
STATUTORY INSTRUMENTS

2018 No. 1020

INFRASTRUCTURE PLANNING

The Eggborough Gas Fired Generating Station Order 2018

Made - - - - 20th September 2018

Coming into force 12th October 2018

**THE EGGBOROUGH GAS FIRED
GENERATING STATION ORDER 2018**

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation

PART 2

PRINCIPAL POWERS

3. Development consent etc. granted by the Order
4. Maintenance of authorised development
5. Operation of authorised development
6. Benefit of the Order
7. Consent to transfer benefit of the Order

PART 3

STREETS

8. Street works
9. Power to alter layout, etc., of streets
10. Construction and maintenance of new or altered means of access
11. Temporary stopping up of streets, public rights of way and public rights of navigation
12. Access to works
13. Agreements with street authorities

PART 4

SUPPLEMENTAL POWERS

14. Discharge of water
15. Authority to survey and investigate the land
16. Removal of human remains

PART 5

POWERS OF ACQUISITION

17. Compulsory acquisition of land
18. Statutory authority to override easements and other rights
19. Time limit for exercise of authority to acquire land compulsorily
20. Compulsory acquisition of rights
21. Private rights
22. Application of the Compulsory Purchase (Vesting Declarations) Act 1981
23. Acquisition of subsoil only
24. Application of Part 1 of the Compulsory Purchase Act 1965
25. Rights under or over streets
26. Temporary use of land for carrying out the authorised development
27. Temporary use of land for maintaining the authorised development
28. Statutory undertakers
29. Apparatus and rights of statutory undertakers in stopped up streets
30. Recovery of costs of new connections

PART 6

OPERATIONS

31. Felling or lopping of trees
32. Protective works to buildings

PART 7

MISCELLANEOUS AND GENERAL

33. Protective provisions
 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. Certification of plans etc
 39. Service of notices
 40. Procedure in relation to certain approvals etc
 41. Arbitration
 42. Crown rights
 43. Guarantees in respect of payment of compensation
- Signature

SCHEDULES

SCHEDULE 1 — AUTHORISED DEVELOPMENT In the County of North Yorkshire and the District of...

Work No. 1 – an electricity generating station located on...
and further associated development in connection with the nationally significant...
Work No. 2 comprising— (e) Work No. 2A – temporary...
Work No. 3 – electrical connection works comprising—
Work No. 4 – cooling water connection works, comprising works...
Work No. 5 – groundwater and towns water supply connection...
Work No. 6 – gas supply pipeline connection works for...
Work No. 7 – an above ground installation west of...
Work No. 8 – retained landscaping comprising—
Work No. 9 – surface water drainage connection to Hensall...
Work No. 10 – vehicular, pedestrian and cycle access works...
In connection with and in addition to Works Nos. 1...

SCHEDULE 2 — REQUIREMENTS

1. Interpretation
2. Commencement of the authorised development
3. Notice of commencement and completion of commissioning
4. Notice of commencement of commercial use and requirement for cessation of existing coal-fired power station electricity generation
5. Detailed design
6. Landscaping and biodiversity protection management and enhancement
7. Public rights of way diversions
8. External lighting
9. Highway accesses
10. Means of enclosure
11. Site security - above ground installation (Work No. 7)
12. Fire prevention
13. Surface and foul water drainage
14. Flood risk mitigation
15. Contaminated land and groundwater
16. Archaeology
17. Protected species
18. Construction environmental management plan
19. Protection of highway surfaces
20. Construction traffic management plan
21. Construction workers travel plan
22. Construction hours
23. Control of noise and vibration - construction
24. Control of noise - operation
25. Piling and penetrative foundation design
26. Waste management on site - construction wastes
27. Restoration of land used temporarily for construction
28. Combined heat and power
29. Aviation warning lighting
30. Air safety
31. Carbon capture readiness reserve space
32. Carbon capture readiness monitoring report
33. Local liaison committee
34. Employment, skills and training plan
35. Ambient air monitoring
36. Decommissioning
37. Requirement for written approval

Changes to legislation: There are currently no known outstanding effects for the The Eggborough Gas Fired Generating Station Order 2018. (See end of Document for details)

38. Approved details and amendments to them
39. Amendments agreed by the relevant planning authority
40. Ground subsidence

SCHEDULE 3 — STREETS SUBJECT TO STREET WORKS

SCHEDULE 4 — STREETS SUBJECT TO PERMANENT AND TEMPORARY ALTERATION OF LAYOUT

- PART 1 — PERMANENT ALTERATION OF LAYOUT
- PART 2 — TEMPORARY ALTERATION OF LAYOUT

SCHEDULE 5 — ACCESS

- PART 1 — THOSE PARTS OF THE ACCESS TO BE MAINTAINED AT THE PUBLIC EXPENSE
- PART 2 — THOSE PARTS OF THE ACCESS TO BE MAINTAINED BY THE STREET AUTHORITY
- PART 3 — THOSE WORKS TO RESTORE THE TEMPORARY ACCESSES WHICH WILL BE MAINTAINED BY THE STREET AUTHORITY

