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STATUTORY INSTRUMENTS

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**2024 No. 230**

**INFRASTRUCTURE PLANNING**

The Medworth Energy from Waste Combined  
Heat and Power Facility Order 2024

*Made* - - - - 20th February 2024

*Coming into force* 13th March 2024

THE MEDWORTH ENERGY FROM WASTE COMBINED  
HEAT AND POWER FACILITY ORDER 2024

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation

PART 2

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4. Maintenance of authorised development
5. Operation of the authorised development
6. Disapplication of legislative provisions
7. Benefit of this Order
8. Consent to transfer benefit of the Order
9. Security in respect of payment of compensation

PART 3

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10. Street works
11. Power to alter layout, etc., of streets
12. Construction and maintenance of new or altered means of access
13. Temporary prohibition or restriction of use of streets and public rights of way
14. Use of private roads
15. Access to works

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16. Agreements with street authorities
17. Traffic regulation measures

#### PART 4

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18. Discharge of water
19. Authority to survey and investigate the land
20. Protective works to buildings
21. Felling or lopping of trees
22. Removal of human remains

#### PART 5

#### POWERS OF ACQUISITION AND POSSESSION OF LAND

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24. Time limit for exercise of authority to acquire land compulsorily
25. Compulsory acquisition of rights and imposition of restrictive covenants
26. Acquisition of subsoil only
27. Private rights
28. Power to override easements and other rights
29. Application of the 1981 Act
30. Modification of Part 1 of the Compulsory Purchase Act 1965
31. Rights under or over streets
32. Temporary use of land for the carrying out of the authorised development
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34. Statutory undertakers
35. Apparatus and rights of statutory undertakers in altered or closed streets
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39. Operational land for the purposes of the 1990 Act
40. Defence to proceedings in respect of statutory nuisance
41. Protective provisions
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43. Service of notices
44. Procedure in relation to certain approvals etc.
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47. Incorporation of the mineral code
48. Modification of the section 106 agreement relating to land  
Signature

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15. Operational travel plan
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17. Fire prevention plan
18. Lighting strategy
19. Noise management
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21. Employment and skills strategy
22. Carbon capture and export readiness reserve space
23. Carbon capture readiness monitoring report
24. Community liaison manager
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## SCHEDULE 7 — TEMPORARY PROHIBITION OR RESTRICTION OF THE USE OF STREETS OR PUBLIC RIGHTS OF WAY

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

SCHEDULE 9 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS AND IMPOSITION OF NEW RESTRICTIVE COVENANTS

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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 — PROTECTIVE PROVISIONS

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

1. The provisions of this Part have effect for the protection...
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 28 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 — PROTECTION FOR OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

12. (1) For the protection of any operator, the following provisions,...
13. In this Part of this Schedule— “the 2003 Act” means...
14. The exercise of the powers of article 34 (statutory undertakers)...
15. (1) Subject to sub-paragraphs (2) to (4), if as the...
16. This Part of this Schedule does not apply to—

PART 3 — FOR THE PROTECTION OF CADENT GAS LIMITED

17. Application
18. Interpretation
19. On street apparatus
20. Apparatus of Cadent in altered or closed streets
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 Cadent
26. Expenses
27. Indemnity
28. Enactments and agreements
29. Co-operation
30. Access
31. Arbitration
32. Notices

#### PART 4 — FOR THE PROTECTION OF EASTERN POWER NETWORKS

33. For the protection of EPN as referred to in this...
34. In this Part of this Schedule— “alternative apparatus” means alternative...
35. This Part of this Schedule does not apply to apparatus...
36. Regardless of the temporary prohibition or restriction of use of...
37. Regardless of any provision in this Order or anything shown...
38. (1) If, in the exercise of the powers conferred by...
39. (1) Where, in accordance with the provisions of this Part...
40. (1) Not less than 28 days before starting the execution...
41. (1) Subject to the following provisions of this paragraph, the...
42. (1) Subject to sub-paragraphs (2) and (3), if by reason...
43. Nothing in this Part of this Schedule affects the provisions...

