
STATUTORY INSTRUMENTS

2021 No. 125

INFRASTRUCTURE PLANNING

**The A303 Sparkford to Ilchester Dualling
Development Consent Order 2021**

Made - - - - 29th January 2021

Coming into force 19th February 2021

**THE A303 SPARKFORD TO ILCHESTER DUALLING
DEVELOPMENT CONSENT ORDER 2021**

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. Street works
12. Application of the 1991 Act
13. Construction and maintenance of new, altered or diverted streets and other structures
14. Classification of roads, etc.
15. Temporary stopping up and restriction of use of streets and highways

Status: This is the original version (as it was originally made).

16. Permanent stopping up and restriction of use of highways, streets and private means of access
17. Creation or improvement of means of access to works
18. Clearways, prohibitions and restrictions
19. Traffic regulation

PART 4

SUPPLEMENTAL POWERS

20. Discharge of water
21. Protective works to buildings
22. Authority to survey and investigate the land

PART 5

POWERS OF ACQUISITION

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

PART 6

OPERATIONS

38. Felling or lopping of trees and removal of hedgerows

PART 7

MISCELLANEOUS AND GENERAL

39. Application of landlord and tenant law
40. Operational land for purposes of the 1990 Act
41. Defence to proceedings in respect of statutory nuisance
42. Protective provisions
43. Certification of plans etc.
44. Service of notices
45. Arbitration
46. Removal of human remains
47. Crown rights
Signature

SCHEDULES

SCHEDULE 1 — AUTHORISED DEVELOPMENT

SCHEDULE 2 — REQUIREMENTS

PART 1 — REQUIREMENTS

1. Interpretation
 2. Time limits
 3. Construction Environmental Management Plan
 4. Landscape and ecological management plan
 5. Details of consultation
 6. Landscaping
 7. Implementation and maintenance of landscaping
 8. Land and groundwater contamination
 9. Archaeology
 10. Ecology, Priority and Protected species
 11. Traffic management
 12. Detailed design
 13. Surface water drainage
 14. Noise mitigation
 15. Highway lighting
 16. Delivery approach plan
 17. Provision of non-motorised user route at western end
 18. No through road signs for Traits Lane and Gason Lane
 19. Speed limit on B3151
 20. Traffic monitoring and mitigation in Sparkford
 21. Approvals and amendments to approved details
- PART 2 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS
22. Applications made under requirements
 23. Further information
 24. Register of requirements
 25. Anticipatory steps towards compliance with any requirement

SCHEDULE 3 — CLASSIFICATION OF ROADS, ETC.

PART 1 — TRUNK ROADS

PART 2A — ROADS TO BE DE-TRUNKED AND VESTED IN SOMERSET COUNTY COUNCIL

PART 2B — ROADS TO BE DE-TRUNKED AND REMAIN UNDER THE CONTROL AND MANAGEMENT OF THE UNDERTAKER

PART 3 — CLASSIFIED A ROADS

PART 4 — CLASSIFIED B ROADS

PART 5 — UNCLASSIFIED ROADS

PART 6 — SPEED LIMITS

PART 7 — TRAFFIC REGULATION MEASURES (CLEARWAYS AND PROHIBITIONS)

PART 8 — TRAFFIC REGULATION MEASURES (WEIGHT RESTRICTIONS)

PART 9 — TRAFFIC REGULATION MEASURES (WAITING RESTRICTIONS)

PART 10 — REVOCATIONS AND VARIATIONS OF ORDERS

PART 11 — PUBLIC RIGHTS OF WAY

PART 12 — NOTIFICATION OF DATES TO BE DETERMINED

Status: This is the original version (as it was originally made).

26. (1) Where in accordance with article 14 (classification of roads,...

SCHEDULE 4 — PERMANENT STOPPING UP AND ALTERATION OF HIGHWAYS AND PRIVATE MEANS OF ACCESS AND 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 NO SUBSTITUTE IS TO BE PROVIDED

PART 4 — PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

PART 5 — ALTERATIONS TO PRIVATE MEANS OF ACCESS

PART 6 — NEW PRIVATE MEANS OF ACCESS

SCHEDULE 5 — LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE PERMANENTLY 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...
4. Application of Part 1 of the 1965 Act
5. (1) The modifications referred to in paragraph 4(a) are as...

