
STATUTORY INSTRUMENTS

2021 No. 74

INFRASTRUCTURE PLANNING

**The A1 Birtley to Coal House
Development Consent Order 2021**

Made - - - - 19th January 2021

Coming into force 9th February 2021

**THE A1 BIRTLEY TO COAL HOUSE
DEVELOPMENT CONSENT ORDER 2021**

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation

PART 2

PRINCIPAL POWERS

3. Development consent etc. granted by the Order
4. Maintenance of authorised development
5. Maintenance of drainage works
6. Planning permission
7. Limits of deviation
8. Benefit of the Order
9. Consent to transfer benefit of the Order

PART 3

STREETS

10. Application of the 1991 Act
11. Power to alter layout etc. of streets
12. Street works
13. Construction and maintenance of new, altered or diverted streets
14. Classification of roads etc.
15. Temporary stopping up and restriction of use of streets

Changes to legislation: There are currently no known outstanding effects for the The A1 Birtley to Coal House Development Consent Order 2021. (See end of Document for details)

16. Permanent stopping up and restriction of use of streets, public rights of way and private means of access
17. Access to works
18. Modification of Road Traffic Regulation Orders
19. Traffic regulation

PART 4

SUPPLEMENTAL POWERS

20. Discharge of water
21. Protective work to buildings
22. Authority to survey and investigate the land

PART 5

POWERS OF ACQUISITION AND POSSESSION

23. Compulsory acquisition of land
24. Compulsory acquisition of land – incorporation of the mineral code
25. Time limit for exercise of authority to acquire land compulsorily
26. Compulsory acquisition of rights and restrictive covenants
27. Private rights over land
28. Modification of Part 1 of the 1965 Act
29. Application of the 1981 Act
30. Acquisition of subsoil or airspace only
31. Rights under or over streets
32. Temporary use of land for carrying out the authorised development
33. Temporary use of land for maintaining the authorised development
34. Statutory undertakers
35. Apparatus and rights of statutory undertakers in stopped up streets
36. Recovery of costs of new connections

PART 6

OPERATIONS

37. Felling or lopping of trees and removal of hedgerows
38. Trees subject to tree preservation orders
39. Scheduled Monuments

PART 7

MISCELLANEOUS AND GENERAL

40. Application of landlord and tenant law
41. Operational land for purposes of the 1990 Act
42. Defence to proceedings in respect of statutory nuisance
43. Protection of interests
44. Certification of documents, etc.
45. Service of notices
46. Arbitration
Signature

SCHEDULES

SCHEDULE 1 — AUTHORISED DEVELOPMENT

In the Metropolitan Borough of Gateshead

Work No. 1a – The widening, alteration and realignment of...

Work No. 1b – The widening, alteration and realignment of...

Work No. 2 - The widening of the existing Kingsway...

Work No. 3a - The widening, alteration and realignment of...

Work No. 3b - The widening, alteration and realignment of...

Work No. 3c - The widening, alteration and realignment of...

Work No. 3d - The widening, alteration and realignment of...

Work No. 4a – The construction of a new offline...

Work No. 4b – The construction of a new offline...

With Work Nos. 4a and 4b including—

Work No. 5a – Construction of a new offline structure...

Work No. 5b - The demolition of the existing Allerdene...

Work No. 6a – The widening, alteration and realignment of...

Work No. 6b – The widening, alteration and realignment of...

Work No. 7a - The widening, alteration and realignment of...

Work No. 7b - The widening, alteration and realignment of...

Work No. 7c - The widening, alteration and realignment of...

Work No. 7d - The widening, alteration and realignment of...

Work No. 8a - The widening, alteration and realignment of...

Work No. 8b - The widening, alteration and realignment of...

Work No. 9 – Diversion of existing Northern Gas Networks...

Work No. 10 – Construction of a gas transfer station...

Work No. 11 - Construction of a private maintenance access...

Work No. 12 - Construction of a replacement gas transfer...

Work No. 13 – Diversion of existing Northern Gas Networks...

Work No. 14 - Diversion of existing Northern Gas Networks...

Work No. 15 - Diversion of existing Northern Gas Networks...

Work No. 16 - Diversion of existing Northern Gas Networks...

Work No. 17 – Construction of an access road from...

Work No. 18 – Demolition of existing North Dene Footbridge...

Work No. 19 – Extension of the north side of...

Work No. 20 – Alteration and realignment of existing culverted...

Work No. 21 – Temporary construction access required between

Woodford...

Work No. 22 – Diversion of Northumbrian Water main under...

Work No. 23 – Removal of existing Overhead Line Equipment...

and in connection with the construction of any of those...

SCHEDULE 2 — REQUIREMENTS

PART 1 — REQUIREMENTS

1. Interpretation
2. Time limits
3. Detailed design – general design requirements
4. Construction and handover environmental management plans
5. Landscaping
6. Contaminated land and groundwater
7. Protected species
8. Surface and foul water drainage

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9. Archaeological remains
 10. Traffic management
 11. Amendments to approved details
 12. Design of North Dene Footbridge
 13. Fencing
 14. Allerdene bridge replacement
 15. Primary Design Mitigation
 16. Advance site clearance works
 17. Details of construction compound
- PART 2 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS
18. Applications made under requirements
 19. Further information
 20. Register of requirements
 21. Anticipatory steps towards compliance with any requirement

SCHEDULE 3 — CLASSIFICATION OF ROADS ETC.

