
STATUTORY INSTRUMENTS

2019 No. 578

INFRASTRUCTURE PLANNING

The Millbrook Gas Fired Generating Station Order 2019

Made - - - - 13th March 2019

Coming into force 3rd April 2019

**THE MILLBROOK GAS FIRED
GENERATING STATION ORDER 2019**

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation

PART 2

PRINCIPAL POWERS

3. Development consent etc. granted by the Order
4. Maintenance of authorised development
5. Operation of authorised development
6. Benefit of this Order
7. Consent to transfer benefit of the Order

PART 3

STREETS

8. Power to alter layout etc. of streets
9. Street works
10. Construction and maintenance of new or altered means of access
11. Temporary prohibition or restriction of use of streets
12. Stopping up of Streets
13. Access to works
14. Agreements with street authorities
15. Traffic Regulation

Changes to legislation: There are currently no known outstanding effects for the The Millbrook Gas Fired Generating Station Order 2019. (See end of Document for details)

PART 4

SUPPLEMENTAL POWERS

16. Discharge of water
17. Authority to survey and investigate the land

PART 5

POWERS OF ACQUISITION

18. Compulsory acquisition of land
19. Statutory authority to override easements and other rights
20. Time limit for exercise of authority to acquire land compulsorily
21. Compulsory acquisition of rights etc.
22. Private rights
23. Application of the Compulsory Purchase (Vesting Declarations) Act 1981
24. Acquisition of subsoil only
25. Modification of Part 1 of the Compulsory Purchase Act 1965
26. Rights under or over streets
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. Apparatus and rights of statutory undertakers in streets
31. Recovery of costs of new connections

PART 6

OPERATIONS

32. Felling or lopping of trees and removal of hedgerows

PART 7

MISCELLANEOUS AND GENERAL

33. Application of landlord and tenant law
 34. Cases in which land is to be treated as not being operational land
 35. Defence to proceedings in respect of statutory nuisance
 36. Protective provisions
 37. Amendment and Modification of statutory provisions
 38. Certification of plans etc.
 39. Service of notices
 40. Procedure in relation to certain approvals
 41. Arbitration
 42. Funding
 43. Low Level Restoration Scheme
- Signature

SCHEDULE 1 — AUTHORISED DEVELOPMENT

In Central Bedfordshire— A nationally significant infrastructure project as defined...

A nationally significant infrastructure project as defined in sections 14(1)

(a)...

Work No. 1A development comprising a generating station including—
Work No. 1B development comprising a generating station and gas...
Work No. 1C development comprising a generating station and electrical...
Work No. 1D development comprising a generating station including—
Work No. 2A development comprising the creation of a junction...
Work No. 2B development comprising a new means of access,...
Work No. 3A development comprising gas infrastructure including—
Work No. 3B development comprising creation of a permanent access...
Work No. 4A development comprising a gas pipeline including—
Work No. 4B development comprising a construction laydown area
including...
Work No. 5 development comprising electrical infrastructure between Work
No....
Work No. 6 development comprising an electrical substation at
transmission...
Work No 7 development comprising works to transmission towers and...
Work No. 8 development comprising a construction laydown area(s)
including...
and such other buildings, structures, works or operations as may...

SCHEDULE 2 — REQUIREMENTS

1. Time limits
2. Detailed design approval
3. Provision of landscaping and ecological mitigation
4. Implementation and maintenance of landscaping and ecological mitigation measures
5. Highway accesses
6. Fencing and other means of site perimeter enclosure
7. Surface and foul water drainage
8. Contamination and groundwater
9. Archaeology
10. Construction Environment Management Plan
11. Construction traffic management plan
12. Control of noise during operation
13. Control of noise during construction
14. Construction hours
15. Lighting strategy
16. Construction Travel Plan
17. Operating hours
18. Decommissioning strategy
19. Amendments to approved details
20. Low Level Restoration Scheme
21. Air Safety

