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STATUTORY INSTRUMENTS

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**2016 No. 844**

**INFRASTRUCTURE PLANNING**

**The Hornsea Two Offshore Wind Farm Order 2016**

*Made - - - - 16th August 2016*

*Coming into force 7th September 2016*

**THE HORNSEA TWO OFFSHORE WIND FARM ORDER 2016**

PART 1

1. Citation and commencement
2. Interpretation
3. Disapplication of legislative provisions
4. Guarantees in respect of payment of compensation
5. Defence to proceedings in respect of statutory nuisance

PART 2

6. Development consent, etc. granted by Order
7. Maintenance of authorised project
8. Operation of generating stations

PART 3

9. Street works
10. Application of New Roads and Street Works Act 1991
11. Temporary stopping up of streets
12. Access to works
13. Agreements with street authorities
14. Highway improvements

PART 4

15. Discharge of water
16. Protective work to buildings
17. Authority to survey and investigate land

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## PART 5

etc.

18. Compulsory acquisition of land
19. Compulsory acquisition of rights
20. Time limit for exercise of authority to acquire land compulsorily
21. Private rights
22. Application of Compulsory Purchase (Vesting Declarations) Act 1981
23. Acquisition of subsoil or airspace only
24. Acquisition of part of certain properties
25. Rights under or over streets
26. Temporary use of land for carrying out authorised project
27. Temporary use of land for maintaining authorised project
28. Statutory undertakers
29. Recovery of costs of new connections

## PART 6

30. Felling or lopping of trees and removal of hedgerows
31. Trees subject to tree preservation orders

## PART 7

32. Operational land for purposes of 1990 Act
  33. Procedure in relation to approvals, etc. under requirements
  34. Offshore works: abandonment or decay
  35. Transfer of benefit of Order
  36. Deemed marine licences under Marine and Coastal Access Act 2009
  37. Saving for Trinity House
  38. Crown rights
  39. Protective provisions
  40. Certification of plans, etc.
  41. Arbitration
- Signature

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### SCHEDULE 1 — Authorised project

#### PART 1 — Authorised development

1. The authorised development includes— (a) the nationally significant infrastructure project...
2. (1) The nationally significant infrastructure project comprises up to 2...
3. (1) The associated development includes the following Works— Work No....
4. The associated development includes such further development as may be...

#### PART 2 — Ancillary works

#### PART 3 — Requirements

1. Time limits
2. Detailed design parameters
3. Colour and lighting
4. Foundation methods
5. Archaeology landward of mean low water springs

6. Ecological management plan landward of mean low water springs
7. Code of construction practice
8. Landscape scheme
9. Implementation and maintenance of landscaping
10. Offshore decommissioning
11. Highway accesses
12. Contaminated land and groundwater scheme
13. Surface water drainage scheme
14. Colour and detailed design approval: electrical transmission stations
15. Access road within plots 45 to 49
16. Port traffic management plan
17. Employment and skills plan
18. Offshore co-operation
19. Compensation compounds
20. Onshore decommissioning plan
21. North Coates airfield
22. Control of noise during operational phase
23. Onshore co-operation
24. Intertidal access management plan
25. Navigational safety at Saturn, Mimas and Tethys offshore platforms
26. Requirement for written approval
27. Amendments to approved plans, etc.

SCHEDULE 2 — Streets subject to street works

SCHEDULE 3 — Streets to be temporarily stopped up

SCHEDULE 4 — Access to works

SCHEDULE 5 — Land in which only new rights, etc. may be acquired

SCHEDULE 6 — Modification of compensation and compulsory purchase enactments for creation of new rights, etc.

1. Compensation enactments modified
2. Land Compensation Act 1973 modified
3. Compulsory Purchase Act 1965 modified
4. For section 7 of the 1965 Act (measure of compensation...)
5. For section 8 of the 1965 Act (other provisions as...)
6. The following provisions of the 1965 Act (which state the...)
7. Section 11 of the 1965 Act (powers of entry) is...
8. Section 20 of the 1965 Act (tenants at will, etc.)...
9. Section 22 of the 1965 Act (interests omitted from purchase)...

