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STATUTORY INSTRUMENTS

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**2020 No. 1389**

**INFRASTRUCTURE PLANNING**

**The Dogger Bank Teesside A and B Offshore Wind Farm  
(Amendment) (No. 2) Order 2020**

*Made* - - - - - *30th November 2020*

*Coming into force* - - - - - *1st December 2020*

An application has been made, under paragraph 2 of Schedule 6 to the Planning Act 2008(a), to the Secretary of State in accordance with the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011(b) (“the 2011 Regulations”) for a non-material change to The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (“the 2015 Order”)(c).

The Secretary of State, having considered the application, the responses to the publicity and consultation required by regulations 6 and 7 of the 2011 Regulations, has decided to make this order amending the 2015 Order.

Accordingly, the Secretary of State, in exercise of the powers in paragraph 2 of Schedule 6 to the Planning Act 2008, makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Dogger Bank Teesside A and B Offshore Wind Farm (Amendment) (No. 2) Order 2020 and comes into force on 1st December 2020.

**Amendment to The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015**

2. The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 is amended in accordance with this Order.

**Amendments to Article 2 (interpretation)**

3. Article 2 is amended as follows—
- (a) in the definition of “cable”—
    - (i) after “in a cable duct” delete “and”; and

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(a) 2008 c.29. Paragraph 2 was amended by paragraph 4 of Schedule 8 to the Marine and Coastal Access Act 2009 (c. 23), by paragraphs 1 and 72 of Schedule 13 to the Localism Act 2011 (c. 20), and by section 28 of the Infrastructure Act 2015 (c.7). There are other amendments to the Act that are not relevant to this Order.

(b) S.I. 2011/2055, as amended by S.I. 2012/635, S.I. 2012/2654, S.I. 2012/2732, S.I. 2013/522, S.I. 2013/755, S.I. 2015/377, S.I. 2015/760, S.I. 2015/1682, S.I. 2017/314, S.I. 2017/524, S.I. 2018/378, S.I. 2019/734 and S.I. 2020/764.

(c) S.I. 2015/1592, as amended by S.I. 2015/1742, S.I. 2019/669 and S.I. 2020/851.

- (ii) after “a fibre optic cable” insert “and, in respect of a HVAC onshore cable only, cables laid in a trefoil”;
- (b) in the definition of “Marine Licence 1” after “(Marine Licence 1: Project A Offshore Generation – Work Nos. 1A and 2T)” insert “(as amended by any variations to the licence made by the MMO)”;
- (c) in the definition of “Marine Licence 2” after “(Marine Licence 2: Project B Offshore Generation – Work Nos. 1B and 2T)” insert “(as amended by any variations to the licence made by the MMO)”;
- (d) in the definition of “Marine Licence 3” after “(Marine Licence 3: Project A Offshore Generation – Work Nos. 2A, 3A and 2T)” insert “(as amended by any variations to the licence made by the MMO)”;
- (e) in the definition of “Marine Licence 4” after “(Marine Licence 4: Project B Offshore Generation – Work Nos. 2B, 3B and 2T)” insert “(as amended by any variations to the licence made by the MMO)”;
- (f) in the definition of “Project A offshore works” after “means” insert “(except in Part 3 of Schedule 1)”;
- (g) in the definition of “Project A onshore works” after “means” insert “(except in Part 3 of Schedule 1)”;
- (h) in the definition of “Project B offshore works” after “means” insert “(except in Part 3 of Schedule 1)”;
- (i) In the definition of “Project B onshore works” after “means” insert “(except in Part 3 of Schedule 1)”;
- (j) In the definition of “relevant planning authority for the Port” after “to service the construction” insert “of all or part”;
- (k) In the definition of “shared works” after “means” insert “(except in Part 3 of Schedule 1)”;
- (l) In sub-paragraph (3)(b) after “Conditions 3 to 11” insert “(Detailed offshore design parameters)”;
- (m) In sub-paragraph (3)(c) after “Conditions 3 to 9” insert “(Detailed offshore design parameters)”.

