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STATUTORY INSTRUMENTS

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**2004 No. 933**

**The Gunfleet Sands Offshore Wind Farm Order 2004**

**PART II**

**WORKS**

*Protection of navigation, air traffic and control of noise*

**Abatement of works abandoned or decayed**

7.—(1) Where an authorised work is abandoned, or allowed to fall into decay, the Secretary of State may by notice in writing, and following consultation with the undertaker, require the undertaker at its own expense either to repair and restore the work or any part of it, or to remove the work and restore the site of the work to a safe and proper condition, to such an extent and within such limits as may be specified in the notice.

(2) The undertaker shall remove from the site any individual wind turbine generator which ceases to generate electricity for more than 6 months unless such cessation is due to maintenance, or the Secretary of State has given prior written approval to the generator remaining on the site.

(3) At least 3 months before the scheduled works cease to generate electricity or the termination of the lease from the Crown Estate Commissioners relating to the scheduled works (without a new lease being granted), whichever is the sooner, there shall be submitted to, approved in writing by, and deposited with the Secretary of State a decommissioning plan for the removal of the scheduled works, and the restoration and aftercare of the site having regard to minimising the environmental impact. Such a plan shall include a timetable for the removal of the scheduled works and shall take into account any applicable legislative requirements, technology and best practice at the time of decommissioning.

(4) Unless otherwise agreed with the Secretary of State the undertaker shall, following approval of the decommissioning plan pursuant to paragraph (3), arrange for the scheduled works to be decommissioned and the site restored in accordance with the plan, and within one month of completion of the work, provide the Secretary of State with written confirmation that it has been completed.

(5) Unless otherwise agreed by the Secretary of State, within 6 months of completion of the decommissioning of the scheduled works pursuant to paragraph (4) the undertaker shall report on the aftercare of the site pursuant to paragraph (3), and at 6 monthly intervals thereafter until the completion of the aftercare period.

(6) If the undertaker ceases to operate the scheduled works without submitting a decommissioning plan pursuant to paragraph (3) the Secretary of State may take such steps as the Secretary of State considers fit to decommission the scheduled works and expenditure incurred in doing so shall be recoverable from the undertaker.