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STATUTORY INSTRUMENTS

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**2019 No. 1315**

**INFRASTRUCTURE PLANNING**

**The Drax Power (Generating Stations) Order 2019**

*Made* - - - - *4th October 2019*

*Coming into force* *25th October 2019*

**THE DRAX POWER (GENERATING STATIONS) ORDER 2019**

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
8. Application and modification of statutory provisions

PART 3

STREETS

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

**Changes to legislation:** There are currently no known outstanding effects for the The Drax Power (Generating Stations) Order 2019. (See end of Document for details)

#### PART 4

##### SUPPLEMENTAL POWERS

16. Discharge of water
17. Authority to survey and investigate the land
18. Removal of human remains

#### PART 5

##### POWERS OF ACQUISITION

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

#### PART 6

##### OPERATIONS

34. Felling or lopping of trees and removal of hedgerows
35. Protective works to buildings

#### PART 7

##### MISCELLANEOUS AND GENERAL

36. Protective provisions
37. Application of landlord and tenant law
38. Operational land for purposes of the 1990 Act
39. Defence to proceedings in respect of statutory nuisance
40. Certification of plans etc.
41. Service of notices
42. Procedure in relation to certain approvals etc.
43. Arbitration
44. Guarantees in respect of payment of compensation  
Signature

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#### SCHEDULES

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

The nationally significant infrastructure project comprises up to four generating...

Work No. 1 – an electricity generating station (Unit X)...

Work No. 2 – an electricity generating station (Unit Y)...

Work No. 3 – up to two battery storage facilities...

Work No. 4 – new gas insulated switchgear banking buildings...

Work No. 5 – a natural gas receiving facility compound...

Work No. 6 – above ground gas installation including—

Work No. 7 – a gas pipeline including—

Work No. 8 – electrical connections including—

Work No. 9 – temporary construction laydown areas including—

Work No. 10 – carbon capture readiness comprising—

Work No. 11 – retained and enhanced landscaping including—

Work No. 12 – decommissioning and demolition of sludge lagoons...

Work No. 13 – removal of existing 132 kilovolt overhead...

Work No. 14 – construction of temporary passing place on...

In connection with and in addition to Work Nos. 1...

## SCHEDULE 2 — REQUIREMENTS

1. Interpretation
2. Commencement of the authorised development
3. Phasing of the authorised development
4. Notice of start of commissioning and notice of date of full commissioning
5. Requirement for written approval
6. Approved details and amendments to them
7. Detailed design approval
8. Provision of landscape and biodiversity mitigation
9. Public rights of way diversions
10. External lighting during construction and operation
11. Highway accesses and passing place during construction
12. Means of enclosure
13. Surface water drainage
14. Flood risk mitigation
15. Ground conditions
16. Archaeology
17. Construction environmental management plan
18. Construction traffic management plan
19. Construction worker travel plan
20. Construction hours
21. Control of noise: operation
22. Carbon capture readiness reserve space
23. Carbon capture readiness monitoring report
24. Air safety
25. Local liaison committee
26. Decommissioning environmental management plan
27. Decommissioning traffic management plan
28. Combined heat and power

## SCHEDULE 3 — STREETS SUBJECT TO STREET WORKS

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

### PART 1 — PERMANENT ALTERATION OF LAYOUT

**Changes to legislation:** There are currently no known outstanding effects for the The Drax Power (Generating Stations) Order 2019. (See end of Document for details)

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 AND PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP

PART 1 — STREETS TO BE TEMPORARILY STOPPED UP ETC.

PART 2 — PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP ETC.

SCHEDULE 7 — PUBLIC RIGHTS OF WAY TO BE PERMANENTLY STOPPED UP

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 Part 1 of the 1965 Act
5. (1) The modifications referred to in paragraph 4(a) are as...

SCHEDULE 10 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 11 — PROCEDURE FOR DISCHARGE

1. Interpretation
2. Applications made under Requirements
3. Further information and consultation
4. Fees
5. Appeals

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 of this Schedule— “alternative apparatus” means alternative...
3. This part of this Schedule does not apply to apparatus...
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 of this Schedule affects the provisions...  
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 30 (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 of this Schedule affects the provisions...  
PART 3 — FOR THE PROTECTION OF NATIONAL GRID ELECTRICITY TRANSMISSION PLC
17. Application
18. Interpretation
19. Except for paragraphs 20 (apparatus in streets subject to temporary...
20. Apparatus of National Grid in streets subject to temporary prohibition or restriction
21. Protective works to buildings
22. Acquisition of land
23. Removal of apparatus
24. Facilities and rights for alternative apparatus
25. Retained apparatus: protection of National Grid as Electricity Undertaker
26. Expenses
27. Indemnity
28. Enactments and agreements
29. Co-operation
30. Access
31. Arbitration  
PART 4 — FOR THE PROTECTION OF NATIONAL GRID GAS PLC
32. Application
33. Interpretation
34. Except for paragraphs 35 (apparatus in streets subject to temporary...
35. Apparatus of National Grid in streets subject to temporary prohibition or restriction
36. Protective works to buildings
37. Acquisition of land
38. Removal of apparatus
39. Facilities and rights for alternative apparatus
40. Retained apparatus: protection of National Grid as Gas Undertaker
41. Expenses
42. Indemnity
43. Enactments and agreements
44. Co-operation
45. Access
46. Arbitration  
PART 5 — FOR THE PROTECTION OF NORTHERN POWERGRID (YORKSHIRE) PLC AND NORTHERN POWERGRID LIMITED
47. For the protection of Northern Powergrid (Yorkshire) Plc and Northern...
48. In this part of this Schedule— “alternative apparatus” means alternative...
49. Regardless of the temporary prohibition or restriction of use of...
50. Regardless of any provision in this Order or anything shown...
51. (1) If, in the exercise of the powers conferred by...
52. (1) Where, in accordance with the provisions of this part...

**Changes to legislation:** There are currently no known outstanding effects for the The Drax Power (Generating Stations) Order 2019. (See end of Document for details)

53. (1) Not less than ninety days before starting the execution...
54. (1) Subject to the following provisions of this paragraph, the...
55. (1) Subject to sub-paragraphs 55(2) and 55(3), if by reason...
56. Nothing in this part of this Schedule affects the provisions...
57. Without prejudice to the generality of the protective provisions in...
58. Northern Powergrid and the undertaker will use their reasonable endeavours...
59. Work in relation to which an estimate is submitted must...
60. If Northern Powergrid at any time becomes aware that an...
61. Northern Powergrid may from time to time and at least...
62. The undertaker will not be responsible for meeting costs or...
63. Any difference under the provisions of this part of the...

SCHEDULE 13 — DESIGN PARAMETERS

PART 1 — TEMPORARY CONSTRUCTION PARAMETERS

PART 2 — UNIT X PARAMETERS

PART 3 — UNIT Y PARAMETERS

SCHEDULE 14 — DOCUMENTS AND PLANS TO BE CERTIFIED

Explanatory Note

**Changes to legislation:**

There are currently no known outstanding effects for the The Drax Power (Generating Stations) Order 2019.