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STATUTORY INSTRUMENTS

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**2020 No. 1656**

**INFRASTRUCTURE PLANNING**

**The Hornsea Three Offshore Wind Farm Order 2020**

*Made - - - - 31st December 2020*

*Coming into force 22nd January 2021*

**THE HORNSEA THREE OFFSHORE WIND FARM ORDER 2020**

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation

PART 2

PRINCIPAL POWERS

3. Development consent etc. granted by the Order
4. Power to maintain the authorised project
5. Benefit of the Order
6. Application and modification of legislative provisions
7. Defence to proceedings in respect of statutory nuisance

PART 3

STREETS

8. Street works
9. Application of the 1991 Act
10. Temporary stopping up of streets
11. Temporary stopping up of public rights of way
12. Access to works
13. Agreements with street authorities
14. Power to alter layout etc. of streets

PART 4

SUPPLEMENTAL POWERS

15. Discharge of water

*Status: This is the original version (as it was originally made).*

16. Protective work to buildings
17. Authority to survey and investigate the land onshore

#### PART 5

### POWERS OF ACQUISITION

18. Compulsory acquisition of land
19. Time limit for exercise of authority to acquire land compulsorily
20. Compulsory acquisition of rights
21. Private Rights
22. Application of the 1981 Act
23. Acquisition of subsoil only
24. Modification of Part 1 of the 1965 Act
25. Rights under or over streets
26. Temporary use of land for carrying out the authorised project
27. Temporary use of land for maintaining the authorised project
28. Statutory undertakers
29. Recovery of costs of new connections

#### PART 6

### OPERATIONS

30. Operation of generating station
31. Deemed marine licences under the 2009 Act

#### PART 7

### MISCELLANEOUS AND GENERAL

32. Application of landlord and tenant law
  33. Operational land for purposes of the 1990 Act
  34. Felling or lopping of trees and removal of hedgerows
  35. Trees subject to tree preservation orders
  36. Certification of plans and documents, etc.
  37. Arbitration
  38. Requirements, appeals, etc.
  39. Abatement of works abandoned or decayed
  40. Saving provisions for Trinity House
  41. Crown rights
  42. Protective provisions
  43. Funding
  44. Service of notices
  45. Compensation provisions
- Signature

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#### SCHEDULES

##### SCHEDULE 1 — AUTHORISED PROJECT

###### PART 1 — AUTHORISED DEVELOPMENT

1. A nationally significant infrastructure project as defined in sections 14...  
In the county of Norfolk, districts of North Norfolk, Broadland and South Norfolk

###### PART 2 — ANCILLARY WORKS

1. Works within the Order limits which have been subject to...  
PART 3 — REQUIREMENTS
1. Time limits
2. Detailed offshore design parameters
3. (1) The total number of offshore electrical installations and offshore...
4. The total volume of scour protection for wind turbine generators,...
5. (1) The number of cable circuits shall not exceed six....
6. Phases of authorised development
7. Detailed design approval onshore
8. Provision of landscaping
9. Implementation and maintenance of landscaping
10. Ecological management plan
11. Highway accesses
12. Fencing and other means of enclosure
13. Surface and foul water drainage
14. Contaminated land and groundwater scheme
15. Surface water
16. Onshore Archaeology
17. Code of construction practice
18. Construction traffic management plan
19. European protected species onshore
20. Restoration of land used temporarily for construction
21. Control of noise during operational phase
22. Local skills and employment
23. Onshore decommissioning
24. Notification of generation of power
25. Requirement for written approval
26. Amendments to approved details

SCHEDULE 2 — STREETS SUBJECT TO STREET WORKS

SCHEDULE 3 — STREETS TO BE TEMPORARILY STOPPED UP

SCHEDULE 4 — PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP

SCHEDULE 5 — ACCESS TO WORKS

SCHEDULE 6 — LAND IN WHICH ONLY NEW RIGHTS ETC., MAY BE ACQUIRED

SCHEDULE 7 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

1. The enactments for the time being in force with respect...
2. (1) Without limitation on the scope of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...
4. Application of Part 1 (compulsory purchase under Acquisition of Land Act of 1946) of the 1965 Act
5. For section 7 (measure of compensation in case of severance)...
6. The following provisions of the 1965 Act (which state the...
7. Section 11 (powers of entry) of the 1965 Act is...
8. Section 20 (tenants at will, etc.) of the 1965 Act...
9. Section 22 (interests omitted from purchase) of the 1965 Act...

