

STATUTORY INSTRUMENTS

2024 No. 360

**The A66 Northern Trans-Pennine
Development Consent Order 2024**

PART 4

OPERATIONAL PROVISIONS

Classification of roads, etc.

40.—(1) From the date on which the roads described in the paragraphs of Schedule 7 (classification of roads, etc.) and listed in column (1) of the table below are completed and open for traffic, those roads with the corresponding classification in column (2) of that table that are described as—

- (a) special roads, are to become special roads as if they had become so by virtue of an order made under section 16(3) (general provision as to special roads) of the 1980 Act specifying that date as the date on which they were to become special roads;
- (b) trunk roads, are to become trunk roads as if they had become so by virtue of an order made under section 10(2)(1) (general provision as to trunk roads) of the 1980 Act specifying that date as the date on which they were to become trunk roads;
- (c) classified roads, are to be classified as set out in that Part and are to be a classified road for the purpose of any enactment or instrument which refers to highways classed as classified roads, as if such classification had been made under section 12(3) (general provision as to principal and classified roads) of the 1980 Act;
- (d) unclassified roads, are to be unclassified; and
- (e) a quiet lane, is to become a quiet lane as if it had been designated as a quiet lane by virtue of section 268(1) (quiet lanes and home zones) of the Transport Act 2000(2).

Table referred to in paragraph (1)

(1) <i>Paragraphs of Schedule 7 in which the road to be classified in accordance with the provisions of this article is described</i>	(2) <i>Classification of roads</i>
2, 3, 4 and 5	Special roads
1, 7, 8, 9, 10, 16, 17, 18, 19, 24, 25, 26, 27, 28, 29, 30, 50, 51, 53, 62, 63, 64, 65, 66, 67, 72, 73, 74, 79, 80, 81, 83, 88, 89, 92 and 93	Trunk roads

(1) Section 10(2) was amended by section 22(2)(a) of the New Roads and Street Works Act 1991 (c. 22) and by section 1(6) of, and paragraphs 1 and 10(1) and (2) of Schedule 1 to, the Infrastructure Act 2015 (c. 7).

(2) 2000 c. 38.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(1) <i>Paragraphs of Schedule 7 in which the road to be classified in accordance with the provisions of this article is described</i>	(2) <i>Classification of roads</i>
6, 11, 12, 13, 14, 20, 31, 32, 33, 34, 35, 36, 37, 38, 52, 54, 55, 56, 58, 75, 82, 90 and 91	Classified roads
21, 22, 39, 40, 41, 42, 43, 44, 45, 46, 47, 57, 59, 68, 69, 70, 76, 77, 78 and 94	Unclassified roads
48	Quiet lane

(2) Subject to paragraphs (3) and (4), the undertaker may vary the classification or designation of the roads, or any part of those roads, provided for in paragraph (1) and such variation may provide for any trunk road comprised in the authorised development and referred to in paragraph (1)(a) to be classified as a special road.

(3) The undertaker must not exercise the powers conferred by paragraph (2) unless the undertaker has—

- (a) given not less than 4 weeks' notice in writing of the undertaker's intention so to do to the chief officer of police and to the local highway authority in whose area the road is situated; and
- (b) published a notice, declaring the date on which that road or part of it is to be classified not less than 7 days before that date, in at least one local newspaper circulating in the area in which the road, or as the case may be, the relevant part of it is situated and in the London Gazette.

(4) Before exercising the powers conferred by paragraph (2), the undertaker must consult such persons as the undertaker considers necessary and appropriate and must take into consideration any representations made to the undertaker by any such person.

(5) Any roads classified as a special road in accordance with paragraph (1) are to be—

- (a) classified as special roads for the purpose of any enactment or instrument which refers to highways classified as special roads; and
- (b) provided for the use of traffic of Classes I and II of the classes of traffic set out in Schedule 4 (classes of traffic for purposes of special roads) to the 1980 Act.

(6) On any such days as the undertaker may determine, unless otherwise agreed in writing with the local highway authority, the roads described in paragraphs 15, 23, 49, 60, 61, 71, 84, 85, 86, 87, 95 and 96 of Schedule 7 are to cease to be trunk roads as if they had ceased to be trunk roads by virtue of an order made under section 10(2) of the 1980 Act specifying that date as the date on which they were to cease to be trunk roads.

(7) The application of paragraphs (1) to (6) may be varied or revoked by any instrument made under any enactment which provides for the variation or revocation of such matters.

Clearways

41.—(1) From such day or days as the undertaker may determine, except as provided in paragraph (2) below, no person is to cause or permit any vehicle to wait on any part of the lengths of road described in column (2) of any of the tables headed “traffic regulation measures (clearways and prohibitions)” contained in Schedule 8 (traffic regulation measures etc.) where it is identified that such lengths of road are to become a clearway in the corresponding row of column (3) of that table, except upon the direction of, or with the permission of, a uniformed constable or uniformed traffic officer.