SCHEDULE 3 — STREETS SUBJECT TO PERMANENT AND TEMPORARY ALTERATION OF LAYOUT

- PART 1 — PERMANENT ALTERATION OF LAYOUT
PART 2 — TEMPORARY ALTERATION OF LAYOUT

SCHEDULE 4 — STREETS SUBJECT TO STREET WORKS

SCHEDULE 5 — ACCESS

Changes to legislation: There are currently no known outstanding effects for the The Millbrook Gas Fired Generating Station Order 2019. (See end of Document for details)

PART 1 — THOSE PARTS OF THE ACCESSES TO BE MAINTAINED AT THE PUBLIC EXPENSE

PART 2 — THOSE PARTS OF THE ACCESSES TO BE MAINTAINED BY THE STREET AUTHORITY

PART 3 — THOSE WORKS TO RESTORE TEMPORARY ACCESSES WHICH WILL BE MAINTAINED BY THE STREET AUTHORITY

SCHEDULE 6 — TEMPORARY PROHIBITION OR RESTRICTION OF THE USE OF STREETS

SCHEDULE 7 — STREETS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

SCHEDULE 8 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS AND IMPOSITION OF NEW RESTRICTIONS

— *Compensation enactments*

1. The enactments for the time being in force with respect...
2. (1) Without limitation to the scope of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...
— *Application of Part 1 of the 1965 Act*
4. Part 1 (compulsory purchase under Acquisition of Land Act 1946)...
5. (1) The modifications referred to in paragraph 4(a) are as...

SCHEDULE 9 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 10 — PROTECTIVE PROVISIONS

PART 1 — FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

1. For the protection of the utility undertakers referred to in...
2. In this part of this Schedule— “alternative apparatus” means alternative...
3. This part of this Schedule does not apply to apparatus...
4. Regardless of the temporary prohibition or restriction of use of...
5. Regardless of any provision in this Order or anything shown...
6. (1) If, in the exercise of the powers conferred by...
7. (1) Where, in accordance with the provisions of this part...
8. (1) Not less than 28 days before starting the execution...
9. (1) Subject to the following provisions of this paragraph, the...
10. (1) Subject to sub-paragraphs (2) and (3), if by reason...
11. Nothing in this part of this Schedule affects the provisions...

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

12. (1) For the protection of any operator, the following provisions...
13. The exercise of the powers of article 29 (statutory undertakers)...
14. (1) Subject to sub-paragraphs (2) to (4), if as the...
15. This part of this Schedule does not apply to—
16. Nothing in this part of this Schedule affects the provisions...

PART 3 — FOR THE PROTECTION OF NATIONAL GRID

17. Application
18. Interpretation
19. Except for paragraphs (20) (apparatus in streets subject to temporary...

20. Apparatus of National Grid in streets subject to temporary prohibition or restriction
21. Acquisition of land
22. Removal of apparatus
23. Facilities and rights for alternative apparatus
24. Retained apparatus: protection of National Grid as Gas Undertaker
25. Retained apparatus: protection of National Grid as Electricity Undertaker
26. Expenses
27. Indemnity
28. Enactments and agreements
29. Co-operation
30. Access
31. Arbitration

PART 4 — FOR THE PROTECTION OF EPN

32. For the protection of EPN as referred to in this...
33. In this part of this Schedule— “alternative apparatus” means alternative...
34. This part of this Schedule does not apply to apparatus...
35. Regardless of the temporary prohibition or restriction of use of...
36. Regardless of any provision in this Order or anything shown...
37. (1) If, in the exercise of the powers conferred by...
38. (1) Where, in accordance with the provisions of this part...
39. (1) Not less than 28 days before starting the execution...
40. (1) Subject to the following provisions of this paragraph, the...
41. (1) Subject to sub-paragraphs (2) and (3), if by reason...
42. Nothing in this part of this Schedule affects the provisions...

