

Our ref: 01.08.04.01/2C-03

**DEPARTMENT FOR BUSINESS ENTERPRISE AND REGULATORY
REFORM
ELECTRICITY ACT 1989**

**CONSTRUCTION AND OPERATION OF A WIND FARM GENERATING
STATION KNOWN AS SHERINGHAM SHOAL OFF THE COAST OF NORTH
NORFOLK**

1. Pursuant to section 36 of the Electricity Act, the Secretary of State for Business, Enterprise and Regulatory Reform (the "Secretary of State") hereby consents to the construction and operation by Scira Energy Ltd ("the Company"), on the areas outlined in red on Figures 1a and 1b annexed hereto and duly endorsed on behalf of the Secretary of State, of an offshore wind turbine generating station ("the Development") located approximately 17-22km from the North Norfolk coast.

2. Subject to condition 4 below, the Development shall be of up to 315MW capacity and comprise:

- (a) up to 108 wind turbine generators;
- (b) inter-turbine cabling;
- (c) up to 2 offshore substations; and
- (d) up to 1 meteorological 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 time period after consent is granted.

- (b) the Development shall be constructed in accordance with the details contained in the Company's application of 30 May 2006 within the red line limits and by reference to the indicative layout specified on the attached Figure 1.

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 (MCA), has given written approval of a plan for an Active Safety Management System satisfying the MCA recommendations in Annex 4 of the document "Proposed UK Offshore Renewable Energy Installations (OREI) – Guidance on Navigational Safety Issues"* and is satisfied that the developer has taken into account and adequately addressed all other MCA recommendations in that document and its Annexes that may be appropriate to the project.

* currently MGN 275

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 shall be erected under this Consent without the prior written confirmation of the Secretary of State that (s)he is satisfied, having consulted with the Ministry of Defence ('MoD'), that the erection of that turbine will meet or exceed the Aviation Specification hereafter defined.

i) The "Aviation Specification" means that outside the Volume, the operation of a turbine (either by itself or in combination with any other turbine) shall not at any time cause or contribute to a Radar's Probability of Detection being less than 80%.

ii) The "Volume" means a volume bounded by:

- a horizontal plane at 2,500 ft Above Mean Sea Level;
- a horizontal plane at Mean Sea Level; and
- a vertical elevation, the baseline of which is described by the agglomeration of 2km radius circles around each turbine in the Development.

iii) "Radar" means one or more of the radars owned or operated by the MoD at or around the Trimmingham and Staxton Wolds remote radar heads and the equipment connected to it or them.

iv) "Probability of Detection" means the probability of detecting a 1m² Swerling Case 1 target as measured in accordance with the MoD's standard operating procedures for the calibration and checking of MoD air defence radars, details of which will be provided to the developer on request.

v) For the avoidance of doubt, within the Volume, a Probability of Detection greater than 0% is not required.

vi) The operation of a turbine shall not begin, other than for the purpose of testing that turbine, until the developer demonstrates to the MoD that its operation (both alone and in conjunction with all the turbines already confirmed under this condition as having met the Aviation Specification) satisfies the Aviation Specification (with, if appropriate, any amendment to that specification which has been agreed in writing between the MoD and the operator) and this has been confirmed in writing by the Secretary of State following consultation with the MoD.

Reason: To safeguard the operation of nearby air defence radar in the interests of national security by ensuring that the adverse impacts of the development upon air defence radar are acceptable.

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 481 metres from another turbine where such turbine is in the same row or less than 570 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 of the wind turbine and the level of Mean High Water Springs;
- (f) subject to conditions 5a) and 7), be lit unless the lighting used is of a shape, colour and character as required by Air Navigation Order 2005 or as directed by the Civil Aviation Authority; and,
- (g) subject to condition 6(b), be painted in any colour other than submarine grey RAL 7035. 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 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 and take such other steps for the prevention of danger 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 recreational mariners;
- (d) notify the UK Hydrographic Office 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 case of damage to, or destruction or decay of the Development or any part thereof, the Company shall as a soon as reasonably practicable notify Trinity House and shall lay down such buoys, exhibit such lights and take other such 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. The Secretary of State may at any time, if he deems it to be expedient, order a survey and examination of a Development or of the site upon which it is proposed to construct the Development, and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the Company, save that:

- (a) such surveys shall not be ordered more frequently than once a year, and before ordering such a survey the Secretary of State shall consult the Company in order to establish what relevant survey information is already

Continuation 18

available and give the Company an opportunity to carry out the survey itself;
and,

(b) paragraph (a) shall not apply in an emergency.

