
STATUTORY INSTRUMENTS

2021 No. 125

The A303 Sparkford to Ilchester Dualling
Development Consent Order 2021

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 the Order limits or adjacent land 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) deviate laterally from the lines or situations of the authorised development shown on the works plans to the extent of the limits of deviation shown on those plans; and
- (b) deviate vertically from the levels of the authorised development shown on the engineering drawings and sections—
 - (i) in respect of Work Nos. 81, 85 and 92 to a maximum of 1 metre upwards or 5 metres downwards; or
 - (ii) for all other works to a maximum of 1 metre upwards or downwards.

except that these maximum limits of vertical deviation do not apply where it is demonstrated by the undertaker to the Secretary of State's satisfaction and the Secretary of State, after 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 in comparison with those reported in the environmental statement.

Benefit of Order

9.—(1) Subject to article 10 (consent to transfer benefit of Order) and paragraph (2), 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 the 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 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 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) 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) Southern Electric Power Distribution plc (company number 04094290, whose registered office is at No.1 Forbury Place, 43 Forbury Road, Reading, United Kingdom, RG1 3JH) for the purposes of undertaking Work Nos. 9, 35, 37, 38, 38a, 48, 70, 73, 76 and 79;
- (b) Wessex Water Services Limited (company number 02366648, whose registered office is at Wessex Water Operations Centre, Claverton Down Road, Claverton Down, Bath, BA2 7WW); for the purposes of undertaking Works No. 32, 44, 46, 74 and 77;
- (c) British Telecommunications Public Limited Company (company number 01800000, whose registered office is at 81 Newgate Street, London, EC1A 7AJ) for the purposes of undertaking the other works;
- (d) Openreach Limited (company number 10690039, whose registered office is at Kelvin House, 123 Judd Street, London, WC1H 9NP) for the purposes of undertaking the other works;
- (e) Sky Telecommunications Services Limited, company number 02883980, whose registered office is at Grant Way, Isleworth, Middlesex, TW7 5QD) for the purposes of undertaking the other works;
- (f) Virgin Media Limited, (company number 02591237, whose registered office is at 500 Brook Drive, Reading, United Kingdom, RG2 6UU) for the purposes of undertaking the other works;

- (g) Level 3 Communications Limited, (company number 03514850, whose registered office is at 260-266 Goswell Road, London EC1V 7EB) for the purposes of undertaking the other works;
 - (h) CenturyLink Limited (company number 09626356, whose registered office is at 260-266 Goswell Road, London EC1V 7EB) for the purposes of undertaking the other works; or
 - (i) O'Connor Utilities Limited, (company number 02916906, whose registered office is at 10 Sandfold Lane, Manchester, M19 3BJ) for the purposes of undertaking the other works.
- (5) In paragraph (4)(c) to (i) “the other works” means Work Nos. 8, 13, 31, 33, 34, 36, 43, 45, 47, 69, 71, 72, 75, 78, 84, 96, 97 and 98.