

**WELSH MINISTERS  
2021**

**Transport and Works Act 1992**

**Transport and Works (Applications and Objections Procedure)  
(England and Wales) Rules 2006**

**THE MORLAIS DEMONSTRATION ZONE ORDER**

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**Order Changes Tracker**

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Article/Schedule	Comments/Explanation	Amendment
Definition of 'device deployment protocol'	<p>Whilst a device deployment protocol was previously proposed to be submitted in specified circumstances pursuant to article 3 and Part 4 of Schedule 1, a definition has been included to provide more certainty as to what this document will include in relation to the devices to be deployed in various parts of the array area.</p> <p>The protocol will enable an assessment to be made of surface emergent devices or hubs proposed to be deployed anywhere in the array area to ensure that they are not visually prominent in sensitive areas in accordance with the mitigation proposed in the Environmental Statement.</p> <p>It will also enable an assessment of any devices or hubs propose to be deployed which have an under keel clearance of less than 20 metres or 8 metres in the outer and inshore elements of the array area respectively before the relevant tidal works are undertaken</p>	<p>A new definition included to read:</p> <p><i>"device deployment protocol" means a statement identifying (a) in respect of surface emergent tidal devices and operational hubs in the array area details including dimensions of the tidal device or operational hubs that the undertaker proposes to construct or repower and an updated landscape and visual assessment undertaken in accordance with the assessment methodology for the environmental statement of those proposed tidal devices or operational hubs and/or (b) in respect of subsurface tidal devices or operational hubs in the restricted area – UKC 8m with a proposed under keel clearance of less than 8m details of the tidal device or operational hub to be deployed and/or (c) in respect of subsurface tidal devices or operational hubs in the restricted area UKC 20m with a proposed under keel clearance of less than 20m details of the tidal device or operational hub to be deployed</i></p>
Definition of "environmental statement"	The definition has been amended to reflect that further environmental information has been submitted during the application process	The definition of amended as follows: "environmental statement" means the environmental statement submitted with the application for this Order <del>and—certified as</del> <u>supplemented and amended by the further environmental information submitted in support of the application and certified together</u> as the environmental statement by the Welsh Ministers for the purposes of this Order
Definitions of "northern zone" and "northern zone (UKC restricted zone)"	The Council had raised concerns as to the reference to 'zones' in the Order in the context of reference to 'sub zones' in the Environmental Statement which had a different meaning. Separate definitions of 'restricted areas' have been proposed in their place as set out below.	
Definition of "offshore works plans"	An incorrect reference to 'offshore works' has been amended to read 'tidal works'	The definition amended as follows: "offshore works plans" means in relation to the <del>offshore</del> <u>tidal</u> works the plans prepared in pursuance of rule 12(1)(a) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 and certified by the Welsh Ministers as the offshore works plans for the purposes of this Order;

Definition of "onshore works"	The definition erroneously retained reference to 'MLWS' which was not defined; instead the full term has been inserted	The definition amended as follows: "onshore works" means so much of the authorised works as lies landward of <del>MLWS</del> <u>mean low water springs</u> ;
Definition of "project parameters"	The further environmental information submitted included revisions to chapter 4 including revised tables establishing the parameters for the Project. The increased number of tables is now referred to	The definition amended as follows: "project parameters" means the parameters for the authorised works as set out in tables 4-21 to 4- <del>28</del> <u>30 of the updated chapter 4 of updated environmental information forming part</u> of the environmental statement; <del>and carrying document reference MOR-RHDHV-DOC-0004 version F:0 dated October 2019;</del>
Definition of "restricted areas plan"	At the request of the Isle of Anglesey a separate plan is proposed for certification by the Welsh Ministers to identify the restricted areas rather than reference being made to the plan in the Environmental Statement	A new definition of 'restricted areas plan' is included as follows:  'restricted area plan' means the plan marked 'Restricted Area Plan' and carrying drawing reference MORMSDRW001 and certified by the Welsh Ministers as the restricted area plan for the purposes of this Order
Definitions of 'restricted area – UKC 8m' and 'restricted area UKC 20m'	In response to the concerns raised by Isle of Anglesey County Council the nomenclature of the offshore areas in which restrictions on the deployment of devices and hubs have proposed as part of the environmental impact assessment has been reviewed and amended. In addition, the area in which devices and hubs with an under keel clearance of 8m has been expanded from an area defined as 1km from the shore to include a defined area within the array area.  The areas are defined by reference to the Restricted Areas Plan	Definitions of the restricted areas now defined as follows:  "restricted area – UKC 8m" means that part of the array area established as the restricted area - UKC 8m in Part 3 of Schedule 1 and shown shaded blue on the restricted area plan;  "restricted area – UKC 20m" means that part of the area established as the restricted area - UKC 20m in Part 3 of Schedule 1 and shown shaded purple on the restricted area plan;  "restricted area – northern" means that part of the array area established as the restricted area - northern in Part 3 of Schedule 1 and shown shaded gold on the restricted area plan;
Definition of "undertaker"	The definition has been amended to refer to all of the authorised works and consequently a power for the undertaker to repower, which is defined by reference to the	Definition of 'undertaker' to be replaced with the following: "undertaker" means in relation to the construction, maintenance <u>repowering</u> and decommissioning of the

