
STATUTORY INSTRUMENTS

2024 No. 360

**The A66 Northern Trans-Pennine
Development Consent Order 2024**

PART 1

PRELIMINARY

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961⁽¹⁾;

“the 1965 Act” means the Compulsory Purchase Act 1965⁽²⁾;

“the 1980 Act” means the Highways Act 1980⁽³⁾;

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981⁽⁴⁾;

“the 1984 Act” means the Road Traffic Regulation Act 1984⁽⁵⁾;

“the 1990 Act” means the Town and Country Planning Act 1990⁽⁶⁾;

“the 1991 Act” means the New Roads and Street Works Act 1991⁽⁷⁾;

“the 2004 Act” means the Traffic Management Act 2004⁽⁸⁾;

“the 2008 Act” means the Planning Act 2008⁽⁹⁾;

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

“apparatus” has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act;

“authorised development” means the development and associated development described in Schedule 1 (authorised development) or any part of it and any other development authorised by this Order, 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 listed in Schedule 10 (documents to be certified) and certified by the Secretary of State as the book of reference for the purposes of this Order;

(1) 1961 c. 33.
(2) 1965 c. 56.
(3) 1980 c. 66.
(4) 1981 c. 66.
(5) 1984 c. 27.
(6) 1990 c. 8.
(7) 1991 c. 22.
(8) 2004 c.18.
(9) 2008 c. 29.

“bridleway” has the same meaning as in section 329(1) (further provision as to interpretation) of the 1980 Act and, in relation to the authorised development, includes the right provided by section 30 (riding of pedal bicycles on bridleways) of the Countryside Act 1968⁽¹⁰⁾;

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

“byway open to all traffic” has the same meaning as in section 66(1) (interpretation of Part 3) of the Wildlife and Countryside Act 1981⁽¹¹⁾;

“carriageway” has the same meaning as in section 329(1) of the 1980 Act;

“classification of roads plans” means the document of that description listed in Schedule 10 and certified by the Secretary of State as the classification of roads plans for the purposes of this Order;

“construct” includes execute, place, alter, replace, relay and remove and “construction” is to be construed accordingly;

“Crown land plans” means the document of that description listed in Schedule 10 and certified by the Secretary of State as the Crown land plans for the purposes of this Order;

“cycle track” means a way constituting a highway, being a way over which the public have the following, but no other, rights of way, that is to say, a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988⁽¹²⁾) with a right of way on foot;

“cycleway” means a way comprised in a highway, being a way over which the public have the following, but no other, rights of way, that is to say, a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988) with a right of way on foot;

“design principles” means the document of that description listed in Schedule 10 and certified by the Secretary of State as the design principles for the purposes of this Order;

“de-trunking plans” means the document of that description listed in Schedule 10 and certified by the Secretary of State as the de-trunking plans for the purposes of this Order;

“earthworks” means any embankment or cutting slope required to raise or lower a road from existing ground levels;

“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⁽¹³⁾;

“engineering section drawings: cross sections” means the document of that description listed in Schedule 10 and certified by the Secretary of State as the engineering section drawings: cross sections for the purposes of this Order;

“engineering section drawings: plan and profiles” means the document of that description listed in Schedule 10 and certified by the Secretary of State as the engineering section drawings: plan and profiles for the purposes of this Order;

“environmental statement” means the document of that description listed in Schedule 10 and certified by the Secretary of State as the environmental statement for the purposes of this Order;

⁽¹⁰⁾ 1968 c. 41. Section 30 was amended by paragraph 2 of Schedule 7 to the Countryside and Rights of Way Act 2000 (c. 37).

⁽¹¹⁾ 1981 c. 69.

⁽¹²⁾ 1988 c. 52.

⁽¹³⁾ 2003 c. 21. Section 32(1) was amended by S.I. 2011/1210.

“equestrian track” means a way comprised in a highway, being a way over which the public have the following, but no other rights of way, that is to say a right of way on horseback or leading a horse, a right of way on pedal cycles (other than pedal cycles which are motor vehicles within the meaning of the Road Traffic Act 1988 and a right of way on foot;

“flood risk activity” has the same meaning as in regulation 2 (interpretation: general) of the Environmental Permitting (England and Wales) Regulations 2016⁽¹⁴⁾;

“footpath” and “footway” have the same meaning as in section 329(1) of the 1980 Act;

“highway”, “highway authority” and “local highway authority” respectively have the same meaning as in section 328 (meaning of “highway”), section 1 (highways authorities: general provision) and section 329(1) of the 1980 Act;

“land plans” means the document of that description listed in Schedule 10 and certified by the Secretary of State as the land plans for the purposes of this Order;

