

Our ref: 12.04.09.04/3C

DEPARTMENT OF ENERGY AND CLIMATE CHANGE

ELECTRICITY ACT 1989

**CONSTRUCTION AND OPERATION OF A WIND FARM GENERATING STATION
KNOWN AS WESTERMOST ROUGH OFF THE COAST OF THE EAST RIDING
OF YORKSHIRE**

1. Pursuant to section 36 of the Electricity Act, the Secretary of State for Energy and Climate Change (“the Secretary of State”) hereby consents to the construction and operation by DONG Westermost Rough Limited (“the Company”), on the areas outlined in red on Figure 1 annexed hereto and duly endorsed on behalf of the Secretary of State, of an offshore wind turbine generating station (“the Development”) located approximately 8 kilometres from the coast of east Yorkshire.

2. Subject to condition 4 below, the Development shall be of up to 245MW capacity and comprise:

- (a) up to 80 wind turbine generators;
- (b) inter-turbine cabling;
- (c) one offshore sub-station; and
- (d) a meteorology mast.

3. This consent is granted subject to the following conditions:

(a) the commencement of the Development shall not be later than the expiry of five years from the date of this consent, or such longer period as the Secretary of State may hereafter direct in writing;

Reason: to ensure the Development is constructed within a reasonable timescale after consent is granted.

(b) the Development shall be constructed within the red line limits and by reference to the indicative layout specified on the attached Figure 2 in accordance with the details contained in the Company’s application of 17 November 2009.

Reason: to ensure the Development is constructed as described in the Company’s application.

(c) the Company shall not commence construction of the Development permitted by this consent, until the Company has submitted to the Secretary of State a decommissioning programme, in compliance with a notice served upon the Company by the Secretary of State pursuant to section 105(2) of the Energy Act 2004.

Reason: to ensure that a decommissioning programme is submitted to the Secretary of State before any construction work commences.

(d) The Company shall not commence construction of the Development until the Secretary of State, in consultation with the Maritime and Coastguard Agency (“the MCA”) is satisfied that the Company has taken into account and adequately addressed all the MCA recommendations in the current Offshore Renewable Energy Installations Marine Guidance Note, “Offshore Renewable Energy Installations (OREIs) - Guidance on UK Navigational Practice, Safety and Emergency Response Issues” and any Annexes that may be appropriate to the Development.

Reason: to ensure that an Active Safety Management System is agreed by the Secretary of State taking into account MCA recommendations before any construction work commences and to ensure compliance with MCA navigation safety guidance.

(e) No turbine forming part of the development shall begin to be constructed until the Secretary of State, having consulted with the air traffic services provider[s], is satisfied that civil aviation impact mitigation will be implemented and maintained for the life of the development and that arrangements have been put in place to ensure that such mitigation is implemented before the development gives rise to any adverse impact on air traffic services for civil aviation.

In this condition:

“air traffic services provider” means NERL, or any other person who, in the future, shall be under a duty to provide the air traffic services to civil aviation which NERL is, at the date of this consent, obliged to provide in an area which includes the development;

“civil aviation impact mitigation” means measures to prevent or remove any adverse impacts which the operation of the development would, but for the implementation of such measures have on the air traffic services provider’s ability to provide safe and efficient air traffic services to civil aviation in an area which includes the development during the lifetime of the development in respect of which any necessary stakeholder consultation has been completed and any necessary approvals and regulatory consents have been obtained;

“NERL” means NATS (En Route) plc, registered under the Companies Act (4129273) whose registered office is 5th Floor, Brettenham House South, Lancaster Place, London WC2E 7EN

Reason: To ensure that the Development does not adversely affect the ability of NATS (En-Route) Limited or any subsequent provider of air traffic services in the area of the Development licensed under sections 5 and 6 of the Transport Act 2000 to provide safe and efficient air traffic services by means of air traffic control radar.