	replacement of tidal devices and ancillary equipment. This also allows the undertaker to transfer the benefit of all parts of the authorised works pursuant to article 6(1)	<del>onshore</del> authorised works Menter Môn Morlais Limited or such other company to whom the benefit of the Order is transferred pursuant to article 6(1) and in relation to the tidal works includes any person to whom part of the tidal works or the offshore Order limits has been let pursuant to article 6(2);
Definition of 'updated navigational risk assessment'	It has been agreed that an updated navigational risk assessment will be prepared prior to the carrying out of any tidal works to identify the risks posed to navigation and specifically to identify the extent of any safety zone required to be imposed during both construction and operation for the purposes of article 43; a new definition has therefore been inserted with the reference to the document to be inserted once a reference has been allocated	Definition of 'updated navigational risk assessment' included as follows: "updated navigational risk assessment" means an updated navigational risk assessment undertaken in accordance with the methodology of the navigational risk assessment forming part of the environmental statement and carrying document reference [ ] taking into account the location and characteristics of the tidal works proposed for deployment and the method of construction anchoring proposed lighting and any associated maintenance requirements and shall include the extent of any proposed safety zone in accordance with article 43;
Article 3(4)	It is recognised in article 3(6) that there may be conditions imposed on a marine licence which are equivalent to the requirements to submit documents under the Order, but there may be other conditional requirements imposed on a marine licence which will need to be taken into consideration in the documentation to be submitted under the Order. The amendment to article 3(4) secures consistency between the two approval regimes	Article 3(4) amended to read as follows: (1) In constructing, maintaining, repowering and recommissioning the tidal works the documents in column 1 of Part 4 of Schedule 1 must be submitted to and approved in writing by the Welsh Ministers prior to the activity in column 2 occurring and such documents shall accord with any conditions relating to their content imposed on any marine licence for the relevant tidal works.
Article 3(5)	It has been agreed that, as a consequence of the potential visual impact of the project on the Area of Outstanding Natural Beauty on Anglesey that the Welsh Ministers should consult with Isle of Anglesey on the a device deployment protocol in respect of surface emergent devices. Whilst their representation raised specific concerns about visually prominent devices in the northern part of the array area it has been agreed that they should be consulted in respect of any surface emergent devices to be deployed in the array area as a whole.	A new article 3(5) inserted as follows: (1) The Welsh Ministers shall not approve any device deployment protocol pursuant to paragraph (4) in respect of the construction or repowering of surface emergent tidal devices and operational hubs in the array area without having first consulted with the Isle of Anglesey County Council

Article 3	Article renumbered to take account of the changes to article 3(5) noted above	
Article 6	The undertaker will require the ability to transfer the benefit of any or all of the provisions under the Order in relation to the whole of the authorised works, whereas it is intended that leasehold interests will then be created in respect of parts of the offshore Order limits for tenants to install devices and hubs within the array area	<p>Article 6 amended as follows</p> <p>1.—(1) The undertaker may, with the consent of the Welsh Ministers transfer to another person (“the transferee”) <u>any or all of the benefit of the provision of this Order including</u> its right to construct, maintain, operate, repower and decommission the <del>tidal</del><u>authorised</u> works (or any part of them) and such related statutory rights as may be agreed between the undertaker and the transferee.</p> <p>(2) The undertaker may grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee the right to construct, maintain, operate, repower and decommission the tidal works <u>(or any part of them)</u> and such related statutory rights as may be so agreed.</p> <p>(3) The exercise of the powers conferred by any enactment by any person in pursuance of any transfer or grant under paragraph (1) or (2) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those powers were exercised by the undertaker.</p>
Article 8(7), 12(8), 13(5), 14(12),	Where advance notice is given of proposed works and deemed consent is to be provided if the response is not given, it has been agreed that the period for a response be extended to 56 days from the 28 days initially proposed	The period for response before deemed consent given extended from 28 days to 56 days
Article 16(1), 21(3), 38(2) Schedule 1 Part 4	A reference to ‘authorised development’ has been included erroneously	Reference to ‘authorised development’ amended to ‘authorised works’
Article 18(2)	Clarification has been added that reference to high water is to mean high water springs	Additional words inserted to reference mean high water springs
Article 21(2)	Clarification necessary to reflect that lighting will apply following the construction of a tidal work or any repowering	Additional works inserted ‘of construction or repowering’
Article 28(8)	Previous article 28(8) has been deleted as there is no power to impose restrictive covenants over the land subject to temporary possession only. Consequently this provision is not required	Delete former article 28(8) and renumber following provisions

