
STATUTORY INSTRUMENTS

2021 No. 1414

INFRASTRUCTURE PLANNING

The Norfolk Boreas Offshore Wind Farm Order 2021

Made - - - - 10th December 2021

Coming into force - - 1st January 2022

THE NORFOLK BOREAS OFFSHORE WIND FARM ORDER 2021

PART 1

Preliminary

1. Citation and commencement
2. Interpretation

PART 2

Principal Powers

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

PART 3

Streets

9. Street works
10. Public rights of way
11. Stopping up of streets
12. Access to works
13. Agreements with street authorities
14. Application of the 1991 Act

PART 4

Supplemental Powers

15. Discharge of water and works to watercourses

Status: This is the original version (as it was originally made).

- 16. Authority to survey and investigate the land onshore
- 17. Removal of human remains

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 and the imposition of restrictive covenants
- 21. Private rights
- 22. Application of the 1981 Act
- 23. Application of Part 1 of the 1965 Act
- 24. Acquisition of subsoil or airspace only
- 25. Rights under or over streets
- 26. Temporary use of land for carrying out the authorised project
- 27. Temporary use of land for maintaining authorised project
- 28. Extinguishment of private rights and restrictive covenants relating to apparatus removed from land subject to temporary possession
- 29. Statutory undertakers
- 30. Recovery of costs of new connections

PART 6

Operations

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

PART 7

Miscellaneous and General

- 33. Application of landlord and tenant law
 - 34. Operational land for purposes of the 1990 Act
 - 35. Felling or lopping of trees and removal of hedgerows
 - 36. Trees subject to tree preservation orders
 - 37. Certification of plans etc
 - 38. Arbitration
 - 39. Procedure in relation to certain approvals etc
 - 40. Abatement of works abandoned or decayed
 - 41. Saving provisions for Trinity House
 - 42. Crown rights
 - 43. Service of Notices
 - 44. Protective provisions
 - 45. Compensation to protect the coherence of the national site network
- Signature

SCHEDULE 1 — Authorised Project

PART 1 — Authorised Development

- 1. A nationally significant infrastructure project as defined in sections 14...
 - Offshore
 - Associated Development
 - Intertidal area

In the county of Norfolk, district of North Norfolk

In the county of Norfolk, district of Broadland

In the county of Norfolk, district of Breckland

Further Associated Development

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 wind turbine generators forming part...
 4. (1) The dimensions of any offshore electrical platforms forming part...
 5. (1) The total length of cables must not exceed 1,190...
 6. (1) In relation to a wind turbine generator, each foundation...
 7. (1) In relation to a meteorological mast, each foundation using...
 8. (1) In relation to an offshore electrical platform, each foundation...
 9. (1) In relation to any offshore service platform, each foundation...
 10. (1) In relation to any LIDAR measurement buoys, each foundation...
 11. The total amount of scour protection for the wind turbine...
 12. Aviation safety
 13. Ministry of Defence surveillance operations
 14. Offshore decommissioning
 15. Scenarios, stages, and phases of authorised development onshore
 16. Detailed design parameters onshore
 17. Landfall method statement
 18. Provision of landscaping
 19. Implementation and maintenance of landscaping
 20. Code of construction practice
 21. Traffic
 22. Highway accesses
 23. Archaeological written scheme of investigation
 24. Ecological management plan
 25. Watercourse crossings
 26. Construction hours
 27. Control of noise during operational phase and during maintenance
 28. European protected species onshore
 29. Onshore decommissioning
 30. Requirement for written approval
 31. Amendments to approved details
 32. Operational drainage plan
 33. Skills and employment strategy
 34. Cromer Primary Surveillance Radar
 35. Reuse of temporary works in the event of scenario 1
 36. Base port(s) travel plans

SCHEDULE 2 — Streets subject to Street Works

PART 1 — Scenario 1

PART 2 — Scenario 2

SCHEDULE 3 — Public Rights of Way to be temporarily stopped up

PART 1 — Scenario 1

PART 2 — Scenario 2

SCHEDULE 4 — Streets to be stopped up

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

- PART 1 — Streets to be temporarily stopped up (Scenario 1)
- PART 2 — Streets to be temporarily stopped up (Scenario 2)
- PART 3 — Permanent stopping up of private means of access for which a substitute is to be provided – Scenario 1

SCHEDULE 5 — Access to Works

- PART 1 — Scenario 1
- PART 2 — Scenario 2

SCHEDULE 6 — Land in which only New Rights etc., may be acquired

- PART 1 — Scenario 1
- PART 2 — Scenario 2

SCHEDULE 7 — Modification of compensation and compulsory purchase enactments for creation of new rights

1. Compensation Enactments
2. (1) Without prejudice to the generality of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...
4. Application of the 1965 Act
5. For section 7 of the 1965 Act (measure of compensation...
6. Section 8(1) of the Compulsory Purchase Act 1965 has effect...
7. The following provisions of the 1965 Act (which state the...
8. Section 11 of the 1965 Act (powers of entry) is...
9. Section 20 of the 1965 Act (tenants at will, etc.)...
10. Section 22 of the 1965 Act (interests omitted from purchase)...

