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## STATUTORY INSTRUMENTS

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# 2014 No. 3331

## The Hornsea One Offshore Wind Farm Order 2014

### PART 1

#### Preliminary

#### Citation and commencement

1. This Order may be cited as the Hornsea One Offshore Wind Farm Order 2014 and comes into force on 31st December 2014.

#### Commencement Information

II Art. 1 in force at 31.12.2014, see [art. 1](#)

#### Interpretation

2.—(1) In this Order—

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

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

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

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- (1) [1961 c.33](#). Section 2(2) was amended by section 193 of, and paragraph 5 of Schedule 33 to, the Local Government, Planning and Land Act [1980 \(c.65\)](#). There are other amendments to the 1980 Act which are not relevant to this Order.
- (2) [1965 c.56](#). Section 3 was amended by section 70 of, and paragraph 3 of Schedule 15 to, the Planning and Compensation Act [1991 \(c.34\)](#). Section 4 was amended by section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act [1985 \(c.71\)](#). Section 5 was amended by sections 67 and 80 of, and Part 2 of Schedule 18 to, the Planning and Compensation Act [1991 \(c.34\)](#). Section 11(1) and sections 3, 31 and 32 were amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act [1981 \(c. 67\)](#) and by section 14 of, and paragraph 12(1) of Schedule 5 to, the [Church of England \(Miscellaneous Provisions\) Measure 2006 \(2006 No.1\)](#). Section 12 was amended by section 56(2) of, and Part 1 to Schedule 9 to, the Courts Act [1971 \(c.23\)](#). Section 13 was amended by section 139 of the Tribunals, Courts and Enforcement Act [2007 \(c.15\)](#). Section 20 was amended by section 70 of, and paragraph 14 of Schedule 15 to, the Planning and Compensation Act [1991 \(c.34\)](#). Sections 9, 25 and 29 were amended by the Statute Law (Repeals) Act [1973 \(c.39\)](#). Section 31 was also amended by section 70 of, and paragraph 19 of Schedule 15 to, the Planning and Compensation Act [1991 \(c.34\)](#) and by section 14 of, and paragraph 12(2) of Schedule 5 to, the [Church of England \(Miscellaneous Provisions\) Measure 2006 \(2006 No.1\)](#). There are other amendments to the 1965 Act which are not relevant to this Order.
- (3) [1980 c.66](#). Section 1(1) was amended by section 21(2) of the New Roads and Street Works Act [1991 \(c.22\)](#); sections 1(2), (3) and (4) were amended by section 8 of, and paragraph (1) of Schedule 4 to, the Local Government Act [1985 \(c.51\)](#); section 1(2A) was inserted by, and section 1(3) was amended by, section 259 (1), (2) and (3) of the Greater London Authority Act [1999 \(c.29\)](#); sections 1(3A) and 1(5) were inserted by section 22(1) of, and paragraph 1 of Schedule 7 to, the Local Government (Wales) Act [1994 \(c.19\)](#). Section 36(2) was amended by section 4(1) of, and paragraphs 47 (a) and (b) of Schedule 2 to, the Housing (Consequential Provisions) Act [1985 \(c.71\)](#), by [S.I. 2006/1177](#), by section 4 of and paragraph 45(3) of Schedule 2 to, the Planning (Consequential Provisions) Act [1990 \(c.11\)](#), by section 64(1) (2) and (3) of the Transport and Works Act [1992 \(c.42\)](#) and by section 57 of, and paragraph 5 of Part 1 of Schedule 6 to, the Countryside and Rights of Way Act [2000 \(c.37\)](#); section 36(3A) was inserted by section 64(4) of the Transport and Works Act 1992 and was amended by [S.I. 2006/1177](#); section 36(6) was amended by section 8 of, and paragraph 7 of Schedule 4 to, the Local Government Act [1985 \(c.51\)](#); and section 36(7) was inserted by section 22(1) of, and paragraph 4 of Schedule 7 to, the Local Government (Wales) Act [1994 \(c.19\)](#). Section 329 was amended by section 112(4) of, and Schedule 18 to, the Electricity Act [1989 \(c.29\)](#) and by section 190(3) of, and Part 1 of Schedule 27 to, the Water Act [1989 \(c.15\)](#). There are other amendments to the 1980 Act which are not relevant to this Order.

