

## SCHEDULE 25

Article 86

### Miscellaneous Controls

#### **Introduction**

1. This Part 1 of 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. Section 141 of the 1980 Act (Restriction on planting trees etc. in or near carriageway) does not apply to any tree or shrub planted with the agreement of the highway authority in the course of the authorised development before completion of construction.

#### **Community Infrastructure Levy Regulations 2010**

3. Notwithstanding the provisions of section 208 of the 2008 Act, for the purposes of regulation 6 of the Community Infrastructure Levy Regulations 2010(1) any building comprised in the authorised development is deemed to be—

- (a) a building into which people do not normally go; or
- (b) a building into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery.

#### **Town and Country Planning Act 1990**

4.—(1) Section 57(2) of the 1990 Act (Planning permission required for development) will apply to specific associated development works as if the development consent granted for those works under this Order were a planning permission granted for a limited period.

(2) Section 239 of the 1990 Act (Burial grounds) will apply—

- (a) In relation to land, other than a right over land, acquired for the purposes of the authorised development (whether or not by agreement), so as to permit the construction, operation and maintenance by the undertaker in accordance with the provisions of this Order; and
- (b) In relation to a right over land so acquired for the purposes of the authorised development (whether or not by agreement), or the temporary use of land pursuant to articles 39 (temporary use of land for carrying out authorised development) and 41 (temporary use of land for maintaining authorised development), so as to permit the exercise of that right or the temporary use by the undertaker in accordance with the provisions of this Order, without prejudice to the status of the land over which the right is exercised.

#### **Local Government (Miscellaneous Provisions) Act 1976**

5. Section 42 of the Local Government (Miscellaneous Provisions) Act 1976 (certain future local Acts, etc., to be subject to the planning enactments, etc., except as otherwise provided)(2) will not apply to the extent that it would make provisions of this Order authorising the construction, operation and maintenance of the authorised development subject to other provisions.

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(1) S.I. 2010/948. Regulation 6 was amended by S.I. 2011/987.

(2) 1976 c. 57.