
STATUTORY INSTRUMENTS

2014 No. 2441

The Clocaenog Forest Wind Farm Order 2014

PART 1

Preliminary

Citation and commencement

1. This Order may be cited as the Clocaenog Forest Wind Farm Order 2014 and come into force on 2nd October 2014.

Commencement Information

II Art. 1 in force at 2.10.2014, see [art. 1](#)

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961(1);

“the 1965 Act” means the Compulsory Purchase Act 1965(2);

“the 1980 Act” means the Highways Act 1980(3);

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- (1) [1961 c.33](#). Sections 1 and 4 were amended by the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 ([S.I. 2009/1307](#)). Sections 2 and 3 were repealed by that Order. There are other amendments to the 1961 Act which are not relevant to this Order.
- (2) [1965 c.56](#). Section 3 was amended by section 70 of, and paragraph 3 of Schedule 15 to, the Planning and Compensation Act 1991 ([c.34](#)). Section 4 was amended by section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 ([c.71](#)). Section 5 was amended by sections 67 and 80 of, and Part 2 of Schedule 18 to, the Planning and Compensation Act 1991 ([c.34](#)). Subsection (1) of section 11 and sections 3, 31 and 32 were amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 ([c.67](#)) and by section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 ([2006 No. 1](#)). Section 12 was amended by section 56(2) of and Part 1 to Schedule 9 to, the Courts Act 1971 ([c.23](#)). Section 13 was amended by section 139 of the Tribunals, Courts and Enforcement Act 2007 ([c. 15](#)). Section 20 was amended by section 70 of, and paragraph 14 of Schedule 15 to, the Planning and Compensation Act 1991 ([c.34](#)). Sections 9, 25 and 29 were amended by the Statute Law (Repeals) Act 1973 ([c.39](#)). Section 31 was also amended by section 70 of, and paragraph 19 of Schedule 15 to, the Planning and Compensation Act 1991 ([c.34](#)) and by section 14 of, and paragraph 12(2) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 ([2006 No. 1](#)). There are other amendments to the 1965 Act which are not relevant to this Order.
- (3) [1980 c.66](#). Section 1(1) was amended by section 21(2) of the New Roads and Street Works Act 1991 ([c.22](#)); sections 1(2), 1(3) and 1(4) were amended by section 8 of, and paragraph (1) of Schedule 4 to, the Local Government Act 1985 ([c.51](#)); section 1(2A) was inserted, and section 1(3) was amended, by section 259 (1), (2) and (3) of the Greater London Authority Act 1999 ([c.29](#)); sections 1(3A) and 1(5) were inserted by section 22(1) of, and paragraph 1 of Schedule 7 to, the Local Government (Wales) Act 1994 ([c.19](#)). Section 36(2) was amended by section 4(1) of, and paragraphs 47(a) and (b) of Schedule 2 to, the Housing (Consequential Provisions) Act 1985 ([c.71](#)), by [S.I. 2006/1177](#), by section 4 of, and paragraph 45(3) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 ([c.11](#)), by section 64(1) (2) and (3) of the Transport and Works Act (c.42) and by section 57 of, and paragraph 5 of Part 1 of Schedule 6 to, the Countryside and Rights of Way Act 2000 ([c.37](#)); section 36(3A) was inserted by section 64(4) of the Transport and Works Act 1992 and was amended by [S.I. 2006/1177](#); section 36(6) was amended by section 8 of, and paragraph 7 of Schedule 4 to, the Local Government Act 1985 ([c.51](#)); and section 36(7) was inserted by section 22(1) of, and paragraph 4 of Schedule 7 to, the Local Government (Wales) Act 1994 ([c.19](#)). Section 329 was amended by section 112(4) of, and Schedule 18 to, the Electricity Act 1989 ([c.29](#)) and by section 190(3)

- “the 1984 Act” means the Road Traffic Regulation Act 1984(4);
- “the 1990 Act” means the Town and Country Planning Act 1990(5);
- “the 1991 Act” means the New Roads and Street Works Act 1991(6);
- “the 2008 Act” means the Planning Act 2008;
- “access plan” means plan reference CF/PLAN04/ACCESS/01-07 certified as the access and public rights of way plan by the Secretary of State for the purposes of this Order;
- “the ancillary works” means the ancillary works described in Part 2 of Schedule 1 (authorised project) and any other works authorised by the Order which are not development within the meaning of section 32 of the 2008 Act;
- “the authorised development” means the development described in Part 1 of Schedule 1 (authorised development) and any other development authorised by this Order;
- “apparatus” has the same meaning as in Part 3 of the 1991 Act;
- “the authorised project” means the authorised development and the ancillary works authorised by this Order;
- “the book of reference” means the book of reference v2 submitted in November 2013 certified by the Secretary of State as the book of reference for the purposes of this Order;
- “building” includes any structure or erection or any part of a building, structure or erection;
- “carriageway” has the same meaning as in the 1980 Act;
- “environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of the Order;
- “highway” has the same meaning as in the 1980 Act;
- “the land plan” means the plan reference CF/PLAN01/LAND/01-07 certified as the land plan by the Secretary of State for the purposes of this Order;
- “the limits of deviation” means the limits of deviation referred to in article 6 (power to deviate);
- “maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace, but not so as to vary from the description of the authorised project in Schedule 1 and only to the extent assessed in the environmental statement, and “maintenance” is to be construed accordingly;
- “Order land” means the land shown on the land plan as—
- (a) land required for or affected by the authorised development,
 - (b) land subject to the interference with private rights, and
 - (c) land subject to the creation of new rights;
- “Order limits” means the order limits shown on the works plan within which the authorised project may be carried out;

