

# SCHEDULES

## SCHEDULE 1

Article 2

### AUTHORISED PROJECT

#### PART 1

#### AUTHORISED DEVELOPMENT

1. A nationally significant infrastructure project as defined in sections 14 and 15 of the 2008 Act which is located in the North Sea 69 kilometres due east of Flamborough Head at its closest point, comprising—

*Work No. 1—*

- (a) (a) an offshore wind turbine generating station with a gross electrical output of over 100 megawatts comprising up to 180 wind turbine generators, each fixed to the seabed by one of monopile foundations, mono suction bucket foundations or jacket foundations;
- (b) (b) one offshore accommodation platform fixed to the seabed within the area shown on the offshore works plan by one of monopile foundations, mono suction bucket foundations, gravity base structures, box-type gravity base structures or jacket foundations, and which offshore accommodation platform may be connected to one of the offshore substations within Work No. 2 by a bridge link; and
- (c) (c) a network of cables between the wind turbine generators, and between the wind turbine generators and Work No. 2, including one or more cable crossings;

and associated development within the meaning of section 115(2) (development for which development consent may be granted) of the 2008 Act comprising—

*Work No. 2—*

- (a) (a) up to six small offshore transformer substations each fixed to the seabed by one of monopile foundations, mono suction bucket foundations, gravity base structures, box-type gravity base structures or jacket foundations, and which may be connected to each other or the offshore accommodation platform within Work No. 1(b) by a bridge link; or
- (b) (b) up to three large offshore transformer substations each fixed to the seabed by one of monopile foundations, mono suction bucket foundations, jacket foundations, box-type gravity base structures, pontoon gravity base type 1 structures, or pontoon gravity base type 2 structures, and which may be connected to each other or the offshore accommodation platform within Work No. 1(b) by a bridge link;
- (c) (c) in the event that the mode of transmission is HVDC, either up to three large HVDC converter substations or up to six small HVDC converter substations fixed to the seabed by one of monopile foundations, mono suction bucket foundations, jacket foundations, gravity base structures, box-type gravity base structures, pontoon gravity base type 1 structures, or pontoon gravity base type 2 structures;
- (d) (d) a network of interconnector cables;

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- (e) (e) up to six cable circuits between Work No. 2 and Work No. 3, and between Work No. 3 and Work No. 5 consisting of offshore export cables along routes within the Order limits seaward of MLWS including one or more cable crossings; and
- (f) (f) up to eight temporary horizontal directional drilling exit pits and associated cofferdams;

*Work No. 3— in the event that the mode of transmission is HVAC—*

- (a) (a) up to three offshore HVAC booster stations fixed to the seabed within the area shown on the offshore works plan by one of monopile foundations, mono suction bucket foundations, jacket foundations, gravity base structures, pontoon gravity base type 1 structures or pontoon gravity base type 2 structures; and
- (b) (b) up to six cable circuits between Work No. 2 and Work No. 3, and between Work No. 3 and Work No. 5 consisting of offshore export cables along routes within the Order limits seaward of MHWS including one or more cable crossings;

*Work No. 4— a temporary work area associated with Work No. 2 and Work No. 3 for vessels to carry out anchoring and positioning alongside Work No. 2 or Work No. 3;*

#### **Between MHWS and MLWS and in the East Riding of Yorkshire**

*Work No. 5- up to six cable circuits and associated electrical circuit ducts between Work No. 2 and Work No. 6.*

#### **In the East Riding of Yorkshire**

*Work No. 6— connection works consisting of—*

- (a) up to eight horizontal directional drilling launch pits;
- (b) up to six underground cable circuits and associated electrical circuit ducts to Work No. 7;
- (c) up to eight transition joint bays;
- (d) onshore construction works;
- (e) up to 240 link boxes; and
- (f) up to 240 joint bays;

*Work No. 7—works consisting of—*

- (a) an onshore HVDC/HVAC substation;
- (b) an energy balancing infrastructure;
- (c) up to six cable circuits and electrical circuit ducts;
- (d) vehicular access tracks and footpaths;
- (e) a water attenuation feature;
- (f) landscaping; and
- (g) onshore construction works;

*Work No. 8— connection works consisting of up to four underground cable circuits and electrical circuit ducts between Work No. 7 and the Creyke Beck National Grid substation, including a connection above ground and electrical engineering works within or around the National Grid substation buildings and compound, and onshore construction works.*

*Work No. 9— temporary works as follows—*

- (a) temporary vehicular access tracks;
- (b) temporary works area to support the construction activities in Work No. 7;

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- (c) temporary logistics compounds to support the construction of Work Nos. 5, 6, 7, and 8; and
- (d) temporary construction ramp;

Work No. 10—

- (a) vehicular access tracks to serve Work No. 7, and footpaths; and
- (b) an extension to a layby.

In connection with such Work Nos. 1 to 5 and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised development and which fall within the scope of the work assessed by the environmental statement, including—

- (a) scour protection around the foundations of the offshore structures;
- (b) cable protection measures such as the placement of rock, split pipe system, and/or concrete mattresses;
- (c) cable crossings;
- (d) the removal of material from the seabed within the Order limits required for the construction of Work Nos. 1 to 5 and the disposal within Work No. 1 of up to 7,211,601 cubic metres (being a maximum, not an approximate upper figure) of inert material of natural origin and within Work Nos. 2, 3 and 4 up to 4,105,735 cubic metres (being a maximum, not an approximate upper figure) of inert material of natural origin produced during construction drilling, seabed preparation for foundation works, cable installation preparation works (such as sandwave clearance and boulder clearance) and excavation of horizontal directional drilling pits; and
- (e) removal of static fishing equipment;

and in connection with such Work Nos. 6 to 10 and to the extent that they do not otherwise form part of any such work, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised development and which fall within the scope of the work assessed by the environmental statement, including—

- (a) ramps, bridges, means of access and footpaths and footpath enhancement;
- (b) bunds, embankments, swales, landscaping, signage, fencing and boundary treatments;
- (c) habitat creation and enhancement;
- (d) joint bays, link boxes, cable ducts, cable protection, joint protection, manholes, marker posts, underground cable marker, tiles and tape, and lighting and other works associated with cable laying;
- (e) works for the provision of apparatus including cabling, water and electricity supply works, foul drainage provision, surface water management systems and culverting;
- (f) works to alter the position of apparatus, including mains, sewers, drains and cables;
- (g) works to alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses;
- (h) landscaping and related works;
- (i) other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised project;
- (j) works for the benefit or protection of land affected by the authorised project;
- (k) working sites in connection with the construction of the authorised project, construction lay down areas and compounds, storage compounds and their restoration; and
- (l) enhancement.