- PART 1 — TRUNK ROADS
PART 2 — OTHER RIGHTS OF WAY

SCHEDULE 4 — PERMANENT STOPPING UP OF STREETS, PUBLIC RIGHTS OF WAY AND PRIVATE MEANS OF ACCESS

- PART 1 — STREETS TO BE STOPPED UP AND FOR WHICH A SUBSTITUTE IS TO BE PROVIDED
PART 2 — PUBLIC RIGHTS OF WAY TO BE STOPPED UP AND FOR WHICH A SUBSTITUTE IS TO BE PROVIDED
PART 3 — PRIVATE MEANS OF ACCESS TO BE STOPPED UP AND FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

SCHEDULE 5 — PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP AND FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

SCHEDULE 6 — LAND IN RESPECT OF WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED

SCHEDULE 7 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS AND IMPOSITION OF RESTRICTIVE COVENANTS

— *Compensation enactments*

1. The enactments for the time being in force with respect...
2. (1) Without limitation on the scope of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...
— *Application of Part 1 of the 1965 Act*
4. Part 1 of the 1965 Act, as applied by section...
5. (1) The modifications referred to in paragraph 4(a) are as...

SCHEDULE 8 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 9 — TREES SUBJECT TO TREE PRESERVATION ORDER

SCHEDULE 10 — SCHEDULED MONUMENTS

SCHEDULE 11 — PROTECTIVE PROVISIONS

PART 1 — FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

1. For the protection of the utility undertakers referred to in...
2. In this Part of this Schedule— “alternative apparatus” means alternative...

On street apparatus

3. This Part of this Schedule does not apply to apparatus...

Apparatus in stopped up streets

4. (1) Where any street is stopped up under article 16...

Protective works to buildings

5. The undertaker, in the case of the powers conferred by...

Acquisition of land

6. Regardless of any provision in this Order or anything shown...

Removal of apparatus

7. (1) If, in the exercise of the powers conferred by...

Facilities and rights for alternative apparatus

8. (1) Where, in accordance with the provisions of this Part...

Retained apparatus

9. (1) Not less than 28 days before starting the execution...

Expenses and costs

10. (1) Subject to the following provisions of this paragraph, the...
11. (1) Subject to sub-paragraphs (2) and (3), if by reason...

Cooperation

12. Where in consequence of the proposed construction of any part...
13. Nothing in this Part of this Schedule affects the provisions...

PART 2 — FOR THE PROTECTION OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

14. For the protection of any operator, the following provisions have...
15. In this Part of this Schedule— “the 2003 Act” means...
16. The exercise of the powers conferred by article 34 (statutory...
17. (1) Subject to sub-paragraphs (2) to (4), if as the...

PART 3 — FOR THE PROTECTION OF RAILWAY INTERESTS

18. The following provisions of this Part of this Schedule have...
19. In this Part of this Schedule— construction” includes execution, placing,...
20. (1) Where under this Part of this Schedule Network Rail...
21. (1) The undertaker must not exercise the powers conferred by...
22. (1) The undertaker must, before commencing construction of any specified...
23. (1) Any specified work and any protective works to be...
24. The undertaker must— (a) at all times afford reasonable facilities...

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25. Network Rail must at all reasonable times afford reasonable facilities...
26. (1) If any permanent or temporary alterations or additions to...
27. The undertaker must repay to Network Rail all reasonable fees,...
28. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
29. If at any time after the completion of a specified...
30. The undertaker must not provide any illumination or illuminated sign...
31. Any additional expenses which Network Rail may reasonably incur in...
32. (1) The undertaker must pay to Network Rail all reasonable...
33. Network Rail must, on receipt of a request from the...
34. In the assessment of any sums payable to Network Rail...
35. The undertaker and Network Rail may, subject in the case...
36. Nothing in this Order, or in any enactment incorporated with...
37. The undertaker must give written notice to Network Rail where...
38. The undertaker must no later than 28 days from the...

PART 4 — FOR THE PROTECTION OF NORTHUMBRIAN WATER LIMITED

39. (1) For the protection of Northumbrian Water Limited the following...
40. In this part of this schedule— “alternative apparatus” means any...

On street apparatus

41. This Part of this Schedule does not apply to apparatus...

Apparatus in stopped up streets

42. (1) Where any street is stopped up under article 16...

Protective works to buildings

43. The undertaker, in the case of the powers conferred by...

Acquisition of land

44. Regardless of any provision in this Order or anything shown...

Removal of apparatus

45. (1) If, in the exercise of the powers conferred by...

Facilities and rights for alternative apparatus

46. (1) Where, in accordance with the provisions of this part...

Retained apparatus

47. (1) Not less than 56 days before starting the execution...

Expenses and costs

48. (1) Subject to the following provisions of this paragraph, the...

Access

49. If in consequence of the exercise of the powers conferred...

Co-operation

50. (1) Where in consequence of the proposed construction of any...

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SCHEDULE 12 — DOCUMENTS TO BE CERTIFIED

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Explanatory Note

Changes to legislation:

There are currently no known outstanding effects for the The A1 Birtley to Coal House Development Consent Order 2021.