
STATUTORY INSTRUMENTS

2024 No. 796

INFRASTRUCTURE PLANNING

The Mallard Pass Solar Farm Order 2024

Made - - - - 12th July 2024

Coming into force 3rd August 2024

THE MALLARD PASS SOLAR FARM ORDER 2024

PART 1

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2. Interpretation

PART 2

PRINCIPAL POWERS

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4. Operation of generating station
5. Power to maintain authorised development
6. Application and modification of statutory provisions
7. Defence to proceedings in respect of statutory nuisance

PART 3

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8. Street Works
9. Power to alter layout, etc. of streets
10. Construction and maintenance of altered streets
11. Temporary closure of and permitting vehicular use on public rights of way
12. Claimed public right of way
13. Access to works
14. Agreements with street authorities
15. Traffic regulation measures

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PART 4

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20. Time limit for exercise of authority to acquire land compulsorily
21. Compulsory acquisition of land – incorporation of the mineral code
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23. Private rights
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25. Acquisition of subsoil only
26. Power to override easements and other rights
27. Modification of Part 1 of the Compulsory Purchase Act 1965
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29. Temporary use of land for constructing the authorised development
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38. Felling or lopping of trees and removal of hedgerows
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40. Arbitration
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42. Service of notices
43. Procedure in relation to certain approvals etc.
44. Guarantees in respect of payment of compensation
Signature

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1. In this Schedule— “existing substation” means the existing substation at...
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3. Phasing of the authorised development and date of final commissioning

4. Requirement for written approval
5. Approved details and amendments to them
6. Detailed design approval
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8. Fencing and other means of enclosure
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10. Archaeology
11. Construction environmental management plan
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15. Ground conditions
16. Operational noise
17. Skills, supply chain and employment
18. Decommissioning and restoration
19. Long-term flood risk mitigation

SCHEDULE 3 — LEGISLATION TO BE DISAPPLIED

1. The following provisions do not apply in so far as...

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1. Interpretation

SCHEDULE 5 — ALTERATION OF STREETS

- PART 1 — PERMANENT ALTERATION OF LAYOUT
- PART 2 — TEMPORARY ALTERATION OF LAYOUT

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- PART 1 — PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP
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SCHEDULE 10 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR THE CREATION OF NEW RIGHTS AND IMPOSITION OF NEW RESTRICTIVE COVENANTS

1. Compensation enactments
2. (1) Without limitation on the scope of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...
4. Application of Part 1 of the 1965 Act
5. (1) The modifications referred to in paragraph 4(a) are as...

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SCHEDULE 11 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

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SCHEDULE 13 — DOCUMENTS AND PLANS TO BE CERTIFIED

SCHEDULE 14 — ARBITRATION RULES

1. Commencing an arbitration
2. Time periods
3. Timetable
4. Procedure
5. Arbitrator's powers
6. Costs
7. Confidentiality

SCHEDULE 15 — 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 31 (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 GAS TRANSMISSION PLC AS GAS UNDERTAKER

17. Application
18. Interpretation
19. On Street Apparatus
20. Apparatus of National Gas in stopped up streets
21. Protective works to buildings
22. Acquisition of land
23. Removal of apparatus
24. Facilities and rights for alternative apparatus
25. Retained apparatus: protection
26. Expenses
27. Indemnity
28. Enactments and agreements
29. Co-operation
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31. Arbitration
32. Notices
 - PART 4 — FOR THE PROTECTION OF NATIONAL GRID ELECTRICITY TRANSMISSION PLC AS ELECTRICITY UNDERTAKER
33. Application
34. Interpretation
35. On Street Apparatus
36. Apparatus of National Grid in stopped up streets
37. Protective works to buildings
38. Acquisition of land
39. Removal of apparatus
40. Facilities and rights for alternative apparatus
41. Retained apparatus: protection
42. Expenses
43. Indemnity
44. Enactments and agreements
45. Co-operation
46. Access
47. Arbitration
48. Notices
 - PART 5 — FOR THE PROTECTION OF THE ENVIRONMENT AGENCY
49. (1) The following provisions apply for the protection of the...
50. Submission and approval of plans
51. Construction of protective works
52. Timing of works and service of notices
53. Works not in accordance with this schedule
54. Maintenance of works
55. Remediating impaired drainage work
56. Agency access
57. Free passage of fish
58. The Gwash to Glen pipeline
59. Indemnity
60. (1) The undertaker is responsible for and indemnifies the Agency...
61. Disputes
 - PART 6 — FOR THE PROTECTION OF ANGLIAN WATER SERVICES LIMITED
62. Application
63. Interpretation
64. Apparatus in stopped up streets
65. Protective works to buildings
66. Acquisition of land
67. Removal of apparatus
68. Facilities and rights for alternative apparatus
69. Retained apparatus
70. Expenses and costs
71. (1) Subject to sub-paragraphs (2) and (3), if by reason...
72. Cooperation
 - PART 7 — FOR THE PROTECTION OF RAILWAY INTERESTS
73. The provisions of this Part of this Schedule have effect,...
74. In this Part of this Schedule— “asset protection agreement” means...
75. (1) Where under this Part of this Schedule Network Rail...
76. (1) The undertaker must not exercise the powers conferred by—...

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77. (1) The undertaker must before commencing construction of any specified...
78. (1) Any specified work and any protective works to be...
79. The undertaker must— (a) at all times afford reasonable facilities...
80. Network Rail must at all times afford reasonable facilities to...
81. (1) If any permanent or temporary alterations or additions to...
82. The undertaker must repay to Network Rail all reasonable fees,...
83. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
84. If at any time after the completion of a specified...
85. The undertaker must not provide any illumination or illuminated sign...
86. Any additional expenses which Network Rail may reasonably incur in...
87. (1) The undertaker must pay to Network Rail all reasonable...
88. Network Rail must, on receipt of a request from the...
89. In the assessment of any sums payable to Network Rail...
90. The undertaker and Network Rail may, subject in the case...
91. Nothing in this Order, or in any enactment incorporated with...
92. The undertaker must give written notice to Network Rail if...
93. The undertaker must, no later than 28 days from the...
94. Any difference under this Part of this Schedule must, unless...
PART 8 — FOR THE PROTECTION OF CADENT GAS LIMITED
95. Application
96. Interpretation
97. On street apparatus
98. Apparatus of Cadent in temporarily closed streets
99. Protective works to buildings
100. Acquisition of land
101. Removal of apparatus
102. Facilities and rights for alternative apparatus
103. Retained apparatus: protection of Cadent
104. Expenses
105. Indemnity
106. Enactments and agreements
107. Co-operation
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109. Arbitration
110. Notices

SCHEDULE 16 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS

1. Interpretation
2. Applications made under requirement
3. Further information and consultation
4. Appeals
5. Fees

Explanatory Note