

Outer Dowsing Offshore Wind

The Applicant's Comments on The Examining Authority's schedule of proposed changes to the draft Development Consent Order

Deadline 5

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Term	Definition
The Project	Outer Dowsing Offshore Wind, an offshore wind generating station together with associated onshore and offshore infrastructure.
WTG Area	The area within the order limits where Wind Turbine Generators (WTG), offshore transformer substations and offshore accommodation platform can be located following the introduction of the Offshore Restricted Build Area (ORBA)

1 Introduction and Document Purpose

1. The Examining Authority (ExA) published the Schedule of ExA's recommended amendments to the applicant's draft Development Consent Order submitted at Deadline 4a [REP4a-006] on 28 February 2025, in accordance with the Rule 8(3) letter [PD-022].
2. Table 1.1 sets out the ExA's recommended amendments to the draft DCO, and the Applicant's responses to those recommendations.

Table 1.1: The Applicant's Response to The Examining Authority's schedule of proposed changes to the draft Development Consent Order (dDCO) submitted at Deadline 4a

No.	Reference	Text as set out in the draft DCO [REP4a-006]	ExA's Recommended Amendment	Notes	The Applicant's Response
Articles					
	Article 2	"offshore accommodation platform" means a structure attached to the seabed by means of a foundation, with one or more decks and a helicopter platform (including bird deterrents), containing housing accommodation, storage, workshop, auxiliary equipment, and facilities for operating, maintaining and controlling the wind turbine generators and offshore electrical installations;	"offshore accommodation platform" means a structure attached to the seabed by means of a foundation, with one or more decks and a helicopter platform (including bird deterrents), containing housing accommodation, storage, workshop, auxiliary equipment and facilities for operating, maintaining and controlling the wind turbine generators and offshore electrical installations;	Delete Oxford comma between 'auxiliary equipment' and 'and facilities' For clarity, precision and consistency with other similarly structured definitions within this article	The Oxford comma in the definition of "offshore accommodation platform" has been deleted in the draft DCO (document 3.1, version 9).
	Article 10 (2)(h)	all provisions of that Act that apply for the purposes of the provisions referred to	all provisions of that Act that apply for the purposes of the provisions referred to	Typo- For "subparagraphs" substitute "sub-paragraphs"	This substitution has been made in the draft DCO (document 3.1, version 9).

No.	Reference	Text as set out in the draft DCO [REP4a-006]	ExA's Recommended Amendment	Notes	The Applicant's Response
		in subparagraphs (a) to (g).	in sub-paragraphs (a) to (g).		
	Article 22 (1)	Subject to paragraph (2), the undertaker may acquire compulsorily such rights or impose restrictive covenants over the Order land as may be required for any purpose for which that land may be acquired under article 20 (compulsory acquisition of land), by creating them as well as by acquiring rights already in existence.	Subject to paragraph (2), the undertaker may acquire compulsorily such rights or impose restrictive covenants over the Order land as may be required for any purpose for which that land may be acquired under article 20 (compulsory acquisition of land), by creating them as well as by acquiring rights already in existence, provided that any new restrictive covenant(s) to be created shall not be more restrictive or onerous than the restrictive covenants set out in column (2) of Schedule 7.	To ensure that new rights and restrictive covenants that would be acquired are satisfactorily defined	<p>The Applicant's position remains as set out in The Applicant's Response to Written Summaries of Oral Cases at ISH1 (REP4-109), that it would not be appropriate to amend article 22(1) in this manner.</p> <p>The use of compulsory acquisition powers (including the imposition of restrictive covenants) is restricted in respect of the land specified in column (2) of Schedule 9 (Land of which temporary possession may be taken) by the operation of Article 28(8) of the draft DCO (document 3.1, version 9) which provides that: <i>"The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1)(a)(i) [being the land specified in column (2) of Schedule 9] except that the undertaker is not precluded from— (a) acquiring new rights or imposing restrictive covenants over any part of that land under article 22 (compulsory acquisition of rights) to the extent that such land is listed in column (1) of Schedule 7 (land in which only new rights etc. may be acquired); or (b)</i></p>

