
STATUTORY INSTRUMENTS

2020 No. 511

The West Midlands Rail Freight Interchange Order 2020

PART 3

STREETS

Street works

8.—(1) The undertaker may, for the purposes of the carrying out of the authorised development, enter on so much of any of the streets specified in Schedule 3 (streets subject to street works) as are within the Order limits and may—

- (a) break up or open the street, or any sewer, drain or tunnel under it;
- (b) tunnel or bore under the street;
- (c) place apparatus in the street;
- (d) maintain apparatus in the street or change its position;
- (e) construct bridges and tunnels;
- (f) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street;
- (g) alter the level or increase the width of such kerb, footway, cycle track or verge;
- (h) reduce the width of the carriageway of the street;
- (i) make and maintain crossovers and passing places; and
- (j) execute any works required for or incidental to any works referred to in sub-paragraphs (a) to (i).

(2) The authority given by paragraph (1) is a statutory right for the purposes of sections 48(3) (streets, street works and undertakers) and 51(1) (prohibition of unauthorised street works) of the 1991 Act.

(3) In respect of streets for which Highways England is the street authority, the street works must be carried out in accordance with the relevant provisions of Part 2 of Schedule 13 (protective provisions).

(4) In respect of streets for which the local highway authority is the street authority, the street works must be carried out in accordance with the relevant provisions of Part 3 of Schedule 13.

Power to alter layout, etc., of streets

9.—(1) Subject to paragraph (2), the undertaker may, for the purposes of constructing and maintaining the authorised development, alter the layout of any street within Works No. 5 and the layout of any street at its junction with such a street; and, without limitation on the scope of this paragraph, the undertaker may—

- (a) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street;

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- (b) alter the level or increase the width of such kerb, footpath, footway, cycle track or verge;
- (c) reduce the width of the carriageway of the street; and
- (d) make and maintain crossovers, and passing places.

(2) The powers conferred by paragraph (1) must not be exercised without the consent of the local highway authority but such consent must not be unreasonably withheld and if the highway authority which has received an application for consent to exercise powers under paragraph (1) accompanied by all relevant information fails to notify the undertaker of its decision before the end of the period of 42 days beginning with the date on which the application is submitted with all relevant information, it is deemed to have granted consent.

Permanent stopping up of streets

10.—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development, stop up permanently the street specified in column (2) Part 1 of Schedule 4 (streets to be permanently stopped up) to the extent specified in column (3) of that Part of that Schedule.

(2) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of the authorised development, stop up permanently the street specified in column (2) Part 2 of Schedule 4 to the extent specified in column (3) of that Part of that Schedule.

(3) No street specified in column (2) of Parts 1 and 2 of Schedule 4 is to be wholly or partly stopped up under this article unless—

- (a) the new street to be substituted for it, which is specified in column (4) of Parts 1 and 2 of that Schedule, has been completed to the reasonable satisfaction of the relevant street authority and is open for use; or
- (b) a temporary alternative route for the passage of such traffic as could have used the street to be stopped up is first provided and subsequently maintained by the undertaker between the commencement and termination points for the stopping up of the street until the completion and opening of the new street in accordance with sub-paragraph (a).

(4) Where a street has been stopped up under paragraph (1) of this article—

- (a) all rights of way over or along the street so stopped up are extinguished; and
- (b) the undertaker may appropriate and use for the purposes of the authorised development so much of the street as is bounded on both sides by land owned by the undertaker.

(5) Any person who suffers loss by the suspension or extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) This article is subject to article [F136] (apparatus and rights of statutory undertakers in stopped up streets).

(7) The undertaker must provide to the local highway authority within 28 days of the stopping up of a length of street specified in column (2) of Parts 1 and 2 of Schedule 4 a plan to a scale of not less than 1:500 showing the extent of the stopping up.

Textual Amendments

F1 Word in art. 10(6) substituted (21.10.2020) by [The West Midlands Rail Freight Interchange \(Correction\) Order 2020 \(S.I. 2020/1163\)](#), arts. 1, 2(3)

Temporary stopping up of streets

11.—(1) The undertaker may during and for the purposes of carrying out the authorised development, temporarily stop up, alter or divert any street and may for any reasonable time—

- (a) divert the traffic from the street; and
- (b) subject to paragraph (2), prevent all persons from passing along the street.

