
STATUTORY INSTRUMENTS

2016 No. 863

INFRASTRUCTURE PLANNING

The M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016

*Made - - - - 2nd September 2016
23rd September
Coming into force 2016*

THE M4 MOTORWAY (JUNCTIONS 3 TO 12) (SMART MOTORWAY) DEVELOPMENT CONSENT ORDER 2016

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation

PART 2

PRINCIPAL POWERS

3. Development consent etc. granted by the Order
4. Maintenance of authorised development
5. Planning permission
6. Power to deviate
7. Benefit of the Order
8. Consent to transfer benefit of the Order

PART 3

STREETS

9. Application of the 1991 Act
10. Power to alter layout etc. of streets
11. Street works
12. Construction and maintenance of new, altered or diverted streets
13. Permanent stopping up of streets
14. Temporary stopping up of streets
15. Access to works

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16. Powers in relation to relevant navigations or watercourses

PART 4

SUPPLEMENTAL POWERS

17. Discharge of water
18. Protective work to buildings
19. Authority to survey and investigate the land

PART 5

POWERS OF ACQUISITION

20. Compulsory acquisition of land
21. Time limit for exercise of authority to acquire land compulsorily
22. Compulsory acquisition of rights
23. Private rights over land
24. Application of the Compulsory Purchase (Vesting Declarations) Act 1981
25. Acquisition of subsoil or air-space only
26. Acquisition of part of certain properties
27. Rights under or over streets
28. Temporary use of land for carrying out the authorised development
29. Temporary use of land for maintaining the authorised development
30. Statutory undertakers
31. Apparatus and rights of statutory undertakers in stopped up streets
32. Recovery of costs of new connections
33. Compulsory acquisition of land – incorporation of the mineral code
34. Special category land

PART 6

MISCELLANEOUS AND GENERAL

35. Felling or lopping of trees
36. Trees subject to tree preservation orders
37. Operational land for purposes of the 1990 Act
38. Defence to proceedings in respect of statutory nuisance
39. Protection of interests
40. Certification of plans, etc.
41. Service of notices
42. Arbitration
43. Traffic regulation
44. Procedure in relation to certain approvals etc.
Signature

SCHEDULES

SCHEDULE 1 — AUTHORISED DEVELOPMENT

In the administrative areas of West Berkshire Council, Wokingham Borough Council, Reading Borough Council, the Royal Borough of Windsor and Maidenhead, Bracknell Forest Council, Buckinghamshire County Council, South Bucks District Council, Slough Borough Council, the London Borough of Hillingdon, the London Borough of Hounslow and the Greater London Authority

In the administrative area of West Berkshire Council
In the administrative area of Wokingham Borough Council and Reading Borough Council
In the administrative area of Wokingham Borough Council
In the administrative area of the Royal Borough of Windsor and Maidenhead
In the administrative areas of the Royal Borough of Windsor and Maidenhead and Buckinghamshire County Council, South Bucks District Council
In the administrative area of Buckinghamshire County Council, South Bucks District Council
In the administrative area of Buckinghamshire County Council, South Bucks District Council and Slough Borough Council
In the administrative area of Slough Borough Council
In the administrative area of Slough Borough Council and the Royal Borough of Windsor and Maidenhead
In the administrative area of the Royal Borough of Windsor and Maidenhead
In the administrative areas of the Royal Borough of Windsor and Maidenhead and Slough Borough Council
In the administrative areas of Buckinghamshire County Council, South Bucks District Council and Slough Borough Council
In the administrative area of Slough Borough Council
In the administrative area of the London Borough of Hillingdon

SCHEDULE 2 —

PART 1 — REQUIREMENTS

1. Interpretation
2. Time limits
3. Detailed design
4. Gantry design
5. Carriageway surfacing
6. Engineering drawings, sections and other information
7. Environmental Management Plan
8. Construction Environmental Management Plan
9. Implementation and maintenance of landscaping
10. Fencing
11. Ecological mitigation
12. Contaminated land and groundwater
13. Protected species
14. Surface water drainage
15. Archaeological remains
16. Written scheme of investigation
17. Buildings at risk
18. Construction traffic management
19. Permanent lighting
20. Amendments to approved details
21. Control of noise during construction of the scheme
22. Acoustic barriers
23. Flood risk
24. Biodiversity management strategy
25. Road restraint standard
26. Air quality monitoring and management

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PART 2 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS

27. Applications made under requirement
28. Further information
29. Register of requirements
30. Details of consultation

SCHEDULE 3 — PERMANENT STOPPING UP OF STREETS FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

SCHEDULE 4 — TEMPORARY STOPPING UP OF STREETS

SCHEDULE 5 — LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED

SCHEDULE 6 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

Compensation enactments

1. The enactments for the time being in force with respect...
2. (1) Without limitation on the scope of paragraph 1, the...

