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STATUTORY INSTRUMENTS

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**2016 No. 297**

**INFRASTRUCTURE PLANNING**

**The Thorpe Marsh Gas Pipeline Order 2016**

*Made* - - - - - *3rd March 2016*

*Coming into force* *25th March 2016*

**THE THORPE MARSH GAS PIPELINE ORDER 2016**

PART 1

Preliminary

1. Citation and commencement
2. Interpretation

PART 2

Principal powers

3. Development consent etc. granted by Order

PART 3

Operations

4. Operation and use of the authorised development
5. Maintenance of authorised development
6. Limits of deviation
7. Benefit of Order
8. Consent to transfer benefit of Order
9. Application and modification of the 1997 Regulations
10. Defence to proceedings in respect of statutory nuisance
11. Procedure in relation to certain approvals etc.

PART 4

Streets

12. Street works
13. Temporary stopping up of streets
14. Temporary stopping up of public rights of way
15. Access to works

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

16. Agreements with street authorities

PART 5

Supplemental powers

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

PART 6

Powers of acquisition

- 20. Compulsory acquisition of land
- 21. Compulsory acquisition of land – incorporation of the mineral code
- 22. Time limit for exercise of authority to acquire land compulsorily
- 23. Compulsory acquisition of rights
- 24. Private rights
- 25. Application of the Compulsory Purchase (Vesting Declarations) Act 1981
- 26. Acquisition of subsoil only
- 27. Acquisition of part of certain properties
- 28. Rights under or over streets
- 29. Temporary use of land for carrying out the authorised development
- 30. Temporary use of land for maintaining the authorised development
- 31. Statutory undertakers
- 32. Recovery of costs of new connections

PART 7

Miscellaneous and general

- 33. Application of landlord and tenant law
  - 34. Operational land for purposes of the 1990 Act
  - 35. Guarantees in respect of payment of compensation
  - 36. No double recovery
  - 37. Felling or lopping of trees and removal of hedgerows
  - 38. Trees subject to tree preservation orders
  - 39. Crown rights
  - 40. Certification of plans etc.
  - 41. Protection of interests
  - 42. Arbitration
- Signature

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SCHEDULE 1 — AUTHORISED DEVELOPMENT

PART 1 — Authorised Development

- In the County of North Yorkshire, District of Selby
- In both the County of North Yorkshire, District of Selby and the East Riding of Yorkshire
- In the East Riding of Yorkshire
- In both the East Riding of Yorkshire and the County of North Yorkshire, District of Selby
- In the County of North Yorkshire, District of Selby

In both the County of North Yorkshire, District of Selby and the Metropolitan Borough of Doncaster

In the Metropolitan Borough of Doncaster

PART 2 — Requirements

1. Interpretation
2. Time limits
3. Stages of authorised development
4. Detailed design approval
5. Construction environmental management plan
6. Construction traffic and temporary highway accesses
7. Construction hours
8. Lighting management measures at the AGI site
9. Provision of landscaping at the AGI site
10. AGI site and highway accesses
11. Hedgerows and trees
12. Public rights of way
13. Surface and foul water drainage
14. Contaminated land and groundwater
15. Archaeology
16. Ecological management plan
17. European protected species
18. Operational noise
19. Decommissioning
20. Written approval
21. Amendments to approved details
22. Flooding mitigation
23. Local employment
24. Burn airfield

SCHEDULE 2 — STREETS SUBJECT TO STREET WORKS

SCHEDULE 3 — PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP

SCHEDULE 4 — ACCESS TO WORKS

SCHEDULE 5 — LAND IN WHICH NEW RIGHTS, ETC. MAY BE ACQUIRED

SCHEDULE 6 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

1. The enactments for the time being in force with respect...
2. (1) Without prejudice to the generality of paragraph 1, the...
3. (1) The 1965 Act has effect with the modifications necessary...
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 the interests...
9. Section 22 of the 1965 Act (protection of acquiring authority's...

SCHEDULE 7 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

PART A — Land of which temporary possession may be taken

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PART B — Land over which temporary access may be taken where others use the same

SCHEDULE 8 — REMOVAL OF IMPORTANT HEDGEROWS

SCHEDULE 9 — PROTECTIVE PROVISIONS

PART 1 — For the Protection of Network Rail Infrastructure Limited

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 and properly...
14. (1) The undertaker must pay to Network Rail all reasonable...
15. Network Rail must, on receipt of a request from the...
16. In the assessment of any sums payable to Network Rail...
17. Nothing in this Order, or in any enactment incorporated with...
18. The undertaker must give written notice to Network Rail where...
19. The undertaker must no later than 28 days from the...

PART 2 — For the Protection of National Grid Electricity Transmission plc and National Grid Gas plc

1. Application
2. Interpretation
3. Except for paragraphs 4 (apparatus of protected person in stopped...
4. Apparatus of protected person in stopped up streets
5. Acquisition of land
6. Removal of apparatus
7. Facilities and rights for alternative apparatus
8. Retained apparatus: protection for National Grid Gas plc
9. Retained apparatus: protection for National Grid Electricity Transmission plc
10. Expenses
11. Indemnity
12. Ground subsidence monitoring scheme in respect of protected person’s apparatus
13. Enactments and agreements
14. Co-operation
15. Access
16. Arbitration

PART 3 — For the Protection of Electricity, Gas, Water and Sewerage Statutory Undertakers

1. The provisions of this Part have effect for the protection...

2. In this Part— “alternative apparatus” means alternative apparatus adequate to...
  3. This Part does not apply to apparatus in respect of...
  4. Despite any provision in this Order or anything shown on...
  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. (1) Subject to sub-paragraphs (2) and (3), if by reason,...
- PART 4 — For the Protection of Operators of Electronic Communications Code  
Networks
1. The provisions of this Part have effect for the protection...
  2. In this Part— “2003 Act” means the Communications Act 2003;...
  3. The exercise of the powers conferred by article 31 (statutory...
  4. (1) Subject to sub-paragraphs (2) and (3), if, as the...
  5. This Part does not apply to— (a) any apparatus in...
  6. Nothing in this Part affects the provisions of any enactment...

#### Explanatory Note