Reason: To enable the Secretary of State to act on his own initiative, where
there are concerns about the integrity of the Development or site.



Date: 7 August 2008

Richard Mellish
Director
Development Consents and Planning
Reform
Energy Development Unit
Department for Business Enterprise and
Regulatory Reform

Deemed planning permission under section 90 of the Town and Country Planning Act 1990 relating to onshore works (the "Ancillary Development")

The Secretary of State in exercise of the powers conferred on him by Section 90 of the Town and Country Planning Act 1990 hereby directs that planning permission for underground cabling from the seaward boundaries of North Norfolk District Council and Norfolk County Council (the "relevant planning authorities") and the construction of a electricity switch room at The Muckleburgh Collection, Weybourne, Norfolk (figure 2) together with associated works (e. g excavation, trenching, screening, tree planting) which form ancillary elements of the Development are deemed granted subject to the following conditions:

1. No development shall take place until details of proposals, route and method of working involving below ground excavation and cable laying between the landfall termination point and the connection point at site of the new switch room at Weybourne have been submitted to and approved by the Council. The Ancillary Development shall be carried out in accordance with the approved details.

Reason: To ensure there is agreement on working methods before any works commences and that flood defences are not compromised.

2. No works associated with cable installation within the beach zone will be carried out during the ringed plover breeding season from 15th April to 1st August in any year, unless protected areas are put in place on the foreshore from the beginning of February until the end of the breeding season in that year. The location and physical nature of such protected areas must be discussed and approved in writing by Natural England prior to any installation thereof.

Reason: To protect breeding populations of ringed plover

3. No development shall take place until there has been submitted to, approved in writing by, and deposited with, the relevant planning authority a scheme which shall include provisions for the:

- (i) details of the siting, design external appearance and dimension of the switch room;
- (ii) details of the colour, materials and surface finishes in respect of the switch room;

Reason: To enable the relevant planning authority to exercise reasonable and proper control over the design and the appearance of the Ancillary Development.

4. Prior to the commencement of Ancillary Development approved by this planning permission (or such later date as may be agreed in writing with the relevant planning authority), a scheme to deal with the risks associated with contamination of the site shall be submitted and approved, in writing, by the relevant planning authority. That scheme shall include all the following elements unless specifically excluded, in writing by the relevant planning authority.

(a) a desk study:

- identifying all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site;

(b) a site investigation scheme based on 4(a) to provide information for an assessment of the risk to all receptors that may be affected, including those off site;

(c) the results of the site investigation and risk assessment outlined in 4(b) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken;

(d) a verification report on completion of the work outlined in 4(c) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting. Any changes to these agreed elements require the express consent of the relevant planning authority.

Reason: To ensure an assessment is undertaken before any work is started and to ensure that the appropriate working methods are agreed in the event of any contamination substances or materials being found.

5. No development shall take place until the Company, or their agents or successors in title has secured the implementation of an Archaeological Written Scheme of Investigation covering:

(a) evaluation works to determine the presence, extent, condition and significance of known and unidentified archaeological remains. A Method Statement and timetable for the evaluation works to be submitted to and approved by the relevant planning authority and English Heritage; and,

(b) following on from the evaluation, any safeguarding measure to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the relevant planning authority and English Heritage; and

Reason: To ensure that proper protection is afforded to archaeological remains.

6 All activities associated with this planning permission 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.

7 Before the commencement of the onshore works the Company will liaise with the appropriate Environmental Health Officer (EHO) and arrange for background noise readings to be taken at agreed receptor sites and at the site

of the sub station. The Company will also provide the EHO with an out of hours contact point.

Reason: To enable an assessment of noise impact during construction and sub station when in operation.

