
STATUTORY INSTRUMENTS

2011 No. 84

**The Lynn and Inner Dowsing Offshore
Wind Farms (Amendment) Order 2011**

PART 1

PRELIMINARY

Authorised works

Authorised works not to be executed without approval of the Secretary of State

5.—(1) No authorised works shall be constructed, altered, replaced, relaid or reconstructed except in accordance with the deposited plans and the deposited sections approved by the Secretary of State and subject to any conditions and restrictions imposed by the Secretary of State before the work has begun.

(2) If the authorised works are constructed, altered, replaced, relaid or reconstructed in contravention of this article or of any condition or restriction imposed under this article—

- (a) the Secretary of State may by notice in writing require LWFL at its own expense to remove the authorised works or any part thereof and restore the site to its former condition; and if on the expiration of a period of 30 days beginning with the date on which the notice is served upon LWFL it shall have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice, or
- (b) if it appears to the Secretary of State urgently necessary so to do, the Secretary of State may remove the authorised works or any part thereof and restore the site to its former condition;

and any expenditure incurred by the Secretary of State in so doing shall be recoverable from LWFL.

Navigation aids on and navigational information about authorised works during construction

6. LWFL shall at or near the authorised works during the whole time of the construction, alteration, replacement, relaying or reconstruction thereof, exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.

Provision against danger to navigation

7. In case of injury to or destruction or decay of the authorised works or any part thereof, LWFL shall as soon as is reasonably practicable notify Trinity House and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as Trinity House may from time to time direct.

Abatement of authorised works abandoned or decayed

8.—(1) Where the authorised works are abandoned or suffered to fall into decay the Secretary of State may by notice in writing require LWFL at its own expense either to repair and restore the authorised works or any part thereof, or to remove the works and restore the site to its former condition, to such an extent and within such limits as may be specified in the notice.

(2) If, on the expiration of 30 days from the date when a notice under this article is served upon LWFL, it has failed to comply with the requirements of the notice, the Secretary of State may execute the work specified in the notice and any expenditure incurred by the Secretary of State in so doing shall be recoverable from LWFL.

Survey of authorised works

9.—(1) The Secretary of State may at any time, if the Secretary of State deems it expedient, order a survey and examination of the authorised works and any expenditure incurred by the Secretary of State in such a survey and examination shall be recoverable from LWFL.

(2) Except in the case of an emergency such surveys shall not be ordered more frequently than once a year, and before ordering such a survey the Secretary of State shall—

- (a) consult LWFL in order to establish what relevant survey information is already available; and
- (b) give LWFL an opportunity to carry out the survey itself.

Permanent lights and other navigational aids on authorised works

10. After the completion of the authorised works, LWFL shall around the perimeter of such works exhibit such lights, marks, sound signals and other navigational aids and take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.

Temporary exclusion zones for navigation

11.—(1) Subject to paragraph (5) any person who, without reasonable excuse during the construction, replacement, removal or decommissioning of any of the authorised works navigates a vessel within an area extending 500 metres from any part of those works shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) An exclusion zone shall not come into effect until—

- (a) 7 days after the publication of a notice to mariners specifying the location and extent of the exclusion zone, the date of its commencement and its intended duration; and
- (b) LWFL has taken such other steps as the Secretary of State may require to notify shipping of the proposed exclusion zone.

(3) The exclusion zone shall terminate on completion of the construction, replacement, removal or decommissioning (as the case may be) of the authorised works.

(4) As soon as reasonably practicable following the termination of an exclusion zone LWFL shall—

- (a) publish notice of the termination by means of a notice to mariners; and
- (b) take such other steps as the Secretary of State may require to notify shipping of the termination of the exclusion zone.

(5) Paragraph (1) shall not apply to a person navigating a vessel for the purpose of, or in connection with, the construction, maintenance or operation of the authorised works.

(6) In this article—

“exclusion zone” means an area in which navigation is excluded under paragraph (1);

“notice to mariners” includes any notice to mariners which may be issued to mariners by the Admiralty, Trinity House, Queen’s harbourmasters, government departments and harbour and pilotage authorities; and

“vessel” means a ship, boat, raft or water craft of any description and includes non-displacement craft, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or other amphibious vehicle.