
STATUTORY INSTRUMENTS

2022 No. 433

INFRASTRUCTURE PLANNING

The East Anglia TWO Offshore Wind Farm Order 2022

Made - - - - *31st March 2022*

Coming into force *22nd April 2022*

THE EAST ANGLIA TWO 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. 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. Application of the 1991 Act
10. Public rights of way
11. Temporary stopping up of public rights of way
12. Temporary stopping up of streets
13. Access to works
14. Agreements with street authorities
15. Highway alterations

PART 4

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16. Discharge of water
17. Authority to survey and investigate the land onshore

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
21. Private rights
22. Application of the 1981 Act
23. Modification of Part 1 of the Compulsory Purchase Act 1965
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. Statutory undertakers
29. Recovery of costs of new connections

PART 6

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30. Operation of generating station
31. Deemed marine licences under the 2009 Act

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32. Application of landlord and tenant law
 33. Operational land for purposes of the 1990 Act
 34. Felling or lopping of trees and removal of hedgerows
 35. Trees subject to tree preservation orders
 36. Certification of plans etc.
 37. Arbitration
 38. Requirements, appeals, etc.
 39. Abatement of works abandoned or decayed
 40. Saving provisions for Trinity House
 41. Crown rights
 42. Protective provisions
 43. Funding
 44. Offshore ornithology compensation provisions
 45. Service of notices
- Signature

SCHEDULE 1 — Authorised project

PART 1 — Authorised development

1. A nationally significant infrastructure project as defined in sections 14...

2. A nationally significant infrastructure project as defined in sections 14...
3. 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 offshore electrical platforms forming part...
 4. (1) The total length of the inter-array cables comprised within...
 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 each offshore electrical platform, the gravity...
 8. (1) In relation to a construction, operation and maintenance platform,...
 9. The total amount of scour protection for the wind turbine...
 10. Offshore decommissioning
 11. Stages of authorised development onshore
 12. Detailed design parameters onshore
 13. Landfall construction method statement and monitoring plan
 14. Provision of landscaping
 15. Implementation and maintenance of landscaping
 16. Highway accesses
 17. Fencing and other means of enclosure
 18. Contaminated land and groundwater
 19. Pre-commencement archaeology execution plan
 20. Archaeology
 21. Ecological management plan
 22. Code of construction practice
 23. Construction hours for the transmission works
 24. Construction hours for the grid connection works
 25. Control of artificial light emissions during operational phase
 26. Onshore preparation works management plan
 27. Control of noise during operational phase
 28. Traffic
 29. Restoration of land used temporarily for construction
 30. Onshore decommissioning
 31. Aviation Lighting
 32. Public rights of way
 33. Emergency planning arrangements
 34. Ministry of Defence surveillance operations
 35. Cromer Primary Surveillance Radar
 36. Port traffic
 37. Decommissioning of relevant landfall works
 38. Restriction on carrying out grid connection works where consented in another order
 39. Requirement for written approval
 40. Amendments to approved details
 41. Operational drainage management plan
 42. Installation of cable ducts
 43. Restriction on carrying out grid connection works
 44. Control of development during operational phase

SCHEDULE 2 — Streets subject to street works

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

SCHEDULE 3 — Public rights of way to be temporarily stopped up

SCHEDULE 4 — Footpaths to be stopped up

SCHEDULE 5 — Streets to be temporarily stopped up

SCHEDULE 6 — Access to works

SCHEDULE 7 — Land in which only new rights etc. may be acquired

SCHEDULE 8 — Modification of compensation and compulsory purchase enactments for creation of new rights and imposition of new restrictions

1. Compensation enactments
2. (1) Without prejudice to the generality of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...
4. Application of the 1965 Act
5. For section 7 of the 1965 Act (measure of compensation...
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 (tenants at will, etc.)...
9. Section 22 of the 1965 Act (interests omitted from purchase)...
10. For Schedule 2A to the 1965 Act substitute— SCHEDULE 2A...

SCHEDULE 9 — Land of which temporary possession may be taken

SCHEDULE 10 — Protective Provisions

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

1. Application
2. In this part of this Schedule— “affected undertaker” means— any...
3. Precedence of the 1991 Act in respect of apparatus in the streets
4. No acquisition etc. except by agreement
5. Removal of apparatus
6. Facilities and rights for alternative apparatus
7. Retained apparatus
8. (1) Subject to the following provisions of this paragraph, the...
9. Expenses and costs
10. Nothing in this part of this Schedule affects the provisions...

