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STATUTORY INSTRUMENTS

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**2023 No. 923**

**The A38 Derby Junctions Development Consent Order 2023**

**PART 1**

**PRELIMINARY**

**Disapplication of legislative provisions**

**3.** The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development and, within any maintenance period defined in article 34(12), any maintenance of any part of the authorised development—

- (a) the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 (bye-law making powers of the appropriate agency) to the Water Resources Act 1991(1);
- (b) section 23 (prohibition on obstructions etc. in watercourses) of the Land Drainage Act 1991(2);
- (c) section 32(3) (variation of awards) of the Land Drainage Act 1991;
- (d) the provisions of any byelaws made under section 66(4) (powers to make byelaws) of the Land Drainage Act 1991; and
- (e) in so far as they relate to the temporary possession of land, the provisions of the Neighbourhood Planning Act 2017(5).
- (f) regulation 12 (requirement for an environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016(6) in relation to the carrying on of a flood risk activity as defined in paragraph 3(1) (meaning of “flood Risk activity”) of Part 1 of Schedule 25 to the said Regulations.
- (g) the Traffic Management (Derby City Council) Permit Scheme Order 2013(7);
- (h) the Traffic Management (Derbyshire County Council) Permit Scheme Order 2015(8).

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- (1) 1991 c. 57. Paragraph 5 was amended by section 100(1) and (2) of the Natural Environment and Rural Communities Act 2006 (c. 16), section 84 of, and paragraph 3 of Schedule 11 to, the Marine and Coastal Access Act 2009 (c. 23), paragraphs 40 and 49 of Schedule 2 to the Flood and Water Management Act 2010 (c. 29) and S.I. 2013/755. Paragraph 6 was amended by paragraph 26 of Schedule 15 to the Environment Act 1995 (c. 25), section 224 of, and paragraphs 20 and 24 of Schedule 16, and Part 5(B) of Schedule 22 to, the Marine and Coastal Access Act 2009 and S.I. 2013/755. Paragraph 6A was inserted by section 103(3) of the Environment Act 1995.
  - (2) 1991 c. 59. Section 23 was amended by paragraph 192(2) of Schedule 22 to the Environment Act 1995, paragraphs 25 and 32 to the Flood and Water Management Act 2010 and S.I. 2013/755.
  - (3) Section 32 was amended by S.I. 2013/755.
  - (4) Section 66 was amended by paragraphs 25 and 38 of Schedule 2 to the Flood and Water Management Act 2010 and section 86 of the Water Act 2014 (c. 21).
  - (5) 2017 c. 20.
  - (6) S.I. 2016/1154. Regulation 12 was amended by S.I. 2018/110.
  - (7) S.I. 2013/1781.
  - (8) S.I. 2015/107.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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