

---

STATUTORY INSTRUMENTS

---

**2005 No. 1163**

**TRANSPORT AND WORKS, ENGLAND**  
**TRANSPORT, ENGLAND**

The Telford Railfreight Terminal (Donnington) Order 2005

*Made* - - - - *13th April 2005*

*Coming into force* *4th May 2005*

THE TELFORD RAILFREIGHT  
TERMINAL (DONNINGTON) ORDER 2005

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Incorporation of Railways Clauses Consolidation Act 1845

PART 2

WORKS PROVISIONS

*Principal powers*

4. Power to construct and maintain scheduled works
5. Power to construct and maintain ancillary works
6. Power to deviate
7. Level crossings

*Supplemental powers*

8. Discharge of water
9. Power to survey and investigate land

*Streets*

10. Stopping up of ways, etc.
11. Ways to be provided or reconstructed
12. Temporary stopping up of streets, etc.

*Status:* This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

### PART 3

#### ACQUISITION AND POSSESSION OF LAND

##### *Powers of acquisition*

13. Power to acquire land
14. Application of Part I of Compulsory Purchase Act 1965
15. Power to acquire new rights

##### *Compensation*

16. Disregard of certain interests and improvements

##### *Supplementary*

17. Acquisition of part only of certain properties
18. Extinction of private rights of way
19. Time limit for exercise of powers of acquisition

### PART 4

#### MISCELLANEOUS AND GENERAL

##### *Noise*

20. Defence to proceedings in respect of statutory nuisance

##### *Miscellaneous*

21. Trespass on railways, etc.
22. Power to operate and use authorised works
23. Powers of disposal, agreements for operation, etc.
24. Application of landlord and tenant law
25. Planning permission: supplementary matters
26. Statutory undertakers, etc.
27. For protection of specified undertakers
28. For protection of Network Rail Infrastructure Limited
29. For protection of Environment Agency
30. Saving for Railways Act 1993
31. Certification of plans, etc.
32. Maintenance of approved works, etc.
33. Service of notices
34. Application of existing enactments
35. Disclosure of confidential information
36. No double recovery
37. Arbitration  
Signature

---

### SCHEDULES

#### SCHEDULE 1 — THE SCHEDULED WORKS

#### SCHEDULE 2 — LEVEL CROSSINGS

*Parish of Hadley and Leegomery*

*Parish of Wrockwardine Wood and Trench*

- SCHEDULE 3 — WAYS TO BE STOPPED UP  
PART 1 — WAYS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED  
PART 2 — WAYS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED  
PART 3 — STREET IN WHICH VEHICULAR RIGHTS ONLY ARE TO BE EXTINGUISHED
- SCHEDULE 4 — WAYS TO BE PROVIDED OR RECONSTRUCTED  
PART 1 — NEW WAYS  
PART 2 — WAYS TO BE TEMPORARILY STOPPED UP AND RECONSTRUCTED AS FOOTPATHS/CYCLEWAYS
- SCHEDULE 5 — ADDITIONAL LANDS WHICH MAY BE ACQUIRED OR USED
- SCHEDULE 6 — MODIFICATION 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 prejudice to the generality of paragraph 1, the...

*Adaptation of the 1965 Act*

3. (1) The 1965 Act shall have effect with the modifications...
4. For section 7 of the 1965 Act (measure of compensation)...
5. For section 8 of the 1965 Act (which relates to...
6. The following provisions of the 1965 Act (which state the...
7. Section 11 of the 1965 Act (powers of entry) shall...
8. Section 20 of the 1965 Act (protection for interests of...
9. Section 22 of the 1965 Act (protection of acquiring authority's...

SCHEDULE 7 — STATUTORY UNDERTAKERS, ETC.

*Apparatus of statutory undertakers, etc. on land acquired*

1. (1) Sections 271 to 274 of the 1990 Act (power...

*Apparatus of statutory undertakers, etc. in stopping up streets*

2. (1) Where a street is stopped up under article 10...

SCHEDULE 8 — PROTECTIVE PROVISIONS  
PART 1 — PROTECTION FOR ELECTRICITY, GAS AND WATER UNDERTAKERS

1. (1) For the protection of the undertakers referred to in...
2. (1) Where by reason of this Order any part of...
3. Notwithstanding the temporary stopping up or diversion of any highway...
4. Notwithstanding anything in this Order or shown on the land...
5. (1) If, in the exercise of the powers of this...
6. (1) Where, in accordance with the provisions of this Part...
7. (1) Not less than 56 days before commencing the execution...

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

8. (1) Subject to the following provisions of this paragraph, the...
9. (1) Subject to sub-paragraphs (2) and (3), if by reason...
10. Nothing in this Part of this Schedule shall affect the...  
PART 2 — PROTECTION FOR CODE OPERATORS
11. (1) For the protection of telecommunications operators the following provisions...
12. The temporary stopping up or diversion of any highway under...  
PART 3 — PROTECTION FOR SEWERAGE UNDERTAKERS
13. (1) For the protection of sewerage undertakers the following provisions...
14. (1) Before commencing the construction or renewal of any specified...
15. (1) The specified work shall be constructed and in the...
16. (1) Subject to the following provisions of this Part of...
17. (1) An officer of the undertaker duly appointed for the...
18. Notwithstanding the temporary stopping up or diversion of any highway...
19. As soon as reasonably practicable after the completion of the...

#### SCHEDULE 9 — FOR PROTECTION OF NETWORK RAIL INFRASTRUCTURE LIMITED

1. (1) The following provisions of this Schedule shall, unless otherwise...
2. (1) The Council shall not under the powers conferred by...
3. (1) The Council shall before commencing construction of any specified...
4. (1) Any specified work and any protective work to be...
5. (1) The Council shall— (a) at all times afford reasonable...
6. The company shall at all times afford reasonable facilities to...
7. (1) If any alterations or additions, either permanent or temporary,...
8. The Council shall repay to the company all reasonable fees,...
9. (1) In this paragraph— “EMI” means, subject to paragraph (2),...
10. If at any time after the completion of a specified...
11. The Council shall not provide any illumination or illuminated sign...
12. Any additional expenses which the company may reasonably incur in...
13. (1) The Council shall pay to the company all reasonable...
14. In the assessment of any sums payable to the company...
15. The Council and the company may enter into, and carry...

#### SCHEDULE 10 — FOR PROTECTION OF ENVIRONMENT AGENCY

1. (1) The following provisions shall apply for the protection of...
2. (1) Before beginning to construct any specified work, the Council...
3. Without prejudice to the generality of paragraph 2, the requirements...
4. (1) Any specified work, and all protective works required by...
5. (1) The Council shall from the commencement of the construction...
6. If by reason of the construction of any specified work...
7. (1) The Council shall take all such measures as may...
8. The Council shall indemnify the Environment Agency in respect of...
9. (1) Without prejudice to the other provisions of this Schedule,...
10. The fact that any work or thing has been executed...
11. For the purposes of Chapter II of Part II of...
12. Any dispute arising between the Council and the Environment Agency...

Explanatory Note