

STATUTORY INSTRUMENTS

2021 No. 125

The A303 Sparkford to Ilchester Dualling Development Consent Order 2021

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the A303 Sparkford to Ilchester Dualling Development Consent Order 2021 and comes into force on 19th February 2021.

Commencement Information

II Art. 1 in force at 19.2.2021, see [art. 1](#)

Interpretation

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

“the 1961 Act” means the Land Compensation Act 1961 ^{M1};

“the 1965 Act” means the Compulsory Purchase Act 1965 ^{M2};

“the 1980 Act” means the Highways Act 1980 ^{M3};

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981 ^{M4};

“the 1984 Act” means the Road Traffic Regulation Act 1984 ^{M5};

“the 1990 Act” means the Town and Country Planning Act 1990 ^{M6};

“the 1991 Act” means the New Roads and Street Works Act 1991 ^{M7};

“the 2008 Act” means the Planning Act 2008 ^{M8};

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

“adjacent land” means that land which is necessary to carry out the development of the Works or ensure the safe construction of any section or part of the Works;

“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) 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 and set out in Part 6 (land plans, crown land plan and book of reference) of Schedule 9 (documents to be certified^{F1});

“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;

“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 and set out in Part 1 (classification of roads plans) of Schedule 9;

“commence” means beginning to carry out any material operation (as defined in section 56(4) (time when development begun) of the 1990 Act ^{M9}) 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, creation of working areas for remedial works, erection of any temporary means of enclosure, receipt and erection of construction plant and equipment, and the temporary display of site notices or advertisements, and “commencement” is to be construed accordingly;

“cycle track” has the same meaning as in section 329(1) (further provision as to interpretation) of the 1980 Act ^{M10};

“the de-trunking plans” means the plans certified by the Secretary of State as the de-trunking plans for the purposes of this Order set out in Part 2 (de-trunking plans) of Schedule 9;

“electronic transmission” means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form,

and in this definition “electronic communications network” has the same meaning as in section 32(1) (meaning of electronic communications networks and services) of the Communications Act 2003 ^{M11};

“the environmental statement” means the documents certified by the Secretary of State as the environmental statement for the purposes of this Order set out in Part 4 (the environmental statement) of Schedule 9;

“footpath” and “footway” have the same meaning as in the 1980 Act;

“the general arrangement plans” means the plans certified by the Secretary of State as the general arrangement plans for the purposes of this Order set out in Part 5 (general arrangement plans) of Schedule 9;

“highway” has the same meaning as in 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 set out in Part 6 of Schedule 9;

“the limits of deviation” means the limits of deviation referred to in article 8 (limits of deviation);

“the local highway authority” means Somerset County Council;

“maintain” includes, to the extent assessed in the environmental statement, inspect, repair, adjust, alter, remove, replace or reconstruct in relation to the authorised development 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 and works plans within which the authorised development may be carried out;

“the outline environmental management plan” means the document of that description certified by the Secretary of State as the outline environmental management plan for the purposes of this Order and set out in Part 11 (other documents) of Schedule 9;

“the outline written heritage scheme of investigation” means the document of that description certified by the Secretary of State as the outline written heritage scheme of investigation for the purposes of this Order and set out in Part 11 of Schedule 9;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981 ^{M12};

“the relevant planning authority” means the local planning authority for the land and matter in question, being South Somerset District Council or Somerset County Council;

“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 set out in Part 8 (rights and way and access plans) of Schedule 9;

“the 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 ^{M13} (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;

“traffic authority” has the same meaning as in section 121A ^{M14} (traffic authorities) of the 1984 Act;

“the traffic regulation measures plans” means the plans certified by the Secretary of State as the traffic regulation measures plans for the purposes of this Order set out in Part 9 (traffic regulation measures plans) of Schedule 9;

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

- (a) section 10 ^{M15} (general provision as to trunk roads) or section 19(1) ^{M16} (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 set out in Part 10 (work plans) of Schedule 9.

(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.

(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 specified plan(s).

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

Textual Amendments

F1 Art. 2(1): bracket inserted (21.5.2021) by The A303 Sparkford to [Ilchester Dualling Development Consent \(Correction\) Order 2021 \(S.I. 2021/607\)](#), arts. 1, 2, **Sch.**

Commencement Information

I2 Art. 2 in force at 19.2.2021, see **art. 1**

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 Section 56(4) was amended by paragraph 10(2) of Schedule 7 to, the [Planning and Compensation Act 1991 \(c. 34\)](#).

M10 The definition of “cycle track” 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 \(c. 54\)](#).

M11 2003 c. 21. Section 32(1) was amended by [S.I. 2011/1210](#).

M12 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.

M13 Section 48 was amended by section 124(1) and (2) of the [Local Transport Act 2008 \(c. 26\)](#).

M14 Section 121A was inserted by section 168(1) of, and paragraph 70 of Schedule 8 to, the 1991 Act. It has been amended by section 1(6) of, and paragraph 95(2) and (3) of Schedule 1 to, the [Infrastructure Act 2015 \(c. 7\)](#) and there are other amendments to the section that are not relevant to this Order.

M15 Section 10 was amended by section 22(2) of the 1991 Act, paragraph 22 of Schedule 2 to the 2008 Act and section 1(6) of, and paragraph 10 of Schedule 1 to, the [Infrastructure Act 2015](#).

M16 As amended by section 1 of, and paragraph 15 of Schedule 1 to, the [Infrastructure Act 2015](#).

Disapplication of legislative provisions

3.—(1) The following provisions 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—

- (a) the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 (bye-law making powers of the appropriate agency) to the [Water Resources Act 1991](#)^{M17};
- (b) section 23 (prohibition on obstructions etc. in watercourses) of the [Land Drainage Act 1991](#)^{M18};

- (c) section 32 (variation of awards) of the Land Drainage Act 1991; and
- (d) the provisions of any byelaws made under section 66 (powers to make byelaws) of the Land Drainage Act 1991.

(2) In so far as they relate to the temporary possession of land, the provisions of the Neighbourhood Planning Act 2017 ^{M19} 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 any maintenance of any part of the authorised development.

Commencement Information

I3 Art. 3 in force at 19.2.2021, see [art. 1](#)

Marginal Citations

M17 1991 c. 57.

M18 1991 c. 59.

M19 2017 c. 20.

Maintenance of drainage works

4.—(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 ^{M20} (interpretation) of the Land Drainage Act 1991.

Commencement Information

I4 Art. 4 in force at 19.2.2021, see [art. 1](#)

Marginal Citations

M20 The definition of “drainage” was substituted by paragraphs 191 and 194 of Schedule 22 to the [Environment Act 1995 \(c. 25\)](#).

Changes to legislation:

There are currently no known outstanding effects for the The A303 Sparkford to Ilchester Dualling Development Consent Order 2021, PART 1.