No.	Reference	Text as set out in the draft DCO [REP4a-006]	ExA's Recommended Amendment	Notes	The Applicant's Response
					<p><i>acquiring any part of the subsoil (or rights in the subsoil) of that land under article 26 (acquisition of subsoil or airspace only)".</i></p> <p>The land specified in column 1 of Schedule 7 is restricted to the imposition of restrictive covenants for the purpose specified in relation to that land in column (2) of Schedule 7.</p> <p>That leaves only those plots of land which are intended for freehold acquisition (as shown coloured pink on the Land Plans (REP4-003 – REP4-004) that the Applicant could, under the powers conferred by Article 22(1), acquire rights and impose restrictive covenants over as an alternative to freehold acquisition, where this power to impose restrictive covenants is not subject to specific wording set out in the draft DCO. The land over which compulsory acquisition powers are sought in respect of the freehold relates to the onshore substation and associated drainage and access, and the landscaping required to screen the onshore substation.</p>

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					<p>It would not be appropriate to impose an obligation that, in the event rights were acquired as an alternative to freehold acquisition, the restrictive covenants imposed cannot be "more restrictive or onerous" than the restrictive covenants in column (2) of Schedule 7, as the restrictive covenants that would be required for such land uses would be different in nature from those imposed in Schedule 7. The covenants in Schedule 7 largely relate to protection of the underground cables and are not comparable in nature to the restrictive covenants that may be necessary for landscaping and drainage, which would make it impossible to determine whether a restriction being imposed was more or less restrictive or onerous than those set out in Schedule 7. Any restrictive covenants imposed over land that is the subject of the right to compulsorily acquire the freehold would need to be bespoke and relate to the reason for the acquisition of the corresponding rights.</p> <p>While the draft DCO does not provide specific restrictive covenant wording</p>

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					for this scenario, the acquisition of rights and imposition of restrictive covenants as an alternative to freehold acquisition would be a lesser interference than what is currently sought in the draft DCO and as such, it is not considered necessary or proportionate to set out restrictive covenant wording in the DCO for these plots in the event that rights are acquired instead.
	Article 25 (5)(a)	(2) But see article 26(3) (acquisition of subsoil or airspace only) of the Outer Dowsing Offshore Wind Farm Order 202[], which excludes the acquisition of subsoil or airspace from this Schedule ; and	(2) But see article 26(3) (acquisition of subsoil or airspace only) of the Outer Dowsing Offshore Wind Farm Order 202[], which excludes the acquisition of subsoil or airspace from this Schedule; and	Typo – delete space between 'Schedule' and the semi-colon	There is no space between 'Schedule' and the semi-colon that can be deleted. There is a closing quotation mark (") between 'Schedule' and the semi-colon.
	Article 28 (1)(a)(ii)	any other Order land in respect of which no notice of entry has been served under section 11 (powers of entry) of the 1965 Act (other than in connection with the acquisition of rights	any other Order land as is required for the authorised project or to facilitate, or is incidental to it, and in respect of which no notice of entry has been served under section 11 (powers of	For clarity and precision	The proposed wording has been incorporated into Article 28 of the draft DCO (document 3.1, version 9).

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		only) and no declaration has been made under section 4 (execution of declaration) of the 1981 Act;	entry) of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 (execution of declaration) of the 1981 Act;		
	Article 44 (2)	Paragraph (1) does not apply to the exercise of any right under this Order for the compulsory acquisition of an interest in any Crown land (as defined in the 2008 Act(a)) which is for the time being held otherwise than by or on behalf of the Crown.	Paragraph (1) does not apply to the exercise of any right under this Order for the compulsory acquisition of an interest in any Crown land (as defined in the 2008 Act(a)) which is for the time being held otherwise than by or on behalf of the Crown and for which the appropriate Crown authority has consented to the acquisition.	To fully align the Article with Section 135(1) of the Planning Act 2008	It is not considered necessary to make the suggested amendment. Crown consent is being sought from The Crown Estate to the granting of the DCO, in accordance with Section 135 of the Planning Act 2008. As set out in the Applicant's Deadline 5 Covering Letter (document 23.1), the Applicant and solicitors acting for The Crown Estate are engaged regularly in relation to the Applicant's request for Crown consents pursuant to s135(1) and (2) of the Planning Act 2008 and are aiming to reach agreement as soon as possible before the close of the Examination.
	Article 44 (3)	A consent under paragraph (1) may be given unconditionally or subject to terms and	A consent under paragraphs (1) or (2) may be given unconditionally or	To take account of additional drafting added to Article 44 (2)	In addition, the current wording of Article 44 has been requested by and agreed with The Crown Estate. This follows the drafting of Crown Rights

