



Netherlands Enterprise Agency

# *Policy Rule for Site I-A Nederwiek Wind Farm Zone (May 2025)*

*Commissioned by the ministry of Climate Policy and Green Growth*

*Unofficial translation*

**Policy Rule of the Minister of Climate and Green Growth of , no. WJZ/ 97892204, containing policy rules on the amendment and revocation of the permit for offshore wind energy for Site I-A in the Nederwiek Wind Farm Zone (Policy Rule on the amendment and revocation of the offshore wind energy permit for Site I-A in the Nederwiek Wind Farm Zone)**

The Minister of Climate and Green Growth,

Having regard to Section 17 (1 and 4) of the Offshore Wind Energy Act and Article 4:81 of the General Administrative Law Act;

Decision:

**Article 1**

In this Policy Rule, the following definitions apply:

*Revocation application*: application for revocation of a permit as referred to in Section 17 (4) of the Act;

*Site I-A*: Site I-A as referred to in Article 1 of the Ministerial Order for granting the permit for Nederwiek Wind Farm Site I-A;

*Minister*: Minister of Climate and Green Growth;

*Act*: Offshore Wind Energy Act;

*Amendment application*: application for amendment to a permit as referred to in Section 17 (4) of the Act.

**Article 2**

This Policy Rule applies to an amendment application and a revocation application with regard to Nederwiek Site I-A.

**Article 3**

1. The Minister shall consider the information and documents provided to be sufficient for assessment of the amendment application and for preparation of the decision if the applicant provides insight into how the proposed amendment to the permit will affect:

- a. the location of the wind farm;
- b. the installed capacity of the wind farm;
- c. the extent to which the criteria referred to in Section 14 (1d and f) of the Act are met;
- d. the feasibility of the plan;
- e. the technical feasibility of the plan;
- f. the financial feasibility of the plan;
- g. the economic feasibility of the plan; and
- h. the change in the number of points awarded in the ranking criteria.

**Article 4**

1. This Article applies to an amendment application which seeks to amend:

- a. the number of turbines that are part of the wind farm;
- b. the positioning of the turbines;
- c. the hub height of the turbines;
- d. the type of turbine; or
- e. other components that affect the wind energy yield calculation.

2. Without prejudice to Article 3, the Minister shall consider the provision of a wind energy yield calculation by the applicant to be sufficient for assessment of the amendment application and for preparation of the decision.

#### **Article 5**

1. The Minister shall, taking into account the provisions of the second paragraph, grant the amendment application in any case if the amendment to the permit leads to the construction or operation of a wind farm which, upon application for a permit:

- a. would obtain a permit in accordance with the procedure referred to in Section 25b of the Act; and
- b. would have obtained the same number or more points in the ranking when applying each ranking criterion referred to in the appendices to the Ministerial Order.

2. Notwithstanding the first paragraph, the Minister shall reject the amendment application if the amendment leads to the construction or operation of a wind farm which, in the event of a permit application, would have obtained a lower sum of points in the ranking for:

- a. the conditions referred to in Table 6 (1.1 to 1.4) of the Appendix to the Ministerial Order for granting the permit for Nederwierk Wind Farm Site I-A; or
- b. the conditions referred to in Table 6 (2.1 to 2.4) of the Appendix to the Ministerial Order for granting the permit for Nederwierk Wind Farm Site I-A.

#### **Article 6**

1. The Minister shall only grant a revocation application if:

- a. the permit holder submitted the revocation application within two years of the permit being granted; and
- b. the permit holder has demonstrated that it is not technically, financially or economically feasible to comply with the obligations under the permit.

2. Before the Minister grants the revocation application, the Minister shall send the bank or insurer a request for payment of the bank guarantee or the deposit in the amount of €100,000,000, referred to in Section 15a of the Act.

#### **Article 7**

This Policy Rule will enter into force on 1 July 2025.

#### **Article 8**

This Policy Rule is referred to as: Policy Rule on the amendment and revocation of the offshore wind energy permit for Site I-A in the Nederwierk Wind Farm Zone.

This Policy Rule will be published in the Government Gazette together with the explanatory notes.

