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STATUTORY INSTRUMENTS

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**2020 No. 511**

**The West Midlands Rail Freight Interchange Order 2020**

**PART 4**

**SUPPLEMENTAL POWERS**

**Authority to survey and investigate the land**

**22.**—(1) The undertaker may for the purposes of this Order enter on any land shown within the Order limits or which may be affected by the authorised development and—

- (a) survey or investigate the land;
- (b) without limitation on the scope of sub-paragraph (a), make trial holes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and subsoil and remove soil samples;
- (c) without limitation on the scope of sub-paragraph (a), carry out ecological or archaeological investigations on such land; and
- (d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes.

(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 28 days' notice has been served on every owner, who is not the undertaker, and occupier of the land.

(3) Any person entering land under the powers conferred by this article on behalf of the undertaker—

- (a) must, if so required, produce written evidence of their authority to do so; and
- (b) may take with them such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.

(4) No trial holes may be made under this article—

- (a) in land located within the highway boundary without the consent of the relevant highway authority; or
- (b) in a private street without the consent of the relevant street authority,

but such consent must not be unreasonably withheld.

(5) The undertaker must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the authority conferred by this article, such compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) If either a <sup>F1</sup>... highway authority or a street authority who has received an application for consent under paragraph (4) fails to notify the undertaker of its decision within 42 days of receiving the application submitted with all relevant information the authority is deemed to have granted the consent.

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**Changes to legislation:** There are currently no known outstanding effects for the The West Midlands Rail Freight Interchange Order 2020, Section 22. (See end of Document for details)

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**Textual Amendments**

- F1** Word in art. 22(6) omitted (21.10.2020) by virtue of [The West Midlands Rail Freight Interchange \(Correction\) Order 2020 \(S.I. 2020/1163\)](#), arts. 1, **2(5)**

**Changes to legislation:**

There are currently no known outstanding effects for the The West Midlands Rail Freight Interchange Order 2020, Section 22.