
STATUTORY INSTRUMENTS

2023 No. 834

**The A303 (Amesbury to Berwick Down)
Development Consent Order 2023**

PART 4

OPERATIONAL PROVISIONS

Traffic regulation measures

48.—(1) Subject to the provisions of this article, and from any such days as the undertaker may determine—

- (a) no person is to drive any motor vehicle at a speed exceeding the limit in miles per hour specified in column (3) of Part 1 (speed limits) of Schedule 10 (traffic regulation measures) along the lengths of road identified in the corresponding row of column (2) of that Part;
- (b) no person is to drive a vehicle on a section of a road which is subject to a variable speed limit at a speed exceeding that indicated by a speed limit sign displayed on a variable message sign (paragraphs (3), (4) and (5) make further provision in respect of variable speed limits);
- (c) subject to paragraph (2) and article 47 (clearways), the restrictions specified in column (3) of Part 2 (clearways and prohibitions) of Schedule 10 are to apply to the lengths of road identified in the corresponding row of column (2) of that Part; and
- (d) the orders specified in column (3) of Part 3 (revocations and variations of existing traffic regulation orders) of Schedule 10 are to be varied or revoked as specified in the corresponding row of column (4) of that Part in respect of the lengths of roads specified in the corresponding row of column (2) of that Part.

(2) No speed limit imposed by or under this Order applies to vehicles falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011⁽¹⁾ when used in accordance with regulation 3(5) of those regulations.

(3) A section of road is subject to a variable speed limit in relation to a vehicle being driven along it if—

- (a) the section of road is identified in column (2) of Part 1 (speed limits) of Schedule 10 as being subject to a variable speed limit in column (3) of that Part;
- (b) the vehicle has passed a speed limit sign displayed on a variable message sign; and
- (c) the vehicle has not subsequently passed—
 - (i) another speed limit sign indicating a different speed limit; or
 - (ii) a traffic sign which indicates that the national speed limit is in force.

(4) In relation to a vehicle, the speed limit indicated by a speed limit sign is the speed shown at the time the vehicle passes the sign, or, if higher, the speed limit shown by the sign ten seconds before the vehicle passed the sign.

(5) For the purposes of this article, a speed limit sign displayed on a variable message sign is to be taken as not indicating any speed limit if, ten seconds before the vehicle passed it, the sign had indicated no speed limit or that the national speed limit was in force.

(6) Without limiting the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld, the undertaker may, in so far as necessary or expedient for the purposes of, in connection with, or in consequence of the construction, maintenance and operation of the authorised development—

- (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;
- (b) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road;
- (c) authorise the use as a parking place of any road;
- (d) make provision as to the direction or priority of vehicular traffic on any road; and
- (e) permit or prohibit vehicular access to any road,

either at all times or at times, on days or during such periods as may be specified by the undertaker.

(7) The power conferred by paragraph (6) may be exercised at any time prior to the expiry of 24 months from the opening of the authorised development for public use, but subject to paragraph (10), any prohibition, restriction or other provision made under paragraph (6) may have effect both before and after the expiry of that period.

(8) The undertaker must not exercise the powers conferred by paragraph (6), unless the undertaker has—

- (a) given not less than—
 - (i) 12 weeks' notice in writing of the undertaker's intention so to do in the case of a prohibition, restriction or other provision intended to have effect permanently; or
 - (ii) 4 weeks' notice in writing of the undertaker's intention so to do in the case of a prohibition, restriction or other provision intended to have effect temporarily,
 to the chief officer of police and to the traffic authority in whose area the road is situated; and
- (b) advertised the undertaker's intention in such manner as the traffic authority may specify in writing within 28 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a)(i), or within 7 days of its receipt of notice of the undertaker's intention in the case of sub-paragraph (a)(ii).

(9) Any prohibition, restriction or other provision made by the undertaker under paragraph (1) or (6)—

- (a) has effect as if duly made by, as the case may be—
 - (i) the traffic authority in whose area the road is situated, as a traffic regulation order under the 1984 Act; or
 - (ii) the local authority in whose area the road is situated, as an order under section 32(2) (power of local authorities to provide parking places) of the 1984 Act,

(2) Section 32 was amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and section 168(1) of, and paragraph 39 of Schedule 8 to, the 1991 Act.

and the instrument by which it is effected may specify savings and exemptions to which the prohibition, restriction or other provision is subject; and

(b) is deemed to be a traffic order for the purposes of Schedule 7 (road traffic contraventions subject to civil enforcement) to the Traffic Management Act 2004⁽³⁾.

(10) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers conferred by paragraphs (1) or (6) within a period of 24 months from the opening of the authorised development.

(11) Before exercising the powers conferred by paragraphs (1) or (6) the undertaker must consult such persons as the undertaker considers necessary and appropriate and must take into consideration any representations made to the undertaker by any such person.

(12) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.

(13) In this article—

“national speed limit” has the meaning given by Schedule 1 (definitions) to the Traffic Signs Regulations and General Directions 2016⁽⁴⁾ and a traffic sign which indicates that the national speed limit is in force means a traffic sign of the type shown in diagram 671 in Part 2 (signs and road markings indicating speed limits) of Schedule 10 (signs for speed limits) to the Traffic Signs Regulations and General Directions 2016 which is—

(a) placed on or near a road; and

(b) directed at traffic on the carriageway on which the vehicle is being driven;

“road” includes the adjacent hard shoulder and verge;

“speed limit sign” in relation to a vehicle, means a traffic sign of the type shown in diagram 670 in Part 2 of Schedule 10 to the Traffic Signs Regulations and General Directions 2016 which is—

(a) situated on or near any part of a road specified in column (2) as being subject to a variable speed in limit in column (3) of Part 1 (speed limits) of Schedule 10; and

(b) directed at traffic on the carriageway on which the vehicle is being driven; and

“variable message sign” has the meaning given by Schedule 1 (definitions) to the Traffic Signs Regulations and General Directions 2016.

⁽³⁾ 2004 c. 18.

⁽⁴⁾ S.I. 2016/362.