STATUTORY INSTRUMENTS

2024 No. 799

INFRASTRUCTURE PLANNING

The Awel y Môr Offshore Wind Farm (Correction) Order 2024

Made - - - -	*16th July 2024*
Coming into force	*17th July 2024*

The Awel y Môr Offshore Wind Farm Order 2023(**a**) ("the Awel y Môr Order"), which granted development consent within the meaning of the Planning Act 2008(**b**) ("the Act"), contains correctable errors within the meaning of paragraph 1 of Schedule 4 to the Act.

In accordance with paragraph 1(5)(a) of Schedule 4 to the Act, before the end of the relevant period (as defined in paragraph 1(6)(a) of Schedule 4 to the Act), the Secretary of State received a written request from the applicant(**c**) for the correction of errors in the Awel y Môr Order.

In accordance with paragraph 1(7) of Schedule 4 to the Act, the Secretary of State has informed each relevant local planning authority, being those for the areas in which land to which the Awel y Môr Order relates is situated, that the request has been received.

The Secretary of State in exercise of the powers conferred by sections 119 of, and paragraphs 1(4) and (8) of Schedule 4 to, the Act, makes the following Order—

Citation and commencement

1. This Order may be cited as the Awel y Môr Offshore Wind Farm (Correction) Order 2024 and comes into force on 17th July 2024.

Correction of original order

2.—(1) The Awel y Môr Order is corrected as set out in the table in the Schedule to this Order, where—

(a) Column 1 sets out where the correction is to be made;

(b) Column 2 sets out how the correction is to be made; and

(c) Column 3 sets out the text to be substituted, inserted, or omitted.

(**a**) S.I. 2023/1033.

(**b**) 2008 c. 29. Paragraph 1 of Schedule 4 was amended by paragraph 70 of Schedule 13 to the Localism Act 2011 (c. 20). There are other amendments to the Act that are not relevant to this Order.

(**c**) The term "applicant" is defined in paragraph 4 of Schedule 4 to the Act.

Signed by authority of the Secretary of State for Energy Security and Net Zero.

John Wheadon
Head of Energy Infrastructure Planning Delivery
16th July 2024 Department of Energy Security and Net Zero

SCHEDULE

Article 2

Corrections

(1) Where the correction is made	*(2) How the correction is made*	*(3) Text substituted, inserted, or omitted*
Art 2(1)	For ““scour protection” means measures to prevent loss of seabed sediment around any marine structure placed in or	““scour protection” means measures to prevent loss of seabed sediment around any marine structure placed in or on the seabed by use of protective aprons,

	on the seabed by use of protective aprons, mattresses with or without frond devices, or rock and gravel placement" substitute "	blocks/mattresses with or without frond devices, rock and/or gravel placement, or the use of bagged solutions filled with rock, sand or similar materials;"
Art 2(1)	For ""undertaker" means Awel y Môr Offshore Windfarm Limited" substitute	""undertaker" means Awel y Môr Offshore Wind Farm Limited"
Part 2, Art 6(2)	For "as may be so agreed except where paragraph (8) applies, in which case the consent of the Secretary of State is not required." substitute	"as may be so agreed except where paragraph (6) applies, in which case the consent of the Secretary of State is not required."
Part 2, Art 6(5)	For "Where the undertaker has transferred any benefit, or for the duration of any period during which the undertaker has granted any benefit under paragraph (1)." substitute	"Where the undertaker has transferred any benefit, or for the duration of any period during which the undertaker has granted any benefit under paragraph (2)."
Part 6, Art 37(1)	For "nothing in this order authorises the undertaker or any licensee to use, enter upon or in any manner interfere with" substitute	"nothing in this Order authorises the undertaker or any lessee or licensee to take, use, enter upon or in any manner interfere with"
Part 6, Art 41(1)(c)	For "subject to paragraphs (6) to (8) by electronic transmission" substitute	"subject to paragraphs (5) to (8) by electronic transmission"
Schedule 2, Requirement 24(2)	For "The landscape enhancement scheme shall set out appropriate measures" substitute	"The landscape enhancement scheme must set out appropriate measures"

