
STATUTORY INSTRUMENTS

2019 No. 1268

INFRASTRUCTURE PLANNING

The Abergelli Power Gas Fired Generating Station Order 2019

Made - - - - 19th September 2019

Coming into force 10th October 2019

**THE ABERGELLI POWER GAS FIRED
GENERATING STATION ORDER 2019**

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation

PART 2

PRINCIPAL POWERS

3. Development consent etc. granted by the Order
4. Maintenance of authorised development
5. Operation of authorised development
6. Benefit of this Order
7. Consent to transfer benefit of the Order

PART 3

STREETS

8. Power to alter layout etc. of streets
9. Street works
10. Construction and maintenance of new or altered means of access
11. Temporary prohibition or restriction of use of streets
12. Stopping up of streets
13. Access to works
14. Agreements with street authorities
15. Traffic Regulation

PART 4

SUPPLEMENTAL POWERS

16. Discharge of water
17. Authority to survey and investigate the land

PART 5

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19. Compulsory acquisition of land – incorporation of the mineral code
20. Statutory authority to override easements and other rights
21. Time limit for exercise of authority to acquire land compulsorily
22. Compulsory acquisition of rights etc.
23. Private rights
24. Application of the Compulsory Purchase (Vesting Declarations) Act 1981
25. Acquisition of subsoil only
26. Modification of Part 1 of the Compulsory Purchase Act 1965
27. Rights under or over streets
28. Temporary use of land in connection with the carrying out of the authorised development
29. Temporary use of land for maintaining the authorised development
30. Statutory undertakers
31. Apparatus and rights of statutory undertakers in streets
32. Recovery of costs of new connections
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34. Felling or lopping of trees and removal of hedgerows

PART 7

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 36. Operational land for the purposes of the 1990 Act
 37. Defence to proceedings in respect of statutory nuisance
 38. Protective provisions
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 40. Service of notices
 41. Procedure in relation to certain approvals
 42. Arbitration
 43. Application and modification of legislative provisions
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SCHEDULE 1 — AUTHORISED DEVELOPMENT

SCHEDULE 2 — REQUIREMENTS

1. Time limits

2. Detailed Design
3. Provision and maintenance of landscaping
4. Highway accesses
5. Fencing and other means of enclosure
6. Surface and foul water drainage
7. Surface water management plan
8. Pre-construction ecological constraints survey
9. Ecological management plan
10. Invasive species survey and remediation
11. Bat Method Statement
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16. Peat Management Plan
17. Construction environment management plan
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19. Pollution prevention management plan
20. Waste and material management plan
21. Construction traffic management plan
22. Construction staff travel plan
23. Construction hours
24. Dates of final commissioning, completion of construction and cessation
25. Control of noise during operational phase
26. Control of artificial light emissions during operation
27. Operation of the authorised development
28. Decommissioning strategy
29. Amendments to approved details

SCHEDULE 3 — STREETS SUBJECT TO PERMANENT AND TEMPORARY ALTERATION OF LAYOUT

PART 1 — PERMANENT ALTERATION OF LAYOUT

PART 2 — TEMPORARY ALTERATION OF LAYOUT

SCHEDULE 4 — STREETS SUBJECT TO STREET WORKS

SCHEDULE 5 — ACCESS

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PART 3 — THOSE WORKS TO RESTORE TEMPORARY ACCESSES WHICH WILL BE MAINTAINED AT THE PUBLIC EXPENSE

PART 4 — THOSE WORKS TO RESTORE TEMPORARY ACCESSES WHICH WILL BE MAINTAINED BY THE STREET AUTHORITY

SCHEDULE 6 — TEMPORARY PROHIBITION OR RESTRICTION OF THE USE OF STREETS

SCHEDULE 7 — STREETS TO BE STOPPED UP

SCHEDULE 8 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS AND IMPOSITION OF NEW RESTRICTIONS

Compensation enactments

1. The enactments for the time being in force with respect...
2. (1) Without limitation on the scope of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...

Application of Part 1 of the 1965 Act

4. Part 1 (compulsory purchase under Acquisition of Land Act 1946)...
5. The modifications referred to in paragraph 4(a) are as follows—...
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 of the 1965 Act (protection for interests of...
9. Section 22 of the 1965 Act (protection of acquiring authority's...
10. For schedule 2A to the 1965 Act substitute— SCHEDULE 2A...

SCHEDULE 9 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 10 — REMOVAL OF HEDGEROWS

SCHEDULE 11 — PROTECTIVE PROVISIONS

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

1. For the protection of the utility undertakers referred to in...
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 (2) and (3), if by reason...
11. Nothing in this part of this Schedule affects the provisions...

PART 2 — FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

12. (1) For the protection of any operator, the following provisions...
13. The exercise of the powers of article 30 (statutory undertakers)...
14. (1) Subject to sub-paragraphs (2) to (4), if as the...
15. This part of this Schedule does not apply to—
16. Nothing in this part of this Schedule affects the provisions...

PART 3 — FOR THE PROTECTION OF NATIONAL GRID

17. Application
18. Interpretation
19. Except for paragraphs 20 (apparatus of National Grid in streets...
20. Apparatus of National Grid in streets subject to temporary prohibition or restriction
21. Acquisition of land
22. Removal of apparatus

23. Facilities and rights for alternative apparatus
 24. Retained apparatus: protection of National Grid as Gas Undertaker
 25. Retained apparatus: protection of National Grid as Electricity Undertaker
 26. Expenses
 27. Indemnity
 28. Enactments and agreements
 29. Co-operation
 30. Access
 31. Arbitration
- PART 4 — FOR THE PROTECTION OF WESTERN POWER DISTRIBUTION (SOUTH WALES) PLC
32. Application
 33. Interpretation
 34. Precedence of 1991 Act in respect of apparatus in streets
 35. No acquisition or extinguishment except by agreement
 36. Removal of apparatus
 37. (1) Not less than 60 days before the undertaker intends...
 38. Expenses and costs
 39. Expert determination
- PART 5 — FOR THE PROTECTION OF DŴR CYMRU CYFYNGEDIG
40. Application
 41. Interpretation
 42. No acquisition or extinguishment except by agreement
 43. Precedence of the WIA 1991
 44. Protection of DCC apparatus
 45. Suspension of works
 46. (1) In the event that either the undertaker or DCC...
 47. Emergency Works
 48. Damage to DCC apparatus
- PART 6 — FOR THE PROTECTION OF ABERGELLI SOLAR LIMITED
49. Application
 50. Interpretation
 51. Acquisition of land
 52. Access
 53. Apparatus in streets subject to temporary prohibition or restriction
 54. Specified Works
 55. Expenses and costs
 56. (1) Subject to sub-paragraphs (2) and (3), if by reason...
 57. Expert determination
- PART 7 — FOR THE PROTECTION OF WALES & WEST UTILITIES LIMITED
58. Application
 59. Interpretation
 60. Apparatus of the protected person in streets subject to temporary prohibition or restriction
 61. Acquisition of Land
 62. Retained apparatus: Protection: Protected Persons
 63. Expenses
 64. Indemnity
 65. Enactments and agreements
 66. Co-operation
 67. Access
 68. Arbitration

Changes to legislation: There are currently no known outstanding effects for the The Abergelli Power Gas Fired Generating Station Order 2019. (See end of Document for details)

SCHEDULE 12 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS

1. Applications made under requirements
2. Further information
3. Appeals
4. Interpretation of Schedule 12

Explanatory Note

Changes to legislation:

There are currently no known outstanding effects for the The Abergelli Power Gas Fired Generating Station Order 2019.