

<sup>1</sup> Varied by the letter dated 17 October 2005

<sup>2</sup> Varied by the letter dated [04 April 2024]

**VARIATION OF CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989**  
**CONSTRUCTION AND OPERATION OF A GENERATING STATION**  
**AT BURBO BANK, IN LIVERPOOL BAY**

The Secretary of State in exercise of the powers conferred on her by section 36C of the Electricity Act 1989 hereby varies the consent granted for the construction and operation of an electricity generating station at Burbo Bay, in Liverpool Bay, in accordance with the variations shown in underlined, italic text marked with a superscript of "2" in the Annex.

04 April 2024



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Head of Energy Infrastructure Planning Delivery

Department of Energy Security and Net Zero

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## DEPARTMENT\_OF TRADE AND INDUSTRY

### ELECTRICITY ACT 1989

#### CONSTRUCTION AND OPERATION OF A GENERATING STATION AT BURBO BANK, IN LIVERPOOL BAY

1. Pursuant to section 36 of the Electricity Act 1989, the Secretary of State for *Energy Security and Net Zero* ("the Secretary of State") hereby consents to the construction by SeaScape Energy Limited ("the company") on the area outlined in red on FIGURE 1 annexed hereto and duly endorsed on behalf of the Secretary of State ("the Site"), of an offshore wind turbine generating station at Burbo Bank ("the Development"), and to the operation of the generating station.
2. The Development shall be of up to 90MW capacity and comprise:
  - a. up to 30 wind turbine generators;
  - b. the associated interconnecting cable array; and,
  - c. a subsea cable to the seaward boundary of the Metropolitan Borough of Wirral.
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; and
  - b. Except where the written permission of the Secretary of State has been given to any variation in design, construction or operation of the Development, the Development shall be constructed in accordance with the details contained in the company's application of 27 September 2002.
4. All activities associated with the construction of the Development shall be carried out in accordance with British Standard 5228, Parts 1 and 2; 1997 and Part 4 1992; Noise and Vibration Control on Construction and Open Sites.
5. The noise generated during the construction of the Development, when measures at Park Drive, Blundellsands (OS Grid Reference 330200E 399850N) or Coastal Drive, New Brighton (OS Grid Reference 329900E 394300N) shall not exceed the following levels on any day during the following periods:  
0700-2200 Leq = 45dB(A)  
2200-0700 Leq = 40dB(A)  
except in an emergency or with the prior written approval of the Secretary of State in consultation with the Metropolitan Borough of Wirral and Sefton District Council.
6. In any instance where a limitation referred to in condition 5 above is exceeded because of an emergency, the company shall as soon as possible, and at least within two working days, provide the Secretary of State, the Metropolitan Borough of Wirral and Sefton District Council with a written statement detailing the nature of the emergency and the reasons why the limitation could not be observed.  
  
Reason: To ensure proper control of noise during the construction of Development.
7. Unless otherwise approved in writing by the Secretary of State, in consultation with the Metropolitan Borough of Wirral and Sefton District Council, the rating level of the noise generated by the operation of the Development shall not exceed 35dB LA90 when measured in accordance with the guidance contained in ETSU-R-1997 entitled "The Assessment and Rating of Noise from Wind Farms" at a point of 1.2 metres above the ground and not less than 4 metres from the nearest residential properties on Park Drive, Blundellsands and Coastal Drive, New Brighton.  
  
Reason: To ensure proper control of noise during the operation of the Development.
8. Except with the prior written approval of the Secretary of State:
  - a. no wind turbine generator forming the Development shall exceed a height of ~~130~~ <sup>137</sup><sup>1</sup> ~~137.40~~<sup>2</sup> metres when measured from the base of the wind turbine tower at Mean Sea Level to the tip of the vertical blade;

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- b. no wind turbine shall be erected outside a radius of 50 metres from the position indicated for it on FIGURE 1, annexed hereto:
- c. the wind farm shall be lit and the lighting shall be a shape, colour and character, as required by Air Navigation Order 2000 or as directed by the Civil Aviation Authority;
- d. each turbine tower shall be painted in submarine grey (RAL 7035) from a point to be agreed with the Secretary of State to the top of the tower; and,
- e. all nacelles and blades shall be painted in submarine grey (RAL 7035).

Reason: To restrict any variation in wind turbine placement, to ensure air safety and that the wind turbines are painted in the agreed colours.

- 9. The Company shall remove from the Site of the Development any individual wind turbine generator which ceases to generate electricity for more than 6 months unless such cessation is due to maintenance, repair or replacement or the Secretary of State has given her prior written approval to the generator remaining on the Site.
- 10. At least 3 months before the Development ceases to generate electricity or the termination of the Crown Estate lease relating to the Development without a new lease being granted, whichever is the soonest, there shall be submitted to, approved in writing by, and deposited with the Secretary of State a scheme for the removal of the Development 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 take into account any applicable legislative requirements, technology and best practice at the time of decommissioning.
- 11. Unless otherwise agreed with the Secretary of State, the Company shall, following the approval of the decommissioning plan pursuant to paragraph 10, arrange for the Development 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.

Reason: To ensure that the Development is decommissioned in the most appropriate manner, having regard to the environmental impact of doing so.

Date 9, July 2003



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