
STATUTORY INSTRUMENTS

2022 No. 1070

The A47/A11 Thickthorn Junction
Development Consent Order 2022

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the A47/A11 Thickthorn Junction Development Consent Order 2022 and comes into force on 4th November 2022.

Interpretation

2.—(1) In this Order except where provided otherwise—

“the 1961 Act” means the Land Compensation Act 1961(1);

“the 1965 Act” means the Compulsory Purchase Act 1965(2);

“the 1980 Act” means the Highways Act 1980(3);

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(4);

“the 1984 Act” means the Road Traffic Regulation Act 1984(5);

“the 1990 Act” means the Town and Country Planning Act 1990(6);

“the 1991 Act” means the New Roads and Street Works Act 1991(7);

“the 2004 Act” means the Traffic Management Act 2004(8);

“the 2008 Act” means the Planning Act 2008(9);

“address” includes any number or address for the purposes of electronic transmission;

“Anglian Water” means Anglian Water Services Limited (company number 2366656), whose registered office is at Lancaster House, Lancaster Way, Ermine Business Park, Huntingdon, Cambridgeshire, United Kingdom, PE29 6XU (or a related subsidiary company);

“apparatus” has the same meaning as in Part 3 of the 1991 Act;

“authorised development” means the development and associated development described in Schedule 1 (authorised development) and any other development authorised by this Order,

(1) 1961 c. 33.
(2) 1965 c. 56.
(3) 1980 c. 66.
(4) 1981 c. 66.
(5) 1984 c. 27.
(6) 1990 c. 8.
(7) 1991 c. 22.
(8) 2004 c.18.
(9) 2008 c. 29.

“the book of reference” means the document of that description certified by the Secretary of State as the book of reference for the purposes of this Order under article 49 (certification of documents, etc.);

“bridleway” has the same meaning as in section 329(1) of the 1980 Act;

“building” includes any structure or erection or any part of a building, structure or erection;

“Cadent” means Cadent Gas Limited (company number 10080864), whose registered office is at Pilot Way, Ansty, Coventry CV7 9JU;

“carriageway” has the same meaning as in section 329(1) of the 1980 Act;

“classification of roads plans” means the documents of that description certified by the Secretary of State as the classification of roads plans for the purposes of this Order under article 49 (certification of documents, etc.);

“commence” means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act⁽¹⁰⁾) forming part of the authorised development other than operations consisting of archaeological investigations and mitigation works, ecological surveys and pre-construction ecological mitigation, investigations for the purpose of assessing and monitoring ground conditions and levels, remedial work in respect of any contamination or other adverse ground conditions, erection of any temporary means of enclosure, receipt and erection of construction plant, equipment, welfare facilities and temporary buildings, site clearance, and the temporary display of site notices or advertisements, and “commencement” is to be construed accordingly;

“cycle track” has the same meaning as in section 329(1) (further provisions as to interpretation)⁽¹¹⁾ of the 1980 Act and for the purposes of this Order includes a right of way on foot;

“electronic transmission” means a communication transmitted—

- (a) by means of an electronic communications network; or
- (b) by other means but while in electronic form;

and in this definition “electronic communications network” has the same meaning as is in section 32(1) (meaning of electronic communications networks and services)⁽¹²⁾ of the Communications Act 2003;

“engineering drawings and sections” means the documents of that description certified by the Secretary of State as the engineering drawings and sections for the purposes of this Order;

“environmental statement” means the document of that description certified by the Secretary of State as the environmental statement for the purposes of this Order under article 49 (certification of documents, etc.);

“footpath” and “footway” has the same meaning as in section 329(1) of the 1980 Act;

“general arrangement plans” means the documents of that description certified by the Secretary of State as the general arrangement plans for the purposes of this Order under article 49 (certification of documents, etc.);

“hedgerow plans” means the documents of that description certified by the Secretary of State as the hedgerow plans for the purposes of this Order under article 49 (certification of documents, etc.);

“highway” has the same meaning as in section 328(1) of the 1980 Act;

⁽¹⁰⁾ Section 56(4) was amended by section 32 of, and paragraph 10(2) of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34).

⁽¹¹⁾ The definition of “cycle track” was amended by section 1 of the Cycle Tracks Act 1984 (c. 38) and paragraph 21(2) of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54).

⁽¹²⁾ 2003 c. 21. Section 32(1) was amended by S.I. 2011/1210.