Article 43	<p>In article 43(1) the term 'construction safety zone' is introduced to be used in a similar way to the term 'operational safety zone', with both terms defined in article 43(4). Amendments are made to article 43(4) to allow both types of safety zones to be established or amended from time to time to allow them to respond to the construction methodology or type of device being deployed, and the scope for devices to be deployed in adjoining berths such that they can respond as those parts of the array area in active deployment change.</p> <p>In order that the safety zones are minimised to allow navigation wherever possible, an updated navigational risk assessment will be required before the carrying out of any tidal work which shall include the identification of a construction safety zone and operational safety zone if not to cover the default areas of 500m from the work during construction and 50m during operation.</p>	Amendments to include construction safety zone as a defined term (article 43(1)) and to define it (article 41(8)), allow both safety zones to be established or amended from time to time (article 43(4)) and provide for the safety zones to be established through an updated navigational risk assessment (article 43(8))
Schedule 1, Part 3	<p>Following the revisions to the definitions for the various restricted areas, the heading for Part 3 of the Schedule is amended to reflect these.</p> <p>The changes are then reflected in the sections of the table setting out the co-ordinates for the different areas including a new set of co-ordinates included for the Restricted Area - UKC 8m to reflect the definitions and on the basis that this area is no longer defined by reference to distance from the shore</p> <p>Correction of the co-ordinates for point 11 on the Restricted Area Plan for consistency with the co-ordinates for the same point in figure 1-1 of the Environmental Statement]</p>	<p>Amended title and heading for the restricted areas coordinates sections to reflect changes to definitions of restricted areas</p> <p>Change in heading to the coordinates which are now for the Restricted Area - Northern, for the Restricted Area - UKC 20m, and coordinates included for the Restricted Area - UKC 8m</p> <p>Amendment to the co-ordinates for point 11 as shown on what is now the Restricted Area Plan</p>
Schedule 1 Part 4	Amendments have been introduced to reflect that a Device Deployment Protocol will be required in respect of surface emergent devices both in the restricted areas and in the remainder of the array area. This is to take account of the agreement that Isle of Anglesey will be consulted prior to deployment of surface emergent devices across all of these	<p>A Device Deployment Protocol will be required: Prior to the deployment of any tidal device or operational hub which will be</p> <ul style="list-style-type: none"> <li>- surface emergent surface emergent in the restricted areas or the remainder of the array area</li> </ul>

	<p>areas albeit their representation submitted in respect of the application was expressed to be in relation to visually prominent devices in the northern area. The wording also amended to reflect the requirement for a protocol to be submitted in respect of devices with an under keel clearance of less than 8m in the widened area where devices or hubs which have an under keel clearance of less than 8m are restricted</p> <p>A requirement to submit an updated navigational risk assessment prior to the construction, maintenance repowering or decommissioning of a tidal work is included; this will inform the establishment of a construction safety zone and its subsequent operational safety zone</p>	<ul style="list-style-type: none"> <li>- have an under keel clearance of less than 8 metres below lowest astronomical tide in the restricted area UKC 8m</li> <li>- have an under keel clearance of less than 20 metres below lowest astronomical tide in the restricted area – UKC 20m</li> </ul> <p>Inclusion of a requirement to submit an Updated Navigational Risk Assessment prior to the construction, maintenance (excluding any works limited solely to inspection of a tidal work or part thereof), repowering or decommissioning of any tidal work</p>
Schedules 3 and 4	Footpath 19/021/2 was given the incorrect number	Footpath number amended

