
STATUTORY INSTRUMENTS

2014 No. 1796

**The Daventry International Rail Freight
Interchange Alteration Order 2014**

PART 2

Principal powers

Development consent granted by the Order

3. The undertaker is granted development consent for the authorised development to be carried out subject to the provisions of the Order within the Order limits and subject to the requirements.

Parameters of authorised development

4. The authorised development is to be carried out within the parameters shown and described on the framework plans and in carrying out the authorised development the undertaker may—

- (a) deviate laterally from the lines or situations of the authorised development shown on the works plans to the extent of the limits of deviation shown on those plans; and
- (b) in respect of the rail works deviate vertically from the levels shown on the rail alignment plans to the extent of the limits of vertical deviation shown on those plans.

Authorisation of use

5.—(1) Subject to the provisions of this Order, including the requirements, the undertaker and any persons authorised by them may operate and use the authorised development and the existing rail infrastructure within the Order land for the purposes of a rail freight terminal and warehousing and any purposes ancillary to those purposes.

(2) It does not constitute a breach of the terms of this Order if, following the coming into force of this Order, any development, or any part of a development, is carried out or used within the Order limits under planning permission granted, on application, under the 1990 Act.

Maintenance of authorised development

6. Subject to the requirements the undertaker may at any time maintain the authorised development, except to the extent that this Order or an agreement made under this Order provides otherwise.

Benefit of Order

7. Rugby Radio Station Limited Partnership and Prologis UK Limited, and their associated companies, have the sole benefit of articles 19 to 23 (powers of acquisition) and are solely liable under article 28 (certification of plans etc.) and requirement 6(1) (detailed design approval) in Schedule 2 (requirements).

Application and modification of legislative provisions

8.—(1) Where an application is made to the relevant planning authority for any consent, agreement or approval required by a requirement, the following provisions apply, so far as they relate to a consent, agreement or approval of a relevant planning authority required by a condition imposed on a grant of planning permission, as if the requirement was a condition imposed on the grant of planning permission—

- (a) sections 78 (right of appeal in relation to planning decisions) and 79 (determination of appeals) of the 1990 Act (1);
- (b) any orders, rules or regulations which make provision in relation to a consent, agreement or approval of a relevant planning authority required by a condition imposed on the grant of planning permission.

(2) For the purposes of paragraph (1), a provision relates to a consent, agreement or approval of a relevant planning authority required by a condition imposed on a grant of planning permission in so far as it makes provision in relation to an application for such a consent, agreement or approval, or the grant or refusal of such an application, or a failure to give notice of a decision on such an application.

Defence to proceedings in respect of statutory nuisance

9. The defence of statutory authority provided by section 158(1) and (2) of the 2008 Act does not apply to civil or criminal proceedings for nuisance brought in respect of the carrying out of the authorised development or anything else authorised by the granting of this Order.

(1) Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991 (c. 34); section 43(2) of the Planning and Compulsory Purchase Act 2004 (c. 5); paragraphs 1 and 3 of Schedule 10, and paragraphs 1 and 2 of Schedule 11, to the Planning Act 2008 (c. 29); section 123(1) and (3) of, and paragraphs 1 and 11 of Schedule 12 to, the Localism Act 2011 (c. 20); and paragraphs 1 and 8 of Schedule 1 to the Growth and Infrastructure Act 2013 (c. 27). Section 79 is amended by section 18 of, and paragraph 19 of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34); and paragraphs 1 and 4 of Schedule 10 to the Planning Act 2008 (c. 29).