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WELSH STATUTORY INSTRUMENTS

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**2004 No. 3054**

**The Scarweather Sands Offshore Wind Farm Order 2004**

**PART I**

**PRELIMINARY**

**Citation and commencement**

1. This Order may be cited as the Scarweather Sands Offshore Wind Farm Order 2004 and comes into force on 19 November 2004.

**Interpretation**

2.—(1) In this Order —

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

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

“the Applications Rules” (“*y Rheolau Ceisiadau*”) means the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000<sup>(3)</sup>; and references in this Order to numbered rules are to the rules bearing those numbers in the Applications Rules;

“authorised works” (“*y gweithfeydd awdurdodedig*”) means the scheduled works, the works and facilities described in article 3(4) and, except in articles 8 to 17, the existing mast;

“the book of reference” (“*y cyfeirlyfr*”) means the book of reference certified by the National Assembly as the book of reference for the purposes of this Order;

“carriageway” (“*cerbyttfordd*”), “footpath” (“*llwybr troed*”), “highway” (“*priffordd*”) and “highway authority” (“*awdurdod priffyrdd*”) have the same meaning as in the Highways Act 1980<sup>(4)</sup>;

“electric line” (“*llinell drydan*”) has the meaning given by section 64(1) of the Electricity Act 1989<sup>(5)</sup>;

“enactment” (“*deddfiad*”) includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“the existing electricity pylon” (“*y peilon trydan presennol*”) means the electricity pylon at reference point 278906E, 185778N and includes any apparatus which is ancillary to that pylon;

“the existing mast” (“*y mast presennol*”) means the existing anemometry mast on the bed of Swansea Bay adjoining the coast at Port Talbot in the County Borough of Neath Port Talbot, situated at reference point 271709E, 176723N;

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(1) 1961 c. 33.  
(2) 1965 c. 56.  
(3) S.I. 2000/2190.  
(4) 1980 c. 66.  
(5) 1989 c. 29.

“the inter-turbine cables” (“*y ceblau rhyngdyrbinau*”) means the cables described in paragraph 1(b) of Schedule 1 to this Order;

“the land plans” (“*planiau'r tir*”) means the plans certified by the National Assembly as the land plans for the purposes of this Order; and references to land shown on those plans are references to land so shown in pursuance of rule 12(5);

“the level of high water” (“*lefel y dŵr uchel*”) means the level of mean high water springs;

“the limits of deviation” (“*terfynau'r gwyro*”), in relation to a work, means the limits of deviation related to that work which are shown on the works plans;

“maintain” (“*cynnal a chadw*”) includes inspect, maintain, repair, adjust, alter, remove, reconstruct and replace; and “maintenance” shall be construed accordingly;

“the marine feeder cables” (“*y ceblau cludo i'r môr*”) means the cables comprised in Work No. 2;

“owner” (“*perchennog*”), in relation to land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of land (whether in possession or reversion) and includes a person holding, or entitled to the rents and profits of, the land under a lease or tenancy having an unexpired term exceeding 3 years;

“reference point” (“*cyfeirbwynt*”) means the Ordnance Survey National Grid reference point;

“the scheduled works” (“*y gweithfeydd a restrwyd*”) means the works specified in Schedule 1 to this Order or any part of them;

“the sections” (“*y trawsluniau*”) means the sections certified by the National Assembly as the sections for the purposes of this Order;

“street” (“*stryd*”) includes part of a street;

“street authority” (“*awdurdod stryd*”), in relation to a street, has the same meaning as in Part III of the Street Works Act;

“the Street Works Act” (“*y Ddeddf Gwaith Stryd*”) means the New Roads and Street Works Act 1991(6);

“tidal work” (“*gwaith llanw'r môr*”) means so much of any authorised work as is on, under or over tidal waters;

“the Tribunal” (“*y Tribiwnlys*”) means the Lands Tribunal;

“Trinity House” means the Corporation of Trinity House of Deptford Strond;

“the undertaker” (“*yr ymgwymerwr*”) means Scarweather Sands Limited or any person to whom the powers conferred by this Order are transferred in an agreement pursuant to article 37;

“vessel” (“*cwch*”) means a ship, boat, raft or water craft of any description and includes non-displacement craft, seaplanes and any other thing constructed or adapted for floating on or being submersed in water (whether permanently or temporarily) and a hovercraft or other amphibious vehicle;

“the wind farm site” (“*safle'r fferm wynt*”) means an area shown on the works plans within the limits of deviation for the inter-turbine cables;

“wind turbine” (“*tyrbin gwynt*”) means a wind turbine generator described in paragraph 1(a) of Schedule 1 to this Order; and

“the works plans” (“*planiau'r gweithfeydd*”) means the plans certified by the National Assembly as the works plans 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 or on land or in the air space over its surface.

(3) All directions, distances, lengths and points stated in any description of works, powers or lands are to be construed as if the words “or thereabouts” were inserted after each such direction, distance, length and point.

(4) Any reference in this Order to a work identified by the number of the work is to be construed as a reference to the work of that number authorised by this Order.

(5) References in this Order to points identified by letters are to be construed as references to the points so lettered on the works plans.