
STATUTORY INSTRUMENTS

2016 No. 547

**The A14 Cambridge to Huntingdon Improvement
Scheme Development Consent Order 2016**

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 and comes into force on 1st June 2016.

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 2008 Act” means the Planning Act 2008**(8)**;

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

“apparatus” has the same meaning as in Part 3 of the 1991 Act;

“the authorised development” means the development and associated development described in Schedule 1 (authorised development) and any other development authorised by this Order, which is development within the meaning of section 32 (meaning of development) of the 2008 Act;

“the book of reference” means the document of that description set out in Schedule 10 (documents to be certified) certified by the Secretary of State as the book of reference for the purposes of this Order;

(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) 2008 c. 29.

“the borrow pits” means the borrow pits shown on the engineering section drawings and the works plans;

“bridleway” has the same meaning as in the 1980 Act;

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

“carriageway” has the same meaning as in the 1980 Act;

“the classification of roads plans” means the plans of that description set out in Schedule 10 certified by the Secretary of State as the classification of roads plans for the purposes of this Order;

“construct” includes execute, place, alter, replace, relay and remove and “construction” is to be construed accordingly;

“the Crown land plans” means the plans of that description set out in Schedule 10 certified by the Secretary of State as the Crown land plans for the purposes of this Order;

“cycle track” has the same meaning as in section 329(1) (further provisions as to interpretation) of the 1980 Act⁽⁹⁾;

“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, that is to say, a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988) with a right of way on foot and a right of way on horseback or leading a horse;

“the de-trunking plans” means the plans of that description set out in Schedule 10 certified by the Secretary of State as the de-trunking plans for the purposes of this Order;

“electronic transmission” means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form;

“the engineering section drawings” means the documents of that description set out in Schedule 10 certified by the Secretary of State as the engineering section drawings for the purposes of this Order;

“the environmental statement” means the documents of that description set out in Schedule 10 certified by the Secretary of State as the environmental statement for the purposes of this Order;

“equestrian track” 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, that is to say on horseback or leading a horse;

“the flood compensation areas” means the flood compensation areas shown on the engineering section drawings and the works plans;

“footpath” and “footway” have the same meaning as in the 1980 Act;

“the general arrangement drawings” means the drawings of that description set out in Schedule 10 certified by the Secretary of State as the general arrangement drawings for the purposes of this Order;

“highway”, “highway authority” and “local highway authority” have the same meaning as in the 1980 Act;

“the land plans” means the plans of that description set out in Schedule 10 certified by the Secretary of State as the land plans for the purposes of this Order;

“the limits of deviation” means the limits of deviation referred to in article 7 (limits of deviation);

(9) 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).

“maintain” includes inspect, repair, adjust, alter, remove or reconstruct and any derivative of “maintain” is to be construed accordingly;

“NMU” means non-motorised user;

“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 deviation shown on the works plans, and the limits of land to be acquired or used permanently or temporarily shown on the land 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⁽¹⁰⁾;

“the relevant planning authority” means the local planning authority for the land and matter in question, being Cambridgeshire County Council, Huntingdonshire District Council or South Cambridgeshire District Council;

“the rights of way and access plans” means the plans of that description set out in Schedule 10 certified by the Secretary of State as the rights of way and access plans for the purposes of this Order;

“the Secretary of State” means (except where that expression appears in article 44 (appeals)) the Secretary of State for Transport;

“the special category land plans” means the plans of that description set out in Schedule 10 certified by the Secretary of State as the special category land plans for the purposes of this Order;

“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;

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

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

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

“the traffic regulation measures plans” means the plans of that description set out in Schedule 10 certified by the Secretary of State as the traffic regulation measures plans for the purposes of this Order;

“the tribunal” means the Lands Chamber of the Upper Tribunal;

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

- (a) section 10 or 19(1) of the 1980 Act (provisions as to trunk roads);
- (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 variation of special road status plans” means the plans of that description set out in Schedule 10 certified by the Secretary of State as the variation of special road status plans for the purposes of this Order;

(10) 1981 c. 67. Section 7 was amended by section 70 of, and paragraph 9 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34). There are other amendments to the 1981 Act which are not relevant to this Order.

“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;

“the works plans” means the plans of that description set out in Schedule 10 certified by the Secretary of State as the works plans for the purposes of this Order; and

“the undertaker” means Highways England Company Limited (Company No. 09346363) of Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ.

(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) 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.

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

(5) 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 rights of way and access plans.

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

Disapplication of legislative provisions

3.—(1) The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development—

- (a) Regulation 12(1)(a) (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2010⁽¹¹⁾ in relation to the carrying on of a relevant flood risk activity for the purpose of the works;
- (b) the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 (byelaw-making powers of the authority) to the Water Resources Act 1991;
- (c) section 23 (prohibition of obstructions, etc. in watercourses) of the Land Drainage Act 1991⁽¹²⁾ in relation to watercourses for which Cambridgeshire County Council is the drainage board concerned;
- (d) section 32 (variation of awards) of the Land Drainage Act 1991;
- (e) the provisions of any byelaws made under section 66 (powers to make byelaws) of the Land Drainage Act 1991; and
- (f) section 28E (duties in relation to sites of scientific interest) of the Wildlife and Countryside Act 1981⁽¹³⁾.

(2) In paragraph (1)(a) “relevant flood risk activity” means an activity within paragraph 3(1) (a), (b) or (c) of Schedule 23ZA (flood risk activities and excluded flood risk activities) to the Environmental Permitting (England and Wales) Regulations 2010.

⁽¹¹⁾ [S.I. 2010/675](#) as amended by the Environmental Permitting (England and Wales) Amendment) (No. 2) Regulations 2016 ([S.I. 2016/475](#)).

⁽¹²⁾ 1991 c. 59.

⁽¹³⁾ 1981 c. 69.

(3) The Anglian Water Authority Act 1977⁽¹⁴⁾ has effect subject to the provisions of this Order and sections 18 (bylaws), 27 (flood prevention) and 28 (excavation of minerals) of that Act, and any byelaws made and having effect under section 18, do not apply in relation to anything done or omitted to be done in connection with construction of the authorised development.

Maintenance of drainage works

4.—(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.

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

⁽¹⁴⁾ 1977 c. i.