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STATUTORY INSTRUMENTS

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**2020 No. 419**

**INFRASTRUCTURE PLANNING**

**The Riverside Energy Park Order 2020**

*Made* - - - - - *9th April 2020*

*Coming into force* *1st May 2020*

**THE RIVERSIDE ENERGY PARK ORDER 2020**

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation

PART 2

WORK PROVISIONS

*Principal powers*

3. Development consent granted by the Order
4. Maintenance of authorised development
5. Operation of the authorised development
6. Disapplication of legislative provisions and modifications to section 36 consent and RRRF planning permission
7. Port of London Act 1968
8. Benefit of this Order
9. Consent to transfer benefit of the Order
10. Guarantees in respect of payment of compensation

*Streets*

11. Street works
12. Power to alter layout, etc., of streets
13. Temporary prohibition or restriction of use of streets and public rights of way
14. Permanent stopping up of streets
15. Access to works
16. Agreements with street authorities
17. Traffic regulation measures

*Status: This is the original version (as it was originally made).*

*Supplementary powers*

18. Discharge of water
19. Authority to survey and investigate the land
20. Protective work to buildings
21. Felling or lopping of trees

PART 3

POWERS OF ACQUISITION AND POSSESSION OF LAND

*Powers of acquisition*

22. Compulsory acquisition of land
23. Time limit for exercise of authority to acquire land compulsorily
24. Compulsory acquisition of rights
25. Acquisition of subsoil only
26. Private rights
27. Power to override easements and other rights
28. Application of the 1981 Act
29. Modification of Part 1 of the 1965 Act
30. Rights under or over streets

*Temporary possession of land*

31. Temporary use of land for carrying out the authorised development
32. Temporary use of land for maintaining the authorised development

*Supplementary*

33. Statutory undertakers
34. Apparatus and rights of statutory undertakers in stopped up streets
35. Recovery of costs of new connections

PART 4

MISCELLANEOUS AND GENERAL

36. Application of landlord and tenant law
37. Operational land for the purposes of the 1990 Act
38. Defence to proceedings in respect of statutory nuisance
39. Protective provisions
40. Certification of plans etc.
41. Service of notices
42. Procedures in relation to certain approvals etc.
43. No double recovery  
Signature

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SCHEDULES

SCHEDULE 1 — AUTHORISED DEVELOPMENT

SCHEDULE 2 — REQUIREMENTS

1. Time limits
2. Detailed design approval
3. Parameters of authorised development

4. Pre-commencement biodiversity mitigation strategy
5. Biodiversity and landscape mitigation strategy
6. Replacement planting for Work No. 9
7. Archaeology
8. Highway access
9. Surface and foul water drainage
10. Ground conditions and ground stability
11. Code of construction practice
12. Construction Hours
13. Construction traffic management plan(s)
14. Heavy commercial vehicle movements delivering waste
15. Emission limits – Work No. 1B
16. Waste hierarchy scheme
17. Operational worker travel plan
18. Operational lighting strategy
19. Control of operational noise
20. River wall
21. Community benefits
22. Notice of start of commissioning and notice of date of final commissioning
23. Phasing of construction and commissioning of Work No. 1
24. Combined heat and power
25. Use of compost material and gas from Work No. 1B
26. Decommissioning
27. Amendments to approved details
28. Flood Risk Activity Permit Area
29. Finished Floor Levels
30. Metropolitan Open Land
31. Delivery and Servicing Plan
32. Tonnage cap
33. Notification from the undertaker

SCHEDULE 3 — STREETS SUBJECT TO STREET WORKS

SCHEDULE 4 — STREETS SUBJECT TO PERMANENT AND TEMPORARY  
ALTERATION OF LAYOUT

PART 1 — PERMANENT ALTERATION OF LAYOUT

PART 2 — TEMPORARY ALTERATION OF LAYOUT

SCHEDULE 5 — TEMPORARY PROHIBITION OR RESTRICTION OF THE USE  
OF STREETS OR PUBLIC RIGHTS OF WAY

SCHEDULE 6 — PERMANENT STOPPING UP OF STREETS

SCHEDULE 7 — LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE  
ACQUIRED

1. Interpretation

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

1. Compensation enactments
2. (1) Without limitation on the scope of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...

