

SCHEDULES

SCHEDULE 6

Article 18

APPLICATION OF PROVISIONS OF THE PRINCIPAL ACT

1. The following provisions of the principal Act apply to the matters which are the subject of this Order on the general assumptions mentioned in paragraph 2 and, where any special assumption is mentioned in paragraph 3 for any such provision, on the special assumptions for it so mentioned—

- (a) sections 8 (extinguishment of private rights of way), 9 (extinguishment of rights of statutory undertakers etc), 10 (planning: general), 11 (permitted developments: time limit), 12 (fees for planning applications), 13 (power to disapply section 10(1)), 15 (extension of permitted development rights) and section 20 (control of construction sites: appeals);
- (b) paragraphs 8 (discharge of water) and 9 (entry for preparatory purposes) of Schedule 2 (works: further and supplementary provisions);
- (c) paragraphs 1 (stopping up), 2, 3, 5(1) to 5(3) (temporary interference), 6 (working sites in highways), 7, 8 (street works), 9, 10 (construction), 11 (maintenance), 14 (agreements with highway authorities etc) and 15(1) (use of subsoil) of Schedule 3 (highways);
- (d) paragraphs 3, 4 and 6 to 11 of Part 2 (development in the area of a unitary authority), and paragraphs 28 to 37 of Part 4 (supplementary) of Schedule 7 (planning conditions);
- (e) paragraphs 14 to 17 of Schedule 14 (disapplication and modification of miscellaneous controls);
- (f) parts 1 (protection of highways and traffic), 2 (protection for electricity, gas, water and sewerage undertakers) and 4 (protection of electronic communications code networks) of Schedule 17 (protective provisions).

The general assumptions

2. The general assumptions are that references in the principal Act in whatever form (including references inserted or substituted by any provision of that Act in any other enactment)—

- (a) to that Act were references to this Order;
- (b) to the nominated undertaker were references to the promoter;
- (c) where the Crossrail (Devolution of Functions) Order 2010(1) modified the principal Act, references to Transport for London were references to the promoter;
- (d) to the scheduled works (except in relation to references to the limits of deviation for the scheduled works), the deposited plans, the deposited sections and the book of reference were references to the scheduled work, the works and land plan, the sections and the book of reference respectively as defined in article 2(1) (interpretation);
- (e) to the limits of deviation for the scheduled works or the limits of land to be acquired or used were references to the Order limits as defined in article 2(1);
- (f) to Crossrail were references to the authorised works as defined in article 2(1); and

(1) [S.I. 2010/988](#).

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- (g) to particular provisions of the principal Act were a reference to those provisions as applied by paragraph 1.

The special assumptions

3.—(1) The special assumptions are the assumptions set out in sub-paragraphs (2) to (8), and have effect for the purposes mentioned in paragraph 1.

(2) In section 10(4) of the principal Act the reference to statements specified for the purposes of subsection (2)(b) is to be treated as including a reference to the environmental statement submitted with this Order.

(3) In Schedule 3, paragraph 14 (agreements with highway authorities etc) of the principal Act, the reference to that Schedule is to be treated as including a reference to this Order.

(4) Westminster City Council is to be treated as a qualifying authority for the purposes of Schedule 7 to the principal Act in so far as it applies to this Order.

(5) Condition 6 in the Table in paragraph 6 (conditions: qualifying authority) and condition 5 in the Table in paragraph 7 of Schedule 7 to the principal Act do not apply.

(6) In paragraph 11(6) of Schedule 7 to the principal Act (conditions: general), the reference to paragraph 2(1) of Schedule 5 is to be treated as a reference to paragraph (4) of article 13 (temporary use of land for construction of works).

(7) In paragraph 4(1) of Part 4 of Schedule 17 to the principal Act, references to paragraph 1 of Schedule 3 to that Act are to be treated as including references to that paragraph as applied by article 6(1).

(8) Paragraph 18 of Part 1 of Schedule 17 applies to any dispute arising under that Part as applied by this Order.

(9) Paragraph 13 of Part 2 of Schedule 17 applies to any dispute arising under that Part as applied by this Order.

(10) Paragraph 6 of Part 4 of Schedule 17 applies to any dispute arising under that Part as applied by this Order.

Ancillary matters

4.—(1) Regulations made under section 20(4) of the principal Act have effect in relation to appeals referred to arbitration under subsection (7A) of section 60 or 61 of the Control of Pollution Act 1974⁽²⁾, as inserted by section 20(3) of the principal Act and applied by paragraph 1, as they have effect for appeals referred to arbitration under that subsection in relation to works carried out in exercise of the powers conferred by Part 1 of the principal Act.

(2) Rules made under section 54(5) of the principal Act apply to an arbitration under this Order as they apply to an arbitration under Part 1 of the principal Act.

(3) Without limitation on the scope of the general assumptions in paragraph 2, the references in section 8(2) of the principal Act to the coming into force of that Act are to be treated (so far as concerns the matters which are the subject of this Order) as references to the coming into force of this Order.

(4) Regulations made under paragraphs 30 and 34 of Schedule 7 to the principal Act (appeals) have effect in relation to planning appeals under this Order as they apply to appeals under Schedule 7 to the principal Act.

(2) 1974 c.40.

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(5) Regulations made under section 12(1) of the principal Act have effect in relation to this Order as they apply to any request for approval under the planning permission deemed to be granted by section 10(1) of the principal Act.