
STATUTORY INSTRUMENTS

2014 No. 909

**The Network Rail (Norton Bridge
Area Improvements) Order 2014**

PART 1

Preliminary

Citation and commencement

1. This Order may be cited as the Network Rail (Norton Bridge Area Improvements) Order 2014 and comes into force on 21st April 2014.

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961(1);

“the 1965 Act” means the Compulsory Purchase Act 1965(2);

“the 1973 Act” means the Land Compensation Act 1973(3);

“the 1980 Act” means the Highways Act 1980(4);

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- (1) 1961 c. 33. Section 2(2) was amended by section 193 of, and paragraph 5 of Schedule 33 to, the Local Government, Planning and Land Act 1980 (c. 65). There are other amendments to the 1980 Act which are not relevant to this Order.
- (2) 1965 c. 56. Section 3 was amended by section 70 of, and paragraph 3 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34). Section 4 was amended by section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71). Section 5 was amended by sections 67 and 80 of, and Part 2 of Schedule 18 to, the Planning and Compensation Act 1991 (c. 34). Section 11(1) and sections 3, 31 and 32 were amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67) and by section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No. 1). Section 12 was amended by section 56(2) of, and Part 1 of Schedule 9 to, the Courts Act 1971 (c. 23). Section 13 was amended by section 139 of the Tribunals, Courts and Enforcement Act 2007 (c. 15). Section 20 was amended by section 70 of, and paragraph 14 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34). Sections 9, 25 and 29 were amended by the Statute Law (Repeals) Act 1973 (c. 39). Section 31 was also amended by section 70 of, and paragraph 19 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34) and by section 14 of, and paragraph 12(2) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (2006 No. 1). There are other amendments to the 1965 Act which are not relevant to this Order.
- (3) 1973 c. 26. Section 20 was amended by subsections (6) and (12) of section 146 of, and Schedule 13 to, the 1984 Act. Subsection (10) of section 20 was repealed by section 343(3) of, and Schedule 25 to, the 1980 Act and subsection (11) was repealed by section 155 of, and Schedule 25 to, the Rent Act 1977 (c. 42). There are other amendments to the 1973 Act which are not relevant to this Order.
- (4) 1980 c. 66. Section 1(1) was amended by section 21(2) of the New Roads and Street Works Act 1991 (c. 22); sections 1(2), (3) and (4) were amended by section 8 of, and paragraph (1) of Schedule 4 to, the Local Government Act 1985 (c. 51); section 1(2A) was inserted by, and section 1(3) was amended by, section 259(1), (2) and (3) of the Greater London Authority Act 1999 (c. 29); sections 1(3A) and 1(5) were inserted by section 22(1) of, and paragraph 1 of Schedule 7 to, the Local Government (Wales) Act 1994 (c. 19). Section 36(2) was amended by section 4(1) of, and paragraphs 47(a) and (b) of Schedule 2 to, the Housing (Consequential Provisions) Act 1985 (c. 71), by S.I. 2006/1177, by section 4 of, and paragraph 45(3) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11), by section 64(1), (2) and (3) of the Transport and Works Act 1992 (c. 42) and by section 57 of, and paragraph 5 of Part 1 of Schedule 6 to, the Countryside and Rights of Way Act 2000 (c. 37); section 36(3A) was inserted by section 64(4) of the Transport and Works Act 1992 and was amended by S.I. 2006/1177; section 36(6) was amended by section 8 of, and paragraph 7 of Schedule 4 to, the Local Government Act 1985 (c. 51); and section 36(7) was inserted by section 22(1) of, and paragraph 4 of Schedule 7 to, the Local Government (Wales) Act 1994 (c. 19). Section 329 was amended by section 112(4) of, and Schedule 18 to, the Electricity Act 1989 (c. 29)

