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STATUTORY INSTRUMENTS

2023 No. 800

INFRASTRUCTURE PLANNING

The Hornsea Four Offshore Wind Farm Order 2023

Made - - - - *12th July 2023*

Coming into force *3rd August 2023*

THE HORNSEA FOUR OFFSHORE WIND FARM ORDER 2023

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation

PART 2

PRINCIPAL POWERS

3. Development consent etc. granted by this 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 closure and restriction of streets and public rights of way
11. Closure and diversion of public rights of way and access land
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

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

PART 6

OPERATIONS

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

PART 7

MISCELLANEOUS AND GENERAL

34. Application of landlord and tenant law
 35. Operational land for purposes of the 1990 Act
 36. Felling or lopping of trees and removal of hedgerows
 37. Trees subject to tree preservation orders
 38. Certification of plans and documents, etc.
 39. Arbitration
 40. Requirements, appeals, etc.
 41. Abatement of works abandoned or decayed
 42. Saving provisions for Trinity House
 43. Crown rights
 44. Protective provisions
 45. Funding
 46. Amendment and modification of statutory provisions
 47. Service of notices
 48. Modification of Section 106 agreements relating to land
 49. Compensation provisions
- Signature

SCHEDULES

SCHEDULE 1 — AUTHORISED PROJECT

PART 1 — AUTHORISED DEVELOPMENT

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1. A nationally significant infrastructure project as defined in sections 14...
2. The grid coordinates for that part of the authorised project...
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 must not exceed six....
6. Biodiversity net gain
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 permanent enclosure
13. Temporary fencing and other temporary means of enclosure
14. Surface and foul water drainage
15. Contaminated land and groundwater scheme
16. Surface water
17. Onshore archaeology
18. Code of construction practice
19. Construction traffic management plan
20. European protected species onshore
21. Restoration of land used temporarily for construction
22. Control of noise during operational phase
23. Enhancement strategy
24. Ministry of Defence radar mitigation
25. Onshore decommissioning
26. Employment and skills plan
27. Energy balancing infrastructure safety management
28. Stages of authorised development
29. Claxby Radar Mitigation
30. Requirement for written approval
31. Amendments to approved details
PART 4 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS
1. Interpretation
2. Applications made under requirements
3. Further information regarding requirements
4. Appeals

SCHEDULE 2 — STREETS SUBJECT TO STREET WORKS

SCHEDULE 3 — STREETS TO BE TEMPORARILY CLOSED OR RESTRICTED

SCHEDULE 4 — PUBLIC RIGHTS OF WAY TO BE CLOSED OR DIVERTED AND ACCESS LAND

- PART 1 — PUBLIC RIGHTS OF WAY TO BE TEMPORARILY CLOSED
- PART 2 — PUBLIC RIGHTS OF WAY TO BE PERMANENTLY DIVERTED
- PART 3 — PUBLIC RIGHTS OF WAY TO BE TEMPORARILY DIVERTED
- PART 4 — ACCESS LAND WHERE PUBLIC RIGHTS OF WAY MAY BE TEMPORARILY SUSPENDED

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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 to the scope of paragraph 1, the...
4. Application of Part 1 of the 1965 Act
5. For section 7 (measure of compensation in the case of...
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 (interest omitted from purchase) of the 1965 Act...
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 of this Schedule— “affected undertaker” means— any...
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 of this Schedule affects the provisions...

PART 2 — PROTECTION FOR OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

1. For the protection of any operator, the following provisions, unless...
2. In this Part of this Schedule— “conduit system” has the...
3. The exercise of the powers of article 30 (statutory undertakers)...
4. (1) Subject to sub-paragraphs (2) to (4), if as the...
5. This Part of this Schedule does not apply to—
6. Nothing in this Part of this Schedule affects the provisions...

PART 3 — FOR THE PROTECTION OF NATIONAL GRID ELECTRICITY TRANSMISSION PLC AS ELECTRICITY UNDERTAKER AND NATIONAL GRID GAS PLC AS GAS UNDERTAKER

PART 3A - NATIONAL GRID ELECTRICITY TRANSMISSION PLC

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 closure

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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 Electricity Undertaker
10. Expenses
11. Indemnity
12. Enactments and agreements
13. Co-operation
14. Access
15. Arbitration
16. Notices

