



# Killingholme Generating Stations (Ancillary Powers) Act 1991

## 1991 CHAPTER viii

### PART II

#### WORKS

#### 4 Power to National Power to construct works

Subject to the provisions of this Act National Power may in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown upon the deposited sections make and maintain the works hereinafter described together with all necessary works and conveniences connected therewith, namely:—

Work No. 1 One or more conduits and an intake commencing in the parish at reference point TA1702 1960 and extending into the river for a distance of 320 metres and there terminating;

Work No. 2 One or more conduits and an outfall commencing in the parish at reference point TA1702 1960 extending into the river for a distance of 250 metres and there terminating;

Work No. 3 One or more conduits and an intake commencing in the parish at reference point TA1704 1952 extending into the river for a distance of 360 metres and there terminating;

Work No. 4 One or more conduits and an outfall commencing in the parish at reference point TA1704 1952 extending into the river for a distance of 270 metres and there terminating;

Work No. 5 One or more conduits and an intake commencing in the parish at reference point TA1710 1946 extending into the river for a distance of 350 metres and there terminating;

Work No. 6 One or more conduits and an outfall commencing in the parish at reference point TA1710 1946 extending into the river for a distance of 250 metres and there terminating.

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## **5 Power to PowerGen to construct works**

Subject to the provisions of this Act PowerGen may in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown upon the deposited sections make and maintain the works hereinafter described together with all necessary works and conveniences connected therewith, namely:—

Work No. 7 One or more conduits and an intake commencing in the parish at reference point TA1714 1939 and extending into the river for a distance of 360 metres and there terminating;

Work No. 8 One or more conduits and an outfall commencing in the parish at reference point TA1714 1939 extending into the river for a distance of 250 metres and there terminating;

Work No. 9 One or more conduits and an intake commencing in the parish at reference point TA1718 1932 extending into the river for a distance of 370 metres and there terminating;

Work No. 10 One or more conduits and an outfall commencing in the parish at reference point TA1718 1932 extending into the river for a distance of 270 metres and there terminating;

Work No. 11 One or more conduits and an intake commencing in the parish at reference point TA1722 1925 extending into the river for a distance of 390 metres and there terminating;

Work No. 12 One or more conduits and an outfall commencing in the parish at reference point TA1722 1925 extending into the river for a distance of 290 metres and there terminating.

## **6 Power to make subsidiary works**

- (1) Subject to the provisions of this Act, the appropriate company may from time to time erect, construct and maintain whether temporarily or permanently all such works and conveniences as may be requisite or expedient for the purposes of or in connection with the construction, maintenance and use of the National Power works or the PowerGen works, as the case may be:

Provided that—

- (a) the appropriate company shall ensure that, so far as is reasonably practicable, any such works shall not unnecessarily narrow or obstruct the navigable waterway of the river or otherwise interfere with or impede navigation or obstruct the flow of water or the passage of fish;
- (b) no such permanent works or conveniences shall be erected or constructed outside the limits of deviation.
- (2) On the completion of the National Power works or the PowerGen works, as the case may be, the appropriate company shall remove all temporary works placed by them under the powers of this section on, under or over land below the level of high water.

## **7 Alteration and improvement of works**

Subject to the provisions of this Act, the appropriate company may from time to time maintain, renew, divert and alter, temporarily or permanently, the National Power works or the PowerGen works, as the case may be, or any part of any such work:

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Provided that nothing in this section shall authorise the appropriate company to deviate laterally beyond the limits of deviation.

## **8 Power to deviate**

In the construction of the National Power works or the PowerGen works, as the case may be, the appropriate company may deviate laterally from the lines or situations thereof shown on the deposited plans to any extent not exceeding the limits of deviation and may deviate vertically from the levels of that work shown on the deposited sections to any extent upwards or downwards.

## **9 Power to dredge**

- (1) Subject to the provisions of this Act the appropriate company may from time to time for the purpose of the construction, maintenance, alteration, improvement, diversion or user of the works, deepen, dredge, scour and improve and remove obstructions from the bed, foreshore and banks of the river adjoining or near to the works.
- (2) The appropriate company may use, appropriate and dispose of the materials from time to time dredged by them from the river:

Provided that no such materials shall be deposited below the level of high water except in such places and in accordance with such restrictions or regulations as may be approved or prescribed by the Secretary of State nor shall such materials be deposited on the foreshore or bed of the river without the consent of A.B. Ports.

### **(3) (a)**

Nothing in this section shall authorise any interference with any subaqueous cable belonging to or used by British Telecommunications plc.

- (b) As early as possible, and in any event not less than 28 days, before any exercise of their powers under subsection (1) above within a distance of 50 yards of any subaqueous cable belonging to or used by British Telecommunications plc, the appropriate company shall give notice in writing to British Telecommunications plc of such intended exercise.

- (4) No materials dredged up or removed under the powers of this section shall be laid down or deposited in any place or manner so as to cover any subaqueous cable belonging to or used by British Telecommunications plc or any submarine gas main placed or maintained by British Gas plc or to impede in any way the inspection, maintenance, removal or renewal of any such cable or main.

## **10 Abstraction and discharge**

### **(1) (a)**

National Power may by means of the works abstract from the river such quantities of water as may be required for cooling purposes.

- (b) National Power may by means of the works discharge into the river any water so abstracted.

### **(2) (a)**

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PowerGen may by means of the works abstract from the river such quantities of water as may be required for cooling purposes.