*Status: This is the original version (as it was originally made).*

4. Application of Part 1 of the 1965 Act
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 RRRL

1. For the protection of RRRL as referred to in this...
2. In this part of this Schedule “access road” means that...
3. Upon the permanent stopping up of the access road pursuant...
4. The undertaker must not install pipes for the offtake of...
5. Regardless of the temporary prohibition or restriction of use of...
6. Regardless of any provision in this Order or anything shown...
7. (1) If, in the exercise of the powers conferred by...
8. (1) Where, in accordance with the provisions of this part...
9. (1) Not less than 28 days before starting the execution...
10. (1) Subject to the following provisions of this paragraph, the...
11. Nothing in this part of this Schedule affects the provisions...
12. Where in consequence of the proposed construction or maintenance of...
13. If in consequence of any agreement reached or the powers...
14. (1) Subject to sub-paragraphs (2) and (3), if by reason...
15. (1) Subject to sub-paragraphs (2) and (3), if by reason...

PART 2 — FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

16. The provisions of this Part have effect for the protection...
17. In this Part of this Schedule— “alternative apparatus” means alternative...
18. This Part of this Schedule does not apply to apparatus...
19. Regardless of the temporary prohibition or restriction of use of...
20. Regardless of any provision in this Order or anything shown...
21. (1) If, in the exercise of the powers conferred by...
22. (1) Where, in accordance with the provisions of this Part...
23. (1) Not less than 28 days before starting the execution...
24. (1) Subject to the following provisions of this paragraph, the...
25. (1) Subject to sub-paragraphs (2) and (3), if by reason...
26. Nothing in this Part of this Schedule affects the provisions...

PART 3 — FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

27. (1) For the protection of any operator, the following provisions...
28. The exercise of the powers of article 33 (statutory undertakers)...
29. (1) Subject to sub-paragraphs (2) to (4), if as the...
30. This Part of this Schedule does not apply to—
31. Nothing in this Part of this Schedule affects the provisions...

PART 4 — FOR THE PROTECTION OF THE ENVIRONMENT AGENCY

32. (1) The following provisions shall apply for the protection of...
33. The provisions within this Part shall not apply where a...
34. (1) Before beginning to construct any specified work, the undertaker...
35. Without limiting paragraph 34, the requirements which the Agency may...
36. No buildings will be erected within the area defined by...
37. (1) Subject to sub-paragraph (2), any specified work, and all...
38. (1) Subject to sub-paragraph (6), the undertaker must from the...
39. Subject to paragraph 41, if by reason of the construction...
40. If by reason of construction of the specified work the...