PART 5 — FOR THE PROTECTION OF ANGLIAN WATER

43. For the protection of Anglian Water, the following provisions shall...
44. In this Part of this schedule— “alternative apparatus” means alternative...
45. This Part of this Schedule does not apply to apparatus...
46. The undertaker must not interfere with, build over or near...
47. The alteration, extension, removal or re-location of any apparatus shall...
48. In the situation, where in exercise of the powers conferred...
49. Regardless of any provision in this Order or anything shown...
50. If the undertaker is unable to create the new rights...
51. If in consequence of the exercise of the powers conferred...
52. In consequence of the exercise of the powers conferred by...
53. If for any reason or in consequence of the construction...
54. (1) Nothing in paragraph 53 imposes any liability on the...
55. Any difference or dispute arising between the undertaker and Anglian...

PART 6 — FOR THE PROTECTION OF COVANTA ROOKERY SOUTH LIMITED

56. For the protection of Covanta Rookery South Limited (Company No....
57. In this part of this Schedule— “Covanta” means Covanta Rookery...
58. Co-operation during construction
59. The undertaker shall not exercise powers pursuant to articles 9...
60. (1) Wherever in this Part of this Schedule provision is...
61. Insofar as the construction of the Millbrook authorised development is...
62. Insofar as the construction of the Millbrook authorised development gives...
63. Arbitration

PART 7 — FOR THE PROTECTION OF NETWORK RAIL

64. For the protection of Network Rail as referred to in...
65. In this part of this Schedule— “Network Rail” means Network...
66. (1) Where under this Part Network Rail is required to...

- 67. The undertaker shall include provisions relating to anti-dazzle fencing in...
- 68. (1) The undertaker shall not submit the written details of...
- 69. The undertaker shall not be obliged to construct the anti-dazzle...
- 70. (1) The undertaker shall not submit the construction traffic management...
- 71. (1) Any difference or dispute arising between the undertaker and...
- 72. Nothing in this Order, or in any enactment incorporated with...

SCHEDULE 11 — MODIFICATIONS TO AND AMENDMENTS OF THE
ROOKERY SOUTH (RESOURCE RECOVERY FACILITY)
ORDER 2011

- 1. Article 33 to the Rookery South (Resource Recovery Facility) Order 2011
- 2. After the words “Schedule 7” and before the words “Protection...
- 3. Schedule 7 to the Rookery South (Resource Recovery Facility) Order 2011

SCHEDULE 12 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS

- 1. Applications made under requirements
- 2. Further information
- 3. Appeals
- 4. In this Schedule “relevant authority” means the relevant planning authorities,...

SCHEDULE 13 — ARBITRATION RULES

- 1. Primary Objective
- 2. The Arbitration shall be deemed to have commenced when a...
- 3. Time Periods
- 4. Time periods will be calculated from the day after the...
- 5. Timetable
- 6. Within 14 days of the Arbitrator being appointed, the Claimant...
- 7. Within 14 days of receipt of the Claimant's Rule 6...
- 8. Within 7 days of the Respondent serving its Rule 7...
- 9. Procedure
- 10. The Arbitrator shall make an award on the substantive difference(s)...
- 11. Either party may, within 2 days of delivery of the...
- 12. Within 7 days of receiving the last submission, the Arbitrator...
- 13. Within 10 days of the Arbitrator advising the parties that...
- 14. A decision will be made by the Arbitrator on whether...
- 15. There will be no process of examination and cross-examination of...
- 16. Within 14 days of a Hearing or a decision by...
- 17. The Arbitrator may make other directions or rulings as considered...
- 18. If a party fails to comply with the timetable, procedure...
- 19. The Arbitrator's award shall include reasons. The parties shall accept...
- 20. Arbitrator's Powers
- 21. There shall be no discovery or disclosure, except that the...
- 22. Any time limits fixed in accordance with this procedure or...
- 23. On the date the award is made, the Arbitrator will...
- 24. Costs
- 25. Where the difference involves connected/interrelated issues, the Arbitrator will consider...
- 26. The final award shall fix the costs of the arbitration...
- 27. The Arbitrator will award recoverable costs on the general principle...
- 28. Confidentiality
- 29. The parties and Arbitrator agree that any matters, materials, documents,...

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SCHEDULE 14 — DOCUMENTS AND PLANS TO BE CERTIFIED

Explanatory Note

Changes to legislation:

There are currently no known outstanding effects for the The Millbrook Gas Fired Generating Station Order 2019.