

Policy Rule issued by the Minister of Economic Affairs and Climate Policy of 1 April 2020, no. WJZ/ 20007206, concerning the Policy Rule on amendment to an offshore wind energy permit for Hollandse Kust (noord) Wind Farm Site V

The Minister of Economic Affairs and Climate Policy,

Having regard to Section 17(4) of the Offshore Wind Energy Act and Section 4:81 of the General Administrative Law Act;

Has decided as follows:

Article 1

In this Policy Rule, the following terms shall have the following meanings:

Request: request for amendment to a permit, as referred to in Section 17(4) of the Offshore Wind Energy Act;

Minister: the Minister of Economic Affairs and Climate Policy;

Ministerial Order: Ministerial Order for the Granting of Offshore Wind Energy Permits for Hollandse Kust (noord) Wind Farm Site V;

Act: the Offshore Wind Energy Act.

Article 2

This Policy Rule applies to the amendment on request to a permit that has been granted in accordance with Section 22 of the Act for Wind Farm Site V, as referred to in Article 1 of the Ministerial Order.

Article 3

1. A request should be accompanied by explanatory notes that clearly set out what the impact of the proposed amendment to the permit will be regarding the:
 - a. location of the power generation facility;
 - b. nominal capacity of the power generation facility;
 - c. degree of compliance with the criteria referred to in Section 14(1)(d) or (f) of the Act;
 - d. practicability of the plan;
 - e. technical feasibility of the plan;
 - e. financial feasibility of the plan;
 - e. economic feasibility of the plan; or
 - f. dates when 95% of the wind farm and the entire wind farm will be commissioned;
2. A request should be accompanied by a wind energy yield calculation based on the proposed amendment to the permit, insofar as the amendment relates or jointly relates to the:
 - a. number of turbines forming part of the power generation facility;
 - b. positioning of the turbines;
 - c. axis height of the turbines; or
 - d. turbine type.

Article 4

The Minister will amend the permit if the amendment to the permit will result in the construction or operation of a wind farm:

- a. for which, in the event of a permit application, a permit might be granted in accordance with the procedure referred to in Section 22 of the Act;
- b. in respect of which the ranking conducted for a permit application would have resulted in an equal or higher rating in points on applying the ranking criterion referred to in Article 24(2)(b);
- c. in respect of which the ranking conducted for a permit application would have resulted in an equal or higher rating in points on applying element 1 of the ranking criterion referred to in Article 24(2)(d), and would also have resulted in an equal or higher rating in points on applying element 2 of the same ranking criterion; and
- d. in respect of which the ranking conducted for a permit application would have resulted in an equal or higher rating in points on applying all the ranking criteria referred to in Article 24(2) of the Ministerial Order.

Article 5

This Policy Rule will take effect on the day after the publication date of the Government Gazette in which it is included.

Article 6

This Policy Rule is referred to as: Policy Rule on amendment to an offshore wind energy permit for Hollandse Kust (noord) Wind Farm Site V.

This Policy Rule and the associated explanatory notes will be published in the Government Gazette.

The Hague,

The Minister of Economic Affairs and Climate Policy,

EXPLANATORY NOTES

The Offshore Wind Energy Act (hereinafter: the Act) provides the comprehensive framework for realising wind energy projects in the North Sea. The Act provides for the allocation of sites where wind farms may be built. For each of these sites, an exclusive permit is granted to a potential wind farm operator. Applications for a permit for Hollandse Kust (noord) Wind Farm Site V may be submitted to the Minister of Economic Affairs and Climate Policy (hereinafter: the Minister).

Under Section 17(4) of the Act, the Minister is authorised to amend a permit at the request of the permit holder. This Policy Rule sets out the conditions under which the Minister may agree to amend the permit at the request of the permit holder.

Article 3 of the Policy Rule provides that a request must be submitted in full, to enable the Minister to make a substantive assessment of the request for amendment to the permit. This means that the request should clearly set out the consequences of the proposed amendment for, among other things, the location, capacity, and feasibility of the wind farm. If the amendment concerns the turbines, a new wind energy yield calculation must also be provided.

Pursuant to Article 4 of the Policy Rule, the Minister will only amend the permit if the quality of the wind farm will not be adversely affected by the proposed amendment to the permit. The permits for the Wind Farm Sites were awarded on the basis of a qualitative ranking. When assessing a request for amendment to the permit, consideration will therefore be given to whether the proposed amendment would result in a wind farm that, when ranking the permit application, would be rated with at least the same number of points against the six ranking criteria.

For three elements of the ranking, however, it is undesirable that an amendment affecting those elements, individually, should result in a lower score for the elements concerned. Any delay in realising the wind farm is undesirable. For this reason, a delay in the date on which the permit holder consents to the conditions set by the transmission system operator (TenneT) for connection to the offshore grid is only permitted insofar as the weighting in points with respect to the related ranking criteria does not result in a lower score. Any reduction of the total electricity production is also undesirable. For this reason, an amendment to the ranking criterion for subparagraph d, element 1, is only permitted if the weighting in points does not result in a lower score for the relevant element of the ranking criterion. In addition, non-performance or inferior performance of the submitted demonstrations of innovation is also not desirable. For this reason, an amendment to the ranking criterion for subparagraph d, element 2, is only permitted if the weighting in points does not result in a lower score for that element of the ranking criterion.

The Minister of Economic Affairs and Climate Policy,