SCHEDULE 8 — Land of which temporary possession may be taken

- PART 1 — Scenario 1
- PART 2 — Scenario 2

SCHEDULE 9 — Deemed Licence under the 2009 Act – Generation Assets (Licence 1 – Phase 1)

PART 1 — Interpretation

1. (1) In this licence— “the 2004 Act” means the Energy...
2. A reference to any statute, order, regulation or similar instrument...
3. Unless otherwise indicated— (a) all times are taken to be...
4. Except where otherwise notified in writing by the relevant organisation,...

PART 2 — Licensed Marine Activities – General

1. This licence remains in force until the authorised scheme has...
2. The provisions of section 72 (variation, suspension, revocation and transfer)...
3. With respect to any condition which requires the licensed activities...
4. Any amendments to or variations from the approved plans, protocols...
5. The substances or articles authorised for deposit at sea are—...
6. The grid coordinates for the authorised scheme are specified below—...

PART 3 — Details of Licensed Marine Activities

1. Subject to the licence conditions at Part 4, this licence...
2. (1) Such activities are authorised in relation to the construction,...

PART 4 — Conditions

1. Design parameters
2. (1) The dimensions of any offshore service platform forming part...
3. The total length of the cables and the area and...
4. (1) In relation to a wind turbine generator, each foundation...

5. (1) In relation to a meteorological mast, each foundation using...
6. (1) In relation to an offshore service platform, each foundation...
7. (1) In relation to any LIDAR measurement buoys, each foundation...
8. Phasing of the authorised scheme and scenarios
9. Notifications and inspections
10. Aids to navigation
11. Colouring of structures
12. Chemicals, drilling and debris
13. Force majeure
14. Pre-construction plans and documentation
15. (1) Any archaeological reports produced in accordance with condition 14(1)(h)(iii)...
16. Post-construction plans and documents
17. Reporting of engaged agents, contractors and vessels
18. Pre-construction monitoring and surveys
19. Construction monitoring
20. Post construction
21. Reporting of impact pile driving
22. Reporting of scour and cable protection
23. Completion of construction

SCHEDULE 10 — Deemed Licence under the 2009 Act – Generation Assets (Licence 2 – Phase 2)

PART 1 — Interpretation

1. (1) In this licence— “the 2004 Act” means the Energy...
2. A reference to any statute, order, regulation or similar instrument...
3. Unless otherwise indicated— (a) all times are taken to be...
4. Except where otherwise notified in writing by the relevant organisation,...

PART 2 — Licensed Marine Activities – General

1. This licence remains in force until the authorised scheme has...
2. The provisions of section 72 (variation, suspension, revocation and transfer)...
3. With respect to any condition which requires the licensed activities...
4. Any amendments to or variations from the approved plans, protocols...
5. The substances or articles authorised for deposit at sea are—...
6. The grid coordinates for the authorised scheme are specified below—...

PART 3 — Details of Licensed Marine Activities

1. Subject to the licence conditions at Part 4, this licence...
2. (1) Such activities are authorised in relation to the construction,...

PART 4 — Conditions

1. Design parameters
2. (1) The dimensions of any offshore service platform forming part...
3. The total length of the cables and the area and...
4. (1) In relation to a wind turbine generator, each foundation...
5. (1) In relation to a meteorological mast, each foundation using...
6. (1) In relation to an offshore service platform, each foundation...
7. (1) In relation to any LIDAR measurement buoys, each foundation...
8. Phasing of the authorised scheme
9. Notifications and inspections
10. Aids to navigation
11. Colouring of structures
12. Chemicals, drilling and debris
13. Force majeure

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

14. Pre-construction plans and documentation
15. (1) Any archaeological reports produced in accordance with condition 14(1)(h)(iii)...
16. Post-construction plans and documents
17. Reporting of engaged agents, contractors and vessels
18. Pre-construction monitoring and surveys
19. Construction monitoring
20. Post construction
21. Reporting of impact pile driving
22. Reporting of scour and cable protection
23. Completion of construction

SCHEDULE 11 — Deemed Licence under the 2009 Act – Transmission Assets (Licence 1 – Phase 1)

PART 1 — Interpretation

1. (1) In this licence— “the 2004 Act” means the Energy...

