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STATUTORY INSTRUMENTS

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**2022 No. 573**

**The M25 Junction 28 Development Consent Order 2022**

**PART 6**

**MISCELLANEOUS AND GENERAL**

**Amendment of local legislation**

**48.**—(1) The following local enactments and local byelaws, and any byelaws or other provisions made under any of those enactments or byelaws, are hereby excluded and do not apply insofar as inconsistent with a provision, of or a power conferred by, this Order—

- (a) sections 20, 22, 25 of the Hornchurch, Romford and Havering Inclosures Act 1811<sup>(1)</sup>;
- (b) section 25 of the Great Warley and Shenfield (Essex) Inclosure Act 1838<sup>(2)</sup>;
- (c) sections 13 and 15 of the South Essex Waterworks Act 1861<sup>(3)</sup>;
- (d) section 53 of the Brentwood Gas Act 1905<sup>(4)</sup>;
- (e) sections 41 and 44 of the London County Council (General Powers) Act 1907<sup>(5)</sup>;
- (f) section 15 of the British Transport Commission Act 1952<sup>(6)</sup>;
- (g) sections 7 and 11 of the Essex River and South Essex Water Act 1969<sup>(7)</sup>;
- (h) sections 6 and 8 of the Essex Act 1987<sup>(8)</sup>;
- (i) byelaws of the Rural District Council of Romford as to the nuisances in connection with the removal of offensive noxious matters 1899;
- (j) byelaws of the Rural District Council of Romford with respect to the Drainage of Buildings 1908;
- (k) byelaw 4 of the Essex County Council byelaws for the Good Rule and Government 1938;
- (l) byelaws 4, 6 and 7 of the Urban District of Hornchurch byelaws for Nuisances 1938;
- (m) byelaws of the Urban District Council of Hornchurch as to removal through streets of offensive or noxious matter or liquid 1938; and
- (n) byelaws 4, 6, 7, 9, 14, 16 and 17 of the Thames Region Land Drainage Byelaws 1981.

(2) For the purpose of paragraph (1) a provision is inconsistent with the exercise of a power conferred by this Order to the extent that—

- (a) it would make it an offence to take action, or not to take action, in pursuance of a power conferred by this Order;

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(1) 1811 c. clxxxvii.  
(2) 1838 c. 20.  
(3) 1861 c. cxxxvii.  
(4) 1905 c. lix.  
(5) 1907 c. clxxv.  
(6) 1952 c. xxxiv.  
(7) 1969 c. xlix.  
(8) 1987 c. xx.

- (b) action taken in pursuance of the power would cause the provision to apply so as to enable a person to require the taking of remedial or other action or so as to enable remedial or other action to be taken; or
  - (c) action taken in pursuance of a power or duty under the provisions would or might interfere with the exercise of any work authorised by this Order.
- (3) Where any person notifies the undertaker in writing that anything done or proposed to be done by the undertaker or by virtue of this Order would amount to a contravention of a statutory provision of local application, the undertaker must as soon as reasonably practicable, and in any event within 14 days of receipt of the notice, respond in writing setting out—
- (a) whether the undertaker agrees that the action taken or proposed does or would contravene the provision of local application;
  - (b) if the undertaker does agree, the grounds (if any) on which the undertaker believes that the provision is excluded by this article; and
  - (c) the extent of that exclusion.

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**Commencement Information**

**II** Art. 48 in force at 6.6.2022, see [art. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The M25 Junction 28 Development Consent Order 2022, Section 48.