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STATUTORY INSTRUMENTS

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**2024 No. 60**

The A12 Chelmsford to A120 Widening  
Development Consent Order 2024

PART 1

PRELIMINARY

**Citation and commencement**

1. This Order may be cited as the A12 Chelmsford to A120 Widening Development Consent Order 2024 and comes into force on 9th February 2024.

**Interpretation**

2.—(1) In this Order except where provided otherwise—

“the 1961 Act” means the Land Compensation Act 1961(1);

“the 1965 Act” means the Compulsory Purchase Act 1965(2);

“the 1980 Act” means the Highways Act 1980(3);

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(4);

“the 1984 Act” means the Road Traffic Regulation Act 1984(5);

“the 1986 Regulations” means the Road Vehicles (Construction and Use) Regulations 1986(6);

“the 1990 Act” means the Town and Country Planning Act 1990(7);

“the 1991 Act” means the New Roads and Street Works Act 1991(8);

“the 2004 Act” means the Traffic Management Act 2004(9);

“the 2008 Act” means the Planning Act 2008(10);

“the 2016 Regulations and Directions” means the Traffic Signs Regulations and General Directions 2016(11);

“address” includes any number or address for the purposes of electronic transmission;

“agricultural motor vehicle” has the meaning given in regulation 3(2) of the 1986 Regulations;

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(1) 1961 c. 33.

(2) 1965 c. 56.

(3) 1980 c. 66.

(4) 1981 c. 66.

(5) 1984 c. 27.

(6) S.I. 1986/1078. There are amendments to these Regulations which are not relevant to this Order.

(7) 1990 c. 8.

(8) 1991 c. 22.

(9) 2004 c. 18.

(10) 2008 c. 29.

(11) S.I. 2016/362.

“Anglian Water” means Anglian Water Services Limited (company number 2366656) whose registered office is at Lancaster House, Lancaster Way, Ermine Business Park, Huntingdon, Cambridgeshire, PE29 6XU;

“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) and any other development authorised by this Order, which is development within the meaning of section 32 (meaning of development) of the 2008 Act;

“book of reference” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the book of reference for the purposes of this Order;

“bridleway” has the same meaning as in section 329(1) (further provision as to interpretation) of the 1980 Act;

“building” includes any structure or erection or any part of a building, structure or erection;

“Cadent Gas” means Cadent Gas Limited (company number 10080864), whose registered address is Cadent, Pilot Way, Ansty, Coventry, England, CV7 9JU;

“carriageway” has the same meaning as in section 329(1) (further provision as to interpretation) of the 1980 Act;

“classification of roads plans” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the classification of roads plans for the purposes of this Order;

“cycle track” has the same meaning as in section 329(1) (further provisions as to interpretation) of the 1980 Act<sup>(12)</sup> and for the purposes of this Order includes parts of a cycle track and includes ways which include a right of way on foot;

“de-trunking and stopping up plans” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the de-trunking and stopping up plans for the purposes of this Order;

“electronic transmission” means a communication transmitted—

- (a) by means of an electronic communications network; or
- (b) by other means but while in electronic form;

and in this definition “electronic communications network” has the same meaning as in section 32(1) (meaning of electronic communications networks and services) of the Communications Act 2003<sup>(13)</sup>;

“engineering drawings and sections” means the engineering section drawings and the structures engineering drawings and sections;

“engineering section drawings” means the document of that description listed in Schedule 12 (documents to be certified) certified as the engineering section drawings for the purposes of this Order;

“Environment Agency” means the body of that name created by section 1 of the Environment Act 1995<sup>(14)</sup> or any successor in function to it;

“environmental masterplan” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the environmental masterplan for the purposes of this Order;

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<sup>(12)</sup> The definition of “cycle track” was amended by section 1 of the Cycle Tracks Act 1984 (c. 38) and paragraph 21(2) of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54).

<sup>(13)</sup> 2003 c. 21. Section 32(1) was amended by S.I. 2011/1210.

<sup>(14)</sup> 1995 c. 25.

“environmental statement” means the document of that description, the constituent parts of which are listed in Schedule 12 (documents to be certified), certified as the environmental statement for the purposes of this Order;

“footpath” and “footway” have the same meaning as in section 329(1) (further provision as to interpretation) of the 1980 Act;

“highway” has the same meaning as in section 328(1) (meaning of “highway”) of the 1980 Act includes part of a highway;

“highway authority” and “local highway authority” have the same meaning as in the 1980 Act;

“land plans” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the land plans for the purposes of this Order;

“limits of deviation” means the limits of deviation referred to in article 9 (limits of deviation);

“maintain” in relation to the authorised development includes to inspect, repair, adjust, alter, improve, landscape, preserve, remove, reconstruct, refurbish or replace, provided such works do not give rise to any materially new or materially different effects in comparison with those reported in the environmental statement, and any derivative of “maintain” is to be construed accordingly;

“motor cycle” has the meaning given in regulation 3(2) of the 1986 Regulations;

“National Grid” means National Grid Electricity Transmission PLC (Company No. 2366977) whose registered office is at 1-3 Strand, London, WC2N 5EH;

“Network Rail” means Network Rail Infrastructure Limited (Company No. 02904587) whose registered office is at Waterloo General Office, London, United Kingdom, SE1 8SW;

“Order land” means the land shown on the land plans which is within the limits of land to be acquired or used permanently or temporarily and described in the book of reference;

“Order limits” means the limits of land to be acquired permanently or used temporarily as shown on the land plans, and the limits of land within which the authorised development, as shown on the works plans, 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(15);

“permanent works” means those works shown on the permanent works plans and described under the heading “Permanent Works” in Schedule 1;

“permanent works plans” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the permanent works plans for the purposes of this Order and forming parts of the works plans;

“relevant local highway authority” means the local highway authority in whose area the highway in question lies;

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

“retained and removed vegetation plans” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the retained and removed vegetation plans for the purposes of this Order;

“revocation of existing traffic orders plans” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the revocation of existing traffic orders plans for the purposes of this Order;

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(15) 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 this Order.

