

---

STATUTORY INSTRUMENTS

---

**2022 No. 1396**

**INFRASTRUCTURE PLANNING**

**The Keadby 3 (Carbon Capture Equipped  
Gas Fired Generating Station) Order 2022**

*Made - - - - 7th December 2022*

*Coming into force 29th December 2022*

**THE KEADBY 3 (CARBON CAPTURE EQUIPPED  
GAS FIRED GENERATING STATION) ORDER 2022**

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. Access to works
13. Agreements with street authorities

**Changes to legislation:** There are currently no known outstanding effects for the The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022. (See end of Document for details)

#### PART 4

##### SUPPLEMENTAL POWERS

14. Discharge of water
15. Authority to survey and investigate the land
16. Temporary interference with canal and public rights of navigation
17. Use of private roads for construction

#### PART 5

##### POWERS OF ACQUISITION

18. Compulsory acquisition of land
19. Statutory authority to override easements and other rights
20. Time limit for exercise of authority to acquire land compulsorily
21. Compulsory acquisition of rights etc.
22. Private rights
23. Application of the 1981 Act and Part 1 of the 1961 Act
24. Acquisition of subsoil or airspace only
25. Modification of Part 1 of the 1965 Act
26. Rights under or over streets
27. Temporary use of land for carrying out the authorised development
28. Temporary use of land for maintaining the authorised development
29. Statutory undertakers
30. Apparatus and rights of statutory undertakers in streets
31. Recovery of costs of new connections

#### PART 6

##### OPERATIONS

32. Crown Rights
33. Felling or lopping of trees and removal of hedgerows
34. Protective works to buildings

#### PART 7

##### MISCELLANEOUS AND GENERAL

35. Protective provision
36. Restoration works
37. Application of landlord and tenant law
38. Operational land for purposes of the 1990 Act
39. Deemed marine licence under the Marine and Coast Access Act 2009
40. Defence to proceedings in respect of statutory nuisance
41. Certification of plans etc.
42. Service of notices
43. Procedure in relation to certain approvals etc.
44. Arbitration
45. Guarantees in respect of payment of compensation  
Signature

## 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
5. Detailed design
6. Landscaping and biodiversity protection management and enhancement
7. External lighting
8. Highway accesses
9. Means of enclosure
10. Site security
11. Fire prevention
12. Surface water drainage
13. Foul water drainage
14. Flood risk mitigation
15. Contaminated land and groundwater
16. Archaeology
17. Construction environmental management plan
18. Protection of highway surfaces
19. Temporary haul road (traffic management and protection)
20. Temporary haul road (biodiversity protection)
21. Temporary haul road (removal and restoration)
22. Temporary haul road (prior approval of restoration scheme)
23. Palfrey laydown (design)
24. Palfrey laydown (removal and restoration)
25. Construction traffic management plan
26. Construction worker travel plan
27. Construction hours
28. Control of noise and vibration - construction
29. Control of noise - operation
30. Piling and penetrative foundation design
31. Restoration of land used temporarily for construction
32. Combined heat and power
33. Carbon capture and compression plant
34. Aviation warning lighting
35. Air safety
36. Local liaison committee
37. Employment, skills and training plan
38. Decommissioning
39. Requirement for written approval
40. Approved details and amendments to them
41. Amendments agreed by the relevant planning authority

## SCHEDULE 3 — STREETS SUBJECT TO STREET WORKS

## SCHEDULE 4 — STREETS SUBJECT TO PERMANENT ALTERATIONS OF LAYOUT

## SCHEDULE 5 — ACCESS - THOSE PARTS OF THE ACCESS TO BE MAINTAINED AT THE PUBLIC EXPENSE

## SCHEDULE 6 — NEW RIGHTS

1. Interpretation

**Changes to legislation:** There are currently no known outstanding effects for the The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022. (See end of Document for details)

SCHEDULE 7 — 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 8 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 9 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS

1. In this Schedule— “business day” means a day other than...
2. Applications made under Requirements
3. Further information and consultation
4. Fees
5. Appeals

SCHEDULE 10 — PROTECTIVE PROVISIONS

PART 1 — FOR THE PROTECTION OF NATIONAL GRID AS ELECTRICITY AND GAS UNDERTAKER

1. Application
2. Interpretation
3. On Street Apparatus
4. Apparatus of National Grid in stopped up streets
5. Protective works to buildings
6. Acquisition of land
7. Removal of apparatus
8. Facilities and rights for alternative apparatus
9. Retained apparatus: protection of electricity undertaker
10. Retained apparatus: protection of gas undertaker
11. Expenses
12. Indemnity
13. Enactments and agreements
14. Co-operation
15. Access
16. Arbitration
17. Notices

PART 2 — FOR THE PROTECTION OF CANAL AND RIVER TRUST

18. Interpretation
19. Powers requiring the Canal and River Trust’s consent
20. Fencing
21. Survey of waterway
22. Approval of plans, protective works etc.
23. Design of works
24. Notice of works
25. Lighting
26. Construction of specified works
27. Prevention of pollution
28. Access to work – provision of information
29. Alterations to the waterway
30. Maintenance of works
31. Repayment of the Canal and River Trust’s fees, etc.

32. Making good of detriment; compensation and indemnity, etc.
  33. Arbitration
  34. Capitalised sums
- PART 3 — FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS
35. For the protection of the utility undertakers referred to in...
  36. In this Part of this Schedule— “alternative apparatus” means alternative...
  37. This Part does not apply to apparatus in respect of...
  38. Regardless of any provision in this Order or anything shown...
  39. (1) If, in the exercise of the powers conferred by...
  40. (1) Where, in accordance with the provisions of this Part,...
  41. (1) Not less than twenty-eight days before starting the execution...
  42. (1) Subject to the following provisions of this paragraph, the...
  43. (1) Subject to sub-paragraphs (2) and (3), if by reason...
  44. Nothing in this Part affects the provisions of any enactment...
- PART 4 — FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS
45. (1) For the protection of any operator, the following provisions...
  46. The exercise of the powers of article 29 (statutory undertakers)...
  47. (1) Subject to sub-paragraphs (2) to (4), if as the...
  48. This Part of this Schedule does not apply to—
  49. Nothing in this Part affects the provisions of any enactment...
- PART 5 — FOR THE PROTECTION OF RAILWAY INTERESTS
50. The provisions of this Part of this Schedule have effect,...
  51. In this Schedule— “asset protection agreement” means an agreement to...
  52. (1) Where under this Part of this Schedule Network Rail...
  53. (1) The undertaker must not exercise the powers conferred by—...
  54. (1) The undertaker must, before commencing construction of any specified...
  55. (1) Any specified work and any protective works to be...
  56. The undertaker must— (a) at all times afford reasonable facilities...
  57. Network Rail must at all times afford reasonable facilities to...
  58. (1) If any permanent or temporary alterations or additions to...
  59. The undertaker must repay to Network Rail all reasonable fees,...
  60. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
  61. If at any time after the completion of a specified...
  62. The undertaker must not provide any illumination or illuminated sign...
  63. Any additional expenses which Network Rail may reasonably incur in...
  64. (1) The undertaker must pay to Network Rail all reasonable...
  65. Network Rail must, on receipt of a request from the...
  66. In the assessment of any sums payable to Network Rail...
  67. The undertaker and Network Rail may, subject in the case...
  68. In Nothing in this Order, or in any enactment incorporated...
  69. The undertaker must give written notice to Network Rail if...
  70. The undertaker must no later than 28 days from the...
  71. In relation to any dispute arising under this part of...
- PART 6 — FOR THE PROTECTION OF NATIONAL GRID CARBON LIMITED
72. Application
  73. The undertaker hereby agrees not to exercise its powers under...
  74. Section A and paragraph 88 of Section B of this...
  75. Interpretation

**Changes to legislation:** There are currently no known outstanding effects for the The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022. (See end of Document for details)

## SECTION A

76. Interaction with the NGC Pipeline Network
77. Carbon dioxide export connections works
78. Without limiting any other provision of this Order, where NGC...
79. (1) Before beginning to construct any carbon dioxide export connection...
80. (1) Any approval of NGC required under this Schedule—
81. (1) The undertaker must give to NGC not less than...