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

“maintain” includes inspect, repair, adjust, alter, remove, replace or reconstruct, provided such works do not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement, and any derivative of “maintain” is to be construed accordingly;

“Order land” means the land shown coloured pink and the land shown coloured blue on the land plans, and which is described in the book of reference;

“Order limits” means the limits of land to be acquired permanently or used temporarily as shown on the land plans, and the limits of land within which the authorised development, as shown on the works plans, may be carried out;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981⁽¹⁵⁾;

“relevant planning authority” means the local planning authority for the area in which the land to which the relevant provision of this Order applies is situated;

“rights of way and access plans” means the document of that description listed in Schedule 10 and certified by the Secretary of State as the rights of way and access plans for the purposes of this Order;

“scheme 0102” means M6 Junction 40 to Kemplay Bank;

“scheme 03” means Penrith to Temple Sowerby;

“scheme 0405” means Temple Sowerby to Appleby;

“scheme 06” means Appleby to Brough;

“scheme 07” means Bowes Bypass;

“scheme 08” means Cross Lanes to Rokeby;

“scheme 09” means Stephen Bank to Carkin Moor;

“scheme 11” means A1(M) Junction 53 Scotch Corner;

“special category land plans” means the document of that description listed in Schedule 10 and certified by the Secretary of State as the special category land plans for the purposes of this Order;

⁽¹⁴⁾ S.I. 2016/1154.

⁽¹⁵⁾ 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 this Order.

“special road” means a highway which is a special road in accordance with section 16(16) (general provisions as to special roads) of the 1980 Act or by virtue of an order granting development consent;

“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(17) (streets, street works and undertakers) of the 1991 Act, together with land on the verge of a street or between two carriageways;

“street authority”, in relation to a street, has the same meaning as in section 49(18) (the street authority and other relevant authorities) of the 1991 Act;

“traffic authority” has the same meaning as in section 121A(19) (traffic authorities) of the 1984 Act;

“traffic officer” means an individual designated under section 2 (designation of traffic officers) of the 2004 Act;

“traffic regulation measures (clearways and prohibitions) plans” means the document of that description listed in Schedule 10 and certified by the Secretary of State as the traffic regulation measures (clearways and prohibitions) plans for the purposes of this Order;

“traffic regulation measures (speed limits) plans” means the document of that description listed in Schedule 10 and certified by the Secretary of State as the traffic regulation measures (speed limits) plans for the purposes of this Order;

“tree preservation order trees location plans” means the document of that description listed in Schedule 10 and certified by the Secretary of State as the tree preservation order trees location plans for the purposes of this Order;

“tribunal” means the Lands Chamber of the Upper Tribunal;

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

- (a) section 10(20) (general provision as to trunk roads) or 19(1)(21) (certain special roads and other highways to become trunk roads) of the 1980 Act;
- (b) an order made or direction given under section 10 of that Act;
- (c) an order granting development consent; or
- (d) any other enactment;

“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;

“undertaker” means National Highways Limited (company number 09346363) whose registered office is at Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ; and

“works plans” means the document of that description listed in Schedule 10 and certified by the Secretary of State as the works plans 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

(16) Section 16 was amended by section 36 of, and paragraph 24 of Schedule 2 to, the 2008 Act and section 57(1) of, and paragraph 13(2) to (4) of Schedule 1 to, the Infrastructure Act 2015 (c. 7).

(17) Section 48 was amended by section 124(2) of the Local Transport Act 2008 (c. 26).

(18) Section 49 was amended by paragraph 117 of Schedule 1 to the Infrastructure Act 2015 (c. 7).

(19) Section 121A was inserted by section 168(1) of, and paragraph 70 of Schedule 8 to, the New Roads and Street Works Act 1991 and amended by section 1(6) of, and paragraphs 70 and 95 of Schedule 1 to, the Infrastructure Act 2015 and S.I. 2001/1400.

(20) Section 10 was amended by section 22(2) of the New Roads and Street Works Act 1991, by section 36 of, and paragraph 22 of Schedule 2 to, the Planning Act 2008 and by section 57(1) of, and paragraph 10 of Schedule 1 to, the Infrastructure Act 2015.

(21) Section 19(1) was amended by section 57(1) of, and paragraph 15 of Schedule 1 to, the Infrastructure Act 2015.

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, areas 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 plan to which the reference relates.

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

(7) In this Order, references to materially new or materially different environmental effects in comparison with those reported in the environmental statement are not to be construed so as to include the avoidance, removal or reduction of an assessed adverse environmental effect or a positive environmental effect, or the increase of an assessed positive environmental effect.