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### Commencement Information

**II** Sch. 1 Pt. 1 para. 1 in force at 3.8.2023, see [art. 1](#)

**2.** The grid coordinates for that part of the authorised project which is seaward of MHWS are specified below—

<i>Point ID</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>	<i>Point ID</i>	<i>Latitude (DMS)</i>	<i>Longitude (DMS)</i>
1	54° 2' 7.166" N	0° 12' 58.381" W	68	53° 59' 17.868" N	1° 17' 11.556" E
2	54° 2' 7.022" N	0° 12' 48.680" W	69	53° 58' 55.615" N	1° 16' 14.402" E
3	54° 2' 28.905" N	0° 12' 23.610" W	70	53° 58' 54.680" N	1° 16' 10.907" E
4	54° 3' 4.330" N	0° 9' 20.564" W	71	53° 58' 54.305" N	1° 16' 7.041" E
5	54° 3' 2.961" N	0° 8' 57.136" W	72	53° 58' 48.150" N	1° 9' 3.489" E
6	54° 3' 46.646" N	0° 6' 22.355" W	73	53° 58' 49.099" N	1° 8' 56.253 E
7	54° 3' 55.011" N	0° 6' 0.668" W	74	53° 59' 33.340" N	1° 5' 22.618" E
8	54° 4' 5.592" N	0° 5' 7.239" W	75	53° 59' 16.728" N	1° 0' 29.597" E
9	54° 4' 7.120" N	0° 4' 56.079" W	76	53° 59' 10.802" N	0° 59' 53.488" E
10	54° 4' 7.947" N	0° 4' 12.149" W	77	53° 59' 0.241" N	0° 59' 7.651" E
11	54° 4' 7.646" N	0° 4' 2.450" W	78	53° 58' 58.446" N	0° 58' 57.385" E
12	54° 3' 39.131" N	0° 1' 17.603" E	79	53° 58' 53.673" N	0° 57' 53.130" E
13	54° 3' 36.602" N	0° 1' 19.983" E	80	53° 58' 53.613" N	0° 57' 45.865" E
14	54° 3' 36.653" N	0° 1' 27.388" E	81	53° 58' 54.420" N	0° 57' 26.213" E
15	54° 3' 37.742" N	0° 1' 33.117" E	82	53° 58' 58.248" N	0° 56' 45.174" E
16	54° 3' 31.432" N	0° 2' 43.501" E	83	53° 59' 56.956" N	0° 50' 1.171" E
17	54° 3' 21.791" N	0° 4' 54.431" E	84	54° 0' 12.504" N	0° 48' 1.381" E
18	54° 3' 20.107" N	0° 5' 29.470" E	85	54° 0' 12.515" N	0° 47' 27.367" E
19	54° 3' 20.504" N	0° 5' 36.188" E	86	54° 0' 13.296" N	0° 46' 40.673" E
20	54° 3' 29.852" N	0° 6' 6.995" E	87	54° 0' 12.634" N	0° 46' 30.459" E
21	54° 4' 17.513" N	0° 8' 11.780" E	88	54° 0' 11.415" N	0° 46' 24.233" E
22	54° 4' 19.804" N	0° 8' 20.650" E	89	53° 59' 39.945" N	0° 44' 55.026" E
23	54° 4' 29.084" N	0° 9' 5.618" E	90	53° 59' 33.773" N	0° 44' 35.130" E
24	54° 4' 30.902" N	0° 9' 18.035" E	91	53° 59' 28.402" N	0° 44' 15.020" E
25	54° 4' 31.360" N	0° 9' 29.006" E	92	53° 59' 26.858" N	0° 44' 5.508" E
26	54° 4' 30.770" N	0° 11' 14.823" E	93	53° 59' 23.738" N	0° 43' 35.842" E
27	54° 4' 41.436" N	0° 13' 46.313" E	94	53° 59' 23.191" N	0° 42' 42.267" E
28	54° 4' 51.664" N	0° 18' 10.115" E	95	53° 59' 23.584" N	0° 42' 32.090" E

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29	54° 4' 49.674" N	0° 22' 20.794" E	96	53° 59' 29.653" N	0° 41' 39.599" E
30	54° 4' 34.602" N	0° 25' 8.241" E	97	53° 59' 31.433" N	0° 41' 30.497" E
31	54° 3' 47.343" N	0° 28' 41.594" E	98	53° 59' 34.340" N	0° 41' 20.783" E
32	54° 3' 29.522" N	0° 29' 45.309" E	99	54° 1' 11.539" N	0° 37' 38.060" E
33	54° 3' 12.983" N	0° 30' 41.496" E	100	54° 1' 53.954" N	0° 30' 4.210" E
34	54° 3' 11.866" N	0° 30' 46.755" E	101	54° 1' 55.082" N	0° 29' 58.960" E
35	54° 2' 29.831" N	0° 38' 16.384" E	102	54° 2' 16.836" N	0° 28' 45.068" E
36	54° 2' 28.252" N	0° 38' 27.328" E	103	54° 2' 34.272" N	0° 27' 42.729" E
37	54° 2' 25.710" N	0° 38' 37.464" E	104	54° 3' 14.191" N	0° 24' 52.548" E
38	54° 2' 22.467" N	0° 38' 46.275" E	105	54° 3' 28.906" N	0° 22' 9.330" E
39	54° 0' 46.742" N	0° 42' 25.062" E	106	54° 3' 30.827" N	0° 18' 25.085" E
40	54° 0' 44.114" N	0° 42' 47.823" E	107	54° 3' 25.965" N	0° 15' 11.395" E
41	54° 0' 44.168" N	0° 42' 53.983" E	108	54° 3' 10.152" N	0° 11' 26.334" E
42	54° 0' 37.964" N	0° 43' 8.166" E	109	54° 3' 9.658" N	0° 11' 1.640" E
43	54° 0' 33.962" N	0° 43' 31.109" E	110	54° 3' 10.393" N	0° 9' 39.559" E
44	54° 0' 51.704" N	0° 44' 6.496" E	111	54° 3' 7.676" N	0° 9' 26.386" E
45	54° 0' 57.175" N	0° 44' 19.901" E	112	54° 3' 13.846" N	0° 8' 47.985" E
46	54° 1' 20.169" N	0° 45' 45.285" E	113	54° 1' 59.146" N	0° 5' 34.054" E
47	54° 1' 22.890" N	0° 46' 0.288" E	114	54° 1' 59.193" N	0° 5' 24.927" E
48	54° 1' 33.372" N	0° 47' 34.265" E	115	54° 2' 1.399" N	0° 4' 39.525" E
49	54° 1' 33.357" N	0° 48' 6.711" E	116	54° 2' 14.627" N	0° 1' 34.678" E
50	54° 1' 32.702" N	0° 48' 19.691" E	117	54° 2' 13.616" N	0° 1' 29.370" E
51	54° 1' 26.938" N	0° 49' 8.341" E	118	54° 2' 9.931" N	0° 1' 16.745" W
52	54° 1' 15.588" N	0° 50' 33.236" E	119	54° 1' 43.569" N	0° 0' 7.896" W
53	54° 0' 17.357" N	0° 57' 13.969" E	120	54° 1' 31.663" N	0° 0' 25.766" W
54	54° 0' 15.266" N	0° 57' 36.824" E	121	54° 1' 7.679" N	0° 1' 51.463" W
55	54° 0' 14.766" N	0° 57' 48.644" E	122	54° 1' 0.011" N	0° 2' 21.082" W
56	54° 0' 17.493" N	0° 58' 26.081" E	123	54° 1' 0.055" N	0° 4' 18.699" W
57	54° 0' 27.621" N	0° 59' 10.323" E	124	54° 1' 25.632" N	0° 12' 25.517" W
58	54° 0' 36.596" N	1° 0' 6.568" E	125	54° 1' 41.883" N	0° 12' 50.086" W
59	54° 0' 53.351" N	1° 4' 59.324" E	126	54° 1' 39.112" N	0° 12' 50.078" W
60	54° 2' 51.236" N	1° 8' 18.052" E	127	54° 1' 39.246" N	0° 12' 59.069" W
61	54° 7' 24.985" N	0° 59' 54.702" E	128	54° 1' 39.257" N	0° 12' 59.850" W

