

---

STATUTORY INSTRUMENTS

---

**2018 No. 994**

**INFRASTRUCTURE PLANNING**

**The A19/A184 Testo's Junction Alteration  
Development Consent Order 2018**

*Made - - - - 12th September 2018*

*Coming into force 3rd October 2018*

**THE A19/A184 TESTO'S JUNCTION ALTERATION  
DEVELOPMENT CONSENT ORDER 2018**

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. Limits of deviation
7. Benefit of Order
8. Consent to transfer benefit of Order

PART 3

STREETS

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

*Status: This is the original version (as it was originally made).*

16. Traffic regulation

#### PART 4

#### SUPPLEMENTAL POWERS

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

#### PART 5

#### POWERS OF ACQUISITION AND POSSESSION OF LAND

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

#### PART 6

#### OPERATIONS

34. Felling or lopping of trees and removal of hedgerows
35. Trees subject to tree preservation orders

#### PART 7

#### MISCELLANEOUS AND GENERAL

36. Application of landlord and tenant law
37. Operational land for purposes of the Town and Country Planning Act 1990
38. Defence to proceedings in respect of statutory nuisance
39. Protection of interests
40. Certification of documents, etc.
41. Service of notices
42. Arbitration
- Signature

---

#### SCHEDULES

#### SCHEDULE 1 — AUTHORISED DEVELOPMENT

#### SCHEDULE 2 — REQUIREMENTS

#### PART 1 — REQUIREMENTS

1. Interpretation

2. Time limits
  3. Detailed design
  4. Construction and handover environmental management plans
  5. Landscaping
  6. Contaminated land and groundwater
  7. Protected species
  8. Surface and foul water drainage
  9. Archaeological remains
  10. Traffic management
  11. Amendments to approved details
  12. Fencing
- PART 2 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS
13. Applications made under requirements
  14. Further information
  15. Register of requirements
  16. Anticipatory steps towards compliance with any requirement

SCHEDULE 3 — CLASSIFICATION OF ROADS, ETC.

PART 1 — TRUNK ROADS

PART 2 — CLASSIFIED ROADS

PART 3 — OTHER PUBLIC RIGHTS OF WAY

SCHEDULE 4 — PERMANENT STOPPING UP OF STREETS AND PRIVATE MEANS OF ACCESS

PART 1 — PUBLIC RIGHTS OF WAY TO BE STOPPED UP AND FOR WHICH A SUBSTITUTE IS TO BE PROVIDED

PART 2 — PRIVATE MEANS OF ACCESS 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 NO SUBSTITUTE IS TO BE PROVIDED

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 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 (compulsory purchase under Acquisition of Land Act 1946)...
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

*Status: This is the original version (as it was originally made).*

SCHEDULE 9 — PROTECTIVE PROVISIONS

PART 1 — FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWAGE 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 13...

*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 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 31 (statutory...
17. (1) Subject to sub-paragraphs (2) to (4), if as the...

SCHEDULE 10 — DOCUMENTS TO BE CERTIFIED

Explanatory Note