

2016 No. 447

INFRASTRUCTURE PLANNING

The East Anglia ONE Offshore Wind Farm (Corrections and Amendments) Order 2016

Made - - - - *24th March 2016*

Coming into force in accordance with article 1

The East Anglia ONE Offshore Wind Farm Order 2014 (“the 2014 Order”)(a), which granted development consent within the meaning of the Planning Act 2008 (“the Act”)(b), contained correctable errors within the meaning of the Act. Before the end of the relevant period, as defined in paragraph 1(6)(a) of Schedule 4 to the Act, the Secretary of State received a written request for the correction of errors in the 2014 Order.

The Secretary of State has informed Suffolk Coastal District Council and Mid Suffolk District Council, as the relevant local planning authorities for the area in which the land to which the 2014 Order relates is situated, that the request has been received in accordance with paragraph 1(7) of Schedule 4 to the Act.

An application has been made to the Secretary of State under paragraph 2 of Schedule 6 to the Act, and in accordance with Part 1 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011(c) (“the 2011 Regulations”), for changes which are not material changes to the 2014 Order.

The Secretary of State, having considered the application and the responses to consultation under regulation 7 of the 2011 Regulations, has determined to make an Order giving effect to the proposed changes comprised in the application which in the opinion of the Secretary of State do not make any material changes to the 2014 Order.

The Secretary of State, in exercise of the powers conferred by section 119 of, and paragraphs 1(4) and (8) of Schedule 4 to, the Act, and by section 153 of, and paragraphs 2(1) and (9) of Schedule 6 to, the Act, makes the following Order:

Citation and commencement

1. This Order may be cited as the East Anglia ONE Offshore Wind Farm (Corrections and Amendments) Order 2016 and comes into force on the day after the day on which it is made.

(a) S.I. 2014/1599.

(b) 2008 c.29. The Act was amended by Chapter 6 of Part 6 of, and Schedule 13 to, the Localism Act 2011 (c.20), and by section 112 of, and Schedule 8 to, the Marine and Coastal Access Act 2009 (c.23). Sections 127, 130, 131, 132 and 138 were amended by the Growth and Infrastructure Act 2013 (c.27). Sections 128, 129 and 137 were repealed by the Growth and Infrastructure Act 2013. There are other amendments which are not relevant to this Order.

(c) S.I. 2011/2055. Part 1 was amended by S.I. 2012/635.

Corrections to the 2014 Order

- 2.—(1) The 2014 Order is corrected as set out in the table in Schedule 1 to this Order, where—
- (a) column 1 sets out where the correction is to be made;
 - (b) column 2 sets out how the correction is to be made; and
 - (c) column 3 sets out the text to be substituted, inserted or omitted.
- (2) Schedule 1 to this Order has effect.

Amendment of the 2014 Order

3. In Part 1 of Schedule 1 to the 2014 Order, where it occurs, for “four cables and up to eight additional cable ducts”, substitute ““four HVDC cables for the HVDC option or up to six HVAC cables for the HVAC option and up to eight additional cable ducts””.

- 4.—(1) The 2014 Order is amended as set out in the table in Schedule 2 to this Order, where—
- (a) column 1 sets out where the amendment is to be made;
 - (b) column 2 sets out how the amendment is to be made; and
 - (c) column 3 sets out the text to be substituted, inserted or omitted.
- (2) Schedule 2 to this Order has effect.

Certification of revised or substituted plans

5.—(1) The undertaker must, as soon as practicable after the making of this Order, submit copies of any revised or substituted plans to the Secretary of State for certification that they are true copies of the revised or substituted plans.

(2) A plan so certified by the Secretary of State is admissible in any proceedings as evidence of the contents of the document of which it is a copy.

(3) In paragraph (1), the “undertaker” has the same meaning as in article 2(1) of the 2014 Order.