PART 2 — Protection for operators of electronic communications code networks

1. (1) For the protection of any operator, the following provisions...
2. The exercise of the powers of article 28 (statutory undertakers)...
3. (1) Subject to sub-paragraphs (2) to (4), if as the...
4. This part of this Schedule does not apply to—
5. Nothing in this part of this Schedule affects the provisions...

PART 3 — Protection for Anglian Water Services Limited

1. For the protection of Anglian Water, the following provisions of...
2. In this part of this schedule— “alternative apparatus” means alternative...
3. This Part does not apply to apparatus in respect of...
4. The undertaker must not interfere with, build over or near...
5. The alteration, extension, removal or re-location of any apparatus may...
6. In the situation, where in exercise of the powers conferred...
7. Regardless of any provision in this Order or anything shown...
8. If the undertaker is unable to create the new rights...
9. If in consequence of the exercise of the powers conferred...

10. If in consequence of the exercise of the powers conferred...
11. If for any reason or in consequence of the construction...
12. Nothing in paragraph 11 above imposes any liability on the...
13. Anglian Water must give the undertaker reasonable notice of any...
14. Anglian Water must use its reasonable endeavours to mitigate in...
15. Any difference or dispute arising between the undertaker and Anglian...

PART 4 — Protection for National Grid as electricity undertaker

1. Application
2. Interpretation
3. Except for paragraphs 4 (apparatus of statutory undertakers in stopped...
4. Apparatus of statutory undertakers in stopped up streets
5. Acquisition of land
6. Removal of apparatus
7. Facilities and rights for alternative apparatus
8. Retained apparatus: Protection of National Grid as electricity undertaker
9. Expenses
10. Indemnity
11. Enactments and agreements
12. Co-operation
13. Access
14. Arbitration
15. Notices

PART 5 — Protection for East Anglia ONE North Limited

1. For the protection of the statutory undertaker, the following provisions...
2. In this part of this schedule— “alternative apparatus” means appropriate...
3. This part of this Schedule does not apply to apparatus...
4. The consent of the statutory undertaker under this Part is...
5. Apparatus of undertakers in stopped up streets
6. Acquisition of land
7. Removal of apparatus
8. Facilities and rights for alternative apparatus
9. Retained apparatus: protection
10. Offshore disposals
11. Provision of information
12. Expenses
13. Compensation
14. Enactments and agreements
15. Co-operation
16. Access
17. Arbitration

PART 6 — Protection for East Anglia ONE Offshore Wind Farm and East Anglia THREE Offshore Wind Farm

1. For the protection of the statutory undertakers referred to in...
2. In this part of this schedule— “apparatus” means electric lines...
3. (1) Not less than 56 days (or such lesser period...
4. Expenses
5. Compensation
6. Co-operation
7. Arbitration

PART 7 — Protection for EDF Energy

1. Application
2. Interpretation
3. Interaction at Sizewell Gap

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4. Quality of Sizewell B cooling water intake
5. Coralline Crag
6. Arbitration
 - PART 8 — Protection of NNB Generation Company (SZC) Limited
 1. Application
 2. Interpretation
 3. Interaction at Sizewell Gap
 4. Interaction at Snape Road
 5. Interaction at Friday Street
 6. Sizewell C proposed intake infrastructure
 7. Acquisition of land
 8. Arbitration

SCHEDULE 11 — Hedgerows

- PART 1 — Removal of important hedgerows
- PART 2 — Important hedgerows that will be crossed using a reduced working width

SCHEDULE 12 — Trees subject to tree preservation orders

SCHEDULE 13 — Deemed licence under the 2009 Act - generation assets

PART 1 — Licensed marine activities

1. (1) In this licence— “the 2004 Act” means the Energy...
2. Details of licensed marine activities
3. (1) Such activities are authorised in relation to the construction,...
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 the details, plan or scheme must be...

