

Policy Rule issued by the Minister for Climate and Energy Policy, 12 December 2023, no. WJZ/ 37829962, concerning policy rules for amendments to offshore wind energy permits for wind farm sites Alpha and Beta in IJmuiden Ver wind farm zone (Policy Rule for amendments to offshore wind energy permits for wind farm sites Alpha and Beta in IJmuiden Ver wind farm zone)

The Minister for Climate and Energy Policy,

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

Hereby decrees as follows:

Article 1

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

application: application for amendment to a permit as referred to in Article 17(4) of the Offshore Wind Energy Act;

wind farm site Alpha: wind farm site Alpha as referred to in Article 1 of the Ministerial Order for the Granting of Permits for Site Alpha in the IJmuiden Ver Wind Farm Zone;

wind farm site Beta: wind farm site Beta as referred to in Article 1 of the Ministerial Order for the Granting of Permits for Site Beta in the IJmuiden Ver Wind Farm Zone;

Minister: The Minister for Climate and Energy Policy;

Act: The Offshore Wind Energy Act.

Article 2

This Policy Rule applies to the application for an amendment to a permit which has been granted in accordance with Article 25b of the Act for wind farm site Alpha or wind farm site Beta.

Article 3

1. An application should be accompanied by explanatory notes that clearly set out what the impact of the proposed amendment to the permit will be regarding:
 - a. the location of the power generation facility;
 - b. the installed capacity of the power generation facility;
 - c. the degree of compliance with the criteria referred to in Article 14(1)(d) or (f) of the Act;
 - d. the practicability of the plan;
 - e. the technical feasibility of the plan;
 - f. the financial feasibility of the plan;
 - g. the economic feasibility of the plan; or
 - h. the change in the number of points awarded in the ranking criteria.
2. An application 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:
 - a. the number of turbines forming part of the power generation facility;
 - b. the positioning of the turbines;
 - c. the axis height of the turbines;
 - d. the turbine type; or
 - e. other changes that will influence the wind energy yield calculation.

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 Article 25b of the Act; and
- 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 each ranking criterion.

Article 5

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

Article 6

This Policy Rule is referred to as: Policy Rule for amendments to offshore wind energy permits for wind farm sites Alpha and Beta in IJmuiden Ver wind farm zone.

This Policy Rule and the accompanying Explanatory Notes will be published in the Government Gazette.

The Hague, 12 December 2023

*The Minister for Climate and Energy Policy,
R.A.A. Jetten*

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 an offshore wind farm operator. Applications for a permit for wind farm site Alpha or wind farm site Beta in the IJmuiden Ver wind farm zone may be submitted to the Minister for Climate and Energy Policy (hereinafter: the Minister).

Under Article 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. Pursuant to Article 3 of the Policy Rule, an application should be accompanied by explanatory notes that clearly set out the impact on the factors cited in that article. The application must be submitted in full, in order to enable the Minister to make a substantive assessment of the application for amendment to the permit. The application should clearly set out, inter alia, the consequences of the proposed amendment for the location, the capacity of the power generation facility and the technical and financial feasibility of the wind farm. The applicant must also explain how the number of points awarded in the ranking criteria would be affected by the change. These explanatory notes may also specify no change to the number of points awarded. These explanatory notes may also take the form of a calculation, for example in the case of a change to the number of points due to a reduction in harbour porpoise disturbance days. If the amendment concerns the turbines, a new wind energy yield calculation must also be provided. This also extends to other changes as a result of changes to the ranking criteria specified in Article 25b(2)(b) and (c) and Article 25b(3) of the Act and Article 7(2) of the Ministerial Order relating to the granting of permits for wind farm sites Alpha and Beta in IJmuiden Ver wind farm zone if they relate to the turbines.

Pursuant to Article 4 of this 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 points-based ranking. When assessing an application for an amendment to the permit, the question of whether the proposed amendment would result in a different points total in the ranking will also be considered. It is important that as a result of the change, the points should at least remain the same for each of the ranking criteria specified in Article 25b(2)(a), (b) and (c) and Article 25b(3) of the Act and Article 7(2) of the Ministerial Order relating to the granting of permits for wind farm sites Alpha and Beta in IJmuiden Ver wind farm zone. This means that the financial bid must also be, and remain, the same or higher in relation to the number of points that would be awarded. For all criteria, it is undesirable that a change to any of those components should result in a lower score for those individual components. For this reason, an improvement in the points score for one criterion may not be at the expense of another criterion.

*The Minister for Climate and Energy Policy,
R.A.A. Jetten*