
STATUTORY INSTRUMENTS

2022 No. 1248

The A417 Missing Link Development Consent Order 2022

PART 5

POWERS OF ACQUISITION

Special category land

39.—(1) The common land must not vest in the undertaker and the undertaker must not take possession of the common land until the Secretary of State has certified that a satisfactory scheme for the provision of the replacement land and a satisfactory timetable for the implementation of that scheme has been received from the undertaker.

(2) On the requirements of paragraph (1) being satisfied, the undertaker may take possession of the common land in accordance with the scheme.

(3) When the undertaker takes possession of the common land, the common land shall vest in the undertaker and be discharged from all rights, trusts and incidents to which it was previously subject.

(4) On the date on which the replacement land is laid out and provided in accordance with the scheme at paragraph (1), the replacement land is to vest in the person(s) in whom the common land was vested immediately before it was vested in the undertaker and is to be subject to the same rights, trusts and incidents as attached to the common land.

(5) As soon as reasonably practicable after paragraph (4) takes effect, the undertaker must apply under section 14 (statutory dispositions) of the Commons Act 2006⁽¹⁾ and paragraph 8 of Schedule 4 (applications pursuant to section 14: statutory dispositions) to the Commons Registration (England) Regulations 2014⁽²⁾ to amend the relevant register of common land accordingly.

(6) In this article—

“the common land” means the land numbered 2/13, 2/13a, 3/1n, 3/9b, 3/11b, 3/12, 3/12a, 3/12c, 3/12d and 3/12e in the book of reference and on the land plans and forming part of registered common land which may be acquired compulsorily under this Order;

“the replacement land” means the land identified as such and numbered 2/1n, 2/1q, 2/1r, 3/1p, and 3/1s in the book of reference and on the land plans.

(1) 2006 c. 26.

(2) S.I. 2014/3038.