PART 3B - NATIONAL GRID GAS PLC

17. Application
18. Interpretation
19. Except for paragraphs 20 (apparatus of National Grid in streets...
20. Apparatus of National Grid in streets subject to temporary closure
21. Protective works to buildings
22. Acquisition of land
23. Removal of apparatus
24. Facilities and rights for alternative apparatus
25. Retained apparatus: protection of National Grid as Gas Undertaker
26. Expenses
27. Indemnity
28. Enactments and agreements
29. Co-operation
30. Access
31. Arbitration
32. Notices

PART 4 — PROTECTION OF RAILWAY INTERESTS

1. The provisions of this Part of this Schedule have effect,...
2. In this Part of this Schedule— “asset protection agreement” means...
3. (1) Where under this Part of this Schedule Network Rail...
4. (1) The undertaker must not exercise the powers conferred by—...
5. (1) The undertaker must not submit the construction traffic management...
6. (1) The undertaker must before commencing construction of any specified...
7. (1) Any specified work and any protective works to be...
8. The undertaker must— (a) at all times afford reasonable facilities...
9. Network Rail must at all times afford reasonable facilities to...
10. (1) If any permanent or temporary alterations or additions to...
11. The undertaker must repay to Network Rail all reasonable fees,...
12. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
13. If at any time after the completion of a specified...
14. The undertaker must not provide any illumination or illuminated sign...
15. Any additional expenses which Network Rail may reasonably incur in...
16. (1) The undertaker must pay to Network Rail all reasonable...
17. Network Rail must, on receipt of a request from the...
18. In the assessment of any sums payable to Network Rail...
19. The undertaker and Network Rail may, subject in the case...

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20. Nothing in this Order, or in any enactment incorporated with...
21. The undertaker must give written notice to Network Rail if...
22. The undertaker must no later than 28 days from the...
23. In relation to any dispute arising under this Part of...
 - PART 5 — FOR THE PROTECTION OF THE ENVIRONMENT AGENCY
 1. (1) The following provisions shall apply for the protection of...
 2. (1) Before beginning to construct any specified work, the undertaker...
 3. Without limiting paragraph 2, the requirements which the Agency may...
 4. (1) Subject to sub-paragraph (2), any specified work, and all...
 5. (1) Subject to sub-paragraph (6) the undertaker must from the...
 6. Subject to paragraph 9, if by reason of the construction...
 7. If by reason of construction of the specified work the...
 8. (1) The undertaker must take all such measures as may...
 9. The undertaker shall indemnify the Agency in respect of all...
 10. (1) The undertaker is responsible for and shall indemnify the...
 11. Any dispute arising between the undertaker and the Agency under...
 - PART 6 — FOR THE PROTECTION OF DRAINAGE AUTHORITIES
 1. The provisions of this Part have effect for the protection...
 2. In this Part of this Schedule— “construction” includes execution, placing,...
 3. (1) Before commencing construction of a 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. Subject to paragraphs 9 and 10 and paragraph 6(5)(b), if...
 8. If by reason of the construction of the specified work...
 9. The undertaker must make reasonable compensation for costs, charges and...
 10. (1) The undertaker must make reasonable compensation for costs and...
 11. The fact that any work or thing has been executed...
 12. Any dispute arising between the undertaker and the drainage authority...
 - PART 7 — FOR THE PROTECTION OF DOGGERBANK OFFSHORE WIND FARM PROJECT 1 PROJCO LIMITED AND DOGGERBANK OFFSHORE WIND FARM PROJECT 2 PROJCO LIMITED
 1. For the protection of Doggerbank Offshore Wind Farm Project 1...
 2. Part 1 of Schedule 9 shall not apply in respect...
 3. In this Part of this Schedule— “acceptable insurance” means a...
 4. Regulation of powers over the Hornsea Four Order land
 5. Co-operation during construction
 6. (1) Wherever in this Part of this Schedule provision is...
 7. Insofar as the construction of the Hornsea Four authorised development...
 8. Insofar as the construction of the Hornsea Four authorised development...
 9. Protection of Dogger Bank
 10. Expenses
 11. Indemnity
 12. Arbitration
 13. Access
 - PART 8 — FOR THE PROTECTION OF NEO ENERGY (SNS) LIMITED
 1. Application
 2. In the event that the licence is terminated and no...
 3. Interpretation
 4. Restriction on authorised development

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5. Provision of information

6. Compensation

PART 9 — FOR THE PROTECTION OF NORTHERN POWERGRID
(YORKSHIRE) PLC

1. Application

2. In this Part of this Schedule— “alternative apparatus” means alternative...

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) Save where otherwise agreed in writing between Northern Powergrid...

