
STATUTORY INSTRUMENTS

2019 No. 1315

The Drax Power (Generating Stations) Order 2019

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Drax Power (Generating Stations) Order 2019 and comes into force on 25th October 2019.

Commencement Information

II Art. 1 in force at 25.10.2019, see [art. 1](#)

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961 ^{M1};

“the 1965 Act” means the Compulsory Purchase Act 1965 ^{M2};

“the 1980 Act” means the Highways Act 1980 ^{M3};

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981 ^{M4};

“the 1984 Act” means the Road Traffic Regulation Act 1984 ^{M5};

“the 1990 Act” means the Town and Country Planning Act 1990 ^{M6};

“the 1991 Act” means the New Roads and Street Works Act 1991 ^{M7};

“the 2008 Act” means the Planning Act 2008 ^{M8};

“access and rights of way plans” means the plans of that name identified in the Table 17 in Schedule 14 (documents and plans to be certified) and which are certified by the Secretary of State as the access and rights of way plans for the purposes of this Order;

“address” includes any number or address used for the purposes of electronic transmission;

“AOD” means above ordnance datum;

“AGL” means above ground level;

“apparatus” has the same meaning as in Part 3 of the 1991 Act except that it further includes pipelines (and parts of them), aerial markers, cathodic protection test posts, field boundary markers, transformer rectifier kiosks, electricity cables, telecommunications equipment and electricity cabinets;

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

“book of reference” means the document of that name identified in the table in Schedule 14 and which is 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;

“carbon capture readiness reserve space” means the area comprised in Work No. 10 shown on the works plans;

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

“the CHP statement” means the document of that name identified in the table in Schedule 14 and which is certified by the Secretary of State as the CHP statement for the purposes of this Order;

“commence” means carry out a material operation, as defined in section 155 of the 2008 Act (which explains when development begins), comprised in or for the purposes of the authorised development other than the permitted preliminary works (except where stated to the contrary) and “commencement”, “commenced” and cognate expressions are to be construed accordingly;

“commissioning” means the process of assuring that all systems and components of each of numbered works 1A and 2A (which are installed or whose installation is near to completion) are tested to verify that they function and are operable in accordance with the design objectives, specifications and operational requirements of the undertaker and “commission” and other cognate expressions, in relation to numbered works 1A and 2A, are to be construed accordingly;

“compulsory acquisition notice” means a notice served in accordance with section 134 of the 2008 Act;

“date of Work No. 1A full commissioning” means the date on which the commissioning of numbered work 1A is completed as notified by the undertaker to the relevant planning authority pursuant to Requirement 4(2) of Schedule 2;

“date of Work No. 2A full commissioning” means the date on which the commissioning of numbered work 2A is completed as notified by the undertaker to the relevant planning authority pursuant to Requirement 4(3) of Schedule 2;

“design parameters” means the parameters set out in Schedule 13 (design parameters)

“Drax Power Limited” means Drax Power Limited (Company Registration Number 04883589) whose registered office is at Drax Power Station, Selby, North Yorkshire YO8 8PH;

“Electricity Acts” means the Electric Lighting Act 1909 ^{M9}, the Electricity (Supply) Act 1919 ^{M10} and the Electricity Act 1989 ^{M11};

“electronic transmission” means a communication transmitted—

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

“the environmental statement” means the document of that name identified in the table in Schedule 14 and which is certified by the Secretary of State as the environmental statement for the purposes of this Order;

“the flood risk assessment” means the document of that name identified in the table in Schedule 14 and which is certified by the Secretary of State as the flood risk assessment for the purposes of this Order;

- “footpath” and “footway” have the same meaning as in the 1980 Act;
- “highway” and “highway authority” have the same meaning as in the 1980 Act;
- “the land plans” means the plans of that name identified in the table in Schedule 14 and which are certified by the Secretary of State as the land plans for the purposes of this Order;
- “limits of deviation” means the limits of deviation shown for each work number on the works plans;
- “maintain” includes inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve any part of, but not remove, reconstruct or replace the whole of, the authorised development provided that any such activities do not give rise to any materially new or materially different environmental effects which are worse than those assessed in the environmental statement and “maintenance” and “maintaining” are to be construed accordingly;
- “NGET” means National Grid Electricity Transmission plc (Company Registration Number 02366977) whose registered office is at 1 to 3 Strand, London, WC2N 5EH;
- “NGG” means National Grid Gas plc (Company Registration Number 02006000) whose registered office is at 1 to 3 Strand, London WC2N 5EH;
- “Order land” means the land delineated and marked as such on the land plans;
- “Order limits” means the limits shown on the works plans within which the authorised development may be carried out;
- “the outline construction environmental management plan” means the document of that name identified in the table in Schedule 14 and which is certified by the Secretary of State as the outline construction environmental management plan for the purposes of this Order;
- “the outline construction traffic management plan” means the document of that name identified in the table in Schedule 14 and which is certified by the Secretary of State as the outline construction traffic management plan for the purposes of this Order;
- “the outline construction worker travel plan” means the document of that name identified in the table in Schedule 14 and which is certified by the Secretary of State as the outline construction worker travel plan for the purposes of this Order;
- “the outline landscape and biodiversity strategy” means the document of that name identified in the table in Schedule 14 and which is certified by the Secretary of State as the outline landscape and biodiversity strategy for the purposes of this Order;
- “the outline public right of way management plan” means the document of that name identified in the table in Schedule 14 and which is certified by the Secretary of State as the outline public right of way management plan for the purposes of this Order;
- “the outline surface water drainage strategy” means the outline surface water drainage strategy in section 6.0 of the flood risk assessment;
- “owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981^{M12};
- “permitted preliminary works” means, subject to article 7(2), all or any of—
- (a) ^{F1}environmental surveys, geotechnical surveys, intrusive archaeological surveys and other investigations for the purpose of assessing ground conditions, demolition of buildings and removal of plant and machinery;
 - (b) ^{F1}above ground site preparation for temporary facilities for the use of contractors;
 - (c) ^{F1}the provision of temporary means of enclosure and site security for construction;
 - (e) ^{F1}the temporary display of site notices or advertisements; or