The Hague,

The Minister of Climate and Green Growth,



## **Explanatory Notes**

### **1. Introduction**

The Offshore Wind Energy Act (hereinafter referred to as the Act) provides the integral framework for realising wind energy projects in the Dutch North Sea. Under the Act, sites are designated where wind farms may be built. For such a site, an exclusive permit is granted to an operator of an offshore wind farm. Applications for a permit for Site I-A of the Nederwiek Wind Farm Zone can be submitted to the Minister of Climate and Green Growth (hereinafter referred to as the Minister). Pursuant to Section 17(4) of the Act, the Minister has the power to amend a permit at the request of the permit holder.

### **2. Information and documents to be provided for an amendment application**

This Policy Rule sets out the conditions under which the Minister will proceed with an amendment to the permit at the request of the permit holder. Pursuant to Article 3 of the Policy Rule, an application must be accompanied by an explanation that provides insight into the influence on the factors referred to in that article. An application must be submitted in full, so that the Minister is able to make a substantive assessment of the application to amend the permit. The application must explain, among other things, what the consequences are of the intended amendment for the location, capacity of the wind farm and technical and financial feasibility of the wind farm. The applicant must also explain what the change in the number of points awarded in the ranking criteria would be as a result of the amendment. This explanation may also imply that there would be no change in the number of points awarded. This explanation can also be in the form of a calculation, for example in the case of a change in the number of points for the reduction of porpoise disturbance days. If the amendment relates to the turbines, a new wind energy yield calculation must also be submitted. This also includes other changes as a result of amendments within the ranking criteria referred to in Section 25b (2b, 2c and 3) of the Act and Article 7 (2) of the Ministerial Order for granting the permit for Nederwiek Wnd Farm Site I-A, if they relate to the turbines.

### **3. Conditions for granting an amendment application**

Pursuant to Article 4 of this Policy Rule, the Minister will only amend the permit if the quality of the wind farm is not reduced by the intended amendment to the permit. The permit for the site was issued on the basis of a points-based ranking. When assessing the application to amend the permit, it will therefore also be assessed whether the intended amendment will lead to a different number of points in the ranking. It is important that the amendment means that the points remain at least the same for each of the ranking criteria referred to in Section 25b (2a, 2b, 2c and 3) of the Act and Article 7 (2) of the Ministerial Order for granting the permit for Nederwiek Wnd Farm Site I-A. For all criteria, it is undesirable that a change to any individual component would lead to a lower score on those components. Therefore, an improvement in the score on one criterion should not be at the expense of another criterion. For the ranking criterion 'Contribution of the wind farm to the ecosystem of the Dutch North Sea', the following specifically applies to an amendment application. Conditions 1.1 to 1.4 of this criterion concern mitigating measures and conditions 2.1 to 2.4 concern measures for research and enhancing underwater nature. Given the different objectives for both categories of measures, it is desirable that the number of points for both categories remains the same. Article 5 (2) of this Policy Rule therefore stipulates that an amendment application will be rejected if the amendment corresponds to

a lower sum of points under conditions 1.1 to 1.4 combined or conditions 2.1 to 2.4 combined.

#### **4. Conditions for granting a revocation application**

There is a possibility that after obtaining the permit, the financial or technical possibilities of the permit holder deteriorate to such an extent that this party no longer considers it feasible to realise and operate the wind farm. In that case, the permit holder can submit an application for revocation. Article 6 (1) regulates in which case the Minister will grant a request from the permit holder to revoke the permit. The first condition is that the request for revocation must be submitted within two years of obtaining the permit. It is assumed that the permit holder will make the final investment decision in the first two years of the permit term, so that there is sufficient certainty at that time that the construction and operation of the wind farm is financially and technically feasible. The second condition is that the permit holder has demonstrated that it is not technically, financially or economically feasible to meet the obligations under the permit. This ensures that revocation is carried out only where special circumstances justify the revocation.

If the revocation application is granted, the permit holder will owe an amount of €100,000,000, which the Minister can collect under the deposit or bank guarantee. Article 6 (2) therefore stipulates that, before granting the revocation application, the Minister must request that the bank or insurer pay the full bank guarantee or deposit (€100,000,000). This also prevents a permit holder from making a revocation application too easily.

The Minister of Climate and Green Growth,



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