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62	54° 9' 13.497" N	1° 0' 43.850" E	129	54° 1' 39.742" N	0° 12' 59.821" W
63	54° 10' 49.480" N	0° 58' 21.782" E	130	54° 1' 39.731" N	0° 12' 59.103" W
64	54° 12' 37.143" N	0° 58' 31.095" E	131	54° 1' 43.547" N	0° 12' 59.118" W
65	54° 12' 17.413" N	1° 12' 18.263" E	132	54° 1' 43.811" N	0° 12' 59.860" W
66	54° 4' 13.012" N	1° 30' 5.270" E	133	54° 2' 7.201" N	0° 13' 0.387" W
67	53° 59' 15.598" N	1° 17' 20.651" E			

**Commencement Information**

**I2** Sch. 1 Pt. 1 para. 2 in force at 3.8.2023, see [art. 1](#)

## PART 2

### ANCILLARY WORKS

1. Works within the Order limits which have been subject to an environmental impact assessment recorded in the environmental statement comprising—
- temporary landing places, moorings or other means of accommodating or anchoring vessels in the construction and/or maintenance of the authorised development;
  - marking buoys, beacons, fenders and other navigational warning or ship impact protection works; and
  - temporary works for the benefit or protection of land or structures affected by the authorised development.

**Commencement Information**

**I3** Sch. 1 Pt. 2 para. 1 in force at 3.8.2023, see [art. 1](#)

## PART 3

### REQUIREMENTS

#### Time limits

1. The authorised project must not be commenced after the expiration of seven years beginning with the date this Order comes into force.

**Commencement Information**

**I4** Sch. 1 Pt. 3 para. 1 in force at 3.8.2023, see [art. 1](#)

## Detailed offshore design parameters

2.—(1) The total number of wind turbine generators comprised in the authorised project must not exceed 180.

(2) Subject to sub-paragraph (3), each wind turbine generator forming part of the authorised project must not—

- (a) exceed a height of 370 metres when measured from LAT to the tip of the vertical blade;
- (b) exceed a rotor diameter of 305 metres;
- (c) be less than 42.43 metres from LAT to the lowest point of the rotating blade; and
- (d) be less than 810 metres from the nearest wind turbine generator in all directions.

(3) The minimum distance in sub-paragraph (2)(d) between each wind turbine generator is to be measured from the centre point of the wind turbine generator.

(4) Wind turbine generator foundation structures forming part of the authorised project must be one of either monopile foundations, mono suction bucket foundations or jacket foundations.

(5) No wind turbine generator—

- (a) jacket foundations employing pin piles forming part of the authorised project may—
  - (i) have a pin pile diameter of greater than four metres; and
  - (ii) employ more than 16 pin piles per jacket foundation; and

- (b) monopile foundation forming part of the authorised project may have a diameter greater than 15 metres.

(6) The total combined seabed footprint area for wind turbine generator foundations must not exceed—

- (a) 302,180 square metres excluding scour protection; and
- (b) 985,240 square metres including scour protection.

(7) The wind turbine generators comprised in the authorised project must be constructed in accordance with the parameters set out in the pro-rata annex.

### Commencement Information

**I5** Sch. 1 Pt. 3 para. 2 in force at 3.8.2023, see [art. 1](#)

3.—(1) The total number of offshore electrical installations and offshore accommodation platforms must not exceed ten, consisting of a combination of no more than—

- (a) six small offshore transformer substations;
- (b) three large offshore transformer substations;
- (c) three offshore HVAC booster stations;
- (d) six small offshore HVDC converter stations;
- (e) three large offshore HVDC converter stations; and
- (f) one offshore accommodation platform.

(2) The dimensions of any small offshore transformer substation (including auxiliary structures, such as a helipad, crane, lightning protection, but excluding masts, radar and antennae) forming part of the authorised project must not exceed—

- (a) 100 metres in height when measured from LAT;
- (b) 90 metres in length; and

