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STATUTORY INSTRUMENTS

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**2014 No. 2434**

**INFRASTRUCTURE PLANNING**

**The North Killingholme (Generating Station) Order 2014**

*Made - - - - 11th September 2014*

*Coming into force 2nd October 2014*

**THE NORTH KILLINGHOLME  
(GENERATING STATION) ORDER 2014**

1. Citation and commencement
2. Interpretation
3. Development consent etc. granted by the Order
4. Maintenance, decommissioning and demolition of authorised development
5. Operation of generating station
6. Benefit of the Order
7. Guarantees in respect of payment of compensation
8. Defence to proceedings in respect of statutory nuisance
9. Street works
10. Temporary stopping up of streets
11. Access to works
12. Agreements with street authority
13. Crown rights
14. Discharge of water
15. Authority to survey and investigate the land
16. Compulsory acquisition of land
17. Power to override easements and other rights
18. Private rights of way
19. Time limit for exercise of authority to acquire land compulsorily
20. Compulsory acquisition of rights
21. Application of the Compulsory Purchase (Vesting Declarations) Act 1981
22. Acquisition of subsoil only
23. Acquisition of part of certain properties
24. Rights under or over streets
25. Temporary use of land for carrying out the authorised development
26. Temporary use of land for maintaining authorised development
27. Statutory undertakers
28. Railway undertakings
29. Application of landlord and tenant law

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30. Operational land for purposes of the 1990 Act
  31. Felling or lopping of trees
  32. Protective work to buildings
  33. Procedure in relation to certain approvals etc.
  34. Certification of plans, etc.
  35. Arbitration
  36. Deemed marine licence
  37. Protection of interests
- Signature

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SCHEDULE 1 — Authorised development

PART 1 — Authorised development

In North Lincolnshire

PART 2 — Building heights

PART 3 — Requirements

1. Interpretation
2. Time limits etc.
3. Development masterplan
4. Detailed design
5. (1) The authorised development shall be carried out in accordance...
6. Site road
7. Provision of landscaping
8. Implementation and maintenance of landscaping
9. Highway works
10. Fencing and other means of site perimeter enclosure
11. Construction surface water drainage
12. Operational surface and foul water drainage
13. Contamination and groundwater
14. Archaeology
15. CEMP
16. Storage of liquids on site
17. Control of noise during construction
18. No part of the authorised development shall be carried out...
19. (1) Prior to commencement of construction Work No. 1 or...
20. Control of noise during operation
21. (1) No part of the authorised development shall be brought...
22. In any case where the noise levels specified in requirement...
23. (1) Operation of the authorised development shall not be commenced...
24. Construction hours
25. Piling
26. Construction of Work Nos. 6a and 6b
27. Combined heat and power
28. (1) Prior to the operation of Work No. 1, a...
29. Control of dust emissions during operation
30. Construction and security lighting scheme
31. Permanent lighting scheme
32. Bat mitigation strategy
33. Water vole mitigation strategy
34. Other ecological matters
35. (1) No part of the authorised development comprised in Works...
36. CCS

37. (1) The undertaker shall make a report (“monitoring report”) to...
38. (1) The generating station comprised in Work No. 1 shall...
39. Fire water
40. Drainage pond
41. Site waste management plan
42. Biomass fuel sustainability
43. Decommissioning
44. Requirements for written approval, etc.
45. Amendments to approved details
46. Flood warning and evacuation plan
47. Aerodrome safeguarding
48. Train speed at North Killingholme Haven Pits
49. Acoustic hoarding
50. Visual attenuation of train movements
51. Control of construction noise at North Killingholme Haven Pits
52. Changes approved by the relevant planning authority