SCHEDULE 7 — Land of which temporary possession may be taken

- PART 1 — Authorised project
- PART 2 — Compensation compounds
- PART 3 — Authorised project: access
- PART 4 — Compensation compounds: access

SCHEDULE 8 — Marine Licence A1: Project A – Generation Assets

PART 1 — Licensed activities

1. Interpretation
2. Details of licensed activities

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3. Maintenance of authorised project
4. Duration
  - PART 2 — Licence conditions
  1. Design parameters
  2. (1) The undertaker must in fixing to the seabed any...
  3. Navigational practice, safety and emergency response
  4. Aids to navigation
  5. Notifications and inspections
  6. Chemicals, drilling and debris
  7. Force majeure
  8. Pre-construction plans and documentation
  9. The undertaker must ensure that a copy of any agreed...
  10. (1) Each programme, statement, plan, protocol or scheme required to...
  11. Reporting of engaged agents, contractors and vessels
  12. Equipment and operation of vessels engaged in licensed activities
  13. Pre-construction monitoring and surveys
  14. Construction monitoring
  15. Post-construction
  16. Offshore decommissioning
  17. Amendments to approved plans, etc.

SCHEDULE 9 — Marine Licence A2: Project A – Transmission Assets

PART 1 — Licensed activities

1. Interpretation
2. Details of licensed activities
3. Maintenance of authorised project
4. Duration
  - PART 2 — Licence conditions
  1. Design parameters
  2. (1) The undertaker must in fixing to the seabed any...
  3. Navigational practice, safety and emergency response
  4. Aids to navigation
  5. Notifications and inspections
  6. Chemicals, drilling and debris
  7. Force majeure
  8. Pre-construction plans and documentation
  9. The undertaker must ensure that a copy of any agreed...
  10. (1) Each programme, statement, plan, protocol or scheme required to...
  11. Reporting of engaged agents, contractors and vessels
  12. Equipment and operation of vessels engaged in licensed activities
  13. Pre-construction monitoring and surveys
  14. Construction monitoring
  15. Post-construction
  16. Offshore decommissioning
  17. Amendments to approved plans, etc.
  18. Restrictions in intertidal area and Humber Estuary Special Area of Conservation

SCHEDULE 10 — Marine Licence B1: Project B – Generation Assets

PART 1 — Licensed activities

1. Interpretation
2. Details of licensed activities
3. Maintenance of authorised project

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4. Duration
  - PART 2 — Licence conditions
  1. Design parameters
  2. (1) The undertaker must in fixing to the seabed any...
  3. Navigational practice, safety and emergency response
  4. Aids to navigation
  5. Notifications and inspections
  6. Chemicals, drilling and debris
  7. Force majeure
  8. Pre-construction plans and documentation
  9. The undertaker must ensure that a copy of any agreed...
  10. (1) Each programme, statement, plan, protocol or scheme required to...
  11. Reporting of engaged agents, contractors and vessels
  12. Equipment and operation of vessels engaged in licensed activities
  13. Pre-construction monitoring and surveys
  14. Construction monitoring
  15. Post-construction
  16. Offshore decommissioning
  17. Amendments to approved plans, etc.

#### SCHEDULE 11 — Marine Licence B2: Project B – Transmission Assets

##### PART 1 — Licensed activities

1. Interpretation
2. Details of licensed activities
3. Maintenance of authorised project
4. Duration
  - PART 2 — Licence conditions
  1. Design parameters
  2. (1) The undertaker must in fixing to the seabed any...
  3. Navigational practice, safety and emergency response
  4. Aids to navigation
  5. Notifications and inspections
  6. Chemicals, drilling and debris
  7. Force majeure
  8. Pre-construction plans and documentation
  9. The undertaker must ensure that a copy of any agreed...
  10. (1) Each programme, statement, plan, protocol or scheme required to...
  11. Reporting of engaged agents, contractors and vessels
  12. Equipment and operation of vessels engaged in licensed activities
  13. Pre-construction monitoring and surveys
  14. Construction monitoring
  15. Post-construction
  16. Offshore decommissioning
  17. Amendments to approved plans, etc.
  18. Restrictions in intertidal area and Humber Estuary Special Area of Conservation