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- (c) 90 metres in width.
- (3) The dimensions of any large offshore transformer substation (including auxiliary structures, such as a helipad, crane, lightning protection, but excluding masts, radar and antennae) forming part of the authorised project must not exceed—
  - (a) 100 metres in height when measured from LAT;
  - (b) 180 metres in length; and
  - (c) 90 metres in width.
- (4) The dimensions of any offshore HVAC booster station (including auxiliary structures, such as a helipad, crane, lightning protection, but excluding masts, radar and antennae) forming part of the authorised project must not exceed—
  - (a) 100 metres in height when measured from LAT;
  - (b) 90 metres in length; and
  - (c) 90 metres in width.
- (5) The dimensions of any small offshore HVDC converter substation (including auxiliary structures, such as a helipad, crane, lightning protection, but excluding masts, radar and antennae) forming part of the authorised project must not exceed—
  - (a) 90 metres in height when measured from LAT;
  - (b) 100 metres in length; and
  - (c) 100 metres in width.
- (6) The dimensions of any large offshore HVDC converter substation (including auxiliary structures, such as a helipad, crane, lightning protection, but excluding masts, radar and antennae) forming part of the authorised project must not exceed—
  - (a) 100 metres in height when measured from LAT;
  - (b) 180 metres in length; and
  - (c) 90 metres in width.
- (7) The dimensions of any offshore accommodation platform forming part of the authorised project must not exceed—
  - (a) 64 metres in height when measured from LAT;
  - (b) 60 metres in length; and
  - (c) 60 metres in width.
- (8) Offshore accommodation platform foundation structures forming part of the authorised project must be one of either monopile foundations, mono suction bucket foundations, gravity base structures, jacket foundations or box-type gravity base structures.
- (9) Offshore electrical installation foundation structures forming part of the authorised project must be one of the following foundation options—
  - (a) for small offshore transformer substations and offshore HVAC booster stations either monopile foundations, mono suction bucket foundations, jacket foundations, gravity base structures or box-type gravity base structures; and
  - (b) for large offshore transformer substations and offshore HVDC converter stations either monopile foundations, mono suction bucket foundations, jacket foundations, box-type gravity base structures, gravity base structures, pontoon gravity base type 1 structures, or pontoon gravity base type 2 structures.
- (10) No offshore electrical installation or offshore accommodation platform—
  - (a) jacket foundation employing pin piles forming part of the authorised project may—



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- (i) have a pin pile diameter of greater than four metres; and
  - (ii) employ more than 16 pin piles per jacket foundation; and
- (b) monopile foundation forming part of the authorised project may have a diameter greater than 15 metres.
- (11) The total seabed footprint area for offshore accommodation platform foundations must not exceed—
- (a) 5,625 square metres excluding scour protection; and
  - (b) 30,625 square metres including scour protection.
- (12) The total seabed footprint area for offshore electrical installation foundations must not exceed—
- (a) 101,250 square metres excluding scour protection; and
  - (b) 371,250 square metres including scour protection.
- (13) The total number of gravity base structures may not exceed ten for offshore electrical installations and offshore accommodation platforms.
- (14) The offshore electrical installations and offshore accommodation platform comprised in the authorised project must be constructed in accordance with parameters set out in the pro-rata annex.
- (15) A bridge link forming part of the authorised development must be installed at a minimum height of 20 metres when measured from LAT.

**Commencement Information**

**I6** Sch. 1 Pt. 3 para. 3 in force at 3.8.2023, see [art. 1](#)

4. The total volume of scour protection for wind turbine generators, offshore accommodation platform and offshore electrical installations may not exceed 2,172,040 cubic metres and must be in accordance with the pro-rata annex.

**Commencement Information**

**I7** Sch. 1 Pt. 3 para. 4 in force at 3.8.2023, see [art. 1](#)

- 5.—(1) The number of cable circuits must not exceed six.
- (2) The cables comprising Work No. 1(c) must not—
- (a) exceed 600 kilometres in length; and
  - (b) be subject to cable protection with an area greater than 624,000 square metres.
- (3) The cables comprising Work No. 2(d) must not—
- (a) exceed 90 kilometres in length; and
  - (b) be subject to cable protection with an area greater than 94,000 square metres.
- (4) The cables comprising Work No. 2(e) must not—
- (a) exceed 654 kilometres in length; and
  - (b) be subject to cable protection with an area greater than 792,000 square metres.
- (5) The total number of the cable crossings must not exceed—
- (a) 32 within the area of Work Nos. 1 and 2(d); and
  - (b) 54 within the area utilised for Work No. 2(e);

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unless otherwise agreed with the MMO.

(6) The total volume of cable protection must not exceed 2,042,000 cubic metres with a maximum footprint of 2,058,000 square metres.

(7) The cables and cable circuits comprised in the authorised development must be constructed in accordance with the parameters set out in the pro-rata annex.

#### Commencement Information

**I8** Sch. 1 para. 5 in force at 3.8.2023, see [art. 1](#)

#### Commencement Information

**I5** Sch. 1 Pt. 3 para. 2 in force at 3.8.2023, see [art. 1](#)

**I6** Sch. 1 Pt. 3 para. 3 in force at 3.8.2023, see [art. 1](#)

**I7** Sch. 1 Pt. 3 para. 4 in force at 3.8.2023, see [art. 1](#)

**I8** Sch. 1 para. 5 in force at 3.8.2023, see [art. 1](#)

#### Biodiversity net gain

**6.**—(1) No stage of the connection works in Work No. 7 may commence until a net gain strategy (which must accord with the outline net gain strategy) in relation to that stage has been submitted to and approved by the relevant planning authority, in consultation with the relevant SNCBs.

(2) The net gain strategy must be implemented as approved.

#### Commencement Information

**I9** Sch. 1 para. 6 in force at 3.8.2023, see [art. 1](#)

#### Detailed design approval onshore

**7.**—(1) Construction of Work No. 7(a) and (b) may not commence until detailed plans and drawings of—

- (a) the layout;
- (b) scale;
- (c) proposed finished ground levels;
- (d) external appearance and materials;
- (e) hard surfacing materials;
- (f) vehicular and pedestrian access, parking and circulation areas;
- (g) minor structures, such as furniture, refuse or other storage units, signs and lighting;
- (h) proposed and existing functional services above and below, ground, including drainage, power and communications cables and pipelines, manholes and supports; and
- (i) means to control operational noise from Work No. 7 to a level no greater than 5dB above representative background (LA90,T) at the nearest identified noise sensitive receptors;

relating to that work of the authorised project have been submitted to and approved by the relevant planning authority.

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(2) The details submitted under sub-paragraph (1) must be in accordance with the outline design plan.

(3) The details submitted under sub-paragraph (1) must be subject to a design review process carried out by an independent design review panel to the satisfaction of the relevant planning authority.

(4) Work No. 7(a) and (b) must be carried out in accordance with the approved details.

(5) Work No. 7(a) and (b) may not commence until confirmation of the choice of HVDC or HVAC or a combination of both has been provided to the relevant planning authority, either before, or at the same time as, the details referred to in sub-paragraph (1).

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#### Commencement Information

**I10** Sch. 1 para. 7 in force at 3.8.2023, see [art. 1](#)

### Provision of landscaping

**8.—**(1) No stage of the connection works may commence until a written landscape management plan and associated work programme (which accords with the outline landscape management plan and outline ecological management plan) for that stage of the connection works has been submitted to and approved by the relevant planning authority in consultation with the relevant SNCBs and Historic England.

(2) The landscape management plan must include details of—

- (a) surveys, assessments and method statements as guided by BS 5837 and the Hedgerows Regulations 1997;
- (b) location, number, species, size and planting density of any proposed planting;
- (c) cultivation, importing of materials and other operations to ensure plant establishment; and
- (d) implementation timetables for the relevant stage of the landscaping works.

