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STATUTORY INSTRUMENTS

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**2017 No. 817**

**The National Grid (Richborough Connection  
Project) Development Consent Order 2017**

**PART 2**

**PRINCIPAL POWERS**

**Development consent etc. granted by the Order**

- 3.**—(1) Subject to the provisions of this Order and to the Requirements to this Order—
- (a) National Grid is granted development consent for the authorised development set out in Schedule 1 (authorised development); and
  - (b) Subject to article 6(4), UK Power Networks is granted development consent for the UK Power Networks works.
- (2) National Grid may—
- (a) install the authorised development; and
  - (b) keep installed the above ground electric lines included in the authorised development except those above-ground electric lines included in the UK Power Networks works.
- (3) UK Power Networks may—
- (a) subject to article 6(4), install the UK Power Networks works; and
  - (b) keep installed the above-ground electric lines included in the UK Power Networks works.
- (4) The authorised development must be constructed, installed and kept installed in the lines and situations shown on the Works Plans in Schedule 2 (plans and drawings), subject to article 5 (limits of deviation) and to the Requirements set out in Schedule 3 (requirements).
- (5) Schedule 2 (plans and drawings) has effect.

**Maintenance of authorised development**

**4.**—(1) National Grid may at any time maintain the authorised development (excluding the UK Power Networks works), except to the extent that this Order or an agreement made under this Order provides otherwise.

(2) UK Power Networks may at any time maintain the UK Power Networks works, except to the extent that this Order or an agreement made under this Order provides otherwise.

**Limits of deviation**

**5.** In carrying out the authorised development for which it is granted development consent by article 3(1) (development consent etc. granted by the Order) the undertaker may—

- (a) deviate laterally from the lines or situations of the authorised development shown on the works plans within the limits of deviation relating to that work shown on those plans and

carry out construction activities for the purposes of the authorised development anywhere within the Order limits; and

- (b) deviate vertically from the levels of the authorised development shown on the design drawings—
  - (i) to any extent not exceeding 4 metres upwards; or
  - (ii) to any extent downwards as may be found to be necessary or convenient.

### **Benefit of Order**

6.—(1) The provisions of this Order have effect for the benefit of—

- (a) National Grid in respect of the authorised development; and
- (b) Subject to paragraph (4), UK Power Networks in respect of the UK Power Networks works.

(2) UK Power Networks may not carry out the UK Power Networks works under article 3(1)(b) (development consent etc. granted by the Order) except in accordance with the written consent of National Grid, which may be granted subject to reasonable conditions.

(3) If UK Power Networks fails to carry out the UK Power Networks works in accordance with National Grid's consent, National Grid may give UK Power Networks and the Secretary of State a notice that National Grid intends to carry out the UK Power Networks works under article 3(1)(a) from a date specified in the notice.

(4) On the date specified in the notice referred to in paragraph (3), and subject to paragraph (5)—

- (a) UK Power Networks is to cease to have the benefit of article 3(1)(b);
- (b) UK Power Networks is to cease to be an undertaker for the purposes of the installation of the UK Power Networks Works; and
- (c) References to UK Power Networks in article 29 are to be read as including National Grid.

(5) Where a notice is issued under paragraph (3), paragraph (4) does not affect the following insofar as they apply to UK Power Networks—

- (a) the operation of the following articles of this Order—
  - (i) article 3(3)(b), (4) and (5);
  - (ii) article 4(2);
  - (iii) article 5
  - (iv) this article; and
- (b) works done and actions undertaken prior to the date specified in that notice.

(6) The exercise by UK Power Networks of any benefits or rights conferred on it by this Order is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by National Grid.

(7) Paragraph (1) does not apply where the consent granted by this Order is expressed to be for the benefit of owners and occupiers of land, statutory undertakers and other persons affected by the authorised development.

### **Consent to transfer benefit of Order**

7.—(1) National Grid, and UK Power Networks in relation to the UK Power Networks works, may, with the consent of the Secretary of State—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provision of this Order and such related statutory rights as may be agreed between National Grid or UK Power Networks and the transferee; or
- (b) grant to another person (“the lessee”) for a period agreed between National Grid or UK Power Networks 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.

(2) The Secretary of State must consult the MMO before giving consent to the transfer or grant to another person of the whole or part of the benefit of the provisions of the Deemed Marine Licence.

(3) Where a transfer or grant has been made in accordance with paragraph (1) references in this Order to National Grid or UK Power Networks (as the case may be), except in paragraph (4), is to include references to the transferee or the lessee.

(4) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) must be subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by National Grid or UK Power Networks.

#### **Application of the 1990 Act**

8.—(1) This article applies where the land is used for the temporary construction works.

(2) Where this article applies, section 57(2) of the 1990 Act (planning permission required for development) applies as if the development consent granted by this Order were planning permission granted for a limited period.

#### **Application of the Community Infrastructure Levy Regulations 2010**

9.—(1) The Community Infrastructure Levy Regulations 2010(1) apply to the authorised development as if regulation 5(2) of those Regulations (meaning of “planning permission”) referred to development consent which is deemed to be granted for a limited period by an Order made under section 114(1)(a) of the 2008 Act (grant or refusal of development consent) rather than to planning permission which is granted for a limited period.

(2) Development consent is deemed to be granted for a limited period for the temporary construction works and any other temporary buildings or works authorised by this Order.