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STATUTORY INSTRUMENTS

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**2024 No. 393**

**INFRASTRUCTURE PLANNING**

The National Grid (Yorkshire Green Energy  
Enablement Project) Development Consent Order 2024

*Made* - - - - *14th March 2024*

*Coming into force* *5th April 2024*

THE NATIONAL GRID (YORKSHIRE  
GREEN ENERGY ENABLEMENT PROJECT)  
DEVELOPMENT CONSENT ORDER 2024

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. Limits of deviation
6. Benefit of the Order
7. Consent to transfer benefit of the Order
8. Planning Permission
9. Application of the 1990 Act
10. Application of the Community Infrastructure Levy Regulations 2010

PART 3

STREETS

11. Street works
12. Application of the 1991 Act
13. Power to alter layout, etc. of streets
14. Temporary closure of streets, cycle tracks and public rights of way
15. Use of private roads for construction

**Changes to legislation:** There are currently no known outstanding effects for the The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024. (See end of Document for details)

16. Access to works
17. Construction, alteration and maintenance of streets
18. Agreements with street authorities

#### PART 4

#### SUPPLEMENTAL POWERS

19. Discharge of water
20. Protective work to land, buildings, structures, apparatus or equipment
21. Authority to survey and investigate the land

#### PART 5

#### POWERS OF ACQUISITION

22. Compulsory acquisition of land
23. Compulsory acquisition of land – incorporation of the mineral code
24. Time limit for exercise of authority to acquire land and rights compulsorily
25. Compulsory acquisition of rights
26. Extinguishment and suspension of private rights
27. Extinguishment of private rights and restrictive covenants relating to apparatus removed from land subject to temporary possession
28. Power to override easements and other rights
29. Disregard of certain interests and improvements
30. Set-off for enhancement in value of retained land
31. No double recovery
32. Modification of Part 1 of the 1965 Act
33. Application of the 1981 Act
34. Acquisition of subsoil or airspace only
35. Use of subsoil under or airspace over streets
36. Temporary use of land by National Grid
37. Temporary use of land by NPG
38. Temporary use of land by NGN
39. Temporary use of land for maintaining the authorised development
40. Statutory undertakers
41. Recovery of costs of new connections

#### PART 6

#### MISCELLANEOUS AND GENERAL

42. Application of landlord and tenant law
  43. Defence to proceedings in respect of statutory nuisance
  44. Maintenance of drainage works
  45. Traffic regulation
  46. Felling or lopping of trees and removal of hedgerows
  47. Protection of interests
  48. Certification of plans, etc.
  49. Service of notices
  50. Procedure regarding certain approvals, etc.
  51. Amendment of local legislation
  52. Arbitration
  53. Temporary closure of, and works in, the river Ouse
- Signature

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SCHEDULES  
SCHEDULE 1 — AUTHORISED DEVELOPMENT

*OSBALDWICK SUBSTATION*

Work No. 1 – Osbaldwick Substation and YR overhead electric line

*OVERHEAD ELECTRIC LINES AND OVERTON SUBSTATION (NORTH WEST OF YORK)*

Work No. 2 – YR/2TW overhead electric line and YN overhead electric line

Work No. U1 – Utility Undergrounding

Work No. 3 – YN overhead electric line

Work No. U2

Work No. U3

Work No. 4 – Overton Substation

Work No. 5 – SP and XCP overhead electric lines

Work No. 6 – XC and XCP overhead electric lines, and XC overhead electric line

Work No. U4

Work No. U5

*OVERHEAD ELECTRIC LINES (MOOR MONKTON TO TADCASTER)*

Work No. 7 – XC overhead electric line

Work No. U6

*OVERHEAD ELECTRIC LINES (TADCASTER)*

Work No. 8 – XC and XD overhead electric lines

Work No. U7

Work No. U8

*OVERHEAD ELECTRIC LINES (TADCASTER TO MONK FRYSTON)*

Work No. 9 – XC overhead electric line

Work No. U9

Work No. U10

Work No. U11

Work No. U12

Work No. U13

*OVERHEAD ELECTRIC LINES AND MONK FRYSTON SUBSTATION*

Work No. 10 – XC overhead electric line

Work No. 11 – Monk Fryston Substation

SCHEDULE 2 — PLANS, DRAWINGS AND ENVIRONMENTAL STATEMENT

PART 1 — ACCESS, RIGHTS OF WAY AND PUBLIC RIGHTS OF NAVIGATION PLAN

PART 2 — DESIGN DRAWINGS

PART 3 — EXTINGUISHMENT OF EASEMENTS, SERVITUDES AND OTHER PRIVATE RIGHTS PLANS

PART 4 — LAND PLAN

**Changes to legislation:** There are currently no known outstanding effects for the The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024. (See end of Document for details)

