
STATUTORY INSTRUMENTS

2016 No. 17

INFRASTRUCTURE PLANNING

**The East Midlands Gateway Rail Freight
Interchange and Highway Order 2016**

Made - - - - 12th January 2016

Coming into force 2nd February 2016

**THE EAST MIDLANDS GATEWAY RAIL FREIGHT
INTERCHANGE AND HIGHWAY ORDER 2016**

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
8. Application and modification of legislative provisions

PART 3

STREETS

9. Power to alter layout, etc., of streets
10. Highway works
11. Stopping up of streets
12. Public rights of way – creation, diversion and stopping up
13. Temporary stopping up of streets
14. Accesses
15. Maintenance of highway works
16. Classification of roads

Status: This is the original version (as it was originally made).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

17. Speed limits
18. Amendments to traffic regulation orders
19. Clearways and no waiting
20. Motor vehicle restrictions
21. Agreements with highway authorities

PART 4

SUPPLEMENTAL POWERS

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

PART 5

POWERS OF ACQUISITION

24. Guarantees in respect of payment of compensation
25. Compulsory acquisition of land and rights
26. Power to override easements and other rights
27. Compulsory acquisition of land – incorporation of the mineral code
28. Time limit for exercise of authority to acquire land and rights compulsorily
29. Application of the Compulsory Purchase (Vesting Declarations) Act 1981
30. Rights under or over streets
31. Temporary use of land for carrying out the authorised development
32. Apparatus and rights of statutory undertakers in stopped up streets

PART 6

MISCELLANEOUS AND GENERAL

33. Operation and use of railways
34. Operational land for the purposes of the 1990 Act
35. Charges
36. Defence to proceedings in respect of statutory nuisance
37. Felling or lopping of trees
38. Protection of interests
39. Certification of plans etc.
40. Service of notices
41. Arbitration
42. Governance of requirements and protection of interests relating to highway works
Signature

SCHEDULES

SCHEDULE 1 — AUTHORISED DEVELOPMENT

PART 1 — NSIP 1: THE CONSTRUCTION OF A RAIL FREIGHT INTERCHANGE

- Works No. 1
- Works No. 2
- Works No. 3
- Works No. 4
- Works No. 5
- Works No. 6

PART 2 — NSIP 2: THE CONSTRUCTION OF A NEW HIGHWAY
Works No. 7

PART 3 — NSIP 3: THE ALTERATION OF EXISTING HIGHWAYS
Works No. 8

PART 4 — ASSOCIATED DEVELOPMENT
Associated development within the meaning of section 115(2)
(development for which consent may be granted) of the 2008 Act
comprising—
Works No. 9
Works No. 10
Works No. 11
Works No. 12
Works No. 13
Further works

SCHEDULE 2 — REQUIREMENTS

1. Time limit
2. Phases of development
3. Sustainable transport
4. Design and phasing of highways works
5. The undertaker must use reasonable endeavours to complete the highway...
6. Detailed design approval
7. No phase of the authorised development (with the exception of...
8. Provision of landscaping and ecological mitigation
9. Implementation and maintenance of landscaping
10. Ecological Management Plan
11. Construction Environmental Management Plan
12. Earthworks
13. Archaeology
14. Lighting details
15. Building sustainability
16. Flood risk and surface water drainage
17. (1) No phase of the authorised development (with the exception...
18. Any element of the authorised development which directly affects any...
19. Foul water drainage
20. Construction hours
21. Construction noise
22. Noise during the operational phase
23. Monitoring of complaints
24. Contamination risk
25. (1) Prior to the commencement of use of any part...
26. Waste management during the operational phase

SCHEDULE 3 — STREETS SUBJECT TO HIGHWAY WORKS

SCHEDULE 4 — STREETS TO BE PERMANENTLY STOPPED UP

PART 1 — STREETS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

PART 2 — STREETS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

SCHEDULE 5 — PUBLIC RIGHTS OF WAY TO BE STOPPED UP

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

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

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

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 ROADS

PART 1 — NEW AND DIVERTED ROADS

PART 2 — EXISTING ROADS

SCHEDULE 8 — SPEED LIMITS

PART 1 — EXISTING ORDERS

PART 2 — ROADS SUBJECT TO 30MPH SPEED LIMIT

PART 3 — ROADS SUBJECT TO 50MPH SPEED LIMIT

SCHEDULE 9 — AMENDMENTS TO EXISTING ORDERS

SCHEDULE 10 — CLEARWAYS AND NO WAITING

PART 1 — CLEARWAYS

PART 2 — NO WAITING AT ANY TIME

SCHEDULE 11 — MOTOR VEHICLE RESTRICTIONS

PART 1 — MOTOR VEHICLE ACCESS ONLY RESTRICTIONS

PART 2 — ONE WAY STREETS

PART 3 — PROHIBITION OF ENTRY TO ABNORMAL LOADS LAYBY

PART 4 — BUSES AND CYCLISTS ONLY

SCHEDULE 12 — LAND OF WHICH TEMPORARY POSSESSION MAY BE
TAKEN

SCHEDULE 13 — LAND TO WHICH POWERS TO EXTINGUISH RIGHTS DO
NOT APPLY

SCHEDULE 14 — 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 the scope of paragraph 1, the...

