

2022 No. 0000

INFRASTRUCTURE PLANNING

The East Anglia THREE Offshore Wind Farm (Amendment)
(No.3) Order 2022

Made	- - - -	***
Laid before Parliament		***
Coming into force		***

Comment [ERR1]:
The offending text for the following warning is: '***'
Warning only High impact [e00096]
Please ensure the asterisks are replaced by text / dates
Warning only High impact [e00023]
The format of the Made date paragraph is incorrect

Comment [ERR2]:
The offending text for the following warning is: '***'
Warning only High impact [e00096]
Please ensure the asterisks are replaced by text / dates
Warning only High impact [e00024]
The format of the Laid date paragraph is incorrect

Comment [ERR3]:
The offending text for the following warning is: '***'
Warning only High impact [e00096]
Please ensure the asterisks are replaced by text / dates
Warning only High impact [e00026]
The format of the Coming into Force date is incorrect

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) (No.3) Order 2022 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.

(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. 2013/522, S.I. 2015/760, S.I. 2017/314, S.I. 2017/524, S.I. 2018/378, S.I. 2019/734, S.I. 2020/1534 and S.I. 2020/764. There are other amendments to the Act that are not relevant to this Order.
(c) S.I. 2017/826 as amended by S.I. 2018/843, S.I. 2019/997 and S.I. 2021/471.
(d) S.I. 2011/2055. Regulations 6 and 7 were both amended by S.I. 2012/635, S.I. 2015/760, S.I. 2020/1534 and S.I. 2020/764.

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

3. In Part 1 (Authorised development) of Schedule 1 (Authorised project), in paragraph (a) of the description of Work No. 1, omit the words “with a gross electrical output capacity of up to 1,400 MW”.

4. In Part 1 (Authorised development) of Schedule 1 (Authorised project), in paragraph (a) of the description of Work No. 1, for “up to 121 wind turbine generators” substitute “up to 100 wind turbine generators”.

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

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

(1) in paragraph 2(1)(a), for “262 metres” substitute “282 metres”.

(2) in paragraph 2(1)(c), for “230 metres” substitute “250 metres”.

(3) in paragraph 3(8)(a), omit the words “with a gross electrical output capacity of up to 1,400 MW”.

(4) in paragraph 3(8)(a), for “up to 121 wind turbine generators” substitute “up to 100 wind turbine generators”.

(5) Insert the following paragraph after paragraph 37—

“Cromer Primary Surveillance Radar

38.—(1) No erection of any wind turbine generator forming part of the authorised development may commence until the Secretary of State, having consulted with NATS, has confirmed satisfaction in writing that appropriate mitigation will be implemented and maintained for the required period and that arrangements have been put in place with NATS to ensure that the approved mitigation is implemented and in operation prior to erection of the wind turbine generators.

(2) The undertaker must thereafter comply with the obligations contained within the approved mitigation for the required period.

(3) For the purposes of this requirement—

- (a) “appropriate mitigation” means measures to mitigate any adverse effects which the operation of the authorised development will have on the primary surveillance radar at Cromer and NATS’ associated air traffic (surveillance and control) services/operations during the required period;
- (b) “approved mitigation” means the detailed Primary Radar Mitigation Scheme setting out the appropriate mitigation approved by the Secretary of State and confirmed in writing in accordance with sub-paragraph (1);
- (c) “NATS” means NATS (En-Route) Plc (company number 04219273) or any successor body;
- (d) “the required period” means the shorter of—
 - (i) the operational life of the authorised development; and
 - (ii) the period ending on the date notified to the Secretary of State by the undertaker and confirmed in writing by NATS being the date on which NATS no longer requires the appropriate mitigation to be in place.”

Kwasi Kwarteng

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

Date

Comment [ERR4]:
Warning only Low impact [e00120]
The signature date has not yet been completed

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.