

## STATUTORY INSTRUMENTS

# 2022 No. 1206

## The A57 Link Roads Development Consent Order 2022

### PART 2 **E+W+S**

#### PRINCIPAL POWERS

#### Development consent etc. granted by the Order **E+W+S**

3.—(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 or adjacent to the Order limits has effect subject to the provisions of this Order.

#### Commencement Information

**I1** Art. 3 in force at 7.12.2022, see [art. 1](#)

#### Maintenance of authorised development **E+W+S**

4. 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.

#### Commencement Information

**I2** Art. 4 in force at 7.12.2022, see [art. 1](#)

#### Maintenance of drainage works **E+W+S**

5.—(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, unless otherwise agreed in writing between the undertaker and the person responsible except where access to works connected with the drainage of land is restricted by the undertaker. During any period where access is restricted, the undertaker is responsible for the maintenance of any works connected with the drainage of land..

(2) In this article “drainage” has the same meaning as in section 72 (interpretation) of the Land Drainage Act 1991(1).

(1) 1991 c. 59. The definition of “drainage” was substituted by section 100(2) of, and paragraph 194 of Schedule 22 to, the Environment Act 1995 (c. 25).

### Commencement Information

**I3** Art. 5 in force at 7.12.2022, see [art. 1](#)

### Planning Permission **E+W+S**

6. 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.

### Commencement Information

**I4** Art. 6 in force at 7.12.2022, see [art. 1](#)

### Limits of deviation **E+W+S**

7. 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 to a maximum of 0.5 metres upwards or 0.5 metres downwards, with the exception of the following—
  - (i) Work No. 23 (realignment of Carrhouse Lane), where the maximum deviations are 1.0 metres upwards or downwards;
  - (ii) Work No. 31 (Old Mill Underpass), where the maximum deviations are 1.0 metres upwards or downwards;
  - (iii) Work No. 32 (Roe Cross Bridge), where the maximum deviations are 1.0 metres upwards or downwards;
  - (iv) Work No. 33 (Mottram Moor Underpass), where the maximum deviations are 1.0 metres upwards or downwards;
  - (v) Work No. 34 (Carrhouse Lane Underpass), where the maximum deviations are 1.0 metres upwards or downwards; and
  - (vi) Work No. 35 (River Etherow Bridge/Underpass), where the maximum deviations are 1.0 metres upwards or downwards;

except that these maximum limits of horizontal and vertical deviation do not apply where it is demonstrated by the undertaker to the Secretary of State's satisfaction and the Secretary of State, following consultation with the relevant planning authority, certifies accordingly that a deviation in excess of these limits would not give rise to any materially new or materially worse environmental effects (including environmental effects at any individual receptor) in comparison with those reported in the environmental statement.

**Commencement Information**

**I5** Art. 7 in force at 7.12.2022, see [art. 1](#)

**Benefit of Order** **E+W+S**

**8.**—(1) Subject to paragraph (2) and article 9 (consent to transfer benefit of Order), 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 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.

**Commencement Information**

**I6** Art. 8 in force at 7.12.2022, see [art. 1](#)

**Consent to transfer benefit of Order** **E+W+S**

**9.**—(1) Subject to paragraph (4), 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), includes 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) Electricity North West Limited for the purposes of undertaking Work No. 61, 62(i), and 64;
- (b) United Utilities Water Limited for the purposes of undertaking Work No. 58, 59, 60, 62(iv) and 65;
- (c) Cadent Gas Limited for the purposes of undertaking Work No. 62(iii) and 63; and
- (d) British Telecommunications PLC for the purposes of undertaking Work No. 62(ii).

provided that any transfer or grant under this paragraph must not include the transfer or grant of any benefit of the provisions of Part 5 (powers of acquisition and possession) of this Order without the consent of the Secretary of State.

**Commencement Information**

**I7** Art. 9 in force at 7.12.2022, see [art. 1](#)

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**Changes to legislation:** There are currently no known outstanding effects for the The A57  
Link Roads Development Consent Order 2022, PART 2. (See end of Document for details)

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