

## **CORRECTION NOTICE**

### **GALLOPER OFFSHORE WIND FARM ORDER 2013**

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

**20 August 2013**

The Secretary of State received a request 2 July 2013 from Galloper Offshore Wind Limited (GWFL) for the correction of errors in the Galloper Offshore Windfarm Order 2013 (“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:

#### **Article 30(1)(f) (Certification of Plans)**

The Secretary of State has amended the Order to correct the fact that the references to plan/document “Number 2.7 Rev 40” in Article 30(1)(f) did not reflect the fact that a new version of that plan was submitted to the Secretary of State before the Order was made. The new revision number was not included in the final version of the Order.

The relevant part of revised Article 30(1)(f) therefore reads:

“Number 2.7 Rev 41 (Onshore General Arrangement) dated 20 February 2013 submitted to the Secretary of State prior to this Order being made;”

#### **Schedule 1, Part 3, Paragraph 1, (Interpretation) – Definition of “the Percentage Reduction”**

The Secretary of State has amended the Order to correct the fact that it did not correctly reflect his conclusions as set out in the decision letter of 24 May 2013 in respect of the maximum number of predicted lesser black-backed gull mortalities which should be attributed to the authorised development.

The revised definition of “the Percentage Reduction” in Schedule 1, Part 3, Paragraph 1 therefore reads:

““the Percentage Reduction” means the reduction of 15.2% in the predicted mortality of lesser black-backed gulls, by restricting the number of predicted mortalities attributable to the authorised development to a maximum of 101.”

### **Schedule 1, Part 3, Paragraph 4(1) (Approval of detailed wind turbine design parameters)**

The Secretary of State has amended the Order to correct the fact that, erroneously, it prevented works commencing onshore until the turbine approval process was completed. It was not intended that commencement the onshore works, i.e. works above Mean High Water Springs (“MHWS”), should be constrained in this way and the Secretary of State accepts that the original wording incorrectly reflected his decision.

The revised Schedule 1, Part 3, Paragraph 4(1) therefore reads:

“The authorised development below MHWS shall not commence until the Secretary of State has received the Approval Application and issued the Approval Notice.”

### **Schedule 1, Part 3, Paragraph 16(2) (Aids to Navigation),**

The Secretary of State has amended the Order to correct the fact that erroneously, it prevented works commencing onshore until 14 days after the required notification to Defence Infrastructure Safeguarding. It was not intended that commencement of the onshore works, i.e. works above MHWS, should be constrained in this way and the Secretary of State accepts that the original wording incorrectly reflected his intentions.

The relevant part of the amended version of Schedule 1, Part 3, Paragraph 16(2) therefore reads:

“The undertaker shall notify the Defence Infrastructure Organisation, at least 14 days prior to the commencement of the authorised development below MHWS, in writing of the following information-....”

### **Schedule 1, Part 3, Paragraph 21(1)(c) (Detailed design approval offshore)**

The Secretary of State has amended the Order to correct the fact that the reference to plan/document “Number 2.7 Rev 40” in Schedule1, Part 3, Paragraph 21(1)(c) did not reflect the fact that a new version of that plan was submitted to the Secretary of State before the Order was made. The new revision number was not included in the final version of the Order.

The revised Schedule 1, Part 3, Paragraph 21 (1) (c) therefore reads:

“General Arrangement (onshore)(document reference 2.7 Rev 41 submitted to the Secretary of State prior to this Order being made, in place of document 2.7 Rev 40, which superseded application document reference 2.7 Rev 39)”

Corrections which the Secretary of State has not made:

**Article 4 (Maintenance of authorised project)**

GWFL requested that the second sentence of the Article should be amended to read “No maintenance works which are outside the scope of works assessed by the environmental statement shall take place except with the prior written consent, and subject to such further environmental assessment, as the MMO may require” to make it clear that maintenance works within the scope of the environmental statement need no further approval.

The Secretary of State considers that the wording as made properly reflects his intention. It would not be appropriate to treat such a change as a “correctable error”.

**Article 13(1)(a) (Street Works)**

GWFL requested that the words “break up or open up the street, or any sewer, drain or” and “under it” be deleted so that Article 13(1)(a) reads “tunnel or bore under the street” as was proposed originally by the company and adopted by the Examining Authority. The purpose of the company’s wording was to reflect an agreement it had given to EDF Energy to protect the latter’s interests.

The Secretary of State considers that as EDF’s interests are secured by way of a separate private legal agreement such a change is not essential. The wording used in the Order as made has been used in other Development Consent Orders and it would not be appropriate to treat the requested change as a “correctable error”.