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		conditions; and is deemed to have been given in writing where it is sent electronically.	subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically.		articles in other DCOs. As is standard practice for The Crown Estate when giving Crown consent to the granting of a DCO, the consent will be given subject to the inclusion of The Crown Estate's preferred article, which is the version of Article 44 currently contained in the draft DCO.
Schedules					
Schedule 1					
	Part 3, requirement 11(2)	(2) Unless otherwise stated in the approved landscape management plan, any tree or shrub planted as part of an approved landscape management plan 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	(2) Any tree or shrub planted as part of an approved landscape management plan that, within a period of ten years after planting (save in relation to Work No.23, for which the relevant period is the operational lifetime of the authorised development) , is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first	<p>Delete 'unless otherwise stated in the approved landscape management plan' for clarity and precision.</p> <p>Delete 'alternative timing or a different specimen is' for clarity and precision.</p> <p>Include Work No.23, for works relating to the onshore substation and amend the relevant period to the operational lifetime of the proposed development as the planting associated with Work no.23 is relied upon for landscape mitigation for the lifetime of the proposed development.</p> <p>For all other trees and shrubs the ExA considers a period of 10 years to be reasonable in providing greater</p>	The Applicant has not made these proposed changes to Requirement 11. The Applicant notes that one of the ExA's reasons for suggesting this change was to bring the requirement in line with comments made in Lincolnshire County Council's Local Impact Report (REP1-053). However, following Issue Specific Hearing 5 where this matter was discussed in detail, LCC's response to Action Points 31 and 32 arising from Issue Specific Hearing 5 (REP4a-135) confirms that: <i>"After further consideration a 5 year plant replacement period is reasonable. It's a typical period that we may see on planting conditions associated with TCPA schemes. The applicant has justified the reasoning in subsequent correspondence (e.g.</i>

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		species and size as that originally planted unless alternative timing or a different specimen is otherwise approved by Lincolnshire County Council in consultation with the relevant planning authority	available planting season with a specimen of the same species and size as that originally planted unless otherwise approved by Lincolnshire County Council in consultation with the relevant planning authority	certainty of establishment and biodiversity net gains in line with Lincolnshire County Council Local Impact Report [REP1-053] and in line with most recent DCO's for similar projects, therefore, change 'five years' to 'ten years'	<p><i>that successful planting schemes may be looking to thinning operations from 5 to 7 years after planting, but the 5 year period ensures that the plants will be looked after appropriately).</i></p> <p><i>Having reviewed the approach the applicant provided to the Council on 20th February is reasonable – the key landscape areas are covered by Work No. 23. which are the areas around the substation (these are extensive areas of planting), and this would be maintained for the lifetime of the project, which is important due to their requirement for screening and integration of the proposals, but also ecological enhancement.</i></p> <p><i>The other landscape areas, which will be associated with the cable route (and don't have a dedicated landscape Work No.), are identified in the OLEMS as reinstatement of habitats and land cover, hedgerow and tree replacement. These areas are being proposed as being maintained for 5 years, which due to these likely being somewhat fragmented or disjointed and we anticipate relatively localised to the</i></p>

