STATUTORY INSTRUMENTS

2025 No. 1362

INFRASTRUCTURE PLANNING

The Norfolk Boreas Offshore Wind Farm (Amendment) (No. 2) Order 2025

Made - - - -	*18th December 2025*
Coming into force	*19th December 2025*

An application has been made, under paragraph 2 of Schedule 6 to the Planning Act 2008(**a**), to the Secretary of State in accordance with the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011(**b**) for non-material changes to the Norfolk Boreas Offshore Wind Farm Order 2021(**c**).

The Secretary of State, having considered the application, the responses to the publicity and consultation required by regulations 6 and 7 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011(**d**), has decided to make the changes on terms that in the opinion of the Secretary of State are not materially different from those proposed in the application.

Accordingly, the Secretary of State, in exercise of the powers in paragraph 2(1) and (9) of Schedule 6 to the Planning Act 2008, makes the following Order.

Citation and commencement

1. This Order may be cited as the Norfolk Boreas Offshore Wind Farm (Amendment) (No. 2) Order 2025 and comes into force on 19th December 2025.

Amendment to the Norfolk Boreas Offshore Wind Farm Order 2021

2. The Norfolk Boreas Offshore Wind Farm Order 2021 is amended in accordance with this Order.

(**a**) 2008 c. 29, as amended by S.I. 2009/2260, S.I. 2009/400, paragraphs 2, 3, 28, 30, 32, 34, 35, 36 and 54 of Schedule 13 to the Localism Act 2011 (c. 20), section 130 of the Localism Act 2011 (c. 20), part 20 of Schedule 25 to the Localism Act 2011, S.I. 2015/1570, article 25 of the A585 Windy Harbour to Skippool Highway Development Consent Order 2020 (S.I. 2020/402), article 44 of the Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644), sections 20 and 33 of the High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), article 3 of the A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (S.I. 2022/934), sections 126, 130, 132 and 139 of the Levelling-up and Regeneration Act 2023 (c. 55) and paragraph 1 of Schedule 12 to the Levelling-up and Regeneration Act 2023 (c. 55).

(**b**) S.I. 2011/2055 as amended by S.I. 2012/635, S.I. 2012/2732, S.I. 2013/522, S.I. 2015/760, S.I. 2020/764, S.I. 2020/1534, S.I. 2022/634 and S.I. 2023/1071.

(**c**) S.I. 2021/1414 as amended by S.I. 2022/901 and S.I. 2022/968.

(**d**) S.I. 2011/2055 as amended by S.I. 2012/635, S.I. 2012/2732, S.I. 2013/522, S.I. 2015/760, S.I. 2020/764, S.I. 2020/1534, S.I. 2022/634 and S.I. 2023/1071.

Amendments to Article 2 (Interpretation)

3. In Article 2 (Interpretation), after the definition of "Defence Infrastructure Organisation Safeguarding" insert the following definition ""Defra" means the Department for Environment, Food and Rural Affairs and any successor body to its functions;".

4. In Article 2 (Interpretation), substitute the definition of "undertaker" with "means, subject to article 6 (Benefit of the Order), Norfolk Boreas Limited (Company No. 03722058)".

Amendments to Part 1 (Authorised Development) of Schedule 1 (Authorised Project)

5. Paragraph 2 of Part 1 (Authorised Development) of Schedule 1 (Authorised Project) is amended as follows—

(a) Substitute Longitude (DMS) at point 29 with "002° 59' 17.972" E";

(b) Substitute Longitude (DMS) at point 67 with "002° 59' 02.0169" E";

(c) Substitute Latitude (DMS) at point 164 with "52° 50' 36.142" N"; and

(d) Substitute Longitude (DMS) at point 164 with "002° 35' 08.679" E".

Amendments to Part 3 (Haisborough, Hammond and Winterton Special Area of Conservation: Delivery of measures to compensate for cable installation and protection) of Schedule 19 (Compensation to protect the coherence of the national site network)

6.—(1) Part 3 (Haisborough, Hammond and Winterton Special Area of Conservation: Delivery of measures to compensate for cable installation and protection) of Schedule 19 (Compensation to protect the coherence of the national site network), is amended as follows—

(2) Substitute the following for Paragraph 23—

"**23.** In this Part—

"BIMP" means the benthic implementation and monitoring plan for the delivery of measures to compensate for the cable installation and protection in the HHW SAC as a result of the authorised development;

"BSG" means the benthic steering group who will shape and inform the scope and delivery of the BIMP;

"completion report" means the report submitted to the Secretary of State pursuant to paragraph 33;

"HHW SAC" means Haisborough, Hammond and Winterton Special Area of Conservation;

"HHW SAC compensation plan" means the document certified as the In Principle Habitats Regulations Derogation, Provision of Evidence, Appendix 3 Haisborough, Hammond and Winterton SAC In Principle Compensation by the Secretary of State for the purposes of this Order under article 37 (Certification of plans etc);

"Marine Recovery Fund" means the fund to be established and operated pursuant to section 292 of the Energy Act 2023 for the implementation of strategic compensation or any equivalent fund established by a Government body for that purpose; and

"Marine Recovery Fund Payment" means a contribution to the Marine Recovery Fund to compensate for impacts on protected features of the HHW SAC as a result of the authorised development, the sum of which will be agreed with Defra or any other organisation responsible for the operation of the Marine Recovery Fund.".

