
STATUTORY INSTRUMENTS

2014 No. 2594

The Burbo Bank Extension Offshore Wind Farm Order 2014

Interpretation

2.—(1) In this Order—

“the 1990 Act” means the Town and Country Planning Act 1990(1);

“the 2004 Act” means the Energy Act 2004(2);

“the 2008 Act” means the Planning Act 2008;

“the 2009 Act” means the Marine and Coastal Access Act(3);

“ancillary works” means the ancillary works described in Part 2 of Schedule 1 (ancillary works) and which are not development within the meaning of section 32 of the 2008 Act;

“authorised development” means the development and associated development described in Part 1 of Schedule 1 (authorised development), which is development within the meaning of section 32 of the 2008 Act;

“authorised project” means the authorised development and the ancillary works authorised by this Order;

“CAA” means the Civil Aviation Authority constituted by the Civil Aviation Act 1982(4);

“commence”, unless otherwise provided for, means beginning to carry out any licensed marine activities referred to in the deemed marine licence at Schedule 2 (deemed licence under the Marine and Coastal Access Act 2009 – generation assets) and Schedule 3 (deemed licence under the Marine and Coastal Access Act 2009 – transmission assets) and any material operation (as defined in section 56(4) of the 1990 Act) forming part of the authorised project other than archaeological investigations, environmental surveys and monitoring, investigations for the purpose of assessing ground conditions and “commencement” shall be construed accordingly;

“deemed generation assets marine licence” means the licence set out in Schedule 2 (deemed licence under the Marine and Coastal Access Act 2009 – generation assets) and deemed by article 9 (deemed marine licences under the Marine and Coastal Access Act 2009) to have been granted under Part 4 of the 2009 Act, by virtue of section 149A of the 2008 Act;

“deemed marine licences” means one or both of the deemed generation assets marine licence and the deemed transmission assets marine licence;

“deemed transmission assets marine licence” means the licence set out in Schedule 3 (deemed licence under the Marine and Coastal Access Act 2009 – transmission assets) and deemed by

(1) 1990 c.8. Section 56(4) was amended by section 32 of, and paragraph 10(2) of Schedule 7 to, the Planning and Compensation Act 1991 (c.34). Section 106 was substituted, and section 106A inserted, by section 12(1) of the Planning and Compensation Act 1991. Section 206(1) was amended by section 192(8) of, and paragraphs 7 and 11 of Schedule 8 to, the 2008 Act. Sections 272 to 274 and section 279 were amended by section 406(1) of, and paragraph 103 of Schedule 17 to, the Communications Act 2003 (c.21), and section 280 was amended by section 406(1) of, and paragraph 104 of Schedule 17. to, that Act. Functions under sections 272 to 274 were transferred by S.I. 2011/741 and S.I. 2012/2590. Section 282 was amended by S.I. 2009/1307. There are other amendments to the 1990 Act which are not relevant to this Order.

(2) 2004 c.20. Section 105 was amended by section 69 of the Energy Act 2008 (c.32).

(3) 2009 c.23.

(4) 1982 c.16.

article 9 (deemed marine licences under the Marine and Coastal Access Act 2009) to have been granted under Part 4 of the 2009 Act, by virtue of section 149A of the 2008 Act;

“environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of this Order and submitted with the application on 22 March 2013;

“gravity base foundation” means a structure principally of concrete, steel or steel and concrete which rests on the seabed either due to its own weight with or without added ballast or skirts, including associated sea bed preparation, scour protection, J-tubes, corrosion protection systems, boat landings comprising an access ladder with vertical boat fenders fitted either side and work platforms and equipment;

“jacket foundation” means a jacket/lattice type structure constructed of concrete, steel or steel and concrete which is fixed to the seabed at three or more points with driven or pre-installed piles or suction caissons, including associated scour protection, J-tubes, corrosion protection systems, boat landings comprising an access ladder with vertical boat fenders fitted either side, access and work platforms and equipment;

“land plan” means the plan certified as the land plan by the Secretary of State for the purposes of the Order;

“LAT” means lowest astronomical tide;

“maintain” includes inspect, maintain, repair, adjust and alter, and further includes remove, reconstruct and replace any of the ancillary works in Part 2 of Schedule 1 (ancillary works) and any component part of any wind turbine generator or offshore substation described in Part 1 of Schedule 1 (authorised development) (but not including the alteration removal or replacement of foundations) to the extent assessed in the environmental statement; and “maintenance” shall be construed accordingly;

“MCA” means the Maritime and Coastguard Agency;

“mean high water springs” or “MHWS” means the highest level which spring tides reach on average over a period of time above chart datum;

“MMO” means the Marine Management Organisation;

“offshore substation” means an offshore platform constructed of steel or concrete or steel and concrete with single or multiple decks housing major electrical equipment including high voltage transformers, switchgear, control rooms, cabling and busbars, lightning protection masts, communications masts, cable management, back-up generators, fuel storage, emergency accommodation, workshops and stores, helihoist facilities, cranes and other associated electrical and ancillary equipment;

“the Order limits” means the limits shown on the works plan within which the authorised project may be carried out, whose grid coordinates are set out in paragraph 2 of Part 1 of Schedule 1 (authorised development) to this Order;

“Requirements” means those matters set out in Part 3 of Schedule 1 (Requirements) to this Order;

“scheduled works” means the numbered works specified in Part 1 of Schedule 1 to this Order, or any part of them;

“scour protection” means measures to prevent loss of seabed sediment around foundation bases by use of protective aprons, mattresses, flow energy dissipation (frond) devices or rock and gravel dumping;

“steel monopile foundation” means a steel large diameter pile, typically cylindrical, driven and/or drilled into the seabed, including associated scour protection, transition piece, J-tubes, corrosion protection systems, boat landings comprising an access ladder with vertical boat fenders fitted either side, access and work platforms and equipment;

“suction caisson” means a large diameter steel cylinder which is fixed to the base of the foundation and partially penetrates the seabed and remains in place using its own weight and hydrostatic pressure differential;

“Trinity House” means the Corporation of Trinity House of Deptford Strond;

“undertaker” means DONG Energy Burbo Extension (UK) Limited;

“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in, on or over water and which is at the time in, on or over water;

“wind turbine generator” or “WTG” means a structure comprising a tower, rotor with three horizontal axis blades connected at the hub, nacelle containing mechanical and electrical equipment, ancillary equipment including access ladders and platforms, lifts, cables, corrosion protection systems, maintenance equipment, helihoist facilities and other associated equipment, fixed to a foundation;

“works plan” means the plan certified as the works plan by the Secretary of State for the purposes of the Order.

(2) References in this Order to rights over land include references to rights to do or to place and maintain anything in, on or under land or in the air-space above its surface.

(3) All distances, directions and lengths referred to in this Order are approximate, save in respect of the parameters referred to in Requirements 2 to 5 in Part 3, Schedule 1 (Requirements), and conditions 1 to 4 in Part 2 of Schedule 2 (deemed marine licence under the Marine and Coastal Access Act 2009 – Generation Assets) and conditions 1 to 3 in Part 2 of Schedule 3 (deemed marine licence under the Marine and Coastal Access Act 2009 – Transmission Assets).

(4) Any reference in this Order to a work identified by the number of the work is to be construed as a reference to the work of that number authorised by this Order, except that references to Works No. 1 to 3 in Schedules 2 and 3 shall be construed in accordance with the provisions in those Schedules.