

ANNEX 4

**A66 NORTHERN TRANS-PENNINE PROJECT (THE PROJECT)
AMENDMENTS REQUIRED TO THE PREAMBLE TO THE DRAFT DCO IN
RELATION TO THE COMPULSORY ACQUISITION OF RIGHTS OVER SPECIAL
CATEGORY LAND**

- PART 4 — SCHEME 06 – APPLEBY TO BROUGH
- PART 5 — SCHEME 07 – BOWES BYPASS
- PART 6 — SCHEME 08 – CROSS LANES TO ROKEBY
- PART 7 — SCHEME 09 – STEPHEN BANK TO CARKIN MOOR
- SCHEDULE 9 — PROTECTIVE PROVISIONS
 - PART 1 — FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS
 - PART 2 — FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS
 - PART 3 — FOR THE PROTECTION OF NATIONAL GRID ELECTRICITY TRANSMISSION PLC AS ELECTRICITY UNDERTAKER
 - PART 4 — FOR THE PROTECTION OF NATIONAL GAS TRANSMISSION PLC AS GAS UNDERTAKER
 - PART 5 — FOR THE PROTECTION OF THE ENVIRONMENT AGENCY
 - PART 6 — FOR THE PROTECTION OF NETWORK RAIL INFRASTRUCTURE LIMITED
 - PART 7 — FOR THE PROTECTION OF DURHAM COUNTY COUNCIL
- SCHEDULE 10 — DOCUMENTS TO BE CERTIFIED

An application has been made to the Secretary of State, under section 37 of the Planning Act 2008(a) (“the 2008 Act”) in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(b) for an Order granting development consent.

The application was examined by a Panel of four members (“the Panel”) pursuant to Chapter 2 of Part 6 of the 2008 Act and carried out in accordance with Chapter 4 of Part 6 of the 2008 Act, and the Infrastructure Planning (Examination Procedure) Rules 2010(c).

The Panel, having examined the application with the documents that accompanied the application, and the representations made and not withdrawn, has, in accordance with section 74(2) of the 2008 Act, made a report and recommendation to the Secretary of State.

The Secretary of State, having considered the representations made and not withdrawn, and the report of the Panel, has decided to make an Order granting development consent for the development described in the application with modifications which in the opinion of the Secretary of State do not make any substantial changes to the proposals comprised in the application.

The Secretary of State is satisfied that replacement land has been or will be given in exchange for the special category land (as defined in article 34 (special category land) of this Order), and the replacement land (as defined in that article) has been or will be vested in the prospective seller and subject to the same rights, trusts and incidents as attach to the special category land, and that, accordingly, section 131(4) of the 2008 Act applies. In accordance with section 132(3) of the 2008 Act, the Secretary of State is satisfied, having considered the report and recommendation of the Panel, that the parcels of land ~~comprised in~~ labelled 0102-02-54, 0102-02-57, 0102-02-58, 0102-02-68, 0102-02-70, 0102-02-72 and 0102-02-73 on the special category ~~(rights) land (land plans and described in the book of reference (both terms being~~ as defined in article ~~34-2(1)~~ of this Order) when burdened with a new right created under this Order, will be no less advantageous

(a) Parts 1 to 7 were amended by Chapter 6 of Part 6 of the Localism Act 2011 (c. 20).
 (b) Amended by S.I. 2010/439, S.I. 2010/602, S.I.2012/635, S.I. 2012/2654, S.I. 2012/2732, S.I. 2013/522, S.I. 2013/755, S.I. 2014/469, S.I. 2014/2381, S.I. 2015/377, S.I.2015/1682, S.I..2017/524, S.I.2017/572, S.I. 2018/378 and S.I. 2019/734.
 (c) Amended by S.I. 2012/635.

than they were before the making of this Order to the following person: (a) the persons in whom they are vested; (b) other persons, if any, entitled to rights of common or other rights; and (c) the public.

The Secretary of State, in exercise of the powers conferred by sections 114, 115, 117, 120, 122-~~123~~, ~~123-131~~ of, and paragraphs 1 to 4, 10 to 17, 19 to 23, 26, 33, 36 and 37 of Part 1 of Schedule 5 to, the 2008 Act, makes the following Order—

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the A66 Northern Trans-Pennine Development Consent Order 202[*] and comes into force on [X] 202[*].

Interpretation

2.—(1) In this Order—

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

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

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

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

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

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

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

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

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

“affected person” has the same meaning as in section 59 (notice of persons interested in land to which compulsory acquisition request relates)(i) of the 2008 Act;

“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 listed in Schedule 10 (documents to be certified) certified by the Secretary of State under article 49 (certification of plans, etc.) as the book of reference for the purposes of this Order;

(a) 1961 c. 33.

(b) 1965 c. 56.

(c) 1980 c. 66.

(d) 1981 c. 66.

(e) 1984 c. 27.

(f) 1990 c. 8.

(g) 1991 c. 22.

(h) 2008 c. 29.

(i) Section 59 was amended by section 240(2) of, and paragraph 16 of Schedule 13 to the Localism Act 2011 (c. 20).