(b) PowerGen may by means of the works discharge into the river any water so abstracted.

(3) Nothing in this section shall exempt the appropriate company from the provisions of Chapter I of Part III of the Water Act 1989 or Part IV of the Water Resources Act 1963 and National Power and PowerGen shall each be deemed to be entitled to make an application for a licence under the said Act of 1963 by virtue of section 27 of that Act.

## 11 Special exemptions

Section 6 (No erections in Humber below river lines or without licence above river lines) of the Humber Conservancy Act 1905 shall not apply to the works and section 8 (Sand &c. not to be removed from bed or foreshore of River Humber without licence of Commissioners) of that Act shall not apply to the exercise by the appropriate company of the powers of section 9 (Power to dredge) of this Act.

## 12 Temporary stoppage of highways, etc

- (1) The appropriate company during and for the purposes of the construction, maintenance, renewal, diversion or alteration of any of the National Power works or the PowerGen works, as the case may be, may temporarily stop up, alter, divert or otherwise interfere with any road, footpath or bridleway or any private right of way, and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the road, footpath or bridleway or right of way from passing along and using the same.
- (2) The appropriate company shall provide reasonable access for foot-passengers, with or without animals, bona fide going to or from any such land, house or building.
- (3) The powers of subsection (1) above shall not be exercised in relation to any road without the consent of the highway authority having powers in relation thereto, which consent shall not be unreasonably withheld but may be given subject to such reasonable conditions (other than a monetary payment as the consideration for the grant of a consent) as the highway authority may require, and any question whether such consent is unreasonably withheld, or any conditions so imposed are unreasonable, shall be determined by arbitration.
- (4) The powers of this section shall not be exercised with respect to any road unless not less than 21 days' notice in writing is given to—
  - (a) the traffic commissioner in whose area the road is situate;
  - (b) the operator over that road of a local service as defined in the Transport Act 1985;
  - (c) the chief fire officer of the fire authority; and
  - (d) the chief officer of police;
 except in a case of emergency when such notice as is practicable shall be given.
- (5) In the exercise of the powers of this section the appropriate company shall, whenever possible, provide a proper temporary substitute way before interrupting the traffic on any road or highway.

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### **13 Tidal works not to be executed without approval of Secretary of State**

- (1) A tidal work shall not be constructed, renewed, diverted or altered except in accordance with plans and sections approved by the Secretary of State and subject to any conditions and restrictions imposed by him before the work is begun.
- (2) If a tidal work is constructed, renewed, diverted or altered in contravention of this section or of any condition or restriction imposed under this section—
  - (a) the Secretary of State may by notice in writing require the appropriate company at their own expense to remove the tidal work or any part thereof and restore the site thereof to its former condition; and if, on the expiration of 30 days from the date when the notice is served upon the appropriate company they have failed to comply with the requirements of the notice, the Secretary of State may execute the works specified in the notice; or
  - (b) if it appears to the Secretary of State urgently necessary so to do, he may remove the tidal work or part of it and restore the site to its former condition; and any expenditure incurred by the Secretary of State in so doing shall be recoverable from the appropriate company.

### **14 Provision against danger to navigation**

- (1) In case of injury to or destruction or decay of a tidal work or any part thereof, the appropriate company shall as soon as reasonably practicable notify A.B. Ports and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as A.B. Ports shall from time to time direct.
- (2) If the appropriate company fail to notify A.B. Ports as required by this section or to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

### **15 Abatement of works abandoned or decayed**

- (1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State or the rivers authority may by notice in writing require the appropriate company at their own expense either to repair and restore the work or any part thereof or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State or the rivers authority, as the case may be, thinks proper.
- (2) Where a work, authorised by this Act and consisting partly of a tidal work and partly of works on or over land above the level of high water, is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such condition as to interfere or to cause reasonable apprehension that it may interfere with the right of navigation or other public rights over the foreshore, the Secretary of State or the rivers authority, as the case may be, may include that part of the work, or any portion thereof, in any notice under this section.
- (3) If, on the expiration of 30 days from the date when a notice under this section is served upon the appropriate company, they have failed to comply with the requirements of the notice, the Secretary of State or the rivers authority, as the case may be, may execute the works specified in the notice and any expenditure incurred by him in so doing shall be recoverable from the appropriate company.

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## **16 Survey of tidal works**

- (1) The Secretary of State may at any time, if he deems it expedient, order a survey and examination of a tidal work constructed by the appropriate company or of the site upon which it is proposed to construct the work, and any expenditure incurred by the Secretary of State in any such survey and examination shall be recoverable from the appropriate company.
- (2) The rivers authority may at their own expense at any time carry out a survey and examination of any such work as is referred to in subsection (1) above and the appropriate company shall provide the rivers authority free of charge with all such facilities as are reasonably necessary for that purpose.

## **17 Permanent lights on tidal works**

- (1) After the completion of a tidal work, the appropriate company shall at the outer extremity thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as A.B. Ports shall from time to time direct.
- (2) If the appropriate company fail to comply in any respect with a direction given under this section, they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

## **18 Lights on tidal works during construction**

- (1) The appropriate company shall at or near a tidal work during the whole time of the construction, renewal, diversion or alteration thereof exhibit every night from sunset to sunrise such lights, if any, and take such other steps for the prevention of danger to navigation as the Secretary of State shall from time to time direct.
- (2) If the appropriate company fail to comply in any respect with a direction given under this section they shall be liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.