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STATUTORY INSTRUMENTS

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**2019 No. 1358**

**INFRASTRUCTURE PLANNING**

**The Northampton Gateway Rail Freight Interchange Order 2019**

*Made - - - - 9th October 2019*

*Coming into force 30th October 2019*

**THE NORTHAMPTON GATEWAY RAIL  
FREIGHT INTERCHANGE ORDER 2019**

PART 1

PRELIMINARY

1. Citation and Commencement
2. Interpretation

PART 2

PRINCIPAL POWERS

3. Development consent granted by the Order
4. Parameters of authorised development
5. Authorisation of use
6. Maintenance of authorised development
7. Benefit of Order

PART 3

STREETS

8. Street works
9. Power to alter layout, etc., of streets
10. Permanent stopping up of streets
11. Temporary stopping up of streets
12. Public rights of way – creation, substitution and stopping up
13. Accesses
14. Maintenance of highway works
15. Classification of highways
16. Speed limits
17. Traffic regulation
18. Clearways

**Changes to legislation:** There are currently no known outstanding effects for the The Northampton Gateway Rail Freight Interchange Order 2019. (See end of Document for details)

19. Motor vehicle restrictions
20. Agreements with highway authorities

#### PART 4

### SUPPLEMENTAL POWERS

21. Discharge of water
22. Authority to survey and investigate the land

#### PART 5

### POWERS OF ACQUISITION

23. Guarantees in respect of payment of compensation
24. Compulsory acquisition of land
25. Compulsory acquisition of rights
26. Private rights
27. Power to override easements and other rights
28. Compulsory acquisition of land – incorporation of the mineral code
29. Time limit for exercise of authority to acquire land and rights compulsorily
30. Modification of Part 1 of the 1965 Act
31. Application of the 1981 Act
32. Statutory undertakers and operators of the electronic communications code network
33. Rights under or over streets
34. Temporary use of land for carrying out the authorised development
35. Temporary use of land for maintaining the authorised development
36. Apparatus and rights of statutory undertakers in stopped up streets
37. No double recovery

#### PART 6

### MISCELLANEOUS AND GENERAL

38. Operation and use of railways
39. Operational land for the purposes of the 1990 Act
40. Charges
41. Defence to proceedings in respect of statutory nuisance
42. Felling or lopping of trees and removal of hedgerows
43. Protective provisions
44. Governance of requirements and governance of protective provisions relating to highway works
45. Disapplication, application and modification of legislative provisions
46. Certification of plans and documents
47. Service of notices
48. Arbitration  
Signature

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#### SCHEDULES

- SCHEDULE 1 — AUTHORISED DEVELOPMENT
- PART 1 — NSIP: THE CONSTRUCTION OF A RAIL FREIGHT INTERCHANGE
- PART 2 — ASSOCIATED DEVELOPMENT

## SCHEDULE 2 — REQUIREMENTS

### PART 1 — REQUIREMENTS

1. Interpretation
2. Time limit
3. Components of development and phasing
4. Sustainable transport
5. Design and phasing of highway works
6. The undertaker must complete the highway works identified in column...
7. Highway alternatives
8. Detailed design approval
9. The details in requirement 8(2)(a) to (u) can be subject...
10. Provision of landscaping
11. Landscape and ecological management plan
12. Construction environmental management plan
13. Earthworks
14. Archaeology and built heritage
15. Lighting details
16. Building sustainability
17. Flood risk and surface water drainage
18. (1) No component of the authorised development on the main...
19. Flood Risk
20. Foul water drainage
21. Construction hours
22. Construction noise
23. Noise during the operational phase
24. Monitoring of complaints
25. Contamination risk
26. (1) Prior to the use of any part of the...
27. Waste management during the operational phase
28. Employment
29. Community liaison group
30. Rail Central
31. The undertaker must give Highways England and the local highway...
32. If the Rail Central Order comes into force prior to...

