
STATUTORY INSTRUMENTS

2016 No. 863

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

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016 and comes into force on 23rd September 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;

“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 book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;

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

(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.

“business day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 (bank holidays) of the Banking and Financial Dealings Act 1971⁽⁹⁾;

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

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

“cycle track” has the same meaning as in section 329(1) (further provisions as to interpretation) of the 1980 Act⁽¹⁰⁾;

“discharging authority” means a relevant planning authority, a highway authority, a street authority, a traffic authority or the owner of a watercourse, sewer or drain;

“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 drawings and sections” means the documents certified as the engineering drawings and sections by the Secretary of State for the purposes of this Order;

“environmental statement” means the document submitted under regulation 5(2)(a) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009⁽¹¹⁾, and certified as the environmental statement by the Secretary of State for the purposes of this Order;

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

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

“land plans” means the plans certified by the Secretary of State as the land plans for the purposes of this Order;

“linear work” means those works shown on the works plans as “Linear Work Item Centreline”;

“maintain” includes inspect, repair, adjust, alter, remove, clear, refurbish, reconstruct, decommission, demolish, replace and improve and any derivative of “maintain” is to be construed accordingly;

“non-linear work” means those scheduled works to be carried out in the locations shown on the works plans as “Non-linear Work Boundary”;

“Order land” means the land shown on the land plans 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 shown on the works plans and 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⁽¹²⁾;

“relevant planning authority” means the local planning authority for the land in question;

“requirements” means the requirements set out in Schedule 2 (requirements), and references to numbered requirements are references to the corresponding paragraph number in Schedule 2;

(9) 1971 c. 80.

(10) 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).

(11) S.I. 2009/2264, amended by S.I. 2010/439, S.I. 2010/602, S.I. 2012/635, S.I. 2012/2654, S.I. 2012/2732, S.I. 2013/522 and S.I. 2013/755.

(12) 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.

“the rights of way and access plans” means the plans certified by the Secretary of State as the rights of way and access plans for the purposes of this Order;

“scheduled works” means the numbered works specified in Schedule 1 (authorised development) and shown on the works plans, or any part of them;

“Secretary of State” means the Secretary of State for Transport;

“slip road” means any of the slip roads leading to or from the eastbound carriageway or the westbound carriageway of the M4 between Junctions 3 and 12;

“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;

“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 (general provision as to trunk roads) or 19(1) (certain special roads and other highways to become trunk roads) of the 1980 Act;
- (b) an order or direction under section 10 of that Act;
- (c) an order granting development consent; or
- (d) any other enactment;

“TSCS” means a thin surface course system as defined in the Manual of Contract Documents for Highway Works, Volume 1 Specification for Highway Works clause 942;

“undertaker” means Highways England Company Limited, company number 09346363, whose registered office is at Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ, which is the named undertaker, any statutory successor to Highways England, or any other person who has the benefit of this Order in accordance with article 7 (benefit of Order);

“watercourse”, unless otherwise provided, includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

“the works plans” means the plans certified by the Secretary of State as the works plans for the purposes of this Order.

(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 air-space above its surface.

(3) All distances, directions 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) All areas described in square metres in the book of reference are approximate.

(5) References in this Order to numbered plots of land are to plots identified on the land plans and in the book of reference.

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