#### Further Amends – Order version submitted 2 November

Article/Schedule	Comments/Explanation	Amendment
Definition of “the 2004 Act”	A new definition has been included to reflect the amendment to require applications for Safety Zones to follow the procedure set out in the Energy Act 2004 as requested by Maritime and Coastguard Agency	Insertion of definition: “the 2004 Act” means the Energy Act 2004
Definition of “the 2007 Regulations”	A new definition has been included in connection with the change to the Safety Zone procedure to be followed pursuant to the Energy Act 2004	Insertion of definition: “the 2007 Regulations” means the Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2007
Definition of device deployment protocol	The definition has been amended to ensure that the assessment carried out to inform the protocol includes seascape, it is carried out in accordance with best practice prevailing at the time of submission, and takes account of the cumulative effect of the proposed devices with operational or consented devices. It must also be consistent with the updated navigational risk assessment for the relevant tidal work	Definition amended to read "device deployment protocol" means a statement identifying (a) in respect of surface emergent tidal devices and operational hubs in the restricted areas and the remainder of the array area details including dimensions of the tidal device or operational hubs that the undertaker proposes to construct or repower and an updated seascape, landscape and visual assessment undertaken in accordance with the assessment methodology for the environmental statement or any subsequently published best practice guidance which shall include an assessment of the cumulative impact of the proposed tidal devices and operational hubs with any tidal

		devices and hubs operational and/or consented (pursuant to an approved device deployment protocol) at the time of its preparation and/or (b) in respect of subsurface tidal devices or operational hubs in the restricted area – UKC 8m with a proposed under keel clearance of less than 8m details of the tidal device or operational hub to be deployed and/or (c) in respect of subsurface tidal devices or operational hubs in the restricted area UKC 20m with a proposed under keel clearance of less than 20m details of the tidal device or operational hub to be deployed, and in each case shall be consistent with the updated navigational risk assessment for the relevant tidal work
Definition of “equivalent document”	A new definition has been included to define this term as used in article 3(7); this makes clear those document in respect of which the approval under a marine licence will constitute the deemed approval by the Welsh Ministers	Insertion of definition “equivalent document” means a document listed in column 1 of Part 4 of Schedule 1 the content of which is also the subject of a condition on any marine licence granted for tidal works
Definition of “restricted area plan”	The reference for the restricted area plan has been inserted	Reference inserted as MORMSDRW0001
Definition of “restricted area – UKC 20m”	Previous reference to Figure 4.5 now deleted	Text deleted <del>Figure 4.5 comprising part of the updated environmental information forming part of the environmental statement and carrying drawing reference PB5034-ES-004-005/</del>
Definition of ‘Tidal Works’	The definition has been amended at the request of Trinity House to ensure that the any dredging works are covered by the scheme to secure safety of navigation	Definition amended to read:  “tidal works” means so much of the authorised works as lies seaward of mean high water spring or any part or parts thereof and shall include any such works which have been repowered and, in relation to article 21 (safety of navigation), includes any dredging works whether undertaken pursuant to article 16 (power to dredge) or otherwise;’
Definition of Updated Navigational Risk Assessment	Additional text has been added to clarify the basis for completion of the updated navigational risk assessment. This comprises reference to the original Navigational Risk Assessment and its Addendum, as such documents are updated from time to time (as may be required under the terms of a marine licence). It is also clarified that the assessment should cover operation, or may cover methods of repowering or decommissioning, and in any event requires both an assessment of cumulate effects with	Definition amended to read “updated navigational risk assessment” means an updated navigational risk assessment for each relevant phase of each tidal work undertaken in accordance with the methodology of the navigational risk assessment carrying document reference 18UK1479-RN-MM-NRA-20 -3 and the navigational risk assessment addendum carrying reference MOR-MCO-DOC-001 forming part of the environmental statement and carrying document reference [ ] (as



