
STATUTORY INSTRUMENTS

2023 No. 834

**The A303 (Amesbury to Berwick Down)
Development Consent Order 2023**

PART 1

PRELIMINARY

Disapplication of legislative provisions

3.—(1) 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 or maintenance of the authorised development—

- (a) section 28E (duties in relation to sites of scientific interest) of the Wildlife and Countryside Act 1981(1);
- (b) section 23 (prohibition of obstructions, etc. in watercourses) of the Land Drainage Act 1991(2);
- (c) section 32 (variation of awards) of the Land Drainage Act 1991;
- (d) the provisions of any byelaws made under section 66(3) (powers to make byelaws) of the Land Drainage Act 1991;
- (e) the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 (byelaw-making powers of the Appropriate Authority) to the Water Resources Act 1991(4);
- (f) regulation 12 (requirement for an environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016(5) in respect of a flood risk activity only;
- (g) the provisions of the Neighbourhood Planning Act 2017(6) in so far as they relate to temporary possession of land under articles 29 (temporary use of land for constructing the authorised development) and 30 (temporary use of land for maintaining the authorised development) of this Order; and

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- (1) 1981 c. 69. Section 28E was inserted by section 75(1) of, and paragraph 1 of Schedule 9 to, the Countryside and Rights of Way Act 2000 (c. 37). It was amended by section 105(1) of, and paragraph 79 of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 (c. 16). There are other amendments which are not relevant to this Order.
 - (2) 1991 c. 59. Section 23 was amended by section 120 of, and paragraphs 192(1) and (2) of Schedule 22 to, the Environment Act 1995 (c. 25) and by section 31 of, and paragraph 32 of Schedule 2 to, the Flood and Water Management Act 2010 (c. 29). There are other amendments to section 23 which are not relevant to this Order.
 - (3) Section 66 was amended by section 31 of, and paragraph 38 of Schedule 2 to, the Flood and Water Management Act 2010 and section 86(3) of the Water Act 2014 (c. 21).
 - (4) 1991 c. 57. Paragraph 5 was amended by section 100 of the Natural Environment and Rural Communities Act 2006 (c. 16), section 84(2) of, and paragraph 3 of Schedule 11 to, the Marine and Coastal Access Act 2009 (c. 23), paragraph 49 of Schedule 2 to the Flood and Water Management Act 2010 and S.I. 2013/755. Paragraph 6 was amended by paragraph 26 of Schedule 15 to the Environment Act 1995 and section 224 of, and paragraph 24 of Schedule 16 and Part 5 of Schedule 22 to, the Marine and Coastal Access Act 2009. Paragraph 6A was inserted by section 103(3) of the Environment Act 1995.
 - (5) S.I. 2016/1154, amended by S.I. 2018/110.
 - (6) 2017 c. 20.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (h) section 33(1)(f) (effect of requirement for development consent on other consent regimes) of the 2008 Act in so far as it relates to any work or operation authorised to be carried out outside of the Order limits under articles 14 (protective works to buildings) or 15 (authority to survey and investigate land) of this Order.
- (2) Despite the provisions of section 208 (liability) of the 2008 Act, for the purposes of regulation 6 (meaning of “development”) of the Community Infrastructure Levy Regulations 2010(7) any building comprised in the authorised development is deemed to be—
 - (a) a building into which people do not normally go; or
 - (b) a building into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery.

(7) [S.I. 2010/948](#). amended by [S.I. 2011/987](#).