STATUTORY INSTRUMENTS

2016 No. 306

INFRASTRUCTURE PLANNING
ELECTRICITY

The Infrastructure Planning (Onshore Wind Generating Stations) Order 2016

Made - - - - 4th March 2016

Coming into force in accordance with article 1(2)

The Secretary of State for Energy and Climate Change, in exercise of the powers conferred by sections 14(3) and (4) and 232(3) of the Planning Act 2008(**1**), makes the following Order.

A draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament, in accordance with section 232(6) of that Act.

Citation and Commencement

1.—(1) This Order may be cited as the Infrastructure Planning (Onshore Wind Generating Stations) Order 2016.

(2) This Order comes into force on the day after the day on which it is made.

Interpretation

2. In this Order—

"the Act" means the Planning Act 2008;

"onshore generating station" means a generating station(**2**) which—

(a) is situated in England or Wales; and

(b) is not situated in waters adjacent to England or Wales up to the seaward limits of the territorial sea.

Amendments to section 15 of the Planning Act 2008

3. In section 15 of the Act (generating stations), after subsection (2)(a) insert—

(**1**) 2008 c. 29. There are amendments to the Act which are not relevant to this Order.

(**2**) "generating station" has the same meaning as in section 64(1) of the Electricity Act 1989 (c. 29) by virtue of section 235(1) of the Planning Act 2008.

"(aa) it does not generate electricity from wind,".

Transitional and savings

4. Article 3 applies subject to the transitional and savings provisions provided for in Articles 5 to 8 below.

5.—(1) Paragraph (2) applies where an application for an order granting development consent—

(a) has been accepted in accordance with section 55 of the Act (acceptance of applications) but not decided before the day on which this Order comes into force; and

(b) is for the construction or extension of an onshore generating station that generates electricity from wind.

(2) In such a case—

(a) the application must continue to be considered in accordance with the provisions of the Act;

(b) the provisions of the Act are to continue to apply to any order granting development consent that is made as a result of the application or to any refusal of development consent resulting from the application;

(c) any such order is to have effect, and the provisions of the Act are to continue to apply, in relation to—

(i) the development in respect of which the order is made; and

(ii) anything else authorised or required by the order;

(d) where any such order is amended or changed under the provisions of Schedule 4 or 6 to the Act, the order is to have effect, and the provisions of the Act are to continue to apply, in relation to—

(i) the development in respect of which the order as amended or changed has effect; and

(ii) anything else authorised or required by the order as amended or changed;

(e) where any such order is amended or changed, or a new or replacement order is made, as a result of a judicial review, the order is to have effect, and the provisions of the Act are to continue to apply, in relation to—

(i) the development in respect of which the order as amended or changed, or the new or replacement order, has effect; and

(ii) anything else authorised or required by the order as amended or changed, or the new or replacement order.

6.—(1) Paragraph (2) applies where, before the day on which this Order comes into force, a decision has been made under section 55 of the Act not to accept an application for an order granting development consent for the construction or extension of an onshore generating station that generates electricity from wind.

(2) In such a case—

(a) the provisions of the Act are to continue to apply to the decision; and

(b) if the decision is overturned on a judicial review and the application is subsequently accepted under section 55 of the Act, article 5 of this Order applies as if the application had been accepted in accordance with section 55 of the Act before the day on which this Order comes into force.