
STATUTORY INSTRUMENTS

2017 No. 215

**The North London Heat and Power
Generating Station Order 2017**

Temporary use of land for construction of authorised development

26.—(1) The undertaker may, in connection with the construction of the authorised development—

- (a) enter on and take temporary possession of the land specified in Schedule 12 (land of which temporary possession may be taken) for the purpose specified in relation to that land in that Schedule relating to the part of the authorised development specified in that Schedule;
- (b) remove any buildings, structures and vegetation from that land; and
- (c) remediate, carry out site levelling and surfacing, erect fencing and other means of enclosure, install utilities and services, and construct temporary works (including access), buildings and structures on that land.

(2) The undertaker must serve notice of its intended entry on the owners and occupiers of the land at least 14 days before entering on and taking temporary possession of the land under this article.

(3) Subject to paragraph (4), the undertaker may not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in Schedule 12 (land of which temporary possession may be taken).

(4) The undertaker may remain in possession of the temporary laydown area for up to two years from the date of completion of Works No. 7.

(5) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the relevant land—

- (a) to the reasonable satisfaction of the owners of the land;
- (b) in accordance with the design code principles; and
- (c) to a condition no worse than the relevant land was in before temporary possession of the relevant land was taken pursuant to this article,

but the undertaker is not required to replace a building removed under this article.

(6) The undertaker must produce a written record of the condition of the relevant land prior to taking possession (such record to be agreed by the owner).

(7) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of any power conferred by this article.

(8) Any dispute as to a person's entitlement to compensation under paragraph (7), or as to the amount of the compensation, must be determined under Part 1 of the 1961 Act.

(9) Nothing in this article affects any liability to pay compensation under section 10(2) of the 1965 Act (further provisions as to compensation for injurious affection) or under any other enactment in respect of loss or damage arising from the carrying out of the authorised development, other than loss or damage for which compensation is payable under paragraph (7).

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(10) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1) except that the undertaker is not precluded from acquiring new rights over any part of that land under article 22 (compulsory acquisition of rights).

(11) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.

(12) Section 13 of the 1965 Act (refusal to give possession to acquiring authority) applies to the temporary use of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (application of compulsory acquisition provisions).