
STATUTORY INSTRUMENTS

2017 No. 215

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

Temporary use of land for maintaining authorised development

27.—(1) At any time during the maintenance period relating to any part of the authorised development, the undertaker may—

- (a) enter on and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised development; and
- (b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.

(2) The undertaker must serve notice 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. The requirement to serve at least 14 days' notice does not apply where the undertaker has identified a potential risk to the safety of—

- (a) the authorised development or any of its parts;
- (b) the public; or
- (c) the surrounding environment,

and in such circumstances the undertaker may enter the land under paragraph (1) subject to giving such period of notice (if any) as is reasonably practicable in all the circumstances.

(3) The undertaker may remain in possession of land under this article only for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised development for which possession of the land was taken.

(4) 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 land to the reasonable satisfaction of the owners of the land.

(5) 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 this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, must be determined under Part 1 of the 1961 Act.

(7) 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 maintenance of the authorised development, other than loss or damage for which compensation is payable under paragraph (5).

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

(9) 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).

(10) In this article, “the maintenance period”, in relation to any part of the authorised development, with the exception of the development described in paragraph (11), means the period of 5 years beginning with the date on which that part of the authorised development is first opened for use.

(11) In this article, “the maintenance period” in relation to—

- (a) the operational site;
- (b) landscaping over plots 15, 17, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 32 shown on the land plans; and
- (c) Lee Park Way (including plot number 14, which is the bridge over the River Lee Navigation),

means the lifetime of the authorised development beginning with the date on which those parts of the authorised development are first opened for use.