8 No construction work associated with this planning permission shall take place on the site on a Sunday or Bank Holiday or on any other day except between the following times:

Monday to Friday 0700-1900

Saturday 0700-1300

unless such work

- (a) is associated with an emergency power;
- (b) is carried out with the prior written approval of the Secretary of State, in consultation with the relevant planning authority;
- (c) does not cause existing ambient noise levels to be exceeded.

9 In any instance where a time limitation referred to in condition 5 is exceeded because of an emergency power the Company shall as soon as possible, and within at least two working days, provide the Secretary of State with a written statement detailing the nature of the emergency and the reason why the limitation could not be observed.

Reason: To ensure proper control of noise during the construction of the substation.

10 The Company shall:

- spray water as necessary to suppress dust and dirt particularly on dry days; and
- wash the wheels of all heavy vehicles leaving the site; and
- shall as soon as reasonably practicable, but no later than the end of each working day, sweep or otherwise clear away any mud or similar matter which may be carried onto the public highway by vehicles leaving the site

Reason: To ensure that satisfactory measures are in place to alleviate any impact dirt may have on the local environment.

11. Where any matter is required to be agreed or approved by the relevant Local Planning Authorities under any of the foregoing conditions, that matter shall in default of agreement or approval, within a reasonable time, be determined by the Secretary of State for Business, Enterprise and Regulatory Reform.



Date: 7 August 2008

Richard Mellish