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					<p><i>cable, would provide this planting a decent establishment period. Then after 5 years this would be incorporated into whatever management these areas are currently under. This planting will be like for like replacements for that lost installing the cable, as well as access routes and compound areas.</i></p> <p><i>5 year plant replacement period is acceptable.</i></p> <p><i>This is based on what is expected to be included in v7.0 of the OLEMS which has not yet been provided to the Council ahead of Deadline 4a. Assuming this is included in the updated version of the OLEMS then the Council is satisfied with this approach."</i></p> <p>The Applicant set out its position on the appropriateness of a five-year replanting period in response to Action Point 32 arising from ISH5 (REP4a-120). For additional context, in a typical landscape contract, landscape contractors will allow for up to 10% of the planting to be replaced – marking 10% as the maximum percentage of plant failures that would be anticipated</p>

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					<p>within any one project. As explained in REP4a-120, beyond 5 years, woodland planting will need to be thinned out to ensure the desired density and structure is achieved as the plants grow taller and spread out. Depending on the intended character of the woodland planting, thinning will be in the order of 10 to 30%. This rate of thinning exceeds the maximum percentage of plant failures in the first five years and, therefore, negates the need for further replacement planting as additional whips being planted would be counter to the aim of reducing the density at this stage in the development of the woodland planting.</p> <p>Outwith the Works No. 23 area, the majority of planting will comprise hedgerow planting with native species. Hedgerows are a common feature of the rural landscape and, as such, standard methods for establishment are widely practiced. The success of these methods relate to the density at which whips are planted in a double staggered row, which means the plants afford shelter</p>

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					for one another and bring each other on. Plant failures within the first five years would be replaced and within this time the hedgerow would be fully established and with limited potential for further failures arising, making further replacement planting obsolete.
Schedule 7					
		(c) prevent the carrying out of any excavations or works or agricultural practices to a depth greater than 0.75 metre from the surface of the land, without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed) provided that (for the avoidance of doubt)—	(c) prevent the carrying out of any excavations or works or agricultural practices to a depth greater than 0.75 metre from the surface of the land, without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed, with consent for trench digging requests relating to waterlogging to be determined within 24 hours, if the proposed activity would not cause damage to the relevant part of the	To ensure that any waterlogging issues can be addressed in as timely a manner as possible.	The Applicant does not consider the suggested amendment is appropriate as the proposed wording requires the undertaker to assess potential damage or impact on access in order to give consent within 24 hours. Depending on the nature of the request and the details provided (as there is no detail of what must be included in a "trench digging request"), it may not be possible to determine such requests within 24 hours on every occasion where consent is required. The restrictive covenant wording set out in the draft DCO (document 3.1, version 9) provides that consent is not to be unreasonably withheld or delayed. This ensures that consent would be given at the earliest possible opportunity. It is more appropriate to

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			authorised development nor make it materially more difficult to access or maintain the authorised development) provided that (for the avoidance of doubt)—		deal with such specific matters in voluntary agreements, where such commitments can be suitably caveated and specific exceptions noted, as well as more granular detail of what is to be provided to ensure such requests are dealt with expeditiously, as opposed to a restrictive covenant in the draft DCO which requires a "one size fits all" approach.
Schedule 10					
		No text has been proposed by the applicant	Insert additional condition for the wind turbine generator array area: No piling of any type shall be permitted between 1 September and 16 October each year within the area of Work No 1a, Work No. 2 and Work No. 3.	To protect spawning Banks herring and their eggs and larvae during their spawning season.	The Applicant disagrees that such a condition is necessary for the following reasons: - the assessment carried out by the Applicant in Chapter 10 Fish and Shellfish Ecology (6.1.10) concludes no likely significant effects on herring and therefore mitigation is not required in order to reduce effects below the significance threshold; - whilst the MMO and the Applicant disagree on the conclusions of the assessment of effects on herring, the MMO acknowledged (at p105 of the MMO's Deadline 3 Submission (REP3-077)) that, having reviewed the revised underwater noise modelling presented in Figures 3.1-3.6 of the

