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STATUTORY INSTRUMENTS

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**2019 No. 1358**

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

**PART 1**

**PRELIMINARY**

**Citation and Commencement**

1. This Order may be cited as the Northampton Gateway Rail Freight Interchange Order 2019 and comes into force on 30th October 2019.

**Commencement Information**

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

**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 1980 Act” means the Highways Act 1980(3);

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(4);

“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 1996 Regulations” means the Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996(8);

“the 2008 Act” means the Planning Act 2008(9);

“the 2010 Regulations” means the Community Infrastructure Levy Regulations 2010(10);

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(1) 1961 c. 33.

(2) 1965 c. 56.

(3) 1980 c. 66.

(4) 1981 c. 66.

(5) 1984 c. 27.

(6) 1990 c. 8.

(7) 1991 c. 22.

(8) S.I. 1996/428, as amended by S.I. 1998/1701.

(9) 2008 c. 29.

(10) S.I. 2010/948 as amended by S.I. 2011/987, S.I. 2012/635, S.I. 2012/666, S.I. 2012/702, S.I. 2012/2975, S.I. 2013/982, S.I. 2014/385, S.I. 2015/377, S.I. 2015/664, S.I. 2015/836, S.I. 2018/172, S.I. 2019/966 and S.I. 2019/1103.

“the 2017 EIA Regulations” means the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017<sup>(11)</sup>;

“access and rights of way plans” means the plans of that description referred to in Schedule 16 (certification of plans and documents) and certified as the access and rights of way plans by the Secretary of State for the purposes of this Order;

“address” includes any number or address used for the purposes of electronic transmission;

“apparatus” for the purposes of article 8 (street works) and article 36 (apparatus and rights of statutory undertakers in stopped up streets) has the same meaning as in Part 3 of the 1991 Act;

“arboricultural assessment” means the arboricultural assessment contained in appendix 4.3 of the environmental statement;

“authorised activity” means for the purpose of article 27 (power to override easements and other rights)—

- (a) the erection, construction, carrying out or maintenance of any building or works on land;
- (b) the erection, construction or maintenance or anything in, on, over or under land; or
- (c) the use of any land;

“authorised development” means the development described in Schedule 1 (authorised development) and any other development authorised by this Order, which is development within the meaning of section 32 (meaning of development) of the 2008 Act and any works carried out under the requirements;

“book of reference” means the document of that description referred to in Schedule 16 and certified as the book of reference by the Secretary of State for the purposes of this Order;

“bridleway” has the same meaning as in the 1980 Act;

“building” includes any structure or erection or any part of a building, structure or erection;

“bus” has the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016<sup>(12)</sup>;

“carriageway” has the same meaning as in the 1980 Act;

“chief officer of police” means the chief constable of Northamptonshire Police Force or any successor in function;

“commence”, or “commencement”, means the carrying out of a material operation, as defined in section 155 (when development begins) of the 2008 Act, as part of the authorised development unless the context indicates otherwise;

“construction and environmental management plan” means the document of that description contained in appendix 2.1 of the environmental statement;

“cycle track” has the same meaning as in section 329(1) (further provisions as to interpretation) of the 1980 Act<sup>(13)</sup>;

“development consent obligation” means the development consent obligation entered into by agreement under section 106 (planning obligations) of the 1990 Act<sup>(14)</sup> dated 28th March 2019 in respect of the authorised development and any subsequent amendment to the obligation;

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<sup>(11)</sup> S.I. 2017/572, amended by S.I. 2017/1012, S.I. 2018/695, S.I. 2018/834 and S.I. 2018/1232.

<sup>(12)</sup> S.I. 2016/362. There are amendments to the Regulations which are not relevant to this Order.

<sup>(13)</sup> The definition of “cycle track” was amended by section 1 of the Cycle Tracks Act 1984 (c. 38) and paragraph 21(2) of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54).

<sup>(14)</sup> Section 106 was substituted by section 12(1) of the Planning and Compensation Act 1991 (c. 34) and was subsequently amended by section 33 of the Greater London Authority Act 2007 (c. 24), section 174 of the Planning Act 2008 (c. 29) and paragraphs 1 and 3 of Schedule 2 to the Growth and Infrastructure Act 2013 (c. 27).