(3) In paragraph 30, omit "In particular, no cable installation works in the HHW SAC may be commenced unless at least 8.3 hectares of marine debris has been removed in accordance with the programme referred to in paragraph 29(d).".

(4) Substitute the following for paragraph 32—

"**32.** Unless otherwise agreed with the Secretary of State, results from the monitoring scheme must be submitted at least annually to the Secretary of State, the MMO and the relevant statutory nature conservation body. This must include details of any finding that the measures have been ineffective in securing an improvement in the condition of the HHW SAC and, in such case, proposals to address this. Any proposals to address effectiveness must thereafter be implemented by the undertaker as approved in writing by the Secretary of State in consultation with the MMO and the relevant statutory nature conservation body.".

(5) Substitute the following for paragraph 33—

"**33.** Subject to paragraph 35 and paragraph 38(b), a report which demonstrates completion of the activities required by the BIMP must be submitted to the Secretary of State within 12 months of completion of such activities.".

(6) After paragraph 34 insert the following—

"**35.** In the event that the required area of marine debris is not removed (whether wholly or in part) the undertaker may apply to the Secretary of State to make a Marine Recovery Fund Payment as an adaptive management measure in substitution for the area of marine debris removal which has not been achieved.

36. The application under paragraph 35 will set out—

(a) the proportion of the overall area of marine debris removal required where the impact on the HHW SAC is shared with the Norfolk Vanguard offshore wind farm by virtue of the shared cable corridor; and

(b) the amount of material removed under the BIMP as reported in the most recent document submitted pursuant to paragraph 32 (subject to any reductions already taken into account for any contribution under the Norfolk Vanguard Offshore Wind Farm).

37. Following receipt of any application pursuant to paragraph 35, the Secretary of State must be satisfied—

(a) that the application to use the Marine Recovery Fund as an adaptive management measure is acceptable in principle including (if relevant) the exact proportion of the original compensation for which a Marine Recovery Fund Payment can be accepted in substitution; and

(b) that Defra or any other organisation responsible for the operation of the Marine Recovery Fund has confirmed that the Marine Recovery Fund can be used, such confirmation to include monetary quantification of the sums due in lieu of the compensation measures.

38. If the Secretary of State is satisfied that the criteria set out in paragraph 37 have been met, he may notify the undertaker that the application made under paragraph 35 is approved, following which there must be no cable installation works within the HHW SAC unless and until—

(a) an implementation and monitoring plan has been submitted to and approved by the Secretary of State; and

(b) the undertaker has been discharged from any further obligations under this Part to deliver compensation measures in accordance with paragraph 39.

39. The undertaker will be discharged from any further obligations under this Part to deliver compensation measures either—

(a) following approval of the completion report by the Secretary of State, in consultation with the MMO and the statutory nature conservation body;

(b) upon paying the full amount of the agreed Marine Recovery Fund Payment provided that the Secretary of State has confirmed in writing that such payment fulfils the requirement for compensation measures; or

(c) upon entering into a contract with Defra or any other organisation responsible for the operation of the Marine Recovery Fund to make the agreed Marine Recovery Fund Payment in instalments and having made the first payment in a series of instalments under that contract provided that the Secretary of State has confirmed in writing that such payment fulfils the requirement for compensation measures.

40. Any discharge pursuant to paragraph 39(c) from further obligations under this Part to deliver compensation measures does not obviate the undertaker from its obligation to continue to comply with any payment schedule or any other conditions that form part of the contract entered into between the undertaker and Defra or any other organisation responsible for the operation of the Marine Recovery Fund.".

Signed by authority of the Secretary of State for Energy Security and Net Zero

John Wheadon
Head of Energy Infrastructure Planning Delivery
Department for Energy Security and Net Zero

18th December 2025

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends The Norfolk Boreas Offshore Wind Farm Order 2021, a development consent order under the Planning Act 2008, following an application made in accordance with the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 for a non-material change under paragraph 2 of Schedule 6 to the Planning Act 2008.

© Crown copyright 2025

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

£6.40

http://www.legislation.gov.uk/id/uksi/2025/1362

ISBN 978-0-34-827804-0

9 780348 278040