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STATUTORY INSTRUMENTS

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**2022 No. 820**

The Northumberland Line Order 2022

PART 1

PRELIMINARY

**Interpretation**

**2.—(1)** In this Order—

- “the 1961 Act” means the Land Compensation Act 1961(1);
- “the 1965 Act” means the Compulsory Purchase Act 1965(2);
- “the 1980 Act” means the Highways Act 1980(3);
- “the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(4);
- “the 1990 Act” means the Town and Country Planning Act 1990(5);
- “the 1991 Act” means the New Roads and Street Works Act 1991(6);
- “the 2003 Act” means the Communications Act 2003(7);
- “address” includes any number or address used for the purposes of electronic transmission;
- “the book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;
- “bridleway” has the same meaning as in the 1980 Act;
- “building” includes any structure or erection or any part of a building, structure or erection;
- “carriageway” has the same meaning as in the 1980 Act;
- “the Council” means Northumberland County Council of County Hall, Morpeth, Northumberland;
- “cycle track” has the same meaning as in section 329(1) (further provisions as to interpretation)(8) of the 1980 Act;
- “the development” means the works and operations authorised by this Order and any other works and operations incidental or ancillary to the re-introduction of passenger rail services between Ashington in the County of Northumberland and Newcastle upon Tyne permitted by—
  - (a) the planning permissions; and

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(1) 1961 c. 33.

(2) 1965 c. 56.

(3) 1980 c. 66.

(4) 1981 c. 66.

(5) 1990 c. 8.

(6) 1991 c. 22.

(7) 2003 c. 21.

(8) The definition of “cycle track” (in section 329(1)) was amended by section 1 of the Cycle Tracks Act 1984 (c. 38) and paragraph 21(2) of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54).

- (b) the Town and Country Planning (General Permitted Development) (England) Order 2015<sup>(9)</sup>, including Part 18 of Schedule 2 to that Order in relation to works authorised by the enabling Acts;

“electronic transmission” means a communication transmitted—

- (a) by means of an electronic communications network; or  
 (b) by other means but while in electronic form,

and in this definition “electronic communications network” has the same meaning as in section 32(1) (meaning of electronic communications networks and services) of the Communications Act 2003<sup>(10)</sup>;

“the enabling Acts” means—

- (a) the Blyth and Tyne Railway Act 1852<sup>(11)</sup>;  
 (b) the Blyth and Tyne Railway Branches Act 1853<sup>(12)</sup>;  
 (c) the Blyth and Tyne Railway Consolidation and Extensions Act 1854<sup>(13)</sup>;  
 (d) the Blyth and Tyne Railway Amendment Act 1857<sup>(14)</sup>;  
 (e) the Blyth and Tyne Railway Amendment Act 1861<sup>(15)</sup>;  
 (f) the Blyth and Tyne Railway Act 1872<sup>(16)</sup>; and  
 (g) the North Eastern Railway Act 1902<sup>(17)</sup>;

“footpath” and “footway” have the same meanings as in the 1980 Act;

“highway” and “highway authority” have the same meaning as in the 1980 Act;

“land and works plans” means the plans certified by the Secretary of State as the land and works plans for the purposes of this Order;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace, and “maintenance” is to be construed accordingly;

“Network Rail” means Network Rail Infrastructure Limited (company registration number 02904587) whose registered office is at 1 Eversholt Street, London, NW1 2DN;

“Order limits” means the Order limits as shown on the land and works plans;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981<sup>(18)</sup>;

“the planning permissions” means—

- (a) the planning permissions identified in Schedule 1 (planning permissions);  
 (b) any planning permission granted under section 73 (Determination of applications to develop land without compliance with conditions previously attached) of the 1990 Act<sup>(19)</sup> directly related to any of those planning permissions; and

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(9) S.I. 2015/596.

(10) 2003 c. 21. Section 32(1) was amended by S.I. 2011/1210.

(11) 1852 c. cxxii.

(12) 1853 c. clxxii.

(13) 1854 c. lxxix.

(14) 1857 c. cxiv.

(15) 1861 c. xcvi.

(16) 1872 c. l.

(17) 1902 c. clxviii.

(18) 1981 c. 67. The definition of “owner” (in section 7(1)) was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34). There are other amendments to section 7 which are not relevant to the Order.

(19) Section 73 was amended by section 120 of, and paragraph 1 of Schedule 9 to, the Planning and Compulsory Purchase Act 2004 (c. 5) and section 14(4) of, and paragraph 4 of Schedule 3 to, the Neighbourhood Planning Act 2017 (c. 20). There are further amendments to section 73 which are not relevant to this Order.

(c) any other planning permission granted under the 1990 Act for the development listed in column (4) of Schedule 1;

“the railway” means the existing railway line between Ashington and Newcastle;

“rights of way plans” means the plans certified by the Secretary of State as the rights of way plans for the purposes of this Order;

“statutory undertaker” means—

(a) any person who is a statutory undertaker for any of the purposes of the 1990 Act; and

(b) any public communications provider within the meaning of section 151(1) (interpretation of Chapter 1) of the 2003 Act<sup>(20)</sup>;

“street” has the meaning given in section 48 (streets, street works and undertakers) of the 1991 Act;

“street authority”, in relation to a street, has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act; and

“the tribunal” means the Lands Chamber of the Upper Tribunal.

(2) All distances, directions and lengths referred to in this Order are approximate.

(3) References in this Order to points identified by letters with or without numbers, are construed as references to points so lettered on the rights of way plans.

(4) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the airspace above its surface.

(5) References in this Order to numbered plots are references to plot numbers on the land and works plans.

(6) References in this Order to points identified by letters and numbers are to be construed as references to points so shown on the rights of way plans.

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<sup>(20)</sup> There are amendments to section 151 which are not relevant to this Order.