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PLANNING ACT 2008

APPROVAL OF REQUIREMENT 38 – CROMER PRIMARY SURVEILLANCE RADAR – DEFINED IN PART 3 OF SCHEDULE 1 TO THE ORDER

1. The East Anglia THREE Offshore Wind Farm Order 2017 (as amended)¹ (“the Order”) contains a requirement relating to primary surveillance radar which the undertaker, as defined in the Order, must comply with before the erection of wind turbine generators can commence.
2. ScottishPower Renewables (“the Applicant”), on behalf of East Anglia THREE Limited (“the Undertaker”) made a request to the Secretary of State for Energy Security & Net Zero (“the Secretary of State”) on 14 August 2025 for discharge of Requirement 38 in Part 3 of Schedule 1 to the Order (“the Discharge Request”).

Requirement 38: Cromer Primary Surveillance Radar

3. Requirement 38 in Schedule 1 of Part 3 of the Order states that:
- “38.—(1) No erection of any wind turbine generator forming part of the authorised development may commence until the Secretary of State, having consulted with NATS, has confirmed satisfaction in writing that appropriate mitigation will be implemented and maintained for the required period and that arrangements have been put in place with NATS to ensure that the approved mitigation is implemented and in operation prior to erection of the wind turbine generators.

¹ Requirement 38 was added to the Order by the East Anglia THREE Offshore Wind Farm (Amendment) (No. 2) Order 2022, SI 2022/1195.

(2) The undertaker must thereafter comply with the obligations contained within the approved mitigation for the required period.

(3) For the purposes of this requirement—

- (a) "appropriate mitigation" means measures to mitigate any adverse effects which the operation of the authorised development will have on the primary surveillance radar at Cromer and NATS' associated air traffic (surveillance and control) services/operations during the required period;
- (b) "approved mitigation" means the detailed Primary Radar Mitigation Scheme setting out the appropriate mitigation approved by the Secretary of State and confirmed in writing in accordance with sub-paragraph (1);
- (c) "NATS" means NATS (En-Route) Plc (company number 04219273) or any successor body;
- (d) "the required period" means the shorter of—
 - 1. the operational life of the authorised development; and
 - 2. the period ending on the date notified to the Secretary of State by the undertaker and confirmed in writing by NATS being the date on which NATS no longer requires the appropriate mitigation to be in place."

Discharge Request and Consultation

- 4. The Discharge Request included a Primary Radar Mitigation Scheme document and an email from NATS (En-Route) plc ("NATS") to the Applicant dated 20 August 2025. The Applicant's Discharge Request and supporting documents are attached as **Annex A to C** of this letter.
- 5. The email from NATS to the Applicant of 20 August 2025 confirmed its agreement to the Primary Radar Mitigation Scheme and intention to implement radar blanking in line with the agreed timeline and technical requirements.
- 6. The Secretary of State considered the information provided by the Applicant in its Discharge Request and in accordance with Requirement 38, issued a consultation letter on 27 October 2025 to NATS inviting any further comments. An email response from NATS was received on 12 November 2025, confirming that NATS' position had not fundamentally changed since its email to the Applicant of 20 August 2025. The Secretary of State's consultation letter and the email response from NATS are attached as **Annex D** and **E** of this letter.

Consideration of the Discharge Request by the Secretary of State

- 7. To discharge Requirement 38 and thus permit the Undertaker to commence the erection of any wind turbine generator, the Secretary of State (after consulting NATS) must be satisfied of two matters:
 - i. that appropriate mitigation (i.e. measures to mitigate any adverse effects of the authorised development on primary surveillance radar at Cromer and NATS'

associated air traffic surveillance and control services/operations) will be implemented and maintained for the required period (as defined); and

- ii. that arrangements have been put in place with NATS to ensure that the approved mitigation is implemented and operational prior to the erection of the wind turbine generators.
8. The Undertaker accepts that without appropriate technical mitigation measures, the East Anglia THREE Offshore Wind Farm (“the Development”) will cause an unacceptable impact on the primary surveillance radar of NATS located at Cromer and associated air traffic control operations. The proposed measures to mitigate adverse effects of the Development on the primary surveillance radar at Cromer and associated air traffic control operations are set out in Annex 1 of the Primary Radar Mitigation Scheme. The mitigation measures primarily include, amongst other things, the implementation and maintenance of a radar blank and creation of a Transponder Mandatory Zone within the airspace affected by the Development.
 9. Requirement 38(2) of the Order provides that the Primary Radar Mitigation Scheme must be complied with for the required period. The Secretary of State notes further that NATS has confirmed by email (attached as **Annex C**) it intends to implement the mitigation measures in line with the agreed timeline and technical requirements, as agreed with the Undertaker.
 10. Paragraph 5 of the Primary Radar Mitigation Scheme states that no turbines will be erected until the relevant Planning Authority (the Secretary of State), following consultation with NATS, has provided written confirmation that the following has occurred:
 - i. technical mitigation measures described in Annex 1 of the Scheme have been fully installed and integrated into NATS’ infrastructure and validated by NATS; and
 - ii. arrangements have been entered into with NATS for the ongoing maintenance, management, renewal, update and decommissioning of the mitigation measures throughout the life of the Development until such time as the wind turbine generators have been permanently dismantled.
 11. Having considered the terms of the agreed Primary Radar Mitigation Scheme, the Secretary of State is satisfied that appropriate mitigation will be implemented and maintained for the required period and that arrangements between the Undertaker and NATS are in place to ensure implementation and operation of the appropriate mitigation prior to the erection of the wind turbine generators. The Secretary of State therefore approves the Discharge Request in accordance with paragraph (1) of Requirement 38 in Part 3 of Schedule 1 to the Order.
 12. While Requirement 38(1) has been discharged, the Secretary of State notes that paragraph (2) of the Requirement provides that the obligations contained within the approved mitigation (i.e. the Primary Radar Mitigation Scheme) must be complied with for the required period (as defined, see paragraph 3 above).
 13. Paragraph 5 of the Primary Radar Mitigation Scheme requires further written confirmation from the Secretary of State (as the relevant Planning Authority) to be

provided in due course (confirming, with evidence, that specified measures have been installed and arrangements are entered into) and this confirmation must be provided before any part of any turbine can be erected.

14. The Secretary of State hereby provides the confirmation required by Requirement 38, paragraph (1), and he notes that further confirmation will be required from the Undertaker in due course, as required by the Primary Radar Mitigation Scheme and Requirement 38 paragraph (2).

Yours sincerely



John Wheadon
Head of Energy Infrastructure Planning Delivery & Innovation
Department of Energy Security & Net Zero

Annexes

Annex A – Applicant Discharge Request cover email 27 August 2025

Annex B – Primary Radar Mitigation Scheme

Annex C – Email from NATS Safeguarding Team 20 August 2025

Annex D – Secretary of State consultation letter to NATS 27 October 2025

Annex E – Consultation response email from NATS Safeguarding Team 12 November 2025