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# Bramford to Twinstead Reinforcement

**Volume 3: Development Consent Order**

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Final Issue E

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Planning Inspectorate Reference: EN020002

Infrastructure Planning (Applications: Prescribed Forms and Procedure)  
Regulations 2009 Regulation 5(2)(b)

**nationalgrid**

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## Version History

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Date	Issue	Status	Description / Changes
April 2023	A	Final	For DCO submission.
11 October 2023	B	Final	Submitted at Examination Deadline 2 to take account of changes made by the Applicant in response to Section 51 Advice and certain matters arising from the Issue Specific Hearing 1 and Local Impact Reports.
31 October 2023	C	Final	Submitted at Examination Deadline 3 to take account of changes made by the Applicant in response to certain matters arising principally from the Local Impact Reports and from the Examining Authority's First Written Questions (13 October 2023).
16 November 2023	D	Final	Submitted at Examination Deadline 4 to take account of changes made by the Applicant in response to certain matters arising from the Examining Authority's First Written Questions (13 October 2023), third party submissions at Deadline 3, and from Issue Specific Hearing 2 (held on 8 November 2023).
<u>1 December 2023</u>	<u>E</u>	<u>Final</u>	<u>Submitted at Examination Deadline 5 to take account of changes made in response to certain matters raised in third party submissions at Deadline 4 and to reflect ongoing engagement with statutory consultees.</u>

**20[XX] No.[XX]**

**INFRASTRUCTURE PLANNING**

**The National Grid (Bramford to Twinstead Reinforcement)  
Order 20[XX]**

*Made* - - - - \*

*Coming into force* - - \*

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

The application has been examined by a panel of [xx] 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 report and recommendation of the Panel, has taken into account the environmental information in accordance with regulation 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(d) and has had regard to the documents and matters referred to in section 104(2) of the 2008 Act.

The Secretary of State is satisfied that the special category land within the order limits, when burdened with the rights imposed by this Order, will be no less advantageous than it was before to the persons in whom it is vested, other persons, if any, entitled to rights of common or other rights, and to the public; and that, accordingly, section 132(3) of the 2008 Act applies.

The Secretary of State, having decided the application, has determined to make an order granting development consent for the development described in the application on terms that in the opinion of the Secretary of State are not materially different from those proposed in the application.

Accordingly, the Secretary of State, in exercise of the powers in sections 114 and 120 of the 2008 Act, makes the following Order:

- (a) 2008 c. 29. Parts 1 to 7 were amended by Chapter 6 of Part 6 of the Localism Act 2011 (c. 20).  
(b) S.I. 2009/2264, 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, S.I. 2019/734, S.I. 2020/1534, S.I. 2020/764, S.I. 2021/978 and S.I. 2022/634.  
(c) S.I. 2010/103, amended by S.I. 2012/635.  
(d) S.I. 2017/572, amended by S.I. 2017/1012, S.I. 2018/695, S.I. 2018/834, S.I. 2018/942, S.I. 2018/1232, S.I. 2020/764, S.I. 2020/904 and S.I. 2020/1534.

# PART 1

## PRELIMINARY

### Citation and commencement

1. This Order may be cited as the National Grid (Bramford to Twinstead Reinforcement) Order 20[xx] and comes into force on [xx].

### Interpretation

2. —(1) In this Order, unless the context requires otherwise—

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

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

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

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

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

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

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

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

“2009 Act” means the Marine and Coastal Access Act 2009(i);

“2016 Act” means the Housing and Planning Act 2016(j);

“2021 Act” means the Environment Act 2021(k);

“Access, Rights of Way and Public Rights of Navigation Plans” means the plans listed in Part 1 of Schedule 2 (plans) and certified under article 57 (certification of documents), and references to a particular Access, Rights of Way and Public Rights of Navigation Plan are to be construed accordingly;

“Archaeological Framework Strategy” means the document of that description (Document 7.9), [certified by the Secretary of State as the Archaeological Framework Strategy for the purposes of this Order under article 57 \(certification of documents\)](#), identifying steps to mitigate predicted effects on archaeology, geo-archaeology, palaeo-environmental and historic landscape heritage assets during construction of the authorised development;

“authorised development” means the development described in Schedule 1 (authorised development), including any related development authorised by this Order, which is development within the meaning of section 32 of the 2008 Act;

“Book of Reference” means the Book of Reference (Document 4.3 (C)) certified under article 57 (certification of documents) by the Secretary of State as the Book of Reference for the purposes of this Order;

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

“business day” means Monday to Friday excluding Bank Holidays and other public holidays;

“carriageway” has the same meaning as in the 1980 Act;

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- (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) 2009 c. 23.  
(j) 2016 c.22.  
(k) 2021 c.30.

“Construction Environmental Management Plan” means the document of that description (together with its appendices) (Document 7.5 (B)) certified by the Secretary of State as the Construction Environmental Management Plan for the purposes of this Order under article 57 (certification of documents);

“commence” means the carrying out of any material operation (as defined in section 155(2) (when development begins) of the 2008 Act) forming part of the authorised development other than the pre-commencement operations and “commencement” and “commenced” are to be construed accordingly;

“compulsory acquisition notice” means a notice served in accordance with section 134 of the 2008 Act (notice of authorisation of compulsory acquisition);

“Construction Traffic Management Plan” means the document of that description (together with its appendices) (Document 7.6 (B)) certified by the Secretary of State as the Construction Traffic Management Plan for the purposes of this Order under article 57 (certification of documents);

“electric line” has the meaning set out in section 235(1) of the 2008 Act which includes but is not limited to new pylons, foundations and steelwork, conductors, insulators and fittings, fibre optic earthwire conductors, joint boxes, joint pits, joint bays, cables, cable ducts and link pillars;

“electronic transmission” means a communication transmitted—

- (a) by means of an electronic communications network; or
- (b) by other means but while in electronic form;

“Environmental Statement” means the environmental statement (Documents 6.1 to 6.4 (inclusive)) together with any supplemental or additional environmental information certified under article 57 (certification of documents), and any environmental statement submitted for the purposes of complying with and/or discharging the Requirements;

“highway” and “highway authority” have the same meaning as in the 1980 Act;

“Land Plans” mean the relevant plans listed in Part 2 of Schedule 2 (plans) and certified under article 57 (certification of documents), and references to a particular Land Plan are to be construed accordingly;

“Landscape and Ecological Management Plan” means the document of that description (together with its appendices) (Document 7.8 (B)) certified by the Secretary of State as the Landscape and Ecological Management Plan for the purposes of this Order under article 57 (certification of documents);

“limits of deviation” means the limits of deviation referred to in article 5 (limits of deviation) and shown on the Work Plans;

“main river” has the same meaning as in Part 4 of the Water Resources Act 1991(a);

“maintain” includes inspect, repair, adjust, alter, dismantle, remove, clear, refurbish, paint, surface treat, decommission, improve, reconstruct or replace any or all of the authorised development including through the use of robots, helicopters, drones, gadgets or similar devices either remote controlled or autonomous, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the Environmental Statement, and any derivative of “maintain” must be construed accordingly;

“Materials and Waste Management Plan” means the document of that description (Document 7.7 (B)) certified by the Secretary of State as the Materials and Waste Management Plan for the purposes of this Order under article 57 (certification of documents);

“National Grid” means National Grid Electricity Transmission plc (registered company number 2366977);

“operational use” occurs when part of the authorised development first transmits electricity at either 400kV or higher voltages;

“Order land” means the land shown on the Land Plans and described in the Book of Reference;

“Order limits” means the limits shown on the Work Plans within which the authorised development may be carried out;

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(a) 1991 c. 57.

“Outline Written Scheme of Investigation” means the document of that description (Document 7.10) ~~(B)~~, certified by the Secretary of State as the Outline Written Scheme of Investigation for the purposes of this Order under article 57 (certification of documents), setting out the proposed approach to archaeological mitigation and investigations to be undertaken in association with the construction of the authorised development;

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

“permit schemes” means the following schemes made under Part 3 of the Traffic Management Act 2004(b) as in force at the date on which this Order is made—

(c) The Traffic Management (Essex County Council) Permit Scheme Order 2015(c) as varied by The Essex County Council (Permit Scheme) (Variation) Order 2015; and

(d) The Traffic Management (Suffolk County Council) Permit Scheme Order 2020(d);

“pre-commencement operations” means operations consisting of engineering investigations and surveys, environmental (including archaeological) investigations and monitoring, surveys and monitoring investigations for the purpose of assessing ground conditions, diversion and laying of services, demolition of existing buildings, site clearance, environmental mitigation measures, remediation in respect of any contamination or other adverse ground conditions, set up works associated with the establishment of construction compounds, temporary accesses, erection of any temporary means of enclosure or temporary demarcation fencing marking out site boundaries and the temporary display of site notices or advertisements;

“provisional advance authorisation” has the same meaning as in regulation 2 of the Traffic Management Permit Scheme Regulations 2007(e);

“Public Rights of Way Management Plan” means the document of that description (together with its appendices) (Document 8.5.8) certified by the Secretary of State as the Public Rights of Way Management Plan for the purposes of this Order under 57 (certification of documents);

“relevant highway authority” means, in any given provision of this Order, the local highway authority for the area to which the provision relates;

“relevant planning authority” means, in any given provision of this Order, the local planning authority for the area to which the provision relates;

“relevant street authority” means, in any given provision of this Order, the local highway authority for the area to which the provision relates;

“Requirements” means the Requirements listed in Schedule 3, and any reference to a numbered Requirement is to be construed accordingly;

“Special Category Land Plans” means the plans listed in Part 3 of Schedule 2 (plans) and certified under article 57 (certification of documents) and references to a particular Special Category Land Plan are to be construed accordingly;

“statutory undertaker” means any person falling within section 127(8) of the 2008 Act;

“street” means a street within the meaning of section 48 of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“temporary construction works” means the temporary construction works described in Schedule 1 (authorised development) to the Order;

“the table of parameters” means the information shown on the sheet labelled as Table of Parameters within the Work Plans;

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

“traffic authority” has the same meaning as in the 1984 Act;

(a) 1981 c. 67. Section 7 was amended by section 70 of, and paragraph 9 of Schedule 15 (Part I) to, the Planning and Compensation Act 1991 (c. 34). There are other amendments to the 1981 Act which are not relevant to this Order.

(b) 2004 c.18.

(c) S.I. 2015/37.

(d) S.I. 2020/[●].

(e) S.I. 2007/3372.

“Traffic Regulation Order Plans” mean the plans listed in Part 4 of Schedule 2 (plans) and certified under article 57 (certification of documents), and references to a particular Traffic Regulation Order Plan are to be construed accordingly;

“Trees and Hedgerows to be Removed or Managed Plans” means the plans listed in Part 5 of Schedule 2 (plans) and certified under article 57 (certification of documents), and references to a particular Trees and Hedgerows to be Removed or Managed Plan are to be construed accordingly;

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

“UKPN” means UK Power Networks Holdings Limited (registered company number 07290590) and/or its affiliate Eastern Power Networks plc (registered company number 02366906);

“the UKPN Works” means those works to UKPN assets or equipment forming part of the authorised development, including Work Nos. 8 and 11;

“undertaker”—

(e) in relation to the authorised development, means National Grid; and

(f) in relation to the UKPN Works and subject to paragraph (4) of article 6 (benefit of Order), includes UKPN;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, rhynes, sewers and passages through which water flows except a public sewer or drain; and

“Work Plans” means the plans listed in Part 6 of Schedule 2 (plans) and certified under article 57 (certification of documents), and references to a particular Work Plan are to be construed accordingly.

(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 restrictions in respect of land are references to restrictions over land which interfere with the interests or rights of another and are for the benefit of land which is acquired, or rights over which are acquired, under this Order.

(3) All distances, directions, levels and lengths referred to in this Order, are approximate. Distances between points on a work comprised in the authorised development are taken to be measured along that work. All distances for scheduled linear works referred to in this Order are measured along the centre line of the limits of deviation for that work. All pylon identification numbers set out in this Order are identified by reference to the Work Plans, and are subject to the limits of deviation for that work, such that the tower numbering and location of towers may adjust in accordance with the limits of deviation identified in article 5 (limits of deviation). Unless otherwise specified in Schedule 1 (authorised development), heights and depths in this Order or on the Work Plans are measured from the proposed final ground level.

(4) 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 Access, Rights of Way and Public Rights of Navigation Plans.

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

(7) References in this Order to “Document” followed by a number or numbers are references to documents submitted by National Grid in support of the application for development consent that resulted in the making of this Order.

(8) References in this Order to any statutory body includes that body’s successor in respect of functions which are relevant to this Order.

(9) References in this Order to any statute, order, regulation or similar instrument are to be construed as a reference to the statute, order, regulation or instrument as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.

(10) References in this Order to materially new or materially different environmental effects in comparison with those reported in the Environmental Statement shall not be construed so as to include the avoidance, removal or reduction of an adverse environmental effect that was reported in the Environmental Statement as a result of the authorised development.

## PART 2

### PRINCIPAL POWERS

#### **Development consent etc. granted by the Order**

- 3.—(1) Subject to the provisions of this Order (including the Requirements)—
- (a) National Grid is granted development consent for the authorised development set out in Schedule 1 (authorised development); and
  - (b) Subject to paragraph (5) of article 6 (benefit of Order), UKPN is granted development consent for the UKPN Works.
- (2) National Grid may—
- (a) install and keep installed the authorised development; and
  - (b) remove or replace any electric line including pylons that may require removal as part of the authorised development.
- (3) UKPN may—
- (a) Subject to paragraphs (3) and (5) of article 6 (benefit of Order), carry out the UKPN Works; and
  - (b) remove or replace any electric line including pylons or poles that may require removal in relation to the UKPN Works.
- (4) National Grid may operate and use the electric lines and any other elements of the authorised development (excluding the UKPN Works) as part of the high-voltage electricity transmission system in England and Wales.
- (5) UKPN may operate and use the electric line and any other elements of the UKPN Works as part of the electricity distribution network.
- (6) For the purposes of the authorised development, development consent granted by this Order is to include and permit the alteration, removal, clearance, refurbishment, reconstruction, decommissioning and demolition of any buildings or other structures within the Order limits to the extent that they relate to, are required by or are incidental to the carrying out of the authorised development.
- (7) The authorised development must be constructed and installed in the lines and situations shown on the Work Plans listed in Schedule 2, subject to article 5 (limits of deviation) and to the Requirements.
- (8) Schedule 3 (Requirements) has effect.

#### **Maintenance of authorised development**

- 4.—(1) National Grid may at any time maintain the authorised development (excluding the UKPN Works), except to the extent that this Order, or an agreement made under this Order, provides otherwise.
- (2) UKPN may at any time maintain the UKPN Works, except to the extent that this Order, or an agreement made under this Order, provides otherwise.

#### **Limits of deviation**

- 5.—(1) Subject to paragraph (4), in respect of the permanent overhead electric line and underground electric line works forming part of Work Nos. 1, 2, 3, 4, 5, 6, 10 and 11 (inclusive) of the authorised development for which it is granted development consent by paragraph (1) of article 3 (development consent etc. granted by the Order), the undertaker may—
- (a) deviate from the lines or situations of the authorised development shown on the Work Plans within the limits of deviation relating to a Work shown on those plans and carry out construction activities for the purpose of the authorised development anywhere within the Order limits; and

- (b) in respect of the pylons deviate vertically from the levels of the authorised development shown on the table of parameters—
  - (i) to any extent upwards not exceeding 4 metres;
  - (ii) to such extent downwards as the undertaker considers necessary or convenient;
- (c) in respect of the overhead conductors and fibre-optic earth wires deviate vertically to such extent as the undertaker considers necessary or convenient;
- (d) in respect of the underground electric line, deviate vertically—
  - (i) upwards such that the minimum distance that will be kept between the top of the protective tiles or (where there are no protective tiles) the top of the cable ducts and the top of the finished ground level is 0.9 metres; and
  - (ii) downwards to such extent as the undertaker considers necessary or convenient.

(2) Without prejudice to paragraph (7) of article 3 the removal, clearance, decommissioning and demolition of any existing electric line may take place within the Order limits.

(3) Subject to paragraph (4), in respect of other permanent above ground structures, erections and apparatus, including substations and cable sealing end compounds forming part of the authorised development:

- (a) the authorised development is to be carried out within any applicable non-linear limits of deviation shown on the Work Plans; and
- (b) the undertaker may deviate to any extent upwards not exceeding 10% above the maximum height shown on the table of parameters and to such extent downwards as the undertaker considers necessary or convenient.

(4) The maximum limits of vertical deviation specified in paragraphs (1)(b), (1)(d) and (3)(b) do not apply where it is demonstrated by the undertaker to the Secretary of State's satisfaction and the Secretary of State, following consultation with the relevant planning authority and any other person the Secretary of State considers appropriate having regard to the proposed deviation in question and the statutory roles and responsibilities of such person, certifies accordingly that a deviation in excess of these limits would not give rise to any materially new or materially different environmental effects to those identified in the Environmental Statement.

### **Benefit of Order**

6. —(1) Subject to article 7 (consent to transfer benefit of Order), the provisions of this Order have effect for the benefit of—

- (a) National Grid in respect of the authorised development; and
- (b) Subject to paragraph (5), UKPN in respect of the UKPN Works.

(2) Paragraph (1) does not apply to the benefit of the consent granted by this Order for works carried out by the undertaker for the benefit or protection of land or persons (including statutory undertakers) affected by the authorised development.

(3) UKPN may not carry out the UKPN Works under sub-paragraph (3)(a) of article 3 (development consent etc. granted by the Order) except in accordance with the written consent of National Grid, which may be granted subject to reasonable conditions.

(4) If UKPN fails to carry out any of the UKPN Works in accordance with National Grid's consent, National Grid may give UKPN and the Secretary of State notice that National Grid intends to carry out those UKPN Works under sub-paragraph (3)(a) of article 3 (development consent etc. granted by the Order) from a date specified in the notice.

(5) On the date specified in any notice under paragraph (4) of this article—

- (a) UKPN is to cease to have the benefit of sub-paragraph (1)(b) of article 3 (development consent etc. granted by the Order) and sub-paragraph (1)(b) of this article;
- (b) UKPN is to cease to be an undertaker for the installation of the UKPN Works but remains an undertaker for the purposes of keeping installed and maintaining the electric lines included in the UKPN Works; and
- (c) references to UKPN in article 28 (temporary use of land for maintaining the authorised development) are to be read as including National Grid.

### **Consent to transfer benefit of Order**

7.—(1) National Grid in relation to the authorised development (not including the UKPN Works), and UKPN in relation to the UKPN Works, may, with the consent of the Secretary of State—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between National Grid or UKPN and the transferee;
- (b) grant to another person (“the lessee”) for a period agreed between National Grid or UKPN and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.

(2) Where a transfer or grant has been made in accordance with paragraph (1) references in this Order to National Grid or UKPN (as the case may be), except in paragraphs (3) and (4), are to include references to the transferee or the lessee.

(3) The exercise by a person of any benefits or rights transferred or granted in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by National Grid or UKPN.

(4) Any rights or benefits in relation to the UKPN Works that are transferred or granted by UKPN under paragraph (1) are subject to paragraphs (3) to (5) of article 6 (benefit of Order) as if they had remained exercisable by UKPN.

(5) Where a transfer or grant has been made in accordance with paragraph (1), the undertaker shall notify the relevant planning authority of the same.

### **Application of the 1990 Act**

8.—(1) In respect of the temporary construction works, section 57(2) of the 1990 Act (planning permission required for development) applies as if the development consent granted by this Order were planning permission granted for a limited period.

(2) Development consent granted by this Order is to be treated as specific planning permission for the purposes of section 264(3)(a) of the 1990 Act (cases in which land is to be treated as not being operational land for the purposes of that Act).

(3) In the exercise of the power under paragraphs (1) and (2) of article 11 (street works) the undertaker is to be deemed to be the highway authority for the purposes of section 55(2)(b) of the 1990 Act.

(4) If any proceedings are begun to challenge the validity of this Order, the period specified in—

- (a) paragraph (1) of article 33 (time limit for exercise of authority to acquire land compulsorily); and
- (b) paragraph 2 (time limits) of Schedule 3 (requirements)

is extended for the period specified in paragraph (5).

(5) Under paragraph (4) the period is taken to be extended by—

- (a) a period equivalent to the period beginning with the day the proceedings are filed and ending on the day they are withdrawn or finally determined, or
- (b) if shorter, one year.

(6) Proceedings are not finally determined for the purposes of sub-paragraph (5)(a) if any appeal—

- (a) could be brought (ignoring any possibility of an appeal out of time with permission), or
- (b) has been made and not withdrawn or finally determined.

### **Application of the Community Infrastructure Levy Regulations 2010**

9. Notwithstanding the provisions of section 208 (liability) of the 2008 Act, for the purposes of regulation 6 of the Community Infrastructure Levy Regulations 2010<sup>(a)</sup> 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.

### **Planning Permission**

10.—(1) If planning permission is issued pursuant to the 1990 Act for development any part of which is within the Order limits that is—

- (a) not itself a nationally significant infrastructure project under the 2008 Act or part of such a project; and
- (b) required to complete or enable the construction, use or operation of any part of the development authorised by this Order,

then the carrying out, use or operation of such development pursuant to the terms of the planning permission is not to constitute a breach of the terms of this Order.

(2) To the extent any development carried out or used pursuant to a planning permission granted under section 57 (planning permission required for development) of the 1990 Act or compliance with any conditions of that permission is inconsistent with the exercise of any power or right under this Order or the authorised development—

- (a) that inconsistency is to be disregarded for the purposes of establishing whether any development which is the subject matter of that planning permission is capable of physical implementation; and
- (b) in respect of that inconsistency, no enforcement action under the 1990 Act may be taken in relation to development carried out or used pursuant to that planning permission whether inside or outside the Order limits.

(3) Any development or any part of a development within the Order limits which is constructed or used under the authority of a planning permission granted under section 57 of the 1990 Act, including permissions falling under sub-paragraph (1) or (3) or otherwise, is deemed not to be a breach of, or inconsistent with, this Order and shall not prevent the authorised development being carried out or used or any other power or right under this Order being exercised.

## **PART 3**

### **STREETS**

#### **Street works**

11.—(1) The undertaker may, for the purposes of the authorised development, or for purposes ancillary to it, enter upon so much of any of the streets specified in column (2) of Schedule 5 (streets subject to street works) as is within the Order limits and may without the consent of the street authority—

- (a) break up or open the street, or any sewer, drain or tunnel within or under it;
- (b) tunnel, drill or bore under the street, or carry out any works to strengthen or repair the carriageway;
- (c) remove or use all earth and materials in or under the street;
- (d) place and keep apparatus in the street (including signage);
- (e) maintain, renew or alter apparatus or furniture in or on the street or change its position;
- (f) execute any works to provide or improve sight lines required by the highway authority;

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(a) S.I. 2010/948.

- (g) execute and maintain any works to provide hard and soft landscaping and any other works for the benefit or protection of the environment;
- (h) carry out re-lining and placement of new temporary markings; and
- (i) execute any works required for or incidental to any works referred to in sub-paragraphs (a) to (h).

(2) Without limiting the scope of the powers conferred by paragraph (1) but subject to the consent of the street authority, which consent shall not be unreasonably withheld or delayed, the undertaker may, for the purposes of the authorised development, or for purposes ancillary to it, enter on so much of any other street whether or not within the Order limits, for the purposes set out at sub-paragraph (1)(a) to (i) and paragraph (3) of article 8 (application of the 1990 Act) shall apply.

(3) If a street authority that receives an application for consent under paragraph (2) fails to notify the undertaker of its decision within 28 days (or such other period as agreed by the street authority and the undertaker) beginning with the date on which the application was received, that authority will be deemed to have granted consent.

(4) Any application for consent under paragraph (2) must include a statement that the provisions of paragraph (3) apply to that application.

(5) If an application for consent under paragraph (2) does not include the statement required under paragraph (4), then the provisions of paragraph (3) will not apply to that application.

(6) The authority given by paragraph (1) or (2) is a statutory right for the purposes of sections 48(3) (streets, street works and undertakers) and 51(1) (prohibition of unauthorised street works) of the 1991 Act.

(7) The powers conferred in paragraphs (1) or (2) are without limitation of the powers of the undertaker under the Electricity Act 1989(a).

(8) In this article “apparatus” has the meaning given in Part 3 of the 1991 Act.

### **Application of the Permit Schemes**

**12.—**(1) The permit schemes apply to the construction and maintenance of the authorised development and will have effect in connection with the exercise by the undertaker of any powers conferred by this Part.

(2) For the purposes of this Order—

- (a) a permit may not be refused or granted subject to conditions which relate to the imposition of moratoria; and
- (b) a permit may not be granted subject to conditions where compliance with those conditions would constitute a breach of this Order or where the undertaker would be unable to comply with those conditions through the exercise of the powers conferred by this Order;
- (c) a permit may not be refused where the proposed reason for refusal is the inability to impose a condition which will not comply with paragraph (b); and
- (d) where a provisional advance authorisation has been granted to the undertaker in advance of the grant of a permit in relation to the construction of the authorised development, the relevant street authority may not grant a permit for any other works in the location during the time period to which that provisional advance authorisation relates save that nothing will restrict the ability of the local highway authority to grant a permit for immediate works.

(3) Irrespective of anything which is stated to the contrary within the permit schemes, where the undertaker submits an application for a permit in relation to the construction or maintenance of the authorised development subject to proposed conditions and the relevant highway authority wishes for different conditions to be imposed on the permit, the relevant highway authority must seek to reach agreement with the undertaker on the conditions subject to which the permit is to be granted and provide alternative permit conditions to the undertaker within 10 working days following the date on which the application for the permit is made by the undertaker and must not refuse an application for a permit before the end of the period which is 5 working days following the date on which the alternative permit conditions are provided to the undertaker.

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(a) 1989 c. 29.

(4) Where the undertaker confirms its agreement to the alternative permit conditions provided by the relevant highway authority pursuant to paragraph (3) before the expiry of 5 working days following the date on which any such alternative permit conditions are provided to the undertaker, the relevant highway authority must grant the permit subject to those conditions.

(5) Any alternative permit conditions provided by a relevant highway authority in accordance with paragraph (3) must comply with paragraph (2)(b).

(6) References to moratoria in paragraph (2) mean restrictions imposed under section 58 (restrictions on works following substantial road works) or section 58A (restrictions on works following substantial street works) of the 1991 Act.

(7) Reference to immediate works in paragraph (2)(d) means emergency works as that term is defined in section 52 of the 1991 Act and urgent works as that term is defined in regulation 3(1) of the Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007.<sup>(a)</sup>

(8) Without restricting the undertaker's recourse to any alternative appeal mechanism which may be available under the permit schemes or otherwise, the undertaker may appeal any decision to refuse to grant a permit or to grant a permit subject to conditions pursuant to the permit schemes in accordance with the mechanism set out in Schedule 4 (Discharge of Requirements) of this Order.

### **Application of the 1991 Act**

**13.—**(1) Works carried out under this Order in relation to a highway which consists of or includes a carriageway must be treated for the purposes of Part 3 of the 1991 Act (street works in England and Wales) as major highway works if—

- (a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) of the 1991 Act (which defines what highway authority works are major highway works); or
- (b) they are works which, had they been executed by the relevant highway authority, might have been carried out in exercise of the powers conferred by section 64 (dual carriageways and roundabouts) or section 184 (vehicle crossings over footways and verges) of the 1980 Act.

(2) In Part 3 of the 1991 Act, in relation to works which are major highway works by virtue of paragraph (1), references to the highway authority concerned are to be construed as references to the undertaker.

(3) The following provisions of the 1991 Act do not apply in relation to any works executed under the powers of this Order—

- (a) section 56 (power to give directions as to timing of street works);
- (b) section 56A (power to give directions as to placing of apparatus);
- (c) section 58 (restrictions on works following substantial road works);
- (d) section 58A (restriction on works following substantial street works);
- (e) section 73A (power to require undertaker to re-surface street);
- (f) section 73B (power to specify timing etc. of re-surfacing);
- (g) section 73C (materials, workmanship and standard of re-surfacing);
- (h) section 77 (liability for cost of use of alternative route);
- (i) section 78A (contributions to costs of re-surfacing by undertaker); and
- (j) Schedule 3A (restriction on works following substantial street works).

(4) The following provisions of the 1991 Act do not apply in relation to any works executed under article 12 (application of the Permit Schemes) of this Order—

- (a) section 53 (the street works register);
- (b) section 54 (advance notice of certain works);
- (c) section 55 (notice of starting date of certain works);
- (d) section 57 (notice of emergency works);

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(a) S.I. 2007/1951.

(e) section 66 (avoidance of unnecessary delay or obstruction).

(5) The provisions of the 1991 Act mentioned in paragraph (6) (which, together with other provisions of that Act, apply in relation to the carrying out of street works) and any regulations made, or code of practice issued or approved under those provisions, apply (with necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by the undertaker under the powers conferred by article 15 (temporary stopping up of streets and public rights of way) whether or not the stopping up, alteration or diversion constitutes street works within the meaning of that Act.

(6) The provisions of the 1991 Act referred to in paragraph (5) are—

- (a) section 54 (advance notice of certain works), subject to paragraph (7);
- (b) section 55 (notice of starting date of works), subject to paragraph (7);
- (c) section 57 (notice of emergency works);
- (d) section 59 (general duty of street authority to co-ordinate works);
- (e) section 60 (general duty of undertakers to co-operate);
- (f) section 68 (facilities to be afforded to street authority);
- (g) section 69 (works likely to affect other apparatus in the street);
- (h) section 71 (materials, workmanship and standard of reinstatement);
- (i) section 75 (inspection fees);
- (j) section 76 (liability for cost of temporary traffic regulation);
- (k) section 77 (liability for cost of use of alternative route); and
- (l) all such other provisions as apply for the purposes of the provisions mentioned in sub-paragraphs (a) to (k).

(7) Sections 54 and 55 of the 1991 Act as applied by paragraph (5) have effect as if references in section 57 of that Act to emergency works were references to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

#### **Power to alter layout, etc. of streets**

14.—(1) The undertaker may, without the consent of the street authority, and for the purposes of carrying out the authorised development, permanently or temporarily alter the layout of, or carry out any works in, a street specified in column (1) of Part 1 or 2 of Schedule 6 (streets subject to alteration of layout) in the manner specified in relation to that street in column (2).

(2) Without limitation on the specific powers conferred by paragraph (1), but subject to paragraph (4), the undertaker may, for the purposes of constructing and maintaining the authorised development, permanently or temporarily alter the layout of any street (and carry out works ancillary to such alterations) whether or not within the Order limits and the layout of any street having a junction with such a street and, without limiting the scope of this paragraph, the undertaker may—

- (a) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track, central reservation or verge within the street;
- (b) alter the level or increase the width of any such kerb, footpath, footway, cycle track, central reservation or verge;
- (c) reduce the width of the carriageway of the street;
- (d) execute any works to widen or alter the alignment of pavements;
- (e) make and maintain crossovers, turning lanes and passing places;
- (f) execute any works of surfacing or resurfacing of the highway;
- (g) carry out works for the provision or alteration of parking places, loading bays and cycle tracks;
- (h) execute any works necessary to alter or provide facilities for the management and protection of pedestrians; and
- (i) execute any works to provide or improve sight lines required by the highway authority.

(3) The undertaker must restore to the reasonable satisfaction of the street authority any street that has been temporarily altered under this article.

(4) The powers conferred by paragraph (2) may not be exercised without the consent of the street authority (such consent not to be unreasonably withheld or delayed).

(5) If a street authority which receives an application for consent under paragraph (4) fails to notify the undertaker of its decision before the end of the period of 28 days (or such other period as agreed by the street authority and the undertaker) beginning with the date on which the application was received, it is deemed to have granted consent.

(6) Any application for consent under paragraph (2) must include a statement that the provisions of paragraph (5) apply to that application.

(7) If an application for consent under paragraph (2) does not include the statement required under paragraph (6), then the provisions of paragraph (5) will not apply to that application.

### **Temporary stopping up of streets and public rights of way**

**15.—**(1) During and for the purposes of carrying out the authorised development, the undertaker may temporarily stop up, alter or divert any street or public right of way shown on the Access, Rights of Way and Public Rights of Navigation Plans or within the Order limits and may for any reasonable time—

- (a) divert the traffic from the street or public right of way; and
- (b) subject to paragraph (3), prevent all persons from passing along the street or public right of way.

(2) Without limitation on the scope of paragraph (1), the undertaker may use as a temporary working site any street or public right of way which has been temporarily stopped up, altered or diverted under the powers conferred by this article.

(3) The undertaker must provide reasonable access for pedestrians going to or from premises abutting a street or public right of way affected by the temporary stopping up, alteration or diversion under this article if there would otherwise be no reasonable access.

(4) Without limitation on the scope of paragraph (1), the undertaker may temporarily stop up, alter or divert the streets or public rights of way specified in columns (1) and (2) of Parts 1 and 2 of Schedule 7 (streets or public rights of way to be temporarily stopped up) to the extent specified, by reference to the letters and numbers shown on the Access, Rights of Way and Public Rights of Navigation Plans, in column (3) of that Schedule, and, if it does so in respect of a street or public right of way specified in Part 1 of Schedule 7, must provide the temporary diversion as specified in column (4) of that Part.

(5) The undertaker must not temporarily stop up, alter or divert—

- (a) any street or public right of way specified as mentioned in paragraph (4) without first consulting the street authority; or
- (b) any other street or public right of way without the consent of the street authority (such consent not to be unreasonably withheld or delayed) which may attach reasonable conditions to any consent.

(6) Where the undertaker provides a temporary diversion under paragraph (4), the temporary alternative route is not required to be of a higher standard than the temporarily stopped up street or public right of way in columns (1) and (2) of Parts 1 and 2 of Schedule 7 (streets or public rights of way to be temporarily stopped up).

(7) Prior to the reopening of any street or public right of way temporarily stopped up, altered or diverted under paragraph (4), the undertaker must remove all temporary works and restore the street or public right of way to the reasonable satisfaction of the street authority.

(8) Any person who suffers loss by the suspension of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(9) If a street authority which receives an application for consent under sub-paragraph (5)(b) fails to notify the undertaker of its decision before the end of the period of 28 days (or such other period as agreed by the street authority and the undertaker) beginning with the date on which the application was received, it is deemed to have granted consent.

(10) Any application for consent under sub-paragraph (5)(b) must include a statement that the provisions of paragraph (9) apply to that application.

(11) If an application for consent under sub-paragraph (2) does not include the statement required under paragraph (10), then the provisions of paragraph (9) will not apply to that application.

#### **Access to works**

16.—(1) The undertaker may, for the purposes of the authorised development—

- (a) form and lay out means of access, or improve existing means of access, in the location specified in column (2) of Schedule 8 (access to works); and
- (b) with the consent of the relevant planning authority (such consent not to be unreasonably withheld or delayed) after consultation with the relevant highway authority, form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.

(2) If a relevant planning authority which receives an application for consent under sub-paragraph (1)(b) fails to notify the undertaker of its decision before the end of the period of 28 days (or such other period as agreed by the relevant planning authority and the undertaker) beginning with the date on which the application was received, it is deemed to have granted consent.

(3) Any application for consent under sub-paragraph (1)(b) must include a statement that the provisions of paragraph (2) apply to that application.

(4) If an application for consent under sub-paragraph (2) does not include the statement required under paragraph (3), then the provisions of paragraph (2) will not apply to that application.

#### **Construction, alteration and maintenance of streets**

17.—(1) Any street (other than any private streets) to be constructed under this Order must be completed to the reasonable satisfaction of the street authority and must, unless otherwise agreed with the street authority, be maintained (including any culverts or other structures laid under that part of the highway) by the street authority.

(2) Where a street is altered or diverted under this Order, the altered or diverted part of the street must be completed to the reasonable satisfaction of the street authority and must, unless otherwise agreed with the street authority, be maintained (including any culverts or other structures laid under that part of the highway) by the street authority.

(3) Where new land not previously part of the public highway is to form part of the public highway further to the provisions of this Order it must, unless otherwise agreed with the street authority, be deemed as dedicated as part of the public highway on the expiry of the period of 12 months from its completion.

(4) In any action against the undertaker in respect of loss or damage resulting from any failure by it to maintain a street under this article, it is a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that the undertaker had taken such care as in all the circumstances was reasonably required to secure that the part of the street to which the action relates was not dangerous to traffic.

(5) For the purposes of a defence under paragraph (4), the court must in particular have regard to the following matters—

- (a) the character of the street and the traffic which was reasonably to be expected to use it;
- (b) the standard of maintenance appropriate for a street of that character and used by such traffic;
- (c) the state of repair in which a reasonable person would have expected to find the street;
- (d) whether the undertaker knew, or could reasonably have been expected to know, that the condition of the part of the street to which the action relates was likely to cause danger to users of the street; and
- (e) where the undertaker could not reasonably have been expected to repair that part of the street before the cause of action arose, what warning notices of its condition had been displayed,

but for the purposes of such a defence it is not relevant to prove that the undertaker had arranged for a competent person to carry out or supervise the maintenance of the part of the street to which the action relates unless it is also proved that the undertaker had given the competent person proper instructions

with regard to the maintenance of the street and that the competent person had carried out those instructions.

(6) In determining who is the street authority in relation to a street for the purposes of Part III of the 1991 Act, any obligation of the undertaker to maintain the street under paragraph (1) or (2) shall be disregarded.

#### **Agreements with street authorities**

- 18.**—(1) A street authority and the undertaker may enter into agreements with respect to—
- (a) the construction of any new street including any structure carrying the street over or under an electric line authorised by this Order;
  - (b) the maintenance of the structure of any bridge or tunnel carrying a street over or under an electric line authorised by this Order;
  - (c) any stopping up, alteration or diversion of a street authorised by this Order;
  - (d) the carrying out in the street of any of the works referred to in article 11 (street works) or article 14 (power to alter layout, etc. of streets);
  - (e) such other matters as the parties may agree, including such matters as may be included in agreements made pursuant to section 278 or section 38 of the 1980 Act.
- (2) Such an agreement may, without limitation on the scope of paragraph (1)—
- (a) make provision for the street authority to carry out any function under this Order which relates to the street in question;
  - (b) include an agreement between the undertaker and the street authority specifying a reasonable time for the completion of the works;
  - (c) provide for the dedication of any new street as public highway;
  - (d) contain such terms as to payment as the parties consider appropriate; and
  - (e) contain such other terms as the parties may agree.

## **PART 4**

### **SUPPLEMENTAL POWERS**

#### **Discharge of water**

**19.**—(1) The undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out or maintenance of the authorised development, and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain.

(2) Any dispute arising from the making of connections to or the use of a public sewer or drain by the undertaker pursuant to paragraph (1) must be determined as if it were a dispute under section 106 of the Water Industry Act 1991(a) (right to communicate with public sewers).

(3) The undertaker must not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but must not be unreasonably withheld or delayed.

- (4) The undertaker must not make any opening into any public sewer or drain except—
- (a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval must not be unreasonably withheld or delayed; and
  - (b) where that person has been given the opportunity to supervise the making of the opening.

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(a) 1991 c. 56. Section 106 was amended by sections 36 and 99 of the Water Act 2003 (c. 37). There are other amendments to section 106 which are not relevant to this Order.

(5) The undertaker must not, in carrying out or maintaining works pursuant to this article, damage or interfere with the bed or banks of any watercourse forming part of a main river.

