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STATUTORY INSTRUMENTS

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**2015 No. 1386**

**The Swansea Bay Tidal Generating Station Order 2015**

**PART 1**

**Preliminary**

**Citation and commencement**

**1.** This Order may be cited as the Swansea Bay Tidal Generating Station Order 2015 and comes into force on 30th June 2015.

**Commencement Information**

**II** Art. 1 in force at 30.6.2015, see [art. 1](#)

**Interpretation**

**2.—(1)** In this Order—

“1961 Act” means the Land Compensation Act 1961**(1)**;

“1965 Act” means the Compulsory Purchase Act 1965**(2)**;

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

“1990 Act” means the Town and Country Planning Act 1990**(4)**;

“1991 Act” means the New Roads and Street Works Act 1991**(5)**;

“2004 Act” means the Energy Act 2004**(6)**;

“2008 Act” means the Planning Act 2008;

“2009 Act” means the Marine and Coastal Access Act 2009**(7)**;

“AB Ports” means Associated British Ports**(8)** (company number ZC000195) being the harbour authority for the Ports of Swansea and Port Talbot;

“access and public rights of way plans” means the plans certified by the Secretary of State as the access and public rights of way plans for the purposes of this Order;

“authorised development” means the works set out in Parts 1A, 1B and 2 of Schedule 1 (authorised development, and ancillary and necessary works);

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**(1)** 1961 c. 33.

**(2)** 1965 c. 56.

**(3)** 1980 c. 66.

**(4)** 1990 c. 8.

**(5)** 1991 c. 22.

**(6)** 2004 c. 20.

**(7)** 2009 c. 23.

**(8)** The registered office of Associated British Ports is Aldwych House, 71-91 Aldwych, London WC2B 4HN.

“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;

“commence” means begin to carry out any material operation (as defined in section 56(4) of the 1990 Act) forming part of the authorised development other than operations consisting of site clearance, demolition work, investigations for the purpose of assessing ground conditions, the diversion and laying of services, the erection of any temporary means of enclosure and the temporary display of site notices or advertisements; and “commencement” must be construed accordingly;

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

“demolition plan” means the plans certified as the demolition plan by the Secretary of State for the purposes of this Order;

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

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

“harbour authority”, in relation to a harbour, means the harbour authority that has a statutory duty to manage, maintain or improve the harbour;

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

“kV” means kilovolts;

“land plans” means the plans certified as the land plans by the Secretary of State for the purposes of this Order;

“limits of deviation” means the limits of deviation for the works comprised in the authorised development shown on the works plans;

“local planning authority” has the same meaning as in the 1990 Act<sup>(9)</sup>;

“maintain” includes inspect, repair, refurbish, replace, adjust, alter and also includes (in respect of a constituent part of a work but not the whole of a work) remove, clear, refurbish, reconstruct, decommission, demolish, replace and improve any part of the authorised development, but does not include any activity (other than an activity authorised by or under this Order) that is “EIA development” as defined in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009<sup>(10)</sup>; and “maintenance” must be construed accordingly;

“MW” means megawatts;

“Natural Resources Wales” means the Natural Resources Body for Wales;

“Order land” means the land identified by plot numbers on the land plans that is within the Order limits and described in the book of reference;

“Order limits” means the limits shown on the land and works plans within which the authorised development may be carried out;

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<sup>(9)</sup> See section 1(1B).

<sup>(10)</sup> S.I. 2009/2263.

“owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981(11);

“planning drawings” means the drawings certified by the Secretary of State as the planning drawings for the purposes of this Order;

“relevant planning authority” means the City and County of Swansea Council in relation to land for which it is the local planning authority for the time being under the 1990 Act and Neath Port Talbot County Borough Council in relation to land for which it is the local planning authority for the time being under the 1990 Act; and “relevant planning authorities” means both of them;

“Requirement” means a Requirement set out in Part 3 (Requirements) of Schedule 1; and a reference to a numbered Requirement is a reference to the Requirement set out in the paragraph of the same number in that Part;

“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 2 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;

“tidal work” means so much of any work authorised by this Order as is on, under or over tidal waters or tidal lands below the level of high water;

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

“Trinity House” means the Corporation of Trinity House of Deptford Strond;

“undertaker” has the meaning given in article 6 (benefit of Order);

“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;

“works plans” means the plans 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 points, distances, areas, directions and lengths referred to in this Order are approximate, and distances between points on a work comprised in the authorised development are to be taken to be measured along that work.

(4) Grid references in this Order are references to points on the Ordnance Survey National Grid.

(5) In this Order, “includes” must be construed without limitation.

#### **Commencement Information**

**I2** Art. 2 in force at 30.6.2015, see [art. 1](#)

(11) 1981 c. 67. Section 7 was amended by section 70 of, and paragraph 9 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34). There are other amendments to the 1981 Act which are not relevant to this Order.

**Changes to legislation:**

There are currently no known outstanding effects for the The Swansea Bay Tidal Generating Station Order 2015, PART 1.