## SECTION B

82. On street apparatus
  83. Acquisition of land
  84. Protective works to buildings
  85. Removal of NGC apparatus
  86. Facilities and rights for alternative apparatus
  87. Specified works plan approval
  88. (1) Subject to sub-paragraph (5), any specified work, and all...
  89. Expenses and costs
  90. Indemnity
  91. Co-operation
  92. Disputes
- PART 7 — FOR THE PROTECTION OF NORTHERN POWERGRID**
93. For the protection of Northern Powergrid the following provisions have...
  94. In this Part of this Schedule— “1991 Act” means the...
  95. This Part of this Schedule does not apply to apparatus...
  96. Regardless of any provision in this Order or anything shown...
  97. (1) If, in the exercise of the powers conferred by...
  98. (1) Where, in accordance with the provisions of this Part...
  99. (1) Not less than 48 days before starting the execution...
  100. (1) Subject to the following provisions of this paragraph, the...
  101. (1) Subject to sub-paragraphs (2) and (3), if by reason...
  102. Nothing in this Part of this Schedule affects the provisions...
  103. Where in consequence of the proposed construction of any of...
  104. If in consequence of an agreement reached in accordance with...
  105. The plans submitted to Northern Powergrid by the undertaker pursuant...

### SCHEDULE 11 — DESIGN PARAMETERS

1. Maximum parameters for buildings and structures are set out at...
2. The finished ground level in respect of Work No. 1A,...
3. Maximum parameters of the A18 Gatehouse building (Work No. 8B)...
4. Maximum parameters for length (m), width (m) or diameter (m)...

### SCHEDULE 12 — DOCUMENTS AND PLANS TO BE CERTIFIED

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

#### PART 1 — INTRODUCTION

1. (1) In this licence the definitions in article 2 must...

#### PART 2 — DETAILS OF LICENSED MARINE ACTIVITIES

2. Subject to the conditions, this licence authorises the undertaker to...

3. Licensed activities are authorised in relation to the construction, maintenance...
4. The substances or articles authorised for deposit associated with the...
5. The undertaker may engage in the licensed activities in the...
6. The coordinates in Table 9 are defined in accordance with...  
PART 3 — CONDITIONS
7. General
8. Notifications and Inspections
9. Pre-construction
10. (1) The undertaker must submit a marine method statement (MMS)...
11. The undertaker must complete pre-works bathymetry of the areas specified...
12. The undertaker must notify the MMO in writing of any...
13. The undertaker must notify the MMO in writing of any...
14. During Construction, Operation and Maintenance
15. The storage, handling, transport and use of fuels, lubricants, chemicals...
16. The undertaker must not discharge waste concrete slurry or wash...
17. During licensed activities all wastes must be stored in designated...
18. (1) Vibratory piling must be used as standard, with percussive...
19. Piling must not be undertaken between 01 September and 31...
20. The undertaker must comply with the lighting, hazard marking and...
21. The undertaker must ensure any rock material used in the...
22. In the event that any rock or stone material is...
23. (1) The undertaker must report all dropped objects to the...
24. Post Construction
25. The undertaker must ensure that the MMO Local Enforcement Office...
26. The undertaker must complete post-works bathymetry of the areas specified...
27. Conditions Discharge

Explanatory Note

**Changes to legislation:**

There are currently no known outstanding effects for the The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022.