PART 2 — Conditions

1. Design parameters
2. (1) The total number of meteorological masts forming part of...
3. (1) The total number of construction, operation and maintenance platforms...
4. (1) The total number of offshore electrical platforms forming part...
5. The total length of the cables forming part of the...
6. (1) In relation to a wind turbine generator, each gravity...
7. (1) In relation to a meteorological mast, each gravity base...
8. (1) In relation to any construction, operation and maintenance platform,...
9. (1) In relation to each offshore electrical platform, the gravity...
10. Notifications and inspections
11. Aids to navigation
12. (1) The undertaker must colour all structures yellow (colour code...
13. Aviation safety
14. Chemicals, drilling and debris
15. Force majeure
16. UXO clearance
17. Pre-construction plans and documentation
18. (1) Any archaeological reports produced in accordance with condition 17(1)(g)(iii)...
19. Reporting of engaged agents, contractors and vessels

20. Pre-construction monitoring and surveys
21. Construction monitoring
22. Post construction
23. Reporting of impact pile driving/detonation of explosives
24. Scour protection and cable protection during operation
25. Co-operation
26. Southern North Sea Special Area of Conservation Site Integrity Plan (Piling)
27. Southern North Sea Special Area of Conservation Site Integrity Plan (UXO clearance)
28. Control of piling and UXO detonations
29. Herring spawning
30. Sediment sampling
31. Completion of construction

SCHEDULE 14 — Deemed licence under the 2009 Act – offshore transmission assets

PART 1 — Licensed marine activities

1. (1) In this licence— “the 2004 Act” means the Energy...
2. Details of licensed marine activities
3. (1) Such activities are authorised in relation to the construction,...
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 the details, plan or scheme must be...

PART 2 — Conditions

1. Design parameters
2. (1) The total number of offshore electrical platforms forming part...
3. The total length of the cables forming part of the...
4. (1) In relation to any construction, operation and maintenance platform,...
5. (1) In relation to each offshore electrical platform, the gravity...
6. Notifications and inspections
7. Aids to navigation
8. (1) The undertaker must colour all structures yellow (colour code...
9. Aviation safety
10. Chemicals, drilling and debris
11. Force majeure
12. UXO clearance
13. Pre-construction plans and documentation
14. (1) Any archaeological reports produced in accordance with condition 13(1) (g)(iii)...
15. Reporting of engaged agents, contractors and vessels
16. Pre-construction monitoring and surveys
17. Construction monitoring
18. Post construction
19. Reporting of impact pile driving/detonation of explosives
20. Scour protection and cable protection during operation
21. Co-operation
22. Southern North Sea Special Area of Conservation Site Integrity Plan (Piling)
23. Southern North Sea Special Area of Conservation Site Integrity Plan (UXO clearance)

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

24. Control of piling and UXO detonations
25. Herring spawning
26. Sediment sampling
27. Completion of construction

SCHEDULE 15 — Arbitration Rules

1. Primary objective
2. Time periods
3. Timetable
4. Procedure
5. Arbitrator’s powers
6. Costs
7. Confidentiality
8. Conservatory and Interim Measures

SCHEDULE 16 — Procedure for discharge of requirements

1. Applications made for certain approvals
2. Further information
3. Appeals
4. Interpretation of Schedule 16

SCHEDULE 17 — Documents to be certified

- PART 1 — Documents forming the environmental statement to be certified
- PART 2 — Other documents to be certified

SCHEDULE 18 — Offshore Ornithology Compensation Measures

PART 1 — Flamborough and Filey Coast Special Protection Area: Kittiwake Compensation Measures

1. In this Part— “the kittiwake compensation plan” means Appendix 1...
2. The authorised development may not be commenced until a plan...
3. Following consultation with the KCSG, the KIMP must be submitted...
4. The undertaker must not commence the authorised development unless it...
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. The artificial nest structure must not be decommissioned without written...
9. The KIMP approved under this Schedule includes any amendments that...
10. In the event of any conflict or inconsistency between the...
 - PART 2 — Alde-Ore Estuary Special Protection Area: Lesser black-backed gull Compensation Measures
 - 1. In this Part— “the lesser black-backed gull compensation plan” means...
 - 2. The authorised development may not be commenced until a plan...
 - 3. Following consultation with the LBBCSG, the LBBIMP must be submitted...
 - 4. The undertaker must not commence the authorised development unless it...
 - 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. Any predator proof fencing installed must not be decommissioned without...
 - 9. The LBBIMP approved under this Schedule includes any amendments that...
 - 10. In the event of any conflict or inconsistency between the...

PART 3 — Outer Thames Estuary Special Protection Area: Red-throated diver
Compensation Measures

1. In this Part— “the red-throated diver compensation plan” means Appendix...
2. The authorised development may not be commenced until a plan...
3. Following consultation with the RTDCSG, the RTDIMP must be submitted...
4. The undertaker must not commence the authorised development unless it...
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 and aerial digital surveys must...
8. The RTDIMP approved under this Schedule includes any amendments that...
9. 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 East Anglia TWO Offshore Wind Farm Order 2022.