Director

Development Consents and Planning Reform
Energy Development Unit

Department for Business Enterprise and Regulatory Reform

Declaration under Section 36A Electricity Act 1989 Relating to Public rights of Navigation at Sheringham Shoal Offshore Wind Farm

The Secretary of State makes the following declaration. He:

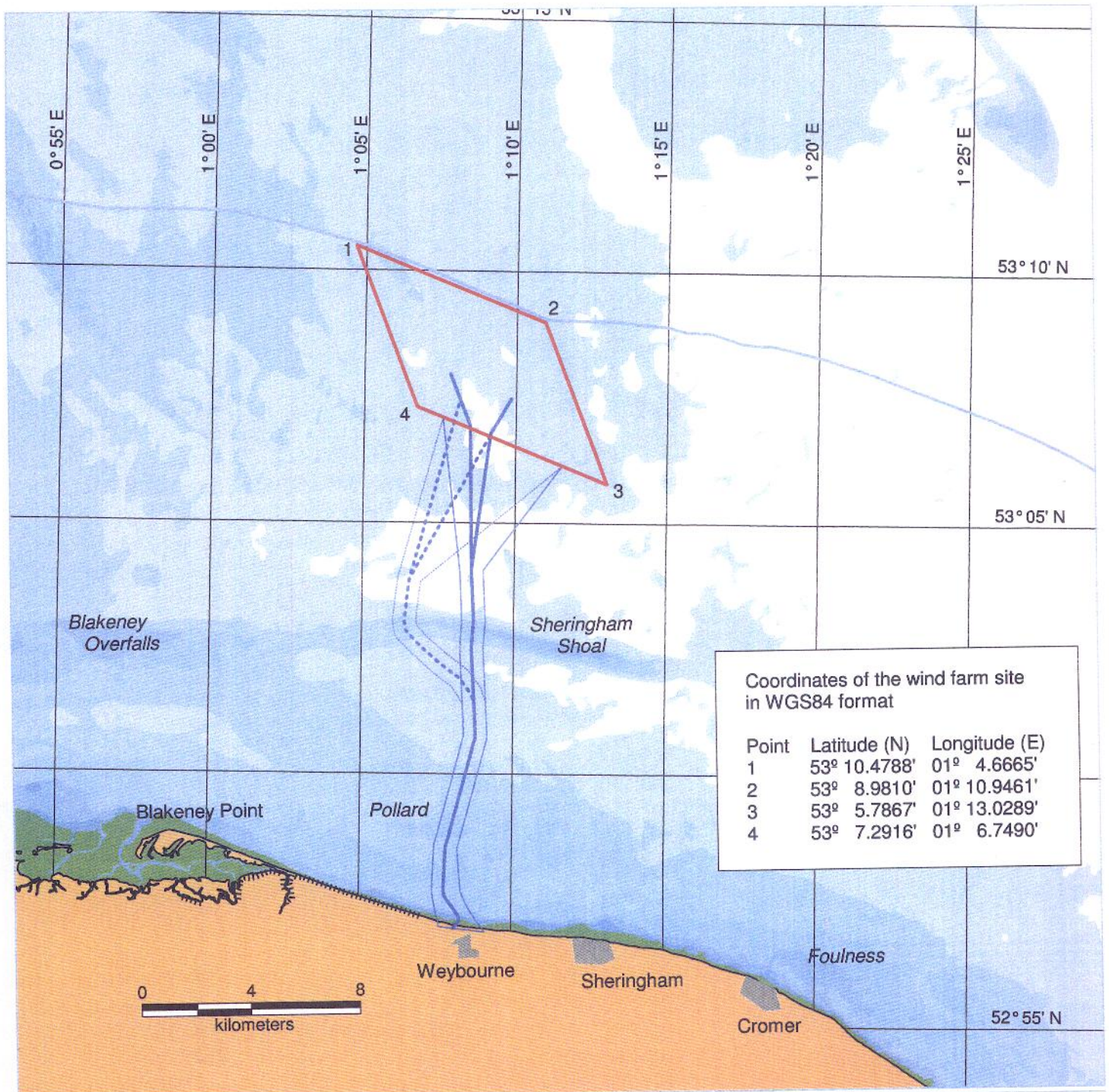
- i) declares that rights of navigation passing through the locations in the sea where the wind turbines, substations and meteorological masts ("the Installations") are located in that part of the Sheringham Shoal offshore wind farm within the Application Boundaries and Limits are extinguished under Section 36A(3) of the Electricity Act 1989 ("the Act");
- ii) identifies for the purposes of Section 36A(5)(a) of the Act the location of the Installations by reference to the FIGURE 1 map, a copy of which is annexed, and the following parameters;
 - a) the total number of turbines shall be up to 108
 - b) the total number of substations shall be up to 2
 - c) the total number of meteorological masts shall be up to 1
 - d) the distance between turbines shall not be less than 481 metres and the distance between rows of turbines not less than 570 metres
- iii) specifies for the purposes of Section 36A(5)(b) of the Act that the declaration so made will come into force upon submission to the Secretary of State, for the purposes of the declaration, of Final Build plans showing the location of the Installations together with the proposed commencement date for construction ("the Commencement Date"); and
- iv) for the purposes of this declaration, determines that the declaration will come into force in respect of the Installations (as shown by the Final build plans of that phase) on the Commencement Date.