- “the 1984 Act” means the Road Traffic Regulation Act 1984⁽⁵⁾;
- “the 1990 Act” means the Town and Country Planning Act 1990⁽⁶⁾;
- “the 1991 Act” means the New Roads and Street Works Act 1991⁽⁷⁾;
- “the 2003 Act” means the Communications Act 2003⁽⁸⁾;
- “the 2008 Act” means the Planning Act 2008;
- “address” includes any number or address used for the purposes of electronic transmission;
- “associated development” has the same meaning as in section 115(2) of the 2008 Act;
- “authorised development” means the development and associated development described in Schedule 1 (authorised development) and any other development authorised by this Order, which is development within the meaning of section 32 of the 2008 Act;
- “the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;
- “building” includes any structure or erection or any part of a building, structure or erection;
- “carriageway” has the same meaning as in the 1980 Act;
- “compulsory acquisition notice” means a notice served in accordance with section 134 of the 2008 Act;
- “cycle track” has the same meaning as in the 1980 Act;
- “defects period” means, in relation to any highway work, the period of 12 months referred to in article 10(5) (construction and maintenance of new or altered streets) during which Network Rail must remedy defects in a street;
- “design brief” means the Design Brief for Landscape Proposals and Mitigation and Restoration of the Wider Landscape (revised September 2013) as certified by the Secretary of State for the purposes of this Order;
- “the design drawings” means the drawings listed in Part 1 of Schedule 11 (plans and drawings) and certified as the design drawings by the Secretary of State for the purposes of this Order;
- “electronic transmission” means a communication transmitted—
- (a) by means of an electronic communications network; or
 - (b) by other means but while in electronic form;
- “the Environmental Statement” means the document certified as the environmental statement by the Secretary of State for the purposes of this Order;
- “footpath” and “footway” have the same meaning as in the 1980 Act;
- “highway” and “highway authority” have the same meaning as in the 1980 Act;
- “highway work” means any work that involves the construction of a new street or permanent change to an existing street, including changes to road layout, kerbs, signs and markings, lighting, signalling, drainage, landscaping and installation of roadside equipment;
- “the land plans” means the plans listed in Part 2 of Schedule 11 and certified as the land plans by the Secretary of State for the purposes of this Order;

and by section 190(3) of, and Part 1 of Schedule 27 to, the Water Act 1989 (c. 15). There are other amendments to the 1980 Act which are not relevant to this Order.

(5) 1984 c. 27.

(6) 1990 c. 8. Section 206(1) was amended by section 192(8) to, and paragraphs 7 and 11 of Schedule 8 to, the 2008 Act. There are other amendments to the 1990 Act which are not relevant to this Order.

(7) 1991 c. 22. Section 48(3A) was inserted by section 124 of the Local Transport Act 2008 (c. 26). Sections 79(4), 80(4) and 83(4) were amended by section 40 of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).

(8) 2003 c. 21. There are amendments to this Act which are not relevant to this Order.

“limits of deviation” means the limits of deviation referred to in article 6 (limits of deviation);

“maintain” includes to inspect, test, repair, adjust, alter, remove, renew, reconstruct, replace, render unusable, protect or strengthen and any derivative of “maintain” is to be construed accordingly;

“National Grid” means National Grid Gas plc, company number 2006000, registered at 1-3 Strand, London WC2N 5EH;

“Network Rail” means Network Rail Infrastructure Limited, company number 02904587, registered at Kings Place, 90 York Way, London N1 9AG;

“Order land” means the land shown on the land plans which is within the limits of land to be acquired or used and described in the book of reference;

“Order limits” means the limits of deviation shown on the works plans and the limits of land to be acquired or used shown on the land plans;

“owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981⁽⁹⁾;

“relevant planning authority” means Stafford Borough Council;

“the sections” means the sections forming part of the works plans certified by the Secretary of State for the purposes of this Order;

“statutory undertaker” means any statutory undertaker for the purposes of section 127(8) of the 2008 Act and for the purpose of, or in connection with, Work No. 20, includes UKOP;

“street” means a street within the meaning of section 48 of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“the street plans” means the plans listed in Part 3 of Schedule 11 and certified as the street plans by the Secretary of State for the purposes of the Order;

“the traffic regulation order plans” means the plans listed in Part 5 of Schedule 11 and certified as the traffic regulation order plans by the Secretary of State for the purposes of the Order;