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					<p>(Environmental Report for the ORBA and Revision to the ECC supporting Figures) (PD1-082), which has subsequently been incorporated into the updated Fish and Shellfish Ecology Chapter of the ES (6.1.10) submitted at Deadline 5, impacts to herring and their eggs and larvae will only occur from certain locations where piling is carried out. The MMO then goes on to state that <i>"Given that the overlap of noise contours from piling in the array with the area of 'active' spawning ground is driven by piling in the western portion of the array, the MMO considers that the recommended temporal mitigation can be applied spatially, so that piling within the eastern portion of the array can be carried out at any time."</i> The imposition of a condition that contains a temporary piling restriction across the whole of the WTG Area would therefore be disproportionate to the concern raised, which only affects the western portion of the WTG Area;</p> <p>- the Applicant has since made a further commitment to use best endeavours to deliver noise</p>

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					<p>reductions through the use of primary and/or secondary noise reduction methods, which reduces the impacts on herring still further; and</p> <ul style="list-style-type: none"> - the Applicant has proposed a commitment to a partial piling restriction covering the western extent of the array area and the full spatial extent of the northern ANS area to further reduce impacts on the Banks herring spawning stock. The precise extent of the piling restriction and the wording of the condition that secures it is the subject of ongoing discussion with the MMO. <p>The Applicant is continuing to engage with the MMO in order to reach agreement on this issue. Condition 13, Part 2, Schedule 10 of the DCO has been updated to require the submission of a spawning herring piling restriction plan, to be in accordance with an outline spawning herring restriction plan, containing updated underwater noise modelling.</p> <p>If the updated underwater noise modelling undertaken for the pre-construction plan demonstrates that</p>

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					<p>noise levels associated with piling activity in a restriction area exceed the levels specified in the outline plan, then the seasonal piling restriction between 1 September and 16 October will come into effect.</p> <p>This proposed drafting provides the framework for the relevant restriction. The Applicant is engaging with the MMO on the appropriate spatial extent of the temporal piling restriction and is preparing a draft outline spawning herring restriction plan showing the spatial extent and relevant noise levels for discussion with the MMO. The proposed drafting broadly reflects that proposed in discussions with the MMO and the Applicant notes that the MMO was largely content with the wording (p23, REP4a-133).</p> <p>The Applicant is confident that agreement on this issue with the MMO can be reached by Deadline 6.</p>
	Part 1,1	"environmental statement" means the	"environmental statement" means the	For consistency with other similarly structured definition within article 2.	This change has been made to the definition of "environmental

No.	Reference	Text as set out in the draft DCO [REP4a-006]	ExA's Recommended Amendment	Notes	The Applicant's Response
		document certified as the environmental statement by the Secretary of State for the purposes of the Order under article 41;	document certified as the environmental statement by the Secretary of State for the purposes of the order under article 41 (certification of plans etc.);	Where applicable, change in Schedule 11 to Schedule 16.	statement" in Schedules 10 to 16 of the draft DCO (document 3.1, version 9).
	Part 1,1	"in principle monitoring plan" means the document certified as the in principle monitoring plan by the Secretary of State for the purposes of the Order under article 41;	"in principle monitoring plan" means the document certified as the in principle monitoring plan by the Secretary of State for the purposes of this Order under article 41 (certification of plans etc.);	For consistency with other similarly structured definition within article 2 Where applicable, change in Schedule 11 to Schedule 16.	This change has been made to the definition of "in principle monitoring plan" in Schedules 10 and 11 of the draft DCO (document 3.1, version 9). The defined term does not appear in Schedules 12 to 16.
	Part 1,1	"in principle Southern North Sea SAC Site Integrity Plan" means the document certified as the in principle Southern North Sea SAC Site Integrity Plan by the Secretary of State for the purposes of the Order under article 41;	"in principle Southern North Sea SAC Site Integrity Plan" means the document certified as the in principle Southern North Sea SAC Site Integrity Plan by the Secretary of State for the purposes of this Order under	For consistency with other similarly structured definition within article 2 Where applicable, change in Schedule 11 to Schedule 16.	This change has been made to the definition of "in principle Southern North Sea SAC Site Integrity Plan" in Schedules 10 to 15 of the draft DCO (document 3.1, version 9). The defined term does not appear in Schedule 16.