SCHEDULE 2 — Streets subject to street works

SCHEDULE 3 — Street to be temporarily stopped up

SCHEDULE 4 — Access to works

SCHEDULE 5 — Land of which temporary possession may be taken

SCHEDULE 6 — Procedure for discharge of requirements

1. Interpretation of Schedule
2. Applications made under requirement
3. Further information
4. Fees
5. Appeals

SCHEDULE 7 — Deemed marine licence

PART 1 — Introductory

1. Interpretation
2. Addresses
- PART 2 — Licensed activities
3. (1) The undertaker (and any agent, contractor or subcontractor acting...  
PART 3 — Conditions
4. General conditions
5. The licence holder must ensure that the MMO District Marine...
6. With respect to any conditions of this licence which require...
7. The MMO must be notified by the undertaker in writing...
8. The undertaker must ensure that a copy of this licence...
9. Should the licence holder become aware that any of the...
10. The works shall be carried out in accordance with a...
11. (1) Prior to any works commencing below the level of...
12. The licence holder must ensure that any coatings and treatments...
13. (1) The licence holder must only work and access the...
14. The licence holder must ensure that during the works all...
15. The licence holder must ensure that any equipment, temporary structures,...
16. (1) The licence holder must ensure that no waste concrete...
17. The licence holder must ensure that any oil, fuel or...

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18. The licence holder must ensure that a Notice to Mariners...
19. Cooling water intake conditions
20. Piling conditions
21. No percussive piling shall take place between 7 April and...
22. Where piling is required to be undertaken during March, September...
23. No percussive piling shall take place before 0600 hours or...
24. Detailed design

SCHEDULE 8 — Protective provisions

PART 1 — For the protection of Anglian Water

1. Application
2. Interpretation
3. Apparatus within standard protection strips
4. Alteration, extension, removal or relocation of apparatus
5. Contingency arrangements
6. Creation of rights for Anglian Water
7. Alternative means of access to apparatus
8. Unmapped sewers, lateral drains or other apparatus
9. Damage or interruption caused by construction
10. An amount which apart from this paragraph would be payable...

PART 2 — For the protection of the Environment Agency

1. (1) The following provisions shall apply for the protection of...
2. (1) Before beginning to construct any specified work, the undertaker...
3. Without prejudice to the generality of paragraph 2 but subject...
4. (1) Subject to sub-paragraph (2), any specified work, and all...
5. (1) Subject to sub-paragraph (6) the undertaker shall, from the...
6. Subject to paragraph 8, if by reason of the construction...
7. (1) The undertaker shall take all such measures as may...
8. The undertaker shall indemnify the Agency in respect of all...
9. (1) Without prejudice to the other provisions of this Part...
10. The fact that any work or thing has been executed...
11. (1) The undertaker must not in the exercise of the...

PART 3 — For the protection of Network Rail

1. The following provisions of this Schedule shall have effect unless...
2. In this Schedule— “construction” includes execution, placing, alteration and reconstruction...
3. (1) Where under this Schedule Network Rail is required to...
4. (1) The undertaker shall not exercise the powers conferred by...
5. (1) The undertaker shall before commencing construction of any specified...
6. (1) Any specified work and any protective works to be...
7. The undertaker shall— (a) at all times afford reasonable facilities...
8. Network Rail shall at all times afford reasonable facilities to...
9. (1) If any permanent or temporary alterations or additions to...
10. (1) The undertaker shall repay to Network Rail all fees,...
11. If at any time after the completion of a specified...
12. Any additional expenses which Network Rail may reasonably and properly...
13. The undertaker shall not provide any illumination or illuminated sign...
14. (1) The undertaker shall pay to Network Rail all costs,...
15. Network Rail shall, on receipt of a request from the...
16. The undertaker and Network Rail may, subject in the case...
17. Nothing in the Order, or in any enactment incorporated with...
18. In the assessment of any sums payable to Network Rail...

19. The undertaker shall no later than 28 days from the...
  - PART 4 — For the protection of National Grid
  1. Application
  2. Interpretation
  3. Except for paragraphs 4 (apparatus in stopped up streets), 9...
  4. Apparatus of protected persons 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: electricity undertakers
  10. Retained apparatus: protection: gas undertakers
  11. Expenses
  12. Indemnity
  13. Ground subsidence monitoring scheme in respect of protected person's apparatus
  14. Enactments and agreements
  15. Co-operation
  16. Access
  17. Arbitration
  - PART 5 — For the protection of Centrica plc
  1. Application
  2. Interpretation
  3. Creation of rights for Centrica
  4. Apparatus
  5. Removal of apparatus
  6. Facilities and rights for alternative apparatus
  7. Costs
  8. Access to power station
  9. Requirement for agreement

Explanatory Note