#### SCHEDULE 12 — Protective provisions

##### PART 1 — Protection for 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 relevant...

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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 relevant undertaker must from...
7. If by reason of the construction of any specified work...
8. The relevant undertaker must indemnify the drainage authority in respect...
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 relevant undertaker and the drainage authority...
  - PART 2 — Protection for Network Rail Infrastructure Limited, etc.
  1. The provisions of this Part have effect unless otherwise agreed...
  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 not exercise the powers conferred by...
  5. (1) The relevant undertaker must before commencing construction of any...
  6. (1) Any specified work and any protective works to be...
  7. The relevant undertaker must— (a) at all times afford reasonable...
  8. Network Rail must at all times afford reasonable facilities to...
  9. (1) If any permanent or temporary alterations or additions to...
  10. The relevant undertaker must repay to Network Rail all reasonable...
  11. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
  12. If at any time after the completion of a specified...
  13. The relevant undertaker— (a) must not provide any illumination or...
  14. Any additional expenses that Network Rail may reasonably incur in...
  15. (1) The relevant undertaker— (a) must pay to Network Rail...
  16. Network Rail must, on receipt of a request from the...
  17. In the assessment of any sums payable to Network Rail...
  18. Nothing in this Order, or in any enactment incorporated with...
  19. The undertaker must give written notice to Network Rail where...
  20. The undertaker must no later than 28 days from the...
    - PART 3 — Protection for operators of electronic communications code networks
    1. The provisions of this Part have effect for the protection...
    2. In this Part— “conduit system” has the same meaning as...
    3. Paragraph 23 of Schedule 2 to the Telecommunications Act 1984...
    4. (1) Subject to sub-paragraphs (2) to (4), if as the...
    5. This Part does not apply to any apparatus in respect...
    - PART 4 — Protection for utility undertakers
    1. The provisions of this Part have effect for the protection...
    2. In this Part— “alternative apparatus” means alternative apparatus adequate to...
    3. This Part does not apply to apparatus in respect of...
    4. (1) Despite 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 this Part, the relevant undertaker...
    7. (1) Not less than 28 days before commencing the execution...
    8. If in consequence of the exercise of the powers conferred...
    9. (1) Subject to the following provisions of this paragraph, the...
    10. (1) Subject to sub-paragraphs (2) and (3), if by reason...
      - PART 5 — Protection for Associated British Ports
      1. The provisions of this Part have effect for the protection...
      2. In this Part— “A. B. Ports” means Associated British Ports;...
      3. The undertaker must not under the powers of this Order...