- “the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981**(4)**;
- “the 1989 Act” means the Electricity Act 1989**(5)**;
- “the 1990 Act” means the Town and Country Planning Act 1990**(6)**;
- “the 1991 Act” means the New Roads and Street works Act 1991**(7)**;
- “the 2003 Act” means the Electronic Communications Act 2003**(8)**;
- “the 2004 Act” means the Energy Act 2004**(9)**;
- “the 2008 Act” means the Planning Act 2008;
- “the 2009 Act” means the Marine and Coastal Access Act 2009**(10)**;
- “ancillary works” means the ancillary works described in Part 2 of Schedule 1 and other works authorised by the Order, which are not development within the meaning of section 32 of the 2008 Act;
- “authorised development” means development described in Part 1 of Schedule 1 and other development authorised by the Order, which is development within the meaning of section 32 of the 2008 Act;
- “the authorised project” means the authorised development and the ancillary works authorised by this Order;
- “the book of reference” means the book of reference certified by the Secretary of State for the purposes of this Order;
- “commence”, except where otherwise provided for, means commencing any material operation (as defined in section 155 of the 2008 Act) forming part of the authorised development other than operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, and remedial work in respect of any contamination or other adverse ground conditions, and “commencement” shall be construed accordingly;
- “deemed marine licence” means a licence set out in any of Schedules 8 to 11, and deemed by article 35 to have been granted under Part 4 of the 2009 Act, by virtue of section 149A of the 2008 Act;
- “electrical circuit” means a number of electrical conductors necessary to transmit electricity between two points within the authorised development; this comprises, in the case of HVAC transmission, three conductors which may be bundled as one cable or (onshore) take the form of three separate cables, and, in the case of HVDC transmission two conductors, which may be attached together or take the form of single cables: the circuit may include one or more auxiliary cables (normally fibre optic cables) for the purpose of control, monitoring, protection or general communications;
- “electrical transmission station” means the onshore HVDC converter station or the HVAC substation required for connecting the electrical circuits to the National Grid;
- “the Environmental Statement” means the document certified as the environmental statement by the Secretary of State for the purposes of this Order;

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- (4)** 1981 c.66. Sections 2 and 116 were amended by section 4 of, and paragraph 52 of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c.11). There are other amendments to the 1981 Act which are not relevant to this Order.
- (5)** 1989 c.29.
- (6)** 1990 c. 8. Section 206(1) was amended by section 192(8) of, and paragraphs 7 and 11 of Schedule 8 to, the Planning Act 2008 (c.29) (date in force to be appointed see section 241(3), (4)(a), (c) of the 2008 Act). There are other amendments to the 1990 Act which are not relevant to this Order.
- (7)** 1991 c.22.
- (8)** 2003 c.21.
- (9)** 2004 c.20.
- (10)** 2009 c.23.

“gravity base foundation” means either—

- (a) a structure principally of concrete and/or steel which rests on the seabed due either to its own weight and that of added ballast or to the weight of water above it, and may include associated equipment including suction piles, J-tubes and access platforms; or
- (b) a structure principally of concrete and/or steel consisting of a platform supported on two pontoons to which the platform is connected by columns which may be connected by braces;

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

“horizontal directional drilling” refers to a boring technique involving drilling in an arc between two points;

“HVAC” means high voltage alternating current;

“HVDC” means high voltage direct current;

“the inter- array electrical circuits” means the circuits described in paragraph (b) of Work No.1, paragraph (b) of Work No.2 and paragraph (b) of Work No.3;

“the intertidal area” means the area between mean high water springs and mean low water springs;

“jacket foundation” means a lattice construction comprising tubular members and joints which are fixed to the seabed with piles (either driven or drilled piles or suction piles) and which will include platforms and J-tubes and may include braced monopiles and a transition piece;

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

“the licence conditions” means the conditions set out in respect of each of the deemed marine licences in Part 2 of Schedules 8 to 11 respectively;

“the limits of deviation” means the limits of deviation for the scheduled works comprised in the authorised development shown on the works plans;

“the local planning authority” means, in relation to any land or part of the authorised development, the district council or unitary authority for the area in which the land or development is situated;

“maintain”, includes, to the extent assessed in the environmental statement—

- (a) inspect, repair, adjust and alter; and
- (b) in respect of any of the ancillary works and any component part of any wind turbine generator, offshore accommodation platform, offshore HVAC collector substation, offshore HVDC converter station, offshore reactive compensation substation or Work No. 10 also includes remove, reconstruct and replace,

but does not include the alteration, removal or replacement of foundations; and “maintenance” shall be construed accordingly;

