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STATUTORY INSTRUMENTS

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**2018 No. 994**

**The A19/A184 Testo's Junction Alteration  
Development Consent Order 2018**

**PART 1**

**PRELIMINARY**

**Citation and commencement**

**1.** This Order may be cited as the A19/A184 Testo's Junction Alteration Development Consent Order 2018 and comes into force on 3rd October 2018.

**Interpretation**

**2.—(1)** In this Order—

“the 1961 Act” means the Land Compensation Act 1961 <sup>M1</sup>;

“the 1965 Act” means the Compulsory Purchase Act 1965 <sup>M2</sup>;

“the 1980 Act” means the Highways Act 1980 <sup>M3</sup>;

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981 <sup>M4</sup>;

“the 1984 Act” means the Road Traffic Regulation Act 1984 <sup>M5</sup>;

“the 1990 Act” means the Town and Country Planning Act 1990 <sup>M6</sup>;

“the 1991 Act” means the New Roads and Street Works Act 1991 <sup>M7</sup>;

“the 2008 Act” means the Planning Act 2008 <sup>M8</sup>;

“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 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;

“British Telecommunications PLC” means the company registered in England and Wales, company number 01800000, whose registered office address is 81 Newgate Street, London, EC1A 7AJ;

“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;

“CEMP” means the construction environmental management plan;

“cycle track” has the same meaning as in the 1980 Act <sup>M9</sup>;

“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 drawings and sections listed in Schedule 10 (documents to be certified) and certified as the engineering drawings and sections by the Secretary of State for the purposes of this Order;

“environmental statement” means the document of that description certified as the environmental statement by the Secretary of State for the purposes of this Order;

“footway” and “footpath” 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;

“the land plans” means the plans listed in Schedule 10 (documents to be certified) and certified as the land plans by the Secretary of State for the purposes of this Order;

“limits of deviation” means the limits of deviation referred to in article 6 (limits of deviation);

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

“Northern Gas Networks Limited” means the company registered in England and Wales, company number 05167070, whose registered office address is 1100 Century Way, Thorpe Park Business Park, Colton, Leeds, LS15 8TU;

“Northern Powergrid Limited” means the company registered in England and Wales, company number 03271033 whose registered office address is Lloyds Court, 78 Grey Street, Newcastle Upon Tyne, NE1 6AF;

“Northumbrian Water Limited” means the company registered in England and Wales, company number 2366703, whose registered office address is Northumbria House, Abbey Road, Pity Me, Durham, DH1 5FJ;

“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 lands to be acquired or used permanently or temporarily shown on the land plans and works plans within which the authorised development may be carried out;

“the outline CEMP” means the document of that description submitted with the application for this Order and certified as the outline CEMP by the Secretary of State for the purposes of this Order;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981 <sup>M10</sup>;

“relevant planning authority” means in any given provision of this Order, the planning authority for the area to which the provision relates;

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

“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;

“streets, rights of way and access plans” means the plans listed in Schedule 10 (documents to be certified) and certified as the streets, rights of way and access plans by the Secretary of State for the purposes of this Order;

“traffic authority” has the same meaning as in section 121A <sup>M11</sup> (traffic authorities) of the 1984 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 <sup>M12</sup> (general provision as to trunk roads) or 19(1) <sup>M13</sup> (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;

“undertaker” means Highways England Company Limited, company number 09346363, whose registered office is at Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ;

“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; and

“the works plans” means the plans listed in Schedule 10 (documents to be certified) and certified as the works plans by the Secretary of State 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 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 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 streets, rights of way and access plans.

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

(7) The provisions of the Neighbourhood Planning Act 2017 <sup>M14</sup>, insofar as they relate to temporary possession of land under articles 29 (temporary use of land for carrying out the authorised development) and 30 (temporary use of land for maintaining the authorised development) of this Order, 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 and, within the maintenance period defined in article 30(11), any maintenance of any part of the authorised development.

#### Marginal Citations

- M1** 1961 c. 33.
- M2** 1965 c. 56.
- M3** 1980 c. 66.
- M4** 1981 c. 66.
- M5** 1984 c. 27.

- M6** 1990 c. 8.
- M7** 1991 c. 22.
- M8** 2008 c. 29.
- M9** The definition of “cycle track” (in section 329(1) of the 1980 Act) 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 \(c. 54\)](#).
- M10** 1981 c. 67. The definition of “owner” was amended by paragraph 9 of Schedule 15 to the [Planning and Compensation Act 1991 \(c.34\)](#). There are other amendments to section 7 which are not relevant to the Order.
- M11** [Section 121A](#) was inserted by section 168(1) of, and paragraph 70 of Part 2 of Schedule 8, to the [New Roads and Street Works Act 1991 \(c. 22\)](#).
- M12** [Section 10](#) was amended by section 22(2) of the [New Roads and Street Works Act 1991](#); [paragraph 22](#) of Schedule 2 to the [Planning Act 2008](#); and by section 1 of, and Schedule 1 to, the [Infrastructure Act 2015 \(c. 7\)](#).
- M13** As amended by section 1 of, and Schedule 1 to, the [Infrastructure Act 2015](#).
- M14** 2017 c. 20.

**Changes to legislation:**

There are currently no known outstanding effects for the The A19/A184 Testos Junction Alteration Development Consent Order 2018, PART 1.