4. Except with the prior written approval of the Secretary of State, no wind turbine forming the Development shall:

- (a) exceed a height of 172 metres when measured from Mean High Water Springs to the tip of the vertical blade;
- (b) exceed a height of 97 metres to the hub when measured from Mean High Water Springs;
- (c) exceed a rotor diameter of 150 metres;
- (d) be less than 820 metres from another turbine where such turbine is in the same row or less than 630 metres where this is the distance between such rows of turbines;
- (e) have a distance of less than 22 metres between the lowest point of the rotating blade and the level of Mean High Water Springs;
- (f) subject to conditions 5(a) and 7, be lit unless the lighting used is of a shape, colour, colour and character as required by Air Navigation Order 2009 or as directed by the Civil Aviation Authority; and,
- (g) subject to condition 5(b), be painted in any colour other than submarine grey RAL7035. Any offshore sub-station and meteorology mast shall be similarly painted.

Reason: to minimise the visual impact of the Development, to ensure final positioning of the wind turbines, sub-stations and meteorological masts does not compromise air and marine navigation safety and the equipment is painted in approved colours.

5. The Company shall:

- (a) during the whole of the time from the start of the works to construct the Development to the time when decommissioning has been fully completed, exhibit such lights, marks, sounds, signals and other aids to navigation as Trinity House Lighthouse Service (“Trinity House”) may from time to time direct;
- (b) colour all structures in the Development as directed by Trinity House;
- (c) when appropriate, provide relevant information to the MCA to assist in the timely and efficient Notices to Mariners and other navigational warnings of the position and nature of the works to be promulgated to mariners in the shipping and fishing industry as well as to recreational mariners;
- (d) notify the UK Hydrographic Office (UKHO) and Trinity House of both the progress and completion of the works and navigational marks established from time to time and as soon as reasonably practicable; and,
- (e) provide reports on the working condition of aids to navigation periodically as requested by Trinity House.

Reason: to ensure the adequate navigational marking of the Development and the provision of information to mariners, Trinity House and UKHO in a timely manner.

6. Where the Development is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing, and following consultation with the Company, require the Company at its own expense either to repair and restore the Development or any part of it, or, if appropriate, and without prejudice to any obligations upon the Company deriving from any notice served by the Secretary of State pursuant to section 105(2) of the Energy Act 2004 to remove the Development and restore the site of the Development to a safe and proper condition, to such an extent and within such limits as may be specified in the notice.

Reason: to provide a mechanism to allow the Secretary of State to act on his own initiative as regards the proper maintenance of the site where the Company fails to do so.

7. In the case of damage to, or destruction or decay of the Development or any part thereof, the Company shall as soon as reasonably practicable notify Trinity House and shall lay down such buoys, exhibit such lights and take such other steps as directed from time to time by Trinity House.

Reason: to mitigate any possible dangers to navigation from any restoration, repair or removal of works.

8. No turbine forming part of the development shall begin to be constructed until:

(a) The Ministry of Defence and the Company (and any third party whose participation the Ministry of Defence considers appropriate) have agreed a scheme to mitigate the impact of the Development on defence radar capabilities which will be implemented at the Company's expense; and

(b) The Secretary of State is satisfied that:

(i) once implemented, the measures provided for in the scheme will remove or reduce to an acceptable level any adverse impacts which the operation of the development would, but for its implementation, have on the operation of air defence radar in the interests of national security; and

(ii) the provisions of the scheme will ensure that no turbine blades will be fitted to any turbines forming part of the development unless and until:

(aa) the mitigation measures which the scheme requires to be implemented prior to the fitting of turbine blades have been implemented, and

(bb) any performance criteria specified in the scheme and which the scheme requires to have been satisfied at that time have been satisfied.

Reason: To safeguard the operation of nearby air defence radar in the interests of

national security by ensuring that the impacts of the development upon that radar are acceptable.

Date: 29 November 2011

Giles Scott
Head, Development Consents and
Planning Reform
Department of Energy and Climate Change