STATUTORY INSTRUMENTS

2015 No. 1347

INFRASTRUCTURE PLANNING

The Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015

Made - - - -	*2nd June 2015*
Coming into force - -	*23rd June 2015*

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The Panel, having considered the representations made and not withdrawn and the application together with accompanying documents, in accordance with section 83 of the 2008 Act, has submitted a report to the Secretary of State.

The Secretary of State, having considered the representations made and not withdrawn, and the report of the Panel, has determined to make an Order granting development consent for the development described in the application with modifications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.

In relation to the compulsory acquisition of the fuel allotment land(**4**), the Secretary of State is satisfied, in accordance with section 131(3) of the 2008 Act, that section 131(5) applies.

In relation to the compulsory acquisition of the Marriott's Way open space land(**5**), the Secretary of State is satisfied, in accordance with section 131(3) of the 2008 Act, that section 131(4) applies.

In relation to the compulsory acquisition of rights over the Marriott's Way open space land, the Secretary of State is satisfied, in accordance with section 132(2) of the 2008 Act, that section 132(3) applies.

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 17, 19, 22, 23, 26, 36 and 37 of Part 1 of Schedule 5 to, the 2008 Act, makes the following Order—

(**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 and S.I. 2013/755.
(**3**) S.I. 2010/103, amended by S.I. 2012/635.
(**4**) "Fuel allotment land" is defined in article 2(1).
(**5**) "Marriot's Way open space land" is defined in article 2(1).

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Norfolk County Council (Norwich Northern Distributor Road (A1067 to A47(T))) Order 2015 and comes into force on 23rd June 2015.

Interpretation

2.—(1) In this order—

"the 1961 Act" means the Land Compensation Act 1961(**6**);

"the 1965 Act" means the Compulsory Purchase Act 1965(**7**);

"the 1980 Act" means the Highways Act 1980(**8**);

"the 1984 Act" means the Road Traffic Regulation Act 1984(**9**);

"the 1990 Act" means the Town and Country Planning Act 1990(**10**);

"the 1991 Act" means the New Roads and Street Works Act 1991(**11**);

"the 2008 Act" means the Planning Act 2008(**12**);

"address" includes any number or address used for the purposes of electronic transmission;

"Anglian Water" means Anglian Water Services Limited (Company No. 02366656) whose registered office is at Anglian House, Ambury Road, Huntingdon, Cambridgeshire, PE29 3NZ;

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

"authorised development" means the 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;

"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;

"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;

"compulsory acquisition notice" means a notice served in accordance with section 134 (notice of authorisation of compulsory acquisition) of the 2008 Act;

"cycle track" has the same meaning as in section 329(1) (further provisions as to interpretation) of the 1980 Act(**13**);

"electronic transmission" means a communication transmitted—

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

(**6**) 1961 c. 33.
(**7**) 1965 c. 56.
(**8**) 1980 c. 66.
(**9**) 1984 c. 27.
(**10**) 1990 c.8.
(**11**) 1991 c. 22.
(**12**) 2008 c. 29.
(**13**) 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).

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

"environmental impact assessment" means the assessment of the environmental impact of the authorised development, the findings of which are recorded in the environmental statement;

"the environmental statement" means the environmental statement submitted under regulation 5(2)(a) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(**14**) and certified as such by the Secretary of State for the purposes of this Order;

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

"fuel allotment land" means that land numbered as plot 10/45 in the book of reference and which is so numbered and shown delineated, and coloured pink and stippled black on the land plans;

"highway" and "highway authority" have the same meaning as in the 1980 Act;

"the highway classification plans" means the plans certified as the highway classification plans by the Secretary of State for the purposes of this Order;

"Highways England" means Highways England Company Limited (Company No. 9346363), whose registered office is at Bridge House, Walnut Tree Close, Guildford, GU1 4ZZ, appointed as highway authority for the highways specified in article 2 of the Appointment of a Strategic Highways Company Order 2015(**15**);

"the land plans" means the plans certified as the land plans by the Secretary of State for the purposes of this Order;

"the landscaping plans" means the plans certified as the landscaping plans by the Secretary of State for the purposes of this Order;

"limits of deviation" means the limits of deviation for each numbered work shown on the works plans and as set out in article 5 (limits of deviation);

