
STATUTORY INSTRUMENTS

2012 No. 2635

The Network Rail (North Doncaster Chord) Order 2012

PART 2

PRINCIPAL POWERS

Development consent etc. granted by the Order

4.—(1) Subject to the provisions of this Order and to the requirements in Schedule 2 (requirements) Network Rail is granted development consent for the authorised development to be carried out within the Order limits.

(2) Subject to article 8 (limits of deviation) the authorised development may only be constructed in the lines and situations shown on the works plans and in accordance with the levels shown on the sections.

Maintenance of authorised development

5. Network Rail may at any time maintain the authorised development, except to the extent that this Order or an agreement made under this Order, provides otherwise.

Procedure in relation to certain approvals, etc. other than under Schedule 2

6.—(1) In this article—

“plans” includes sections, drawings, specifications and particulars (including descriptions of methods of construction).

(2) Where an application is made to the relevant planning authority, a highway authority, a street authority, a traffic authority or the owner of a sewer for any consent, agreement or approval required under any of the provisions of this Order other than under Schedule 2 (requirements), such application must, where appropriate, be accompanied by proper and sufficient plans of the proposal and such consent, agreement or approval must, if given, be in writing and may be given subject to such reasonable terms and conditions as the authority or owner may require and is not to be unreasonably withheld.

(3) If, within 28 days after the application has been submitted to the authority or owner, it has not intimated its disapproval and the grounds of disapproval, it is deemed to have approved the application.

(4) In the event of any refusal or disapproval by the authority or owner, Network Rail may re-submit a revised application, or revised plans in support of the original application, and, in that event, if the authority or owner has not intimated its refusal or disapproval and the grounds of refusal or disapproval within 28 days of the revised application or of revised plans being submitted, it is deemed to have given its consent or agreement to, or its approval of, them.

(5) Network Rail must not carry out the proposal until such plans have been approved or are deemed to have been approved or have been settled by arbitration.

Further provision as to approvals, etc, under Schedule 2

7.—(1) Where the application is for a consent, agreement or approval of a relevant planning authority required by a requirement under Schedule 2 (requirements), the following provisions apply, so far as they relate to a consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission, as if the requirement was a condition imposed on the grant of a planning permission—

- (a) sections 78 (other than paragraph (a) of subsection (2)) and 79 of the 1990 Act (right of appeal in relation to planning decisions); and
- (b) any orders, rules or regulations which make provision in relation to a consent, agreement or approval of a local planning authority required by a condition imposed on the grant of planning permission.

(2) For the purposes of paragraph (1), a provision relates to a consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission in so far as it makes provision in relation to an application for such a consent, agreement or approval, or the grant or refusal of such an application, or a failure to give notice of a decision on such an application.

Limits of deviation

8. In carrying out the authorised development Network Rail may—

- (a) deviate laterally from the lines or situations of the authorised development shown on the works plans to the extent of the limits of deviation shown on those plans; and
- (b) deviate vertically from the levels of the authorised development shown on the sections—
 - (i) to any extent not exceeding 2 metres upwards; or
 - (ii) to any extent downwards as may be found to be necessary or convenient.

Benefit of Order

9.—(1) The provisions of this Order conferring powers on Network Rail have effect solely for the benefit of Network Rail.

(2) Paragraph (1) is—

- (a) subject to paragraph (5) of article 24 (compulsory acquisition of rights); and
- (b) does not apply to the benefit of the consent granted by this Order for works for the benefit of owners and occupiers of land, statutory undertakers and other persons affected by the authorised development.