
STATUTORY INSTRUMENTS

2022 No. 1206

The A57 Link Roads Development Consent Order 2022

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the A57 Link Roads Development Consent Order 2022 and comes into force on 7th December 2022.

Interpretation

2.—(1) In this Order—

“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)**;

“the 2017 Regulations” means the Compulsory Purchase of Land (Vesting Declarations) (England) Regulations 2017**(10)**;

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

“apparatus” has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act;

“authorised development” means the development described in Schedule 1 (authorised development) or any part of it, which is development within the meaning of section 32 (meaning of “development”) of the 2008 Act;

(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
(10) S.I. 2017/3.

“the book of reference” means the book of reference referred to in Schedule 10 (documents to be certified) and certified by the Secretary of State as the book of reference for the purposes of this Order;

“British Telecommunications PLC” means the company registered in England and Wales, company number 01800000, whose registered address is 1 Braham Street, London, United Kingdom, E1 8EE;

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

“bridleway” has the same meaning as in the 1980 Act and for the purposes of this Order includes a right of way on pedal cycles;

“Cadent Gas Limited” means the Company registered in England and Wales, company number 10080864, whose registered address is Cadent, Pilot Way, Ansty, Coventry, England, CV7 9JU;

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

“the classification of roads plans” means the plans of that description referred to in Schedule 10 (documents to be certified) and certified by the Secretary of State as the classification of road plans for the purposes of this Order;

“commence” means beginning to carry out any material operation (as defined in section 56(4)(11) (time when development begun) of the 1990 Act) forming part of the authorised development other than operations consisting of archaeological investigations and mitigation works, ecological surveys and mitigation works, environmental surveys and monitoring, 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, establishment of work areas and compounds, receipt of construction plant and equipment, erection of construction plant and equipment for the preliminary works (as defined in paragraph 1 of Schedule 2 (requirements)), diversion and laying of underground apparatus and site clearance, and the temporary display of site notices or information and “commencement” and “commencing” are to be construed accordingly;

“cycle track” has the same meaning as in section 329(1) of the 1980 Act and includes part of a cycle track(12);

“cycleway” means a way constituting or comprised in a highway, being a way over which the public have the following, but no other, rights of way: a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988(13)) with a right of way on foot or a right of way on horseback or leading a horse;

“Electricity North West Limited” means the company registered in England and Wales, company number 02366949, whose registered address is Electricity North West, Borron Street, Stockport, England, SK1 2JD;

“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 in section 32(1) (meaning of electronic communications networks and services) of the Communications Act 2003(14);

(11) 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).

(12) 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).

(13) 1988 c. 52.

(14) 2003 c. 21. Section 32(1) was amended by S.I. 2011/1210.

“the engineering drawings and sections” means the drawings and sections referred to in Schedule 10 (documents to be certified) and certified as the engineering drawings and sections by the Secretary of State for the purposes of this Order ;

“the environmental statement” means the document of that description submitted with the application for this Order and referred to in Schedule 10 (documents to be certified) and certified as the environmental statement by the Secretary of State for the purposes of this Order;

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

“highway” and “highway authority” have the same meaning as in the 1980 Act and “highway” includes part of a highway;

“the land plans” means the plans referred to in Schedule 10 (documents to be certified) and certified as the land plans by the Secretary of State for the purposes of this Order;

“local highway authority” has the same meaning as in section 329(1)(15) of the 1980 Act;

“maintain” in relation to the authorised development includes, to the extent that is unlikely to give rise to any materially new or materially worse environmental effects in comparison with those reported in the environmental statement, inspect, repair, adjust, alter, remove or reconstruct and any derivative of “maintain” is to be construed accordingly;

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

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

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981(16);

“relevant planning authority” has the same meaning as in section 173 (the relevant local planning authority) of the 2008 Act;

“special road” means a highway which is a special road in accordance with section 16 (general provisions as to special roads) of the 1980 Act or by virtue of an order granting development consent;

“the speed limits and traffic regulations plans” means the plans referred to in Schedule 10 (documents to be certified) and certified by the Secretary of State as the speed limits and traffic regulations plans for the purposes of this Order;

“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(17) (streets, street works and undertakers) of the 1991 Act, together with land on the verge of a street or between two carriageways;

“street authority” has the same meaning as in Part 3(18) of the 1991 Act;

“streets, rights of way and access plans” means the plans referred to in Schedule 10 (documents to be certified) and certified as the streets, rights of way and access plans by the Secretary of State for the purposes of this Order;

(15) The definition of “local highway authority” was amended by section 1(6) of, and paragraph 60(2)(a) of Schedule 1 to, the Infrastructure Act 2015 (c. 7).

(16) 1981 c. 67. The definition of “owner” 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 the Order.

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

(18) See section 49 of the 1991 Act, which was amended by section 1(6) of, and paragraph 117 of Schedule 1 to the Infrastructure Act 2015 (c. 7).

“traffic authority” has the same meaning as in section 121A(19) (traffic authorities) of the 1984 Act;

“TPO and hedgerow plans” means the document referred to in Schedule 10 (documents to be certified) and certified as the TPO and hedgerow plans by the Secretary of State for the purposes of this Order;

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

- (a) section 10(20) (general provisions as to trunk roads) or 19(1)(21) (certain special roads and other highways to become trunk roads) 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;

“the undertaker” means National Highways Limited (Company No. 09346363) whose registered office is at Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ;

“United Utilities Water Limited” means the Company registered in England and Wales, company number 02366678, whose registered office is at Haweswater House, Lingley Mere Business Park, Lingley Green Avenue, Great Sankey, Warrington WA5 3LP;

“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 referred to in Schedule 10 (documents to be certified) and certified as the works plans by the Secretary of State for the purposes of this Order.

(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) References in this Order to the creation and acquisition of rights over land includes references to rights to oblige a party having an interest in land to grant those rights referenced in the Order, at the discretion of the undertaker, either—

- (a) to an affected person directly, whether that person’s land or rights over land have been adversely affected by this Order, and, where that is the case, the rights referenced in the Order are to be granted for the benefit of the land in which that affected person has an interest at the time of the making of this Order; or
- (b) to any statutory undertaker for the purposes of their undertaking.

(4) All distances, directions, areas 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.

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

(6) 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.

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

(19) 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 paragraphs 70 and 95 of Schedule 1 to, the Infrastructure Act 2015 and [S.I. 2001/1400](#).

(20) Section 10 was amended by section 22(2) of the 1991 Act; by paragraph 22 of Schedule 2 to the 2008 Act; and by section 1(6) of, and paragraph 10 of Schedule 1 to, the Infrastructure Act 2015.

(21) Section 19(1) was amended by section 1(6) of, and paragraph 15 of Schedule 1 to, the Infrastructure Act 2015.

