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STATUTORY INSTRUMENTS

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**2016 No. 880**

The Triton Knoll Electrical System Order 2016

PART 1

Preliminary

**Citation and commencement**

- 1.—(1) This Order may be cited as the Triton Knoll Electrical System Order 2016.
- (2) This Order comes into force on 27th September 2016.

**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);

“1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(4);

“1989 Act” means the Electricity Act 1989(5);

“1990 Act” means the Town and Country Planning Act 1990(6);

“1991 Act” means the New Roads and Street Works Act 1991(7);

“2008 Act” means the Planning Act 2008;

“2009 Act” means the Marine and Coastal Access Act 2009(8);

“access to works and streets plans” means the plans certified as the access to works and streets plans by the Secretary of State under article 35 (certification of plans, etc.);

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

“authorised development” means the development and associated development described in Part 1 of Schedule 1 (authorised development) 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 authorised by this Order;

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(1) 1961 c.33.  
(2) 1965 c.56.  
(3) 1980 c.66.  
(4) 1981 c.66.  
(5) 1989 c.29.  
(6) 1990 c.8.  
(7) 1991 c.22.  
(8) 2009 c.23.

“book of reference” means the book of reference certified by the Secretary of State as the book of reference under article 35;

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

“cable” includes fibre-optic cables either within the cable or laid alongside it;

“cable ducts” means conduits for the installation of electrical cables;

“cable protection” means measures to protect cables from physical damage and exposure due to loss of sea bed sediment including (but not limited to) the use of bagged solutions filled with gravel or other materials as approved by the MMO, protective aprons or covering mattresses, flow energy dissipation devices or rock and gravel placement;

“collector substations” means the collector substations authorised by the Triton Knoll Offshore Wind Farm Order 2013<sup>(9)</sup>;

“commence” means begin to carry out—

- (a) the activities authorised by the deemed marine licence other than pre-construction surveys and monitoring; and
- (b) in respect of any other works comprised in the authorised project, except as provided otherwise in this Order, any material operation (as defined in section 155 of the 2008 Act) forming part of the authorised project other than operations consisting of—
  - (i) site clearance;
  - (ii) pre-construction archaeological investigations;
  - (iii) environmental surveys;
  - (iv) removal of hedgerows;
  - (v) investigations for the purpose of assessing ground conditions;
  - (vi) diversion and laying of services;
  - (vii) erection of any temporary means of enclosure related to pre-construction archaeological investigations and environmental surveys;
  - (viii) the temporary display of site notices or advertisements;

and “commencement” must be construed accordingly;

“completion” means, in respect of any stage of works, the end of final testing of that stage;

“construction compound” means a temporary construction site associated with the onshore works including hard standings, lay down and storage areas for construction materials and equipment, areas for spoil, areas for vehicular parking, bunded storage areas, areas for welfare facilities including offices and canteen and washroom facilities, workshop facilities and temporary fencing or other means of enclosure and areas for other facilities required for construction purposes;

“crossings schedule” means the document certified as the crossings schedule by the Secretary of State under article 35;

“deemed marine licence” means the marine licence set out in Schedule 9 (deemed licence under Marine and Coastal Access Act 2009);

“design principles document” means the design principles document certified by the Secretary of State under article 35;

“electrical circuit” means a number of electrical conductors necessary to transmit electricity between 2 points within the authorised development (onshore) to take the form of 3 separate

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(9) S.I. 2013/1734.

cables laid in cable ducts including fibre-optic cables and earthing cables either within the electrical circuit or laid alongside;

“environmental statement” means the document certified as the environmental statement by the Secretary of State under article 35;

“external electrical equipment” means any electrical equipment in relation to Work No. 9 or 50 that is not housed within a building and has been assessed in the environmental statement and is otherwise referred to as “external transmission components” in the environmental statement and “additional electrical infrastructure” in the design principles document;

“hedgerow plans” means the plans certified as the hedgerow plans by the Secretary of State under article 35;

“highway” and “highway authority” have the same meaning as in the 1980 Act<sup>(10)</sup>;

“IEC enabling works” means, in relation to Work No. 9,—

- (a) site clearance;
- (b) the establishment of temporary working areas;
- (c) temporary fencing;
- (d) the installation of construction haul roads;
- (e) ground works including the installation of cabling ducting and the relocation and installation of below-ground utilities and drainage;
- (f) ground-raising and establishment of stoned site platform; and
- (g) electrical earthing works;

“intermediate electrical compound” means the area containing (but not limited to) switchgear, busbars, capacitors, reactors, reactive power compensation equipment, filters, cooling equipment, control and welfare buildings, lightning rods (if required), internal roads, security fencing and other associated equipment, structures and buildings including noise-attenuation works;

“land plans” means the plans certified as the land plans by the Secretary of State under article 35;

“landfall transition joint bay” means an underground pit where the offshore cables comprised in Work No. 2 are joined to the onshore works;