No.	Reference	Text as set out in the draft DCO [REP4a-006]	ExA's Recommended Amendment	Notes	The Applicant's Response
			article 41 (certification of plans etc.);		
	Part 1,1	"maintain" includes inspect, upkeep, repair, adjust, and alter and further includes remove, reconstruct and replace (including replenishment of cable protection), but does not include the removal, reconstruction or replacement of foundations associated with the offshore works, to the extent assessed in the environmental statement; and "maintenance" must be construed accordingly;	"maintain" includes inspect, upkeep, repair, adjust, and alter and further includes remove, reconstruct and replace (including replenishment of cable protection), but does not include the removal, reconstruction or replacement of foundations associated with the offshore works, to the extent assessed in the environmental statement; and "maintenance" and any derivative of "maintain" must be construed accordingly;	To ensure consistency with other similarly structured definition within article 2 Where applicable, change in Schedule 11 to Schedule 16.	This change has been made to the definition of "maintain" in Schedules 10 to 16 of the draft DCO (document 3.1, version 9). The definition of "maintain" in Article 2(1) has also been updated to include "maintenance" and in order to align with the definition used in Schedules 10 to 16.
	Part 1,1	"works plans" means the plans certified as the works plans by the Secretary of State for the purposes of the Order.	"works plans" means the plans certified as the works plans onshore and works plans offshore by the Secretary of State for	For consistency with other similarly structured definition within article 2 Where applicable, change in Schedule 11 to Schedule 16.	This change has been made to the definition of "works plans" in Schedules 10 to 16 of the draft DCO (document 3.1, version 9).

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			the purposes of this Order under article 41 (certification of plans etc.) .		
Schedule 12					
		No text has been proposed by the applicant	<p>Insert additional condition:</p> <p>For the northern offshore artificial nesting structure 1:</p> <p>No piling of any type shall be permitted between 1 September and 16 October each year for the northern artificial nesting structure.</p>	To protect spawning Banks herring and their eggs and larvae during their spawning season.	<p>The Applicant has broadly incorporated the proposed condition as a new condition 17 in Part 2, Schedule 12 of the DCO.</p> <p>The proposed condition omits the wording “for the northern artificial nesting structure” from the end of the condition as the conditions set out in Schedule 12 apply only to the northern artificial nesting structure in any event.</p>
Schedule 13					
		No text has been proposed by the applicant	<p>Insert additional condition:</p> <p>For the northern offshore artificial nesting structure 2:</p> <p>No piling of any type shall be permitted</p>	To protect spawning Banks herring and their eggs and larvae during their spawning season.	<p>The Applicant has broadly incorporated the proposed condition as a new condition 17 in Part 2, Schedule 13 of the DCO.</p> <p>The proposed condition omits the wording “for the northern artificial nesting structure” from the end of the condition as the conditions set out in</p>

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			between 1 September and 16 October each year for the northern artificial nesting structure.		Schedule 13 apply only to the northern artificial nesting structure in any event.
Schedule 18					
	Part 3 (9)(2)	There must be deducted from any sum payable under subparagraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule that value being calculated after removal.	There must be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule that value being calculated after removal.	Typo- For "subparagraph" substitute "sub-paragraph"	This substitution has been made in the draft DCO (document 3.1, version 9).
	Part 3 (9)(3)	...to Anglian Water by virtue of subparagraph (1) must be reduced by the amount of that excess.	...to Anglian Water by virtue of sub-paragraph (1) must be reduced by the amount of that excess.	Typo- For "subparagraph" substitute "sub-paragraph"	This substitution has been made in the draft DCO (document 3.1, version 9).
	Part 8 (1)(2)(a)	any agreement of the type mentioned in subparagraph (1) has effect as if it had been made between National Gas and the transferee or grantee (as the case may be) in all cases where the	any agreement of the type mentioned in sub-paragraph (1) has effect as if it had been made between National Gas and the transferee or grantee (as the case may be) in all cases where the	Typo- For "subparagraph" substitute "sub-paragraph"	This substitution has been made in the draft DCO (document 3.1, version 9).

