

CORRECTION NOTICE

THE TRITON KNOLL ELECTRICAL SYSTEM ORDER 2016 (S.I. No. 2016/880)

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

23 March 2017

The Secretary of State received a request on 17 October 2016 from Triton Knoll Offshore Wind Farm (“the Applicant”) for the correction of errors in the Triton Knoll Electrical System Order 2016 (“the Order”) under Schedule 4 to the Planning Act 2008.

The Secretary of State has made the following corrections to the Order:

Introductory Text (page 3): the reference to “RWE Innogy UK Limited” has been changed to “Innogy Renewables UK Limited” to reflect the correct name of the appropriate legal entity.

Article 2 (Interpretation): the phrase “electrical cables” in the definition of “cable ducts” has been corrected to “electrical circuits” in order to be consistent with the description of works in the Order.

Article 2 (Interpretation): a new sub-paragraph has been inserted after article 2(5) to set out details of the grid coordinate system used to define the onshore and offshore coordinates of the Triton Knoll Electrical System which were previously omitted from the Order.

Article 35 (Certification of plans, etc.): Article 35 has been corrected to refer to the correct version of the Code of Construction Practice (“rev B” rather than “rev C”).

Schedule 1, Part 3, Requirement 5 (Detailed design onshore): “Work. No. 2” has been deleted to correct a drafting error.

Schedule 5 (Land in which only new rights, etc. may be acquired) [table for “East Lindsey District”]: the word “draining” has been inserted between the words “mole” and “requests” in the second column, first entry, paragraph (c) to correct an omission.

Schedule 5 (Land in which only new rights, etc. may be acquired) [table for “Boston Borough”]: the word “draining” has been inserted between the words “mole” and “requests” in the second column, first entry, paragraph (c) to correct an omission.

Requested Corrections that the Secretary of State has not made

Article 2 (Interpretation): request that “outline offshore operations and maintenance plan” should be defined in the article in line with other plans that are to be certified under article 35(2). The Secretary of State does not accept that this change is necessary to correct an error or omission as the term in question only appears (apart from in article 35 itself) in Schedule 9 of the Order (the deemed Marine Licence) where it is separately defined.

Article 2 (Interpretation): request that “outline offshore written scheme of investigation” should be defined in the article in line with other plans that are to be certified under article 35(2). The Secretary of State does not accept that this change is necessary to correct an error or omission as the term in question only appears (apart from in article 35 itself) in Schedule 9 of the Order (the Deemed Marine Licence) where it is separately defined.

Article 2 (Interpretation): request that the term “substation compound” which is defined in the description of Work 50A could be inserted in article 2 of the Order in order to be consistent with the way similar infrastructure (e.g “intermediate electrical compound”) is dealt with. The Secretary of State does not accept that this change is necessary to correct an error or omission as the placing of the wording in question within the description of Work 50A was a deliberate drafting change made for the convenience of the reader.

Article 40 (Crown Rights): request that the reference to “the Crown Estate” should be deleted and “The Crown Estate” inserted in its place. The Secretary of State does not accept that this change is necessary to correct an error or omission given that the wording used in the Order is consistent with references to “the Crown Estate” in section 227(5)(a) of the Planning Act 2008 and section 1(1) of the Crown Estate Act 1961.

Schedule 1, Part 1 (Authorised Development): request that the term “substation compound” which is defined in the description of Work 50A could be inserted in article 2 of the Order in order to be consistent with the way similar infrastructure (e.g “intermediate electrical compound”) is dealt with. As indicated above, the Secretary of State does not accept that this change is necessary to correct an error or omission as the placing of the wording in question within the description of Work 50A was deliberate.

Schedule 1, Part 3, Requirement 17 (Construction hours): request that the words “as otherwise agreed in the code of construction practice” should be inserted after paragraph 2(d) to ensure that there is sufficient flexibility in the hours of working to ensure the construction programme can be adhered to.

The Secretary of State does not accept that this change is necessary to correct an error or omission as the desired flexibility is already provided for in Requirement 17(1).

Schedule 6, paragraph 4 (Compulsory Purchase Act 1965 modified): request that the phrase “in relation to other land of the owner” should be replaced with the phrase “by reason of its severance from other land of the owner” to reflect the provisions of section 7 of the Compulsory Purchase Act 1965. The Secretary of State does not accept that this change is necessary to correct an error or omission as the wording in the Order was inserted to modify the application of section 7 in circumstances where rights are acquired and/or restrictive covenants imposed which do not result in the severance of land from other land of the owner.

Explanatory Note: request that the addresses given as locations to inspect the certified plans and book of reference should be corrected as they were included in error. The Secretary of State notes that the Explanatory Note is not part of the Triton Knoll Electrical System Order 2016 and the corrections procedure does not, therefore, apply. However, the Secretary of State considers that it is nevertheless desirable to correct the Explanatory Note and has, therefore, requested that the SI Registrar issue a correction slip to set out the correct address at which the relevant documentation can be viewed.