(6) The undertaker must, unless otherwise authorised under the provisions of this Order or any environmental permit relating to the discharge of water in connection with the authorised development, take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain under the powers conferred by this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension; but nothing in this Order requires the undertaker to maintain a watercourse or public sewer or drain or the drainage works.

(7) Nothing in this article overrides the requirement for an environmental permit under regulation 12(1)(b) of the Environmental Permitting (England and Wales) Regulations 2016(a).

(8) This article does not permit any activity listed in paragraph 3(1) of Schedule 21 to the Environmental Permitting (England and Wales) Regulations 2016.

(9) If a person who receives an application for consent under paragraph (3) or approval under sub-paragraph (a) fails to notify the undertaker of a decision within 28 days (or such other period as agreed by the person receiving the application and the undertaker) of receiving an application, that person is deemed to have granted consent or given approval, as the case may be.

(10) Any application for consent under paragraph (3) or approval under sub-paragraph (a) must include a statement that the provisions of paragraph (9) apply to that application.

(11) If an application for consent under paragraph (3) or approval under sub-paragraph (a) does not include the statement required under paragraph (10), then the provisions of paragraph (9) will not apply to that application.

(12) In this article—

- (a) “public sewer or drain” means a sewer or drain which belongs to Homes England, the Environment Agency, a harbour authority within the meaning of section 57 of the Harbours Act 1964(b), an internal drainage board, a joint planning board, a local authority, a National Park Authority, a sewerage undertaker or an urban development corporation;
- (b) “main river” has the same meaning as in the Water Resources Act 1991(c); and
- (c) other expressions, excluding watercourse, used both in this article and in the Environmental Permitting (England and Wales) Regulations 2016 have the same meaning as in those Regulations.

### **Protective works**

**20.**—(1) Subject to the following provisions of this article, the undertaker may at its own expense carry out such protective works to any land, building, structure, apparatus or equipment, lying within the Order limits or which may be affected by the authorised development, as the undertaker considers necessary or expedient.

(2) Protective works may be carried out—

- (a) at any time before or during the carrying out in the vicinity of the land, building, structure, apparatus or equipment, of any part of the authorised development or works ancillary to it; or
- (b) after the completion of any part of the authorised development in the vicinity of the land, building, structure, apparatus or equipment, at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised development is first brought into operational use.

(3) For the purpose of determining how the functions under this article are to be exercised, the undertaker may enter and/or survey—

- (a) any land, building, structure, apparatus or equipment, falling within paragraph (1) and any land within its curtilage; and

(a) S.I. 2016/1154.

(b) 1964 c. 40. Paragraph 9B was inserted into Schedule 2 by the Transport and Works Act 1992 (c. 42), section 63(1) and Schedule 3, paragraph 9(5).

(c) 1991 c. 57.

- (b) where reasonably necessary, any land which is adjacent to the land, building, structure, apparatus or equipment, whether or not within Order limits,

and place on, leave on and remove from the building, structure, apparatus or equipment any apparatus and equipment for use in connection with the survey.

(4) For the purpose of carrying out protective works under this article to any land, building, structure, apparatus or equipment, the undertaker may (subject to paragraphs (5) and (6)—

- (a) enter the land, building or structure and any land within its curtilage; and
- (b) where the works cannot be carried out reasonably conveniently without entering land which is adjacent to the land, building or structure but outside its curtilage, enter the adjacent land (but not any building erected on it).

(5) Before exercising—

- (a) a right under paragraph (1) to carry out protective works to any land, building, structure, apparatus or equipment;
- (b) a right under paragraph (3) to enter and/or survey any land, building, structure, apparatus or equipment, and land within its curtilage or any adjacent land;
- (c) a right under sub-paragraph (4)(a) to enter the land, building or structure and land within its curtilage; or
- (d) a right under sub-paragraph (4)(b) to enter land,

the undertaker must, except in the case of emergency, serve on the owners and occupiers of the building or land not less than 14 days' notice of its intention to exercise that right and, in a case falling within sub-paragraph (a) or (c), specify the protective works proposed to be carried out.

(6) Where a notice is served under sub-paragraph (5)(a), (c) or (d), the owner or occupier of the land, building, structure, apparatus or equipment concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is necessary or expedient to carry out the protective works or to enter the building or land to be referred to arbitration under article 59 (arbitration).

(7) The undertaker must compensate the owners and occupiers of any land, building, structure, apparatus or equipment, in relation to which rights under this article have been exercised, for any loss or damage arising to them by reason of the exercise of those rights.

(8) Where—

- (a) protective works are carried out under this article to any land, building, structure, apparatus or equipment; and
- (b) within the period of 5 years beginning with the day on which the part of the authorised development carried out in the vicinity of the land, building, structure, apparatus or equipment is first brought into operational use it appears that the protective works are inadequate to protect the land, building, structure, apparatus or equipment against damage caused by the carrying out or use of that part of the authorised development,

the undertaker must compensate the owners and occupiers of the land, building, structure, apparatus or equipment for any loss or damage sustained by them.

(9) Subject to article 54 (no double recovery), nothing in this article relieves the undertaker from any liability to pay compensation under section 152(a) of the 2008 Act (compensation in case where no right to claim in nuisance).

(10) Section 13(b) (refusal to give possession to acquiring authority) of the 1965 Act applies to the entry onto, or possession of, land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125(c) (application of compulsory acquisition provisions) of the 2008 Act.

(11) Any compensation payable under paragraph (7) or (8) must be determined, in case of dispute, under Part 1 of the 1961 Act (determination of questions of disputed compensation).

(a) Section 152 was amended by S.I. 2009/1307.

(b) Section 13 was amended by sections 62(3) and 139(4) to (9) of, and paragraph 28(2) of Schedule 13 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).

(c) Section 125 was amended by section 190 of, and paragraph 17 of Schedule 16 to, the Housing and Planning Act 2016 (c.22).

(12) In this article “protective works” in relation to any land, building, structure, apparatus, equipment or the authorised development means—

- (a) underpinning, strengthening, ground strengthening, earthing and any other works the purpose of which is to prevent damage which may be caused to the land, building, structure, apparatus, equipment or the authorised development by the carrying out, maintenance or use of the authorised development; and
- (b) any works the purpose of which is to remedy any damage which has been caused to the land, building, structure, apparatus or equipment by the carrying out, maintenance or use of the authorised development.

#### **Authority to survey and investigate the land**

**21.—(1)** The undertaker may for the purposes of this Order enter on any land either shown within the Order limits or land which may be affected by the authorised development and—

- (a) survey, monitor or investigate the land (including any watercourses, groundwater, static water bodies or vegetation on the land);
- (b) without prejudice to the generality of sub-paragraph (a), survey, monitor or investigate the land and any buildings on that land for the purpose of investigating the potential effects of the authorised development on that land or buildings on that land or for enabling the construction, use and maintenance of the authorised development;
- (c) without limitation on the scope of sub-paragraph (a), make trial holes, boreholes, excavations or take horizontal cores in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer, subsoil, groundwater and other materials below ground level and/or remove soil, rock, water and/or other material samples and discharge water from sampling operations on to the land;
- (d) without limitation on the scope of sub-paragraph (a), carry out ecological or archaeological investigations and monitoring on the land, including making any excavations or trial holes on the land for such purposes; and
- (e) place on, leave on and remove from the land apparatus (including but not limited to welfare facilities and apparatus attached to buoys) for use in connection with the survey, monitoring or investigation of land, making of trial holes, boreholes, excavations, cores, and/or the carrying out of ecological or archaeological investigations or monitoring.

(2) The power conferred by paragraph (1) includes without prejudice to the generality of that paragraph the power to take, and process, samples of or from any of the following found on, in or over the land—

- (a) water;
- (b) air;
- (c) soil or rock;
- (d) flora;
- (e) bodily excretions, or dead bodies, of non-human creatures; or
- (f) any non-living thing present as a result of human action.

(3) No land may be entered or equipment placed or left on or removed from the land under paragraph (1), unless at least 14 days’ notice has been served on every owner and occupier of the land.

(4) Any person entering land under this article on behalf of the undertaker—

- (a) must, if so required, before or after entering the land, produce written evidence of their authority to do so;
- (b) must, before entering the land, provide in the notice details of the purpose specified in paragraph (1) to survey and investigate the land; and
- (c) may take onto the land such vehicles and equipment as are necessary to carry out the survey, monitoring or investigation or to make the trial holes.

(5) No trial holes, boreholes, excavations or horizontal cores may be made under this article—

- (a) on land located within the highway boundary without the consent of the relevant highway authority; or
- (b) in a private street without the consent of the street authority,

but such consent must not be unreasonably withheld or delayed.

(6) As soon as reasonably practicable following the completion of any activities or programme of activities carried out under paragraph (1), the undertaker must remove any apparatus and restore the land to the reasonable satisfaction of the owners of the land.

(7) The undertaker must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the powers conferred by this article, such compensation to be determined, in case of dispute, under Part 1 of the 1961 Act (determination of questions of disputed compensation).

(8) If a highway authority or street authority which receives an application for consent fails to notify the undertaker of its decision within 28 days (or such other period as agreed by the highway authority or the street authority and the undertaker) of receiving the application for consent—

- (a) under sub-paragraph (5)(a) in the case of a highway authority; or
- (b) under sub-paragraph (5)(b) in the case of a street authority,

that authority is deemed to have granted consent.

(9) Any application for consent under either sub-paragraph (a) or sub-paragraph (5)(b) must include a statement that the provisions of paragraph (8) apply to that application.

(10) If an application for consent under either sub-paragraph (a) or sub-paragraph (5)(b) does not include the statement required under paragraph (9), then the provisions of paragraph (8) will not apply to that application.

(11) Section 13 of the 1965 Act (refusal to give possession to acquiring authority) applies to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (application of compulsory acquisition provisions).

### **Removal of human remains**

**22.—**(1) In this article “the specified land” means any land within the Order limits which the undertaker reasonably considers may contain human remains.

(2) Before the undertaker carries out any development or works which will or may disturb any human remains in the specified land it must remove those human remains from the specified land, or cause them to be removed, in accordance with the following provisions of this article.

(3) Before any such remains are removed from the specified land the undertaker must give notice of the intended removal, describing the specified land and stating the general effect of the following provisions of this article, by—

- (a) publishing a notice once in each of two successive weeks in a newspaper circulating in the area of the specified land; and
- (b) displaying a notice in a conspicuous place on or near to the specified land.

(4) As soon as reasonably practicable after the first publication of a notice under paragraph (3) the undertaker must send a copy of the notice to the relevant planning authority.

(5) At any time within 56 days after the first publication of a notice under paragraph (3) any person who is a personal representative or relative of any deceased person whose remains are interred in the specified land may give notice in writing to the undertaker of that person’s intention to undertake the removal of the remains.

(6) Where a person has given notice under paragraph (5), and the remains in question can be identified, that person may cause such remains to be—

- (a) removed and re-interred in any burial ground or cemetery in which burials may legally take place; or
- (b) removed to, and cremated in, any crematorium,

and that person must, as soon as reasonably practicable after such re-interment or cremation, provide to the undertaker a certificate for the purpose of enabling compliance with paragraph (11).

(7) If the undertaker is not satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be, or that the remains in question can be identified, the question is to be determined on the application of either party in a summary manner by the county court, and the court may make an order specifying who shall remove the remains and as to the payment of the costs of the application.

(8) Subject to paragraph (7), the undertaker must pay the reasonable expenses both of responding to notices under this article and of removing and re-interring or cremating the remains of any deceased person under this article.

(9) If—

- (a) within the period of 56 days referred to in paragraph (5) no notice under that paragraph has been given to the undertaker in respect of any remains in the specified land; or
- (b) such notice is given and no application is made under paragraph (7) within 56 days after the giving of the notice but the person who gave the notice fails to remove the remains within a further period of 56 days; or
- (c) within 56 days after any order is made by the county court under paragraph (7) any person, other than the undertaker, specified in the order fails to remove the remains; or
- (d) it is determined that the remains to which any such notice relates cannot be identified,

subject to paragraph (10) the undertaker must remove the remains and cause them to be re-interred in such burial ground or cemetery in which burials may legally take place as the undertaker thinks suitable for the purpose; and, so far as possible, remains from individual graves must be re-interred in individual containers which must be identifiable by a record prepared with reference to the original position of burial of the remains that they contain.

(10) If the undertaker is satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be and that the remains in question can be identified, but that person does not remove the remains, the undertaker must comply with any reasonable request that person may make in relation to the removal and re-interment or cremation of the remains.

(11) On the re-interment or cremation of any remains under this article—

- (a) a certificate of re-interment or cremation is to be sent by the undertaker to the Registrar General giving the date of re-interment or cremation and identifying the place from which the remains were removed and the place in which they were re-interred or cremated; and
- (b) a copy of the certificate of re-interment or cremation and the record mentioned in paragraph (9) is to be sent by the undertaker to the relevant planning authority mentioned in paragraph (4).

(12) No notice is required under paragraph (3) before the removal of any human remains where the undertaker is satisfied—

- (a) that the remains were interred more than 100 years ago; and
- (b) that no relative or personal representative of the deceased is likely to object to the remains being removed in accordance with this article.

(13) In the case of remains in relation to which paragraph (12) applies, the undertaker—

- (a) may remove the remains;
- (b) must apply for direction from the Secretary of State under paragraph (15) as to their subsequent treatment; and
- (c) must deal with the remains in such manner, and subject to such conditions, as the Secretary of State directs.

(14) In this article—

- (a) references to a relative of the deceased are to a person who—
  - (i) is a husband, wife, civil partner, parent, grandparent, child or grandchild of the deceased; or
  - (ii) is, or is a child of, a brother, sister, uncle or aunt of the deceased.

- (b) references to a personal representative of the deceased are to a person who—
  - (i) is the lawful executor or executrix of the estate of the deceased; or
  - (ii) is the lawful administrator of the estate of the deceased.

(15) The removal of the remains of any deceased person under this article must be carried out in accordance with any directions which may be given by the Secretary of State.

(16) Any jurisdiction or function conferred on the county court by this article may be exercised by a district judge of the court.

(17) Section 25 of the Burial Act 1857(a) (Offence of removal of body from burial grounds) does not apply to a removal carried out in accordance with this article.

(18) The Town and Country Planning (Churches, Places of Religious Worship and Burial Ground) Regulations 1950(b) does not apply to the authorised development.

(19) Sections 238 and 239 of the 1990 Act (use and development of consecrated land and burial grounds) apply—

- (a) in relation to land, other than a right over land, acquired for the purposes of the authorised development (whether or not by agreement), so as to permit use by the undertaker in accordance with the provisions of this Order; and
- (b) in relation to a right over land so acquired (whether or not by agreement), or the temporary use of land pursuant to articles 26 (temporary use of land by National Grid), 27 (temporary use of land by UKPN) and 28 (temporary use of land for maintaining the authorised development), so as to permit the exercise of that right or the temporary use by the undertaker in accordance with the provisions of this Order, without prejudice to the status of the land over which the right is exercised as consecrated land,

and in section 238(1)(b) of the 1990 Act reference to a “planning permission” includes this Order, in section 240(1) of the 1990 Act reference to “regulations made for the purposes of sections 238(3) and (4) and 239(2)” means, so far as applicable to land or a right over land acquired under this Order, paragraphs (2) to (16) of this article and in section 240(3) of the 1990 Act reference to a “statutory undertaker” includes the undertaker and reference to “any other enactment” includes this Order.

## PART 5

### ACQUISITION AND POSSESSION OF LAND

#### *Powers of acquisition*

#### **Compulsory acquisition of land**

**23.**—(1) National Grid may acquire compulsorily so much of the Order land described in the Book of Reference as is required for the construction, operation and maintenance of the authorised development (including the UKPN Works) or is incidental to it or required to facilitate it.

(2) UKPN may acquire compulsorily so much of the Order land described in the Book of Reference as is required for the construction, operation and maintenance of that part of the UKPN Works forming part of Work No. 9 only.

#### **Compulsory acquisition of rights**

**24.**—(1) Subject to the provisions of this article, the undertaker may acquire compulsorily the rights, and impose the restrictions, over the Order land, described in the Book of Reference, by creating them as well as by acquiring rights and the benefits of restrictions already in existence.

(2) This article is subject to article 23 (compulsory acquisition of land), article 26 (temporary use of land by National Grid) and article 27 (temporary use of land by UKPN).

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(a) 1857 c.81  
(b) S.I. 1950/792

(3) Subject to section 8 of the 1965 Act (other provisions as to divided land) as substituted by Schedule 9 to this Order (modification of compensation and compulsory purchase enactments for creation of new rights), where the undertaker acquires a right over land or imposes a restriction under paragraph (1), the undertaker is not required to acquire a greater interest in that land.

(4) Schedule 9 to this Order has effect for the purpose of modifying the enactments relating to compensation and the provisions of the 1965 Act in their application in relation to the compulsory acquisition under this article of a right over land by the creation of a new right or the imposition of a restriction.

(5) In any case where the acquisition of rights or the imposition of a restriction under paragraph (1) is required for the purpose of diverting, replacing or protecting apparatus of a statutory undertaker, the undertaker may, with the consent of the Secretary of State, transfer the power to acquire such rights or impose such restrictions to the relevant statutory undertaker.

(6) The exercise by a statutory undertaker of any power in accordance with a transfer under paragraph (5) is subject to the same restrictions, liabilities and obligations as would apply under this Order if that power were exercised by the undertaker.

(7) Nothing in this article authorises the acquisition of rights over, or the imposition of restrictions affecting, an interest which is for the time being held by or on behalf of the Crown.

#### **Acquisition of subsoil or airspace only**

**25.—**(1) The undertaker may compulsorily acquire so much of, or such rights in, the subsoil of, or the airspace of, the land referred to in article 23 (compulsory acquisition of land) and article 24 (compulsory acquisition of rights) as may be required for any purpose for which that land may be acquired or for which rights over or under the land may be acquired under those provisions instead of acquiring the whole of the land.

(2) Where the undertaker acquires any part of, or rights in, the subsoil of or the airspace over land under paragraph (1), the undertaker is not required to acquire an interest in any other part of the land.

(3) The following do not apply in connection with the exercise of the power under paragraph (1) in relation to subsoil or airspace only—

- (a) Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act (as modified by article 265 (modification of Part 1 of the 1965 Act));
- (b) Schedule A1 (counter-notice requiring purchase of land not in general vesting declaration) to the 1981 Act; and
- (c) section 153(4A)(c) (blighted land: proposed acquisition of part interest; material detriment test) of the 1990 Act.

(4) Paragraph (2) does not prevent article 34 (acquisition of part of certain properties) from applying where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.

#### *Temporary possession of land*

#### **Temporary use of land by National Grid**

**26.—**(1) National Grid may, in connection with the carrying out of the authorised development—

- (a) enter on and take temporary possession of—
  - (i) so much of the land specified in column (1) of Schedule 10 (Land of which only temporary possession may be taken) to exercise the powers described in the Book of Reference for the purpose specified in relation to that land in column (2) of that Schedule relating to the part of the authorised development specified in column (3) of that Schedule; and
  - (ii) any other Order land in respect of which no notice of entry has been served under section 11 of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 of the 1981 Act;
- (b) remove any electric line, electrical plant, buildings, structures, pylons, apparatus, equipment, vegetation or any other thing from that land;

- (c) construct temporary or permanent works (including the provision of means of access and buildings or structures on that land); and
- (d) construct any works specified in relation to that land in column (2) of Schedule 10 or any other mitigation works.

(2) Not less than 14 days before entering on and taking temporary possession of land under this article, National Grid must serve notice of the intended entry on the owners and occupiers of the land.

(3) National Grid may not, without the agreement of the owners of the land, remain in possession of any land under this article—

- (a) in the case of land referred to in sub-paragraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (3) of Schedule 10, or
- (b) in the case of land referred to in sub-paragraph (1)(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless National Grid has, by the end of that period, served a notice of entry under section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act in relation to that land.

(4) National Grid must provide the owners of any land of which temporary possession has been taken under this article with written notice of the date of completion of the works for which temporary possession was taken within 28 days of the completion of those works.

(5) Before giving up possession of land of which temporary possession has been taken under sub-paragraph (1)(a)(i), unless otherwise agreed with the owners of the land, National Grid must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land, but National Grid is not required to—

- (a) replace a building, structure, apparatus, equipment, electric line, electrical plant or pylon removed under this article;
- (b) restore the land on which any works or mitigation have been carried out under sub-paragraph (1)(d) including insofar as the element of works shown in column (4) of Schedule 10 is concerned;
- (c) remove any foundations below 1.5 metres which had been placed in that land to support pylons and electric lines constructed upon those foundations;
- (d) remove any permanent work including pylons, electric lines, underground cables, or other permanent services, constructed or installed on, over, under or in that land as part of the authorised development;
- (e) remove any ground-strengthening works (being either works listed in Schedule 10 of this order or other works to provide safe and stable ground conditions) which have been placed in that land to facilitate construction of the authorised development;
- (f) remove or reposition any apparatus belonging to statutory undertakers;
- (g) remove any drainage works; or
- (h) restore ground levels adjusted as part of the authorised development.

(6) Before giving up possession of land of which temporary possession has been taken under sub-paragraph (1)(a)(ii), unless otherwise agreed by the owners of the land, National Grid must either acquire the land or the interest on, over, or in the land in accordance with the provisions of sub-paragraph (3)(b) or remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but National Grid is not required to—

- (a) replace a building, structure, apparatus, equipment, electric line, electrical plant or pylon removed under this article;
- (b) restore the land on which any mitigation works have been carried out under sub-paragraph (1)(d);
- (c) remove any foundations below 1.5 metres which had been placed in that land to support pylons and electric lines constructed upon those foundations;
- (d) remove any permanent work including pylons, electric lines, underground cables, or other permanent services, constructed or installed on, over, under or in that land as part of the authorised development;

- (e) remove any ground-strengthening works (being works to provide safe and stable ground conditions) which have been placed in that land to facilitate construction of the authorised development;
- (f) remove or reposition any apparatus belonging to statutory undertakers;
- (g) remove any drainage works; or
- (h) restore ground levels adjusted as part of the authorised development.

(7) National Grid must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of this article.

(8) Any dispute as to a person's entitlement to compensation under paragraph (7), or as to the amount of the compensation, must be determined under Part 1 of the 1961 Act.

(9) Nothing in this article affects any liability to pay compensation under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance) or under any other enactment in respect of loss or damage arising from the carrying out of the authorised development, other than loss or damage for which compensation is payable under paragraph (7).

(10) Where National Grid takes possession of land under this article, National Grid is not required to acquire the land or any interest in it.

(11) Section 13 of the 1965 Act (refusal to give possession to acquiring authority) applies to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (application of compulsory acquisition provisions).

(12) Nothing in this article prevents National Grid from taking temporary possession more than once in relation to any land specified in sub-paragraph (1)(a).

### **Temporary use of land by UKPN**

27. —(1) UKPN may, in connection with the carrying out of the UKPN Works—

- (a) enter on and take temporary possession of—
  - (i) so much of the land specified in column (1) of Schedule 10 (Land of which only temporary possession may be taken) to exercise the powers described in the Book of Reference for the purpose specified in relation to that land in column (2) of Part 2 of that Schedule relating to the part of the authorised development specified in column (3) of that Schedule; and
  - (ii) any other Order land in respect of the UKPN Works in respect of which no notice of entry has been served under section 11 of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 of the 1981 Act;
- (b) remove any electric line, electrical plant, buildings, structures, pylons, apparatus, equipment, vegetation or any other thing from that land;
- (c) construct temporary or permanent works (including the provision of means of access and buildings or structures on that land); and
- (d) construct any works specified in relation to that land in column (2) of Part 2 of Schedule 10 or any other mitigation works.

(2) Not less than 14 days before entering on and taking temporary possession of land under this article, UKPN must serve notice of the intended entry on the owners and occupiers of the land.

(3) UKPN may not, without the agreement of the owners of the land, remain in possession of any land under this article—

- (a) in the case of land referred to in sub-paragraph (1)(a)(i), after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (3) of Part 2 of Schedule 10, or
- (b) in the case of land referred to in sub-paragraph (1)(a)(ii), after the end of the period of one year beginning with the date of completion of the work for which temporary possession of the land was taken unless UKPN has, by the end of that period, served a notice of entry under

section 11 of the 1965 Act or made a declaration under section 4 of the 1981 Act in relation to that land.

(4) UKPN must provide the owner(s) of any land of which temporary possession has been taken under this article with written notice of the date of completion of the works for which temporary possession was taken within 28 days of the completion of those works.

(5) Before giving up possession of land of which temporary possession has been taken under sub-paragraph (1)(a)(i), unless otherwise agreed with the owners of the land UKPN must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land, but UKPN is not required to—

- (a) replace a building, structure, electric line, electrical plant or pylon removed under this article;
- (b) restore the land on which any works have been carried out under sub-paragraph (1)(d) insofar as the element of works shown in column (4) of Part 2 of Schedule 10 is concerned;
- (c) remove any foundations below 1.5 metres which had been placed in that land to support pylons and electric lines constructed upon those foundations; or
- (d) remove any pylons or electric lines or underground cables constructed or installed on, over, under or in that land as part of the UKPN Works.

(6) Before giving up possession of land of which temporary possession has been taken under sub-paragraph (1)(a)(ii), unless otherwise agreed by the owners of the land, UKPN must either acquire the land or the interest on, over, or in the land in accordance with the provisions of paragraph (3)(b) or remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but UKPN is not required to—

- (a) replace a building, structure, electric line, electrical plant or pylon removed under this article;
- (b) restore the land on which any works have been carried out under sub-paragraph (1)(d) insofar as the element of works shown in column (4) of Part 2 of Schedule 10 is concerned;
- (c) remove any foundations below 1.5 metres which had been placed in that land to support pylons and electric lines constructed upon those foundations; or
- (d) remove any pylons or electric lines or underground cables constructed or installed on, over, under or in that land as part of the UKPN Works.

(7) UKPN must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of this article.

(8) Any dispute as to a person's entitlement to compensation under paragraph (7), or as to the amount of the compensation, must be determined under Part 1 of the 1961 Act.

(9) Nothing in this article affects any liability to pay compensation under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance) or under any other enactment in respect of loss or damage arising from the carrying out of the authorised development, other than loss or damage for which compensation is payable under paragraph (7).

(10) Where UKPN takes possession of land under this article, UKPN is not required to acquire the land or any interest in it.

(11) Section 13 of the 1965 Act (refusal to give possession to acquiring authority) applies to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (application of compulsory acquisition provisions).

(12) Nothing in this article prevents:

- (a) UKPN from taking temporary possession more than once in relation to any land specified in sub-paragraph (1)(a); or
- (b) National Grid from taking temporary possession more than once in relation to any land specified in sub-paragraph (1)(a) of article 26.

### **Temporary use of land for maintaining the authorised development**

**28.**—(1) Subject to paragraph (2), at any time during the maintenance period relating to any part of the authorised development, the undertaker may—

- (a) enter upon and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised development;
- (b) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose; and
- (c) enter on any land within the Order limits for the purpose of gaining such access as is reasonably required for the purpose of maintaining the authorised development.

(2) Paragraph (1) does not authorise the undertaker to take temporary possession of—

- (a) any house or garden belonging to a house; or
- (b) any building (other than a house) if it is for the time being occupied.

(3) Not less than 28 days before entering upon and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land and that notice must explain the purpose for which entry is taken, except as provided in paragraph (11).

(4) The undertaker may remain in possession of land under this article only for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised development for which possession of the land was taken.

(5) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

(6) The undertaker must pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(7) Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, must be determined under Part 1 of the 1961 Act.

(8) Nothing in this article affects any liability to pay compensation under section 152 of the 2008 Act (compensation in case where no right to claim in nuisance) or under any other enactment in respect of loss or damage arising from the maintenance of the authorised development, other than loss or damage for which compensation is payable under paragraph (6).

(9) Where the undertaker takes possession of land under this article, the undertaker is not required to acquire the land or any interest in it.

(10) Section 13 of the 1965 Act (refusal to give possession to the acquiring authority) applies to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (application of compulsory acquisition provisions).

(11) Where the undertaker has identified a potential risk to the safety of—

- (a) the authorised development or any part of it; or
- (b) the public; or
- (c) the surrounding environment,

the requirement to serve not less than 28 days' notice under paragraph (3) does not apply and the undertaker may enter the land pursuant to paragraph (1) subject to giving such period of notice (if any) as is reasonably practicable in all the circumstances.

(12) In this article "the maintenance period" in relation to any part of the authorised development means the period of five years beginning with the date on which that part of the authorised development is brought into operational use, except where the authorised development is replacement or landscape planting where "the maintenance period" means the period of five years beginning with the date on which that part of the replacement or landscape planting is completed.

### **Use of subsoil under or airspace over streets**

**29.—(1)** The undertaker may enter on and use so much of the subsoil of, or airspace over, any street within the Order limits as may be required for the purposes of the authorised development or for any other purpose ancillary to the authorised development and may use the subsoil or airspace for those purposes.

(2) Subject to paragraph (3), the undertaker may exercise any power conferred by paragraph (1) in relation to a street without being required to acquire any part of the street or any easement or right in the street.

(3) Paragraph (2) does not apply in relation to—

- (a) any subway or underground building; or
- (b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street.

(4) Subject to paragraph (5), any person who is an owner or occupier of land appropriated under paragraph (1) without the undertaker acquiring any part of that person's interest in the land, and who suffers loss as a result, is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) Compensation is not payable under paragraph (4) to any person who is an undertaker to whom section 85 of the 1991 Act (sharing cost of necessary measures) applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

#### *Compensation*

#### **Disregard of certain interests and improvements**

**30.**—(1) In assessing the compensation payable to any person on the acquisition from that person of any land or right over any land under this Order, the Tribunal must not take into account—

- (a) any interest in land; or
- (b) any enhancement of the value of any interest in land by reason of any building erected, works executed or improvement or alteration made on relevant land,

if the Tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration as part of the authorised development was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

(2) In paragraph (1) “relevant land” means the land acquired from the person concerned or any other land with which that person is, or was at the time when the building was erected, the works executed or the improvement or alteration made as part of the authorised development, directly or indirectly concerned.

#### **Set-off for enhancement in value of retained land**

**31.**—(1) In assessing the compensation payable to any person in respect of the acquisition from that person under this Order of any land (including any subsoil) the Tribunal must set off against the value of the land so acquired any increase in value of any contiguous or adjacent land belonging to that person in the same capacity which will accrue to that person by reason of the construction of the authorised development.

(2) In assessing the compensation payable to any person in respect of the acquisition from that person of any new rights over land (including the subsoil), under article 24 (compulsory acquisition of rights), the Tribunal must set off against the value of the rights so acquired—

- (a) any increase in the value of the land over which the new rights are required; and
- (b) any increase in value of any contiguous or adjacent land belonging to that person in the same capacity,

which will accrue to that person by reason of the construction of the authorised development.

(3) The 1961 Act has effect, subject to paragraphs (1) and (2), as if this Order were a local enactment for the purposes of that Act.

#### *Supplementary*

#### **Compulsory acquisition of land – incorporation of the mineral code**

32. Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981(a) (minerals) are incorporated into this Order subject to the modifications that—

- (a) paragraph 8(3) is not incorporated;
- (b) for “the acquiring authority” there is substituted “the undertaker”;
- (c) for “undertaking” substitute “authorised development”; and
- (d) for “compulsory purchase order” substitute “this Order”.

#### **Time limit for exercise of authority to acquire land compulsorily**

33.—(1) After the end of the period of five years beginning with the day on which this Order comes into force—

- (a) no notice to treat may be served under Part 1 of the 1965 Act; and
- (b) no declaration may be executed under section 4 of the 1981 Act as applied by article 35 (application of the Compulsory Purchase (Vesting Declarations) Act 1981)(b).

(2) The authority conferred by article 26 (temporary use of land by National Grid) and article 27 (temporary use of land by UKPN) ceases at the end of the period referred to in paragraph (1), save that nothing in this paragraph prevents the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

#### **Acquisition of part of certain properties**

34.—(1) This article applies where—

- (a) a notice to treat is served on a person (“the owner”) under the 1965 Act (as so applied) in respect of land forming only part of a house, building or manufactory or of land consisting of a house with a park or garden (“the land subject to the notice to treat”); and
- (b) a copy of this article is served on the owner with the notice to treat.

(2) In such a case, the owner may, within the period of 28 days beginning with the day on which the notice was served, serve on the undertaker a counter-notice objecting to the sale of the land subject to the notice to treat and stating that the owner is willing and able to sell the whole (“the land subject to the counter-notice”).

(3) If no such counter-notice is served within that period, the owner is required to sell the land subject to the notice to treat.

(4) If such a counter-notice is served within that period, the question whether the owner is required to sell only the land subject to the notice to treat must, unless the undertaker agrees to take the land subject to the counter-notice, be referred to the Tribunal.

(5) If on such a reference the Tribunal determines that the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) where the land subject to the notice to treat consists of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the owner is required to sell the land subject to the notice to treat.

(6) If on such a reference the Tribunal determines that only part of the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or

(a) 1981 c. 67. Sub-paragraph (5) of paragraph 1 of Part 1 of Schedule 2 was amended by section 67 of, and paragraph 27(3) of Schedule 9 to, the Coal Industry Act 1994 (c. 21). There are other amendments to the 1981 Act which are not relevant to this Order.

(b) 1981 c. 66. Sections 2 and 116 were amended by section 4 of, and paragraph 52 of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11). There are other amendments to the 1981 Act which are not relevant to this Order.

- (b) where the land subject to the notice to treat consists of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the notice to treat is deemed to be a notice to treat for that part.

(7) If on such a reference the Tribunal determines that—

- (a) the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice; but
- (b) the material detriment is confined to a part of the land subject to the counter-notice,

the notice to treat is deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the undertaker is authorised to acquire compulsorily under this Order.

(8) If the undertaker agrees to take the land subject to the counter-notice, or if the Tribunal determines that—

- (a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and
- (b) the material detriment is not confined to a part of the land subject to the counter-notice,

the notice to treat is deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which the undertaker is authorised to acquire compulsorily under this Order.

(9) Where by reason of a determination by the Tribunal under this article a notice to treat is deemed to be a notice to treat for less land or more land than that specified in the notice, the undertaker may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice to treat; and, in that event, must pay the owner compensation for any loss or expense occasioned to the owner by the giving and withdrawal of the notice, to be determined in case of dispute by the Tribunal.

(10) Where the owner is required under this article to sell only part of a house, building or manufactory or of land consisting of a house with a park or garden, the undertaker must pay the owner compensation for any loss sustained by the owner due to the severance of that part in addition to the value of the interest acquired.

### **Application of the Compulsory Purchase (Vesting Declarations) Act 1981**

**35.—**(1) The 1981 Act applies as if this Order were a compulsory purchase order.

(2) The 1981 Act, as so applied, has effect with the following modifications.

(3) In section 1 (application of Act) for subsection (2) there is substituted—

(2) This section applies to any Minister, any local or other public authority or any other body or person authorised to acquire land by means of a compulsory purchase order.

(4) In section 5(a) (earliest date for execution of declaration), in subsection (2), omit the words from “, and this subsection” to the end.

(5) Section 5A(b) (time limit for general vesting declaration) is omitted.

(6) In section 5B(c) (extension of time limit during challenge)—

- (a) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order)” substitute “section 118(d) of the Planning Act 2008 (legal challenges relating to applications for orders granting development consent)”; and

(a) Section 5 was amended by section 183 of, and paragraphs 4 and 6 of Schedule 15 to, the Housing and Planning Act 2016.

(b) Section 5A was inserted by section 182(2) of the Housing and Planning Act 2016.

(c) Section 5B was inserted by section 202(2) of the Housing and Planning Act 2016.

(d) Section 118 was amended by sections 128 (2) and 237 of and, paragraphs 1 and 59 of Schedule 13, and Part 20 of Schedule 25, to the Localism Act 2011 (c.20) and section 92(4) of the Criminal Justice and Courts Act 2015 (c. 2).

- (b) for “the three year period mentioned in section 5A” substitute “the five year period mentioned in article 33 of the National Grid (Bramford to Twinstead Reinforcement) Order 20[xx]”.
- (7) In section 6(a) (notices after execution of declaration) for subsection (1)(b) there is substituted—
  - (b) on every other person who has given information to the acquiring authority with respect to any of that land further to the invitation published and served under section 134(b) (notice of authorisation of compulsory acquisition) of the Planning Act 2008.
- (8) In section 7(c) (constructive notice to treat), in subsection (1)(a), omit “(as modified by section 4 of the Acquisition of Land Act 1981)”.
- (9) In Schedule A1(d) (counter-notice requiring purchase of land not in general vesting declaration), for paragraph 1(2) substitute—
  - (2) But see article 25(3) (acquisition of subsoil or airspace only) of the National Grid (Bramford to Twinstead Reinforcement) Order 20[xx], which excludes the acquisition of subsoil or airspace only from this Schedule.
- (10) References to the 1965 Act in the 1981 Act must be construed as references to the 1965 Act as applied by section 125 of the 2008 Act (application of compulsory acquisition provisions) and as modified by article 36 to the compulsory acquisition of land under this Order.

### **Application of Part 1 of the 1965 Act**

**36.—**(1) Part 1 of the 1965 Act as applied by section 125 (application of compulsory acquisition provisions) of the 2008 Act is modified as follows.

(2) In section 4 (time limit for giving notice to treat) for “after the end of the period of 3 years beginning with the day on which the compulsory purchase order becomes operative” substitute “after the end of the period stated in article 33 (time limit for exercise of authority to acquire land compulsorily) of the National Grid (Bramford to Twinstead Reinforcement) Order 20[xx]”.

(3) In section 4A(1) (extension of time limit during challenge)—

- (a) for “section 23 of the Acquisition of Land Act 1981 (application to the High Court in respect of compulsory purchase order)” substitute “section 118 of the Planning Act 2008 (legal challenges relating to applications for orders granting development consent)”; and
- (b) for “the three year period mentioned in section 4” substitute “the five year period mentioned in article 33 (time limit for exercise of authority to acquire land compulsorily) of the National Grid (Bramford to Twinstead Reinforcement) Order 20[xx]”.

(4) In section 11A (powers of entry: further notice of entry)—

- (a) in subsection (1)(a), after “land” insert “under that provision”; and
- (b) in subsection (2), after “land” insert “under that provision”.

(5) In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase), for “section 4 of this Act” substitute “article 33 of the National Grid (Bramford to Twinstead Reinforcement) Order 20[xx]”.

(6) In Schedule 2A (counter-notice requiring purchase of land not in notice to treat)—

- (a) for paragraphs 1(2) and 14(2) substitute—

2. But see article 24(3) (acquisition of subsoil or airspace only) of the National Grid (Bramford to Twinstead Reinforcement) Order 20[xx], which excludes the acquisition of subsoil or airspace only from this Schedule

- (b) and after paragraph 29, insert—

(a) Section 6 was amended by section 4 of, and paragraph 52(2) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c. 11) and section 183 of, and paragraphs 4 and 7 of Schedule 15 to the Housing and Planning Act 2016.

(b) Section 134 was amended by sections 142 and 237 of, and Part 21 of Schedule 25 to, the Localism Act 2011 (c. 20) and S.I. 2017/16.

(c) Section 7 was substituted by section 199(2) and paragraphs 1 and 3 of Part 1 of Schedule 18 to the Housing and Planning Act 2016 (c. 22).

(d) Schedule A1 was inserted by section 199 (2) and paragraphs 1 and 6 of Part 1 of Schedule 18 to the Housing and Planning Act 2016 (c. 22).

