

---

STATUTORY INSTRUMENTS

---

**2017 No. 1202**

**INFRASTRUCTURE PLANNING**

**The M20 Junction 10a Development Consent Order 2017**

*Made* - - - - *1st December 2017*  
*Coming into force* *22nd December*  
*2017*

**THE M20 JUNCTION 10A DEVELOPMENT CONSENT ORDER 2017**

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Disapplication of legislative provisions
4. Maintenance of drainage works

PART 2

PRINCIPAL POWERS

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

PART 3

STREETS

11. Application of the 1991 Act
12. Construction and maintenance of new, altered or diverted streets and other structures
13. Classification of roads, etc.
14. Temporary stopping up and restriction of use of streets
15. Permanent stopping up and restriction of use of streets and private means of access
16. Access to works

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The M20 Junction 10a Development Consent Order 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

17. Clearways

#### PART 4

#### SUPPLEMENTAL POWERS

18. Discharge of water
19. Protective work to buildings
20. Authority to survey and investigate the land

#### PART 5

#### POWERS OF ACQUISITION

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

#### PART 6

#### OPERATIONS

37. Existing powers and duties of the undertaker
38. Felling or lopping of trees and removal of hedgerows
39. Trees subject to tree preservation orders

#### 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. Protective provisions
44. Certification of plans, etc.
45. Service of notices
46. Arbitration
47. Traffic regulation
- Signature

---

#### SCHEDULES

#### SCHEDULE 1 — AUTHORISED DEVELOPMENT

In the administrative areas of Kent County Council and Ashford Borough Council

SCHEDULE 2 — REQUIREMENTS

PART 1 — REQUIREMENTS

1. Interpretation
  2. Time limits
  3. Construction Environmental Management Plan
  4. Details of consultation
  5. Landscaping
  6. Implementation and maintenance of landscaping
  7. Fencing
  8. Land and groundwater contamination
  9. Archaeology
  10. Protected species
  11. Traffic management
  12. Detailed design
  13. Surface and foul water drainage
  14. Flood compensatory storage
  15. Approvals and amendments to approved details
  16. Alternative A2070 options
- PART 2 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS
17. Applications made under requirements
  18. Further information
  19. Register of requirements
  20. Anticipatory steps towards compliance with any requirement

SCHEDULE 3 — CLASSIFICATIONS OF ROADS, ETC.

PART 1 — SPECIAL ROADS

PART 2 — TRUNK ROADS

PART 3 — CLASSIFIED ROADS

PART 4 — UNCLASSIFIED ROADS

PART 5 — SPEED LIMITS

PART 6 — TRAFFIC REGULATION MEASURES (CLEARWAYS AND PROHIBITIONS)

PART 7 — REVOCATIONS & VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS

PART 8 — FOOTPATHS, CYCLE TRACKS AND FOOTWAYS

SCHEDULE 4 — PERMANENT STOPPING UP OF HIGHWAYS AND PRIVATE MEANS OF ACCESS & PROVISION OF NEW HIGHWAYS AND PRIVATE MEANS OF ACCESS

PART 1 — HIGHWAYS TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

PART 2 — HIGHWAYS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND NEW HIGHWAYS WHICH ARE OTHERWISE TO BE PROVIDED

PART 3 — PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND NEW PRIVATE MEANS OF ACCESS WHICH ARE OTHERWISE TO BE PROVIDED

PART 4 — PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The M20 Junction 10a Development Consent Order 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 5 — LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED

SCHEDULE 6 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

*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 modification referred to in paragraph 4(a) are as...

SCHEDULE 7 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 8 — TREES SUBJECT TO TREE PRESERVATION ORDERS

SCHEDULE 9 — 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...
3. On street apparatus
4. Apparatus in stopped up streets
5. Protective works to buildings
6. Acquisition of land
7. Removal of apparatus
8. Facilities and rights for alternative apparatus
9. Retained apparatus
10. Expenses and costs
11. (1) Subject to sub-paragraphs (2) and (3), if by reason...
12. Cooperation
13. Nothing in this Part of this Schedule affects the provisions...

PART 2 — FOR THE PROTECTION OF OPERATORS 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 33 (statutory...
17. (1) Subject to sub-paragraphs (2) to (4), if as the...

PART 3 — FOR THE PROTECTION OF THE ENVIRONMENT AGENCY

18. The following provisions apply for the protection of the Agency...
19. In this Part of this Schedule— “the Agency” means the...
20. (1) Before beginning to construct any specified work, the undertaker...
21. Without limitation on the scope of paragraph 20, but subject...
22. (1) Subject to sub-paragraph (2), any specified work, and all...
23. (1) Subject to sub-paragraph (6), the undertaker must from the...
24. If by reason of the construction of any specified work...
25. If by reason of construction of a specified work the...
26. (1) The undertaker must take all such measures as may...

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The M20 Junction 10a Development Consent Order 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

27. (1) The undertaker must repay to the Agency all costs,...
28. If following construction of the authorised development the Agency's access...
29. Any dispute arising between the undertaker and the Agency under...

SCHEDULE 10 — ENVIRONMENTAL STATEMENT DOCUMENTS TO BE  
CERTIFIED

Explanatory Note

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The M20 Junction 10a Development Consent Order 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Sch. 2 para. 3(2)(e) word substituted by [S.I. 2019/1271 art. 2\(2\)\(a\)\(ii\)](#)
- Sch. 2 para. 3(2)(e) word substituted by [S.I. 2019/1271 art. 2\(2\)\(a\)\(iii\)](#)
- Sch. 2 para. 3(2)(e) words inserted by [S.I. 2019/1271 art. 2\(2\)\(a\)\(i\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 para. 3(2)(ea) inserted by [S.I. 2019/1271 art. 2\(2\)\(b\)](#)
- Sch. 2 para. 3(6) inserted by [S.I. 2019/1271 art. 2\(3\)](#)