(f) ^{F1}site clearance (including vegetation removal, demolition of existing buildings and structures);

“Planning Acts” means the Town and Country Planning Act 1947 ^{M13}, the Town and Country Planning Act 1962 ^{M14}, the Town and Country Planning Act 1971 ^{M15}, and the 1990 Act;

“plot” means the plots listed in the book of reference and shown on the land plans;

“relevant planning authority” means the district planning authority for the area in which the land to which the provisions of this Order apply is situated;

“Requirements” means those matters set out in Schedule 2 (Requirements) and “Requirement” means any one of the Requirements;

“stage 1” means numbered works 1, 3A, 4A, 5, 6, 7, 8A, 9 (only in so far as applicable to numbered work 1), 11 (only in so far as applicable to numbered work 1), 12A, 13 and 14 and as further described in the environmental statement;

“stage 2” means numbered works 2, 3B, 4B, 8B, 9 (only in so far as applicable to numbered work 2), 11 (only in so far as applicable to numbered work 2), 12B and as further described in the environmental statement;

“statutory undertaker” means any person falling within section 127(8) of the 2008 Act and includes a public communications provider defined by section 151(1) of the Communications Act 2003 ^{M16};

“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 any footpath and any part of a street;

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

“street works” means the works listed in article 9(1);

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

“undertaker” means ^{F2}... the person who has the benefit of this Order in accordance with article 6;

“watercourse” includes every river, stream, creek, ditch, drain, canal, cut, culvert, dyke, sluice, sewer and passage through which water flows except a public sewer or drain;

“the works plans” means the plans of that name identified in the table in Schedule 14 and which are certified by the Secretary of State as the works plans 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 and to any trusts or incidents (including restrictive covenants) to which the land is subject and references to the creation or acquisition of new rights include the imposition of restrictive covenants which interfere with the interests or rights of another and are for the benefit of land which is acquired under this Order or over which rights are created and acquired under this Order or is otherwise comprised in this Order.

(3) All distances, directions and lengths referred to in this Order are approximate and distances between lines and/or points on a numbered work comprised in the authorised development and shown on the works plans and access rights of way plans are to be taken to be measured along that work.

(4) References in this Order to numbered works are references to the works comprising the authorised development as numbered in Schedule 1 and shown on the works plans and a reference in this Order to a work designated by a number, or by a combination of letters and numbers (for example, “Work No. 1A” or “numbered work 1A”), is a reference to the work so designated in that Schedule and a reference to “Work No. 1” or “numbered work 1” means numbered works 1A to 1D inclusive and the same principle applies to such numbered works that contain letters.

- (5) In this Order, the expression “includes” is to be construed without limitation.
- (6) In this Order, references to any statutory body include that body's successor bodies.
- (7) All areas described in square metres in the book of reference are approximate.

Textual Amendments

- F1** Words in art. 2 renumbered (19.8.2020) by [The Drax Power \(Generating Stations\) \(Correction\) Order 2020 \(S.I. 2020/879\)](#), art. 1(2), **Sch.**
- F2** Words in art. 2 omitted (19.8.2020) by virtue of [The Drax Power \(Generating Stations\) \(Correction\) Order 2020 \(S.I. 2020/879\)](#), art. 1(2), **Sch.**

Commencement Information

- I2** Art. 2 in force at 25.10.2019, see **art. 1**

Marginal Citations

- M1** 1961 c.33.
- M2** 1965 c.56.
- M3** 1980 c.66.
- M4** 1981 c.66.
- M5** 1984 c.27.
- M6** 1990 c.8.
- M7** 1991 c.22.
- M8** 2008 c.29.
- M9** 1909 c.34. This Act was repealed by the [Electricity Act 1989 \(c.29\)](#).
- M10** 1919 c.100. This Act was repealed by the Electricity Act 1989.
- M11** 1989 c.29.
- M12** 1981 c.67.
- M13** 1947 c.51. This Act was repealed by the [Planning \(Consequential Provisions\) Act 1990 \(c.11\)](#).
- M14** 1962 c.38. This Act was repealed by the Planning (Consequential Provisions) Act 1990.
- M15** 1971 c.78. This Act was repealed by the Planning (Consequential Provisions) Act 1990.
- M16** 2003 c.21.

Changes to legislation:

There are currently no known outstanding effects for the The Drax Power (Generating Stations) Order 2019, PART 1.