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STATUTORY INSTRUMENTS

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**2016 No. 49**

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

PART 1

PRELIMINARY

**Citation and commencement**

1. This Order may be cited as the National Grid (Hinkley Point C Connection Project) Order 2016 and comes into force on the 9th February 2016.

**Interpretation**

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

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

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

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

“1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(4);

“1984 Act” means the Road Traffic Regulation Act 1984(5);

“1990 Act” means the Town and Country Planning Act 1990(6);

“1991 Act” means the New Roads and Street Works Act 1991(7);

“2008 Act” means the Planning Act 2008;

“2009 Act” means the Marine and Coastal Access Act 2009(8);

“access and rights of way plans” means the plans listed in Part 1 of Schedule 2 (plans) and certified as the access and rights of way plans by the Secretary of State for the purposes of this Order;

“Archaeological Written Scheme of Investigation” means the scheme included as part of the CEMP identifying steps to mitigate predicted effects on archaeology, geo-archaeology, paleo-environmental and historic landscape heritage assets during construction of the authorised development;

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(1) 1961 c. 33.  
(2) 1965 c. 56.  
(3) 1980 c. 66.  
(4) 1981 c. 66.  
(5) 1984 c. 27.  
(6) 1990 c. 8.  
(7) 1991 c. 22.  
(8) 2009 c. 23.

“authorised development” means the development and associated development, described in Schedule 1 (authorised development) and any other development authorised by this Order, which is development within the meaning of section 32 of the 2008 Act;

“Biodiversity Mitigation Strategy” means the strategy included as part of the CEMP incorporating measures to avoid, reduce, mitigate and compensate for likely adverse effects on ecological receptors arising from the construction of the authorised development;

“Book of Reference” means the Book of Reference certified under article 44 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;

“business day” means Monday to Friday excluding Bank Holidays and other public holidays;

“carriageway” has the same meaning as in the 1980 Act;

“CEMP” means the Construction Environmental Management Plan (Document 5.26.1C) together with the Archaeological Written Scheme of Investigation (Document 5.26.4C), the Biodiversity Mitigation Strategy (Document 5.26.3C) the Construction Traffic Management Plan (Document 5.26.5C), the Noise and Vibration Management Plan (Document 5.26.7B), the Public Rights of Way Management Plan (Document 5.26.6C) and the Waste Management Plan (Document 5.26.2C) which incorporates the findings and recommendations of the Environmental Statement, certified under article 44 (certification of plans etc.);

“Construction Traffic Management Plan” means the plan included as part of the CEMP incorporating strategies and measures to limit the impact on existing users of the public highway network arising from construction of the authorised development;

“Deemed Marine Licence” means the marine licence set out in Schedule 9;

“design drawings” means the drawings and sections listed in Part 2 of Schedule 2 (plans) and certified as the design drawings certified by the Secretary of State for the purposes of this Order;

“electronic transmission” means a communication transmitted—

- (a) by means of an electronic communications network; or
- (b) by other means but while in electronic form;

“Environmental Statement” means the environmental statement (May 2014 – Documents 5.1 to 5.7.3.13, 5.8.1 to 5.19, 5.22.1, 5.22.2.1 to 5.22.3, 5.23.1 to 5.23.4, and 5.24), the environmental statement advertisement for consultation on increased pylon height within Bristol Port, Avonmouth (June 2015 - Document 5.34.2), National Grid’s report of environmental statement sensitivity test advertisement (March 2015 – Document 8.8) and the documents contained in or named in the consolidated errata and changes (June 2015 – Document 5.30.B.1, 5.30.B.2 and 5.30.B.3) submitted by National Grid to support its application, as set out in the Guide to the Application Document 1.7I including Document 5.21.2A incorrectly referred to as superseded, Document 5.22.1A referred to as the latest when it is supplementary, but excluding Document 5.27 which does not form part of the Environmental Statement;

“highway” and “highway authority” have the same meaning as in the 1980 Act;

“Land Plans” mean the relevant plans listed in Part 3 of Schedule 2 (plans) and certified as the Land Plans by the Secretary of State for the purposes of this Order, and references to a particular Land Plan must be construed accordingly;

“Landscape Drawings” mean the drawings listed in Part 9 of Schedule 2 (plans) and certified as the Landscape Drawings by the Secretary of State for the purposes of this Order, and references to a particular Landscape Drawing must be construed accordingly;

“limits of deviation” means the limits of deviation referred to in article 5 (limits of deviation) and shown on the Works Plans;

