SCHEDULES

SCHEDULE 14

Article 44

MISCELLANEOUS CONTROLS

Public general legislation

Introduction

1. This Schedule applies, modifies and excludes statutory provisions which relate to matters for which provision may be made in this Order.

Highways Act 1980

2.—(1) Section 141 (restriction on planting trees etc. in or near carriageway) of the 1980 Act [M1] does not apply to any tree or shrub planted in the course of the authorised development before completion of construction.

(2) Section 167 (powers relating to retaining walls near streets) of the 1980 Act [M2] does not apply in relation to—

(a) the erection of a wall in the course of the authorised development before completion of construction; or

(b) a wall on land on which works are being carried out, or are to be carried out, in pursuance of the authorised development before completion of construction.

Marginal Citations

M1 1980 c. 66. Section 141 was amended by sections 37 and 46 of the Criminal Justice Act 1982 (c. 48).

M2 1980 c. 66. Section 167 was amended by sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48).

New Roads and Street Works Act 1991

3.—(1) The powers conferred by section 56(1) and (1A) (powers to give directions as to the timing of proposed and subsisting street works) of the 1991 Act [M3] do not apply in relation to the authorised development.

(2) Section 56A (power to give directions as to placing of apparatus) of the 1991 Act [M4] does not apply in relation to the placing of apparatus in the course of the authorised development.

(3) No restriction under section 58(1) (power to impose restriction on execution of street works in the twelve months following completion of substantial road works) of the 1991 Act [M5] has effect in relation to the authorised development.

(4) Section 61(1) (under which the consent of the street authority is required for the placing of apparatus in a protected street) of the 1991 Act does not apply to the placing of apparatus in the course of the authorised development.

(5) Section 62(2) (power following designation of a protected street to require removal or repositioning of apparatus already placed in the street) of the 1991 Act does not apply in relation to apparatus placed in the course of the authorised development.

(6) Section 62(4) (power when designation as a protected street commences or ceases to give directions with respect to works in progress) of the 1991 Act does not apply in relation to the authorised development.

(7) Section 63(1) (under which Schedule 4 to that Act has effect for requiring the settlement of a plan and section of street works to be executed in a street designated by the street authority as having special engineering difficulties) of the 1991 Act does not apply in relation to the authorised development.

(8) The powers conferred by section 73A(1) and 78A(1) (requirements for undertaker to re-surface street) of the 1991 Act [M6] are not be exercised in relation to the authorised development.

(9) Sections 74 and 74A (charge for occupation of the highway and charge determined by reference to duration of works) of the 1991 Act [M7] do not apply in relation to the authorised development.

(10) Schedule 3A (restriction on works following substantial street works) to the 1991 Act does not apply where a notice under section 54 (advance notice of certain works) or 55 (notice of starting date of works) of that Act [M8] is given in respect of the authorised development.

(11) No notice under paragraph 2(1)(d) of Schedule 3A to the 1991 Act has effect to require the notification of works proposed to be carried out in the course of the authorised development.

(12) No directions under paragraph 3 of Schedule 3A to the 1991 Act are to be issued to the undertaker.

(13) Paragraph 3(4) of Schedule 3A to the 1991 Act does not apply in relation to the execution of works in the course of the authorised development.

(14) Paragraph 5(1) of Schedule 3A to the 1991 Act does not apply in relation to the execution of works in the course of the authorised development.

Marginal Citations

M3 1991 c. 22. Section 56(1) and (1A) were amended by section 43 of the Traffic Management Act 2004 (c. 18).

M4 1991 c. 22. Section 56A was inserted by section 44 of the Traffic Management Act 2004 (c. 18).

M5 1991 c. 22. Section 58(1) was amended by section 51(1), (2) of the Traffic Management Act 2004 (c. 18).

M6 1991 c. 22. Section 73A was inserted by section 55(1) of the Traffic Management Act 2004 (c. 18). Section 78A was inserted by section 57(1) of the Traffic Management Act 2004 (c. 18).

M7 1991 c. 22. Section 74 was amended by sections 256 and 274 of, and Part 5(2) of Schedule 31 to, the Transport Act 2000 (c. 38), **section 40(4)** and section 52(5) of the Traffic Management Act 2004 (c. 18), and section 1(6) of, and paragraphs 113 and 119 of Part 2 of Schedule 1 to, the Infrastructure Act 2015 (c. 7). Section 74A was inserted by section 255(1) of the Transport Act 2000 (c. 38) and was amended by section 1(6) of, and paragraphs 113 and 120 of Part 2 of Schedule 1 to, the Infrastructure Act 2015 (c. 7) and section 40(4) of the Traffic Management Act 2004 (c. 18).

M8 1991 c. 22. Schedule 3A was inserted by section 52(2) of, and Schedule 4 to, the Traffic Management Act 2004 (c. 18). Section 54 was amended by section 40(1) and (2) and section 49(1) of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18). Section 55 was amended by section 40(1) and (2), section 49(2) and section 51(1) and (9) of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).

Local Government (Miscellaneous Provisions) Act 1976

4. Section 42 (certain future local Acts, etc., to be subject to the planning enactments, etc., except as otherwise provided) of the Local Government (Miscellaneous Provisions) Act 1976 [M9] does not apply to the extent that it would make provisions of this Order authorising the authorised development subject to other provisions.

Marginal Citations

M9 1976 c. 57. Section 42 was amended by section 6(2) of, and the Schedule to, the Ports (Finance) Act 1985 (c. 30), and section 15 of the Food and Environment Protection Act 1985 (c. 48).

Town and Country Planning Act 1990

5. No order, notice or regulation under the 1990 Act in relation to the preservation of trees, has effect in relation to the authorised development.

Environment Act 1995

6. No order, notice or regulation under the Environment Act 1995 [M10] in relation to the preservation of hedgerows, has effect in relation to the authorised development.

Marginal Citations

M10 1995 c. 25.

Changes to legislation:
There are currently no known outstanding effects for the The West Midlands Rail Freight Interchange Order 2020, SCHEDULE 14.