(3) The landscape management plan must be carried out as approved.

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#### Commencement Information

**I11** Sch. 1 para. 8 in force at 3.8.2023, see [art. 1](#)

### Implementation and maintenance of landscaping

**9.—**(1) All landscape works must be carried out in accordance with the landscape management plans approved under requirement 8 (provision of landscaping), and in accordance with the relevant recommendations of appropriate British Standards.

(2) Unless otherwise stated in the approved landscape management plan or enhancement strategy approved under requirement 23, any tree or shrub planted as part of an approved landscape management plan that, within a period of five years after planting, is removed by the undertaker, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless otherwise approved by the relevant planning authority.

(3) Unless otherwise stated in the approved landscape management plan or enhancement strategy, within a period of five years after completion of the planting of the approved landscape works comprising Work No. 7(f), a landscape management and maintenance plan for Work No. 7(f) must be submitted to and approved by the relevant planning authority.

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(4) The landscape management and maintenance plan for Work No. 7(f) must include details of the management and maintenance of Work No. 7(f) until the connection works are decommissioned in accordance with the onshore decommissioning plan approved under requirement 25 (onshore decommissioning).

(5) The landscape management and maintenance plan for Work No. 7(f) must be carried out as approved.

**Commencement Information**

**I12** Sch. 1 para. 9 in force at 3.8.2023, see [art. 1](#)

**Ecological management plan**

**10.**—(1) No stage of the connection works may commence until a written ecological management plan (which accords with the outline ecological management plan and the relevant recommendations of appropriate British Standards) for that stage of the connection works reflecting the survey results and ecological mitigation has been submitted to and approved by the relevant planning authority in consultation with the relevant SNCBs and (where works have potential to impact wetland habitats) the Environment Agency.

(2) The ecological management plan must include an implementation timetable for the relevant stage of the connection works and must be carried out as approved.

**Commencement Information**

**I13** Sch. 1 para. 10 in force at 3.8.2023, see [art. 1](#)

**Highway accesses**

**11.**—(1) Construction of any new permanent or temporary means of access to a highway, or alteration, or use of an existing means of access to a highway, must not commence until an access plan for that access has been submitted to and approved by the relevant highway authority.

(2) The access plan must include details of the siting, design, layout, visibility splays, access management measures, lighting, signing, safety measures and a maintenance programme relevant to the access it relates to.

(3) The highway accesses (including visibility splays) must be constructed and maintained in accordance with the approved details.

**Commencement Information**

**I14** Sch. 1 para. 11 in force at 3.8.2023, see [art. 1](#)

**Fencing and other means of permanent enclosure**

**12.**—(1) No stage of the connection works may commence until details of all proposed permanent fences, walls or other means of enclosure of that stage of the connection works have been submitted to and approved by the relevant planning authority.

(2) The details submitted under paragraph (1) must be in accordance with the outline design plan.

(3) Any approved permanent fencing in relation to the connection works in Work No. 7 must be completed before those works are brought into use and must be maintained until the connection

works are decommissioned in accordance with the onshore decommissioning plan approved under requirement 25 (onshore decommissioning).

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**Commencement Information**

**I15** Sch. 1 para. 12 in force at 3.8.2023, see [art. 1](#)

**Temporary fencing and other temporary means of enclosure**

**13.**—(1) The details of any temporary fences, walls, or other means of enclosure required for the construction of the connection works must be included in the code of construction practice approved under requirement 18 (which must accord with the outline code of construction practice).

(2) All construction sites must remain securely enclosed at all times during construction of the connection works in accordance with the details approved under sub-paragraph (1) above.

(3) The temporary fencing or other temporary means of enclosure must be removed on completion of that stage of the connection works to the satisfaction of the relevant planning authority.

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**Commencement Information**

**I16** Sch. 1 para. 13 in force at 3.8.2023, see [art. 1](#)

**Surface and foul water drainage**

**14.**—(1) No stage of the connection works may commence until written details of the surface and (if any) foul water drainage system (including means of pollution control) (which must accord with the outline onshore infrastructure drainage strategy) for the construction of that stage of the connection works have, after consultation with the relevant sewerage and drainage authorities and the Environment Agency, been submitted to and approved by the lead local flood authority.

(2) No stage of the connection works may commence operation until written details of the surface and (if any) foul water drainage system (including means of pollution control) for that stage of the connection works have, after consultation with the relevant sewerage and drainage authorities and the Environment Agency, been submitted to and approved by the lead local flood authority.

(3) The surface and foul water drainage system must be constructed, operated and maintained in accordance with the approved details.

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**Commencement Information**

**I17** Sch. 1 para. 14 in force at 3.8.2023, see [art. 1](#)

**Contaminated land and groundwater scheme**

**15.**—(1) No stage of the connection works or Work No. 5 may commence until a written scheme to deal with the contamination of any land (including groundwater) of that stage of the connection works or Work No. 5 within the Order limits that is likely to cause significant harm to persons or pollution of controlled waters or the environment has been submitted to, and approved by, the relevant planning authority in consultation with the Environment Agency and, to the extent that the plan relates to the intertidal area, the MMO.

(2) The scheme must include an investigation and assessment report, to identify the extent of any contamination and the remedial measures to be taken for that stage to render the land fit for its

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intended purpose, together with a management plan which sets out long-term measures with respect to any contaminants remaining on the site.

(3) Such remediation as may be identified in the approved scheme must be carried out in accordance with the approved scheme.

#### Commencement Information

**I18** Sch. 1 para. 15 in force at 3.8.2023, see [art. 1](#)

### Surface water

**16.**—(1) No stage of the connection works in Work No. 7 may commence until, in respect of that installation, a detailed surface water scheme has been prepared in consultation with the relevant sewerage and drainage authorities and the Environment Agency and submitted to and approved by the lead local flood authority.

(2) The detailed surface water schemes must accord with the outline onshore infrastructure drainage strategy and—

- (a) be based on sustainable drainage principles;
- (b) include an assessment of the hydrological and hydrogeological context of the connection works in Work No. 7; and
- (c) include detailed designs of a surface water drainage scheme.

(3) Construction of the connection works in Work No. 7 must be carried out in accordance with the approved scheme.

#### Commencement Information

**I19** Sch. 1 para. 16 in force at 3.8.2023, see [art. 1](#)

### Onshore archaeology

**17.**—(1) No stage of the connection works or Work No. 5 may commence until a written scheme of archaeological investigation (which must accord with the outline written scheme of investigation for onshore archaeology) for that stage of the connection works or Work No. 5 has been submitted to and approved by the relevant planning authority in consultation with Historic England.