“main river” has the same meaning as in Part 4 of the Water Resources Act 1991<sup>(9)</sup>;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct or replace the authorised development, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the Environmental Statement, and any derivative of “maintain” must be construed accordingly;

“MMO” means the Marine Management Organisation;

“National Grid” means National Grid Electricity Transmission plc (registered company number 2366977);

“Noise and Vibration Management Plan” means the plan included as part of the CEMP incorporating procedures for the management of noise and vibration arising from the construction of the authorised development;

“Order land” means the land shown on the Land Plans which is within the Order limits and described in the Book of Reference;

“Order limits” means the limits shown on the Land Plans and on the Works Plans within which the authorised development may be carried out;

“owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981<sup>(10)</sup>;

“Port Authority” means First Corporate Shipping Limited (registered company number 2542406) trading as The Bristol Port Company, being the statutory harbour authority and competent harbour authority for the Port of Bristol, and includes its [<sup>F</sup>haven master];

“Public Rights of Navigation Plan” means the plan listed in Part 4 of Schedule 2 (plans) and certified as the Public Rights of Navigation Plan by the Secretary of State for the purposes of this Order;

“Public Rights of Way Management Plan” means the plan included as part of the CEMP detailing measures to manage the temporary closure of public footpaths arising from the construction of the authorised development;

“relevant highway authority” means, in any given provision of this Order, the local highway authority for the area to which the provision relates;

“relevant local authority” means, in any given provision of this Order, the local authority for the area to which the provision relates;

“relevant planning authority” means, in any given provision of this Order, the local planning authority for the area to which the provision relates;

“relevant street authority” means, in any given provision of this Order, the local highway authority for the area to which the provision relates;

“Requirements” means the Requirements listed in Schedule 3, and any numbered Requirement must be construed accordingly.

“the sections” means the sections included as part of the design drawings and listed in Part 2(a) of Schedule 2 (plans);

“Special Category Land and Crown Land Plans” means the plans listed in Part 5 of Schedule 2 (plans) and certified as the Special Category Land and Crown Land Plans by the Secretary of State for the purposes of this Order;

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

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<sup>(9)</sup> 1991 c. 57.

<sup>(10)</sup> 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.

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“temporary construction works” means Works Nos. 2D and 3B;

“traffic” has the same meaning as in section 329(1) of the 1980 Act;

“traffic authority” has the same meaning as in the 1984 Act;

“Traffic Regulation Plans” mean the plans listed in Part 6 of Schedule 2 (plans) and certified as the Traffic Regulation Plans by the Secretary of State for the purposes of this Order, and references to a particular Traffic Regulation Plan must be construed accordingly;

“trees and hedges to be removed or affected plans” means the plans listed in Part 7 of Schedule 2 (plans) and certified as the trees and hedges to be removed or affected plans by the Secretary of State for the purposes of this Order;

“the Tribunal” means the Lands Chamber of the Upper Tribunal;

“undertaker” means—

(a) in relation to the authorised development, National Grid; and

(b) in relation to the WPD Works, includes WPD;

“Waste Management Plan” means the plan included as part of the CEMP incorporating measures for the management of waste arising from the construction of the authorised development;

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

“WPD” means Western Power Distribution (South West) plc (registered company number 2366894);

“WPD Works” means Works Nos. 4A to 4P and any associated development in connection with those Works; and

“Works Plans” means the plans listed in Part 8 of Schedule 2 (plans) and certified as the Works Plans by the Secretary of State under article 44, and references to a particular Works Plan must be construed accordingly.

(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 and references in this Order to the imposition of restrictions are references to restrictions over land which interfere with the interests or rights of another and are for the benefit of land which is acquired, or rights over which are acquired, under this Order.

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

(4) All areas described in square metres in the Book of Reference are approximate.

(5) References in this Order to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the access and rights of way plans.

(6) References in this Order to numbered Works are references to the Works as numbered in Schedule 1 (authorised development).

(7) References in this Order to “Document” followed by a number or numbers are references to documents submitted by National Grid in support of this Order.

(8) For the purposes of this Order, “operational use” in relation to any part of the authorised development occurs when that part first transmits electricity at either 132kV or 400kV.

**F1** Words in art. 2(1) substituted (21.7.2017) by [The National Grid \(Hinkley Point C Connection Project\) \(Correction\) Order 2017 \(S.I. 2017/786\)](#), art. 1, **Sch.**

**Changes to legislation:**

There are currently no known outstanding effects for the The National Grid (Hinkley Point C Connection Project) Order 2016, PART 1.