PART 2 — Licensed Marine Activities – General

1. This licence remains in force until the authorised scheme has...
2. The provisions of section 72 (variation, suspension, revocation and transfer)...
3. With respect to any condition which requires the licensed activities...
4. Any amendments to or variations from the approved plans, protocols...
5. The substances or articles authorised for deposit at sea are—...
6. The grid coordinates for the authorised scheme are specified below—...

PART 3 — Details of Licensed Marine Activities

1. Subject to the licence conditions at Part 4, this licence...
2. (1) Such activities are authorised in relation to the construction,...

PART 4 — Conditions

1. Design parameters
2. The total length of the cables and the area and...
3. Phasing of the authorised scheme and scenarios
4. Notifications and inspections
5. Aids to navigation
6. Colouring of structures
7. Chemicals, drilling and debris
8. Force majeure
9. Pre-construction plans and documentation
10. (1) Any archaeological reports produced in accordance with condition 9(1)(h)(iii)...
11. Post-construction plans and documents
12. Reporting of engaged agents, contractors and vessels
13. Pre-construction monitoring and surveys
14. Construction monitoring
15. Post construction
16. Reporting of impact pile driving
17. Reporting of scour and cable protection
18. Coordination with Norfolk Vanguard Offshore Wind Farm
19. Restriction on cable installation construction works

SCHEDULE 12 — Deemed Licence under the 2009 Act – Transmission Assets (Licence 2 – Phase 2)

PART 1 — Interpretation

1. (1) In this licence— “the 2004 Act” means the Energy...

PART 2 — Licensed Marine Activities – General

1. This licence remains in force until the authorised scheme has...
2. The provisions of section 72 (variation, suspension, revocation and transfer)...
3. With respect to any condition which requires the licensed activities...
4. Any amendments to or variations from the approved plans, protocols...
5. The substances or articles authorised for deposit at sea are—...
6. The grid coordinates for the authorised scheme are specified below—...

PART 3 — Details of Licensed Marine Activities

1. Subject to the licence conditions at Part 4, this licence...
2. (1) Such activities are authorised in relation to the construction,...

PART 4 — Conditions

1. Design parameters
2. The total length of the cables and the area and...
3. Phasing of the authorised scheme
4. Notifications and inspections
5. Aids to navigation
6. Colouring of structures
7. Chemicals, drilling and debris
8. Force majeure
9. Pre-construction plans and documentation
10. (1) Any archaeological reports produced in accordance with condition 9(1)(h)(iii)...
11. Post-construction plans and documents
12. Reporting of engaged agents, contractors and vessels
13. Pre-construction monitoring and surveys
14. Construction monitoring
15. Post construction
16. Reporting of impact pile driving
17. Reporting of scour and cable protection
18. Coordination with Norfolk Vanguard Offshore Wind Farm
19. Restriction on cable installation construction works

SCHEDULE 13 — Deemed Licence under the 2009 Act –Project Interconnector assets
(Scenario 1)

PART 1 — Interpretation

1. (1) In this licence— “the 2004 Act” means the Energy...
2. A reference to any statute, order, regulation or similar instrument...
3. Unless otherwise indicated— (a) all times are taken to be...
4. Except where otherwise notified in writing by the relevant organisation,...

PART 2 — Licensed Marine Activities – General

1. This licence remains in force until the authorised scheme has...
2. The provisions of section 72 (variation, suspension, revocation and transfer)...
3. With respect to any condition which requires the licensed activities...
4. Any amendments to or variations from the approved plans, protocols...
5. The substances or articles authorised for deposit at sea are—...
6. The grid coordinates for the authorised scheme are specified below—...

PART 3 — Details of Licensed Marine Activities

1. Subject to the licence conditions at Part 4, this licence...
2. (1) Subject to condition 1, such activities are authorised in...