“electronic communications code” has the same meaning as in section 106(1) (application of the electronic communications code) of the Communications Act 2003<sup>(15)</sup>;

“electronic communications code network” means—

- (a) so much of an electronic communications network or infrastructure system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 of the Communications Act 2003; and
- (b) an electronic communications network which the Secretary of State is providing or proposing to provide;

“the environmental statement” means the document of that description referred to in Schedule 16 and 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;

“framework travel plan” means the document of that description referred to in requirement 4 (sustainable transport) and attached at appendix 1 to the transport assessment;

“hedgerow” includes hedgerows to which the Hedgerow Regulations 1997<sup>(16)</sup> apply;

“HGV” means any vehicle with an operational weight capable of exceeding 7.5 tonnes;

“highway” and “highway authority” have the same meaning as in the 1980 Act;

“highway classification plans” means the plans of that description referred to in Schedule 16 and certified as the highway classification plans by the Secretary of State for the purposes of this Order;

“Highways England” means Highways England Company Limited (company number 09346363), whose registered office is at Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4ZZ, appointed as highway authority for the highways specified in article 2 (appointment of a Strategic Highways Company) of the appointment of a Strategic Highways Company Order 2015<sup>(17)</sup> or any successor in function;

“highway plans” means the plans of that description referred to in Schedule 16 and certified as the highway plans by the Secretary of State for the purposes of this Order;

“highway works” means the works comprised in Works Nos. 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17;

“illustrative rail terminal plan” means the document of that description referred to in Schedule 16 and certified as the illustrative rail terminal plan by the Secretary of State for the purposes of this Order;

“land plans” means the plans of that description referred to in Schedule 16 and certified as the land plans by the Secretary of State for the purposes of this Order;

“lead local flood authority” means Northamptonshire County Council or any successor in function as lead local flood authority or equivalent body;

“local highway authority” means Northamptonshire County Council or any successor in function as local highway authority;

“maintain” includes inspect, repair, adjust, alter, clear, refurbish or improve, and any derivative of “maintain” is to be construed accordingly;

“main site” means that part of the land within the Order limits comprising the areas of land described on the works plans as Works Nos. 1, 2, 3, 4, 5 and 6;

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<sup>(15)</sup> 2003 c. 21. Section 106 was amended by section 4 of the Digital Economy Act 2017 (c. 30).

<sup>(16)</sup> S.I. 1997/1160. There are amendments to the Regulations which are not relevant to this Order.

<sup>(17)</sup> S.I. 2015/376.

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

“Order limits” means the limits shown on the works plans represented by a red line within which the authorised development may be carried out;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981<sup>(18)</sup>;

“parameters plan” means the plan of that description referred to in Schedule 16 and certified as the parameters plan by the Secretary of State for the purposes of this Order;

“public sewer or drain” means a sewer or drain which belongs to the Environment Agency, an internal drainage board or a lead local flood authority or a sewerage undertaker;

“public transport strategy” means the document of that description referred to in requirement 4 and attached at appendix 2 to the transport assessment;

[<sup>F1</sup>“rail infrastructure plan” means the plan of that description referred to in Schedule 16 and certified as the rail infrastructure plan by the Secretary of State for the purposes of this Order;]

“railway” has the same meaning as in the 2008 Act;

“railway plans” means the plans of that description referred to in Schedule 16 and certified as railway plans by the Secretary of State for the purposes of this Order:

“relevant highway authority” means in any provision of this Order the highway authority for any area of land to which that provision relates;

“relevant planning authority” means as regards the operation and enforcement of any part of this Order the district planning authority within whose administrative boundary that part of the authorised development relevant to the operation or enforcement of the provision in question is situated;

“relevant street authority” means in any provision of this Order the street authority for any area of land to which that provision relates;

“relevant traffic authority” means in any provision of this Order the traffic authority for any area of land to which that provision relates;

“relocation works” means works executed, or apparatus provided, under paragraph (2) of article 36;

“requirements” means the requirements set out in Part 1 of Schedule 2 (requirements);

“speed limit plans” means the plans of that description referred to in Schedule 16 and certified as the speed limit plans by the Secretary of State for the purposes of this Order;

“statutory undertaker” means a statutory undertaker for the purposes of section 127(8) (statutory undertakers’ land) of the 2008 Act;

“statutory utility” means a statutory undertaker for the purposes of the 1990 Act or a public communications provider as defined in section 151(1) (interpretation of Chapter 1) of the Communications Act 2003<sup>(19)</sup>;

“strategic road network” means that part of the highway network comprising trunk roads and motorways;

“street” means a street within the meaning of section 48<sup>(20)</sup> (streets, street works and undertakers) of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street;

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<sup>(18)</sup> 1981 c. 67. The definition of “owner” was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34). There are other amendments to section 7 but none are relevant to this Order.

