

STATUTORY INSTRUMENTS

2019 No. 578

The Millbrook Gas Fired Generating Station Order 2019

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Millbrook Gas Fired Generating Station Order 2019 and comes into force on 3rd April 2019.

Commencement Information

II Art. 1 in force at 3.4.2019, 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 1984 Act” means the Road Traffic Regulation Act 1984 ^{M4};

“the 1990 Act” means the Town and Country Planning Act 1990 ^{M5};

“the 1991 Act” means the New Roads and Street Works Act 1991 ^{M6};

“the 2008 Act” means the Planning Act 2008 ^{M7};

“the access road visibility splay” means the visibility splay shown hatched in purple on the access road visibility splay plan;

“access road visibility splay plan” means the plan identified in Table 11 of Schedule 14 (documents and plans to be certified) to this Order and which is certified by the Secretary of State as the access road visibility splay plan for the purposes of this Order;

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

“apparatus” has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act;

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

“book of reference” means the document identified in Table 11 of Schedule 14 (documents and plans to be certified) to this Order 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;

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

“commence” means beginning to carry out any material operation, as defined in section 155 (when development begins) of the 2008 Act, comprised in or carried out for the purposes of the authorised development other than operations consisting of environmental surveys and monitoring, investigations for the purpose of assessing ground conditions, receipt and erection of construction plant and equipment, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and the words “commencement” and “commenced” and cognate expressions are to be construed accordingly;

“date of final commissioning” means the date on which the authorised development commences operation by generating power on a commercial basis but excluding the generation of power during commissioning and testing;

“design principles statement” means the document identified in Table 11 of Schedule 14 (documents and plans to be certified) to this Order and certified as such 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;

“the environmental statement” means the document identified in Table 11 of Schedule 14 (documents and plans to be certified) to this Order and which is certified as such by the Secretary of State for the purposes of this Order;

“exhaust gas emission flue stack” means the exhaust gas emission flue stack including ancillary support structures, sound proof cladding, and emissions monitoring platforms;

“footpath” and “footway” have the same meaning as in the 1980 Act;

“gas turbine generator” means one gas turbine which drives a single electricity generator for the purposes of generating electricity including air inlet filter house, air inlet duct, exhaust diffuser, and auxiliaries such as lube oil system, air dryers, fuel gas filter package, instrument air system and compressor washing;

“gross rated electrical output” means the aggregate of gross electrical power as measured at the terminals of the generator in accordance with standards agreed with the regulating authority under the Environmental Permitting (England and Wales) Regulations 2016;

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

“land plans” means the plans identified in Table 11 of Schedule 14 (documents and plans to be certified) to this Order and which are certified as the land plans by the Secretary of State for the purposes of this Order;

“limits of deviation” means, in respect of numbered works 1A, 1B, 1C, 1D, 2A, 2B, 3A, 3B, 4A, 4B, 5, 6, 7, and 8 the outer limits of the corresponding numbered area shown on the works plans;

“low level restoration scheme agricultural track” means an access track into Rookery South Pit from Green Lane which is in part existing and in part to be constructed in accordance with the planning permission for the low level restoration scheme of Rookery South Pit (reference number BC/CM/2000/8);

“low level restoration scheme baseline works” means the works permitted by the planning permission for the low level restoration scheme of Rookery South Pit (reference number BC/CM/2000/8) and shown on the low level restoration scheme baseline works plan;

“low level restoration scheme baseline works plan” means the plan identified in Table 11 of Schedule 14 (documents and plans to be certified) to this Order and which is certified as the

low level restoration scheme baseline works plan by the Secretary of State for the purposes of this Order;

“low level restoration scheme drainage strategy” means the drainage strategy to be approved pursuant to conditions 8 and 9 of the planning permission for the low level restoration scheme of Rookery South Pit (reference number BC/CM/2000/8);

“low level restoration scheme secondary access track” means an access track into Rookery South Pit from Station Lane which is to be constructed in accordance with the planning permission for the low level restoration scheme of Rookery South Pit (reference number BC/CM/2000/8);

“maintain” includes, to the extent assessed in the environmental statement, inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve any part, but not the whole of, the authorised development and “maintenance” and “maintaining” are to be construed accordingly;

