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STATUTORY INSTRUMENTS

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**2017 No. 826**

**INFRASTRUCTURE PLANNING**

**The East Anglia THREE Offshore Wind Farm Order 2017**

*Made* - - - - *7th August 2017*

*Coming into force* *29th August 2017*

**THE EAST ANGLIA THREE OFFSHORE WIND FARM ORDER 2017**

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 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. Temporary stopping up of public rights of way
10. Temporary stopping up of streets
11. Access to works
12. Agreements with street authorities

PART 4

Supplemental powers

13. Discharge of water
14. Authority to survey and investigate the land onshore

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## PART 5

### Powers of acquisition

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

## PART 6

### Operations

27. Operation of generating station
28. Deemed marine licences under the 2009 Act

## PART 7

### Miscellaneous and general

29. Application of landlord and tenant law
  30. Operational land for purposes of the 1990 Act
  31. Felling or lopping of trees and removal of hedgerows
  32. Certification of plans etc.
  33. Arbitration
  34. Requirements, appeals, etc.
  35. Abatement of works abandoned or decayed
  36. Saving provisions for Trinity House
  37. Crown rights
  38. Protective 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 Suffolk, district of Suffolk Coastal

#### 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 stations forming part...
4. (1) The total length of the cables and the volume...
5. (1) In relation to a wind turbine generator, each gravity...

6. (1) In relation to a meteorological mast, each gravity base...
7. (1) In relation to an offshore electrical station, each gravity...
8. (1) In relation to any accommodation platform, each gravity base...
9. The total amount of scour protection for the wind turbine...
10. Offshore decommissioning
11. Stages and phasing of authorised development onshore
12. Detailed design parameters onshore
13. Landfall method statement
14. Provision of landscaping
15. Implementation and maintenance of landscaping
16. Highway accesses and improvements
17. Fencing and other means of enclosure
18. Surface and foul water drainage
19. Contaminated land and ground water
20. Archaeology
21. Ecological management plan
22. Code of construction practice
23. External lighting and control of artificial light emissions
24. Control of noise during construction
25. Construction hours
26. Control of noise during operational phase
27. Traffic
28. Port travel plan
29. European protected species onshore
30. Restoration of land used temporarily for construction
31. Onshore decommissioning
32. Aviation Safety
33. Ministry of Defence surveillance operations
34. Requirement for written approval
35. Amendments to approved details
36. Reuse of temporary works
37. Notification of site clearance and archaeological investigations

SCHEDULE 2 — Streets subject to street works

SCHEDULE 3 — Public rights of way 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

1. Compensation enactments
2. (1) Without prejudice to the generality of paragraph 1, the...
3. Application of the 1965 Act
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 (protection for interests of...
9. Section 22 of the 1965 Act (protection of acquiring authority's...

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SCHEDULE 7 — Land of which temporary possession may be taken

SCHEDULE 8 — Protective Provisions

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

1. For the protection of the affected undertakers referred to in...
2. In this part of this Schedule— “affected undertaker” means any...
3. This part of this Schedule does not apply to apparatus...
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. Nothing in this part of this Schedule affects the provisions...

PART 2 — Protection for operators of electronic communications code networks

11. (1) For the protection of any operator, the following provisions,...
12. The exercise of the powers of article 25 (statutory undertakers)...
13. (1) Subject to sub-paragraphs (2) to (4), if as the...
14. This part of this Schedule does not apply to—
15. Nothing in this part of this Schedule affects the provisions...

PART 3 — Protection for Network Rail Infrastructure Limited

16. The following provisions of this Part of this Schedule have...
17. In this part of this Schedule— “construction” includes execution, placing,...
18. (1) Where under this part of this Schedule Network Rail...
19. (1) The undertaker must not exercise the powers conferred by...
20. (1) The undertaker must before commencing construction of any specified...
21. (1) Any specified work and any protective works to be...
22. The undertaker must— (a) at all times afford reasonable facilities...
23. Network Rail must at all times afford reasonable facilities to...
24. (1) If any permanent or temporary alterations or additions to...
25. The undertaker must repay to Network Rail all reasonable fees,...
26. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
27. If at any time after the completion of a specified...
28. The undertaker must not provide any illumination or illuminated sign...
29. Any additional expenses which Network Rail may reasonably incur in...
30. (1) The undertaker must pay to Network Rail all reasonable...
31. Network Rail must, on receipt of a request from the...
32. In the assessment of any sums payable to Network Rail...
33. The undertaker and Network Rail may, subject in the case...
34. Nothing in this Order, or in any enactment incorporated with...
35. The undertaker must give written notice to Network Rail where...
36. The undertaker must no later than 28 days from the...

