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STATUTORY INSTRUMENTS

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**2024 No. 393**

The National Grid (Yorkshire Green Energy  
Enablement Project) Development Consent Order 2024

PART 1

PRELIMINARY

**Interpretation**

2.—(1) In this Order except where provided or context requires otherwise—

“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);

“the 1984 Act” means the Road Traffic Regulation Act 1984(5);

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

“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 2003 Act” means the Communications Act 2003(9);

“the 2008 Act” means the Planning Act 2008(10);

“the 2016 Act” means the Housing and Planning Act 2016(11);

“the 2016 Regulations” means the Environmental Permitting (England and Wales) Regulations 2016(12);

“access, rights of way and public rights of navigation plan” means the document of that description listed in Part 1 of Schedule 2 (plans, drawings and environmental statement) and certified by the Secretary of State as the access, rights of way and public rights of navigation plan for the purposes of this Order under article 48 (certification of plans, etc.);

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- (1) 1961 c. 33.  
(2) 1965 c. 56.  
(3) 1980 c. 66.  
(4) 1981 c. 66.  
(5) 1984 c. 27.  
(6) 1989 c. 29.  
(7) 1990 c. 8.  
(8) 1991 c. 22.  
(9) 2003 c. 21.  
(10) 2008 c. 29.  
(11) 2016 c. 22.  
(12) S.I. 2016/1154.

“arboricultural impact assessment” means the document of that description certified by the Secretary of State as the arboricultural impact assessment under article 48 (certification of plans, etc.);

“archaeological written scheme of investigation” means the document of that description certified by the Secretary of State as the archaeological written scheme of investigation for the purposes of this Order under article 48 (certification of plans, etc.);

“authorised development” means the development and associated development described in Schedule 1 (authorised development) and any other development authorised by this Order, which is development within the meaning of section 32 (meaning of “development”) of the 2008 Act;

“biodiversity mitigation strategy” means the document of that description certified by the Secretary of State as the biodiversity mitigation strategy for the purposes of this Order under article 48 (certification of plans, etc.);

“book of reference” means the document of that description certified by the Secretary of State as the book of reference for the purposes of this Order under article 48 (certification of plans, etc.);

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

“business day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 of the Banking and Financial Dealings Act 1971(13);

“carriageway” has the same meaning as in section 329(1) (further provision as to interpretation) of the 1980 Act;

“code of construction practice” means the document of that description certified by the Secretary of State as the code of construction practice for the purposes of this Order under article 48 (certification of plans, etc.);

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

“construction management plans” means the plans listed at Requirement 5(2) of Schedule 3 (Requirements);

“construction traffic management plan” means the document of that description certified by the Secretary of State as the construction traffic management plan for the purposes of this Order under article 48 (certification of plans, etc.);

“cycle track” has the same meaning as in section 329(1) (further provision as to interpretation) of the 1980 Act and for the purposes of this Order includes a right of way on foot;

“design approach to site specific infrastructure” means the document of that description certified by the Secretary of State as the design approach to site specific infrastructure for the purposes of this Order under article 48 (certification of plans, etc.);

“design drawings” means the document of that description listed in Part 2 of Schedule 2 (plans, drawings and environmental statement) and certified by the Secretary of State as the design drawings for the purposes of this Order under article 48 (certification of plans, etc.);

“electric line” has the same meaning as in section 64 (interpretation etc. of Part 1) of the 1989 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;

“elevation plans” means the elevation plans included within the design drawings referenced within Schedule 2 (plans, drawings and environmental statement), Part 2 with Drawing Numbers DCO\_DE/PS/14\_03, DCO\_DE/PS/15\_03, DCO\_DE/PS/16\_03, DCO\_DE/PS/17\_03, DCO\_DE/PS/18\_03, DCO\_DE/PS/19\_03, DCO\_DE/PS/20\_03;

“environmental statement” means the environmental statement (Documents 5.1 to 5.4.18), environmental statement addendum (Document 5.2.22) and the documents contained in or named in the consolidated errata and changes (Document 5.2.19) and certified as the environmental statement by the Secretary of State for the purposes of this Order under article 48 (certification of plans, etc.) as listed in Part 8 of Schedule 2 (plans, drawings and environmental statement);

