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STATUTORY INSTRUMENTS

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**2019 No. 1268**

**The Abergelli Power Gas Fired Generating Station Order 2019**

**PART 1**

**PRELIMINARY**

**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);

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- (1) **1961 c.33.** Section 1 was amended by paragraphs 37(a) and (b) of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307; sections 2 and 3 were repealed by paragraph 38 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307; section 4 was amended by paragraphs 39(a), (b) and (c) of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307. The application of section 5A is modified by paragraph 7 of Schedule 8 to this Order. There are other amendments to the 1961 Act which are not relevant to this Order.
- (2) **1965 c.56.** Section 1 was amended by part 1 of Schedule 6 and paragraph 14(2) of Schedule 4 to the Acquisition of Land Act 1981, section 4 of and paragraph 13(1)(a) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c.11), and paragraph 1 of Schedule 10 to the Courts Act 2003, (c.39); sections 2, 7, 9, 14, 21, 22, 24 26, 28 and 30, paragraph 2 of Schedule 2 and paragraphs 2(3) and 7(2) of Schedule 4 were amended by section 9(3) and paragraph 5 of Schedule 3 to the Gas Act 1986 (c.44), section 245(4) of the Town and Country Planning Act 1990 (c.8), section 151(5) of and paragraph 2(1) of Schedule 18 to the Water Act 1989 (c.15), section 13(2) of the Local Government (Miscellaneous Provisions) Act 1976 (c.57), section 7(1)(b) of the Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), section 30(1) of the Acquisition of Land Act 1981 (c.67) and section 129 of the Local Government Act 1972 (c.70), sections 39 and 40 and paragraphs 11(1) to Schedule 5 Part III and paragraph 1 to Schedule 4 of the Forestry Act 1967 (c.10), section 49(7)(i) of the Agriculture Act 1967 (c.22), section 15 of the Greater London Council (General Powers) Act 1967 (c.xx), and section 60(1) of the Post Office Act 1969 (c.48), sections 120(3), 124(2) and 273(1) of the Local Government Act 1972 (c.70), article 4 of S.I. 1978/829, article 3 of S.I. 1978/1125 and Part I of Schedule 6 to the New Towns Act 1981 (c.64), with section 129 words of enactment omitted under authority of section 3 of the Statute Law Revision Act 1948 (c.62); sections 2, 7, 9, 14, 21, 22, 26, 28 and 32 were amended by sections 120(3), 124(2), and 273(1) of the Local Government Act 1972 (c.70), article 4 of S.I. 1978/829, article 3 of S.I. 1978/1125, Schedule 6 Part I of the New Towns Act 1981 (c.64), sections 6, 37(4)(5), 38, and paragraphs 2(2) and 15(9) of Schedule 2 and paragraphs 3(1), 5(1) and 8 of Schedule 5 to the Channel Tunnel Act 1987 (c.53), sections 2(2), and paragraph 1 of Schedule 2 Part II and paragraph 1(8) of Schedule 3 to the Dartford–Thurrock Crossing Act 1988 (c.20), section 10(1) and paragraph 6 of Schedule 3 Part I to the Electricity Act 1989 (c.29), sections 151(5), 151(6), 155(3) to (7) of and paragraphs 2(2)(3) to (8) of Schedule 18 and paragraphs 6(1)(a)(c) of Schedule 20 to the Water Act 1989 (c.15), section 10(1) of and paragraphs 7 to 13 of Schedule 3 Part I to the Electricity Act 1989 (c.29), and extended by paragraph 16(1) of Schedule 2 to the Telecommunications Act 1984 (c.12); section 3 was amended by paragraph 3 of Schedule 15(1) to the Planning and Compensation Act 1991 (c.34); section 4 was amended by section 182(1) of the Housing and Planning Act 2016 (c.22); section 4A was inserted by s202(1) of the Housing and Planning Act 2016 (c.22); section 5 was amended by section 67 Part III of the Planning and Compensation Act 1991 (c.34), section 192(2) Part 7 of the Housing and Planning Act 2016 (c.22) and paragraph 60 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307; section 6 was amended by paragraph 61 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307; section 7 was also extended by section 237(4)(a) of the Town and Country Planning Act 1990 (c.8), and by section 78(2)(a), and paragraph 5(4) of Schedule 10 Part II to the Housing Act 1988 (c.50); section 8 was amended by paragraphs 62(b) and (c) of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 and paragraph 2 of Schedule 17(1) to the Housing and Planning Act 2016 (c.22); section 9 was also amended by section 1(1) of and Schedule 1 to the Statute Law (Repeals) Act 1973 (c.39), section 52(10)(a) of the Land Compensation Act 1973 (c.26), section 13(3) and paragraphs 4 and 5 to Schedule 3 of the Agriculture (Miscellaneous Provisions) Act 1968 (c.34), section 146(10) of the Town and Country Planning Act (c.8) and by section 54(7) of the Land Compensation Act (c.26); section 10 was amended by paragraph 63 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307 and paragraphs 13(2)(a) and (b) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c.11); section 11 was amended by section 186(2), section 187(2), section 188 and paragraph 6 of Schedule 14 to the Housing and Planning Act