## PART 4

### INTERPRETATION

**30.** In this Schedule, references to entering on and taking possession of land do not include doing so under article 20 (protective works), 26 (temporary use of land by National Grid), 27 (temporary use of land by UKPN) or 28 (temporary use of land for maintaining the authorised development) of the National Grid (Bramford to Twinstead Reinforcement) Order 20[xx].

#### **Extinguishment and suspension of private rights**

**37.—(1)** Subject to the provisions of this article, all private rights and restrictive covenants over land subject to compulsory acquisition under this Order are extinguished or suspended—

- (a) as from the date of acquisition of the land by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act (power of entry),

whichever is the earlier.

(2) Subject to the provisions of this article, all private rights and restrictive covenants over land owned by the undertaker which, being within the Order limits, is required for the purposes of this Order, are extinguished on the start of any activity authorised by this Order which interferes with or breaches such rights or such restrictive covenants.

(3) Subject to the provisions of this article, all private rights and restrictive covenants over land subject to the compulsory acquisition of rights or the imposition of restrictions under this Order are extinguished in so far as their continuance would be inconsistent with the exercise of the right acquired or the burden of the restriction imposed—

- (a) as from the date of the acquisition of the right or the benefit of the restriction by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act in pursuance of the right,

whichever is the earlier.

(4) Subject to the provisions of this article and article 40 (extinguishment of private rights and restrictive covenants relating to apparatus belonging to National Grid or UKPN removed from land subject to temporary possession), all private rights or restrictive covenants over land of which the undertaker takes temporary possession under this Order are suspended and unenforceable for as long as the undertaker remains in lawful possession of the land and in so far as their continuation would be inconsistent with the exercise of the powers under this Order or a breach of a restriction as to the user of land arising by virtue of a contract.

(5) Any person who suffers loss by the extinguishment or suspension of any private right or restrictive covenant under this article is entitled to compensation in accordance with the terms of section 152 of the 2008 Act (compensation in case where no right to claim in nuisance) to be determined, in case of dispute, under Part 1 of the 1961 Act.

(6) This article does not apply in relation to any right to which section 138 of the 2008 Act (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) or article 43 (statutory undertakers) applies.

(7) Paragraphs (1) to (4) have effect subject to—

- (a) any notice given by the undertaker before—
  - (i) the completion of the acquisition of the land or rights or the imposition of restrictive covenants over or affecting the land;
  - (ii) the undertaker's appropriation of it;
  - (iii) the undertaker's entry onto it; or
  - (iv) the undertaker's taking temporary possession of it,

that any or all of those paragraphs do not apply to any right specified in the notice; and

- (b) any agreement made, in so far as it relates to the authorised development, at any time between the undertaker and the person in or to whom the right or restrictive covenant in question is vested, belongs or benefits.

(8) If any such agreement as is referred to in sub-paragraph (7)(b)—

- (a) is made with a person in or to whom the right is vested or belongs; and

(b) is expressed to have effect also for the benefit of those deriving title from or under that person, it is effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

(9) A reference in this article to private rights and restrictive covenants over land includes any trust, incident, easement, wayleave, liberty, privilege, right or advantage annexed to land (including any land forming part of a common, open space or fuel or field garden allotment) and adversely affecting other land, including any natural right to support, and including restrictions as to the user of land arising by virtue of a contract.

### **Power to override easements and other rights**

**38.**—(1) Any authorised activity which takes place on land within the Order limits (whether the activity is undertaken by the undertaker or by any person deriving title from the undertaker or by any servants or agents of the undertaker) is authorised by this Order if it is done in accordance with the terms of this Order, notwithstanding that it involves—

- (a) an interference with an interest or right to which this article applies; or
- (b) a breach of a restriction as to the user of land arising by virtue of a contract.

(2) In this article “authorised activity” means—

- (a) the erection, construction or maintenance of any part of the authorised development;
- (b) the exercise of any power authorised by this Order; or
- (c) the use of any land (including the temporary use of land).

(3) The interests and rights to which this article applies include any trust, incident, easement, wayleave, liberty, privilege, right or advantage annexed to land (including any land forming part of a common, open space or fuel or field garden allotment) and adversely affecting other land, including any natural right to support, and including restrictions as to the user of land arising by virtue of a contract.

(4) Where an interest, right or restriction is overridden by paragraph (1), compensation—

- (a) is payable under section 7 (measure of compensation in case of severance) or 10 (further provision as to compensation for injurious affection) of the 1965 Act; and
- (b) is to be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections where—
  - (i) the compensation is to be estimated in connection with a purchase under that Act; or
  - (ii) the injury arises from the execution of works on or use of land acquired under that Act.

(5) Where a person deriving title under the undertaker by whom the land in question was acquired—

- (a) is liable to pay compensation by virtue of paragraph (4), and
- (b) fails to discharge that liability,

the liability is to be enforceable against that undertaker in accordance with section 204(3) of the 2016 Act.

(6) Nothing in this article is to be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than such an interference or breach as is mentioned in paragraph (1) of this article.

### **Statutory authority to override easements and other rights**

**39.**—(1) The carrying out or use of development authorised by this Order and the doing of anything else authorised by this Order is authorised by virtue of section 158 (nuisance— statutory authority) of the 2008 Act, notwithstanding that it involves—

- (a) an interference with an interest or right to which this article applies; or
  - (b) a breach of a restriction as to user of land arising by virtue of contract.
- (2) The undertaker must pay compensation to any person whose land is injuriously affected by—
- (a) an interference with an interest or right to which this article applies; or
  - (b) a breach of a restriction as to user of land arising by virtue of contract,

authorised by virtue of this Order and the operation of section 158 of the 2008 Act.

(3) The interests and rights to which this article applies include any trust, incident, easement, wayleave, liberty, privilege, right or advantage annexed to land (including any land forming part of a common, open space or fuel or field garden allotment) and adversely affecting other land, including any natural right to support, and including restrictions as to the user of land arising by virtue of a contract.

(4) Subsection (2) of section 10 (further provision as to compensation for injurious affection) of the 1965 Act applies to paragraph (2) by virtue of section 152(5) of the 2008 Act.

(5) Any rule or principle applied to the construction of section 10 of the 1965 Act will be applied to the construction of paragraph (2) (with any necessary modifications).

### **Extinguishment of private rights and restrictive covenants relating to apparatus belonging to National Grid or UKPN removed from land subject to temporary possession**

40.—(1) This article applies to any Order land specified in Schedule 11 (extinguishment of private rights and restrictive covenants relating to apparatus belonging to National Grid or UKPN removed from land subject to temporary possession) and any other Order land of which National Grid takes temporary possession under article 26 (temporary use of land by National Grid) or UKPN takes temporary possession under article 27 (temporary use of land by UKPN).

(2) All private rights or restrictive covenants in relation to apparatus belonging to National Grid or UKPN removed from any land to which this article applies are extinguished from the date on which National Grid or UKPN gives up temporary possession of that land under article 26 (temporary use of land by National Grid) or 27 (temporary use of land by UKPN), as the case may be.

(3) The extinguishment of rights by paragraph (2) does not give rise to any cause of action relating to the presence on or in the land of any foundations (save for those which lie less than 1.5 metres underground) referred to in sub-paragraph (5)(c) of article 26 and (6)(b) or sub-paragraph (5)(c) of article 27 and (6)(c) (National Grid and UKPN not required to remove foundations when giving up temporary possession).

(4) Schedule 11 (extinguishment of private rights and restrictive covenants relating to apparatus belonging to National Grid or UKPN removed from land subject to temporary possession) has effect.

### **Crown rights**

41.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular, nothing in this Order authorises the undertaker or any licensee to take, use, enter on or in any manner interfere with any land or rights of any description (including any part of the shore or bed of the sea or any river, channel, creek, bay or estuary)—

- (a) belonging to His Majesty in right of the Crown and forming part of the Crown Estate, without the consent in writing of the Crown Estate Commissioners;
- (b) belonging to His Majesty in right of the Crown and not forming part of the Crown Estate, without the consent in writing of the government department having the management of that land; or
- (c) belonging to a government department or held in trust for His Majesty for the purposes of a government department, without the consent in writing of that government department.

(2) Paragraph (1) does not apply to the exercise of any right under this Order for the compulsory acquisition of an interest in any Crown land (as defined in section 227 of the 2008 Act) that is for the time being held otherwise than by or on behalf of the Crown, without the consent in writing of the appropriate Crown authority (as defined in that section).

(3) A consent under paragraph (1)—

- (a) may be given unconditionally or subject to terms and conditions; and

- (b) is deemed to have been given in writing where it is sent electronically.

### **Special category land**

42.—(1) So much of the special category land that is required for the purposes of the exercising by the undertaker of the Order rights shall be discharged from all rights, trusts and incidents to which it was previously subject so far as their continuance would be inconsistent with the exercise of the Order rights.

(2) In this article—

“Order rights” means the rights exercisable over the special category land by the undertaker under article 24 (compulsory acquisition of rights); and

“special category land” means the land identified as forming part of a common, open space, or fuel or field allotment in the book of reference and marked as such on the plan entitled “Special Category Land Plans”.

### **Statutory undertakers**

43.—(1) Subject to the provisions of Schedule 14 (protective provisions) the undertaker may—

- (a) further to the power in article 23 (compulsory acquisition of land), acquire compulsorily the Order land belonging to statutory undertakers, and described in the Book of Reference;
- (b) extinguish or suspend the rights of, remove or reposition apparatus belonging to statutory undertakers where such apparatus is anywhere over or within the Order limits notwithstanding that repositioning may be outside of the Order limits;
- (c) further to the power in article 24 (compulsory acquisition of rights), acquire compulsorily existing rights, create and acquire the new rights and impose restrictive covenants over land belonging to statutory undertakers described in the Book of Reference and indicated on the Land Plans
- (d) construct the authorised development in such a way as to cross underneath or over apparatus belonging to statutory undertakers and other like bodies within the Order limits; and
- (e) construct over existing apparatus belonging to statutory undertakers any necessary track or roadway (whether temporary or permanent) together with the right to maintain or remove the same, and install such service media under or over the existing apparatus needed in connection with the authorised development.

(2) Without prejudice to sub-paragraph (1)(b) paragraphs (3) and (4) shall apply in relation to apparatus of statutory undertakers not falling within sub-paragraph (1)(b).

(3) Subject to the following provisions of this paragraph, sections 271 to 274 of the 1990 Act (power to extinguish rights of statutory undertakers, etc and power of statutory undertakers etc to remove or re-site apparatus) will apply in relation to land falling outside of the Order limits where it is necessary for the purposes of the authorised development to extinguish the rights of statutory undertakers or to remove or reposition apparatus belonging to the statutory undertakers, and all such other provisions of that Act as apply for the purposes of those provisions (including sections 275 to 278, which contain provisions consequential to the extinguishment of any rights under sections 271 and 272, and sections 279(2) to (4), 280 and 282, which provide for the payment of compensation) will have effect accordingly.

(4) In the provisions of the 1990 Act as applied by paragraph (3), references to the appropriate Minister are references to the Secretary of State.

### **Recovery of costs of new connections**

44.—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 43 (statutory undertakers), any person who is the owner or occupier of premises to which a supply was given from that apparatus is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(2) Paragraph (1) does not apply in the case of the removal of a public sewer, but where such a sewer is removed under article 43 (statutory undertakers) any person who is—

- (a) the owner or occupier of premises the drains of which communicated with that sewer; or
- (b) the owner of a private sewer which communicated with that sewer,

is entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the drain or sewer belonging to that person communicate with any other public sewer or with a private sewerage disposal plant.

(3) In this article—

“public communications provider” has the same meaning as in section 151(1) of the Communications Act 2003(a); and

“public utility undertaker” has the same meaning as in the 1980 Act.

## PART 6

### MISCELLANEOUS AND GENERAL

#### **Application of landlord and tenant law**

45.—(1) This article applies to—

- (a) any agreement for leasing to any person the whole or any part of the authorised development or the right to operate the same; and
- (b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised development, or any part of it,

so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person’s use.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants prejudices the operation of any agreement to which this article applies.

(3) Accordingly, no such enactment or rule of law applies in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

#### **Defence to proceedings in respect of statutory nuisance**

46.—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990(b) (summary proceedings by person aggrieved by statutory nuisance) in relation to a nuisance falling within paragraphs (g) (noise emitted from premises so as to be prejudicial to health or a nuisance) and (ga) (noise from vehicles, machinery or equipment in a street) of section 79(1) of that Act no order must be made, and no fine must be imposed, under section 82(2) of that Act if—

- (a) the defendant shows that the nuisance—
  - (i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with a notice

(a) 2003 c.21.

(b) 1990 c. 43. Section 82 is amended by section 5 of the Noise and Statutory Nuisance Act 1993, c. 40, section 106 of, and Schedule 17 to, the Environment Act 1995, c. 25 and section 103 of the Clean Neighbourhoods and Environment Act 2005, c. 16. There are other amendments to this Act which are not relevant to this Order.

served under section 60 (control of noise on construction site) or a consent given under section 61 (prior consent for work on construction site) of the Control of Pollution Act 1974(a); or

- (ii) relates to premises used by the undertaker for the purposes of or in connection with the construction, maintenance or operation of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with the controls and measures relating to noise as described in the Construction Environmental Management Plan or in accordance with the noise levels set out in an environmental permit relating to the construction, maintenance or operation of the authorised development; or
  - (iii) is a consequence of the construction or maintenance of the authorised development and that it cannot reasonably be avoided; or
  - (iv) is a consequence of complying with a requirement of this Order and that it cannot reasonably be avoided; or
- (b) the defendant shows that the nuisance—
- (i) relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised development and that the nuisance is attributable to the use of the authorised development which is being used in accordance with the Construction Environmental Management Plan; or
  - (ii) is a consequence of the use of the authorised development and that it cannot reasonably be avoided.

(2) For the purposes of paragraph (1) above, compliance with the controls and measures relating to noise described in the Construction Environmental Management Plan will be sufficient, but not necessary, to show that an alleged nuisance could not reasonably be avoided.

(3) Where a relevant planning authority is acting in accordance with section 60(4) and section 61(4) of the Control of Pollution Act 1974 in relation to the construction of the authorised development then the local authority must also have regard to the controls and measures relating to noise referred to in the Construction Environmental Management Plan.

(4) Section 61(9) (prior consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 does not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development.

(5) In this article “premises” has the same meaning as in section 79 of the Environmental Protection Act 1990(b).

### **Traffic regulation**

47.—(1) Subject to the provisions of this article, the undertaker may at any time for the purposes of construction or maintenance of the authorised development or for purposes ancillary to the construction or maintenance of the authorised development—

- (a) prohibit waiting of vehicles and regulate vehicular speed by imposing a speed restriction on vehicles in the manner specified in Part 1 of Schedule 12 (traffic regulation orders) on a road specified in column (2) and along the lengths and between the points specified in column (3) in the manner specified in column (4) of that Part of that Schedule;
- (b) prohibit use of roads by through traffic in the manner specified in Part 2 of Schedule 12 (traffic regulation orders) on the roads specified in column (2) and along the lengths and between the points specified in column (3) in the manner specified in column (4) of that Part of that Schedule;
- (c) regulate the direction of vehicular movements in the manner specified in Part 3 of Schedule 12 (traffic regulation orders) on the roads specified in column (2) and along the lengths and

(a) 1974 c. 40. Section 61(9) was amended by section 162 of, and paragraph 15(3) of Schedule 15 to, the Environmental Protection Act 1990, c. 43. There are other amendments to the 1974 Act which are not relevant to this Order.

(b) 1990 c. 43.

between the points specified in column (3) in the manner specified in column (4) of that Part of that Schedule; and

- (d) prohibit overtaking in the manner specified in Part 4 of Schedule 12 (traffic regulation orders) on the roads specified in column (2) and along the lengths and between the points specified in column (3) in the manner specified in column (4) of that Part of that Schedule.

(2) Without limiting the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and the consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld or delayed, the undertaker may, in so far as may be expedient or necessary for the purposes of or in connection with construction or maintenance of the authorised development, or for purposes ancillary to it, at any time—

- (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;
- (b) permit, prohibit or restrict the stopping, parking, waiting, loading or unloading of vehicles on any road;
- (c) authorise the use as a parking place of any road;
- (d) make provision as to the maximum speed, direction or priority of vehicular traffic on any road; and
- (e) permit, prohibit or restrict vehicular access to any road,

either at all times or at times, on days or during such periods as may be specified by the undertaker.

(3) The undertaker must not exercise the powers in paragraph (2) unless it has—

- (a) given not less than 4 weeks' notice in writing of its intention so to do to the chief officer of police and to the traffic authority in whose area the road is situated; and
- (b) advertised its intention in such manner as the traffic authority may specify in writing within 7 days of its receipt of notice of the undertaker's intention as provided for in sub-paragraph (a).

(4) Any prohibition, restriction or other provision made by the undertaker under paragraph (1) or (2)—

- (a) has effect as if duly made by—
  - (i) the traffic authority in whose area the road is situated as a traffic regulation order under the 1984 Act; or
  - (ii) the local authority in whose area the road is situated as an order under section 32 of the 1984 Act (power of local authorities to provide parking places),  
and the instrument by which it is effected may specify savings and exemptions (in addition to those mentioned in Schedule 13 (traffic regulation orders)) to which the prohibition, restriction or other provision is subject; and
- (b) is deemed to be a traffic order for the purposes of Schedule 7 to the Traffic Management Act 2004(a) (road traffic contraventions subject to civil enforcement).

(5) Any prohibition, restriction or other provision made under this article may at any time be suspended, varied or revoked by the undertaker from time to time by subsequent exercise of the powers conferred by paragraphs (1) and (2).

(6) Before complying with the provisions of paragraph (3) the undertaker must consult the chief officer of police and the traffic authority in whose area the road is situated.

(7) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.

(8) If the traffic authority fails to notify the undertaker of its decision within 28 days (or such other period as agreed by the traffic authority and the undertaker) of receiving an application for consent under paragraph (2) the traffic authority is deemed to have granted consent.

(9) Any application for consent under paragraph (2) must include a statement that the provisions of paragraph (8) apply to that application.

(10) If an application for consent under paragraph (2) does not include the statement required under paragraph (9), then the provisions of paragraph (8) will not apply to that application.

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(a) 2004 c. 18.

## **Felling or lopping**

**48.**—(1) The undertaker may fell, lop, prune, cut, trim, coppice, pollard, or reduce in height or width, any tree, shrub, shrubbery, hedgerow, or important hedgerow under or within or overhanging or near any part of the authorised development, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree, shrub, shrubbery, hedgerow or important hedgerow—

- (a) from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or
- (b) from constituting a danger to persons constructing, maintaining, or operating the authorised development.

(2) In carrying out any activity authorised by paragraph (1), the undertaker must not cause any unnecessary damage to any tree, shrub, shrubbery or hedgerow, or important hedgerow and must pay compensation to any person for any loss or damage arising from such activity.

(3) Any dispute as to a person’s entitlement to compensation under paragraph (2), or as to the amount of compensation, must be determined under Part 1 of the 1961 Act.

(4) Subject at all times to paragraph (8), the undertaker must not pursuant to paragraph (1) fell, lop, prune, cut, trim, coppice, pollard, or reduce in height or width a tree within or overhanging the extent of the public highway without the consent of the relevant highway authority.

(5) If the relevant highway authority fails to notify the undertaker of its decision within 28 days (or such other period as agreed by the relevant highway authority and the undertaker) of receiving an application for consent under paragraph (4) the relevant highway authority is deemed to have granted consent.

(6) Any application for consent under paragraph (4) must include a statement that the provisions of paragraph (5) apply to that application.

(7) If an application for consent under paragraph (2) does not include the statement required under paragraph (5), then the provisions of paragraph (4) will not apply to that application.

(8) The consent of the relevant highway authority is not required under paragraph (4) where the tree to be felled, lopped, pruned, cut, trimmed, coppiced, pollarded, or reduced in height or width is described or shown in the Landscape and Ecological Management Plan.

(9) The power conferred by paragraph (1) removes any obligation upon the undertaker to secure any consent to remove hedgerows under the Hedgerows Regulations 1997(a).

(10) In this article “hedgerow” and “important hedgerow” have the same meaning as in the Hedgerow Regulations 1997.

## **Trees subject to Tree Preservation Orders**

**49.**—(1) The undertaker may fell, lop, prune, cut, trim, coppice, pollard, or reduce in height or width, any tree described in Schedule 13 (trees subject to Tree Preservation Orders) and identified on the Trees and Hedgerows to be Removed or Managed Plans, or cut back its roots, if it reasonably believes it to be necessary in order to do so to prevent the tree—

- (a) from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or
- (b) from constituting a danger to persons constructing, maintaining, or operating the authorised development.

(2) The undertaker may fell, lop, prune, cut, trim, coppice, pollard, or reduce in height or width, any tree within or overhanging land within the Order limits subject to a tree preservation order which was made after 31 January 2023, or cut back its roots, if it reasonably believes it to be necessary to do so in order to prevent the tree—

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(a) S.I. 1997/1160

- (a) from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or
  - (b) from constituting a danger to persons constructing, maintaining, or operating the authorised development.
- (3) In carrying out any activity authorised by paragraph (1) or (2)—
- (a) the undertaker must do no unnecessary damage to any tree and must pay compensation to any person for any damage arising from such activity; and
  - (b) the duty in section 206(1) of the 1990 Act (replacement of trees) does not apply.
- (4) The authority given by paragraphs (1) and (2) constitutes a deemed consent under the relevant tree preservation order.
- (5) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, must be determined under Part 1 of the 1961 Act.

### **Temporary closure of, and works in, the River Stour**

**50.**—(1) The undertaker may, in connection with the construction of the authorised development, temporarily interfere with the relevant part of the river.

(2) Without limitation on the powers conferred by paragraph (1) but subject to paragraph (4) the undertaker may, in connection with the construction of the authorised development—

- (a) temporarily moor or anchor barges or other vessels or craft in the relevant part of the river and may load or unload into and from such barges, other vessels or craft equipment, machinery, soil and any other materials in connection with the construction or maintenance of the authorised development; and
- (b) on grounds of health and safety only, temporarily close to navigation the relevant part of the river.

(3) The power conferred by paragraphs (1) and (2) shall be exercised in such a way which secures—

- (a) that no more of the relevant part of the river is closed to navigation at any time than is necessary in the circumstances; and
- (b) that, if complete closure to navigation of the relevant part of the river becomes necessary, all reasonable steps are taken to secure that the period of closure is kept to a minimum and that the minimum obstruction, delay or interference is caused to vessels or craft which may be using or intending to use the part so closed.

(4) Any person who suffers loss as a result of the suspension of any private right of navigation under this article is entitled to be paid compensation for such loss by the undertaker, to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) In this article, “the relevant part of the river” means so much of the River Stour as is shown shaded yellow on the Access, Rights of Way and Public Rights of Navigation Plans.

### **Protection of interests**

**51.** Schedule 14 (protective provisions) has effect.

### **Procedure regarding certain approvals etc.**

**52.**—(1) Where an application or request is submitted to a relevant planning authority, a highway authority, a street authority or the owner of a watercourse, sewer or drain for any consent, agreement or approval required or contemplated by any of the provisions of this Order such consent, agreement or approval, if given, must be given in writing and must not be unreasonably withheld or delayed.

(2) Schedule 4 (discharge of Requirements) has effect in relation to all consents, agreements or approvals granted, refused or withheld in relation to the Requirements, and any document referred to in any Requirement.

(3) The procedure set out in paragraphs 3, 4 and 5 of Schedule 4 (discharge of Requirements) has effect in relation to any other consent, agreement or approval required under this Order where such

consent, agreement or approval is granted subject to any condition to which the undertaker objects, or is refused or is withheld.

### **Safeguarding**

**53.**—(1) Save in respect of exempt applications, before granting planning permission for development to which this article applies, a relevant planning authority must consult the undertaker.

(2) This article applies to development which would be wholly or partly within the Order limits.

(3) Where this article requires a relevant planning authority to consult the undertaker before granting planning permission—

(a) they must give the undertaker notice of the application for planning permission (unless the applicant has served a copy of the application on the undertaker); and

(b) they may not determine the application before the end of the period of 21 days, beginning two working days after the relevant planning authority has sent the notice to the undertaker by first class post or by such other means of service as may be agreed with the relevant planning authority, which will be deemed to be the date on which the undertaker receives the notice or copy of the application.

(4) But a relevant planning authority may determine an application during that period if the undertaker has—

(a) made representations to the relevant planning authority about the application, or

(b) notified the relevant planning authority that it does not intend to make representations.

(5) In determining an application for planning permission a relevant planning authority must take into account any representations received in accordance with this article and ensure that the matters raised in any such representations are addressed.

(6) The requirement to consult under this article is a local land charge.

(7) In this article—

“exempt applications” means an application for planning permission which relates to development that—

(i) consists of an alteration to an existing building, or the change of use of an existing building or land; and

(ii) does not involve, or is not likely to involve, any construction engineering or other operations below existing ground level; and

“relevant planning authority” means the planning authority in receipt of an application for planning permission to which this article applies.

### **No double recovery**

**54.** Compensation is not payable in respect of the same matter both under this Order and under any other enactment, contract or deed or rule of law, or under two or more different provisions of this Order.

### **Application, disapplication and modification of legislative provisions**

**55.** Schedule 15 (public general legislation) to this Order, which makes provision applying, modifying and excluding statutory provisions which relate to matters for which provision may be made by this Order, has effect.

### **Amendment of local legislation**

**56.**—(1) Any statutory provision of local application and, in particular, the local enactments specified in Schedule 16 (amendment of local legislation), and any byelaws or other provisions made under any of those enactments, are hereby excluded and do not apply insofar as inconsistent with a provision of, or a power conferred by, this Order.

(2) In particular, a power conferred by this Order may be exercised despite, and without having regard to, a provision made by or by virtue of a specified enactment, or any other statutory provision of local application, that—

- (a) requires or permits a specified road, path, passage, bridge, parapet, fence or other place or structure to be kept open or maintained generally or in a specified manner;
- (b) requires or permits the provision and maintenance of lights or other apparatus or structures generally or in a specified manner;
- (c) prohibits or restricts (or imposes conditions or penalties on or in relation to) the obstruction or removal of, or the causing of damage to, a specified place or structure (or class of places or structures);
- (d) prohibits or restricts (or imposes conditions on or in relation to) the erection of structures, or the undertaking of other works, in a specified place or structure (or class of places or structures);
- (e) permits or requires a specified place or structure to be closed;
- (f) makes provision about the conduct of persons using a specified walkway or other place or structure (or class of places or structures) whether by prohibiting or restricting movement (of persons, vehicles or animals) or otherwise;
- (g) specifies a minimum or maximum depth for, or otherwise restricts or imposes conditions in relation to, the laying of pipes or the carrying out of any other works;
- (h) prohibits the laying of pipes or the carrying out of any other works generally or without the consent of a specified person;
- (i) makes provision about the construction or maintenance of, or any other matter relating to, pipes, drains or other means of connecting with sewers;
- (j) in any other way would or might apply in relation to anything done, or omitted to be done, in the exercise of a power conferred by this Order.

(3) For the purpose of paragraph (1) a provision is inconsistent with the exercise of a power conferred by this Order if and insofar as (in particular)—

- (a) it would make it an offence to take action, or not to take action, in pursuance of the power;
- (b) action taken in pursuance of the power would cause the provision to apply so as to enable a person to require the taking of remedial or other action or so as to enable remedial or other action to be taken;
- (c) action taken in pursuance of a power or duty under the provision would or might interfere with the exercise of any work authorised by this Order.

(4) Where any person notifies the undertaker in writing that anything done or proposed to be done by the undertaker or by virtue of this Order would amount to a contravention of a statutory provision of local application, the undertaker must as soon as reasonably practicable, and in any event within 14 days of receipt of the notice, respond in writing setting out—

- (a) whether the undertaker agrees that the action taken or proposed does or would contravene the provision of local application;
- (b) if the undertaker does agree, the grounds (if any) on which the undertaker believes that the provision is excluded by this article; and
- (c) the extent of that exclusion.

### **Certification of documents**

57.—(1) National Grid must, as soon as practicable after the making of this Order, submit to the Secretary of State copies of the ~~documents and~~ plans and documents identified in Schedule 17 (Certified Documents) of this Order for certification ~~that they are~~ as true copies of ~~the~~ those plans and documents referred to in this Order.

(2) A plan or document so certified is admissible in any proceedings as evidence of the contents of the document of which it is a copy.

(3) Where any plan or document ~~set out~~ identified in Schedule 17 ~~(Certified Documents) requires~~ is required to be amended to reflect the terms of the Secretary of State's decision to make this Order, that

plan or document in the form amended to the Secretary of State's satisfaction is the version of the plan or document required to be certified under paragraph (1).

(4) Where a plan or document certified under paragraph (1)—

- (a) refers to a provision of this Order (including any specified requirement) when it was in draft form; and
- (b) identifies the provision by number or combination of numbers and letters, which is different from the number or combination of numbers or letters by which the corresponding provision of this Order is identified in the Order as made;

the reference in the plan or document concerned must be construed for the purposes of this Order as referring to the provisions (if any) corresponding to that provision in the Order as made.

(5) The undertaker must, following certification of the plans or documents in accordance with paragraph (1), make those plans or documents available in electronic form for inspection by members of the public.

### **Service of notices**

**58.—(1)** A notice or other document required or authorised to be served for the purposes of this Order may be served—

- (a) by post;
- (b) by delivering it to the person on whom it is to be served or to whom it is to be given or supplied; or
- (c) with the written consent of the recipient and subject to paragraphs (5) to (8), by electronic transmission.

(2) Where the person on whom a notice or other document to be served for the purposes of this Order is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 of the Interpretation Act 1978<sup>(a)</sup> as it applies for the purposes of this article, the proper address of any person in relation to the service on that person of a notice or document under paragraph is, if that person has given an address for service, that address, and otherwise—

- (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
- (b) in any other case, the last known address of that person at the time of service.

(4) Where for the purposes of this Order a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and the name or address of that person cannot be ascertained after reasonable enquiry, the notice may be served by—

- (a) addressing it to that person by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it); and
- (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.

(5) Where a notice or other document required to be served or sent for the purposes of this Order is served or sent by electronic transmission the requirement is taken to be fulfilled only where—

- (a) the recipient of the notice or other document to be transmitted has given consent to the use of electronic transmission in writing or by electronic transmission;
- (b) the notice or document is capable of being accessed by the recipient;
- (c) the notice or document is legible in all material respects; and
- (d) the notice or document is in a form sufficiently permanent to be used for subsequent reference.

(6) Where the recipient of a notice or other document served or sent by electronic transmission notifies the sender within 7 days of receipt that the recipient requires a paper copy of all or part of that notice or other document, the sender must provide such a copy as soon as reasonably practicable.

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(a) 1978 c. 30.

(7) Any consent to the use of electronic communication given by a person may be revoked by that person in accordance with paragraph (8).

(8) Where a person is no longer willing to accept the use of electronic transmission for any of the purposes of this Order—

- (a) that person must give notice in writing or by electronic transmission revoking any consent given by that person for that purpose; and
- (b) such revocation is final and takes effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.

(9) This article does not exclude the employment of any method of service not expressly provided for by it.

(10) In this article “legible in all material respects”, in relation to a notice or document, means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served, given or supplied by means of a notice or document in printed form.

### **Arbitration**

**59.** Subject to article 52 (procedures regarding certain approvals, etc.) and except where otherwise expressly provided for in this Order or unless otherwise agreed between the parties, any difference under any provision of this Order must be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the Secretary of State.

Signed by authority of the Secretary of State for Energy Security and Net Zero

Date

*Name*  
Head of Energy Infrastructure Planning  
Department for Energy Security and Net Zero

# SCHEDULES

## SCHEDULE 1

Article 3

### AUTHORISED DEVELOPMENT

A nationally significant infrastructure project as defined in sections 14 and 16 of the 2008 Act and associated development within the meaning of section 115(2) of the 2008 Act, comprising—

#### *TRANSMISSION ELECTRIC LINE*

*In the Districts of Mid-Suffolk and Babergh*

#### **Work No. 1 — Bramford Substation line entries and Route 4YL**

Works as shown on Sheets 1, 2, 3, 6 and 8 of the Work Plans to modify and reconfigure the existing overhead transmission electric line (Route 4YL) from and within Bramford Substation to existing pylon 4YL019 (including transpositions to the north and south of Hintlesham Woods), which may include—

- (a) the dismantling and removal of all existing overhead transmission electric line and pylons including foundations between the existing Bramford Substation gantries and a point indicated as 4YL004A on Sheet 1 of the Work Plans (and including the existing pylon 4YL004);
- (b) the dismantling and removal of all existing overhead transmission electric line and pylons including foundations between a point indicated as 4YL012A on Sheet 3 of the Work Plans and a point indicated as RB11 on Sheet 3 of the Work Plans (and including the existing pylon 4YL012);
- (c) the dismantling and removal of all existing overhead transmission electric line and pylons including foundations between a point indicated as 4YL018A on Sheet 8 of the Work Plans and a point indicated as RB16 on Sheet 8 of the Work Plans (and including the existing pylon 4YL018);
- (d) the realignment of the existing Bramford Substation gantries;
- (e) the foundations and steelwork to construct new pylons;
- (f) the installation of 0.5 kilometres of overhead transmission electric line between the realigned Bramford Substation gantries and a point indicated as new pylon 4YL004A on Sheet 1 of the Work Plans;
- (g) the installation of 2.6 kilometres of overhead transmission electric line between a point indicated as 4YL012A on Sheet 3 of the Work Plans and a point indicated as 4YL018A on Sheet 8 of the Work Plans;
- (h) the installation of conductors, busbars, switchgear and fittings, including downleads and droppers at each realigned gantry, to facilitate connection from the equipment within the gas insulated switchgear building situated within Bramford Substation to a point indicated as new pylon 4YL003C on Sheet 1 of the Work Plans;
- (i) the installation of fibre optic earthwire conductors, with optical fibres terminated in a joint box at a point indicated as new pylon 4YL003C on Sheet 1 of the Work Plans;
- (j) the temporary diversion of the existing overhead transmission electric line to facilitate the works; and
- (k) modifications to the existing overhead transmission electric line between a point indicated as 4YL004A on Sheet 1 of the Work Plans and a point indicated as 4YL007 on Sheet 2 of the Work Plans, between a point indicated as 4YL011 on Sheet 3 of the Work Plans and a point indicated as 4YL012A on Sheet 3 of the Work Plans and between a point indicated as

4YL018A on Sheet 8 of the Work Plans and a point indicated as 4YL019 on Sheet 8 of the Work Plans.

**Work No. 2 — overhead transmission electric lines from Bramford Substation to the Dedham Vale East Cable Sealing End Compound**

Works as shown on Sheets 1, 2, 3, 6 and 8 to 12 (inclusive) of the Work Plans to construct and install a new overhead transmission electric line from and within Bramford Substation to the two sealing end compound gantries at the Dedham Vale East Cable Sealing End Compound and to modify and reconfigure the existing overhead transmission electric line (Route 4YL), which may include—

- (a) the installation of two new gantries within Bramford Substation;
- (b) the foundations and steelwork to construct new pylons;
- (c) the installation of 3.6 kilometres of overhead transmission electric line between the two new Bramford Substation gantries and a point indicated as RB11 on Sheet 3 of the Work Plans;
- (d) the installation of 6.6 kilometres of overhead transmission electric line between a point indicated as RB16 on Sheet 8 of the Work Plans and the two sealing end compound gantries at the Dedham Vale East Cable Sealing End Compound;
- (e) the installation of conductors, busbars, shunt reactors, switchgear and fittings, including downleads and droppers at each new gantry, to facilitate connection to the equipment within the gas insulated switchgear building situated within Bramford Substation;
- (f) the installation of conductors, insulators and fittings, including downleads and droppers at each gantry to facilitate connection to the equipment within the Dedham Vale East Cable Sealing End Compound;
- (g) the installation of fibre optic earthwire conductors, with optical fibres terminated in joint boxes;
- (h) the temporary diversion of the existing overhead transmission electric line to facilitate the works; and
- (i) modifications to the existing overhead transmission electric line between a point indicated as RB11 on Sheet 3 of the Work Plans and a point indicated as RB16 on Sheet 8 of the Work Plans.

*In the District of Babergh*

**Work No. 3 — underground transmission electric line from the Dedham Vale East Cable Sealing End Compound to the Dedham Vale West Cable Sealing End Compound**

Works as shown on Sheets 12 to 15 (inclusive) of the Work Plans to construct and install a new underground transmission electric line (5.5 kilometres in length) in the section of the works between and including the Dedham Vale East Cable Sealing End Compound and the Dedham Vale West Cable Sealing End Compound, which may include—

- (a) the installation of 5.5 kilometres of underground transmission electric line, including cable ducts, joint bays, link pillars, fibre optic earthwire conductors and earthing and protection and control systems, to facilitate a connection between the Dedham Vale East Cable Sealing End Compound and the Dedham Vale West Cable Sealing End Compound;
- (b) Dedham Vale East Sealing End Compound sealing end equipment including switchgear and connection to overhead transmission electric line conductors including gantries;
- (c) Dedham Vale West Sealing End Compound sealing end equipment including switchgear and connection to overhead transmission electric line conductors including gantries;
- (d) Dedham Vale East Cable Sealing End Compound permanent compound, security fencing and gates, within which is situated the sealing end equipment, earthing and protection and control systems, portable relay room, supervisory control and data acquisition communication, switchgear, connection to overhead electric line including fibre optic cable to joint boxes, gantries, transformers, cables, surface troughs, fibre optic cable and joint boxes;
- (e) Dedham Vale West Cable Sealing End Compound permanent compound, security fencing and gates, within which is situated the sealing end equipment, earthing and protection and control

systems, portable relay room, supervisory control and data acquisition communication, switchgear, connection to overhead electric line including fibre optic cable to joint boxes, gantries, transformers, cables, surface troughs, fibre optic cable and joint boxes;

- (f) permanent vehicular access road(s), hardstanding, drainage (including attenuation ponds), and site services, including power supply, for each of the Dedham Vale East Sealing End Compound and the Dedham Vale West Sealing End Compound; and
- (g) landscaping, including mitigation planting at each of the Dedham Vale East Sealing End Compound and the Dedham Vale West Sealing End Compound.

**Work No. 4 — overhead transmission electric line from Dedham Vale West Cable Sealing End Compound to the Stour Valley East Cable Sealing End Compound**

Works as shown on Sheets 15, 16, 17 and 19 of the Work Plans to construct and install a new overhead transmission electric line between the two sealing end compound gantries at the Dedham Vale West Cable Sealing End Compound and the two sealing end compound gantries at the Stour Valley East Cable Sealing End Compound, which may include—

- (a) the foundations and steelwork to construct new pylons;
- (b) the installation of 5.3 kilometres of overhead transmission electric line between the two sealing end compound gantries at the Dedham Vale West Cable Sealing End Compound and the two sealing end compound gantries at the Stour Valley East Cable Sealing End Compound;
- (c) the installation of conductors, insulators and fittings, including downleads and droppers at each gantry to facilitate connection to the equipment within the Dedham Vale West Cable Sealing End Compound and the Stour Valley East Cable Sealing End Compound; and
- (d) the installation of fibre optic earthwire conductors, with optical fibres terminated in joint boxes.

