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STATUTORY INSTRUMENTS

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**2022 No. 138**

**INFRASTRUCTURE PLANNING**

**The Norfolk Vanguard Offshore Wind Farm Order 2022**

*Made - - - - 11th February 2022*

*Coming into force 5th March 2022*

**THE NORFOLK VANGUARD  
OFFSHORE WIND FARM ORDER 2022**

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. Temporary stopping up of streets
12. Access to works
13. Agreements with street authorities
14. Application of the 1991 Act

**Changes to legislation:** There are currently no known outstanding effects for the The Norfolk Vanguard Offshore Wind Farm Order 2022. (See end of Document for details)

#### PART 4

##### Supplemental Powers

15. Discharge of water and works to watercourses
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

PART 1 — Authorised Development

1. A nationally significant infrastructure project as defined in sections 14...
  - Offshore
    - Work No. 2 – up to two offshore electrical platforms...
    - Work No. 3 – a network of subsea cables and...
    - Work No. 4A – up to four subsea export cables...
  - Intertidal area
    - In the county of Norfolk, district of North Norfolk
      - Work No. 5 – onshore transmission works consisting of up...
    - In the county of Norfolk, district of Broadland
      - Work No. 8A – onshore project substation to the east...
    - In the county of Norfolk, district of Breckland
      - Work No.8B – surface water management, bunding, embankments, boundary treatments...
      - Work No. 9 – works consisting of the connection of...
      - Work No. 10A – an extension to the existing National...
      - Work No. 10B – additional surface water management for the...
      - Work No. 10C – bunding, embankments, boundary treatments and landscaping...
      - Work No. 11 – the removal of one existing pylon...
      - Work No. 11A – the overhead line modification;
      - Work No. 12 – permanent accesses connecting the A47 to...
  - 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 wind turbine generators forming part...
      - 4. (1) The dimensions of any offshore electrical platforms forming part...
      - 5. The total length of the cables and the volume and...
      - 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 accommodation platform, each foundation using...
      - 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. Stages 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

SCHEDULE 2 — Streets subject to Street Works

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

SCHEDULE 4 — Streets to be stopped up

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

#### Compensation enactments

1. The enactments for the time being in force with respect...
2. (1) Without prejudice to the generality of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...

#### Application of the 1965 Act

4. (1) The 1965 Act has effect with the modifications necessary...
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

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

#### PART 1 — Interpretation

1. In this licence— “the 2004 Act” means the Energy Act...
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 accommodation platform forming part of...
  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 accommodation platform, each foundation using...
  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
  14. Pre-construction plans and documentation
  15. (1) Any archaeological reports produced in accordance with condition 14(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 accommodation platform forming part of...
3. The total length of the cables and the area and...

**Changes to legislation:** There are currently no known outstanding effects for the The Norfolk Vanguard Offshore Wind Farm Order 2022. (See end of Document for details)

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 accommodation platform, each foundation using...
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
14. Pre-construction plans and documentation
15. (1) Any archaeological reports produced in accordance with condition 14(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 cable and scour 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. In relation to the offshore electrical platform(s), the foundations must...
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. 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 cable protection
18. Restriction on cable installation construction works

SCHEDULE 13 — Hedgerows

PART 1 — Removal of Potentially Important Hedgerows

PART 2 — Removal of Important Hedgerows

PART 3 — Removal of Hedgerows

SCHEDULE 14 — Arbitration Rules

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

**Changes to legislation:** There are currently no known outstanding effects for the The Norfolk Vanguard Offshore Wind Farm Order 2022. (See end of Document for details)

7. Confidentiality

SCHEDULE 15 — Procedure for discharge of Requirements

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

SCHEDULE 16 — Protective Provisions

PART 1 — Protection for 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 as Electricity and Gas Undertaker

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 Network Rail is required to...
    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...
    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 drainage authority...
        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 drainage authority in respect of...
        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 drainage authority under...
          - PART 8 — For the protection of Ørsted Hornsea Project Three (UK) Ltd
          82. The provisions of this Part apply for the protection of...

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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...

SCHEDULE 17 — 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...
34. The approved BIMP includes any amendments that may subsequently be...
35. In the event of any conflict or inconsistency between the...

Explanatory Note

**Changes to legislation:**

There are currently no known outstanding effects for the The Norfolk Vanguard Offshore Wind Farm Order 2022.