(2) The undertaker must provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary stopping up, alteration or diversion of a street under this article if there would otherwise be no such access.

(3) The undertaker must not temporarily stop up, alter or divert any street for which it is not the street authority without the consent of the relevant street authority which may attach reasonable conditions to any consent (including specifying the time period during which the street may be stopped up, altered or diverted) but such consent must not be unreasonably withheld.

(4) Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) If a street authority who has received an application for consent under paragraph (3) accompanied with all relevant information fails to notify the undertaker of its decision before the end of the period of 42 days beginning with the date on which the application was submitted with all relevant information, it is deemed to have granted consent.

Public rights of way – creation and stopping up

12.—(1) Subject to the provisions of this article, the undertaker may, in connection with the carrying out of that part of the authorised development comprised in Work Nos. 1, 3 and 6 stop up the public right of way specified in column (2) of Part 1 of Schedule 5 (public rights of way) to the extent specified in column (3) of that Part of that Schedule.

(2) The undertaker must provide to the relevant highway authority within 28 days of the stopping up of the length of public right of way specified in column (3) of Part 1 of Schedule 5 a plan to a scale of not less than 1:500 showing the extent of the stopping up.

(3) If at any time the land shown coloured purple between points A and B on sheet 7 of the access and rights of way plans is the subject of a modification order under section 53 (duty to keep definitive map and statement under continuous review) of the Wildlife and Countryside Act 1981^{M1} the effect of which is to give the land status as a public right of way, then by operation of this paragraph, in connection with the carrying out of the authorised development the public right of way is to be stopped up without the need for any further order.

(4) The undertaker must in connection with carrying out of the authorised development provide the new public right of way specified in columns (1) and (2) of Part 2 of Schedule 5 to the extent specified in column (3) of that Part of that Schedule at the stage of the authorised development identified in column (4) of that Part of that Schedule.

Marginal Citations

- M1** 1981 c. 69. Section 53 was amended by paragraph 1 of Part 1 of Schedule 5 to the [Countryside and Rights of Way Act 2000 \(c. 37\)](#), [section 70\(1\)](#) of the [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#) and section 26(1) and (2) of, and paragraphs 1, 2, 9 and 10 of Schedule 7 to, the [Deregulation Act 2015 \(c. 20\)](#).

Accesses

13.—(1) The undertaker may, for the purposes of the authorised development and subject to paragraph (2), with the consent of the relevant highway authority or the relevant street authority as appropriate (such consent not to be unreasonably withheld), form and lay out such means of access (permanent or temporary) or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.

(2) The agreement of the relevant highway authority or the relevant street authority as appropriate is not required for the formulation, layout or improvement of a new or existing means of access shown in the highway general arrangement plans and carried out in accordance with the relevant provisions of Parts 2 and 3 of Schedule 13 (protective provisions).

(3) If either a ^{F2}... highway authority or street authority who has received an application for consent under paragraph (1) fails to notify the undertaker of its decision before the end of the period of 42 days beginning with the date on which the application was made, it is deemed to have granted consent.

(4) The private means of access as set out in column (2) of Part 1 of Schedule 6 (private means of access) may be closed by the undertaker at the stage of the authorised development identified in column (3) of that Part of that Schedule without a substitute being provided.

(5) The private means of access as set out in column (2) of Part 2 of Schedule 6 may be removed by the undertaker and if removed must be replaced by the means of access as set out in column (3) of that Part of that Schedule at the stage of the authorised development identified in column (4) of that Part of that Schedule.

(6) The undertaker must provide the private means of access as set out in column (2) of Part 3 of Schedule 6 at the stage of the authorised development identified in column (3) of that Part of that Schedule.

Textual Amendments

F2 Word in [art. 13\(3\)](#) omitted (21.10.2020) by virtue of [The West Midlands Rail Freight Interchange \(Correction\) Order 2020 \(S.I. 2020/1163\)](#), arts. 1, 2(4)

Maintenance of highway works

14.—(1) The highway works must be completed in accordance with the provisions of Parts 2 and 3 of Schedule 13 (protective provisions).