PART 4 — Conditions

1. Effect of this licence

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

2. Design parameters
3. Notifications and inspections
4. Aids to navigation
5. Chemicals, drilling and debris
6. Force majeure
7. Pre-construction plans and documentation
8. (1) Any archaeological reports produced in accordance with condition 7(1)(g)(iii)...
9. Post-construction plans and documents
10. Reporting of engaged agents, contractors and vessels
11. Pre-construction monitoring and surveys
12. Construction monitoring
13. Post construction
14. Reporting of cable protection
15. Coordination with Norfolk Vanguard Offshore Wind Farm

SCHEDULE 14 — Hedgerows

- PART 1 — Scenario 1 - Removal of Important Hedgerows
- PART 2 — Scenario 1 - Removal of Hedgerows
- PART 3 — Scenario 2 - Removal of Important Hedgerows
- PART 4 — Scenario 2 - Removal of Potentially Important Hedgerows
- PART 5 — Scenario 2 - Removal of Hedgerows

SCHEDULE 15 — Arbitration Rules

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

SCHEDULE 16 — Procedure for discharge of Requirements

1. Applications made under requirement
2. Further information
3. Appeals
4. Interpretation of this Schedule

SCHEDULE 17 — Protective Provisions

PART 1 — Protection of electricity, gas, water and sewerage undertakers

1. For the protection of the undertakers referred to in this...
2. In this Part— “affected undertaker” means any licence holder within...
3. This Part does not apply to apparatus in respect of...
4. Regardless of any provision in this Order or anything shown...
5. (1) If, in the exercise of the powers conferred by...
6. (1) Where, in accordance with the provisions of this Part,...
7. (1) Not less than 28 days before starting the execution...
8. (1) Subject to the following provisions of this paragraph, the...
9. (1) Subject to sub-paragraphs (2) and (3), if by reason...
10. Any difference or dispute arising between the undertaker and the...
11. Nothing in this Part shall affect the provisions of any...

PART 2 — For the Protection of National Grid

12. Application

13. Interpretation
14. (1) Except for paragraphs 15 (apparatus in stopped up streets),...
15. Apparatus of Undertakers in stopped up streets
16. Acquisition of land
17. Removal of apparatus
18. Facilities and rights for alternative apparatus
19. Retained apparatus: protection Gas Undertakers
20. Retained apparatus: protection Electricity Undertakers
21. Expenses
22. Compensation
23. Enactments and agreements
24. Co-operation
25. Access
26. Arbitration
27. Notices
- PART 3 — For the Protection of Cadent Gas Limited as Gas Undertaker
28. Application
29. Interpretation
30. On Street Apparatus
31. Apparatus of Undertakers in stopped up streets
32. Acquisition of land
33. Removal of apparatus
34. Facilities and rights for alternative apparatus
35. Retained apparatus: protection Gas Undertakers
36. Expenses
37. Compensation
38. Enactments and agreements
39. Co-operation
40. Access
41. Arbitration
42. Notices
- PART 4 — Protection for Operators of Electronic Communications Code Networks
43. (1) For the protection of any operator, the following provisions...
44. The exercise of the powers of article 29 (statutory undertakers)...
45. (1) Subject to sub-paragraphs (2) to (4), if as the...
46. This Part does not apply to— (a) any apparatus in...
47. Nothing in this Part shall affect the provisions of any...
- PART 5 — Protection of Network Rail Infrastructure Limited
48. The following provisions of this Schedule have effect, unless otherwise...
49. In this Part— “construction” includes execution, placing, alteration and reconstruction...
50. (1) Where under this part of this Schedule Network Rail...
51. (1) The undertaker must not exercise the powers conferred by—...
52. (1) The undertaker must before commencing construction of any specified...
53. (1) Any specified work and any protective works to be...
54. The undertaker must— (a) at all times afford reasonable facilities...
55. Network Rail must at all times afford reasonable facilities to...
56. (1) If any permanent or temporary alterations or additions to...
57. The undertaker must repay to Network Rail all reasonable fees,...
58. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
59. If at any time after the completion of a specified...

