
STATUTORY INSTRUMENTS

2013 No. 3200

**The National Grid (King's Lynn B
Power Station Connection) Order 2013**

PART 1

Preliminary

Citation and commencement

1. This Order may be cited as the National Grid (King's Lynn B Power Station Connection) Order 2013 and shall come into force on 9th January 2014.

Interpretation

2.—(1) In this Order—

“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);

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

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- (1) 1961 c. 33. Sections 1 and 4 were amended by the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307). Sections 2 and 3 were repealed by that Order.
- (2) 1965 c. 56. The Act has been substantially amended by subsequent legislation. The principal amendments relevant to this Order are that the Courts Act 1971 (c. 23) amended section 12; the Statute Law (Repeals) Act 1973 (c. 39) amended sections 9, 25 and 29; the Rentcharges Act 1977 (c. 30) repealed section 24 subject to savings; the Acquisition of Land Act 1981 (c. 67) amended sections 1, 11, 30, 31 and 32; the Housing (Consequential Provisions) Act 1985 (c. 71) amended section 11; the Planning (Consequential Provisions) Act 1990 (c. 11) amended sections 1 and 10; the Local Government Finance (Repeals, Savings and Consequential Amendments) Order 1990 (S.I. 1990/776) repealed section 27; the Planning and Compensation Act 1991 (c. 34) amended sections 3, 5, 20 and 31; the Courts Act 2003 (c. 39) amended section 1; the Constitutional Reform Act 2005 (c. 4) amended sections 23 and 25; the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No. 1) amended sections 11 and 31; the Tribunals, Courts and Enforcement Act 2007 (c. 15) amended section 13; and the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307) amended sections 5, 6, 8, 10, 11, and 15 to 20.
- (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.
- (4) 1981 c. 66. Sections 2(3), 6(2) and 11(6) were amended by section 4 of, and paragraph 52 of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11). Section 15 was amended by sections 56 and 321(1) of, and Schedules 8 and 16 to, the Housing and Regeneration Act 2008 (c. 17). Paragraphs 4, 8 and 9 of Schedule 1 were amended by Schedule 1 to the

“the 1990 Act” means the Town and Country Planning Act 1990(5);

“the 1991 Act” means the New Roads and Street Works Act 1991(6);

“the 2008 Act” means the Planning Act 2008;

“approved construction routes” means—

- (a) for all construction traffic serving towers KL01 to KL07 referred to in Work No 1, the Northern Construction Route (shown on plan reference MPP00006 - 2 Figure 1A);
- (b) for the 200 tonne lifting capacity crane vehicles serving towers KL08 and 4VV039 referred to in Work No 1, the Southern Construction Route (shown on plan reference MPP00006 - 2 Figure 2A); and
- (c) for all construction traffic serving towers KL08 and 4VV039 in the Southern Construction Route, the route approved, after consultation with the highway authority, by the relevant planning authority;

“authorised development” means the development and associated development, including any necessary demolitions, 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;

“the 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 same meaning as in the 1980 Act;

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

“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 document” means the environmental statement certified as the environmental document by the Secretary of State for the purposes of this Order and submitted with the application;

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

“the land plans” means the plans (reference: A1/PTD/6320/070/Rev C, A1/PTD/6320/071/Rev B, A1/PTD/6320/072/Rev C, A1/PTD/6320/073/Rev C, A1/PTD/6320/074/Rev B and A1/PTD/6320/075/Rev B) certified as the land plans by the Secretary of State for the purposes of this Order;

“limits of deviation” means the limits of deviation referred to in article 6 shown on the works plans;

Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307). Paragraph 1 of Schedule 2 was amended by section 76 of, and Part 2 of Schedule 9 to, the Housing Act 1988 (c. 50); section 161(4) of, and Schedule 19 to, the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28); and sections 56 and 321(1) of, and Schedule 8 to, the Housing and Regeneration Act 2008. Paragraph 3 of Schedule 2 was amended by section 76 of, and Schedule 9 to, the Housing Act 1988 and section 56 of, and Schedule 8 to, the Housing and Regeneration Act 2008. Paragraph 2 of Schedule 3 was repealed by the Inheritance Tax Act 1984 (c. 51). There are other amendments to the 1981 Act which are not relevant to this Order.

(5) 1990 c. 8. There are amendments to the 1990 Act not relevant to this Order.

(6) 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 which are not relevant to this Order.

“maintain” means to maintain and any of its derivatives including to inspect, repair, adjust, alter, remove, reconstruct, replace, or relay the authorised development, but not so as to vary from the description of the authorised development in Schedule 1 nor the overall shape, size and lattice form of the towers, and any derivative of “maintain” is to be construed accordingly;

“National Grid” means National Grid Electricity Transmission plc company number 2366977 whose registered office is at 1-3 the Strand, London WC2N 5EH;

“operational use” occurs when Work No 1 of the authorised development first transmits electricity at 400 kV;

“Order land” means the land shown on the land plans which is within the Order limits and described in the book of reference;

“the Order limits” means the limits of deviation of land to be acquired or used and the limits of additional land to be acquired or used as shown on the works and land 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(7);

“permitted substation” means the substation to be constructed pursuant to deemed planning permission for King’s Lynn B Power Station dated 5 February 2009 ref: 01.08.10.04/124C;

“relevant planning authority” means the planning authority for the area of land that the provision relates to, being King’s Lynn and West Norfolk Borough Council;

“the Requirements” means the requirements in Schedule 2 (Requirements);

“rights of way plans” means the plans (reference: A0/PTD/6320/059/Rev C, A0/PTD/6320/060/Rev C, A0/PTD/6320/061/Rev B, A0/PTD/6320/062/Rev A, A0/PTD/6320/063/Rev A, A0/PTD/6320/064/Rev A and A0/PTD/6320/065/Rev B) certified as the rights of way plans by the Secretary of State for the purposes of this Order;

“the sections” means the sections shown on the plans (reference: A0/PTD/6320/046/Rev C and A0/PTD/6320/047/Rev C) certified as the sections by the Secretary of State for the purposes of this Order;

“statutory undertaker” (except in Part 1 of Schedule 8) means any person falling within section 127(8) of the 2008 Act;

“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;

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

“undertaker” means National Grid or any other person who has the benefit of this Order in accordance with article 8;

“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 (reference: A0/PTD/6320/076/Rev A, A1/PTD/6320/077/Rev B, A1/PTD/6320/078/Rev A and A1/PTD/6320/079/Rev A) 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 development is to be taken to be measured along that work.

(7) 1981 c. 67. The definition of “owner” in section 7 of the Act was amended by section 70 of and Schedule 15 to the Planning and Compensation Act 1991 (c. 34). There are other amendments to this Act which are not relevant to this Order.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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

(5) References in this Order to numbered Requirements are to the Requirements with those numbers in Schedule 2.

Application and modification of legislative provisions

3. Subject to the modifications set out in Schedule 3 the enactments for the time being in force with respect to compensation for the compulsory purchase of land are to apply in the case of a compulsory acquisition under this Order in respect of a right by the creation of a new right as they apply to the compulsory purchase of land and interests in land.