- PART 5 — OUTLINE LANDSCAPE MITIGATION STRATEGY
- PART 6 — TRAFFIC REGULATION ORDER PLAN
- PART 7 — WORKS PLAN
- PART 8 — ENVIRONMENTAL STATEMENT DOCUMENTS

#### SCHEDULE 3 — REQUIREMENTS

1. Interpretation
2. Time limits
3. Design drawings
4. Stages of authorised development
5. Construction management plans
6. Construction management plans to be approved
7. Construction hours
8. Landscaping at Overton, Tadcaster and Monk Fryston
9. Retention and protection of existing trees
10. Replacement planting
11. Reinstatement schemes
12. Contamination of land or groundwater and controlled waters
13. Removal of temporary bridges and culverts
14. Highway works
15. Removal of existing overhead line
16. Decommissioning
17. Clearance over the River Ouse
18. Approval of details having regard to the Design Approach to Site Specific Infrastructure
19. Site specific mitigation scheme

#### 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 — BENEFIT OF THE ORDER RULES

##### *NPG Works*

1. NPG may not carry out the NPG Works under sub-paragraph...
2. If NPG fails to carry out any of the NPG...
3. On the date specified in any notice under paragraph (2)...
4. Where a notice is issued under paragraph (2), paragraph (3)...

##### *NGN Works*

5. NGN may not carry out the NGN Works under sub-paragraph...
6. If NGN fails to carry out any of the NGN...
7. On the date specified in any notice under paragraph (6)...
8. Where a notice is issued under paragraph (6), paragraph (7)...

##### *General*

9. The exercise by NPG or NGN of any benefits or...
10. Article 52 (arbitration) has effect in relation to any dispute...

SCHEDULE 6 — STREETS SUBJECT TO STREET WORKS

SCHEDULE 7 — STREETS SUBJECT TO ALTERATION OF LAYOUT  
PART 1 — STREETS SUBJECT TO PERMANENT ALTERATION OF LAYOUT

*North Yorkshire Council*

PART 2 — STREETS SUBJECT TO TEMPORARY ALTERATION OF LAYOUT

*City of York Council*

*North Yorkshire Council*

SCHEDULE 8 — STREETS, CYCLE TRACKS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY CLOSED

PART 1 — STREETS, CYCLE TRACKS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY CLOSED FOR WHICH A DIVERSION IS TO BE PROVIDED

PART 2 — STREETS, CYCLE TRACKS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY CLOSED FOR WHICH NO DIVERSION IS TO BE PROVIDED

SCHEDULE 9 — ACCESS TO WORKS

PART 1 — CITY OF YORK COUNCIL

PART 2 — LEEDS CITY COUNCIL

PART 3 — NORTH YORKSHIRE COUNCIL

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

PART 1 — NATIONAL GRID

PART 2 — NPG

SCHEDULE 12 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

PART 1 — NATIONAL GRID

PART 2 — NPG

PART 3 — NGN

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SCHEDULE 13 — LAND IN WHICH ONLY NEW RIGHTS AND RESTRICTIVE COVENANTS ETC. MAY BE ACQUIRED

PART 1 — NATIONAL GRID

PART 2 — NPG

PART 3 — NGN

SCHEDULE 14 — TRAFFIC REGULATION

SCHEDULE 15 — PROTECTIVE PROVISIONS

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

1. For the protection of the statutory undertakers referred to in this...
2. In this Part of this Schedule— “alternative apparatus” means alternative...
3. This Part of this Schedule does not apply to apparatus...
4. (1) If, in the exercise of the powers conferred by...
5. (1) Not less than 28 days before starting the execution...
6. (1) Subject to the following provisions of this paragraph, the...  
PART 2 — PROTECTION FOR OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS
7. (1) For the protection of any operator, the following provisions,...
8. The exercise of the powers of article 40 (statutory undertakers)...
9. (1) Subject to sub-paragraphs (2) to (3), if as the...
10. This Part of this Schedule does not apply to—
11. Nothing in this Part of this Schedule affects the provisions...  
PART 3 — FOR THE PROTECTION OF THE CANAL & RIVER TRUST
12. Interpretation
13. Notice to be given prior to specified works
14. Fencing
15. Survey of waterway
16. Approval of plans etc.
17. Failure to complete specified works
18. Lighting
19. Construction of specified works
20. Access to work – provision of information
21. Maintenance of works
22. Repayment of the Trust’s fees, etc.
23. Making good of detriment; compensation and indemnity, etc.
24. Arbitration
25. As built drawings  
PART 4 — FOR THE PROTECTION OF RAILWAY INTERESTS
26. The provisions of this Part of this Schedule have effect,...
27. In this Part of this Schedule— “asset protection agreement” means...
28. (1) Where under this Part of this Schedule Network Rail...
29. (1) Subject to sub-paragraph (2) the undertaker must not exercise...
30. (1) The undertaker must before commencing construction of any specified...
31. (1) Any specified work and any protective works to be...
32. The undertaker must— (a) at all times afford reasonable facilities...
33. Network Rail must at all times afford reasonable facilities to...
34. (1) If any permanent or temporary alterations or additions to...
35. The undertaker must repay to Network Rail all reasonable fees,...
36. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
37. If at any time after the completion of a specified...

