

SCHEDULES

SCHEDULE 9

PROTECTIVE PROVISIONS

PART 9

FOR THE PROTECTION OF E.ONUKPLC

88. In this Part of this Schedule—

“the outfall and intake” means that part of the pipelines which are located in the river at grid references (517455.3871, 419565.3965) and (517396.2407, 419527.8371) respectively;

“the pipelines” means the intake and outfall pipelines situated within plots 04023, 04024, 04027, 04028, 04029, 05003 to 05016 (inclusive), 05019, 05026, 05027, 05028, 05036, 05037, 05038, 05044, and 06006 which are the subject of a Deed of Easement dated 9th July 2004 between Able UK Limited and E.ON; and

“the river” means the River Humber.

89. For the protection of E.ON the following provisions, unless otherwise agreed in writing between the undertaker and E.ON, have effect.

90. Before extinguishing any existing rights for E.ON to keep, inspect, renew and maintain its infrastructure on or in the Order land, the undertaker, with the agreement of E.ON, must create a new right to keep, inspect, renew and maintain the infrastructure in the same location that is reasonably convenient for E.ON, such agreement not to be unreasonably withheld or delayed, and to be subject to arbitration under article 57 (arbitration).

The pipelines

91.—(1) No stage of the authorised development is to commence until a construction method statement to protect the pipelines (offshore and onshore) and intake and outfall has been prepared by the undertaker and submitted to and agreed with E.ON.

(2) The construction method statement must include provisions in respect of—

- (a) the location and methods of reinforcement of crossing points over the pipelines;
- (b) a mechanism for the enforcement of the undertaker’s use of designated crossing points over the pipelines and the agreed reinforcement methods; and
- (c) adoption of a prior notification and consent regime which would require the undertaker to—
 - (i) seek E.ON’s consent to the carrying out of the proposed development within the vicinity of the pipelines and intake and outfall, such consent not to be unreasonably withheld; and
 - (ii) notify E.ON of its intention to carry out any development within the vicinity of the pipelines and intake and outfall, such notification to be provided at least 48 hours prior to any such development occurring; and

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the authorised development must be carried out in accordance with the approved construction method statement.

General

92. Any dispute arising between the undertaker and E.ON under this Part of this Schedule is to be determined by arbitration as provided in article 57 (arbitration).