	previously deployed tidal works and the extent of any safety zone to be applied for	such assessments are updated from time to time) and taking into account the location and characteristics of the tidal works proposed for deployment, <del>and</del> the method of construction anchoring proposed lighting, operation and any associated maintenance requirements or methods of repowering or decommissioning (as applicable) and an assessment of the cumulative effects of the proposals with previously deployed tidal works and shall include the extent of any proposed safety zone to be applied for in accordance with article 43;
Article 3(4)	It has been clarified that the documents approved by the Welsh Ministers may not authorise any works outside the project parameters	Article amended to read: (4) In constructing, maintaining, repowering and decommissioning the tidal works the documents in column 1 of Part 4 of Schedule 1 must be submitted to and approved in writing by the Welsh Ministers prior to the activity in column 2 occurring and such documents shall accord with any conditions relating to their content imposed on any marine licence for the relevant tidal works and shall not authorise any works outside the project parameters
Article 3(5)	It has been agreed that, as a consequence of the impacts of the device deployment protocol the cable management plan the decommissioning programme and the updated navigational risk assessments on their functions, both Trinity House and Maritime and Coastguard Agency should be consulted prior to the approval of these documents by the Welsh Ministers	Article amended to read: The Welsh Ministers shall not approve any device deployment protocol pursuant to paragraph (4) in respect of the construction or repowering of surface emergent tidal devices and operational hubs in the array area without having first consulted with the Isle of Anglesey County Council and shall not approve any device deployment protocol cable management plan decommissioning programme or updated navigational risk assessment pursuant to paragraph (4) without having first consulted Trinity House and Maritime and Coastguard Agency
Article 3(8)	It had been intended that this article would allow amendments assessed pursuant to the appropriate statutory regime and secured pursuant to the grant of an amended marine licence or planning permission to be accommodated under the umbrella of the TWAO but the deletion of this provision was requested by the Welsh Ministers;	Deletion of the provision
Article 17	Amendments have been requested by Trinity House and Maritime and Coastguard Agency as to the circumstances	Article amended to read:

	<p>in which and the bodies to whom notification must be given to protect against danger to navigation</p>	<p>(1) In case of <del>injury damage</del> to, or destruction or decay of, a tidal work or any part thereof <del>excluding the exposure of cables</del>, 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 Natural Resources Wales, Trinity House the Maritime and Coastguard Agency and United Kingdom Hydrographic Office and the Kingfisher Information Service of Seafish and lay down such buoys, exhibit such lights and take other such steps for preventing danger to navigation as Trinity House may from time to time direct</p> <p>(2) In case of exposure of cables on or above the seabed, the undertaker must within three days following identification of a potential cable exposure, notify mariners by issuing a notice to mariners and by informing Kingfisher Information Service of Seafish of the location and extent of exposure. Copies of all notices must be provided to the Natural Resources Wales, the Maritime and Coastguard Agency, Trinity House, and the United Kingdom Hydrographic Office within five days</p>
Article 21	<p>Trinity House have requested that the article secures a single scheme for safety of navigation prior to the carrying out of any tidal work and for the scheme to take account of the navigational risk assessment.</p> <p>The applicant considers that it will not be possible to submit a single scheme at the start of the project as the nature of the project as a demonstration zone means that different types of tidal devices will be deployed in different locations within the array area at different times.</p> <p>It is also noted that the request for the amendment was made in respect of the draft Order as initially submitted; the revised draft submitted on 18 September requires an updated navigational risk assessment prior to deployment of any tidal works and it is proposed that the article is amended to cross reference each approved updated</p>	<p>Article amended to read:</p> <p>(1) No tidal works may be commenced <del>constructed operated repowered or decommissioned</del> until a scheme to secure safety of navigation <del>for the relevant phase of the tidal work</del> has been submitted to and approved in writing by the Welsh Ministers in consultation with Trinity House, the Maritime and Coastguard Agency and the Isle of Anglesey County Council.</p> <p>(2) <del>The scheme submitted for approval must be consistent with the updated navigational risk assessment for the relevant tidal work approved pursuant to Article 3(4) or Article 3(7) and with the Maritime and Coastguard Agency's recommendations contained within MGN543 'Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response</del></p>