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

“the 1984 Act” means the Road Traffic Regulation Act 1984(4);

“the 1986 Act” means the Gas Act 1986(5)

“the 1989 Act” means the Electricity Act 1989(6)

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2016 (c.22), paragraphs 14(3)(a) and (b) of Schedule 4 to the Acquisition of Land Act 1981 (c.67), paragraph 12(1) of Schedule 5 to the Church of England (Miscellaneous Provisions) Measure 2006 No.1, and paragraph 64 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307; Section 11A was added by section 186(3) of the Housing and Planning Act 2016 (c.22); section 11B was added by section 187(3) of the Housing and Planning Act 2016 (c.22); section 12(6) was amended by paragraph 4 of Schedule 16 to the Housing and Planning Act 2016 (c.22); section 13 was amended by section 139 (5) to (9), paragraph 28(2) of Schedule 13 and paragraph 1 of Schedule 23(3) to the Tribunals, Courts and Enforcement Act 2007 (c.15); section 15 was amended by paragraph 65 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307; Section 16 was amended by paragraph 66 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307; section 17 was amended by paragraph 67 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307; section 18 was amended by paragraph 68 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307; Section 19 was amended by paragraph 69 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307; Section 20 was amended by paragraph 4 of Schedule 15(1) to the Planning and Compensation Act 1991 (c.34) and paragraph 70 of Schedule 1 to the Transfer of Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307; section 22 was also modified by section 13(3) of and paragraphs 4 and 5 of Schedule 3 to the Agriculture (Miscellaneous Provisions) Act 1968 (c.34), and excluded by section 10(3) of the Compulsory Purchase (Vesting Declarations) Act 1981 (c.66); section 23 was amended by paragraph 4(1) of Schedule 11(2) to the Constitutional Reform Act 2005 c.4; section 24 was also amended by section 17(2)(3) and Schedule 2 to the Rentcharges Act 1977 (c.30); section 25 was amended by paragraph 4(1) of Schedule 11(2) to the Constitutional Reform Act 2005 (c.4) and s1(1) and Part IX of Schedule 1 to the Statute Law (Repeals) Act (c.39); Section 26 was also amended by section 13(3) and paragraphs 4 and 5 of Schedule 3 to the Agriculture (Miscellaneous Provisions) Act 1968 (c.34); section 27 was repealed by article 3 and Schedule 1 to S.I. 1990/776; section 29 was repealed by paragraph 1 of Schedule 23(3) to the Courts and Enforcement Act 2007 (c.15); section 30 was also amended by section 34(1) and paragraph 14(4) of Schedule 4 to the Acquisition of Land Act 1981 (c.67); section 31 was amended by section 34(1) and paragraph 14(5) of Schedule 4 to the Acquisition of Land Act 1981 (c.67), paragraph 19(b) of Schedule 15(II) to the Planning and Compensation Act 1991 (c.34) and paragraph 12(2) of Schedule 5 to the Church of England (Miscellaneous Provisions) Measure 2006 No.1; Section 32 was also amended by section 34(1), and paragraph 14(6) of Schedule 4 to the Acquisition of Land Act 1981 (c.67); Paragraph 10 of Schedule 1 was amended by Schedule 9(3), Schedule 3 Part II paragraph 5 of the Gas Act 1986 (c.44), sections 10 and 14(4) of the Land Commission Act 1967 (c.1), section 28(4) and Schedule 3 paragraph 3 of the Courts Act 1971 (c.23), sections 47(6) and 52(2) of the Highways Act 1971 (c.41), section 10(1) and Schedule 3 paragraphs 6 to 13 of the Electricity Act 1989 (c.29), section 78(2)(b) and Schedule 10 Part III paragraph 20–23 of the Housing Act 1988 (c.50), section 578 of the Housing Act 1985 (c.68), section 37(4) of the Land Drainage Act 1976 (c.70), sections 6(2),(4),(6),(7) and 27, Schedule 4 Part II and Schedule 7 paragraph 5(5) of the Development of Rural Wales Act 1976 (c.75), article 4 of S.I. 1978/268, section 250 and Schedule 19 of the Highways Act 1980 (c.66), section 245(4) of the Town and Country Planning Act 1990 (c.8), section 151(5) and Schedule 18 paragraph 2(1) with sections 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4) to (10), 190, 193(1), Schedule 26 paragraphs 3(1)(2), 17, 40(4), 57(6), 58) of the Water Act 1989 (c.15), section 13(2) of the Local Government (Miscellaneous Provisions) Act 1976 (c.57), section 7(1)(b) of the Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), section 30(1) of the Acquisition of Land Act 1981 (c.67), and section 129 of the Local Government Act 1972 (c.70) Words of enactment omitted under authority of section 3 of the Statute Law Revision Act 1948 (c.62) and modified by section 13(3) and Schedule 3 paragraphs 4 and 5 of Agriculture (Miscellaneous Provisions) Act 1968 (c.34); paragraph 2 of Schedule 2 was modified by section 13(3) and paragraphs 4 and 5 of Schedule 3 to the Agriculture (Miscellaneous Provisions) Act 1968 (c.34), section 10(2) of the Compulsory Purchase (Vesting Declarations) Act 1981 (c.66), paragraph 14 of Schedule 3A to the Town and Country Planning Act 1968 (c.72) and Schedule 2, Appendix A to the Land Commission (Dissolution) Act 1971 (c.18); paragraph 13 of Schedule 2A was amended by paragraph 3 of Schedule 17(1) to the Housing and Planning Act 2016 (c.22). There are other amendments to the 1965 Act which are not relevant to this Order.

