
STATUTORY INSTRUMENTS

2024 No. 60

The A12 Chelmsford to A120 Widening
Development Consent Order 2024

PART 5

POWERS OF ACQUISITION

Special category land

45.—(1) On the exercise by the undertaker of the relevant Order powers, the special category land identified in Part 1 of Schedule 8 is not to vest in the undertaker, and the undertaker may not acquire any rights over the special category (rights) land identified in Part 2 of Schedule 8 until the undertaker has acquired the replacement land identified in Part 4 of Schedule 8 and the Secretary of State (in consultation with the relevant planning authority) has certified that a scheme for the provision of the replacement land as open space and a timetable for the implementation of the scheme has been received from the undertaker.

(2) On the requirements of paragraph (1) being satisfied, the special category land identified in Part 1 of Schedule 8 is to vest in the undertaker and be discharged from all rights, trusts and incidents to which it was previously subject.

(3) On the requirements of paragraph (1) being satisfied, the undertaker may acquire the rights over the special category (rights) land identified in Part 2 of Schedule 8 and the said land is to be discharged from all rights, trusts and incidents to which it was previously subject so far as their continuance would be inconsistent with the said rights that are to be acquired.

(4) On the date on which the replacement land is laid out and provided in accordance with the requirements mentioned in paragraph (1), the replacement land is to vest in the persons in whom the special category 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 special category land.

(5) In this article “the relevant Order powers” means the powers exercisable over the special category land by the undertaker under article 27 (compulsory acquisition of land) or article 30 (compulsory acquisition of rights and imposition of restrictive covenants).