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STATUTORY INSTRUMENTS

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**2020 No. 121**

**The A30 Chiverton to Carland Cross  
Development Consent Order 2020**

**PART 1**

**PRELIMINARY**

**Citation and commencement**

**1.—**(1) This Order may be cited as the A30 Chiverton to Carland Cross Development Consent Order 2020 and comes into force on 27th February 2020.

**Interpretation**

**2.—**(1) In this Order except where provided otherwise—

“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);

“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;

“bridleway” has the same meaning as in section 329(1) (further provision as to interpretation) of the 1980 Act;

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

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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.

“carriageway” has the same meaning as in section 329(1) of the 1980 Act;

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

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

“commence” means beginning to carry out any material operation (as defined in section 56(4)(9) of the 1990 Act) forming part of the authorised development other than operations consisting of archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, erection of any temporary means of enclosure, and the temporary display of site notices or advertisements, and “commencement” is to be construed accordingly;

“the de-trunking plans” means the plans 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 environmental statement” means the documents certified by the Secretary of State as the environmental statement for the purposes of this Order;

“footpath” and “footway” have the same meaning as in section 329(1) of the 1980 Act;

“the general arrangement and section plans” means the documents certified by the Secretary of State as the general arrangement and section plans for the purposes of this Order;

“highway” has the same meaning as in section 328 (meaning of “highway”) of the 1980 Act;

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

“the local highway authority” means Cornwall Council;

“maintain” includes inspect, repair, adjust, alter, remove, replace or reconstruct in relation to the authorised development, provided that such works do not give rise to any materially new or materially different environmental effects from those identified in the environmental statement, and any derivative of “maintain” is to be construed accordingly;

“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 the 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(10) (interpretation) of the Acquisition of Land Act 1981;

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

“the relevant planning authority” means Cornwall Council;

“restricted byway” has the meaning given in section 48(4) of the Countryside and Rights of Way Act 2000(11);

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(9) Section 56(4) was amended by section 32 of, and paragraph 10(2) of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34),

(10) 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 this Order.

(11) 2000 c. 37.

“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;

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

“special road” means a highway which is a special road in accordance with section 16(12) (general provision as to special roads) of the 1980 Act or by virtue of an order granting development consent;

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

“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 section 49 (the street authority and other relevant authorities) of the 1991 Act;

“traffic authority” has the same meaning as in section 121A(13) (traffic authorities) of the 1984 Act;

“the trees and hedgerows to be removed or managed plans” means the plans certified by the Secretary of State as the trees and hedgerows to be removed or managed plans for the purposes of this Order;

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

- (a) section 10(14) (general provision as to trunk roads) or section 19(1)(15) (certain special roads and other highways to become trunk roads) of the 1980 Act;
- (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 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 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 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.

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(12) Section 16 was amended by section 36 of, and paragraph 24 of Schedule 2 to the Planning Act 2008 and section 57(1) of, and paragraph 13(3) and (4) of Part 1 of Schedule 1 to, the Infrastructure Act 2015 (c. 7).

(13) This section was inserted by section 168(1) of, and paragraph 70 of Schedule 8 to, the New Roads and Street Works Act 1991 (c. 22). It was amended by section 57(1) of, and paragraph 95(2) and (3) of Schedule 1 to the Infrastructure Act 2015 (c. 7). There are other amendments which are not relevant to this Order.

(14) Section 10 was amended by section 22(2) of the 1991 Act, by section 36 of, and paragraph 22 of Schedule 2 to the 2008 Act, and by section 1 of, and paragraph 10 of Schedule 1 to, the Infrastructure Act 2015 (c. 7).

(15) Section 19(1) was amended by section 1 of, and paragraph 15 of Schedule 1 to, the Infrastructure Act 2015 (c. 7).

(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 relevant plans.

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

### **Maintenance of drainage works**

3.—(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<sup>(16)</sup>.

### **Disapplication of legislation, etc.**

4. In so far as they relate to the temporary possession of land under articles 33 (temporary use of land for carrying out the authorised development) and 34 (temporary use of land for maintaining the authorised development) of this Order, the provisions of the Neighbourhood Planning Act 2017<sup>(17)</sup> 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 any maintenance period defined in article 34(11), any maintenance of any part of the authorised development.

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<sup>(16)</sup> 1991 c. 59. The definition of “drainage” was substituted by section 100(2) of the Environment Act (c. 25).

<sup>(17)</sup> 2017 c. 20.