- (3) 1980 c.66. Section 328 was amended by sections 27, 28 and 54 of, and paragraphs 1(2) of Part I and 2 of Part III of Schedule 2 to, the Town and Country Planning Act 1990 (c.8), by sections 3 and 19 of, and paragraph 9 of Schedule 3 to, the Dartford–Thurrock Crossing Act 1988 (c.20), s35, and by paragraphs 7(1) and 10(1) of Schedule 4 to the Channel Tunnel Act 1987 (c.53), and extended by sections 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4) to (10), 190, 193(1) of, and paragraph 1(2) (xxv)(8) of Schedule 25 and paragraphs 3(1)(2), 17, 40(4), 57(6), and 58 of Schedule 26 to, the Water Act 1989 (c.15), and by section 112(1)(3) of, and paragraph 2(4)(d)(6)(9) of Schedule 16, paragraphs 33 and 35(1) of Schedule 17 to, the Electricity Act 1989 (c.29), and by section 67(1)(3) of, and paragraph 2(1)(xl) of Schedule 7 and paragraph 33 of Schedule 8 to, the Gas Act 1986 (c.44). There are other amendments to the 1980 Act which are not relevant to this Order.
- (4) 1984 c.27.
- (5) 1986 c.44. Relevant amendments are as follows: a new section 7 was substituted by section 5 of the Gas Act 1995 (c.45), and was further amended by sections 3(2) and 76(3) and 76(4) of and paragraph 4 of Schedule 6(1) and paragraph 1 of schedule 8 to the Utilities Act 2000 (c.27), regulation 18(2). (3), (4) and (5) of the Electricity and Gas (Internal Markets) Regulations 2011/2704 and section 149(5) of the Energy Act 2004 (c.20); section 48 was amended by paragraph 1 of Schedule 6 to the Gas Act 1995 (c.45).
- (6) 1989 c.29. Relevant amendments are as follows: section 6 was amended by section 30 of the Utilities Act 2000 (c.27), sections 89(3), 136(1), 136(2), 145(5), 145(6), and 145(7), and paragraph 5 of Schedule 19 and paragraph 1 of Schedule 23(1) to the

“the 1990 Act” means the Town and Country Planning Act 1990(7);

“the 1991 Act” means the New Roads and Street Works Act 1991(8);

“the 2008 Act” means the Planning Act 2008(9);

Energy Act 2004 (c.20), articles 6(2)(a), 6(2)(b), 6(3), 6(4) of the Electricity and Gas (Smart Meters Licensable Activity) Order 2012/2400, regulation 19 of the Electricity and Gas (Internal Markets) Regulations 2011/2704, and by paragraph 2 of Schedule 8 to the Climate Change Act 2008 (c.27); section 64 was amended by the Utilities Act 2000 (c.27) Schedule 6, paragraph 38(3);