Application of the 1965 Act

3. (1) The 1965 Act has effect with the modifications necessary...
4. For section 7 (measure of compensation in case of severance)...
5. For section 8 (provisions as to divided land) of the...
6. The following provisions of the 1965 Act (which state the...
7. Section 11 (powers of entry) of the 1965 Act is...
8. Section 20 (protection for interests of tenants at will, etc.)...
9. Section 22 (interests omitted from purchase) of the 1965 Act...

SCHEDULE 7 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 8 — TREES SUBJECT TO TREE PRESERVATION ORDERS

SCHEDULE 9 — PROTECTION OF INTERESTS

PART 1 — FOR THE PROTECTION OF ELECTRICITY, GAS, OIL, WATER AND SEWERAGE UNDERTAKERS

1. For the protection of the protected persons referred to in...
2. In this Part of this Schedule— “alternative apparatus” means alternative...

On street apparatus

3. This Part of this Schedule does not apply to apparatus...

Apparatus in stopped up streets

4. (1) Where any street is stopped up under article 13...

Protective works to buildings

5. The undertaker, in the case of the powers conferred by...

Acquisition of land

6. Regardless of any provision in this Order or anything shown...

Removal of apparatus

7. (1) If, in the exercise of the powers conferred by...

Facilities and rights for alternative apparatus

8. (1) Where, in accordance with the provisions of this Part...

Retained apparatus

9. (1) Not less than 28 days before starting the execution...

Expenses and costs

10. (1) Subject to the following provisions of this paragraph, the...
11. (1) Subject to sub-paragraphs (2) and (3), if by reason...

Co-operation

12. Where in consequence of the proposed construction of any of...
13. Nothing in this Part of this Schedule affects the provisions...
PART 2 — FOR THE PROTECTION OF OPERATORS OF ELECTRONIC
COMMUNICATIONS CODE NETWORKS
14. For the protection of any operator, the following provisions have...
15. In this Part of this Schedule— “the 2003 Act” means...
16. The exercise of the powers conferred by article 30 (statutory...
17. (1) Subject to sub-paragraphs (2) to (4), if as the...
18. This Part of this Schedule does not apply to—
19. Nothing in this Part of this Schedule affects the provisions...
PART 3 — FOR THE PROTECTION OF RAILWAY INTERESTS
20. The following provisions of this Part of this Schedule have...
21. In this Part of this Schedule— “construction” includes execution, placing,...
22. (1) Where under this Part of this Schedule Network Rail...
23. (1) The undertaker must not exercise the powers conferred by...
24. (1) The undertaker must, before commencing construction of any specified...
25. (1) Any specified work and any protective works to be...
26. (1) The undertaker must— (a) at all times afford reasonable...

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27. Network Rail must at all reasonable times afford reasonable facilities...
28. (1) If any permanent or temporary alterations or additions to...
29. The undertaker must repay to Network Rail all reasonable fees,...
30. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
31. If at any time after the completion of a specified...
32. The undertaker must not provide any illumination or illuminated sign...
33. Any additional expenses which Network Rail may reasonably incur in...
34. (1) The undertaker must pay to Network Rail all reasonable...
35. Network Rail must, on receipt of a request from the...
36. In the assessment of any sums payable to Network Rail...
37. The undertaker and Network Rail may, subject in the case...
38. Nothing in this Order, or in any enactment incorporated with...
39. The undertaker must give written notice to Network Rail where...
40. The undertaker must no later than 28 days from the...

