
STATUTORY INSTRUMENTS

2015 No. 318

**The Dogger Bank Creyke Beck
Offshore Wind Farm Order 2015**

PART 1

Preliminary

Citation and commencement

1. This Order may be cited as the Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 and comes into force on 11th March 2015.

Interpretation

2.—(1) In this Order—

“1961 Act” means the Land Compensation Act 1961⁽¹⁾;

“1965 Act” means the Compulsory Purchase Act 1965⁽²⁾;

“1980 Act” means the Highways Act 1980⁽³⁾;

“1990 Act” means the Town and Country Planning Act 1990⁽⁴⁾;

“1991 Act” means the New Roads and Street Works Act 1991⁽⁵⁾;

“2004 Act” means the Energy Act 2004⁽⁶⁾;

“2008 Act” means the Planning Act 2008;

“2009 Act” means the Marine and Coastal Access Act 2009⁽⁷⁾;

“access to works plan” means the plan certified as the access to works plan by the Secretary of State for the purposes of this Order;

“ancillary works” means the ancillary works described in Part 2 (ancillary works) of Schedule 1 (authorised project) and any other works authorised by the Order that are not development within the meaning of section 32 of the 2008 Act;

“array area” means the area within which Work No. 1A or 1B may be constructed, which are the areas enclosed within a straight line drawn between points whose co-ordinates are set out in Tables 1A and 1B in Part 1 (authorised development) of Schedule 1 and which are shown on the offshore works plans;

(1) 1961 c.33.
(2) 1965 c.56.
(3) 1980 c.66.
(4) 1990 c.8.
(5) 1991 c.22.
(6) 2004 c.20.
(7) 2009 c.23.

“authorised development” means the development and associated development described in Part 1 of Schedule 1 and any other development authorised by this Order that is development within the meaning of section 32 of the 2008 Act;

“authorised project” means the authorised development and the ancillary works;

“Bizco 1” means Doggerbank Project 1 Bizco Limited (company number 7791991)(8);

“Bizco 4” means Doggerbank Project 4 Bizco Limited (company number 7914510)(9);

“book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;

“building” includes any structure or erection or any part of a building, structure or erection;

“cable” includes, in respect of any onshore cable, direct lay cables and cables laid in cable ducts; and in respect of any onshore or offshore cable, includes fibre-optic cables;

“cable crossings” means the crossing of existing subsea cables and pipelines by the inter-array, interconnecting or export cables authorised by this Order together with physical protection measures including cable protection;

“cable protection” means measures to protect cables from physical damage and exposure due to loss of seabed sediment, including, but not limited to, the use of bagged solutions filled with grout or other materials, protective aprons or coverings, mattresses, flow energy dissipation devices or rock and gravel burial;

“carriageway” has the same meaning as in the 1980 Act(10);

“combined platform” means a single offshore platform constructed in an array area comprising 2 or more of the following—

- (a) an offshore collector platform;
- (b) an offshore converter platform;
- (c) an offshore accommodation or helicopter platform;

“commence” means—

- (a) in relation to any marine activities licensed by Marine Licences 1 to 4, begin to carry out any of those activities, except for pre-construction surveys and monitoring in respect of the authorised development;
- (b) in any other case, begin to carry out any material operation (as defined in section 155 of the 2008 Act) in respect of the authorised development or forming part of the authorised project, except for operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, the diversion and laying of services, the erection of any temporary means of enclosure or the temporary display of site notices or advertisements;

and “commencement” and “commenced” must be construed accordingly;

“commercial operation” means—

- (a) in relation to Project A, the exporting, on a commercial basis, of electricity from the wind turbine generators comprised within Project A;
- (b) in relation to Project B, the exporting, on a commercial basis, of electricity from the wind turbine generators comprised within Project B;

(8) The registered office of Doggerbank Project 1 Bizco Limited is 55 Vastern Road, Reading, Berkshire RG1 8BU.

(9) The registered office of Doggerbank Project 4 Bizco Limited is 55 Vastern Road, Reading, Berkshire RG1 8BU.