*Status: This is the original version (as it was originally made).*

10. For Schedule 2A to the 1965 Act substitute— SCHEDULE 2A...

SCHEDULE 8 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 9 — PROTECTIVE PROVISIONS

PART 1 — PROTECTION FOR ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

1. Application
2. In this Part— “affected undertaker” means any licence holder within...
3. Precedence of the 1991 Act in respect of apparatus in the streets
4. No acquisition etc. except by agreement
5. Removal of apparatus
6. Facilities and rights for alternative apparatus
7. Retained apparatus
8. (1) Subject to the following provisions of this paragraph, the...
9. Expenses and costs
10. Nothing in this Part affects the provisions of any enactment...

PART 2 — FOR THE PROTECTION OF NATIONAL GRID AS ELECTRICITY AND GAS UNDERTAKER

1. Application
2. Interpretation
3. Except for paragraphs 4 (apparatus of National Grid in streets...
4. Apparatus of National Grid in streets subject to temporary stopping up
5. Protective works to buildings
6. Acquisition of land
7. Removal of apparatus
8. Facilities and rights for alternative apparatus
9. Retained apparatus: protection of National Grid as Gas Undertaker
10. (1) Not less than 56 days before the commencement of...
11. Expenses
12. Indemnity
13. Enactments and agreements
14. Co-operation
15. Access
16. Arbitration
17. Notices

PART 3 — FOR THE PROTECTION OF CADENT GAS LIMITED AS GAS UNDERTAKER

1. Application
2. Interpretation
3. Except for paragraphs 4 (apparatus of Cadent Gas Limited in...
4. Apparatus of Cadent Gas Limited in streets subject to temporary stopping up
5. Protective works to buildings
6. Acquisition of land
7. Removal of apparatus
8. Facilities and rights for alternative apparatus
9. Retained apparatus: protection of Cadent Gas Limited as Gas Undertaker
10. Expenses
11. Indemnity
12. Enactments and agreements
13. Co-operation

14. Access
15. Arbitration
16. Notices

PART 4 — PROTECTION FOR OPERATORS OF ELECTRONIC  
COMMUNICATIONS CODE NETWORKS

1. (1) For the protection of any operator, the following provisions,...
2. In this Part— “the 2003 Act” means the Communications Act...
3. The exercise of the powers of article 28 (statutory undertakers)...
4. (1) Subject to sub-paragraphs (2) to (4), if as the...
5. This Part does not apply to— (a) any apparatus in...
6. Nothing in this Part affects the provisions of any enactment...

PART 5 — PROTECTION OF NETWORK RAIL INFRASTRUCTURE  
LIMITED

1. The following provisions of this Part of this Schedule have...
2. In this Part— “construction” includes execution, placing, alteration and reconstruction...
3. (1) Where under this Part Network Rail is required to...
4. (1) The undertaker must before commencing construction of any specified...
5. (1) Any specified work and any protective works to be...
6. The undertaker must— (a) at all times afford reasonable facilities...
7. Network Rail must at all times afford reasonable facilities to...
8. (1) If any permanent or temporary alterations or additions to...
9. The undertaker must pay to Network Rail all reasonable fees,...
10. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
11. If at any time after the completion of a specified...
12. The undertaker must not provide any illumination or illuminated sign...
13. Any additional expenses which Network Rail may reasonably incur in...
14. (1) The undertaker must— (a) pay to Network Rail all...
15. Network Rail must, on receipt of a request from the...
16. In the assessment of any sums payable to Network Rail...
17. The undertaker and Network Rail may, subject in the case...
18. Nothing in this Order, or in any enactment incorporated with...
19. The undertaker must give written notice to Network Rail if...
20. In relation to any dispute arising under this Part that...
21. The undertaker must no later than 28 days from the...