(2) With effect from the date of the handover certificate referred to in paragraph 7 of Part 2 of Schedule 13 the highway works to which that certificate relates will be maintained by and at the expense of Highways England.

(3) With effect from the date of the final certificate referred to in paragraphs 7 and 8 of Part 3 of Schedule 13 the highway works to which that certificate relates will be maintained by the local highway authority.

(4) Where new land not previously part of the public highway is the subject of a provisional certificate under paragraph 6 of Part 2 of Schedule 13 then it is deemed to be dedicated as part of the public highway on the issue of that certificate.

(5) Where new land not previously part of the public highway is the subject of a final certificate under paragraph 7 or 8 of Part 3 of Schedule 13 then it is deemed to be dedicated as part of the public highway on the issue of that certificate.

(6) For the purposes of this article, the definition of “maintain” in article 2 (interpretation) does not apply and the word “maintain” shall be given its ordinary meaning when applied to highways.

Classification of A5/A449 link road

15.—(1) The A5/A449 link road described in Schedule 7 (classification of new highways) is to be—

- (a) classified as set out in column (3) of Schedule 7 for the purpose of any enactment or instrument which refers to highways classified as such; and
- (b) provided for the use of the classes of traffic defined in Schedule 4 (classes of traffic for purposes of special roads) to the 1980 Act as set out in column (4) of Schedule 7,

as if such classification has been made under section 12(3) (classified roads) of the 1980 Act.

(2) From the date of the opening of the A5/A449 link road to the public, Staffordshire County Council will be the highway authority for that highway.

Speed limits

16.—(1) Upon the opening of the length of highway specified Part 1 of Schedule 8 (speed limits) no person is to drive any motor vehicle at a speed exceeding 30 miles per hour in the lengths of road identified in column (2) of that Part of that Schedule.

(2) Upon the opening of the length of highway specified in Part 2 of Schedule 8 no person is to drive any motor vehicle at a speed exceeding 40 miles per hour in the lengths of road identified in column 2 of that Part of that Schedule.

(3) Upon the opening of the length of highway specified in Part 3 of Schedule 8 no person is to drive any motor vehicle at a speed exceeding 50 miles per hour in the lengths of road identified in column (2) of that Part of that Schedule.

(4) Upon the opening of the length of highway specified in Schedule 8 no person is to drive any motor vehicle at a speed exceeding 60 miles per hour in the lengths of road identified in column (2) of that Part of that Schedule.

(5) Subject to the provisions of this article and the consent of the relevant traffic authority, such consent not to be unreasonably withheld but which may be subject to reasonable conditions, the undertaker may, in so far as may be expedient or necessary for the purposes of or in connection with the construction, operation or maintenance of the authorised development, impose a temporary speed limit either at all times or at times, on days or during such periods and on such roads as may be specified by the undertaker.

(6) The undertaker must not exercise the powers in paragraph (5) unless it has given not less than 4 weeks' notice in writing of its intention so to do to the chief officer of police and to the relevant traffic authority.

(7) The speed limits imposed by this Order are deemed to have been imposed by an order under the 1984 Act and—

- (a) have the same effect; and
- (b) may be varied by the relevant traffic authority in the same manner,

as any other speed limit imposed by an order under that Act.

(8) No speed limit imposed by this Order applies to vehicles falling within regulation 3(4) (regulations in relation to orders and notices under the 1984 Act) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011 ^{M2} when used in accordance with regulation 3(5) of those Regulations.

Marginal Citations

M2 S.I. 2011/935.

Traffic Regulation

17.—(1) The orders referred to in columns (1) and (2) of Part 1 of Schedule 9 (traffic regulation) are revoked or amended as set out in column (3) of Part 1 of Schedule 9 upon the event listed in column (4) of that Part of that Schedule occurring.

(2) Without limiting the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and the consent of the relevant traffic authority, such consent not to be unreasonably withheld but which may be subject to reasonable conditions, the undertaker may, in so far as may be expedient or necessary for the purposes of or in connection with the construction, operation or maintenance of the authorised development—

- (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;
- (b) permit, prohibit or restrict the stopping, parking, waiting, loading or unloading of vehicles on any road;
- (c) suspend or authorise the use as a parking place of any road;
- (d) make provision as to the direction or priority of vehicular traffic on any road; and
- (e) permit or prohibit vehicular access to any road,

either at all times or at times, on days or during such periods as may be specified by the undertaker.