*In the Districts of Babergh and Braintree*

**Work No. 5 — underground transmission electric line from the Stour Valley East Cable Sealing End Compound to the Stour Valley West Cable Sealing End Compound**

Works as shown on Sheets 19, 20, 21, 27 and 28 of the Work Plans to construct and install a new underground transmission electric line (5.1 kilometres in length) in the section of the works between and including the Stour Valley East Cable Sealing End Compound and the Stour Valley West Cable Sealing End Compound, which may include—

- (a) the installation of 5.1 kilometres of underground transmission electric line, including cable ducts, joint bays, link pillars, fibre optic earthwire conductors and earthing and protection and control systems, to facilitate a connection between the Stour Valley East Cable Sealing End Compound and the Stour Valley West Cable Sealing End Compound;
- (b) Stour Valley East Cable Sealing End Compound sealing end equipment including switchgear and connection to overhead transmission electric line conductors including gantries;
- (c) Stour Valley West Cable Sealing End Compound sealing end equipment including switchgear and connection to overhead transmission electric line conductors including gantries;
- (d) Stour Valley East Cable Sealing End Compound permanent compound, security fencing and gates, within which is situated the sealing end equipment, earthing and protection and control systems, portable relay room, supervisory control and data acquisition communication, switchgear, connection to overhead electric line including fibre optic cable to joint boxes, gantries, transformers, cables, surface troughs, fibre optic cable and joint boxes;
- (e) Stour Valley West Cable Sealing End Compound permanent compound, security fencing and gates, within which is situated the sealing end equipment, earthing and protection and control systems, portable relay room, supervisory control and data acquisition communication, switchgear, connection to overhead electric line including fibre optic cable to joint boxes, gantries, transformers, cables, surface troughs, fibre optic cable and joint boxes;

- (f) permanent vehicular access road(s), hardstanding, drainage (including attenuation ponds), and site services, including power supply, for each of the Stour Valley East Cable Sealing End Compound and the Stour Valley West Cable Sealing End Compound; and
- (g) landscaping, including mitigation planting at each of the Stour Valley East Cable Sealing End Compound and the Stour Valley West Cable Sealing End Compound.

*In the District of Braintree*

**Work No. 6 — overhead transmission electric line from the Stour Valley West Cable Sealing End Compound to the existing 4YLA overhead transmission electric line (Route 4YLA) southwest of Alhamstone**

Works as shown on Sheets 27 and 28 of the Work Plans to realign the existing overhead transmission electric line (Route 4YLA) between the two sealing end compound gantries at the Stour Valley West Cable Sealing End Compound and a point indicated as 4YLA007 (Route 4YLA), which may include—

- (a) the modification of existing pylon 4YLA007;
- (b) the foundations and steelwork to construct new pylon 4YLA006C;
- (c) the installation of 0.6 kilometres of overhead transmission electric line between the two sealing end compound gantries at the Stour Valley West Cable Sealing End Compound and a point indicated as 4YLA007 on Sheet 28 of the Work Plans;
- (d) the installation of conductors, insulators and fittings, including downloads and droppers at each gantry to facilitate connection to the equipment within the Stour Valley West Cable Sealing End Compound; and
- (e) the installation of fibre optic earthwire conductors, with optical fibres terminated in joint boxes.

**Work No. 7 — removal of existing overhead transmission electric line (Route 4YLA) between the Twinstead Tee and a point to the southwest of Alhamstone**

Works as shown on Sheets 21, 27 and 28 of the Work Plans to allow the removal of 2.5 kilometres of the existing overhead transmission electric line (Route 4YLA) between the Twinstead Tee at a point indicated as 4YL073 and a point to the southwest of Alhamstone indicated as 4YLA007, which may include—

- (a) the modification of existing pylon 4YL073;
- (b) the dismantling and removal of all overhead transmission electric line and pylons including foundations between Twinstead Tee commencing at a point indicated as 4YL073 on Sheet 21 of the Work Plans (but not including pylon 4YL073) and terminating at a point to the southwest of Alhamstone indicated as 4YLA007 on Sheet 28 of the Work Plans (but not including pylon 4YLA007); and
- (c) the dismantling and removal of conductors, insulators and fittings.

*DISTRIBUTION ELECTRIC LINE*

*In the Districts of Mid-Suffolk, Babergh and Braintree*

**Work No. 8 — removal of existing overhead distribution electric line (Route PCB) between Burstall Bridge and the Twinstead Tee**

Works as shown on Sheets 4, 5, 7 to 17 (inclusive), 19, 20, 21 and 22 of the Work Plans to allow the removal of 25 kilometres of the existing overhead distribution electric line (Route PCB) between Burstall Bridge at a point indicated as PCB5 and a point to the west of Twinstead Tee indicated as PCB89, which may include—

- (a) the modification of existing pylons PCB5 and PCB89;
- (b) the dismantling and removal of all overhead distribution electric line and pylons including foundations between Burstall Bridge commencing at a point indicated as PCB5 on Sheet 4 of

the Work Plans (but not including pylon PCB5) and terminating at a point to the west of Twinstead Tee indicated as PCB89 on Sheet 22 of the Work Plans (but not including pylon PCB89); and

- (c) the dismantling and removal of conductors, insulators and fittings.

#### *GRID SUPPLY POINT SUBSTATION*

*In the District of Braintree*

#### **Work No. 9 — Grid Supply Point Substation to the east of Wickham St. Paul**

Works as shown on Sheet 23 of the Work Plans to construct the Grid Supply Point Substation between Butler's Wood and Waldegrave Wood, to the east of Wickham St. Paul, which may include—

- (a) the construction of foundations to support all new structures and equipment;
- (b) the installation of two Super Grid Transformers (SGTs);
- (c) the installation of support structures;
- (d) the construction of gantries for the termination of overhead electric line connections into the Grid Supply Point Substation;
- (e) the installation of equipment between gantries and switchgear;
- (f) the installation of switchgear and equipment;
- (g) the installation of electrical control panels;
- (h) the installation of a diesel generator;
- (i) the installation of troughs and below ground services;
- (j) the installation of new relay rooms, battery rooms, storage rooms and other welfare facilities;
- (k) the installation of electric vehicle charging points;
- (l) the installation of telecommunications equipment;
- (m) the installation of above ground water tanks;
- (n) drainage works;
- (o) the installation of other site furniture;
- (p) the erection of a security fence around the perimeter of the Grid Supply Point Substation;
- (q) the construction of site access roads, hardstanding, car parking and roadways;
- (r) utility service connections for electricity, communications and potable water and/or connection of power supply made from temporary generators;
- (s) utility service connection or on site storage for later disposal of grey water and sanitation;;
- (t) earthworks including to create platforms for the new Grid Supply Point Substation equipment, structures, landscaping, roads and compounds; and
- (u) landscaping, including mitigation planting.

#### **Work No. 10 — modifications to the transmission electric line and connection to the Grid Supply Point Substation**

Works as shown on Sheet 23 of the Work Plans to reconfigure the existing overhead transmission electric line (Route 4YL) adjacent to the Grid Supply Point Substation and to construct a single circuit cable sealing end compound to the southwest of the Grid Supply Point Substation, which may include—

- (a) the modification of existing pylon 4YL080, including the installation of downleads to the Grid Supply Point Substation;
- (b) the temporary diversion of 0.7 kilometres of the existing overhead transmission electric line (Route 4YL) to facilitate the dismantling and removal of existing pylon 4YL081 and the installation of new pylon 4YL081A;
- (c) the dismantling and removal of existing pylon 4YL081 including foundations;

- (d) the installation of new pylon 4YL081A including foundations, steelwork and associated conductors, droppers and downleads, insulators and fittings;
- (e) single circuit cable sealing end equipment including switchgear and connection to overhead electric line conductors including gantries;
- (f) a permanent single circuit cable sealing end compound, within which is situated the sealing end equipment, earthing and protection and control systems, supervisory control and data acquisition communication, switchgear, connection to overhead electric line including fibre optic cable to joint boxes, gantries, transformers, cables, surface troughs, fibre optic cable and joint boxes;
- (g) the installation of a new underground transmission electric line to facilitate a connection between the single circuit cable sealing end compound and the Grid Supply Point Substation;
- (h) the installation of telecommunications equipment;
- (i) the installation of other site furniture;
- (j) the erection of a security fence around the perimeter of the single circuit cable sealing end compound; and
- (k) the construction of site access roads, hardstanding, and drainage.

**Work No. 11 — modifications to the distribution electric line and connection to the Grid Supply Point Substation**

Works as shown on Sheets 23, 25 and 26 of the Work Plans to modify the existing overhead distribution electric line (Route PCB) between a point indicated as PCB97 and a point indicated as PCB103 and to construct and install a new underground distribution electric line between the Grid Supply Point Substation and the existing overhead distribution electric line (Route PCB), which may include—

- (a) the dismantling and removal of existing pylon PCB98 including foundations;
- (b) the temporary diversion of the existing overhead distribution electric line (Route PCB) to facilitate the dismantling and removal of existing pylon PCB98;
- (c) the installation of a new cable sealing end platform pylon PCB98A including foundations, steelwork and associated conductors, downleads, insulators and fittings;
- (d) the installation of 1.1 kilometres of new underground distribution electric line, including cable ducts, joint bays, link pillars, fibre optic earthwire conductors and earthing and protection and control systems, to facilitate a connection between the Grid Supply Point Substation (Work No. 9) and the new cable sealing end platform pylon PCB98A (at a point indicated as PCB98A on Sheet 23 of the Work Plans); and
- (e) modifications to the existing overhead distribution electric line between a point indicated as PCB97 on Sheet 23 of the Work Plans and a point indicated as PCB103 on Sheet 26 of the Work Plans.

*CONSTRUCTION, MAINTENANCE AND USE*

*In the Districts of Mid-Suffolk, Babergh and Braintree*

**Work No. 12 — Temporary Site Compounds**

Works to construct temporary site compounds as part of the authorised development and in each case which may include—

- (a) earthworks, soil stripping and storage, ground improvement;
- (b) car parking, hard standing, roadways and access roads (including construction site services and temporary bridges);
- (c) drainage works (including attenuation ponds);
- (d) offices and staff welfare facilities;

- (e) utility service connections for electricity, communications and potable water and/or connection of power supply made from temporary generators;
- (f) utility service connection or on site storage for later disposal of grey water and sanitation;
- (g) emergency electrical generator;
- (h) materials, tools and fuel storage and laydown areas;
- (i) assembly areas;
- (j) plant and equipment storage areas;
- (k) wheel cleaning facilities;
- (l) security cabin and fencing and gates;
- (m) construction and security lighting; and
- (n) construction waste management facilities.

#### *ASSOCIATED DEVELOPMENT*

Such associated development not listed above, within the Order limits, as may be necessary or expedient for the purposes of or in connection with the construction or maintenance of the above Work Nos. or any of them, which may include—

- (a) ramps, means of access, footpaths, bridleways, trackways and pontoons;
- (b) embankment, bridge, aprons, abutments, foundations, retaining walls, drainage, wing walls, fencing and culverts;
- (c) works to alter the position of apparatus, including mains, sewers, drains, conductors and cables;
- (d) works to alter the position of UKPN apparatus, including construction and installation, decommissioning and partial removal and alteration of conductors and cables;
- (e) works to alter the course of, or otherwise interfere with a watercourse, drainage works, attenuation ponds, and temporary culverts;
- (f) landscaping and other works to mitigate any adverse effects of the construction, maintenance, operation or use of the authorised development, together with means of access;
- (g) tree and hedgerow planting and maintenance works;
- (h) works for the benefit or protection of the environment;
- (i) works for the benefit or protection of land, structures, apparatus or equipment affected by the authorised development (including arcing horns, earthing and works for monitoring);
- (j) works required for the strengthening, improvement, maintenance, or reconstruction of any streets;
- (k) works to streets and any alteration, removal or installation of road furniture, including where required to facilitate the construction of temporary accesses;
- (l) site preparation works, site clearance (including fencing, vegetation removal, demolition of existing buildings or structures and the creation of alternative footpaths), earthworks (including soil stripping and storage, site levelling, ground improvement);
- (m) establishment of site construction compounds, temporary laydown and storage areas, temporary offices, temporary vehicle parking, construction fencing, perimeter enclosure, security fencing, construction related buildings, welfare facilities, construction and security lighting and haulage roads;
- (n) establishment of launch pits and/or receiving pits to facilitate the use of horizontal directional drilling techniques to install any underground electric line;
- (o) wheel cleaning facilities;
- (p) supervisory control and data acquisition communication equipment;
- (q) installation of wires, cables, ducts, pipes and conductors, establishment of winching points and the installation of scaffolding; and

- |
- (r) such other works, including scaffolding, working sites storage areas, and works of demolition (which includes but is not limited to demolition of residential properties), as may be necessary or expedient for the purposes of or in connection with the construction of the authorised development and which do not give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement.

## SCHEDULE 2

Article 2

### PLANS

#### PART 1

#### ACCESS, RIGHTS OF WAY AND PUBLIC RIGHTS OF NAVIGATION PLANS

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Key Plan for Access, Rights of Way and Public Rights of Navigation Plans	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 1 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 2 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 3 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 4 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 5 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 6 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 7 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 8 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 9 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 10 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 11 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 12 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 13 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 14 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 15 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 16 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 17 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 18 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 19 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 20 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 21 of 30	BT-NG-020621-545-0013	A

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
A1/PRoW/21847/01 Access, Rights of Way and Public Rights of Navigation Plans - Sheet 22 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 23 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 24 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 25 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 26 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 27 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 28 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 29 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans - Sheet 30 of 30	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans – Plan A	BT-NG-020621-545-0013	A
Access, Rights of Way and Public Rights of Navigation Plans – Plan B	BT-NG-020621-545-0013	A

**PART 2**  
**LAND PLANS**

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Key Plan for Land Plans	BT-NG-020621-545-0007	B
Land Plans – Sheet 1 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 2 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 3 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 4 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 5 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 6 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 7 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 8 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 9 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 10 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 11 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 12 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 13 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 14 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 15 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 16 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 17 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 18 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 19 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 20 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 21 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 22 of 30	BT-NG-020621-545-0007	B

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Land Plans – Sheet 23 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 24 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 25 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 26 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 27 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 28 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 29 of 30	BT-NG-020621-545-0007	B
Land Plans – Sheet 30 of 30	BT-NG-020621-545-0007	B

### PART 3

#### SPECIAL CATEGORY LAND PLANS

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Key Plan for Special Category Land Plans	BT-WSP-020621-545-0001	A
Special Category Land Plans – Sheet 1 of 6	BT-WSP-020621-545-0001	A
Special Category Land Plans – Sheet 2 of 6	BT-WSP-020621-545-0001	A
Special Category Land Plans – Sheet 3 of 6	BT-WSP-020621-545-0001	A
Special Category Land Plans – Sheet 4 of 6	BT-WSP-020621-545-0001	A
Special Category Land Plans – Sheet 5 of 6	BT-WSP-020621-545-0001	A
Special Category Land Plans – Sheet 6 of 6	BT-WSP-020621-545-0001	A

### PART 4

#### TRAFFIC REGULATION ORDER PLANS

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Key Plan for Traffic Regulation Order Plans	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 1 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 2 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 3 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 4 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 5 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 6 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 7 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 8 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 9 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 10 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 11 of 30	BT-NG-020621-545-0009	A

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Traffic Regulation Order Plans – Sheet 12 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 13 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 14 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 15 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 16 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 17 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 18 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 19 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 20 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 21 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 22 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 23 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 24 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 25 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 26 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 27 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 28 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 29 of 30	BT-NG-020621-545-0009	A
Traffic Regulation Order Plans – Sheet 30 of 30	BT-NG-020621-545-0009	A

## PART 5

### TREES AND HEDGEROWS TO BE REMOVED OR MANAGED PLANS

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Key Plan for Trees and Hedgerows to be Removed or Managed Plans	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 1 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 2 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 3 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or	BT-NG-020621-545-0012	A

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Managed Plans – Sheet 4 of 30		
Trees and Hedgerows to be Removed or Managed Plans – Sheet 5 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 6 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 7 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 8 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 9 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 10 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 11 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 12 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 13 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 14 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 15 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 16 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 17 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 18 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 19 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 20 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 21 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 22 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 23 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 24 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 25 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 26 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 27 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 28 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 29 of 30	BT-NG-020621-545-0012	A
Trees and Hedgerows to be Removed or Managed Plans – Sheet 30 of 30	BT-NG-020621-545-0012	A

PART 6  
WORK PLANS

<i>Drawing Title</i>	<i>Drawing Number</i>	<i>Revision</i>
Key Plan for Work Plans	BT-NG-020621-545-0008	A
Work Plans – Sheet 1 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 2 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 3 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 4 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 5 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 6 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 7 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 8 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 9 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 10 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 11 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 12 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 13 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 14 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 15 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 16 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 17 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 18 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 19 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 20 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 21 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 22 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 23 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 24 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 25 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 26 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 27 of 30	BT-NG-020621-545-0008	A
Work Plans – Sheet 28 of 30	BT-NG-020621-545-0008	A
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Work Plans – Sheet 1 of 1 (Table of Parameters)	BT-NG-020621-545-0008	A

## SCHEDULE 3 REQUIREMENTS

Article 3

### *Interpretation*

1. —(1) In this Schedule unless the context requires otherwise—

“biodiversity metric” means Biodiversity Metric 3.1 as published by Natural England in April 2022;

“County Archaeologist” means the individual appointed as such by the relevant planning authority;

“discharging authority” means the body responsible for giving any consent, agreement or approval required by a requirement included in this Order, or further to any document referred to in any requirement, or the local authority in the exercise of functions set out in sections 60 or 61 of the Control of Pollution Act 1974(a);

“part” means a given geographical section, component or location of the authorised development;

“reinstatement planting plan” means the plan referenced at Requirements 9 and 10 and which provides detail on reinstatement planting to be prepared for each stage of the authorised development;

“stage” means a defined stage of the authorised development, the extent of which is shown in a scheme submitted to the relevant planning authority pursuant to Requirement 3;

“start-up and close down activities” means—

- (a) arrival and departure of workforce and staff at site and movement to and from places of work;
- (b) general refuelling of plant;
- (c) site inspections and safety checks;
- (d) site meetings inspections and walkovers;
- (e) site clean-up (site housekeeping that does not require the use of plant);
- (f) general site maintenance; and
- (g) low key maintenance and safety checking of plant and machinery;

(2) Where under any of the Requirements the approval or agreement of the relevant planning authority or the relevant highway authority is required, that approval or agreement must be given in writing.

(3) Where any Requirement requires the authorised development to be carried out in accordance or general accordance with matters including a plan, document, or details approved by the relevant planning authority or the relevant highway authority, those matters are to be taken to include any amendments that may subsequently be approved in writing by the relevant planning authority or the relevant highway authority.

(4) Where an approval or agreement is required under the terms of any Requirement or a document referred to in a Requirement, or any Requirement specifies “unless otherwise approved” or “unless otherwise agreed” by the relevant highway authority or the relevant planning authority, such approval or agreement may only be given in relation to minor or immaterial changes and where it has been demonstrated to the satisfaction of the relevant highway authority or the relevant planning authority that the subject matter of the approval or agreement sought will not give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement.

(5) Unless otherwise provided in this Order, where a Requirement relates to a specific site or work and it specifies “commencement of development”, it refers to the commencement of development on that site or in relation to that work only.

### *Time Limits*

2. —(1) The authorised development must begin no later than the expiration of 5 years beginning with the date on which this Order comes into force.

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(a) 1974 c.40

(2) The authorised development must commence no later than the expiration of 5 years beginning with the date on which this Order comes into force.

#### *Stages of authorised development*

3.—(1) The authorised development may not commence until a written scheme setting out all stages of the authorised development has been submitted to the relevant planning authority.

(2) Any revisions to the written scheme referred to in sub-paragraph (1) above must be submitted to the relevant planning authority in advance of the commencement of the stage of the authorised development to which the revisions relate.

(3) Written notice of the commencement and completion of construction of each stage of the authorised development, and the operational use of each stage of the authorised development, must be given to the relevant planning authority within 10 business days of the relevant event occurring.

(4) The authorised development must be carried out in accordance with the written scheme submitted further to sub-paragraph (1) or (2).

#### *Management Plans*

4.—(1) All construction works forming part of the authorised development must be carried out in accordance with the plans listed in sub-paragraph (2) below, unless otherwise agreed with the relevant planning authority or other discharging authority as may be appropriate to the relevant plan concerned, and in the case of the Construction Traffic Management Plan, the relevant highway authority.

(2) The plans referred to in sub-paragraph (1) above comprise the following—

- (a) Construction Environmental Management Plan (CEMP);
- (b) Materials and Waste Management Plan (MWMP);
- (c) Construction Traffic Management Plan (CTMP);
- (d) Landscape and Ecological Management Plan (LEMP); and
- (e) Public Rights of Way Management Plan (PRoWMP).

(3) For the avoidance of doubt, all pre-commencement operations must be carried out in accordance with the plans listed in sub-paragraph (2) unless otherwise agreed with the relevant planning authority or other discharging authority as may be appropriate to the relevant plan concerned, and in the case of the Construction Traffic Management Plan, the relevant highway authority.

#### *Approval and implementation of Drainage Management Plan*

5.—(1) No stage of the authorised development may be brought into operational use until, for that stage, a Drainage Management Plan (DMP), to address operational surface water management matters, has been submitted to and approved by the relevant highway authority.

(2) The operational use of each stage of the authorised development must be carried out in accordance with the approved Drainage Management Plan (DMP) referred to in sub-paragraph (1) or with any amended Drainage Management Plan (DMP) that may subsequently be approved by the relevant highway authority.

#### *Archaeology*

6.—(1) The authorised development must be undertaken in accordance with the Archaeological Framework Strategy and the Outline Written Scheme of Investigation (OWSI).

(2) No stage of the authorised development may commence until a Detailed Written Scheme of Investigation of areas of archaeological interest relevant to that stage (if any) as identified within the OWSI or identified through evaluation work as set out in the OWSI has been submitted to and approved by the County Archaeologist.

(3) Any detailed archaeological works must be carried out in accordance with the approved Detailed Written Scheme of Investigation for that stage.

(4) The Detailed Written Scheme of Investigation must be in accordance with the OWSI and must identify areas where archaeological works are required and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found and must include an implementation timetable.

### *Construction hours*

7.—(1) Subject to sub-paragraphs (2) ~~and to (34)~~, work may only take place between 0700 and 1900 Monday to Friday and between 0800 and 1700 on Saturdays, Sundays and Bank Holidays (the core working hours), unless otherwise approved by the relevant planning authority.

(2) No percussive piling operations may take place on Sundays and Bank Holidays.

(3) ~~(4)~~—The following operations may take place outside the core working hours referred to in sub-paragraph (1)—

- (a) trenchless crossing operations including beneath highways, railway lines, woodlands or watercourses;
- (b) the installation and removal of conductors, pilot wires and associated protective netting across highways, railway lines or watercourses;
- (c) the jointing of underground cables (save for the cutting of underground cables);
- (d) the completion of operations commenced during the core working hours which cannot safely be stopped;
- (e) any highway works requested by the highway authority to be undertaken on a Saturday, Sunday or a Bank Holiday or outside the core working hours;
- (f) the testing or commissioning of any electrical plant installed as part of the authorised development;
- (g) the completion of works delayed or held up by severe weather conditions which disrupted or interrupted normal construction activities;
- (h) activity necessary in the instance of an emergency where there is a risk to persons or property;
- (i) security monitoring; and
- (j) surveys.

(4) ~~(2)~~—The core working hours referred to in sub-paragraph (1) exclude start up and close down activities up to 1 hour either side of the core working hours.

### *Retention and removal of trees, woodlands and hedgerows*

8.—(1) Unless otherwise agreed with the relevant planning authority, no stage of the authorised development may commence until, for that stage, a plan showing the trees, groups of trees, woodlands and hedgerows to be retained and/or removed during that stage has been submitted to and approved by the relevant planning authority.

(2) The plan submitted under sub-paragraph (1) must include details of the location of the trees, groups of trees, woodlands and hedgerows to be removed during that stage of the authorised development.

(3) The plan submitted under sub-paragraph (1) must be in general accordance with the LEMP.

(4) All trees, groups of trees, woodlands and hedgerows shown on the relevant plan for that stage of the authorised development must be retained and/or removed in accordance with the relevant plan for that stage of the authorised development, unless otherwise approved by the relevant planning authority.

### *Reinstatement planting plan*

9.—(1) Unless otherwise agreed with the relevant planning authority, no stage of the authorised development may be brought into operational use until, for that stage, a reinstatement planting plan for trees, groups of trees, woodlands and hedgerows to be reinstated during that stage has been submitted to and approved by the relevant planning authority.

(2) The reinstatement planting plan submitted under sub-paragraph (1) must include a schedule of trees, hedgerows or other plants or seedlings to be planted, noting numbers, species, sizes and planting density of any proposed planting or seedlings.

(3) The reinstatement planting plan submitted under sub-paragraph (1) must be in general accordance with the LEMP.

### *Reinstatement planting plan— implementation, compliance and replacement planting*

10.—(1) Unless otherwise agreed with the relevant planning authority, all reinstatement planting works referred to in Requirement 9 must be implemented at the earliest opportunity and no later than by

the first available planting season after that part of the authorised development to which the reinstatement planting works apply is first brought into operational use.

(2) All reinstatement planting works referred to in Requirement 9 must be carried out in accordance with the relevant reinstatement planting plan for that stage of the authorised development, unless otherwise approved by the relevant planning authority.

(3) Any trees or hedgerows planted as part of an approved reinstatement planting plan that, within a period of 5 years after planting, are removed, die or become in the opinion of the relevant planning authority seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless otherwise approved by the relevant planning authority.

#### *Highway works*

11.—(1) No work to construct, alter or temporarily alter any new or existing means of access to a highway to be used by vehicular traffic may commence until written details of design, layout and reinstatement of that means of access has been submitted to and approved by the relevant highway authority.

(2) The highway accesses must be constructed and reinstated in accordance with the details approved under sub-paragraph (1).

(3) For the avoidance of doubt, all pre-commencement operations involving the construction or alteration of temporary accesses must be carried out in accordance with sub-paragraphs (1) and (2) unless otherwise agreed with the relevant highway authority

(4) ~~(2)~~ The undertaker must carry out road safety audits of the highway works authorised by this Order in accordance with Standard GG 119 Road Safety Audit (Revision 2) of the Department for Transport's Design Manual for Roads and Bridges or in accordance with any standard that supersedes that Standard and must, to the reasonable satisfaction of the highway authority, implement any recommendations to mitigate or remove road safety problems and defects identified in any such road safety audits arising out of the authorised development.

#### *Decommissioning*

12.—(1) In the event that, at some future date, the authorised development, or part of it, is to be decommissioned, a written scheme of decommissioning must be submitted for approval by the relevant planning authority at least six months prior to any decommissioning works.

(2) The approved scheme must be implemented as approved as part of the decommissioning of the authorised development or relevant part of it.

(3) This requirement does not apply to the part of the authorised development and associated development described in Schedule 1 (authorised development) which relates to the dismantling and removal of existing infrastructure or apparatus.

#### *Biodiversity Net Gain*

13.—(1) Unless otherwise agreed with the relevant planning authority, written evidence (in the form of the outputs of the biodiversity metric) demonstrating how at least ten per cent in biodiversity net gain is to be delivered as part of the authorised development must be submitted to the relevant planning authority no later than the date on which that part of the authorised development comprising the installation of new overhead transmission electric line and underground transmission electric line is first brought into operational use.

## SCHEDULE 4

Article 52

### DISCHARGE OF REQUIREMENTS

#### *Applications made under Requirements*

1.—(1) Where an application has been made to a relevant authority for any consent, agreement or approval required by a Requirement (including consent, agreement or approval in respect of part of a Requirement), the relevant authority must give notice to the undertaker of its decision on the application within a period of 28 days beginning with—

- (a) where no further information is requested under paragraph (2), the day immediately following that on which the application is received by the authority;
- (b) where further information is requested under paragraph (2), the day immediately following that on which further information has been supplied by the undertaker; or
- (c) such longer period as may be agreed in writing by the undertaker and the relevant authority.

(2) Subject to sub-paragraph (3), in the event that the relevant authority does not determine an application within the period set out in sub-paragraph (1), the relevant authority is taken to have granted all parts of the application (without any condition or qualification) at the end of that period.

(3) Where—

- (a) an application has been made to the relevant authority for any consent, agreement or approval required by a Requirement included in this Order;
- (b) the relevant authority does not determine such application within the period set out in sub-paragraph (1); and
- (c) the application is accompanied by a report that considers it likely that the subject matter of the application is to give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement,

then the application is taken to have been refused by the relevant authority at the end of that period.

#### *Further information*

2.—(1) Where an application has been made under paragraph 1 the relevant authority may request such reasonable further information from the undertaker as it considers is necessary to enable it to consider the application.

(2) If the relevant authority considers further information is necessary and the Requirement does not specify that consultation with a requirement consultee is required, the relevant authority must, within 3 business days of receipt of the application, notify the undertaker in writing specifying the further information required.

(3) If the Requirement specifies that consultation with a requirement consultee is required, the relevant authority must issue the consultation to the requirement consultee within 3 business days of receipt of the application and must notify the undertaker in writing specifying any further information requested by the requirement consultee within 3 business days of receipt of such a request and in any event within 21 business days of receipt of the application.

(4) If the relevant authority does not give the notification mentioned in sub-paragraphs (2) or (3) it is deemed to have sufficient information to consider the application and is not thereafter entitled to request further information without the prior agreement of the undertaker.

(5) Where further information is requested under this paragraph in relation to part only of an application, that part is treated as separate from the remainder of the application for the purposes of calculating the time periods referred to in paragraph 1 and in this paragraph.

#### *Fees*

3.—(1) Where an application is made to a relevant authority for any consent, agreement or approval required by a Requirement (including consent, agreement or approval in respect of part of a Requirement), a fee must be paid to the relevant authority as follows—

- (a) such fee as may be prescribed (under sections 303 and 333(2A) of the 1990 Act for the discharge of conditions attached to a planning permission); or

- (b) a fee of £116 per request.

#### *Appeals*

4. —(1) The undertaker may appeal if—

- (a) the relevant authority refuses an application for:
  - (i) any consent, agreement or approval required by a Requirement or any document referred to in any Requirement; or
  - (ii) any other consent, agreement or approval required under this Order, or grants it subject to conditions to which the undertaker objects;
- (b) having received a request for further information under paragraph 1(3) 2(3) the undertaker considers that either the whole or part of the specified information requested by the relevant authority is not necessary for consideration of the application; or
- (c) having received any further information requested, the relevant authority notifies the undertaker that the information provided is inadequate and requests additional information which the undertaker considers is not necessary for consideration of the application.

(2) The procedure for appeals is as follows—

- (a) the undertaker must within 6 weeks of the date of the notice of the decision or determination, or (where no determination has been made) expiry of the decision period under paragraph 1(1), submit to the Secretary of State a copy of the application submitted to the relevant authority and any supporting documents which the undertaker may wish to provide (“the appeal documents”);
- (b) the undertaker must on the same day provide copies of the appeal documents to the relevant authority and the requirement consultee (if applicable);
- (c) as soon as is practicable after receiving the appeals documents the Secretary of State must appoint a person to determine the appeal (“the appointed person”) and notify the appeal parties of the identity of the appointed person and the address to which all correspondence for the appointed person must be sent;
- (d) the relevant authority and the requirement consultee (if applicable) may submit any written representations in respect of the appeal to the appointed person within 10 business days beginning with the first day immediately following the date on which the appeal parties are notified of the appointment of the appointed person and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;
- (e) the appeal parties may make any counter-submissions to the appointed person within 10 business days beginning with the first day immediately following the date of receipt of written representations pursuant to sub-paragraph (d) above; and
- (f) the appointed person must make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable.

(3) If the appointed person considers that further information is necessary to consider the appeal, the appointed person must as soon as practicable notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information must be submitted.

(4) Any further information required pursuant to sub-paragraph (3) must be provided by the party from whom the information is sought to the appointed person and to the other appeal parties by the date specified by the appointed person.

(5) The appeal parties may submit written representations to the appointed person concerning matters contained in the further information.

(6) Any such representations must be submitted to the appointed person and made available to all appeal parties within 10 business days of the date mentioned in sub-paragraph (3).

#### *Outcome of appeals*

5. —(1) On an appeal under sub-paragraph (3), the appointed person may—

- (a) allow or dismiss the appeal; or

(b) reverse or vary any part of the decision of the relevant authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to the appointed person in the first instance.

(2) The appointed person may proceed to a decision on an appeal taking into account only such written representations as have been sent within the time limits prescribed or set by the appointed person under this paragraph.

(3) The appointed person may proceed to a decision even though no written representations have been made within those time limits if it appears to the appointed person that there is sufficient material to enable a decision to be made on the merits of the case.

(4) The decision of the appointed person on an appeal is final and binding on the parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.

(5) Any consent, agreement or approval given by the appointed person pursuant to this Schedule is deemed to be an approval for the purpose of Schedule 3 (Requirements) as if it had been given by the relevant authority.

(6) The relevant authority may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) does not affect or invalidate the effect of the appointed person's determination.

(7) Except where a direction is given pursuant to sub-paragraph (8) requiring the costs of the appointed person to be paid by the relevant authority, the reasonable costs of the appointed person must be met by the undertaker.

(8) On application by the relevant authority or the undertaker, the appointed person may give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid.

(9) In considering whether to make any such direction as to the costs of the appeal parties and the terms on which it is made, the appointed person must have regard to the Planning Practice Guidance published by the Department for Communities and Local Government (6<sup>th</sup> March 2014) or any circular or guidance which may from time to time replace it.

#### *Interpretation of Schedule 4*

**6. In this Schedule—**

“the appeal parties” means the relevant authority, the requirement consultee and the undertaker;

“relevant authority” means the body responsible for giving and consent, agreement or approval under this schedule or relevant owner of a watercourse, sewer or drain as may be appropriate to the consent, agreement or approval sought; and

“requirement consultee” means any body named in a Requirement which is the subject of an appeal as a body to be consulted by the relevant authority in discharging that Requirement.

SCHEDULE 5

Article 11

STREETS SUBJECT TO STREET WORKS

<i>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Streets subject to works</i>	<i>(3)</i> <i>Plan Reference</i>
Suffolk County Council	Bullen Lane	Sheet 1 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Burstall Hill	Sheets 1 and 2 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Church Hill	Sheet 2 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	A1071 (Back Road)	Sheets 3 and 6 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	A1071 (Hadleigh Road)	Sheet 4 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Washbrook Road	Sheet 4 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Lower Barn Road	Sheet 5 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Chattisham Lane	Sheet 5 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Mill Lane	Sheet 5 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	A1071 (Ipswich Road)	Sheet 6 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Duke Street	Sheet 7 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Clay Hill	Sheet 7 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Woodlands Road	Sheet 8 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Pond Hall Road	Sheets 8 and 9 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Clay Lane	Sheets 8 and 9 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	B1070 (Benton Street)	Sheet 10 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County	B1070 (Pipkin Hill)	Sheet 10 of the Access, Rights of

<i>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Streets subject to works</i>	<i>(3)</i> <i>Plan Reference</i>
Council		Way and Public Rights of Navigation Plans
Suffolk County Council	Layham Road	Sheet 10 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Overbury Hall Road	Sheet 11 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Rands Road	Sheets 11 and 12 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Pope's Green Lane	Sheet 12 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Millwood Road	Sheet 12 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Heath Road	Sheets 12 and 13 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Holt Road	Sheet 13 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Whitestreet Green	Sheets 13 and 14 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	B1068 (Stoke Road)	Sheet 15 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Brick Kiln Lane	Sheet 15 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	A134 (Colchester Road)	Sheets 15 and 16 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Nyland Road	Sheet 16 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Barracks Road	Sheets 16 and 17 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	The Street	Sheets 16 and 17 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Bures Road	Sheet 17 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Wormingford Road	Sheets 17 and 18 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	Dorking Tye	Sheets 17 and 19 of the Access, Rights of Way and Public Rights of Navigation Plans
Suffolk County Council	B1508 (Bures Road)	Sheet 20 of the Access, Rights of Way and Public Rights of Navigation

<i>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Streets subject to works</i>	<i>(3)</i> <i>Plan Reference</i>
		Plans
Essex County Council	Henny Road	Sheet 20 of the Access, Rights of Way and Public Rights of Navigation Plans
Essex County Council	Loshouse Farm Road	Sheet 21 of the Access, Rights of Way and Public Rights of Navigation Plans
Essex County Council	Losh House Lane	Sheet 21 of the Access, Rights of Way and Public Rights of Navigation Plans
Essex County Council	Twinstead Road	Sheets 21 and 27 of the Access, Rights of Way and Public Rights of Navigation Plans
Essex County Council	Lorkin's Lane	Sheets 21, 27, 28 and 29 of the Access, Rights of Way and Public Rights of Navigation Plans
Essex County Council	Clay Hill	Sheet 22 of the Access, Rights of Way and Public Rights of Navigation Plans
Essex County Council	Watery Lane	Sheet 22 of the Access, Rights of Way and Public Rights of Navigation Plans
Essex County Council	Green Lane	Sheet 23 of the Access, Rights of Way and Public Rights of Navigation Plans
Essex County Council	A131 (Sudbury Road)	Sheets 23 and 30 of the Access, Rights of Way and Public Rights of Navigation Plans
Essex County Council	Old Road	Sheets 23 and 26 of the Access, Rights of Way and Public Rights of Navigation Plans
Essex County Council	Rectory Lane	Sheet 24 of the Access, Rights of Way and Public Rights of Navigation Plans
Essex County Council	Hedingham Road	Sheet 24 of the Access, Rights of Way and Public Rights of Navigation Plans
Essex County Council	Church Road	Sheet 24 of the Access, Rights of Way and Public Rights of Navigation Plans
Essex County Council	Park Road	Sheet 26 of the Access, Rights of Way and Public Rights of Navigation Plans
Essex County Council	Henny Back Road	Sheets 27 and 28 of the Access, Rights of Way and Public Rights of Navigation Plans
Essex County Council	Moat Lane	Sheet 27 of the Access, Rights of Way and Public Rights of Navigation Plans
Essex County Council	Whitelands Road	Sheet 28 of the Access, Rights of Way and Public Rights of Navigation Plans
Essex County Council	Oak Road	Sheet 29 of the Access, Rights of Way and Public Rights of Navigation Plans

<i>(1)</i> <i>Authority</i>	<i>(2)</i> <i>Streets subject to works</i>	<i>(3)</i> <i>Plan Reference</i>
Essex County Council	Catley Cross	Sheet 29 of the Access, Rights of Way and Public Rights of Navigation Plans

SCHEDULE 6

Article 14

STREETS SUBJECT TO ALTERATION OF LAYOUT

PART 1

STREETS SUBJECT TO PERMANENT ALTERATION OF LAYOUT

**SUFFOLK COUNTY COUNCIL**

<i>(1)</i> <i>Street Subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration of layout as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>
Millwood Road	At access point D-DAP2 a permanent bellmouth will be created (as shown on Sheet 12) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
B1068 (Stoke Road)	At access point F-AP4 a permanent bellmouth will be created (as shown on Sheet 15) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
B1508 (Bures Road)	At access point G-AP3 a permanent bellmouth will be created (as shown on Sheet 20) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.

**ESSEX COUNTY COUNCIL**

<i>(1)</i> <i>Street Subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration of layout as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>
A131 (Sudbury Road)	At access point H-AP1 a permanent bellmouth will be created (as shown on Sheet 23) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Henny Back Road	At access point G-AP14 a permanent bellmouth will be created (as shown on Sheet 27) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.

