
STATUTORY INSTRUMENTS

2023 No. 923

INFRASTRUCTURE PLANNING

The A38 Derby Junctions Development Consent Order 2023

Made - - - - 17th August 2023

Coming into force 7th September 2023

**THE A38 DERBY JUNCTIONS
DEVELOPMENT CONSENT ORDER 2023**

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Disapplication of legislative provisions
4. Maintenance of drainage works

PART 2

PRINCIPAL POWERS

5. Development consent etc. granted by the Order
6. Maintenance of authorised development
7. Planning permission
8. Limits of deviation
9. Benefit of Order
10. Consent to transfer benefit of Order

PART 3

STREETS

11. Street works
12. Application of the 1991 Act
13. Construction and maintenance of new, altered or diverted streets and other structures
14. Classification of roads, etc.
15. Temporary stopping up and restriction of use of streets
16. Permanent stopping up and restriction of use of streets and private means of access

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17. Access to works
18. Clearways
19. Traffic regulation

PART 4

SUPPLEMENTAL POWERS

20. Discharge of water
21. Protective works to buildings
22. Authority to survey and investigate the land

PART 5

POWERS OF ACQUISITION

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

PART 6

OPERATIONS

39. Felling or lopping of trees and removal of hedgerows
40. Trees subject to tree preservation orders

PART 7

MISCELLANEOUS AND GENERAL

41. Application of landlord and tenant law
 42. Operational land for purposes of the 1990 Act
 43. Defence to proceedings in respect of statutory nuisance
 44. Protective provisions
 45. Crown Rights
 46. Certification of plans etc.
 47. Service of notices
 48. Arbitration
 49. Removal of human remains
- Signature

SCHEDULES

SCHEDULE 1 — AUTHORISED DEVELOPMENT

SCHEDULE 2 — REQUIREMENTS

PART 1 — REQUIREMENTS

1. Interpretation
 2. Time limits
 3. Construction Environmental Management Plan
 4. Details of consultation
 5. Landscaping
 6. Implementation and maintenance of landscaping
 7. Fencing
 8. Land and groundwater contamination
 9. Archaeology
 10. Protected species
 11. Traffic management
 12. Detailed design
 13. Surface and foul water drainage
 14. Flood compensation and storage
 15. Noise Mitigation
 16. Highway lighting
 17. Approvals and amendments to approved details
- ##### PART 2 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS
18. Applications made under requirements
 19. Further information
 20. Register of requirements
 21. Anticipatory steps towards compliance with any requirement

SCHEDULE 3 — CLASSIFICATION OF ROADS, ETC.

PART 1 — TRUNK ROADS

PART 2 — DE-TRUNKED ROADS

PART 3 — CLASSIFIED ROADS

PART 4 — UNCLASSIFIED ROADS

PART 5 — SPEED LIMITS

PART 6 — TRAFFIC REGULATION MEASURES (CLEARWAYS AND PROHIBITIONS)

PART 7 — REVOCATIONS AND VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS

PART 8 — PUBLIC RIGHTS OF WAY

SCHEDULE 4 — PERMANENT STOPPING UP OF HIGHWAYS AND PRIVATE MEANS OF ACCESS AND PROVISION OF NEW HIGHWAYS AND PRIVATE MEANS OF ACCESS

PART 1 — HIGHWAYS TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

PART 2 — HIGHWAYS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND NEW HIGHWAYS WHICH ARE OTHERWISE TO BE PROVIDED

PART 3 — PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

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PART 4 — PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED AND NEW PRIVATE MEANS OF ACCESS WHICH ARE OTHERWISE 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

1. Compensation enactments
2. (1) Without limitation on the scope of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...
4. Application of Part 1 of the 1965 Act
5. (1) The modifications 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

SCHEDULE 9 — PROTECTIVE PROVISIONS

PART 1 — FOR THE PROTECTION OF ELECTRICITY, WATER AND SEWERAGE UNDERTAKERS

1. For the protection of the utility undertakers referred to in...
2. In this Part of this Schedule— “alternative apparatus” means alternative...
3. On street apparatus
4. Apparatus in stopped up streets
5. Protective works to buildings
6. Acquisition of land
7. Removal of apparatus
8. Facilities and rights for alternative apparatus
9. Retained apparatus
10. Expenses and costs
11. (1) Subject to sub-paragraphs (2) and (3), if by reason...
12. Co-operation
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 35 (statutory...
17. (1) Subject to sub-paragraphs (2) to (4), if as a...

PART 3 — FOR THE PROTECTION OF THE ENVIRONMENT AGENCY

18. (1) The following provisions apply for the protection of the...
19. (1) Before beginning to construct any specified work, the undertaker...
20. Without limiting paragraph 19, the requirements which the Agency may...
21. (1) Subject to sub-paragraph (2), any specified work, and all...
22. (1) Subject to sub-paragraph (7) the undertaker must from the...
23. If by reason of the construction of any specified work...
24. If by reason of construction of a specified work the...
25. (1) The undertaker must take all such measures as may...

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26. The undertaker must repay to the Agency all reasonable costs,...
27. (1) The undertaker must make reasonable compensation for costs and...
28. Any dispute arising between the undertaker and the Agency under...
PART 4 — FOR THE PROTECTION OF NETWORK RAIL
29. The following provisions of this Part of this Schedule have...
30. In this Part of this Schedule— “construction” includes execution, placing,...
31. (1) Where under this Part of this Schedule Network Rail...
32. (1) The undertaker must not exercise the powers conferred by—...
33. (1) The undertaker must before commencing construction of any specified...
34. (1) Any specified work and any protective works to be...
35. The undertaker must— (a) at all times afford reasonable facilities...
36. Network Rail must at all times afford reasonable facilities to...
37. (1) If any permanent or temporary alterations or additions to...
38. The undertaker must repay to Network Rail all reasonable fees,...
39. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
40. If at any time after the completion of a specified...
41. The undertaker must not provide any illumination or illuminated sign...
42. (1) The undertaker must pay to Network Rail all reasonable...
43. Network Rail must, on receipt of a request from the...
44. In the assessment of any sums payable to Network Rail...
45. The undertaker and Network Rail may, subject in the case...
46. Nothing in this Order, or in any enactment incorporated with...
47. The undertaker must give written notice to Network Rail where...
48. The undertaker must no later than 28 days from the...
PART 5 — FOR THE PROTECTION OF CADENT GAS LIMITED
49. Application
50. Interpretation
51. On Street Apparatus
52. Apparatus of Cadent in stopped up streets
53. Protective works to buildings
54. Acquisition of land
55. Removal of apparatus
56. Facilities and rights for alternative apparatus
57. Retained apparatus: protection of Cadent
58. Expenses
59. Indemnity
60. Enactments and agreements
61. Co-operation
62. Access
63. Arbitration
64. Notices

SCHEDULE 10 — DOCUMENTS TO BE CERTIFIED

Explanatory Note