PART 4 — FOR THE PROTECTION OF NATIONAL GRID

41. Application
42. Interpretation
43. Except for paragraphs 44 (apparatus of undertakers in stopped up...
44. Apparatus of National Grid in stopped up streets
45. Protective works to buildings
46. Acquisition of land
47. Removal of apparatus
48. Facilities and rights for alternative apparatus
49. Retained apparatus: protection for gas undertakers
50. Retained apparatus: protection for electricity undertakers
51. Expenses
52. Indemnity
53. Enactments and agreements
54. Co-operation
55. Access
56. Arbitration

**PART 5 — FOR THE PROTECTION OF UNITED KINGDOM OIL
PIPELINES LIMITED AND WEST LONDON PIPELINE AND
STORAGE LIMITED**

57. For the protection of the protected persons referred to in...
58. In this Part of this Schedule— “alternative apparatus” means alternative...
59. On street apparatus
60. Apparatus in stopped up streets
61. Protective works to buildings
62. Acquisition of land
63. Removal of apparatus
64. Facilities and rights for alternative apparatus
65. Retained apparatus
66. Expenses and costs
67. (1) Subject to sub-paragraphs (2) and (3), if by reason...
68. Co-operation
69. Nothing in this Part of this Schedule affects the provisions...

PART 6 — FOR THE PROTECTION OF THE ENVIRONMENT AGENCY

70. (1) The following provisions apply for the protection of the...
71. (1) Where, in the exercise of the powers conferred by...
72. If, in the exercise of the powers conferred by this...
73. The undertaker must maintain, inspect and retain any Flood Protection...
74. The undertaker must allow the Agency reasonable access to any...

75. (1) Where maintenance of any Flood Protection Work specified in...
76. If by reason of the construction of the authorised development...
77. The undertaker must indemnify the Agency in respect of all...
78. The fact that any work or thing has been executed...
79. Any dispute arising between the undertaker and the Agency under...
- PART 7 — FOR THE PROTECTION OF THAMES WATER
80. Access to Slough Sewage Treatment Works
81. Iver South Sludge Dewatering Centre
82. (1) The undertaker must not in the exercise of the...
- PART 8 — FOR THE PROTECTION OF SOUTH EAST WATER
83. For the protection of the protected persons referred to in...
84. In this Part of this Schedule—“alternative apparatus” means alternative...
85. On street apparatus
86. Apparatus in stopped up streets
87. Protective works to buildings
88. Acquisition of land
89. Removal of apparatus
90. Facilities and rights for alternative apparatus
91. Retained apparatus
92. Expenses and costs
93. (1) Subject to sub-paragraphs (2) and (3), if by reason...
94. Co-operation
95. Nothing in this Part of this Schedule affects the provisions...
- PART 9 — FOR THE PROTECTION OF HEATHROW AIRPORT LIMITED
96. The following provisions of this Part of this Schedule have...
97. In this Part of this Schedule—“Heathrow Airport” means Heathrow...
98. (1) The undertaker must not exercise the powers conferred by...
99. Any difference or dispute arising between the undertaker and Heathrow...
- PART 10 — FOR THE PROTECTION OF SSE SERVICES PLC AND
SOUTHERN ELECTRIC POWER DISTRIBUTION PLC
100. For the protection of the protected persons referred to in...
101. In this Part of this Schedule—“alternative apparatus” means alternative...

On street apparatus

102. This Part of this Schedule does not apply to apparatus...

Apparatus in stopped up streets

103. (1) Where any street is stopped up under article 13...

Protective works to buildings

104. The undertaker, in the case of the powers conferred by...

Acquisition of land

105. Regardless of any provision in this Order or anything shown...

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Removal of apparatus

106. (1) If, in the exercise of the powers conferred by...

Facilities and rights for alternative apparatus

107. (1) Where, in accordance with the provisions of this Part...

Retained apparatus

108. (1) Not less than 28 days before starting the execution...

Expenses and costs

109. (1) Subject to the following provisions of this paragraph, the...
110. (1) Subject to sub-paragraphs (2) and (3), if by reason...

Co-operation

111. Where in consequence of the proposed construction of any of...
112. Nothing in this Part of this Schedule affects the provisions...

SCHEDULE 10 — DOCUMENTS SUBJECT TO CERTIFICATION

SCHEDULE 11 — PROCEDURE FOR DISCHARGE OF CERTAIN APPROVALS

1. Applications made for certain approvals
2. Further information
3. Fees
4. Appeals
5. Interpretation of Schedule 11

SCHEDULE 12 — ENGINEERING DRAWINGS, SECTIONS AND OTHER INFORMATION

Explanatory Note