of, and Part 1 of Schedule 27 to, the Water Act 1989 (c.15). There are other amendments to the 1980 Act which are not relevant to this Order.

- (4) 1984 c.27. Section 1 was amended by the New Roads and Street Works Act 1991 (c.22), the Environment Act 1995 (c.25), the Transport Act 2000 (c.38), the Local Transport Act 2008 (c.26). Section 9 was amended by the New Roads and Street Works Act 1991 (c.22), the Road Traffic Act 1991 (c.40) and the Local Government Act 1985 (c.51). Section 14 was amended by the Road Traffic (Temporary Restrictions) Act 1991 (c.26). Section 15 was amended by the Road Traffic (Temporary Restrictions) Act 1991 (c.26) and S.I. 2006/1177. There are other amendments to the 1984 Act which are not relevant to this Order.
- (5) 1990 c.8. Section 2060 was amended by section 192(8) of, and paragraphs 7 and 11 of Schedule 8 to, the Planning Act 2008 (c.29) (date in force to be appointed see section 241(3), (4)(a), (c) of the 2008 Act). There are other amendments to the 1990 Act which are not relevant to this Order.
- (6) 1991 c.22. Section 48(3A) was inserted by section 124 of the Local Transport Act 2008 (c.26). Sections 79(4), 80(4), and 83(4) were amended by section 40 of, and Schedule 1 to, the Traffic Management Act 2004 (c.18).

“owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981(7);

“public communications provider” has the same meaning as in section 151(1) of the Communications Act 2003;

“public sewer or drain” means a sewer or drain which belongs to the Natural Resources Wales, a harbour authority within the meaning of section 57 of the Harbours Act 1964(8) (interpretation), an internal drainage board, a joint planning board, a local authority, a National Park Authority, a sewerage undertaker or an urban development corporation;

“public utility undertaker” has the same meaning as in the 1980 Act.

“relevant planning authority” means the County Borough of Conwy in relation to land situated in the County Borough of Conwy, and the County of Denbighshire in relation to land situated in the County of Denbighshire;

“relocation works” means work executed, or apparatus provided, under paragraph (2); and

“Requirement” means a requirement set out in Part 3 of Schedule 1 (Requirements);

“statutory utility” means a statutory undertaker for the purposes of the 1980 Act or a public communications provider as defined in section 151(1) of the Communications Act 2003(9).

“street” means a street within the meaning of section 48 of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“the tribunal” means the Lands Chamber of the Upper Tribunal;

“undertaker” means RWE Innogy UK Limited (company number 2550622) whose registered office is at Auckland House, Lydiard Fields, Great Western Way, Swindon, Wiltshire SN5 8ZT;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

“the works plan” means the plan reference CF/PLAN02/WORKS/01-07 certified as the works plan by the Secretary of State for the purposes of this Order.

(2) References in this Order to rights over land include references to rights to do or to place and maintain, anything in, on or under land or in the air-space above its surface.

(3) All areas distances, directions and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised project are taken to be measured along that work.

(4) References in this Order to a numbered work are references to a work number in Part 1 of Schedule 1 (authorised development), and shown on the works plan.

Commencement Information

12 Art. 2 in force at 2.10.2014, see [art. 1](#)

(7) [1981 c.67](#). Section 7 was amended by section 70 of, and paragraph 9 of Schedule 15 to, the Planning and Compensation Act 1991 ([c.34](#)). There are other amendments to the 1981 Act which are not relevant to this Order.

(8) [1964 c.40](#). Paragraph 9B was inserted into Schedule 2 by the Transport and Works Act 1992 ([c.42](#)), section 63(1) and Schedule 3, paragraph 9(1) and (5). There are other amendments to the 1964 Act which are not relevant to this Order.

(9) [2003 c.21](#). There are amendments to this Act which are not relevant to this Order.

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.

[View outstanding changes](#)

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\(2\)](#)