- (7) 1990 c.8. Section 106 was amended by section 12(1) of the Planning and Compensation Act 1991 (c.34), paragraphs 3(2) and 3(3) of Schedule 2 to the Growth and Infrastructure Act 2013 (c.27), section 33 of the Greater London Authority Act 2007 (c.24), and by section 174(2)(a) to (c) of the Planning Act 2008 (c.29); section 153(4) was inserted by section 200 of the Housing and Planning Act 2016 (c.22); section 264 was amended by paragraph 54 of Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c.60), paragraph 9 of Schedule 3(1) to the British Waterways Board (Transfer of Functions) Order 2012/1659, paragraph 14 of Schedule 1(1) to the Transport for London (Consequential Provisions) Order 2003/1615, paragraphs 20(a) and 20(b) of Schedule 12 to the Localism Act 2011 (c.20), paragraph 18 of Schedule 4(2) to the Infrastructure Act 2015 (c.7), and by paragraph 13(a)(i) of Schedule 1(III) to the Transport Act 2000 (Consequential Amendments) Order 2001/4050. There are other amendments to the 1990 Act which are not relevant to this order.
- (8) 1991 c.22. Section 48 was amended by section 124(2) of the Local Transport Act 2008 (c.26); section 49 was amended by paragraphs 117(a) and 117(b) of Schedule 1(2) to the Infrastructure Act 2015 (c.7); section 50 was amended by section 124(3) of the Local Transport Act 2008 (c.26); section 51 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); section 54 was amended by the transitional provisions specified in article 6(1) to (3) and (5) of SI 2007/3174 and by section 49(1) and paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); section 55 was amended by section 51(9) and paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18), and subject to transitional provisions specified in article 6(4) and (5) of SI 2007/3174 by section 49(2) of the Traffic Management Act 2004 (c.18); section 56 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18), and wording was amended subject to transitional provisions specified in article 5 of SI 2007/3174 by section 43 of the Traffic Management Act 2004 (c.18); section 56A was inserted subject to transitional provisions specified in article 4 of SI 2007/1890 and article 5 of SI 2007/3174 by section 44 of the Traffic Management Act 2004 (c.18); section 57 was amended by section 52(3) and paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); section 58 was amended subject to transitional provisions specified in article 7 of SI 2007/3174 and article 6 of SI 2007/1890 by section 51 of the Traffic Management Act 2004 (c.18) and amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); section 58A was inserted subject to transitional provisions specified in article 7 in SI 2007/1890 and article 8 in 2007/3174 by section 52(1) of the Traffic Management Act 2004 (c.18); section 59 was amended by section 42 of Traffic Management Act 2004 (c.18); section 60 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); section 63 was amended by paragraph 118 of Schedule 1(2) to the Infrastructure Act 2015 (c.7); section 64 was amended by section 52(4) of the Traffic Management Act 2004 (c.18) and by paragraph 12 of Schedule 7 to the Road Traffic Act 1991 (c.40); section 65 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); section 66 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); section 67 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); section 