
STATUTORY INSTRUMENTS

2020 No. 511

The West Midlands Rail Freight Interchange Order 2020

PART 1

PRELIMINARY

Citation and Commencement

1. This Order may be cited as the West Midlands Rail Freight Interchange Order 2020 and comes into force on 25th May 2020.

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961**(1)**;

“the 1965 Act” means the Compulsory Purchase Act 1965**(2)**;

“the 1973 Act” means the Land Compensation Act 1973**(3)**;

“the 1980 Act” means the Highways Act 1980**(4)**;

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981**(5)**;

“the 1984 Act” means the Road Traffic Regulation Act 1984**(6)**;

“the 1990 Act” means the Town and Country Planning Act 1990**(7)**;

“the 1991 Act” means the New Roads and Street Works Act 1991**(8)**;

“the 2007 Regulations” means the Town and Country Planning (Control of Advertisements) (England) Regulations 2007**(9)**;

“the 2008 Act” means the Planning Act 2008**(10)**;

“the 2010 Regulations” means the Community Infrastructure Levy Regulations 2010**(11)**;

“the 2017 EIA Regulations” means the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017**(12)**;

(1) 1961 c. 33.

(2) 1965 c. 56.

(3) 1973 c. 26.

(4) 1980 c. 66.

(5) 1981 c. 66.

(6) 1984 c. 27.

(7) 1990 c. 8.

(8) 1991 c. 22.

(9) S.I. 2007/783, amended by S.I. 2011/2057, S.I. 2011/3058, S.I. 2012/2372, S.I. 2013/2114, S.I. 2015/377, S.I. 2017/1011 and S.I. 2019/907.

(10) 2008 c. 29.

(11) S.I. 2010/948, amended by S.I. 2011/987, S.I. 2012/635, S.I. 2012/666, S.I. 2012/702, S.I. 2012/2975, S.I. 2013/982, S.I. 2014/385, S.I. 2015/377, S.I. 2015/644, S.I. 2015/836, S.I. 2018/172, S.I. 2019/966 and S.I. 2019/1103.

(12) S.I. 2017/572, amended by S.I. 2017/1012, S.I. 2018/695, S.I. 2018/834 and S.I. 2018/1232.

“A5/A449 link road” means the new road to be constructed as part of the authorised development between the A5 trunk road and the A449 (Stafford Road) being Works No. 4;

“access and rights of way plans” means the plans of that description referred to in Schedule 15 (certification documents) and certified as the access and rights of way plans by the Secretary of State for the purposes of this Order;

“address” includes any number or address used for the purposes of electronic transmission;

“apparatus” for the purposes of article 8 (street works) and article 37 (apparatus and rights of statutory undertakers in stopped up streets) has the same meaning as in Part 3 of the 1991 Act;

“authorised development” means the development described in Schedule 1 (authorised development) and any other development authorised by this Order, which is development within the meaning of section 32 (meaning of development) of the 2008 Act and any works carried out under the requirements;

“book of reference” means the document of that description referred to in Schedule 15 and certified by the Secretary of State as the book of reference for the purposes of this Order;

“bridge plans” mean the plans of that description referred to in Schedule 15 and certified as the bridge plans by the Secretary of State for the purposes of this Order;

“bridges” means the bridges shown on the bridge plans;

“bridleway” has the same meaning as in the 1980 Act;

“building” includes any structure or erection, or any part of a building, structure or erection;

“bus” has the same meaning as in Schedule 1 to the Traffic Signs Regulations and General Directions 2016⁽¹³⁾;

“carriageway” has the same meaning as in the 1980 Act;

“commence” or “commencement” means the carrying out of a material operation, as defined in section 155 of the 2008 Act (when development begins), forming part of the authorised development unless the context indicates otherwise;

“cycle track” has the same meaning as in section 329(1)⁽¹⁴⁾ (further provisions as to interpretation) of the 1980 Act;

“electronic communications code” has the same meaning as in section 106 (application of the electronic communications code) of the Communications Act 2003⁽¹⁵⁾;

“electronic communications code network” means—

- (a) so much of an electronic communications network or infrastructure system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 of the Communications Act 2003; and
- (b) an electronic communications network which the Secretary of State is providing or proposing to provide;

“environmental statement” means the document of that description referred to in Schedule 15 and certified by the Secretary of State as the environmental statement for the purposes of this Order;

“footpath” and “footway” have the same meaning as in the 1980 Act;

⁽¹³⁾ S.I. 2016/362. There are amendments to the Regulations which are not relevant to this Order.

⁽¹⁴⁾ The definition of “cycle track” was amended by section 1 of the Cycle Tracks Act 1984 (c. 38) and paragraph 21(2) of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54).

⁽¹⁵⁾ 2003 c. 21. Section 106 was amended by section 4 of the Digital Economy Act 2017 (c. 30).

