
STATUTORY INSTRUMENTS

2020 No. 121

**The A30 Chiverton to Carland Cross
Development Consent Order 2020**

PART 2

PRINCIPAL POWERS

Development consent etc. granted by the Order

5.—(1) Subject to the provisions of this Order, including the requirements in Schedule 2 (requirements), the undertaker is granted development consent for the authorised development to be carried out within the Order limits.

(2) Any enactment applying to land within or adjacent to the Order limits has effect subject to the provisions of this Order.

Maintenance of authorised development

6. The undertaker may at any time maintain the authorised development, except to the extent that this Order, or an agreement made under this Order, provides otherwise.

Planning permission

7. If planning permission is granted under the powers conferred by the 1990 Act for development any part of which is within the Order limits following the coming into force of this Order that is—

- (a) not itself a nationally significant infrastructure project under the 2008 Act or part of such a project; or
- (b) required to complete or enable the use or operation of any part of the development authorised by this Order,

then the carrying out, use or operation of such development under the terms of the planning permission does not constitute a breach of the terms of this Order.

Limits of deviation

8. In carrying out the authorised development the undertaker may—

- (a) in respect of the earthworks associated with Work Nos. 1 to 12 only, deviate laterally from the lines or situations of the authorised development shown on the works plans to a maximum of 1.75 metres;
- (b) in respect of any other work, deviate laterally from the lines or situations of the authorised development shown on the works plans to a maximum of 0.5 metres;
- (c) subject to sub-paragraph (d), deviate vertically from the levels of the authorised development shown on the general arrangement and section plans to a maximum of 0.5 metres upwards or downwards; and

(d) in respect of that part of:

- (i) Work Nos. 1 and 3 between points M and N on sheet 1 of the works plans;
- (ii) Work No. 1 between points O and P on sheet 4 of the works plans; and
- (iii) Work Nos. 1 and 5 between points Q and R on sheet 8 of the works plans,

deviate vertically from the levels of the authorised development shown on the general arrangement and section plans to a maximum of 0.5 metres downwards, except that these maximum limits of deviation do not apply where it is demonstrated by the undertaker to the Secretary of State's satisfaction and the Secretary of State, following consultation with the relevant planning authority and the local highway authority, certifies accordingly that a deviation in excess of these limits would not give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

Benefit of Order

9.—(1) Subject to paragraph (2) and article 10 (consent to transfer benefit of Order), the provisions of this Order conferring powers on the undertaker have effect solely for the benefit of the undertaker.

(2) Paragraph (1) does not apply to the works for which consent is granted by this Order for the express benefit of owners and occupiers of land, statutory undertakers and other persons affected by the authorised development.

Consent to transfer benefit of Order

10.—(1) The undertaker may—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order, including those relating to compulsory acquisition, and such related statutory rights as may be agreed between the undertaker and the transferee; or
- (b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order, including those relating to compulsory acquisition, and such related statutory rights as may be so agreed.

(2) Where an agreement has been made in accordance with paragraph (1) references in this Order to the undertaker, except in paragraph (3), include references to the transferee or the lessee.

(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.

(4) If the benefit of the provisions of this Order relating to compulsory acquisition is transferred or granted to a transferee or lessee pursuant to this article and the transferee or lessee exercises those powers then the undertaker alone is liable for any compensation that is payable to another party as a consequence of the exercise of those powers by the transferee or lessee.

(5) The consent of the Secretary of State is required for a transfer or grant under this article, except where the transfer or grant is made to—

- (a) South West Water Limited (company number 02366665, whose registered office is at Peninsula House, Rydon Lane, Exeter, Devon EX2 7HR) for the purposes of undertaking Work Nos. 14, 16, 25, 31, 36, 46 and 66;
- (b) Western Power Distribution (South West) Public Limited Company (company number 02366894, whose registered office is at Avonbank, Feeder Road, Bristol BS2 0TB) (or a related or subsidiary company) for the purposes of undertaking Work Nos. 15, 19, 20, 24, 26, 28, 32, 37, 40, 42, 43, 57, 63 and 70;

- (c) BT Group Public Limited Company (company number 04190816, whose registered office is at 81 Newgate Street, London EC1A 7AJ) (or a related or subsidiary company) for the purposes of undertaking Work Nos. 21, 27, 29, 33, 34, 35, 39, 41, 44, 50, 51, 52, 54, 56, 59, 60, 61, 62, 64 and 65;
- (d) Wales & West Utilities Limited (company number 05046791, whose registered office is at Wales & West House, Spooner Close, Coedkernew, Newport, South Wales NP10 8FZ) for the purposes of undertaking Work Nos. 22 and 45;
- (e) Instalcom Limited (company number 03421543, whose registered office is at 164 Field End Road, Eastcote, HA5 1RH) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73;
- (f) Level 3 Communications Limited (company number 03514850, whose registered office is at 7th Floor, 10 Fleet Place, London EC4M 7RB) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73;
- (g) Renewable Energy Systems Limited (company number 01589961, whose registered office is at Beaufort Court, Egg Farm Lane, Station Road, Kings Langley, Hertfordshire WD4 8LR) for the purposes of undertaking Work Nos. 19 and 57;
- (h) ScottishPower Renewables (UK) Limited (company number NI028425, whose registered office is at The Soloist, 1 Lanyon Place, Belfast, Northern Ireland BT1 3LP) for the purposes of undertaking Work Nos. 5(g) and 5(m);
- (i) Verizon Digital Media Services UK Limited (company number 08524398, whose registered office is at Midcity Place, 71 High Holborn, London WC1V 6DA) for the purposes of undertaking Work No. 13;
- (j) Virgin Media Limited (company number 02591237, whose registered office is at 500 Brook Drive, Reading RG2 6UU) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73;
- (k) Vodafone Group Public Limited Company (company number 01833679, whose registered office is at Vodafone House, The Connection, Newbury, Berkshire RG14 2FN) (or a related or subsidiary company) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73;
- (l) Sky UK Limited (company number 02906991, whose registered office is at Grant Way, Isleworth, Middlesex TW7 5QD) for the purposes of undertaking Work Nos. 23, 47, 48, 49, 53, 55, 58, 67, 68, 69, 71, 72 and 73; or
- (m) Everything Everywhere Limited (company number 08263590, whose registered office is at Trident Place, Mosquito Way, Hatfield, Hertfordshire AL10 9BW) for the purposes of undertaking Work No. 6(i).