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

60. The undertaker must not provide any illumination or illuminated sign...
61. Any additional expenses which Network Rail may reasonably incur in...
62. (1) The undertaker must pay to Network Rail all reasonable...
63. Network Rail must, on receipt of a request from the...
64. In the assessment of any sums payable to Network Rail...
65. The undertaker and Network Rail may, subject in the case...
66. Nothing in this Order, or in any enactment incorporated with...
67. The undertaker must give written notice to Network Rail if...
68. The undertaker must no later than 28 days from the...
69. In relation to any dispute arising under this Part that...
PART 6 — For the Protection of Anglian Water Services Limited
70. (1) For the protection of Anglian Water, the following provisions...
PART 7 — For the protection of the Environment Agency and drainage
authorities
71. The provisions of this Part have effect for the protection...
72. In this Part— “construction” includes execution, placing, altering,
replacing, relaying...
73. (1) Before beginning to construct any specified work, the undertaker...
74. Without limiting paragraph 73, the requirements which the relevant
drainage...
75. (1) Subject to sub-paragraph (2), any specified work, and all...
76. (1) Subject to sub-paragraph (5) the undertaker must from the...
77. If by reason of the construction of any specified work...
78. The undertaker must compensate the relevant drainage authority in
respect...
79. (1) Without limiting the other provisions of this Part, the...
80. The fact that any work or thing has been executed...
81. Any dispute between the undertaker and the relevant drainage authority...
PART 8 — For the protection of Ørsted Hornsea Project Three (UK) Ltd
82. The provisions of this Part apply for the protection of...
83. In this Part— “apparatus” means the cables, structures or other...
84. The consent of Orsted under this Part is not required...
85. Where conditions are included in any consent granted by Orsted...
86. The undertaker must not under the powers of this Order—...
87. (1) The undertaker must not under the powers of this...
88. (1) The undertaker must give to Orsted not less than...
89. The undertaker must at all reasonable times during construction of...
90. (1) After the purpose of any temporary works has been...
91. If in consequence of the exercise of the powers conferred...
92. The undertaker must not exercise the powers conferred by this...
93. To ensure its compliance with this Part, the undertaker must...
94. The undertaker and Orsted must each act in good faith...
95. The undertaker must pay to Orsted the reasonable expenses incurred...
96. (1) Subject to sub-paragraphs (2) and (3), if by reason...
97. Any dispute arising between the undertaker and Orsted under this...
PART 9 — For the protection of Norfolk Vanguard Limited
98. Application
99. Interpretation
100. Acquisition of land
101. Removal of apparatus
102. Facilities and rights for alternative apparatus
103. Retained apparatus: protection: electricity undertakers
104. Expenses

- 105. Compensation
- 106. Enactments and agreements
- 107. Co-operation
- 108. Access
- 109. Arbitration

SCHEDULE 18 — Documents to be Certified

- PART 1 — Documents forming the environmental statement to be certified
- PART 2 — Other documents to be certified

SCHEDULE 19 — Compensation to protect the coherence of the national site network

- PART 1 — Flamborough and Filey Coast Special Protection Area: Delivery of measures to compensate for kittiwake loss

- 1. In this Part—“FFC” means the site designated as the...
- 2. The authorised development may not be commenced until a plan...
- 3. Following consultation with the KSG, the KIMP must be submitted...
- 4. The KIMP must include measures to increase the number of...
- 5. The undertaker must implement the measures as set out in...
- 6. The undertaker shall notify the Secretary of State of completion...
- 7. Results from the monitoring scheme must be submitted at least...
- 8. Unless otherwise agreed in writing by the Secretary of State...
- 9. The artificial nest structures installed under this Part must not...
- 10. The approved KIMP includes any amendments that may subsequently be...
- 11. In the event of any conflict or inconsistency between the...
 - PART 2 — Alde-Ore Estuary Special Protection Area: Delivery of measures to compensate for the loss of lesser black-backed gull
- 12. In this Part—“AOE” means the site designated as the...
- 13. The authorised development may not be commenced until a plan...
- 14. Following consultation with the LBBGSG, the LBBGIMP must be submitted...
- 15. The LBBGIMP must include measures to increase the number of...
- 16. The undertaker must implement the measures as set out in...
- 17. The undertaker shall notify the Secretary of State of completion...
- 18. Results from the monitoring scheme must be submitted at least...
- 19. Unless otherwise agreed in writing by the Secretary of State...
- 20. The predator control fencing installed under this Part must not...
- 21. The approved LBBGIMP includes any amendments that may subsequently be...
- 22. In the event of any conflict or inconsistency between the...
 - PART 3 — Haisborough, Hammond and Winterton Special Area of Conservation: Delivery of measures to compensate for cable installation and protection
- 23. In this Part—“BIMP” means the benthic implementation and monitoring...
- 24. The authorised development may not be commenced until a plan...
- 25. The BSG must be consulted on the proposed BIMP prior...
- 26. The undertaker will meet with and report to the BSG...
- 27. The BIMP must be submitted to and approved by the...
- 28. The BIMP must accord with the relevant principles contained in...
- 29. The BIMP must include in particular: (a) details of any...
- 30. The BIMP must be carried out as approved, unless otherwise...
- 31. Unless otherwise agreed in writing with the Secretary of State,...
- 32. Results from the monitoring scheme must be submitted at least...
- 33. A report which demonstrates completion of the activities required by...

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

34. The approved BIMP includes any amendments that may subsequently be...
35. In the event of any conflict or inconsistency between the...

Explanatory Note