
STATUTORY INSTRUMENTS

2022 No. 934

**The A428 Black Cat to Caxton Gibbet
Development Consent Order 2022**

PART 1

PRELIMINARY

Disapplication of legislative provisions

3.—(1) The provisions of the Neighbourhood Planning Act 2017⁽¹⁾ insofar as they relate to temporary possession of land under articles 37 (temporary use of land for carrying out the authorised development) and 38 (temporary use of land for maintaining the authorised development) do not apply in relation to the construction of 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 the maintenance period defined in article 38(13), any maintenance of any part of the authorised development.

(2) 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—

- (a) regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016⁽²⁾ in relation to the carrying on of a flood risk activity;
- (b) 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⁽³⁾;
- (c) section 23 (prohibition on obstructions etc. in watercourses) of the Land Drainage Act 1991⁽⁴⁾;
- (d) section 32⁽⁵⁾ (variation of awards) of the Land Drainage Act 1991;
- (e) section 15 (temporary closure of recreational waterways) of the Anglian Water Authority Act 1977⁽⁶⁾;
- (f) Part 11 (Community Infrastructure Levy) of the 2008 Act; and

(1) 2017 c. 20.

(2) S.I. 2016/1154.

(3) 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.

(4) 1991 c. 59. Section 23 was amended by section 120(1) of and paragraph 192 of Schedule 22 to, the Environment Act 1995 and section 31 of, and paragraphs 25 and 32 of Schedule 2 to, the Flood and Water Management Act 2010 (c. 29).

(5) Section 32 was amended by S.I. 2013/755.

(6) 1977 c. i.

(g) the provisions of any byelaws made under section 66(7) (powers to make byelaws) of the Land Drainage Act 1991.

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

(7) Section 66 was amended by section 49(3) of and 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).