9. Expenses and costs

10. Nothing in this Part of this Schedule affects the provisions...

11. Co-operation

12. Access

13. Notices

PART 10 — FOR THE PROTECTION OF THE KUMATAGE FIELD

1. Application

2. In the event that— (a) the no licence is granted...

3. Interpretation

4. Protected area

5. No later than 6 months after the coming into force...

6. Line of orientation

7. Crossing and proximity

PART 11 — FOR THE PROTECTION OF HARBOUR ENERGY LIMITED,
PERENCO UK LIMITED, PREMIER OIL E&P UK EU
LIMITED, DANA PETROLEUM (E&P) LIMITED AND DANA
PETROLEUM LIMITED

1. Application

2. Interpretation

3. Restriction on authorised development

4. In the event the licensee’s works commence prior to the...

5. Coexistence and proximity agreement

6. Provision of information

7. Compensation

8. Nothing in this Part of this Schedule shall affect any...

9. Arbitration

SCHEDULE 10 — HEDGEROWS

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 described in paragraph 2 are authorised in relation...

4. The substances or articles authorised for deposit at sea are—...

5. The grid coordinates for that part of the authorised development...

6. General provisions

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7. The provisions of section 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 details, plan...
 - 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....
 4. Maintenance of the authorised development
 5. Vessels under the undertaker’s control
 6. Extension of time periods
 7. Notifications and inspections
 8. Aids to navigation
 9. Colouring of structures
 10. Aviation safety
 11. Chemicals, drilling and debris
 12. Force majeure
 13. Pre-construction plans and documentation
 14. (1) Except where otherwise stated or agreed in writing with...
 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. Reporting of impact pile driving
 22. Maintenance reporting
 23. Stages of construction
 24. Completion of construction
 25. The undertaker must submit a close out report to the...
 26. Deployment of cable protection
 27. Southern North Sea Special Area of Conservation Site Integrity Plan

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. General provisions
7. The provisions of section 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 details, plan...

PART 2 — CONDITIONS

1. Design parameters
2. The total length of the cables and the volume of...
3. (1) The total length of the cables in Work No....
4. Maintenance of the authorised development
5. Vessels under the undertaker’s control
6. Extension of time periods

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7. Notifications and inspections
8. Aids to navigation
9. Colouring of structures
10. Aviation safety
11. Chemicals, drilling and debris
12. Force majeure
13. Pre-construction plans and documentation
14. (1) Except where otherwise stated or agreed in writing with...
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. Reporting of impact pile driving
22. HVAC booster station lighting plan
23. Piling restriction
24. Maintenance reporting
25. Stages of construction
26. Completion of construction
27. Deployment of cable protection
28. Southern North Sea Special Area of Conservation Site Integrity Plan

SCHEDULE 13 — MODIFICATIONS TO AND AMENDMENTS OF THE DOGGER BANK CREYKE BECK OFFSHORE WIND FARM ORDER 2015

1. Schedule 12 to the Dogger Bank Creyke Beck Offshore Wind Farm Order 2015

SCHEDULE 14 — ARBITRATION RULES

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

SCHEDULE 15 — DOCUMENTS TO BE CERTIFIED

PART 1 — DOCUMENTS FORMING THE ENVIRONMENTAL STATEMENT TO BE CERTIFIED

PART 2 — EXAMINATION DOCUMENTS FORMING PART OF THE ENVIRONMENTAL STATEMENT TO BE CERTIFIED

PART 3 — OTHER DOCUMENTS TO BE CERTIFIED

SCHEDULE 16 — COMPENSATION TO PROTECT THE COHERENCE OF THE NATIONAL SITE NETWORK

PART 1 — OFFSHORE ORNITHOLOGY ENGAGEMENT GROUP

1. In this Schedule— “the FFC” means the site designated as...
2. Work Nos. 1, 2, 3, 4 and 5 together with...
PART 2 — KITTIWAKE COMPENSATION
3. Following consultation with the H4 OOEG, the KCIMP must be...
4. The undertaker must implement the measures set out in the...
5. The undertaker must notify the Secretary of State of completion...

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6. Results from the monitoring scheme must be submitted at least...
7. The artificial nesting structure must not be decommissioned without prior...
8. The KCIMP approved under this Schedule includes any amendments that...
9. In the event of any conflict between the terms of...
PART 3 — GUILLEMOT COMPENSATION
10. Following consultation with the H4 OOEG, the GCIMP must be...
11. The undertaker must carry out the predator eradication method and...
12. The undertaker must notify the Secretary of State of completion...
13. The GCIMP approved under this Schedule includes any amendments that...
14. In the event of any conflict between the terms of...

Explanatory Note

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