STATUTORY INSTRUMENTS

2016 No. 337

INFRASTRUCTURE PLANNING

The Brechfa Forest West Wind Farm (Amendment) Order 2016

Made - - - -	*10th March 2016*
Coming into force - -	*11th March 2016*

RWE Innogy UK Limited(**a**) has made an application to the Secretary of State under paragraph 2(4) of Schedule 6 to the Planning Act 2008(**b**) for changes to the Brechfa Forest West Wind Farm Order 2013(**c**) that are not material.

The Secretary of State has had regard to the effect of the changes on the Brechfa Forest West Wind Farm Order 2013 as originally made and is satisfied that the changes are not material.

The Secretary of State, having considered the application, the responses to the publicity and consultation required by regulations 6 and 7 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011(**d**) and the further information requested by the Secretary of State from various persons, has decided to make the changes on terms that in the opinion of the Secretary of State are not materially different from those proposed in the application.

Accordingly, the Secretary of State, in exercise of the powers in paragraph 2(1) and (9) of Schedule 6 to the Planning Act 2008, makes the following Order:

Citation and commencement

1. This Order may be cited as the Brechfa Forest West Wind Farm (Amendment) Order 2016 and comes into force on 11th March 2016.

Brechfa Forest West Wind Farm Order 2013 amended

2. The Brechfa Forest West Wind Farm Order 2013 is amended in accordance with articles 3 to 5.

Article 2 (interpretation) amended

3.—(1) Article 2 is amended as follows.

(**a**) Company number 2550622. RWE Innogy Limited (formerly RWE Npower Renewables Limited) is the person who applied for the Brechfa Forest West Wind Farm Order 2013.
(**b**) 2008 c.29. Paragraph 2 of Schedule 6 was amended by paragraph 4 of Schedule 8 to the Marine and Coastal Access Act 2009 (c.23); by paragraph 72 of Schedule 13 and by Schedule 25 to the Localism Act 2011 (c.20); and by section 28 of the Infrastructure Act 2015 (c.7).
(**c**) S.I. 2013/586.
(**d**) S.I. 2011/2055. Regulations 6 and 7 were both amended by S.I. 2012/635 and 2015/760.

(2) In paragraph (1), for the definition of "the works plan" substitute the following definition—

""the works plan" means the revised works plan submitted with the application dated 14th August 2015 for a non-material change to this Order under paragraph 2 of Schedule 6 to the 2008 Act and certified by the Secretary of State in accordance with article 18(1A).".

Article 18 (certification of plans etc) amended

4.—(1) Article 18 is amended as follows.

(2) In paragraph (1), omit sub-paragraph (c).

(3) Insert the following paragraph after paragraph (1)—

"(1A) The undertaker must, as soon as practicable after the coming into force of the Brechfa Forest West Wind Farm (Amendment) Order 2016, submit to the Secretary of State copies of the following documents submitted with the application dated 14th August 2015 for a non-material change to this Order under paragraph 2 of Schedule 6 to the 2008 Act—

(a) the revised works plan (Key Plan A and Plans 1A, 2A, 3A, 4A and 5A); and

(b) the revised felling plan (Key Plan A and Plans 1A, 2A, 3A, 4A and 5A),

for certification that they are true copies of the documents referred to in this Order.".

Schedule 1 (authorised project) amended

5.—(1) In Part 1 (authorised development) of Schedule 1, the table set out after "Work No. 3 – A series of access tracks between the wind turbines comprising Work No. 1 as follows—" is amended as follows.

(2) In the row whose first entry is "WR29"—

(a) for "247779" substitute "247876";

(b) for "231971" substitute "231909".

(3) Omit the whole row whose first entry is "WR36".

(4) Omit the whole row whose first entry is "WR42".

(5) In the row whose first entry is "WT16"—

(a) for "248685" substitute "248899";

(b) for "231062" substitute "231074".

(6) Omit the whole row whose first entry is "WT35".

Signed by authority of the Secretary of State for Energy and Climate Change

Giles Scott
Head of National Infrastructure Consents and Coal Liabilities
Department of Energy and Climate Change

10th March 2016

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Brechfa Forest West Wind Farm Order 2013 (the "principal Order"), which granted development consent under the Planning Act 2008, following an application for a non-material change under paragraph 2 of Schedule 6 to that Act.

This Order authorises changes to the works plans to reflect changes in the limits of deviation; to the felling plans to reflect changes in the amount and location of tree felling required; and to the commencement and termination points of access tracks for Work No. 3.

The revised work plans and felling plans must be submitted to the Secretary of State for certification under new article 18(1A) of the principal Order. Requirement 7 in Part 3 of Schedule 1 to the principal Order requires the authorised development to be carried out in accordance with plans certified under article 18.

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