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STATUTORY INSTRUMENTS

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**2020 No. 511**

**INFRASTRUCTURE PLANNING**

**The West Midlands Rail Freight Interchange Order 2020**

*Made - - - - 4th May 2020*

*Coming into force 25th May 2020*

**THE WEST MIDLANDS RAIL  
FREIGHT INTERCHANGE ORDER 2020**

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 and stopping up
13. Accesses
14. Maintenance of highway works
15. Classification of A5/A449 link road
16. Speed limits
17. Traffic Regulation
18. Clearways, no waiting and limited waiting

*Status: This is the original version (as it was originally made).*

- 19. Motor vehicle restrictions
- 20. Agreements with highway authorities

PART 4

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

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- 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
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- 38. Operation and use of railways
- 39. Operational land for the purposes of the 1990 Act
- 40. Charges
- 41. Felling or lopping of trees and removal of hedgerows
- 42. Protective provisions
- 43. Governance of requirements and governance of protective provisions relating to highway works
- 44. Disapplication, application and modification of legislative provisions
- 45. Certification of plans and documents
- 46. Service of notices
- 47. 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 — GENERAL REQUIREMENTS

1. Interpretation
2. Time limit
3. Phases of development
4. Detailed design approval
5. Demolition and construction environmental management plan
6. Rail
7. Construction hours
8. Air quality – operational emissions
9. Archaeology
10. Cultural heritage – demolition of heritage assets
11. Cultural heritage – demolition of canal crossings
12. Ecological mitigation and management plan
13. Ground conditions – contamination risk
14. (1) No part of the authorised development (with the exception...
15. Earthworks
16. Landscape – written landscaping scheme
17. Landscape – implementation and maintenance of landscaping works
18. Landscape – phasing of landscaping and ecology works
19. Height of containers
20. Lighting details
21. Noise – construction stage
22. Noise – operational stage
23. Permissive paths
24. Transport – demolition and construction
25. Transport – phasing of highway works
26. Water and flood risk – flood risk assessment
27. Water and flood risk – surface water drainage scheme
28. Water and flood risk – foul water drainage
29. Building sustainability
30. Waste management during the operational phase

### PART 2 — RAIL REQUIREMENTS

31. Interpretation
32. Rail Provision
33. The undertaker must keep the local planning authority advised of...
34. The undertaker must notify the local planning authority of the...
35. Rail Infrastructure
36. The undertaker must pursue the completion of the rail terminal...
37. Following completion of the rail terminal works the undertaker must...
38. Rail Support
39. The undertaker must maintain a person in the position of...
40. Rail Provision Milestones
41. The undertaker must progress the approvals referred to in paragraphs...

### PART 3 — PROCEDURE FOR APPROVALS ETC. UNDER REQUIREMENTS

42. Interpretation
43. Applications made for certain approvals
44. Further information
45. Appeals
46. Fees

## SCHEDULE 3 — STREETS SUBJECT TO STREET WORKS

*Status: This is the original version (as it was originally made).*

- SCHEDULE 4 — STREETS TO BE STOPPED UP
  - PART 1 — STREETS TO BE PERMANENTLY STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED
  - PART 2 — STREETS TO BE PERMANENTLY STOPPED UP AND BECOME PRIVATE STREETS
  
- SCHEDULE 5 — PUBLIC RIGHTS OF WAY
  - PART 1 — PUBLIC RIGHTS OF WAY TO BE PERMANENTLY STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED
  - PART 2 — NEW PUBLIC RIGHT OF WAY TO BE CREATED
  
- SCHEDULE 6 — PRIVATE MEANS OF ACCESS
  - PART 1 — PRIVATE MEANS OF ACCESS TO BE CLOSED FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED
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  - PART 3 — NEW PRIVATE MEANS OF ACCESS CREATED
  
- SCHEDULE 7 — CLASSIFICATION OF NEW HIGHWAYS
  
- SCHEDULE 8 — SPEED LIMITS
  - PART 1 — ROADS SUBJECT TO 30MPH SPEED LIMIT
  - PART 2 — ROADS SUBJECT TO 40MPH SPEED LIMIT
  - PART 3 — ROADS SUBJECT TO 50MPH SPEED LIMIT
  - PART 4 — ROADS SUBJECT TO 60MPH SPEED LIMIT
  
- SCHEDULE 9 — TRAFFIC REGULATION
  - PART 1 — AMENDMENTS TO EXISTING ORDERS
  - PART 2 — CLEARWAYS
  - PART 3 — NO WAITING AT ANY TIME
  - PART 4 — LIMITED WAITING
  - PART 5 — PROHIBITED MOVEMENTS
  - PART 6 — ONE WAY STREET
  
- 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...

