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STATUTORY INSTRUMENTS

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**2013 No. 648**

**The Hinkley Point C (Nuclear Generating Station) Order 2013**

**PART 1**

**General provisions**

*Preliminary*

**Citation and commencement**

1. This Order may be cited as the Hinkley Point C (Nuclear Generating Station) Order 2013 and shall come into force on 9th April 2013.

**Interpretation**

2.—(1) In this Order, unless the context requires otherwise—

“the 1961 Act” means the Land Compensation Act 1961(1);

“the 1965 Act” means the Compulsory Purchase Act 1965(2);

“the 1980 Act” means the Highways Act 1980(3);

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- (1) 1961 c. 33. Section 2(2) was amended by section 193 of, and paragraph 5 of Schedule 33 to, the Local Government, Planning and Land Act 1980 (c. 65). There are other amendments to the 1961 Act which are not relevant to this Order.
- (2) 1965 c. 56. Section 3 was amended by section 70 of, and paragraph 3 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34). Section 4 was amended by section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71). Section 5 was amended by sections 67 and 80 of, and Part 2 of Schedule 18 to, the Planning and Compensation Act 1991 (c. 34). Subsection (1) of section 11 and sections 3, 31 and 32 were amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67) and by section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No.1). Section 12 was amended by section 56(2) of, and Part 1 to Schedule 9 to, the Courts Act 1971 (c. 23). Section 13 was amended by section 139 of the Tribunals, Courts and Enforcement Act 2007 (c. 15). Section 20 was amended by section 70 of, and paragraph 14 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34). Sections 9, 25 and 29 were amended by the Statute Law (Repeals) Act 1973 (c. 39). Section 31 was also amended by section 70 of, and paragraph 19 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34) and by section 14 of, and paragraph 12(2) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No.1). There are other amendments to the 1965 Act which are not relevant to this Order.
- (3) 1980 c. 66. Section 1(1) was amended by section 21(2) of the New Roads and Street Works Act 1991 (c. 22); sections 1(2), 1(3) and 1(4) were amended by section 8 of, and paragraph (1) of Schedule 4 to, the Local Government Act 1985 (c. 51); section 1(2A) was inserted, and section 1(3) was amended, by section 259 (1), (2) and (3) of the Greater London Authority Act 1999 (c. 29); sections 1(3A) and 1(5) were inserted by section 22(1) of, and paragraph 1 of Schedule 7 to, the Local Government (Wales) Act 1994 (c. 19). Section 36(2) was amended by section 4(1) of, and paragraphs 47(a) and (b) of Schedule 2 to, the Housing (Consequential Provisions) Act 1985 (c. 71), by S.I. 2006/1177, by section 4 of, and paragraph 45(3) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11), by section 64(1), (2) and (3) of the Transport and Works Act (c. 42) and by section 57 of, and paragraph 5 of Part 1 of Schedule 6 to, the Countryside and Rights of Way Act 2000 (c. 37); section 36(3A) was inserted by section 64(4) of the Transport and Works Act 1992 and was amended by S.I. 2006/1177; section 36(6) was amended by section 8 of, and paragraph 7 of Schedule 4 to, the Local Government Act 1985 (c. 51); and section 36(7) was inserted by section 22(1) of, and paragraph 4 of Schedule 7 to, the Local Government (Wales) Act 1994 (c. 19). Section 329 was amended by section 112(4) of, and Schedule 18 to, the Electricity Act 1989 (c. 29) and by section 190(3) of, and Part 1 of Schedule 27 to, the Water Act 1989 (c. 15). There are other amendments to the 1980 Act which are not relevant to this Order.

- “the 1990 Act” means the Town and Country Planning Act 1990(4);
- “the 1991 Act” means the New Roads and Street Works Act 1991(5);
- “the 1995 Order” means the Town and Country Planning (General Permitted Development) Order 1995(6);
- “the 2008 Act” means the Planning Act 2008;
- “AIL” means an abnormal indivisible load as defined in paragraph 2 of Schedule 1 (abnormal indivisible load vehicles) to the Road Vehicles (Authorisation of Special Types) (General) Order 2003(7);
- “approved plans” means the plans listed in Part 3 of Schedule 1 (approved plans) and such revised or supplemental plans as may be approved pursuant to the requirements;
- “authorised development” means the development described in Part 1 of Schedule 1 (authorised development) and any other development authorised by this Order, but does not include the temporary jetty works;
- “authorised project” means the authorised development and the temporary jetty works authorised by this Order;
- “book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;
- “building” includes any structure or erection or any part of a building, structure or erection;
- “carriageway” has the meaning given in section 329 of the 1980 Act (interpretation);
- “discharging authority” means the body responsible for giving any agreement or approval required by a requirement;
- “footpath implementation plan” means a written plan agreed between the undertaker and the highway authority for creation or improvement of a footpath to a specified standard;
- “HPC development site” means the land within the Order limits shown on sheet nos. 2, 3 and 4;
- “land” includes land covered by water, any interest in land or right in, to or over land;
- “land plans” means the plans certified as the land plans by the Secretary of State for the purposes of this Order;
- “Order limits” means the limits shown on the works plans within which the authorised project may be carried out;
- “owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981(8) (interpretation);
- “permanent development site” means the land within the permanent development site boundary as shown on plan HINK-A1-SL-00-GA-010 (Site Layout Plan (Operational));