**Amendments to Article 12 (offshore works: abandonment, decay or removal)**

**4.** Article 12 is amended as follows—

- (a) for the heading substitute “Project A Offshore works: abandonment, decay or removal”;
- (b) in paragraph (1) after “Where the” insert “Project A”;
- (c) in paragraph (1)(a) after “remove the” insert “Project A”;
- (d) in paragraph (1)(b) after “restore the site of the” insert “Project A”;
- (e) in paragraph (2) after the words “Where the” insert “Project A” and after “restore the site of the” insert “Project A”;
- (f) in paragraphs (1) and (2) for “the undertaker” wherever the term occurs substitute “Bizco 2”; and
- (g) after Article 12 insert—

**“Project B Offshore works: abandonment, decay or removal**

**12A.**—(1) Where the Project B offshore works or any part of them are abandoned or allowed to fall into decay the Secretary of State may, following consultation with Bizco 3, issue a written notice requiring Bizco 3 at its own expense—

- (a) to repair and restore or remove the Project B offshore works or any part of them; and

- (b) to restore the site of the Project B offshore works or any part of it to a safe and appropriate condition, having regard to any requirement that appears to the Secretary of State to be relevant, within an area and to such an extent as may be specified in the notice.

(2) Where the Project B offshore works or any part of them are removed (other than in accordance with paragraph (1)), the Secretary of State may, following consultation with Bizco 3 and the relevant statutory nature conservation body, issue a written notice requiring Bizco 3 at its own expense to restore the site of the Project B offshore works or any part of it to a safe and appropriate condition, having regard to any requirement that appears to the Secretary of State to be relevant, within an area and to such an extent as may be specified in the notice.

(3) Nothing in this article limits the Secretary of State's power under Chapter 3 of Part 2 of the 2004 Act (decommissioning of offshore installations.)"

#### **Amendments to Article 42 (certification of plans and documents)**

5. Article 42 is amended as follows—

- (a) in paragraph 42(1)(d) for "2015" substitute "2014";
- (b) in paragraph 42(1)(e)(i) for "plans" substitute "plan";
- (c) in paragraph 42(1)(f) after "land plan" insert "dated February 2014";
- (d) in paragraph 42(1)(j) delete "draft" and for "2015" substitute "2014";
- (e) in paragraph 42(1)(n) for "26<sup>th</sup>" substitute "27<sup>th</sup>";
- (f) in paragraph 42(1)(p) after "dated" insert "22<sup>nd</sup>";
- (g) in paragraph 42(1)(q) after "dated" insert "27<sup>th</sup>".

#### **Amendments to Part 1 (authorised development) of Schedule 1 (authorised Project)**

6. In Part 1 (authorised development) of Schedule 1 (authorised project), in paragraph 3 at Work No, 10J, in both places that it occurs for "HVDC", substitute "HVAC".

#### **Amendments to Part 2 (ancillary works) of Schedule 1 (authorised project)**

7. In Part 2 (ancillary works) of Schedule 1 (authorised project) after "(e) cable route preparation works including boulder removal and obstruction clearance, dredging and pre-sweeping;" delete "and" and insert—

- “(ea) foundation scour protection or dredging;
- (eb) foundation preparation works including boulder removal and obstruction clearance, dredging and pre-sweeping; and”.

#### **Amendments to Part 3 (requirements) of Schedule 1 (authorised project)**

8. Paragraph 1 of Part 3 (requirements) of Schedule 1 (authorised project) is amended as follows—

- (a) after "In this Part—", insert ""cable preparation works" means all or any part of the trenched or trenchless installation works to install cable ducting or otherwise facilitate the laying of cables in the relevant sections of Work Nos. 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 8A, 8B, and 8S and including temporary construction compounds;";
- (b) for the definition of "onshore works", substitute ""onshore works" means the Project A onshore works, the Project B onshore works and the shared works (all as defined in Part 3 of this Schedule);";
- (c) after the definition of "onshore works" insert—

““Project A converter station works” means the electrical converter substation and export cables included in Work No. 7 relating to Project A only (and which for the avoidance of doubt exclude the Work No.7 enabling works);

“Project B converter station works” means the electrical converter substation and export cables included in Work No. 7 relating to Project B only (and which for the avoidance of doubt exclude the Work No. 7 enabling works);

“Project A converter station enabling works” means the enabling works included in Work No. 7 which are required for the Project A converter station only, including site clearance, landscaping, haul roads, temporary construction compounds, cable ducting and may include the laying of drainage and other services and the construction of a foundational platform;

“Project B converter station enabling works” means the enabling works included in Work No. 7 which are required for the Project B converter station only, including site clearance, landscaping, haul roads, temporary construction compounds, cable ducting and may include the laying of drainage and other services and the construction of a foundational platform;

