
STATUTORY INSTRUMENTS

2016 No. 49

**The National Grid (Hinkley Point
C Connection Project) Order 2016**

PART 2

PRINCIPAL POWERS

Development consent etc. granted by the Order

3.—(1) Subject to the provisions of this Order and to the Requirements—

- (a) National Grid is granted development consent for the authorised development; and
- (b) WPD is granted development consent for the WPD Works.

(2) The authorised development must be constructed and installed in the lines and situations shown on the Works Plans listed in Schedule 2 and in accordance with the levels shown on the sections, subject to article 5 (limits of deviation) and to the Requirements in Schedule 3 (Requirements).

(3) Schedule 3 has effect.

Maintenance of authorised development

4.—(1) National Grid may at any time maintain the authorised development (excluding the WPD Works), except to the extent that this Order or an agreement made under this Order provides otherwise.

(2) WPD may at any time maintain the WPD Works, except to the extent that this Order or an agreement made under this Order provides otherwise.

Limits of deviation

5.—(1) In carrying out the authorised development for which it is granted development consent by article 3(1) (development consent etc. granted by the Order) except as provided in paragraphs (2), (3) and (4) the undertaker may—

- (a) deviate laterally from the lines or situations of the authorised development shown on the Works Plans within the limits of deviation relating to a Work shown on those plans and subject to Requirement 42 carry out construction activities for the purpose of the authorised development anywhere within the Order limits; and
- (b) deviate vertically from the levels of the authorised development shown on the sections—
 - (i) to any extent upwards not exceeding 4 metres in respect of the overhead lines;
 - (ii) to any extent upwards not exceeding 10% of the maximum height shown on the relevant design drawings in respect of the substations, cable sealing end compounds and permanent bridges; and
 - (iii) to any extent downwards as may be found to be necessary or convenient.

[^{F1}(2) Pylon LD32 must be constructed 40 metres northwards (plus or minus 5 metres northwards or southwards to allow local ground conditions to be taken into account) from the position shown on the Works Plans within the limits of deviation relating to that Work as shown on those plans, together with a corresponding decrease or increase in height of pylon LD32 and of pylon LD31 as appropriate comprised in Work No. 1D shown in the sections (Drawing No 13/NG/0271 – 01_13205_84 revision B, Sheet 4).]

(3) Pylon LD51 (and adjacent spans LD50 to LD51 to LD52) forming part of the authorised development comprised in Work No. 1E must not deviate laterally westwards from the lines or situations of the authorised development shown on the Works Plans section D, sheets 5 and 6 within the limits of deviation relating to that Work shown on those plans such that the overhead line cannot be constructed closer to Moorland Park than the centre line of Work No. 1E.

(4) Pylons LD109 – LD113 must be constructed in accordance with the dimensions shown on drawing No 01_13205_84 showing increased pylon height within Bristol Port, Avonmouth, in order to provide a minimum 20.7m vertical ground clearance for the spans between pylons LD109 to LD113.

F1 Art. 5(2) substituted (21.7.2017) by [The National Grid \(Hinkley Point C Connection Project\) \(Correction\) Order 2017 \(S.I. 2017/786\)](#), arts. 1, 3, [Sch.](#)

Benefit of Order

6.—(1) The provisions of this Order have effect for the benefit of—

- (a) National Grid in respect of the authorised development; and
- (b) WPD in respect of the WPD Works.

(2) WPD may not carry out the WPD Works under article 3(1)(b) (development consent etc. granted by the Order) except in accordance with the written consent of National Grid, which may be granted subject to reasonable conditions.

(3) If WPD fails to carry out the WPD Works in accordance with National Grid’s consent, National Grid may give WPD and the Secretary of State notice that National Grid intends to carry out the WPD Works under article 3(1)(a) from a date specified in the notice.

(4) On the date specified in the notice, WPD is to cease to have the benefit of article 3(1)(b) and paragraph (1)(b) of this article.

Consent to transfer benefit of Order

7.—(1) National Grid in relation to the authorised development not including the WPD Works, and WPD in relation to the WPD Works, may, with the consent of the Secretary of State—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between National Grid or WPD and the transferee; or
- (b) grant to another person (“the lessee”) for a period agreed between National Grid or WPD and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.

(2) The Secretary of State must consult the MMO before giving consent to the transfer or grant to another person of the whole or part of the benefit of the provisions of the Deemed Marine Licence.

(3) Where a transfer or grant has been made in accordance with paragraph (1) references in this Order to National Grid or WPD (as the case may be), except in paragraph (4), is to include references to the transferee or the lessee.

(4) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) must be subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by National Grid or WPD.

Application of the 1990 Act

8.—(1) This article applies where land is used for the temporary construction works.

(2) Where this article applies, section 57(2) of the 1990 Act (planning permission required for development) applies as if the development consent granted by this Order were planning permission granted for a limited period.

Application of the Community Infrastructure Levy Regulations 2010

9.—(1) The Community Infrastructure Levy Regulations 2010(1) apply to the authorised development as if regulation 5(2) of those Regulations (meaning of “planning permission”) referred to development consent which is deemed to be granted for a limited period by an order made under section 114(1)(a) of the 2008 Act (grant or refusal of development consent) rather than to planning permission which is granted for a limited period.

(2) Development consent is deemed to be granted for a limited period for the temporary construction works and any other temporary buildings or works authorised by this Order.

Changes to legislation:

There are currently no known outstanding effects for the The National Grid (Hinkley Point C Connection Project) Order 2016, PART 2.