for that stage in accordance with the programme set out in the archaeological written scheme of investigation and provision made for analysis, publication and dissemination of results and archive deposition secured for that stage.</del>	3
26.	Schedule 1, Part 3, requirement 23(5)	HE	To address Historic England's late representation (dated 17 Jan 2019)	Pre-commencement surveys, site preparation works and archaeological investigations must only take place in accordance with a specific written scheme of investigation which is in accordance with the details set out in the outline written scheme of investigation (onshore), and which has been submitted to and	3



Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				approved by the relevant local authority.	
27.	Schedule 1, Part 3, requirement 25(1)	NCC & ExA	Requested by NCC and in response to ExA WQ 20.129	No stage of the onshore transmission works involving the crossing, diversion and subsequent reinstatement of any designated main river or ordinary watercourse may commence until a scheme and programme for any such crossing, diversion and reinstatement in that stage has been submitted to and, approved by the relevant planning authority in consultation with <b>Norfolk County Council, the Environment Agency, relevant drainage authorities and</b> Natural England.	3
28.	Schedule 1, Part 3, requirement 26	NNDC & ExA	To clarify the intention of the drafting at Requirement 26 arising from discussions at ISH3 with NNDC, and to address ExA WQ.10.5 and WQ 20.132.	The paragraph now reads:  <b>26.—(3)</b> "Construction work for the onshore transmission works must only take place between 0700 hours and 1900 hours Monday to Friday, and 0700 hours to 1300 hours <b>on</b> Saturdays, with no activity on Sundays or bank holidays, except as specified in paragraphs <b>(2) to (4)</b> .  <b>(4)</b> Outside the hours specified in paragraph <b>(1)</b> , construction work may be undertaken for essential <b>or non-intrusive</b> activities including but not limited to— <ul style="list-style-type: none"> <li><b>(a)</b> continuous periods of operation that are required as assessed in the environmental statement, such as concrete pouring, drilling, and pulling cables (including fibre optic cables) through ducts;</li> <li><b>(b)</b> delivery to the onshore transmission works of abnormal loads that may cause congestion on the local road network;</li> <li><b>(c)</b> works required that may necessitate the</li> </ul>	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				<p>temporary closure of roads;</p> <p>(d) onshore transmission works requiring trenchless installation techniques;</p> <p>(e) onshore transmission works at the landfall;</p> <p>(f) commissioning or outage works associated with the extension to the Necton National Grid substation comprised within Work No. 10A;</p> <p>(g) commissioning or outage works associated with the overhead line modification works comprised within Work No. 11 and Work No. 11A;</p> <p>(h) electrical installation; and</p> <p>(i) emergency works.</p> <p>(5) Outside the hours specified in paragraph (1), construction work may be undertaken for non-intrusive activities including but not limited to—</p> <p>(a) fitting out works within the onshore project substation buildings comprised within Work No. 8A; and</p> <p>(b) daily start up or shut down;</p> <p>(6) Save for emergency works, the timing and duration of all essential construction activities under paragraph (2) and undertaken outside of the hours specified in paragraph (1) must be agreed with the relevant planning authority in writing in advance, and must be carried out within the agreed time."</p>	
29.	Schedule 1, Part 3, requirement 27(2)	N/A	Typing error corrected	(2) The noise rating level for the use of Work No. 8A must not exceed 32 dB <del>LAeq</del> LLeq (15 minutes) in the 100Hz third octave band at any time at a free	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				field location immediately adjacent to any noise sensitive location.	
30.	Schedule 1, Part 3, requirement 29	ExA	Arising from discussions at ISHs, and to address ExA Q.20.134.	<p>(1) Within six months of the permanent cessation of commercial operation of the onshore transmission works an <b>onshore decommissioning plan</b> must be submitted to the relevant planning authority for approval.</p> <p>(2) The <b>onshore</b> decommissioning plan must be implemented as approved</p> <p>(3) <b>The undertaker must notify the relevant planning authority in writing of the permanent cessation of commercial operation of the onshore transmission works within 28 days of such permanent cessation.</b></p>	3
31.	Schedule 6	N/A	The Applicant has made a number of minor amendments to the plots in Schedule 6 to reflect the updated land plans and Book of Reference, in particular, as a result of the Minor Change Request (document reference: ExA; Change (land rights); 10.D4.9).	The plots in Schedule 6 of the draft DCO have been amended accordingly.	3
32.	Schedule 8	N/A	The Applicant has made a number of minor amendments to the plots in Schedule 6 to reflect the	The plots in Schedule 8 of the draft DCO have been amended accordingly.	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
			updated land plans and Book of Reference, in particular, as a result of the Minor Change Request (document reference: ExA; Change (land rights); 10.D4.9).		
33.	Schedule 9-12 Part 1	N/A	Added for clarification that cable protection will also be required where cables are not buried because they are approaching turbines, offshore electrical stations and offshore accommodation platforms. This has been assessed in the ES.	"cable protection" means measures for offshore cable crossings and where cable burial is not possible due to ground conditions <b>or approaching offshore structures</b> , to protect cables and fibre optic cables and prevent loss of seabed sediment by use of grout bags, protective aprons, mattresses, flow energy dissipation (frond) devices or rock and gravel dumping	3
34.	Schedule 9-12 Part 1	N/A	New definition as this is referred to in condition 14(1)(m) but without a definition	<b>"relevant site" means a European offshore marine site and a European site;</b>	3
35.	Schedule 9 and 10, Part 4, condition 7(3)	NE	Added to be consistent with the Requirements in Schedule 1 and to address comments from NE	In relation to any wave measurement buoys, each foundation must not have a seabed footprint area (excluding scour protection) of greater than <b>150m<sup>2</sup> per buoy</b> and <b>300 m<sup>2</sup> in total</b>	3
36.	Schedule 9 and 10, Part 4, condition 9(7)(b)  Schedule 11 and 12, Part 4, condition 4(7)(b)	MMO	Updated in line with MMO request to align the Kingfisher notification with the MMO's standard wording.	as soon as reasonably practicable and no later than 24 hours of completion of <b>construction of</b> all offshore activities	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
37.	Schedule 9 and 10, Part 4, condition 9(10)		Insertion of a word rather than number for consistency with wording in the DMLs	The undertaker must notify the UK Hydrographic Office both of the commencement (within ten days), progress and completion of construction (within ten days) of the licensed activities in order that all necessary amendments to nautical charts are made and the undertaker must send a copy of such notifications to the MMO within <del>five</del> 5 days.	3
38.	Schedule 9 and 10, Part 4, condition 9(11);  Schedule 11-12, Part 4, condition 4(11)	NFFO	New wording to deal with comments from the NFFO regarding notice for exposure to cables and to address ExA WQ 20.157.	<del>(11) In case of damage to, or destruction or decay of the authorised scheme seaward of MHWS or any part thereof, with the potential to cause an impediment to third parties, the undertaker must as soon as reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify MMO, MCA, Trinity House, and the UK Hydrographic Office. In case of exposure of cables on or above the seabed, the undertaker must within five days following the receipt by the undertaker of the final survey report from the periodic burial survey, notify mariners by issuing a notice to mariners and by informing Kingfisher Information Service of the location and extent of exposure</del> <del>In case of damage to, or destruction or decay of, the authorised scheme seaward of MHWS or any part thereof the undertaker must as soon as possible reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify MMO, MCA, Trinity House and the UK Hydrographic Office.</del>  (11) In case of damage to, or destruction or decay of the authorised scheme seaward of MHWS or any part thereof, with the potential to cause an impediment to third parties, the undertaker must as soon as reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify MMO, MCA, Trinity House, and the UK Hydrographic Office. In case of exposure of cables on or above the seabed, the undertaker must within five days following the receipt by the undertaker of the final survey report from the periodic burial survey, notify mariners by issuing a notice to mariners and by informing Kingfisher Information Service of the location and extent of exposure	3
39.	Schedule 9 and 10, Part 4, condition 10(3)  Schedule 11 and 12, Part	Trinity House	As requested by Trinity House at Deadline 1 (15 January 2019) submission	The undertaker must provide reports to Trinity House on the availability of aids to navigation <del>daily in accordance with the frequencies as</del> set out in the aids to navigation management plan agreed pursuant	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
	4, condition 5(3)			to <b>condition 14(1)(k)</b> using the reporting system provided by Trinity House	
40.	Schedule 9 and 10, Part 4, condition 12(5)  Schedule 11 and 12, Part 4, condition 7(5)	ExA	To clarify intentions in response to ExA Q20.154.	The undertaker must ensure that only inert material of natural origin, produced during the drilling installation of or seabed preparation for foundations, and drilling mud is disposed of within site disposal reference [XX] within the extent of the Order limits seaward of MHWS. Any other materials must be screened out before disposal <b>of the inert material</b> at this site.	3
41.	Schedule 9 and 10, Part 4, condition 14(1)(i)	N/A	Correction of typing error	A mitigation scheme for any habitats of principal importance identified by the survey referred to in condition 18(2)(a) and in accordance with the offshore in principle monitoring plan.	3
42.	Schedule 9 and 10, Part 4, condition 14(1)(m)  Schedule 11 and 12, Part 4, condition 9(1)(l)	N/A	Correction of typing error	In the event that driven or part-driven pile foundations are proposed to be used, the licensed activities, or any phase of those activities must not commence until a site integrity plan which accords with the principles set out in the in principle Norfolk Vanguard Southern North Sea candidate Special Area of Conservation Site Integrity Plan has been submitted to the MMO and the MMO is satisfied that the plan, provides such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2017 Regulations) of a relevant site, to the extent that harbour porpoise are a protected feature of that site.	3
43.	Schedule 9 and 10, Part 4, condition 14(1)(h)  Schedule 11 and 12, Part	N/A	Wording deleted as it duplicates condition 15(2) of the Generation DMLs and condition 10(2) of the	(h) An archaeological written scheme of investigation in relation to the offshore Order limits seaward of mean low water, which <b>must be submitted at least four months prior to</b>	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
	4, condition 9(1)(h)		Transmission DMLs.	<del>commencement of the licensed activities and</del> must accord with the outline written scheme of investigation (offshore) and industry good practice, in consultation with the statutory historic body to include—	
44.	Schedule 9 and 10, Part 4, condition 14(1)(j)  Schedule 11 and 12, Part 4, condition 9(1)(j)	N/A	Wording deleted as it duplicates condition 15(2) of the Generation DMLs and condition 10(2) of the Transmission DMLs.	(j) An offshore operations and maintenance plan, in accordance with the outline offshore operations and maintenance plan, <del>to be submitted to the MMO at least four months prior to commencement of operation of the licensed activities and</del> to provide for review and resubmission every three years during the operational phase.	
45.	Schedule 9 and 10, Part 4, condition 14(2)	Historic England	To address comments from Historic England at Deadline 1 and through the ISHs	<del>Pre-commencement surveys and construction</del> archaeological investigations and pre-commencement material operations which involve intrusive seabed works must 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 offshore written scheme of investigation (offshore), and which has been submitted to and approved by the MMO.	3
46.	Schedule 9 and 10, Part 4, condition 14(3)  Schedule 11 and 12, Part 4, condition 9(3)	N/A	No change to text, but relocated to condition 14(3) as this is not a plan to be submitted and approved	(3) In the event that driven or part-driven pile foundations are proposed to be used, the hammer energy used to drive or part-drive the pile foundations must not exceed 5,000kJ.	3
47.	Schedule 9 and 10, Part 4, condition 15(3)-(6)  Schedule 11 and 12, Part 4, condition 10(3)-(6)	MMO, NE, and ExA	Added in view of removal of the MMO from arbitration and in order to provide an adequate and appropriate discharge mechanism under the DMLs. This also	(3) No licensed activity may commence until for that licensed activity the MMO has approved in writing any relevant programme, statement, plan, protocol or scheme required to be approved under condition 14 <del>or approval has been deemed in accordance with</del>	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
			responds to ExA Q.20.139.	<p>sub-paragraph (5).</p> <p>(4) Unless otherwise agreed in writing with the undertaker, the MMO must determine an application for approval made under condition 14 within a period of four months commencing on the date the application is received by the MMO or if the MMO reasonably requests further information to determine the application for approval, within a period of four months commencing on the date that the further information is received by the MMO. For the purposes of this paragraph (4), the MMO may only request further information from the undertaker within a period of one month from receipt of the application for approval.</p> <p>(5) Save in respect of any plan which secures mitigation to avoid adversely affecting the integrity of a relevant site, where the MMO fails to determine the application for approval under condition 14 within the period referred to in sub-paragraph (4), the programme, statement, plan, protocol or scheme is deemed to be approved by the MMO.</p> <p>(6) The licensed activities must be carried out in accordance with the <del>approved</del> plans, protocols, statements, schemes and details approved under condition 14 <del>or deemed to be approved under sub-paragraph (5) above</del>, unless otherwise agreed in writing by the MMO.</p>	
48.	Schedule 9 and 10, Part 4,	MMO	Requested by the MMO at	The results of the initial noise measurements	3



Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
	condition 19(3)		Deadline 3 and in response to ExA WQ 20.140.	monitored in accordance with sub-paragraph (1) must be provided to the MMO within six weeks of the installation of the first four piled foundations of each piled foundation type. The assessment of this report by the MMO will determine whether any further noise monitoring is required. <b>If, in the opinion of the MMO in consultation with Natural England, the assessment shows significantly different impacts to those assessed in the environmental statement or failures in mitigation, all piling activity must cease until an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed.</b>	
49.	Schedule 9 and 10, Part 4, condition 20(2)(a)  Schedule 11 and 12, Part 4, condition 15(2)(a)	N/A	Amended for clarity and consistency with requirements under condition 18 of the Generation DML and condition 13 of the Transmission DML which refer to pre-construction surveys in the Order limits	(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—  (a) a survey to determine any change in the location, extent and composition of any benthic habitats of conservation, ecological and/or economic importance constituting Annex 1 reef habitats identified in the pre-construction survey in the parts of the <del>wind farm area</del> <b>Order limits</b> in which construction works were carried out. The survey design must be informed by the results of the pre-construction benthic survey;	3
50.	Schedule 11 and 12, Part 4, condition 9(1)(n)	NE, ExA	New wording to address comments from NE at Deadline 3 and in response to ExA questions (including Q.5.26).  The Applicant acknowledges that as a European site, the	<b>The licensed activities, or any phase of those activities must not commence until a site integrity plan which accords with the principles set out in the Outline Norfolk Vanguard Haisborough, Hammond and Winterton Special Area of Conservation Site Integrity Plan has been submitted to the MMO and the MMO (in consultation with the statutory nature conservation body) is satisfied that the plan, provides</b>	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
			Haisborough Hammond and Winterton (HHW) SAC has a special environmental status. For this reason, the Applicant agrees that there is benefit in securing the mitigation associated with the HHW SAC in a single plan and through a separate condition in the transmission asset DMLs. The Applicant is engaging with Natural England as to the precise wording of the condition (which is as proposed in the drafting for the Deadline 4 dDCO as shown in red) and content for the plan.	such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2017 Regulations) of a relevant site, to the extent that sandbanks and sabellaria spinulosa reefs are a protected feature of that site.	
51.	Schedule 11 and 12, Part 4, condition 14	MMO	To reflect the changes to Condition 19(3) of the Generation DMLs within the corresponding condition in the Transmission DMLs (as requested by the MMO at Deadline 3) and in response to ExA WQ 20.140.	14.—(1) The undertaker must, in discharging condition 9(1)(b), submit details (which accord with the offshore in principle monitoring plan) for approval by the MMO in consultation with the relevant statutory nature conservation bodies of any proposed monitoring, including methodologies and timings, to be carried out during the construction of the authorised scheme. The survey proposals must specify each survey's objectives. In the event that driven or part-driven pile foundations are proposed, such monitoring must include measurements of noise generated by the installation of the first four piled foundations of each piled foundation type to be installed unless the MMO otherwise agrees in writing.  (2) The undertaker must carry out the surveys approved under sub-paragraph (1), including any	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				<p>further noise monitoring required in writing by the MMO, 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 relevant statutory nature conservation bodies.</p> <p>(3) The results of the initial noise measurements monitored in accordance with sub-paragraph (1) must be provided to the MMO within six weeks of the installation of the first four piled foundations of each piled foundation type. The assessment of this report by the MMO will determine whether any further noise monitoring is required. If, in the opinion of the MMO in consultation with Natural England, the assessment shows significantly different impacts to those assessed in the environmental statement or failures in mitigation, all piling activity must cease until an update to the marine mammal mitigation protocol and further monitoring requirements have been agreed.</p> <p>...</p>	
52.	Schedule 15	NNDC	Amendments to the procedure for discharge as requested by NNDC with further minor amendments considered reasonable by the Applicant. Responded to by the Applicant at WQ 20.121.	The Applicant has revised Schedule 15 accordingly.	3
53.	Schedule 16	Hornsea Project Three	The Applicant is in discussions with Hornsea Project Three to finalise protective provisions and	<p>[PART 8</p> <p>For the protection of Ørsted Hornsea Project Three (UK) Ltd]</p>	3

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
			these will be inserted into Schedule 16 at Part 8 once agreed.		
<b>Deadline 6 prior to hearings (16 April 2019)</b>					
1.	Article 2	N/A	New definitions to reflect the additional certified plans at Article 37	"outline skills and employment strategy" means the document certified as the outline skills and employment strategy for the purposes of this Order;  ...  "outline operational drainage plan" means the document certified as the outline operational drainage plan by the Secretary of State for the purposes of this Order;	4
2.	Article 37	NCC	Additional certified plans to reflect the new requirements at Part 3 of Schedule 1	(x) the outline Norfolk Vanguard Haisborough, Hammond, and Winterton Special Area of Conservation site integrity plan (8.20)  (y) the outline operational drainage plan (8.21)  (z) the outline skills and employment plan (8.22).	4
3.	Article 39	N/A	To reflect the new requirements at Part 3 of Schedule 1	(2) Schedule 15 (procedure for discharge of requirements) has effect in relation to all agreements or approvals granted, refused or withheld in relation to requirements 13, 14, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29, 32 and 33 in Part 3 of Schedule 1 (requirements).	4
4.	Article 42	TCE	Wording amended as agreed with the Crown Estate	(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker or any licensee to take, use, enter on or in any manner interfere with any	4

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				<p>land or rights of any description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary) —</p> <p>(a) belonging to Her Majesty in right of the Crown and forming part of The Crown Estate without the consent in writing of the Crown Estate Commissioners ;</p> <p>(b) belonging to Her Majesty in right of the Crown and not forming part of The Crown Estate without the consent in writing of the government department having the management of that land; or</p> <p>(c) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department; <del>or.</del></p> <p><del>(2) Paragraph (1) does not apply to the exercise of any right under this Order for the compulsory acquisition of to acquire an interest in any Crown land (as defined in the 2008 Act) which is Crown land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown. without the consent in writing of the appropriate Crown authority (as defined in the 2008 Act).</del></p> <p>(3) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically.</p>	
5.	Schedule 1, Part 1	N/A	Updates to the disposal figures to account for removal of 9MW turbine	(c) the removal of material from the seabed required for the construction of Work Nos. 1 to 4B and the disposal of up to <del>51,207,566</del> 49,329,712 cubic metres of inert material of natural origin within	4

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
			option.	the Order limits produced during construction drilling, seabed preparation for foundation works, cable installation preparation such as sandwave clearance, boulder clearance and pre-trenching and excavation of horizontal directional drilling exit pits;	
6.	Schedule 1, Part 1	N/A	For the avoidance of doubt passing places have been included in the description of development given that these are proposed as part of the highways mitigation to address cumulative impacts.	(a) works to secure vehicular and/or pedestrian means of access including the creation of new tracks, footpaths, and/or widening, <b>creation of passing places</b> , upgrades, creation of bell mouths, creation of temporary slip roads and improvements of existing tracks, footpaths and roads;	4
7.	Schedule 1, Part 3, requirement 12	MoD	Requested by MoD	The undertaker must exhibit such lights, with such shape, colour and character and at such times as are required in writing by Air Navigation Order 2016( ) and/or determined necessary for aviation safety in consultation with the Defence Infrastructure Organisation Safeguarding and as directed by the CAA. Lighting installed specifically to <b>address meet</b> Ministry of Defence aviation safety requirements will remain operational for the life of the authorised development unless otherwise agreed in writing with the Ministry of Defence.	4
8.	Schedule 1, Part 3, requirement 2(d)	N/A	Updating of turbine spacing in accordance with removal of 9MW turbine option and removal of floating foundation.	(d) be less than <b>720-760</b> metres from the nearest wind turbine generator in either direction perpendicular to the approximate prevailing wind direction (crosswind) or be less than <b>720-760</b> metres from the nearest wind turbine generator in either direction which is in line with the approximate prevailing wind direction (downwind);	
9.	Schedule 1, Part 3,	N/A	Updates to cable protection	Cable protection (m2 and m3)	4

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
	requirement 5		volume and area to reflect commitment to remove the 9MW turbine option and reduction of cable protection in HHW SAC.	400,000m2      204,000 m3 76,000m2      38,000 m3 102,086m2      59,836 m3	
10.	Schedule 1, Part 3, requirement 6(2)	N/A	Update to the parameter following the removal of floating foundations.	(2) In relation to a wind turbine generator, each foundation must not have a seabed footprint area (excluding scour protection) of greater than <del>4,900</del> 1,963m2.	4
11.	Schedule 1, Part 3, requirement 11	N/A	Update to the parameter following the removal of floating foundations and removal of 9MW turbine option.	The total amount of scour protection for the wind turbine generators, accommodation platform, meteorological masts, offshore electrical platforms and LIDAR measurement buoys forming part of the authorised project must not exceed <del>10,639,080</del> 5,483,752 m2 and <del>53,195,398</del> 27,418,759 m3.	4
12.	Schedule 1, Part 3, requirement 13(c)	N/A	Typing error	“Ministry of Defence” means the Ministry of Defence as represented by Defence Infrastructure Organisation – Safeguarding, Kingston Road, Sutton Coldfield, B75 7RL or any successor body.	4
13.	Schedule 1, Part 3, requirement 17	NNDC	Agreed with NNDC to secure ongoing monitoring of cables and ducts at landfall.	(1) No part of Works No. 4A, 4B or 4C may commence until a method statement for the construction of Works No. 4A, 4B and 4C has been submitted to and approved in writing by <del>the relevant planning authority</del> North Norfolk District Council.  (2) The method statement referred to in subparagraph (1) must include measures for long horizontal directional drilling below the coastal shore platform and cliff base at the landfall as well as measures for ongoing inspection of Work No. 4C and reporting of results to North Norfolk District Council	4

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				<p>during the operation of the authorised project.</p> <p>(3) In the event that inspections indicate that as a result of the rate and extent of landfall erosion Work No. 4C could become exposed during the operation of the authorised project the undertaker must, as soon as practicable, submit proposals in writing for remedial measures to protect Work No. 4C, together with a timetable for their implementation, to North Norfolk District Council for their approval.</p> <p>(4) The method statement and any proposals for remedial measures must be implemented as approved.</p>	
14.	Schedule 1, Part 3, requirement 20	N/A	To make clear that the CoCP elements of surface water and drainage only apply to construction, as the relevant operational elements will be addressed through the Operational Drainage Plan pursuant to requirement 32.	(i) construction surface water and drainage;	4
15.	Schedule 1, Part 3, requirement 24	NNDC	As requested by NNDC to capture post consent ecological surveys of previously un-surveyed areas	<p>(1) No stage of the onshore transmission works may commence until for that stage a written ecological management plan (which accords with the outline landscape and ecological management strategy as appropriate for the relevant stage) has been submitted to and approved by the relevant planning authority in consultation with Natural England. The ecological management plan must be informed by post consent ecological surveying of previously un-surveyed areas for the relevant stage.</p> <p>...</p>	4



Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				(3) Pre-commencement site clearance works must only take place in accordance with a specific ecological management plan for site clearance works which is in accordance with the relevant details for site clearance works set out in the outline landscape and ecological management strategy, and which has been submitted to and approved by the relevant local authority. <b>The plan for site clearance works must be informed by post consent ecological surveying of previously un-surveyed areas for the relevant stage referred to in the plan.</b>	
16.	Schedule 1, Part 3, requirement 32	NCC	As requested by NCC to cover operational drainage at the Necton National Grid substation and the onshore project substation.	<p>(1) <b>Each of Work No. 8A and Work No.10A must not commence until a written plan for drainage during operation of the relevant work, has been submitted to and approved by the relevant planning authority, following consultation with Norfolk County Council and the Environment Agency.</b></p> <p>(2) <b>The operational drainage plan must accord with the principles for the relevant work set out in the outline operational drainage plan, and must include a timetable for implementation.</b></p> <p>(3) <b>The operational drainage plan must be implemented as approved.</b></p>	4
17.	Schedule 1, Part 3, requirement 33	NCC	As requested by NCC.	<p>(1) <b>No stage of the onshore transmission works may commence until a skills and employment strategy (which accords with the outline skills and employment strategy) has been submitted to and approved in writing by Norfolk County Council.</b></p> <p>(2) <b>Prior to submission of the skills and employment strategy for approval in accordance with paragraph (1), the undertaker must consult North Norfolk District Council, Broadland District Council, Breckland</b></p>	4

