
STATUTORY INSTRUMENTS

2023 No. 218

The A47 Wansford to Sutton Development Consent Order 2023

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the A47 Wansford to Sutton Development Consent Order 2023 and comes into force on 10th March 2023.

Commencement Information

II Art. 1 in force at 10.3.2023, see [art. 1](#)

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 2004 Act” means the Traffic Management Act 2004(8);

“the 2008 Act” means the Planning Act 2008(9);

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

“Anglian Water” means Anglian Water Services Limited (company number 2366656), whose registered office is at Lancaster House, Lancaster Way, Ermine Business Park, Huntingdon, Cambridgeshire, United Kingdom, PE29 6XU (or a related subsidiary company);

“apparatus” has the same meaning as in Part 3 of the 1991 Act;

(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) 2004 c. 18.
(9) 2008 c. 29.

“authorised development” means the development and associated development described in Schedule 1 (authorised development) and any other development authorised by this Order;

“book of reference” means the document of that description certified by the Secretary of State as the book of reference for the purposes of this Order and set out in Schedule 10 (documents to be certified);

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

“classification of roads plans” means the documents of that description referred to in Schedule 10 (documents to be certified) and certified by the Secretary of State as the classification of roads plans for the purposes of this Order;

“commence” means beginning to carry out any material operation (as defined in section 56(4)(10) of the 1990 Act) forming part of the authorised development other than operations consisting of archaeological investigations and mitigation works, 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, equipment, welfare facilities and temporary buildings, diversion and laying of underground apparatus including site clearance, 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) of the 1980 Act(11) and for the purposes of this Order includes parts of a cycle track and a right of way on foot;

“detrunking plans” mean the documents of that description referred to in Schedule 10 (documents to be certified) and certified by the Secretary of State as the detrunking 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;

and in this definition “electronic communications network” has the same meaning as is in section 32(1) (meaning of electronic communications networks and services) of the Communications Act 2003(12);

“engineering drawings and sections” means the documents of that description referred to in Schedule 10 (documents to be certified) and certified by the Secretary of State as the engineering drawings and sections for the purposes of this Order;

“environmental statement” means the document of that description referred to in Schedule 10 (documents to be certified) and 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;

“general arrangement plans” means the documents of that description referred to in Schedule 10 (documents to be certified) and certified by the Secretary of State as the general arrangement plans for the purposes of this Order;

(10) 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).

(11) 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).

(12) 2003 c. 21. Section 32(1) was amended by S.I. 2011/1210.

“hedgerow plans” means the documents of that description referred to in Schedule 10 (documents to be certified) and certified by the Secretary of State as the hedgerow plans for the purposes of this Order;

“highway” has the same meaning as in section 328(1) (meaning of “highway”) of the 1980 Act;

“highway authority” means the undertaker;

“land plans” means the documents of that description referred to in Schedule 10 (documents to be certified) 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 8 (limits of deviation);

“local highway authority” means Peterborough City Council;

[^{F1}“maintain”,] in relation to the authorised development, includes to inspect, repair, adjust, alter, remove, replace or reconstruct, provided such works do not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement and any derivative of “maintain” is to be construed accordingly;

“NGED” means National Grid Distribution (East Midlands) plc (company number 02366923) whose registered office is at Avonbank, Feeder Road, Bristol, BS2 0TB;

“NGG” means National Grid Gas Plc (company number 02006000) whose registered office is at 1-3 The Strand, London, WC2N 5EH or any successor as a gas transporter within the meaning of Part 1 of the Gas Act 1986 as the context requires;

“Order land” means the land shown on the land plans which is within the limits of the land to be acquired or used permanently or temporarily and described in the book of reference;

“Order limits” means the limits of land to be acquired or used temporarily as shown on the land plans and works plans within which the authorised development may be carried out;

“outline traffic management plan” means the document of that description referred to in Schedule 10 (documents to be certified) and certified by the Secretary of State as the outline traffic management plan for the purposes of this Order;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981(13);

“public communications provider” has the same meaning as in section 151(1) (interpretation of Chapter 1) of the Communications Act 2003(14);

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

“rights of way and access plans” means the documents of that description referred to in Schedule 10 (documents to be certified) and certified by the Secretary of State as the rights of way and access 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(15) (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;

(13) 1981 c. 67. The definition of “owner” in section 7 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.

(14) There are amendments to section 151 which are not relevant to this Order.

(15) Section 48 was amended by section 124 of the Local Transport Act 2008 (c. 26).

“traffic authority” has the same meaning as in section 121A(16) (traffic authorities) of the 1984 Act;

“traffic regulation plans” means [F2the documents of] that description referred to in Schedule 10 (documents to be certified) and certified by the Secretary of State as the traffic regulation plans for the purposes of this Order;

“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 provision as to trunk roads) or section 19(1)(18) (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; or
- (c) an order granting development consent; or
- (d) any other enactment;

“undertaker” means National Highways 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

“works plans” means the documents of that description referred to in Schedule 10 (documents to be certified) and 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 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 relevant plans.

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

Textual Amendments

- F1** Word in [art. 2](#) substituted (17.6.2023) by [The A47 Wansford to Sutton \(Corrections\) Order 2023 \(S.I. 2023/667\)](#), [art. 1](#), [Sch.](#)
- F2** Words in [art. 2](#) substituted (17.6.2023) by [The A47 Wansford to Sutton \(Corrections\) Order 2023 \(S.I. 2023/667\)](#), [art. 1](#), [Sch.](#)

(16) Section 121A was inserted by section 168(1) of, and paragraph 70 of Schedule 8 to, the 1991 Act, and amended by section 1(6) of, and paragraph 95(2) and (3) of Schedule 1 to, the Infrastructure Act 2015 (c. 7) and S.I. 2001/1400. 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 and paragraph 22 of Schedule 2 to the 2008 Act, and by section 1 of, and Schedule 1 to, the Infrastructure Act 2015.

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

Commencement Information

I2 Art. 2 in force at 10.3.2023, see [art. 1](#)

Disapplication of legislative provisions

3.—(1) The provisions of the Neighbourhood Planning Act 2017(**19**) insofar as they relate to temporary possession of land under articles [34](#) (temporary use of land for carrying out the authorised development) and [35](#) (temporary use of land for maintaining the authorised development) of this Order do not apply in relation to the construction of works carried out for the purpose of, or in connection with, the construction or maintenance of the authorised development.

(2) Section 32 (variation of awards) of the Land Drainage Act 1991(**20**) does 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.

Commencement Information

I3 Art. 3 in force at 10.3.2023, see [art. 1](#)

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 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(**21**).

Commencement Information

I4 Art. 4 in force at 10.3.2023, see [art. 1](#)

(19) 2017 c. 20.

(20) 1991 c. 59. Section 32 was amended by S.I. 2013/755 (W. 90).

(21) 1991 c. 59. The definition of “drainage” was substituted by section 100(2) of the Environment Act 1995 (c. 25).

Changes to legislation:

There are currently no known outstanding effects for the The A47 Wansford to Sutton Development Consent Order 2023, PART 1.