“highway authority” means the undertaker;

“land plans” means the documents of that description certified by the Secretary of State as the land plans for the purposes of this Order under article 49 (certification of documents, etc.);

“limits of deviation” means the limits of deviation referred to in article 8 (limits of deviation);

“local highway authority” means Norfolk County Council;

“maintain” in relation to the authorised development, includes to inspect, repair, adjust, alter, remove, replace or reconstruct, provided such works do not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement, and any derivative of “maintain” is to be construed accordingly;

“Openreach” means Openreach Limited (company number 10690039), whose registered office is at Kelvin House, 123 Judd Street, London WC1H 9NP;

“Order land” means the land shown on the land plans which is within the limits of the land to be acquired or used permanently or temporarily and described in the book of reference;

“Order limits” means the limits of land to be acquired permanently or used temporarily as shown on the land plans and works plans within which the authorised development may be carried out;

“outline traffic management plan” means the document of that description certified by the Secretary of State as the outline traffic management plan for the purposes of this Order under article 49 (certification of documents, etc.);

“owner”, in relation to land, has the same meaning as in section 7 (interpretation)(13) of the Acquisition of Land Act 1981;

“relevant planning authority” means in any given provision of this Order the planning authority for the area in which the land to which the provision relates is situated;

“rights of way and access plans” means the documents of that description certified by the Secretary of State as the rights of way and access plans for the purposes of this Order under article 49 (certification of documents, etc.);

“special category land plans” means the documents of that description certified by the Secretary of State as the special category land plans for the purposes of this Order under article 49 (certification of documents, etc.);

“statutory undertaker” means any statutory undertaker for the purposes of section 127(8) (statutory undertakers’ land) of the 2008 Act;

“street” means a street within the meaning of section 48 (streets, street works and undertakers)(14) of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“traffic authority” has the same meaning as in section 121A (traffic authorities)(15) of the 1984 Act;

“traffic regulation plans” means the plans of that description certified by the Secretary of State as the traffic regulation plans for the purposes of this Order under article 49 (certification of documents, etc.);

“tribunal” means the Lands Chamber of the Upper Tribunal;

(13) 1981 c. 67. The definition of “owner” in section 7 was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34). There are other amendments to section 7 which are not relevant to this Order.

(14) Section 48 was amended by section 124 of the Local Transport Act 2008 (c. 26).

(15) Section 121A was inserted by section 168(1) of, and paragraph 70 of Schedule 8 to, the 1991 Act, and amended by section 1(6) of, and paragraph 95(2) and (3) of Schedule 1 to, the Infrastructure Act 2015 (c. 7) and S.I. 2001/1400. There are other amendments to section 121A which are not relevant to this Order.

“trunk road” means a highway which is a trunk road by virtue of—

- (a) section 10 (general provision as to trunk roads)(**16**) or section 19(1) (certain special roads and other highways to become trunk roads)(**17**) of the 1980 Act;
- (b) an order made or direction given under section 10 of that Act;
- (c) an order granting development consent; or
- (d) any other enactment;

“UKPN” means UK Power Networks (Operations) Limited (company number 03870728), whose registered office is at Newington House, 237 Southwark Bridge Road, London SE1 6NP;

“undertaker” means National Highways Limited, company number 09346363, whose registered office is at Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ;

“Virgin Media” means Virgin Media Limited (company number 02591237), whose registered office is at 500 Brook Drive, Reading RG2 6UU;

“Vodafone” means Vodafone Limited (company number 01471587), whose registered office is at Vodafone House, The Connection, Newbury, Berkshire RG14 2FN;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

“the works plans” means the plans of that description certified by the Secretary of State as the works plans for the purposes of this Order under article 49 (certification of documents, etc.).

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the airspace above its surface and references in this Order to the imposition of restrictive covenants are references to the creation of rights over land which interfere with the interests or rights of another and are for the benefit of land which is acquired under this Order or is otherwise comprised in the Order land.

(3) All distances, directions and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised development are taken to be measured along that work.

(4) For the purposes of this Order, all areas described in square metres in the book of reference are approximate.

(5) References in this Order to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the relevant plans.

(6) References in this Order to numbered works are references to the works as numbered in Schedule 1 (authorised development).

(7) The expression “includes” may be construed without limitation.

Disapplication of legislative provisions

3.—(1) The provisions of the Neighbourhood Planning Act 2017(**18**) insofar as they relate to temporary possession of land under articles 34 (temporary use of land for carrying out the authorised development) and 35 (temporary use of land for maintaining the authorised development) of this Order do not apply in relation to the construction of works carried out for the purpose of, or in connection with, the construction or maintenance of the authorised development.

(16) Section 10 was amended by section 22(2) of the 1991 Act and paragraph 22 of Schedule 2 to the 2008 Act, and by section 1 of, and Schedule 1 to, the Infrastructure Act 2015.

(17) Section 19(1) was amended by section 1 of, and Schedule 1 to, the Infrastructure Act 2015.

(18) 2017 c. 20.

(2) Section 32 (variation of awards)(**19**) of the Land Drainage Act 1991 does not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development.

Maintenance of drainage works

4.—(1) Nothing in this Order, or the construction, maintenance or operation of the authorised development under it, affects any responsibility for the maintenance of any works connected with the drainage of land, whether that responsibility is imposed or allocated by or under any enactment, or otherwise agreed in writing between the undertaker and the person responsible.

(2) In this article “drainage” has the same meaning as in section 72 (interpretation)(**20**) of the Land Drainage Act 1991.

(19) 1991 c. 59. Section 32 was amended by S.I. 2013/755 (W. 90).

(20) 1991 c. 59. The definition of “drainage” was substituted by section 100 of the Environment Act 1995 (c. 25).