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STATUTORY INSTRUMENTS

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**2022 No. 934**

**INFRASTRUCTURE PLANNING**

The A428 Black Cat to Caxton Gibbet  
Development Consent Order 2022

*Made* - - - - *18th August 2022*

*Coming into force* *8th September 2022*

**THE A428 BLACK CAT TO CAXTON GIBBET  
DEVELOPMENT CONSENT ORDER 2022**

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Disapplication of legislative provisions

PART 2

PRINCIPAL POWERS

4. Development consent etc. granted by the Order
5. Maintenance of authorised development
6. Application of the 1990 Act
7. Planning permission
8. Limits of deviation
9. Benefit of Order
10. Consent to transfer benefit of Order

PART 3

STREETS

11. Application of the 1991 Act
12. Construction and maintenance of new, altered or diverted streets and other structures
13. Classification of roads, etc.
14. Power to alter layout etc. of streets
15. Street works

*Status: This is the original version (as it was originally made).*

16. Temporary alteration, diversion, prohibition and restriction of the use of streets
17. Permanent stopping up and restriction of use of streets and private means of access
18. Access to works
19. Clearways, prohibitions and restrictions

#### PART 4

#### SUPPLEMENTAL POWERS

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

#### PART 5

#### POWERS OF ACQUISITION AND POSSESSION OF LAND

24. Compulsory acquisition of land
25. Compulsory acquisition of land – incorporation of the mineral code
26. Time limit for exercise of authority to acquire land compulsorily
27. Compulsory acquisition of rights and imposition of restrictive covenants
28. Public rights of way
29. Private rights over land
30. Power to override easements and other rights
31. Disregard of certain interests and improvements
32. Set-off for enhancement in value of retained land
33. Modification of Part 1 of the 1965 Act
34. Application of the 1981 Act
35. Acquisition of subsoil or airspace only
36. Rights under or over streets
37. Temporary use of land for carrying out the authorised development
38. Temporary use of land for maintaining the authorised development
39. Statutory undertakers
40. Apparatus and rights of statutory undertakers in stopped up streets
41. Recovery of costs of new connections

#### PART 6

#### OPERATIONS

42. Felling or lopping of trees and removal of hedgerows
43. Trees subject to tree preservation orders

#### PART 7

#### MISCELLANEOUS AND GENERAL

44. Application of landlord and tenant law
45. Operational land for purposes of the 1990 Act
46. Defence to proceedings in respect of statutory nuisance
47. Protective provisions
48. Certification of documents, etc.
49. Service of notices
50. Arbitration

51. Traffic regulation
52. Removal of human remains
53. Crown rights
54. Works in the River Great Ouse
55. The Cadent Diversion Works
56. Use of private roads for construction  
Signature

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## SCHEDULES

### SCHEDULE 1 —

#### PART 1 — AUTHORISED DEVELOPMENT

- In the administrative area of Bedford Borough Council
- In the administrative areas of Bedford Borough Council and Central Bedfordshire Council
- In the administrative area of Central Bedfordshire Council
- In the administrative area of Central Bedfordshire Council and Bedford Borough Council
- In the administrative area of Bedford Borough Council
- In the administrative area of Huntingdonshire District Council
- In the administrative areas of Huntingdonshire District Council and South Cambridgeshire District Council
- In the administrative area of South Cambridgeshire District Council

#### PART 2 — ANCILLARY WORKS

1. Works within the Order limits which have been subject to...

### SCHEDULE 2 — REQUIREMENTS

#### PART 1 — REQUIREMENTS

1. Interpretation
2. Time limits
3. Second Iteration EMP
4. Third Iteration EMP
5. Details of consultation
6. Landscaping
7. Fencing
8. Contaminated land and groundwater
9. Archaeology
10. Protected species
11. Traffic management
12. Detailed design
13. Surface and foul water drainage
14. Flood compensatory storage
15. Safeguarding of milestones
16. Brook Cottages
17. Highway Lighting
18. Noise Mitigation
19. Construction hours
20. Pre-commencement works
21. Flood risk assessment
22. Construction phase local traffic monitoring
23. Operation phase local traffic monitoring
24. Biodiversity net gain assessment and offsetting scheme

*Status: This is the original version (as it was originally made).*

25. Approvals and amendments to approved details  
PART 2 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS
26. Applications made under requirements
27. Further information
28. Register of requirements
29. Anticipatory steps towards compliance with any requirement

SCHEDULE 3 — CLASSIFICATION OF ROADS, ETC.

- PART 1 — TRUNK ROADS
- PART 2 — CLASSIFIED ROADS
- PART 3 — UNCLASSIFIED ROADS
- PART 4 — SPEED LIMITS
- PART 5 — TRAFFIC REGULATION MEASURES (CLEARWAYS AND PROHIBITIONS)
- PART 6 — REVOCATIONS & VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS
- PART 7 — FOOTPATHS, CYCLE TRACKS, FOOTWAYS, BRIDLEPATHS AND BRIDLEWAYS
- PART 8 — ROADS TO BE DE-TRUNKED

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 A SUBSTITUTE IS TO BE PROVIDED AND NEW PRIVATE MEANS OF ACCESS WHICH ARE OTHERWISE TO BE PROVIDED
- PART 4 — PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

SCHEDULE 5 — LAND IN WHICH ONLY NEW RIGHTS AND RESTRICTIVE COVENANTS ETC. MAY BE ACQUIRED

SCHEDULE 6 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

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 — HEDGEROWS AND TREES

- PART 1 — REMOVAL OF HEDGEROWS
- PART 2 — TREES SUBJECT TO TREE PRESERVATION ORDERS

## SCHEDULE 9 — PROTECTIVE PROVISIONS

### PART 1 — FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWAGE 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. Cooperation
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 39 (statutory...
17. (1) Subject to sub-paragraphs (2) to (4), if as the...

