

**2020 No. 0000**

**INFRASTRUCTURE PLANNING**

**The East Anglia THREE Offshore Wind Farm (Amendment)  
Order 2020**

*Made* - - - - \*\*\*

*Coming into force* - - \*\*\*

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) for a non-material change to The East Anglia THREE Offshore Wind Farm Order 2017(c).

The Secretary of State, having considered the application, the responses to the publicity and consultation required by regulations 6 and 7 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011(d), has decided to make the changes on terms that in the opinion of the Secretary of State are not materially different from those proposed in the application.

Accordingly, the Secretary of State, in exercise of the powers in paragraph 2(1) and (9) of Schedule 6 to the Planning Act 2008, makes the following Order:

**Citation and commencement**

1. This Order may be cited as The East Anglia THREE Offshore Wind Farm (Amendment) Order 2020 and comes into force on [Date].

**Amendment to The East Anglia THREE Offshore Wind Farm Order 2017**

2. The East Anglia THREE Offshore Wind Farm Order 2017 (as amended) (“the 2017 Order”) is amended in accordance with this Order.

**Amendments to Part 1 (Preliminary) of the 2017 Order**

3. In Part 1 (Preliminary) of the 2017 Order, in paragraph 2(1) in the definition of “jacket foundation” omit the words “, and “discrete jacket foundation types” includes pre piled or post piled jackets, three legged or four legged jackets, or straight or battered leg jackets”.

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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 and S.I. 2015/760.

(c) S.I. 2017/826 as amended by S.I. 2018/843 and S.I. 2019/997.

(d) S.I. 2011/2055. Regulations 6 and 7 were both amended by S.I. 2012/635 and 2015/760.

4. In Part 1 (Preliminary) of the 2017 Order, in paragraph 2(1) omit “radar line of sight coverage plan” means the plan certified as the radar line of sight coverage plan by the Secretary of State for the purposes of this Order under article 32 (certification of plans etc.);

#### **Amendments to Part 7 (Miscellaneous and general) of the 2017 Order**

5. In Part 7 (Miscellaneous and general) of the 2017 Order, in paragraph 32(1)(f) omit “the radar line of sight coverage plan (document reference 2.11)”.

#### **Amendments to Part 1 (Authorised development) of Schedule 1 (Authorised project)**

6. In Part 1 (Authorised development) of Schedule 1 (Authorised project), in paragraph (a) of the description of Work No. 1, for “172” substitute “121”.

7. In Part 1 (Authorised development) of Schedule 1 (Authorised project), in the description of Work No. 2, for “up to six offshore electrical stations” substitute “up to one offshore electrical station”.

#### **Amendments to Part 3 (Requirements) of Schedule 1 (Authorised project)**

8. Part 3 (Requirements) of Schedule 1 (Authorised project) is amended as follows-

(1) in paragraph 2(1)(a), for “247 metres” substitute “262 metres”.

(2) in paragraph 2(1)(c), for “220 metres” substitute “230 metres”.

(3) in paragraph 2(1)(e), for “22 metres” substitute “24 metres”.

(4) omit paragraph 2(2).

(5) in paragraph 2(3), omit the words “and (2)”.

(6) in paragraph 3(1), for “The total number of offshore electrical stations forming part of the authorised project must not exceed six” substitute “The total number of offshore electrical stations forming part of the authorised project must not exceed one”.

(7) in paragraph 3(8)(a), for “up to 172 wind turbine generators” substitute “up to 121 wind turbine generators”.

(8) in paragraph 3(8)(e), for “up to 6 offshore electrical stations” substitute “up to one offshore electrical station”.

(9) in paragraph 7(2)(a), omit “than” after “a footprint at the seabed which is more than”.

(10) in paragraph 7(2)(b), for “more than one pile per leg or more than one suction caisson per leg” substitute “more than four piles per leg or more than one suction caisson per leg;”.

(11) after paragraph 7(2)(b), insert a new paragraph –

“(c) more than six legs”

(12) in paragraph 8(2)(a), omit “than” after “a footprint at the seabed which is more than”.

(13) remove paragraph 33 and replace with –

“**33.—(1)** No wind turbine generator forming part of the authorised development is permitted to rotate its rotor blades on its horizontal axis until the Secretary of State having consulted with the Ministry of Defence confirms satisfaction in writing that appropriate mitigation will be implemented and maintained for the life of the authorised development and that arrangements have been put in place with the Ministry of Defence to ensure that the approved mitigation is implemented.

(2) For the purposes of this requirement—

(a) “appropriate mitigation” means measures to prevent or remove any adverse effects which the authorised development will have on the air defence radar at Remote Radar Head (RRH) Trimmingham and the Ministry of Defence’s air surveillance and control operations;

- (b) “approved mitigation” means the detailed Radar Mitigation Scheme (RMS) that will set out the appropriate measures and timescales for implementation as agreed with the Ministry of Defence at the time the Secretary of State confirms satisfaction in writing in accordance with paragraph (1);
  - (c) “Ministry of Defence” means the Ministry of Defence as represented by Defence Infrastructure Organisation – Safeguarding, Kington Road, Sutton Coldfield, B75 7RL or any successor body;
- (3) The undertaker must thereafter comply with all other obligations contained within the approved mitigation for the life of the authorised development.”

*Alok Sharma*

Secretary of State for Business, Energy & Industrial Strategy]  
Department for Business, Energy & Industrial Strategy

Date

#### **EXPLANATORY NOTE**

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

This Order amends The East Anglia THREE Offshore Wind Farm Order 2017 (as amended), 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.