Signed by authority of the Secretary of State for Energy and Climate Change

24th March 2016

Giles Scott
Head of National Infrastructure Consents and Coal Liabilities
Department of Energy and Climate Change

SCHEDULE 1 Article 2

Correctable Errors

<i>Provision</i>	<i>How correction is to be made</i>	<i>Text to be substituted, inserted or omitted</i>
Article 2(1), definition of “deemed generation assets marine licence”	For “Schedule 9 (deemed licence under the Marine and Coastal Access Act 2009 – generation assets) and deemed by article 28”, substitute	“Schedule 10 (deemed licence under the Marine and Coastal Access Act 2009 – generation assets) and deemed by article 29”
Article 2(1), definition of	For “Schedule 10 (deemed licence under the Marine and Coastal Access	“Schedule 11 (deemed licence under the Marine and Coastal Access Act

<i>Provision</i>	<i>How correction is to be made</i>	<i>Text to be substituted, inserted or omitted</i>
“deemed transmission assets marine licence”	Act 2009 – transmission assets) and deemed by article 28”, substitute	2009 – transmission assets) and deemed by article 29”
Article 2(1), definition of “horizontal directional drilling”	For “non-trenchless techniques”, substitute	“trenchless techniques”
Article 2(1), definition of “outline offshore operations and maintenance and monitoring plan”	For ““outline offshore operations and maintenance and monitoring plan” means the document certified as the outline offshore operations and maintenance and monitoring plan by the Secretary of State for the purposes of this Order;”, substitute	““outline operations and maintenance monitoring plan offshore” means the document certified as the outline operations and maintenance monitoring plan offshore by the Secretary of State for the purposes of this Order;”
Article 5(2)(a)	For “paragraph 5(a)”, substitute	“paragraph (1)(a)”
Article 5(2)(b)	For “paragraph 5(b)”, substitute	“paragraph (1)(b)”
Article 5(4)	For “paragraph (7)”, substitute	“paragraph (8)”
Article 5(5)	After “paragraph (1)”, insert	“or (2)”
Article 5(6)	After “paragraph (1)”, insert	“or (2)”
Article 5(7)	After “paragraph (1)”, insert	“or (2)”
Article 5(10)	After “paragraph (1)”, insert	“or (2)”
Article 17(2)	For “article 25”, substitute	“article 26”
Article 18(5)	For “article 25”, substitute	“article 26”
Article 27(1)	For “article 25”, substitute	“article 26”
Article 27(2)	For “article 25”, substitute	“article 26”
Article 33(1)(g)	For “the book of reference (November 2013 – version 6);”, substitute	“the book of reference (June 2014 – version 7);”
Article 33(1)(q)	For “the outline offshore operations and maintenance and monitoring plan (October 2013 – version 1);”, substitute	“the outline operations and maintenance monitoring plan offshore (October 2013 – version 1);”
Article 33	After paragraph (2), insert	“(3) Where a plan or document certified under paragraph (1)— (a) refers to a provision of this Order (including any specified requirement) when it was in draft form; and (b) identifies that provision by a number, or combination of numbers and letters, which is different from the number, or combination of numbers and letters by which the corresponding provision of this Order is identified in the Order as made, the reference in the plan or document concerned shall be construed for the purposes of this Order as referring to the provision (if any) corresponding

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Article 39	Omit	heading and article 39																																																												
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Schedule 1, Part 3, Requirement 1, definition of “stage”	For paragraph numbering (a) to (j) , substitute the paragraph numbering	“(a)” with “(i)”, “(b)” with “(ii)”, “(c)” with “(iii)”, “(d)” with “(iv)”, “(e)” with “(v)”, “(f)” with “(vi)”, “(g)” with “(vii)”, “(h)” with “(viii)”, “(i)” with “(ix)”, “(j)” with “(x)”																																																												
Schedule 1, Part 3, Requirement 10(10)(a)	For “details of the number, location, scale and appearance”, substitute	“details of the scale and appearance”																																																												
Schedule 9, Part 1, paragraph 5(4)	For “article 33”, substitute	“article 34”																																																												
Schedule 9, Part 1, paragraph 5(5)	For “article 33”, substitute	“article 34”																																																												
Schedule 9, Part 1, paragraph 6(1)	For “article 33”, substitute	“article 34”																																																												
Schedule 9, Part 1, paragraph 8(3)	For “article 33”, substitute	“article 34”																																																												
Schedule 9, Part 2, paragraph 2	For “article 25”, substitute	“article 26”																																																												
Schedule 9, Part 2, paragraph 3(4)	For “article 33”, substitute	“article 34”																																																												
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Schedule 9, Part 3, paragraph 5(1)	For “article 33”, substitute	“article 34”																																																												
Schedule 9, Part 3, paragraph 11(6)	For “adopted under to sub-paragraph (3),”, substitute	“adopted under sub-paragraph (3),”																																																												
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paragraph 11(11)		
Schedule 9, Part 3, paragraph 21	For “article 32”, substitute	“article 33”
Schedule 9, Part 4, paragraph 6	For “article 33”, substitute	“article 34”
Schedule 9, Part 4, paragraph 11	For “article 33”, substitute	“article 34”

