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STATUTORY INSTRUMENTS

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**2017 No. 1202**

**The M20 Junction 10a Development Consent Order 2017**

**PART 5**

**POWERS OF ACQUISITION**

**Special category land**

**36.**—(1) On the exercise by the undertaker of the relevant Order powers, the special category land is not to vest in the undertaker until the undertaker has acquired the replacement land and the Secretary of State (in consultation with the relevant planning authority) has certified that a scheme for the provision of the replacement land as open space and a timetable for the implementation of the scheme has been received from the undertaker.

(2) On the requirements of paragraph (1) being satisfied, the special category land is to vest in the undertaker and be discharged from all rights, trusts and incidents to which it was previously subject.

(3) On the requirements of paragraph (1) being satisfied, the rights to be acquired over the special category (rights) land are to vest in the undertaker and the special category (rights) land is to be discharged from all private rights to which it was previously subject in accordance with article 26(2) (private rights over land).

(4) On the date on which the replacement land is laid out and provided in accordance with the scheme requirements at paragraph (1), provided that does not occur any later than the first anniversary of the date that Work No. 3 is first opened to the public for use, the replacement land is to vest in the person(s) in whom the special category land was vested immediately before it was vested in the undertaker and is to be subject to the same rights, trusts and incidents as attached to the special category land.

(5) In this article—

“the relevant Order powers” means the powers exercisable over the special category land by the undertaker under article 24 (compulsory acquisition of rights);

“the special category land” means the land numbered 3/14/b in the book of reference and on the land plans and forming part of open space which may be acquired compulsorily under this Order;

“the special category (rights) land” means the land numbered 3/14/a in the book of reference and on the land plans and forming part of open space over which rights may be acquired compulsorily under this Order;

“the replacement land” means the land identified as such and numbered 3/1/b, 3/1/c and 3/1/d in the book of reference and on the land plans.