
STATUTORY INSTRUMENTS

2017 No. 817

INFRASTRUCTURE PLANNING

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

Made - - - - - *3rd August 2017*

Coming into force *24th August 2017*

**THE NATIONAL GRID (RICHBOROUGH CONNECTION
PROJECT) DEVELOPMENT CONSENT ORDER 2017**

PART 1

1. Citation and commencement
2. Interpretation

PART 2

3. Development consent etc. granted by the Order
4. Maintenance of authorised development
5. Limits of deviation
6. Benefit of Order
7. Consent to transfer benefit of Order
8. Application of the 1990 Act
9. Application of the Community Infrastructure Levy Regulations 2010

PART 3

10. Street works
11. Application of the 1991 Act
12. Power to alter layout, etc. of streets
13. Temporary stopping up of streets and public rights of way
14. Access to works
15. Agreements with street authorities

PART 4

16. Discharge of water

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17. Protective work to buildings
18. Authority to survey and investigate the land

PART 5

19. Compulsory acquisition of right: incorporation of the mineral code
20. Time limit for exercise of authority to acquire rights compulsorily
21. Compulsory acquisition of rights
22. Crown rights
23. Extinguishment and suspension of private rights
24. Extinguishment of private rights and restrictive covenants relating to apparatus removed from land subject to temporary possession
25. Application of the Compulsory Purchase (Vesting Declarations) Act 1981
26. Acquisition of subsoil or air-space only
27. Rights under or over streets
28. Temporary use of land by National Grid
29. Temporary use of land by UK Power Networks
30. Temporary use of land for maintaining the authorised development
31. Special category land
32. Statutory undertakers
33. Recovery of costs of new connections

PART 6

34. Deemed marine licence
 35. Application of landlord and tenant law
 36. Operational land for purposes of the 1990 Act
 37. Defence to proceedings in respect of statutory nuisance
 38. Temporary closure of, and works in, the river Stour
 39. Traffic regulation
 40. Felling or lopping of trees
 41. Trees subject to tree preservation orders
 42. Protection of interests
 43. Certification of plans, etc.
 44. Service of notices
 45. Procedure regarding certain approvals, etc.
 46. Amendment of local legislation
 47. No double recovery
 48. Arbitration
- Signature

SCHEDULES

SCHEDULE 1 — AUTHORISED DEVELOPMENT

400Kv OVERHEAD LINE

In the City of Canterbury and the District of Thanet and the District of Dover

Work No.1 — PC route Canterbury North 400kV Substation to
Richborough 400kV Substation

In the City of Canterbury

Work No.2 — Temporary site compound

In the District of Thanet

Work No.3 — Temporary site compound

UK POWER NETWORKS WORKS

In the City of Canterbury

Work No.4A — PX route temporary diversion

Work No.4B – PX route temporary diversion

In the District of Thanet

Work No.4C — PX route temporary diversion

Work No.5A — Temporary diversion of part of the PY route.

Work No.5B — Temporary diversion of part of the PY route.

