
STATUTORY INSTRUMENTS

2024 No. 60

INFRASTRUCTURE PLANNING

The A12 Chelmsford to A120 Widening
Development Consent Order 2024

Made - - - - - *12th January 2024*

Coming into force *9th February 2024*

**THE A12 CHELMSFORD TO A120 WIDENING
DEVELOPMENT CONSENT ORDER 2024**

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Disapplication of legislative provisions
4. Maintenance of drainage works

PART 2

PRINCIPAL POWERS

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

PART 3

STREETS

12. Application of the 1991 Act
13. Construction and maintenance of new, altered or diverted streets and other structures
14. Classification of roads, etc.
15. Speed limits

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16. Power to alter layout etc. of streets
17. Street Works
18. Temporary alteration, diversion, prohibition and restriction of the use of streets
19. Permanent stopping up and restriction of use of streets and private means of access
20. Public rights of way
21. Access to works
22. Clearways, prohibitions and restrictions
23. Traffic Regulation

PART 4

SUPPLEMENTAL POWERS

24. Discharge of water
25. Protective work to buildings
26. Authority to survey and investigate the land

PART 5

POWERS OF ACQUISITION

27. Compulsory acquisition of land
28. Compulsory acquisition of land – incorporation of the mineral code
29. Time limit for exercise of authority to acquire land compulsorily
30. Compulsory acquisition of rights and imposition of restrictive covenants
31. Private rights over land
32. Power to override easements and other rights
33. Disregard of certain interests and improvements
34. Set-off for enhancement in value of retained land
35. No double recovery
36. Modification of Part 1 of the 1965 Act
37. Application of the 1981 Act
38. Acquisition of subsoil or airspace only
39. Rights under or over streets
40. Temporary use of land for carrying out the authorised development
41. Temporary use of land for maintaining the authorised development
42. Statutory undertakers
43. Apparatus and rights of statutory undertakers in stopped up streets
44. Recovery of costs of new connections
45. Special category land

PART 6

OPERATIONS

46. Felling or lopping of trees and removal of hedgerows
47. Trees subject to tree preservation orders, etc.

PART 7

MISCELLANEOUS AND GENERAL

48. Application of landlord and tenant law
49. Operational land for purposes of the 1990 Act
50. Defence to proceedings in respect of statutory nuisance

51. Removal of human remains
52. Crown Rights
53. Use of private roads for construction
54. Disapplication of local legislation
55. Disapplication and modification of byelaws
56. Use of land between Bury Lane and Station Road, Hatfield Peverel
57. Use of consecrated land
58. Protective provisions
59. Certification of documents, etc.
60. Service of notices
61. Arbitration
Signature

SCHEDULES

SCHEDULE 1 — AUTHORISED DEVELOPMENT

In the County of Essex, in the administration areas of Chelmsford City Council, Braintree District Council, Maldon District Council and Colchester City Council.

- Permanent Works
- Temporary Works
- Utilities Works
- Other associated development

SCHEDULE 2 — REQUIREMENTS

PART 1 — REQUIREMENTS

1. Interpretation
 2. Time limits
 3. Second Iteration EMP
 4. Third Iteration EMP
 5. Landscaping
 6. Contaminated Land and groundwater
 7. Archaeology
 8. Protected species
 9. Traffic management
 10. Detailed design
 11. Surface and foul water drainage
 12. Flood risk assessment
 13. Noise mitigation
 14. Boreham operation phase traffic mitigation measures
 15. Messing operation phase traffic mitigation measures
 16. Operation phase local traffic monitoring
 17. Pre-commencement works
 18. Junction 21
 19. De-trunking
 20. Walking, cycling and horse-riding bridges
 21. Approvals and amendments to approved details
- #### PART 2 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS
22. Applications made under requirements
 23. Further information
 24. Register of requirements
 25. Anticipatory steps towards compliance with any requirement

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- 26. Timing of consultation
- 27. Details of consultation

SCHEDULE 3 — CLASSIFICATION OF ROADS, ETC.

- PART 1 — TRUNK ROADS
- PART 2 — CLASSIFIED A ROADS
- PART 3 — CLASSIFIED B ROADS
- PART 4 — CLASSIFIED C ROADS
- PART 5 — UNCLASSIFIED ROADS
- PART 6 — SPEED LIMITS
- PART 7 — VARIABLE SPEED LIMITS
- PART 8 — TRAFFIC REGULATION MEASURES (CLEARWAYS)
- PART 9 — TRAFFIC REGULATION MEASURES (PROHIBITIONS)
- PART 10 — TRAFFIC REGULATION MEASURES (NO ENTRY)
- PART 11 — TRAFFIC REGULATION MEASURES (WAITING RESTRICTIONS)
- PART 12 — REVOCATIONS & VARIATIONS OF EXISTING TRAFFIC REGULATION ORDERS
- PART 13 — FOOTPATHS, CYCLE TRACKS, FOOTWAYS AND BRIDLEWAYS
- PART 14 — ROADS TO BE DE-TRUNKED