<sup>(19)</sup> There are amendments to section 151 of the Communications Act 2003 which are not relevant to this Order.

<sup>(20)</sup> Section 48(3A) was inserted by section 124 of the Local Transport Act 2008 (c. 26).

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

“traffic authority” has the meaning as in section 121A(21) (traffic authorities) of the 1984 Act;

“traffic officer” means a person designated under section 2 (designation of Traffic Officers) of the Traffic Management Act 2004(22);

“traffic regulation plans” means the plans of that description referred to in Schedule 16 and certified as the traffic regulation plans by the Secretary of State for the purposes of this Order;

“transport assessment” means the document of that description contained within appendix 12.1 of the environmental statement;

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

“tree preservation order” has the meaning given in section 198(23) (tree preservation orders) of the 1990 Act;

“trunk road” means a highway which is a trunk road by virtue of—

- (a) section 10 (general provision as to trunk roads) or 19(1) (certain special roads and other highways to become trunk roads) of the 1980 Act(24); or
- (b) an order or direction under section 10 of that Act; or
- (c) this Order; or
- (d) any other enactment;

“the undertaker” means—

- (a) Roxhill (Junction 15) Limited (company number 08763104) whose registered office is at Lumonics House, Valley Drive, Swift Valley, Rugby, Warwickshire, CV21 1TQ; and
- (b) in respect of the main site only, any other person who has the benefit of this Order in accordance with section 156 (benefit of order granting development consent) of the 2008 Act for such time as that section applies to that person;

“verge” means any part of the road which is not a carriageway;

“water authority” means AWG Group Limited (company number 02366618) registered at Lancaster House, Lancaster Way, Ermine Business Park, Huntingdon, Cambridgeshire, PE29 6XU and any successor in function;

“warehousing” means the warehousing constructed as part of the authorised development;

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

“the works plans” means the plans of that description referred to in Schedule 16 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 air-space above its surface.

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(21) Section 121A was inserted by section 168(1) of, and paragraph 70 of Part 2 of Schedule 8 to, the New Roads and Street Works Act 1991 (c. 22), and was amended by section 1(b) of, and paragraphs 70 and 95(1) and (3) of Part 2 of Schedule 1 to, the Infrastructure Act 2015 (c. 7). There are other amendments to schedule 121A of the Act which are not relevant to this Order.

(22) 2004 c. 18.

(23) Section 198 was amended by sections 192(1), (2)(a), (b) and (c), and section 238 of, and paragraphs 7 and 8 of Schedule 8, and Schedule 13 to, the Planning Act 2008 (c. 29), and sections 31, 32, 84 of, and paragraph 20 of Schedule 6, paragraph 34 of Schedule 7 and Parts 1 and 2 of, Schedule 19 to, the Planning and Compensation Act 1991 (c. 34) and section 42(3) of the Planning and Compulsory Purchase Act 2004 (c. 5).

(24) Section 10 was amended by section 22(2)(a), (b) and (cc) of the New Roads and Street Works Act 1991 (c. 22), section 36 of, and paragraphs 21 and 22 of Schedule 2 to, the Planning Act 2008 (c. 29) and section 1(6) of, and paragraphs 1, 10(1) to (4) of Part 1 of Schedule 1 to, the Infrastructure Act 2015 (c. 7). Section 19(1) was amended by section 1(6) of, and paragraphs 1 and 15 of Part 1 of Schedule 1 to, the Infrastructure Act 2015 (c. 7).

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

(4) References in this Order to numbered works are references to the works as numbered in Schedule 1 and references to numbered requirements are to the requirements as numbered in Part 1 of Schedule 2.

(5) For the purposes of this Order all areas described in square metres in the book of reference are approximate.

(6) Where in this Order a document or a plan is referred to by reference to a document number, the reference is to the document or plan of that number referred to in Schedule 16.

**F1** Words in [art. 2\(1\)](#) inserted (7.4.2023) by [The Northampton Gateway Rail Freight Interchange \(Amendment\) Order 2023 \(S.I. 2023/418\)](#), arts. 1, **2(2)**

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**Commencement Information**

**I2** Art. 2 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, PART 1.