STATUTORY INSTRUMENTS

2016 No. 987

The Brechfa Forest Wind Farm Connection Order 2016

PART 2

Principal powers

Development consent granted by the Order

3.—(1) Subject to the provisions of this Order, and to the Requirements in Schedule 3, the undertaker is granted development consent for the authorised development in Schedule 1 to be carried out within the Order limits.

(2) The undertaker may install, and keep installed, the above ground electric lines and the underground cables included in the authorised development.

(3) The undertaker may use the electric line and any other elements of the authorised development as part of the electricity distribution system in Wales.

(4) Subject to article 5 (limits of deviation), the authorised development must be constructed and installed in the lines and situations shown on the works plans and in accordance with the levels shown on the design drawings.

Maintenance of the authorised development

4. The undertaker may at any time maintain the authorised development, except to the extent that this Order or an agreement made under this Order provides otherwise.

Limits of deviation

5. In carrying out or maintaining the authorised development for which it is granted development consent by article 3(1) (development consent granted by the Order), the undertaker may—

(a) deviate laterally from the lines or situations of the authorised development shown on the works plans within the limits of deviation relating to that work as described in Requirements 3(1) and 3(2) and carry out construction activities for the purposes of the authorised development anywhere within the Order limits; and

(b) deviate vertically from the levels of the authorised development set out in Table 1 of Requirement 3:

(i) to any extent not exceeding 2 metres upwards; or

(ii) to any extent downwards as may be necessary or convenient.

Benefit of Order

6.—(1) Subject to article 7 (consent to transfer benefit of Order) and the remaining provisions of this article, the provisions of this Order are to have effect solely for the benefit of the undertaker.

(2) Paragraph (1) does not apply where the consent granted by this Order is expressed to be for the benefit of owners and occupiers of land, statutory undertakers and other persons affected by the authorised development.

Consent to transfer benefit of Order

7.—(1) The undertaker may, with the consent of the Secretary of State—

(a) transfer to another person (the "transferee") any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee; or

(b) grant to another person ("the lessee") for a period agreed between the undertaker and the lessee, any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.

(2) Where a transfer or grant has been made in accordance with paragraph (1) references in this Order to the undertaker, except in paragraph (3), shall include references to the transferee or the lessee.

(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is to be subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.