“special category land plans” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the special category land plans for the purposes of this Order;

“statutory undertaker” means any statutory undertaker for the purposes of section 127(8) (statutory undertakers’ land) of the 2008 Act;

“street” means a street within the meaning of section 48(16) (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 (street works in England and Wales) of the 1991 Act;

“streets, rights of way and access plans” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the streets, rights of way and access plans for the purposes of this Order;

“structures engineering drawings and sections” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the structures engineering drawings and sections for the purposes of this Order;

“temporary works” means those works shown on the temporary works plans and described under the heading “Temporary Works” in Schedule 1;

“temporary works plans” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the temporary works plans for the purposes of this Order and forming part of the works plans;

“traffic authority” has the same meaning as in section 121A(17) (traffic authorities) of the 1984 Act;

“traffic regulation measures movement restrictions plans” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the traffic regulation measures movement restrictions plans for the purposes of this Order;

“traffic regulation measures speed limits plans” means the document of that description listed in Schedule 12 (documents to be certified) certified by the Secretary of State as the traffic regulation measures speed limits plans for the purposes of this Order;

“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(18) (general provision as to trunk roads) or section 19(1)(19) (certain special roads and other highways to become trunk roads) of the 1980 Act;
- (b) an order made or direction given under section 10 of that Act; or
- (c) an order granting development consent; or
- (d) any other enactment;

“undertaker” means National Highways Limited, company number 09346363, whose registered office is at Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ;

“utilities works” means those works shown on the permanent works plans and described under the heading “Utilities Works” in Schedule 1;

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(16) Section 48 was amended by section 124 of the Local Transport Act 2008 (c. 26).

(17) Section 121A was inserted by section 168(1) of, and paragraph 70 of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22), and amended by section 1(6) of, and paragraphs 70 and 95(2) and (3) of Schedule 1 to, the Infrastructure Act 2015 (c. 7), and S.I. 2001/1400. There are other amendments to section 121A which are not relevant to this Order.

(18) 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 of, and Schedule 1 to, the Infrastructure Act 2015 (c. 7).

(19) Section 19 was amended by section 1 of, and Schedule 1 to, the Infrastructure Act 2015 (c. 7). There are other amendments to section 19 that are not relevant to this Order.

“utilities works plans” means the document of that description listed in Schedule 12 (documents to be certified), certified by the Secretary of State as the utilities works plans for the purposes of this Order and forming part of the works plans;

“variable speed limit sign” in relation to a vehicle, means a traffic sign of the type shown in diagram 670 or 671 in Part 2 of Schedule 10 to the 2016 Regulations and Directions which—

- (a) is placed on or near any part of a road which is specified in column (2) of the table in Part 7 of Schedule 3 to this Order;
- (b) is directed at traffic on the carriageway on which the vehicle is being driven; and
- (c) is displayed as a variable message sign by light-emitting characters and symbols;

“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; and

“works plans” means the document of that description, the constituent parts of which are listed in Schedule 12 (documents to be certified) and certified by the Secretary of State as the works plans for the purposes of this Order.

(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.

(3) 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.

(4) References in this Order to the creation and acquisition of rights over land include references to rights to oblige a party having an interest in land to grant those rights referenced in the Order, at the direction of the undertaker, either—

- (a) to an affected person directly, where that affected person’s land or rights over land have been adversely affected by this Order, and, where that is the case, the rights referenced in the Order are to be granted for the benefit of the land in which that affected person has an interest at the time of the making of this Order; or
- (b) to any statutory undertaker for the purposes of their undertaking.

(5) 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.

(6) For the purposes of this Order, all areas described in square metres in the book of reference are approximate.

(7) 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 relevant plans.

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

(9) References in this Order to the expression “includes” may be construed without limitation, unless so construing would give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.

### **Disapplication of legislative provisions**

3.—(1) The provisions of the Neighbourhood Planning Act 2017(20) insofar as they relate to temporary possession of land under articles 40 (temporary use of land for carrying out the authorised development) and 41 (temporary use of land for maintaining the authorised development) do not apply in relation to the construction of work or the carrying out of any operation required for

the purpose of, or in connection with, the construction of the authorised development and, within the maintenance period defined in article 41(13), any maintenance of any part of the authorised development.

(2) The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development—

- (a) section 32 (variation of awards) of the Land Drainage Act 1991<sup>(21)</sup>; and
- (b) the provisions of any byelaws made under section 66<sup>(22)</sup> (powers to make byelaws) of the Land Drainage Act 1991.

### **Maintenance of drainage works**

4.—(1) Nothing in this Order, or the construction, maintenance or operation of the authorised development under it, affects any responsibility for the maintenance of any works connected with the drainage of land, whether that responsibility is imposed or allocated by or under any enactment, or otherwise, unless otherwise agreed in writing between the undertaker and the person responsible.

(2) In this article “drainage” has the same meaning as in section 72(1) (interpretation) of the Land Drainage Act 1991<sup>(23)</sup>.

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<sup>(21)</sup> 1991 c. 59. Section 32 was amended by S.I. 2013/755.

<sup>(22)</sup> Section 66 was amended by section 49(3) of and paragraphs 25 and 38 of Schedule 2 to, the Flood and Water Management Act 2010 (c. 29) and section 86 of the Water Act 2014 (c. 21).

<sup>(23)</sup> The definition of “drainage” was substituted by section 100(2) of the Environment Act 1995 (c. 25).