STATUTORY INSTRUMENTS

2016 No. 73

INFRASTRUCTURE PLANNING

The A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016

Made - - - -	*28th January 2016*
Coming into force - -	*18th February 2016*

An application has been made to the Secretary of State under section 37 of the Planning Act 2008(**1**) ("the 2008 Act") in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(**2**) for an Order granting development consent.

The application was examined by a single appointed person (appointed by the Secretary of State) in accordance with Chapter 4 of Part 6 of the 2008 Act and the Infrastructure Planning (Examination Procedure) Rules 2010(**3**).

The single appointed person, having considered the representations made and not withdrawn and the application together with the accompanying documents, in accordance with section 83 of the 2008 Act, has submitted a report to the Secretary of State.

(**1**) 2008. c. 29 . Parts 1 to 7 were amended by Chapter 6 of Part 6 of the Localism Act 2011 (c. 20) .

(**2**) S.I. 2009/2264 , amended by S.I. 2010/439 , S.I. 2010/602 , S.I . 2012/635 , S.I. 2012/2654 , S.I. 2012/2732 , S.I. 2013/522 , S.I. 2013/755 , S.I. 2014/2381 , S.I. 2015/377 ; modified by S.I. 2012/1659 .

(**3**) S.I. 2010/103 , amended by S.I. 2012/635 .

The Secretary of State, having considered the representations made and not withdrawn, and the report of the single appointed person, has determined to make an Order granting development consent for the development described in the application with modifications which in the opinion of the Secretary of State do not make any substantial change to the proposals comprised in the application.

The Secretary of State, in exercise of the powers conferred by sections 114, 115, 117, 120 and 122 of, and paragraphs 1 to 3, 10 to 15, 17, 19, 21, 22, 26, 33, 36 and 37 of Part 1 of Schedule 5 to, the 2008 Act, makes the following Order—

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the A19/A1058 Coast Road (Junction Improvement) Development Consent Order 2016 and comes into force on 18th February 2016.

Interpretation

2.—(1) In this Order—

"the 1961 Act" means the Land Compensation Act 1961(**4**);

"the 1965 Act" means the Compulsory Purchase Act 1965(**5**);

"the 1980 Act" means the Highways Act 1980(**6**);

"the 1981 Act" means the Compulsory Purchase (Vesting Declarations) Act 1981(**7**);

"the 1984 Act" means the Road Traffic Regulation Act 1984(**8**);

"the 1990 Act" means the Town and Country Planning Act 1990(**9**);

"the 1991 Act" means the New Roads and Street Works Act 1991(**10**);

"the 2008 Act" means the Planning Act 2008(**11**);

"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 and any other development authorised by this Order or part of

(**4**) 1961 c. 33
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(**5**) 1965 c. 56
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(**6**) 1980 c. 66
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(**7**) 1981 c. 66
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(**8**) 1984 c. 27
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(**9**) 1990 c. 8
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(**10**) 1991 c. 22
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(**11**) 2008 c. 29
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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;

"British Telecommunications Public Limited Company" means the company of that name, company number 1800000, whose registered office is at 81 Newgate Street London EC1A 7AJ;

"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 and includes part of a carriageway;

"cycle track" has the same meaning as in section 329(1) (further provisions as to interpretation) of the 1980 Act(**12**) and includes part of a cycle track;

"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 documents certified as the engineering drawings and sections by the Secretary of State for the purposes of this Order;

"environmental report" means the environmental assessment report submitted with the application for this Order and certified as the environmental report by the Secretary of State for the purposes of this order;

"footpath" and "footway" have the same meaning as in the 1980 Act and include part of a footpath or footway;

"highway", has the same meaning as in the 1980 Act and includes part of a highway;

"the highway authority" means the undertaker;

"the land plans" means the plans 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 5 (limits of deviation);

"the local highway authority" means North Tyneside Council;

"maintain" includes inspect, repair, adjust, alter, remove or reconstruct in relation to the authorised development 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 deviation shown on the works plans within which the authorised development may be carried out;

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

"Northern Gas Networks Limited" means the company of that name, company number 05167070, whose registered office is at 1100 Century Way, Thorpe Park Business Park, Colton, Leeds, LS15 8TU;

(**12**) 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).

(**13**) 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.

"Northern Powergrid Limited" means the company of that name, company number 03271033, whose registered office is at Lloyds Court, 78 Grey Street, Newcastle Upon Tyne, NE1 6AF;

"Northumbrian Water Limited" means the company of that name, company number 02366703, whose registered office is at Northumbria House, Abbey Road, Pity Me, Durham, DH1 5FJ;

"relevant planning authority" means North Tyneside Council;

"rights of way and access plans" means the plans certified as the rights of way and access plans by the Secretary of State for the purposes of this Order;

"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 (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 regulation plans" means the plans certified as the traffic regulation plans by the Secretary of State for the purposes of this Order;

"traffic authority" has the same meaning as in 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(**14**) or 19(1)(**15**) of the 1980 Act;

(b) an order or direction under section 10 of that Act; or

(c) an order granting development consent; or

(d) any other enactment;

"undertaker" means Highways England Company Limited, company number 9346363, 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 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.

(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 numbered works are references to the works as numbered in Schedule 1.

(**14**) As 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 (c. 7)
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(**15**) As amended by section 1 of, and Schedule 1 to, the Infrastructure Act 2015 (c. 7)
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PART 2

PRINCIPAL POWERS

Development consent etc. granted by the Order

3. Subject to the provisions of this Order including the requirements in Schedule 2 (requirements), the undertaker is granted development consent for the authorised development to be carried out within the Order limits.

Maintenance of authorised development

4. The undertaker may at any time maintain the authorised development, except to the extent that this Order, or an agreement made under this Order, provides otherwise.

Limits of deviation

5.—(1) In carrying out the authorised development the undertaker may—

(a) deviate laterally from the lines or situations of the authorised development shown on the works plans to the extent of the limits of deviation shown on those plans; and

(b) deviate vertically from the levels of the authorised development shown on the engineering drawings and sections, to a maximum of 0.5 metres upwards or 1.0 metre downwards.

(2) Any deviation under paragraph (1) is only permitted if it is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental report.

Benefit of Order

6. Subject to article 7 (consent to transfer benefit of Order), the provisions of this Order conferring powers on the undertaker have effect solely for the benefit of the undertaker.

Consent to transfer benefit of Order

7.—(1) The undertaker may—

(a) transfer to another person ("the transferee") any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee; or

(b) grant to another person ("the lessee") for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.

(2) Where an agreement has been made in accordance with paragraph (1) references in this Order to the undertaker, except in paragraph (3), include references to the transferee or the lessee.

(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.

(4) The consent of the Secretary of State is required for a transfer or grant under this article, except where the transfer or grant is made to—

(a) British Telecommunications Public Limited Company for the purposes of undertaking work number 2d;

(b) Northern Powergrid Limited for the purposes of undertaking work numbers 2e and 2h;