STATUTORY INSTRUMENTS

2017 No. 817

INFRASTRUCTURE PLANNING

The National Grid (Richborough Connection Project) Development Consent Order 2017

Made - - - - 3rd August 2017
Coming into force 24th August 2017

THE NATIONAL GRID (RICHBOROUGH CONNECTION PROJECT) DEVELOPMENT CONSENT ORDER 2017

PART 1

- 1. Citation and commencement
- 2. Interpretation

PART 2

- 3. Development consent etc. granted by the Order
- 4. Maintenance of authorised development
- 5. Limits of deviation
- 6. Benefit of Order
- 7. Consent to transfer benefit of Order
- 8. Application of the 1990 Act
- 9. Application of the Community Infrastructure Levy Regulations 2010

PART 3

- 10. Street works
- 11. Application of the 1991 Act
- 12. Power to alter layout, etc. of streets
- 13. Temporary stopping up of streets and public rights of way
- 14. Access to works
- 15. Agreements with street authorities

PART 4

16. Discharge of water

- 17. Protective work to buildings
- 18. Authority to survey and investigate the land

PART 5

- 19. Compulsory acquisition of right: incorporation of the mineral code
- 20. Time limit for exercise of authority to acquire rights compulsorily
- 21. Compulsory acquisition of rights
- 22. Crown rights
- 23. Extinguishment and suspension of private rights
- 24. Extinguishment of private rights and restrictive covenants relating to apparatus removed from land subject to temporary possession
- 25. Application of the Compulsory Purchase (Vesting Declarations) Act 1981
- 26. Acquisition of subsoil or air-space only
- 27. Rights under or over streets
- 28. Temporary use of land by National Grid
- 29. Temporary use of land by UK Power Networks
- 30. Temporary use of land for maintaining the authorised development
- 31. Special category land
- 32. Statutory undertakers
- 33. Recovery of costs of new connections

PART 6

- 34. Deemed marine licence
- 35. Application of landlord and tenant law
- 36. Operational land for purposes of the 1990 Act
- 37. Defence to proceedings in respect of statutory nuisance
- 38. Temporary closure of, and works in, the river Stour
- 39. Traffic regulation
- 40. Felling or lopping of trees
- 41. Trees subject to tree preservation orders
- 42. Protection of interests
- 43. Certification of plans, etc.
- 44. Service of notices
- 45. Procedure regarding certain approvals, etc.
- 46. Amendment of local legislation
- 47. No double recovery
- 48. Arbitration Signature

SCHEDULES

SCHEDULE 1 — AUTHORISED DEVELOPMENT

In the City of Canterbury and the District of Thanet and the District of Dover

400Kv OVERHEAD LINE

Work No.1 — PC route Canterbury North 400kV Substation to Richborough 400kV Substation

In the City of Canterbury

Work No.2 — Temporary site compound

In the District of Thanet

Work No.3 — Temporary site compound

UK POWER NETWORKS WORKS

In the City of Canterbury

Work No.4A — PX route temporary diversion

Work No.4B – PX route temporary diversion

In the District of Thanet

Work No.4C — PX route temporary diversion

Work No.5A — Temporary diversion of part of the PY route.

Work No.5B — Temporary diversion of part of the PY route.