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				District Council, Norfolk County Council and the New Anglia Local Enterprise Partnership on the content of the strategy.  (3) The skills and employment strategy must be implemented as approved.	
18.	Schedule 9 - 10, Part 3, paragraph 1(d)	N/A	Parameters updated to reflect removal of floating foundation and 9MW turbine, and also to capture the disposal site references.	the disposal of up to <del>39,732,566</del> 37,854,712 m3 of inert material of natural origin within the offshore Order limits produced during construction drilling or seabed preparation for foundation works and cable (including fibre optic cable) sandwave preparation works at disposal site references <del>[XX]</del> HU215 and HU216 within the extent of the Order limits seaward of MHWS, comprising—  (i) 36,000,000 m3 for cable and fibre optic cable installation;  (ii) <del>3,645,000</del> 1,767,146 m3 for the wind turbine generators;  (iii) 75,000 m3 for the accommodation platform; and  (iv) 12,566 m3 for the meteorological masts; and  (e) the removal of static fishing equipment	4
19.	Schedule 9 - 10, Part 3, paragraph 2(2)(c)	N/A	Parameter updated to reflect removal of floating foundation and 9MW turbine	the removal of material from the seabed required for the construction of Work No. 1 and the disposal of up to <del>39,732,566</del> 37,854,712 cubic metres of inert material of natural origin within the Order limits produced during construction drilling, seabed preparation for foundation works, cable installation preparation such as sandwave clearance, boulder clearance and pre-trenching and excavation of horizontal directional drilling exit pits; and	4

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20.	Schedule 9 - 10, Part 4, condition 1(d)	N/A	Parameter updated to reflect removal of floating foundation and 9MW turbine	be less than <del>720</del> 760 metres from the nearest wind turbine generator in either direction perpendicular to the approximate prevailing wind direction (crosswind) or be less than <del>720</del> 760 metres from the nearest wind turbine generator in either direction which is in line with the approximate prevailing wind direction (downwind);	4
21.	Schedule 9 - 10, Part 4, condition 3	N/A	Parameter updated to reflect removal of 9MW turbine option.	Cable protection (m2 and m3) <del>440,000</del> 400,000 m2 <del>209,000</del> 204,000 m3	4
22.	Schedule 9 - 10, Part 4, condition 4(2)	N/A	Parameter updated to reflect removal of floating foundation.	(2) In relation to a wind turbine generator, each foundation must not have a seabed footprint area (excluding scour protection) of greater than <del>4,900</del> 1,963 m2.	4
23.	Schedule 9 - 10, Part 4, condition 8(1)	N/A	Parameter updated to reflect removal of floating foundations and removal of 9MW turbine option.	(g) the total amount of scour protection for the wind turbine generators, accommodation platform, meteorological masts and measurement buoys forming part of the authorised scheme must not exceed <del>10,619,080</del> 5,463,752 m2 and <del>53,095,398</del> 27,318,759 m3; and  (h) the total amount of inert material of natural origin disposed within the offshore Order limits as part of the authorised scheme must not exceed <del>39,732,566.37</del> 37,854,712 m3	4
24.	Schedule 9 - 10, Part 4, condition 9(12)  Schedule 11 - 12, Part 4, condition 4(12)	MMO and Trinity House	New sub-paragraph for this part of the condition as requested by MMO and Trinity House	(12) In case of exposure of cables on or above the seabed, the undertaker must within five days following the receipt by the undertaker of the final survey report from the periodic burial survey, notify mariners by issuing a notice to mariners and by informing Kingfisher Information Service of the	4

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				location and extent of exposure.	
25.	Schedule 9 - 10, Part 4, condition 10(5)	N/A	Updated to reflect new condition 9(12).	(5) In the event that the provisions of condition 9(11) <b>and condition 9(12)</b> are invoked, the undertaker must lay down such marker buoys, exhibit such lights and take such other steps for preventing danger to navigation as directed by Trinity House.	4
26.	Schedule 9 - 10, Part 4, condition 12(5)	MMO	Updating of disposal references	(5) The undertaker must ensure that only inert material of natural origin, produced during the drilling installation of or seabed preparation for foundations, and drilling mud is disposed of within site disposal references <del>XX</del> <b>HU215 and HU216</b> within the extent of the Order limits seaward of MHWS. Any other materials must be screened out before disposal of the inert material at this site.	4
27.	Schedule 9 -10, Part 4, condition 14(1)(d)(vi)	Natural England	RTD mitigation requested by NE	<b>(vi) procedures to be adopted within vessels transit corridors to minimise disturbance to red-throated diver during operation and maintenance activities.</b>	4
28.	Schedule 9 -10, Part 4, condition 14(1)(e)  Schedule 11-12, Part 4, condition 9(1)(e)	MMO	Updated in response to comments from the MMO at ISH5.	A scour protection and cable protection plan ( <b>in accordance with the outline scour protection and cable protection plan</b> ) providing details of the need, type, sources, quantity, <b>distribution</b> and installation methods for scour protection and cable (including fibre optic cable) protection, which must be updated and resubmitted for approval if changes to it are proposed following cable laying operations.	4
29.	Schedule 9 -10, Part 4, condition 14(1)(f)  Schedule 11-12, Part 4, condition 9(1)(f)	N/A	Updated to cover all types of piled foundations.	In the event that <del>driven or part driven</del> <b>piled</b> foundations are proposed to be used, a marine mammal mitigation protocol, in accordance with the draft marine mammal mitigation protocol, the intention of which is to prevent injury to marine	4

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				mammals and following current best practice as advised by the relevant statutory nature conservation bodies.	
30.	Schedule 9 - 10, Part 4, condition 14(1)(j)  Schedule 11 - 12, Part 4, condition 9(1)(j)	N/A	Previously deleted in error.	An offshore operations and maintenance plan, in accordance with the outline offshore operations and maintenance plan, <b>to be submitted to the MMO at least four months prior to commencement of operation of the licensed activities and</b> to provide for review and resubmission every three years during the operational phase.	4
31.	Schedule 9 - 10, Part 4, condition 14(1)(m)  Schedule 11 - 12, Part 4, condition 9(1)(l)	MMO/NE	Updated to cover all types of piled foundations.	In the event that <del>driven or part-driven</del> piled foundations are proposed to be used, the licensed activities, or any phase of those activities must not commence until a site integrity plan which accords with the principles set out in the in principle Norfolk Vanguard Southern North Sea candidate Special Area of Conservation Site Integrity Plan has been submitted to the MMO and the MMO is satisfied that the plan, provides such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2017 Regulations) of a relevant site, to the extent that harbour porpoise are a protected feature of that site.	4
32.	Schedule 9 - 10 Part 4, condition 15(4)  Schedule 11 - 12 Part 4, condition 10(4)	MMO	Reasonable endeavours inserted as a result of oral submissions from the MMO who indicated a willingness to accept. The period for requesting further information has been extended to two months at the request of the MMO.	Unless otherwise agreed in writing with the undertaker, the MMO must <b>use reasonable endeavours to</b> determine an application for approval made under condition 14 <b>as soon as practicable and in any event</b> within a period of four months commencing on the date the application is received by the MMO or if the MMO reasonably requests further information to determine the application for approval, within a period of <b>two months</b> commencing	4

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				on the date that the further information is received by the MMO. For the purposes of this paragraph (4), the MMO may only request further information from the undertaker within a period of <b>two months</b> from receipt of the application for approval.	
33.	Schedule 9 - 10, Part 4, condition 19(4)	TH	Requested by Trinity House	Construction monitoring must include traffic monitoring in accordance with the outline marine traffic monitoring strategy, including the provision of reports on the results of that monitoring periodically as requested by the MMO in consultation with the MCA <b>and Trinity House</b> .	4
34.	Schedule 9 - 10, Part 4, condition 19(5)	N/A	Updated to cover all types of piled foundations associated with the generation assets.	In the event that <del>driven or part-driven</del> piled foundations are proposed to be used, a marine mammal mitigation protocol will be followed in accordance with the draft marine mammal mitigation protocol and the in principle monitoring plan.	4
35.	Schedule 9 - 10, Part 4, condition 20(2)(d)	TH	Requested by Trinity House	post-construction traffic monitoring in accordance with the outline marine traffic monitoring strategy, including the provision of reports on the results of that monitoring periodically as requested by the MMO in consultation with the MCA <b>and Trinity House</b> .	4
36.	Schedule 11 -12, Part 3, paragraph 1(d)	MMO	Updated to reflect disposal site references	the disposal of up to 11,475,000 m3 of inert material of natural origin within the offshore Order limits produced during construction drilling or seabed preparation for foundation works and cable (including fibre optic cable) sandwave preparation works at disposal site references <b>HU213, HU214, HU215 and HU216</b> <del>[XX]</del> within the extent of the Order limits seaward of MHWS, comprising—	4

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37.	Schedule 11 - 12, Part 4, condition 2	N/A	Updated to reflect reduction in cable protection to 5% in HHW SAC.	Cable protection (m2 and m3) 76,000m2            38,000 m3 <del>122,086</del> 102,086m2 <del>69,836</del> 59,836m3	4
38.	Schedule 11 - 12, Part 4, Condition 5(5)	N/A	Updated to reflect new condition 4(12)	(5) In the event that the provisions of condition 4(11) <del>and condition 4(12)</del> are invoked, the undertaker must lay down such marker buoys, exhibit such lights and take such other steps for preventing danger to navigation as directed by Trinity House.	4
39.	Schedule 11 - 12, Part 4, condition 7(5)	MMO	Updated to reflect disposal site references	(5) The undertaker must ensure that only inert material of natural origin, produced during the drilling installation of or seabed preparation for foundations, and drilling mud is disposed of within site disposal references <del>[XX] HU213, HU214, HU215 and HU216</del> within the extent of the Order limits seaward of MHWS. Any other materials must be screened out before disposal of the inert material at this site.	4
40.	Schedule 11 - 12, Part 4, condition 9(1)(c)(vi)	N/A	Previously deleted in error	vessels, vessels maintenance <del>and vessels transit corridors</del>	4
41.	Schedule 11 - 12, Part 4, condition 9(1)(g)(ii)	N/A	Removed as this is now covered in the new SIP for the HHW SAC (condition 9(1)(m))	a detailed cable (including fibre optic cable) laying plan for the Order limits, incorporating a burial risk assessment to ascertain suitable burial depths and cable laying techniques, including cable landfall and cable protection measures <del>and, in particular, proposals for the Haisborough, Hammond and Winterton Special Area of Conservation.</del>	4
42.	Schedule 12, Part 4, condition 9(1)(k)	TH	To align with Schedules 9- 11 and correct a drafting error from the previous	An aids to navigation management plan to be agreed in writing by the MMO following <del>appropriate</del> consultation with Trinity House, <del>to include details of specifying</del> how the undertaker will <del>comply with the</del>	4

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			version.	<del>provisions of condition 5 for the lifetime ensure compliance with condition 5(1) to (5) (Aids to Navigation) from the commencement of construction of the authorised scheme to the completion of decommissioning.</del>	
43.	Schedule 15, condition 1(1)	N/A	Updated with new requirements to make consistent with Schedule 1	Where an application has been made to a discharging authority for any agreement or approval required pursuant to requirements 13, 14, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, <b>32 and 33</b> in Part 3 of Schedule 1 (requirements) of this Order:	4
44.	Schedule 15, paragraph 1(2)	NNDC	Moved to sub-paragraph (2) to reflect the agreed position with NNDC.	<b>(2) The discharging authority must give notice to the undertaker of its decision on the application before the end of the decision period.</b>	4
45.	Schedule 15, paragraph 2(3)	NNDC	To correct a typing error and as per the agreed position with NNDC	If the requirement specifies that consultation with a requirement consultee is required, the discharging authority must issue the consultation to the requirement consultee within <b>10</b> business day of receipt of the application, and must notify the undertaker in writing specifying any further information requested by the requirement consultee within 1 business day of receipt of such a request and in any event within 42 days of receipt of the application.	4
46.	Schedule 15, paragraph 4	N/A	Updated with new requirements to make consistent with Schedule 1	“discharging authority” means that person or body responsible for approving details pursuant to requirements 13, 14, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, <b>32 and 33</b> in Part 3 of Schedule 1 (requirements);	4
47.	Schedule 16, Part 8	Orsted	Included to reflect the protective provisions for	Inclusion at Schedule 16, Part 8.	4



Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
			Hornsea Project Three as requested by Orsted at Deadline 5.		
<b>Deadline 7</b>					
1.	Article 2	MCA	To reflect the conclusions of the development principles in the DML as agreed with the MCA.	"Development Principles" means the document certified as the Development Principles by the Secretary of State for the purposes of the Order under.	5
2.	Article	N/A	To secure the additional mitigation from the split of turbines in NVE and NWV	"Norfolk Vanguard East" means the eastern area located in the offshore Order limits within which wind turbine generators will be situated  "Norfolk Vanguard West" means the western area located in the offshore Order limits within which wind turbine generators will be situated	5
3.	Article 2	N/A	To make consistent with the name of the outline plan. This change has also been reflected in the list of certified plans at Article 37.	"outline scour protection and cable <del>management</del> protection plan" means the document certified as the outline scour protection and cable management protection plan the Secretary of State for the purposes of this Order	5
4.	Article 2	ExA	Responding to Action Point 11 from ISH7 as raised by the ExA in relation to whether there needs to be a definition of statutory conservation nature body.	"statutory nature conservation body" means an organisation charged by government with advising on nature conservation matters.	5

