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STATUTORY INSTRUMENTS

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**2023 No. 1033**

**INFRASTRUCTURE PLANNING**

**The Awel y Môr Offshore Wind Farm Order 2023**

*Made - - - - 19th September 2023*

*Coming into force 11th October 2023*

**THE AWEL Y MÔR OFFSHORE WIND FARM ORDER 2023**

PART 1

Preliminary

1. Citation and commencement
2. Interpretation

PART 2

Principal Powers

3. Development consent etc. granted by the Order
4. Operation of generating station
5. Power to maintain the authorised development
6. Benefit of the Order
7. Application and modification of legislative provisions
8. Defence to proceedings in respect of statutory nuisance

PART 3

Streets

9. Street works
10. Application of the 1991 Act
11. Temporary stopping up of rights of way
12. Temporary restriction of use of streets
13. Access to works

PART 4

Supplemental powers

14. Discharge of water
15. Authority to survey and investigate the land

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16. Protective works to buildings
17. Removal of human remains

#### PART 5

##### Powers of acquisition

18. Compulsory acquisition of land
19. Time limit for exercise of authority to acquire land compulsorily
20. Compulsory acquisition of rights
21. Compulsory acquisition of land: minerals
22. Private rights
23. Application of the 1981 Act
24. Acquisition of subsoil only
25. Modification of Part 1 of the 1965 Act
26. Rights under or over streets
27. Temporary use of land for carrying out the authorised development
28. Temporary use of land for maintaining the authorised development
29. Statutory undertakers
30. Recovery of costs of new connections
31. Funding

#### PART 6

##### Miscellaneous and general

32. Application of landlord and tenant law
33. Felling or lopping of trees and removal of hedgerows
34. Trees subject to tree preservation orders
35. Abatement of works abandoned or decayed
36. Saving provisions for Trinity House
37. Crown rights
38. Protective provisions
39. Operational land for the purposes of the 1990 Act
40. Certification of plans, etc.
41. Service of notices
42. No double recovery
43. Requirements, appeals, etc.
44. Arbitration
- Signature

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SCHEDULE 1 — Authorised development  
PART 1 — Authorised development  
PART 2 — Ancillary works

SCHEDULE 2 — Requirements

1. Time limits
2. Offshore design parameters
3. Aviation safety
4. Offshore Noise
5. Stages of authorised development
6. Substation works
7. Detailed design parameters onshore

8. Provision of landscaping
9. Implementation and maintenance of landscaping
10. Code of construction practice
11. Highway accesses
12. Onshore archaeology
13. Landscape and Ecology management plan
14. European protected species onshore
15. Construction hours
16. Surface and foul water drainage
17. Restoration of land used temporarily for construction
18. Control of noise during operational stage
19. Control of operational artificial light emissions
20. Skills and Employment Strategy
21. Offshore decommissioning
22. Onshore decommissioning
23. Great Dun Fell and St Annes Primary Radar Mitigation Scheme
24. Landscape enhancement scheme
25. Wake effects
26. Requirement for written approval
27. Amendments to approved details

SCHEDULE 3 — Streets subject to street works

SCHEDULE 4 — Rights of way to be temporarily stopped up or restricted

SCHEDULE 5 — Access to works

SCHEDULE 6 — Land of which only temporary possession may be taken

SCHEDULE 7 — Land in which only new rights etc. may be acquired

SCHEDULE 8 — Modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants

1. Compensation enactments
2. (1) Without limitation on the scope of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...
4. Application of Part 1 of the 1965 Act
5. References in the 1965 Act to land are, in the...
6. For section 7 (measure of compensation in case of severance)...
7. The following provisions of the 1965 Act (which state the...
8. Section 11 (powers of entry) of the 1965 Act is...
9. Section 20 (tenants at will, etc.) of the 1965 Act...
10. Section 22 (interests omitted from purchase) of the 1965 Act...
11. For Schedule 2A of the 1965 Act substitute— SCHEDULE2A COUNTER-NOTICE...