#### PART 5 — FOR THE PROTECTION OF NATIONAL HIGHWAYS

44. Application etc.
45. Interpretation
46. General
47. Notwithstanding the provisions of this Order, no works in carrying...
48. References to any standards, manuals, contracts, regulations and directives including...
49. Works outside the Order limits
50. Prior approvals and security
51. Construction of the specified works
52. Payments
53. Provisional Certificate
54. Opening
55. Final condition survey
56. Defects Period
57. Final Certificate
58. Security
59. Commuted sums
60. Insurance
61. Indemnity
62. Maintenance of the specified works
63. Land
64. Expert Determination

#### PART 6 — FOR THE PROTECTION OF INTERNAL DRAINAGE BOARD

65. The provisions of this Part have effect for the protection...
66. In this Part— “the Board” means Hundred of Wisbech Internal...
67. (1) Before beginning to construct any specified work, the undertaker...
68. Without limiting paragraph 67, the requirements which the Board may...
69. (1) Subject to sub-paragraph (2), any specified work, and all...
70. If by reason of the construction of any specified work...
71. (1) The undertaker must compensate the Board in respect of...
72. (1) Without limiting the other provisions of this Part, the...
73. The fact that any work or thing has been executed...
74. If in consequence of the powers granted under this Order...
75. (1) The Board and the undertaker may enter into agreements...
76. Any dispute between the undertaker and the Board under this...

#### PART 7 — FOR THE PROTECTION OF ANGLIAN WATER

77. For the protection of Anglian Water, the following provisions shall,...
78. In this Part of this Schedule— “alternative apparatus” means alternative...
79. On street apparatus
80. Apparatus in stopped up streets

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81. Protective works to buildings
82. Acquisition of land
83. Removal of apparatus
84. Facilities and rights for alternative apparatus
85. Retained apparatus
86. Expenses and costs
87. (1) Subject to sub-paragraphs (2) and (3), if by reason...
88. Cooperation
89. Where the undertaker identifies any apparatus which may belong to...
90. Nothing in this Part of this Schedule affects the provisions...
91. The undertaker and Anglian Water may by written agreement substitute...  
PART 8 — FOR THE PROTECTION OF RAILWAY INTERESTS
92. The provisions of this Part of this Schedule have effect,...
93. In this Part of this Schedule— “asset protection agreement” means...
94. (1) Where under this Part of this Schedule Network Rail...
95. (1) The undertaker must not exercise the powers conferred by—...
96. (1) The undertaker must before commencing construction of any specified...
97. (1) Any specified work and any protective works to be...
98. The undertaker must— (a) at all times afford reasonable facilities...
99. Network Rail must at all times afford reasonable facilities to...
100. (1) If any permanent or temporary alterations or additions to...
101. The undertaker must repay to Network Rail all reasonable fees,...
102. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
103. If at any time after the completion of a specified...
104. The undertaker must not provide any illumination or illuminated sign...
105. Any additional expenses which Network Rail may reasonably incur in...
106. (1) The undertaker must pay to Network Rail all reasonable...
107. Network Rail must, on receipt of a request from the...
108. In the assessment of any sums payable to Network Rail...
109. The undertaker and Network Rail may, subject in the case...
110. Nothing in this Order, or in any enactment incorporated with...
111. The undertaker must give written notice to Network Rail if...
112. The undertaker must no later than 28 days from the...
113. In relation to any dispute arising under this part of...  
PART 9 — FOR THE PROTECTION OF CAMBRIDGESHIRE COUNTY  
COUNCIL AS HIGHWAY AUTHORITY
114. (1) The following provisions of this Part of this Schedule,...
115. (1) Before commencing the construction of, or the carrying out...
116. (1) The undertaker must not alter, disturb or in any...
117. (1) Where any part of any highway has been broken...
118. If any damage to any highway or any property of...
119. The fact that any act or thing may have been...
120. Cambridgeshire County Council must use its reasonable endeavours to mitigate...
121. On completion of the works the undertaker must seek written...
122. (1) Cambridgeshire County Council must not unreasonably withhold or delay...
123. On receipt of certification that completed works are acceptable under...
124. Any difference arising between the undertaker and the Cambridgeshire County...
125. (1) Subject to sub-paragraphs (2) and (3), the undertaker must...

126. All reasonable costs incurred by Cambridgeshire County Council under this...

SCHEDULE 12 — PROCEDURE FOR THE DISCHARGE OF REQUIREMENTS

1. Interpretation
2. Applications made under requirements
3. Further information and consultation
4. Appeals

SCHEDULE 13 — DOCUMENTS AND PLANS TO BE CERTIFIED

SCHEDULE 14 — MAXIMUM AND MINIMUM DESIGN PARAMETERS

SCHEDULE 15 — ARBITRATION RULES

1. Primary objective
2. Time periods
3. Timetable
4. Procedure
5. Arbitrator's powers
6. Costs
7. Confidentiality

Explanatory Note