PART 4 — Protection for Anglian Water Services Limited

37. For the protection of Anglian Water, the following provisions of...
38. In this part of this schedule— “Anglian Water” means Anglian...
39. The undertaker must not interfere with, build over or near...
40. The alteration, extension, removal or re-location of any Apparatus may...
41. In the situation, where in exercise of the powers conferred...
42. Regardless of any provision in this Order or anything shown...
43. If in consequence of the exercise of the powers conferred...
44. If in consequence of the exercise of the powers conferred...
45. If for any reason or in consequence of the construction...

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46. Nothing in paragraph (9) above imposes any liability on the...
  47. Any difference or dispute arising between the undertaker and Anglian...
    - PART 5 — Protection for National Grid as electricity and gas undertaker and National Grid Gas Distribution Limited as gas undertaker
  48. Application
  49. Interpretation
  50. Apparatus of statutory undertakers in stopped up streets
  51. Acquisition of land
  52. Removal of apparatus
  53. Facilities and rights for alternative apparatus
  54. Retained apparatus protection: Gas Undertakers
  55. Retained apparatus protection: Electricity Undertakers
  56. Expenses
  57. Indemnity
  58. Enactments and agreements
  59. Co-operation
  60. Access
  61. Arbitration
    - PART 6 — Protection for East Anglia ONE Offshore Wind Farm
  62. Application
  63. Interpretation
  64. Apparatus of undertakers in stopped up streets
  65. Acquisition of land
  66. Removal of apparatus
  67. Facilities and rights for alternative apparatus
  68. Retained apparatus: protection: electricity undertakers
  69. Expenses
  70. Compensation
  71. Enactments and agreements
  72. Co-operation
  73. Access
  74. Arbitration
    - PART 7 — Protection for oil and gas licensees
  75. Application
  76. Interpretation
  77. Proximity Agreement
  78. Preparation of a Proximity Agreement must commence when the Undertaker...
  79. Any such notice must be served within no less than...
  80. In response to the notice the Licensee shall produce a...
  81. Preparation of a Proximity Agreement must be concluded within 3...
  82. If the Undertaker considers that the Plan of the Licensees'...
  83. Paragraph 77 shall not apply if the plan of the...
  84. The Proximity Agreement must be based on the Plan of...
  85. Arbitration
  86. Provision of information
  87. Compensation
- SCHEDULE 9 — Hedgerows
- PART 1 — Removal of hedgerows
  - PART 2 — Removal of important hedgerows

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SCHEDULE 10 — Deemed licence under the 2009 Act – generation assets (licence 1 – phase 1)

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 the authorised scheme are specified below—...
6. This licence remains in force until the authorised scheme has...
7. The provisions of section 72 of the 2009 Act apply...
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 accommodation platforms forming part of...
3. The total length of the cables and the volume of...
4. (1) In relation to a wind turbine generator, each gravity...
5. (1) In relation to a meteorological mast, each gravity base...
6. The total amount of scour protection for the wind turbine...
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) Any archaeological reports produced in accordance with condition 13(1)(h)(iii)...
15. Reporting of engaged agents, contractors and vessels
16. Foundation restrictions
17. Pre-construction monitoring and surveys
18. Construction monitoring
19. Post construction
20. Reporting of impact pile driving/detonation of explosives

SCHEDULE 11 — Deemed licence under the 2009 Act – generation assets (licence 2 – phase 2)

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 the authorised scheme are specified below—...
6. This licence remains in force until the authorised scheme has...
7. The provisions of section 72 of the 2009 Act apply...
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 accommodation platforms forming part of...
3. The total length of the cables and the volume of...
4. (1) In relation to a wind turbine generator, each gravity...
5. (1) In relation to a meteorological mast, each gravity base...