Date: 7 August 2008



Richard Mellish
Director
Development Control and Planning Reform
Department for Business, Enterprise and Regulatory Reform

FIGURE 1a



Legend

- Offshore wind farm site
- Cable corridor preferred cable route
- Preferred direct export cable route
- Cable corridor alternative cable route
- Alternative western export cable route

Bathymetry

- 0m
- 0-2m
- 2-5m
- 5-10m
- 10-15m
- 15-20m
- >20m

R. P. Munn
RICHARD
MELISA



Sheringham Shoal Offshore Wind Farm Environmental Statement

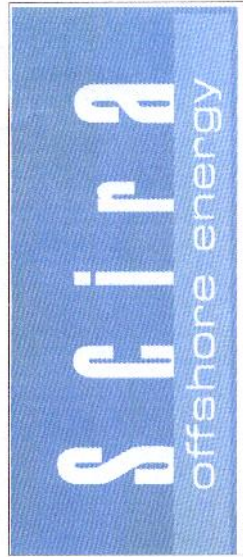
Overview of the proposed project

Drawing: SCIRA-5-15-1-SE-D-08317-A5
Drawn: LFO
Date: April 2006

Map projection:
UTM Zone 31 (WGS84)

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NOT TO BE USED FOR NAVIGATION.

Figure 1b



Sheringham Shoal Offshore Windfarm

Indicative wind farm layout,
based on 70 x 4.5MW turbines

Legend

- Wind farm site
