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STATUTORY INSTRUMENTS

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**2019 No. 1268**

**INFRASTRUCTURE PLANNING**

**The Abergelli Power Gas Fired Generating Station Order 2019**

*Made - - - - 19th September 2019*

*Coming into force 10th October 2019*

**THE ABERGELLI POWER GAS FIRED  
GENERATING STATION ORDER 2019**

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation

PART 2

PRINCIPAL POWERS

3. Development consent etc. granted by the Order
4. Maintenance of authorised development
5. Operation of authorised development
6. Benefit of this Order
7. Consent to transfer benefit of the Order

PART 3

STREETS

8. Power to alter layout etc. of streets
9. Street works
10. Construction and maintenance of new or altered means of access
11. Temporary prohibition or restriction of use of streets
12. Stopping up of streets
13. Access to works
14. Agreements with street authorities
15. Traffic Regulation

*Status: This is the original version (as it was originally made).*

#### PART 4

##### SUPPLEMENTAL POWERS

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

#### PART 5

##### POWERS OF ACQUISITION

18. Compulsory acquisition of land
19. Compulsory acquisition of land – incorporation of the mineral code
20. Statutory authority to override easements and other rights
21. Time limit for exercise of authority to acquire land compulsorily
22. Compulsory acquisition of rights etc.
23. Private rights
24. Application of the Compulsory Purchase (Vesting Declarations) Act 1981
25. Acquisition of subsoil only
26. Modification of Part 1 of the Compulsory Purchase Act 1965
27. Rights under or over streets
28. Temporary use of land in connection with the carrying out of the authorised development
29. Temporary use of land for maintaining the authorised development
30. Statutory undertakers
31. Apparatus and rights of statutory undertakers in streets
32. Recovery of costs of new connections
33. Funding

#### PART 6

##### OPERATIONS

34. Felling or lopping of trees and removal of hedgerows

#### PART 7

##### MISCELLANEOUS AND GENERAL

35. Application of landlord and tenant law
  36. Operational land for the purposes of the 1990 Act
  37. Defence to proceedings in respect of statutory nuisance
  38. Protective provisions
  39. Certification of plans etc.
  40. Service of notices
  41. Procedure in relation to certain approvals
  42. Arbitration
  43. Application and modification of legislative provisions
- Signature

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#### SCHEDULE 1 — AUTHORISED DEVELOPMENT

#### SCHEDULE 2 — REQUIREMENTS

1. Time limits

2. Detailed Design
3. Provision and maintenance of landscaping
4. Highway accesses
5. Fencing and other means of enclosure
6. Surface and foul water drainage
7. Surface water management plan
8. Pre-construction ecological constraints survey
9. Ecological management plan
10. Invasive species survey and remediation
11. Bat Method Statement
12. Reptile Method Statement
13. Archaeology
14. Site investigation
15. Mineral Resources Survey
16. Peat Management Plan
17. Construction environment management plan
18. Dust management plan
19. Pollution prevention management plan
20. Waste and material management plan
21. Construction traffic management plan
22. Construction staff travel plan
23. Construction hours
24. Dates of final commissioning, completion of construction and cessation
25. Control of noise during operational phase
26. Control of artificial light emissions during operation
27. Operation of the authorised development
28. Decommissioning strategy
29. Amendments to approved details

SCHEDULE 3 — STREETS SUBJECT TO PERMANENT AND TEMPORARY ALTERATION OF LAYOUT

PART 1 — PERMANENT ALTERATION OF LAYOUT

PART 2 — TEMPORARY ALTERATION OF LAYOUT

SCHEDULE 4 — STREETS SUBJECT TO STREET WORKS

SCHEDULE 5 — ACCESS

PART 1 — THOSE PARTS OF ACCESSES TO BE MAINTAINED AT THE PUBLIC EXPENSE

PART 2 — THOSE PARTS OF ACCESSES TO BE MAINTAINED BY THE STREET AUTHORITY

PART 3 — THOSE WORKS TO RESTORE TEMPORARY ACCESSES WHICH WILL BE MAINTAINED AT THE PUBLIC EXPENSE

PART 4 — THOSE WORKS TO RESTORE TEMPORARY ACCESSES WHICH WILL BE MAINTAINED BY THE STREET AUTHORITY

SCHEDULE 6 — TEMPORARY PROHIBITION OR RESTRICTION OF THE USE OF STREETS

SCHEDULE 7 — STREETS TO BE STOPPED UP

*Status: This is the original version (as it was originally made).*

SCHEDULE 8 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS AND IMPOSITION OF NEW RESTRICTIONS

*Compensation enactments*

1. The enactments for the time being in force with respect...
2. (1) Without limitation on the scope of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...

