
STATUTORY INSTRUMENTS

2022 No. 1067

TRANSPORT AND WORKS, ENGLAND
TRANSPORT, ENGLAND

The Network Rail (Huddersfield to Westtown
(Dewsbury) Improvements) Order 2022

Made - - - - *13th October 2022*

Coming into force *3rd November 2022*

THE NETWORK RAIL (HUDDERSFIELD TO WESTTOWN
(DEWSBURY) IMPROVEMENTS) ORDER 2022

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Incorporation of the Railway Clauses Acts
4. Application of the 1991 Act
5. Disapplication of legislative provisions
6. Disapplication of legislative provisions relating to the surrender of an environmental permit
7. Application of local railway enactments

PART 2

WORKS PROVISIONS

Principal powers

8. Power to construct and maintain works
9. Station works at Huddersfield
10. Station works at Deighton
11. Station works at Mirfield
12. Power to deviate

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Streets

13. Power to execute street works
14. Stopping up of streets
15. Power to alter layout etc. of streets
16. Temporary stopping up of streets
17. Access to works
18. Construction and maintenance of new or altered streets
19. Construction of bridges
20. Agreements with street authorities

Accommodation Crossings

21. Accommodation crossings

Supplemental powers

22. Discharge of water
23. Protective works to buildings, roads and apparatus of a statutory undertaker
24. Power to survey and investigate land
25. Temporary closure of, and works in the Huddersfield Broad Canal and the Calder and Hebble Navigation

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

26. Power to acquire land
27. Application of Part 1 of the 1965 Act
28. Application of the Compulsory Purchase (Vesting Declarations) Act 1981
29. Power to acquire new rights
30. Power to acquire ground anchor rights
31. Power to acquire subsoil and imposition of restrictive covenants
32. Power to acquire subsoil or airspace only
33. Rights under or over streets

Temporary Possession of Land

34. Temporary use of land for construction of works
35. Temporary use of land for maintenance of works
36. Temporary use of land for access

Compensation

37. Disregard of certain interests and improvements
38. Set-off for enhancement in value of retained land

Supplementary

- 39. Extinction or suspension of private rights of way
- 40. Time limit for exercise of powers of acquisition

PART 4

MISCELLANEOUS AND GENERAL

- 41. Defence to proceedings in respect of statutory nuisance
- 42. Planning permission
- 43. Power to lop trees overhanging the authorised works
- 44. Open space and exchange land
- 45. Open space land
- 46. Power to operate and use railway
- 47. Disapplication of the 1887 Agreement
- 48. Obstruction of construction of authorised works
- 49. Traffic regulation
- 50. Traffic signs
- 51. Disclosure of confidential information
- 52. Statutory undertakers etc.
- 53. Protection of interests
- 54. Certification of plans etc.
- 55. Service of notices
- 56. No double recovery
- 57. Arbitration
- Signature

SCHEDULES

SCHEDULE 1 — SCHEDULED WORKS

SCHEDULE 2 — ACQUISITION OF CERTAIN LANDS FOR ANCILLARY WORKS

SCHEDULE 3 — STREETS SUBJECT TO STREET WORKS

SCHEDULE 4 — STREETS TO BE 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 — STREETS SUBJECT TO ALTERATION OF LAYOUT

SCHEDULE 6 — STREETS TO BE TEMPORARILY STOPPED UP

SCHEDULE 7 — ACCESS TO WORKS

SCHEDULE 8 — ACCOMMODATION CROSSINGS

PART 1 — ACCOMMODATION CROSSINGS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

PART 2 — ACCOMMODATION CROSSINGS FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

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SCHEDULE 9 — LAND SUBJECT TO IMPOSITION OF RESTRICTIVE COVENANTS

SCHEDULE 10 — ACQUISITION OF NEW RIGHTS AND IMPOSITION OF RESTRICTIVE COVENANTS ONLY

SCHEDULE 11 — IMPOSITION OF RESTRICTIVE COVENANTS ONLY

SCHEDULE 12 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS OR IMPOSITION OF RESTRICTIVE COVENANTS

Compensation enactments

1. The enactments for the time being in force with respect...
2. (1) —Without limitation on the scope of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...

Application of Part 1 of the 1965 Act

4. Part 1 (compulsory purchase under Acquisition of Land Act 1946)...
5. (1) The modifications referred to in paragraph 4(a) are as...

SCHEDULE 13 — POWER TO ACQUIRE GROUND ANCHOR RIGHTS

SCHEDULE 14 — ACQUISITION OF SUBSOIL

SCHEDULE 15 — LAND OF WHICH ONLY SUBSOIL MAY BE ACQUIRED

SCHEDULE 16 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 17 — TEMPORARY USE OF LAND FOR ACCESS

SCHEDULE 18 — PROVISIONS RELATING TO STATUTORY UNDERTAKERS ETC.