“Project A HVAC cable works” means the works included in Work No. 8S which are required for Project A only comprising up to 3 export cables for the transmission of HVAC electricity together with fibre-optic cables for the transmission of electronic communications laid underground, in ducts if necessary, from the electrical converter substation comprised in Work No. 7 and running in a westerly direction for a distance of 575 metres to Work No. 8A, including the construction of a haul road and construction access;

“Project B HVAC cable works” means the works included in Work No. 8S which are required for Project A only comprising up to 3 export cables for the transmission of HVAC electricity together with fibre-optic cables for the transmission of electronic communications laid underground, in ducts if necessary, from the electrical converter substation comprised in Work No. 7 and running in a westerly direction for a distance of 575 metres to Work No. 8B, including the construction of a haul road and construction access;

“Project A National Grid substation connection works” means the works included in Work No 9 which are required for Project A only connecting Work No 8A to the transmission network and comprising up to 3 export cables for the transmission of HVAC electricity together with fibre-optic cables for the transmission of electronic communications, including connection bays within the National Grid substation located above ground incorporating isolation switchgear, circuit bay equipment, overhead tubular connectors and switching and measuring equipment located above and below ground;

“Project B National Grid substation connection works” means the works included in Work No 9 which are required for Project B only connecting Work No 8B to the transmission network and comprising up to 3 export cables for the transmission of HVAC electricity together with fibre-optic cables for the transmission of electronic communications, including connection bays within the National Grid substation located above ground incorporating isolation switchgear, circuit bay equipment, overhead tubular connectors and switching and measuring equipment located above and below ground;

“Project A offshore works” means Work Nos. 1A, 2A and 2T and any related associated development;

“Project B offshore works” means Work Nos. 1B, 2B and 2T and any related associated development;

“Project A onshore works” means the Project A converter station works, Project A converter station enabling works (where the Project A converter station enabling works are not undertaken as shared works), the Project A HVAC cable works (where the Project A HVAC cable works are not undertaken as a shared work), the Project A

National Grid substation connection works (where the Project A National Grid substation connection works are not undertaken as a shared work), Work Nos. 3A, 4A, 5A, 6A and 8A and any related associated development save that cable preparation works relating to Work Nos. 3A, 4A, 5A, 6A and 8A are excluded where those works are carried out as shared works;

“Project B onshore works” means the Project B converter station works, Project B converter station enabling works (where the Project B converter station enabling works are not undertaken as shared works), the Project B HVAC cable works (where the Project B HVAC cable works are not undertaken as a shared work), the Project B National Grid substation connection works (where the Project B National Grid substation connection works are not undertaken as a shared work), Work Nos. 3B, 4B, 5B, 6B and 8B and any related associated development save that cable preparation works relating to Work Nos. 3B, 4B, 5B, 6B and 8B are excluded where those works are carried out as shared works;

“rail crossing works” - means the Project A and Project B cables within Work Nos. 6A and 6B on sheet 2 of the onshore works plans situated within the area enclosed by the points whose co-ordinates are set out in Table 1 below:

**Table 1**

<i>Easting (m) BNG</i>	<i>Northing (m) BNG</i>
462406.515	522780.193
462427.144	522750.727
462218.294	522605.064
462067.818	522479.539
462054.713	522465.264
462057.708	522437.332
462021.914	522433.486
462017.305	522476.474
462018.425	522484.885
462040.484	522508.912
462132.070	522585.583
462218.853	522649.338

“shared works” means Work Nos. 7L, 10A, 10B, 10C, 10D, 10E, 10F, 10G, 10H, 10I, 10J, 10K and any related associated development and may include 8S, 9, the Work No 7 enabling works and the cable preparation works;”

- (d) in the definition of “stages”—
  - (i) after “the following stages of the onshore works” insert “(all or any part of”;
  - (ii) after “in sequential order or” insert “in parallel) or as”;
  - (iii) after “otherwise” insert “agreed with the relevant planning authority”;
  - (iv) after “Stage 1” insert “(Project A)”;
  - (v) after “Stage 2” insert “(Project B)”;
- (e) after “Stage 3” for “Work Nos. 6A, 8A, 10A, 10B, 10C, 10D, 10E, 10F, 10G, 10H, 10I and 10K” substitute “(Project A) – Work Nos. 6A and 8A”;
- (f) after “Stage 4” for “Work Nos. 6B, 8B, 10A, 10B, 10C, 10D, 10E, 10F, 10G, 10H, 10I and 10K” substitute “(Project B) – Work Nos. 6B and 8B”;
- (g) after “Stage 5” for “Work Nos. 7, 7L, 10H and 10I” substitute “(shared works) – cable preparation works (where the cable preparation works are undertaken as a shared work)”;
- (h) for —
  - “Stage 6 - Work Nos. 8S, 8A, 10H, 10I, 10J and 10K;
  - Stage 7 - Work Nos. 8S, 8B, 10H, 10I, 10J and 10K;
  - Stage 8 - Work Nos. 9, 10H, 10I, 10J and 10K.”