68 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); section 69 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); section 70 was amended subject to transitional provisions specified in article 9 in SI 2007/3174 by section 54 of the Traffic Management Act 2004 (c.18) by section 40(3) of that same Act; section 71 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); section 74 was amended by sections 256(2), (3)(a), (3)(b), (4), (5), (6) and (7) of the Transport Act 2000 (c.38), sections 40(4) and 52(5) of the Traffic Management Act 2004 (c.18) and by paragraph 119 of Schedule 1(2) to the Infrastructure Act 2005 (c.7); section 74A was amended by section 255(1) of the Transport Act 2000 (c.38), section 40(4) of the Traffic Management Act 2004 (c.18) and by paragraphs 120(2) and 120(3) of Schedule 1(2) to the Infrastructure Act 2015 (c.7); section 74B was amended by section 255(1) of the Transport Act 2000 (c.38); Section 79 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); section 83 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); section 86 was added by paragraph 121 of Schedule 1(2) to the Infrastructure Act 2015 (c.7); section 88 was amended by sections 52(6) and 40(5) of the Traffic Management Act 2004 (c.18); section 89 was amended by section 52(7) of the Traffic Management Act 2004 (c.18) and by paragraph 57(1) of Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c.60); section 92 was amended by paragraph 1 of Schedule 1 to the Traffic Management Act 2004 (c.18); section 93 was amended by section 49(3) of the Traffic Management Act 2004 (c.18); section 95A was inserted subject to transitional provisions specified in article 3 of SI 2007/1890 and article 3 of SI 2007/3174 by section 41(1) of the Traffic Management Act 2004 (c.18); section 106 was amended by section 41(2) of the Traffic Management Act 2004 (c.18) and by paragraph 122 of Schedule 1(2) of the Infrastructure Act 2015 (c.7). There are other amendments to the 1991 Act which are not relevant to this Order.
- (9) 2008 c.29. Section 14 was amended by article 2(2) of the Infrastructure Planning (Waste Water Transfer and Storage) Order 2012/1645 and by articles 2(2)(a) and 2(2)(b) of the Infrastructure Planning (Radioactive Waste Geological Disposal Facilities) Order 2015/949; section 74 was amended by Localism Act 2011 (c.20) Schedule 25(20) paragraph 1 and Schedule 13(1) paragraph 29(3) of the Localism Act 2011 (c.20); section 83 was amended by paragraphs 35(2) and 35(3) of schedule 13(1) and paragraph 1 of section 25(20) to the Localism Act 2011; section 103 was amended by paragraph 48(4) of Schedule 13(1) and paragraph 1 of Schedule 25(20) to the Localism Act 2011; Section 104 was amended by paragraphs 49(2),(3)(a),(3)(b), (3)(c), (4), (5)(a), (5)(b), (6) and (7) of Schedule 13(1) to the Localism Act 2011, and by section 58(5) of the Marine and Coastal Access Act 2009 (c.23); section 114 was amended by paragraphs 55(2)(a), (2)(b) and (3) of Schedule 13(1) to the Localism Act 2011; section 115 was amended by paragraph 1 of Schedule 25(20) to the Localism Act 2011, section 160(2) to (6) of the Housing and Planning Act 2016 (c.22) and section 160(3) and (4) of the Wales Act 2017 (c.4); section 120 was amended by section 140 and paragraph 60(2) and (3) of Schedule 13(1) to the Localism Act 2011; section 122 was amended