Apparatus of statutory undertakers etc. on land acquired

1. (1) Sections 271 to 274 (extinguishment of rights of statutory...

Apparatus of statutory undertakers etc. in stopped up streets

2. (1) Where a street is stopped up under article 14...

Railway and navigation undertakings

3. (1) Subject to the following provisions of this paragraph, the...

SCHEDULE 19 — PROTECTIVE PROVISIONS

PART 1 — FOR THE PROTECTION OF SPECIFIED UNDERTAKERS

1. For the protection of the undertakers referred to in this...
2. The provisions of paragraph 1 of Schedule 18 (provisions relating...
3. This Part of this Schedule does not apply to apparatus...
4. In this Part of this Schedule— “alternative apparatus” means alternative...

5. Without affecting any provision in this Order or anything shown...
6. (1) If, in the exercise of the powers conferred by...
7. (1) Where, in accordance with the provisions of this Part...
8. (1) Not less than 28 days before starting the execution...
9. If in consequence of the exercise of the powers conferred...
10. (1) Subject to the following provisions of this paragraph, Network...
11. (1) Subject to sub-paragraphs (2) and (3), if by reason...
12. Nothing in this Part of this Schedule affects the provision...
PART 2 — FOR THE PROTECTION OF OPERATORS OF ELECTRONIC
COMMUNICATIONS CODE NETWORKS
13. (1) For the protection of any operator, the following provisions...
14. (1) Subject to sub-paragraphs (2) to (4), if as the...
15. This Part of this Schedule does not apply to—
16. Nothing in this Part of this Schedule affects the provisions...
PART 3 — FOR THE PROTECTION OF THE ENVIRONMENT AGENCY
17. (1) The following provisions of this Part of this Schedule...
18. (1) Before beginning to construct any specified work, Network Rail...
19. Without limitation on the scope of paragraph 18, the requirements...
20. (1) Subject to sub-paragraph (2), any specified work, and all...
21. (1) Subject to sub-paragraph (5) Network Rail must from the...
22. Subject to paragraph 24, if by reason of the construction...
23. (1) Network Rail must take all such measures as may...
24. Nothing in paragraphs 20(4), 21(3), 22, 23(3) and 23(4) authorises...
25. If by reason of the construction of any specified work...
26. Network Rail must indemnify the Agency in respect of all...
27. (1) Without affecting the other provisions of this Part of...
28. The fact that any work or thing has been executed...
29. Any dispute arising between Network Rail and the Agency under...
PART 4 — FOR THE PROTECTION OF LEAD LOCAL FLOOD
AUTHORITIES
30. (1) The following provisions of this Part of this Schedule...
31. (1) Before beginning to construct any specified work, Network Rail...
32. Without limitation on the scope of paragraph 31, the requirements...
33. (1) Subject to sub-paragraph (2), any specified work, and all...
34. (1) Subject to sub-paragraph (3) Network Rail must from the...
35. If by reason of the construction of any specified work...
36. Network Rail must pay all costs, charges and expenses which...
37. The fact that any work or thing has been executed...
38. Any dispute arising between Network Rail and the lead local...
PART 5 — FOR THE PROTECTION OF THE TRUST
39. (1) The following provisions of this Schedule, unless otherwise agreed...
40. Network Rail must not under the powers conferred by this...
41. (1) Network Rail must not in the exercise of the...
42. Network Rail must not use any land or property of...
43. If in consequence of or in connection with the exercise...
44. Where so required by the engineer Network Rail must, to...
45. (1) Before the commencement of the initial construction of any...
46. (1) Network Rail must, before commencing construction of any specified...
47. Without affecting its obligations under the provisions of this Part...
48. Network Rail must give to the engineer 56 days' notice...
49. Network Rail must provide and maintain at its own expense...
50. Any specified works must, when commenced, be constructed—
51. (1) Any pile, stump or other obstruction which becomes exposed...

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52. Network Rail must not in the course of constructing any...
53. (1) Network Rail must at all times on being given...
54. (1) If during the construction of a specified work or...
55. (1) Network Rail must, upon completion of any part of...
56. If at any time after the completion of a specified...
57. Any additional expenses which the Trust may reasonably incur in...
58. Network Rail must repay to the Trust all fees, costs,...
59. (1) If any detriment is caused by the construction or...
60. Where under any provision of this Part of this Schedule...
61. Except as provided by this Order, nothing in this Order...
62. Any difference arising between Network Rail and the Trust under...
63. Nothing in this Part of the Schedule affects the provision...

Explanatory Note