
STATUTORY INSTRUMENTS

2020 No. 547

INFRASTRUCTURE PLANNING

The Cleve Hill Solar Park Order 2020

Made - - - - - *28th May 2020*

Coming into force *19th June 2020*

THE CLEVE HILL SOLAR PARK ORDER 2020

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation

PART 2

PRINCIPAL POWERS

3. Development consent etc. granted by this Order
4. Power to maintain authorised development
5. Consent to transfer benefit of Order
6. Application and modification of legislative provisions
7. Defence to proceedings in respect of statutory nuisance

PART 3

STREETS

8. Street works
9. Application of the 1991 Act
10. Temporary stopping up of streets
11. Temporary stopping up of public rights of way
12. Agreements with street authorities

PART 4

SUPPLEMENTAL POWERS

13. Discharge of water
14. Protective work to buildings
15. Authority to survey and investigate the land

Status: This is the original version (as it was originally made).

PART 5

POWERS OF ACQUISITION

16. Compulsory acquisition of land
17. Time limit for exercise of authority to acquire land compulsorily
18. Compulsory acquisition of rights
19. Private rights
20. Application of the 1981 Act
21. Acquisition of subsoil only
22. Modification of Part 1 of the Compulsory Purchase Act 1965
23. Rights under or over streets
24. Temporary use of land for carrying out the authorised development
25. Temporary use of land for maintaining authorised development
26. Statutory undertakers
27. Recovery of costs of new connections

PART 6

OPERATIONS

28. Operation of generating stations
29. Deemed marine licence under the 2009 Act

PART 7

MISCELLANEOUS AND GENERAL

30. Application of landlord and tenant law
31. Operational land for purposes of the 1990 Act
32. Felling or lopping of trees
33. Trees subject to tree preservation orders
34. Certification of plans and documents, etc.
35. Arbitration
36. Requirements, appeals, etc.
37. Crown rights
38. Protective provisions
39. Funding
- Signature

SCHEDULE 1 — AUTHORISED DEVELOPMENT

PART 1 — AUTHORISED DEVELOPMENT

1. In the Districts of Swale and Canterbury in the County...
2. The grid coordinates for that part of the authorised development...

PART 2 — REQUIREMENTS

1. Time limits
2. Detailed design approval
3. Battery safety management
4. Phases of authorised development
5. Landscape and biodiversity management plan
6. Implementation and maintenance of landscaping
7. Public rights of way diversions
8. Fencing and other means of enclosure

9. Surface and foul water drainage
 10. Archaeology
 11. Construction environmental management plan
 12. Construction traffic management plan
 13. Special protection area construction noise management plan
 14. Protected species
 15. Operational noise
 16. Local skills, supply chain and employment
 17. Decommissioning
 18. Requirement for written approval
 19. Amendments to approved details
 20. Consultation
- PART 3 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS
21. Interpretation
 22. Applications made under requirements
 23. Further information regarding requirements
 24. Appeals

SCHEDULE 2 — STREETS SUBJECT TO STREET WORKS

SCHEDULE 3 — STREETS TO BE TEMPORARILY STOPPED UP

SCHEDULE 4 — PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP

SCHEDULE 5 — LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED

SCHEDULE 6 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR THE CREATION OF NEW RIGHTS AND IMPOSITION OF NEW RESTRICTIVE COVENANTS

1. The enactments for the time being in force with respect...
2. (1) Without limitation to the scope of paragraph , the...
3. (1) Without limitation on the scope of paragraph , the...
4. Application of Part 1 the 1965 Act
5. For section 7 (measure of compensation in the case of...
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 (protection for interests of tenants at will, etc.)...
9. Section 22 (protection of acquiring authority's possession where by inadvertence...
10. For Schedule 2A (counter notice requiring purchase of land not...

SCHEDULE 7 — PROTECTIVE PROVISIONS

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

1. Application
2. In this Part of this Schedule— “affected undertaker” means— any...
3. Precedence of the 1991 Act in respect of apparatus in the streets
4. No acquisition etc. except by agreement
5. Removal of apparatus
6. Facilities and rights for alternative apparatus

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

7. Retained apparatus
8. Expenses and costs
9. (1) Subject to sub-paragraphs and , if by reason or...
10. Enactments and agreements
 - PART 2 — FOR THE PROTECTION OF NATIONAL GRID AS ELECTRICITY UNDERTAKER
 1. Application
 2. Interpretation
 3. Except for paragraphs (apparatus of National Grid in streets subject...
 4. Apparatus of National Grid in streets subject to temporary stopping up
 5. Protective works to buildings
 6. Acquisition of land
 7. Removal of apparatus
 8. Facilities and rights for alternative apparatus
 9. Retained apparatus: Protection of National Grid as Electricity Undertaker
 10. Expenses
 11. Indemnity
 12. Enactments and agreements
 13. Co-operation
 14. Access
 15. Arbitration
 16. Notices
 - PART 3 — PROTECTION FOR OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS
 1. For the protection of any operator, the following provisions have...
 2. In this Part of this Schedule— “the 2003 Act” means...
 3. The exercise of the powers of article 26 (statutory undertakers)...
 4. (1) Subject to sub-paragraphs to , if as the result...
 5. This Part of this Schedule does not apply to—
 6. Nothing in this Part of this Schedule affects the provisions...
 - PART 4 — FOR THE PROTECTION OF THE DRAINAGE AUTHORITIES
 1. The provisions of this Part have effect for the protection...
 2. In this Part— “commence” has the same meaning as in...
 3. (1) Before beginning to construct any specified work, the undertaker...
 4. Without limiting paragraph , the requirements which the drainage authority...
 5. (1) Subject to sub-paragraph , any specified work, and all...
 6. (1) Subject to sub-paragraph the undertaker must from the commencement...
 7. If by reason of the construction of any specified work...
 8. The undertaker must indemnify the drainage authority in respect of...
 9. (1) Without limiting the other provisions of this Part, the...
 10. The fact that any work or thing has been executed...
 11. Any dispute between the undertaker and the drainage authority under...
 - PART 5 — FOR THE PROTECTION OF BLUE TRANSMISSION LONDON ARRAY LIMITED
 1. Application
 2. Interpretation
 3. Agreements
 4. Co-operation
 5. Arbitration
 - PART 6 — FOR THE PROTECTION OF UKPN
 1. For the protection of UKPN as referred to in this...

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 and , if by reason or...
11. Nothing in this part of this Schedule affects the provisions...
12. Any difference under this Part of this Schedule must, unless...

SCHEDULE 8 — DEEMED MARINE LICENCE UNDER THE 2009 ACT
PART 1 — LICENSED MARINE ACTIVITIES

1. (1) In this licence— “the 2009 Act” means the Marine...
2. Details of licensed marine activities
3. The substances or articles authorised for deposit at sea include—...
4. The grid coordinates for that part of the authorised development...
5. The provisions of section 72 (variation, suspension, revocation and transfer)...
6. With respect to any condition which requires the licensed activities...
7. Any amendments to or variations from the approved details must...

PART 2 — CONDITIONS

1. Notifications regarding licensed activities
2. (1) The licence holder must inform the MMO of the...
3. The licence holder must ensure that a copy of this...
4. Copies of this Schedule must be available for inspection at...
5. Pollution prevention
6. Post-construction
7. Maintenance

SCHEDULE 9 — ARBITRATION RULES

1. Primary objective
2. Time periods
3. Timetable
4. Procedure
5. Arbitrator’s powers
6. Costs
7. Confidentiality

SCHEDULE 10 — ENVIRONMENTAL STATEMENT SUPPLEMENTS

Explanatory Note