Work No.5C —PY route

Work No.5D – Removal of part of the PY route

In the City of Canterbury

Work No.6A — PX route removal

Work No.6B — PX route removal

Work No.6C — PX route removal

In the City of Canterbury and the District of Thanet

Work No.6D — PX route removal

In the District of Thanet

Work No.6E — PX route removal

In the District of Thanet and the District of Dover

Work No.6F — PX route removal

ASSOCIATED DEVELOPMENT

SCHEDULE 2 — PLANS AND DRAWINGS

PART 1 — LOCATION PLAN

PART 2 — ACCESS AND RIGHTS OF WAY AND PUBLIC RIGHTS OF NAVIGATION PLANS

PART 3 — DESIGN DRAWINGS

PART 4 — LAND PLANS

PART 5 — SPECIAL CATEGORY LAND AND CROWN LAND PLANS

PART 6 — EXTINGUISHMENT OF EASEMENTS, SERVITUDES AND OTHER RIGHTS PLANS

PART 7 — TRAFFIC REGULATION ORDER PLANS

PART 8 — TREES AND HEDGEROWS TO BE REMOVED OR MANAGED PLANS

PART 9 — WORKS PLANS

SCHEDULE 3 — REQUIREMENTS

- 1. Interpretation
- 2. Time Limits
- 3. Design drawings
- 4. Stages of authorised development
- 5. Construction Environmental Management Plan
- 6. Approval and implementation of construction mitigation plans
- 7. Construction hours
- 8. Mitigation planting
- 9. Implementation of mitigation planting
- 10. Retention and protection of existing trees and hedgerows
- 11. Bird flight diverters
- 12. Reinstatement schemes
- 13. Contamination of land or groundwater and controlled waters
- 14. Inspection of temporary watercourses
- 15. Removal of temporary bridges and culverts
- 16. Highway works
- 17. Clearance over the tidal River Stour
- 18. Removal of UK Power Networks Works
- 19. Decommissioning
- 20. Ancient Woodland Easement Management Plan
- 21. Location of Pylon PC10
- 22. Exercise of powers of compulsory acquisition by National Grid

SCHEDULE 4 — DISCHARGE OF REQUIREMENTS

- 1. Applications made under requirements
- 2. Fees
- 3. Appeals
- 4. Outcome of appeals
- 5. Interpretation of Schedule 4

SCHEDULE 5 — STREETS SUBJECT TO STREET WORKS

- SCHEDULE 6 STREETS SUBJECT TO TEMPORARY ALTERATION OF LAYOUT
- SCHEDULE 7 STREETS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP
 - PART 1 STREETS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP FOR WHICH A DIVERSION IS TO BE PROVIDED
 - PART 2 STREETS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP FOR WHICH NO DIVERSION IS TO BE PROVIDED
- SCHEDULE 8 EXTINGUISHMENT OF PRIVATE RIGHTS AND RESTRICTIVE COVENANTS RELATING TO APPARATUS REMOVED FROM LAND SUBJECT TO TEMPORARY POSSESSION
 - PART 1 NATIONAL GRID
 - PART 2 UK POWER NETWORKS

SCHEDULE 9 — DEEMED MARINE LICENCE

PART 1 — INTRODUCTORY

- 1. Interpretation
- 2. Addresses

PART 2 — LICENSED ACTIVITIES

3. (1) Subject to the licence conditions in Part 4 of...

PART 3 — ENFORCEMENT

4. Any breach of this licence does not constitute a breach...

PART 4 — CONDITIONS

- 5. For such of the licensed activities that involve the construction,...
- 6. Should the licence holder become aware that any of the...
- 7. Prior to the commencement of the works
- 8. The licence holder must inform the MMO, the Environment Agency,...
- 9. The licence holder must ensure that they inform the MMO...
- 10. The licence holder must inform the MMO Local Office in...
- 11. The licence holder must inform the relevant harbour authorities in...
- 12. Upon commencement of the works
- 13. Bunding and/or storage facilities must be installed to contain and...
- 14. The licence holder must ensure that any oil, fuel or...
- 15. Any construction materials that are misplaced below mean high water...
- 16. The licence holder must ensure that the MMO Local Office...
- 17. All equipment, temporary structures, waste and debris associated with the...
- 18. The licence holder must ensure that if maintenance is required...

SCHEDULE 10 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

- 1. Compensation enactments
- 2. (1) Without limitation on the scope of paragraph 1, the...
- 3. Application of the 1965 Act
- 4. For section 7 of the 1965 Act (measure of compensation)...
- 5. For section 8 of the 1965 Act (provisions as to...
- 6. The following provisions of the 1965 Act (which state the...
- 7. Section 11 of the 1965 Act (powers of entry) is...
- 8. Section 20 of the 1965 Act (protection for interests of...
- 9. Section 22 of the 1965 Act (protection of acquiring authority's...

SCHEDULE 11 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

- PART 1 NATIONAL GRID
- PART 2 UK POWER NETWORKS

SCHEDULE 12 — TRAFFIC REGULATION

- PART 1 TEMPORARY PROHIBITION OF VEHICULAR ACCESS AND NO WAITING AND SPEED RESTRICTION
- PART 2 TEMPORARY PROHIBITION OF VEHICULAR ACCESS AND NO WAITING RESTRICTION
- PART 3 TEMPORARY PROHIBITION OF VEHICULAR ACCESS

SCHEDULE 13 — TREES SUBJECT TO TREE PRESERVATION ORDERS

SCHEDULE 14 — PROTECTIVE PROVISIONS

PART 1 — PROTECTION FOR ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

- 1. For the protection of the statutory undertakers referred to in...
- 2. In this Part of this Schedule— "alternative apparatus" means alternative...
- 3. This Part of this Schedule does not apply to apparatus...
- 4. Regardless of any provision in this Order or anything shown...
- 5. (1) If, in the exercise of the powers conferred by...
- 6. (1) Not less than 28 days before starting the execution...
- 7. (1) Subject to the following provisions of this paragraph, the...

