

CORRECTION NOTICE

EAST ANGLIA ONE OFFSHORE WIND FARM ORDER 2014 (S.I 2014 No 1599)

SCHEDULE 4 TO THE PLANNING ACT 2008 CORRECTION OF ERRORS IN DEVELOPMENT CONSENT DECISIONS

23 March 2016

The Secretary of State received a request dated 20 June 2014 from East Anglia ONE Limited for the correction of errors in the East Anglia ONE Offshore Wind Farm Order 2014 (“the Order”), under section 119 of and Schedule 4 to, the Planning Act 2008.

The Secretary of State has made the following corrections to the Order:

Corrections to the Articles

Article 2(1) (“Interpretation”)

In the definition of “deemed generation assets marine licence”, omit “For “Schedule 9 (deemed licence under the Marine and Coastal Access Act 2009 – generation assets) and deemed by article 28” and substitute “Schedule 10 (deemed licence under the Marine and Coastal Access Act 2009 – generation assets) and deemed by article 29”.

Secretary of State`s rationale:

The correction of a cross-referencing error.

Article 2(1) (“Interpretation”)

In the definition of “deemed transmission assets marine licence”, omit “Schedule 10 (deemed licence under the Marine and Coastal Access Act 2009 – transmission assets) and deemed by article 28” and substitute “Schedule 11 (deemed licence under the Marine and Coastal Access Act 2009 – transmission assets) and deemed by article 29”.

Secretary of State`s rationale:

The correction of a cross-referencing error.

Article 2(1) (“Interpretation”)

In the definition of “horizontal directional drilling” omit “non-trenchless techniques” and substitute “trenchless techniques”.

Secretary of State`s Rationale:

Correction of what drilling works are permitted by the Order.

Article 2(1) (“Interpretation”)

In the definition of “outline operations and maintenance and monitoring plan” omit ““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;” and 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;”

Secretary of State`s Rationale:

To correct a typographical error which made an incorrect reference to the title of the relevant document.

Article 5(2)(a)

Omit “paragraph 5(a)” and substitute “paragraph 1(a)”.

Secretary of State`s Rationale:

The correction of a typographical error.

Article 5(2)(b)

Omit “paragraph 5(b)” and substitute “paragraph 1(b)”.

Secretary of State`s Rationale:

The correction of a typographical error.

Article 5(4)

Omit “paragraph (7)” and substitute “paragraph (8)”.

Secretary of State`s Rationale:

The correction of a typographical error.

Article 5(5)

After “paragraph (1)” insert “or (2)”.

Secretary of State`s Rationale:

The correction of a typographical error.

Article 5(6)

After “paragraph (1)” insert “or (2)”.

Secretary of State`s Rationale:

The correction of a typographical error.

Article 5(7)

After “paragraph (1)” insert “or (2)”.

Secretary of State`s Rationale:

The correction of a typographical error.

Article 5(10)

After “paragraph (1)” insert “or (2)”.

Secretary of State`s Rationale:

The correction of a typographical error.

Article 17(2)

Omit “article 25” and substitute “article 26”.

Secretary of State`s Rationale:

The correction of a typographical error.

Article 18(5)

Omit “article 25” and substitute “article 26”.

Secretary of State`s Rationale:

The correction of a typographical error.

Article 27(1)

Omit “article 25” and substitute “article 26”.

Secretary of State`s Rationale:

The correction of a typographical error.

Article 27(2)

Omit “article 25” and substitute “article 26”.

Secretary of State`s Rationale:

The correction of a typographical error.

Article 33(1)(g)

Omit ““the book of reference (November 2013 – version 6);” and substitute “the book of reference (June 2014 – version 7);”.

Secretary of State`s Rationale:

To ensure the Order makes reference to the most recent version of the Book of Reference.

Article 33(1)(q)

Omit “the outline offshore operations and maintenance and monitoring plan (October 2013 – version 1);” and substitute “the outline operations and maintenance monitoring plan offshore (October 2013 – version 1);”.

Secretary of State`s Rationale:

The correction of a typographical error.

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 to that provision in the Order as made.”

The Secretary of State`s Rationale

The avoidance of confusion when referring to the certified documents alongside the provisions of the Order, as in a number of cases the article and requirement numbers changed between the draft Order and the Secretary of State`s final Order.

Article 39

Omit the heading and contents.

The Secretary of State`s Rationale

To correct duplication with Article 25 of the Order.

Correction to Schedule 1

Schedule 1, Part 1, Paragraph 2

Omit:

Point	Latitude (DMS)	Longitude (DMS)
“19	52° 0' 0.777”	1° 25' 27.320”
20	52° 0' 41.137”	1° 27' 15.227”
21	52° 3' 53.611”	1° 35' 40.499”
22	52° 5' 44.773”	1° 40' 57.350”
23	52° 8' 21.995”	1° 48' 34.767”
24	52° 9' 37.650”	1° 53' 5.293”
25	52° 9' 40.842”	1° 57' 7.198”
26	52° 11' 6.526”	2° 2' 15.690”
27	52° 12' 27.654”	2° 10' 3.953””

and substitute;

Point	Latitude (DMS)	Longitude (DMS)
“19	52° 8' 1.935”	1° 52' 54.350”
20	52° 4' 49.045”	1° 45' 5.590”
21	52° 2' 47.963”	1° 36' 38.722”
22	52° 2' 7.247”	1° 35' 19.374”
23	52° 0' 37.213”	1° 33' 17.008”
24	51° 58' 41.939”	1° 32' 27.850”
25	51° 57' 26.482”	1° 29' 55.449”
26	51° 57' 41.943”	1° 26' 39.492”
27	51° 59' 57.517”	1° 25' 20.806””

Secretary of State`s Rationale

To correct a typographical error.