substitute—

“Stage 6 (shared works) –Work Nos. 10A, 10B, 10C, 10D, 10E, 10F, 10G, 10H, 10I, 10J and 10K;

Stage 7 (shared works) – Work No 7 enabling works (where the Project A converter station enabling works and the Project B converter station enabling works are undertaken as a shared work), Work No. 8S (where Work No. 8S is undertaken as a shared work), Work Nos. 7L, and 10I;

Stage 8 (Project A) - Project A converter station enabling works (where the Project A converter station enabling works are not undertaken as a shared work);

Stage 9 (Project A) – Project A converter station works;

Stage 10 (Project B) - Project B converter station enabling works (where the Project B converter station enabling works are not undertaken as a shared work);

Stage 11 (Project B) – Project B converter station works;

Stage 12 (Project A) – Project A HVAC cable works (where the Project A HVAC cable works are not undertaken as a shared work) and Work No. 8A;

Stage 13 (Project B) – Project B HVAC cable works (where the Project B HVAC cable works are not undertaken as a shared work) and Work No. 8B;

Stage 14 (shared works) - Work Nos. 9 (where Work No. 9 is undertaken as a shared work), 10J and 10K;

Stage 15 (Project A) – Project A National Grid substation connection works (where the Project A National Grid substation connection works are not undertaken as a shared work);

Stage 16 (Project B) – Project B National Grid substation connection works (where the Project B National Grid substation connection works are not undertaken as a shared work);”

- (i) After the definition of “stages” insert—

“Wilton cable works” means the Project A and Project B cables within Work Nos. 6A and 6B on sheet 2 of the onshore works plans situated within the two areas enclosed by the points whose co-ordinates are set out in Tables 2 and 3 below:

**Table 2**

<i>Easting (m) BNG</i>	<i>Northing (m) BNG</i>
457995.815	520732.985
458071.142	520767.408
458081.887	520788.485
458085.370	520791.801
458130.023	520811.134
458135.809	520811.596
458156.227	520806.411
458200.681	520826.654
458208.099	520810.253
458160.807	520788.718
458157.445	520787.916
458152.518	520788.781
458087.065	520759.011
458084.595	520754.696
458081.480	520752.342
458003.471	520716.693

**Table 3**

<i>Easting (m) BNG</i>	<i>Northing (m) BNG</i>
457745.560	520603.565
457755.779	520621.038
457757.502	520623.162
457759.758	520624.658
457772.701	520630.665
457776.465	520632.863
457833.319	520658.799
457840.896	520642.471
457784.370	520616.683
457781.508	520614.957
457774.705	520611.751
457762.725	520597.263
457761.000	520599.000
457758.900	520600.800
457756.500	520602.300
457753.900	520603.300
457750.800	520603.900
457748.100	520603.850

“Work No 7 enabling works” means both the Project A converter station enabling works and the Project B converter station enabling works.”.

**9.** Paragraph 13 of Part 3 of Schedule 1 is amended as follows—

- (a) in paragraph 13(6)(a) after “Condition 16(a)” insert “(Pre-construction plans and documentation: Array location and layout plan)”;
- (b) in paragraph 13(6)(b) after “Condition 16(a)” insert “(Pre-construction plans and documentation: Array location and layout plan)”.

**10.** Paragraph 14 of Part 3 of Schedule 1 is amended as follows—

- (a) After “Condition 25” insert “(Aids to Navigation)”;
- (b) After “Condition 22” insert “(Aids to Navigation)”.

**11.** Paragraph 15 of Part 3 of Schedule 1 is amended as follows—

- (a) in paragraph 15(1)—
  - (i) after “No” insert “Project A”;
  - (ii) after “decommissioning programme” insert “for the Project A offshore works”;
  - (iii) for “the undertaker” substitute “Bizco 2”;
- (b) after paragraph 15(1) insert the following—
 

“(1A) No Project B offshore works may commence until a decommissioning programme for the Project B offshore works in compliance with any notice served on Bizco 3 by the Secretary of State under section 105(2) of the 2004 Act has been submitted to the Secretary of State for approval.”; and
- (c) in paragraph 15(2) for “The programme”, substitute “Each decommissioning programme”.

