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STATUTORY INSTRUMENTS

2017 No. 1202

INFRASTRUCTURE PLANNING

The M20 Junction 10a Development Consent Order 2017

Made - - - - 1st December 2017
Coming into force 22nd December 2017

THE M20 JUNCTION 10A DEVELOPMENT CONSENT ORDER 2017

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Disapplication of legislative provisions
4. Maintenance of drainage works

PART 2

PRINCIPAL POWERS

5. Development consent etc. granted by the Order
6. Maintenance of authorised development
7. Planning permission
8. Limits of deviation
9. Benefit of Order
10. Consent to transfer benefit of Order

PART 3

STREETS

11. Application of the 1991 Act
12. Construction and maintenance of new, altered or diverted streets and other structures
13. Classification of roads, etc.
14. Temporary stopping up and restriction of use of streets
15. Permanent stopping up and restriction of use of streets and private means of access
16. Access to works

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17. Clearways

PART 4

SUPPLEMENTAL POWERS

- 18. Discharge of water
- 19. Protective work to buildings
- 20. Authority to survey and investigate the land

PART 5

POWERS OF ACQUISITION

- 21. Compulsory acquisition of land
- 22. Compulsory acquisition of land - incorporation of the mineral code
- 23. Time limit for exercise of authority to acquire land compulsorily
- 24. Compulsory acquisition of rights
- 25. Public rights of way
- 26. Private rights over land
- 27. Modification of Part 1 of the 1965 Act
- 28. Application of the 1981 Act
- 29. Acquisition of subsoil or airspace only
- 30. Rights under or over streets
- 31. Temporary use of land for carrying out the authorised development
- 32. Temporary use of land for maintaining the authorised development
- 33. Statutory undertakers
- 34. Apparatus and rights of statutory undertakers in stopped up streets
- 35. Recovery of costs of new connections
- 36. Special category land

PART 6

OPERATIONS

- 37. Existing powers and duties of the undertaker
- 38. Felling or lopping of trees and removal of hedgerows
- 39. Trees subject to tree preservation orders

PART 7

MISCELLANEOUS AND GENERAL

- 40. Application of landlord and tenant law
- 41. Operational land for purposes of the 1990 Act
- 42. Defence to proceedings in respect of statutory nuisance
- 43. Protective provisions
- 44. Certification of plans, etc.
- 45. Service of notices
- 46. Arbitration
- 47. Traffic regulation
- Signature

SCHEDULES

SCHEDULE 1 — AUTHORISED DEVELOPMENT

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In the administrative areas of Kent County Council and Ashford Borough Council

SCHEDULE 2 — REQUIREMENTS

PART 1 — REQUIREMENTS

1. Interpretation
 2. Time limits
 3. Construction Environmental Management Plan
 4. Details of consultation
 5. Landscaping
 6. Implementation and maintenance of landscaping
 7. Fencing
 8. Land and groundwater contamination
 9. Archaeology
 10. Protected species
 11. Traffic management
 12. Detailed design
 13. Surface and foul water drainage
 14. Flood compensatory storage
 15. Approvals and amendments to approved details
 16. Alternative A2070 options
- PART 2 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS
17. Applications made under requirements
 18. Further information
 19. Register of requirements
 20. Anticipatory steps towards compliance with any requirement

SCHEDULE 3 — CLASSIFICATIONS OF ROADS, ETC.

PART 1 — SPECIAL ROADS

PART 2 — TRUNK ROADS

PART 3 — CLASSIFIED ROADS

PART 4 — UNCLASSIFIED ROADS

PART 5 — SPEED LIMITS

PART 6 — TRAFFIC REGULATION MEASURES (CLEARWAYS AND PROHIBITIONS)

PART 7 — REVOCATIONS & VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS

PART 8 — FOOTPATHS, CYCLE TRACKS AND FOOTWAYS

SCHEDULE 4 — PERMANENT STOPPING UP OF HIGHWAYS AND PRIVATE MEANS OF ACCESS & PROVISION OF NEW HIGHWAYS AND PRIVATE MEANS OF ACCESS

PART 1 — HIGHWAYS TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

PART 2 — HIGHWAYS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND NEW HIGHWAYS WHICH ARE OTHERWISE TO BE PROVIDED

PART 3 — PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND NEW PRIVATE MEANS OF ACCESS WHICH ARE OTHERWISE TO BE PROVIDED

PART 4 — PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

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SCHEDULE 5 — LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED

SCHEDULE 6 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

Compensation enactments

1. The enactments for the time being in force with respect...
2. (1) Without limitation on the scope of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...

Application of Part 1 of the 1965 Act

4. Part 1 of the 1965 Act, as applied by section...
5. (1) The modification referred to in paragraph 4(a) are as...

SCHEDULE 7 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 8 — TREES SUBJECT TO TREE PRESERVATION ORDERS

SCHEDULE 9 — PROTECTIVE PROVISIONS

PART 1 — FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

1. For the protection of the utility undertakers referred to in...
2. In this Part of this Schedule— “alternative apparatus” means alternative...
3. On street apparatus
4. Apparatus in stopped up streets
5. Protective works to buildings
6. Acquisition of land
7. Removal of apparatus
8. Facilities and rights for alternative apparatus
9. Retained apparatus
10. Expenses and costs
11. (1) Subject to sub-paragraphs (2) and (3), if by reason...
12. Cooperation
13. Nothing in this Part of this Schedule affects the provisions...

PART 2 — FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

14. For the protection of any operator, the following provisions have...
15. In this Part of this Schedule— “the 2003 Act” means...
16. The exercise of the powers conferred by article 33 (statutory...
17. (1) Subject to sub-paragraphs (2) to (4), if as the...

PART 3 — FOR THE PROTECTION OF THE ENVIRONMENT AGENCY

18. The following provisions apply for the protection of the Agency...
19. In this Part of this Schedule— “the Agency” means the...
20. (1) Before beginning to construct any specified work, the undertaker...
21. Without limitation on the scope of paragraph 20, but subject...
22. (1) Subject to sub-paragraph (2), any specified work, and all...
23. (1) Subject to sub-paragraph (6), the undertaker must from the...
24. If by reason of the construction of any specified work...
25. If by reason of construction of a specified work the...
26. (1) The undertaker must take all such measures as may...

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27. (1) The undertaker must repay to the Agency all costs,...
28. If following construction of the authorised development the Agency's access...
29. Any dispute arising between the undertaker and the Agency under...

SCHEDULE 10 — ENVIRONMENTAL STATEMENT DOCUMENTS TO BE CERTIFIED

Explanatory Note

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