(10) “Carriageway” is defined in section 329.

(c) in relation to any other part of the authorised project, the exporting, transmission or conversion, on a commercial basis, of electricity;

“compulsory acquisition notice” means a notice served in accordance with section 134 of the 2008 Act⁽¹¹⁾;

“construction compound” means a secure temporary construction area associated with the onshore works, including temporary fencing, lighting and ground preparation, to be used for the location of site offices; general storage; storage of plant, cable drums, ducting and other construction materials; welfare facilities; car parking; waste management; lay-down areas; bunded generators and fuel storage or any other means of enclosure and areas for other facilities required for construction purposes;

“Dogger Bank Zone” means the Dogger Bank Offshore Wind Farm Zone located in the North Sea between 125 and 290 kilometres off the coast of the East Riding of Yorkshire and extending over an area of approximately 8,660 square kilometres;

“draft fisheries liaison plan” means the document certified as the draft fisheries liaison plan by the Secretary of State for the purposes of this Order;

“draft landscaping scheme” means the document certified as the draft landscaping scheme by the Secretary of State for the purposes of this Order;

“electrical converter substation and compound” means an electrical converter housed within 1 or more converter halls and a compound containing electrical equipment including power transformers, switchgear, reactive compensation equipment, harmonic filters, cables, lightning protection systems including masts, control buildings, communications masts, back-up generators, access, fencing and other associated equipment, structures or buildings;

“environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of this Order and submitted with the application together with any supplementary or further environmental information submitted in support of the application;

“gravity base foundation” means a foundation type that rests on the seabed and supports the wind turbine generator, meteorological station or offshore platform primarily due to its own weight and that of added ballast, with or without skirts or other additional fixings, which may include associated equipment including J-tubes and access platforms and separate topside connection structures or an integrated transition piece. (Sub-types for wind turbine generators and meteorological stations include conical gravity base and flat-based gravity base foundations. Sub-types for platforms include offshore platform conical or flat-base gravity base foundations and offshore platform semi-submersible gravity base foundations);

“highway” and “highway authority” have the same meaning as in the 1980 Act⁽¹²⁾;

“horizontal directional drilling” is a steerable trenchless method of installing underground pipes, ducts and cables in a shallow arc along a prescribed underground bore path by using a surface-launched drill;

“HVAC” means high voltage alternating current;

“HVDC” means high voltage direct current;

“In Principle Monitoring Plan” means the document certified as the In Principle Monitoring Plan by the Secretary of State for the purposes of this Order;

“land plan” means the plan certified as the land plan by the Secretary of State for the purposes of this Order;

⁽¹¹⁾ Section 134 was amended by section 142 of, and Part 21 of Schedule 25 to, the Localism Act 2011.

⁽¹²⁾ “Highway” is defined in section 328. See section 1 for “highway authority”.

“limits of deviation” means the limits of deviation shown on the onshore works plans within which the onshore works may be constructed as part of the authorised development;

“maintain” includes upkeep, inspect, repair, adjust, alter, relay and remove, to the extent assessed in the environmental statement; and any derivative of maintain must be construed accordingly;

“Marine Licence 1” means the marine licence in Schedule 8 (Marine Licence 1: Project A Offshore (Generation – Works No. 1A and 2T));

“Marine Licence 2” means the marine licence in Schedule 9 (Marine Licence 2: Project B Offshore (Generation – Works No. 1B and 2T));

“Marine Licence 3” means the marine licence in Schedule 10 (Marine Licence 3: Project A Offshore (Transmission – Works No. 2A, 3A and 2T));

“Marine Licence 4” means the marine licence in Schedule 11 (Marine Licence 4: Project B Offshore (Transmission – Works No. 2B, 2BA or 2BC, 3B and 2T));

“MCA” means the Maritime and Coastguard Agency;

“meteorological mast” or “meteorological station” means a fixed or floating structure housing or incorporating equipment to measure wind speed and other meteorological and oceanographic characteristics, including a topside which may house electrical switchgear and communication equipment and associated equipment, and marking and lighting;