Schedule 1, Part 1, Paragraph 2

In the definition of “stage”, omit paragraph numbering (a) to (j) and substitute: “(i)” for “(a)”, “(ii)” for “(b)”, “(iii)” for “(c)”, “(iv)” for “(d)”, “(v)” for “(e)”, “(vi)” for “(f)”, “(vii)” for “(g)”, “(viii)” for “(h)”, “(ix)” with “(i)”, “(x)” for “(j)”

Secretary of State`s Rationale

To correct a typographical error.

Schedule 1, Part 3, Requirement 10(10)(a)

Omit “details of the number, location, scale and appearance” and substitute “details of the scale and appearance”.

Secretary of State`s Rationale

The number and location of the kiosks are not matters for the relevant planning authority to determine.

Corrections to Schedule 9

Schedule 9, Part 1, paragraph 5(4)

Omit “article 33” and substitute “article 34”.

Secretary of State`s Rationale

To correct a cross-referencing error.

Schedule 9, Part 1, paragraph 5(5)

Omit “article 33” and substitute “article 34”.

Secretary of State`s Rationale

To correct a cross-referencing error.

Schedule 9, Part 1, paragraph 6(1)

Omit “article 33” and substitute “article 34”.

Secretary of State`s Rationale

To correct a cross-referencing error.

Schedule 9, Part 1, paragraph 8(3)

Omit “article 33” and substitute “article 34”.

Secretary of State`s Rationale

To correct a cross-referencing error.

Schedule 9, Part 2, paragraph 2

Omit “article 25” and substitute “article 26”.

Secretary of State`s Rationale

To correct a cross-referencing error.

Schedule 9, Part 2, paragraph 2

Omit “article 25” and substitute “article 26”.

Secretary of State`s Rationale

To correct a cross-referencing error.

Schedule 9, Part 2, paragraph 3(4)

Omit “article 33” and substitute “article 34”.

Secretary of State`s Rationale

To correct a cross-referencing error.

Schedule 9, Part 3, paragraph 4(3)

Omit “article 25” and substitute “article 26”.

Secretary of State`s Rationale

To correct a cross-referencing error.

Schedule 9, Part 3, paragraph 5(1)

Omit “article 33” and substitute “article 34”.

Secretary of State`s Rationale

To correct a cross-referencing error.

Schedule 9, Part 3, paragraph 11(6)

Omit “adopted under to sub-paragraph (3),” and substitute “adopted under sub-paragraph (3)”.

Secretary of State`s Rationale

To correct a typographical error.

Schedule 9, Part 3, paragraph 21

Omit “article 32” and substitute “article 33”.

Secretary of State`s Rationale

To correct a cross-referencing error.

Schedule 9, Part 4, paragraph 6

Omit “article 33” and substitute “article 34”.

Secretary of State`s Rationale

To correct a cross-referencing error.

Schedule 9, Part 4, paragraph 11

Omit “article 33” and substitute “article 34”.

Secretary of State`s Rationale

To correct a cross-referencing error.

Corrections which the Secretary of State has not made

THE POWER CONFERRED BY SUB-PARAGRAPH (4) TO REQUEST CORRECTIONS IS NOT EXERCISABLE IN RELATION TO PROVISIONS IN THE DEEMED MARINE LICENCES INCLUDED IN THE ORDER.

Schedule 10 (“Deemed licence under Marine and Coastal Access Act 2009 – generation assets”), in Condition 11 “Pre-construction plans and documentation” sub-paragraph (g): the Applicant requests that the wording in sub-sub- paragraph (iii) should be deleted – “appropriate methods such as trawl or drift net to be deployed along the offshore sub-sea cables within the authorised scheme as agreed in writing by the MMO, following the survey referred to in condition 19(2)(d) to assess any seabed obstructions resulting from burial of cables as part of the authorised scheme”.

Schedule 10 (“Deemed licence under Marine and Coastal Access Act 2009 – generation assets”), in Condition 11 (“Pre-construction plans and documentation”), sub-paragraph (k): and.

Schedule 11 (“Deemed licence under Marine and Coastal Access Act 2009 – transmission assets”), in Condition 10 (“Pre-construction plans and documentation”) sub-paragraph (l): the Applicant requests that these conditions are deleted as it does not consider the wording is appropriate.

Condition numbering in Schedule 11 (“Deemed licence under Marine and Coastal Access Act 2009 – transmission assets”): request that the Applicant`s numbering of

the Schedule should be re-instated because the deletion of the original paragraph 1 “[Not used]” has consequences for cross-referencing within the document which have not been corrected.

Schedule 11 (“Deemed licence under Marine and Coastal Access Act 2009 – transmission assets”), Part 2 (“Conditions”), in Condition 8 (“Chemicals, drilling and debris”, paragraph (14): request that the wording should be amended to bring it into line with the equivalent text in Schedule 10 by way of the deletion of the words, “.....the MMO shall reasonably consider such material to constitute a navigation or environmental hazard (dependent on the size and nature of the material).....” and “endeavour to” and the addition of the words “unless otherwise agreed with the MMO”.