SCHEDULE 2

Article 4

Non-material amendments

<i>Provision</i>	<i>How change is to be made</i>	<i>Text to be substituted, inserted or omitted</i>
Article 2(1)	At the appropriate places, insert	<p>““HVAC” means high voltage alternating current;”</p> <p>““HVAC offshore wind farm” means a wind turbine generating station with a gross electrical output capacity of up to 750 MW comprising up to 150 wind turbine generators;”</p> <p>““HVAC option” means the sub-sea export cables in Work No. 3A and the connection works between the HVAC offshore wind farm and the connection point at the existing National Grid Bramford substation by way of a HVAC transmission system;”</p> <p>““HVDC” means high voltage direct current;”</p> <p>““HVDC offshore wind farm” means a wind turbine generating station with a gross electrical output capacity of up to 1200 MW comprising up to 240 wind turbine generators;”</p> <p>““HVDC option” means the sub-sea export cables in Work No. 3A and the connection works between the HVDC offshore wind farm and the connection point at the existing National Grid Bramford substation by way of a HVDC transmission system;”</p> <p>““onshore HVAC substation” means a compound containing electrical equipment including power transformers, switchgear, reactive compensation equipment, electrical</p>

<i>Provision</i>	<i>How change is to be made</i>	<i>Text to be substituted, inserted or omitted</i>
		protection equipment devices (disconnectors, circuit breakers), harmonic filters, cables, lightning protection masts, control buildings, communications masts, back-up generators, access, fencing and other associated equipment, structures or buildings;”
Article 33(1)(a)	For “document reference 2.3(a) sheet 1-4 Sep-13 rev C;”, substitute	“document reference 2.3(a) sheet 1-2 May-15 rev D; document reference 2.3(a) sheet 3-4 Sep-13 rev C;”
Schedule 1, Part 1, paragraph 1, “Work No. 1”	In sub-paragraph (a) for “240 wind turbine generators each fixed to the seabed”, substitute	“240 wind turbine generators for the HVDC option, or if the HVAC option is selected, an offshore wind turbine generating station with a gross electrical output capacity of up to 750 MW comprising up to 150 wind turbine generators. For both the HVDC option and the HVAC option, each wind turbine generator shall be fixed to the seabed”
	In sub-paragraph (b) for “three HVAC offshore collector stations fixed to the seabed”, substitute	“three HVAC offshore collector stations for the HVDC option. Up to two HVAC offshore collector stations for the HVAC option, if constructed under Work No. 1, each fixed to the seabed”
	In sub-paragraph (c) for “up to 1 meteorological mast”, substitute	“up to one meteorological mast”
Schedule 1, Part 1, paragraph 1, “Work No. 2”	For “two HVDC offshore converter stations fixed to the seabed”, substitute	“two HVDC offshore converter stations for the HVDC option or, if not constructed under Work No. 1, up to two HVAC offshore collector stations for the HVAC option, each fixed to the seabed”
Schedule 1, Part 1, paragraph 1, “Work No. 3A”	For “four HVDC export cables between Work No. 2 and Work No. 3B”, substitute	“four HVDC export cables for the HVDC option between Work No. 2 and Work No. 3B, or up to two HVAC export cables for the HVAC option, between either Work No. 1(b) and Work No. 3B, or Work No. 2 and Work No. 3B,”
Schedule 1, Part 1, paragraph 1, “Work No. 39”	For “an onshore converter station to the north west”, substitute	“an onshore converter station for the HVDC option or an onshore HVAC substation for the HVAC option, to the north west”
Schedule 1, Part 1, paragraph 1, “Work No. 39A”	For “temporary” in both places, substitute	“permanent”
Schedule 1, Part 1, paragraph 1, “Work No. 41”	For “two cables”, substitute	“six cables”
Schedule 1, Part 3,	For “must not exceed five”,	“must not exceed five for the HVDC