SCHEDULE 4 — PERMANENT STOPPING UP OF HIGHWAYS AND PRIVATE MEANS OF ACCESS & 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
- PART 3 — NEW HIGHWAYS WHICH ARE OTHERWISE TO BE PROVIDED
- PART 4 — PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH A SUBSTITUTE IS TO BE PROVIDED
- PART 5 — NEW PRIVATE MEANS OF ACCESS WHICH ARE TO BE PROVIDED
- PART 6 — PRIVATE MEANS OF ACCESS TO BE STOPPED UP FOR WHICH NO SUBSTITUTE IS TO BE PROVIDED

SCHEDULE 5 — LAND IN WHICH NEW RIGHTS ETC. MAY BE ACQUIRED

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

- 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 — SPECIAL CATEGORY LAND

PART 1 — SPECIAL CATEGORY LAND FOR WHICH REPLACEMENT LAND IS PROVIDED

PART 2 — SPECIAL CATEGORY (RIGHTS) LAND FOR WHICH REPLACEMENT LAND IS PROVIDED

PART 3 — SPECIAL CATEGORY (RIGHTS) LAND FOR WHICH REPLACEMENT LAND IS NOT PROVIDED

PART 4 — REPLACEMENT LAND

SCHEDULE 9 — HEDGEROWS AND TREES

PART 1 — REMOVAL OF IMPORTANT HEDGEROWS

PART 2 — REMOVAL OF OTHER HEDGEROWS

PART 3 — TREES SUBJECT TO TREE PRESERVATION ORDERS

SCHEDULE 10 — DISAPPLICATION AND MODIFICATION OF BYELAWS

SCHEDULE 11 — PROTECTIVE PROVISIONS

PART 1 — FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE 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. Co-operation
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 42 (statutory...
17. (1) Subject to sub-paragraphs (2) to (4), if as the...

PART 3 — FOR THE PROTECTION OF ANGLIAN WATER

18. Application
19. Interpretation
20. On street apparatus
21. Schedule of apparatus
22. Apparatus in stopped up streets
23. Protective works to buildings
24. Acquisition of land
25. Removal of apparatus
26. Facilities and rights for alternative apparatus
27. Retained apparatus
28. Expenses and costs
29. (1) Subject to sub-paragraphs (2) and (3), if by reason...
30. Co-operation
31. Where the undertaker identifies any apparatus which may belong to...
32. Nothing in this Part of this Schedule affects the provisions...

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33. Any time period in which an action must be taken...
 - PART 4 — FOR THE PROTECTION OF NATIONAL GRID ELECTRICITY TRANSMISSION PLC
34. Application
35. Interpretation
36. Except for paragraphs 37 (apparatus of National Grid in stopped...
37. Apparatus of National Grid in stopped up streets
38. Protective works to buildings
39. Acquisition of land
40. Removal of apparatus
41. Facilities and rights for alternative apparatus
42. Retained apparatus: protection of electricity undertaker
43. Expenses
44. Indemnity
45. Enactments and agreements
46. Co-operation
47. Access
48. Arbitration
49. Notice
 - PART 5 — FOR THE PROTECTION OF CADENT AS GAS UNDERTAKER
50. Application
51. Interpretation
52. On street apparatus
53. Apparatus of Cadent in stopped up streets
54. Protective works to buildings
55. Acquisition of land
56. Removal of apparatus
57. Facilities and rights for alternative apparatus
58. Retained apparatus: protection of Cadent
59. Expenses
60. Indemnity
61. Enactments and agreements
62. Co-operation
63. Access
64. Arbitration
65. Notices
 - PART 6 — FOR THE PROTECTION OF RAILWAY INTERESTS
66. The provisions of this Part of this Schedule have effect,...
67. In this Part of this Schedule— “asset protection agreement” means...
68. (1) Where under this Part of this Schedule Network Rail...
69. (1) The undertaker must not exercise the powers conferred by—...
70. (1) The undertaker must before commencing construction of any specified...
71. (1) Any specified work and any protective works to be...
72. The undertaker must— (a) at all times afford reasonable facilities...
73. Network Rail must at all times afford reasonable facilities to...
74. (1) If any permanent or temporary alterations or additions to...
75. The undertaker must repay to Network Rail all reasonable fees,...
76. (1) In this paragraph— “EMI” means, subject to sub-paragraph (2),...
77. If at any time after the completion of a specified...
78. The undertaker must not provide any illumination or illuminated sign...
79. Any additional expenses which Network Rail may reasonably incur in...
80. (1) The undertaker must pay to Network Rail all reasonable...

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81. Network Rail must, on receipt of a request from the...
82. In the assessment of any sums payable to Network Rail...
83. The undertaker and Network Rail may, subject in the case...
84. Nothing in this Order, or in any enactment incorporated with...
85. The undertaker must give written notice to Network Rail if...
86. The undertaker must no later than 28 days from the...
87. In relation to any dispute arising under this part of...

SCHEDULE 12 — DOCUMENTS TO BE CERTIFIED

Explanatory Note