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WELSH STATUTORY INSTRUMENTS

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**2017 No. 1197 (W. 290)**

**INFRASTRUCTURE PLANNING**

**The Clocaenog Forest Wind Farm (Amendment) Order 2017**

*Made* - - - - 29 November 2017

*Coming into force* - - 8 December 2017

Innogy Renewables UK Limited<sup>(1)</sup> has made an application to the Welsh Ministers under paragraph 2(4) of Schedule 6 to the Planning Act 2008<sup>(2)</sup> for changes to the Clocaenog Forest Wind Farm Order 2014<sup>(3)</sup> that are not material.

The Welsh Ministers have had regard to the effect of the changes on the Clocaenog Forest Wind Farm Order 2014 as originally made and are satisfied that the changes are not material.

The Welsh Ministers, 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<sup>(4)</sup> have decided to make the changes on terms that in the opinion of the Welsh Ministers are not materially different from those proposed in the original application.

Accordingly, the Welsh Ministers, in exercise of the powers in paragraph 2(1) and (9) of Schedule 6 to the Planning Act 2008, make the following Order—

**Title and commencement**

1. The title of this Order is the Clocaenog Forest Wind Farm (Amendment) Order 2017 and it comes into force on 8 December 2017.

**Clocaenog Forest Wind Farm Order 2014 amended**

2. The Clocaenog Forest Wind Farm Order 2014 is amended in accordance with articles 3 to 5.

**Article 2 (interpretation) amended**

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

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(1) Company number 2550622 Innogy Renewables UK Limited (formerly RWE Innogy UK Limited) is the person who applied for the Clocaenog Forest Wind Farm Order 2014.  
(2) 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); by section 28 of the Infrastructure Act 2015 (c. 7); and by paragraph 8(3) of Schedule 7 to the Wales Act 2017 (c. 4).  
(3) S.I. 2014/2441.  
(4) 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 23 August 2017 for a non-material change to this Order under paragraph 2 of Schedule 6 to the 2008 Act and certified by the Welsh Ministers in accordance with article 36(1A).”

#### **Article 36 (certification of plans etc) amended**

- 4.—(1) Article 36 is amended as follows.
- (2) Insert the following paragraph after paragraph (1)—  
 “(1A) The undertaker must, as soon as practicable after the coming into force of the Clocaenog Forest Wind Farm (Amendment) Order 2017, submit to the Welsh Ministers a copy of the works plan for certification that it is a true copy.”

#### **Schedule 1 (authorised project) amended**

5.—(1) In the reference to Work No. 3 in Part 1 (authorised development) of Schedule 1, for the words “A series of new tracks, existing tracks subject to improvement and widening and public roads subject to widening” substitute “A series of new tracks, existing tracks subject to improvement and widening, public roads subject to widening and a series of turning heads located adjacent to tracks”.

(2) The tables relating to Work No. 3 in Part 1 (authorised development) of Schedule 1 are amended as follows.

- (3) In the table with the heading “New tracks”—
- (a) in the row whose first entry is “N7”—
- (i) for “300779” substitute “300704”; and
- (ii) for “357705” substitute “357556”; and
- (b) insert the following after the row whose first entry is “N4”—

“N25	300509	357483	300277	357467
N26	300596	357354	300614	357029
N27	301133	355580	300866	355375
N28	300784	355332	300534	355065”.

(4) In the table with the heading “Existing tracks subject to improvement and widening”, in the row whose first entry is “E6”—

- (a) for “300635” substitute “300614”; and
- (b) for “357032” substitute “357029”.

(5) Insert the following table after the table with the heading “Public roads subject to widening”—

#### **“Turning Heads**

Turning head number	<i>Grid reference</i>	
	Easting	Northing
TH1 (at T3)	301166	357866
TH2 (between T7 and T9)	300226	356920
TH3 (at T10)	301344	356350

Turning head number	Grid reference	
	Easting	Northing
TH4 (at T13)	301221	355570
TH5 (at T15)	301436	355089
TH6 (at T17)	301501	354506
TH7 (at T18)	301833	354061
TH8 (at T24)	300672	352492
TH9 (at T25)	301854	352484
TH10 (at T28)	300817	352143
TH11 (at T30)	301367	351613
TH12 (at T31)	300989	350791
TH13 (at T32)	301314	350614 <sup>??</sup> .

29th November 2017

*Lesley Griffiths*  
Cabinet Secretary for Energy, Planning and  
Rural Affairs, one of the Welsh Ministers

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Clocaenog Forest Wind Farm Order 2014 (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 and to the commencement and termination points of access tracks and the addition of the construction of turning heads in Work No. 3.

The revised work plans and felling plans must be submitted to the Welsh Ministers for certification under new article 36(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 36.