<i>Provision</i>	<i>How change is to be made</i>	<i>Text to be substituted, inserted or omitted</i>
Requirement 5(1)	substitute	option or two for the HVAC option (whether constructed under Work No. 1 or Work No. 2)”
Schedule 1, Part 3, Requirement 5(2)	After “HVAC offshore collector stations”, insert	“for the HVDC option”
Schedule 1, Part 3, Requirement 5(3)	After “HVDC offshore converter stations”, insert	“for the HVDC option”
Schedule 1, Part 3, Requirement 5	After sub-paragraph (3), insert	“(4) The dimensions of any HVAC offshore collector stations for the HVAC option forming part of the authorised development (excluding towers, helipads, masts and cranes) must not exceed 60 metres in height when measured from LAT, 75 metres in length and 120 metres in width”
Schedule 1, Part 3, Requirement 6(1)	For “400 kilometres”, substitute	“400 kilometres for the HVDC option and 250 kilometres for the HVAC option”
Schedule 1, Part 3, Requirement 6(2)	For “680 kilometres”, substitute	“680 kilometres for the HVDC option and 350 kilometres for the HVAC option”
Schedule 1, Part 3, Requirement 6(3)	For “24,000 metres ³ ”, substitute	“24,000 metres ³ for the HVDC option and 15,000 metres ³ for the HVAC option”
Schedule 1, Part 3, Requirement 6(4)	For “3,000 metres ³ ”, substitute	“3,000 metres ³ for the HVDC option and 3,000 metres ³ for the HVAC option”
Schedule 1, Part 3, Requirement 10(3)	For “79 metres AOD and no external electrical equipment comprised in Work No. 39 shall exceed 64 metres AOD”, substitute	“79 metres AOD for the HVDC option and 75 metres AOD for the HVAC option and no external electrical equipment comprised in Work No. 39 shall exceed 64 metres AOD for the HVDC option and 69 metres AOD for the HVAC option”
Schedule 1, Part 3, Requirement 10(4)	For “85 metres in width”, substitute	“85 metres in width for the HVDC option and for the HVAC option”
Schedule 1, Part 3	After Requirement 34, insert	<p>“Transmission system</p> <p>35.—(1) Prior to commencement of construction of the authorised development, the undertaker must give written notice to the Secretary of State, the relevant planning authority and the MMO detailing the selection made by the undertaker under Work No. 1 to construct either the HVDC offshore wind farm, using the HVDC option, or the HVAC offshore wind farm, using the HVAC option.</p> <p>(2) Where under sub-paragraph (1) the HVAC option is selected, the written notice shall also specify whether the HVAC collector stations</p>

<i>Provision</i>	<i>How change is to be made</i>	<i>Text to be substituted, inserted or omitted</i>
		<p>are to be constructed under Work No. 1(b) or Work No. 2.</p> <p>(3) The authorised development must be constructed using either, wholly, the HVAC option or the HVDC option and no combination of the two is permitted.</p> <p>Marine mammal mitigation protocol</p> <p>36.—(1) No part of Works No. 1 to 3A must commence until a marine mammal mitigation protocol with appropriate monitoring surveys, the intention of which is to prevent, amongst other things—</p> <ul style="list-style-type: none"> (a) injury to marine mammals, primarily auditory injury in the vicinity of any piling; (b) disturbance to marine mammals; (c) adversely affecting the integrity, within the meaning of the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(a), of a European offshore marine site or a European site (defined in regulations 15 and 24 of those Regulations respectively), to the extent that marine mammals are a protected feature of that site, <p>has been submitted to and approved in writing by the Secretary of State, after consultation with the MMO and Natural England.</p> <p>(2) The reference to “marine mammals” means the marine mammals listed as European Protected Species in Schedule 1 to the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007, and “disturbance” has the same meaning as in regulation 39(1)(b) of those Regulations.</p> <p>(3) The undertaker must implement the marine management mitigation protocol agreed under paragraph (1).”</p>

(a) S.I. 2007/1842. There are amendments to these Regulations which are not relevant to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order corrects errors and omissions in the East Anglia ONE Offshore Wind Farm Order 2014, a development consent order under the Planning Act 2008, following a request under paragraph 1(6)(a) of Schedule 4 to that Act. The Order also makes non-material changes to the East Anglia ONE Offshore Wind Farm Order 2014 following an application made under section 153 of, and Schedule 6 to, the Act.

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£6.00

UK2016032431 04/2016 19585

<http://www.legislation.gov.uk/id/uksi/2016/447>

ISBN 978-0-11-114593-7



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