

This Statutory Instrument has been published in substitution of S.I. 2023/432 to correct the omission of that instrument not being printed.

STATUTORY INSTRUMENTS

2023 No. 459

INFRASTRUCTURE PLANNING

**The Hornsea Three Offshore Wind
Farm (Amendment) Order 2023**

Made - - - - 17th April 2023

Coming into force - - 18th April 2023

An application has been made, under paragraph 2 of Schedule 6 to the Planning Act 2008⁽¹⁾, to the Secretary of State in accordance with the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011⁽²⁾ (the “2011 Regulations”) for non-material changes to the Hornsea Three Offshore Wind Farm Order 2020⁽³⁾.

The Secretary of State, having considered the application, the responses to the publicity and consultation required by regulations 6 and 7 of the 2011 Regulations, has decided to make the changes on terms that in the opinion of the Secretary of State are not materially different from those proposed in the application.

Accordingly, the Secretary of State, in exercise of the powers conferred by paragraphs 2(1) and (9) of Schedule 6 to the Planning Act 2008, makes the following Order—

Citation and commencement

1. This Order may be cited as the Hornsea Three Offshore Wind Farm (Amendment) Order 2023 and comes into force on 18th April 2023.

Amendment to the Hornsea Three Offshore Wind Farm Order 2020

2. The Hornsea Three Offshore Wind Farm Order 2020 (“the 2020 Order”) is amended in accordance with this Order.

(1) 2008 c. 29. Paragraph 2 was amended by paragraph 4 of Schedule 8 to the Marine and Coastal Access Act 2009 (c. 23), by paragraphs 1 and 72 of Schedule 13 and Schedule 25(2) to the Localism Act 2011 (c. 20), and by section 28 of the Infrastructure Act 2015 (c. 7).

(2) S.I. 2011/2055. Relevant amendments were made by S.I. 2012/635, S.I. 2015/760, S.I. 2017/314, and S.I. 2020/1534.

(3) S.I. 2020/1656 as amended by S.I. 2021/599.

Amendments to Schedule 14 of the 2020 Order

3. In Part 1 of Schedule 14 to the 2020 Order—

(a) Delete paragraph 3(c) and substitute—

“(c) an implementation timetable for delivery of four artificial nest structures that ensures all necessary compensation measures are in place to allow three full kittiwake breeding seasons in respect of two artificial nest structures prior to the operation of any turbine forming part of the authorised development, and to allow two full kittiwake breeding seasons for the other two artificial nest structures prior to the operation of any turbine forming part of the authorised development, with the KIMP to specify whether three or two breeding seasons applies to each artificial nest structure;”.

(b) Delete paragraph 4 and substitute—

“**4.** The undertaker must implement the measures as set out in the KIMP approved by the Secretary of State and no operation of any turbine forming part of the authorised development may be commenced until three full breeding seasons have elapsed from the implementation of two of the artificial nest structures and two full breeding seasons have elapsed from the implementation of two of the artificial nest structures, as set out in the KIMP. For the purposes of this paragraph each breeding season is assumed to have commenced on 1 March in each year and ended on 30 September.”.

Signed by authority of the Secretary of State for Energy Security and Net Zero

David Wagstaff
Deputy Director – Energy Infrastructure
Planning
Department for Energy Security and Net Zero

17th April 2023

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Hornsea Three Offshore Wind Farm Order 2020, a development consent order under the Planning Act 2008, following an application made in accordance with the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 for a non-material amendment under paragraph 2 of Schedule 6 to the Planning Act 2008. This Order amends paragraphs 3(c) and 4 of Part 1 of the 2020 Order relating to the kittiwake compensation measures.