

2016 No. 450

ELECTRICITY

The Onshore Wind Generating Stations (Exemption) (England and Wales) (Amendment) Order 2016

<i>Made</i>	- - - -	<i>29th March 2016</i>
<i>Laid before Parliament</i>		<i>30th March 2016</i>
<i>Coming into force</i>	- -	<i>20th April 2016</i>

The Secretary of State for Energy and Climate Change, in exercise of the powers conferred by section 36(4) of the Electricity Act 1989(a), makes the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Onshore Wind Generating Stations (Exemption) (England and Wales) (Amendment) Order 2016 and comes into force on 20th April 2016.

(2) This Order extends to England and Wales only.

Amendment to the Onshore Wind Generating Stations (Exemption) (England and Wales) Order 2016

2.—(1) Article 4 of the Onshore Wind Generating Stations (Exemption) (England and Wales) Order 2016(b) is amended as follows.

(2) The existing text of article 4 is numbered paragraph (1).

(3) In paragraph (1), for the words from “consent” to the end substitute “Condition 1 or Condition 2 is satisfied”.

(4) After paragraph (1) insert—

“(2) Condition 1 is that consent under section 36(1) of the 1989 Act was granted before 1st March 2016.

(3) Condition 2 is that—

(a) an application for consent under section 36(1) of the 1989 Act was refused before 1st March 2016; and

(b) that decision is quashed by order of a court.”.

29th March 2016

Bourne
Parliamentary Under Secretary of State
Department of Energy and Climate Change

(a) 1989 c. 29. Relevant amendments to section 36 were made by: the Planning Act 2008 (c. 29) (section 36 and Schedule 2, paragraphs 31, 32(1) to (3)); the Marine and Coastal Access Act 2009 (c. 23) (section 12(7)(a), (8)); and the Energy Act 2004 (c. 20) (section 93(3)). Functions under section 36, in so far as exercisable in or as regards Scotland, transferred to the Scottish Ministers, by S.I. 2006/1040 (articles 2, 3 and 6).

(b) S.I. 2016/21.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 36 of the Electricity Act 1989 (c. 29) (the “Act”) provides that generating stations may not be constructed, extended or operated without a consent under section 36(1). The Onshore Wind Generating Stations (Exemption) (England and Wales) Order 2016 removes the application of section 36 of the Act to onshore wind generating stations in England and Wales.

This Order allows for the redetermination of applications made to the Secretary of State where the refusal of the application for consent under section 36(1) of the Act was subsequently quashed by order of a court.

The Explanatory Memorandum for this Order is available on www.legislation.gov.uk.

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