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
5.	Article 15(2)	ExA	Correction of typo	(2) Any dispute arising from the making of connections to or the use of a public sewer or drain by the undertaker pursuant to <b>sub</b> -paragraph (1) is determined as if it were a dispute under section 106 of the Water Industry Act 1991( ) (right to communicate with public sewers).	5
6.	Article 37(t)	N/A	To make consistent with the name of the outline plan. This change has also been reflected in the list of certified plans at Article 37.	"outline scour protection and cable <b>management protection</b> plan" means the document certified as the outline scour protection and cable management protection plan the Secretary of State for the purposes of this Order	5
7.	Article 37(aa)	N/A	To reflect the conclusions of the development principles in the DML as agreed with the MCA.	<b>the Development Principles (8.23)</b>	5
8.	Article 39(2)	N/A	To reflect the new requirement 34	33, <b>and 34</b> in Part 3 of Schedule 1 (requirements)	5
9.	Schedules 1, Part 3, Requirement 2(3) Schedule 9-10, Part 4, Condition (1)(3)	N/A	To secure the additional mitigation in relation to offshore ornithological impacts by way of a revised turbine layout	<b>(3) The total number of wind turbine generators must be apportioned between Norfolk Vanguard East and Norfolk Vanguard West (rounded to the nearest whole number) in accordance with the following formula—</b>  <b>(a) two thirds of the total number of wind turbine generators in Norfolk Vanguard West and one third of the total number of wind generators in Norfolk Vanguard East; or</b>  <b>(b) half of the total number of wind turbine generators in Norfolk Vanguard West and half of the total number of wind turbine generators in Norfolk</b>	5

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				Vanguard East.	
10.	Schedule 1, Part 3, Requirement 19	ExA	To allow flexibility for the Applicant to be able to select a new species of trees (with agreement from the relevant planning authority) in the event that, for example, the species was not appropriate for the area.	(2) Any tree or shrub planted as part of an approved landscaping management scheme that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same species and size as that originally planted <b>unless a different species is otherwise agreed in writing with the relevant planning authority.</b>	5
11.	Schedule 1, Part 3, Requirement 22	ExA	To provide clarity that the Access Management Plan will include details on reinstatement for the temporary accesses.	22.—(1) The access management plan submitted for approval under Requirement 21(1)(c) must include details of the siting, design, layout and any access management measures for any new, permanent or temporary means of access <b>(including, where relevant, details of reinstatement measures)</b> to a highway to be used by vehicular traffic, or any alteration to an existing means of access to a highway used by vehicular traffic.  (2) The highway accesses for each stage of the onshore transmission works must be constructed or altered and the works described in paragraph (1) above in relation to access management measures must be carried out, as the case may be, in accordance with the approved details before they are brought into use for the purposes of the authorised project.	5
12.	Schedule 1, Part 3, Requirement 32	NCC	To address comments from NCC	32.—(1) Each of Work No. 8A <b>and Work No. 8B</b> and Work No. 10A, <b>Work No. 10B, and Work No. 10C</b> must not commence until a written plan for drainage during operation of the relevant work, has been	5

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				submitted to and approved by the relevant planning authority, following consultation with Norfolk County Council and the Environment Agency.	
13.	Schedule 1, Part 3 - Requirements	NATS	To secure mitigation in relation to impacts on the Cromer Primary Surveillance Radar	<p><b>Cromer Primary Surveillance Radar</b></p> <p>34.—(1) No wind turbine generator forming part of the authorised development is permitted to rotate its rotor blades on its horizontal axis until the Secretary of State having consulted with NATS has confirmed satisfaction in writing that appropriate mitigation will be implemented and maintained for the life of the authorised development and that arrangements have been put in place with NATS to ensure that the approved mitigation is implemented before the authorised development gives rise to any adverse impact on the Primary Surveillance Radar (PSR) system at Cromer and NATS's related air surveillance and control operations.</p> <p>(2) For the purposes of this requirement—</p> <p>(a) “appropriate mitigation” means measures to prevent or remove any adverse effects which the authorised development will have on the Primary Surveillance Radar (PSR) system at Cromer and NATS's related air surveillance and control operations;</p> <p>(b) “approved mitigation” means the detailed PSR Mitigation Scheme setting out the appropriate measures and timescales for implementation as agreed with NATS at the time the Secretary of State confirms satisfaction in writing in accordance with sub-paragraph (1);</p> <p>(c) “NATS” means NATS (En-Route) Plc or any</p>	5

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				<p>successor body.</p> <p>(0)(3) The undertaker must thereafter comply with all other obligations contained within the approved mitigation for the life of the authorised development.</p>	
14.	Schedule 5	Happisburgh Parish Council	To reflect an update to the mapping system	Vehicular access from <del>Track School Common Road Whimpwell Green</del> to the North marked point at AC1 on the access to works plan	5
15.	Schedules 9-12, Part 1(1)	N/A	To reflect changes to the appeal process associated with submission of the plans to the MMO	<p>"the appeal parties" means the MMO, the relevant consultee and the undertaker;</p> <p>"business day" means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971;</p> <p>"Development Principles" means the document certified as the Development Principles by the Secretary of State for the purposes of the Order under;</p> <p>"Norfolk Vanguard East" means the eastern area located in the offshore Order limits within which wind turbine generators will be situated;</p> <p>"Norfolk Vanguard West" means the western area located in the offshore Order limits within which wind turbine generators will be situated;</p> <p>"relevant consultee" means any body named in this licence as a body to be consulted by the MMO in determining the application;</p>	5
16.	Schedule 9-10, Condition 12(5) and Schedule 11-12, Condition	ExA	To correct a typing error.	(5) The undertaker must ensure that only inert material of natural origin, produced during the drilling installation of or seabed preparation for foundations,	5

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
	7(5)			and drilling mud is disposed of within <del>site</del> disposal <del>site</del> references HU215 and HU216 within the extent of the Order limits seaward of MHWS. Any other materials must be screened out before disposal of the inert material at this site.	
17.	Schedule 9-10, Condition 14(1)(a)  Schedule 10-12, Condition 9(1)(a)	MCA	To secure the design rules as agreed with the MCA	—(1) The licensed activities or any part of those activities must not commence until the following (as relevant to that part) have been submitted to and approved in writing by the MMO—  (a) A design plan at a scale of between 1:25,000 and 1:50,000, including detailed representation on the most suitably scaled admiralty chart, to be agreed in writing with the MMO in consultation with Trinity House and the MCA which shows, <del>in accordance with the Development Principles</del> —	5
18.	Schedule 9-10, Condition 14(1)(d)  Schedule 11-12, Condition 9(1)(d)	ExA	To make clear that the final plan will be in accordance with the general approach within the outline plan	A project environmental management plan ( <del>in accordance with the outline project environmental management plan</del> ) covering the period of construction and operation to include details of—	5
19.	Schedule 9-10, Condition 14(1)(e)  Schedule 11-12, Condition 9(1)(e)	MMO	To respond to points raised by the MMO	(e) A scour protection and cable protection plan (in accordance with the outline scour protection and cable protection plan) providing details of the need, type, sources, quantity, distribution and installation methods for scour protection and cable (including fibre optic cable) protection, <del>which must be updated and resubmitted for approval if changes to it are proposed following cable laying operations.</del>	5
20.	Schedule 9-10, Condition 15  Schedule 10-11, Condition	MCA	To reflect the Design Principles as agreed with the MCA	(2) the design plan required by condition 14(1)(a) must be prepared by the undertaker and determined by the MMO in accordance with the Development	5

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
	9			Principles.	
21.	Schedule 9 and 11 condition 15; and Schedule 10 and 12 condition 10	N/A	To respond to comments raised by the MMO at ISH7 and to provide a pragmatic solution in the event of non- determination and/or a dispute under approval of conditions.	<p>(3) .... At least <del>four</del> <b>six</b> months prior...</p> <p>(4) condition 14 or approval has been <b>given following an appeal</b> in accordance with sub-paragraph (6)</p> <p>(5) Unless otherwise agreed in writing with the undertaker, the MMO must use reasonable endeavours to determine an application for approval made under condition 9 as soon as practicable and in any event within a period of <del>four</del> <b>six</b> months commencing on the date the application is received by the MMO or if the MMO reasonably requests further information to determine the application for approval, within a period of <del>two</del> <b>four</b> months commencing on the date that the further information is received by the MMO. For the purposes of this paragraph (5), the MMO may only request further information from the undertaker within a period of two months from receipt of the application for approval.</p> <p><del>(6) Save in respect of any plan which secures mitigation to avoid adversely affecting the integrity of a relevant site, where the MMO fails to determine the an application for approval under condition 14 within the period referred to in sub-paragraph (5) or refuses the application for approval, the programme, statement, plan, protocol or scheme is deemed to be approved by the MMO</del> undertaker may appeal to the Secretary of State in accordance with the procedure in Part 5 of this licence.</p> <p>(7) ... <b>or approved following an appeal</b> under sub-paragraph (6)</p>	5
22.	Schedule 9-10, Condition	ExA	To correct a typographic	The undertaker must conduct a swath bathymetric	5

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
	16 and Schedule 11-12, Condition 11		error/omission	survey to IHO S44ed5 Order 1a across the area(s) within the Order limits in which construction works were carried out and provide the data and survey report(s) to the MCA and UKHO.	
23.	Schedule 9-10, Condition 22  Schedule 11-12, Condition 17	MMO	New condition to respond to points raised by the MMO	<p><b>Reporting of cable protection</b></p> <p>.—(1) Not more than 4 months following completion of the construction phase of the authorised scheme, the undertaker must provide the MMO and the relevant statutory nature conservation bodies with a report setting out details of the cable protection used for the authorised scheme.</p> <p>(2) The report must include the following information—</p> <p>(a) location of the cable protection;</p> <p>(b) volume of cable protection;</p> <p>(c) any other information relating to the cable protection as agreed between the MMO and the undertaker.</p>	5
24.	Schedules 9-12, Part 5	N/A	To align with the revised wording at Condition 15 Generation DML (Condition 9 Transmission DML) and to provide a pragmatic appeal procedure for disputes with the MMO which is analogous to that with other discharging authorities under Schedule 15 of the dDCO.	<p><b>PART 5 – Procedure for Appeal</b></p> <p>[18]. The undertaker must submit to the Secretary of State, a copy of the application submitted to the MMO and any supporting documentation which the undertaker may wish to provide (“the appeal documentation”).</p> <p>[19]. The undertaker must on the same day provide copies of the appeal documentation to the MMO and any relevant consultee.</p> <p>[20]. As soon as is practicable after receiving the</p>	5



Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				<p>appeal documentation, but in any event within 20 business days of receiving the appeal documentation, the Secretary of State must appoint a person and forthwith notify the appeal parties of the identity of the appointed person and the address to which all correspondence for that person's attention should be sent.</p> <p>21. The MMO and any relevant consultee must submit written representations to the appointed person in respect of the appeal within 20 business days of the date on which the appeal parties are notified of the appointment of a person under paragraph 20 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.</p> <p>22. The appeal parties must make any counter-submissions to the appointed person within 20 business days of receipt of written representations pursuant to paragraph 21 above.</p> <p>23. The appointed person must make his decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable. If the appointed person considers that further information is necessary to enable him to consider the appeal he must, as soon as practicable, notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information is to be submitted.</p> <p>24. Any further information required pursuant to paragraph 23 must be provided by the party from whom the information is sought to the appointed</p>	

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				<p>person and to other appeal parties by the date specified by the appointed person. Any written representations concerning matters contained in the further information must be submitted to the appointed person, and made available to all appeal parties within 20 business days of that date.</p> <p>25. On an appeal the appointed person may—</p> <p>(1) allow or dismiss the appeal; or</p> <p>(2) reverse or vary any part of the decision of the MMO (whether the appeal relates to that part of it or not),</p> <p>and may deal with the application as if it had been made to the appointed person in the first instance.</p> <p>26. The appointed person may proceed to a decision on an appeal taking into account only such written representations as have been sent within the time limits prescribed, or set by the appointed person, under this paragraph.</p> <p>27. The appointed person may proceed to a decision even though no written representations have been made within those time limits, if it appears to the appointed person that there is sufficient material to enable a decision to be made on the merits of the case.</p> <p>28. The decision of the appointed person on an appeal is final and binding on the parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.</p> <p>29. If an approval is given by the appointed person pursuant to this Schedule, it is deemed to be an</p>	

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				<p>approval for the purpose of Part 4 of Schedule [9] [10] [11] [12] as if it had been given by the MMO. The MMO may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) may not be taken to affect or invalidate the effect of the appointed person's determination.</p> <p>30. Save where a direction is given pursuant to paragraph 31 requiring the costs of the appointed person to be paid by the MMO, the reasonable costs of the appointed person must be met by the undertaker.</p> <p>31. On application by the MMO or the undertaker, the appointed person may give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid. In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to the Planning Practice Guidance on the award of costs or any guidance which may from time to time replace it.</p>	
25.	Schedule 15, paragraph 2	NNDC	To align with NNDC's request	(3) If the requirement specifies that consultation with a requirement consultee is required, the discharging authority must issue the consultation to the requirement consultee within 10 business days of receipt of the application, and must notify the undertaker in writing specifying any further information requested by the requirement consultee within 10 business days of receipt of such a request and in any event within 42 days of receipt of the application	5