Schedule 9 (Protective Provisions), Part 11	In paragraph 149 for "with the method statement for the specified work approved in accordance with paragraph 3 or deemed approved under paragraph 4 or such alternative designs, details and procedures which the undertaker may propose and the Company may accept from time to time at its sole discretion." substitute	"with the method statement for the specified works approved in accordance with paragraph 142 or deemed approved under paragraph 143 or such alternative designs, details and procedures which the undertaker may propose and the Company may accept from time to time at its sole discretion."
	In paragraph 151 for "to ascertain that the undertaker cables and the Company cables have the agreed vertical separation distance at the crossing points in accordance with the method statement approved in accordance with paragraph 3 or deemed approved under paragraph 4" substitute	"to ascertain that the undertaker cables and the Company cables have the agreed vertical separation distance at the crossing points in accordance with the method statement approved in accordance with paragraph 142 or deemed approved under paragraph 143. In the event that the undertaker cables and the Company cables have not been adequately vertically separated then the undertaker shall consult with the Company to determine the most appropriate course of action and the undertaker shall, at its own expense then rectify the situation to provide such vertical separation.
	In paragraph 155 for "Notwithstanding the provisions of paragraph 15" substitute	"Notwithstanding the provisions of paragraph 154"
	In paragraph 156 for "Subject to paragraphs 15 and 16" substitute	"Subject to paragraphs 154 and 155"
	In paragraph 156(b) for "the provisions of paragraphs 3 to 14 must apply to any such future specified work mutatis mutandis except that — (i)-the time period for providing a method statement under paragraph 3 must be 1 calendar month prior to the commencement of the future specified work; (ii)-the time period for approving a method statement under paragraph 4 must be 15	"the provisions of paragraphs 142 to 153 shall apply to any such future specified work mutatis mutandis except that— (i)-the time period for providing a method statement under paragraph 142 must be 1 calendar month prior to the commencement of (ii)-the future specified work; the time period for approving a method statement under paragraph 143 must be 15 working days; (iii)-the time period for advising the anticipated dates of commencement and

	working days; (iii)-the time period for advising the anticipated dates of commencement and completion of the future specified work under paragraph 8 must be 10 working days." substitute	completion of the future specified work under paragraph 147 must be 10 working days."
	In paragraph 157(2) for "When the Company proposes to undertake work under sub-paragraph (1) they must follow the procedure set out in paragraphs 15 to 17 which applies with the following modifications to the relevant paragraphs and defined terms" substitute	"When the Company proposes to undertake work under sub-paragraph (1) they must follow the procedure set out in paragraphs 154 to 156 which applies with the following modifications to the relevant paragraphs and defined terms"
	In paragraph 157(2)(c) for "the references to "future specified work" must be read as "work permitted under paragraph 18." substitute	"the references to "future specified work" must be read as "work permitted under paragraph 157."
	In paragraph 157 (3) for "When the Company undertakes works under sub-paragraph (1) they are subject to paragraphs 158 to 167 which apply with the following modifications to the relevant paragraphs and defined terms" substitute	"When the Company undertakes works under sub-paragraph (1) they are subject to paragraphs 158 to 167 which apply with the following modifications to the relevant paragraphs and defined terms"
	In paragraph 157(3)(a) for "the references to the "undertaker" must be read as referenced to "the Company" substitute	"the references to the "undertaker" must be read as references to "the Company"
	In paragraph 157(3)(e) for "the references to "specified work" must be read as "work permitted under paragraph 18" substitute	"the references to "specified work" must be read as "work permitted under paragraph 157."
	In paragraph 158 for "(or the written agreement of	"(or the written agreement of representative of the Company supervising

