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STATUTORY INSTRUMENTS

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**2017 No. 766**

**INFRASTRUCTURE PLANNING**

**The Wrexham Gas Fired Generating Station Order 2017**

*Made - - - - 18th July 2017*

*Coming into force 8th August 2017*

**THE WREXHAM GAS FIRED GENERATING STATION ORDER 2017**

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 this Order
8. Defence to proceedings in respect of statutory nuisance

PART 3

STREETS

9. Power to alter layout, etc. of streets
10. Street works
11. Temporary prohibition or restriction of use of streets
12. Access to works
13. Agreements with street authorities
14. Traffic Regulation

PART 4

SUPPLEMENTAL POWERS

15. Discharge of water

*Status: This is the original version (as it was originally made).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

16. Authority to survey and investigate the land

#### PART 5

#### POWERS OF ACQUISITION

17. Compulsory acquisition of land
18. Compulsory acquisition of rights etc
19. Application of the Compulsory Purchase (Vesting Declarations) Act 1981
20. Time limit for exercise of authority to acquire land compulsorily
21. Statutory authority to override easements and other rights
22. Acquisition of subsoil only
23. Application of Part 1 of the Compulsory Purchase Act 1965
24. Private rights
25. Rights under or over streets
26. Temporary use of land for carrying out the authorised development
27. Temporary use of land for maintaining the authorised development
28. Statutory Undertakers
29. Apparatus and rights of statutory undertakers in streets
30. Recovery of costs of new connection

#### PART 6

#### MISCELLANEOUS AND GENERAL

31. Felling or lopping of trees and removal of hedgerows
32. Application of landlord and tenant law
33. Operational land for purposes of the 1990 Act
34. Protective provisions
35. Certification of plans etc.
36. Service of notices
37. Procedure in relation to certain approvals
38. Arbitration
39. Funding  
Signature

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#### SCHEDULES

##### SCHEDULE 1 — AUTHORISED DEVELOPMENT

##### SCHEDULE 2 — DOCUMENTS AND PLANS TO BE CERTIFIED

##### SCHEDULE 3 — REQUIREMENTS

1. Time limits
2. Detailed design approval
3. Provision of and implementation and maintenance of landscaping and ecological mitigation
4. Construction and Environment Management Plan
5. Ground investigation
6. Piling
7. Fencing and other means of enclosure
8. Archaeology
9. Construction traffic management plan
10. Travel plan during operational phase

11. Construction hours
12. Foul and surface water drainage
13. Artificial lighting
14. Local economic benefit
15. Amendments to approved details
16. Combined heat and power
17. Decommissioning strategy
18. Requirements for written approval, etc.
19. Date of final commissioning and cessation

SCHEDULE 4 — STREETS SUBJECT TO PERMANENT ALTERATION OF LAYOUT

SCHEDULE 5 — STREETS SUBJECT TO STREET WORKS

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

SCHEDULE 7 — 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 prejudice to the generality of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...

*Application of the 1965 Act*

4. (1) For the purposes of Article 18 only the 1965...
5. The following provisions of the 1965 Act (which state the...
6. Section 11 of the 1965 Act (powers of entry) is...
7. Section 20 of the 1965 Act (protection for interests of...
8. Section 22 of the 1965 Act (protection of acquiring authority's...
9. For Schedule 2A to the 1965 Act substitute— SCHEDULE2A COUNTER-NOTICE...

SCHEDULE 8 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 9 — PROTECTIVE PROVISIONS  
PART 1 — FOR THE PROTECTION OF NATIONAL GRID

1. Application
2. Interpretation
3. Apparatus of National Grid in streets subject to temporary prohibition or restriction
4. Acquisition of land
5. Removal of apparatus
6. Facilities and rights for alternative apparatus
7. Retained apparatus: protection of National Grid as Gas Undertaker
8. Expenses
9. Indemnity
10. Enactments and agreements

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11. Co-operation
12. Access
13. Arbitration
- PART 2 — FOR THE PROTECTION OF BT GROUP PLC
14. (1) For the protection of BT Group Plc the following...
15. (1) Subject to sub-paragraphs (2) to (4), if as the...
16. This part of this Schedule does not apply to—
17. Nothing in this part of this Schedule affects the provisions...
18. The undertaker must not enter into any underground structures owned...
19. The undertaker must confirm the location and nature of works...
20. Prior to any works commencing or the moving of heavy...
21. In the event that any BT apparatus within or immediately...
22. In the event that works undertaken by the undertaker pursuant...
23. Where the BT apparatus map(s) show(s) BT apparatus within or...
24. Protection measures for BT apparatus within or immediately adjacent to...
25. Prior written notice must be provided to Click Before You...
26. All excavation works undertaken by the undertaker immediately adjacent to...
27. To prevent any movement of BT apparatus within or immediately...
28. The undertaker must notify Click Before You Dig in advance...
29. The undertaker will keep clear and unobstructed access to BT...
30. In the event of any damage to BT apparatus, the...
- PART 3 — FOR THE PROTECTION OF DŴR CYMRU CYFYNGEDIG
31. For the protection of DCC referred to in this Part...
32. In this Part of this Schedule— “acceptable insurance” means a...
33. (1) Regardless of any provision in this Order or anything...
34. Precedence of the WIA 1991
35. Protection of DCC apparatus
36. Suspension of works
37. (1) In the event that either the undertaker or DCC...
38. Emergency Works
39. Insurance
40. Damage to DCC apparatus
- PART 4 — FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS
41. (1) For the protection of any operator referred to in...
42. (1) Subject to sub-paragraphs (2) to (4), if as the...
43. This part of this Schedule does not apply to—
44. Nothing in this part of this Schedule affects the provisions...
- PART 5 — FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS
45. Application
46. Interpretation
47. Precedence of 1991 Act in respect of apparatus in streets
48. Apparatus in streets subject to temporary prohibition or restriction
49. No acquisition etc. except by agreement
50. Removal of apparatus
51. Facilities and rights for alternative apparatus
52. (1) Not less than 28 days before starting the execution...
53. (1) Subject to the following provisions of this paragraph, the...
54. Expenses and costs
55. Nothing in this Part of this Schedule affects the provisions...
- PART 6 — FOR THE PROTECTION OF WALES AND WEST UTILITIES

56. Application
57. Interpretation
58. Precedence of 1991 Act in respect of apparatus in streets
59. Apparatus in streets subject to temporary prohibition or restriction
60. No acquisition etc. except by agreement
61. Removal of apparatus
62. Facilities and rights for alternative apparatus
63. Retained apparatus
64. Expenses and costs
65. (1) Subject to sub-paragraphs (2) and (3), if by reason...
66. Enactments and agreements

#### PART 7 — FOR THE PROTECTION OF THE SOLAR OPERATOR

67. Application
68. Interpretation
69. Removal of apparatus
70. Retained apparatus
71. Expenses and costs
72. (1) Subject to sub-paragraphs (2) and (3), if by reason...
73. Co-operation
74. Arbitration
75. Enactments and agreements
76. Compulsory acquisition and temporary use

#### SCHEDULE 10 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS

1. (1) Where an application has been made to the relevant...
2. Further information
3. Appeals
4. In this Schedule “relevant authority” means the relevant planning authority,...

Explanatory Note