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STATUTORY INSTRUMENTS

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**2016 No. 818**

**The North Wales Wind Farms Connection Order 2016**

**PART 1**

**PRELIMINARY**

**Citation and commencement**

1. This Order may be cited as the North Wales Wind Farms Connection Order 2016 and comes into force on 19th August 2016.

**Interpretation**

2.—(1) In this Order—

“1961 Act” means the Land Compensation Act 1961<sup>(1)</sup>;

“1965 Act” means the Compulsory Purchase Act 1965<sup>(2)</sup>;

“1980 Act” means the Highways Act 1980<sup>(3)</sup>;

“1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981<sup>(4)</sup>;

“1984 Act” means the Road Traffic Regulation Act 1984<sup>(5)</sup>;

“1990 Act” means the Town and Country Planning Act 1990<sup>(6)</sup>;

“1991 Act” means the New Roads and Street Works Act 1991<sup>(7)</sup>;

“2008 Act” means the Planning Act 2008;

“access and rights of way plans” means the plans identified with document reference numbers 2.4.0 - 2.4.13 Option B (version 0) certified as the access and rights of way plans by the Secretary of State for the purposes of this Order;

“apparatus” has the same meaning as in Part 3 of the 1991 Act;

“authorised development” means the development described in Schedule 1 (authorised development) which is development within the meaning of section 32 of the 2008 Act;

“the book of reference” means the book of reference Option B (version 2) (as amended by the addendums to the Book of Reference Option B versions 2 and 3), and as certified by the Secretary of State as the book of reference under article 36;

“carriageway” has the same meaning as in the 1980 Act;

“compulsory acquisition notice” means a notice served in accordance with section 134 of the 2008 Act;

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(1) 1961 c. 33.  
(2) 1965 c. 56.  
(3) 1980 c. 66.  
(4) 1981 c. 66.  
(5) 1984 c. 27.  
(6) 1990 c. 8.  
(7) 1991 c. 22.

“date of final commissioning” means the date on which the authorised development first comes into use by distributing electricity at 132kV on a commercial basis;

“design and construction report” means the design and construction report (version 1) document reference 7.1 and 7.2 certified as the design and construction report by the Secretary of State for the purposes of this Order;

“the environmental statement” means the environmental statement certified as such by the Secretary of State for the purposes of this Order;

“footpath” and “footway” have the same meaning as in the 1980 Act;

“highway” and “highway authority” have the same meaning as in the 1980 Act;

“the land plans” means the plans identified with document reference numbers 2.2.0-2.2.13 Option B (version 1) certified as the land plans by the Secretary of State for the purposes of this Order;

“limits of deviation” means the limits of deviation referred to in article 4 (limits of deviation) and shown on the works plans;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct or replace the authorised development, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement, or vary the authorised development as described in Schedule 1, and any derivative of “maintain” must be construed accordingly;

“NRW” means the Natural Resources Body for Wales;

“Order land” means the land required for, or required to facilitate or is incidental to, or affected by, the authorised development shown on the land plans and described in the book of reference;

“the Order limits” means the limits shown on the works plans within which the authorised development may be carried out;

“owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981(8);

“relevant highway authority” means the local highway authority of the area to which the provision relates;

“relevant planning authority” means the local planning authority of the area to which the provision relates;

“Requirements” means those matters set out in Schedule 2 to this Order;

“SP Manweb PLC” means SP Manweb PLC (company registration number 02366937) whose registered office is at 3 Prenton Way, Prenton, CH43 3ET;

“statutory undertaker” means any person falling within section 127(8) of the 2008 Act;

“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 any footpath and “street” includes any part of a street;

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

“structure” includes any erection or any part of a structure or erection;

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

“undertaker” means SP Manweb PLC or any other person who has the benefit of this Order in accordance with article 7 or 8;

“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 plans” means the plans identified with document reference numbers 2.3.0-2.3.13 Option B (version 0) certified as the works plans 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 and references in this Order to the imposition of restrictions are references to restrictions over land which interfere with the interests or rights of another and are for the benefit of land over which rights are acquired and created under this Order.

(3) All distances, directions and lengths referred to in this Order are approximate and distances between points are taken to be measured between the referenced points.

(4) All areas described in square metres in the book of reference are approximate.

(5) References in this Order to numbered works are references to the works comprising the authorised development as numbered in Schedule 1 and shown on the works plans and a reference to numbered work 1 means numbered works 1A and 1B, a reference to numbered work 2 means numbered works 2A and 2B and a reference to numbered work 3 means numbered works 3A and 3B.

(6) References in this Order to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the access and rights of way plans.