

CORRECTION NOTICE

AWEL Y MÔR OFFSHORE WIND FARM ORDER 2023 (S.I. 2023/No 1033)

SCHEDULE 4 TO THE PLANNING ACT 2008

CORRECTION OF ERRORS IN DEVELOPMENT CONSENT DECISIONS

DATE: 16 JULY 2024

The Secretary of State received a request dated 30 October 2023 from Awel y Môr Offshore Wind Farm Limited (“the Applicant”) for the correction of errors in the Awel Y Môr Offshore Wind Farm Order 2023 (“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

Part 1, Article 2(2)– Interpretation

Definition of “scour protection” is amended to include “blocks/mattresses” and “rock and/or gravel placement, or the use of bagged solutions filled with rock, sand or similar materials”

Secretary of State’s rationale:

The definition as amended will retain the flexibility stated in the Offshore Project Description and follow other precedents for the definition of “scour protection”.

Part 1, Article 2(2) – Interpretation

Definition of “undertaker” is amended to the correct name of the Applicant.

Secretary of State’s rationale:

To correct a typographical error.

Part 2, Article 6(2) – Benefit of the Order

The wording at the end of Article 6(2)(b) as currently drafted is amended to say “except where paragraph (6) applies” and the formatting of the paragraph is changed so that the wording at the end of Article 6(2)(b) which should then say “except where paragraph (6) applies, in which case the consent of the Secretary of State is not required”, is inserted on a new line below this sub-paragraph to make it clear that the exception relating to paragraph 6 applies to both parts of Article 6(2).

Secretary of State’s rationale:

To correct a referencing error and a formatting error.

Article 6(5) – Benefit of the Order

Article 6(5) is amended to refer to paragraph (2) and correct punctuation.

Secretary of State's rationale:

To correct referencing and a typographical error.

Part 6, Article 37– Crown rights

Article 37(1) is amended to insert the word “take” after the words ‘nothing in this Order authorises the undertaker or any licensee to’

Secretary of State's rationale:

To correct a typographical error.

Part 6, Article 41(1)(c) – Service of notices

Article 41(1)(c) is amended to substitute the number ‘(6)’ for ‘(5)’

Secretary of State's rationale:

To correct a typographical error

Corrections to Schedule

Schedule 2 – Requirement 24 – Landscape enhancement scheme

Requirement 24(2) is amended to substitute the word “shall” for “must”.

Secretary of State's rationale:

To correct a typographical error.

Schedule 9 – Part 11 - For the protection of North Hoyle Wind Farm Limited

- Paragraph 149 is amended to refer to “specified works”.
- Paragraph 157(3)(a) is amended to correct “referenced” to “references”
- Paragraph 160 is renumbered and reformatted to become sub-paragraph 4 of paragraph 159
- All paragraphs from 160 to 169 are consecutively renumbered with
 - paragraph 161 becoming paragraph 160;
 - paragraph 162 becoming paragraph 161;
 - paragraph 163 becoming paragraph 162;
 - paragraph 164 becoming paragraph 163;
 - paragraph 165 becoming paragraph 164;
 - paragraph 166 becoming paragraph 165;
 - paragraph 167 becoming paragraph 166;
 - paragraph 168 becoming paragraph 167; and
 - paragraph 169 becoming paragraph 168.
- Cross-references are corrected in paragraphs 149, 151, 155-158 and the renumbered paragraphs 165-167.

Secretary of State's rationale:

To correct typographical and cross-referencing errors.

Schedule 13 – Documents to be certified

Document numbers are added to Table 5, in the section entitled “Other documents”, in rows 8, 9 and 10 of column 1 and the word “Document” is deleted from column 3 of row 10 .

Secretary of State’s rationale:
To correct typographical errors.

Corrections which the Secretary of State has not made

Article 2(1) – Interpretation

Request that the definition of “highway” is amended to remove reference to section 328(1).

Secretary of State’s rationale:

The correction has not been made because the Secretary of State does not consider that the amendment would correct an error. The definition used is a standard definition which has been used in several offshore wind farm development consent orders.

Article 2(1) – Interpretation

Request that the definition of “meteorological mast” is amended with the replacement of “mast” with “structure”.

Secretary of State’s rationale:

The correction has not been made because the Secretary of State does not consider that the amendment would correct an error. “Meteorological mast” is widely used in Awel Y Môr Offshore Wind Farm Order 2023 Applicant documents and in the ExA and Secretary of State’s assessments.

Article 2(1) – Interpretation

Request that the definition of “offshore electrical platform” is amended to include “foundation or structure”

Secretary of State’s rationale:

The correction has not been made because the Secretary of State does not consider that the amendment would correct an error. This definition has been used in several offshore wind farm development consent orders.

Part 5, Article 19 – Time limit for exercise of authority to acquire land compulsorily

Request that the period is changed from 5 to 7 years.

Secretary of State’s rationale:

The correction has not been made because the Secretary of State does not consider that the amendment would correct an error. The Secretary of State’s decision letter reflected the assessment that the standard 5-year approach would be sufficient. The Applicant can apply for an extension if required, subject to the appropriate justification.

Schedule 2 – Requirement 1 – Time Limits

Request to amend Requirement 1 to refer to seven years.

Secretary of State's rationale:

The correction has not been made because the Secretary of State does not consider that the amendment would correct an error. The DCO as made reflects the Secretary of State's assessment that the standard 5-year approach would be sufficient. The Applicant can apply for an extension if required, subject to the appropriate justification.

Schedule 12 – Paragraph 7 – Confidentiality

Request to amend paragraph 7(1) to confirm that arbitration hearings and documentation will be confidential.

Secretary of State's rationale:

The correction has not been made because the Secretary of State does not consider that the amendment would correct an error. The Secretary of State has concluded in this case that arbitration hearings and related documentation should be open to and accessible by the public and is not aware of any reason for why the default position should not be for open and accessible hearings. As provided for by Paragraph 7(2), the arbitrator may direct that hearings or documentation should be confidential where necessary.