SCHEDULE 9 — Protective provisions

PART 1 — Protection for electricity, gas, water and sewerage undertakers

1. The provisions of this Part have effect unless otherwise agreed...
2. In this Part— “alternative apparatus” means alternative apparatus adequate to...
3. On street apparatus and offshore works
4. Acquisition of land

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5. Removal of apparatus
6. Facilities and rights for alternative apparatus
7. Retained apparatus
8. Expenses and costs
9. (1) Subject to sub-paragraphs (2) and (3), if by reason...
10. Miscellaneous
  - PART 2 — For the protection of Dŵr Cymru Cyfyngedig (DC)
11. For the protection of DC referred to in this Part...
12. In this Part of this Schedule: “accessories” has the same...
13. (1) Regardless of any provision in this Order or anything...
14. Precedence of the WIA 1991
15. Protection of DC apparatus
16. Suspension of works
17. Co-Operation
18. Emergency Works
19. Damage to DC apparatus
  - PART 3 — For the protection of National Grid
20. Application
21. Interpretation
22. Interaction with the Bodelwyddan Project
23. National Grid connection works
24. (1) Before beginning to construct any National Grid connection works,...
25. (1) Any approval of National Grid required under this Schedule—...
26. (1) The undertaker must give to National Grid not less...
27. On Street Apparatus
28. Apparatus of National Grid in streets subject to temporary stopping up
29. Protective works to buildings
30. Acquisition of land
31. Removal of apparatus
32. Facilities and rights for alternative apparatus
33. Retained apparatus: Protection of National Grid as Electricity Undertaker
34. Expenses
35. Indemnity
36. Enactments and agreements
37. Co-operation
38. Access
39. Arbitration
40. Notices
  - PART 4 — For the protection of SP Manweb as electricity undertaker
41. Application
42. Interpretation
43. On Street Apparatus
44. Acquisition of land
45. Removal of apparatus
46. Facilities and rights for alternative apparatus
47. Retained apparatus: Protection of SP Manweb as Electricity Undertaker
48. Expenses
49. Indemnity
50. Enactments and agreements
51. Co-operation
52. Access
53. Arbitration
  - PART 5 — Protection for operators of electronic communications code networks

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54. The provisions of this Part have effect unless otherwise agreed...
55. In this Part— “the 2003 Act” means the Communications Act...
56. The exercise of the powers conferred by article 29 (statutory...
57. (1) Subject to sub-paragraphs (2) to (4), if as a...  
PART 6 — For the protection of Network Rail Infrastructure Limited
58. The provisions of this Part have effect unless otherwise agreed...
59. In this Part— “asset protection agreement” means an agreement to...
60. (1) Where under this Part Network Rail is required to...
61. (1) The undertaker must not exercise the powers conferred by—...
62. (1) The undertaker must before commencing construction of any specified...
63. (1) Any specified work and any protective works to be...
64. The undertaker must— (a) at all times afford reasonable facilities...
65. Network Rail must at all times afford reasonable facilities to...
66. (1) If any permanent or temporary alterations or additions to...
67. The undertaker must repay to Network Rail all reasonable fees,...
68. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
69. If at any time after the completion of a specified...
70. The undertaker must not provide any illumination or illuminated sign...
71. Any additional expenses that Network Rail may reasonably incur in...
72. (1) The undertaker must— (a) pay to Network Rail all...
73. Network Rail must, on receipt of a request from the...
74. In the assessment of any sums payable to Network Rail...
75. The undertaker and Network Rail may, subject in the case...
76. Nothing in this Order, or in any enactment incorporated with...
77. The undertaker must give written notice to Network Rail where...
78. The undertaker must, no later than 28 days from the...  
PART 7 — For the protection of Rhyl Flats Wind Farm Limited
79. Application
80. Interpretation
81. Consent for specified works
82. (1) The undertaker must not under the powers of this...
83. (1) The undertaker must give to the Company not less...
84. (1) The undertaker must not exercise the powers conferred by...
85. To ensure its compliance with this Part, the undertaker must...
86. The undertaker and the Company must each act in good...
87. Expenses
88. Indemnity
89. Arbitration  
PART 8 — For the protection of Conwy County Borough Council
90. The provisions of this Part have effect unless otherwise agreed...
91. In this Part— “OPNMP” means Offshore Piling Noise Monitoring Plan,...
92. (1) Prior to the commencement of any offshore piling as...
93. (1) The undertaker may, at any time following approval of...
94. The authorised development must be carried out in accordance with...
95. The undertaker will give Conwy County Borough Council not less...
96. Nothing in any OPNMP may conflict with requirement 4 of...
97. Any approval required under this Part must not be unreasonably...
98. Any difference or dispute arising between the undertaker and Conwy...  
PART 9 — For the protection of Wales and West Utilities
99. For the protection of Wales and West Utilities as referred...
100. In this Part— “alternative apparatus” means alternative apparatus adequate to...