## PART 2

### STREETS SUBJECT TO TEMPORARY ALTERATION OF LAYOUT

#### SUFFOLK COUNTY COUNCIL

<i>(1)</i> <i>Street Subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration of layout as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>
Bullen Lane	At access point AB-AP1 a temporary bellmouth will be created (as shown on Sheet 1) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Burstall Hill	At access points AB-AP2A and AB-AP2B, two temporary bellmouths will be created (as shown on Sheets 1 and 2) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Church Hill	At access point AB-AP3, AB-AP4, AB-AP5, three temporary bellmouths will be created (as shown on Sheet 2) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
A1071 (Back Road)	At access points AB-AP6, AB-AP7, AB-AP8, AB-EAP1 and AB-EAP2a, five temporary bellmouths will be created (as shown on Sheets 3 and 6) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
A1071 (Ipswich Road)	At access point AB-EAP2b a temporary bellmouth will be created (as shown on Sheet 6) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
A1071 (Hadleigh Road)	At access point AB-DAP1 a temporary bellmouth will be created (as shown on Sheet 4) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Washbrook Road	At access points AB-DAP2, AB-DAP3, two temporary bellmouths will be created (as shown on Sheet 4) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system,

<i>(1)</i> <i>Street Subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration of layout as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>
	where required.
Lower Barn Road	At access point AB-DAP4 a temporary bellmouth will be created (as shown on Sheet 5) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Mill Lane	At access point AB-DAP5 a temporary bellmouth will be created (as shown on Sheet 5) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Duke Street	At access point AB-DAP6 a temporary bellmouth will be created (as shown on Sheet 7) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Clay Hill	At access point AB-DAP7 a temporary bellmouth will be created (as shown on Sheet 7) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Pond Hall Road	At access points AB-DAP8, AB-AP9, AB-AP11, AB-AP12, AB-AP13, AB-AP17, six temporary bellmouths will be created (as shown on Sheets 7 to 9) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Woodlands Road	At access point AB-DAP9 a temporary bellmouth will be created (as shown on Sheet 8) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Clay Lane	At access points AB-DAP10, AB-AP15, AB-AP16, three temporary bellmouths will be created (as shown on Sheet 8) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
B1070 (Benton Street)	At access point C-AP1 a temporary bellmouth will be created (as shown on Sheet 10) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
B1070 (Pipkin Hill)	At access points C-AP2 and C-DAP1, two temporary bellmouths will be created (as shown

<i>(1)</i> <i>Street Subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration of layout as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>
	on Sheet 10) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Layham Road	At access points C-AP3, C-AP4, two temporary bellmouths will be created (as shown on Sheet 10) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Overbury Hall Road	At access points C-AP5, D-AP1, two temporary bellmouths will be created (as shown on Sheet 11) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Rands Road	At access points D-DAP1, D-AP2, two temporary bellmouths will be created (as shown on Sheet 11) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Millwood Road	At access points D-AP3, D-AP4, two temporary bellmouths will be created (as shown on Sheet 12) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Heath Road	At access points D-AP6, D-AP7, D-DAP2A, D-DAP3, four temporary bellmouths will be created (as shown on Sheet 12) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Holt Road	At access points D-AP8, E-AP1, two temporary bellmouths will be created (as shown on Sheet 13) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Whitestreet Green	At access points E-AP4, E-AP5, E-AP6, E-DAP2, E-DAP3, five temporary bellmouths will be created (as shown on Sheets 13 and 14) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Brick Kiln Lane	At access points E-AP8, F-DAP1, two temporary

<i>(1)</i> <i>Street Subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration of layout as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>
	bellmouths will be created (as shown on Sheet 15) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
B1068 (Stoke Road)	At access points E-AP7, E-DAP4, E-DAP5, F-AP1 and at points BM-1 and BM-2, six temporary bellmouths will be created (as shown on Sheet 15) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required. Note: points BM-1 and BM-2 have no associated construction traffic, they are only used as crossing points.
Colchester Road (A134)	At access points F-AP5, F-AP6, F-AP7, F-DAP2, four temporary bellmouths will be created (as shown on Sheets 15 and 16) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Nyland Road	At access points F-AP8, F-AP9, F-DAP3, three temporary bellmouths will be created (as shown on Sheet 16) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Bures Road	At access points F-AP10, F-AP12, F-AP13, F-DAP4, F-DAP5, five temporary bellmouths will be created (as shown on Sheet 17) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Wormingford Road	At access point F-AP11 a temporary bellmouth will be created (as shown on Sheet 17) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Dorking Tye	At access points F-AP14, G-AP1, G-AP2 three temporary bellmouths will be created (as shown on Sheets 17) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
B1508 (Bures Road)	At access points G-AP4, G-DAP1, G-DAP2, three temporary bellmouths will be created (as shown on Sheet 20) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface,

(1) <i>Street Subject to alteration of layout</i>	(2) <i>Description of alteration of layout as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>
	road markings, kerbing and a suitable drainage system, where required.

**ESSEX COUNTY COUNCIL**

(1) <i>Street Subject to alteration of layout</i>	(2) <i>Description of alteration of layout as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>
Henny Road	At access points G-AP5, G-AP6, G-DAP3, G-DAP4, four temporary bellmouths will be created (as shown on Sheet 20) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Losh House Lane	At access points G-AP9, G-AP13, two temporary bellmouths will be created (as shown on Sheet 21) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Twinstead Road	At access points G-DAP5, G-DAP6, G-DAP7, G-DAP8, four temporary bellmouths will be created (as shown on Sheets 21 and 27) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Lorkin's Lane	At access point G-AP10 a temporary bellmouth will be created (as shown on Sheets 21 and 27) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Clay Hill	At access point G-YLAP3 a temporary bellmouth will be created (as shown on Sheet 22) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Church Road	At access point G-YLAP4 a temporary bellmouth will be created (as shown on Sheet 22) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Watery Lane	At access point G-YLAP5 a temporary bellmouth will be created (as shown on Sheet 22) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.

<i>(1)</i> <i>Street Subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration of layout as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>
Rectory Lane	At access point H-YLAP2 a temporary bellmouth will be created (as shown on Sheet 24) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Church Road	At access points H-YLAP3, H-YLAP4, two temporary bellmouths will be created (as shown on Sheet 24) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Hedingham Road	At access points H-YLAP5, H-YLAP6, two temporary bellmouths will be created (as shown on Sheet 24) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Old Road	At access points H-AP3, H-AP4, H-AP5, H-AP6, H-AP7, H-YLAP1, six a temporary bellmouths will be created (as shown on Sheets 23 and 26) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Park Road	At access point H-AP8 a temporary bellmouths will be created (as shown on Sheet 26) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Moat Lane	At access points G-AP7, G-AP8, two temporary bellmouths will be created (as shown on Sheet 27) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Henny Back Road	At access points G-AP11, G-AP12, G-AP15, H-AP10, H-AP11, five temporary bellmouths will be created (as shown on Sheet 28) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Whitelands Road	At access points H-AP12, H-AP13, H-AP16 and H-AP17, four temporary bellmouths will be created (as shown on Sheet 29) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.

<i>(1)</i> <i>Street Subject to alteration of layout</i>	<i>(2)</i> <i>Description of alteration of layout as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>
Lorkin's Lane	At access points H-AP14, H-AP15, two temporary bellmouths will be created (as shown on Sheet 29) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Oak Road	At access points H-AP18, H-AP19, two temporary bellmouths will be created (as shown on Sheet 29) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.
Sudbury Road (A131)	At access point H-AP20 a temporary bellmouth will be created (as shown on Sheet 30) to enable access/egress with sufficient size to accommodate a HGV vehicle. Comprising the installation of a new road surface, road markings, kerbing and a suitable drainage system, where required.

SCHEDULE 7

Article 15

STREETS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP

PART 1

STREETS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP FOR WHICH A DIVERSION IS TO BE PROVIDED

<i>(1) Area</i>	<i>(2) Street or public right of way to be temporarily stopped up</i>	<i>(3) Extent of temporary stopping up as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>	<i>(4) Temporary diversion Route as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>
Suffolk County Council	W-155/001/0 (Bramford footpath 001)	Between points P-AB-1 and P-AB-1 as shown on Sheet 1	Between points P-AB-1 and P-AB-1 via line PD-AB-1 as shown on Sheet 1
Suffolk County Council	W-174/010/0 (Burstall footpath 010)	Between points P-AB-4 and P-AB-4 as shown on Sheets 1 and 2	Between points P-AB-4 and P-AB-4 via line PD-AB-4 as shown on Sheets 1 and 2
Suffolk County Council	W-174/011/0 (Burstall footpath 011)	Between points P-AB-5 and P-AB-5 as shown on Sheet 2	Between points P-AB-5 and P-AB-5 via line PD-AB-5 as shown on Sheet 2
Suffolk County Council	Burstall Hill, Ipswich Road and Church Hill	Between points SM-AB-3 and SM-AB-4 as shown on Sheet 2	Between points SM-AB-3 and SM-AB-4 via line SMD-AB-2 as shown on Sheets 1, 2 and Plan A
Suffolk County Council	W-318/031/0 (Hintlesham footpath 031)	Between points P-AB-8 and P-AB-8 as shown on Sheet 3	Between points P-AB-8 and P-AB-8 via line PD-AB-8 as shown on Sheet 3
Suffolk County Council	W-318/053/0 (Hintlesham footpath 053)	Between points P-AB-9 and P-AB-9 as shown on Sheet 3	Between points P-AB-9 and P-AB-9 via line PD-AB-9/10 as shown on Sheets 3 and 6
Suffolk County Council	W-318/055/0 (Hintlesham footpath 055)	Between points P-AB-10 and P-AB-10 as shown on Sheet 3	Between points P-AB-10 and P-AB-10 via line PD-AB-9/10 as shown on Sheets 3 and 6
Suffolk County Council	W-318/056/0 (Hintlesham footpath 056)	Between points P-AB-11 and P-AB-11 as shown on Sheet 6	Between points P-AB-11 and P-AB-11 via line PD-AB-11 as shown on Sheet 6
Suffolk County Council	W-318/068/0 (Hadleigh footpath 068)	Between points P-AB-14A and P-AB-14A as shown on Sheet 6	Between points P-AB-14A and P-AB-14A via line

<i>(1) Area</i>	<i>(2) Street or public right of way to be temporarily stopped up</i>	<i>(3) Extent of temporary stopping up as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>	<i>(4) Temporary diversion Route as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>
			PD-AB-14 as shown on Sheet 6
Suffolk County Council	W-289/046/0 (Hadleigh footpath 046)	Between points P-AB-14B and P-AB-14B as shown on Sheet 6	Between points P-AB-14B and P-AB-14B via line PD-AB-14 as shown on Sheet 6
Suffolk County Council	W-318/046/0 (Hintlesham footpath 046)	Between points P-AB-15 and P-AB-15 as shown on Sheet 6	Between points P-AB-15 and P-AB-15 via line PD-AB-15 as shown on Sheets 3, 6 and 8
Suffolk County Council	W-289/031/0 (Hadleigh footpath 031)	Between points P-AB-24 and P-AB-24 as shown on Sheets 9	Between points P-AB-24 and P-AB-24 via line PD-AB-24 as shown on Sheets 8 to 10 and Plan A
		Between points P-C-1 and P-C-1 as shown on Sheet 10	Between points P-C-1 and P-C-1 via line PD-C-1 as shown on Sheets 9, 10 and Plan A
Suffolk County Council	W-432/033/0 (Polstead footpath 033)	Between points P-D-1 and P-D-1 as shown on Sheet 12	Between points P-D-1 and P-D-1 via line PD-D-1 as shown on Sheet 12
Suffolk County Council	W-432/020/0 (Polstead footpath 020)	Between points P-E-3 and P-E-3 as shown on Sheet 14	Between points P-E-3 and P-E-3 via line PD-E-3 as shown on Sheet 14
Suffolk County Council	W-362/002/0 (Leavenheath footpath 002)	Between points P-F-1 and P-F-1 as shown on Sheet 15	Between points P-F-1 and P-F-1 via line PD-F-1 as shown on Sheet 15
Suffolk County Council	W-362/001/0 (Leavenheath footpath 001)	Between points P-F-3 and P-F-3 as shown on Sheet 15 and Plan A	Between points P-F-3 and P-F-3 via line PD-F-3 as shown on Sheet 15 and Plan A
Suffolk County Council	Washbrook Road	Between points SM-AB-9 and SM-AB-10 as shown on Sheet 4	Between points SM-AB-9 and SM-AB-10 via line SMD-AB-6 as shown on Sheet 4 and Plan A
Suffolk County Council	Lower Barn Road	Between points SM-AB-11 and SM-AB-12 as shown on Sheet 5	Between points SM-AB-11 and SM-AB-12 via line SMD-AB-7 as shown on Sheets 4, 5 and Plan A
Suffolk County Council	Mill Lane	Between points SM-AB-15 and SM-AB-16 as shown on Sheet 5	Between points SM-AB-15 and SM-AB-16 via line SMD-AB-9 as shown

<i>(1) Area</i>	<i>(2) Street or public right of way to be temporarily stopped up</i>	<i>(3) Extent of temporary stopping up as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>	<i>(4) Temporary diversion Route as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>
			on Sheets 4, 5 and Plan A
Suffolk County Council	Clay Hill	Between points SM-AB-19 and SM-AB-20 as shown on Sheet 7 and Plan A	Between points SM-AB-19 and SM-AB-20 via line SMD-AB-12 as shown on Sheets 3, 5, 7 and Plan A
Suffolk County Council	Woodlands Road	Between points SM-AB-22 and SM-AB-23 as shown on Sheet 8	Between points SM-AB-22 and SM-AB-23 via line SMD-AB-13 as shown on Sheets 7 to 9 and Plan A
Suffolk County Council	Clay Lane	Between points SM-AB-24 and SM-AB-27 as shown on Sheets 8 and 9	Between points SM-AB-24 and SM-AB-27 via line SMD-AB-14 as shown on Sheets 7 to 9 and Plan A
Suffolk County Council	Layham Road	Between points SM-C-3 and SM-C-5 as shown on Sheet 10	Between point SM-C-3 and SM-C-5 via line SMD-C-2 as shown on Sheets 10, 11 and Plan A
Suffolk County Council	Overbury Hall Road	Between points SM-C-8 and SM-D-1 as shown on Sheet 10	Between point SM-C-8 and SM-D-1 via line SMD-C-5 as shown on Sheets 10, 11 and Plan A
Suffolk County Council	Rands Road	Between points SM-D-1 and SM-D-2 as shown on Sheet 11	Between point SM-D-1 and SM-D-2 via line SMD-D-1 as shown on Sheets 11, 12 and Plan A
Suffolk County Council	Millwood Road	Between points SM-D-6 and SM-D-9 as shown on Sheet 12	Between point SM-D-6 and SM-D-9 via line SMD-D-4 as shown on Sheets 12, 13 and Plan A
Suffolk County Council	Millwood Road	Between points SM-D-6 and SM-D-7 as shown on Sheet 12	Between point SM-D-6 and SM-D-7 via line SMD-D-5 as shown on Sheet 12 and Plan A
Suffolk County Council	Heath Road	Between points SM-D-11 and SM-D-12 as shown on Sheets 12 and 13	Between point SM-D-11 and SM-D-12 via line SMD-D-9 as shown on Sheets 12, 13 and Plan A
Suffolk County Council	Holt Road	Between points SM-E-1 and SM-E-2 as shown on Sheet 13	Between points SM-E-1 and SM-E-2 via line SMD-E-1 as shown on

<i>(1) Area</i>	<i>(2) Street or public right of way to be temporarily stopped up</i>	<i>(3) Extent of temporary stopping up as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>	<i>(4) Temporary diversion Route as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>
			Sheets 13, 14 and Plan A
Suffolk County Council	Holt Road	Between points SM-E-3 and SM-E-4 as shown on Sheet 13	Between points SM-E-3 and SM-E-4 via line SMD-E-2 as shown on Sheets 13, 14 and Plan A
Suffolk County Council	Whitestreet Green	Between points SM-E-5 and SM-E-6 as shown on Sheets 13 and 14	Between points SM-E-5 and SM-E-6 via line SMD-E-3 as shown on Sheets 13, 14 and Plan A
Suffolk County Council	Brick Kiln Lane	Between points SM-F-3 and SM-F-4 as shown on Sheet 15	Between points SM-F-3 and SM-F-4 via line SMD-F-3 as shown on Sheets 15, 16 and Plan B
Suffolk County Council	Nyland Road	Between points SM-F-7 and SM-F-8 as shown on Sheet 16	Between points SM-F-7 and SM-F-8 via line SMD-F-5 as shown on Sheets 15, 16 and Plan B
Suffolk County Council	Barracks Road and The Street	Between points SM-F-9 and SM-F-10 as shown on Sheet 16	Between points SM-F-9 and SM-F-10 via line SMD-F-6 as shown on Sheet 16 and Plan B
Suffolk County Council	Barracks Road and Bures Road	Between points SM-F-9 and SM-F-11 as shown on Sheet 17	Between points SM-F-9 and SM-F-11 via line SMD-F-7 as shown on Sheets 16 to 18 and Plan B
Suffolk County Council	The Street and Bures Road	Between points SM-F-10 and SM-F-11 as shown on Sheet 17	Between points SM-F-10 and SM-F-11 via line SMD-F-8 as shown on Sheets 16 to 18 and Plan B
Suffolk County Council	Wormingford Road	Between points SM-F-11 and SM-F-12 as shown on Sheets 17 and 18	Between points SM-F-11 and SM-F-12 via line SMD-F-9 as shown on Sheets 16 to 18 and Plan B
Suffolk County Council	Bures Road	Between points SM-F-11 and SM-G-1 as shown on Sheet 17	Between points SM-F-11 and SM-G-1 via line SMD-F-10 as shown on Sheets 17, 18 and Plan B
Suffolk County Council	Dorking Tye	Between points SM-G-1 and SM-G-3 as shown on Sheets 17 and 19	Between points SM-G-1 and SM-G-3 via line SMD-G-2 as shown on Sheets 17 to 20 and Plan B
Suffolk County	W-171/001/0 (Bures St	Between points P-G-4 and	Between points P-G-4

<i>(1) Area</i>	<i>(2) Street or public right of way to be temporarily stopped up</i>	<i>(3) Extent of temporary stopping up as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>	<i>(4) Temporary diversion Route as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>
Council	Mary footpath 001)	P-G-4 as shown on Sheets 19 and 20	and P-G-4 via line PD-G-4 as shown on Sheets 19 and 20
Essex County Council	Henny Road	Between points SM-G-6 and SM-G-7 as shown on Sheet 20	Between points SM-G-6 and SM-G-7 via line SMD-G-4 as shown on Sheets 20, 21, 27 and Plan B
Essex County Council	FP 7 93	Between points P-G-5 and P-G-5 as shown on Sheet 27	Between points P-G-5 and P-G-5 via line PD-G-5 as shown on Sheet 27
Essex County Council	FP 26 58	Between points P-G-12 and P-G-12 as shown on Sheet 28	Between points P-G-12 and P-G-12 via line PD-G-12 as shown on Sheets 27 and 28
Essex County Council	FP 11 116	Between points P-G-17 and P-G-17 as shown on Sheets 28 and 29	Between points P-G-17 and P-G-17 via line PD-G-17 as shown on Sheets 28 and 29
Essex County Council	FP 17 118	Between points P-H-4 and P-H-4 as shown on Sheet 23	Between points P-H-4 and P-H-4 via line PD-H-4 as shown on Sheets 23 and 25
Essex County Council	FP 13 118	Between points P-H-5 and P-H-5 as shown on Sheet 25	Between points P-H-5 and P-H-5 via line PD-H-5 as shown on Sheets 23 and 25
Essex County Council	Twinstead Road	Between points SM-G-8 and SM-G-9 as shown on Sheets 21 and 27	Between points SM-G-8 and SM-G-9 via line SMD-G-5 as shown on Sheets 20, 21, 27 and Plan B
Essex County Council	Moat Lane	Between points SM-G-9 and SM-G-11 as shown on Sheet 27	Between points SM-G-9 and SM-G-11 via line SMD-G-6 as shown on Sheets 20, 21, 27 and Plan B
Essex County Council	Twinstead Road	Between points SM-G-9 and SM-G-13 as shown on Sheets 21 and 27	Between points SM-G-9 and SM-G-13 via line SMD-G-11 as shown on Sheets 20, 21, 27 and Plan B
Essex County Council	Loshouse Farm Road and Losh House Lane	Between points SM-G-13 and SM-G-15 as shown on Sheet 21	Between points SM-G-13 and SM-G-15 via line SMD-G-9 as shown on Sheets 20, 21, 27 and Plan B
Essex County Council	Henny Back Road	Between points SM-G-19 and SM-G-20 as shown on Sheets 27 and 28	Between points SM-G-19 and SM-G-20 via line SMD-G-13 as shown on Sheets 27 and

<i>(1) Area</i>	<i>(2) Street or public right of way to be temporarily stopped up</i>	<i>(3) Extent of temporary stopping up as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>	<i>(4) Temporary diversion Route as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>
			28
Essex County Council	Lorkin's Lane	Between points SM-H-4 and SM-H-5 as shown on Sheets 28 and 29	Between points SM-H-4 and SM-H-5 via line SMD-H-2 as shown on Sheets 22, 23, 25, 28, 29 and Plan B
Essex County Council	Twinstead Road	Between points SM-H-5 and SM-H-6 as shown on Sheet 29	Between points SM-H-5 and SM-H-6 via line SMD-H-3 as shown on Sheets 22, 23, 25, 28, 29 and Plan B
Essex County Council	Oak Road and Catley Cross	Between points SM-H-9 and SM-H-10 as shown on Sheet 29	Between points SM-H-9 and SM-H-10 via line SMD-H-5 as shown on Sheets 29, 30 and Plan B
Essex County Council	Old Road	Between points SM-H-17 and SM-H-18 as shown on Sheet 23	Between points SM-H-17 and SM-H-18 via line SMD-H-10 as shown on Sheets 23, 25 and 26
Essex County Council	Old Road	Between points SM-H-19 and SM-H-20 as shown on Sheets 23, 25 and 26	Between points SM-H-19 and SM-H-20 via line SMD-H-11 as shown on Sheets 23, 25 and 26
Essex County Council	Park Road	Between points SM-H-21 and SM-H-22 as shown on Sheet 26	Between points SM-H-21 and SM-H-22 via line SMD-H-12 as shown on Sheets 23, 25 and 26

## PART 2

### STREETS OR PUBLIC RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP FOR WHICH NO DIVERSION IS TO BE PROVIDED

<i>(1) Area</i>	<i>(2) Street or public right of way to be temporarily stopped up</i>	<i>(3) Extent of temporary stopping up as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>
Suffolk County Council	W-174/009/0 (Burstall bridleway 009)	Between points P-AB-2 and P-AB-2 as shown on Sheet 1
Suffolk County Council	W-174/012/0 (Burstall footpath 012)	Between points P-AB-3 and P-AB-3 as shown on Sheet 1
Suffolk County Council	W-318/014/0 (Hintlesham footpath 014)	Between points P-AB-6 and P-AB-6 as shown on Sheet 2

<i>(1) Area</i>	<i>(2) Street or public right of way to be temporarily stopped up</i>	<i>(3) Extent of temporary stopping up as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>
Suffolk County Council	Burstall Hill	Between points SM-AB-1 and SM-AB-2 as shown on Sheets 1 and 2
Suffolk County Council	Burstall Hill	Between points SM-AB-2 and SM-AB-3 as shown on Sheet 2
Suffolk County Council	Ipswich Road and Church Hill	Between points SM-AB-2 and SM-AB-4 as shown on Sheet 2
Suffolk County Council	W-318/032/0 (Hintlesham footpath 032)	Between points P-AB-7 and P-AB-7 as shown on Sheet 3
Suffolk County Council	W-318/048/0 (Hintlesham footpath 048)	Between points P-AB-12 and P-AB-12 as shown on Sheet 3
Suffolk County Council	W-318/057/0 (Hintlesham footpath 057)	Between points P-AB-13 and P-AB-13 as shown on Sheet 6
Suffolk County Council	W-318/019/0 (Hintlesham footpath 019)	Between points P-AB-16 and P-AB-16 as shown on Sheet 4
Suffolk County Council	W-185/006/0 (Chattisham footpath 006)	Between points P-AB-17 and P-AB-17 as shown on Sheet 5
Suffolk County Council	W-185/004/0 (Chattisham footpath 004)	Between points P-AB-18 and P-AB-18 as shown on Sheet 5
Suffolk County Council	W-185/002/0 (Chattisham footpath 002)	Between points P-AB-19 and P-AB-19 as shown on Sheet 5
Suffolk County Council	W-318/041/0 (Hintlesham footpath 041)	Between points P-AB-20 and P-AB-20 as shown on Sheet 7
Suffolk County Council	W-318/042/0 (Hintlesham footpath 042)	Between points P-AB-21 and P-AB-21 as shown on Sheet 7
Suffolk County Council	W-318/044/0 (Hintlesham footpath 044)	Between points P-AB-22 and P-AB-22 as shown on Sheets 7 and 8
Suffolk County Council	W-318/045/0 (Hintlesham footpath 045)	Between points P-AB-23 and P-AB-23 as shown on Sheet 8
Suffolk County Council	W-289/030/0 (Hadleigh footpath 030)	Between points P-AB-25 and P-AB-25 as shown on Sheet 9
Suffolk County Council	Hadleigh Railway Walk	Between points P-AB-26 and P-AB-26 as shown on Sheet 9
Suffolk County Council	W-432/033/0 (Polstead footpath 033)	Between points P-D-1 and P-D-1 as shown on Sheet 12
Suffolk County Council	W-432/032/0 (Polstead footpath 032)	Between points P-D-2 and P-D-2 as shown on Sheet 13
Suffolk County Council	W-432/013/X (Polstead footpath 013X)	Between points P-E-1 and P-E-1 as shown on Sheet 13
Suffolk County Council	W-432/008/0 (Polstead footpath 008)	Between points P-E-2 and P-E-2 as shown on Sheet 13
Suffolk County Council	W-432/020/0 (Polstead footpath 020)	Between points P-E-3 and P-E-3 as shown on Sheet 14
Suffolk County Council	W-362/002/0 (Leavenheath footpath 002)	Between points P-F-1 and P-F-1 as shown on Sheet 15
Suffolk County Council	W-362/002/0 (Leavenheath footpath 002)	Between points P-F-2 and P-F-2 as shown on Sheet 15
Suffolk County Council	W-362/001/0 (Leavenheath footpath 001)	Between points P-F-3 and P-F-3 as shown on Sheet 15
Suffolk County Council	W-113/007/0 (Assington restricted byway 007)	Between points P-F-4 and P-F-4 as shown on Sheet 17

<i>(1) Area</i>	<i>(2) Street or public right of way to be temporarily stopped up</i>	<i>(3) Extent of temporary stopping up as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>
Suffolk County Council	W-113/005/0 (Assington footpath 005)	Between points P-F-5 and P-F-5 as shown on Sheet 17
Suffolk County Council	W-113/001/0 (Assington restricted byway 001)	Between points P-G-1 and P-G-1 as shown on Sheet 17
Suffolk County Council	W-171/002/X (Bures St Mary restricted byway 002X)	Between points P-G-2 and P-G-2 as shown on Sheet 19
Suffolk County Council	W-171/002/0 (Bures St Mary footpath 002)	Between points P-G-3 and P-G-3 as shown on Sheet 19
Essex County Council	W-171/001/0 (Bures St Mary footpath 001)	Between points P-G-4 and P-G-4 as shown on Sheets 19 and 20
Suffolk County Council	A1071 (Back Road) and A1071 (Ipswich Road)	Between points SM-AB-5 and SM-AB-6 as shown on Sheets 3 and 6
Suffolk County Council	A1071 (Thorpe's Hill)	Between points SM-AB-7 and SM-AB-8 as shown on Sheet 4
Suffolk County Council	Chattisham Lane	Between points SM-AB-13 and SM-AB-14 as shown on Sheet 5
Suffolk County Council	Duke Street	Between points SM-AB-17 and SM-AB-18 as shown on Sheet 7
Suffolk County Council	Pond Hall Road	Between points SM-AB-19 and SM-AB-21 as shown on Sheets 7 and 8
Suffolk County Council	Pond Hall Road	Between points SM-AB-25 and SM-AB-27 as shown on Sheet 9
Suffolk County Council	Pond Hall Road	Between points SM-AB-26 and SM-AB-27 as shown on Sheet 9
Suffolk County Council	B1070 (Benton Street) and B1070 (Pipkin Hill)	Between points SM-C-1 and SM-C-2 as shown on Sheet 10
Suffolk County Council	Church Lane	Between points SM-C-4 and SM-C-5 as shown on Sheet 10
Suffolk County Council	Overbury Hall Road	Between points SM-C-5 and SM-C-6 as shown on Sheet 10
Suffolk County Council	Overbury Hall Road	Between points SM-C-8 and SM-D-1 as shown on Sheet 10
Suffolk County Council	Pope's Green Lane	Between points SM-D-3 and SM-D-4 as shown on Sheet 12
Suffolk County Council	B1068 (Stoke Road)	Between points SM-F-1 and SM-F-3 as shown on Sheet 15
Suffolk County Council	B1068 (Stoke Road)	Between points SM-F-2 and SM-F-3 as shown on Sheet 15
Suffolk County Council	A134 (Colchester Road)	Between points SM-F-5 and SM-F-6 as shown on Sheets 15 and 16
Suffolk County Council	Dorking Tye	Between points SM-G-1 and SM-G-2 as shown on Sheet 18
Suffolk County Council	B1508 (Bures Road)	Between points SM-G-4 and SM-G-5 as shown on Sheet 20
Essex County Council	FP 7 93	Between points P-G-5 and P-G-5 as shown on Sheet 27
Essex County Council	FP 5 93	Between points P-G-6 and P-G-6 as shown on Sheet 21
Essex County Council	FP 22 84	Between points P-G-7 and P-G-7 as shown on Sheet 21

<i>(1) Area</i>	<i>(2) Street or public right of way to be temporarily stopped up</i>	<i>(3) Extent of temporary stopping up as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>
Essex County Council	FP 23 84	Between points P-G-8 and P-G-8 as shown on Sheet 21
Essex County Council	FP 24 84	Between points P-G-9 and P-G-9 as shown on Sheet 21
Essex County Council	FP 17 116	Between points P-G-10 and P-G-10 as shown on Sheet 21
Essex County Council	FP 16 116	Between points P-G-11 and P-G-11 as shown on Sheet 21
Essex County Council	BR 13 84	Between points P-G-13 and P-G-13 as shown on Sheet 22
Essex County Council	BR 15 116	Between points P-G-14 and P-G-14 as shown on Sheet 22
Essex County Council	FP 16 116	Between points P-G-15 and P-G-15 as shown on Sheet 22
Essex County Council	FP 2 116	Between points P-G-16 and P-G-16 as shown on Sheet 22
Essex County Council	FP 11 116	Between points P-G-17 and P-G-17 as shown on Sheets 28 and 29
Essex County Council	FP 20 84	Between points P-H-1 and P-H-1 as shown on Sheet 22
Essex County Council	BR 1 116	Between points P-H-2 and P-H-2 as shown on Sheet 23
Essex County Council	BR 18 84	Between points P-H-3 and P-H-3 as shown on Sheet 23
Essex County Council	BR 14 69	Between points P-H-6 and P-H-6 as shown on Sheet 23
Essex County Council	BR 28 116	Between points P-H-7 and P-H-7 as shown on Sheet 23
Essex County Council	FP 18 69	Between points P-H-8 and P-H-8 as shown on Sheet 24
Essex County Council	FP 13 118	Between points P-H-9 and P-H-9 as shown on Sheet 24
Essex County Council	Moat Lane	Between points SM-G-10 and SM-G-11 as shown on Sheet 27
Essex County Council	Henny Back Road	Between points SM-G-11 and SM-G-12 as shown on Sheet 27
Essex County Council	Lorkin's Lane	Between points SM-G-13 and SM-G-14 as shown on Sheets 21 and 27
Essex County Council	Clay Hill	Between points SM-G-16 and SM-G-17 as shown on Sheet 22
Essex County Council	Watery Lane	Between points SM-G-18 and SM-H-3 as shown on Sheet 22
Essex County Council	Henny Back Road	Between points SM-G-19 and SM-G-20 as shown on Sheets 27 and 28
Essex County Council	Whitelands Road	Between points SM-G-21 and SM-G-22 as shown on Sheet 28
Essex County Council	Bishops Lane	Between points SM-G-23 and SM-G-24 as shown on Sheet 28
Essex County Council	Twinstead Road	Between points SM-G-25 and SM-H-5 as shown on Sheet 29

<i>(1) Area</i>	<i>(2) Street or public right of way to be temporarily stopped up</i>	<i>(3) Extent of temporary stopping up as shown on the Access, Rights of Way and Public Rights of Navigation Plans</i>
Essex County Council	Church Road	Between points SM-H-1 and SM-H-2 as shown on Sheet 22
Essex County Council	Lorkin's Lane	Between points SM-H-4 and SM-H-5 as shown on Sheets 28 and 29
Essex County Council	Twinstead Road	Between points SM-H-5 and SM-H-6 as shown on Sheet 29
Essex County Council	Oak Road and Catley Cross	Between points SM-H-9 and SM-H-10 as shown on Sheet 29
Essex County Council	Pebmarsh Road	Between points SM-H-7 and SM-H-8 as shown on Sheet 29
Essex County Council	Oak Road	Between points SM-H-8 and SM-H-10 as shown on Sheet 29
Essex County Council	A131 (Sudbury Road)	Between points SM-H-11 and SM-H-12 as shown on Sheet 30
Essex County Council	Green Lane and Old Road	Between points SM-H-13 and SM-H-14 as shown on Sheet 23
Essex County Council	A131 (Sudbury Road)	Between points SM-H-15 and SM-H-16 as shown on Sheet 23
Essex County Council	Rectory Lane	Between points SM-H-25 and SM-H-26 as shown on Sheet 24
Essex County Council	Church Road	Between points SM-H-27 and SM-H-28 as shown on Sheet 24
Essex County Council	Hedingham Road	Between points SM-H-29 and SM-H-30 as shown on Sheet 24

SCHEDULE 8  
ACCESS TO WORKS

Article 16

**SUFFOLK COUNTY COUNCIL**

<i>(1)</i> <i>Street</i>	<i>(2)</i> <i>Access to works reference</i>	<i>(3)</i> <i>Plan Reference</i>
Bullen Lane	Access AB-AP1	Sheet 1 of the Access, Rights of Way and Public Rights of Navigation Plans
Burstall Hill	Access AB-AP2A	Sheets 1 and 2 of the Access, Rights of Way and Public Rights of Navigation Plans
Church Hill	Access AB-AP3, Access AB-AP4, Access AB-AP5	Sheet 2 of the Access, Rights of Way and Public Rights of Navigation Plans
A1071 (Back Road)	Access AB-AP6, Access AB-AP7, Access AB-AP8, Access AB-EAP1, Access AB-EAP2a	Sheets 3 and 6 of the Access, Rights of Way and Public Rights of Navigation Plans
A1071 (Hadleigh Road)	Access AB-DAP1	Sheet 4 of the Access, Rights of Way and Public Rights of Navigation Plans
Washbrook Road	Access AB-DAP2, Access AB-DAP3	Sheet 4 of the Access, Rights of Way and Public Rights of Navigation Plans
Lower Barn Road	Access AB-DAP4	Sheet 5 of the Access, Rights of Way and Public Rights of Navigation Plans
Mill Lane	Access AB-DAP5	Sheet 5 of the Access, Rights of Way and Public Rights of Navigation Plans
A1071 (Ipswich Road)	Access AB-EAP-2b	Sheet 6 of the Access, Rights of Way and Public Rights of Navigation Plans
Duke Street	Access AB-DAP6	Sheet 7 of the Access, Rights of Way and Public Rights of Navigation Plans
Clay Hill	Access AB-DAP7	Sheet 7 of the Access, Rights of Way and Public Rights of Navigation Plans
Pond Hall Road	Access AB-DAP8, Access AB-AP9, Access AB-AP11, Access AB-AP12, Access AB-AP13, Access AB-AP17	Sheets 7 to 9 (inclusive) of the Access, Rights of Way and Public Rights of Navigation Plans
Woodlands Road	Access AB-DAP9	Sheet 8 of the Access, Rights of Way and Public Rights of Navigation Plans
Clay Lane	Access AB-DAP10, Access AB-AP15, Access AB-AP16	Sheet 8 of the Access, Rights of Way and Public Rights of Navigation Plans
B1070 (Benton Street)	Access C-AP1	Sheet 10 of the Access, Rights of Way and Public Rights of Navigation Plans
B1070 (Pipkin Hill)	Access C-AP2, Access C-DAP1	Sheet 10 of the Access, Rights of

<i>(1)</i> <i>Street</i>	<i>(2)</i> <i>Access to works reference</i>	<i>(3)</i> <i>Plan Reference</i>
		Way and Public Rights of Navigation Plans
Layham Road	Access C-AP3, Access C-AP4	Sheet 10 of the Access, Rights of Way and Public Rights of Navigation Plans
Overbury Hall Road	Access C-AP5, Access D-AP1	Sheet 11 of the Access, Rights of Way and Public Rights of Navigation Plans
Rands Road	Access D-DAP1, Access D-AP2	Sheet 11 of the Access, Rights of Way and Public Rights of Navigation Plans
Millwood Road	Access D-DAP2, Access D-AP3, Access D-AP4, Access D-EAP1	Sheet 12 of the Access, Rights of Way and Public Rights of Navigation Plans
Heath Road	Access D-AP6, Access D-AP7, Access D-DAP2A, Access D-DAP3	Sheet 12 of the Access, Rights of Way and Public Rights of Navigation Plans
Holt Road	Access D-AP8, Access E-AP1	Sheet 13 of the Access, Rights of Way and Public Rights of Navigation Plans
Whitestreet Green	Access E-AP4, Access E-AP5, Access E-AP6 Access E-DAP2, Access E-DAP3	Sheets 13 and 14 of the Access, Rights of Way and Public Rights of Navigation Plans
Brick Kiln Lane	Access E-AP8, Access F-DAP1	Sheet 15 of the Access, Rights of Way and Public Rights of Navigation Plans
B1068 (Stoke Road)	Access E-AP7, Access E-DAP4, Access E-DAP5, Access F-AP1, Access F-AP4	Sheet 15 of the Access, Rights of Way and Public Rights of Navigation Plans
A134 (Colchester Road)	Access F-AP5, Access F-AP6, Access F-AP7, Access F-DAP2,	Sheets 15 and 16 of the Access, Rights of Way and Public Rights of Navigation Plans
Nyland Road	Access F-AP8, Access F-AP9, Access F-DAP3,	Sheet 16 of the Access, Rights of Way and Public Rights of Navigation Plans
Bures Road	Access F-AP10, Access F-AP12, Access F-AP13, Access F-DAP4, Access F-DAP5	Sheet 17 of the Access, Rights of Way and Public Rights of Navigation Plans
Wormingford Road	Access F-AP11	Sheet 17 of the Access, Rights of Way and Public Rights of Navigation Plans
Dorking Tye	Access F-AP14, Access G-AP1, Access G-AP2	Sheet 17 of the Access, Rights of Way and Public Rights of Navigation Plans
B1508 (Bures Road)	Access G-AP3, Access G-AP4, Access G-DAP1, Access G-DAP2	Sheet 20 of the Access, Rights of Way and Public Rights of Navigation Plans

**ESSEX COUNTY COUNCIL**

<i>(1)</i> <i>Street</i>	<i>(2)</i> <i>Access to works reference</i>	<i>(3)</i> <i>Plan Reference</i>
Henny Road	Access G-AP5, Access G-AP6, Access G-DAP3, Access G-DAP4	Sheet 20 of the Access, Rights of Way and Public Rights of Navigation Plans

<i>(1) Street</i>	<i>(2) Access to works reference</i>	<i>(3) Plan Reference</i>
Losh House Lane	Access G-AP9, Access G-AP13	Sheet 21 of the Access, Rights of Way and Public Rights of Navigation Plans
Twinstead Road	Access G-DAP5, Access G-DAP6, Access G-DAP7, Access G-DAP8	Sheets 21 and 27 of the Access, Rights of Way and Public Rights of Navigation Plans
Lorkin's Lane	Access G-AP10	Sheets 21 and 27 of the Access, Rights of Way and Public Rights of Navigation Plans
Clay Hill	Access G-YLAP3	Sheet 22 of the Access, Rights of Way and Public Rights of Navigation Plans
Church Road	Access G-YLAP4	Sheet 22 of the Access, Rights of Way and Public Rights of Navigation Plans
Watery Lane	Access G-YLAP5	Sheet 22 of the Access, Rights of Way and Public Rights of Navigation Plans
A131 (Sudbury Road)	Access H-AP1, Access H-AP2	Sheet 23 of the Access, Rights of Way and Public Rights of Navigation Plans
Rectory Lane	Access, H-YLAP2	Sheet 24 of the Access, Rights of Way and Public Rights of Navigation Plans
Church Road	Access, H-YLAP3, Access H-YLAP4	Sheet 24 of the Access, Rights of Way and Public Rights of Navigation Plans
Hedingham Road	Access, H-YLAP5, Access H-YLAP6	Sheet 24 of the Access, Rights of Way and Public Rights of Navigation Plan
Old Road	Access H-AP3, Access H-AP4, Access H-AP5, Access H-AP6, Access H-AP7, Access, H-YLAP1	Sheets 23 and 26 of the Access, Rights of Way and Public Rights of Navigation Plans
Park Road	Access H-AP8	Sheet 26 of the Access, Rights of Way and Public Rights of Navigation Plans
School Road	Access H-AP9	Sheet 26 of the Access, Rights of Way and Public Rights of Navigation Plan
Moat Lane	Access G-AP7, Access G-AP8	Sheet 27 of the Access, Rights of Way and Public Rights of Navigation Plans
Henny Back Road	Access G-AP10, Access G-AP11, Access G-AP12, Access G-AP14, Access H-AP10, Access H-AP11	Sheets 27 and 28 of the Access, Rights of Way and Public Rights of Navigation Plans
Whitelands Road	Access H-AP12, Access H-AP13, Access H-AP16, Access H-AP17,	Sheets 28 and 29 of the Access, Rights of Way and Public Rights of Navigation Plans
Lorkin's Lane	Access H-AP14, Access H-AP15	Sheet 29 of the Access, Rights of Way and Public Rights of Navigation Plans
Oak Road	Access H-AP18, Access H-AP19	Sheet 29 of the Access, Rights of Way and Public Rights of Navigation Plans
A131 (Sudbury Road)	Access H-AP20	Sheet 30 of the Access, Rights of

<i>(1)</i> <i>Street</i>	<i>(2)</i> <i>Access to works reference</i>	<i>(3)</i> <i>Plan Reference</i>
		Way and Public Rights of Navigation Plans

## MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS

### Compensation enactments

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land apply, with the necessary modifications as respects compensation, in the case of a compulsory acquisition under this Order of a right, by the creation of a new right or imposition of a restriction as they apply as respects compensation on the compulsory purchase of land and interests in land.