“MHWS” (mean high water springs) means the highest level which spring tides reach on average over a period of time;

“MLWS” (mean low water springs) means the average of the low water heights occurring at the time of spring tides (which is also the outermost extent of the relevant planning authority jurisdiction);

“MMO” means the Marine Management Organisation;

“monopole foundation” means foundation options based around a single vertical pillar structure driven, drilled, or embedded into the seabed by means such as suction or gravity. This main support structure may change in diameter via tapers and abrupt steps. (Sub-types for wind turbine generators and meteorological stations include monopole with steel monopile footing, monopole with concrete monopile footing and monopole with a single suction-installed bucket footing);

“multi-leg foundation” means foundation options based around structures with several legs or footings. This includes jackets, tripods, and other structures which include multiple large tubulars, cross-bracing, or lattices. Multi-leg foundations may be fixed to the seabed by footings which are driven, drilled, screwed, jacked-up or embedded into the seabed by means such as suction or gravity. (Sub-types for wind turbine generators and meteorological stations include multi-legs with driven piles, drilled piles, screw piles, suction buckets and jack-up foundations. Sub-types for platforms include offshore platform jacket foundations (potentially using driven piles, suction buckets or screw piles) and offshore platform jack-up foundations);

“National Grid substation” means the existing National Grid Electricity Transmission plc substation located at Creyke Beck;

“offshore accommodation or helicopter platform” means a platform (either singly or as part of a combined platform) housing or incorporating some or all of the following: accommodation for staff during the construction, operation and decommissioning of the offshore works, landing facilities for vessels and helicopters, re-fuelling facilities, communication and control systems, electrical systems such as metering and control systems, J-tubes, small- and large-scale electrical power systems, auxiliary and uninterruptible power supplies, large-scale energy storage systems, standby electricity generation equipment, cranes, storage for waste

and consumables including fuel, marking and lighting and other associated equipment and facilities;

“offshore collector platform” means a platform (either singly or as part of a combined platform) housing or incorporating electrical switchgear or electrical transformers, electrical systems such as metering and control systems, J-tubes, landing facilities for vessels and helicopters, re-fuelling facilities, accommodation for staff during the construction, operation and decommissioning of the offshore works, communication and control systems, auxiliary and uninterruptible power supplies, large-scale energy storage systems, standby electricity generation equipment, cranes, storage for waste and consumables including fuel, marking and lighting and other associated equipment and facilities;

“offshore converter platform” means a platform (either singly or as part of a combined platform) housing or incorporating HVDC electrical switchgear or electrical transformers and other equipment to enable HVDC transmission to be used to convey the power output of the multiple wind turbine generators to shore including electrical systems such as metering and control systems, J-tubes, landing facilities for vessels and helicopters, re-fuelling facilities, accommodation for staff during the construction, operation and decommissioning of the offshore works, communication and control systems, auxiliary and uninterruptible power supplies, large-scale energy storage systems, standby electricity generation equipment, cranes, storage for waste and consumables including fuel, marking and lighting and other associated equipment and facilities;

“offshore Order limits plan” means the plans certified as the offshore Order limits and grid coordinates plan by the Secretary of State for the purposes of this Order;

“offshore platform” means any of the following—

- (a) an offshore accommodation or helicopter platform;
- (b) an offshore collector platform;
- (c) an offshore converter platform;
- (d) a combined platform;

“offshore works” means the Project A offshore works, the Project B offshore works and any other authorised development associated with those works;

“offshore works plans” means the plans certified as the works plans by the Secretary of State for the purposes of this Order;

“onshore Order limits plan” means the plans certified as the onshore Order limits and grid coordinates plan by the Secretary of State for the purposes of this Order;

“onshore works” means the Project A onshore works, the Project B onshore works, the shared works and any other authorised development associated with those works;

“onshore works plans” means the plans certified as the onshore works plans by the Secretary of State for the purposes of this Order;

“Order land” means the land shown on the land plan that is within the limits of land to be acquired and described in the book of reference;