“Abergelli Power Limited” means Abergelli Power Limited (Company No. 8190497) whose registered office is at Drax Power Station, Drax, Selby, United Kingdom, YO8 8PH;

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

“apparatus” has the same meaning as in Part 3 of the 1991 Act;

“authorised development” means the 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 book of reference with submission document reference number 4.3 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 of the 2008 Act (which explains when development begins), 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 (including investigations necessary for the discharge of requirements 14 (site investigation), 15 (mineral resources survey) and 16 (peat management plan)) receipt and erection of construction plant and equipment, erection of any temporary means of enclosure associated with and for the duration of the other works excluded from this definition of commence, the temporary display of site notices or advertisements and the words “commencement” and “commenced” and cognate expressions are to be construed accordingly;

“commissioning” means the process of testing all systems and components of the authorised development (which are installed or in relation to which installation is near complete) in order to ensure that they, and the authorised development as a whole, functions in accordance with the plant design specifications and the undertaker’s operational and safety requirements;

“date of completion of construction” means the date on which the construction of the authorised development is complete including rectification of any construction defects, landscaping and reinstatement works;

“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;

“design principles statement” means the design principles statement with submission document reference number 10.2 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;

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by paragraph 62 of Schedule 13(1) to the Localism Act 2011; section 125 was amended by paragraph 17 of Schedule 16 to the Housing and Planning Act 2016 (c.22); Section 127 was amended by section 23(2)(a), 23(2)(b) and 23(2)(c) of the Growth and Infrastructure Act 2013, (c.27) and by paragraph 64(2) of Schedule 13(1) to the Localism Act 2011; section 134 was amended by section 142(2)(a) and (3) and paragraph 1 of Schedule 25(21) to the Localism Act 2011 and paragraphs 6(1)(a) and 6(1)(b) of Schedule 1 to the Housing and Planning Act 2016 (Compulsory Purchase) (Corresponding Amendments) Regulations 2017/16; section 138 was amended by section 23(4)(a) to (c) of the Growth of Infrastructure Act 2013 (c.27); section 152 was amended by paragraph 293 of Schedule 1 to the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009/1307; section 161 was amended by paragraph 4(3) of Schedule 8(1) to the Marine and Coastal Access Act 2009 (c.23) and by paragraphs 41(3)(a) and 41(3)(b) of Schedule 4(1) to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015/664.

“environmental statement” means the environmental statement submitted with submission document reference numbers 6.1, 6.2, 6.3, 6.4.0 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;

“flood consequences assessment” means the flood consequences assessment contained in appendix 9.1 of the environmental statement and certified as the flood consequences assessment by the Secretary of State for the purposes of this Order;

“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<sup>(10)</sup>;

“hedgerow plan” means the hedgerow plan with submission document reference 2.9 and which is certified as the hedgerow plan by the Secretary of State for the purposes of this Order;

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

“land plans” means the plans with submission document reference number 2.2 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 1, 2 and 3 the outer limits of the corresponding numbered area shown on the works plans;

“maintain” includes inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve any part, but not the whole of, the authorised development but only insofar as such activities are unlikely to give rise to any materially new or different environmental effects from those assessed in the environmental statement and for the avoidance of doubt “maintain” shall not entitle the undertaker to remove or reconstruct the whole of work no. 1, and “maintenance” and “maintaining” are to be construed accordingly;

