
STATUTORY INSTRUMENTS

2019 No. 1358

The Northampton Gateway Rail Freight Interchange Order 2019

PART 6

MISCELLANEOUS AND GENERAL

Disapplication, application and modification of legislative provisions

45.—(1) The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development—

- (a) section 23 (prohibition of obstructions, etc. in watercourses) of the Land Drainage Act 1991(1) in relation to watercourses for which Northamptonshire County Council is the drainage board concerned;
- (b) section 32(2) (variation of awards) of the Land Drainage Act 1991;
- (c) the provisions of any byelaws made under section 66(3) (powers to make byelaws) of the Land Drainage Act 1991; and
- (d) section 28E (duties in relation to sites of special scientific interest) of the Wildlife and Countryside Act 1981(4).

(2) The provisions of the Neighbourhood Planning Act 2017(5) do not apply in so far as they relate to the temporary possession of land under articles 34 (temporary use of land for carrying out the authorised development) and 35 (temporary use of land for maintaining the authorised development) of this Order.

(3) Any development, or any part of a development, within the Order limits which is constructed or used under the authority of a planning permission pursuant to Part 3 of the 1990 Act (whether express or otherwise) following the coming into force of this Order is to be disregarded at all times for the purposes of ascertaining whether or not an offence has been committed under the provisions of sections 160 (development without development consent) and 161 (breach of terms of order granting development consent) of the 2008 Act(6).

(4) Regulation 4 (requirement for consent) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007(7) does not apply to any advertisement erected in the location and in accordance with the parameters shown on the parameters plan as S1 and S2.

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- (1) [1991 c. 59](#). Section 23 was amended by section 31 of, and paragraphs 25 and 32 of Schedule 2 to, the Flood and Water Management Act [2010 \(c. 29\)](#).
 - (2) Section 32 was amended by [S.I. 2013/755](#).
 - (3) Section 66 was amended by section 31 of, and paragraphs 25 and 38 of Schedule 2 to, the Flood and Water Management Act [2010 \(c. 29\)](#) and section 86(1) and (3) of the Water Act [2014 \(c. 21\)](#). There are other amendments to section 66 but none are relevant.
 - (4) [1981 c. 69](#). Section 28E was amended by section 105(1) of, and paragraphs 79 and 80 of Part 1 of Schedule 11 to, Natural Environment and Rural Communities Act [2006 \(c. 16\)](#).
 - (5) [2017 c. 20](#).
 - (6) Sections 160 and 161 were amended by [S.I. 2015/664](#). Section 161 was also amended by section 112(2) of, and paragraph 4 of Part 1 of Schedule 8 to, the Marine and Coastal Access Act [2009 \(c. 23\)](#).
 - (7) [S.I. 2007/783](#).

(5) This Order does not constitute a planning permission for the purposes of Part 11 of the 2008 Act (community infrastructure levy) notwithstanding the definition of planning permission contained within regulation 5(8) (meaning of planning permission) of the 2010 Regulations.

(6) Schedule 14 (miscellaneous controls) to this Order, which makes provision applying, modifying and excluding statutory provisions which relate to matters for which provision may be made by this Order, has effect.

(7) Paragraphs (1) to (6) only apply in so far as those provisions are not inconsistent with the 2017 EIA Regulations and any orders, rules or regulations made under the 2008 Act.

Commencement Information

II Art. 45 in force at 30.10.2019, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Northampton Gateway Rail Freight Interchange Order 2019, Section 45.