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## STATUTORY INSTRUMENTS

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# 2020 No. 556

## The A63 (Castle Street Improvement, Hull) Development Consent Order 2020

### PART 1

#### PRELIMINARY

#### Citation and commencement

1. This Order may be cited as the A63 (Castle Street Improvement, Hull) Development Consent Order 2020 and comes into force on 18th June 2020.

#### Commencement Information

II Art. 1 in force at 18.6.2020, see [art. 1](#)

#### Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961 <sup>M1</sup>;

“the 1965 Act” means the Compulsory Purchase Act 1965 <sup>M2</sup>;

“the 1980 Act” means the Highways Act 1980 <sup>M3</sup>;

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981 <sup>M4</sup>;

“the 1984 Act” means the Road Traffic Regulation Act 1984 <sup>M5</sup>;

“the 1990 Act” means the Town and Country Planning Act 1990 <sup>M6</sup>;

“the 1991 Act” means the New Roads and Street Works Act 1991 <sup>M7</sup>;

“the 2008 Act” means the Planning Act 2008 <sup>M8</sup>;

“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 and associated development described in Schedule 1 (authorised development) or any part of it, which is development within the meaning of section 32 (meaning of development) of the 2008 Act;

“the book of reference” means the document certified by the Secretary of State under article 41 (certification of documents etc.) as the book of reference for the purposes of this Order;

“British Telecommunications PLC” and “BT” means the company registered in England and Wales, company number 01800000, whose registered address is 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;

“CEMP” means construction environmental management plan;

“commence” means beginning to carry out any material operation (as defined in section 155 of the 2008 Act) forming part of the authorised development other than operations consisting of archaeological investigations, environmental surveys and monitoring, investigations for the purpose of assessing ground conditions, erection of any temporary means of enclosure or the temporary display of site notices or advertisements [<sup>F1</sup>or installation of a site compound] and “commencement” is to be construed accordingly;

“cycle track” has the same meaning as in the 1980 Act and includes part of a cycle track <sup>M9</sup>;

“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 drawings and sections certified by the Secretary of State under article 41 (certification of documents etc.) as the engineering drawings and sections for the purposes of this Order;

“environmental statement” means the document of that description certified by the Secretary of State under article 41 (certification of documents etc.) as the environmental statement for the purposes of this Order;

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

“highway”, “highway authority” and “local highway authority” have the same meaning as in the 1980 Act and “highway” includes part of a highway;

“Historic England” means the Historic Buildings and Monuments Commission for England;

“KCOM Group PLC” and “KCOM” means the company registered in England and Wales, company number 02150618, whose registered address is 37 Carr Lane, Hull, East Yorkshire, HU1 3RE;

“the land plans” means the plans certified by the Secretary of State under article 41 (certification of documents etc.) as the land plans for the purposes of this Order;

“limits of deviation” means the limits of deviation referred to in article 6 (limits of deviation);

“maintain” in relation to the authorised development includes to inspect, repair, adjust, alter, remove or reconstruct to the extent that is unlikely to 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;

“Northern Gas Networks Limited” means the company registered in England and Wales, company number 05167070, whose registered address is 1100 Century Way, Thorpe Park Business Park, Colton, Leeds LS15 8TU;

“Northern Powergrid Limited” means the company registered in England and Wales, company number 03271033, whose registered address is Lloyds Court, 78 Grey Street, Newcastle Upon Tyne NE1 6AF;

“OEMP” means the outline CEMP certified by the Secretary of State under article 41 (certification of documents etc.) as the OEMP for the purposes of this Order;

“Order land” means the land shown on the land plans which is within the Order limits and described in the book of reference;

“the Order limits” means the limits of lands to be acquired or used permanently or temporarily shown on the land plans and 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 <sup>M10</sup>;

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

“statutory undertaker” means any statutory undertaker for the purposes of section 127(8), 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;

“streets, rights of way and access plans” means the plans certified by the Secretary of State under article 41 (certification of documents etc.) as the streets, rights of way and access plans for the purposes of this Order;

“traffic authority” has the same meaning as in section 121A <sup>M11</sup> (traffic authorities) of 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 <sup>M12</sup> (general provision as to trunk roads) or 19(1) <sup>M13</sup> (certain special roads and other highways to become trunk roads) of the 1980 Act; [<sup>F2</sup>or]
- (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 No. 09346363) whose registered office is 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;

“the works plans” means the plans certified by the Secretary of State under article 41 (certification of documents etc.) as the works plans for the purposes of this Order; and

“Yorkshire Water Services Limited” and “YW” means the company registered in England and Wales, company number 02366682, whose registered address is Western House, Halifax Road, Bradford, West Yorkshire, BD6 2SZ.

(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 streets, rights of way and access plans.

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

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#### Textual Amendments

- F1** Words in [art. 2\(1\)](#) inserted (29.10.2020) by [The A63 Castle Street Improvement Hull \(Correction\) Order 2020 \(S.I. 2020/1184\)](#), arts. 1, [2\(2\)\(a\)](#)
- F2** Word in [art. 2\(1\)](#) inserted (29.10.2020) by [The A63 Castle Street Improvement Hull \(Correction\) Order 2020 \(S.I. 2020/1184\)](#), arts. 1, [2\(2\)\(b\)](#)
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#### Commencement Information

- I2** Art. 2 in force at 18.6.2020, see [art. 1](#)
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#### Marginal Citations

- M1** 1961 c. 33.
- M2** 1965 c. 56.
- M3** 1980 c. 66.
- M4** 1981 c. 66.
- M5** 1984 c. 27.
- M6** 1990 c. 8. Section 206(1) was amended by section 192(8) of, and paragraphs 7 and 11 of Schedule 8 to, the [Planning Act 2008 \(c. 29\)](#) (date in force to be appointed see [section 241\(3\)](#), (4)(a) and (c) of the 2008 Act). There are other amendments to the 1990 Act which are not relevant to this Order.
- M7** 1991 c. 22.
- M8** 2008 c. 29.
- M9** The definition of “cycle track” (in section 329(1) of the 1980 Act) was amended by section 1 of the [Cycle Tracks Act 1984 \(c. 38\)](#) and section 4 of, and paragraph 21(2) of Schedule 3 to the [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54\)](#).
- M10** 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 the Order.
- M11** [Section 121A](#) was inserted by section 168(1) of, and paragraph 70 of Schedule 8 to, the 1991 Act. It was amended by section 1(6) of, and paragraphs 70 and 95(2) and (3) of Schedule 1 to the [Infrastructure Act 2015 \(c. 7\)](#). There are other amendments to section 121A which are not relevant to this Order.
- M12** [Section 10](#) was amended by section 22(2) of the 1991 Act, by section 36 of, and paragraph 22 of Schedule 2 to the 2008 Act, and by section 1(6) of, and paragraph 10 of Schedule 1 to, the Infrastructure Act 2015.
- M13** [Section 19\(1\)](#) was amended by section 1(6) of, and paragraph 15 of Schedule 1 to, the Infrastructure Act 2015.

**Changes to legislation:**

There are currently no known outstanding effects for the The A63 (Castle Street Improvement, Hull) Development Consent Order 2020, PART 1.