	representative of the Company supervising the work in terms of paragraph 25).” substitute	the work in terms of paragraph 164).”
	Re-number and reformat paragraph 160, such that it becomes sub-paragraph (4) of paragraph 159, thus for “160. The Company must give the undertaker reasonable notice of any claim or demand and no settlement, admission of liability or compromise or demand, unless payment is required in connection with a statutory compensation scheme, is to be made without first consulting the undertaker and considering its representation.” substitute	“(4) The Company must give the undertaker reasonable notice of any claim or demand and no settlement, admission of liability or compromise or demand, unless payment is required in connection with a statutory compensation scheme, is to be made without first consulting the undertaker and considering its representation.”
	Renumber paragraph 161 as 160, thus for “161” substitute	“160”
	Renumber paragraph 162 as 161, so for “162” substitute	“161”
	Renumber paragraph 163 as 162, so for “163” substitute	“162”
	Renumber paragraph 164 as 163, so for “164” substitute	“163”
	Renumber paragraph 165 as 164, so for “165” substitute	“164”
	Renumber paragraph 166 and amend cross reference so for “166. The undertaker must arrange insurance as follows— (a) for “the undertaker must at all times when carrying out specified work, insure at its own cost for its liability under paragraphs 20 and 21 for the sum of twenty million euros” substitute	“165. The undertaker must arrange insurance as follows— (a) the undertaker must at all times when carrying out specified work, insure at its own cost for its liability under paragraphs 159 and 160 for the sum of twenty million euros”
	Renumber paragraph 167 as 166 and amend cross reference in sub-paragraph (b) so for “167. The undertaker must not be responsible for any failure	“166. The undertaker must not be responsible for any failure to fulfil any paragraph of this Part if and to the extent that fulfilment has been delayed or temporarily prevented by a force majeure

	to fulfil any paragraph of this Part if and to the extent that fulfilment has been delayed or temporarily prevented by a force majeure event which has been notified in accordance with the following provisions— (a) in the event of a force majeure event, the undertaker must notify the Company as soon as practicable and in any event not later than 10 working days after the undertaker became aware of the event or circumstance giving the full particulars thereof and must use all reasonable endeavours to remedy the situation without delay; (b) following notification of a force majeure event in accordance with sub-paragraph (1)(b)" substitute	event which has been notified in accordance with the following provisions— (a) in the event of a force majeure event, the undertaker must notify the Company as soon as practicable and in any event not later than 10 working days after the undertaker became aware of the event or circumstance giving the full particulars thereof and must use all reasonable endeavours to remedy the situation without delay; (b) following notification of a force majeure event in accordance with sub-paragraph (a)"
	Renumber paragraph 168 as 167 and amend cross reference in sub-paragraph (c) so for "(c) the supervision or monitoring of any specified work by the undertaker including the cost of appointing representatives in terms of paragraph 25" substitute	"(c) the supervision or monitoring of any specified work by the undertaker including the cost of appointing representatives in terms of paragraph 164"
	Renumber paragraph 169 as 168, so "for "169" substitute	"168"
Schedule 13 (Documents to be certified)	In Table 5 in the section entitled "Other documents", in row 8 of column 1 for 'N/A" substitute	"4.7"
	In Table 5 in the section entitled "Other documents", in row 9 of column 1 for 'N/A" substitute	"6.31"
	In Table 5 in the section entitled "Other documents", in row 10 of column 1 for 'N/A" substitute	"8.78"

	In Table 5 in the section entitled “Other documents”, in row 10 of column 3 for ‘Landscape Enhancement Scheme Principles Document” substitute	“Landscape Enhancement Scheme Principles”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order corrects errors in the Awel y Môr Offshore Wind Farm Order 2023 (S.I. 2023/1033), a development consent order made under the Planning Act 2008, following a request made under paragraph 1(5)(a) of Schedule 4 to that Act.

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