

STATUTORY INSTRUMENTS

2021 No. 74

The A1 Birtley to Coal House Development Consent Order 2021

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the A1 Birtley to Coal House Development Consent Order 2021 and comes into force on 9th February 2021.

Commencement Information

II Art. 1 in force at 9.2.2021, see [art. 1](#)

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961 ^{M1};

“the 1965 Act” means the Compulsory Purchase Act 1965 ^{M2};

“the 1980 Act” means the Highways Act 1980 ^{M3};

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981 ^{M4};

“the 1984 Act” means the Road Traffic Regulation Act 1984 ^{M5};

“the 1990 Act” means the Town and Country Planning Act 1990 ^{M6};

“the 1991 Act” means the New Roads and Street Works Act 1991 ^{M7};

“the 2008 Act” means the Planning Act 2008 ^{M8};

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

“apparatus” has the same meaning as in Part 3 of the 1991 Act;

“authorised development” means the development described in Schedule 1 (authorised development) or any part of it and any other development authorised by this Order or part of it, 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 certified by the Secretary of State as the book of reference for the purposes of this Order;

“bridleway” has the same meaning as in the 1980 Act;

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

“carriageway” has the same meaning as in the 1980 Act;

“CEMP” means the construction environmental management plan to be prepared and approved pursuant to requirement 4 (construction and handover environmental management plans) of Schedule 2 (requirements);

“commence” means beginning to carry out any material operation (as defined in section 56(4)^{M9} of the 1990 Act) forming part of the authorised development other than operations consisting of archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and “commencement” shall be construed accordingly;

“cycle track” has the same meaning as in the 1980 Act and includes part of a cycle track^{M10};

“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^{M11};

“engineering drawings and sections” means the documents of that description certified as the engineering drawings and sections by the Secretary of State for the purposes of this Order;

“environmental statement” means the document of that description submitted with the application for this Order and certified as the environmental statement by the Secretary of State for the purposes of this Order;

“footway” and “footpath” have the same meaning as in the 1980 Act and include part of a footway or footpath;

“general arrangement drawings” means the documents of that description certified as the general arrangement drawings by the Secretary of State for the purposes of this Order;

“highway”, “highway authority” and “local highway authority” have the same meaning as in the 1980 Act and “highway” includes part of a highway;

“land plans” means the documents of that description certified as the land plans by the Secretary of State for the purposes of this Order;

“limits of deviation” means the limits of deviation referred to in article 7 (limits of deviation);

“maintain” in relation to the authorised development includes, to the extent assessed in the environmental statement, inspect, repair, adjust, alter, improve, remove, reconstruct, refurbish or replace and any derivative of “maintain” is to be construed accordingly;

“Northern Gas Networks Land Ownership Plan” means the document of that description certified as the Northern Gas Networks Land Ownership Plan by the Secretary of State for the purposes of this Order;

“Northern Gas Networks Limited” means the company registered in England and Wales, company number 05167070, whose registered address is 1100 Century Way, Thorpe Park Business Park, Colton, Leeds LS15 8TU;

“Northumbrian Water Limited” means the company registered in England and Wales, company number 02366703, whose registered office address is Northumbria House, Abbey Road, Pity Me, Durham DH1 5FJ;

“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 lands to be acquired or used permanently or temporarily shown on the land plans and works plans within which the authorised development may be carried out;

“outline CEMP” means the document of that description submitted with the application for this Order and certified as the outline CEMP by the Secretary of State for the purposes of this Order;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981 ^{M12};

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

“Southern Green Options Report” means the document entitled “options Appraisal for Managing and Enhancing the Angel” prepared by Southern Green and certified as Southern Green Options Report by the Secretary of State for the purposes of this Order;

“special category land plans” means the documents of that description certified by the Secretary of State 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 (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 of the 1991 Act;

“streets, rights of way and access plans” means the documents of that description certified as the streets, rights of way and access plans by the Secretary of State for the purposes of this Order;

“structures engineering drawings and sections” means the documents of that description certified as the structures engineering drawings and sections by the Secretary of State for the purposes of this Order;

“traffic authority” has the same meaning as in section 121A ^{M13} (traffic authorities) of the 1984 Act;

“trunk road” means a highway which is a trunk road by virtue of—

- (c) section 10 ^{M14} (general provision as to trunk roads) or 19(1) ^{M15} (certain special roads and other highways to become trunk roads) of the 1980 Act;
- (d) an order or direction under section 10 of that Act; or
- (e) an order granting development consent; or
- (f) any other enactment;

“undertaker” means Highways England Company Limited (Company No. 09346363) of Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ;

“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 documents of that description certified as the works plans by the Secretary of State 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 and 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.

(3) 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.

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

(5) 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 streets, rights of way and access plans.

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

(7) The provisions of the Neighbourhood Planning Act 2017 ^{M16}, insofar as they relate to temporary possession of land under articles 32 (temporary use of land for carrying out the authorised development) and 33 (temporary use of land for maintaining the authorised development) of this Order, 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 and, within the maintenance period defined in article 33(11), any maintenance of any part of the authorised development.

Commencement Information

I2 Art. 2 in force at 9.2.2021, see [art. 1](#)

Marginal Citations

M1 1961 c. 33.

M2 1965 c. 56.

M3 1980 c. 66.

M4 1981 c. 66.

M5 1984 c. 27.

M6 1990 c. 8.

M7 1991 c. 22.

M8 2008 c. 29.

M9 [Section 56\(4\)](#) was amended by section 32 of, and paragraph 10(2) of Schedule 7 to, the [Planning and Compensation Act 1991 \(c. 34\)](#).

M10 The definition of “cycle track” (in section 329(1) of the 1980 Act) 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 \(c. 54\)](#).

M11 2003 c. 21. Section 32(1) was amended by [S.I. 2011/1210](#).

M12 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 the Order.

M13 [Section 121A](#) was inserted by section 168(1) of, and paragraph 70 of Part 2 of Schedule 8, to the 1991 Act, and amended by section 1(6) of, and paragraph 95(2) and (3) of Schedule 1 to, the [Infrastructure Act 2015 \(c. 7 and S.I. 2001/1400\)](#).

M14 [Section 10](#) was amended by section 22(2) of the 1991 Act, paragraph 22 of Schedule 2 to the [Planning Act 2008](#), and by section 1(6) of, and paragraph 10 of Schedule 1 to, the [Infrastructure Act 2015](#).

M15 [Section 19\(1\)](#) was amended by section 1(6) of, and paragraph 15 of Schedule 1 to, the [Infrastructure Act 2015](#).

M16 2017 c. 20.

Changes to legislation:

There are currently no known outstanding effects for the The A1 Birtley to Coal House Development Consent Order 2021, PART 1.