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STATUTORY INSTRUMENTS

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**2014 No. 2441**

**INFRASTRUCTURE PLANNING**

**The Clocaenog Forest Wind Farm Order 2014**

*Made - - - - 11th September 2014*

*Coming into force 2nd October 2014*

**THE CLOCAENOG FOREST WIND FARM ORDER 2014**

PART 1

1. Citation and commencement
2. Interpretation

PART 2

3. Development consent etc granted by the Order
4. Procedure in relation to approvals etc under Requirements
5. Maintenance of authorised project
6. Power to deviate
7. Operation of generating station
8. Benefit of Order
9. Defence to proceedings in respect of statutory nuisance
10. Street works
11. Stopping up of streets
12. Public rights of way
13. Application of the 1991 Act
14. Temporary stopping up of streets
15. Access to works
16. Construction and maintenance of new or altered streets
17. Agreements with street authorities
18. Discharge of water
19. Authority to survey and investigate the land

PART 3

20. Compulsory acquisition of land and rights
21. Time limit for exercise of authority to acquire land compulsorily
22. Application and modification of legislative provisions

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Clocaenog Forest Wind Farm Order 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

23. Compulsory acquisition of rights
24. Private rights
25. Application of the Compulsory Purchase (Vesting Declarations) Act 1981

#### PART 4

26. Application of landlord and tenant law
  27. Operational land for purposes of the 1990 Act
  28. Felling or lopping of trees
  29. Statutory undertakers
  30. Apparatus and rights of statutory undertakers in stopped-up streets
  31. Recovery of costs of new connections
  32. Removal of human remains
  33. Crown rights
  34. Service of notices
  35. Protection of interests
  36. Certification of plans etc
  37. Arbitration
- Signature

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#### SCHEDULE 1 — Authorised project

##### PART 1 — Authorised development

In the County of Denbighshire and in the County Borough of Conwy—

##### PART 2 — Ancillary works

1. Highway works

##### PART 3 — Requirements

1. Definitions
2. Submission and approval of details
3. Time limits
4. Expiry of development consent
5. Decommissioning and site restoration
6. Failure of turbines
7. Plans
8. Construction traffic management plan
9. Construction method statement
10. Highways
11. The authorised development may not commence until, following consultation with...
12. The authorised development may not commence until following consultation with...
13. Construction hours
14. With respect to paragraph (2) of Requirement 13, such approval...
15. Habitat management plan
16. Access management plan
17. Felling
18. Appearance
19. Notwithstanding any design or colour approved by the relevant planning...
20. (1) No wind turbine may display any name, sign, symbol...
21. All wind turbines' blades are to rotate in the same...
22. Before construction of Work No. 5A or 5B, details of...
23. Shadow flicker

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24. Archaeology
25. Ecological clerk of works
26. Surface water drainage
27. Accumulation and deposits
28. Infra-red aviation lighting
29. Defence Geographic Centre
30. Noise
31. Within 21 days from the receipt of a written request...
32. The undertaker must, if directed by the relevant planning authority,...
33. The undertaker must provide to the relevant planning authority the...
34. The undertaker must continuously log wind speed wind direction and...
35. (1) No authorised development may commence until an assessment demonstrating...
  - PART 4 — Noise Guidance for Requirements 30 to 35
  1. (1) Values of the LA90,10min noise statistic shall be measured...
  2. (1) The noise measurements shall be made so as to...
  3. Where, in the opinion of the relevant planning authority, noise...
  4. If the measured noise level from the authorised development (including...

SCHEDULE 2 — Streets subject to street works

SCHEDULE 3 — Streets to be stopped up

SCHEDULE 4 — Streets to be temporarily stopped up

SCHEDULE 5 — Access to works

SCHEDULE 6 — Land subject to acquisition of new rights and interference with private rights

PART 1

PART 2 — Land subject to interference with private rights

SCHEDULE 7 — Modification of compensation and compulsory purchase enactments for creation of new rights

1. Compensation enactments
2. (1) Without prejudice to the generality of paragraph 1, the...
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 (provisions as to...
6. The following provisions of the 1965 Act (which state the...
7. Section 11 of the 1965 Act (powers of entry) shall...
8. Section 20 of the 1965 Act (protection for interests of...
9. Section 22 of the 1965 Act (protection of acquiring authority's...

SCHEDULE 8 — Protection for electricity, gas, water and sewerage undertakers

1. For the protection of the utility undertakers referred to in...
2. In this Schedule— “alternative apparatus” means alternative apparatus adequate to...
3. This Schedule does not apply to apparatus in respect of...
4. Regardless of any provision in this Order or anything shown...
5. (1) If, in the exercise of the powers conferred by...
6. (1) Where, in accordance with the provisions of this Schedule,...
7. (1) Not less than 28 days before starting the execution...

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8. (1) Subject to the following provisions of this paragraph, the...
9. (1) Subject to sub-paragraphs (2) and (3), if by reason...
10. Nothing in this Schedule shall affect the provisions of any...

Explanatory Note

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**Changes and effects yet to be applied to :**

- Sch. 1 Pt. 1 table inserted by [S.I. 2017/1197 art. 5\(5\)](#)
- Sch. 1 Pt. 1 table entitled "New tracks" word substituted by [S.I. 2017/1197 art. 5\(3\)\(a\)\(i\)](#)
- Sch. 1 Pt. 1 table entitled "New tracks" word substituted by [S.I. 2017/1197 art. 5\(3\)\(a\)\(ii\)](#)
- Sch. 1 Pt. 1 table entitled "Existing tracks subject to improvement and widening" word substituted by [S.I. 2017/1197 art. 5\(4\)\(a\)](#)
- Sch. 1 Pt. 1 table entitled "Existing tracks subject to improvement and widening" word substituted by [S.I. 2017/1197 art. 5\(4\)\(b\)](#)
- Sch. 1 Pt. 1 table entitled "New tracks" words inserted by [S.I. 2017/1197 art. 5\(3\)\(b\)](#)
- Sch. 1 Pt. 3 para. 1 words substituted by [S.I. 2017/1012 Sch. 6 para. 38](#)
- Sch. 1 Pt. 1 words substituted by [S.I. 2017/1197 art. 5\(1\)](#)
- art. 2(1) words substituted by [S.I. 2017/1197 art. 3\(2\)](#)
- art. 18(7) words substituted by [S.I. 2016/1154 Sch. 29 Pt. 2 para. 69](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 36(1A) inserted by [S.I. 2017/1197 art. 4\(2\)](#)