*Application of Part 1 of the 1965 Act*

4. Part 1 (compulsory purchase under Acquisition of Land Act 1946)...
5. The modifications referred to in paragraph 4(a) are as follows—...
6. The following provisions of the 1965 Act (which state the...
7. Section 11 (powers of entry) of the 1965 Act is...
8. Section 20 of the 1965 Act (protection for interests of...
9. Section 22 of the 1965 Act (protection of acquiring authority's...
10. For schedule 2A to the 1965 Act substitute— SCHEDULE 2A...

SCHEDULE 9 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 10 — REMOVAL OF HEDGEROWS

SCHEDULE 11 — PROTECTIVE PROVISIONS

PART 1 — FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

1. For the protection of the utility undertakers referred to in...
2. In this part of this Schedule— “alternative apparatus” means alternative...
3. This part of this Schedule does not apply to apparatus...
4. Regardless of the temporary prohibition or restriction of use of...
5. Regardless of any provision in this Order or anything shown...
6. (1) If, in the exercise of the powers conferred by...
7. (1) Where, in accordance with the provisions of this part...
8. (1) Not less than 28 days before starting the execution...
9. (1) Subject to the following provisions of this paragraph, the...
10. (1) Subject to sub-paragraphs (2) and (3), if by reason...
11. Nothing in this part of this Schedule affects the provisions...

PART 2 — FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

12. (1) For the protection of any operator, the following provisions...
13. The exercise of the powers of article 30 (statutory undertakers)...
14. (1) Subject to sub-paragraphs (2) to (4), if as the...
15. This part of this Schedule does not apply to—
16. Nothing in this part of this Schedule affects the provisions...

PART 3 — FOR THE PROTECTION OF NATIONAL GRID

17. Application
18. Interpretation
19. Except for paragraphs 20 (apparatus of National Grid in streets...
20. Apparatus of National Grid in streets subject to temporary prohibition or restriction
21. Acquisition of land
22. Removal of apparatus

23. Facilities and rights for alternative apparatus
24. Retained apparatus: protection of National Grid as Gas Undertaker
25. Retained apparatus: protection of National Grid as Electricity Undertaker
26. Expenses
27. Indemnity
28. Enactments and agreements
29. Co-operation
30. Access
31. Arbitration
- PART 4 — FOR THE PROTECTION OF WESTERN POWER DISTRIBUTION (SOUTH WALES) PLC
32. Application
33. Interpretation
34. Precedence of 1991 Act in respect of apparatus in streets
35. No acquisition or extinguishment except by agreement
36. Removal of apparatus
37. (1) Not less than 60 days before the undertaker intends...
38. Expenses and costs
39. Expert determination
- PART 5 — FOR THE PROTECTION OF DŴR CYMRU CYFYNGEDIG
40. Application
41. Interpretation
42. No acquisition or extinguishment except by agreement
43. Precedence of the WIA 1991
44. Protection of DCC apparatus
45. Suspension of works
46. (1) In the event that either the undertaker or DCC...
47. Emergency Works
48. Damage to DCC apparatus
- PART 6 — FOR THE PROTECTION OF ABERGELLI SOLAR LIMITED
49. Application
50. Interpretation
51. Acquisition of land
52. Access
53. Apparatus in streets subject to temporary prohibition or restriction
54. Specified Works
55. Expenses and costs
56. (1) Subject to sub-paragraphs (2) and (3), if by reason...
57. Expert determination
- PART 7 — FOR THE PROTECTION OF WALES & WEST UTILITIES LIMITED
58. Application
59. Interpretation
60. Apparatus of the protected person in streets subject to temporary prohibition or restriction
61. Acquisition of Land
62. Retained apparatus: Protection: Protected Persons
63. Expenses
64. Indemnity
65. Enactments and agreements
66. Co-operation
67. Access
68. Arbitration

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## SCHEDULE 12 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS

1. Applications made under requirements
2. Further information
3. Appeals
4. Interpretation of Schedule 12

Explanatory Note