### PART 3 — FOR THE PROTECTION OF THE ENVIRONMENT AGENCY AND DRAINAGE AUTHORITIES

18. Application
19. Interpretation
20. Construction of specified works
21. Without limitation on the scope of paragraph 20, but subject...
22. (1) Subject to sub-paragraph (2), any specified work, and all...
23. (1) Subject to sub-paragraph (6), the undertaker must from the...
24. Subject to paragraph 27, if by reason of the construction...
25. If by reason of construction of a specified work the...
26. Works on the adopted highway
27. Expenses
28. (1) Without prejudice to the other provisions of this Part...
29. Arbitration

### PART 4 — FOR THE PROTECTION OF NATIONAL GRID AS ELECTRICITY AND GAS UNDERTAKER

30. Application
31. Interpretation
32. Except for paragraphs 33 (apparatus of National Grid in stopped...
33. Apparatus of National Grid in stopped up streets
34. Protective works to buildings
35. Acquisition of land
36. Removal of apparatus
37. Facilities and rights for alternative apparatus
38. Retained apparatus: protection of electricity undertaker
39. Retained apparatus: protection of gas undertaker
40. Expenses
41. Indemnity
42. Enactments and agreements
43. Co-operation
44. Access

*Status: This is the original version (as it was originally made).*

- 45. Arbitration
- 46. Notices
  - PART 5 — PROTECTION FOR NETWORK RAIL INFRASTRUCTURE LIMITED
  - 47. The following provisions of this Part of this Schedule have...
  - 48. In this Part of the Schedule— “construction” includes execution, placing,...
  - 49. (1) Where under this Part of this Schedule Network Rail...
  - 50. (1) The undertaker must not exercise the powers conferred by...
  - 51. (1) The undertaker must before commencing construction of any specified...
  - 52. (1) Any specified work and any protective works to be...
  - 53. The undertaker must— (a) at all times afford reasonable facilities...
  - 54. Network Rail must at all times afford reasonable facilities to...
  - 55. (1) If any permanent or temporary alterations or additions to...
  - 56. The undertaker must repay to Network Rail all reasonable fees,...
  - 57. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
  - 58. If at any time after the completion of a specified...
  - 59. The undertaker must not provide any illumination or illuminated sign...
  - 60. Any additional expenses which Network Rail may reasonably incur in...
  - 61. (1) The undertaker must pay to Network Rail all reasonable...
  - 62. Network Rail must, on receipt of a request from the...
  - 63. In the assessment of any sums payable to Network Rail...
  - 64. The undertaker and Network Rail may, subject in the case...
  - 65. Nothing in this Order, or in any enactment incorporated with...
  - 66. The undertaker must give written notice to Network Rail if...
  - 67. The undertaker must no later than 28 days from the...
    - PART 6 — FOR THE PROTECTION OF EXOLUM PIPELINE SYSTEM LTD
    - 68. Application
    - 69. Interpretation
    - 70. Acquisition of apparatus
    - 71. Removal of apparatus and rights for alternative apparatus
    - 72. Facilities and rights for alternative apparatus
    - 73. Retained apparatus: protection
    - 74. Cathodic protection testing
    - 75. Expenses
    - 76. Damage to property and other losses
    - 77. Co-operation and reasonableness
    - 78. Miscellaneous
    - 79. Emergency Circumstances
      - PART 7 — FOR THE PROTECTION OF ANGLIAN WATER SERVICES LIMITED
      - 80. Application
      - 81. Interpretation
      - 82. On street apparatus
      - 83. Apparatus in stopped up streets
      - 84. Protective works to buildings
      - 85. Acquisition of land
      - 86. Removal of apparatus
      - 87. Facilities and rights for alternative apparatus
      - 88. Retained apparatus
      - 89. Expenses and costs
      - 90. (1) Subject to sub-paragraphs (2) and (3), if by reason...
      - 91. Cooperation

92. Where the undertaker identifies any apparatus which may belong to...
93. Nothing in this Part of this Schedule affects the provisions...
94. Any time period in which an action must be taken...  
PART 8 — FOR THE PROTECTION OF CADENT GAS LIMITED
95. Application
96. Interpretation
97. On Street apparatus
98. Apparatus of Cadent in stopped up streets
99. Protective works to buildings
100. Acquisition of land
101. Removal of apparatus
102. Facilities and rights for alternative apparatus
103. Retained apparatus: protection of Cadent
104. Expenses
105. Indemnity
106. Enactments and agreements
107. Co-operation
108. Access
109. Arbitration
110. Notices

#### SCHEDULE 10 — DOCUMENTS TO BE CERTIFIED

Explanatory Note