PART 6 — FOR THE PROTECTION OF ANGLIAN WATER SERVICES  
LIMITED

1. For the protection of Anglian Water, the following provisions of...
2. In this Part— “alternative apparatus” means alternative apparatus adequate to...
3. This Part does not apply to apparatus to the extent...
4. The undertaker must not interfere with, build over or near...
5. The alteration, extension, removal or re-location of any apparatus shall...
6. In the situation, where in exercise of the powers conferred...
7. Regardless of any provision in this Order or anything shown...
8. If the undertaker is unable to create the new rights...
9. If in consequence of the exercise of the powers conferred...
10. If in consequence of the exercise of the powers conferred...
11. If for any reason or in consequence of the construction...
12. Nothing in paragraph 11 above imposes any liability on the...
13. Anglian Water must give the undertaker reasonable notice of any...
14. Anglian Water must use its reasonable endeavours to mitigate in...

*Status: This is the original version (as it was originally made).*

15. Any difference or dispute arising between the undertaker and Anglian...  
PART 7 — FOR THE PROTECTION OF THE ENVIRONMENT AGENCY  
AND DRAINAGE AUTHORITIES
  1. The provisions of this Part have effect for the protection...
  2. In this Part— “construction” includes execution, placing, altering, replacing, relaying...
  3. (1) Before beginning to construct any specified work, the undertaker...
  4. Without limiting paragraph 3, the requirements which the drainage authority...
    5. (1) Subject to sub-paragraph (2), any specified work, and all...
    6. (1) Subject to sub-paragraph (5) the undertaker must from the...
    7. If by reason of the construction of any specified work...
    8. The undertaker must indemnify the drainage authority in respect of...
    9. (1) Without limiting the other provisions of this Part, the...
  10. The fact that any work or thing has been executed...
  11. Any dispute between the undertaker and the drainage authority under...  
PART 8 — FOR THE PROTECTION OF NORFOLK VANGUARD
    1. The provisions of this Part apply for the protection of...
    2. In this Part— “apparatus” means the cables, structures or other...
    3. The consent of Vanguard under this Part is not required...
    4. Where conditions are included in any consent granted by Vanguard...
    5. The undertaker must not under the powers of this Order—...
    6. (1) The undertaker must not under the powers of this...
    7. (1) The undertaker must give to Vanguard not less than...
    8. The undertaker must at all reasonable times during construction of...
    9. (1) After the purpose of any temporary works has been...
    10. If in consequence of the exercise of the powers conferred...
    11. The undertaker must not exercise the powers conferred by this...
    12. To ensure its compliance with this Part, the undertaker must...
    13. The undertaker and Vanguard must each act in good faith...
    14. The undertaker must pay to Vanguard the reasonable expenses incurred...
    15. (1) Subject to sub-paragraphs (2) and (3), if by reason...
  16. Any dispute arising between the undertaker and Vanguard under this...  
PART 9 — FOR THE PROTECTION OF NORFOLK BOREAS
    1. The provisions of this Part apply for the protection of...
    2. In this Part— “apparatus” means the cables, structures or other...
    3. The consent of Boreas under this Part is not required...
    4. Where conditions are included in any consent granted by Boreas...
    5. The undertaker must not under the powers of this Order—...
    6. (1) The undertaker must not under the powers of this...
    7. (1) The undertaker must give to Boreas not less than...
    8. The undertaker must at all reasonable times during construction of...
    9. (1) After the purpose of any temporary works has been...
    10. If in consequence of the exercise of the powers conferred...
    11. The undertaker must not exercise the powers conferred by this...
    12. To ensure its compliance with this Part, the undertaker must...
    13. The undertaker and Boreas must each act in good faith...
    14. The undertaker must pay to Boreas the reasonable expenses incurred...
    15. (1) Subject to sub-paragraphs (2) and (3), if by reason...
    16. Any dispute arising between the undertaker and Boreas under this...

SCHEDULE 10 —

PART 1 — REMOVAL OF HEDGEROWS

## PART 2 — REMOVAL OF IMPORTANT HEDGEROWS

### SCHEDULE 11 — DEEMED MARINE LICENCE UNDER THE 2009 ACT— GENERATION ASSETS

#### PART 1 — LICENSED MARINE ACTIVITIES

1. (1) In this licence— “the 2004 Act” means the Energy...
2. Details of licensed marine activities
3. Such activities are authorised in relation to the construction, maintenance...
4. The substances or articles authorised for deposit at sea are—...
5. The grid coordinates for that part of the authorised development...
6. This licence remains in force until the authorised project has...
7. The provisions of sections 72 (variation, suspension, revocation and transfer)...
8. With respect to any condition which requires the licensed activities...
9. Any amendments to or variations from the approved plans, protocols...

