
STATUTORY INSTRUMENTS

2018 No. 446

The Network Rail (Hope Valley Capacity) Order 2018

PART 1

PRELIMINARY

Disapplication of legislative provisions

5.—(1) The following provisions do not apply in relation to any works executed under the powers conferred by this Order—

- (a) regulation 12(1)(a) (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016⁽¹⁾ in relation to the carrying on of a relevant flood risk activity for the purposes of the works;
- (b) the provisions of any byelaws made under, or having effect as if made under, paragraph 5 of Schedule 25 (byelaws for flood defence and drainage purposes) to the Water Resources Act 1991⁽²⁾, which require consent or approval for the carrying out of the works;
- (c) section 23 (prohibition on obstacles etc. in watercourses) of the Land Drainage Act 1991⁽³⁾; and
- (d) the provision of any byelaws made under, or having effect as if made under, section 66 (powers to make byelaws) of the Land Drainage Act 1991, which require consent or approval for the carrying out of the works.

(2) In article 5(1)(a) “relevant flood risk activity” means an activity within paragraph 3(1)(a), (b) or (c) of Schedule 25 (flood risk activities and excluded flood risk activities) to the Environmental Permitting (England and Wales) Regulations 2016.

⁽¹⁾ S.I. 2016/1154.
⁽²⁾ 1991 c. 57.
⁽³⁾ 1991 c. 59.