SCHEDULE 6 — STREETS TO BE TEMPORARILY STOPPED UP

SCHEDULE 7 — PUBLIC RIGHTS OF WAY AND PUBLIC RIGHTS OF NAVIGATION TO BE STOPPED UP OR SUSPENDED

- PART 1 — PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP
- PART 2 — PUBLIC RIGHTS OF NAVIGATION TO BE TEMPORARILY SUSPENDED

SCHEDULE 8 — LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED

1. Interpretation

SCHEDULE 9 — 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. (1) Without limitation on the scope of paragraph 1, the...
4. Application of the 1965 Act
5. For section 7 of the 1965 Act (measure of compensation...
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 (tenants at will, etc.)...
9. Section 22 (interests omitted from purchase) of the 1965 Act...
10. For Schedule 2A to the 1965 Act substitute— SCHEDULE 2A COUNTER-NOTICE...

SCHEDULE 10 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 11 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS

1. Applications made under requirements
2. Further information and consultation

3. Fees
4. Appeals
5. Interpretation of Schedule 11

SCHEDULE 12 — PROTECTIVE PROVISIONS

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

1. For the protection of the utility undertakers referred to in...
2. In this Part— “alternative apparatus” means alternative apparatus adequate to...
3. This Part does not apply to apparatus in respect of...
4. Regardless of the temporary prohibition or restriction of use of...
5. Regardless of any provision in this Order or anything shown...
6. (1) If, in the exercise of the powers conferred by...
7. (1) Where, in accordance with the provisions of this Part,...
8. (1) Not less than twenty-eight days before starting the execution...
9. (1) Subject to the following provisions of this paragraph, the...
10. (1) Subject to sub-paragraphs (2) and (3), if by reason...
11. Nothing in this Part affects the provisions of any enactment...

PART 2 — FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

12. (1) For the protection of any operator, the following provisions...
13. The exercise of the powers of article 28 (statutory undertakers)...
14. (1) Subject to sub-paragraphs (2) to (4), if as the...
15. This part of this Schedule does not apply to—
16. Nothing in this Part affects the provisions of any enactment...

PART 3 — FOR THE PROTECTION OF CANAL AND RIVER TRUST

17. Interpretation
18. Powers requiring CRT's consent
19. Fencing
20. Survey of waterway
21. Approval of plans, protective works etc.
22. Design of works
23. Notice of works
24. Lighting
25. Construction of specified works
26. Prevention of pollution
27. Access to work – provision of information
28. Alterations to the waterway
29. Maintenance of works
30. Repayment of CRT's fees, etc.
31. Costs of alterations, etc.
32. Making good of detriment; compensation and indemnity, etc.
33. Arbitration
34. Capitalised sums

SCHEDULE 13 — DEEMED MARINE LICENCE UNDER PART 4 (MARINE LICENSING) OF THE MARINE AND COASTAL ACCESS ACT 2009

PART 1 — INTRODUCTION

1. (1) In this licence— “the 2008 Act” means the Planning...
2. Addresses

PART 2 — LICENSED ACTIVITIES

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3. (1) Subject to the licence conditions in Part 3 of...
PART 3 — CONDITIONS

General

4. Should the licence holder become aware that any of the...
5. Any oil, fuel or chemical spill within the marine environment...
6. (1) Where the licensed activities are to be carried out...

Pre-Construction

7. (1) The licence holder must submit a method statement to...
8. The licence holder must inform the MMO in writing of...
9. A notice to mariners must be issued prior to activities...
10. (1) The licence holder must notify the MMO in writing...
11. (1) The licence holder must notify the MMO in writing...

During Construction, Operation and Maintenance

12. The licence holder must ensure that any coatings and treatments...
13. The storage, handling, transport and use of fuels, lubricants, chemicals...
14. The licence holder must not discharge waste concrete slurry or...
15. (1) Vibro piling must be used as standard, with percussive...
16. If concrete is to be sprayed suitable protective sheeting must...
17. During licensed activities all wastes must be stored in designated...

Post Construction

18. The licence holder must ensure that any equipment, temporary structures,...
19. The licence holder must ensure that the MMO local Marine...

SCHEDULE 14 — DESIGN PARAMETERS

PART 1 — SINGLE SHAFT PARAMETERS

1. The maximum parameters for the buildings and structures for the...
2. The maximum parameters and grid reference location of the combined...
3. The finished ground level in respect of Work No. 1...

PART 2 — MULTI-SHAFT PARAMETERS

4. The maximum parameters for the buildings and structures for the...
5. The maximum parameters and grid reference location of the combined...
6. The finished ground level in respect of Work No. 1...

Explanatory Note

Changes to legislation:

There are currently no known outstanding effects for the The Eggborough Gas Fired Generating Station Order 2018.