**12.** Paragraph 16 of Part 3 of Schedule 1 is amended as follows—

- (a) in paragraph 16(1)—
  - (i) for “Offshore works must not”, substitute “No part or phase of the Project A offshore works may”;

- (ii) after “in consultation with the MCA” delete “—” and insert “has confirmed in writing that Bizco 2 has taken into account and, so far as is applicable to the relevant part or phase of the Project A offshore works, adequately addressed all the MCA recommendations in the OREI guidance that are appropriate to the Project A offshore works.”;
- (b) omit paragraphs 16(1)(a) and 16(1)(b);
- (c) in paragraph 16(2), for “The ERCoP must identify a point of contact for emergency response.’ substitute ‘No part or phase of the Project B offshore works may commence until the MMO, in consultation with the MCA, has confirmed in writing that Bizco 3 has taken into account and, so far as is applicable to the relevant part or phase of the Project B offshore works, adequately addressed all MCA recommendations contained in the OREI guidance that are appropriate to the Project B offshore works.’;
- (d) omit paragraph 16(3);
- (e) in paragraph 16(4)—
  - (i) for “MGN371” substitute “MGN543”; and
  - (ii) after “Safety and Emergency Response Issues’, insert “and its annexes (as amended from time to time)”.

**13.** Paragraph 18 of Part 3 of Schedule 1 is amended as follows—

- (a) in paragraph 18(1), for “the onshore works”, substitute “Subject to paragraphs (7) and (9) below, the Project A onshore works”;
- (b) omit paragraph 18(2);
- (c) after paragraph 18(1) insert—

“(2) Subject to paragraphs (8) and (9) below, the Project B onshore works must not commence until a written scheme setting out the phasing of construction of each stage of the Project B onshore works has been submitted to and approved by the relevant planning authority.

(3) Subject to paragraphs (5) and (6) below, the shared works must not commence until a written scheme setting out the phasing of construction of each stage of the shared works has been submitted to and approved by the relevant planning authority.

(4) Each scheme submitted must be implemented as approved provided that once a scheme has been approved under paragraphs (1), (2) or (3), the relevant undertaker shall be permitted to resubmit revised phasing details to the relevant local planning authority for approval and following any such approval each revised scheme must be implemented as approved.

(5) In the event that either Bizco 2 or Bizco 3 wishes to undertake as shared works any of—

- (a) Work No. 8S,
- (b) Work No. 9,
- (c) the cable preparation works, or
- (d) the Work No 7 enabling works,

the written scheme submitted to the relevant planning authority in accordance with paragraph (3) of this requirement must include details of the phasing of such works together with evidence of the other undertaker’s consent to those works being undertaken as shared works.

(6) In the event that the relevant planning authority’s approval is sought under paragraph (3), the relevant undertaker will not be required to comply with paragraph (1) or (2) prior to commencement of the relevant works.

(7) In the event that Bizco 2 wishes to undertake as Project A onshore works any of:

- (a) the Project A converter station enabling works;



- (b) the Project A HVAC cable works; or
- (c) the Project A National Grid substation connection works,
- (d) the written scheme submitted to the relevant planning authority in accordance with paragraph (1) of this requirement must include details of the phasing of such works together with evidence of Bizco 3’s consent to those works being undertaken as Project A onshore works.

(8) In the event that Bizco 3 wishes to undertake as Project B onshore works any of:

- (a) the Project B converter station enabling works;
- (b) the Project B HVAC cable works; or
- (c) the Project B National Grid substation connection works,

the written scheme submitted to the relevant planning authority in accordance with paragraph (2) of this requirement must include details of the phasing of such works together with evidence of Bizco 2’s consent to those works being undertaken as Project B onshore works.

(9) In the event that the relevant planning authority’s approval is sought under paragraph (1) or (2), the relevant undertaker will not be required to comply with paragraph (3) prior to commencement of the relevant works.”

**14.** Paragraph 19 of Part 3 of Schedule 1 is amended as follows—

- (a) for “The onshore works” substitute “(1) Save in relation to paragraphs (2), (3), (4) and (5) below, each stage of the onshore works”;
- (b) after paragraph (1) insert—

“(2) Work Nos. 3A and 3B may be carried out in any part of the Order limits within the areas labelled 3A and 3B on sheet 1 of the onshore works plans.

