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Our ref

Paul Kirk  
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UK Consents, Operations  
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Date: 17 November 2021

Dear Paul

**Request for BEIS view on lifetime extension**

Thank you for your letter of 11 November setting out Ørsted's position in respect of whether the consents for the Gunfleet Sands 1, 2 and 3; Barrow, and; Burbo Bank Offshore Wind Farms require variation in order to continue the operational lifetime of those developments.

The Secretary of State's starting position is that, as a general rule, when he grants consent to a development, he will include the key operational provisions which he wishes to attach to that development on the face of the consent. Any limitation to the operational lifetime of a development would be such a key provision and one would therefore expect to see it set out explicitly on the face of the consent. As an example, the Pen y Cymoedd Onshore Wind Farm which was granted consent under S36 of the Electricity Act 1989 in 2012<sup>1</sup> contained the following condition in the associated planning permission which was deemed to be granted under section 90 of the Town and Country Planning Act 1990:

*Duration of Permission*

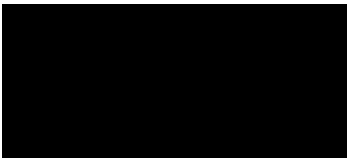
*(4) This planning permission shall authorise the Development to remain on the Site:  
(a) for a period of 25 years from the date of the commissioning of the Development, or where the Development is commissioned in phases for a period of 25 years from the date of the commissioning of the last phase of the Development; or  
(b) until 31st March 2042,  
whichever is the sooner.*

*Reason: In the interests of visual amenity and safety.*

While it is acknowledged that there are inevitably essential differences between the way in which onshore and offshore consents are dealt with and presented, there is no obvious reason why a similar condition could not have been included in the consents that you are enquiring about had that been the Secretary of State's intention.

I understand that your concern is that it is possible that the consents may have created limitations to the extent of their operational lifetimes through the ways in which the provisions in the consents interact with the information provided in the application documents. While agreeing that this could be possible on the facts of a specific case, having reviewed the information you have provided/referred to, the Secretary of State has not found anything which would lead him to conclude that the consents for which he is the competent authority require variation or the supply of additional consents, licences or permissions to secure the Secretary of State's approval to enable the continued operation of the wind farms. Of course, whether any other consents, licences or permissions which are required for the operation of the wind farms require variation or renewal etc. to allow for the continued operation of the wind farms would be a matter for the organisations which are responsible for those consents.

Yours sincerely,



Gareth Leigh  
Head of Energy Infrastructure Planning