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
<b>Deadline 8</b>					
1.	Contents	ExA	To reflect ExA comments on the dDCO	SCHEDULE 9 PART 5 — Procedure for Appeals SCHEDULE 10 PART 5 — Procedure for Appeals SCHEDULE 11 PART 5 — Procedure for Appeals SCHEDULE 12 PART 5 — Procedure for Appeals	6
2.	Article 2 Schedules 9, 10, 11 and 12, Part 1, 1.	N/A	To reflect revisions to the DMLs at Part 5 and to incorporate changes suggested by the ExA.	“the 2011 Regulations” means the Marine Licensing (Licence Application Appeals) Regulations 2011(1);  <del>“the appeal parties” means the MMO, the relevant consultee and the undertaker;</del>  <del>“business day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971;</del>	6
3.	Article 2	ExA	To respond to suggestions raised by the ExA in their Rule 17 request.	(3) All distances, directions and lengths referred to in this Order are approximate, save in respect of the parameters referred to in paragraph 1(c) and paragraph 1(e) (disposal volumes in connection with Work Nos. 1 to 4B) in Part 1, Schedule 1 (authorised development), requirements 2 to 11 and requirement	6

(1) S.I. 2011/934

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				16 in Part 3, Schedule 1 (requirements), and conditions 1-8 in Part 4, Schedules 9 and 10 of the deemed marine licences for the generation assets and conditions 1-3 in Part 4, Schedules 11 and 12 of the deemed marine licences for the transmission assets.	
4.	Article 2	ExA	To address a comment raised by the ExA in their Rule 17 request.	(6) The expression “includes” <del>may</del> <b>is to be construed</b> without limitation <b>unless the contrary intention appears.</b>	6
5.	Article 6	ExA	To respond to comments from the ExA alongside their schedule of changes on the dDCO.	(3) The undertaker must consult the Secretary of State before making an application for consent under this article by giving notice in writing of the proposed application and the Secretary of State must provide a response within <del>four</del> <b>eight</b> weeks of receipt of the notice. (...)	6
6.	Article 6	National Grid	To reflect the agreed position with National Grid and Cadent	(11) This paragraph applies where— (...) (c) <b>the transferee or lessee is a person within the same group as Vattenfall AB (publ) (a company incorporated in Sweden with Reg. No. 556036-2138, whose registered office is SE-169 92 Stockholm, Sweden) under Section 1261 of the Companies Act 2006.</b>  (12) <b>In respect of any transfer or grant of a leasehold interest to a company within the same group as Vattenfall AB (publ) in accordance with</b>	6

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				<p>paragraph 11(c), the undertaker must obtain National Grid's approval in writing before any such transfer or grant occurs (such approval not to be unreasonably withheld or delayed), and such approval must be given when prior to the transfer or grant, the transferee or lessee provides a direct covenant to National Grid to comply with any contractual obligations of the undertaker given to National Grid in respect of that part of the authorised project to be transferred or subject to the grant of a lease.</p> <p>(...)</p> <p>(14) Prior to any transfer or grant under this article taking effect the undertaker must give notice in writing to the Secretary of State, and if such transfer or grant relates to the exercise of powers in their area, to the MMO and the relevant planning authority, and if such transfer or grant relates to works or utilisation of powers within 15 metres measured in any direction of apparatus of Cadent Gas Limited, to Cadent Gas Limited, and if such transfer or grant relates to works or utilisation of powers within 15 metres measured in any direction of apparatus of National Grid, to National Grid.</p> <p>(15) The notice required under paragraphs (3) and (14) must—</p> <p>(a) state—</p> <p>(i) the name and contact details of the person to whom the benefit of the provisions will be transferred or granted;</p> <p>(ii) subject to paragraph (16 5), the date on which the transfer will take effect;</p> <p>(iii) the provisions to be transferred or granted; and</p>	

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				<p>(iv) the restrictions, liabilities and obligations that, in accordance with paragraph (9), will apply to the person exercising the powers transferred or granted; and</p> <p>(v) <del>except</del> where paragraph (11)(a) or 11(b) applies <del>does not apply</del>, confirmation of the availability and adequacy of funds for compensation associated with the compulsory acquisition of the Order land.</p> <p>(b) be accompanied by—</p> <p>(i) where relevant, a plan showing the works or areas to which the transfer or grant relates; and</p> <p>(ii) 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> <p>(16) The date specified under paragraph (15 3)(a)(ii) must not be earlier than the expiry of five days from the date of the receipt of the notice.</p> <p>(17) The notice given under paragraph (14 3) 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>	
7.	Article 35	ExA	To address a question raised by the ExA in the Rule 17 request.	<p>(4) The undertaker may, for the purposes of the authorised project—</p> <p>(a) remove any hedgerows within the Order limits and specified in Schedule 13, Part 3 (removal of hedgerows) and <del>for</del> those hedgerows that, after assessment, are not classed as important hedgerows specified in Schedule 13, Part 1</p>	6

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				(removal of potentially important hedgerows) ; and	
8.	Article 37	N/A	To correct an omission and reflect the position of the plans to be certified.	(1) The undertaker must, as soon as practicable after the making of this Order, submit to the Secretary of State copies of the following for certification that they are true copies of the documents referred to in this Order —  (...)  the streets to temporarily stopped up plan (document reference 2.7);	6
9.	Schedule 1, Part 3, Requirement 2(1)(e)  Schedules 9 and 10, Part 4, Condition 2(1)(e)	NE & RSPB	To secure draught height mitigation	2. Subject to paragraph (2), each wind turbine generator forming part of the authorised scheme must not—  (...)  (e) have a draught height of less than <del>22</del> 27 metres from MHWS.	6
10.	Schedule 1, Part 3, Requirement 2(3)  Schedules 9 and 10, Part 4, Condition 1(3)	ExA	To reflect the ExA's suggested changes to the dDCO and allow for flexibility between the minimum and maximum parameters (see replacement requirement below)	<del>The total number of wind turbine generators must be apportioned between Norfolk Vanguard East and Norfolk Vanguard West (rounded to the nearest whole number) in accordance with the following formula—</del>  <del>(a) two thirds of the total number of wind turbine generators in Norfolk Vanguard West and one third of the total number of wind turbine generators in Norfolk Vanguard East; or</del>	6



Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				<del>(b) half of the total number of wind turbine generators in Norfolk Vanguard West and half of the total number of wind turbine generators in Norfolk Vanguard East.</del>	
11.	Schedule 1, Part 3, Requirement 3(1)  Schedules 9 and 10, Part 4, Condition 1(3)	ExA	To reflect the suggested change by the ExA and allow for flexibility between the minimum and maximum parameters	3 The total number of wind turbine generators forming part of the authorised project must not exceed 180 and must be configured such that at any time:  (a) No more than two-thirds of the total number of wind turbine generators (rounded to the nearest whole number) must be located in Norfolk Vanguard West; and  (b) No more than one-half of the total number of wind turbine generators (rounded to the nearest whole number) must be located in Norfolk Vanguard East.	6
12.	Schedule 1, Part 3, Requirement 13	ExA	To reflect a suggested change by the ExA in their Rule 17 request.	The undertaker must exhibit such lights, with such shape, colour and character and at such times as are required in writing by Air Navigation Order 2016(2) and/or determined necessary for aviation safety in consultation with the Defence Infrastructure Organisation Safeguarding and as directed by the CAA. Lighting installed specifically to meet Ministry of Defence aviation safety requirements must will remain operational for the life of the authorised development unless otherwise agreed in writing with the Ministry of Defence.	6

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(2) S.I2016/765

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
13.	Schedule 1, Part 3, Requirement 16(16)	N/A	To correct an error and duplication in drafting.	(15) For the purposes of subparagraph (14) of this requirement 'existing ground level' means between 66 and 69 metres above ordnance datum in respect of the eastern pylon identified on work plan 41 of 42 with the letter 'E' and between 68 and 70 metres above ordnance datum <del>in respect of ordnance datum</del> in respect of the eastern pylon identified on work plan 41 of 42 with the letter 'W'.	6
14.	Schedule 1, Part 3, Requirement 16(16)	NCC	To reflect traffic assessments and consultation with NCC. The rights have also been updated in Schedule 6 and 8 accordingly.	(16) Trenchless installation techniques must be used for the purposes of passing under— (a) the River Wensum (Work No. 7); (b) King's Beck (Work No. 5); (c) Wendling Beck (Work No. 7); (d) River Bure (Work No. 6); (e) North Walsham and Dilham Canal(Work No. 5); (f) the Witton Hall Plantation along Old Hall Road (Work No. 5); (g) the Wendling Carr County Wildlife Site (Work No. 7); (h) Little Wood County Wildlife Site (Work No. 7); (i) land south of the Dillington Carr County Wildlife Site (Work No. 7); (j) Kerdiston proposed County Wildlife Site (Work No. 6); (k) Marriott's Way County Wildlife Site/ Public Right of Way (Work No. 6); (l) Paston Way and Knapton Cutting County Wildlife Site (Work No. 5); (m) Norfolk Coast Path (Work No. 4C);	6

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				<p>(n) Norwich to Cromer railway line at north Walsham (Work No. 5);</p> <p>(o) Wymondham to North Elmham Railway line at Dereham (Work No. 7);</p> <p>(p) A47 Road (Work No. 7);</p> <p>(q) A140 Road (Work No. 6);</p> <p>(r) A149 Road (Work No. 5); and</p> <p>(s) A1067 Road (Work No. 7).</p>	
15.	Schedule 1, Part 3, Requirement 17	Natural England	To reflect comments from Natural England	<p>(1) No part of Works No. 4A, 4B or 4C may commence until a method statement for the construction of Works No. 4A, 4B and 4C has been submitted to and approved in writing by North Norfolk District Council <b>in consultation with Natural England.</b></p> <p>(2) The method statement referred to in sub-paragraph (1) must include measures for long horizontal directional drilling below the coastal shore platform and cliff base at the landfall as well as measures for ongoing inspection of Work No. 4C and reporting of results to North Norfolk District Council during the operation of the authorised project.</p> <p>(3) In the event that inspections indicate that as a result of the rate and extent of landfall erosion Work No. 4C could become exposed during the operation of the authorised project the undertaker must, as soon as practicable, submit proposals in writing for remedial measures to protect Work No. 4C, together with a timetable for their implementation, to North Norfolk District Council for their approval, <b>in consultation with Natural England.</b></p> <p>...</p>	6

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
16.	Schedule 1, Part 3, Requirement 18(2)(d).	ExA	To reflect a suggested change by the ExA	The landscaping management scheme must include details of proposed hard and soft landscaping works appropriate for the relevant stage, including—  (t) details of existing trees <b>to be removed, and details of existing trees</b> and hedgerows to be retained with measures for their protection during the construction period;	6
17.	Schedule 1, Part 3, Requirement 24(3)	Natural England	To reflect discussions with Natural England and to sign post mitigation for the SPA.	<b>(4) Construction works within 5km of the Broadland Special Protection Area and Ramsar site must be carried out in accordance with the mitigation relating to onshore ornithology contained in paragraphs 227 to 230 of the outline landscape and ecological management strategy, which must be incorporated into the ecological management plan.</b>	6
18.	Schedule 1, Part 3, Requirement 26(5)	ExA	To reflect suggestions from the ExA in the Schedule of Changes.	<b>No crushing or screening works must take place at any time on any of the mobilisation areas, without the prior written consent of the relevant planning authority.</b>	6
19.	Schedule 1, Part 3, Requirement 34	NATS	To reflect ongoing discussions with NATS	<b>Cromer Primary Surveillance Radar</b>  34.—(1) No <b>erection of any</b> wind turbine generator forming part of the authorised development <b>is permitted to rotate its rotor blades on its horizontal axis</b> may commence until the Secretary of State having consulted with NATS has confirmed satisfaction in writing that appropriate mitigation will be implemented and maintained for the <b>lifetime</b> of the authorised development and that arrangements have been put in place with NATS to ensure that the	6

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				<p>approved mitigation is implemented <b>and in operation prior to erection of the wind turbine generators.</b></p> <p><b>(2) The undertaker must thereafter comply with all other obligations contained within the approved mitigation for the lifetime of the authorised development.</b></p> <p>(3) For the purposes of this requirement—</p> <p>(a) “appropriate mitigation” means measures to prevent or remove any adverse effects which the <b>operation of the authorised development will have on NATS' ability to provide safe and efficient air traffic (surveillance and control) services/operations during the lifetime of the authorised development in respect of which all necessary stakeholder consultation has been completed by NATS and all necessary approvals and regulatory consents have been obtained the Primary Surveillance Radar (PSR) system at Cromer and NATS's related air surveillance and control operations;</b></p> <p>(b) “approved mitigation” means the detailed <b>Primary Surveillance Radar Mitigation Scheme setting out the appropriate mitigation approved by measures and timescales for implementation as agreed with NATS at the time</b> the Secretary of State and confirmed <b>satisfaction</b> in writing in accordance with sub-paragraph (1);</p> <p>(c) “NATS” means NATS (En-Route) Plc or any successor body;.</p> <p>(d) “lifetime of the authorised development” means the period ending when the wind turbine generators are finally decommissioned and removed.</p> <p><b>(2) The undertaker must thereafter comply with all</b></p>	