“extinguishment of easements, servitudes and other private rights plan” means the document of that description listed in Part 3 of Schedule 2 (plans, drawings and environmental statement) and certified by the Secretary of State as the extinguishment of easements, servitudes and other private rights plan under article 48 (certification of plans, etc.);

“foundations” means a foundation placed in land to support pylons and electric lines constructed upon those foundations;

“highway” has the same meaning as in section 328(1) (meaning of “highway”) of the 1980 Act;

“highway authority” means the relevant highway authority for the area of land to which the relevant provision of this Order relates and any successor in function;

“land plan” means the document of that description listed in Part 4 of Schedule 2 (plans, drawings and environmental statement) and certified as the land plan by the Secretary of State for the purposes of this Order under article 48 (certification of plans, etc.);

“limits of deviation” means the limits of deviation referred to in article 5 (limits of deviation) and shown on the works plan and design drawings;

“linear works” means those works shown on the works plan with a centreline;

“local authority” means the relevant local authority for the area of land to which the relevant provision of this Order relates and any successor in function;

“main river” has the same meaning as is in Part 4 of the Water Resources Act 1991(14);

“maintain” includes inspect, repair, adjust, alter, dismantle, remove, clear, refurbish, re-tension, paint, surface treat, decommission, improve, reconstruct or replace any part, but not remove, reconstruct or replace the whole of, the authorised development including through the use of robots, drones, gadgets or similar devices either remote controlled or autonomous, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement, and any derivative of “maintain” must be construed accordingly;

“National Grid” means National Grid Electricity Transmission plc (registered company number 02366977);

“NGN” means Northern Gas Networks Limited (Company Number 05167070);

“NGN Works” means those works to NGN assets or equipment forming part of the authorised development, including Work No. U8;

“noise and vibration management plan” means the document of that description certified by the Secretary of State as the noise and vibration management plan for the purposes of this Order under article 48 (certification of plans, etc.);

“non-linear works” means those works identified on the works plan as non-linear works comprising substations and cable sealing end compounds;

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(14) “main river” is defined in section 113 of the Water Resources Act 1991 (c. 57), as amended by Water Act 2014 (c. 21), Part 2, section 59(3).

“NPG” means Northern Powergrid (Northeast) PLC (registered company number 02906593) or Northern Powergrid (Yorkshire) PLC (registered company number 04112320) as appropriate for the NPG Work to which the relevant provision of this Order applies;

“NPG Works” means those works to NPG assets or equipment forming part of the authorised development, comprising—

- (a) in respect of Northern Powergrid (Northeast) PLC (registered company number 02906593), Work Nos. U1, U2, U3, U4, U5; and
- (b) in respect of Northern Powergrid (Yorkshire) PLC (registered company number 04112320), U6, U7, U9, U10, U11, U12 and U13;

“Order land” means the land shown on the land plan which is within the limits of land to be acquired and described in the book of reference;

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

“outline landscape mitigation strategy” means the document of that description certified by the Secretary of State as the outline landscape mitigation strategy for the purposes of this Order under article 48 (certification of plans, etc.);

“outline soil management plan” means the document of that description certified by the Secretary of State as the outline soil management plan for the purposes of this Order under article 48 (certification of plans, etc.);

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981(15);

“parameter plans” means the parameter plans included within the design drawings referenced within Schedule 2 (plans, drawings and environmental statement), Part 2 with Drawing Numbers DCO\_DE/PS/14\_01, DCO\_DE/PS/15\_01, DCO\_DE/PS/16\_01, DCO\_DE/PS/17\_01, DCO\_DE/PS/18\_01, DCO\_DE/PS/19\_01, DCO\_DE/PS/20\_01;

“permit scheme” means any scheme made under Part 3 of the Traffic Management Act 2004(16) as in force at the date on which this Order is made;

“public rights of way management plan” means the document of that description and certified by the Secretary of State as the public rights of way management plan for the purposes of this Order under article 48 (certification of plans, etc.);

“relevant drainage authorities” means the drainage board for the area of land to which the relevant provision of this Order applies within the meaning of section 23 (prohibition on obstructions etc, in watercourses) of the Land Drainage Act 1991(17);

“relevant planning authority” means the local planning authority for the area of land to which the relevant provision of this Order applies and any successor in function;

“requirements” means, or a reference to a numbered requirement is to, those matters set out in Schedule 3 (requirements) to this Order;

“sewerage undertaker” means a company appointed under the Water Industry Act 1991(18) to provide sewerage services in respect of a geographical area of England and Wales;

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

(16) 2004 c. 18.