(3) Work Nos. 4A and 4B may be carried out in any part of the Order limits within the areas labelled 4A and 4B on sheet 1 of the onshore works plans.

(4) The rail crossing works may be carried out in any part of the Order limits within the area enclosed by the points whose co-ordinates are set out in Table 1 below:

**Table 1**

<i><b>Easting (m) BNG</b></i>	<i><b>Northing (m) BNG</b></i>
462406.515	522780.193
462427.144	522750.727
462218.294	522605.064
462067.818	522479.539
462054.713	522465.264
462057.708	522437.332
462021.914	522433.486
462017.305	522476.474
462018.425	522484.885
462040.484	522508.912
462132.070	522585.583
462218.853	522649.338

(5) The Wilton cable works may be carried out in any part of the Order limits within the two areas enclosed by the points whose co-ordinates are set out in Tables 2 and 3 below:

**Table 2**

<i><b>Easting (m) BNG</b></i>	<i><b>Northing (m) BNG</b></i>
457995.815	520732.985
458071.142	520767.408
458081.887	520788.485

458085.370	520791.801
458130.023	520811.134
458135.809	520811.596
458156.227	520806.411
458200.681	520826.654
458208.099	520810.253
458160.807	520788.718
458157.445	520787.916
458152.518	520788.781
458087.065	520759.011
458084.595	520754.696
458081.480	520752.342
458003.471	520716.693

**Table 3**

<i>Easting (m) BNG</i>	<i>Northing (m) BNG</i>
457745.560	520603.565
457755.779	520621.038
457757.502	520623.162
457759.758	520624.658
457772.701	520630.665
457776.465	520632.863
457833.319	520658.799
457840.896	520642.471
457784.370	520616.683
457781.508	520614.957
457774.705	520611.751
457762.725	520597.263
457761.000	520599.000
457758.900	520600.800
457756.500	520602.300
457753.900	520603.300
457750.800	520603.900
457748.100	520603.850

**15.** Paragraph 20 of Part 3 of Schedule 1 is amended as follows—

- (a) in paragraph 20(1)—
  - (i) after “Except where”, insert “a stage of”;
  - (ii) after “the onshore works” insert “(or part thereof) is”;
  - (iii) for “their layout” substitute “the layout”;
  - (iv) after “(in so far as not shown on those plans)” insert “for the relevant stage”; and
  - (v) for “This must include a section showing cable depths for Work Nos. 4A, 5A, 4B and 5B” substitute “Where the relevant stage includes all or any part of Work Nos. 4A, 5A, 4B or 5B, this must include a section showing cable depths for Work Nos. 4A, 5A, 4B or 5B as appropriate”.
- (b) after paragraph 20(2) insert the following—
  - “(3) For the avoidance of doubt (and to the extent that such works are not carried out in accordance with the plans referred to in Requirement 19 and therefore require approval)—
    - (a) in relation to Work No. 7, the relevant planning authority may approve—

- (i) the detailed design for the Project A converter station works and the Project B converter station works as separate stages (or part thereof); and
  - (ii) the detailed design for the Project A converter station enabling works and the Project B converter station enabling works as either separate stages (or part thereof) or as a single stage (or part thereof) comprising the Work No.7 enabling works;
  - (b) in relation to Work No. 8S, the relevant planning authority may approve the detailed design for the Project A HVAC cable works and the Project B HVAC cable works as either separate stages (or part thereof) or the same stage (or part thereof);
  - (c) in relation to Work No. 9, the relevant planning authority may approve the detailed design for the Project A National Grid substation connection works and the Project B National Grid substation connection works as either separate stages (or part thereof) or the same stage (or part thereof);
  - (d) in relation to Work Nos. 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 8A, 8B and 8S the relevant planning authority may approve the detailed design of the cable preparation works as a separate stage (or part thereof); and
- (4) The details approved under paragraph (1) may cover one or more stages of the onshore works.”

**16.** Paragraph 21 of Part 3 of Schedule 1 is amended as follows—

- (a) in paragraph 21(1)—
  - (i) for “in relation to each stage of the onshore works” substitute “for that stage”;
  - (ii) after “soft landscaping works” insert “for the relevant stage”; and
- (b) after paragraph 21(1)(h) insert—

“(2) For the avoidance of doubt, each landscaping scheme approved under paragraph (1) of this requirement may cover one or more stages of the onshore works.”.