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				<del>other obligations contained within the approved mitigation for the life of the authorised development.</del>	
20.	Schedule 9, 10, 11 and 12, Part 1, 4(e).	MCA	To comply with a request from the MCA at Deadline 7.	Except where otherwise notified in writing by the relevant organisation, the primary point of contact with the organisations listed below and the address for returns and correspondence are—  (e) Maritime and Coastguard Agency Navigation Safety Branch Bay 2/20, Spring Place 105 Commercial Road Southampton SO15 1EG Tel: 020 3817 242633;	6
21.	Schedule 9 & 10, Part 4, 8(1)(g);	ExA	To reflect a suggestion from the ExA in a further Rule 17 request and to reflect the fact that there could be up to two accommodation platforms.	(g) the total amount of scour protection for the wind turbine generators, accommodation platform(s), meteorological masts and measurement buoys forming part of the authorised scheme must not exceed 5,463,752m <sup>2</sup> and 27,318,759 m <sup>3</sup> ;	6
22.	Schedule 9 & 10, Part 4, 9(8); and Schedule 11 & 12, Part 4, 4(8).	MCA	To address submission from the MCA at Deadline 7.	(...) Copies of all notices must be provided to the MMO, MCA and UKHO within five days.	6
23.	Schedule 9 & 10, Part 4, 9(11); and Schedule 11 & 12, Part 4, 4(11).	MCA	To address submission from the MCA at Deadline 7.	In case of damage to, or destruction or decay of the authorised scheme seaward of MHWS or any part thereof, the undertaker must as soon as reasonably practicable and no later than 24 hours following the undertaker becoming aware of any such damage, destruction or decay, notify MMO, MCA, Trinity House,	6

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				the Kingfisher Information Service of Seafish, and the UK Hydrographic Office.	
24.	Schedule 9 & 10, Part 4, 9(12); and Schedule 11 & 12, Part 4, 4(12).	MCA	To address comments from the MCA at Deadline 7 which remains consistent with the remainder of the notification provisions and with precedent.	In case of exposure of cables on or above the seabed, the undertaker must within five days following the receipt by the undertaker of the final survey report from the periodic burial survey, notify mariners by issuing a notice to mariners and by informing Kingfisher Information Service of the location and extent of exposure. <b>Copies of all notices must be provided to the MMO and MCA within five days.</b>	6
25.	Schedule 9 & 10, Part 4, 13(1); and Schedule 11 & 12, Part 4, 8(1).	ExA	To reflect suggestions from the ExA in their schedule of changes and to reflect the intention of the parties.	If, due to stress of weather or any other cause the master of a vessel determines that it is necessary to <b>make a deposit</b> <del>the</del> <b>which is not authorised under this licence, deposits</b> whether within or outside of the Order limits, because the safety of human life and/or of the vessel is threatened, within 48 hours <b>the undertaker must notify full details of the circumstances of the deposit to the MMO. full details of the circumstances of the deposit must be notified to the MMO.</b>	6
26.	Schedule 9 & 10, Part 4, 14(1)(e); and Schedule 11 & 12, Part 4, 9(1)(e).	ExA	To provide for certainty in the Scour Protection and Cable Protection Plan and address a suggested change by the ExA (in relation to scour protection only).	A scour protection and cable protection plan (in accordance with the outline scour protection and cable protection plan) providing details of the need, type, sources, quantity, distribution and installation methods for scour protection and cable (including fibre optic cable) protection. <b>For the avoidance of doubt "distribution" in this sub-paragraph must include quantities in respect of each structure comprised in the offshore works and intended to be subject to scour protection.</b>	6

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
27.	Schedule 9 & 10, Part 4, 15(1); and Schedule 11 & 12, Part 4, 10(1).	ExA	To address comments from the ExA in the Rule 17 request and to reflect the the Offshore WSI	Any archaeological reports produced in accordance with condition 14(h)(iii) <del>are to</del> must be agreed with the MMO in consultation with the statutory historic body.	6
28.	Schedule 9 & 10, Part 4, 15(3); and Schedule 11 & 12, Part 4, 10(3).	ExA	To reflect suggestions from the ExA in the Schedule of Changes and to align with precedent	Each programme, statement, plan, protocol or scheme required to be approved under condition 14 must be submitted for approval at least <del>six</del> four months prior to the intended commencement of licensed activities, except where otherwise stated or unless otherwise agreed in writing by the MMO.	6
29.	Schedule 9 & 10, Part 4, 15(5); and Schedule 11 & 12, Part 4, 10(5).	ExA	To bring in line with precedent and reflect suggestions by the ExA in their Schedule of Changes to the dDCO.	Unless otherwise agreed in writing with the undertaker, the MMO must use reasonable endeavours to determine an application for approval made under condition 14 as soon as practicable and in any event within a period of <del>six</del> four months commencing on the date the application is received by the MMO <del>or if the MMO reasonably requests further information to determine the application for approval, within a period of four months commencing on the date that the further information is received by the MMO. For the purposes of this paragraph (5), the MMO may only request further information from the undertaker within a period of two months from receipt of the application for approval.</del>	6
30.	Schedule 9 & 10, Part 4, 15(8); and Schedule 11 & 12, Part 4,	MCA	To reflect discussions with the MCA whilst maintaining consistency with other	No part of the authorised scheme may commence until the MMO, in consultation with the MCA, has given written approval of an Emergency Response Co-operation Plan (ERCoP) which includes <del>full</del> details	6



Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
	10(8).		precedents.	of the plan for emergency, response and co-operation for the <del>construction, operation and decommissioning phases of that part of the</del> authorised scheme in accordance with the MCA recommendations contained within MGN543 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” and has confirmed in writing that the undertaker has taken into account and, so far as is applicable <del>to that part of the authorised scheme,</del> adequately addressed MCA recommendations contained within MGN543 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” and its annexes. The ERCoP and associated guidance and requirements must be implemented as approved, unless otherwise agreed in writing by the MMO in consultation with the MCA. <del>The document must be reviewed at least annually or whenever changes are identified, whichever is sooner, and any proposed changes must be submitted to the MMO in writing for approval, in consultation with MCA.</del>	
31.	Schedule 9 & 10, Part 4, 19(5); and Schedule 11 & 12, Part 4, 14(4).	ExA	To reflect the intention of the drafting and in accordance with suggestions from ExA in their Rule 17 request.	In the event that piled foundations are proposed to be used, <del>the details submitted in accordance with the offshore in principle monitoring plan must include proposals for monitoring marine mammals. a marine mammal mitigation protocol will be followed in accordance with the draft marine mammal mitigation protocol and the in principle monitoring plan.</del>	6
32.	Schedule 10, Part 3, paragraph 2;	ExA	To reflect authorised works under the licence and to address a suggested change	Such activities are authorised in relation to the construction, maintenance and operation of— Work No. 1 (phase <del>4</del> 2)	6

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
			from the ExA.		
33.	Schedule 12, Part 3, paragraph 2.	ExA	To reflect authorised works under the licence and to address a suggested change from the ExA.	Such activities are authorised in relation to the construction, maintenance and operation of— (1) Work No. 2 (phase 4 2) — (...) (2) Work No. 3 (phase 4 2) — (...) (3) Work No. 4A (phase 4 2) — (...) (4) Work No. 4B (phase 4 2) — (...)	6
34.	Schedule 9, 10, 11 and 12, Part 5	ExA	To adopt an appeals process in line with the 2011 Marine Regulations (with modified timeframes) and to reflect suggestions made by the ExA in the Schedule of Changes.	<p><b>1.</b>Where the MMO refuses an application for approval under condition 14 and notifies the undertaker accordingly, or fails to determine the application for approval in accordance with condition 15 the undertaker may by notice appeal against such a refusal or non-determination and the 2011 Regulations shall apply subject to the modifications set out in paragraph 2 below.</p> <p><b>2.</b> The 2011 Regulations are modified so as to read for the purposes of this Order only as follows—</p> <p>(a) In regulation 6(1) (time limit for the notice of appeal) for the words “6 months” there is substituted the words “4 months”.</p> <p>(b) For regulation 4(1) (appeal against marine licensing decisions) substitute—</p> <p>“A person who has applied for approval under condition 15 of Part 4 of Schedule 9; condition 15 of Part 4 of Schedule 10; condition 10 of Part 4 of Schedule 11; or condition 10 of Part 4 of Schedule 12 to the Norfolk Vanguard Offshore Wind Farm Order 201[ ] may by notice appeal against a decision to refuse such an</p>	6

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				<p>application or a failure to determine such an application.”</p> <p>(c) For regulation 7(2)(a) (contents of the notice of appeal) substitute— “a copy of the decision to which the appeal relates or, in the case of non-determination, the date by which the application should have been determined; and”</p> <p>(d) In regulation 8(1) (decision as to appeal procedure and start date) for the words “as soon as practicable after” there is substituted the words “within the period of [2] weeks beginning on the date of”.</p> <p>(e) In regulation 10(3) (representations and further comments) after the words “the Secretary of State must” insert the words “within the period of [1] week”</p> <p>(f) In regulation 10(5) (representations and further comments) for the words “as soon as practicable after” there is substituted the words “within the period of [1] week of the end of”.</p> <p>(g) In regulation 12(1) (establishing the hearing or inquiry) after the words “(“the relevant date”)” insert the words “which must be within [14] weeks of the start date”.</p> <p>(h) For regulation 18(4) substitute— “Subject to paragraphs (1) and (3), each party should bear its own costs of a hearing or inquiry held under these Regulations.”</p> <p>(i) For regulation 22(1)(b) and (c) (determining the appeal—general) substitute— “(b) allow the appeal and, if applicable, quash the decision in whole or in part;</p>	

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				<p>(c) where the appointed person quashes a decision under sub-paragraph (b) or allows the appeal in the case of non-determination, direct the Authority to approve the application for approval made under condition 15 of Part 4 of Schedule 9; condition 15 of Part 4 of Schedule 10; condition 10 of Part 4 of Schedule 11; or condition 10 of Part 4 of Schedule 12 to the Norfolk Vanguard Offshore Wind Farm Order 201[.]”</p> <p>(j) In regulation 22(2) (determining the appeal— general) after the words “in writing of the determination” insert the words “within the period of [12] weeks beginning on the start date where the appeal is to be determined by written representations or within the period of [12] weeks beginning on the day after the close of the hearing or inquiry where the appeal is to be determined by way of hearing or inquiry”.</p>	
35.	Schedule 11-12, Part 4, Condition 3(1)(f)	MMO/NE/ExA	To reflect discussions with Natural England and the MMO	(f) in the Haisborough, Hammond and Winterton Special Area of Conservation, the total area of cable protection must not exceed 32,000m <sup>2</sup> and the total volume of cable protection must not exceed 20,800m <sup>3</sup> .	6
36.	Schedule 11-12, Part 4, Condition 18	Natural England	To address concerns raised by Natural England and mitigate impact on red throated diver during cable installation	<p><b>Restriction on cable installation construction works</b></p> <p>18. During the months of January to March inclusive, construction activities consisting of cable installation for Work No. 4A and Work No. 4B must only take place with one main cable laying vessel.</p>	6
37.	Schedule 16, Part 2, Part 3,	National Grid	Protective provisions with all of these statutory	The Applicant does not consider it necessary to outline	6

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
	Part 5	Cadent Gas Network Rail	undertakers have now been agreed and these are included in the dDCO.	the changes in this document as the protective provisions have been agreed between the parties. Please refer to the tracked change version of the dDCO (document reference 3.1) submitted at deadline 8 for a comparison against the previous form of protective provisions.	
<b>Deadline 9</b>					
1.	Schedule 1, DCO Requirement 20(1)	Natural England	To reflect comments from Natural England at Deadline 8	<p><b>Code of construction practice</b></p> <p>(1) No stage of the onshore transmission works may commence until for that stage a code of construction practice has been submitted to and approved by the relevant planning authority, in consultation with Norfolk County Council, <del>and</del> the Environment Agency, <del>and</del> <b>Natural England.</b></p> <p>(2) The code of construction practice must accord with the outline code of construction practice and include details, as appropriate to the relevant stage, on—</p> <p>....</p>	7
2.	Schedule 6 and Schedule 8	N/A	Correction of errors	A small number of plots have been moved in Schedule 6 and 8 to correspond with the Land Plans and Works Plans.	7
3.	Schedules 9-12, Part 1, paragraph 1	Natural England	To reflect comments from Natural England at Deadline 8 and to replicate the definition from Article 2 of the DCO into the DMLs	<b>“statutory nature conservation body” means an organisation charged by government with advising on nature conservation matters;</b>	7