(3) The undertaker must not exercise the powers in paragraph (2) unless it has—

- (a) given not less than 4 weeks' notice in writing of its intention so to do to the chief officer of police and to the relevant traffic authority; and
- (b) advertised its intention in such manner as the relevant traffic authority may specify in writing within 7 days of the relevant traffic authority's receipt of notice of the undertaker's intention under sub-paragraph (a).

(4) Any prohibition, restriction or other provision made by the undertaker under paragraph (2) is to—

- (a) have effect as if duly made by, as the case may be—
 - (i) the relevant traffic authority as a traffic regulation order under the 1984 Act; or
 - (ii) the local authority in whose area the road is situated as an order under section 32^{M3} (power of local authorities to provide parking places) of the 1984 Act; and
- (b) be deemed to be a traffic order for the purposes of Schedule 7 (road traffic contraventions subject to civil enforcement) to the Traffic Management Act 2004.

(5) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers conferred by paragraph (2) at any time.

(6) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.

(7) If the relevant traffic authority fails to notify the undertaker of its decision within 42 days of receiving an application for consent under paragraph (2) that is accompanied by all relevant information the relevant traffic authority is deemed to have given consent.

Marginal Citations

- M3** Section 32 was amended by section 102 of, and Schedule 17 to, the [Local Government Act 1985](#) (c. 51). There are other amendments to section 32 which are not relevant to this Order.

Clearways, no waiting and limited waiting

18.—(1) Subject to paragraphs (5) and (6), following the event specified in column (4) of Part 2 of Schedule 9 (traffic regulation), no person, except upon the direction or with the permission of a police officer or traffic officer in uniform, is to cause or permit any vehicle to wait on any part of a carriageway specified in columns (1) and (2) of that Part of that Schedule, other than a lay-by.

(2) Subject to paragraphs (5) and (7) following the event specified in column (4) of Part 2 of Schedule 9 no person, except upon the direction or with the permission of a police officer or traffic officer in uniform, is to cause or permit any vehicle to wait on any verge adjacent to any part of a carriageway specified in columns (1) and (2) of that Part of that Schedule where such prohibition is indicated as applying in column (3) of that Part of that Schedule.

(3) Subject to paragraph (5) following the event specified in column (3) of Part 3 of Schedule 9 no person, except upon the direction or with the permission of a police officer or traffic officer in uniform, is to cause or permit any vehicle to wait at any time on any day on the sides of the carriageway specified in columns (1) and (2) of that Part of that Schedule or its adjacent verge at any time.

(4) Subject to paragraph (5) following the event specified in column (3) of Part 4 of Schedule 9, no person, except upon the direction or with the permission of a police officer or traffic officer in uniform, is to cause or permit any vehicle to wait for any longer than two hours or return within one hour on any part of the carriageway specified in columns (1) and (2) of that Part of that Schedule or its adjacent verge.

(5) Nothing in paragraphs (1) to (4) applies—

- (a) to render it unlawful to cause or permit a vehicle to wait on any part of the carriageway or verge, for so long as may be necessary to enable that vehicle to be used in connection with—
 - (i) the removal of any obstruction to traffic;
 - (ii) the maintenance, improvement, reconstruction or operation of the carriageway or verge;
 - (iii) the laying, erection, inspection, maintenance, alteration, repair, renewal or removal in or near the carriageway or verge of any sewer, main pipe, conduit, wire, cable or other apparatus for the supply of gas, water, electricity or any telecommunications apparatus as defined in Schedule 3A^{M4} (the electronic communications code) to the Communications Act 2003; or
 - (iv) any building operation or demolition;
- (b) in relation to a vehicle being used—
 - (i) for police, ambulance, fire and rescue authority or traffic officer purposes;
 - (ii) in the service of a local authority, Highways England, a safety camera partnership or the Driver and Vehicle Standards Agency in pursuance of statutory powers or duties;
 - (iii) in the service of a water or sewerage undertaker within the meaning of the Water Industry Act 1991^{M5}; or
 - (iv) by a universal service provider for the purposes of providing a universal postal service as defined by the Postal Services Act 2000^{M6}; or
- (c) in relation to a vehicle waiting when the person in control of it is—
 - (i) required by law to stop;
 - (ii) obliged to stop in order to avoid an accident; or
 - (iii) prevented from proceeding by circumstances outside the person's control.