PART 2 — PROTECTION FOR OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

- 1. (1) For the protection of any operator, the following provisions,...
- 2. The exercise of the powers of article 32 (statutory undertakers)...
- 3. (1) Subject to sub-paragraphs (2) to (3), if as the...
- 4. This Part of this Schedule does not apply to—
- Nothing in this Part of this Schedule affects the provisions...
 PART 3 PROTECTION FOR HIGHWAYS AND TRAFFIC
- 1. (1) The provisions of this Part of this Schedule shall...
- 2. (1) Before commencing the construction of, or the carrying out...
- 3. Any officer of the highway authority duly appointed for the...
- 4. (1) The undertaker shall not alter, disturb or in any...
- 5. The undertaker shall not remove any soil or material from...
- 6. (1) If the highway authority, after giving to the undertaker...
- 7. (1) The undertaker shall not, except with the consent of...
- 8. The undertaker shall not, except with the consent of the...
- 9. The undertaker shall, if reasonably so required by the highway...
- 10. (1) Where any part of any highway has been broken...
- 11. If any damage to any highway or any property of...
- 12. The fact that any act or thing may have been...
- 13. Any difference arising between the undertaker and the highway authority... PART 4 PROTECTION FOR RAILWAY INTERESTS
- 1. The following provisions of this Part have effect, unless otherwise...
- 2. In this Part— "construction" includes execution, placing, alteration and reconstruction...
- 3. (1) Where under this Part Network Rail is required to...
- 4. (1) The undertaker must before commencing construction of any specified...
- 5. (1) Any specified work and any protective works to be...
- 6. The undertaker must— (a) at all times afford reasonable facilities...
- 7. Network Rail must at all times afford reasonable facilities to...
- 8. (1) If any permanent or temporary alterations or additions to...
- 9. The undertaker must repay to Network Rail all reasonable fees,...
- 10. (1) In this paragraph—"EMI" means, subject to sub-paragraph (2),...
- 11. If at any time after the completion of a specified...
- 12. The undertaker must not provide any illumination or illuminated sign...
- 13. Any additional expenses which Network Rail may reasonably incur in...
- 14. (1) The undertaker must—(a) pay to Network Rail all...
- 15. Network Rail must, on receipt of a request from the...
- 16. In the assessment of any sums payable to Network Rail...
- 17. The undertaker and Network Rail may, subject in the case...
- 18. Nothing in this Order, or in any enactment incorporated with...
- 19. The undertaker must no later than 28 days from the...

PART 5 — PROTECTION FOR SOUTH EAST WATER LIMITED

- 1. General
- 2. In this Part— "alternative apparatus" means any temporary or permanent...

- 3. Paragraphs 1 to 9 of this Part of this Schedule...
- 4. Regardless of any provision in this Order or anything shown...
- 5. (1) If, in the exercise of the powers conferred by...
- 6. (1) Not less than 28 days before starting the execution...
- 7. (1) Subject to the following provisions of this paragraph, the...
- 8. If any damage to any apparatus or any property containing...
- 9. The undertaker must not in the exercise of the powers...
- 10. For the benefit of the proposed Broad Oak Reservoir
- 11. Unless expressly provided otherwise in this Part, notwithstanding any provision...
- 12. Notwithstanding any provision in this Order, the undertaker may not...
- 13. If after giving SEW 21 days' notice that it intends...
- 14. Notwithstanding any provision in this Order including the limits of...
- 15. Notwithstanding any provision in this Order including the limits of...
- 16. The undertaker at its own cost must within 18 months...
- 17. The undertaker must, if requested in writing by SEW, inform...

SCHEDULE 15 — AMENDMENT OF LOCAL LEGISLATION

PART 1 — LOCAL ENACTMENTS

PART 2 — BYELAWS

Explanatory Note