	<p>navigational risk assessment in order to achieve the objective of the amendment proposed by Trinity House. It is also accepted that the article should make clear that the scheme for safety of navigation should be submitted and approved prior to any demolition, investigations for the purpose of assessing seabed conditions and archaeological investigations.</p> <p>The Maritime and Coastguard Agency have also requested that the scheme is consistent with recommendations in its MGN543 'Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues' and its annexes or any subsequent update</p>	<p><del>Issues' and its annexes or subsequent updates the approved scheme must make provision for</del>  <del>(a) the promulgation of notice to mariners;</del>  <del>(b) additional aids to navigation;</del>  <del>(c) retention of safety vessels during construction maintenance or repowering;</del>  <del>(d) the circumstances where Her Majesty's Coastguards should be notified of any matter; and</del>  <del>(e) an emergency response and cooperation plan</del></p> <p>(3) The authorised works are to be carried out in accordance with the approved scheme except to the extent that a variation to the approved scheme is agreed by the Welsh Ministers after consulting the persons mentioned in paragraph (1).</p> <p>(4) For the purpose of article 21(1) the term commence shall include demolition work, investigations for the purpose of assessing seabed conditions, archaeological investigations and the erection of any temporary means of enclosure.</p>
Article 43	<p>It has been agreed, in response to a request from the Maritime and Coastguard Agency, that Safety Zones for the Project should be applied for using the procedure established by the Energy Act 2004. It is also agreed that any application will include an updated navigational risk assessment to inform the determination process.</p> <p>The amendment proposed amend also addresses a request by Trinity House that the Order make clear that it will not be guilty of an offence if navigating its vessels through a safety zone when exercising its functions as a general lighthouse authority</p>	<p>Article 43 substituted with the following:</p> <p>(1) The Welsh Ministers may in connection with the construction, operation, maintenance, repowering and decommissioning of any tidal works issue a notice or notices declaring that the areas described in the notice are to be safety zones</p> <p>(2) Any application made by the Undertaker for a safety zone shall include an updated navigational risk assessment</p> <p>(3) Sections 95 to 98 of the 2004 Act and the 2007 Regulations shall apply to an application under paragraphs (2) and the declaration and operation of safety zones under paragraph (1)</p> <p>(4) In this Article "safety zones" has the same meaning as in Chapter 2 of the 2004 Act</p>
Article 49	<p>Clarification is proposed as to the circumstances in which arbitration is appropriate as requested by Trinity House</p>	<p>Article 49 is to be amended to read as follows:</p> <p>49- (1) Any difference under any provision of this Order, unless otherwise provided for, is to be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party</p>

		<p>(after giving notice in writing to the other) by the President of the Institution of Civil Engineers</p> <p>(2) For the avoidance of doubt, any matter for which the consent or approval of the Welsh Ministers is required, or which is subject to the direction making powers of Trinity House, under any provision of this Order shall not be subject to arbitration</p>
Schedule 1, Part 4	<p>The Ecological Action Plan relates solely to onshore works and is secured by condition 3 of the conditions proposed to be imposed on the deemed planning permission</p> <p>The content of the Emergency Response Cooperation Plan will be secured through the Scheme for safety of navigation (Article 21)</p> <p>The definition of the updated navigational risk assessment provides that the document should assess either construction maintenance and operation, or repowering, or decommissioning of tidal works. As such there is no requirement for an assessment to be submitted prior to any maintenance works.</p> <p>It has been confirmed that any issues associated with noise and vibration will be dealt with through the Environmental Mitigation and Monitoring Plan</p> <p>It has been confirmed that vessel management will be addressed in the scheme to secure safety of navigation (article 21) and through the updated navigational risk assessment (secured by article 3(4) and this table) and therefore the submission of a vessel management plan will result in duplication.</p>	<p>Reference to Ecological Action Plan deleted from the table</p> <p>Reference to Emergency Response Cooperation Plan deleted from the table</p> <p>Amendment to require submission of an updated navigational risk assessment prior to construction, repowering or decommissioning of a tidal work</p> <p>Reference to Noise and Vibration Management Plan deleted from the table</p> <p>Deletion of Vessel Management Plan from the table</p>

#### Further Amends – Order version submitted 25 November 2020

Definition of 'updated navigational assessment' risk	A typographical error was noted whereby a semi colon was used in place of an 'l'	Word 'relevant' spelt correctly
Article 3(5)	The Isle of Anglesey County Council has requested that the draft Order makes clear on its face that their comments are taken into consideration prior to the approval of a device deployment protocol. This has been extended to apply to the comments of all consultees as specified in the article	Wording added at the end of article 3(5) to provide that ' <b>and in each case the Welsh Ministers shall have regard to the responses of those consultees</b> '
Article 43	The words 'is guilty of an offence' had erroneously remained in the text of the draft Order from the previous wording of the clause, the amendment of which is noted above	Deletion of the words 'is guilty of an offence'
Article 46	Whilst the restricted area plan had been noted in its definition as requiring certification pursuant to the draft Order, it had been omitted from the text of article 46	Inclusion of the words ' <b>and the restricted area plan</b> ' added in two places in article 46 with corresponding grammatical amendments
Part 2 of Schedule 1	The formatting of the table setting out the coordinates for the restricted areas was not consistent	Consistent formatting adopted
Part 4 of Schedule 1	A formatting error had occurred in that the lower border of the table had been deleted.	Insertion of a lower border to the table at Part 4 of Schedule 1
Schedule 11, Part 2	The Protective Provisions for Network Rail have been updated to reflect those required by Network Rail	Amendments included 1) to paragraph 4 to extend the articles of the Order which the undertaker must not exercise in respect of any railway property unless they have secured the consent of Network Rail, to amend the operation of sections 271 and 272 of the Town and Country Planning Act 1990 or Schedule 10 to the Order ( <i>Provisions relating to Statutory Undertakers etc</i> ) to rights of access without the consent of Network Rail, and to restrict the exercise of powers to acquire or use or acquire new rights over or to seek to impose restrictive covenants over railway property, or extinguish any rights of Network Rail over third party property without the consent of Network Rail;