4. (1) Before commencing the construction of the specified works, the...
5. The relevant undertaker must give to A. B. Ports—
6. The relevant undertaker must at all reasonable times during construction...
7. (1) After the purpose of any temporary works has been...
8. (1) If during the construction of the specified works it...
9. The relevant undertaker must pay to A. B. Ports the...
10. (1) Without limiting the other provisions of this Part, the...
11. The fact that any work or thing has been executed...
12. With the exception of any duty owed by A. B....
13. Nothing in this Order affects prejudicially any statutory or other...
  - PART 6 — Protection for Anglian Water Services Limited
  1. The provisions of this Part have effect for the protection...
  2. In this Part— “alternative apparatus” means alternative apparatus adequate to...
  3. This Part does not apply to apparatus in respect of...
  4. (1) The relevant undertaker must not— (a) execute any works...
  5. The alteration, extension, removal or relocation of any apparatus must...
  6. If alternative apparatus or any part of such apparatus is...
  7. Any alternative apparatus to be constructed in land of the...
  8. (1) Where, in exercise of the powers conferred by this...
  9. Despite any provision in this Order or anything shown on...
  10. If, in consequence of the exercise of the powers conferred...
  11. If, in consequence of the exercise of the powers conferred...
  12. If, for any reason or in consequence of the construction...
  13. The relevant undertaker must pay to Anglian Water the reasonable...
  14. Nothing in paragraph 12 imposes any liability on the relevant...
  15. Any difference or dispute arising between the undertaker and Anglian...
14. Nothing in paragraph 12 imposes any liability on the relevant...
15. Any difference or dispute arising between the undertaker and Anglian...
  - PART 7 — Protection for Centrica plc
  1. The provisions of this Part have effect for the protection...
  2. In this Part— “access road” means the road providing access...
  3. Before extinguishing any existing rights for Centrica to place, install,...
  4. (1) Except where paragraph 5 applies, no works may commence...
  5. (1) If the relevant undertaker acquires or overrides any interest...
  6. (1) Where, in accordance with this Part, the relevant undertaker...
  7. If for any reason or in consequence of the construction...
  8. The relevant undertaker must use its best endeavours to co-ordinate...
  9. Despite any provision in this Order or anything shown on...
  10. Any dispute arising between the undertaker and Centrica under this...
16. Any dispute arising between the undertaker and Centrica under this...
  - PART 8 — Protection for VPI Immingham LLP
  1. The provisions of this Part have effect for the protection...
  2. In this Part— “pipeline” means the gas pipeline crossing the...
  3. Before commencing any part of the authorised development or the...
  4. No works comprising any part of the authorised development or...
  5. Any approval of VPI required under paragraph 4 must not...
  6. (1) Subject to sub-paragraphs (2) and (3), if, by reason...
  7. Any dispute arising between the undertaker and VPI under this...
17. Any dispute arising between the undertaker and VPI under this...
  - PART 9 — Protection for Phillips 66 Limited
  1. The provisions of this Part have effect for the protection...
  2. In this Part— “P66” means Phillips 66 Limited (company number...
  3. Before commencing any part of the authorised development or the...
  4. No works comprising any part of the authorised development or...
  5. Any approval of P66 required under paragraph 4 must not...
  6. (1) Subject to sub-paragraphs (2) and (3), if, by reason...

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7. Any dispute arising between the undertaker and P66 under this...
  - PART 10 — Protection for ConocoPhillips (U.K.) Limited
  1. The provisions of this Part have effect for the protection...
  2. In this Part— “ConocoPhillips” means ConocoPhillips (U.K.) Limited (company number...
  3. Not less than 28 days before commencing any part of...
  4. No works comprising any part of the authorised development or...
  5. Any approval of ConocoPhillips required under paragraph 4 must not...
  6. (1) Subject to sub-paragraphs (2) and (3), if, by reason...
  7. Any dispute arising between the undertaker and ConocoPhillips under this...
  - PART 11 — Protection for C.GEN Killingholme Limited
  1. The provisions of this Part apply to govern the relationship...
  2. In this Part— “approving party” means the party from whom...
  3. The undertaker must not under the powers of this Order...
  4. (1) The promoting party must give to the approving party...
  5. (1) Following receipt of the notification of the intention to...
  6. (1) Any specified works must be constructed—
  7. The promoting party must at all reasonable times during construction...
  8. (1) After the purpose of any temporary works has been...
  9. (1) If any damage to the grid connection land or...
  10. (1) Without limiting the other provisions of this Part, the...
  11. The fact that any work or thing has been executed...
  12. Any consent or approval of an approving party required under...
  13. Any consent or approval of an approving party required under...
  14. Without limiting paragraph 12, it is not be reasonable for...
  15. Without limiting paragraph 12, and in addition to the circumstances...
  16. With the exception of any duty owed by the approving...
  17. Except as this Part provides, nothing in this Order affects...
  18. In the event that the promoting party requires to alter...
  19. The undertaker must ensure that the rate or volume of...
  20. The undertaker must not exercise the powers conferred by article...
  21. The provisions of this Part enure for the benefit of...
  22. Any dispute or difference arising between Optimus Wind, Breesea or...
    - PART 12 — Protection for Hornsea One companies
    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 a Hornsea One company under this Part...
    4. Where conditions are included in any consent granted by a...
    5. It is reasonable for the relevant Hornsea One company to...
    6. The undertaker must not under the powers of this Order—...
    7. (1) Subject to obtaining consent pursuant to paragraph 6(b) and...
    8. The undertaker must give to the relevant Hornsea One company...
    9. The undertaker must at all reasonable times during construction of...
    10. After the purpose of any temporary works has been accomplished,...
    11. With the exception of any duty owed by the relevant...
    12. The undertaker must consult the relevant Hornsea One company in...
    13. Subject to complying with all relevant health and safety considerations,...
    14. The undertaker must give reasonable notice in writing to the...
    15. The undertaker must provide to the relevant Hornsea One company...
    16. To ensure its compliance with this Part, the undertaker must...
    17. The undertaker and the Hornsea One companies must each act...
    18. Any dispute arising between the undertaker and the relevant Hornsea...