**17.** In paragraph 22(1) of Part 3 of Schedule 1 for “All landscaping works must be carried out in accordance with the landscaping scheme approved”, substitute “The landscaping works for each stage must be carried out in accordance with the relevant landscaping scheme approved for that stage”.

**18.** Paragraph 23 of Part 3 of Schedule 1 is amended as follows—

- (a) in paragraph 23(4)—
  - (i) for “Work No. 7” substitute “the Project A converter station works”;
  - (ii) after “must be completed before” insert “any part or parts of”;
- (b) after paragraph 23(4) insert—

“(4A) Any approved permanent fencing in relation to the Project B converter station works must be completed before any part or parts of the relevant work is brought into use.”; and
- (c) after paragraph 23(5) insert—

“(6) For the avoidance of doubt, each set of submitted details approved under paragraph (1) of this requirement may cover one or more stages of the onshore works.”.

**19.** After paragraph 24(3) of Part 3 of Schedule 1 insert—

- “(4) For the avoidance of doubt, each set of submitted details approved under paragraph (1) of this requirement may cover one or more stages of the onshore works.”.

**20.** Paragraph 25 of Part 3 of Schedule 1 is amended as follows—

- (a) in paragraph 25(2) for “1.62” substitute “16.2”;
- (b) in paragraph 25(3) after “submitted details” insert “for each stage”; and

(c) after paragraph 25(4) insert—

“(5) For the avoidance of doubt, each set of submitted details approved under paragraph (1) of this requirement may cover one or more stages of the onshore works.”.

**21.** Paragraph 26 of Part 3 of Schedule 1 is amended as follows—

(a) in paragraph 26(1) for “that has been submitted” substitute “for the relevant stage has been submitted”;

(b) in paragraph 26(2) for “The scheme must” substitute “For each stage each scheme must”;

(c) in paragraph 26(4)—

(i) for “have been completed”, substitute “for the relevant stage has been completed”;

(ii) after “in accordance with the programme in the”, insert “relevant”;

(iii) after “archive deposition”, insert “for that stage”.

(d) in paragraph 26(5) for “the stage” substitute “each stage”; and

(e) after paragraph 26(5) insert—

“(6) For the avoidance of doubt, each scheme approved under paragraph (1) of this requirement may cover one or more stages of the onshore works.”.

**22.** Paragraph 27 of Part 3 of Schedule 1 is amended as follows—

(a) in paragraph 27(1) after “commence until”, insert “, for that stage,”;

(b) in paragraph 27(2) for “The CoCP” substitute “Each CoCP”; and

(c) after paragraph 27(2) insert—

“(3) For the avoidance of doubt, each CoCP approved under paragraph (1) of this requirement may cover one or more stages of the onshore works.”.

**23.** Paragraph 28 of Part 3 of Schedule 1 is amended as follows—

(a) in paragraph 28(2) for “the CoCP” insert “each relevant CoCP”; and

(b) after paragraph 28(2), insert—

“(3) For the avoidance of doubt, each CEMP approved under paragraph 1 of this requirement may cover one or more stages of the onshore works.”.

**24.** Paragraph 31 of Part 3 of Schedule 1 is amended as follows—

(a) in paragraph 31(1), in both places that it occurs, for “Work No. 7” substitute “The Project A converter station works”;

(b) in paragraph 31(2)—

(i) after “artificial light emissions” insert “for the Project A converter station works”;

(ii) after “during the operation of the” insert “Project A”; and

(c) after paragraph 31(2) insert—

“(3) The Project B converter station works must not be brought into operation until a written scheme for the management and mitigation of artificial light emissions during the operation of the Project B converter station works has been submitted to and approved by the relevant planning authority.

(4) The approved scheme for the management and mitigation of artificial light emissions for the Project B converter station works must be implemented and maintained during the operation of the Project B onshore works.”.

**25.** Paragraph 32 of Part 3 of Schedule 1 is amended as follows—

(a) in paragraph 32(1)—

(i) after “commence until” insert “, for that stage,”; and

(ii) after “the management of construction traffic” insert “for that stage”;

(b) in paragraph 32(2) for “The CTMP” insert “Each CTMP”; and

- (c) after paragraph 32(3) insert—
  - “(4) For the avoidance of doubt, each scheme approved under paragraph (1) of this requirement may cover one or more stages of the onshore works.”.

