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STATUTORY INSTRUMENTS

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**2017 No. 433**

**INFRASTRUCTURE PLANNING**

**The Keuper Underground Gas Storage Facility Order 2017**

*Made - - - - 15th March 2017*

*Coming into force 5th April 2017*

**THE KEUPER UNDERGROUND GAS  
STORAGE FACILITY ORDER 2017**

PART 1

PRELIMINARY

1. Citation and Commencement
2. Interpretation

PART 2

PRINCIPAL POWERS

3. Development consent for authorised development etc.
4. Maintenance of authorised development
5. Authorisation of Use
6. Benefit of Order
7. Consent to transfer benefit of Order
8. Defence to proceedings in respect of statutory nuisance
9. Guarantees in respect of payment of compensation

PART 3

STREETS

10. Street works
11. Power to alter layout, etc., of streets
12. Maintenance of altered streets

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

13. Temporary prohibition or restriction of use of streets
14. Access to works
15. Agreements with street authorities

#### PART 4

### SUPPLEMENTAL POWERS

16. Discharge of water
17. Protective work to buildings
18. Authority to survey and investigate the land
19. Temporary closure of, and works in and over, the canal

#### PART 5

### POWERS OF ACQUISITION

20. Compulsory acquisition of land
21. Time limit for exercise of authority to acquire land compulsorily
22. Compulsory acquisition of rights
23. Acquisition of subsoil only
24. Acquisition of part of certain properties
25. Statutory authority to override easements and other rights
26. Application of the Compulsory Purchase (Vesting Declarations) Act 1981
27. Temporary use of land for carrying out the authorised development
28. Temporary use of land for maintaining the authorised development
29. Statutory undertakers
30. Private rights
31. Rights under or over streets

#### PART 6

### MISCELLANEOUS AND GENERAL

32. Operational land for the purposes of the 1990 Act
33. Felling or lopping of trees or shrubs
34. Protective provisions
35. Certification of plans etc.
36. Application of the Hedgerows Regulations 1997
37. Procedure in relation to certain approvals etc.
38. Appeals relating to decisions under requirements
39. Application of landlord and tenant law.
40. Arbitration
- Signature

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### SCHEDULES

#### SCHEDULE 1 — AUTHORISED DEVELOPMENT

*NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT*

*ASSOCIATED DEVELOPMENT*

SCHEDULE 2 — REQUIREMENTS

1. Time limits
2. Authorised development to be carried out in accordance with certified plans and documents and with matters approved under requirements
3. Construction Environmental Management Plan
4. Approval of details
5. Control of noise during solution mining and gas operation
6. Landscaping
7. Accesses to works
8. Construction traffic
9. Limits on heavy goods vehicle movements
10. Internal roads
11. Fencing and other means of enclosure
12. Ground and surface water and pollution prevention
13. Hedgerows
14. Land Contamination
15. Archaeology
16. External lighting
17. Restoration scheme
18. Decommissioning
19. Requirement for written approval
20. Amendments to approved details
21. European protected species
22. Conveyance of gas, water and brine
23. Environmental management system for normal operation
24. Control of radio emissions

SCHEDULE 3 — STREETS SUBJECT TO STREET WORKS

SCHEDULE 4 — STREETS SUBJECT TO ALTERATION OF LAYOUT

SCHEDULE 5 — STREETS AND RIGHT OF WAY TO BE TEMPORARILY STOPPED UP

SCHEDULE 6 — ACCESS TO WORKS

SCHEDULE 7 — TEMPORARY CLOSURE AND WORKS IN THE CANAL

SCHEDULE 8 — LAND OF WHICH TEMPORARY POSSESSION MAYBE TAKEN

SCHEDULE 9 — PROTECTIVE PROVISIONS

PART 1 — FOR THE PROTECTION OF NATIONAL GRID AS ELECTRICITY AND GAS UNDERTAKER

1. Application
2. Interpretation
3. Except for paragraphs 4 (apparatus in stopped up streets), 9...
4. Apparatus of undertakers in stopped up streets
5. Protective works to buildings

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6. Acquisition of land
7. Removal of apparatus
8. Facilities and rights for alternative apparatus
9. Retained apparatus: protection of Gas Undertakers
10. Retained apparatus: protection of Electricity Undertakers
11. Expenses
12. Indemnity
13. Enactments and agreements
14. Co-operation
15. Access
16. Arbitration

PART 2 — FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

17. For the protection of the operator referred to in this...
18. In this Part of this Schedule— “the 2003 Act” means...
19. The exercise of the powers conferred by article 29 (statutory...
20. (1) Subject to paragraphs 20(2) and 20(3), if as the...
21. This Part of this Schedule does not apply to—
22. Nothing in this Part of this Schedule affects the provisions...

PART 3 — FOR THE PROTECTION OF THE CANAL & RIVER TRUST

23. The following provisions are to have effect for the protection...
24. In this Part of this Schedule— “construction” includes execution, placing,...
25. (1) Where under this Part of this Schedule or anywhere...
26. (1) The undertaker must not exercise the powers conferred by...
27. (1) The undertaker must before commencing construction of any specified...
28. The undertaker shall not use any land or property of...
29. (1) Before the commencement of the initial construction of any...
30. (1) Without prejudice to its obligations under the foregoing provisions...
31. (1) The undertaker shall give to the engineer 30 days’...
32. (1) The undertaker shall provide and maintain at its own...
33. (1) The undertaker shall not in the course of constructing...
34. If at any time during or after the completion of...
35. (1) The undertaker must pay to the Canal & River...
36. The Canal & River Trust must, on receipt of a...
37. In the assessment of any sums payable to the Canal...
38. The undertaker and the Canal & River Trust may enter...
39. This Part of this Schedule does not apply to apparatus...
40. The undertaker must repay to the Canal & River Trust...
41. (1) If any permanent or temporary alterations or additions to...
42. Any additional expenses which the Canal & River Trust may...
43. (1) The fact that any act or thing may have...
44. Any difference arising between the undertaker and the Canal &...
45. Any capitalised sum which is required to be paid under...

PART 4 — FOR THE PROTECTION OF SCOTTISH POWER ENERGY NETWORKS

46. For the protection of SPEN the following provisions are, unless...
47. In this Part of this Schedule— “alternative apparatus” means alternative...
48. This Part of this Schedule does not apply to apparatus...
49. Regardless of any provision in this Order or anything shown...
50. (1) If, in the exercise of the powers conferred by...
51. (1) Where, in accordance with the provisions of this Part...
52. (1) Not less than 28 days before starting the execution...

- 53. (1) Subject to the following provisions of this paragraph, the...
  - 54. (1) Subject to sub-paragraphs (2) and (3), if by reason...
  - 55. Nothing in this Part of this Schedule shall affect the...
- PART 5 — FOR THE PROTECTION OF HOLFORD GAS STORAGE  
LIMITED

- 56. Application
- 57. Interpretation
- 58. Except for paragraphs 59 (apparatus in stopped up streets), 62...
- 59. Apparatus of undertaker in stopped up streets
- 60. Protective works to buildings
- 61. Acquisition of land
- 62. Retained apparatus
- 63. Expenses
- 64. Indemnity
- 65. Co-operation
- 66. Access
- 67. Arbitration

Explanatory Note