“National Grid” has the definition set out in paragraph 18 of Schedule 11 to this Order;

“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 outline construction environment management plan revision 2 which is certified as the outline construction environmental management plan by the Secretary of State for the purposes of this Order;

“outline construction staff travel plan” means the outline construction staff travel plan contained in appendix 3.3b of the environment statement and which is certified as the outline construction staff travel plan by the Secretary of State for the purposes of this Order;

“outline construction traffic management plan” means the outline construction traffic management plan contained in appendix 3.3a of the environmental statement and which is certified as the outline construction traffic management plan by the Secretary of State for the purposes of this Order;

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(10) S.I. 2016/1154.

“outline drainage strategy” means the outline drainage strategy revision 1 which is certified as the outline drainage strategy by the Secretary of State for the purposes of this Order;

“outline landscape and ecological mitigation strategy” means the outline landscape and ecological mitigation strategy revision 4 which is certified as the outline landscape and ecological mitigation strategy by the Secretary of State for the purposes of this Order;

“outline lighting strategy” means the outline lighting strategy contained in appendix 3.5 of the environmental statement and which is certified as the outline lighting strategy by the Secretary of State for the purposes of this Order;

“outline surface water management plan” means the outline surface water management plan in appendix 3.2 of the environmental statement and which is certified as the outline surface water management 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 of the Acquisition of Land Act 1981<sup>(11)</sup>;

“relevant planning authority” means the City and County of Swansea Council in relation to land in its area;

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

“rights of way, streets and access plan” means the plan with submission document reference number 2.4 revision 1 and which is certified as the rights of way, streets and access plan by the Secretary of State for the purposes of this Order;

“shut down period” means the period set out in requirement 23 during which construction workers may return to the site office to return safety and other equipment, attend debrief sessions, change clothing and prepare to leave site but during which period no plant or machinery may be operated other than site maintenance machinery and plant such as generators, wheel washes and road sweepers;

“start-up period” means the period set out in requirement 23 during which construction workers may arrive at site, sign in, don personal protective equipment, attend safety and other briefings and mobilise on site but during which no plant or machinery may be operated;

“statutory undertaker” means any person falling within section 127(8) of the 2008 Act and includes a public communications provider as defined by the Communications Act 2003<sup>(12)</sup>;

“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 “street” includes any part of a street;

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

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

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

“undertaker” means Abergelli Power Limited or the person who for the time being has the benefit of this Order in accordance with articles 6 and 7 of this Order;

“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

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(11) 1981. c.67. Section 7 was amended by paragraph 9 of Schedule 15(I) to the Planning and Compensation Act 1991 (c.34). Paragraph 3 in Part III of Schedule 2 was amended by Schedule 1 to S.I. 2009/1307. There are other amendments to section 7 which are not relevant to this Order.

(12) 2003 c.21. Section 106 was amended by section 4, subsections (4) to (9) of the Digital Economy Act 2017 (c.30); section 151(1) was amended by Schedule 1 to the Electronic Communications and Wireless Telegraphy Regulations (S.I. 2011/1210), and Schedule 3A was inserted by paragraph 1 of Schedule 1 to the Digital Economy Act 2017 and regulations 3 and 4 of S.I. 2017/1008.

“works plans” means sheet 1 of 2 and sheet 2 of 2 of the plans with submission document reference number 2.3 and which are 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 airspace 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 (save for the parameters set out in Table 2 of Schedule 2) are approximate and distances between lines 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 (authorised development) and shown on the works plans.

(6) A reference to numbered work 1 means 1A to 1F (inclusive) and a reference to numbered work 5 means 5A and 5B comprising part of the authorised development as numbered in Schedule 1 (authorised development).

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

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

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

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**Commencement Information**

**II** Art. 2 in force at 10.10.2019, see [art. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Abergelli Power Gas Fired Generating Station Order 2019, Section 2.