
STATUTORY INSTRUMENTS

2020 No. 402

**The A585 Windy Harbour to Skippool
Highway Development Consent Order 2020**

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the A585 Windy Harbour to Skippool Highway Development Consent Order 2020 and comes into force on 30th April 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 2009 Act” means the Marine and Coastal Access Act 2009**(9)**;

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

(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) 2009 c. 23.

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

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

“Cadent Gas Ltd” means the Company registered in England and Wales, company number 10080864, whose registered address is Ashbrook Court, Prologis Park, Central Boulevard, Coventry CV7 8PE;

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

“CEMP” means construction environmental management plan;

“commence” means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) forming part of the authorised development other than operations consisting of non-intrusive investigations for the purpose of assessing ground conditions, and, where capable of being reversed and the land restored to its original condition, operations consisting of any archaeological investigations, non-intrusive pre-construction ecology surveys, pre-construction ecological mitigation and works under mitigation licences, 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;

“cycle track” has the same meaning as in the 1980 Act⁽¹⁰⁾;

“Electricity North West Limited” means the company registered in England and Wales, company number, 02366949, whose registered address is Borrton Street, Stockport, SK1 2JD;

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

“Environment Agency” means the body of that name created by the Environment Act 1995⁽¹¹⁾ or any successor in function to it;

“environmental statement” means the document of that description submitted with the application for this Order and 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;

“GTC Infrastructure Limited” means the company registered in Guernsey, company number, FC020169, whose registered address is Martello Court, Admiral Park, St Peter Port, Guernsey GY1 3HB;

“HEMP” means handover environmental management plan;

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

“highway authority” means the undertaker;

“the land plans” means the plans listed in Schedule 11 (documents to be certified) and certified as the land plans by the Secretary of State for the purposes of this Order;

⁽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).

⁽¹¹⁾ 1995 c.25.

“lead local flood authority” has the same meaning as in the Flood and Water Management Act 2010(12)

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

“Natural England” means the body established by section 1 of the Natural Environment and Rural Communities Act 2006(13) or any successor in function to it;

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

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

“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;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act(15);

“streets, rights of way and access plans” means the plans listed in Schedule 11 (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(16) (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(17) (general provisions as to trunk roads) or 19(1)(18) (certain special roads and other highways to become trunk roads) of the 1980 Act; or
- (b) an order or direction under section 10 of that Act; or
- (c) an order granting development consent; or
- (d) any other enactment;

(12) 2010 c. 29.

(13) 2006 c.16.

(14) 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.

(15) See section 49 of the 1991 Act.

(16) Section 121A was inserted by the section 168(1) of, and paragraph 70 of Schedule 8 to, the New Roads and Street Works Act 1991. It was amended by section 1 of, and paragraph 95(2) and (3) of Schedule 1 to the Infrastructure Act 2015 (c. 7). There are other amendments to section 121A which are not relevant to this Order.

(17) 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).

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

“undertaker” means Highways England Company Limited (Company No. 09346363) whose registered office is at Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ;

“United Utilities Group PLC” means the Company registered in England and Wales, company number 06559020, whose registered office is at Haweswater House, Lingley Mere Business Park, Lingley Green Avenue, Great Sankey, Warrington WA5 3LP;

“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 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 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).