No.	Reference	Text as set out in the draft DCO [REP4a-006]	ExA's Recommended Amendment	Notes	The Applicant's Response
		transfer of the benefit relates to any specified works; and	transfer of the benefit relates to any specified works; and		
	Part 10 (15)(7)	...maintenance or failure of a specified work or any such act or omission as mentioned in subparagraph (1); and	...maintenance or failure of a specified work or any such act or omission as mentioned in sub-paragraph (1); and	Typo- For "subparagraph" substitute "sub-paragraph"	This substitution has been made in the draft DCO (document 3.1, version 9).
Schedule 22					
	Part 1(3)	Following consultation with the KCSG the Kittiwake CIMP must be submitted to the Secretary of State for approval, in consultation with the relevant statutory nature conservation body and, where appropriate, the MMO and/or the relevant local planning authority.	Following consultation with the KCSG the Kittiwake CIMP must be submitted to the Secretary of State for approval, in consultation with the relevant statutory nature conservation body and, where appropriate, the MMO and/or the relevant planning authority .	For clarity and precision	This change has been made in the draft DCO (document 3.1, version 9).
	Part 1(5)	The undertaker must implement the measures set out in the Kittiwake CIMP approved by the Secretary of State,	The undertaker must implement the measures set out in the Kittiwake CIMP approved by the Secretary of State,	For clarity and precision	This change has been made in the draft DCO (document 3.1, version 9).

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		unless otherwise agreed in writing by the Secretary of State in consultation with the relevant statutory nature conservation body and, where appropriate, the MMO and/or the relevant local planning authority.	unless otherwise agreed in writing by the Secretary of State in consultation with the relevant statutory nature conservation body and, where appropriate, the MMO and/or the relevant planning authority .		
	Part 2(3)	Following consultation with the GCSG, the Guillemot CIMP must be submitted to the Secretary of State for approval in consultation with the relevant statutory nature conservation body and, where appropriate, the MMO and/or the relevant local planning authority.	Following consultation with the GCSG, the Guillemot CIMP must be submitted to the Secretary of State for approval in consultation with the relevant statutory nature conservation body and, where appropriate, the MMO and/or the relevant planning authority .	For clarity and precision	This change has been made in the draft DCO (document 3.1, version 9).
	Part 2(5)	The undertaker must implement the measures set out in the Guillemot CIMP approved by the	The undertaker must implement the measures set out in the Guillemot CIMP approved by the	For clarity and precision	This change has been made in the draft DCO (document 3.1, version 9).

No.	Reference	Text as set out in the draft DCO [REP4a-006]	ExA's Recommended Amendment	Notes	The Applicant's Response
		Secretary of State, unless otherwise agreed in writing by the Secretary of State in consultation with the relevant statutory nature conservation body and where appropriate the MMO and/or the relevant local planning authority.	Secretary of State, unless otherwise agreed in writing by the Secretary of State in consultation with the relevant statutory nature conservation body and where appropriate the MMO and/or the relevant planning authority .		
	Part 3(3)	Following consultation with the RCSG, the Razorbill CIMP must be submitted to the Secretary of State for approval in consultation with the relevant statutory nature conservation body and, where appropriate, the MMO and/or the relevant local planning authority.	Following consultation with the RCSG, the Razorbill CIMP must be submitted to the Secretary of State for approval in consultation with the relevant statutory nature conservation body and, where appropriate, the MMO and/or the relevant planning authority .	For clarity and precision	This change has been made in the draft DCO (document 3.1, version 9).
	Part 3(5)	The undertaker must implement the measures set out in the Razorbill CIMP	The undertaker must implement the measures set out in the Razorbill CIMP	For clarity and precision	This change has been made in the draft DCO (document 3.1, version 9).

No.	Reference	Text as set out in the draft DCO [REP4a-006]	ExA's Recommended Amendment	Notes	The Applicant's Response
		approved by the Secretary of State, unless otherwise agreed in writing by the Secretary of State in consultation with the relevant statutory nature conservation body and where appropriate the MMO and/or the relevant local planning authority.	approved by the Secretary of State, unless otherwise agreed in writing by the Secretary of State in consultation with the relevant statutory nature conservation body and where appropriate the MMO and/or the relevant planning authority .		