38. The undertaker must not provide any illumination or illuminated sign...
39. Any additional expenses which Network Rail may reasonably incur in...
40. (1) The undertaker must pay to Network Rail all reasonable...
41. Network Rail must, on receipt of a request from the...
42. In the assessment of any sums payable to Network Rail...
43. The undertaker and Network Rail may, subject in the case...
44. Nothing in this Order, or in any enactment incorporated with...
45. The undertaker must give written notice to Network Rail if...
46. The undertaker must no later than 28 days from the...

#### PART 5 — FOR THE PROTECTION OF NORTHERN POWERGRID

47. For the protection of Northern Powergrid the following provisions have...
48. In this Part of this Schedule— “1991 Act” means the...
49. This Part of this Schedule does not apply to apparatus...
50. Regardless of any provision in this Order or anything shown...
51. (1) If, in the exercise of the powers conferred by...
52. (1) Where, in accordance with the provisions of this Part...
53. (1) Not less than 48 days before starting the execution...
54. (1) Subject to the following provisions of this paragraph, the...
55. (1) Subject to sub-paragraphs (2) and (3), if by reason...
56. Nothing in this Part of this Schedule affects the provisions...
57. Where in consequence of the proposed construction of any of...
58. If in consequence of an agreement reached in accordance with...
59. The plans submitted to Northern Powergrid by the undertaker pursuant...
60. Where practicable, the undertaker and Northern Powergrid will make reasonable...

#### PART 6 — FOR THE PROTECTION OF NATIONAL HIGHWAYS LIMITED

61. Application etc.,
62. Interpretation
63. General
64. Notwithstanding the limits of deviation permitted pursuant to article 5...
65. References to any standards, manuals, contracts, regulations and directives including...
66. Works outside the Order limits
67. Prior approvals and security
68. Construction of the specified works
69. Payments
70. Provisional Certificate
71. Opening
72. Final condition survey
73. Defects Period
74. Final Certificate
75. Security
76. Insurance
77. Indemnity
78. Maintenance of the specified works
79. Land
80. Arbitration

#### PART 7 — FOR THE PROTECTION OF NATIONAL GAS TRANSMISSION PLC AS GAS UNDERTAKER

81. Application
82. Interpretation
83. On Street Apparatus
84. Apparatus of NGT in affected streets

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- 85. Protective works to buildings
- 86. Acquisition of land
- 87. Removal of apparatus
- 88. Facilities and rights for alternative apparatus
- 89. Retained apparatus: protection
- 90. Expenses
- 91. Indemnity
- 92. Enactments and agreements
- 93. Co-operation
- 94. Access
- 95. Arbitration
- 96. Notices

PART 8 — FOR THE PROTECTION OF NORTHERN GAS NETWORK'S  
APPARATUS

- 97. Application
- 98. Interpretation
- 99. Except for paragraphs 100 (apparatus of Statutory undertaker in affected...
- 100. Apparatus of Statutory undertaker in affected streets
- 101. Acquisition of land
- 102. Removal or diversion of apparatus
- 103. Facilities and rights for alternative apparatus
- 104. Retained apparatus: protection
- 105. Expenses
- 106. Enactments and agreements
- 107. Co-operation
- 108. Access
- 109. Arbitration
- 110. Works falling outside of development authorised by the Order
- 111. Cathodic protection testing

SCHEDULE 16 — AMENDMENT OF LOCAL LEGISLATION

PART 1 — LOCAL ENACTMENTS

PART 2 — BYELAWS

SCHEDULE 17 — HEDGEROWS WHICH MAY BE REMOVED

Explanatory Note



**Changes to legislation:**

There are currently no known outstanding effects for the The National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024.