
STATUTORY INSTRUMENTS

2012 No. 1914

The Hinkley Point Harbour Empowerment Order 2012

PART 2

WORKS PROVISIONS

Planning and works conditions

18.—(1) The powers conferred by articles 4 (power to construct works) and 7 (subsidiary works) are subject to the conditions in Schedule 1 (planning and works conditions).

(2) In their application to the works, article 3 of, and Part 11 of Schedule 2 to, the 1995 Order shall have effect as if the planning permission granted by that Order were subject to the conditions in Schedule 1.

(3) In their application to other development carried out on land which falls to be treated as operational land of the Company in respect of its harbour undertaking by virtue of article 16 of this Order, article 3 of, and Part 17 of Schedule 2 to, the 1995 Order shall have effect as if the planning permission granted by that Order were subject to the conditions in Schedule 1.

(4) The conditions in Schedule 1 shall be deemed to be conditions subject to which a planning permission was granted under section 70 (determination of applications: general considerations) of the 1990 Act⁽¹⁾.

(5) Without prejudice to the generality of paragraph (4) but subject to paragraph (6), the provisions in the 1990 Act and all associated legislation, including the provisions relating to appeals and enforcement, shall apply in relation to the conditions in Schedule 1, as if the land within the limits of deviation shown on the deposited plans and sections were included within the area of the local planning authority.

(6) Sections 73 (determination of applications to develop land without compliance with conditions previously attached) and 73A (planning permission for development already carried out) of the 1990 Act⁽²⁾ shall, in accordance with paragraphs (4) and (5), apply in relation to the conditions in Schedule 1 so as to enable those conditions to be removed or changed in their application to the works and development referred to in paragraphs (1) to (3) but shall not enable the local planning authority to grant planning permission in relation to any works or development below the level of low water.

⁽¹⁾ There are amendments to section 70 not relevant to this Order.

⁽²⁾ Section 73 was amended by the Planning and Compulsory Purchase Act 2004 (c.5), sections 42(2) and 51(3) and section 73A was inserted by the Planning and Compensation Act 1991 (c.34), Schedule 7, paragraph 16(1).