- (2) Nothing in paragraph (1) applies—
- (a) to render it unlawful to cause or permit a vehicle to wait on any part of a road, 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 road;
 - (iii) the laying, erection, inspection, maintenance, alteration, repair, renewal or removal in or near the road of any sewer, main pipe, conduit, wire, cable or other apparatus for the supply of gas, water, electricity or any electronic communications apparatus as defined in Schedule 3A (the electronic communications code) to the Communications Act 2003(3); 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, safety camera partnership or 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(4); or
 - (iv) by a universal service provider for the purposes of providing a universal postal service as defined by the Postal Service Act 2000(5); 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.
- (3) No person is to cause or permit any vehicle to wait on any part of the roads described in paragraph (1) for the purposes of selling, or dispensing of, goods from that vehicle, unless 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 dispensed.
- (4) Paragraphs (1), (2) and (3) have effect as if made by order under the 1984 Act, and their application may be varied or revoked by an order made under that Act or any other enactment which provides for the variation or revocation of such orders.
- (5) In this article, “traffic officer” means an individual designated under section 2 (designation of traffic officers) of the 2004 Act.

Traffic regulation measures

- 42.**—(1) Subject to the provisions of this article, and from any such day or days as the undertaker may determine—
- (a) no person is to drive any motor vehicle at a speed exceeding the limit in miles per hour specified in column (3) of any of the tables headed “speed limits” contained in Schedule 8 (traffic regulation measures etc.) along the lengths of road identified in the corresponding row of column (2) of that table;
 - (b) subject to paragraph (2) and article 41 (clearways), the restrictions (other than clearways) specified in column (3) of any of the tables headed “traffic regulation

(3) 2003 c. 21. Schedule 3A was inserted by section 4(2) of, and Schedule 1 to, the Digital Economy Act 2017 (c. 30).

(4) 1991 c. 56.

(5) 2000 c. 26.

measures” (clearways and prohibitions) contained in Schedule 8 is to apply to the length of road identified in the corresponding row of column (2) of that table; and

- (c) the orders specified in column (3) of any of the tables headed “revocations and variations of existing traffic regulation orders” contained in Schedule 8 are to be varied or revoked as specified in the corresponding row of column (4) of that table in respect of the lengths of roads specified in the corresponding row of column (2) of that table.

(2) No speed limit imposed by or under this Order applies to vehicles falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011(6) when used in accordance with regulation 3(5) of those regulations.

(3) Without limiting the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld, the undertaker may, in so far as necessary or expedient for the purposes of, in connection with, or in consequence of the construction, maintenance and operation 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, waiting, loading or unloading of vehicles on any road;
- (c) 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.

(4) The power conferred by paragraph (3) may be exercised at any time prior to the expiry of 24 months from the opening of the authorised development for public use, but subject to paragraph (8), any prohibition, restriction or other provision made under paragraph (3) may have effect both before and after the expiry of that period.

(5) The undertaker must not exercise the powers conferred by paragraph (3), unless the undertaker has—

- (a) given not less than—
 - (i) 12 weeks’ notice in writing of the undertaker’s intention so to do in the case of a prohibition, restriction or other provision intended to have effect permanently; or
 - (ii) 4 weeks’ notice in writing of the undertaker’s intention so to do in the case of a prohibition, restriction or other provision intended to have effect temporarily,
 to the chief officer of police and to the traffic authority in whose area the road is situated; and
- (b) advertised the undertaker’s intention in such manner as the traffic authority may specify in writing within 28 days of its receipt of notice of the undertaker’s intention in the case of sub-paragraph (a)(i), or within 7 days of its receipt of notice of the undertaker’s intention in the case of sub-paragraph (a)(ii).

(6) Any prohibition, restriction or other provision made by the undertaker under paragraph (1) or (3)—

- (a) has effect as if duly made by, as the case may be—
 - (i) the traffic authority in whose area the road is situated, 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(7) (power of local authorities to provide parking places) of the 1984 Act,

and the instrument by which it is effected may specify savings and exemptions to which the prohibition, restriction or other provision is subject; and

(b) is deemed to be a traffic order for the purposes of Schedule 7 (road traffic contraventions subject to civil enforcement) to the 2004 Act.

(7) 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 (1) or (3) within a period of 24 months from the opening of the authorised development.

(8) Before exercising the powers conferred by paragraph (1) or (3) the undertaker must consult such persons as the undertaker considers necessary and appropriate and must take into consideration any representations made to the undertaker by any such person.

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

(7) Section 32 was amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and section 168(1) of, and paragraph 39 of Schedule 8 to, the New Roads and Street Works Act 1991.