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101. On street apparatus and offshore works
102. Apparatus in streets subject to temporary restriction
103. Acquisition of land
104. Removal of apparatus
105. Facilities and rights for alternative apparatus
106. Retained apparatus
107. Expenses and costs
108. (1) Subject to sub-paragraph (2) and (3) if by reason...
109. Enactments and agreements
  - PART 10 — For the protection of Welsh Ministers as Strategic Highway Authority
110. Application
111. Interpretation
112. Approvals
113. (1) Prior to the commencement of the works the undertaker...
114. No crossing is to take place until a monitoring regime...
115. Approval under this Part may be sought in one or...
116. Any approval of the WM under this Part may be...
117. The undertaker must contact any owners or operators of apparatus...
118. The undertaker must pay a fee of £250 to the...
119. Indemnity
120. The undertaker (or any person carrying out works on its...
121. Traffic management
122. The undertaker must execute the works in strict accordance with...
123. Inspections
124. Exercise of the right to inspect under paragraph 123 must...
125. If required by the WM, the undertaker must provide link...
126. (1) The undertaker must compensate the WM in respect of...
127. Reinstatement
128. (1) Where, in the reasonable opinion of the WM, any...
129. Any and all costs associated with the reinstatement work will...
130. Notice of completion of Works
131. The undertaker must supply the WM with as built records...
132. The undertaker must submit a Geotechnical Feedback Report (GFR as...
133. After the apparatus has been placed, the undertaker must not...
134. Arbitration
135. Notices
136. Cease of Use or Abandonment
137. If the apparatus is abandoned or the consent is surrendered...
138. If the undertaker proposes to part with his interest in...
139. Maintenance
  - PART 11 — For the protection of North Hoyle Wind Farm Limited
140. Application
141. Interpretation
142. Requirement for approval of method statement and surveys
143. If by the expiry of 28 days, beginning on the...
144. The undertaker must, at its own cost, carry out all...
145. In granting its approval (or deemed approval) of the method...
146. The undertaker must use all reasonable endeavours to ensure the...
147. Requirement for notification of start of works
148. Carrying out of works
149. The undertaker must ensure that the specified work are carried...
150. Any contractor and/or subcontractor used by the undertaker for the...

151. Either during the installation or as soon as practicable after...
152. The undertaker must provide the Company with the actual as-laid...
153. The undertaker must ensure that the risk of dropped object,...
154. Future specified work
155. Notwithstanding the provisions of paragraph 15, if any future specified...
156. Subject to paragraphs 15 and 16, where the undertaker requires...
157. Works on Company cables
158. Restrictions on anchors and moorings
159. Indemnity and liabilities
160. The Company must give the undertaker reasonable notice of any...
161. The undertaker is responsible for the recovery or removal and...
162. (1) In the event of the undertaker being liable for...
163. In the event of the undertaker being liable for damage...
164. The undertaker must use reasonable endeavours to procure that any...
165. Representatives
166. Insurance
167. Force majeure
168. Costs and expenses
169. Arbitration

SCHEDULE 10 — Removal of hedgerows

PART 1 — Removal of hedgerows

PART 2 — Removal of important hedgerows

SCHEDULE 11 — Approval of matters specified in requirements

1. Interpretation
2. Applications made under requirements
3. Further information
4. Provision of information by Consultees
5. Fees
6. Appeal

SCHEDULE 12 — Arbitration rules

1. Primary objective
2. Time periods
3. Timetable
4. Procedure
5. Arbitrator's powers
6. Costs
7. Confidentiality

SCHEDULE 13 — Documents to be certified

Explanatory Note