
STATUTORY INSTRUMENTS

2014 No. 3328

The Wellington C Gas Pipeline Order 2014

PART 2

PRINCIPAL POWERS

Development consent granted by Order

4. Subject to the provisions of this Order and to the Requirements, the undertaker is granted development consent for the authorised development to be carried out within the Order limits.

Maintenance and diversion of the authorised development

5.—(1) The undertaker may at any time maintain the authorised development within the works limits and, in so far as a diversion would not be contrary to section 21 of the 2008 Act, divert the authorised development within the limits of deviation.

(2) Any diversion of the authorised development is subject to the provisions of this Order and the Requirements.

(3) No maintenance works whose likely significant effects on the environment are not described in the environmental statement may take place, except for maintenance works associated with an emergency.

Operation and use of authorised development

6. The undertaker may at any time operate and use the authorised development, except to the extent that this Order or an agreement made under this Order provides otherwise.

Limits of deviation

7. In carrying out, maintaining or diverting the authorised development, the undertaker may—
- (a) deviate Works No. 1, 2, 3(f), 3(k), 4, 5 and 6 laterally from the lines or situations of the authorised development shown on the works plans within the extent of the limits of deviation shown on those plans; and
 - (b) deviate Works No. 1 and 2 vertically—
 - (i) upwards to a limit of not less than 1.1 metres below the surface of the ground; and
 - (ii) to any extent downwards as may be found to be necessary or practical to a maximum depth of 70 metres below the surface of the ground,except that sub-paragraph (i) does not apply to those parts of Works No. 1 and 2 that are built within the Yoxall AGI site, where such works may deviate upwards to a limit of 2.8 metres above ground level;
 - (c) deviate or place Works No. 3, 4, 5 and 6 vertically upwards or above ground level to the height limits set for each of these works in Part 1 of Schedule 1.

Benefit of Order

8. Subject to article 9 (consent to transfer benefit of Order), this Order is for the benefit of the undertaker.

Consent to transfer benefit of Order

9.—(1) The undertaker may, with the consent of the Secretary of State,—

- (a) transfer to another person (the “transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed in writing between the undertaker and the transferee; or
- (b) grant to another person (the “lessee”) for a period agreed in writing between the undertaker and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed,

except where paragraph (3) applies, in which case no such consent is required.

(2) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by RWE Generation UK plc.

(3) This paragraph applies to a transfer or grant to National Grid Gas of any part of the benefit of the provisions of this Order and any related statutory rights which relate to, or may be necessary or expedient for, the construction, operation, maintenance and diversion of the NG works or any works carried out pursuant to Part 5 of Schedule 9.