Application of the 1965 Act

3. (1) The 1965 Act has effect with the modifications necessary...
4. For section 7 of the 1965 Act (measure of compensation)...
5. (1) For section 8 of the 1965 Act (provisions as...
6. The following provisions of the 1965 Act (which state the...
7. Section 11 (powers of entry) of the 1965 Act is...
8. Section 20 of the 1965 Act (protection for interests of...
9. Section 22 of the 1965 Act (interests omitted from purchase)...

SCHEDULE 15 — FOR THE PROTECTION OF NATIONAL GRID

1. Application
2. Interpretation
3. This Schedule does not apply to apparatus in respect of...
4. Apparatus of National Grid in stopped up streets
5. Acquisition of land
6. Removal of apparatus
7. Facilities and rights for alternative apparatus
8. Retained apparatus: protection for gas undertakers
9. Retained apparatus: protection for electricity undertakers
10. Expenses
11. Indemnity
12. Ground subsidence monitoring scheme in respect of National Grid's apparatus
13. Enactments and agreements
14. Co-operation
15. Access
16. Arbitration

SCHEDULE 16 — FOR THE PROTECTION OF THE AIRPORT OPERATOR

1. The undertaker must carry out the authorised development in accordance...
2. The undertaker must produce a Bird Management Plan to minimise...
3. The prior approval of the airport operator must be obtained...
4. The undertaker must not obstruct or in any way interfere...
5. The prior approval of the airport operator (acting as the...
6. Any difference or dispute arising between the undertaker and the...

SCHEDULE 17 — FOR THE PROTECTION OF SEVERN TRENT WATER LIMITED

SCHEDULE 18 — FOR THE PROTECTION OF NETWORK RAIL

1. The following provisions of this Schedule have effect, unless otherwise...
2. In this Schedule— “construction” includes execution, placing, alteration and reconstruction,...
3. (1) Where under this Schedule Network Rail is required to...
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...

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

SCHEDULE 19 — 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 and defects period
7. Final certificate
8. Surety
9. Form 1 as referred to in paragraph 8(1)(a) is—
10. Commuted sums
11. Insurance
12. Indemnification
13. Warranties

SCHEDULE 20 — FOR THE PROTECTION OF LEICESTERSHIRE COUNTY COUNCIL AS HIGHWAY AUTHORITY

1. Application
2. Interpretation
3. Highway works
4. Provisional certificate and maintenance period
5. Final certificate
6. Payment for supplemental maintenance
7. Indemnity
8. Construction (Design and Management) Regulations 2015
9. Security
10. Form 2 as referred to in paragraph 9—
11. Notices etc.
12. Dispute resolution
13. Privately and publicly owned apparatus
14. Detailed design approval
15. Workmanship
16. Traffic and safety control
17. Site safety
18. Approval of persons undertaking the highway works
19. Inspection of the highway works
20. Design and inspection payment
21. Commuted sum
22. Programme of works
23. Power to execute works in default or emergency
24. Insurance
25. Notice of commencement of highway works
26. Approval of team undertaking Road Safety Audits
27. Road Safety Audits
28. Traffic signal equipment
29. Use of sums paid
30. Statutory procedures and orders

SCHEDULE 21 — FOR THE PROTECTION OF TARMAC

1. The following provisions of this Schedule have effect, unless otherwise...
2. In this Schedule— “bagging plant” means the area subject to...
3. The undertaker must before commencing construction of any specified work...

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

4. The undertaker must give Tarmac no less than 28 days'...
5. The undertaker must not in the exercise of the powers...
6. The undertaker must give Tarmac a minimum of 28 days'...
7. The undertaker must construct the Tarmac access in accordance with...
8. Subject to the approval of Highways England the undertaker must...
9. The Tarmac access must be gated or include barriers at...
10. A scheme for the signage along the Tarmac access must...
11. The undertaker must permit Tarmac to utilise the Tarmac access...
12. The undertaker must pay the maintenance sum to Tarmac at...
13. The undertaker must, prior to undertaking any works on the...
14. The undertaker must reinstate any environmental barrier disturbed by, or...
15. Any difference or dispute arising between the undertaker and Tarmac...

Explanatory Note