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STATUTORY INSTRUMENTS

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**2017 No. 433**

**The Keuper Underground Gas Storage Facility Order 2017**

**PART 1**

**PRELIMINARY**

**Interpretation**

**2.—(1)** Except where contrary provision is made in Schedule 9 (protective provisions), in this Order—

“the 1961 Act” means the Land Compensation Act 1961<sup>(1)</sup>;

“the 1965 Act” means the Compulsory Purchase Act 1965<sup>(2)</sup>;

“the 1980 Act” means the Highways Act 1980<sup>(3)</sup>;

“the 1990 Act” means the Town and Country Planning Act 1990<sup>(4)</sup>;

“the 1991 Act” means the New Roads and Street Works Act 1991<sup>(5)</sup>;

“the 2008 Act” means the Planning Act 2008<sup>(6)</sup>;

“authorised development” means the nationally significant infrastructure project and associated development described in Schedule 1 (authorised development) and any other development authorised by this Order, which is development within the meaning set out in section 32 of the 2008 Act, and any works carried out pursuant to the requirements;

“the book of reference” means the book of reference revision and the book of reference and land plans clarifications and errata certified by the Secretary of State for the purposes of this Order;

“building” includes any structure or erection or any part of a building, structure or erection;

“Canal & River Trust” means the Canal & River Trust whose address is Navigation Road, Northwich, Cheshire CW8 1BH;

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

“CEMP” means the construction environmental management plan to be submitted and approved pursuant to requirement 3 of Schedule 2;

“Cheshire West and Chester Borough Council” means the Cheshire West and Chester Borough Council whose address is HQ, Nicolas Street, Chester, CH1 2NP;

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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) 2008 c.29; the relevant provisions of the Planning Act 2008 are amended by Chapter 6 of Part 6 of, and schedule 13 to, the Localism Act 2011 (c. 20) and by sections 22-27 of the Growth and Infrastructure Act 2013 (c. 27). Transitional provisions are contained in S.I. 2013/1124.

“commence” means the carrying out of a material operation, as defined in section 155 of the 2008 Act, comprised in or carried out for the purposes of the authorised development and the words “commencement” and “commenced” are to be construed accordingly;

“compulsory acquisition notice” means a notice served in accordance with section 134 of the 2008 Act(7);

“draft CEMP” means the document certified as the draft CEMP by the Secretary of State for the purposes of this Order;

“environmental statement” means the documents certified as the environmental statement and the environmental statement clarifications and errata by the Secretary of State for the purposes of this Order;

“gas” has the same meaning as natural gas in section 235 (interpretation) of the 2008 Act;

“Halton Borough Council” means the Halton Borough Council whose address is Municipal Buildings, Kingsway, Widnes, WA8 7QF;

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

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

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

“local highway authority” has the same meaning as in section 329(1) of the 1980 Act;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct or replace the authorised development, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement, or vary the authorised development as described in Schedule 1, and any derivative of “maintain” must be construed accordingly;

“main river” has the meaning in section 113(1) Water Resources Act 1991(8);

“Manchester Ship Canal Company Ltd” means the Manchester Ship Canal Limited (Company registration number 07438096) whose registered address is Maritime Centre, Port of Liverpool, Liverpool, Merseyside L21 1LA;

“National Grid Gas” means National Grid Gas plc (Company registration number 02006000) or any successor company performing the same functions;

“Order land” means the land described as plots 1.01 to 5.01 in the book of reference as shown on the land plans;

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

“owner” in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981(9);

“relevant planning authority” means Cheshire West and Chester Borough Council in relation to land within its administrative area and Halton Borough Council in relation to land within its administrative area and any successors to their functions as planning authority for the area in which the land to which the provisions of this Order apply, and “relevant planning authorities” means both of them severally;

“requirements” means the requirements set out in Schedule 2 (requirements);

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(7) 2008 c.29; section 134 of the Planning Act 2008 has been amended by the Housing and Planning Act 2016 (Compulsory Purchase) (Corresponding Amendments) Regulations 2017 (S.I. 2017/16).

(8) 1991 c. 57; the definition of “main river” was amended by the Water Act 2014 (c. 21), s.59.

(9) 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).

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

“the seismic survey report” means the document certified as the seismic survey report by the Secretary of State for the purposes of this Order;

“statutory undertaker” means any person falling within section 127(8), of the 2008 Act and a public communications provider as defined in section 151(1) of the Communications Act 2003<sup>(10)</sup>;

“the statutory undertakers’ apparatus plan” means the plan certified by the Secretary of State as the statutory undertakers’ apparatus plan for the purposes of this Order;

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

“street works and access plan” means the plan certified as the street works and access plan by the Secretary of State for the purposes of this Order;

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

“undertaker” subject to article 7, means Keuper Gas Storage Limited (company registration number 08850140) whose registered office is at Runcorn Site HQ, South Parade, PO Box 9, Runcorn, Cheshire, WA7 4JE;

“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 certified as the works plans by the Secretary of State for the purposes of this Order.

(2) All distances, directions and lengths referred to in this Order and in any document referred to in this Order are approximate and distances between points on a work comprised in the authorised development must be taken to be measured along that work.