Work No.5C —PY route

Work No.5D – Removal of part of the PY route

In the City of Canterbury

Work No.6A — PX route removal

Work No.6B — PX route removal

Work No.6C — PX route removal

In the City of Canterbury and the District of Thanet

Work No.6D — PX route removal

In the District of Thanet

Work No.6E — PX route removal

In the District of Thanet and the District of Dover

Work No.6F — PX route removal

ASSOCIATED DEVELOPMENT

SCHEDULE 2 — PLANS AND DRAWINGS

PART 1 — LOCATION PLAN

PART 2 — ACCESS AND RIGHTS OF WAY AND PUBLIC RIGHTS OF NAVIGATION PLANS

PART 3 — DESIGN DRAWINGS

PART 4 — LAND PLANS

PART 5 — SPECIAL CATEGORY LAND AND CROWN LAND PLANS

PART 6 — EXTINGUISHMENT OF EASEMENTS, SERVITUDES AND OTHER RIGHTS PLANS

PART 7 — TRAFFIC REGULATION ORDER PLANS

PART 8 — TREES AND HEDGEROWS TO BE REMOVED OR MANAGED PLANS

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PART 9 — WORKS PLANS

SCHEDULE 3 — REQUIREMENTS

1. Interpretation
2. Time Limits
3. Design drawings
4. Stages of authorised development
5. Construction Environmental Management Plan
6. Approval and implementation of construction mitigation plans
7. Construction hours
8. Mitigation planting
9. Implementation of mitigation planting
10. Retention and protection of existing trees and hedgerows
11. Bird flight diverters
12. Reinstatement schemes
13. Contamination of land or groundwater and controlled waters
14. Inspection of temporary watercourses
15. Removal of temporary bridges and culverts
16. Highway works
17. Clearance over the tidal River Stour
18. Removal of UK Power Networks Works
19. Decommissioning
20. Ancient Woodland Easement Management Plan
21. Location of Pylon PC10
22. Exercise of powers of compulsory acquisition by National Grid

SCHEDULE 4 — DISCHARGE OF REQUIREMENTS

1. Applications made under requirements
2. Fees
3. Appeals
4. Outcome of appeals
5. Interpretation of Schedule 4

SCHEDULE 5 — STREETS SUBJECT TO STREET WORKS

SCHEDULE 6 — STREETS SUBJECT TO TEMPORARY ALTERATION OF LAYOUT

SCHEDULE 7 — STREETS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP

PART 1 — STREETS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP FOR WHICH A DIVERSION IS TO BE PROVIDED

PART 2 — STREETS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP FOR WHICH NO DIVERSION IS TO BE PROVIDED

SCHEDULE 8 — EXTINGUISHMENT OF PRIVATE RIGHTS AND RESTRICTIVE COVENANTS RELATING TO APPARATUS REMOVED FROM LAND SUBJECT TO TEMPORARY POSSESSION

PART 1 — NATIONAL GRID

PART 2 — UK POWER NETWORKS

SCHEDULE 9 — DEEMED MARINE LICENCE

PART 1 — INTRODUCTORY

1. Interpretation
2. Addresses
- PART 2 — LICENSED ACTIVITIES
3. (1) Subject to the licence conditions in Part 4 of...
 PART 3 — ENFORCEMENT
4. Any breach of this licence does not constitute a breach...
 PART 4 — CONDITIONS
5. For such of the licensed activities that involve the construction,...
6. Should the licence holder become aware that any of the...
7. Prior to the commencement of the works
8. The licence holder must inform the MMO, the Environment Agency,...
9. The licence holder must ensure that they inform the MMO...
10. The licence holder must inform the MMO Local Office in...
11. The licence holder must inform the relevant harbour authorities in...
12. Upon commencement of the works
13. Bunding and/or storage facilities must be installed to contain and...
14. The licence holder must ensure that any oil, fuel or...
15. Any construction materials that are misplaced below mean high water...
16. The licence holder must ensure that the MMO Local Office...
17. All equipment, temporary structures, waste and debris associated with the...
18. The licence holder must ensure that if maintenance is required...

SCHEDULE 10 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

1. Compensation enactments
2. (1) Without limitation on the scope of paragraph 1, the...
3. Application of the 1965 Act
4. For section 7 of the 1965 Act (measure of compensation)...
5. For section 8 of the 1965 Act (provisions as to...
6. The following provisions of the 1965 Act (which state the...
7. Section 11 of the 1965 Act (powers of entry) is...
8. Section 20 of the 1965 Act (protection for interests of...
9. Section 22 of the 1965 Act (protection of acquiring authority's...