“MHWS” means the highest level which spring tides reach on average over a period of time;

“MLWS” means the lowest level which spring tides reach on average over a period of time;

“the MMO” means the Marine Management Organisation or any successor to its statutory functions;

“mode of transmission” means whichever of the HVAC or HVDC technologies is chosen by the undertaker as the means of transmitting electricity by cable for the purposes of the authorised project;

“monopile foundation” comprises a large diameter steel or concrete tube or pile driven vertically into the seabed, J-tubes and platforms and may include external structural devices such as bracing members or steel anchor wires and a transition piece;

“offshore accommodation platform” means a platform housing or incorporating temporary accommodation, landing ports for vessels and/or helicopters, standby electricity generation equipment, marking and lighting and other equipment facilities to assist in the co-ordination of marine activities related to the authorised development;

“offshore HVAC collector substation” means a structure serving as a collection point for the inter-array electrical circuits and containing equipment with the purpose of transforming the electricity generated at the wind turbines to a higher voltage; it may also include a helicopter platform;

“offshore HVDC converter station” means a structure which contains equipment to convert HVAC electricity to HVDC electricity; it may also include a helicopter platform;

“offshore reactive compensation substation” means a structure housing electrical reactors for the purpose of limiting electrical losses in the course of HVAC transmission by providing reactive compensation; it may also include a helicopter platform;

“the offshore works plans” means the part of the works plans described as the offshore works plans;

“the onshore works plans” means the part of the works plans described as the onshore works plans;

“the Order land” means the land shown on the land plans which is within the limits of land to be acquired or used and described in the book of reference;

“the Order limits” means the limits shown on the works plans within which the authorised project may be carried out;

“requirements” means those matters set out in Part 3 (requirements) of Schedule 1 to this Order;

“scheduled works” means the numbered works specified in Part 1 of Schedule 1 to this Order, or any part of them;

“street” means a street within the meaning of section 48 of the 1991 Act, together with land on the verge of a street or between two 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;

“suction pile” means a large diameter steel cylinder which is fixed to the base of the foundation and partially penetrates the seabed and remains in place using its weight and hydrostatic pressure differential;

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

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

“undertaker” is to be construed in accordance with article 3;

“vessel” means every description of vessel, however propelled or moved, and includes a nondisplacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil 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, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer;

“Wind Farm Area 1” means the area within the limits of deviation for Work No. 1 of which the co-ordinates are specified in Part 1 of Schedule 1;

“Wind Farm Area 2” means the area within the limits of deviation for Work No. 2 of which the co-ordinates are specified in Part 1 of Schedule 1;

“Wind Farm Area 3” means the area within the limits of deviation for Work No. 3 of which the co-ordinates are specified in Part 1 of Schedule 1;

“wind turbine generator” means a structure comprising a tower, rotor with horizontal axis blades connected at the hub, nacelle containing mechanical and electrical equipment, ancillary equipment including access ladders and platforms, lifts, cables, corrosion protection systems, maintenance equipment, helihoist facilities and other associated equipment, which may include lighting and a helicopter platform, fixed to a foundation; and

“the works plans” means the plans certified as the works plans by the Secretary of State for the purposes of this Order divided into three parts and described as the offshore works plans, the intertidal works plans and the onshore works plans.

(2) All distances, directions and lengths referred to in this Order are approximate, save in respect of the parameters referred to in requirements 2 and 4 in Part 3 of Schedule 1 and licence conditions 1 to 5 in Part 2 of each of Schedules 8 to 11 (deemed marine licences), and distances between parts of a work comprised in the authorised development are taken to be measured along that work.

(3) References in this Order to points identified by letters, with or without numbers, are to be construed as references to points so lettered on the works plans.

(4) References in this Order to numbered works, except in Schedules 8 to 11, are references to the scheduled works as numbered in Part 1 of Schedule 1.

(5) Unless otherwise indicated—

(a) all offshore co-ordinates shall be taken to be latitude and longitude degrees, minutes and seconds to three decimal places in WGS84 Datum; and

(b) all onshore co-ordinates shall be taken to be Eastings and Northings in OSGB36 Datum, British National Grid Projection.

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#### **Commencement Information**

**I2** Art. 2 in force at 31.12.2014, see [art. 1](#)

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Hornsea One Offshore Wind Farm Order 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Order modified by [S.I. 2016/471 art. 4Sch.](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 2(6) inserted by [S.I. 2015/1280 Sch.](#)