“limits of deviation” means the limits for the Works as shown on the works plans;

“main river” has the meaning given by the Water Resources Act 1991<sup>(11)</sup>;

“maintain” includes—

- (a) inspect, upkeep, repair, adjust and alter; and
  - (b) in relation to any of the ancillary works, remove, reconstruct and replace,
- to the extent assessed in the environmental statement; and “maintenance” must be construed accordingly;

“MCA” means the Maritime and Coastguard Agency;

“mean low water” means the average height of all low waters above chart datum;

“MHWS” (mean high water springs) means the average throughout a year of the heights of 2 successive high waters during the periods of 24 hours when the range of the tide is greatest, as defined by the MMO and shown on the Order limits plans;

“MMO” means the Marine Management Organisation;

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<sup>(10)</sup> “Highway” is defined in section 328(1). For “highway authority”, see section 1.

<sup>(11)</sup> 1991 c.57. “Main river” is defined in section 113(1). The definition was amended by section 59(3) of the Water Act 2014 (c.21).

“onshore works” means Work Nos. 2 to 56 and any related further associated development in connection with those Works including, in relation to the installation of electrical circuits and cable ducts jointing bays, manholes, marker posts and other works associated with the installation of electrical circuits and cable ducts;

“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;

“Order limits” means the limits shown on the Order limits plans within which the authorised project may be carried out, whose grid co-ordinates seaward of MHWS are set out in the table in paragraph 2 of Part 1 of Schedule 1;

“Order limits plans” means the plans certified as the Order limits plans by the Secretary of State under article 35;

“outline access management plan” means the document certified as the outline access management plan by the Secretary of State under article 35;

“outline code of construction practice (onshore)” means the document certified as the outline code of construction practice (onshore) by the Secretary of State under article 35;

“outline landscape strategy and ecological management plan” means the document certified as the outline landscape strategy and ecological management plan by the Secretary of State under article 35;

“outline onshore written scheme of investigation” means the document certified as the outline onshore written scheme of investigation by the Secretary of State under article 35;

“outline traffic management plan” means the document certified as the outline traffic management plan by the Secretary of State under article 35;

“owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981<sup>(12)</sup>;

“pipeline crossings” means the crossing of existing subsea pipelines by the cables authorised by this Order together with physical protection measures including concrete mattresses or rock placement;

“public rights of way plans” means the plans certified as the public rights of way plans by the Secretary of State under article 35;

“relevant planning authority”, in relation to any land, means the district planning authority for the area in which the land is situated;

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

“statutory nature conservation body” means the government’s advisor on the natural environment;

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

“street” means a street within the meaning of section 48 of the 1991 Act<sup>(13)</sup>, together with land on the verge of a street or between 2 carriageways, and includes part of a street;

“substation enabling works” means, in relation to Work No. 50,—

- (a) site clearance;
- (b) the establishment of temporary working areas;
- (c) temporary fencing;

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<sup>(12)</sup> 1981 c.67. The definition was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c.34).

<sup>(13)</sup> Section 48 was amended by section 124(2) of the Local Transport Act 2008 (c.26).

- (d) the installation of construction haul roads;
- (e) ground works including the installation of cabling ducts and the relocation and installation of below-ground utilities and drainage;
- (f) ground-raising and establishment of stoned site platform; and
- (g) electrical earthing works;

“temporary highways alterations” includes temporary removal and replacement of street furniture and the temporary plating and matting of grass verges to be carried out within the highway boundary;

“trenchless techniques” means the installation of electrical circuits by means of boring techniques for installing cable ducts including horizontal directional drilling, pipe jacking/horizontal auger boring and micro-boring;

“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 5(9) (transfer of benefit of Order), Triton Knoll Offshore Wind Farm Limited (company number 03696654);

“unlicensed works” means works needed to connect the authorised project to the National Grid substation at Bicker Fen that National Grid is not required, under its transmission licence, to carry out itself including (but not limited to) cabling, cable sealing ends, circuit breakers, surge arrestors, dis-connectors, transformers, busbars and busbar clamp measuring equipment, relay marshalling rooms and electrical earthing works;

“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 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 any river, stream, creek, ditch, drain, canal, cut, culvert, dyke, sluice, sewer and passage through which water flows except a public sewer or drain;

“Work” means a Work set out in Part 1 of Schedule 1; and a reference to a Work designated by a number, or by a combination of a number and a letter (for example, “Work No. 3A”) is a reference to the Work so designated in that Part;

“works plans” means the plans certified as the works plans by the Secretary of State under article 35.

(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, except for the parameters referred to in—

- (a) Requirements 3 and 5; and
- (b) Condition 1 of the deemed marine licence.

(4) References in this Order to points identified by letters must be construed as references to the points so lettered on the works plans unless otherwise stated.

(5) The expression “includes” must be construed without limitation.