6. The total amount of scour protection for the wind turbine...
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) Any archaeological reports produced in accordance with condition 13(1)(h)(iii)...
15. Reporting of engaged agents, contractors and vessels
16. Foundation restrictions
17. Pre-construction monitoring and surveys
18. Construction monitoring
19. Post construction
20. Reporting of impact pile driving/detonation of explosives

SCHEDULE 12 — Deemed licence under the 2009 Act – transmission assets (licence 1 – phase 1)

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 the authorised scheme are specified below—...
6. This licence remains in force until the authorised scheme has...
7. The provisions of section 72 of the 2009 Act apply...
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. Offshore platforms forming part of the authorised scheme must not...
3. In the event that driven or part-driven pile foundations are...
4. (1) The total number of offshore electrical stations forming part...
5. The total length of the cables and the volume of...
6. The total amount of scour protection for the offshore electrical...
7. Notifications and inspections
8. Aids to navigation
9. The undertaker must colour all structures yellow (colour code RAL...
10. Aviation safety
11. Chemicals, drilling and debris
12. Force majeure
13. Pre-construction plans and documentation
14. (1) Any archaeological reports produced in accordance with condition 13(1)(h)(iii)...
15. Reporting of engaged agents, contractors and vessels
16. Foundation restrictions
17. Pre-construction monitoring and surveys
18. Construction monitoring
19. Post construction
20. Reporting of impact pile driving/detonation of explosives

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SCHEDULE 13 — Deemed licence under the 2009 Act – transmission assets (licence 2 – phase 2)

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 the authorised scheme are specified below—...
6. This licence remains in force until the authorised scheme has...
7. The provisions of section 72 of the 2009 Act apply...
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. Offshore platforms forming part of the authorised scheme must not...
3. In the event that driven or part-driven pile foundations are...
4. (1) The total number of offshore electrical stations forming part...
5. The total length of the cables and the volume of...
6. The total amount of scour protection for the offshore electrical...
7. Notifications and inspections
8. Aids to navigation
9. The undertaker must colour all structures yellow (colour code RAL...
10. Aviation safety
11. Chemicals, drilling and debris
12. Force majeure
13. Pre-construction plans and documentation
14. (1) Any archaeological reports produced in accordance with condition 13(1)(h)(iii)...
15. Reporting of engaged agents, contractors and vessels
16. Foundation restrictions
17. Pre-construction monitoring and surveys
18. Construction monitoring
19. Post construction
20. Reporting of impact pile driving/detonation of explosives

SCHEDULE 14 — Deemed licence under the 2009 Act – interconnection (licence 1 – phase 1)

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 the authorised scheme are specified below—...
6. This licence remains in force until the authorised scheme has...
7. The provisions of section 72 of the 2009 Act apply...
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. Notifications and inspections
3. Aids to navigation
4. (1) Unless otherwise agreed in writing by the MMO all...
5. Force majeure

6. Pre-construction plans and documentation
7. (1) Any archaeological reports produced in accordance with condition 6(1)(g)(iii)...
8. Reporting of engaged agents, contractors and vessels
9. Pre-construction monitoring and surveys
10. Construction monitoring
11. Post construction
12. Coordination with East Anglia ONE Offshore Wind Farm

SCHEDULE 15 — Deemed licence under the 2009 Act – interconnection (licence 2 – phase 2)

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 the authorised scheme are specified below—...
6. This licence remains in force until the authorised scheme has...
7. The provisions of section 72 of the 2009 Act apply...
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. Notifications and inspections
3. Aids to navigation
4. Chemicals, drilling and debris
5. Force majeure
6. Pre-construction plans and documentation
7. (1) Any archaeological reports produced in accordance with condition 6(1)(g)(iii)...
8. Reporting of engaged agents, contractors and vessels
9. Pre-construction monitoring and surveys
10. Construction monitoring
11. Post construction
12. Coordination with East Anglia ONE Offshore Wind Farm

Explanatory Note