“future highway maintenance plans” means the plans of that description referred to in Schedule 15 and certified as the future highway maintenance plans for the purposes of this Order;

“hedgerow” includes hedgerows to which the Hedgerow Regulations 1997⁽¹⁶⁾ apply;

“highway” and “highway authority” have the same meaning as in the 1980 Act;

“highway classification plans” means the plans of that description referred to in Schedule 15 and certified as highway classification plans by the Secretary of State for the purposes of this Order;

“highway general arrangement plans” means the plans of that description referred to in Schedule 15 and certified as the highway general arrangement plans by the Secretary of State for the purposes of this Order;

“highway works” means the works comprised in Works Nos. 4, 5, 7, 10a, 10b and 12;

“Highways England” means Highways England Company Limited (company number 09346363), whose registered office is at Bridge House, Walnut Tree Close, Guildford, GU1 4ZZ, appointed as highway authority for the highways specified in article 2 of the Appointment of a Strategic Highways Company Order 2015⁽¹⁷⁾ or any successor in function;

“illustrative arrangement of railway alignment plan” means the plan of that description referred to in Schedule 15 and certified as the illustrative arrangement of railway alignment plan by the Secretary of State for the purposes of this Order;

“land plans” means the plans of that description referred to in Schedule 15 and certified as the land plans by the Secretary of State for the purposes of this Order;

“lead local flood authority” means Staffordshire County Council or any successor in function;

“local highway authority” means Staffordshire County Council or any successor in function;

“local planning authority” means South Staffordshire District Council or any successor in function;

“main site” means that part of the land within the Order limits comprising the areas of land described on the works plans as Works Nos. 1, 2, 3 and 6;

“maintain” includes inspect, repair, adjust, alter, clear, refurbish or improve, and any derivative of “maintain” is to be construed accordingly;

“occupation” means occupation other than for the purposes of construction, fitting out, commissioning or site security;

“Order land” means the land shown on the land plans which is within the limits of land to be acquired or used permanently or temporarily and described in the book of reference;

“Order limits” means the limits shown on the Order limits plan represented by a red line within which the authorised development may be carried out;

“Order limits plan” means the plan of that description referred to in Schedule 15 and certified as the Order limits plan by the Secretary of State for the purposes of this Order;

“owner” in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981⁽¹⁸⁾;

“parameters plans” means the plans of that description referred to in Schedule 15 and certified as the parameters plans by the Secretary of State for the purposes of this Order;

⁽¹⁶⁾ S.I. 1997/1160. There are amendments to the Regulations which are not relevant to this Order.

⁽¹⁷⁾ S.I. 2015/376.

⁽¹⁸⁾ 1981 c. 67. Section 7 was amended by section 70 of, and paragraph 9 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34). There are other amendments to the 1981 Act which are not relevant to this Order.

“phase” means a defined section or part of the authorised development, the extent of which is shown in a scheme submitted to and approved by the local planning authority under requirement 2 (phases of development);

“public sewer or drain” means a sewer or drain which belongs to the Environment Agency, an internal drainage board or a lead local flood authority or a sewerage undertaker;

“rail section plans” means the plans of that description referred to in Schedule 15 and certified as the rail section plans by the Secretary of State for the purposes of this Order;

“rail terminal – illustrative expanded rail terminal layout plan” means the plan of that description referred to in Schedule 15 and certified as the rail terminal – illustrative expanded rail terminal layout plan by the Secretary of State for the purposes of this Order;

“railway” has the same meaning as in the 2008 Act;

“relevant body” means in respect of each of the highway works the body referred to in respect of each of those works in column (4) of the table in requirement 25 (transport – phasing of highway works);

“relevant highway authority” means in any provision of this Order the highway authority for any area of land to which that provision relates;

“relevant street authority” means in any provision of this Order the street authority for any area of land to which that provision relates;

“relevant traffic authority” means in any provision of this Order the traffic authority for any area of land to which that provision relates;

“relocation works” means works executed, or apparatus provided, under paragraph (2) of article 37 (apparatus and rights of statutory undertakers in stopped up streets);

“remediation safeguarding report” means the report of that description contained in technical appendix 11.5 of the environmental statement;

“remediation strategy” means the strategy to ensure the effective continuation of on-going groundwater remediation works within the SI land set out in the remediation safeguarding report;

“requirements” means the requirements set out in Part 1 and Part 2 of Schedule 2 (requirements);

“SI facility” means the chemical works occupied and operated by the SI Group located to the east of the SI land outwith the Order limits;

“SI Group” means SI Group-UK Ltd whose company number is 00667049 and whose registered office is at Four Ashes, Wolverhampton, WV10 7BT or (as respectively defined in section 1159 (meaning of “subsidiary” etc.) of the Companies Act 2006⁽¹⁹⁾) a holding company of such company, a subsidiary of such company or another subsidiary of such holding company;

“SI land” means the land shown as parcel numbers 11, 14 and 18 on the land plans;

“speed limit plans” means the plans of that description referred to in article Schedule 15 and certified by the Secretary of State as the speed limits plan for the purposes of this Order;

“statutory undertaker” means a statutory undertaker for the purposes of section 127(8)⁽²⁰⁾ (statutory undertakers’ land) of the 2008 Act;

⁽¹⁹⁾ 2006 c. 46.