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- (4) 1990 c. 8. Section 56(4) was amended by section 32 of, and paragraph 10(2) of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34). Section 106 was substituted, and section 106A inserted, by section 12(1) of the Planning and Compensation Act 1991. Section 206(1) was amended by section 192(8) of, and paragraphs 7 and 11 of Schedule 8 to, the 2008 Act. Sections 272 to 274 and section 279 were amended by section 406(1) of, and paragraph 103 of Schedule 17 to, the Communications Act (c. 21), and section 280 was amended by section 406(1) of, and paragraph 104 of Schedule 17 to, that Act. Sections 272 to 274 were also amended by S.I. 2011/741 and S.I. 2012/2590. Section 282 was amended by S.I. 2009/1307. There are other amendments to the 1990 Act which are not relevant to this Order.
- (5) 1991 c. 22. Section 48(3A) was inserted by section 124 of the Local Transport Act 2008 (c. 26). Part 3 of the 1991 Act was amended by Part 4 of the Traffic Management Act 2004 (c. 18). Section 74 was amended, and sections 74A and 74B inserted, by sections 255 and 256 of the Transport Act 2000 (c. 38). There are other amendments to the 1991 Act but they are not relevant to this Order.
- (6) S.I. 1995/418; relevant amending instruments are S.I. 1999/293, S.I. 2003/2155 and S.I. 2011/1824.
- (7) S.I. 2003/1998.
- (8) 1981 c. 67. Section 7 was amended by section 70 of, and paragraph 9 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34). There are other amendments to the 1981 Act which are not relevant to this Order.

“permanent limits” means the limits of land for the purpose of article 24 (compulsory acquisition of land) as shown shaded pink on the land plans;

“relevant planning authority” means, in any given provision of this Order, the district planning authority for any area of land that the provision relates to, i.e. West Somerset District Council and/or Sedgemoor District Council, as the case may be;

“requirements” has the meaning given in article 3 (development consent for authorised development etc.);

“rights of way plans” means the plans certified as the rights of way plans by the Secretary of State for the purposes of this Order;

“site preparation permission” means the planning permission in respect of land to the West of Hinkley Point, Stogursey, Bridgwater TA5 1TP granted by West Somerset District Council on 27th January 2012, with reference number 3/32/10/037;

“statutory undertaker” means any person falling within section 127(8), 128(5) or 129(2) of the 2008 Act (which make provision about orders affecting statutory undertakers’ land);

“street” means a street within the meaning of section 48 of the 1991 Act (streets, street works and undertakers), together with land on the verge of a street or between two carriageways, and includes part of a street;

“street authority”, in relation to a street, has the meaning given in section 49 of the 1991 Act (the street authority and other relevant authorities);

“temporary associated development works” means Work Nos. 3, 4A, 5A, 7A, 8A(2)(a) to (h), 9A, 10 and 11;

“temporary jetty demolition works” means Work No. TJ0;

“temporary jetty works” means Work Nos. TJ1, TJ2 and TJ3 described in Part 2 of Schedule 1 (temporary jetty works) and any other works authorised by Part 2 of this Order (provisions relating to temporary jetty works) or, as the case may require, any part of those works, but excluding the temporary jetty demolition works;

“tree preservation order” has the meaning given in section 198 of the 1990 Act (power to make tree preservation orders);

“undertaker” means NNB Generation Company Limited (Company number 06937084);

“undertaking” mean the generation of electricity by the undertaker as authorised from time to time;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

“the works plans” means the plans certified as the works plans by the Secretary of State 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, on or under land or in the air-space above its surface.

(3) All distances, directions and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised project shall be taken to be measured along that work.

(4) All areas described in square metres in the book of reference are approximate.

(5) A reference in this Order to a work designated by a number, or by a combination of letters and numbers (for example, “Work No. 9A”), is a reference to the work so designated in Part 1 or 2 of Schedule 1.

(6) Unless the context requires otherwise, a reference in this Order to a numbered sheet (for example, “sheet no. 3”) is a reference to the sheet so numbered in the works plans.

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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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(7) A reference in this Order to a document or plan required to be submitted for certification under article 43(1)(e) (certification and construction of plans and documents) is a reference to the version of that document or plan that has been certified under article 43.

(8) A reference in the Schedules to a “relevant site” is a reference to the site of that name shown in the right of way plans and land plans.

(9) In this Order, 10-digit references prefaced by the letters “ST” refer to the corresponding Ordnance Survey National Grid reference points.