SCHEDULE 11 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

PART 1 — NATIONAL GRID

PART 2 — UK POWER NETWORKS

SCHEDULE 12 — TRAFFIC REGULATION

PART 1 — TEMPORARY PROHIBITION OF VEHICULAR ACCESS AND NO WAITING AND SPEED RESTRICTION

PART 2 — TEMPORARY PROHIBITION OF VEHICULAR ACCESS AND NO WAITING RESTRICTION

PART 3 — TEMPORARY PROHIBITION OF VEHICULAR ACCESS

SCHEDULE 13 — TREES SUBJECT TO TREE PRESERVATION ORDERS

SCHEDULE 14 — PROTECTIVE PROVISIONS

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

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

1. For the protection of the statutory 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 any provision in this Order or anything shown...
5. (1) If, in the exercise of the powers conferred by...
6. (1) Not less than 28 days before starting the execution...
7. (1) Subject to the following provisions of this paragraph, the...
PART 2 — PROTECTION FOR OPERATORS OF ELECTRONIC
COMMUNICATIONS CODE NETWORKS
1. (1) For the protection of any operator, the following provisions,...
2. The exercise of the powers of article 32 (statutory undertakers)...
3. (1) Subject to sub-paragraphs (2) to (3), if as the...
4. This Part of this Schedule does not apply to—
5. Nothing in this Part of this Schedule affects the provisions...
PART 3 — PROTECTION FOR HIGHWAYS AND TRAFFIC
1. (1) The provisions of this Part of this Schedule shall...
2. (1) Before commencing the construction of, or the carrying out...
3. Any officer of the highway authority duly appointed for the...
4. (1) The undertaker shall not alter, disturb or in any...
5. The undertaker shall not remove any soil or material from...
6. (1) If the highway authority, after giving to the undertaker...
7. (1) The undertaker shall not, except with the consent of...
8. The undertaker shall not, except with the consent of the...
9. The undertaker shall, if reasonably so required by the highway...
10. (1) Where any part of any highway has been broken...
11. If any damage to any highway or any property of...
12. The fact that any act or thing may have been...
13. Any difference arising between the undertaker and the highway authority...
PART 4 — PROTECTION FOR RAILWAY INTERESTS
1. The following provisions of this Part have effect, unless otherwise...
2. In this Part— “construction” includes execution, placing, alteration and reconstruction...
3. (1) Where under this Part Network Rail is required to...
4. (1) The undertaker must before commencing construction of any specified...
5. (1) Any specified work and any protective works to be...
6. The undertaker must— (a) at all times afford reasonable facilities...
7. Network Rail must at all times afford reasonable facilities to...
8. (1) If any permanent or temporary alterations or additions to...
9. The undertaker must repay to Network Rail all reasonable fees,...
10. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
11. If at any time after the completion of a specified...
12. The undertaker must not provide any illumination or illuminated sign...
13. Any additional expenses which Network Rail may reasonably incur in...
14. (1) The undertaker must— (a) pay to Network Rail all...
15. Network Rail must, on receipt of a request from the...
16. In the assessment of any sums payable to Network Rail...
17. The undertaker and Network Rail may, subject in the case...
18. Nothing in this Order, or in any enactment incorporated with...
19. The undertaker must no later than 28 days from the...
PART 5 — PROTECTION FOR SOUTH EAST WATER LIMITED
1. General
2. In this Part— “alternative apparatus” means any temporary or permanent...

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3. Paragraphs 1 to 9 of this Part of this Schedule...
4. Regardless of any provision in this Order or anything shown...
5. (1) If, in the exercise of the powers conferred by...
6. (1) Not less than 28 days before starting the execution...
7. (1) Subject to the following provisions of this paragraph, the...
8. If any damage to any apparatus or any property containing...
9. The undertaker must not in the exercise of the powers...
10. For the benefit of the proposed Broad Oak Reservoir
11. Unless expressly provided otherwise in this Part, notwithstanding any provision...
12. Notwithstanding any provision in this Order, the undertaker may not...
13. If after giving SEW 21 days' notice that it intends...
14. Notwithstanding any provision in this Order including the limits of...
15. Notwithstanding any provision in this Order including the limits of...
16. The undertaker at its own cost must within 18 months...
17. The undertaker must, if requested in writing by SEW, inform...

SCHEDULE 15 — AMENDMENT OF LOCAL LEGISLATION
PART 1 — LOCAL ENACTMENTS
PART 2 — BYELAWS

Explanatory Note