

## SCHEDULES

### SCHEDULE 4

Article 18

#### APPLICATION OF PROVISIONS OF THE PRINCIPAL ACT

1. The following provisions of the principal Act apply to the matters which are the subject of this Order on the general assumptions mentioned in paragraph 2 and, where any special assumption is mentioned in paragraph 3 for any such provision, on that special assumption —

- (a) sections 8 (extinguishment of private rights of way), 9 (extinguishment of rights of statutory undertakers etc.), 10 (planning: general), 11 (permitted development: time limit), 12 (fees for planning applications), 13 (power to disapply section 10(1)), 15 (extension of permitted development rights), 20 (control of construction sites: appeals), 30 (duty to co-operate), 31 (arbitration after referral under section 30(3)) and 46 (compensation for water abstraction);
- (b) paragraph 8 (discharge of water) of Schedule 2 (works: further and supplementary provisions);
- (c) paragraphs 4(3) and (4) and 6 to 11 of Part 2 (development in the area of a unitary authority), and paragraphs 26 to 35 and 37 of Part 4 (supplementary) of Schedule 7 (planning conditions);
- (d) Schedule 11 (application of other railway legislation) (except that sections 10, 24, 30 to 41, 43, 44, 46, 49 to 55, 65, 138, 162 and 163 of the Railways Clauses Consolidation Act 1845<sup>(1)</sup> are also excepted from incorporation);
- (e) paragraphs 2, 7, 8, 10, 11, 14 and 16 to 17 of Schedule 14 (disapplication and modification of miscellaneous controls); and
- (f) Parts 2 (protection for electricity, gas, water and sewerage undertakers) and 4 (protection of electronic communications code networks) of Schedule 17 (protective provisions).

#### *The general assumptions*

2. The general assumptions are that references in the principal Act in whatever form (including references inserted or substituted by any provision of that Act in any other enactment)—

- (a) to that Act are references to this Order;
- (b) to the nominated undertaker are references to the promoter;
- (c) to Transport for London are references to the promoter (where the Crossrail (Devolution of Functions) Order 2010<sup>(2)</sup> modified the principal Act);
- (d) to the scheduled works (except in relation to the limits of deviation for the scheduled works), the deposited plans, the deposited sections and the book of reference are references to the scheduled works, the works and land plans, the sections and the book of reference respectively as defined in article 2(1) (interpretation);
- (e) to the limits of deviation for the scheduled works or the limits of land to be acquired or used are references to the Order limits as defined in article 2(1);

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(1) 1845 c.20.  
(2) S.I. 2010/988.

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- (f) to works authorised by the principal Act are references to the authorised works; and
- (g) to particular provisions of that Act are a reference to those provisions as applied by paragraph 1.

#### *The special assumptions*

**3.—**(1) The special assumptions are the assumptions set out in sub-paragraphs (2) to (8), and have effect for the purposes mentioned in paragraph 1.

(2) In section 10(4) (planning: general) of the principal Act the reference to statements specified for the purposes of subsection (2)(b) is to be treated as including a reference to the environmental statement submitted with this Order.

(3) The Royal Borough of Greenwich is to be treated as a qualifying authority for the purposes of those provisions of Schedule 7 (planning conditions) to the principal Act that apply to this Order.

(4) Item 6 in the table in paragraph 6 (conditions: qualifying authority) and item 4 in the table in paragraph 7 of Schedule 7 to the principal Act do not apply.

(5) Paragraph 13 of Part 2 of Schedule 17 to the principal Act applies to any dispute arising under that Part as applied by this Order.

(6) In paragraph 3 of Part 4 of Schedule 17 (protective provisions) to the principal Act, references to paragraph 5 of Schedule 3 (highways) to that Act are to be treated as a reference to paragraph (2) of article 5 (access to works).

(7) Paragraph 6 of Part 4 of Schedule 17 applies to any dispute arising under that Part as applied by this Order.

#### *Ancillary matters*

**4.—**(1) Regulations made under section 20(4) (control of construction sites: appeals) of the principal Act have effect in relation to appeals referred to arbitration under subsection (7A) of section 60 or 61 of the Control of Pollution Act 1974<sup>(3)</sup>, as inserted by section 20(3) of the principal Act and applied by paragraph 1, as they have effect for appeals referred to arbitration under that subsection in relation to works carried out in exercise of the powers conferred by Part 1 of the principal Act.

(2) Rules made under section 54(5) (arbitration) of the principal Act apply to an arbitration under this Order as they apply to an arbitration under Part 1 of the principal Act.

(3) Without limitation on the scope of the general assumptions in paragraph 2, the references in section 8(2) (extinguishment of private rights of way) of the principal Act to the coming into force of that Act are to be treated (so far as concerns the matters which are the subject of this Order) as references to the coming into force of this Order.

(4) Regulations made under paragraphs 30 and 34 (appeals) of Schedule 7 (planning conditions) to the principal Act have effect in relation to planning appeals under this Order as they apply to appeals under Schedule 7 to the principal Act.

(5) Regulations made under section 12(1) (fees for planning applications) of the principal Act have effect in relation to this Order as they apply to requests for approval under the planning permission deemed to be granted by section 10(1) (planning: general) of the principal Act.

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(3) 1974 c. 40.