2. —(1) Without limitation on the scope of paragraph 1, the Land Compensation Act 1973(a) has effect subject to the modifications set out in sub-paragraph (2).

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 of the 1965 Act as substituted by paragraph 5—

- (a) for “land is acquired or taken from” substitute “a right or restrictive covenant over land is purchased from or imposed on”; and
- (b) for “acquired or taken from him” substitute “over which the right is exercisable or the restrictive covenant enforceable”.

3. —(1) Without limitation on the scope of paragraph 1, the 1961 Act has effect subject to the modification set out in sub-paragraph (2).

(2) For Section 5A(5A) (relevant valuation date) of the 1961 Act, after “If” substitute—

- (a) the acquiring authority enters on land for the purpose of exercising a right in pursuance of a notice of entry under section 11(1) of the 1965 Act;
- (b) the acquiring authority is subsequently required by a determination under paragraph 13 of Schedule 2A to the 1965 Act (as substituted by paragraph 11 of Schedule 9 to the National Grid (Bramford to Twinstead Reinforcement) Order 20[xx] to acquire an interest in the land; and
- (c) the acquiring authority enters on and takes possession of that land, the authority is deemed for the purposes of subsection (3)(a) to have entered on that land when it entered on that land for the purpose of exercising that right.

### Application of the 1965 Act

4. —(1) The 1965 Act has effect with the modifications necessary to make it apply to the compulsory acquisition under this Order of a right by the creation of a new right, or to the imposition under this Order of a restrictive covenant, as it applies to the compulsory acquisition under this Order of land, so that, in appropriate contexts, references in that Act to land must be read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired, or the restriction imposed or to be imposed; or
- (b) the land over which the right is or is to be exercisable, or the restriction is or is to be enforceable.

(2) Without limitation on the scope of sub-paragraph (1), Part 1 of the 1965 Act applies in relation to the compulsory acquisition under this Order of a right by the creation of a new right or, in relation to the imposition of a restriction, with the modifications specified in the following provisions of this Schedule.

(3) Section 4 (time limit for giving notice to treat) is omitted.

(4) In section 4A(1) (extension of time limit during challenge)—

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(a) 1973 c. 26.

- (a) for “section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order)” substitute “section 118 of the Planning Act 2008 (legal challenges relating to applications for orders granting development consent”); and
- (b) for “the three year period mentioned in section 4” substitute “the five year period mentioned in article 33 of the National Grid (Bramford to Twinstead Reinforcement) Order 20[xx]”.

5. For section 7 of the 1965 Act (measure of compensation in case of severance) substitute—

7. In assessing the compensation to be paid by the acquiring authority under this Act, regard must be had not only to the extent (if any) to which the value of the land over which the right is to be acquired or the restrictive covenant is to be imposed is depreciated by the acquisition of the right or the imposition of the covenant but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.

6. The following provisions of the 1965 Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), that is to say—

- (a) section 9(4) (failure by owners to convey);
- (b) paragraph 10(3) of Schedule 1 (owners under incapacity);
- (c) paragraph 2(3) of Schedule 2 (absent and untraced owners); and
- (d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

are modified to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be compulsorily acquired or the restrictive covenant which is to be imposed is vested absolutely in the acquiring authority.

7. Section 11(a) of the 1965 Act (powers of entry) is modified to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right or restriction, it has power, exercisable in equivalent circumstances and subject to equivalent conditions, to enter for the purpose of exercising that right or enforcing that restrictive covenant (which is deemed for this purpose to have been created on the date of service of the notice); and sections 12(b) (penalty for unauthorised entry) and 13(c) (entry on warrant in the event of obstruction) of the 1965 Act are modified correspondingly.

8. Section 20(d) of the 1965 Act (protection for interests of tenants at will, etc.) applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition under this Order of that land, but taking into account only the extent (if any) of such interference with such an interest as is actually caused, or likely to be caused, by the exercise of the right or the enforcement of the restrictive covenant in question.

9. Section 22 of the 1965 Act (interests omitted from purchase) is modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired or to enforce the restriction imposed, subject to compliance with that section as respects compensation.

10. In section 22(2) (expiry of time limit for exercise of compulsory purchase power not to affect acquisition of interests omitted from purchase) for “section 4 of this Act” substitute “article 33 of the National Grid (Bramford to Twinstead Reinforcement) Order 20[xx]”.

11. For Schedule 2A of the 1965 Act substitute—

- (a) Section 11 was amended by Schedule 4 to the Acquisition of Land Act 1981 (c. 67, sections 186, 187 and 188 of, and Schedules 14 and 16 to, the Housing and Planning Act 2016 (c.22), and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No.1) and S.I. 2009/1307.
- (b) Section 12 was amended by paragraph 4 of Schedule 16 to the Housing and Planning Act 2016 (c.22).
- (c) Section 13 was amended by section 139(4) to (9) of, and paragraph 28 of Schedule 13 and paragraph 1 of Schedule 23 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).
- (d) Section 20 was amended by paragraph 4 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34) and S.I. 2009/1307.

## SCHEDULE 2A

### COUNTER-NOTICE REQUIRING PURCHASE OF LAND

#### *Introduction*

1. This Schedule applies where an acquiring authority serves a notice to treat in respect of a right over, or restrictive covenant affecting, the whole or part of a house, building or factory and have not executed a general vesting declaration under section 4 of the 1981 Act as applied by article 35 (application of the Compulsory Purchase (Vesting Declarations) Act 1981) of the National Grid (Bramford to Twinstead Reinforcement) Order 20[xx] in respect of the land to which the notice to treat relates.

2. In this Schedule, “house” includes any park or garden belonging to a house.

#### *Counter-notice requiring purchase of land*

3. A person who is able to sell the house, building or factory (“the owner”) may serve a counter-notice requiring the authority to purchase the owner’s interest in the house, building or factory.

4. A counter-notice under paragraph 3 must be served within the period of 28 days beginning with the day on which the notice to treat was served.

#### *Response to counter-notice*

5. On receiving a counter-notice, the acquiring authority must decide whether to—

- (a) withdraw the notice to treat,
- (b) accept the counter-notice, or
- (c) refer the counter-notice to the Upper Tribunal.

6. The authority must serve notice of its decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served (“the decision period”).

7. If the authority decides to refer the counter-notice to the Upper Tribunal it must do so within the decision period.

8. If the authority does not serve notice of a decision within the decision period it is to be treated as if it had served notice of a decision to withdraw the notice to treat at the end of that period.

9. If the authority serves notice of a decision to accept the counter-notice, the compulsory purchase order and the notice to treat are to have effect as if they included the owner’s interest in the house, building or factory.

#### *Determination by Upper Tribunal*

10. On referral under paragraph 7, the Upper Tribunal must determine whether the acquisition of the right or the imposition of the restrictive covenant would—

- (a) in the case of a house, building or factory, cause medical detriment to the house, building or factory, or
- (b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.

11. In making its determination, the Upper Tribunal must take into account—

12. If the Upper Tribunal determines that the acquisition of the right or the imposition of the covenant would have either of the consequences described in paragraph 10, it must determine how much of the house, building or factory the authority ought to be required to take.

**13.** If the Upper Tribunal determines that the authority ought to be required to take some or all of the house, building or factory, the compulsory purchase order and the notice to treat are to have effect as if they included the owner's interest in that land.

**14.**—(1) If the Upper Tribunal determines that the authority ought to be required to take some or all of the house, building or factory, the authority may at any time within the period of 6 weeks beginning with the day on which the Upper Tribunal make its determination withdraw the notice to treat in relation to that land.

(2) If the acquiring authority withdraws the notice to treat under this paragraph they must pay the person on whom the notice was served compensation for any loss or expense caused by the giving and withdrawal of the notice.

**15.** Any dispute as to the compensation is to be determined by the Upper Tribunal.

**12.** In this Schedule, references to entering on and taking possession of land do not include doing so under articles 20 (protective works), 26 (temporary use of land by National Grid) or 28 (temporary use of land for maintaining the authorised development) of this Order.

## SCHEDULE 10

Articles 26 and 27

### LAND OF WHICH ONLY TEMPORARY POSSESSION MAY BE TAKEN

<i>(1)</i> Plot number of land shown on Land Plan	<i>(2)</i> Purpose for which temporary possession may be taken	<i>(3)</i> Relevant part of the authorised development	<i>(4)</i> Element of Work in respect of which land is not required to be reinstated
1-05	Temporary use for access	Work No. 1 and Work No. 2	
1-07, 1-09, 1-15, 1-21, 1-23, 1-24, 1-25, 1-27	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 1 and Work No. 2	1-07 – removal of pylon foundations only to a depth of 1.5m 1-09 – planting 1-21 – removal of pylon foundations only to a depth of 1.5m 1-15 – planting
2-03	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 1 and Work No. 2	
2-11, 2-24, 2-35, 2-36, 2-38, 2-39, 2-42, 2-44	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 1 and Work No. 2	2-24 – planting 2-38 – planting 2-42 – planting 2-44 – planting
3-03, 3-07, 3-08	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 1 and Work No. 2	3-08 – planting
3-01, 3-02	Temporary use for access	Work No. 1 and Work No. 2	
3-11, 3-12, 3-51, 3-52, 3-53, 3-55, 3-57, 3-58, 3-60, 3-62, 3-63, 3-64, 3-67, 3-68, 3-69, 3-70, 3-71, 3-73, 3-74, 3-78, 3-80, 3-81, 3-82, 3-83, 3-87, 3-88, 3-96, 3-99, 3-106, 3-108, 3-109, 3-110,	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No 1 and Work No. 2	3-11 – planting 3-12 – planting 3-51 – planting 3-53 – planting 3-55 – planting 3-57 – planting 3-62 – planting 3-63 – planting 3-64 – planting 3-68 – planting

3-111, 3-112, 3-113, 3-115			3-73 – planting 3-74 – planting 3-82 – planting 3-83 – planting
4-01, 4-02	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 8	
4-03, 4-04, 4-05	Temporary use for access	Work No. 8	
4-06	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 8	
4-07	Temporary use for access	Work No. 8	
4-08, 4-09, 4-10, 4-11, 4-13	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 8	4-09 – removal of pylon foundations only to a depth of 1.5m
4-16	Temporary use for access	Work No. 8	
4-17, 4-18	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 8	
4-24	Temporary use for access	Work No. 8	
4-25, 4-26, 4-27, 4-28	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 8	4-25 – removal of pylon foundations only to a depth of 1.5m 4-27 – removal of pylon foundations only to a depth of 1.5m
4-29	Temporary use for access	Work No. 8	
4-30, 4-31, 4-33, 4-34, 4-36, 4-37, 4-39, 4-40	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 8	4-31 – removal of pylon foundations only to a depth of 1.5m 4-40 – removal of pylon foundations only to a depth of 1.5m

5-01, 5-02	Temporary use for access	Work No. 8	
5-03, 5-04, 5-05, 5-06, 5-07	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 8	5-06 – removal of pylon foundations only to a depth of 1.5m
5-08, 5-09, 5-10, 5-11	Temporary use for access	Work No. 8	
5-12, 5-14, 5-15, 5-16, 5-19	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 8	5-15 – removal of pylon foundations only to a depth of 1.5m
5-20	Temporary use for access	Work No. 8	
6-06, 6-10, 6-21, 6-16	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 1 and Work No. 2	6-06 – planting 6-10 – planting 6-21 – planting
6-22, 6-23	Temporary use for access	Work No. 1 and Work No. 2	
6-25,	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 1 and Work No. 2	6-25 – planting
6-29, 6-30, 6-31, 6-32, 6-33, 6-35	Temporary use for access	Work No. 1 and Work No. 2	
6-41, 6-43	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 1 and Work No. 2	6-41 – planting 6-43 – planting
6-45, 6-46, 6-47, 6-50	Temporary use for access	Work No. 1 and Work No. 2	
7-01	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 8	7-01 – removal of pylon foundations only to a depth of 1.5m
7-02, 7-03, 7-04, 7-05, 7-06, 7-07, 7-08	Temporary use for access	Work No. 8	
7-09	Temporary use for	Work No. 8	7-09 – removal of

	construction, mitigation, maintenance, and dismantling of redundant infrastructure		pylon foundations only to a depth of 1.5m
7-10, 7-11	Temporary use for access	Work No. 8	
7-12, 7-13	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 8	
7-14	Temporary use for access	Work No. 8	
7-15	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 8	7-15 – removal of pylon foundations only to a depth of 1.5m
7-16, 7-17	Temporary use for access	Work No. 8	
7-19, 7-20, 7-21, 7-22, 7-23, 7-24, 7-25, 7-27, 7-28, 7-29, 7-30, 7-31, 7-32, 7-33, 7-34, 7-35, 7-37, 7-38, 7-39, 7-40, 7-41, 7-43, 7-44, 7-45, 7-46, 7-47, 7-49, 7-50,	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 8	7-50 – removal of pylon foundations only to a depth of 1.5m
8-03, 8-04, 8-05	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 8	8-03 – planting
8-06, 8-07, 8-08, 8-09, 8-10, 8-11	Temporary use for access	Work No. 8	
8-12, 8-14, 8-15, 8-16, 8-18, 8-19, 8-23, 8-25, 8-29, 8-33, 8-34, 8-38, 8-39, 8-53, 8-55, 8-57, 8-58, 8-59, 8-60, 8-61, 8-62, 8-66, 8-73, 8-74, 8-88, 8-96, 8-100, 8-104, 8-113, 8-114, 8-118, 8-119, 8-120, 8-126, 8-128	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 1 and Work No. 2 and Work No. 8	8-12 – removal of pylon foundations only to a depth of 1.5m 8-15 – planting 8-53 – planting 8-57 – removal of pylon foundations only to a depth of 1.5m 8-66 – planting 8-74 – planting 8-100 – planting

			8-118 – planting
9-09	Temporary use for access	Work No. 2 and Work No. 8	
9-11, 9-14	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 2 and Work No. 8	
9-12, 9-15, 9-19, 9-21, 9-23, 9-27, 9-28	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 2 and Work No. 8	
10-17	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 2 and Work No. 8	10-17 – planting
10-21	Temporary use for access	Work No. 2 and Work No. 8	
10-30	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 2 and Work No. 8	10-30 – planting
11-02	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 2 and Work No. 8	11-02 – planting
12-04, 12-10, 12-22	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 2 and Work No. 8	12-10 – planting
12-23, 12-25, 12-27, 12-50, 12-51	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 3 and Work No. 8	12-23 – removal of pylon foundations only to a depth of 1.5m 12-51 – removal of pylon foundations only to a depth of 1.5m
12-52, 12-54, 12-55	Temporary use for access	Work No. 3 and Work No. 8	
13-01	Temporary use for access	Work No. 8	

13-05	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 8	13-05 – removal of pylon foundations only to a depth of 1.5m
13-14	Temporary use for access	Work No. 8	
13-15	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 8	
13-16, 13-17	Temporary use for access	Work No. 3 and Work No. 8	
13-18	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 8	13-18 – removal of pylon foundations only to a depth of 1.5m
13-19, 13-20, 13-24, 13-25, 13-26, 13-27, 13-28	Temporary use for access	Work No. 3 and Work No. 8	
13-29, 13-30	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 3 and Work No. 8	13-30 – removal of pylon foundations only to a depth of 1.5m
13-31, 13-32, 13-33	Temporary use for access	Work No. 3 and Work No. 8	
14-06, 14-08	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 3 and Work No. 8	14-06 – planting
14-17, 14-18, 14-20, 14-21, 14-22, 14-24, 14-27, 14-30, 14-31, 14-32, 14-33, 14-34	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 3 and Work No. 8	14-24 – planting 14-31 – removal of pylon foundations only to a depth of 1.5m
14-35, 14-37	Temporary use for access	Work No. 3 and Work No. 8	
14-38, 14-39	Temporary use for construction, mitigation, maintenance, and dismantling of redundant	Work No.8	14-38 – removal of pylon foundations only to a depth of 1.5m

	infrastructure		
14-40, 14-41, 14-42, 14-43, 14-44, 14-45,	Temporary use for access	Work No. 3 and Work No. 8	
15-16	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 8	
15-10, 15-15, 15-17, 15-18	Temporary use for access	Work No. 8	
15-19	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 8	
15-20, 15-22, 15-23	Temporary use for access	Work No. 3 and Work No. 8	
15-24	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 3 and Work No. 8	
15-25	Temporary use for access	Work No. 3 and Work No. 8	
15-26	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 3 and Work No. 8	15-26 – removal of pylon foundations only to a depth of 1.5m
15-27	Temporary use for access	Work No. 3 and Work No. 8	
15-28	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 3 and Work No. 8	15-28 – removal of pylon foundations only to a depth of 1.5m
15-29	Temporary use for access	Work No. 3 and Work No. 8	
15-31, 15-32	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 3 and Work No. 8	15-31 – removal of pylon foundations only to a depth of 1.5m
15-33, 15-46, 15-47, 15-48,	Temporary use for access	Work No. 3 and Work No. 8	

15-49, 15-50, 15-51, 15-52, 15-53			
15-54, 15-55	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 3 and Work No. 8	15-55 – removal of pylon foundations only to a depth of 1.5m
15-56, 15-57, 15-58, 15-63	Temporary use for access	Work No. 3 and Work No. 8	
15-66, 15-69, 15-85, 15-86	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 3, Work No. 4 and Work No. 8	15-85 – planting
15-97, 15-99, 15-104, 15-110, 15-112, 15-114,	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 4 and Work No. 8	15-97 – planting
16-03, 16-10, 16-11, 16-14, 16-20, 16-22, 16-35	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 4 and Work No. 8	
16-51, 16-54	Temporary use for access	Work No. 4 and Work No. 8	
16-58	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 4 and Work No. 8	16-58 – removal of pylon foundations only to a depth of 1.5m
16-65	Temporary use for access	Work No. 4 and Work 8	
16-67, 16-69, 16-72, 16-73, 16-74, 16-84, 16-88, 16-89	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 4 and Work No. 8	
17-01	Temporary use for access	Work No. 4 and Work No. 8	
17-13, 17-29, 17-30, 17-34, 17-35, 17-37, 17-42, 17-63, 17-67, 17-68, 17-69	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 4 and Work No. 8	17-34 – planting 17-35 – planting 17-37 – planting 17-42 – removal of pylon foundations only to a depth of

			1.5m 17-68 – removal of pylon foundations only to a depth of 1.5m
17-70	Temporary use for access	Work No. 4 and Work No. 8	
17-104, 17-108, 17-109	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 4 and Work No. 8	17-109 – removal of pylon foundations only to a depth of 1.5m 17-109 – planting
19-08	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 4 and Work No. 8	19-08 – removal of pylon foundations only to a depth of 1.5m
19-16	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 5 and Work No. 8	19-16 – removal of pylon foundations only to a depth of 1.5m
19-24, 19-25, 19-26	Temporary use for access	Work No. 5 and Work No. 8	
19-29, 19-30, 19-31, 19-32, 19-34, 19-36	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 5 and Work No. 8	
20-01	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 5 and Work No. 8	
20-06, 20-07	Temporary use for access	Work No. 5 and Work No. 8	
20-10	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 5 and Work No. 8	
20-13, 20-14, 20-15, 20-16	Temporary use for access	Work No. 5 and Work No. 8	
20-46, 20-47, 20-48	Temporary use for construction, mitigation, maintenance, and	Work No. 5 and Work No. 8	

	dismantling of redundant infrastructure		
20-53	Temporary use for access	Work No. 5 and Work No. 8	
20-57, 20-58	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 5 and Work No. 8	20-58 – removal of pylon foundations only to a depth of 1.5m
21-01, 21-03, 21-04, 21-05, 21-06, 21-07, 21-09, 21-10, 21-11, 21-12, 21-13, 21-14	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 5 and Work No. 8	21-04 – removal of pylon foundations only to a depth of 1.5m 21-09 – removal of pylon foundations only to a depth of 1.5m
21-15, 21-16, 21-17, 21-18, 21-19	Temporary use for access	Work No. 8	
21-20, 21-21	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 8	21-21 – removal of pylon foundations only to a depth of 1.5m
21-22	Temporary use for access	Work No. 8	
21-23	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 8	
21-24	Temporary use for access	Work No. 8	
21-25	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 8	21-25 – removal of pylon foundations only to a depth of 1.5m
21-26, 21-27, 21-28, 21-29, 21-30, 21-31, 21-32	Temporary use for access	Work No. 7 and Work No. 8	
21-33, 21-34, 21-35	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 7 and Work No. 8	
21-36	Temporary use for	Work No. 7 and Work	

	access	No. 8	
21-37, 21-38	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 7 and Work No. 8	21-38 – removal of pylon foundations only to a depth of 1.5m
21-39, 21-40	Temporary use for access	Work No. 7 and Work No. 8	
21-41, 21-42, 21-44, 21-47, 21-49, 21-50, 21-51, 21-52, 21-55, 21-56, 21-57, 21-58, 21-59, 21-61	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 7 and Work No. 8	
21-62, 21-63, 21-64, 21-65	Temporary use for access	Work No. 7 and Work No. 8	
21-66, 21-67, 21-68, 21-69, 21-70, 21-71	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 7 and Work No. 8	21-68 – removal of pylon foundations only to a depth of 1.5m 21-71 – removal of pylon foundations only to a depth of 1.5m
21-72	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 10	
21-73	Temporary use for access	Work No. 10	
22-01	Temporary use for access	Work No. 10	
22-02	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 10	
22-03, 22-04, 22-05, 22-06, 22-07, 22-08, 22-09, 22-10, 22-11, 22-12	Temporary use for access	Work No 10	
22-13	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 10	
22-14, 22-15,	Temporary use for	Work No. 10	

22-16, 22-17, 22-18, 22-19	access		
22-20	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 10	
22-21	Temporary use for access	Work No. 10	
22-22, 23-01	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 10	
23-02, 23-03	Temporary use for access	Work No. 10	
23-04	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 9 and Work No. 10 and Work No. 11	
23-06, 23-07, 23-08, 23-09, 23-10	Temporary use for access	Work No. 10	
23-11, 23-16, 23-15, 23-18, 23-21, 23-22, 23-25, 23-37	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 9, Work No. 10 and Work No. 11	
23-26, 23-27	Temporary use for access	Work No. 9, Work No. 10 and Work No. 11	
23-33, 23-37, 23-45, 23-47, 23-49, 23-55	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 9 and Work No. 10 and Work No. 11	
23-50, 23-51, 23-53, 23-54, 23-56	Temporary use for access	Work No. 9 and Work No. 10 and Work No. 11	
23-57	Temporary use for access	Work No. 9 and Work No. 10 and Work No. 11	
23-58, 23-59, 23-60, 23-61, 23-62	Temporary use for access	Work No. 9 and Work No. 10 and Work No. 11	
24-01	Temporary use for construction, mitigation, maintenance, and	Work No 10	

	dismantling of redundant infrastructure		
24-02, 24-03, 24-04	Temporary use for access	Work No 10	
24-05, 24-06, 24-07	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No 10	
24-08	Temporary use for access	Work No. 10	
24-09	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 10	
24-10, 24-11, 24-12, 24-13, 24-14, 24-15	Temporary use for access	Work No. 10	
24-16	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 10	
24-17	Temporary use for access	Work No. 10	
24-18	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 10	
24-19, 24-20	Temporary use for access	Work No. 10	
24-21	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 10	
24-22, 24-23	Temporary use for access	Work No. 10	
24-24	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 10	

24-25, 24-26, 24-27, 24-28	Temporary use for access	Work No. 10	
25-02, 25-03, 25-04, 25-05, 25-06, 25-07, 25-09, 25-10, 25-11, 25-12	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 11	
25-13	Temporary use for access	Work No. 11	
26-01	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 11	
26-02, 26-03	Temporary use for access	Work No. 11	
26-04	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 11	
26-05, 26-06, 26-07	Temporary use for access	Work No. 11	
26-08	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 11	
26-09	Temporary use for access	Work No. 11	
26-10	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 11	
26-11, 26-12, 26-13, 26-14, 26-15	Temporary use for access	Work No. 11	
26-16	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 11	
27-09, 27-30, 27-31, 27-33, 27-36, 27-38, 27-46, 27-47,	Temporary use for construction, mitigation, maintenance, and	Work No. 5 and Work No. 7	

27-48, 27-56	dismantling of redundant infrastructure		
27-49, 27-52	Temporary use for access	Work No. 5 and Work No. 7	
28-01, 28-02, 28-18, 28-19, 28-22, 28-23, 28-24, 28-25, 28-27, 28-28, 28-29, 28-33, 28-34, 28-37, 28-44, 28-58	Temporary use for construction, mitigation, maintenance, and dismantling of redundant infrastructure	Work No. 5, Work No. 6 and Work No. 7	

SCHEDULE 11

Article 40

EXTINGUISHMENT OF PRIVATE RIGHTS AND RESTRICTIVE COVENANTS RELATING TO APPARATUS BELONGING TO NATIONAL GRID OR UKPN REMOVED FROM LAND SUBJECT TO TEMPORARY POSSESSION

**National Grid**

<i>Area</i>	<i>Plot</i>
District of Mid-Suffolk	1-07, 1-21, 1-23, 1-24, 1-25, 1-27
District of Braintree	21-37, 21-38, 21-41, 21-66, 21-68, 21-69
District of Braintree	27-29, 27-31, 27-34, 27-36, 27-42, 27-43

**UKPN**

<i>Area</i>	<i>Plot</i>
District of Babergh	2-03
District of Babergh	3-15, 3-19, 3-27, 3-55, 3-57, 3-60, 3-64, 3-69, 3-108, 3-109, 3-115
District of Babergh	4-06, 4-08, 4-09, 4-10, 4-11, 4-16, 4-17, 4-18, 4-23, 4-24, 4-25, 4-26, 4-27, 4-28, 4-30, 4-31, 4-33, 4-34, 4-35, 4-36, 4-40
District of Babergh	5-03, 5-04, 5-05, 5-06, 5-07, 5-12, 5-14, 5-15, 5-19,
District of Babergh	7-01, 7-09, 7-12, 7-13, 7-15, 7-20, 7-21, 7-23, 7-28, 7-29, 7-32, 7-35, 7-37, 7-43, 7-44, 7-45, 7-46, 7-47, 7-50
District of Babergh	8-12, 8-57, 8-118, 8-119, 8-120, 8-128
District of Babergh	9-12, 9-15, 9-19, 9-21, 9-23, 9-27, 9-28
District of Babergh	12-23, 12-50, 12-51
District of Babergh	13-05, 13-15, 13-18, 13-29, 13-30
District of Babergh	14-06, 14-08, 14-18, 14-24, 14-30, 14-31, 14-32, 14-33, 14-36, 14-38, 14-39
District of Babergh	15-16, 15-24, 15-26, 15-28, 15-31, 15-54, 15-55, 15-69
District of Babergh	16-22, 16-35, 16-58, 16-67, 16-69, 16-72, 16-73, 16-74, 16-84
District of Babergh	17-13, 17-30, 17-42, 17-67, 17-68, 17-69, 17-109
District of Babergh	19-08, 19-16
District of Braintree	20-58
District of Braintree	21-01, 21-03, 21-04, 21-05, 21-09, 21-20, 21-21, 21-23, 21-25, 21-38, 21-41, 21-55, 21-58, 21-59, 21-60, 21-71

## SCHEDULE 12

Article 47

### TRAFFIC REGULATION ORDERS

#### PART 1

#### TEMPORARY RESTRICTION OF WAITING AND RESTRICTION OF SPEED

<i>(1)</i> Area	<i>(2)</i> Road	<i>(3)</i> Extent as shown on the Traffic Regulation Order Plans	<i>(4)</i> Note
Suffolk County Council	Burstall Hill	Between points TRO-AB-1 and TRO-AB-2 as shown on Sheets 1 and 2	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Burstall Hill	Between points TRO-AB-2 and TRO-AB-3 as shown on Sheet 2	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Ipswich Road	Between points TRO-AB-2 and TRO-AB-4 as shown on Sheet 2	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	A1071 (Ipswich Road) and A1071 (Back Road)	Between points TRO-AB-5 and TRO-AB-6 as shown on Sheets 3 and 6	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	A1071 (Hadleigh Road)	Between points TRO-AB-7 and TRO-AB-8 as shown on Sheet 4	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Washbrook Road	Between points TRO-AB-9 and TRO-AB-10 as shown on Sheet 4	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Lower Barn Road	Between points TRO-AB-11 and TRO-AB-12 as shown on Sheet 5	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County	Mill Lane	Between points TRO-AB-15	No waiting

<i>(1)</i> Area	<i>(2)</i> Road	<i>(3)</i> Extent as shown on the Traffic Regulation Order Plans	<i>(4)</i> Note
Council		and TRO-AB-16 as shown on Sheet 5	restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Duke Street	Between points TRO-AB-17 and TRO-AB-18 as shown on Sheet 7	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Pond Hall Road	Between points TRO-AB-19 and TRO-AB-21 as shown on Sheets 7 and 8	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Clay Hill	Between points TRO-AB-19 and TRO-AB-20 as shown on Sheet 7	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Woodlands Road	Between points TRO-AB-22 and TRO-AB-23 as shown on Sheet 8	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Clay Lane	Between points TRO-AB-24 and TRO-AB-27 as shown on Sheets 8 and 9	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Pond Hall Road	Between points TRO-AB-25 and TRO-AB-27 as shown on Sheet 9	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	B1070 (Benton Street) and B1070 (Pipkin Hill)	Between points TRO-C-1 and TRO-C-2 as shown on Sheet 10	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Layham Road	Between points TRO-C-3 and TRO-C-5 as shown on Sheet 10	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County	Overbury Hall	Between points TRO-C-7	No waiting

<i>(1) Area</i>	<i>(2) Road</i>	<i>(3) Extent as shown on the Traffic Regulation Order Plans</i>	<i>(4) Note</i>
Council	Road	and TRO-D-1 as shown on Sheet 11	restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Rands Road	Between points TRO-D-1 and TRO-D-2 as shown on Sheet 11	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Millwood Road	Between points TRO-D-6 and TRO-D-9 as shown on Sheet 12	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Millwood Road	Between points TRO-D-6 and TRO-D-7 as shown on Sheet 12	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Heath Road	Between points TRO-D-11 and TRO-D-12 as shown on Sheets 12 and 13	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Holt Road	Between points TRO-E-1 and TRO-E-2 as shown on Sheet 13	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Holt Road	Between points TRO-E-3 and TRO-E-4 as shown on Sheet 13	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Whitestreet Green	Between points TRO-E-5 and TRO-E-6 as shown on Sheets 13 and 14	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	B1068 (Stoke Road)	Between points TRO-F-1 and TRO-F-3 as shown on Sheet 15	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County	B1068 (Stoke	Between points TRO-F-2	No waiting

<i>(1) Area</i>	<i>(2) Road</i>	<i>(3) Extent as shown on the Traffic Regulation Order Plans</i>	<i>(4) Note</i>
Council	Road)	and TRO-F-3 as shown on Sheet 15	restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Brick Kiln Lane	Between points TRO-F-3 and TRO-F-4 as shown on Sheet 15	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	A134 (Colchester Road)	Between points TRO-F-5 and TRO-F-6 as shown on Sheets 15 and 16	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Nyland Road	Between points TRO-F-7 and TRO-F-8 as shown on Sheet 16	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Bures Road	Between points TRO-F-10 and TRO-F-11 as shown on Sheets 16 and 17	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Wormingford Road	Between points TRO-F-11 and TRO-F-12 as shown on Sheets 17 and 18	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Bures Road	Between points TRO-F-11 and TRO-G-1 as shown on Sheet 17	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	Dorking Tye	Between points TRO-G-1 and TRO-G-3 as shown on Sheets 17 and 19	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Suffolk County Council	B1508 (Bures Road)	Between points TRO-G-4 and TRO-G-5 as shown on Sheet 20	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Essex County	Henny Road	Between points TRO-G-6	No waiting

<i>(1) Area</i>	<i>(2) Road</i>	<i>(3) Extent as shown on the Traffic Regulation Order Plans</i>	<i>(4) Note</i>
Council		and TRO-G-7 as shown on Sheet 20	restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Essex County Council	Twinstead Road	Between points TRO-G-8 and TRO-G-9 as shown on Sheets 21 and 27	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Essex County Council	Twinstead Road	Between points TRO-G-9 and TRO-G-13 as shown on Sheets 21 and 27	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Essex County Council	Moat Lane	Between points TRO-G-9 and TRO-G-11 as shown on Sheet 27	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Essex County Council	Loshouse Farm Road and Losh House Lane	Between points TRO-G-13 and TRO-G-15 as shown on Sheet 21	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Essex County Council	Henny Back Road	Between points TRO-G-19 and TRO-G-20 as shown on Sheet 28	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Essex County Council	Lorkin's Lane	Between points TRO-H-4 and TRO-H-5 as shown on Sheets 28 and 29	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Essex County Council	Twinstead Road	Between points TRO-H-5 and TRO-H-6 as shown on Sheet 29	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Essex County Council	Oak Road and Catley Cross	Between points TRO-H-9 and TRO-H-10 as shown on Sheet 29	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Essex County	A131 (Sudbury	Between points TRO-H-11	No waiting

<i>(1) Area</i>	<i>(2) Road</i>	<i>(3) Extent as shown on the Traffic Regulation Order Plans</i>	<i>(4) Note</i>
Council	Road)	and TRO-H-12 as shown on Sheet 30	restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Essex County Council	A131 (Sudbury Road)	Between points TRO-H-15 and TRO-H-16 as shown on Sheet 23	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Essex County Council	Old Road	Between points TRO-H-17 and TRO-H-18 as shown on Sheet 23	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Essex County Council	Old Road	Between points TRO-H-19 and TRO-H-20 as shown on Sheets 23 and 26	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.
Essex County Council	Park Road	Between points TRO-H-21 and TRO-H-22 as shown on Sheet 26	No waiting restriction between 7:00am to 7:00pm Monday to Sunday. Speed limit to be restricted to 30mph.

## PART 2

### TEMPORARY RESTRICTION OF ACCESS

<i>(1) Area</i>	<i>(2) Road</i>	<i>(3) Extent as shown on the Traffic Regulation Order Plans</i>	<i>(4) Note</i>
Suffolk County Council	Burstall Hill	Between points TRO-AB-1 and TRO-AB-2 as shown on Sheets 1 and 2	Prohibition of vehicular access.
Suffolk County Council	Burstall Hill	Between points TRO-AB-2 and TRO-AB-3 as shown on Sheet 2	Prohibition of vehicular access.
Suffolk County Council	Ipswich Road	Between points TRO-AB-2 and TRO-AB-4 as shown on Sheet 2	Prohibition of vehicular access.
Suffolk County Council	Washbrook Road	Between points TRO-AB-9 and TRO-AB-10 as shown on Sheet 4	Prohibition of vehicular access.
Suffolk County Council	Lower Barn Road	Between points TRO-AB-11 and TRO-AB-12 as shown on Sheet 5	Prohibition of vehicular access.
Suffolk County Council	Mill Lane	Between points TRO-AB-13 and TRO-AB-14 as shown on Sheet 5	Prohibition of vehicular access.
Suffolk County Council	Clay Hill	Between points TRO-AB-19 and TRO-AB-20 as shown on Sheet 7	Prohibition of vehicular access.
Suffolk County Council	Woodlands Road	Between points TRO-AB-22 and TRO-AB-23 as shown on Sheet 8	Prohibition of vehicular access.
Suffolk County Council	Clay Lane	Between points TRO-AB-24 and TRO-AB-27 as shown on Sheets 8 and 9	Prohibition of vehicular access.
Suffolk County Council	Layham Road	Between points TRO-C-3 and TRO-C-5 as shown on Sheet 10	Prohibition of vehicular access.
Suffolk County Council	Overbury Hall Road	Between points TRO-C-7 and TRO-D-1 as shown on Sheet 11	Prohibition of vehicular access.
Suffolk County Council	Rands Road	Between points TRO-D-1 and TRO-D-2 as shown on Sheets 11	Prohibition of vehicular access.
Suffolk County Council	Pope's Green Lane	Between points TRO-D-3 and TRO-D-4 as shown on Sheet 12	Prohibition of vehicular access.
Suffolk County Council	Millwood Road	Between points TRO-D-6 and TRO-D-9 as shown on Sheet 12	Prohibition of vehicular access.
Suffolk County Council	Millwood Road	Between points TRO-D-6 and TRO-D-7 as shown on Sheet 12	Prohibition of vehicular access.
Suffolk County Council	Heath Road	Between points TRO-D-11 and TRO-D-12 as shown on Sheets 12 and 13	Prohibition of vehicular access.