### PART 2 — PROCEDURE FOR APPROVALS ETC. UNDER REQUIREMENTS

1. Applications made for certain approvals
2. Further information
3. Fees
4. Appeals
5. Interpretation of Part 2 of Schedule 2

## SCHEDULE 3 — STREETS SUBJECT TO STREET WORKS

## SCHEDULE 4 — STREETS TO BE PERMANENTLY STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

## SCHEDULE 5 — PUBLIC RIGHTS OF WAY

### PART 1 — PUBLIC RIGHTS OF WAY TO BE PERMANENTLY STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

### PART 2 — PUBLIC RIGHTS OF WAY TO BE PERMANENTLY STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

### PART 3 — NEW PUBLIC RIGHTS OF WAY TO BE CREATED

**Changes to legislation:** There are currently no known outstanding effects for the The Northampton Gateway Rail Freight Interchange Order 2019. (See end of Document for details)

- SCHEDULE 6 — PRIVATE MEANS OF ACCESS
  - PART 1 — PRIVATE MEANS OF ACCESS TO BE REPLACED
  - PART 2 — PRIVATE MEANS OF ACCESS TO BE CLOSED FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED
  - PART 3 — NEW PRIVATE MEANS OF ACCESS CREATED
  
- SCHEDULE 7 — CLASSIFICATION OF HIGHWAYS
  - PART 1 — NEW HIGHWAYS
  - PART 2 — EXISTING HIGHWAYS
  
- SCHEDULE 8 — SPEED LIMITS
  - PART 1 — EXISTING ORDERS
  - PART 2 — HIGHWAYS SUBJECT TO 50MPH SPEED LIMIT
  - PART 3 — DERESTRICTED HIGHWAYS
  - PART 4 — TEMPORARY SPEED LIMITS
  
- SCHEDULE 9 — TRAFFIC REGULATION
  - PART 1 — AMENDMENTS TO EXISTING ORDERS
  - PART 2 — CLEARWAYS
  - PART 3 — ENVIRONMENTAL WEIGHT LIMIT
  - PART 4 — PROHIBITED MOVEMENTS
  
- SCHEDULE 10 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN
  
- SCHEDULE 11 — LAND IN WHICH NEW RIGHTS MAY BE CREATED
  
- SCHEDULE 12 — MODIFICATIONS OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

*Compensation enactments*

1. The enactments for the time being in force with respect...
2. (1) Without limitation on paragraph 1, the 1961 Act has...
3. (1) Without limitation on the scope of paragraph 1, the...
4. Application of Part 1 of the 1965 Act
5. (1) The modifications referred to in paragraph 4(a) are as...

SCHEDULE 13 — PROTECTIVE PROVISIONS  
PART 1 — FOR PROTECTION OF RAILWAY INTERESTS

1. The provisions of this Part of this Schedule have effect,...
2. In this Part of this Schedule— “construction” includes execution, placing,...
3. (1) Where under this Part of this Schedule Network Rail...
4. (1) The undertaker must not exercise the powers conferred by—...
5. (1) The undertaker must before commencing construction of any specified...
6. (1) Any specified work and any protective works to be...
7. The undertaker must— (a) at all times afford reasonable facilities...
8. Network Rail must at all times afford reasonable facilities to...
9. (1) If any permanent or temporary alterations or additions to...
10. The undertaker must repay to Network Rail all reasonable fees,...
11. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
12. If at any time after the completion of a specified...

