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STATUTORY INSTRUMENTS

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**2023 No. 734**

**The Longfield Solar Farm Order 2023**

**PART 2**

**PRINCIPAL POWERS**

**Application and modification of statutory provisions**

**6.—(1)** The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purposes of, or in connection with, the construction, operation, maintenance or decommissioning of any part of the authorised development—

- (a) section 23 (prohibition of obstructions, etc. in watercourses) of the Land Drainage Act 1991<sup>(1)</sup>;
- (b) section 32 (variation of awards)<sup>(2)</sup> of the Land Drainage Act 1991;
- (c) the provisions of any byelaws made under section 66<sup>(3)</sup> (powers to make byelaws) of the Land Drainage Act 1991;
- (d) the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 (bylaw making powers of the authority) to the Water Resources Act 1991<sup>(4)</sup>;
- (e) section 118 (consent request for discharge of trade effluent into public sewer) of the Water Industry Act 1991;
- (f) regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016<sup>(5)</sup>;
- (g) the legislation listed in Schedule 3 (legislation to be disapplied) in so far as the provisions still in force are incompatible with the powers contained within this Order; and
- (h) the provisions of the Neighbourhood Planning Act 2017<sup>(6)</sup> insofar as they relate to the temporary possession of land under articles 27 (temporary use of land for constructing the authorised development) and 28 (temporary use of land for maintaining the authorised development) of this Order.

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(1) 1991 c. 59. Section 23 was amended by paragraph 192(2) of Schedule 22 to the Environment Act 1995 (c. 25), paragraphs 25 and 32 of Schedule 2 to the Flood and Water Management Act 2010 (c. 29) and S.I. 2013/755.

(2) Section 32 was amended by S.I. 2013/755.

(3) Section 66 was amended by paragraphs 25 and 38 of Schedule 2 to the Flood and Water Management Act 2010 and section 86 of the Water Act 2014 (c. 21).

(4) 1991 c. 57. Paragraph 5 was amended by section 100 of the Natural Environment and Rural Communities Act 2006 (c. 16), section 84 of, and paragraph 3 of Schedule 11 to the 2009 Act and S.I. 2013/755. Paragraph 6 was amended by section 105 of, and paragraph 26 of Schedule 15 to, the Environment Act 1995, sections 224, 233 and 321 of and paragraphs 20 and 24 of Schedule 16 and Part 5(B) of Schedule 22 to the 2009 Act and S.I. 2013/755. Paragraph 6A was inserted by section 103(3) of the Environment Act 1995.

(5) S.I. 2016/1154. Regulation 12 was amended by S.I. 2018/110.

(6) 2017 c. 20.

(2) For the purposes of section 9 (requirement of licence for felling) of the Forestry Act 1967(7) any felling comprised in the carrying out of any work or operation required for the purposes of, or in connection with, the construction of the authorised development is deemed to be immediately required for the purpose of carrying out development authorised by planning permission granted under the 1990 Act.

(3) Notwithstanding the provisions of section 208 (liability) of the 2008 Act, for the purposes of regulation 6 (meaning of “development”) of the Community Infrastructure Levy Regulations 2010(8) any building comprised in the authorised development is deemed to be—

- (a) a building into which people do not normally go; or
- (b) a building into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery.

(4) As from the date on which the permitted preliminary works are carried out or the authorised development is commenced, whichever is the earlier, any conditions of the Park Farm planning permission that relate to the land at plot 1/2C cease to have effect to the extent that they are inconsistent with the authorised development or with anything done or approved under Schedule 2 (requirements).

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**Commencement Information**

**II** Art. 6 in force at 18.7.2023, see [art. 1](#)

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(7) Section 9 was amended by section 4 of, and paragraph 141 of, Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and S.I. 2013/755. There are other amendments to section 9 that are not relevant to this Order.

(8) S.I. 2010/948, amended by S.I. 2011/987; there are other amending instruments but none are relevant to this Order.

**Changes to legislation:**

There are currently no known outstanding effects for the The Longfield Solar Farm Order 2023, Section 6.