“Millbrook Power Limited” means Millbrook Power Limited (Company No. 08920458) whose registered office is at Drax Power Station, Drax, Selby, North Yorkshire YO58 8PH;

“National Grid Electricity” means National Grid Electricity Transmission plc (Company Registration Number 02366977) whose registered office is at 1 to 3 Strand, London, WC2N 5EH;

“National Grid Gas” means National Grid Gas plc (Company Registration Number 02006000) whose registered office is at 1 to 3 Strand, London WC2N 5EH;

“Network Rail” means Network Rail Infrastructure Limited (Company Registration Number 02904587) whose registered office is at 1 Eversholt Street, London, NW1 2DN;

“Order land” means the land which is required for, or is required to facilitate, or is incidental to, or is affected by, the authorised development shown on the land plans and described in the book of reference;

“Order limits” means the limits shown on the works plans;

“outline construction environment management plan” means the document identified in Table 11 of Schedule 14 (documents and plans to be certified) to this Order and which is certified as the outline construction environment management plan by the Secretary of State for the purposes of this Order;

“outline construction traffic management measures” means the document identified in Table 11 of Schedule 14 (documents and plans to be certified) to this Order and which is certified as the outline construction traffic management measures by the Secretary of State for the purposes of this Order;

“outline landscape and ecological mitigation and management strategy” means the document identified in Table 11 of Schedule 14 (documents and plans to be certified) to this Order and which is certified as the outline landscape and ecological mitigation and management strategy by the Secretary of State for the purposes of this Order;

“outline lighting strategy” means the document identified in Table 11 of Schedule 14 (documents and plans to be certified) to this Order and which is certified as the outline lighting strategy by the Secretary of State for the purposes of this Order;

“outline travel plan” means document identified in Table 11 of Schedule 14 (documents and plans to be certified) to this Order and which is certified as the outline travel plan by the Secretary of State for the purposes of this Order;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981^{M8};

“relevant planning authority” means Central Bedfordshire Council in relation to land in its area and Bedford Borough Council in relation to land in its area, and “the relevant planning authorities” means both of them;

“requirements” means those matters set out in Schedule 2 to this Order;

“rights of way, streets and access plan” means the plan identified in Table 11 of Schedule 14 (documents and plans to be certified) to this Order and which is certified as the rights of way, streets and access plan by the Secretary of State for the purposes of this Order;

“Rookery South access road” means the access road comprising numbered work 5A pursuant to The Rookery South (Resource Recovery Facility) Order 2011^{M9};

“statutory undertaker” means any person falling within section 127(8) (statutory undertakers' land) of the 2008 Act;

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

“street authority”, in relation to a street, has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act;

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

“undertaker” means

- (a) in respect of the authorised development, Millbrook Power Limited;
- (b) in respect of numbered works 5, 6 and 7, Millbrook Power Limited and National Grid Electricity; and
- (c) in respect of numbered work 3A, Millbrook Power Limited and National Grid Gas;

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

“works plans” means the plans identified in Table 11 of Schedule 14 (documents and plans to be certified) to this Order and which is 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 and references in this Order to the imposition of restrictions are references to restrictive covenants over land 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 plan and rights of way, streets and access plan are to be 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 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 to numbered work 1 means 1A to 1D (inclusive), a reference to numbered work 2 means 2A and 2B (inclusive), a reference to numbered work 3 means 3A and 3B (inclusive), and a reference to numbered work 4 means 4A and 4B (inclusive). 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 rights of way, streets and access plan.

(6) The expression “includes” is to be construed without limitation.

(7) References to any statutory body include that body's successor bodies as from time to time have jurisdiction over the authorised development.

Commencement Information

I2 Art. 2 in force at 3.4.2019, see [art. 1](#)

Marginal Citations

M1 1961 c.33.

M2 1965 c.56.

M3 1980 c.66.

M4 1984 c.27.

M5 1990 c.8.

M6 1991 c.22.

M7 2008 c.29.

M8 1981. c.67.

M9 S.I. 2013/680.

Changes to legislation:

There are currently no known outstanding effects for the The Millbrook Gas Fired Generating Station Order 2019, PART 1.