

CORRECTION NOTICE

THE HORNSEA ONE OFFSHORE WIND FARM ORDER 2014

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

30 April 2015

The Secretary of State received a request dated 12 January 2015 on behalf of Smart Wind Limited (the "Applicant") for the correction of errors in the Hornsea One Offshore Windfarm 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 articles and Schedule 1

Article 2(1) (interpretation), definition of "maintain"

Article 39(1)(d), Certification of plans etc

Part 3 (Requirements) of Schedule 1, paragraph 6(1), Ecological management plan above mean low water level

Part 3 (Requirements) of Schedule 1, paragraph 22(3), Amendments to approved detail

The applicant requested that references to "Environmental Statement" or "environmental statement" should be standardised in the Order, with "environmental statement" being submitted as the appropriate term. The Secretary of State accepts the request for standardisation but considers that "Environmental Statement" is more accurate given the specific definition given to "Environmental Statement" in Article 2(1) of the Order. The Secretary of State has therefore amended the Order to substitute "Environmental Statement" for "environmental statement" in the above sections.

Corrections to articles

Article 2(6) (interpretation)

Version 7 of the draft Order at sub-paragraph 2(3) of Article 2 stated that "References in this Order to rights over land include references to rights to do or to place and maintain anything in, on or under land or in the airspace above its surface". This was not included in the Order but for clarification purposes the Secretary of State has reinstated it as sub-paragraph 6 of Article 6 which now reads:

"(6) References in this Order to rights over land include references to rights to do or to place and maintain anything in, on or under land or in the airspace above its surface."

Article 7(2), Application of the 1991 Act

Reference to section 55 was added in error to the first entry in the list of provisions in Article 7(2). Therefore the Secretary of State has removed that reference so that the first item in the list now reads:

“section 54 (advance notice of certain works), subject to paragraph (3);”

Article 10, Agreements with street authorities

A minor formatting error resulted in previous subparagraph 10(2) (or Article 13(2) in version 7 of the draft Order), becoming 10(1)(c), which altered the construction of the subsequent subparagraphs of Article 10. For clarity, the Secretary of State has replaced the whole of Article 10 as follows:

“Agreements with street authorities

10.—(1) A street authority and the undertaker may enter into agreements with respect to—

- (a) the construction of any new street authorised by this Order; or
- (b) the carrying out in the street of any of the works referred to in article 6(1) (street works).

(2) Such an agreement may, without prejudice to the generality of paragraph (1)—

- (a) make provision for the street authority to carry out any function under this Order which relates to the street in question;
- (b) include an agreement between the undertaker and street authority specifying a reasonable time for the completion of the works; and
- (c) contain such terms as to payment and otherwise as the parties consider appropriate.”

Article 14(3), Guarantees in respect of payment of compensation

The Secretary of State has amended the Order to correct a typographical error (the omission of “the” after “which”). The revised Article 14(3) therefore reads:

“(3) The guarantee or alternative form of security is to be in place for a maximum of 20 years from the date on which the relevant power is exercised.”

Article 16(2), Compulsory acquisition of rights

The Secretary of State has amended an incorrect cross-reference to “paragraph 5” which should have read “paragraph 3 of Part 2”. The relevant part of the revised Article 16(2) reads:

“(2) Subject to section 8 of the 1965 Act (as substituted by paragraph 3 of Part 2 of Schedule 6 (modification of compensation...”

Article 24(1)(a), Temporary use of land for maintaining authorised project

In order to clarify which part of Article 23 this provision is referring to, the Secretary of State has reinstated reference to subparagraphs “(a)(i) or (ii)”. The relevant part of revised Article 24(1)(a) therefore reads:

“(a) enter on and take temporary possession of any land referred to in paragraph (1)(a)(i) or (ii) of article 23 ...”

Corrections to Schedule 1

Part 3 (Requirements), paragraph 3, Colour and lighting

The Secretary of State has amended incorrect cross-references to “Condition 6A” and “Schedule 8” to “Condition 7” and “Schedules 8 to 11” respectively. The relevant part of the revised paragraph 3 reads:

“3. Except as otherwise required by Trinity House under Condition 7 of the deemed marine licences set out in Schedules 8 to 11, ...”

Corrections to Schedule 12

Part 9, For the protection of Phillips 66 limited, paragraph 86

The Secretary of State has amended the Order to a correct typographical error in the Company Number of Phillips 66 Limited from “00524868” to “00529086”.

The relevant part of the revised paragraph 86 reads:

“**86.** In this Part of this Schedule—

“P66” means Phillips 66 Limited (Company Number 00529086);”

Part 10, For the protection of C.GEN Killingholme limited, paragraph 103

The Secretary of State has amended the Order to correct a typographical error to provide for a space between the words “paragraph 93” and “demonstrate”.

The relevant part of the revised paragraph 103 reads:

“...submitted under paragraph 93 demonstrate that all reasonable steps...”

Part 11, For the protection of ConocoPhillips (UK) Limited, paragraph 110

The Secretary of State has amended the Order to a correct typographical error in the Company Number of ConocoPhillips (UK) Limited from “00524969” to “00524869”.

The relevant part of the revised paragraph 110 reads:

“**110.** In this Part of this Schedule—

“ConocoPhillips” means ConocoPhillips (U.K.) Limited (Company Number 00524869);”

Corrections which the Secretary of State has not made

The Applicant requested, as an additional correction to Article 2(6), the reinstatement of wording from version 7 of the draft Order pertaining to future amendments or reenactments of relevant statutory provisions cross referenced in the Order. The Secretary of State has not made that correction as it is not necessary and does not accord with standard drafting practice.

The applicant further asked for all references to Environmental Statement or environmental statement to be standardised. However, some of those references are in the deemed marine licences in Schedules 8 to 11 of the Order. There is no power in Schedule 4 to the Planning Act 2008 to correct these provisions.