Suffolk County Council	Holt Road	Between points TRO-E-1 and TRO-E-2 as shown on Sheet 13	Prohibition of vehicular access.
Suffolk County Council	Holt Road	Between points TRO-E-3 and TRO-E-4 as shown on Sheet 13	Prohibition of vehicular access.
Suffolk County Council	Whitestreet Green	Between points TRO-E-5 and TRO-E-6 as shown on Sheets 13 and 14	Prohibition of vehicular access.
Suffolk County Council	Brick Kiln Lane	Between points TRO-F-3 and TRO-F-4 as shown on Sheet 15	Prohibition of vehicular access.
Suffolk County Council	Nyland Road	Between points TRO-F-7 and TRO-F-8 as shown on Sheet 16	Prohibition of vehicular access.
Suffolk County Council	Bures Road	Between points TRO-F-10 and TRO-F-11 as shown on Sheet 17	Prohibition of vehicular access.
Suffolk County Council	Wormingford Road	Between points TRO-F-11 and TRO-F-12 as shown on Sheets 17 and 18	Prohibition of vehicular access.
Suffolk County Council	Bures Road	Between points TRO-F-11 and TRO-G-1 as shown on Sheet 1	Prohibition of vehicular access.
Suffolk County Council	Dorking Tye	Between points TRO-G-1 and TRO-G-3 as shown on Sheets 17 and 19	Prohibition of vehicular access.
Essex County Council	Henny Road	Between points TRO-G-6 and TRO-G-7 as shown on Sheet 20	Prohibition of vehicular access.
Essex County Council	Twinstead Road	Between points TRO-G-8 and TRO-G-9 as shown on Sheets 21 and 27	Prohibition of vehicular access.
Essex County Council	Twinstead Road	Between points TRO-G-9 and TRO-G-13 as shown on Sheets 21 and 27	Prohibition of vehicular access.
Essex County Council	Moat Lane	Between points TRO-G-9 and TRO-G-11 as shown on Sheet 27	Prohibition of vehicular access.
Essex County Council	Loshouse Farm Road and Losh House Lane	Between points TRO-G-13 and TRO-G-15 as shown on Sheet 21	Prohibition of vehicular access.
Essex County Council	Lorkin's Lane	Between points TRO-G-13 and TRO-G-14 as shown on Sheets 21 and 27	Prohibition of vehicular access.
Essex County Council	Henny Back Road	Between points TRO-G-19 and TRO-G-20 as shown on Sheet 28	Prohibition of vehicular access.
Essex County Council	Lorkin's Lane	Between points TRO-H-4 and TRO-H-5 as shown on Sheets 28 and 29	Prohibition of vehicular access.
Essex County Council	Twinstead Road	Between points TRO-H-5 and TRO-H-6 as shown on Sheet 29	Prohibition of vehicular access.
Essex County Council	Oak Road and Catley Cross	Between points TRO-H-9 and TRO-H-10 as shown on Sheet 29	Prohibition of vehicular access.
Essex County Council	Old Road	Between points TRO-H-17 and TRO-H-18 as shown on	Prohibition of vehicular access.

		Sheet 23	
Essex County Council	Old Road	Between points TRO-H-19 and TRO-H-20 as shown on Sheets 23 and 26	Prohibition of vehicular access.
Essex County Council	Park Road	Between points TRO-H-21 and TRO-H-22 as shown on Sheet 26	Prohibition of vehicular access.

### PART 3

#### TEMPORARY RESTRICTION OF MOVEMENT

<i>(1) Area</i>	<i>(2) Road</i>	<i>(3) Extent as shown on the Traffic Regulation Order Plans</i>	<i>(4) Note</i>
Suffolk County Council	A1071 (Ipswich Road) and A1071 (Back Road)	Between points TRO-AB-5 and TRO-AB-6 as shown on Sheets 3 and 6	One way movement restriction, to be either northbound or southbound dependant on preferred Traffic Management arrangements at the time of implementation. To be implemented as required.
Suffolk County Council	A1071 (Hadleigh Road)	Between points TRO-AB-7 and TRO-AB-8 as shown on Sheet 4	One way movement restriction, to be either northbound or southbound dependant on preferred Traffic Management arrangements at the time of implementation. To be implemented as required.
Suffolk County Council	Duke Street	Between points TRO-AB-17 and TRO-AB-18 as shown on Sheet 7	One way movement restriction, to be either northbound or southbound dependant on preferred Traffic Management arrangements at the time of implementation. To be implemented as required.
Suffolk County Council	Pond Hall Road	Between points TRO-AB-19 and TRO-AB-21 as shown on Sheets 7 and 8	One way movement restriction, to be either northbound or southbound dependant on preferred Traffic Management

<i>(1)</i> Area	<i>(2)</i> Road	<i>(3)</i> Extent as shown on the Traffic Regulation Order Plans	<i>(4)</i> Note
			arrangements at the time of implementation. To be implemented as required.
Suffolk County Council	Pond Hall Road	Between points TRO-AB-25 and TRO-AB-27 as shown on Sheet 9	One way movement restriction, to be either northbound or southbound dependant on preferred Traffic Management arrangements at the time of implementation. To be implemented as required.
Suffolk County Council	B1070 (Benton Street) and B1070 (Pipkin Hill)	Between points TRO-C-1 and TRO-C-2 as shown on Sheet 10	One way movement restriction, to be either northbound or southbound dependant on preferred Traffic Management arrangements at the time of implementation. To be implemented as required.
Suffolk County Council	B1068 (Stoke Road)	Between points TRO-F-1 and TRO-F-3 as shown on Sheet 15	One way movement restriction, to be either northbound or southbound dependant on preferred Traffic Management arrangements at the time of implementation. To be implemented as required.
Suffolk County Council	B1068 (Stoke Road)	Between points TRO-F-2 and TRO-F-3 as shown on Sheet 15	One way movement restriction, to be either northbound or southbound dependant on preferred Traffic Management arrangements at the time of implementation. To be implemented as required.
Suffolk County Council	A134 (Colchester Road)	Between points TRO-F-5 and TRO-F-6 as shown on Sheets 15 and 16	One way movement restriction, to be either northbound or

<i>(1)</i> Area	<i>(2)</i> Road	<i>(3)</i> Extent as shown on the Traffic Regulation Order Plans	<i>(4)</i> Note
			southbound dependant on preferred Traffic Management arrangements at the time of implementation. To be implemented as required.
Suffolk County Council	B1508 (Bures Road)	Between points TRO-G-4 and TRO-G-5 as shown on Sheet 20	One way movement restriction, to be either northbound or southbound dependant on preferred Traffic Management arrangements at the time of implementation. To be implemented as required.
Essex County Council	A131 (Sudbury Road)	Between points TRO-H-11 and TRO-H-12 as shown on Sheet 30	One way movement restriction, to be either northbound or southbound dependant on preferred Traffic Management arrangements at the time of implementation. To be implemented as required.
Essex County Council	A131 (Sudbury Road)	Between points TRO-H-15 and TRO-H-16 as shown on Sheet 23	One way movement restriction, to be either northbound or southbound dependant on preferred Traffic Management arrangements at the time of implementation. To be implemented as required.

## PART 4

### TEMPORARY NO OVERTAKING ORDER

<i>(1)</i> Area	<i>(2)</i> Road	<i>(3)</i> Extent as shown on the Traffic Regulation Order Plans	<i>(4)</i> Note
Suffolk County	A1071 (Ipswich	Between points TRO-AB-5	Prohibition of

<i>(1) Area</i>	<i>(2) Road</i>	<i>(3) Extent as shown on the Traffic Regulation Order Plans</i>	<i>(4) Note</i>
Council	Road) and A1071 (Back Road)	and TRO-AB-6 as shown on Sheets 3 and 6	vehicular overtaking.
Suffolk County Council	A1071 (Thorpe's Hill)	Between points TRO-AB-7 and TRO-AB-8 as shown on Sheet 4	Prohibition of vehicular overtaking.
Suffolk County Council	Duke Street	Between points TRO-AB-17 and TRO-AB-18 as shown on Sheet 7	Prohibition of vehicular overtaking.
Suffolk County Council	Pond Hall Road	Between points TRO-AB-19 and TRO-AB-21 as shown on Sheets 7 and 8	Prohibition of vehicular overtaking.
Suffolk County Council	Pond Hall Road	Between points TRO-AB-25 and TRO-AB-27 as shown on Sheet 9	Prohibition of vehicular overtaking.
Suffolk County Council	B1070 (Benton Street) and B1070 (Pipkin Hill)	Between points TRO-C-1 and TRO-C-2 as shown on Sheet 10	Prohibition of vehicular overtaking.
Suffolk County Council	B1068 (Stoke Road)	Between points TRO-F-1 and TRO-F-3 as shown on Sheet 15	Prohibition of vehicular overtaking.
Suffolk County Council	B1068 (Stoke Road)	Between points TRO-F-2 and TRO-F-3 as shown on Sheet 15	Prohibition of vehicular overtaking.
Suffolk County Council	A134 (Colchester Road)	Between points TRO-F-5 and TRO-F-6 as shown on Sheets 15 and 16	Prohibition of vehicular overtaking.
Suffolk County Council	B1508 (Bures Road)	Between points TRO-G-4 and TRO-G-5 as shown on Sheet 20	Prohibition of vehicular overtaking.
Essex County Council	A131 (Sudbury Road)	Between points TRO-H-11 and TRO-H-12 as shown on Sheet 30	Prohibition of vehicular overtaking.
Essex County Council	A131 (Sudbury Road)	Between points TRO-H-15 and TRO-H-16 as shown on Sheet 23	Prohibition of vehicular overtaking.

## SCHEDULE 13

Article 49

### TREES SUBJECT TO TREE PRESERVATION ORDERS

<i>(1)</i> Type of tree	<i>(2)</i> Location as shown on Trees and Hedgerows to be Removed or Managed Plans	<i>(3)</i> Work to be carried out	<i>(4)</i> TPO reference
Babergh District Council			
Multiple Individual TPO – Oak, Ash and Hornbeam	Within the Order limits. On either side of the A1071 adjacent to Hintlesham Park, Hintlesham. As shown on Sheet 3.	Crown lifting/pruning of overhanging branches of seven trees to prevent damage from vehicles using the A1071 during construction.	BT21/T6
Two individual TPO – Oak and Elm	Within 10m of the Order limits. On the northern side of A1071, near Fen Farm, Burstall Bridge. As shown on Sheet 4.	Crown lifting/pruning of overhanging branches of two trees to prevent damage from vehicles using the A1071 during construction.	BT15/T1
Group of trees – Oak, Field Maple and Ash	Within the Order limits. Along minor road near Mill house, Chattisham. As shown on Sheet 5.	Crown lifting/pruning of overhanging branches over an area of 0.15ha of TPO to prevent damage from vehicles using the minor road during construction.	BT13/G1
Individual TPO – Ash	Within the Order limits. Along minor road (Duke Street) and part side garden of Vine Cottage, Duke Street, Hintlesham, Ipswich, Suffolk. As shown on Sheet 7.	Crown lifting/pruning of overhanging branches of one tree to prevent damage from vehicles using the minor road during construction.	BT386/T1
Woodland – Mainly Alder, Oak and Beech	Within the Order limits. The northern boundary of Dollops Wood. As shown on Sheet 13.	Crown lifting/pruning of branches over an area of 0.2ha to prevent damage to trees when lowering and removing conductors.	WS313/W1
Area TPO –	Within the Order limits. The Southern	Crown	WS337/A

<i>(1)</i> Type of tree	<i>(2)</i> Location as shown on Trees and Hedgerows to be Removed or Managed Plans	<i>(3)</i> Work to be carried out	<i>(4)</i> TPO reference
Mixed species	boundary of the TPO area is to the south of Ash Ground at Long Lane, Bures. As shown on Sheet 17.	lifting/pruning of branches and coppicing over an area of 0.3ha to prevent damage to trees when lowering and removing conductors and to facilitate the installation of conductors and maintenance of a safe electrical clearance from the overhead electric line.	1
Area TPO – Mixed species mainly Oak	Within the Order limits. The TPO area is situated along Long Lane, Bures. As shown on Sheet 19.	Crown lifting/pruning of overhanging branches over an area of 0.3ha to prevent damage from vehicles using the minor road during construction.	WS337/A2
Area TPO – Mixed species	Within 10m of the Order limits. The southern boundary of the TPO area lies along an access track. As shown on Sheet 19.	Crown lifting/pruning of overhanging branches to prevent damage from vehicles using the access track during construction.	WS15/A2
<b>Braintree District Council</b>			
Individual TPO - Yew, Monkey Puzzle, Deodar Cedar	Within 10m of the Order limits. Individual TPOs are located along the east side of Henny Road. As shown on Sheet 20.	Crown lifting/pruning of overhanging branches for sight lines and to prevent damage from vehicles using the minor road during construction.	16/2021 - T1 Draft; 16/2021 - T2 Draft; 16/2021 - T3 Draft.

## SCHEDULE 14

Articles 43, 44 and 51

### PROTECTIVE PROVISIONS

#### PART 1

##### PROTECTION FOR ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

1. For the protection of the statutory undertakers referred to in this Part of this Schedule the following provisions, unless otherwise agreed in writing between the undertaker and the statutory undertaker concerned, have effect.

2. In this Part of this Schedule—

“alternative apparatus” means alternative apparatus adequate to enable the statutory undertaker in question to fulfil its statutory functions in a manner not less efficient than previously; “apparatus” means—

- (a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989(a)), belonging to or maintained by that electricity undertaker for the purposes of electricity supply;
- (b) in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by that gas undertaker for the purposes of gas supply;
- (c) in the case of a water undertaker, mains, pipes or other water apparatus belonging to or maintained by that water undertaker for the purposes of water supply; and
- (d) in the case of a sewerage undertaker—
  - (i) any drain or works vested in the undertaker under the Water Industry Act 1991(b); and
  - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of that Act or an agreement to adopt made under section 104 of that Act,

and includes a sludge main, disposal main (within the meaning of section 219 of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works, and in each case includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“functions” includes powers and duties;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over or upon land; and

“statutory undertaker” means—

- (e) any licence holder within the meaning of Part 1 of the Electricity Act 1989;
- (f) a gas transporter within the meaning of Part 1 of the Gas Act 1986(c);
- (g) a water undertaker within the meaning of the Water Industry Act 1991; and
- (h) a sewerage undertaker within the meaning of Part 1 of the Water Industry Act 1991,

for the area of the authorised development, and in relation to any apparatus, means the statutory undertaker to whom it belongs or by whom it is maintained.

3. This Part of this Schedule does not apply to apparatus in respect of which the relations between the undertaker and the statutory undertaker are regulated by the provisions of Part 3 of the 1991 Act.

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(a) 1989 c.29

(b) 1991 c.56

(c) 1986 c.44

4. Regardless of any provision in this Order or anything shown on the land plans, the undertaker must not acquire any apparatus otherwise than by agreement.

5.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed, that apparatus must not be removed under this Part of this Schedule and any right of a statutory undertaker to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the statutory undertaker in question.

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to the statutory undertaker in question written notice of that requirement, together with a plan and section of the work proposed.

(3) If alternative apparatus or any part of such apparatus is to be constructed as a consequence of the removal of apparatus placed on the land referred to in sub-paragraph (2), the statutory undertaker in question, must on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in other land in which the alternative apparatus is to be constructed.

(4) The statutory undertaker in question must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 59 (arbitration), and after the grant to the statutory undertaker of any such facilities and rights as are referred to in sub-paragraph (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

(5) Regardless of anything in sub-paragraph (4), if the undertaker gives notice in writing to the statutory undertaker in question that it desires itself to execute any work, or part of any work in connection with the construction or removal of apparatus, that work, instead of being executed by the statutory undertaker, must be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the statutory undertaker.

(6) Nothing in sub-paragraph (4) authorises the undertaker to execute the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus, or execute any filling around the apparatus (where the apparatus is laid in a trench) within 300 millimetres of the apparatus.

6.—(1) Not less than 28 days before starting the execution of any works of the type referred to in paragraph 5(2) that are near to, or will or may affect, any apparatus the removal of which has not been required by the undertaker under paragraph 5(2), the undertaker must submit to the statutory undertaker in question a plan, section and description of the works to be executed.

(2) Those works must be executed only in accordance with the plan, section and description submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) by the statutory undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the statutory undertaker is entitled to watch and inspect the execution of those works.

(3) Any requirements made by a statutory undertaker under sub-paragraph (2) must be made within a period of 28 days beginning with the date on which a plan, section and description under sub-paragraph (1) are submitted to it.

(4) If a statutory undertaker in accordance with sub-paragraph (3) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 1 to 4 apply as if the removal of the apparatus had been required by the undertaker under paragraph 5(2).

(5) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a new plan, section and description instead of the plan, section and description previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan, section and description.

(6) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case it must give to the statutory undertaker in question notice as soon as is reasonably practicable and a plan, section and description of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (2) in so far as is reasonably practicable in the circumstances.

7.—(1) Subject to the following provisions of this paragraph, the undertaker must repay to the statutory undertaker in question the proper and reasonable expenses reasonably incurred by that statutory undertaker in, or in connection with, the inspection, removal, alteration or protection of any apparatus.

(2) The value of any apparatus removed under the provisions of this Part of the Schedule is to be deducted from any sum payable under sub-paragraph (1), that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was, and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 59 (arbitration) to be necessary,

then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the statutory undertaker in question by virtue of sub-paragraph (1) is to be reduced by the amount of that excess.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a cable is agreed, or is determined to be necessary,

the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined.

An amount which apart from this sub-paragraph would be payable to a statutory undertaker in respect of works by virtue of sub-paragraph (1) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the statutory undertaker in question any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

## PART 2

### PROTECTION FOR OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

8.—(1) For the protection of any operator, the following provisions, unless otherwise agreed in writing between the undertaker and the operator, have effect.

(2) In this Part of this Schedule—

“conduit system” has the same meaning as in the electronic communications code and references to providing a conduit system are to be construed in accordance with paragraph 1(3A) of that code;

“electronic communications apparatus” has the same meaning as in the electronic communications code;

“the electronic communications code” has the same meaning as in Chapter 1 of Part 2 of the Communications Act 2003(a);

“electronic communications code network” means—

- (a) so much of an electronic communications network or conduit system provided by an electronic communications code operator as is not excluded from the application of the

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(a) 2003 c.21

electronic communications code by a direction under section 106 of the Communications Act 2003; and

- (b) an electronic communications network which the Secretary of State is providing or proposing to provide; “electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 of the Communications Act 2003; and “operator” means the operator of an electronic communications code network.

9. The exercise of the powers of article 43 (statutory undertakers) are subject to paragraph 23 of Schedule 2 to the Telecommunications Act 1984(a).

10.—(1) Subject to sub-paragraphs (2) to (3), if as the result of the authorised development or their construction, or of any subsidence resulting from any of those works any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works, or other property of an operator) the undertaker must bear and pay the cost reasonably and properly incurred by the operator in making good such damage.

(2) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage to the extent that it is attributable to the act, neglect or default of an operator, its officers, servants, contractors or agents.

(3) Any difference arising between the undertaker and the operator under this paragraph must be referred to and settled by arbitration under article 59 (arbitration).

11. This Part of this Schedule does not apply to—

- (a) any apparatus in respect of which the relations between the undertaker and an operator are regulated by the provisions of Part 3 of the 1991 Act; or
- (b) any damage, or any interruption, caused by electro-magnetic interference arising from the construction or use of the authorised development.

12. Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and an operator in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

## PART 3

### FOR THE PROTECTION OF ANGLIAN WATER SERVICES LIMITED

#### Application

13. For the protection of Anglian Water the following provisions have effect, unless otherwise agreed in writing between the undertaker and Anglian Water.

#### Interpretation

14. In this Part of this Schedule—

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

“alternative apparatus” means alternative apparatus adequate to enable Anglian Water to fulfil its statutory functions in a manner no less efficient than previously;

“Anglian Water” means Anglian Water Services Limited (registered company number 02366656);

“apparatus” means:

- (a) works, mains, pipes or other apparatus belonging to or maintained by Anglian Water for the purposes of water supply and sewerage;
- (b) any drain or works vested in Anglian Water under the Water Industry Act 1991;

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(a) 1984 c.12

- (c) any sewer which is vested in Anglian Water or is the subject of a notice of intention of Anglian Water to adopt given under section 102(4) of the Water Industry Act 1991 or an agreement to adopt made under section 104 of that Act;
- (d) any drainage system constructed for the purpose of reducing the volume of surface water entering any public sewer belonging to Anglian Water; and
- (e) includes a sludge main, disposal main or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works, and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus,

and for the purpose of this definition, where words are defined by section 219 of the Water Industry Act 1991, they shall be taken to have the same meaning;

“functions” includes powers and duties;

“in”, in a context referring to apparatus or alternative apparatus in land, includes a reference to apparatus or alternative apparatus under, over or upon land;

“plan” includes all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe the works to be executed;

### **Apparatus in stopped up streets**

**15.—**(1) Where any street is temporarily stopped up under article 15 (temporary stopping up of streets and public rights of way), where Anglian Water has apparatus in the street or accessed by virtue of that street, it has the same powers and rights in respect of that apparatus as it enjoyed immediately before the temporary stopping up but nothing in this paragraph affects any right of the undertaker or of Anglian Water to require the removal of that apparatus under paragraph 18 or the power of the undertaker to carry out works under paragraph 20(1).

(2) Regardless of the temporary stopping up or diversion of any highway under the powers conferred by article 15 (temporary stopping up of streets and public rights of way), Anglian Water is at liberty at all times to take all necessary access across any such stopped up highway and to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the temporary stopping up or diversion was in that highway subject to provision of reasonable prior notice to the undertaker (except in the case of emergency) and compliance at all times with the undertaker’s reasonable site safety rules and health and safety law.

### **Protective works**

**16.** The undertaker, in the case of the powers conferred by article 20 (protective works), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus.

### **Acquisition of land**

**17.** Regardless of any provision in this Order or anything shown on the land plans, the undertaker must not acquire any apparatus otherwise than by agreement (such agreement not to be unreasonably withheld or delayed).

### **Removal of apparatus**

**18.—**(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in any land in which any apparatus is placed or requires that Anglian Water’s apparatus is relocated or diverted, that apparatus must not be removed under this Part of this Schedule, and any right of Anglian Water to maintain that apparatus in that land must not be extinguished, until

- (a) alternative apparatus has been constructed and is in operation to the reasonable satisfaction of Anglian Water in accordance with sub-paragraphs (2) to (8); and
- (b) facilities and rights have been secured for that alternative apparatus in accordance with paragraph 19.

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, the undertaker must give to Anglian Water 28 days' written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order an undertaker reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), afford to Anglian Water the necessary facilities and rights for the construction of alternative apparatus in other land of the undertaker and subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed Anglian Water must, on receipt of a written notice to that effect from the undertaker, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed.

(4) Any alternative apparatus to be constructed in land of the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between Anglian Water and the undertaker or in default of agreement settled by arbitration in accordance with article 59 (arbitration).

(5) Anglian Water must, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 59, and after the grant to Anglian Water of any such facilities and rights as are referred to in sub-paragraphs (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

(6) Regardless of anything in sub-paragraph (5), if Anglian Water gives notice in writing to the undertaker that it desires the undertaker to execute any work, or part of any work in connection with the construction or removal of apparatus in any land of the undertaker or to the extent that Anglian Water fails to proceed with that work in accordance with sub-paragraph (5) or the undertaker and Anglian Water otherwise agree, that work, instead of being executed by Anglian Water, must be executed by the undertaker without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of Anglian Water.

(7) If Anglian Water fails either reasonably to approve, or to provide reasons for its failure to approve along with an indication of what would be required to make acceptable, any proposed details relating to required removal works under sub-paragraph (2) within 28 days of receiving a notice of the required works from the undertaker, then such details are deemed to have been approved. For the avoidance of doubt, any such "deemed consent" does not extend to the actual undertaking of the removal works, which shall remain the sole responsibility of Anglian Water or its contractors.

(8) Whenever alternative apparatus is to be or is being substituted for existing apparatus, the undertaker shall, before taking or requiring any further step in such substitution works, use best endeavours to comply with Anglian Water's reasonable requests for a reasonable period of time to enable Anglian Water to:

- (a) make network contingency arrangements; or
- (b) bring such matters as it may consider reasonably necessary to the attention of end users of the utility in question.

### **Facilities and rights for alternative apparatus**

**19.—**(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to Anglian Water facilities and rights for the construction and maintenance in land of the undertaker of alternative apparatus in substitution for apparatus to be removed, those facilities and rights are to be granted upon such terms and conditions as may be agreed between the undertaker and Anglian Water or in default of agreement settled by arbitration in accordance with article 59 (arbitration).

(2) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator less favourable on the whole to Anglian Water than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those

facilities and rights are subject, the arbitrator must make such provision for the payment of compensation by the undertaker to Anglian Water as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

(3) Such facilities and rights as are set out in this paragraph are deemed to include any statutory permits granted to the undertaker in respect of the apparatus in question, whether under the Environmental Permitting Regulations 2010 or other legislation.

### **Retained apparatus**

**20.**—(1) Not less than 28 days before starting the execution of any works in, on or under any land purchased, held, appropriated or used under this Order that are near to, or will or may affect, any apparatus (or any means of access to it) the removal of which has not been required by the undertaker under paragraph 18(2), the undertaker must submit to Anglian Water a plan of the works to be executed.

(2) Those works must be executed only in accordance with the plan submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) by Anglian Water for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and Anglian Water is entitled to watch and inspect the execution of those works subject to compliance at all times with the undertaker's reasonable site safety rules and all applicable health and safety laws.

(3) Any requirements made by Anglian Water under sub-paragraph (2) must be made within a period of 21 days beginning with the date on which a plan under sub-paragraph (1) is submitted to it.

(4) If Anglian Water in accordance with sub-paragraph (3) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, sub-paragraphs (1) to (3) and (6) to (7) apply as if the removal of the apparatus had been required by the undertaker under paragraph 18(2).

(5) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a new plan instead of the plan previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan.

(6) The undertaker is not required to comply with sub-paragraph (1) in a case of emergency but in that case must give to Anglian Water notice as soon as is reasonably practicable and a plan of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (3) in so far as is reasonably practicable in the circumstances, using its reasonable endeavours to keep the impact of those emergency works on Anglian Water's apparatus, on the operation of its water and sewerage network and on end-users of the services Anglian Water provides to a minimum.

(7) For the purposes of sub-paragraph (1) and without prejudice to the generality of the principles set out in that sub-paragraph, works are deemed to be in land near Anglian Water's apparatus (where it is a pipe) if those works fall within the following distances measured from the medial line of such apparatus:

- (a) 4 metres where the diameter of the pipe is less than 250 millimetres;
- (b) 5 metres where the diameter of the pipe is between 250 and 400 millimetres; or
- (c) a distance to be agreed on a case by case basis and before the submission of the Plan under sub-paragraph (1) is submitted where the diameter of the pipe exceeds 400 millimetres.

### **Expenses and costs**

**21.**—(1) Subject to the following provisions of this paragraph, the undertaker must repay to Anglian Water all expenses reasonably and properly incurred by Anglian Water in, or in connection with, the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to in this Part of this Schedule.

(2) There must be deducted from any sum payable under subparagraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule and which is not re-used as part of any new or alternative apparatus that value being calculated after removal by the undertaker (who will provide reasonable evidence of such value).

(3) If in accordance with the provisions of this Part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 59 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to Anglian Water by virtue of subparagraph (1) must be reduced by the amount of that excess.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus is not to be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole is to be treated as if it also had been agreed or had been so determined.

(5) An amount which, apart from this sub-paragraph, would be payable to Anglian Water in respect of works by virtue of sub-paragraph (1) must, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on Anglian Water any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit, the amount being calculated by Anglian Water (who will provide reasonable evidence of such amount) and agreed between the undertaker and Anglian Water or settled by arbitration in accordance with article 59 (arbitration).

**22.—**(1) Subject to sub-paragraphs (2) and (3), if by reason or in direct consequence of the construction of any such works referred to in paragraphs 16 or 18(2), or by reason of any subsidence resulting from such development or works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of Anglian Water, or there is any interruption in any service provided, or in the supply of any goods, by Anglian Water, the undertaker must—

- (a) bear and pay the cost reasonably incurred by Anglian Water in making good such damage or restoring the supply; and
- (b) make reasonable compensation to Anglian Water for any other expenses, loss, damages, penalty or costs incurred by the undertaker,

by reason or in direct consequence of any such damage or interruption.

(2) Anglian Water must use its reasonable endeavours to mitigate in whole or in part and to minimise any costs, expenses, loss, demands, penalties and costs to which the provisions of sub-paragraph (1) applies. If requested to do so by the undertaker, Anglian Water will provide an explanation of how any claim has been minimised. The undertaker will not be liable under paragraph 22(1) for claims unreasonably incurred by Anglian Water.

(3) The fact that any act or thing may have been done by Anglian Water on behalf of the undertaker or in accordance with a plan approved by Anglian Water or in accordance with any requirement of Anglian Water or under its supervision does not, subject to sub-paragraph (4), excuse the undertaker from liability under the provisions of sub-paragraph (1) unless Anglian Water fails to carry out and execute the works properly with due care and attention and in a skilful and professional like manner or in a manner that does not accord with the approved plan.

(4) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the unlawful or unreasonable act, neglect or default of Anglian Water, its officers, servants, contractors or agents.

(5) Anglian Water must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise is to be made, without the consent of the undertaker (such consent not to be

unreasonably withheld or delayed) who, if withholding such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

### **Cooperation**

**23.** Where in consequence of the proposed construction of any of the authorised development, the undertaker or Anglian Water requires the removal of apparatus under paragraph 18(2) or Anglian Water makes requirements for the protection or alteration of apparatus under paragraph 20, the undertaker must use reasonable endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe and efficient operation of Anglian Water's undertaking, using existing processes where requested by Anglian Water, provided it is appropriate to do so, and Anglian Water must use all reasonable endeavours to co-operate with the undertaker for that purpose.

**24.** Where the undertaker identifies any apparatus which may belong to or be maintainable by Anglian Water but which does not appear on any statutory map kept for the purpose by Anglian Water, it shall inform Anglian Water of the existence and location of the apparatus as soon as reasonably practicable.

**25.** Nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and Anglian Water in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

**26.** The undertaker and Anglian Water may by written agreement substitute any period of time for those periods set out in this Part of this Schedule.

## **PART 4**

### **FOR THE PROTECTION OF NETWORK RAIL INFRASTRUCTURE LIMITED**

**27.** The provisions of this Part of this Schedule have effect, unless otherwise agreed in writing between the undertaker and Network Rail and, in the case of paragraph 41 of this Part of this Schedule any other person on whom rights or obligations are conferred by that paragraph.

**28.** In this Part of this Schedule—

“asset protection agreement” means an agreement to regulate the construction and maintenance of the specified work in a form prescribed from time to time by Network Rail;

“construction” includes execution, placing, alteration and reconstruction and “construct” and “constructed” have corresponding meanings;

“the engineer” means an engineer appointed by Network Rail for the purposes of this Order;

“network licence” means the network licence, as the same is amended from time to time, granted to Network Rail Infrastructure Limited by the Secretary of State in exercise of their powers under section 8 (licences) of the Railways Act 1993;

“Network Rail” means Network Rail Infrastructure Limited (company number 02904587, whose registered office is at 1 Eversholt Street, London NW1 2DN) and any associated company of Network Rail Infrastructure Limited which holds property for railway purposes, and for the purpose of this definition “associated company” means any company which is (within the meaning of section 1159 of the Companies Act 2006) the holding company of Network Rail Infrastructure Limited, a subsidiary of Network Rail Infrastructure Limited or another subsidiary of the holding company of Network Rail Infrastructure Limited and any successor to Network Rail Infrastructure Limited's railway undertaking;

“plans” includes sections, designs, design data, software, drawings, specifications, soil reports, calculations, descriptions (including descriptions of methods of construction), staging proposals, programmes and details of the extent, timing and duration of any proposed occupation of railway property;

“railway operational procedures” means procedures specified under any access agreement (as defined in the Railways Act 1993) or station lease;

“railway property” means any railway belonging to Network Rail and—

- (a) any station, land, works, apparatus and equipment belonging to Network Rail or connected with any such railway; and
- (b) any easement or other property interest held or used by Network Rail or a tenant or licensee of Network Rail for the purposes of such railway or works, apparatus or equipment;

“regulatory consents” means any consent or approval required under:

- (c) the Railways Act 1993;
- (d) the network licence; and/or
- (e) any other relevant statutory or regulatory provisions;

by either the Office of Rail and Road or the Secretary of State for Transport or any other competent body including change procedures and any other consents, approvals of any access or beneficiary that may be required in relation to the authorised development;

“specified work” means so much of any of the authorised development as is situated upon, across, under, over or within 15 metres of, or may in any way adversely affect, railway property and, for the avoidance of doubt, includes the maintenance of such works under the powers conferred by article 4 (maintenance of authorised development) in respect of such works.

**29.—(1)** Where under this Part of this Schedule Network Rail is required to give its consent or approval in respect of any matter, that consent or approval is subject to the condition that Network Rail complies with any relevant railway operational procedures and any obligations under its network licence or under statute.

(2) In so far as any specified work or the acquisition or use of railway property is or may be subject to railway operational procedures, Network Rail must—

- (a) co-operate with the undertaker with a view to avoiding undue delay and securing conformity as between any plans approved by the engineer and requirements emanating from those procedures; and
- (b) use their reasonable endeavours to avoid any conflict arising between the application of those procedures and the proper implementation of the authorised development pursuant to this Order.

**30.—(1)** The undertaker must not exercise the powers conferred by—

- (a) article 3 (development consent granted by the Order);
- (b) article 4 (maintenance of authorised development);
- (c) article 19 (discharge of water);
- (d) article 21 (authority to survey and investigate the land);
- (e) article 23 (compulsory acquisition of land);
- (f) article 24 (compulsory acquisition of rights);
- (g) article 25 (acquisition of subsoil or airspace only);
- (h) article 26 (temporary use of land by National Grid);
- (i) article 27 (temporary use of land by UKPN);
- (j) article 28 (temporary use of land for maintaining the authorised development);
- (k) article 29 (power to override easements and other rights);
- (l) article 43 (statutory undertakers);
- (m) article 48 (felling or lopping);
- (n) article 49 (trees subject to Tree Preservation Orders);
- (o) the powers conferred by section 11(3) (power of entry) of the 1965 Act;
- (p) the powers conferred by section 203 (power to override easements and rights) of the Housing and Planning Act 2016;
- (q) the powers conferred by section 172 (right to enter and survey land) of the Housing and Planning Act 2016; and
- (r) any powers under in respect of the temporary possession of land under the Neighbourhood Planning Act 2017;

in respect of any railway property unless the exercise of such powers is with the consent of Network Rail.

(2) The undertaker must not in the exercise of the powers conferred by this Order prevent pedestrian or vehicular access to any railway property, unless preventing such access is with the consent of Network Rail.

(3) The undertaker must not exercise the powers conferred by sections 271 or 272 of the 1990 Act, article 38 (power to override easements and other rights) or article 43 (statutory undertakers), in relation to any right of access of Network Rail to railway property, but such right of access may be diverted with the consent of Network Rail.

(4) The undertaker must not under the powers of this Order acquire or use or acquire new rights over, or seek to impose any restrictive covenants over, any railway property, or extinguish any existing rights of Network Rail in respect of any third party property, except with the consent of Network Rail.

(5) The undertaker must not under the powers of this Order do anything which would result in railway property being incapable of being used or maintained or which would affect the safe running of trains on the railway.

(6) Where Network Rail is asked to give its consent pursuant to this paragraph, such consent must not be unreasonably withheld but may be given subject to reasonable conditions but it shall never be unreasonable to withhold consent for reasons of operational or railway safety (such matters to be in Network Rail's absolute discretion).

(7) The undertaker must enter into an asset protection agreement prior to the carrying out of any specified work.

**31.—(1)** The undertaker must before commencing construction of any specified work supply to Network Rail proper and sufficient plans of that work for the reasonable approval of the engineer and the specified work must not be commenced except in accordance with such plans as have been approved in writing by the engineer or settled by arbitration.

(2) The approval of the engineer under sub-paragraph (1) must not be unreasonably withheld, and if by the end of the period of 28 days beginning with the date on which such plans have been supplied to Network Rail the engineer has not intimated their disapproval of those plans and the grounds of such disapproval the undertaker may serve upon the engineer written notice requiring the engineer to intimate approval or disapproval within a further period of 28 days beginning with the date upon which the engineer receives written notice from the undertaker. If by the expiry of the further 28 days the engineer has not intimated approval or disapproval, the engineer shall be deemed to have approved the plans as submitted.

(3) If by the end of the period of 28 days beginning with the date on which written notice was served upon the engineer under sub-paragraph (2), Network Rail gives notice to the undertaker that Network Rail desires itself to construct any part of a specified work which in the opinion of the engineer will or may affect the stability of railway property or the safe operation of traffic on the railways of Network Rail then, if the undertaker desires such part of the specified work to be constructed, Network Rail must construct it without unnecessary delay on behalf of and to the reasonable satisfaction of the undertaker in accordance with the plans approved or deemed to be approved or settled under this paragraph, and under the supervision (where appropriate and if given) of the undertaker.

(4) When signifying their approval of the plans the engineer may specify any protective works (whether temporary or permanent) which in the engineer's opinion should be carried out before the commencement of the construction of a specified work to ensure the safety or stability of railway property or the continuation of safe and efficient operation of the railways of Network Rail or the services of operators using the same (including any relocation de-commissioning and removal of works, apparatus and equipment necessitated by a specified work and the comfort and safety of passengers who may be affected by the specified works), and such protective works as may be reasonably necessary for those purposes must be constructed by Network Rail or by the undertaker, if Network Rail so desires, and such protective works must be carried out at the expense of the undertaker in either case without unnecessary delay and the undertaker must not commence the construction of the specified works until the engineer has notified the undertaker that the protective works have been completed to their reasonable satisfaction.

**32.—(1)** Any specified work and any protective works to be constructed by virtue of paragraph 31(4) must, when commenced, be constructed—

- (a) without unnecessary delay in accordance with the plans approved or deemed to have been approved or settled under paragraph 31;
- (b) under the supervision (where appropriate and if given) and to the reasonable satisfaction of the engineer;
- (c) in such manner as to cause as little damage as is possible to railway property; and
- (d) so far as is reasonably practicable, so as not to interfere with or obstruct the free, uninterrupted and safe use of any railway of Network Rail or the traffic thereon and the use by passengers of railway property.

(2) If any damage to railway property or any such interference or obstruction shall be caused by the carrying out of, or in consequence of the construction of a specified work, the undertaker must, notwithstanding any such approval, make good such damage and must pay to Network Rail all reasonable expenses to which Network Rail may be put and compensation for any loss which it may sustain by reason of any such damage, interference or obstruction.