#### 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. Bond form

#### 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 period
7. Final certificate – except for A5/A449 link road
8. Final certificate – A5/A449 link road
9. Security
10. Insurance
11. Indemnification
12. Warranties

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13. Approvals
14. Expert Determination
15. Bond form
  - PART 4 — FOR THE PROTECTION OF WESTERN POWER DISTRIBUTION LIMITED
    1. The provisions of this Part of this Schedule have effect,...
    2. In this Part of this Schedule— “alternative apparatus” means alternative...
    3. This Part of this Schedule does not apply to apparatus...
    4. Regardless of any provision in this Order or anything shown...
      - (1) If, in the exercise of the powers conferred by...
      - (1) Where, in accordance with the provisions of this Part...
      - (1) Not less than 60 days before the undertaker intends...
    8. The undertaker must repay to WPD the reasonable expenses incurred...
      - (1) Subject to sub-paragraphs (2) and (3), if by reason...
  10. Expert determination
    - PART 5 — FOR THE PROTECTION OF USERS OF THE GAILEY PARK ROUNDABOUT
      1. The provisions of this Part of this Schedule have effect...
      2. In this Part of this Schedule— “Gailey Park roundabout” means...
      3. Maintaining access rights
      4. Design details
      5. The undertaker will procure warranties in favour of the parties...
      6. The undertaker must provide as part of the works signage...
      7. The undertaker must not in the exercise of powers conferred...
      8. New access rights
      9. Maintenance
      10. The undertaker and the parties may enter into, and carry...
      11. Indemnity
      12. Expert determination
      13. The parties referred to in the definition of “parties” in...
        - PART 6 — FOR THE PROTECTION OF THE SI GROUP
          1. The provisions of this Part of this Schedule have effect,...
          2. In this Part of this Schedule and notwithstanding the definitions...
          3. Subject to paragraph 7(1) of this Part of this Schedule...
          4. The undertaker must not take any steps in accordance with...
          5. The undertaker must not carry out any of the authorised...
          6. The undertaker must not, save as in accordance with the...
          7. A power referred to in paragraphs 3, 5 and 6...
        - PART 7 — FOR THE PROTECTION OF THE CANAL & RIVER TRUST
          1. The provisions of this Part of this Schedule are to...
          2. In this Part of this Schedule— “canal” means that part...
          3. Powers requiring consent of the Trust
          4. Approval of plans
          5. Vehicles
          6. Survey of waterway
          7. Design of works
          8. Construction of specified works
          9. Notice of works and access to works
      10. Lighting
      11. Access to works
      12. Prevention of pollution
      13. Repayment of the Trust’s fees
      14. Maintenance of works

15. Compensation and indemnity
16. The Trust must, on receipt of a written request from...
17. In the assessment of any sums payable to the Trust...
18. The undertaker and the Trust may enter into, and carry...
19. The undertaker must repay to the Trust in accordance with...
20. (1) If any permanent or temporary alterations or additions to...
21. Costs of alterations
22. (1) The fact that any act or thing may have...
23. Fencing
24. Capitalised sums
25. Expert determination

PART 8 — 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
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 9 — 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...

PART 10 — FOR THE PROTECTION OF WATER AND SEWERAGE  
UNDERTAKERS

1. The provisions of this Part of this Schedule have effect...
2. In this Part of this Schedule— “alternative apparatus” means any...
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. Cooperation
12. Nothing in this Part of this Schedule affects the provisions...

SCHEDULE 14 — MISCELLANEOUS CONTROLS

**Status:** This is the original version (as it was originally made).

*Public general legislation*

1. Introduction
2. Highways Act 1980
3. New Roads and Street Works Act 1991
4. Local Government (Miscellaneous Provisions) Act 1976
5. Town and Country Planning Act 1990
6. Environment Act 1995

SCHEDULE 15 — CERTIFICATION DOCUMENTS

1. Documents for certification that they are true copies of the...

Explanatory Note