		<p>2) to ensure that any works undertaken cause as little damage as possible to railway property (paragraph 6)</p> <p>3) to insert the words 'or additions' in paragraph 9(1)</p> <p>4) to provide that any dispute arising under paragraph 11 is referred to the Institution of Engineering and Technology</p>
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#### Further Amends - Order version submitted 25 January 2021

Definitions	As a consequence of discussions with NRW it has been agreed that the outline marine biodiversity enhancement strategy should be added to the documents to be certified pursuant to the Order, and that detailed marine biodiversity strategies should be submitted, in accordance with the outline document prior to the construction or repowering of tidal devices, operational hubs or cables	<p>New definitions included as follows:</p> <p>"outline marine biodiversity enhancement strategy" means the document certified as the outline marine biodiversity enhancement strategy by the Welsh Ministers for the purposes of this order or any updated or amended outline marine biodiversity enhancement strategy as may either be approved by the Welsh Ministers or by Natural Resources Wales in accordance with the terms of any marine licence that may be granted for the tidal works</p> <p>"detailed marine biodiversity enhancement strategy" means a marine biodiversity enhancement strategy which accords with the outline marine biodiversity enhancement strategy and which describes any proposed biodiversity enhancement measures to be delivered as part of the construction or repowering of tidal devices, operational hubs, or installation of cables to which it relates</p>
Article 46	In order to provide for the outline marine biodiversity enhancement strategy to be certified under the Order it requires to be included in the documents specified in article 46	Inclusion of the words ' <b>and the outline marine biodiversity enhancement strategy</b> ' added in two places in article 46
Schedule 1, Part 4	A number of the documents listed in Part 4 of Schedule 1 will be required to be submitted on a phased basis and this has been clarified in the Order	The word 'related' has been included in relation to each of the relevant documents for submission

Schedule 1, Part 4	To secure the submission and approval of the detailed marine biodiversity enhancement strategy at the required stages of the project it is included in the table of documents which are required to be submitted pursuant to Article 3(4)	<p>Column 1 of the table at Schedule 1, Part 4 to be updated to include "detailed marine biodiversity enhancement strategy"</p> <p>Column 2 of the table at Schedule 1, Part 4 to be updated to include related trigger point for submission of the detailed marine biodiversity strategy:</p> <p>Prior to each of the following activities (unless a detailed marine biodiversity enhancement strategy has already been approved in respect of the related activity):</p> <ul style="list-style-type: none"> <li>the construction of any tidal device or operational hub</li> <li>the repowering of any tidal device</li> <li>the installation of any cable</li> </ul>
Schedule 6	Clarification provided in line with the description of Works No.s 3 and 4	In respect of the works to Plots 1 and 3a additional wording inserted to read 'Installation and maintenance of cables underground <b>and/or with cable protection</b> in connection with the authorised works'

Further amends 8 February 2021

Introductory text page 5	<p>The draft Order erroneously refers to sections 1 and 5 of the Transport and Works Act 1992</p> <p>The previous optional text can be amended to reflect that not all objections were removed and an Inquiry was caused to be held</p>	<p>Amendment made to refer to sections 3 and 5 in two paragraphs and in footnotes <b>(2)</b> and <b>(3)</b></p> <p>Wording in square brackets referring to objections having been withdrawn and the square brackets around the Welsh Ministers having caused an inquiry to be held deleted</p>
Definitions	A new definition of Secretary of State has been included as the appropriate body to issue a notice requiring submission of a decommissioning programme for the project, with which the project will then need to comply	<p>A new definition included as follows:</p> <p>"the Secretary of State" means the Secretary of State for Business Energy and Industrial Strategy or its successor in function with powers to secure the decommissioning of offshore renewable energy installations pursuant to the 2004 Act</p>
Article 3(5)	The missing word 'the' before 'Maritime and Coastguard Agency requires to be inserted	<p>Text of 3(5) amended to read as follows:</p> <p>'The Welsh Ministers shall not approve any device deployment protocol pursuant to paragraph (4) in respect of the construction or repowering of surface emergent tidal</p>

