

CORRECTION NOTICE

THE EAST ANGLIA THREE OFFSHORE WIND FARM ORDER 2017 (S.I. NO. 826)

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

12 JULY 2018

The Secretary of State received a request dated 15 September 2017 from Bond Dickinson LLP acting on behalf of East Anglia THREE Limited (“the Applicant”) for the correction of errors in The East Anglia THREE Offshore Wind Farm Order 2017 (“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

In the definition of “outline offshore operations and maintenance plan”, omit the text “the Order” and substitute with the text “this Order”.

In the definition of “works plan”, omit the text “the Order” and substitute with the text “this Order”.

Secretary of State’s rationale:

To correct typographical errors.

Article 6

Re-number article 6(1) as article 6.

Secretary of State’s rationale:

To correct a typographical error.

Article 9

Re-number article 9(1) as article 9.

Secretary of State’s rationale:

To correct a typographical error.

Article 23

In paragraph 5 omit the text “land which temporary possession is taken”, and substitute “land of which temporary possession is taken”.

Secretary of State's rationale:

To correct a typographical error.

Article 32

In paragraph 1(t) omit the text “the In principle East Anglia Three Project Southern North Sea pSAC Site Integrity Plan (December 2016)”, and substitute ““the in principle East Anglia Three Project Southern North Sea pSAC Site Integrity Plan (December 2016, Revision B)””.

Secretary of State's rationale:

To correct a typographical error.

Article 34

In paragraph 1 omit the text “the requirements numbered 11 to 31 and 36”, and substitute ““the in principle East Anglia Three Project Southern North Sea pSAC Site Integrity Plan (December 2016, Revision B)” and substitute “the requirements numbered 11 to 31 and 36 to 37”

Secretary of State's rationale:

To clarify that section 78 of the Town and Country Planning Act 1990 is also relevant to requirement 37 of the Order.

Corrections to Schedule 1

Part 1, paragraph 1

In “Works No. 16” omit the text “in north westerly direction to the east side of The Thicket” and substitute with “in a north westerly direction to the east side of The Thicket”.

Part 3, paragraph 2(2)

Omit the text “The number of turbines with a draught height of less than 24m from MHWS comprised in the authorised project must not exceed 52 turbines”, and substitute “The number of wind turbine generators with a draught height of less than 24m from MHWS comprised in the authorised project must not exceed 52.”

Part 3, heading to paragraph 19

Omit the text “Contaminated land and ground water”, and substitute “Contaminated land and groundwater”.

Part 3, paragraph 22(1)

Omit the text “relevant local planning authority”, and substitute “relevant planning authority”.

Part 3, paragraph 27(1)

Omit the text “relevant local planning authority”, and substitute “relevant planning authority”.

Part 3, paragraph 30

Omit the text “with such details the relevant planning authority in consultation with the relevant highway authority may approve, as soon as reasonably practicable and in any event within twelve months of completion of the relevant stage of the connection works, save that if approved by the relevant local planning authority”, and substitute “with such details as the relevant planning authority in consultation with the relevant highway authority may approve, as soon as reasonably practicable and in any event within twelve months of completion of the relevant stage of the connection works, save that if approved by the relevant planning authority”.

Secretary of State’s rationale:

To correct typographical errors.

Part 3, paragraph 37

Omit the text:

“in writing to the relevant planning authority of its intention to carry out such works and investigations and:

- (i) the relevant planning authority has provided a written determination that the notified works and investigations can take place; or
- (ii) no response has been received by the undertaker within 15 working days of the date of notification of such works and investigations.”;

and substitute:

“ in writing to the relevant planning authority of its intention to carry out such works or investigations and:

- (a) the relevant planning authority has provided a written determination that the notified works or investigations can take place; or
- (b) no response has been received by the undertaker within 15 working days of the date of notification of such works or investigations.”.

Secretary of State’s rationale:

To clarify that notification of the relevant planning authority is required where either clearance works or archaeological investigations are being undertaken, and to correct typographical errors.

Corrections to Schedule 8

Part 3, paragraph 26(9)

Omit the text ““paragraph 15(1)”, and substitute “paragraph 30(1)”.

Part 4, paragraph 45

Omit the text “paragraphs 4 to 6 and 8”, and substitute “paragraphs 40 to 42 and 44”.

Part 4, paragraph 46

Omit the text ““paragraph (9)”, and substitute “paragraph 45”.

Part 5, paragraph 49(1)

In definition of “specified works”, after the text ““Specification for safe working in the vicinity of National Grid, High pressure Gas pipelines and associated installation or requirements for third parties T/SP/SSW/22””, insert “)”.

Part 5, paragraph 49(2)

Omit the text “the Order”, and substitute “this Order”.

Part 5, paragraph 50(1)

Omit the text “the Order”, and substitute “this Order”.

Part 5, paragraph 51(1)

Omit the text “the Order”, and substitute “this Order”.

Part 5, paragraph 57(2)

Omit the text “(subject to sub-paragraph (3), excuse the undertaker from liability under the provisions of this sub-paragraph (1)).”, and substitute “(subject to sub-paragraph (3)), excuse the undertaker from liability under the provisions of this sub-paragraph (1).”.

Part 5, paragraph 59(1)

Omit the text “paragraphs 54 and 55”, substitute, and substitute “paragraphs 54 and 55”.

Part 5, paragraph 59(2)

Omit the text “approval to is required”, substitute, and substitute “approval is required”.

Part 5, paragraph 61

Omit the text “paragraph 52(2), 52(4), 53(1), 54, 55 and 57(5)”, and substitute “paragraph 52(2), 52(4), 53(1), 54, and 55”.

Part 6, paragraph 64

Omit the text “the Order”, and substitute “this Order”.

Part 6, paragraph 65

Omit the text “the Order” in each place it appears, and substitute “this Order”.

Part 6, paragraph 66(2)

Omit the text “the Order” in each place it appears, and substitute “this Order”.

Part 6, paragraph 68(1)

Omit the text “the Order, and substitute “this Order”.

Part 6, paragraph 68(6)

Omit the text “the Order, and substitute “this Order”.

Part 6, paragraph 68(7)

Omit the text “the Order, and substitute “this Order”.

Part 6, paragraph 69(3)(b)

Omit the text “the Order, and substitute “this Order”.

Part 6, paragraph 71

Omit the text “the Order, and substitute “this Order”.

Part 6, paragraph 73

Omit the text “the Order, and substitute “this Order”.

Part 7, paragraph 84(ix) and (x)

Omit the text “the Order” in each place it appears, and substitute “this Order”.

Secretary of State’s rationale:

To correct typographical errors.

Corrections which the Secretary of State has not made

Schedules 10 - 15 (Authorised Development)

The Applicant requested changes to correct a number of typographical errors in Schedules 10 – 15 of the Order containing the deemed marine licences.

Secretary of State’s rationale

The Secretary of State does not consider it is within the scope of Schedule 4 to correct the Order to achieve the Applicant’s intended effect since paragraph 1(4) of that Schedule prevents the correction of errors contained within any deemed marine licence included within a development consent order. However, the Secretary of State considers that the corrections in question are minor in nature and are of a kind that could appropriately be corrected by way of a correction slip. He has therefore instead requested that the SI Registrar issue a correction slip to amend the incorrect text.