⁽²⁰⁾ There are amendments to section 127 which are not relevant to this Order.

“statutory utility” means a statutory undertaker for the purposes of the 1990 Act or a public communications provider as defined in section 151(1)(21) (interpretation of Chapter 1) of the Communications Act 2003;

“strategic road network” means that part of the highway network comprising trunk roads and motorways;

“street” means a street within the meaning of section 48(22) (streets, street works and undertakers) of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street;

“street authority” in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“traffic authority” has the same meaning as “local traffic authority” in section 121A(23) (traffic authorities) of the 1984 Act;

“traffic officer” means a person designated under section 2 (designation of traffic officers) of the Traffic Management Act 2004(24);

“traffic regulation plans” means the plans of that description referred to in Schedule 15 and certified by the Secretary of State as the traffic regulation plans for the purposes of this Order;

“tribunal” means the Lands Chamber of the Upper Tribunal;

“trunk road” means a highway which is a trunk road by virtue of—

- (a) section 10 (general provision as to trunk roads) or 19(1) (certain special roads and other highways to become trunk roads) of the 1980 Act(25);
- (b) an order or direction under section 10 of that Act;
- (c) this Order; or
- (d) any other enactment;

“the undertaker” means—

- (a) Four Ashes Limited, whose company number is 09747871 and whose registered office is 4th Floor, 7/10 Chandos Street, Cavendish Square, London, W1G 9DQ; and
- (b) in respect of the main site only any other person who has the benefit of this Order in accordance with section 156 (benefit of order granting development consent) of the 2008 Act for such time as that section applies to that person, but does not include SI Group unless SI Group is carrying out part of the authorised development under this Order other than the remediation strategy and does not include any other person who owned land within the main site at the date of this Order until such time as the authorised development is commenced on land owned by that person;

“verge” means any part of the street which is not a carriageway;

“warehousing” means the warehousing constructed as part of the authorised development;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or public drain; and

(21) There are amendments to section 151 which are not relevant to this Order.

(22) Section 48(3A) was inserted by section 124 of the Local Transport Act 2008 (c. 26).

(23) Section 121A was inserted by section 168(1) of, and paragraph 70 of Part 2 of Schedule 8 to, the New Roads and Street Works Act 1991 (c. 22), and subsequently amended by section 1(b) of, and paragraphs 70 and 95(1) and (3) of Part 2 of Schedule 1 to, the Infrastructure Act 2015 (c. 7) and S.I. 2001/1400. There are other amendments to section 121A which are not relevant to this Order.

(24) 2004 c. 18.

(25) Section 10 was amended by section 22(2)(a), (b) and (cc) of the New Roads and Street Works Act 1991 (c. 22), section 36 of, and paragraphs 21 and 22 of Schedule 2 to, the Planning Act 2008 (c. 29) and section 1(6) of, and paragraphs 1, 10(1) to (4) of Part 1 of Schedule 1 to, the Infrastructure Act 2015 (c. 7). Section 19(1) was amended by section 1(6) of, and paragraphs 1 and 15 of Part 1 of Schedule 1 to, the Infrastructure Act 2015 (c. 7).

“the works plans” means the plans of that description referred to in Schedule 15 and certified as the works plans by the Secretary of State for the purposes of this Order.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the air-space above its surface.

(3) All distances, directions and lengths referred to in this Order are approximate and where applicable distances between points on a work comprised in the authorised development are taken to be measured along that work.

(4) References in this Order to numbered works are references to the works as numbered in Schedule 1 and references to numbered requirements are to the requirements as numbered in Part 1 and Part 2 of Schedule 2.

(5) For the purposes of this Order all areas described in square metres in the book of reference are approximate.

(6) Where the term approximate precedes a figure of measurement or quantum then the flexibility accorded by that word is limited by the parameters and the limits of deviation as described in article 4 (parameters of authorised development) and does not authorise any works which would be likely to give rise to any materially new or materially different significant effects on the environment that have not been assessed in the environmental statement or in any updated environmental information supplied under the 2017 EIA Regulations.

(7) Where in this Order a document or plan is referred to by reference to a document number, the reference is to the document or plan of that number referred to in Schedule 15.