(2) Archaeological investigations carried out as part of onshore site preparation works must only take place in accordance with a specific written scheme of investigation (which must accord with the outline written scheme of investigation for onshore archaeology) which has been submitted to and approved by the relevant planning authority in consultation with Historic England.

(3) All archaeological investigations (other than archaeological investigations carried out as part of onshore site preparation works referred to in sub-paragraph (2)) must be carried out in accordance with the written scheme of archaeological investigation approved under sub-paragraph (1).

(4) The archaeological site investigations and post investigation assessment must be completed in accordance with the programme set out in the written scheme of archaeological investigation and provision made for analysis, publication and dissemination of results and archive deposition.

#### Commencement Information

**I20** Sch. 1 para. 17 in force at 3.8.2023, see [art. 1](#)

### Code of construction practice

**18.**—(1) No stage of the connection works, Work No. 2 (f) or Work No. 5 may commence until a code of construction practice (which must accord with the outline code of construction practice but may not include the outline construction traffic management plan in the event that the outline construction traffic management plan has been, or is in the process of being, approved separately pursuant to requirement 19) for that stage of the connection works has been submitted to and approved by the relevant planning authority, in consultation with the Environment Agency, the relevant SNCBs and, if applicable, the MMO.

(2) All connection works must be undertaken in accordance with the relevant approved code of construction practice.

#### Commencement Information

**I21** Sch. 1 para. 18 in force at 3.8.2023, see [art. 1](#)

### Construction traffic management plan

**19.**—(1) No stage of the connection works or Work No. 5 may commence until written details of a construction traffic management plan (which accords with the outline construction traffic management plan) for that stage of the connection works or Work No. 5 has been submitted to and approved by the relevant planning authority in consultation with the relevant highway authorities (and approved by Network Rail in accordance with paragraph 5 of Part 4 of Schedule 9).

(2) The construction traffic management plan must be implemented as approved.

#### Commencement Information

**I22** Sch. 1 para. 19 in force at 3.8.2023, see [art. 1](#)

### European protected species onshore

**20.**—(1) No stage of the connection works may commence until final pre-construction survey work has been carried out to establish whether a European protected species is present on any of the land affected, or likely to be affected, by that stage of the connection works or in any of the trees to be lopped or felled as part of that stage of the connection works.

(2) Where a European protected species is shown to be present, the relevant stage(s) of the connection works must not begin until, after consultation with the relevant SNCBs and the relevant planning authority, a scheme of protection and mitigation measures has been submitted to and approved by the relevant planning authority or a European protected species licence granted by Natural England.

(3) The connection works must be carried out in accordance with the approved scheme.

(4) In this Requirement, “European Protected Species” has the same meaning as in regulations 42 and 46 of the Conservation of Habitats and Species Regulations 2017(1).

#### Commencement Information

**I23** Sch. 1 para. 20 in force at 3.8.2023, see [art. 1](#)

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(1) [S.I. 2017/1012](#).

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### Restoration of land used temporarily for construction

**21.** Any land landward of MLWS within the Order limits which is used temporarily for construction of the connection works and not ultimately incorporated in permanent works or approved landscaping, must be reinstated in accordance with such details as have been submitted to and approved by the relevant planning authority in consultation with, where appropriate, the MMO, and the relevant highway authority, as soon as reasonably practicable and in any event within twelve months of completion of the connection works.

#### Commencement Information

**I24** Sch. 1 para. 21 in force at 3.8.2023, see [art. 1](#)

### Control of noise during operational phase

**22.**—(1) Work Nos. 7(a), (b) and (c) commence operations until a noise management plan (NMP) for those works has been submitted to and approved by the relevant planning authority.

(2) The NMP must set out the particulars of—

- (a) any necessary noise attenuation and mitigation measures to be taken to minimise noise resulting from Work No. 7, including any noise limits; and
- (b) a scheme for monitoring attenuation and mitigation measures provided under subparagraph (a) which must include—
  - (i) the circumstances under which noise will be monitored;
  - (ii) the locations at which noise will be monitored;
  - (iii) the method of noise measurement (which must be in accord with BS 4142:2014+A1:2019, an equivalent successor standard or other agreed noise measurement methodology appropriate to the circumstances); and
  - (iv) a complaints procedure.

(3) The NMP must be implemented as approved.

#### Commencement Information

**I25** Sch. 1 para. 22 in force at 3.8.2023, see [art. 1](#)

### Enhancement strategy

**23.**—(1) No stage of the connection works may commence until written details of an enhancement strategy (which accords with the outline enhancement strategy) for that stage of the connection works has been submitted to and approved by the relevant planning authority.

(2) The enhancement strategy must be implemented as approved.

#### Commencement Information

**I26** Sch. 1 para. 23 in force at 3.8.2023, see [art. 1](#)



## Ministry of Defence radar mitigation

**24.**—(1) No wind turbine generator forming part of the authorised development is permitted to rotate its rotor blades on its horizontal axis until the Secretary of State, having consulted with the Ministry of Defence, confirms satisfaction that appropriate mitigation will be implemented and maintained for the life of the authorised development and that arrangements have been put in place with the Ministry of Defence to ensure that the approved mitigation is implemented.

(2) For the purposes of this requirement—

“appropriate mitigation” means measures to prevent or remove any unacceptable effects which the authorised development will have on air defence radar capability of Remote Radar Head (RRH) Staxton Wold and the Ministry of Defence’s air surveillance and control operations that it supports;

“approved mitigation” means the detailed Radar Mitigation Scheme (RMS) that will set out the appropriate measures and timescales for implementation as agreed with the Ministry of Defence at the time the Secretary of State confirms satisfaction in accordance with subparagraph (1); and

“Ministry of Defence” means the Ministry of Defence as represented by Defence Infrastructure Organisation – Safeguarding, St George’s House, DIO Head Office, DMS Whittington, Lichfield, Staffordshire, WS14 9PY or any successor body.

(3) The undertaker must thereafter comply with all other obligations contained within the approved mitigation for the life of the authorised development.

### Commencement Information

**I27** Sch. 1 para. 24 in force at 3.8.2023, see [art. 1](#)

## Onshore decommissioning

**25.**—(1) Within three months of the permanent cessation of operation of the connection works an onshore decommissioning plan must be submitted to the relevant planning authority for approval unless otherwise agreed by the relevant planning authority.

(2) The relevant planning authority must provide its decision on the onshore decommissioning plan required under requirement [25\(1\)](#) within three months of submission of such plan unless otherwise agreed by the relevant planning authority and the undertaker.

(3) The onshore decommissioning plan must be implemented as approved.