**26.** Paragraph 34 of Part 3 of Schedule 1 is amended as follows—

- (a) in paragraph 34(1)—
  - (i) after “No” insert “Project A”;
  - (ii) after “any phase of” insert “the Project A”;
  - (iii) after “for the onshore” insert “Project A”;
- (b) in paragraph 34(2)—
  - (i) after “required for the” insert “Project A”;
  - (ii) after “or phase of” insert “Project A”;
- (c) after paragraph 34(2) insert—
  - “(2A) No Project B licensed activities or any phase of the Project B licensed activities seaward of MHWS may commence until (so far as relevant to the activities or phase of activities) a port access and transport plan (“PATP”) for the onshore Project B port-related traffic to and from the selected base port has been submitted to and approved by the relevant planning authority after consultation with the relevant highway authority.
  - (2B) Sub-paragraph (3) does not apply if the relevant planning authority confirms, after consultation with the relevant highway authority, that no PATP is required for the Project B licensed activities or phase of Project A licensed activities.”; and
- (d) in paragraph 34(4) for ““licensed activities” has the meaning given in Marine Licence 1 to 4” substitute—
  - ““Project A licensed activities” has the meaning given in Marine Licences 1 and 3;
  - “Project B licensed activities” has the meaning given in Marine Licences 2 and 4;”.

**27.** Paragraph 35 of Part 3 of Schedule 1 is amended as follows—

- (a) in paragraph 35(1)—
  - (i) after “may commence until” insert “, for that stage,”
  - (ii) after “by any part of”, delete “the” and insert “that stage of”;
  - (iii) after “felled as part of”, delete “the” and insert “that stage of”;
- (b) in paragraph 35(2) after “mitigation measures” insert “for that stage”;
- (c) in paragraph 35(3) for “The onshore works” substitute “Each stage of the onshore works which requires a scheme of protection and mitigation measures in accordance with paragraph 2 of this requirement”; and
- (d) after paragraph 35(4) insert—
  - “(5) For the avoidance of doubt, each scheme approved under paragraph (2) of this requirement may cover one or more stages of the onshore works.”.

**28.** Paragraph 37 of Part 3 of Schedule 1 is amended as follows—

- (a) in paragraph 37(1)—
  - (i) for “The undertaker” insert “Bizco 2”;
  - (ii) for “onshore works gives” substitute “Project A onshore works and shared works give”;
- (b) after paragraph 37(1) insert—
  - “(1A) Bizco 3 must submit to the relevant planning authority for approval a scheme to rectify the situation in the event that the operation of the Project B onshore works and shared works give rise to interference with telecommunications or television equipment at nearby residential properties.”;

- (c) in paragraph 37(2) for “The scheme”, substitute “Each scheme”; and
- (d) in paragraph 37(3) after “in accordance with the”, insert “relevant”.

29. Paragraph 38 of Part 3 of Schedule 1 is amended as follows—

- (a) in paragraph 38(1)—
  - (i) after “commercial operation of the” insert “Project A”;
  - (ii) after “removal of the” insert “Project A”; and
  - (iii) after “onshore works (in whole or in part)” insert “and any part of the shared works not required for the commercial operation of Project B”.
- (b) after paragraph 38(1) insert—

“(1A) On the cessation of commercial operation of the Project B onshore works (in whole or in part), a scheme for the demolition and removal of the Project B onshore works (in whole or in part) and any part of the shared works not required for the commercial operation of Project A, and the final proposed condition of the relevant land, including a proposed timetable, must be submitted to the relevant planning authority for approval. The proposed scheme must be based on the outline decommissioning statement.”;
- (c) in paragraph 38(2) for “The scheme” substitute “Each scheme”; and
- (d) after paragraph 38(2) insert—

“(3) References in this requirement to “the shared works” means those elements of the shared works as they relate to Project A or Project B and, for the avoidance of doubt, paragraph (1) of this requirement will not be triggered when Project B ceases commercial operation and paragraph (1A) of this requirement will not be triggered when Project A ceases commercial operation.”.

Signed by authority of the Secretary of State for Business, Energy and Industrial Strategy

30th November 2020

*Gareth Leigh*  
Head of Energy Infrastructure Planning  
Department for Business, Energy and Industrial Strategy

#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends The Teesside A and B Offshore Wind Farm Order 2015, a development consent order under the Planning Act 2008, following an application made in accordance with the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 for a non-material change under paragraph 2 of Schedule 6 to the Planning Act 2008. In particular, it allows for the two parts of the project to be considered separately, and for the discharge and enforcement of the relevant requirements on a project specific basis.