“Order limits” means—

- (a) the limits shown on the offshore Order limits plan within which the offshore works may be constructed as part of the authorised project; and
- (b) the limits of deviation;

“outline code of construction practice” means the document certified as the outline code of construction practice by the Secretary of State for the purposes of this Order;

“owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981(13);

“Project A” means the Project A offshore works and the Project A onshore works;

“Project A offshore works” means Works No. 1A, 2A, 2T and 3A and any other authorised development associated with those works;

“Project A onshore works” means Works No. 4A, 5A, 6A, 8A and 9A and any other authorised development associated with those works;

“Project B” means the Project B offshore works and the Project B onshore works;

“Project B offshore works” means Works No. 1B, 2B, 2BA, 2BC, 2T and 3B and any other authorised development associated with those works;

“Project B onshore works” means Works No. 4B, 5B, 6B, 8B and 9B and any other authorised development associated with those works;

“relevant planning authority” means East Riding of Yorkshire Council;

“Requirement” means a Requirement set out in Part 3 (requirements) of Schedule 1; and a reference to a numbered Requirement is a reference to the Requirement set out in the paragraph of the same number in that Part;

“scour protection” means protection against foundation scour and subsea damage, for example from trawling, through reinforcement measures and measures to prevent loss of seabed sediment around foundation bases. These measures include the use of bagged solutions filled with grout or other materials, protective aprons, mattresses, flow energy dissipation devices and rock and gravel burial;

“shared works” means Works No. 7 and 10A to 10F;

“statutory undertaker” means a person falling within section 127(8) of the 2008 Act;

“street” means a street within the meaning of section 48 of the 1991 Act(14), together with land on the verge of a street or between 2 carriageways, and includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act(15);

“streets and public rights of way plan” means the plan certified as the streets and public rights of way plan by the Secretary of State for the purposes of this Order;

“Tribunal” means the Lands Chamber of the Upper Tribunal;

“Trinity House” means the Corporation of Trinity House of Deptford Strond;

“undertaker” means, subject to article 8(2) (consent to transfer benefit of Order)—

- (a) in relation to the Project A offshore works, the Project A onshore works, any other authorised development associated with those works and related ancillary works, Bizco 1;
- (b) in relation to the Project B offshore works, the Project B onshore works, any other authorised development associated with those works and related ancillary works, Bizco 4;
- (c) in relation to the shared works, any other authorised development associated with those works and related ancillary works, Bizco 1 and Bizco 4; and
- (d) in any other case, Bizco 1 and Bizco 4;

“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil

(13) 1981 c.67. The definition was amended by paragraph 9 of Schedule 15 to, the Planning and Compensation Act 1991 (c.34).

(14) Section 48 was amended by section 124(2) of the Local Transport Act 2008 (c.26).

(15) “Street authority” is defined in section 49.

vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in, on or over water and which is at the time in, on or over water;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain;

“wind turbine generator” means a structure comprising a tower, a rotor with 3 blades connected at the hub, a nacelle and ancillary electrical and other equipment which may include J-tubes, transition piece, access and rest platforms, access ladders, boat access systems, corrosion protection systems, fenders and maintenance equipment, helicopter transfer facilities and other associated equipment, fixed to a foundation;

“works plans” means the onshore works plans and the offshore works plans.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the air-space above its surface.

(3) All distances, directions and lengths referred to in this Order are approximate, and distances between points on a work comprised in the authorised project are to be taken to be measured along that work, except in respect of the parameters referred to in—

- (a) Requirements 3 to 6 and 12;
- (b) Conditions 3 and 4 in Marine Licences 1 and 2; and
- (c) Condition 3 in Marine Licences 3 and 4.

(4) References in this Order to a numbered Work are references to a work numbered in Part 1 of Schedule 1.

(5) References in this Order to points identified by letters are references to the points so lettered on the onshore works plans.

(6) References in this Order to co-ordinates are references to co-ordinates on the World Geodetic System 1984 datum.

(7) In this Order, “includes” must be construed without limitation.