### Commencement Information

**I28** Sch. 1 para. 25 in force at 3.8.2023, see [art. 1](#)

## Employment and skills plan

**26.**—(1) No stage of the connection works may commence until for that stage an employment and skills plan (which accords with the outline employment and skills plan) in relation to the authorised development has been submitted to and approved by the relevant planning authority.

(2) The employment and skills plan must be implemented as approved.

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**Commencement Information**

**I29** Sch. 1 para. 26 in force at 3.8.2023, see [art. 1](#)

**Energy balancing infrastructure safety management**

**27.**—(1) Work No. 7(b) must not commence until an energy balancing infrastructure HazID report (which accords with the outline energy balancing infrastructure HazID report) has been submitted to and approved by the relevant planning authority.

(2) The energy balancing infrastructure HazID report must be implemented as approved.

**Commencement Information**

**I30** Sch. 1 para. 27 in force at 3.8.2023, see [art. 1](#)

**Stages of authorised development**

**28.**—(1) The authorised development may not be commenced until a written scheme setting out the stages of construction of the authorised project has been submitted to and approved by the relevant planning authority, in relation to the connection works, or the MMO, in relation to works seaward of MHWS.

(2) The stages of construction referred to in sub-paragraph (1) must not permit the authorised development to be constructed in more than one overall phase.

(3) The scheme must be implemented as approved.

**Commencement Information**

**I31** Sch. 1 para. 28 in force at 3.8.2023, see [art. 1](#)

**Claxby Radar Mitigation**

**29.**—(1) No wind turbine generator blades forming part of the authorised development may be installed until the Secretary of State, having consulted with NATS, has confirmed satisfaction 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 installation of the wind turbine blades.

(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—

“appropriate mitigation” means measures to mitigate any adverse effects which the operation of the authorised development will have on the primary surveillance radar at Claxby and NATS’ associated air traffic (surveillance and control) services/operations during the required period;

“approved mitigation” means the detailed Primary Radar Mitigation Scheme setting out the appropriate mitigation approved by the Secretary of State and confirmed in accordance with sub-paragraph (1);

“NATS” means NATS (En-Route) Plc (company number 04219273) or any successor body;

“the required period” means the shorter of—

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- (a) the operational life of the authorised development; and
- (b) the period ending on the date notified to the Secretary of State by the undertaker and confirmed by NATS being the date on which NATS no longer requires the appropriate mitigation to be in place.

.....  
**Commencement Information**

**I32** Sch. 1 para. 29 in force at 3.8.2023, see [art. 1](#)

**Requirement for written approval**

**30.** Where the approval, agreement or confirmation of the Secretary of State, the relevant planning authority or another person is required under a requirement, that approval, agreement or confirmation must be given in writing.

.....  
**Commencement Information**

**I33** Sch. 1 para. 30 in force at 3.8.2023, see [art. 1](#)

**Amendments to approved details**

**31.—(1)** With respect to any requirement which requires the authorised project to be carried out in accordance with the details approved by the relevant planning authority or another organisation or body, the approved details must be carried out as approved unless an amendment or variation is previously agreed by the relevant planning authority or that other organisation or body in accordance with sub-paragraph (2).

(2) Any amendments to or variations from the approved details must be in accordance with the principles and assessments set out in the environmental statement. Such agreement may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the relevant planning authority or that other organisation or body that the subject matter of the agreement sought is unlikely to give rise to any materially greater environmental effects from those assessed in the environmental statement.

(3) The approved details must be taken to include any amendments that may subsequently be approved by the relevant planning authority or that other person.

.....  
**Commencement Information**

**I34** Sch. 1 para. 31 in force at 3.8.2023, see [art. 1](#)

## PART 4

### PROCEDURE FOR DISCHARGE OF REQUIREMENTS

#### Interpretation

1. In this Part of this Schedule, “discharging authority” means—

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- (a) any body responsible for giving any consent, agreement or approval required by a requirement included in Part 3 of this Schedule, or for giving any consent, agreement or approval further to any document referred to in any such requirement; or
- (b) the local authority in the exercise of its functions set out in sections 60 (control of noise on construction sites) and 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974 subsequently referred to as “the 1974 Act”(2).

#### Commencement Information

**I35** Sch. 1 Pt. 4 para. 1 in force at 3.8.2023, see [art. 1](#)

#### Applications made under requirements

2.—(1) Where an application has been made to the discharging authority for any consent, agreement or approval required by a requirement contained in Part 3 of this Schedule, or for any consent, agreement or approval further to any document referred to in any such requirement, the discharging authority must give notice to the undertaker of its decision on the application within a period of eight weeks beginning with—

- (a) the day immediately following that on which a valid application is received by the discharging authority (such validity to be confirmed by the discharging authority within five days of receipt of the application); or
- (b) where further information is requested under paragraph 3 the day immediately following that on which the further information has been supplied by the undertaker, or such longer period as may be agreed in writing by the undertaker and the discharging authority.

(2) In determining any application made to the discharging authority for any consent, agreement or approval required by a requirement contained in Part 3 of this Schedule, the discharging authority may—

- (a) give or refuse its consent, agreement or approval; or
- (b) give its consent, agreement or approval either subject to reasonable conditions, or unconditionally,

and where consent, agreement or approval is refused or granted subject to conditions the discharging authority must provide its reasons for that decision with the notice of the decision.

#### Commencement Information

**I36** Sch. 1 Pt. 4 para. 2 in force at 3.8.2023, see [art. 1](#)

#### Further information regarding requirements

3.—(1) In relation to any application referred to in paragraph 2, the discharging authority may request such further information from the undertaker as it considers necessary to enable it to consider the application.

(2) If the discharging authority considers that further information is necessary and the requirement concerned contained in Part 3 of this Schedule does not specify that consultation with a consultee is required, the discharging authority must, within ten working days of receipt of the application, notify the undertaker in writing specifying the further information required.

(2) [1974 c. 40](#). Section 61 was amended by Schedule 7 to the Building Act [1984 \(c. 55\)](#), Schedule 15 to the Environmental Protection Act [1990 \(c. 43\)](#) and Schedule 24 to the Environment Act [1995 \(c. 25\)](#).

(3) If the requirement concerned contained in Part 3 of this Schedule specifies that consultation with a consultee is required, the discharging authority must issue the application to the consultee within five working days of receipt of the application, and notify the undertaker in writing specifying any further information requested by the consultee within five working days of receipt of such a request.

(4) If the discharging authority does not give the notification within the period specified in sub-paragraph (2) or (3) it (and the consultee, as the case may be) is deemed to have sufficient information to consider the application and is not entitled to request further information without the prior agreement of the undertaker.

