

STATUTORY INSTRUMENTS

2022 No. 934

The A428 Black Cat to Caxton Gibbet Development Consent Order 2022

PART 2

PRINCIPAL POWERS

Development consent etc. granted by the Order

4.—(1) 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.

(2) Any enactment applying to land within the Order limits or land adjacent to the Order limits has effect subject to the provisions of this Order.

Commencement Information

I1 Art. 4 in force at 8.9.2022, see [art. 1](#)

Maintenance of authorised development

5. 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.

Commencement Information

I2 Art. 5 in force at 8.9.2022, see [art. 1](#)

Application of the 1990 Act

6.—(1) This article applies where the Order land is used for the temporary construction works.

(2) Where this article applies, section 57(2) of the 1990 Act (planning permission required for development) applies as if the development consent granted by this Order were planning permission granted for a limited period.

(3) In this article, “the temporary construction works” means works within the proposed multiple purpose construction areas, the proposed soil storage areas, the proposed site compound areas and the proposed borrow land areas as shown on the general arrangement plans.

Commencement Information

I3 Art. 6 in force at 8.9.2022, see [art. 1](#)

Planning permission

7.—(1) If planning permission is issued pursuant to the 1990 Act for development any part of which is within the Order limits following the publication of this Order that is—

- (a) not itself a nationally significant infrastructure project under the 2008 Act or part of such a project; or
- (b) required to complete or enable the construction, use or operation of any part of the development authorised by this Order,

then the carrying out, use or operation of such development under the terms of the planning permission does not constitute a breach of the terms of this Order.

(2) Anything done by the undertaker in accordance with the terms of this Order does not constitute a breach of any planning permission that is issued pursuant to the 1990 Act.

Commencement Information

I4 Art. 7 in force at 8.9.2022, see [art. 1](#)

Limits of deviation

8.—(1) In carrying out the authorised development the undertaker may, so far as the undertaker considers it necessary or convenient—

- (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;
- (b) deviate laterally from the routes shown on the streets, rights of way and access plans to the extent of the limits of deviation shown on those plans; and
- (c) deviate vertically from the levels of the authorised development shown on the engineering section drawings, to a maximum of 1 metre upwards or 1 metre downwards.

(2) The maximum limits of deviation set out in paragraph (1) do not apply where it is demonstrated by the undertaker to the Secretary of State's satisfaction and the Secretary of State, following consultation with the relevant planning authority and, in respect of the authorised development comprising highways other than a special road or a trunk road, the relevant local highway authority, certifies accordingly that a deviation in excess of these limits would not give rise to any materially new or materially different environmental effects from those reported in the environmental statement.

Commencement Information

I5 Art. 8 in force at 8.9.2022, see [art. 1](#)

Benefit of Order

9.—(1) Subject to article 10 (consent to transfer benefit of Order) and paragraph (2), the provisions of this Order conferring powers on the undertaker have effect solely for the benefit of the undertaker.

(2) Paragraph (1) does not apply to the works for which the consent is granted by this Order for the express benefit of owners and occupiers of land, statutory undertakers and other persons affected by the authorised development.

Commencement Information

I6 Art. 9 in force at 8.9.2022, see [art. 1](#)

Consent to transfer benefit of Order

10.—(1) [^{F1}Subject to paragraphs (2) and (3),] 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;
- (b) grant to another person (“the grantee”) for a period agreed between the undertaker and the grantee 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, include references to the transferee or the grantee.

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

- (a) National Grid Gas Plc (company number 2006000), whose registered office is at 1-3 Strand, London WC2N 5EH for the purposes of undertaking Work No. 41;
- (b) Cadent Gas Limited (company number 10080864), whose registered office is at Cadent, Pilot Way, Anstey, Coventry CV7 9JU for the purposes of undertaking Work No. 51;
- (c) Exolum Pipeline System Ltd (company number 09497223), whose registered office is at 1st Floor 55 King William Street, London EC4R 9AD for the purposes of undertaking Work No. 38;
- (d) AWG Group Limited (company number 02366618), whose registered office is at Lancaster House Lancaster Way, Ermine Business Park, Huntingdon, Cambridgeshire, PE29 6XU for the purposes of undertaking Work Nos. 19, 28, 44, 60, 61a, 61b, 62 and 66;
- (e) South Staffordshire Water PLC (company number 02662742), whose registered office is at Green Lane, Walsall, West Midlands, WS2 7PD for the purposes of undertaking Work Nos. 100, 103 and 107;
- (f) UK Power Networks (Operations) Limited (company number 03870728), whose registered office is at Newington House, 237 Southwark Bridge Road, London SE1 6NP for the purposes of undertaking Work Nos. 6, 8, 27, 32, 47, 49, 52, 56, 58, 63, 67, 69, 69A, 69B, 82, 99 and 110;
- (g) Openreach Limited (company number 10690039), whose registered office is at Kelvin House, 123 Judd Street, London WC1H 9NP for the purposes of undertaking Work Nos. 9, 20, 42, 65, 81, 90, 96, 97, 104 and 104a;
- (h) Virgin Media Limited (company number 02591237) whose registered office is at 500 Brook Drive, Reading RG2 6UU for the purposes of undertaking Work Nos. 42, 81, 97, 104 and 104b; and
- (i) Vodafone Limited (company number 01471587), whose registered office is at Vodafone House, The Connection, Newbury, Berkshire RG14 2FN for the purposes of undertaking Work No. 42, 81, 97 and 104.

F1 Words in [art. 10\(1\)](#) substituted (17.1.2023) by [The A428 Black Cat to Caxton Gibbet \(Correction\) Order 2023 \(S.I. 2023/40\)](#), [art. 1](#), [Sch.](#)

Changes to legislation: There are currently no known outstanding effects for the The A428 Black Cat to Caxton Gibbet Development Consent Order 2022, PART 2. (See end of Document for details)

Commencement Information

I7 Art. 10 in force at 8.9.2022, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The A428 Black Cat to Caxton Gibbet Development Consent Order 2022, PART 2.