
STATUTORY INSTRUMENTS

1994 No. 1753

TRANSPORT AND WORKS

INLAND WATERWAYS

The River Humber (Upper Burcom Cooling Works) Order 1994

Made - - - - *1st July 1994*

Coming into force - - *21st July 1994*

The Secretary of State for Trade and Industry, on an application made to him by Humber Power Limited for an Order under section 3 of the Transport and Works Act 1992⁽¹⁾(hereinafter referred to as “the Act”), being satisfied in accordance with section 13(1) of the Act that its requirements in relation to any objections have been satisfied, and having determined to give effect to the proposals comprised in such application with modifications, in exercise of the powers conferred on him by sections 3 and 5 of the Act and the Transport and Works (Descriptions of Works Interfering with Navigation) Order 1992⁽²⁾and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the River Humber (Upper Burcom Cooling Works) Order 1994 and shall come into force on 21st July 1994.

Interpretation

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

“the Applications Rules” means the Transport and Works (Applications and Objections Procedure) Rules 1992⁽³⁾;

“the deposited plans” means the plans, of a kind described in rule 7(1)(a) and (3) of the Applications Rules, which were prepared in connection with the application for this Order;

“the sections” means the sections, of a kind described in rule 7(2) of the Applications Rules, which were prepared in connection with the application for this Order;

“the undertaker” means Humber Power Limited;

(1) 1992 c. 42.
(2) S.I.1992/3230.
(3) S.I. 1992/2902.

Status: This is the original version (as it was originally made).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

“the works” means the works specified in the Schedule to this Order as shown on the deposited plans and the sections and any works constructed in connection therewith and includes any modification to the alignment of those works from the lines or situations shown on the deposited plans within the limits of deviation and any deviation from the levels shown on the sections whether upwards or downwards.

(2) Where the sections or the deposited plans were revised before this Order was made, any reference to them in this Order is to the latest version submitted to the Secretary of State under the Applications Rules.

Special exemptions

3. Paragraph (ii) of section 9 (Licences for execution of works) of the Humber Conservancy Act 1899⁽⁴⁾ and subsection (2) of section 6 (No erections in Humber below river lines or without licence above river lines) of the Humber Conservancy Act 1905⁽⁵⁾ shall not apply to the works.

Certification of plans, etc.

4. The undertaker shall, as soon as practicable after the making of this Order, submit copies of the sections and the deposited plans to the Secretary of State for certification that they are true copies of, respectively, the sections and plans referred to in this Order; and a document so certified shall be admissible in any proceedings as evidence of its contents.

Department of Trade and Industry
1st July 1994

C. C. Wilcock
An Under Secretary,

(4) 1899 c. cci.
(5) 1905 c. clxxix.

SCHEDULE

Article 2(1)

THE WORKS

Work No. 1 One or more conduits with an intake or intakes commencing in the parish of Stallingborough, in the borough of Cleethorpes and County of Humberside and extending into the River Humber from the level of high water for a distance of 1,830 metres or thereabouts and there terminating;

Work No. 2 One or more conduits with an outfall or outfalls commencing in the said parish and extending into the River Humber from the level of high water for a distance of 1,590 metres or thereabouts and there terminating.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order overrides restrictions contained in the Humber Conservancy Acts 1899 and 1905 in their application to a proposed development by Humber Power Limited for the construction of cooling works comprising conduits with an intake or intakes and an outfall or outfalls in the River Humber for the purpose of a combined cycle gas turbine generating station which the Company proposes to construct adjacent to the river in the borough of Cleethorpes.

Because the works will extend into navigable waters and beyond the river lines established by section 9 (Licences for execution of works) of the Humber Conservancy Act 1899 and section 6 (No erections in Humber below river lines or without licence above river lines) of the Humber Conservancy Act 1905, it is necessary for provisions of those Acts to be disapplied.

Article 4 of the Order requires copies of the deposited plans and sections submitted for the purposes of the application for the Order to be submitted to the Secretary of State for certification as true copies.