41. The undertaker must indemnify the Agency in respect of all...
42. (1) The undertaker is responsible for and must indemnify the...
43. Any dispute arising between the undertaker and the Agency under...  
PART 5 — FOR THE PROTECTION OF RAILWAY INTERESTS
44. The following provisions of this Part of this Schedule have...
45. In this Part of this Schedule— “construction” includes execution, placing,...
46. (1) Where under this Part of this Schedule Network Rail...
47. (1) The undertaker must not exercise the powers conferred by—...
48. (1) The undertaker must before commencing construction of any specified...
49. (1) Any specified work and any protective works to be...
50. The undertaker must— (a) at all times afford reasonable facilities...
51. Network Rail must at all times afford reasonable facilities to...
52. (1) If any permanent or temporary alterations or additions to...
53. The undertaker must repay to Network Rail all reasonable fees,...
54. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
55. If at any time after the completion of a specified...
56. The undertaker must not provide any illumination or illuminated sign...
57. Any additional expenses which Network Rail may reasonably incur in...
58. (1) The undertaker must pay to Network Rail all reasonable...
59. Network Rail must, on receipt of a request from the...
60. In the assessment of any sums payable to Network Rail...
61. The undertaker and Network Rail may, subject in the case...
62. Nothing in this Order, or in any enactment incorporated with...
63. The undertaker must give written notice to Network Rail if...
64. The undertaker must no later than 28 days from the...
65. In relation to any dispute arising under this Part of...  
PART 6 — FOR THE PROTECTION OF NATIONAL GRID AS  
ELECTRICITY UNDERTAKER
66. For the protection of National Grid referred to in this...
67. Interpretation
68. On Street Apparatus
69. Apparatus of National Grid in stopped up streets
70. Protective works to buildings
71. Acquisition of land
72. Removal of apparatus
73. Facilities and rights for alternative apparatus
74. Retained apparatus
75. Expenses
76. Indemnity
77. Enactments and agreements
78. Co-operation
79. Access
80. Arbitration
81. Notices  
PART 7 — FOR THE PROTECTION OF UK POWER NETWORKS  
LIMITED, LONDON POWER NETWORKS PLC AND SOUTH  
EAST POWER NETWORKS PLC
82. For the protection of the utility undertakers referred to in...
83. In this Part of this Schedule— “alternative apparatus” means alternative...
84. This Part of this Schedule does not apply to apparatus...
85. Regardless of the temporary prohibition or restriction of use of...
86. Regardless of any provision in this Order or anything shown...

*Status: This is the original version (as it was originally made).*

- 87. (1) If, in the exercise of the powers conferred by...
- 88. (1) Where, in accordance with the provisions of this Part...
- 89. (1) Not less than 28 days before starting the execution...
- 90. (1) Subject to the following provisions of this paragraph, the...
- 91. (1) Subject to sub-paragraphs (2) and (3), if by reason...
- 92. Where in consequence of the proposed construction of any of...
- 93. Nothing in this Part of this Schedule affects the provisions...

PART 8 — FOR THE PROTECTION OF THAMES WATER UTILITIES  
LIMITED

- 94. Application
- 95. Interpretation
- 96. Apparatus
- 97. The alteration, extension, removal or relocation of any apparatus must...
- 98. In the situation where in exercise of the powers under...
- 99. Regardless of any provision in this Order or anything shown...
- 100. If in consequence of the exercise of the powers under...
- 101. If in consequence of the exercise of the powers under...
- 102. If for any reason or in consequence of the construction...
- 103. Consultation

PART 9 — FOR THE PROTECTION OF SOUTHERN GAS NETWORKS  
PLC AS GAS UNDERTAKER

- 104. Application
- 105. Interpretation
- 106. On Street Apparatus
- 107. Apparatus of SGN in stopped up streets
- 108. Protective works to buildings
- 109. Acquisition of land
- 110. Removal of apparatus
- 111. Facilities and rights for alternative apparatus
- 112. Retained apparatus: protection of SGN
- 113. Expenses
- 114. Indemnity
- 115. Enactments and agreements
- 116. Co-operation
- 117. Access
- 118. Arbitration
- 119. Notices

SCHEDULE 11 — DOCUMENTS AND PLANS TO BE CERTIFIED

SCHEDULE 12 — PROCEDURE IN RELATION TO CERTAIN APPROVALS ETC.

- 1. Interpretation
- 2. Applications made under requirements
- 3. Further information and consultation
- 4. Appeals
- 5. Application to protective provisions

SCHEDULE 13 — MODIFICATIONS TO THE SECTION 36 CONSENT AND RRRF  
PLANNING PERMISSION

PART 1 — SECTION 36 CONSENT

- 1. Delete the words “associated open storage areas for ash container...
- 2. Delete “and” at the end of paragraph 3(1)(i).
- 3. For the words “25 September 2014.” at the end of...

4. After paragraph 3(1)(ii) insert new paragraph 3(1)(iii) as follows, “(iii)...  
PART 2 — RRRF PLANNING PERMISSION
5. After RRRF condition 1(iii), insert new condition 1(iv) as follows,...
6. In RRRF condition 7, insert the words “(except for the...
7. For RRRF condition 23, substitute new condition 23 as follows...

Explanatory Note