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STATUTORY INSTRUMENTS

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**2020 No. 528**

**The M42 Junction 6 Development Consent Order 2020**

**PART 1**

**PRELIMINARY**

**Citation and commencement**

**1.** This Order may be cited as the M42 Junction 6 Development Consent Order 2020 and comes into force on 11th June 2020.

**Commencement Information**

**II** Art. 1 in force at 11.6.2020, see [art. 1](#)

**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 (street works in England and Wales) 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;

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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.

“book of reference” means the document listed in Schedule 13 [F1(certification of plans and documents, etc.)] certified by the Secretary of State as the book of reference for the purposes of this Order;

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

“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;

“classification of road plans” means the plans listed in Schedule 13 [F1(certification of plans and documents, etc.)] certified by the Secretary of State as the classification of road plans for the purposes of this Order;

“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 archaeological investigations, ecological surveys and pre-construction ecological mitigation, investigations for the purpose of assessing and monitoring ground conditions and levels, remedial work in respect of any contamination or other adverse ground conditions, erection of any temporary means of enclosure, receipt and erection of construction plant and equipment, diversion and laying of underground apparatus and site clearance, and the temporary display of site notices or advertisements, and “commencement” is to be construed accordingly;

“crown land plans” means the plans listed in Schedule 13 [F1(certification of plans and documents, etc.)] and certified as the crown land plans by the Secretary of State for the purposes of this Order;

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

“electronic transmission” means a communication transmitted—

- (a) by means of an electronic communications network; or
- (b) by other means but while in electronic form;

“engineering drawings and sections” means the drawings and sections listed in Schedule 13 [F1(certification of plans and documents, etc.)] and certified as the engineering drawings and sections by the Secretary of State for the purposes of this Order;

“environmental statement” means the document listed in Schedule 13 [F1(certification of plans and documents, etc.)] 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;

“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 13 [F1(certification of plans and documents, etc.)] 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 any part of the authorised development includes to inspect, repair, adjust, alter, improve, landscape, preserve, remove, reconstruct, refurbish or replace, provided 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;

“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(9) (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;

“special road” means a highway which is a special road in accordance with section 16 (general provision 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(10) (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 (street works in England and Wales) of the 1991 Act;

“streets, rights of way and access plans” means the plans listed in Schedule 13 [F1(certification of plans and documents, etc.)] and certified as the streets, rights of way and access plans by the Secretary of State for the purposes of this Order;

“the temporary construction works” means Work Nos. 69, 70, 71, 72, 73, 74 and 75;

“traffic authority” has the same meaning as in section 121A(11) (traffic authorities) of the 1984 Act;

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

- (a) section 10(12) (general provision as to trunk roads) or 19(1)(13) (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 No. 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

“works plans” means the plans listed in Schedule 13 [F1(certification of plans and documents, etc.)] 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

(9) 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.

(10) Section 48 was amended by section 124(1) and (2) of the Local Transport Act 2008 (c. 26).

(11) Section 121A was inserted by section 168(1) of, and paragraph 70 of Schedule 8 to, the 1991 Act (c. 22). 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 which are not relevant to this Order.

(12) Section 10 was amended by section 22(1) 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.

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

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) References in this Order to the creation and acquisition of rights over land includes references to rights to oblige a party having an interest in land to grant those rights referenced in the Order, at the direction of the undertaker, either—

- (a) to an affected person directly, [<sup>F2</sup>where] that person’s land or rights over land have been adversely affected by this Order, and, where that is the case, the rights referenced in the Order are to be granted for the benefit of the land in which that affected person has an interest at the time of the making of this Order; or
- (b) to any statutory undertaker for the purpose of their undertaking.

(4) 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.

(5) For the purposes of this Order, all areas described in square metres in the book of reference are approximate.

(6) References in this Order to any statutory body includes that body’s successor bodies as from time to time have jurisdiction over the authorised development.

(7) 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.

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

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

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#### **Textual Amendments**

- F1** Words in art. 2(1) substituted (21.10.2020) by [The M42 Junction 6 Development Consent \(Correction\) Order 2020 \(S.I. 2020/1164\)](#), art. 1, [Sch.](#)
  - F2** Word in art. 2(3)(a) substituted (21.10.2020) by [The M42 Junction 6 Development Consent \(Correction\) Order 2020 \(S.I. 2020/1164\)](#), art. 1, [Sch.](#)
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#### **Commencement Information**

- I2** Art. 2 in force at 11.6.2020, see [art. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The M42 Junction 6 Development Consent Order 2020, PART 1.