- Turbine position
- Substation position
- Met mast position
- Inter array cables layout
- Bathymetry [m]
- 12 nm limit

Overview

Drawing: SCIRA-6-5-0-SE-D-08389-A1
Drawn: LFo
Date: March 2006

Scale: 1:50,000 - if printed on A3
Map projection: Mercator (WGS84)
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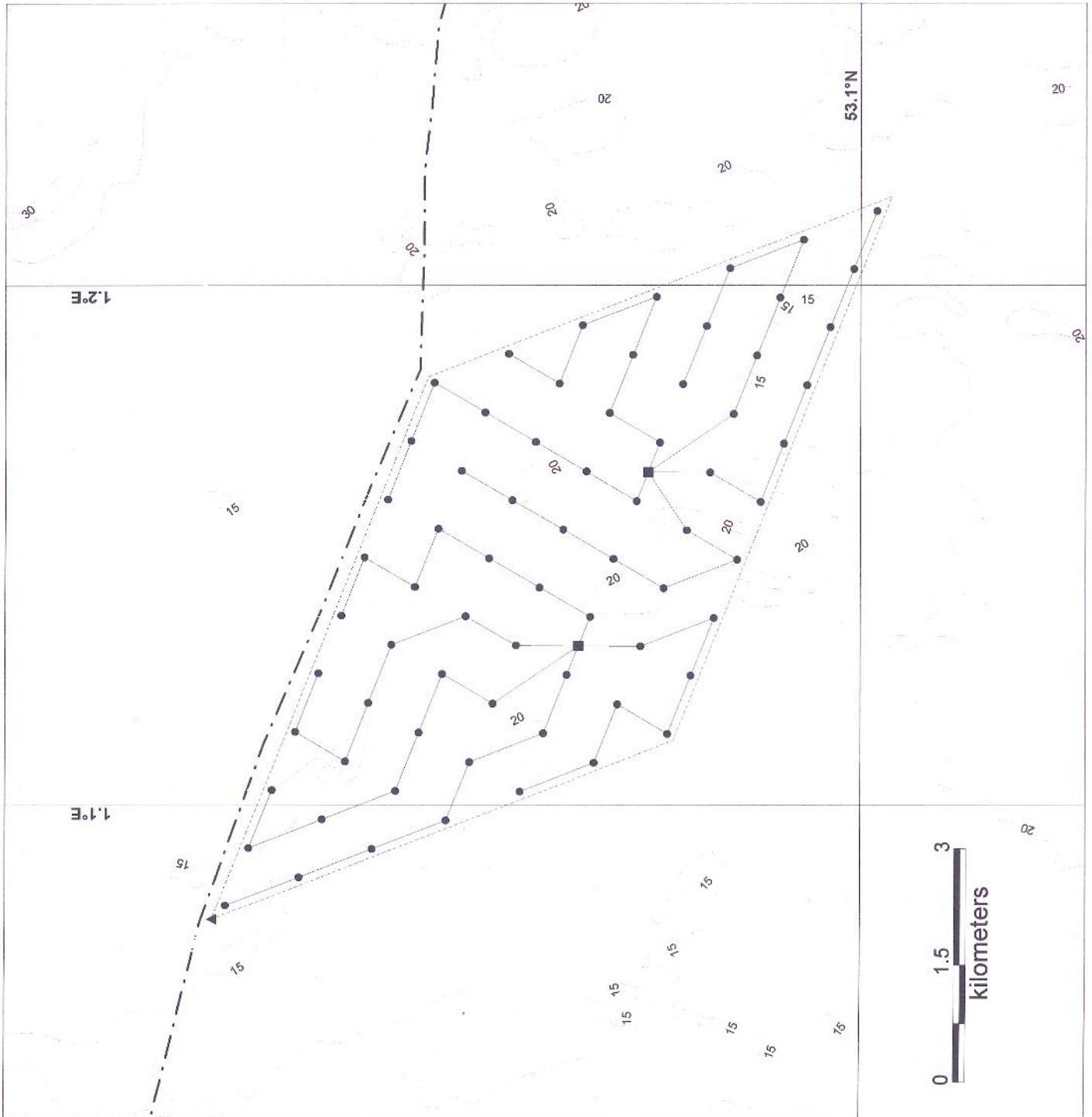
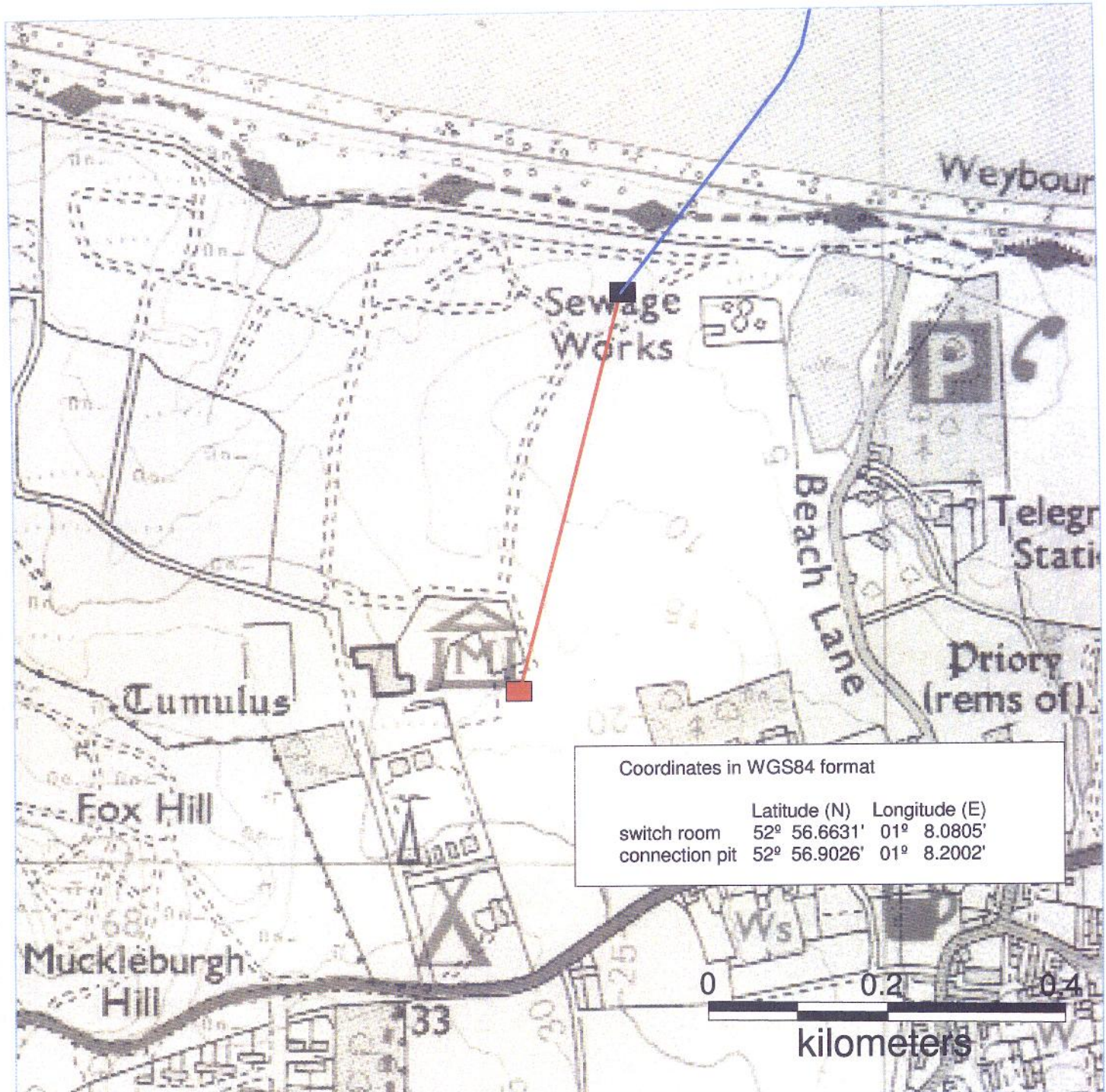


Figure 2



Legend

- Export cable route
- Land cables proposed route
- Proposed switch room location (not to scale)
- Cable land fall connection pit (not to scale)

R P M
RICHARD MELLISH



Sheringham Shoal Offshore Wind Farm Environmental Statement

Location of export cable landfall
and onshore cable route.

SCIRA-5-15-1-SE-D-08316-A10
Drawn: JEn - May 2006
Source: Europress 2003, Getmapping plc.
'The Millennium Map'

Map projection:
British National Grid

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