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(6) Nothing in paragraph (1) applies to any vehicle selling or dispensing goods to the extent that the goods are immediately delivered at, or taken into, premises adjacent to the land on which the vehicle stood when the goods were sold or dispersed.

(7) Nothing in paragraph (2) applies—

(a) so as to prevent a vehicle waiting on any verge specified in paragraph (2) for so long as may be necessary—

(i) to enable a person to board or alight from the vehicle;

(ii) to enable goods to be loaded on to or unloaded from the vehicle; or

(iii) to enable goods to be sold from the vehicle provided such goods are immediately delivered at, or taken into, premises adjacent to the vehicle from which sale is effected;

(b) so as to prevent a vehicle waiting on any verge specified in paragraph (2) for so long as may be necessary to enable that vehicle, if it cannot conveniently be used for such purpose without waiting on such verge, to be used in connection with any building operation or demolition, the removal of any obstruction or potential obstruction to traffic, the maintenance, improvement or reconstruction of such verge or of a carriageway immediately adjacent to such verge or the erection, laying, placing, maintenance, testing, alteration, repair or removal of any structure, works or apparatus in, on, under or over that verge or carriageway; or

(c) to a vehicle waiting on any verge specified in paragraph (2) while any gate or other barrier at the entrance to premises to which the vehicle requires access or from which it has emerged is opened or closed.

(8) Paragraphs (1) to (7) have effect as if made by a traffic regulation order under the 1984 Act and their application may be varied or revoked by such an order or by any other enactment which provides for the variation or revocation of such orders.

Marginal Citations

M4 [Schedule 3A](#) was inserted by section 4(2) of, and Schedule 1 to, the [Digital Economy Act 2017 \(c. 30\)](#).

M5 [1991 c. 56](#).

M6 [2000 c. 26](#).

Motor vehicle restrictions

19.—(1) No person, except upon the direction or with the permission of a police officer or traffic officer in uniform, is to cause or permit any vehicle to proceed along any part of a road specified in columns (1) and (2) of Part 5 of Schedule 9 (traffic regulation) in the manner specified in column (3) of that Part of that Schedule.

(2) No person, except upon the direction or with the permission of a police officer or traffic officer in uniform, is to cause or permit any vehicle to proceed along the parts of road specified in columns (1) and (2) of Part 6 of Schedule 9 in a direction other than that specified in relation to that road in column (3) of that Part of that Schedule.

(3) Paragraphs (1) and (2) have effect as if made by a traffic regulation order under the 1984 Act, and their application may be varied or revoked by such an order or by any other enactment which provides for the variation or revocation of such orders.

Agreements with highway authorities

20.—(1) A relevant highway authority and the undertaker may enter into agreements related to the authorised development with respect to—

- (a) the construction, and/or maintenance of any new highway, including any structure carrying the highway over the existing canal and railway and any railway authorised by this Order;
 - (b) the strengthening, improvement, repair or reconstruction of any highway under the powers conferred by this Order;
 - (c) the maintenance of landscaping within a highway constructed as part of the highway works;
 - (d) the maintenance of any highway related assets which fall outside the extent of highway maintained by a relevant highway authority;
 - (e) any stopping up, alteration or diversion of a highway as part of or to facilitate the authorised development;
 - (f) the carrying out in the highway of any of the works referred to in article 8 (street works); or
 - (g) the erection of signage in connection with the authorised development.
- (2) Such an agreement may, without limitation on the scope of paragraph (1)—
- (a) make provision for the relevant highway authority to carry out any function under this Order which relates to the highway in question;
 - (b) include an agreement between the undertaker and the relevant highway authority specifying a reasonable time for the completion of the works; and
 - (c) contain such terms as to payment and otherwise as the parties consider appropriate.

Status:

Point in time view as at 21/10/2020.

Changes to legislation:

There are currently no known outstanding effects for the The West Midlands Rail Freight Interchange Order 2020, PART 3.