		<p>devices and operational hubs in the array area without having first consulted with the Isle of Anglesey County Council and shall not approve any device deployment protocol, cable management plan, decommissioning programme or updated navigational risk assessment pursuant to paragraph (4) without having first consulted Trinity House and <b>the</b> Maritime and Coastguard Agency, and in each case the Welsh Ministers shall have regard to the responses of those consultees.'</p>
Article 3(8)	<p>A new sub-paragraph has been included to require a decommissioning programme for any tidal works to be submitted to the Secretary of State for approval if required pursuant to the Energy Act 2004. The power to require a decommissioning programme has not been devolved to the Welsh Ministers</p>	<p>A new article 3(8) inserted as follows:</p> <p>'(8) No tidal works may commence until a written decommissioning programme in compliance with any notice served upon the undertaker by the Secretary of State pursuant to section 105(2) of the 2004 Act has been submitted to the Secretary of State for approval'</p>
Article 17	<p>Three grammatical changes are required to article 17:</p> <ul style="list-style-type: none"> <li>- a space 'Natural Resources Wales,' and 'Trinity House' in 17(1);</li> <li>- 'the' to be inserted before 'United Kingdom Hydrographic Office' in 17(1); and</li> <li>- 'the' to be inserted before 'Kingfisher Information Service of Seafish' in 17(2)</li> </ul>	<p>Article 17 to be amended to read:</p> <p>'(1) In case of damage to, or destruction or decay of, a tidal work or any part thereof excluding the exposure of cables, 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 Natural Resources Wales, Trinity House, the Maritime and Coastguard Agency, <b>the</b> United Kingdom Hydrographic Office and the Kingfisher Information Service of Seafish and lay down such buoys, exhibit such lights and take other such steps for preventing danger to navigation as Trinity House may from time to time direct.</p> <p>(2) In case of exposure of cables on or above the seabed, the undertaker must within three days following identification of a potential cable exposure, notify mariners by issuing a notice to mariners and by informing <b>the</b> Kingfisher Information Service of Seafish of the location and extent of exposure. Copies of all notices must be provided to the Natural Resources Wales, the Maritime and Coastguard Agency, Trinity House, and the United Kingdom Hydrographic office within five days.'</p>



Schedule 1, Part 1	<p>The definition of Work No. 2 to be amended to relocate the word 'on'</p> <p>The definition of Work No. 4 to be amended to clarify the location of the cables</p>	<p>Work No. 2 amended to read as follows:  'Up to 9 export cables each comprising cables for the transmission of electricity and communication laid <del>on</del> within the export cable corridor <del>on</del> or beneath the seabed between Work No. 1 and Work No. 3 including cable protection, cable crossings and connectors</p> <p>Work No. 4 amended to read as follows:  'Up to 9 export cables each comprising cable for the transmission of electricity and communication <del>within the area either</del> laid <del>either</del> underground, over the surface of foreshore cliff face and cliff top or within up to 9 open cut trenches with cable protection between Work No.3 and the transition joint bays forming Work No. 5</p>
Schedule 1, Part 4	<p>An excess line in the table to be deleted</p> <p>In the definitions of 'Detailed marine biodiversity enhancement strategy' and 'Updated Navigational Risk Assessment' the word 'construction' to be amended to 'commencement' for consistency with the definitions used in the Order</p>	<p>Detailed marine biodiversity enhancement strategy to be submitted prior to each of the following activities:</p> <ul style="list-style-type: none"> <li>- the <del>commencement</del> of any related tidal works</li> <li>- the repowering of any related tidal work</li> </ul> <p>And an updated navigational risk assessment to be submitted prior to each of the following activities:</p> <ul style="list-style-type: none"> <li>- the <del>commencement</del> of any tidal work</li> <li>- the repowering of any tidal work</li> <li>- the decommissioning of any tidal work</li> </ul>
Schedule 10	The Schedule relates to one article and the plural reference to article 44 has been corrected	Reference corrected to Article 44
Schedule 11	The Schedule relates to article 45 and this reference has been inserted	Reference to Article 45 inserted