(3) Nothing in this Part of this Schedule imposes any liability on the undertaker with respect to any damage, costs, expenses or loss attributable to the negligence of Network Rail or its servants, contractors or agents or any liability on Network Rail with respect of any damage, costs, expenses or loss attributable to the negligence of the undertaker or its servants, contractors or agents.

**33. The undertaker must—**

- (a) at all times afford reasonable facilities to the engineer for access to a specified work during its construction; and
- (b) supply the engineer with all such information as they may reasonably require with regard to a specified work or the method of constructing it.

**34. Network Rail must at all times afford reasonable facilities to the undertaker and its agents for access to any works carried out by Network Rail under this Part of this Schedule during their construction and must supply the undertaker with such information as it may reasonably require with regard to such works or the method of constructing them.**

**35.—(1)** If any permanent or temporary alterations or additions to railway property are reasonably necessary in consequence of the construction or completion of a specified work in order to ensure the safety of railway property or the continued safe operation of the railway of Network Rail, such alterations and additions may be carried out by Network Rail and if Network Rail gives to the undertaker 56 days' notice (or in the event of an emergency or safety critical issue such notice as is reasonable in the circumstances) of its intention to carry out such alterations or additions (which must be specified in the notice), the undertaker must pay to Network Rail the reasonable cost of those alterations or additions including, in respect of any such alterations and additions as are to be permanent, a capitalised sum representing the increase of the costs which may be expected to be reasonably incurred by Network Rail in maintaining, working and, when necessary, renewing any such alterations or additions.

(2) If during the construction of a specified work by the undertaker, Network Rail gives notice to the undertaker that Network Rail desires itself to construct that part of the specified work which in the opinion of the engineer is endangering the stability of railway property or the safe operation of traffic on the railways of Network Rail then, if the undertaker decides that part of the specified work is to be constructed, Network Rail must assume construction of that part of the specified work and the undertaker must, notwithstanding any such approval of a specified work under paragraph 31(3), pay to Network Rail all reasonable expenses to which Network Rail may be put and compensation for any loss which it may suffer by reason of the execution by Network Rail of that specified work.

(3) The engineer must, in respect of the capitalised sums referred to in this paragraph and paragraph 36(a) provide such details of the formula by which those sums have been calculated as the undertaker may reasonably require.

(4) If the cost of maintaining, working or renewing railway property is reduced in consequence of any such alterations or additions a capitalised sum representing such saving must be set off against any sum payable by the undertaker to Network Rail under this paragraph.

**36. The undertaker must repay to Network Rail all reasonable fees, costs, charges and expenses reasonably incurred by Network Rail—**

- (a) in constructing any part of a specified work on behalf of the undertaker as provided by paragraph 31(3) or in constructing any protective works under the provisions of paragraph 31(4) including, in respect of any permanent protective works, a capitalised sum representing the cost of maintaining and renewing those works;
- (b) in respect of the approval by the engineer of plans submitted by the undertaker and the supervision by the engineer of the construction of a specified work;
- (c) in respect of the employment or procurement of the services of any inspectors, signallers, watch-persons and other persons whom it shall be reasonably necessary to appoint for inspecting, signalling, watching and lighting railway property and for preventing, so far as may be reasonably practicable, interference, obstruction, danger or accident arising from the construction or failure of a specified work;
- (d) in respect of any special traffic working resulting from any speed restrictions which may in the opinion of the engineer, require to be imposed by reason or in consequence of the construction or failure of a specified work or from the substitution or diversion of services which may be reasonably necessary for the same reason; and
- (e) in respect of any additional temporary lighting of railway property in the vicinity of the specified works, being lighting made reasonably necessary by reason or in consequence of the construction or failure of a specified work.

37.—(1) In this paragraph—

“EMI” means, subject to sub-paragraph (2), electromagnetic interference with Network Rail apparatus generated by the operation of the authorised development where such interference is of a level which adversely affects the safe operation of Network Rail’s apparatus; and

“Network Rail’s apparatus” means any lines, circuits, wires, apparatus or equipment (whether or not modified or installed as part of the authorised development) which are owned or used by Network Rail for the purpose of transmitting or receiving electrical energy or of radio, telegraphic, telephonic, electric, electronic or other like means of signalling or other communications.

(2) This paragraph applies to EMI only to the extent that such EMI is not attributable to any change to Network Rail’s apparatus carried out after approval of plans under paragraph 31(1) for the relevant part of the authorised development giving rise to EMI (unless the undertaker has been given notice in writing before the approval of those plans of the intention to make such change).

(3) Subject to sub-paragraph (5), the undertaker must in the design and construction of the authorised development take all measures necessary to prevent EMI and must establish with Network Rail (both parties acting reasonably) appropriate arrangements to verify their effectiveness.

(4) In order to facilitate the undertaker’s compliance with sub-paragraph (3)—

- (a) the undertaker must consult with Network Rail as early as reasonably practicable to identify all Network Rail’s apparatus which may be at risk of EMI, and thereafter must continue to consult with Network Rail (both before and after formal submission of plans under paragraph 31(1)) in order to identify all potential causes of EMI and the measures required to eliminate them;
- (b) Network Rail must make available to the undertaker all information in the possession of Network Rail reasonably requested by the undertaker in respect of Network Rail’s apparatus identified pursuant to sub-paragraph (a); and
- (c) Network Rail must allow the undertaker reasonable facilities for the inspection of Network Rail’s apparatus identified pursuant to sub-paragraph (a).

(5) In any case where it is established that EMI can only reasonably be prevented by modifications to Network Rail’s apparatus, Network Rail must not withhold its consent unreasonably to modifications of Network Rail’s apparatus, but the means of prevention and the method of their execution must be selected in the reasonable discretion of Network Rail, and in relation to such modifications paragraph 31(1) has effect subject to the sub-paragraph.

(6) Prior to the commencement of operation of the authorised development the undertaker shall test the use of the authorised development in a manner that shall first have been agreed with Network Rail and if, notwithstanding any measures adopted pursuant to sub-paragraph (3), the testing of the authorised development causes EMI then the undertaker must immediately upon receipt of notification by Network Rail of such EMI either in writing or communicated orally (such oral communication to be

confirmed in writing as soon as reasonably practicable after it has been issued) forthwith cease to use (or procure the cessation of use of) the undertaker's apparatus causing such EMI until all measures necessary have been taken to remedy such EMI by way of modification to the source of such EMI or (in the circumstances, and subject to the consent, specified in sub-paragraph (5)) to Network Rail's apparatus.

(7) In the event of EMI having occurred—

- (a) the undertaker must afford reasonable facilities to Network Rail for access to the undertaker's apparatus in the investigation of such EMI;
- (b) Network Rail must afford reasonable facilities to the undertaker for access to Network Rail's apparatus in the investigation of such EMI;
- (c) Network Rail must make available to the undertaker any additional material information in its possession reasonably requested by the undertaker in respect of Network Rail's apparatus or such EMI; and
- (d) the undertaker shall not allow the use or operation of the authorised development in a manner that has caused or will cause EMI until measures have been taken in accordance with this paragraph to prevent EMI occurring.

(8) Where Network Rail approves modifications to Network Rail's apparatus pursuant to sub-paragraphs (5) or (6)—

- (a) Network Rail must allow the undertaker reasonable facilities for the inspection of the relevant part of Network Rail's apparatus;
- (b) any modifications to Network Rail's apparatus approved pursuant to those sub-paragraphs must be carried out and completed by the undertaker in accordance with paragraph 32.

(9) To the extent that it would not otherwise do so, the indemnity in paragraph 41(1) applies to the costs and expenses reasonably incurred or losses suffered by Network Rail through the implementation of the provisions of this paragraph (including costs incurred in connection with the consideration of proposals, approval of plans, supervision and inspection of works and facilitating access to Network Rail's apparatus) or in consequence of any EMI to which sub-paragraph (6) applies.

(10) For the purpose of paragraph 36(a) any modifications to Network Rail's apparatus under this paragraph shall be deemed to be protective works referred to in that paragraph.

(11) In relation to any dispute arising under this paragraph the reference in article 59 (Arbitration) to the Institution of Civil Engineers shall be read as a reference to the Institution of Engineering and Technology.

**38.** If at any time after the completion of a specified work, not being a work vested in Network Rail, Network Rail gives notice to the undertaker informing it that the state of maintenance of any part of the specified work appears to be such as adversely affects the operation of railway property, the undertaker must, on receipt of such notice, take such steps as may be reasonably necessary to put that specified work in such state of maintenance as not adversely to affect railway property.

**39.** The undertaker must not provide any illumination or illuminated sign or signal on or in connection with a specified work in the vicinity of any railway belonging to Network Rail unless it has first consulted Network Rail and it must comply with Network Rail's reasonable requirements for preventing confusion between such illumination or illuminated sign or signal and any railway signal or other light used for controlling, directing or securing the safety of traffic on the railway.

**40.** Any additional expenses which Network Rail may reasonably incur in altering, reconstructing or maintaining railway property under any powers existing at the making of this Order by reason of the existence of a specified work must, provided that 56 days' previous notice of the commencement of such alteration, reconstruction or maintenance has been given to the undertaker, be repaid by the undertaker to Network Rail.

**41.—(1)** The undertaker must pay to Network Rail all reasonable costs, charges, damages and expenses not otherwise provided for in this Part of this Schedule (subject to article 54 (no double recovery)) which may be occasioned to or reasonably incurred by Network Rail—

- (a) by reason of the construction, maintenance or operation of a specified work or the failure thereof; or

- (b) by reason of any act or omission of the undertaker or of any person in its employ or of its contractors or others whilst engaged upon a specified work;
- (c) by reason of any act or omission of the undertaker or any person in its employ or of its contractors or others whilst accessing to or egressing from the authorised development;
- (d) in respect of any damage caused to or additional maintenance required to, railway property or any such interference or obstruction or delay to the operation of the railway as a result of access to or egress from the authorised development by the undertaker or any person in its employ or of its contractors or others;
- (e) in respect of costs incurred by Network Rail in complying with any railway operational procedures or obtaining any regulatory consents which procedures are required to be followed or consents obtained to facilitate the carrying out or operation of the authorised development;
- (f) and the undertaker must indemnify and keep indemnified Network Rail from and against all claims and demands arising out of or in connection with a specified work or any such failure, act or omission: and the fact that any act or thing may have been done by Network Rail on behalf of the undertaker or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under the engineer's supervision shall not (if it was done without negligence on the part of Network Rail or of any person in its employ or of its contractors or agents) excuse the undertaker from any liability under the provisions of this sub-paragraph.

(2) Network Rail must—

- (a) give the undertaker reasonable written notice of any such claims or demands
- (b) not make any settlement or compromise of such a claim or demand without the prior consent of the undertaker; and
- (c) take such steps as are within its control and are reasonable in the circumstances to mitigate any liabilities relating to such claims or demands.

(3) The sums payable by the undertaker under sub-paragraph (1) shall if relevant include a sum equivalent to the relevant costs.

(4) Subject to the terms of any agreement between Network Rail and a train operator regarding the timing or method of payment of the relevant costs in respect of that train operator, Network Rail must promptly pay to each train operator the amount of any sums which Network Rail receives under sub-paragraph (3) which relates to the relevant costs of that train operator.

(5) The obligation under sub-paragraph (3) to pay Network Rail the relevant costs shall, in the event of default, be enforceable directly by any train operator concerned to the extent that such sums would be payable to that operator pursuant to sub paragraph (4).

(6) In this paragraph—

“the relevant costs” means the costs, losses and expenses (including loss of revenue) reasonably incurred by each train operator as a consequence of any specified work including but not limited to any restriction of the use of Network Rail's railway network as a result of the construction, maintenance or failure of a specified work or any such act or omission as mentioned in sub paragraph (1); and

“train operator” means any person who is authorised to act as the operator of a train by a licence under section 8 of the Railways Act 1993.

**42.** Network Rail must, on receipt of a request from the undertaker, from time to time provide the undertaker free of charge with written estimates of the costs, charges, expenses and other liabilities for which the undertaker is or will become liable under this Part of this Schedule (including the amount of the relevant costs mentioned in paragraph 41) and with such information as may reasonably enable the undertaker to assess the reasonableness of any such estimate or claim made or to be made pursuant to this Part of this Schedule (including any claim relating to those relevant costs).

**43.** In the assessment of any sums payable to Network Rail under this Part of this Schedule there must not be taken into account any increase in the sums claimed that is attributable to any action taken by or any agreement entered into by Network Rail if that action or agreement was not reasonably necessary and was taken or entered into with a view to obtaining the payment of those sums by the undertaker under this Part of this Schedule or increasing the sums so payable.

44. The undertaker and Network Rail may, subject in the case of Network Rail to compliance with the terms of its network licence, enter into, and carry into effect, agreements for the transfer to the undertaker of—

- (a) any railway property shown on the works and land plans and described in the book of reference;
- (b) any lands, works or other property held in connection with any such railway property; and
- (c) any rights and obligations (whether or not statutory) of Network Rail relating to any railway property or any lands, works or other property referred to in this paragraph.

45. Nothing in this Order, or in any enactment incorporated with or applied by this Order, prejudices or affects the operation of Part I of the Railways Act 1993.

46. The undertaker must give written notice to Network Rail if any application is proposed to be made by the undertaker for the Secretary of State's consent, under article 7 (consent to transfer benefit of Order) of this Order and any such notice must be given no later than 28 days before any such application is made and must describe or give (as appropriate)—

- (a) the nature of the application to be made;
- (b) the extent of the geographical area to which the application relates; and
- (c) the name and address of the person acting for the Secretary of State to whom the application is to be made.

47. The undertaker must no later than 28 days from the date that the plans submitted to and certified by the Secretary of State in accordance with article 57 (certification of plans etc.) are certified by the Secretary of State, provide a set of those plans to Network Rail in a format specified by Network Rail.

48. In relation to any dispute arising under this part of this Part of this Schedule (except for those disputes referred to in paragraph 37(11)), the provisions of article 59 (Arbitration) shall not apply and any such dispute, unless otherwise provided for, must be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) to the President of the Institution of Civil Engineers.

## PART 5

### FOR THE PROTECTION OF CADENT GAS LIMITED AS GAS UNDERTAKER

#### Application

49. For the protection of Cadent the following provisions will, unless otherwise agreed in writing between the undertaker and Cadent, have effect.

#### Interpretation

50. In this Part of this Schedule—

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

“alternative apparatus” means appropriate alternative apparatus to the satisfaction of Cadent to enable Cadent to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus” means any gas mains, pipes, pressure governors, ventilators, cathodic protections, (including transformed rectifiers and any associated groundbeds or cables), cables, marker posts, block valves, hydrogen above ground installations or other apparatus belonging to or maintained by Cadent for the purposes of Cadent's undertaking together with any replacement apparatus and such other apparatus constructed pursuant to this Order that becomes operational apparatus of Cadent for the purposes of Cadent's undertaking and includes any structure in which apparatus is or will be lodged or which gives or will give access to apparatus;

“authorised works” has the same meaning as is given to the term "authorised development" in article 2 of this Order and includes any associated development authorised by the Order and for the

purposes of this Part of this Schedule includes the use and maintenance of the authorised works and construction of any works authorised by this Schedule;

“Cadent” means Cadent Gas Limited and includes its successors in title or any successor as a gas transporter within the meaning of Part 1 of the Gas Act 1986;

“Cadent’s undertaking” means the rights, duties and obligations of Cadent Gas Limited as a public gas transporter within the meaning of Section 7 of the Gas Act 1986 (as amended by the Gas Act 1995);

“commence” has the same meaning as in article 2 of this Order and commencement will be construed to have the same meaning save that for the purposes of this Part of the Schedule the terms commence and commencement include operations for the purposes of archaeological or ecological investigations and investigations of the existing condition of the ground or of structures;

“deed of consent” means a deed of consent, crossing agreement, deed of variation or new deed of grant agreed between the parties acting reasonably in order to vary and/or replace existing easements, agreements, enactments and other such interests so as to secure land rights and interests as are necessary to carry out, maintain, operate and use the apparatus in a manner consistent with the terms of this Part of this Schedule;

“functions” includes powers and duties;

“ground mitigation scheme” means a scheme approved by Cadent (such approval not to be unreasonably withheld or delayed) setting out the necessary measures (if any) for a ground subsidence event;

“ground monitoring scheme” means a scheme for monitoring ground subsidence which sets out the apparatus which is to be subject to such monitoring, the extent of land to be monitored, the manner in which ground levels are to be monitored, the timescales of any monitoring activities and the extent of ground subsidence which, if exceeded, must require the undertaker to submit for Cadent’s approval a ground mitigation scheme;

“ground subsidence event” means any ground subsidence identified by the monitoring activities set out in the ground monitoring scheme that has exceeded the level described in the ground monitoring scheme as requiring a ground mitigation scheme;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon such land;

“maintain” and “maintenance” will include the ability and right to do any of the following in relation to any apparatus or alternative apparatus of Cadent including retain, lay, construct, inspect, maintain, protect, use, access, enlarge, replace, renew, remove, decommission or render unusable or remove the apparatus;

“plan” or “plans” include all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary to properly and sufficiently describe and assess the works to be executed;

“parent company” means a parent company of the undertaker acceptable to Cadent and which will have been approved by Cadent acting reasonably;

“rights” will include rights and restrictive covenants, and in relation to decommissioned apparatus the surrender of rights, release of liabilities and transfer of decommissioned apparatus; and

“specified works” means any of the authorised works or activities (including maintenance) undertaken in association with the authorised works which;

will or may be situated over, or within 15 metres measured in any direction of any apparatus the removal of which has not been required by the undertaker under sub-paragraph 7(2) or otherwise;

may in any way adversely affect any apparatus the removal of which has not been required by the undertaker under sub-paragraph 55(2) or otherwise; and/or

include any of the activities that are referred to in CD/SP/SSW/22 (Cadent’s policies for safe working in the vicinity of Cadent’s Assets); and

“undertaker” means the undertaker as defined in article 2 of this Order.

## On Street Apparatus

51.—(1) Except for paragraphs 52 (apparatus in stopped up streets), 55 (Removal of Apparatus) in so far as sub-paragraph (3) applies, 56 (Facilities and Rights for Alternative Apparatus) in so far as sub-paragraph (2) below applies, 57 (retained apparatus: protection), 58 (expenses) and 59 (indemnity) of this Schedule which will apply in respect of the exercise of all or any powers under the Order affecting the rights and apparatus of Cadent, the other provisions of this Schedule do not apply to apparatus in respect of which the relations between the undertaker and Cadent are regulated by the provisions of Part 3 of the 1991 Act.

(2) Paragraphs 55 and 56 of this Agreement will apply to diversions even where carried out under the 1991 Act, in circumstances where any apparatus is diverted from an alignment within the existing adopted public highway but not wholly replaced within existing adopted public highway.

(3) Notwithstanding article 11 or any other powers in the Order generally, s85 of the 1991 Act in relation to cost sharing and the regulations made thereunder will not apply in relation to any diversion of apparatus of Cadent under the 1991 Act.

## Apparatus of Cadent in stopped up streets

52.—(1) Without prejudice to the generality of any other protection afforded to Cadent elsewhere in the Order, where any street is stopped up under article 14 (permanent stopping up of streets and private means of access), if Cadent has any apparatus in the street or accessed via that street Cadent will be entitled to the same rights in respect of such apparatus as it enjoyed immediately before the stopping up and the undertaker will grant to Cadent, or will procure the granting to Cadent of, legal easements reasonably satisfactory to Cadent in respect of such apparatus and access to it prior to the stopping up of any such street or highway but nothing in this paragraph shall affect any right of the undertaker or of Cadent to require the removal of that apparatus under paragraph 55.

(2) Notwithstanding the temporary stopping up or diversion of any highway under the powers of article 15 (temporary stopping up of streets and restriction of use of streets), Cadent will be at liberty at all times to take all necessary access across any such stopped up highway and/or to execute and do all such works and things in, upon or under any such highway as it would have been entitled to do immediately before such temporary stopping up or diversion in respect of any apparatus which at the time of the stopping up or diversion was in that highway

(3) The Protective Provisions in this Part of this Schedule apply and take precedence over article 38 (apparatus and rights of statutory undertakers in stopped up streets) of the Order which shall not apply to Cadent.

## Protective works to buildings

53.—(1) The undertaker, in the case of the powers conferred by article 21 (protective work to buildings), must exercise those powers so as not to obstruct or render less convenient the access to any apparatus without the written consent of Cadent and, if by reason of the exercise of those powers any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal or abandonment) or property of Cadent or any interruption in the supply of gas by Cadent, as the case may be, is caused, the undertaker must bear and pay on demand the cost reasonably incurred by Cadent in making good such damage or restoring the supply; and, subject to sub-paragraph (2), will—

- (a) pay compensation to Cadent for any loss sustained by it; and
- (b) indemnify Cadent against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by Cadent, by reason of any such damage or interruption.

(2) Nothing in this paragraph imposes any liability on the undertaker with respect to any damage or interruption to the extent that such damage or interruption is attributable to the act, neglect or default of Cadent or its contractors or workmen; and Cadent will give to the undertaker reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made by Cadent, save in respect of any payment required under a statutory compensation scheme, without first consulting the undertaker and giving the undertaker an opportunity to make representations as to the claim or demand.

### Acquisition of land

54.—(1) Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference to the Order, the undertaker may not appropriate or acquire any land interest or appropriate, acquire, extinguish, interfere with or override any easement, other interest or right and/or apparatus of Cadent otherwise than by agreement.

(2) As a condition of agreement between the parties in sub-paragraph (1), prior to the carrying out of any part of the authorised works (or in such other timeframe as may be agreed between Cadent and the undertaker) that are subject to the requirements of this Part of this Schedule that will cause any conflict with or breach the terms of any easement and/or other legal or land interest of Cadent and/or affects the provisions of any enactment or agreement regulating the relations between Cadent and the undertaker in respect of any apparatus laid or erected in land belonging to or secured by the undertaker, the undertaker must as Cadent reasonably requires enter into such deeds of consent and variations upon such terms and conditions as may be agreed between Cadent and the undertaker acting reasonably and which must be no less favourable on the whole to Cadent unless otherwise agreed by Cadent, and it will be the responsibility of the undertaker to procure and/or secure the consent and entering into of such deeds and variations by all other third parties with an interest in the land at that time who are affected by such authorised works.

(3) The undertaker and Cadent agree that where there is any inconsistency or duplication between the provisions set out in this Part of this Schedule relating to the relocation and/or removal of apparatus/including but not limited to the payment of costs and expenses relating to such relocation and/or removal of apparatus and the provisions of any existing easement, rights, agreements and licences granted, used, enjoyed or exercised by Cadent and/or other enactments relied upon by Cadent as of right or other use in relation to the apparatus, then the provisions in this Schedule will prevail.

(4) Any agreement or consent granted by Cadent under paragraph 57 or any other paragraph of this Part of this Schedule, will not be taken to constitute agreement under sub-paragraph (1).

(5) As a condition of an agreement between the parties in sub-paragraph (1) that involves de-commissioned apparatus being left in situ the undertaker must accept a surrender of any existing easement and/or other interest of Cadent in such decommissioned apparatus and consequently acquire title to such decommissioned apparatus and release Cadent from all liabilities in respect of such de-commissioned apparatus from the date of such surrender.

(6) Where an undertaker acquires land which is subject to any Cadent right or interest (including, without limitation, easements and agreements relating to rights or other interests) and the provisions of paragraph 55 do not apply, the undertaker must:

- (a) retain any notice of Cadent's easement, right or other interest on the title to the relevant land when registering the undertaker's title to such acquired land; and
- (b) (where no such notice of Cadent's easement, right or other interest exists in relation to such acquired land or any such notice is registered only on the Land Charges Register) include (with its application to register title to the undertaker's interest in such acquired land at the Land Registry) a notice of Cadent's easement, right or other interest in relation to such acquired land.

### Removal of apparatus

55.—(1) If, in the exercise of the agreement reached in accordance with paragraph 54 or in any other authorised manner, the undertaker acquires any interest in any land in which any apparatus is placed, that apparatus must not be decommissioned or removed under this Part of this Schedule and any right of Cadent to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed, is in operation, and the rights and facilities referred to in sub-paragraph (2) have been provided, to the satisfaction of Cadent and in accordance with sub-paragraph (2) to (5) inclusive.

(2) If, for the purpose of executing any works in, on, under or over any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to Cadent advance written notice of that requirement, together with a plan and section of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by

this Order Cadent reasonably needs to move or remove any of its apparatus) the undertaker must afford to Cadent to its satisfaction (taking into account sub-paragraph 56(1) below) the necessary facilities and rights:

- (a) for the construction of alternative apparatus (including appropriate working areas required to reasonably and safely undertake necessary works by Cadent in respect of the apparatus);
- (b) subsequently for the maintenance of that apparatus (including appropriate working areas required to reasonably and safely undertake necessary works by Cadent in respect of the apparatus); and
- (c) to allow access to that apparatus (including appropriate working areas required to reasonably and safely undertake necessary works by Cadent in respect of the apparatus).

(3) If the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2), in the land in which the alternative apparatus or part of such apparatus is to be constructed, Cadent may, on receipt of a written notice to that effect from the undertaker, take such steps as are reasonable in the circumstances in an endeavour to assist the undertaker in obtaining the necessary facilities and rights in the land in which the alternative apparatus is to be constructed save that this obligation will not extend to the requirement for Cadent to use its compulsory purchase powers to this end unless it (in its absolute discretion) elects to so do.

(4) Any alternative apparatus to be constructed in land of or land secured by the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between Cadent and the undertaker.

(5) Cadent must, after the alternative apparatus to be provided or constructed has been agreed, and subject to the prior grant to Cadent of such facilities and rights as are referred to in sub-paragraph (2) or (3) have been afforded to Cadent to its satisfaction, then proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to decommission or remove any apparatus required by the undertaker to be decommissioned or removed under the provisions of this Part of this Schedule.

#### **Facilities and rights for alternative apparatus**

56.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to or secures for Cadent facilities and rights in land for the access to, construction and maintenance alternative apparatus in substitution for apparatus to be decommissioned or removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the undertaker and Cadent and must be no less favourable on the whole to Cadent than the facilities and rights enjoyed by it in respect of the apparatus to be decommissioned or removed unless otherwise agreed by Cadent.

(2) If the facilities and rights to be afforded by the undertaker and agreed with Cadent under sub-paragraph (1) above in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to Cadent than the facilities and rights enjoyed by it in respect of the apparatus to be decommissioned or removed (in Cadent's opinion) then the terms and conditions to which those facilities and rights are subject in the matter will be referred to arbitration in accordance with paragraph 63 (Arbitration) of this Part of this Schedule and the arbitrator will make such provision for the payment of compensation by the undertaker to Cadent as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

#### **Retained apparatus: protection of Cadent**

57.—(1) Not less than 56 days before the commencement of any specified works the undertaker must submit to Cadent a plan and, if reasonably required by Cadent, a ground monitoring scheme in respect of those works.

(2) The plan to be submitted to Cadent under sub-paragraph (1) must include a method statement and describe—

- (a) the exact position of the works;
- (b) the level at which these are proposed to be constructed or renewed;

- (c) the manner of their construction or renewal including details of excavation, positioning of plant etc.;
- (d) the position of all apparatus;
- (e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus; and
- (f) any intended maintenance regimes.

(3) The undertaker must not commence any works to which sub-paragraphs (1) and (2) apply until Cadent has given written approval of the plan so submitted.

(4) Any approval of Cadent required under sub-paragraph (3)—

- (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraphs (5) or (7); and,
- (b) must not be unreasonably withheld.

(5) In relation to any work to which sub-paragraphs (1) and/or (2) apply, Cadent may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing apparatus against interference or risk of damage or for the purpose of providing or securing proper and convenient means of access to any apparatus.

(6) Works to which this paragraph applies must only be executed in accordance with the plan, submitted under sub-paragraph (1) and (2) or as relevant sub-paragraph (4), as approved or as amended from time to time by agreement between the undertaker and Cadent and in accordance with all conditions imposed under sub-paragraph (4)(a), and Cadent will be entitled to watch and inspect the execution of those works.

(7) Where Cadent requires any protective works to be carried out by itself or by the undertaker (whether of a temporary or permanent nature) such protective works, inclusive of any measures or schemes required and approved as part of the plan approved pursuant to this paragraph, must be carried out to Cadent's satisfaction prior to the commencement of any authorised works (or any relevant part thereof) for which protective works are required prior to commencement

(8) If Cadent, in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs (1) to (3) and (6) to (8) apply as if the removal of the apparatus had been required by the undertaker under sub-paragraph 55(2).

(9) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of the authorised works, a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph will apply to and in respect of the new plan.

(10) The undertaker will not be required to comply with sub-paragraph (1) where it needs to carry out emergency works as defined in the 1991 Act but in that case it must give to Cadent notice as soon as is reasonably practicable and a plan of those works and must comply with—

- (a) the conditions imposed under sub-paragraph (4)(a) insofar as is reasonably practicable in the circumstances; and
- (b) sub-paragraph (11) at all times.

(11) At all times when carrying out any works authorised under the Order the undertaker must comply with Cadent's policies for safe working in proximity to gas apparatus "CD/SP/SSW/22 (Cadent's policies for safe working in the vicinity of Cadent's Assets" and HSE's "HS(~G)47 Avoiding Danger from underground services".

(12) As soon as reasonably practicable after any ground subsidence event attributable to the authorised development the undertaker must implement an appropriate ground mitigation scheme save that Cadent retains the right to carry out any further necessary protective works for the safeguarding of its apparatus and can recover any such costs in line with paragraph 58.

## Expenses

58.—(1) Subject to the following provisions of this paragraph, the undertaker must pay to Cadent on demand on receipt of an invoice or written breakdown all charges, costs and expenses reasonably anticipated or incurred by Cadent in, or in connection with, the inspection, removal, relaying or

replacing, alteration or protection of any apparatus or the construction of any new or alternative apparatus which may be required in consequence of the execution of any authorised works as are referred to in this Part of this Schedule including without limitation—

- (a) any costs reasonably incurred by or compensation properly paid by Cadent in connection with the negotiation or acquisition of rights or the exercise of statutory powers for such apparatus including without limitation all costs (including professional fees) incurred by Cadent as a consequence of Cadent—
  - (i) using its own compulsory purchase powers to acquire any necessary rights under sub-paragraph 55(3) if it elects to do so; and/or
  - (ii) exercising any compulsory purchase powers in the Order transferred to or benefitting Cadent;
- (b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus;
- (c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;
- (d) the approval of plans;
- (e) the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works;
- (f) the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Part of this Schedule;
- (g) any watching brief pursuant to sub-paragraph 57(6).

(2) There will be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule and which is not re-used as part of the alternative apparatus, that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with article 59 (*arbitration*) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to Cadent by virtue of sub-paragraph (1) will be reduced by the amount of that excess save where it is not possible or appropriate in the circumstances (including due to statutory or regulatory changes) to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs will be borne by the undertaker.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus will not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole will be treated as if it also had been agreed or had been so determined.

(5) An amount which apart from this sub-paragraph would be payable to Cadent in respect of works by virtue of sub-paragraph (1) will, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on Cadent any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

## Indemnity

59.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works authorised by this Part of this Schedule (including without limitation relocation, diversion, decommissioning, construction and maintenance of apparatus or alternative apparatus) or in consequence of the construction, use, maintenance or failure of any of the authorised works by or on behalf of the undertaker or in consequence of any act or default of the undertaker (or any person employed or authorised by him) in the course of carrying out such works, including without limitation works carried out by the undertaker under this Part of this Schedule or any subsidence resulting from any of these works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised works) or property of Cadent, or there is any interruption in any service provided, or in the supply of any goods, by Cadent, or Cadent becomes liable to pay any amount to any third party, the undertaker will—

- (a) bear and pay on demand the cost reasonably incurred by Cadent in making good such damage or restoring the supply; and
- (b) indemnify Cadent for any other expenses, loss, demands, proceedings, damages, claims, penalty or costs incurred by or recovered from Cadent, by reason or in consequence of any such damage or interruption or Cadent becoming liable to any third party as aforesaid other than arising from any default of Cadent.

(2) The fact that any act or thing may have been done by Cadent on behalf of the undertaker or in accordance with a plan approved by Cadent or in accordance with any requirement of Cadent or under its supervision including under any watching brief will not (unless sub-paragraph (3) applies) excuse the undertaker from liability under the provisions of this sub-paragraph (1) unless Cadent fails to carry out and execute the works properly with due care and attention and in a skilful and workman like manner or in a manner that does not accord with the approved plan.

(3) Nothing in sub-paragraph (1) will impose any liability on the undertaker in respect of—

- (a) any damage or interruption to the extent that it is attributable to the neglect or default of Cadent, its officers, servants, contractors or agents; and
- (b) any authorised works and/or any other works authorised by this Part of this Schedule carried out by Cadent as an assignee, transferee or lessee of the undertaker with the benefit of the Order pursuant to section 156 of the Planning Act 2008 or article 8 (*consent to transfer benefit of order*) subject to the proviso that once such works become apparatus (“new apparatus”), any authorised works yet to be executed and not falling within this sub-section (3)(b) will be subject to the full terms of this Part of this Schedule including this paragraph 59.

(4) Cadent must give the undertaker reasonable notice of any such third party claim or demand and no settlement or compromise must, unless payment is required in connection with a statutory compensation scheme, be made without first consulting the promoter and considering their representations.

## Enactments and agreements

60. Save to the extent provided for to the contrary elsewhere in this Part of this Schedule or by agreement in writing between Cadent and the undertaker, nothing in this Part of this Schedule will affect the provisions of any enactment or agreement regulating the relations between the undertaker and Cadent in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

## Co-operation

61.—(1) Where in consequence of the proposed construction of any of the authorised works, the undertaker or Cadent requires the removal of apparatus under sub-paragraph 55(2) or Cadent makes requirements for the protection or alteration of apparatus under paragraph 57, the undertaker will use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and taking into account the need to ensure the safe

and efficient operation of Cadent's undertaking and Cadent will use its best endeavours to co-operate with the undertaker for that purpose.

(2) For the avoidance of doubt whenever Cadent's consent, agreement or approval is required in relation to plans, documents or other information submitted by the undertaker or the taking of action by the undertaker, Cadent's consent must not be unreasonably withheld or delayed.

### **Access**

62. If in consequence of the agreement reached in accordance with sub-paragraph 54(1) or the powers granted under this Order the access to any apparatus (including appropriate working areas required to reasonably and safely undertake necessary works by Cadent in respect of the apparatus) is materially obstructed, the undertaker must provide such alternative rights and means of access to such apparatus as will enable Cadent to maintain or use the apparatus no less effectively than was possible before such obstruction.

### **Arbitration**

63. Save for differences or disputes arising under sub-paragraphs 55(2), 55(4), 56(1) and paragraph 57 any difference or dispute arising between the undertaker and Cadent under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and Cadent, be determined by be referred to and settled by a single arbitrator to be agreed between the parties, or failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) to the President of the Institute of Civil Engineers and in settling any difference or dispute, the arbitrator must have regard to the requirements of Cadent for ensuring the safety, economic and efficient operation of Cadent's apparatus.

### **Notices**

64. The plans submitted to Cadent by the undertaker pursuant to sub-paragraph 57(1) must be sent to Cadent Gas Limited Plant Protection by e-mail to [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) copied by e-mail to [landservices@cadentgas.com](mailto:landservices@cadentgas.com) and sent to the General Counsel Department at Cadent's registered office or such other address as Cadent may from time to time appoint instead for that purpose and notify to the undertaker.

## PUBLIC GENERAL LEGISLATION

**Hedgerow Regulations 1997**

1. For the purposes of regulation 6(1) of the Hedgerow Regulations 1997(a), the removal of any hedgerow to which those regulations apply is permitted if it is required for the purposes set out in article 48 (felling or lopping) of this Order.

**Local Government (Miscellaneous Provisions) Act 1976**

2. Section 42 of the Local Government (Miscellaneous Provisions) Act 1976(b) (certain future local Acts etc. to be subject to the planning enactments etc. except as otherwise provided) will not apply to the extent that it would make provisions of this Order authorising the authorised development subject to other provisions.

**Town and Country Planning Act 1990**

3. For the purposes only of section 106(1) of the 1990 Act, the undertaker is to be deemed to be a person interested in the Order land or any part of it and for the avoidance of doubt section 106(3)(a) will include any transferee under article 7 (consent to transfer benefit of Order) of this Order.

**Neighbourhood Planning Act 2017**

4. The provisions of the Neighbourhood Planning Act 2017(c) in so far as they relate to temporary possession of land under articles 26 (Temporary use of land by National Grid), 27 (Temporary use of land by UKPN) and 28 (Temporary use of land for maintaining the authorised development) of this Order will not apply.

**Building Act 1984**

5. Nothing in Part 1 of the Building Act 1984(d) with respect to building regulations, and nothing in any building regulations, will apply in relation to a building used, altered or demolished, or intended for use, alteration, or demolition, by the undertaker for the purposes of the authorised development before completion of construction.

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(a) S.I. 1997/1160

(b) 1976 c.57

(c) 2017 c.20

(d) 1984 c.55

SCHEDULE 16

Article 56

AMENDMENT OF LOCAL LEGISLATION

**Local Enactments**

<i>Year</i>	<i>Chapter</i>	<i>Title</i>	<i>Section</i>
1846	liii	Eastern Union and Hadleigh Junction Railway Act	All
1847	xix	Eastern Union and Hadleigh Junction Railway Sale Act	All

SCHEDULE 17

Article 57

CERTIFIED DOCUMENTS

<i>(1) Document Title</i>	<i>(2) Document Reference</i>
Access, Rights of Way and Public Rights of Navigation Plans	2.7
Land Plans	2.3 (B)
Special Category Land Plans	2.4
Traffic Regulation Order Plans	2.6
Trees and Hedgerows to be Removed or Managed Plans	2.9
Work Plans	2.5
Book of Reference	4.3 (C)
Environmental Statement (together with any supplemental or additional environmental information)	6.1 to 6.4 (inclusive)
Construction Environmental Management Plan	7.5 (B)
Construction Traffic Management Plan	7.6 (B)
Materials and Waste Management Plan	7.7 (B)
Landscape and Environmental Management Plan	7.8 (B)
<a href="#">Archaeological Framework Strategy</a>	<a href="#">7.9</a>
<a href="#">Outline Written Scheme of Investigation</a>	<a href="#">7.10 (B)</a>
Public Rights of Way Management Plan	8.5.8

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order grants development consent to National Grid Electricity Transmission plc (“National Grid”) for authorised works to the national electricity transmission network between Bramford Substation in Suffolk and Twinstead Tee in Essex. The proposed development is required to reinforce the existing electricity transmission network in East Anglia, and to carry out all associated works.

In order to accommodate these works, this Order also grants development consent to UK Power Networks Holdings Limited and/or its affiliate, Eastern Power Networks plc (“UKPN”), in addition to National Grid, for the reconfiguration of the local electricity distribution network.

The Order also makes provision in connection with the maintenance of the authorised development.

The Order allows National Grid to acquire compulsorily or by agreement, land and rights in land and to use land for this purpose and for UKPN to acquire compulsorily or by agreement, land and rights in land and to use the land in connection with the reconfiguration of the local electricity distribution network.

A copy of the plans and Book of Reference referred to in this Order and certified in accordance with article 57 of this Order may be inspected free of charge during working hours at the offices of National Grid Electricity Transmission plc, 1-3 Strand, London, WC2N 5EH.

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