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STATUTORY INSTRUMENTS

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**2020 No. 1099**

The Southampton to London Pipeline  
Development Consent Order 2020

PART 1

PRELIMINARY

**Citation and commencement**

1. This Order may be cited as the Southampton to London Pipeline Development Consent Order 2020 and comes into force on 29th October 2020.

**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);

“the 2016 Regulations” means the Environmental Permitting (England and Wales) Regulations 2016(9);

“access & rights of way plan” means the plans of that description set out in Schedule 11 (documents to be certified) and certified by the Secretary of State as the access & rights of way plan for the purposes of this Order;

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

“apparatus”, unless otherwise provided for, has the same meaning as in Part 3 of the 1991 Act;

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(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.  
(9) S.I. 2016/1154.

“authorised development” means the development and associated development described in Schedule 1 (authorised development) or any part of it, 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 11 (documents to be certified) and 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;

“business days” means Monday to Friday excluding Bank Holidays and other public holidays or days on which general or local elections are held;

“carriageway” has the same meaning as in the 1980 Act and includes part of a carriageway;

“CEMP” means the construction environmental management plan to be prepared and approved under Requirement 6 (construction environmental management plan) of Schedule 2 (Requirements);

“code of construction practice” means the document of that description set out in Schedule 11 (documents to be certified) and certified by the Secretary of State as the code of construction practice for the purposes of this Order;

“commence” means the carrying out of any material operation (as defined in section 155 of the 2008 Act) forming part, or carried out for the purposes, of the authorised development other than operations consisting of remediation works, environmental (including archaeological) surveys and investigation, site or soil survey, erection of fencing to site boundaries or marking out of site boundaries, installation of amphibian and reptile fencing, the diversion or laying of services or environmental mitigation measures, and “commencement” must be construed accordingly;

“cycle track” has the same meaning as in the 1980 Act and includes part of a cycle track<sup>(10)</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;

“environmental statement” means the environmental statement (May 2018 – Documents 6.1 to 6.4) as submitted by Esso Petroleum Company, Limited to support its application for development consent;

“footway” and “footpath” have the same meaning as in the 1980 Act and include part of a footway or footpath;

“the general arrangement plans” means the plans of that description set out in Schedule 11 (documents to be certified) and certified as the general arrangement plans by the Secretary of State for the purposes of this Order;

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

“the land plans” means the plans of that description set out in Schedule 11 (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) and shown on the works plans;

“maintain” in relation to the authorised development includes to inspect, assess, repair, test, cleanse, adjust, alter, divert, renew, re-lay, improve, landscape, preserve, make safe, dismantle, remove, clear, reconstruct, refurbish, replace, demolish, abandon or decommission any part of

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(10) 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).

the authorised development, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement and for the avoidance of doubt must not include the renewal, re-laying, reconstruction or replacement of the entirety of the pipeline works, and any derivative of “maintain” is to be construed accordingly;

“Ministry of Justice Land” means all land where the Secretary of State for Justice has an interest including plots 2043, 2044, 2045, 2052, 2057, 2060, 2061, 2063 and 2067 as set out in Part 4 of the book of reference;

“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;

“owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981 (interpretation)(**11**);

“the permit schemes” mean the following schemes made under Part 3 of the Traffic Management Act 2004(**12**) as in force at the date on which this Order is made—

- (a) the Traffic Management (Hampshire County Council) Permit Scheme Order 2019; and
- (b) the Traffic Management (Surrey County Council) Permit Scheme Order 2015 (as varied);

“the pipeline works” means Works Nos. 1A to 1H (inclusive) as set out in Schedule 1 (authorised development) excluding any pipeline marker posts and cathodic protection test posts;

“relevant highway authority” means, in any given provision of this Order (including the Requirements), the local highway authority for the area to which the provision relates;

“relevant planning authority” means, in any given provision of this Order (including the Requirements), the local planning authority—

- (a) for the area of land to which the provision relates is situated; and
- (b) with the relevant legislative competence under the 1990 Act for the matter to which that provision relates;

“Requirements” means the requirements listed in Part 1 of Schedule 2 (requirements), and any reference to a numbered requirement is to be construed accordingly;

“statutory undertaker” means any statutory undertaker for the purposes of section 127(8), of the 2008 Act (statutory undertakers’ land) and includes a public communications provider as defined in section 151(1) of the Communications Act 2003(**13**);

“street” means, irrespective of whether it is a thoroughfare, the whole or any part of any highway, road, lane, footway, alley, passage, square, court and any land laid out as a way, whether it is for the time being formed as a footpath or not, together with land on the verge of a street or between two carriageways, and includes part of a street and any bridge, viaduct, overpass or underpass which a street passes over;

“street authority”, in relation to a street, has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act;

“traffic authority” has the same meaning as in the 1984 Act;

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(11) 1981 c. 67. The definition of “owner” was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1992 (c.34). There are other amendments to section 7 which are not relevant to the Order.

(12) 2004 c. 18.

(13) 2003 c. 21.

“undertaker” means Esso Petroleum Company, Limited (Company No. 00026538) of Ermyn House, Ermyn Way, Leatherhead, Surrey KT22 8UX or anyone who has the benefit of this Order in accordance with article 7 (benefit of Order) and article 8 (consent to transfer benefit of 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; and

“the works plans” means the plans of that description set out in Schedule 11 (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 to any statutory body includes that body’s successor bodies from time to time that have jurisdiction over the authorised development.

(6) 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 access & rights of way plan.

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

(8) In this Order, the expression “includes” is to be construed without limitation.