SCHEDULE 13 — Documents to be certified

1. The land plans listed below— PINS Document No. Description of...
2. The offshore works plans listed below— PINS Document No. Description...
3. The intertidal works plans listed below— PINS Document No. Description...
4. The onshore works plans listed below— PINS Document No. Description...
5. The compensation compounds plan listed below— PINS Document No. Description...
6. The environmental statement that accompanied the application.
7. The book of reference dated December 2015 (version 4).
8. The outline code of construction practice dated December 2015 (version...
9. The outline ecological management plan dated November 2015 (version 2)....
10. The outline landscape scheme and management plan dated January 2015....
11. The outline employment and skills plan dated November 2015.
12. The in-principle monitoring plan dated November 2015 (version 2).
13. The C.GEN protective provisions plan submitted on 24th September 2015...
14. Plan HOW01095\_4 submitted to North Lincolnshire Council to support planning...

Explanatory Note

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

- Sch. 1 Pt. 3 para. 2(24) sum substituted by [S.I. 2018/370 art. 2\(1\)](#)
- Sch. 1 Pt.01 para. 4(g) words substituted by [S.I. 2016/1104 Sch.](#)
- Sch. 1 Pt.01 para. 4(h) words substituted by [S.I. 2016/1104 Sch.](#)
- Sch. 1 Pt.01 para. 4(i) words substituted by [S.I. 2016/1104 Sch.](#)
- Sch. 1 Pt.01 para. 4(r) words substituted by [S.I. 2016/1104 Sch.](#)
- Sch. 1 Pt. 1 para. 3(1) words substituted by [S.I. 2018/570 art. 2\(2\)](#)
- Sch. 1 Pt. 1 para. 3(2) words substituted by [S.I. 2018/570 art. 2\(3\)](#)
- Sch. 1 Pt. 3 para. 2(4)(b) words substituted by [S.I. 2018/570 art. 2\(4\)](#)
- Sch. 13 para. 1 Table words inserted by [S.I. 2016/1104 Sch.](#)
- Sch. 13 para. 11 words inserted by [S.I. 2016/1104 Sch.](#)
- Sch. 13 para. 8 words substituted by [S.I. 2016/1104 Sch.](#)
- art. 2(1) words inserted by [S.I. 2016/1104 Sch.](#)
- art. 3(1)(a) words substituted by [S.I. 2016/1154 Sch. 29 Pt. 2 para. 118\(2\)](#)
- art. 15(7) words substituted by [S.I. 2016/1154 Sch. 29 Pt. 2 para. 118\(3\)](#)
- art. 15(9)(b) words substituted by [S.I. 2016/1154 Sch. 29 Pt. 2 para. 118\(3\)](#)
- art. 35(5)(b) word omitted by [S.I. 2016/1104 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. 1 Pt.03 para. 6(l) words substituted by [S.I. 2016/1104 Sch.](#)
- Sch. 12 Pt. 6 para. 5(a) words substituted by [S.I. 2016/1154 Sch. 29 Pt. 2 para. 118\(4\)](#)