“the tribunal” means the Lands Chamber of the Upper Tribunal;

“UKOP” means United Kingdom Oil Pipelines Limited, company number 00746708, registered at 5-7 Alexandra Road, Hemel Hempstead, Hertfordshire, HP2 5BS;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

“the works plans” means the plans listed in Part 4 of Schedule 11 and certified as the works plans by the Secretary of State for the purposes of this Order.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the airspace above its surface and references in this Order to the imposition of restrictive covenants are references to the creation of rights over land which interfere with the interests or rights of another and are for the benefit of land which is acquired under this Order or is otherwise comprised in Network Rail’s railway undertaking.

(3) All distances, directions and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised development are taken to be measured along that work.

(4) All areas described in the book of reference are approximate.

(9) 1981 c. 67. Section 7 was amended by section 70 of, and paragraph 9 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34). There are other amendments to the 1981 Act which are not relevant to this Order.

(5) References in this Order to points identified by letters, with or without numbers, are to be construed as references to points so lettered on the works plans.

(6) References in this Order to numbered works are references to the works as numbered in Schedule 1 (authorised development).

Incorporation of the Railways Clauses Acts

3.—(1) The following provisions of the Railways Clauses Consolidation Act 1845(**10**) are incorporated in this Order—

section 46 (crossing of roads—level crossings), subject to paragraph (4) and article 17 (level crossing);

section 58 (company to repair roads used by them), except for the words from “and if any question” to the end;

section 61 (company to make sufficient approaches and fences to highways crossing on the level);

section 68 (accommodation works by company);

section 71 (additional accommodation works by owners), except for the words “or directed by such justices to be made by the company” and “or, in case of difference, as shall be authorised by two justices”;

sections 72 and 73 (supplementary provisions relating to accommodation works);

section 77 (presumption that minerals excepted from acquisition of land);

sections 78 to 83, 85 to 85E and Schedules 1 to 3 (minerals under railways), as respectively substituted and inserted by section 15 of the Mines (Working Facilities and Support) Act 1923(**11**); and

section 105 (carriage of dangerous goods on railway), except for the words from “and if any person” to “for every such offence”.

(2) The following provisions of the Railways Clauses Act 1863(**12**) are incorporated in this Order—

sections 5 and 7 (level crossings); and

section 12 (signals, watchmen etc.).

(3) In those provisions, as incorporated in this Order—

“the company” means Network Rail;

“goods” includes any thing conveyed on the railway authorised to be constructed by this Order;

“lease” includes an agreement for a lease;

“prescribed”, in relation to any such provision, means prescribed by this Order for the purposes of that provision;

“the railway” means any railway authorised to be constructed by this Order and any other authorised development; and

“the special Act” means this Order.

(10) 1845 c. 20. Section 46 was amended by sections 109(1) and (3) of, and paragraph 22 of Schedule 8, and Schedule 10 to, the Courts Act 2003 (c. 39). Section 58 was amended by section 46 of, and Part 3 of Schedule 7 to, the Justices of the Peace Act 1949 (c. 101). Section 78 was amended by section 39(3) of, and Schedule 7 to, the 1965 Act (c. 56) and articles 5(1) and (2) of, and paras 1 and 3 of Schedule 7 to, S.I. 2009/1307. Section 105 was amended by section 46 of, and Part 3 of Schedule 7 to, the Justices of the Peace Act 1949 (c. 101), and section 31(6) of the Criminal Law Act 1977 (c. 45), and sections 37 and 49 of the Criminal Justice Act 1982 (c. 48). There are other amendments to the 1845 Act not relevant to this Order.

(11) 1923 c. 20. Section 15 was amended by section 10(1) of the Decimal Currency Act 1969 (c. 19).

(12) 1863 c. 92.

(4) In section 46 of the Railways Clauses Consolidation Act 1845, as incorporated in this Order, for the proviso substitute—

“Provided always that, with the consent of the highway authority and subject to such conditions as the authority may reasonably impose, the railway may be carried across a highway on the level.”.