13. The undertaker must not provide any illumination or illuminated sign...
14. Any additional expenses which Network Rail may reasonably incur in...
15. (1) The undertaker must pay to Network Rail all reasonable...
16. Network Rail must, on receipt of a request from the...
17. In the assessment of any sums payable to Network Rail...
18. The undertaker and Network Rail may, subject in the case...
19. Nothing in this Order, or in any enactment incorporated with...
20. The undertaker must give written notice to Network Rail if...
21. The undertaker must no later than 28 days from the...
22. Dispute Resolution and Arbitration

PART 2 — FOR THE PROTECTION OF HIGHWAYS ENGLAND

1. Application
2. Interpretation
3. Prior approvals and security
4. Carrying out of works
5. Payments
6. Provisional certificate
7. Handover certificate and defects period
8. Final certificate
9. Security
10. Commuted sums
11. Insurance
12. Indemnification
13. Warranties
14. Land transfer
15. Approvals
16. Expert determination
17. Form 1 as referred to in paragraph 9—

PART 3 — FOR THE PROTECTION OF THE LOCAL HIGHWAY  
AUTHORITY

1. Application
2. Interpretation
3. Prior approvals and security
4. Carrying out of works
5. Payments
6. Provisional certificate and defects and maintenance period
7. Final Certificate
8. Security
9. Commuted sums
10. Insurance
11. Indemnification
12. Warranties
13. Approvals
14. Expert determination
15. Form 2 as referred to in paragraph 8—

PART 4 — FOR THE PROTECTION OF CADENT GAS LIMITED AS GAS  
UNDERTAKER

1. Application
2. Interpretation
3. On street apparatus
4. Apparatus of Cadent in stopped up streets
5. Acquisition of land
6. Removal of apparatus

**Changes to legislation:** There are currently no known outstanding effects for the The Northampton Gateway Rail Freight Interchange Order 2019. (See end of Document for details)

7. Facilities and rights for alternative apparatus
8. Retained apparatus: protection
9. Expenses
10. Indemnity
11. Enactments and agreements
12. Co-operation
13. Access
14. Arbitration
15. Notices

#### PART 5 — FOR THE PROTECTION OF ANGLIAN WATER LIMITED

1. The provisions of this Part of this Schedule have effect...
2. In this Part of this Schedule— “Anglian Water” means Anglian...
3. The undertaker must not interfere with, build over or build...
4. The alteration, extension, removal or re-location of any apparatus must...
5. In the situation, where in exercise of the powers conferred...
6. Regardless of any provision in this Order or anything shown...
7. If in consequence of the exercise of the powers conferred...
8. If in consequence of the exercise of the powers conferred...
9. If for any reason or in consequence of the construction...

#### PART 6 — FOR THE PROTECTION OF ELECTRICITY UNDERTAKERS

1. Application
2. Interpretation
3. On street apparatus
4. Apparatus in stopped up streets
5. Acquisition of land
6. Removal of apparatus
7. Facilities and rights for alternative apparatus
8. Retained apparatus
9. Expenses and costs
10. (1) Subject to sub-paragraphs (2) and (3), if by reason...
11. At all times when carrying out any works authorised under...
12. Co-operation
13. Nothing in this Part of this Schedule affects the provisions...

#### PART 7 — FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

1. The provisions of this Part of this Schedule have effect...
2. In this Part of this Schedule— “the 2003 Act” means...
3. The exercise of the powers conferred by article 32 (statutory)...
4. (1) Subject to sub-paragraphs (2) to (4), if as the...

### SCHEDULE 14 — MISCELLANEOUS CONTROLS

#### *Public general legislation*

1. Introduction
2. Highways Act 1980
3. New Roads and Street Works Act 1991
4. Local Government (Miscellaneous Provisions) Act 1976

### SCHEDULE 15 — MEMBERSHIP, ROLE AND PROTOCOL OF THE SUSTAINABLE TRANSPORT WORKING GROUP

1. The Sustainable Transport Working Group (“STWG”) will comprise representatives of—...

**Changes to legislation:** *There are currently no known outstanding effects for the The Northampton Gateway Rail Freight Interchange Order 2019. (See end of Document for details)*

2. The role of the STWG will be—
3. (1) The STWG will be administered by the undertaker in...
4. Decisions of the STWG are to be taken on a...
5. (1) In the event of any disputed decision of the...

## SCHEDULE 16 — CERTIFICATION OF PLANS AND DOCUMENTS

### Explanatory Note

**Changes to legislation:**

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