SCHEDULE 7 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 8 — 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 35 (statutory...
17. (1) Subject to sub-paragraphs (2) to (4), if as a...
PART 3 — FOR THE PROTECTION OF DRAINAGE AUTHORITIES
18. The provisions of this Part have effect for the protection...
19. In this Part of this Schedule— “construction” includes execution, placing,...
20. (1) Before commencing construction of a specified work, the undertaker...
21. Without limiting the scope of paragraph 20, the requirements which...
22. (1) Subject to sub-paragraph (2), any specified work, and all...
23. (1) Subject to sub-paragraph (5), the undertaker must from the...
24. If by reason of the construction of a specified work...
25. The undertaker must indemnify the drainage authority in respect of...
26. (1) Without limiting the other provisions of this Part of...
27. The fact that any work or thing has been executed...
28. Any dispute arising between the undertaker and the drainage authority...
PART 4 — FOR THE PROTECTION OF THE LOCAL HIGHWAY
AUTHORITY REGARDING VEHICULAR HIGHWAYS
29. The provisions of this Part of this Schedule have effect...
30. In this Part of this Schedule— “Commutated Sum” means the...
31. Before commencing the construction of, or the carrying out of...
32. (1) Before commencing the construction of, or the carrying out...
33. (1) Before commencing the construction of, or the carrying out...
34. (1) The undertaker will allow and facilitate an appropriately qualified...
35. (1) Any officer of the local highway authority duly appointed...
36. (1) The undertaker must procure that an appropriately qualified safety...
37. Provision must be made in accordance with the local highway...
38. The undertaker must not, except with the consent of the...
39. Except in an emergency or where necessary to secure the...
40. In exercising the powers conferred by the Order in relation...
41. The undertaker must, if reasonably required by the local highway...
42. (1) If reasonably requested by the local highway authority, the...
43. (1) Where the undertaker carries out any Works to any...
44. (1) The Works must all be completed on such date...
45. The undertaker will hold the local highway authority harmless and...
46. (1) When the undertaker considers that the Works have reached...
47. The local highway authority must, if requested to do so...
48. No earlier than 52 weeks from the date of issue...
49. The undertaker must pay to the local highway authority in...
50. (1) The undertaker must, within 3 months of the date...
51. Nothing in this Part of this Schedule prevents the local...
52. Any difference arising between the undertaker and the local highway...
PART 5 — FOR THE PROTECTION OF THE LOCAL HIGHWAY
AUTHORITY REGARDING NON- VEHICULAR HIGHWAYS
53. The provisions of this Part of this Schedule have effect...
54. In this Part of this Schedule— “Design Detailing” in relation...
55. Before commencing the construction of, or the carrying out of...
56. Any officer of the local highway authority duly appointed for...
57. The testing of materials used in any Works affecting local...
58. (1) Where the undertaker carries out any Works to any...
59. The undertaker must notify the local highway authority of the...
60. The undertaker will hold the local highway authority harmless and...
61. The undertaker must indemnify the local highway authority in respect...

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62. Nothing in this Part of this Schedule prevents the local...
63. Any difference arising between the undertaker and the local highway...

- SCHEDULE 9 — DOCUMENTS TO BE CERTIFIED
 - PART 1 — CLASSIFICATION OF ROADS PLANS
 - PART 2 — DE-TRUNKING PLANS
 - PART 3 — THE ENGINEERING SECTIONS
 - PART 4 — THE ENVIRONMENTAL STATEMENT
 - PART 5 — GENERAL ARRANGEMENT PLANS
 - PART 6 — LAND PLANS, CROWN LAND PLAN AND BOOK OF REFERENCE
 - PART 7 — PERMANENT SPEED LIMITS PLANS
 - PART 8 — RIGHTS OF WAY AND ACCESS PLANS
 - PART 9 — TRAFFIC REGULATION MEASURES PLANS
 - PART 10 — WORKS PLANS
 - PART 11 — OTHER DOCUMENTS

Explanatory Note