#### PART 2 — CONDITIONS

1. Design parameters
2. (1) The total number of offshore accommodation platforms forming part...
3. (1) The total length of the cables in Work No.1(c)...
4. Phases of authorised development
5. Maintenance of the authorised development
6. Extension of time periods
7. Notifications and inspections
8. Aids to navigation
9. (1) The undertaker must colour all structures yellow (colour code...
10. Aviation safety
11. Chemicals, drilling and debris
12. Force majeure
13. Pre-construction plans and documentation
14. (1) Each programme, statement, plan, protocol or scheme required to...
15. Offshore safety management
16. Reporting of engaged agents, contractors and vessels
17. Pre-construction monitoring and surveys
18. Construction monitoring
19. Post-construction monitoring
20. Timing of monitoring report
21. Updating of cable monitoring plan
22. Reporting of impact pile driving
23. Reporting of cable protection
24. Decommissioning of cable protection within marine protected areas

### SCHEDULE 12 — DEEMED MARINE LICENCE UNDER THE 2009 ACT – TRANSMISSION ASSETS

#### PART 1 — LICENSED MARINE ACTIVITIES

1. (1) In this licence— “the 2004 Act” means the Energy...
2. Details of licensed marine activities
3. Such activities are authorised in relation to the construction, maintenance...
4. The substances or articles authorised for deposit at sea are—...
5. The grid coordinates for that part of the authorised development...
6. This licence remains in force until the authorised project has...
7. The provisions of section 72 (variation, suspension, revocation and transfer)...
8. With respect to any condition which requires the licensed activities...

*Status: This is the original version (as it was originally made).*

9. Any amendments to or variations from the approved plans, protocols...  
PART 2 — CONDITIONS
1. Design parameters
2. (1) The dimensions of any offshore type 1 substations forming...
3. (1) The total length of the cables and the volume...
4. (1) The total length of the cables in Work No.2(c)...
5. Phases of authorised development
6. Maintenance of the authorised development
7. Extension of time periods
8. Notifications and inspections
9. Aids to navigation
10. The undertaker must colour all structures yellow (colour code RAL...
11. Aviation safety
12. Chemicals, drilling and debris
13. Force majeure
14. Pre-construction plans and documentation
15. (1) Each programme, statement, plan, protocol or scheme required to...
16. Offshore safety management
17. Reporting of engaged agents, contractors and vessels
18. Pre-construction monitoring and surveys
19. Construction monitoring
20. Post-construction monitoring
21. Timing of monitoring report
22. Reporting of impact pile driving
23. Reporting of cable protection
24. Decommissioning of cable protection within marine protected areas

#### SCHEDULE 13 — ARBITRATION RULES

1. Primary objective
2. Time periods
3. Timetable
4. Procedure
5. Arbitrator's powers
6. Costs
7. Confidentiality

#### SCHEDULE 14 — COMPENSATION MEASURES

##### PART 1 — KITTIWAKE COMPENSATION MEASURES

1. In this Schedule: "the FFC" means the site designated as...
2. The authorised development may not be commenced until a plan...
3. The KIMP must be submitted to the Secretary of State...
4. The undertaker must implement the measures as set out in...
5. The undertaker shall notify the Secretary of State of completion...
6. Once the measures have been implemented the undertaker shall provide...
7. The artificial nest structures must not be decommissioned without written...
8. The KIMP approved under this Schedule includes any amendments that...

##### PART 2 — BENTHIC COMPENSATION MEASURES

9. Benthic compensation measures
10. The authorised development may not be commenced until a plan...
11. The Steering Group must be consulted on i) the proposed...
12. A SIP for each of the NNSSR and the WNNC...
13. Each SIP must accord with the principles set out in...
14. No cable installation works in Work No. 2(c) and (d),...



15. No cable installation work in Work No, 2(c) and (d),...
16. The measures in the SIPs must be carried out in...
17. No later than four months prior to each deployment of...
18. A SIP approved under this Schedule, includes any amendments that...

Explanatory Note