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
4.	Schedules 9-10, Part 4, Condition 14(1)(a)	MCA	To reflect discussions and an agreed position with the MCA, and for the avoidance of doubt to make clear that MGN543 includes all its annexes.	(ix) the proposed layout of all wind turbine generators (in accordance with the recommendations for layout contained in MGN543 and its annexes), accommodation platforms and meteorological masts including any exclusion zones identified under subparagraph (1)(h)(iv);	7
5.	Schedules 9-10, Part 4, Condition 14(1)(d)	Natural England	<p>Natural England welcomes the addition of this text regarding the mitigation measures suggested by Natural England regarding red-throated diver (RTD) at Deadline 5 [REP5-017] and that these will be secured via the Development Consent Order (DCO) as a requirement within the Project Environmental Management Plan (PEMP).</p> <p>However, as stated in our [Natural England's] Deadline 7 response [REP7-075] Natural England has reviewed the proposed amendment to the DCO/DML and whilst we find it broadly acceptable, recommends the replacement of the word 'adopted' with 'followed'.</p> <p>The Applicant has therefore updated the wording in this Condition accordingly.</p>	<p>(d) A project environmental management plan (in accordance with the outline project environmental management plan) covering the period of construction and operation to include details of—</p> <ul style="list-style-type: none"> <li>(i) a marine pollution contingency plan to address the risks, methods and procedures to deal with any spills and collision incidents of the authorised scheme in relation to all activities carried out;</li> <li>(ii) a chemical risk assessment to include information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance;</li> <li>(iii) waste management and disposal arrangements;</li> <li>(iv) the appointment and responsibilities of a fisheries liaison officer;</li> <li>(v) a fisheries liaison and coexistence plan (which accords with the outline fisheries liaison and co-existence plan) to ensure relevant fishing fleets are notified of commencement of licensed activities pursuant to condition 9 and to address the interaction of the licensed activities with</li> </ul>	7

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				<p>fishing activities; and</p> <p>(vi) procedures to be <del>adopted</del> followed within vessels transit corridors to minimise disturbance to red-throated diver during operation and maintenance activities.</p>	
6.	<p>Schedules 9-10, Part 4, Condition 15(8)</p> <p>Schedules 11-12, Part 4, Condition 10(8)</p>	MCA	<p>Following discussions with the MCA, the Applicant has agreed to adopt the MCA's preferred wording as the final agreed position.</p>	<p>(8) No part of the authorised scheme may commence until the MMO, in consultation with the MCA, has confirmed in writing that the undertaker has taken into account and, so far as is applicable to that stage of the project, adequately addressed all MCA recommendations as appropriate to the authorised scheme contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes.</p> <p><del>(8) No part of the authorised scheme may commence until the MMO, in consultation with the MCA, has given written approval of an Emergency Response Co-operation Plan (ERCoP) which includes details of the plan for emergency, response and co-operation for the authorised scheme in accordance with the MCA recommendations contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and has confirmed in writing that the undertaker has taken into account and, so far as is applicable, adequately addressed MCA recommendations contained within MGN543 "Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues" and its annexes. The ERCoP and associated guidance and requirements must be implemented as approved, unless otherwise agreed in</del></p>	7

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
				<del>writing by the MMO in consultation with the MCA.</del>	
<b>Post-examination (28 February 2020)</b>					
1.	Throughout	N/A	Corrections regarding the date of the Order.	References to the DCO have been amended throughout as follows: 'The Norfolk Vanguard Offshore Wind Farm Order 201[X] 202[X]', references to '201[X]' have also been amended to '202[X]' throughout.	8
2.	Article 2	Secretary of State	<p>The Applicant maintains that there will be no AEoI on any European site, particularly in light of the commitment to additional mitigation measures.</p> <p>However, without prejudice to the Applicant's position regarding no AEoI, the Applicant has provided a derogation case in the HRA Derogation Provision of Evidence (document reference ExA; IROPI; 11.D10.3).</p> <p>This drafting is in square brackets and will need to be removed from the final Order in the event the Secretary of State does not consider compensation to be necessary.</p>	<p><i>["Alde-Ore Estuary Special Protection Area (SPA) - In principle Compensation Measures" means the document certified as the Alde-Ore Estuary Special Protection Area (SPA) - In principle Compensation Measures by the Secretary of State for the purposes of this Order;]</i></p> <p><i>["Haisborough, Hammond and Winterton Special Area of Conservation (SAC) – In Principle Compensation Measures" means the document certified as the Haisborough, Hammond and Winterton Special Area of Conservation (SAC) – In Principle Compensation Measures by the Secretary of State for the purposes of this Order;]</i></p>	8



Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
3.	Article 2 Schedule 11-12, Part 1 (Interpretation)	Secretary of State, Natural England and the MMO	<p>To reflect optionality introduced following discussions with Natural England and the MMO and to align with Condition 9(1)(m) of the Transmission DMLs (Schedule 11-12), as explained further in the Additional Mitigation document (ExA; Mit; 11.D10.2).</p> <p>This is in square brackets and one of the options will need to be removed from the final Order subject to the Secretary of State's decision.</p>	<p><i>["outline Norfolk Vanguard Haisborough, Hammond and Winterton Special Area of Conservation site integrity plan" means the document certified as the outline Norfolk Vanguard Haisborough, Hammond and Winterton Special Area of Conservation site integrity plan by the Secretary of State for the purposes of this Order] [OR] ["outline Norfolk Vanguard Haisborough, Hammond and Winterton Special Area of Conservation Cable Specification, Installation and Monitoring Plan" means the document certified as the outline Norfolk Vanguard Haisborough, Hammond and Winterton Special Area of Conservation Cable Specification, Installation and Monitoring Plan by the Secretary of State for the purposes of this Order];</i></p>	8
4.	Article 37(1)(y)	Secretary of State, Natural England and the MMO	<p>To reflect optionality introduced following discussions with Natural England and the MMO and to align with Condition 9(1)(m) of the Transmission DMLs (Schedule 11-12), as explained further in the Additional Mitigation document (ExA; Mit; 11.D10.2).</p> <p>This is in square brackets and one of the options will need to be removed from the final Order subject to the Secretary of State's decision.</p>	<p><i>(y) [the outline Norfolk Vanguard Haisborough, Hammond, and Winterton Special Area of Conservation site integrity plan]</i></p> <p><i>[OR]</i></p> <p><i>[the outline Norfolk Vanguard Haisborough, Hammond and Winterton Special Area of Conservation Cable Specification, Installation and Monitoring Plan ] (8.20);</i></p>	8

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
5.	Article 37(1)(aa) to (dd)	Secretary of State	<p>The Applicant maintains that there will be no AEoI on any European site, particularly in light of the commitment to additional mitigation measures.</p> <p>However, without prejudice to the Applicant's position regarding no AEoI, the Applicant has provided a derogation case in the HRA Derogation Provision of Evidence (document reference ExA; IROPI; 11.D10.3).</p> <p>This drafting is in square brackets and will need to be removed from the final Order in the event the Secretary of State does not consider compensation to be necessary.</p>	<p><i>(aa) the outline skills and employment strategy (8.22);[and]</i></p> <p><i>(bb) the Development Principles (8.23)[.];.</i></p> <p><i>(cc) the Alde-Ore Estuary Special Protection Area (SPA) - In principle Compensation Measures (8.24); and</i></p> <p><i>(dd) the Haisborough, Hammond and Winterton Special Area of Conservation (SAC) – In Principle Compensation Measures (8.25)]</i></p>	8
6.	Article 44	Secretary of State	<p>The Applicant maintains that there will be no AEoI on any European site, particularly in light of the commitment to additional mitigation measures.</p> <p>However, without prejudice to the Applicant's position regarding no AEoI, the Applicant has provided a</p>	<p><b>[Compensation to protect the coherence of the Natura 2000 network</b></p> <p>44. Schedule 17 (compensation to protect the coherence of the Natura 2000 network) has effect.]</p>	8

Ref.	DCO Ref.	Consultee/ Stakeholder	Comments from stakeholder (rationale for the change)	Change made	DCO Version
			<p>derogation case in the HRA Derogation Provision of Evidence (document reference ExA; IROPI; 11.D10.3).</p> <p>This drafting is in square brackets and will need to be removed from the final Order in the event the Secretary of State does not consider compensation to be necessary.</p>		
7.	<p>Schedule 1, Part 1, Paragraph 1(a)</p> <p>Schedule 1, Part 3, Requirement 3(1)</p> <p>Schedule 9 -10 Part 3, Paragraph 2(1)(a)(i)</p> <p>Schedule 9 -10 Part 4, Condition 1(3)</p> <p>Schedule 9 -10 Part 4, Condition 8(1)(b)</p>	Various including Secretary of State and Natural England	As a further mitigation measure, the Applicant has committed to reduce the maximum number of wind turbine generators forming part of the authorised project from 180 to 158.	<p>Schedules 1, 9 and 10 have been amended to refer to 'up to <del>480</del>158 wind turbine generators'.</p> <p>All provisions in Schedules 1, 9 and 10 stating that the total number of wind turbine generators 'must not exceed 180' have been updated to 'must not exceed <del>180</del> 158.'</p>	8
8.	Schedule 1, Paragraph 1(c)	Various including Secretary of State and Natural England	To reflect revised parameters following the further mitigation and removal of the smallest turbine option.	<p>(c) the removal of material from the seabed required for the construction of Work Nos. 1 to 4B and the disposal of up to <del>49,329,742</del> 49,211,390 cubic metres of inert material of natural origin within the Order limits produced during construction drilling, seabed preparation for foundation works, cable installation preparation such as sandwave clearance, boulder clearance and pre-trenching and excavation</p>	8

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				<i>of horizontal directional drilling exit pits</i>							
9.	Schedule 1, Requirement 2(1)(d)  Schedules 9 and 10. Condition 1(1)(d).	Various including Secretary of State and Natural England	To reflect revised parameters following the further mitigation and removal of the smallest turbine option.	(1) <i>Subject to paragraph (2), any wind turbine generator forming part of the authorised project must not— ...</i>  (d) <i>be less than <del>760</del> 800 metres from the nearest wind turbine generator in either direction perpendicular to the approximate prevailing wind direction (crosswind) or be less than <del>760</del> 800 metres from the nearest wind turbine generator in either direction which is in line with the approximate prevailing wind direction (downwind);</i>	8						
10.	Schedule 1, Requirement 2(1)(e)  Condition 1(1)(e), Schedules 9 and 10.	Various including Secretary of State and Natural England	To reflect revised parameters following the further mitigation and remove of the smallest turbine option.	(e) <i>have a draught height <del>of less than 227 metres from MHWS</del> which is less than the minimum draught height specified for the relevant wind turbine generator capacity in the table below—</i>  <table border="1" data-bbox="1205 900 1738 1264"> <thead> <tr> <th><i>Wind Turbine Generator Capacity</i></th> <th><i>Minimum draught height</i></th> </tr> </thead> <tbody> <tr> <td><i>Up to and including 14.6MW</i></td> <td><i>35m from MHWS</i></td> </tr> <tr> <td><i>14.7 MW and above</i></td> <td><i>30m from MHWS</i></td> </tr> </tbody> </table>	<i>Wind Turbine Generator Capacity</i>	<i>Minimum draught height</i>	<i>Up to and including 14.6MW</i>	<i>35m from MHWS</i>	<i>14.7 MW and above</i>	<i>30m from MHWS</i>	8
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<i>14.7 MW and above</i>	<i>30m from MHWS</i>										
11.	Schedule 1, Requirement 5  Schedules 9 and 10, Part	Natural England and various stakeholders	As a result of ongoing discussions with the MMO and Natural England, the Applicant has amended the	5(1) <i>The total length of the cables and the volume and area of their cable protection must not exceed the following—</i>							

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	4, Condition 3		Project envelope and 11.55MW turbines are now the smallest in the envelope. The Applicant has updated the relevant figures in the DCO and DMLs accordingly.	<table border="1"> <thead> <tr> <th>Work</th> <th>Cable Protection (m2)</th> <th>Cable Protection (m3)</th> </tr> </thead> <tbody> <tr> <td>Work No. 1 (array)</td> <td>400,000 389,000 m</td> <td>2204,000 198,500 m3</td> </tr> </tbody> </table>	Work	Cable Protection (m2)	Cable Protection (m3)	Work No. 1 (array)	400,000 389,000 m	2204,000 198,500 m3	
Work	Cable Protection (m2)	Cable Protection (m3)									
Work No. 1 (array)	400,000 389,000 m	2204,000 198,500 m3									
12.	Schedule 1, Requirement 11	Various including Secretary of State and Natural England	To reflect revised parameters following the further mitigation and removal of the smallest turbine option.	11. The total amount of scour protection for the wind turbine generators, accommodation platform, meteorological masts, offshore electrical platforms and LIDAR measurement buoys forming part of the authorised project must not exceed <del>5,483,752</del> 5,196,703m <sup>2</sup> and <del>27,418,759</del> 25,983,515m <sup>3</sup> .	8						
13.	Schedule 1, Requirement 21	Secretary of State	To address comments from the Secretary of State set out at paragraph 11 of 6 December 2019 letter, and explained further in the Applicant's Response (ExA;WQ;11.D10.1).	<i>(4) The traffic management plan referred to at sub-paragraph (1)(a) must include details of a scheme of traffic mitigation, for impacts of the authorised development alone, and any relevant cumulative impacts identified, in respect of Link 34 as referred to in Chapter 24 of the environmental statement (Link 34) which must be submitted to and approved by the relevant planning authority in consultation with the highway authority.</i>	8						
14.	Schedule 1, Requirement 26	Secretary of State	As a result of a suggested addition to the dDCO from the Secretary of State set out at paragraph 26 of the 6 December 2019 letter, and to	<i>(4) Save for emergency works, <del>the timing and duration</del> full details, including but not limited to type of activity, vehicle movements and type, timing and duration and any proposed mitigation, of all essential construction</i>	8						