"maintain" includes inspect, repair, adjust, alter, remove, clear, refurbish, reconstruct and improve, and any derivative of "maintain" is to be construed accordingly;

"Marriott's Way open space land" means—

(a) plot 2/27 in the book of reference and which is so numbered and shown delineated and hatched pink on the land plans;

(b) plots 2/23, 2/25, 2/34 and 2/37 in the book of reference and which are so numbered and shown delineated and hatched pink and green and stippled black on the land plans; and

(c) plots 2/26, 2/28 and 2/29 in the book of reference and which are so numbered and shown delineated and coloured blue and stippled black on the land plans;

"Marriott's Way replacement open space land" means—

(a) that land numbered as plot 2/27a in the book of reference and which is so numbered and shown delineated and coloured green and stippled black on the land plan;

(b) plots 2/23, 2/25, 2/34 and 2/37 in the book of reference and which are so numbered and shown delineated and hatched pink and green and stippled black on the land plans; and

(c) plots 2/26, 2/28 and 2/29 in the book of reference and which are so numbered and shown delineated and coloured blue and stippled black on the land plans;

"National Grid" means National Grid Gas plc (Company No. 02006000) whose registered office is at 1-3 Strand, London, WC2N 5EH;

(**14**) 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 and S.I. 2013/755.
(**15**) S.I. 2015/376.

"the NDR classified road" means the highway which the undertaker proposes to construct, as the A1270 Principal Road, as described in Part 2 of Schedule 5 (classification of roads);

"Network Rail" means Network Rail Infrastructure Limited (Company No. 02904587) whose registered office is at 1 Eversholt Street, London, NW1 2DN;

"numbered work" means each numbered work comprised in the authorised development and to be located within the corresponding numbered area shown on the works plan, and "work number" 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 shown on and described as "the Development Consent Order (DCO) Boundary" on the works plans and 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(**16**);

"relevant planning authority" means Norfolk County Council;

"requirements" means those matters set out in Schedule 2 (requirements);

"restricted byway" has the same meaning as in section 48(4) (restricted byway rights) of the Countryside and Rights of Way Act 2000(**17**);

"the sections" means the sections shown on the plans certified as the section plans by the Secretary of State for the purposes of this Order (being the Plan and Long Sections, and the Cross Sections specified in paragraph 4(1) of Schedule 2);

"statutory undertaker" means a 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 "street" includes any part of a street;

"street authority", in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

"the street plans" means the plans certified as the street plans by the Secretary of State for the purposes of this Order;

"tree preservation order" is an order made in accordance with section 198(1) (power to make tree preservation orders) of the 1990 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(**18**) or 19(1) of the 1980 Act;

(b) an order or direction under section 10 of the 1980 Act;

(c) an order granting development consent; or

(d) any other enactment;

"undertaker" means the person who has the benefit of this Order in accordance with article 6 (benefit of the order);

"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

(**16**) 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.
(**17**) 2000 c. 37.
(**18**) As amended by section 22(2) of the 1991 Act and paragraph 22 of Schedule 2 to the 2008 Act.

"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 air-space 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) 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 works plans, the land plans or the street plans (as specified in each case).

(6) References to plots in this Order are references to the plots shown on the land plans and detailed in the book of reference.

PART 2

PRINCIPAL POWERS

Development consent etc. granted by the Order

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

(2) Subject to article 5 (limits of deviation), the numbered works must only be constructed in the lines or in the situations shown on the works plans and, subject to the provisions of the requirements, in accordance with the plans approved in requirement 4.

Maintenance of authorised development

4.—(1) Except to the extent that this Order or an agreement made under this Order provides otherwise, the undertaker may at any time maintain the authorised development.

(2) This article only authorises the carrying out of maintenance works within the Order limits.

Limits of deviation

5.—(1) In carrying out the authorised development, the undertaker may deviate vertically and laterally within the limits of deviation specified in paragraphs (2) and (3).

(2) Except as provided in paragraph (3), the undertaker may deviate vertically and laterally within the following limits of deviation—

(1) *Numbered work*	*(2)* *Elements of numbered work to which limits apply*	*(3)* *Upwards vertical limit of deviation*	*(4)* *Downwards vertical limit of deviation*	*(5)* *Lateral limit of deviation*
Work Nos. 1 to 24	Carriageway and adjacent verges, footways,	Zero	0.25 metres	Within Order limits