(17) 1991 c. 59. Section 23 was amended by the Environment Act 1995 (c. 29), Schedule 22, paragraph 192 and the Flood and Water Management Act 2010 (c. 29), Schedule 2, paragraph 32 and the Natural Resources Body for Wales (Functions) Order 2013/755 Schedule 2(1), paragraph 322(2).

(18) 1991 c. 56, as amended by S.I. 2009/3104.

“statutory undertaker” means any person falling within section 127(8) (statutory undertakers’ land) of the 2008 Act and a public communications provider as defined in section 151 (interpretation of chapter 1) of the 2003 Act;

“street” means a street within the meaning of section 48 (streets, street works and undertakers) of the 1991 Act<sup>(19)</sup>, 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 (street works in England and Wales) of the 1991 Act<sup>(20)</sup>;

“temporary construction works” means any of the temporary construction works described in Schedule 1 (authorised development) to the Order;

“traffic” has the same meaning as in section 329(1) (further provisions as to interpretation) of the 1980 Act;

“traffic authority” has the same meaning as in section 121A (traffic authorities) of the 1984 Act;

“traffic regulation order plan” means the document of that description certified as the traffic regulation order plan by the Secretary of State for the purposes of this Order under article 498 (certification of plans, etc.);

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

“the undertaker”—

- (a) in relation to the authorised development, means National Grid;
- (b) in relation to the NPG Works and subject to Schedule 5 (benefit of the Order rules), includes NPG; and
- (c) in relation to the NGN Works and subject to Schedule 5 (benefit of the Order rules), includes NGN;

“watercourse” includes all rivers, streams, creeks, ditches, drains, canals, cuts, culverts, dykes, sluices, rhynes, sewers and passages through which water flows except a public sewer or drain;

“works plan” means the document of that description certified as the works plan by the Secretary of State for the purposes of this Order under article 48 (certification of plans, etc.).

(2) References in this Order to rights over land include references to rights to do or restrain or to place and maintain, anything in, on or under land or in the air-space above its surface and references in this Order to the imposition of restrictive covenants are references to the creation of rights over the land which interfere with the interests or rights of another and are for the benefit of land which is acquired under this Order or which is an interest otherwise comprised in the Order land.

(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 are taken to be measured along that work. All distances for scheduled linear works referred to in this Order are measured along the centre line of the limits of deviation for that work. All pylon identification numbers set out in this Order are identified by reference to the centreline of such works, and are subject to the limits of deviation for that work, such that the pylon numbering and location of pylons may adjust in accordance with the limits of deviation identified in article 5 (limits of deviation). Unless otherwise specified in Schedule 1 (authorised development), depths in this Order or on the works plan are measured from the proposed final ground level.

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

(5) Any reference in this Order to a work identified by the number of the work is to be construed as a reference to the work of that number authorised by this Order.

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<sup>(19)</sup> Section 48 was amended by section 124 of the Local Transport Act 2008 (c. 26).

<sup>(20)</sup> “street authority” is defined in section 49, which was amended by paragraph 117 of Schedule 1 to the Infrastructure Act 2015 (c. 7).

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

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(6) Unless otherwise stated, references in this Order to points identified by letters are to be construed as references to the points so lettered on the relevant plans.

(7) The expression “includes” is to be construed without limitation unless the contrary intention appears.

(8) References in this Order to “document” followed by a number or numbers are references to documents submitted by the undertaker in support of the application for development consent that resulted in the making of this Order.

(9) For the purposes of this Order, “operational use” in relation to any part of the authorised development occurs when that part first transmits electricity at 275 kilovolts or above.

(10) References in this Order to any statute, order, regulation or similar instrument are to be construed as a reference to the statute, order, regulation or instrument as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.