
STATUTORY INSTRUMENTS

2021 No. 1259

INFRASTRUCTURE PLANNING

The South Humber Bank Energy Centre Order 2021

Made - - - - 10th November 2021

Coming into force 2nd December 2021

THE SOUTH HUMBER BANK ENERGY CENTRE ORDER 2021

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Electronic Communications

PART 2

PRINCIPAL POWERS

4. Development consent etc. granted by the Order
5. Effect of the Order on the SHBEC planning permission
6. Maintenance of authorised development
7. Operation of authorised development
8. Benefit of the Order
9. Consent to transfer benefit of the Order

PART 3

STREETS

10. Street works
11. Power to alter layout, etc., of streets
12. Construction and maintenance of new or altered means of access
13. Temporary stopping up of streets and public rights of way
14. Agreements with street authorities

PART 4

SUPPLEMENTAL POWERS

15. Discharge of water

Status: This is the original version (as it was originally made).

16. Authority to survey and investigate the land

PART 5

OPERATIONS

17. Felling or lopping of trees

PART 6

MISCELLANEOUS AND GENERAL

18. Protective provisions
19. Statutory undertakers
20. Apparatus and rights of statutory undertakers in stopped up streets
21. Recovery of costs of new connections
22. Application of landlord and tenant law
23. Operational land for purposes of the 1990 Act
24. Defence to proceedings in respect of statutory nuisance
25. Certification of plans, etc.
26. Service of notices
27. Procedure in relation to certain approvals, etc.
28. Requirements, appeals etc.
29. Arbitration
- Signature

SCHEDULES

SCHEDULE 1 — AUTHORISED DEVELOPMENT

SCHEDULE 2 — REQUIREMENTS

1. Interpretation
2. Commencement of the authorised development and notices
3. Approved details and amendments to them
4. Requirement for written approval
5. Detailed design (position and scale)
6. Detailed design (appearance)
7. Retained trees
8. Means of enclosure and hard landscaping
9. Lighting scheme
10. Soft landscaping
11. Biodiversity protection
12. Biodiversity mitigation and enhancement
13. Surface water drainage
14. Foul water drainage
15. Construction environmental management plan
16. Construction traffic management and travel planning
17. Piling
18. Temporary halting of development on finding unexpected contamination
19. Investigation and remediation of contamination
20. Implementation of remediation scheme
21. Procedure in cases of unexpected contamination
22. Flood risk mitigation
23. Flood warning and evacuation plan

24. Delivery and servicing plan
25. Operational travel plan
26. Visibility splays
27. New highway access
28. Parking
29. Road condition survey
30. Air safety
31. Fuel type
32. Fuel storage
33. Decommissioning
34. Amendments agreed by the relevant planning authority
35. Combined heat and power
36. Anticipatory steps towards compliance with any requirement
37. Heavy goods vehicle prohibition
38. Development consent obligation

SCHEDULE 3 — DEEMED APPROVAL OF MATTERS REFERRED TO IN REQUIREMENTS

SCHEDULE 4 — STREETS SUBJECT TO STREET WORKS

SCHEDULE 5 — STREETS SUBJECT TO PERMANENT ALTERATION OF LAYOUT

SCHEDULE 6 — ACCESS

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

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

SCHEDULE 7 — STREETS TO BE TEMPORARILY STOPPED UP

SCHEDULE 8 — PROTECTIVE PROVISIONS

PART 1 — FOR THE PROTECTION OF ANGLIAN WATER

1. For the protection of Anglian Water, the following provisions have...
2. In this Part of this Schedule— “alternative apparatus” means alternative...
3. The undertaker must not interfere with, build over or near...
4. The alteration, extension, removal or re-location of any apparatus must...
5. Regardless of any provision in this Order or anything shown...
6. If in consequence of the exercise of the powers conferred...
7. If in consequence of the exercise of the powers conferred...
8. If for any reason as a result of the construction...
9. To the extent (but not greater) that Anglian Water has...

PART 2 — FOR THE PROTECTION OF NATIONAL GRID AS ELECTRICITY AND GAS UNDERTAKER

10. Application
11. Interpretation
12. Apparatus of Undertakers in stopped up streets
13. Acquisition of apparatus
14. Removal of apparatus
15. Facilities and rights for alternative apparatus
16. Retained apparatus: protection Gas Undertakers
17. Retained apparatus: Protection: Electricity Undertakers

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

18. Expenses
 19. Indemnity
 20. Enactments and agreements
 21. Co-operation
 22. Access
 23. Arbitration
 24. Notices
- PART 3 — FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS
25. For the protection of the utility undertakers referred to in...
 26. In this Part— “alternative apparatus” means alternative apparatus adequate to...
 27. This Part does not apply to apparatus in respect of...
 28. Regardless of the temporary stopping up of streets and public...
 29. Regardless of any provision in this Order or anything shown...
 30. (1) If, in the exercise of the powers conferred by...
 31. (1) Where, in accordance with the provisions of this Part...
 32. (1) Not less than 28 days before starting the construction...
 33. (1) Subject to the following provisions of this paragraph, the...
 34. (1) Subject to sub-paragraphs (2) and (3), if by reason...
 35. Nothing in this Part of this Schedule affects the provisions...
- PART 4 — FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS
36. (1) For the protection of any operator, the following provisions...
 37. The exercise of the powers of article 19 (statutory undertakers)...
 38. (1) Subject to sub-paragraphs (2) to (4), if as the...
 39. This Part of this Schedule does not apply to—
 40. Nothing in this Part of this Schedule affects the provisions...
- PART 5 — FOR THE PROTECTION OF NETWORK RAIL
41. For the protection of Network Rail as defined in this...
 42. In this part of this Schedule— “Network Rail” means Network...
 43. (1) Where under this Part Network Rail is required to...
 44. (1) The undertaker must not submit the construction traffic management...
 45. (1) The undertaker must not submit the delivery and servicing...
 46. The undertaker must repay to Network Rail all reasonable fees,...
 47. (1) The undertaker must pay to Network Rail all reasonable...
 48. Nothing in this Order, or in any enactment incorporated with...

Explanatory Note