
STATUTORY INSTRUMENTS

2022 No. 911

The A47 North Tuddenham to Easton
Development Consent Order 2022

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 and operated 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.

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.

Limits of deviation

7.—(1) In carrying out the authorised development the undertaker must construct any such work within the lateral limits of deviation or extents of work shown on the works plans for the relevant work.

(2) In carrying out any work comprised in the authorised development the undertaker may deviate vertically from the levels of the authorised development shown on the engineering drawings and sections, to a maximum of 1 metre upwards or 1 metre 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, 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 different environmental effects in comparison with those reported in the environmental statement.

Benefit of Order

8.—(1) Subject to article 9 (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

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;
- (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 (4), 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 not required under this article, where the transfer or grant is made to—

- (a) NGG for the purposes of undertaking any works relating to its apparatus set out in Work Nos. 84;
- (b) Anglian Water for the purposes of undertaking any works relating to its apparatus set out in Work Nos. 74, 77, 80, 84, 89 and 92;
- (c) UKPN for the purposes of undertaking any works relating to its apparatus set out in Work Nos. 74, 76, 78, 79, 84, 86, 88, 89, 90, 92, 93 and 95;
- (d) BT for the purposes of undertaking any works relating to its apparatus set out in Work Nos. 73, 74, 75, 80, 81, 82, 83, 84, 85, 87, 89, 90, 91 and 92; or
- (e) Ørsted for the purposes of undertaking Work Nos. 94 and 99.