#### Commencement Information

I37 Sch. 1 Pt. 4 para. 3 in force at 3.8.2023, see [art. 1](#)

### Appeals

4.—(1) Where a person (“the applicant”) makes an application to a discharging authority, the applicant may appeal to the Secretary of State in the event that—

- (a) the discharging authority refuses an application for any consent, agreement or approval required by—
  - (i) a requirement contained in Part 3 of this Schedule; or
  - (ii) a document referred to in any requirement contained in Part 3 of this Schedule;
- (b) the discharging authority does not determine such an application within the time period set out in paragraph 2(1), or grants it subject to conditions;
- (c) the discharging authority issues a notice further to sections 60 (control of noise on construction sites) or 61 (prior consent for work on construction sites) of the 1974 Act;
- (d) on receipt of a request for further information pursuant to paragraph 3 of this Part of this Schedule, the applicant considers that either the whole or part of the specified information requested by the discharging authority is not necessary for consideration of the application; or
- (e) on receipt of any further information requested, the discharging authority notifies the applicant that the information provided is inadequate and requests additional information which the applicant considers is not necessary for consideration of the application.

(2) The appeal process is as follows—

- (a) any appeal by the applicant must be made within 42 days of the date of the notice of the decision or determination, or (where no determination has been made) the expiry of the time period set out in paragraph 2(1), giving rise to the appeal referred to in sub-paragraph (1);
- (b) the applicant must submit the appeal documentation to the Secretary of State and must on the same day provide copies of the appeal documentation to the discharging authority and any consultee specified under the relevant requirement contained in Part 3 of this Schedule;
- (c) as soon as is practicable after receiving the appeal documentation, the Secretary of State must appoint a person to consider the appeal (“the appointed person”) and must notify the appeal parties of the identity of the appointed person and the address to which all correspondence for the attention of the appointed person should be sent;
- (d) the discharging authority and any consultee (if applicable) must submit their written representations together with any other representations to the appointed person in respect of the appeal within 20 working days of the start date specified by the appointed person

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and must ensure that copies of their written representations and any other representations as sent to the appointed person are sent to each other and to the applicant on the day on which they are submitted to the appointed person;

- (e) the applicant must make any counter-submissions to the appointed person within 20 working days of receipt of written representations pursuant to sub-paragraph (d) above; and
- (f) the appointed person must make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable after the end of the 20 day period for counter-submissions under sub-paragraph (e).

(3) The appointment of the appointed person pursuant to sub-paragraph 4(2)(c) may be undertaken by a person appointed by the Secretary of State for this purpose instead of by the Secretary of State.

(4) In the event that the appointed person considers that further information is necessary to enable the appointed person to consider the appeal the appointed person must as soon as practicable notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information is to be submitted.

(5) Any further information required pursuant to sub-paragraph (4) must be provided by the party from whom the information is sought to the appointed person and to the other appeal parties by the date specified by the appointed person. The appointed person must notify the appeal parties of the revised timetable for the appeal on or before that day. The revised timetable for the appeal must require submission of written representations to the appointed person within ten working days of the date specified by the appointed person, but must otherwise be in accordance with the process and time limits set out in sub-paragraphs 4(2)(c) to (e).

(6) On an appeal under this paragraph, the appointed person may—

- (a) allow or dismiss the appeal; or
- (b) reverse or vary any part of the decision of the discharging authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to the appointed person in the first instance.

(7) The appointed person may proceed to a decision on an appeal taking into account such written representations as have been sent within the relevant time limits and in the sole discretion of the appointed person such written representations as have been sent outside of the relevant time limits.

(8) The appointed person may proceed to a decision even though no written representations have been made within the relevant time limits, if it appears to the appointed person that there is sufficient material to enable a decision to be made on the merits of the case.

(9) The decision of the appointed person on an appeal is final and binding on the parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for a judicial review.

(10) If an approval is given by the appointed person pursuant to this Part of this Schedule, it is deemed to be an approval for the purpose of Part 3 of this Schedule as if it had been given by the discharging authority. The discharging authority may confirm any determination given by the appointed person in identical form in writing, but a failure to give such confirmation (or a failure to give it in identical form) is not to be taken to affect or invalidate the effect of the appointed person's determination.

(11) Save where a direction is given pursuant to sub-paragraph (12) requiring the costs of the appointed person to be paid by the discharging authority, the reasonable costs of the appointed person are to be met by the applicant.

(12) On application by the discharging authority or the applicant, the appointed person may give directions as to the costs of the appeal and as to the parties by whom the costs of the appeal are to be

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Hornsea Four Offshore Wind Farm Order 2023. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

paid. In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to relevant guidance on the Planning Practice Guidance website or any official circular or guidance which may from time to time replace it.

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**Commencement Information**

**I38** Sch. 1 Pt. 4 para. 4 in force at 3.8.2023, see [art. 1](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Sch. 1 Pt. 3 words inserted by [S.I. 2024/117 Sch.](#)
- Sch. 1 Pt. 3 words substituted by [S.I. 2024/117 Sch.](#)
- Sch. 1 Pt. 1 para. 1 punctuation mark substituted by [S.I. 2024/117 Sch.](#)
- Sch. 1 Pt. 1 para. 2 quotation mark inserted by [S.I. 2024/117 Sch.](#)
- Sch. 1 Pt. 1 para. 1 text amended by [S.I. 2024/117 Sch.](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 9 Pt. 3A para. 9(4) word substituted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 3A para. 3 words substituted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 3B para. 23(3) word omitted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 3B para. 23(5) word omitted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 3B para. 24(2) word omitted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 3B para. 25(2) word omitted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 3B para. 25(3) word omitted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 3B para. 25(5) word omitted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 3B para. 25(6) word omitted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 3B para. 25(10) word omitted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 3B para. 26(2) word omitted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 3B para. 26(3) word omitted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 3B para. 26(4) word omitted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 3B para. 26(5) word omitted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 4 para. 4(1)(r) word omitted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 4 para. 12(5) words substituted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 5 para. 1(2) full stop omitted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 7 para. 4(2)(i) semicolon inserted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 7 para. 4(2)(j) word inserted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 7 para. 4(2)(o) word inserted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 7 para. 4(2)(p) word inserted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 7 para. 4(2)(p) word substituted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 7 para. 4(2)(q) word substituted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 9 para. 8(1)(a) words substituted by [S.I. 2024/117 Sch.](#)
- Sch. 9 Pt. 10 para. 2(a) words substituted by [S.I. 2024/117 Sch.](#)
- Sch. 16 para. 10(a)(v)(cc) semicolon inserted by [S.I. 2024/117 Sch.](#)
- Preamble word substituted by [S.I. 2024/117 Sch.](#)
- art. 26(5) inserted by [S.I. 2024/117 Sch.](#)