
STATUTORY INSTRUMENTS

2015 No. 1386

INFRASTRUCTURE PLANNING

The Swansea Bay Tidal Generating Station Order 2015

Made - - - - - *9th June 2015*

Coming into force *30th June 2015*

THE SWANSEA BAY TIDAL GENERATING STATION ORDER 2015

PART 1

1. Citation and commencement
2. Interpretation

PART 2

3. Development consent, etc. granted by Order
4. Maintenance of authorised development
5. Operation of generating station, etc.
6. Benefit of Order
7. Guarantees in respect of payment of compensation, etc.
8. Defence to proceedings in respect of statutory nuisance

PART 3

9. Street works
10. Temporary stopping up of streets
11. Access to works
12. Agreements with street authorities

PART 4

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

PART 5

16. Application of Marine and Coastal Access Act 2009

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

17. Right to dredge
18. Abatement of tidal works abandoned or destroyed
19. Survey of tidal works
20. Lights on tidal works, etc. during construction
21. Provision against danger to navigation
22. Permanent lights on tidal works
23. Safety of navigation

PART 6

24. Compulsory acquisition of land
25. Power to override easements and other rights
26. Private rights of way
27. Time limit for exercise of authority to acquire land compulsorily
28. Compulsory acquisition of rights
29. Application of Compulsory Purchase (Vesting Declarations) Act 1981
30. Acquisition of subsoil only
31. Acquisition of part of certain properties
32. Rights under or over streets
33. Temporary use of land for carrying out authorised development
34. Temporary use of land for maintaining authorised development
35. Protection of Coal Authority
36. Protection of riverine fisheries
37. Special category land

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38. Railway and navigation undertakings
39. Application of landlord and tenant law
40. Operational land for purposes of Town and Country Planning Act 1990
41. Felling or lopping of trees
42. Application of Energy Act 2004 in relation to decommissioning
43. Development consent obligation
44. Development consent obligation: enforcement
45. Ancient Monuments and Archaeological Areas Act 1979
46. Licences relating to water, etc.
47. Byelaws
48. Procedure in relation to certain approvals, etc.
49. Certification of plans, etc.
50. Arbitration
51. Saving for Trinity House
52. Protection of interests
53. Crown rights
54. Provisions for effect of Adaptive Environmental Management Plan
Signature

SCHEDULE 1 — Authorised development, ancillary and necessary works and Requirements

PART 1A — Authorised development

PART 1B — Ancillary and necessary works

PART 2 — Dimensions of structures

PART 3 — Requirements

1. Interpretation
2. Time limits, etc.
3. (1) The authorised development must not commence until a construction...
4. Detailed design
5. Construction Environmental Management Plans
6. Adaptive Environmental Management Plan
7. Provision of landscaping
8. Implementation and maintenance of landscaping
9. Highway works
10. Fencing and other means of site perimeter enclosure
11. Operational surface and foul water drainage
12. Contamination and groundwater
13. Storage of materials on site
14. Construction water supply
15. Electrical grid connection works
16. Archaeology
17. Retention of historic assets
18. Monitoring of noise during construction
19. Piling
20. Site waste management plan
21. Construction traffic
22. Operational traffic
23. Major events
24. Construction and security lighting scheme
25. Permanent lighting
26. Flood risk mitigation
27. Fish and shellfish mitigation strategy
28. Avian enhancement strategy
29. Habitats creation strategy
30. Honeycomb worm translocation strategy
31. Other ecological matters
32. Passive provision for western link
33. Turbines
34. Disposal of dredged arisings and protection of Kenfig SAC
35. Beach mitigation management
36. Requirement for written approval
37. Where approval or agreement is sought in relation to Requirements...
38. Amendments to approved details
39. Marine mammal mitigation strategy
40. Section 106 agreement
41. Employment and skills plan
42. Water Framework Directive

SCHEDULE 2 — Streets subject to street works

SCHEDULE 3 — Streets to be temporarily stopped up

SCHEDULE 4 — Access to works

SCHEDULE 5 — Modification of compensation and compulsory purchase enactments
for creation of new rights

1. Compensation enactments modified

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2. Land Compensation Act 1973 modified
3. Compulsory Purchase Act 1965 modified

SCHEDULE 6 — Land of which temporary possession may be taken

SCHEDULE 7 — Documents to be certified

SCHEDULE 8 —

PART 1 — For the protection of Associated British Ports

1. Interpretation
2. General
3. Acquisition or use of port land
4. Approval of plans and arrangements
5. Notice of works
6. Inspection
7. Temporary works
8. Erosion or accumulation
9. Lighting, etc.
10. Abandoned or decayed works
11. Byelaws
12. Indemnity
13. The fact that any work or thing has been executed...
14. With the exception of any duty owed by AB Ports...
15. Statutory functions
16. Arbitration

PART 2 — For the protection of Neath Port Authority

17. Interpretation
18. General
19. Approval of plans and arrangements
20. Notice of works
21. Inspection
22. Temporary works
23. Erosion or accumulation
24. Lighting, etc.
25. Abandoned or decayed works
26. Indemnity
27. The fact that any work or thing has been executed...
28. With the exception of any duty owed by Neath Port...
29. Statutory functions
30. Arbitration

PART 3 — For the protection of National Grid Electricity Transmission Plc

31. Application
32. Interpretation
33. Except for paragraphs 34 (apparatus of protected persons in stopped...
34. Apparatus of protected persons in stopped up streets
35. Protective works to buildings
36. Acquisition of land
37. Removal of apparatus
38. Facilities and rights for alternative apparatus
39. Retained apparatus: protection
40. Expenses
41. Indemnity
42. Enactments and agreements

43. Co-operation
44. Access
45. Arbitration
 - PART 4 — For the protection of Western Power Distribution (South Wales) Plc
46. Application
47. Interpretation
48. Except for paragraphs 49 (apparatus of protected persons in stopped...
49. Apparatus of protected persons in stopped up streets
50. Protective works to buildings
51. Acquisition of land
52. Removal of apparatus
53. Facilities and rights for alternative apparatus
54. Retained apparatus: protection
55. Expenses
56. Indemnity
57. Enactments and agreements
58. Co-operation
59. Access
60. Arbitration
 - PART 5 — For the protection of SSE Energy Supply Limited, SWALEC and, Wales and West Utilities Limited
61. Application
62. Interpretation
63. Except for paragraphs 64 (apparatus in stopped up streets), 68...
64. Apparatus of protected person in stopped up streets
65. Protective works to buildings
66. Removal of apparatus
67. Facilities and rights for alternative apparatus
68. Retained apparatus: protection
69. Expenses
70. Indemnity
71. Enactments and agreements
72. Co-operation
73. Access
74. Arbitration
 - PART 6 — For the protection of British Telecommunications Plc, Telefónica O2 UK Limited, and Virgin Media Limited
75. Application
76. Interpretation
77. Apparatus of public communications operator in stopped up streets
78. Indemnity
79. Code
 - PART 7 — For the protection of Dŵr Cymru Cyfyngedig
80. Application
81. Interpretation
82. Consent not to be unreasonably withheld
83. Water Industry Act 1991
84. Written consent necessary
85. Protection of apparatus
86. Outfall
87. Suspension of specified works
88. Repair, maintenance and emergency works
89. Entry on protected person's land

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- 90. Expenses
- 91. Damage to apparatus
- 92. Enactments
 - PART 8 — For the protection of the City and County of Swansea Council
- 93. Accumulation and dredging in River Tawe
- 94. Any difference arising between the undertaker and the City and...
- 95. In this Part—“authorised development” means the works set out...

Explanatory Note