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			reflect the intention of the Applicant, as explained further in the Applicant's Response (ExA;WQ;11.D10.1).	<i>activities under paragraph (2) and undertaken outside of the hours specified in paragraph (1) must be agreed with the relevant planning authority in writing in advance, and must be carried out within the agreed time.</i>	
15.	Schedule 1, Requirement 27	Secretary of State	As a result of a suggested addition to the dDCO from the Secretary of State set out at paragraph 28 of the 6 December 2019 letter, as explained further in the Applicant's Response (ExA;WQ;11.D10.1).	<p><b>Control of noise during operational phase and during maintenance</b></p> <p><b>27—(1) The noise rating level for the use of Work No. 8A and during maintenance must not exceed 35dB <math>L_{Aeq}</math> (5 minutes) at any time at a free field location immediately adjacent to any noise sensitive location.</b></p> <p><b>(2) The noise rating level for the use of Work No. 8A and during maintenance must not exceed 32 dB <math>L_{Leq}</math> (15 minutes) in the 100Hz third octave band at any time at a free field location immediately adjacent to any noise sensitive location.</b></p> <p><b>(3) Work No. 8A must not commence operation until a scheme for monitoring compliance with the noise rating levels set out in paragraphs (1) and (2) above has been submitted to and approved by the relevant planning authority. The scheme must include identification of suitable monitoring locations (and alternative surrogate locations if appropriate) and times when the monitoring is to take place to demonstrate that the noise levels have been achieved after both initial commencement of operations and six months after Work No. 8A is at full operational capacity. Such measurements must be submitted to the relevant planning authority no later than 28 days following completion to confirm the rating level of operational noise emissions do not exceed the levels specified in sub-paragraphs (1) and (2), including details of any remedial works and a</b></p>	8

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				<p><i>programme of implementation should the emissions exceed the stated levels.</i></p> <p><i>(4) The monitoring scheme must be implemented as approved.</i></p>	
16.	Schedules 9 and 10, Part 3, Paragraph 1(1)(d) and 2(2)(c)  Schedules 9 and 10, Part 4, Condition 8(1)(h)	Various including Secretary of State and Natural England	To reflect revised parameters following the further mitigation and removal of the smallest turbine option.	<p><i>... the disposal of up to a total of <del>37,854,712</del> 37,736,390 m3 of inert material of natural origin within the offshore Order limits</i></p>	8
17.	Schedule 9 -10, Part 3, Paragraph 1(d)(ii)	Various including Secretary of State and Natural England	To reflect revised parameters following the further mitigation and removal of the smallest turbine option.	<p><i><del>1,767,146</del> 1,648,824 m3 for the wind turbine generators</i></p>	8
18.	Schedules 9 and 10, Part 3, Condition 8(1)(g)	Various including Secretary of State and Natural England	To reflect revised parameters following the further mitigation and removal of the smallest turbine option.	<p><i>(h) the total amount of scour protection for the wind turbine generators, accommodation platform(s), meteorological masts and measurement buoys forming part of the authorised scheme must not exceed <del>5,463,752</del> 5,176,703 m<sup>2</sup> and <del>27,318,759</del> 25,883,515 m<sup>3</sup>; and</i></p>	
19.	Schedules 9-10, Condition 9(12),  Schedules 11-12, Condition 4(12)	Secretary of State	As a result of a suggested addition to the dDCO from the Secretary of State discussed at paragraphs 30 and 31 of the 6 December 2019 letter, and following	<p><i>(12) In case of exposure of cables on or above the seabed, the undertaker must within <del>five</del> three days following identification of a potential cable exposure <del>the receipt by the undertaker of the final survey report from the periodic burial survey</del>, notify mariners by issuing a notice to mariners and by informing</i></p>	8

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			agreement with the MMO and MCA.	<i>Kingfisher Information Service of the location and extent of exposure. Copies of all notices must be provided to the MMO and MCA within five days.</i>	
20.	Schedules 11 and 12, Condition 9 (1)(g)	Secretary of State and Natural England	To reflect the optionality, as explained further within the Additional Mitigation document (ExA; Mit; 11.D10.2).  This text will need removing in the event that the Secretary of State considers that the HHW SAC SIP (document 8.20) is still required.	<i>A cable specification, installation and monitoring plan, [for the installation and protection of cables outside of the Haisborough, Hammond and Winterton Special Area of Conservation], to include—</i>	8
21.	Schedules 11 and 12, Condition 9(1)(m)	Secretary of State and Natural England	To reflect discussions with Natural England and the MMO and to insert optionality for the SoS based on the conclusion of the Appropriate Assessment. For instance, should the Appropriate Assessment determine that there is no adverse effect on integrity then the Applicant proposes that the cable specification, installation and monitoring plan for the HHW SAC is taken forward; whereas if the SoS cannot rule out AEOI at this stage, then the Applicant proposes that the SIP mechanism remains in order to allow the	<i>(m) [The licensed activities, or any phase of those activities must not commence until a site integrity plan which accords with the principles set out in the outline Norfolk Vanguard Haisborough, Hammond and Winterton Special Area of Conservation Site Integrity Plan has been submitted to the MMO and the MMO (in consultation with the relevant statutory nature conservation body) is satisfied that the plan provides such mitigation as is necessary to avoid adversely affecting the integrity (within the meaning of the 2017 Regulations) of a relevant site, to the extent that sandbanks and sabellaria spinulosa reefs are a protected feature of that site].</i>  <i>[OR]</i> <i>[A cable specification, installation and monitoring plan for the installation and protection of cables within the Haisborough, Hammond and Winterton</i>	8



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			<p>Applicant to demonstrate that there will be no AEOL at the time of construction.</p> <p>This text is in square brackets and only one option can be taken forward in the final DCO.</p>	<p><i>Special Area of Conservation which accords with the principles set out in the outline Norfolk Vanguard Haisborough, Hammond and Winterton Special Area of Conservation Cable Specification, Installation and Monitoring Plan such plan to be submitted to the MMO (in consultation with the relevant statutory nature conservation body) at least six months prior to commencement of licensed activities].</i></p>	
22.	Schedule 17- Compensation to protect the coherence of the Natura 2000 network	Secretary of State	<p>The Applicant maintains that there will be no AEOL on the HHW SAC, particularly in light of the commitment to additional mitigation measures.</p> <p>However, without prejudice to the Applicant's position regarding no AEOL, the Applicant has provided the assessment of alternative solutions and IROPI in the HRA Derogation Provision of Evidence (document reference ExA; IROPI; 11.D10.3).</p> <p>This drafting is in square brackets and will need to be removed from the final Order in the event the Secretary of State does not consider compensation to be necessary.</p>	<p><b>PART 1</b></p> <p><b>Flamborough and Filey Coast Special Protection Area: Construction of artificial nest sites</b></p> <p><i>98.—(1) No later than 12 months prior to the commencement of any offshore works, details of the design, location, and number of artificial kittiwake nest sites to be provided, an implementation timetable including timescales for delivery of the artificial kittiwake nest sites, and proposals for monitoring and reporting on their effectiveness, must be submitted to the Secretary of State for written approval, in consultation with the MMO and the relevant statutory nature conservation body.</i></p> <p><i>(2) The artificial kittiwake nest sites must be implemented as approved and suitable for use prior to first operation of any wind turbine generator comprised in Work No. 1, unless otherwise approved in writing by the Secretary of State.</i></p> <p><i>(3) Results from the monitoring scheme required under sub-paragraph (1) including any proposals to address the effectiveness of the artificial kittiwake nest sites must be submitted to the Secretary of State, the MMO and the relevant statutory nature conservation body, and any proposals to address</i></p>	8

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				<p><i>effectiveness must thereafter be implemented by the undertaker as approved in writing by the Secretary of State.</i></p> <p><i>(4) The approved artificial kittiwake nest sites must be retained during the operation of the offshore generating station, unless otherwise approved in writing by the Secretary of State.</i></p> <p><b>PART 2</b></p> <p><b>Alde-Ore Estuary Special Protection Area: Delivery of measures to improve breeding success</b></p> <p><i>99.—(1) No later than 12 months prior to the commencement of any offshore works, a strategy for the delivery of measures to improve breeding success at the Alde-Ore Estuary Special Protection Area and proposals for monitoring and reporting on their effectiveness must be submitted to the Secretary of State for approval, in consultation with the relevant statutory nature conservation body.</i></p> <p><i>(2) The strategy must accord with the principles contained in Section 4 of the Alde-Ore Estuary Special Protection Area (SPA) - In principle Compensation Measures for lesser black-backed gull, and must be approved in writing by the Secretary of State prior to the commencement of any offshore works.</i></p> <p><i>(3) The strategy must include timescales for the measures to be delivered and must be carried out as approved, unless otherwise agreed in writing by the Secretary of State.</i></p> <p><i>(4) Results from the monitoring scheme required under sub-paragraph (1) including any proposals to</i></p>	

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				<p><i>address the effectiveness of the measures to improve breeding success at the Alde-Ore Estuary Special Protection Area must be submitted to the Secretary of State and the relevant statutory nature conservation body, and any proposals to address effectiveness must thereafter be implemented by the undertaker as approved in writing by the Secretary of State.</i></p> <p><b>PART 3</b></p> <p><b><i>Haisborough, Hammond and Winterton Special Area of Conservation: Promotion of an extension to the Haisborough, Hammond and Winterton Special Area of Conservation</i></b></p> <p><i>100.—(1) No later than 12 months prior to the commencement of any offshore works, a strategy to promote an extension to the Haisborough, Hammond and Winterton Special Area of Conservation must be submitted to the Secretary of State for approval, in consultation with the MMO and the relevant statutory nature conservation body.</i></p> <p><i>(2) The strategy must be approved in writing by the Secretary of State prior to the commencement of the offshore works and must:</i></p> <ul style="list-style-type: none"> <li><i>(a) accord with the principles contained in Section 4 of the Haisborough, Hammond and Winterton Special Area of Conservation (SAC) – In Principle Compensation Measures;</i></li> <li><i>(b) include proposals for monitoring and reporting on the effectiveness of the measures; and</i></li> <li><i>(c) include timescales for the measures to be delivered.</i></li> </ul> <p><i>(3) The strategy must be carried out as approved,</i></p>	

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				<p><i>unless otherwise agreed in writing by the Secretary of State.</i></p> <p><i>(4) Results from the monitoring scheme required under sub-paragraph (2)(b) including any proposals to address the effectiveness of the measures must be submitted to the Secretary of State and the relevant statutory nature conservation body, and any proposals to address effectiveness must thereafter be implemented by the undertaker as approved in writing by the Secretary of State.</i></p> <p><b><i>Interpretation of this Schedule</i></b></p> <p><i>101. In this Schedule—</i></p> <p><i>“Alde-Ore Estuary Special Protection Area (SPA) - In principle Compensation Measures” means the document certified as the Alde-Ore Estuary Special Protection Area (SPA) - In principle Compensation Measures by the Secretary of State for the purposes of this Order;</i></p> <p><i>“commence” means the first carrying out of any licensed marine activities authorised by the deemed marine licences in relation to works seaward of MHWS, save for pre-construction surveys and monitoring approved under the deemed marine licences and the words “commencement” and “commenced” must be construed accordingly;</i></p> <p><i>“deemed marine licences” means the marine licences set out in Schedules 9, 10, 11 and 12 of the Norfolk Vanguard Offshore Wind Farm Order 202[X];</i></p> <p><i>“Haisborough, Hammond and Winterton Special Area of Conservation (SAC) – In Principle Compensation Measures” means the document certified as the</i></p>	

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				<p><i>Haisborough, Hammond and Winterton Special Area of Conservation (SAC) – In Principle Compensation Measures by the Secretary of State for the purposes of this Order;</i></p> <p><i>“MMO” means the Marine Management Organisation;</i></p> <p><i>“offshore generating station” means Work No. 1 and any ancillary works in connection with those works;</i></p> <p><i>“offshore works” means Work Nos. 1 to 4A and any ancillary works in connection with those works;</i></p> <p><i>“statutory nature conservation body” means an organisation charged by government with advising on nature conservation matters.</i></p>	