

---

STATUTORY INSTRUMENTS

---

**2022 No. 573**

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

**PART 6**

**MISCELLANEOUS AND GENERAL**

**Disapplication of legislative provisions**

**47.**—(1) 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 or maintenance of the authorised development—

- (a) regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016<sup>(1)</sup> in relation to the carrying on of a flood risk activity;
- (b) section 23 (prohibition on obstructions etc. in watercourses) of the Land Drainage Act 1991<sup>(2)</sup>;
- (c) section 30<sup>(3)</sup> (authorisation of drainage works in connection with a ditch) of the Land Drainage Act 1991;
- (d) section 32<sup>(4)</sup> (variation of awards) of the Land Drainage Act 1991;
- (e) the provisions of any byelaws made under section 66<sup>(5)</sup> (powers to make byelaws) of the Land Drainage Act 1991; and
- (f) the provisions of any byelaws made under, or having effect as if made under, paragraph 5, 6 or 6A of Schedule 25 (byelaw-making powers of the appropriate agency) to the Water Resources Act 1991<sup>(6)</sup>.

(2) In paragraph (1)(a) “flood risk activity” has the meaning given in paragraph 3(1) of Part 1 of Schedule 25 to the Environmental Permitting (England and Wales) Regulations 2016.

(3) The provisions of the Neighbourhood Planning Act 2017<sup>(7)</sup>, insofar as they relate to temporary possession of land under articles 34 (temporary use of land for carrying out the authorised development) and 35 (temporary use of land for maintaining the authorised development) of this Order, do not apply in relation to the construction of any work or the carrying out of any operation

---

(1) [S.I. 2016/1154](#) as amended by [S.I. 2017/1012](#), [S.I. 2017/1075](#), [S.I. 2018/110](#), [S.I. 2018/428](#) and [S.I. 2018/757](#).

(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 30 was amended by [S.I. 2013/1036](#).

(4) Section 32 was amended by [S.I. 2013/755](#).

(5) 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).

(6) [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 25 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.

(7) [2017 c. 20](#).

required for the purpose of, or in connection with, the construction of the authorised development and, within the maintenance period defined in article 35(13), any maintenance of any part of the authorised development.

(4) Despite the provisions of section 208 (liability) of the 2008 Act, for the purposes of regulation 6 (meaning of “development”) of the Community Infrastructure Levy Regulations 2010<sup>(8)</sup> any building comprised in the authorised development is to be—

- (a) a building into which people do not normally go; or
- (b) a building into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery.

---

**Commencement Information**

**II** Art. 47 in force at 6.6.2022, see [art. 1](#)

---

<sup>(8)</sup> S.I. 2010/948, amended by S.I. 2011/987; there are other amending instruments which are not relevant to this Order.

**Changes to legislation:**

There are currently no known outstanding effects for the The M25 Junction 28 Development Consent Order 2022, Section 47.