STATUTORY INSTRUMENTS

2016 No. 987

INFRASTRUCTURE PLANNING

The Brechfa Forest Wind Farm Connection Order 2016

Made - - - - 6th October 2016
Coming into force 28th October 2016

THE BRECHFA FOREST WIND FARM CONNECTION ORDER 2016

PART 1

- Citation and commencement
- 2. Interpretation

PART 2

- 3. Development consent granted by the Order
- 4. Maintenance of the authorised development
- 5. Limits of deviation
- Benefit of Order
- 7. Consent to transfer benefit of Order

PART 3

- 8. Application of the New Roads and Street Works Act 1991
- 9. Street works
- 10. Construction and maintenance of new or altered means of access
- 11. Temporary closure of streets and public rights of way
- 12. Traffic regulation
- 13. Access to works
- 14. Agreements with street authorities

PART 4

- 15. Discharge of water
- 16. Defence to proceedings in respect of statutory nuisance
- 17. Authority to survey and investigate the land

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PART 5

- 18. Application and modification of legislative provisions
- 19. Compulsory acquisition of rights in, under or over land
- 20. Statutory authority to override easements and other rights
- 21. Compulsory acquisition of land incorporation of the mineral code
- 22. Time limit for exercise of authority to acquire rights in land compulsorily
- 23. Suspension of private rights
- 24. Extinguishment of private rights and restrictive covenants relating to Western Power Distribution (South Wales) Plc's apparatus removed from land subject to temporary possession
- 25. Application of the Compulsory Purchase (Vesting Declarations) Act 1981
- 26. Rights under or over streets
- 27. Temporary use of land by the undertaker
- 28. Temporary use of land for maintaining the authorised development
- 29. Statutory undertakers
- 30. Recovery of costs of new connections

PART 6

- 31. Operational land for purposes of the 1990 Act
- 32. Felling or lopping of trees and removal of hedgerows
- 33. Certification of plans
- 34. Service of notices
- 35. Arbitration
- 36. Procedure regarding certain approvals
- 37. Crown rights Signature

SCHEDULES

SCHEDULE 1 — Authorised development

SCHEDULE 2 — Plans

PART 1 — Overall location plan

PART 2 — Master key plan

PART 3 — Access and rights of way plans

PART 4 — Crown land plans

PART 5 — Design drawings

PART 6 — Environmental features plans

PART 7 — Heritage designations plans

PART 8 — Land plans

PART 9 — Trees and Hedges with the potential to be affected plans

PART 10 — Works plans

SCHEDULE 3 — Requirements

- 1. Interpretation
- 2. Time limits
- 3. Compliance with approved details
- 4. Stages of authorised development
- 5. Restrictions on the limits of deviation

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- 6. Restrictions on the limits of deviation near hedgerows and watercourses
- 7. Protection of private water supplies
- 8. HDD drill depths and construction periods
- 9. Highway accesses
- 10. Public rights of way
- 11. Fencing and other means of enclosure
- 12. Contaminated land and groundwater
- 13. Archaeology
- 14. Plans
- 15. Habitat management plan
- 16. Trees to be affected
- 17. Lighting
- 18. Construction traffic management plan
- 19. Temporary bridge
- 20. Construction hours
- 21. Construction environmental management plan
- 22. Restoration of land used temporarily for construction
- 23. Requirement for written approval
- 24. Frac-out contingency plan
- 25. Decommissioning
- 26. Flooding
- 27. Foundation Depths
- 28. Hedgerows
- 29. Otter Surveys
- 30. Marsh Fritillary Study
- 31. Approved plans and amendments to approved plans

SCHEDULE 4 — Modification of compensation and compulsory purchase enactments for creation of new rights

- 1. Compensation enactments
- 2. Modification of the Land Compensation Act 1973
- 3. Application of the 1965 Act
- 4. For section 7 of the 1965 Act (measure of compensation...
- 5. For section 8 of the 1965 Act (other provisions as...
- 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 (protection for interests of...
- 9. Section 22 of the 1965 Act (protection of acquiring authority's...

SCHEDULE 5 — Parts of access to be maintained at the public expense

- SCHEDULE 6 Streets subject to street works
 - PART 1 Streets subject to street works crossing points
 - PART 2 Streets subject to street works accesses
- SCHEDULE 7 Streets/rights of way to be temporarily closed
- SCHEDULE 8 Land of which temporary possession may be taken

SCHEDULE 9 — Protective provisions

- PART 1 For the protection of oil undertakers
- 1. (1) For the protection of the statutory undertakers referred to...
- 2. This Part of this Schedule does not apply to apparatus...

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- 3. Regardless of any provision in this Order or anything shown...
- 4. (1) If, in the exercise of the powers conferred by...
- 5. (1) Not less than 28 days before starting the execution...
- 6. (1) Subject to the following provisions of this paragraph, the...

PART 2 — For the protection of National Grid Gas plc and National Grid Electricity Transmission Plc

- 1. Application
- 2. Interpretation
- 3. Except for paragraphs 5 and 6 (retained apparatus: protection),7 (expenses)...
- 4. Acquisition of land
- 5. Retained apparatus—Protection—Gas Protected Persons
- 6. Retained apparatus—Protection—Electricity Undertakers
- 7. Expenses
- 8. Indemnity
- 9. Enactments and agreements
- 10. Co-operation
- 11. Access
- 12. Arbitration

PART 3 — For the protection of Dwr Cymru Cyfyngedig

- 1. For the protection of DCC referred to in this Part...
- 2. In this Part of this Schedule— "accessories" has the same...
- 3. (1) Regardless of any provision in this Order or anything...
- 4. Precedence of the Water Industry Act 1991
- 5. Protection of DCC apparatus
- 6. Suspension of works
- 7. (1) In the event that either the undertaker or DCC...
- 8. Emergency Works

PART 4 — For the protection of Wales and West Utilities Limited

- 1. Application
- 2. Interpretation
- 3. Except for paragraphs 5 (retained apparatus: Protection Gas Undertakers) and...
- 4. Acquisition of Land
- 5. Retained apparatus: Protection: Protected Persons
- 6. Expenses
- 7. Indemnity
- 8. Enactments and agreements
- 9. Co-operation
- 10. Access
- 11. Arbitration

PART 5 — For the protection of operators of electronic communications code networks

- 1. For the protection of any operator, the following provisions are...
- 2. In this Part of this Schedule—"the 2003 Act" means...
- 3. The exercise of the powers of article 30 (statutory undertakers)...
- 4. (1) Subject to sub-paragraphs (2) and (3), if as the...
- 5. This Part of this Schedule does not apply to—
- 6. Nothing in this Part of this Schedule affects the provisions...

SCHEDULE 10 — Discharge of Requirements

- 1. Applications made under Requirement
- 2. Further information

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- 3. Appeals
- 4. Appeal process
- 5. Fees

SCHEDULE 11 — Removal of important hedgerows

Explanatory Note

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Changes and effects yet to be applied to:

- Sch. 2 Pt. 3 table substituted by S.I. 2017/343 art. 2(1)
- Sch. 2 Pt. 5 table substituted by S.I. 2017/343 art. 2(2)
- Sch. 2 Pt. 7 table substituted by S.I. 2017/343 art. 2(3)
- Sch. 2 Pt. 8 table substituted by S.I. 2017/343 art. 2(4)
- Sch. 2 Pt. 9 table substituted by S.I. 2017/343 art. 2(5)
- Sch. 2 Pt. 10 table substituted by S.I. 2017/343 art. 2(6)
- Sch. 3 Requirement 5(4) words substituted by S.I. 2017/343 art. 2(7)